

WATER PERMIT NO. 8730-3

Name of Applicant: Jay W Parsons

Address: PO Box 177, Viborg SD 57070 Phone: 605-351-6026

Amount of Water Claimed: Total Acres: 22 add'l

Source of Water Supply: 1 Existing well permit no. 3501-3

Water to be used for: Irrigation County: Turner

Type of Waste Disposal System:

Location: North of Hurley

PRIORITY Date Received: 3-13-2023 Application/License Fee: \$700

Corrected Application Received: Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: NW corner of SE 1/4 Sec 22

T98N – 53W

Land to be Irrigated: SE 1/4 Sec 22 T98N – R53W

			22		

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 3-14-2023

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8730-3**

Date of first receipt of application March 13, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8730-3 to Jay W Parsons, PO Box 177, Viborg SD 57070 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. 8730-3 authorizes irrigation of an additional 22 acres. Water Right No. 3501-3 authorizes 1.33 cubic feet of water per second (cfs) from one well completed in the Parker Centerville Aquifer (49 feet deep) located in the NW 1/4 SE 1/4 Section 22 to irrigate 93 acres in the SE 1/4 Section 22; all in T98N – R53W. This permit authorizes irrigation of an additional 22 acres located in the SE 1/4 Section 22 T98N – R53W from the existing well. This permit and Water Right No. 3501-3 authorize a combined total of 1.33 cfs for irrigation of 115 acres. This site is located on the north side of Hurley 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 March 13, 2023.
4. The date of approval of Permit No. 8730-3 is May 29, 2023.
5. One-fifth of the construction is to be completed on or before November 29, 2025.
6. All construction is to be completed on or before May 29, 2028.
7. Water is to be put to beneficial use on or before May 29, 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. 8730-3 and Water Right No. 3501-3 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

JUN 16 2023
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8730-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>Turner City New Era 297-4419</u> <u>Argus Leader</u> (office use only)
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PAID
MAR 13 2023
Ck# 8575
Rec't# _____
RECEIVED
MAR 13 2023
OFFICE OF WATER

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.)

Adding 22 acres to accommodate a full qtr pivot.

1. Name to Appear on Irrigation Permit Jay W Parsons

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

Mailing Address P.O. Box 177 Viborg SD 57070
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 6053516026 -Brett Email pbfarms@gmail.com

2. Amount of water claimed _____ *CFS or no addl **GPM _____ ***AF Total Acreage 22 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Existing well permit 3501-3

4. Location of point of diversion 1 existing well in the NW corner of the SE 1/4 of Section 22-98-53^NW
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used May-September 30

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

Land Description	Acres	Land Description	Acres
SE1/4 of Section 22-98-53 ^N W	115 <u>22</u>		

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

Add 22 additional acres to accommodate a full qtr pivot.

I, Brett Petersen [Signature] Operator _____, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by See permit 3501-3

For either existing or proposed wells:

- c) Well Depth (required) 50 Depth to Top of Water Bearing Material 20 Depth to Water from Surface 7
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

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

4. Water Storage Dams

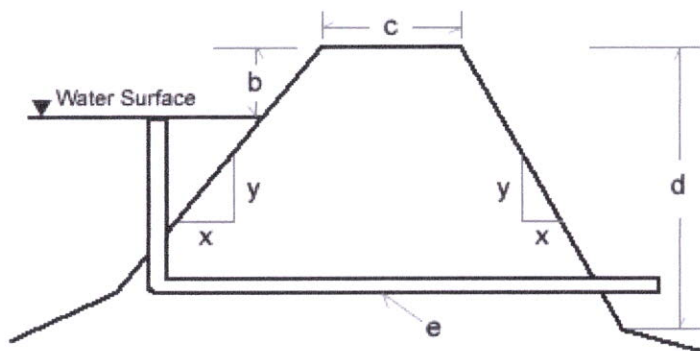
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

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

If pipe, diameter _____

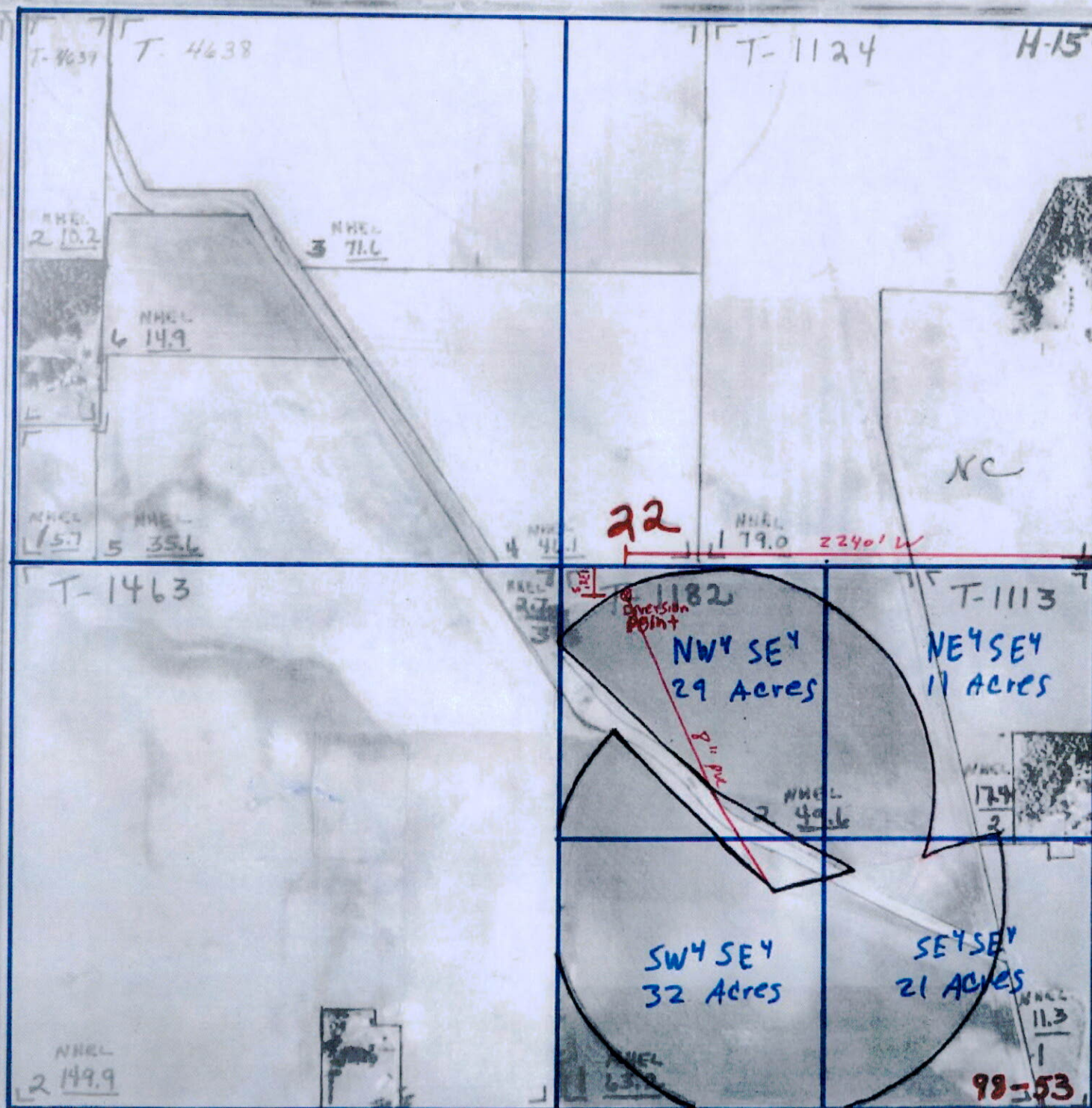
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



MAP NOT TO SCALE

3501-3

THIS IS NOT AN OFFICIAL WETLAND MAP.



Barry McLaury *Barry A. McLaury*
Environmental Scientist
Division of Water Rights
Date *September 3, 1996*

3501-3

Turner

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 750 NW 1/4 SE 1/4 Section 22 Township 98 Range 53Well owner Tom Pearson (Name) Hurley (Address)Date well drilling completed 5-6-77 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-1	Topsoil	7'6"	
1-2	Black Dirt	7'6"	
2-5	Sand + Clay		
5-10	Rusty Sand	48'	
10-48	Good Gravel	49'	

Depth to static water level _____ ft.
Name of producing aquifer (if known) _____
Total depth of drill hole _____ ft.
Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

34' x 14" x 1/4" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

5' x 14" x 100 Johnson

10' x 14" x 100 Johnson

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Ed H. Lacey + Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Roller HP 50Type of pump Turbine Capacity of installed pump 500 G.P.M.Depth of pump placement 47 ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Ed H. Lacey + Sons
Name of Pump Installation Contractor

REPORT ON INSPECTION OF PERMIT NO. 3501-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: August 19, 1996

NAME OF INSPECTION CONTACT: Jay W. Parsons

NAME & ADDRESS OF PERMIT HOLDER: Jay W. Parsons, Hurley, SD 57036

DIVERSION POINT LEGAL LOCATION: 2240 feet W and 132 feet S from the E quarter corner of Section 22, T98N R53W (NW1/4 SE1/4).

WELL INFORMATION:

1) Well Drilling Firm: Lacey Well Drilling

2) No. of Wells 1

Casing:

1) Diameter 14 inches

2) Length 30 feet

3) Type Stainless

Motor:

1) Make US Motors

2) Model No. 2

3) Horsepower rating 50 HP

3) Depth(s) 45 feet

4) Well log is available Y

Screen:

1) Type Stainless

2) Length 15 feet

3) Static water level 8 feet

Pump:

1) Make Western Land Roller

2) Model No. 10C

3) Capacity 600 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 1550 feet

SYSTEM TYPE:

Center pivots: (north pivot)

1) Make Reinke

2) Overall length 1030 feet

3) Number of towers 8

4) End guns Y

5) High or low pressure high

6) Capacity 600 GPM

1) Make Reinke

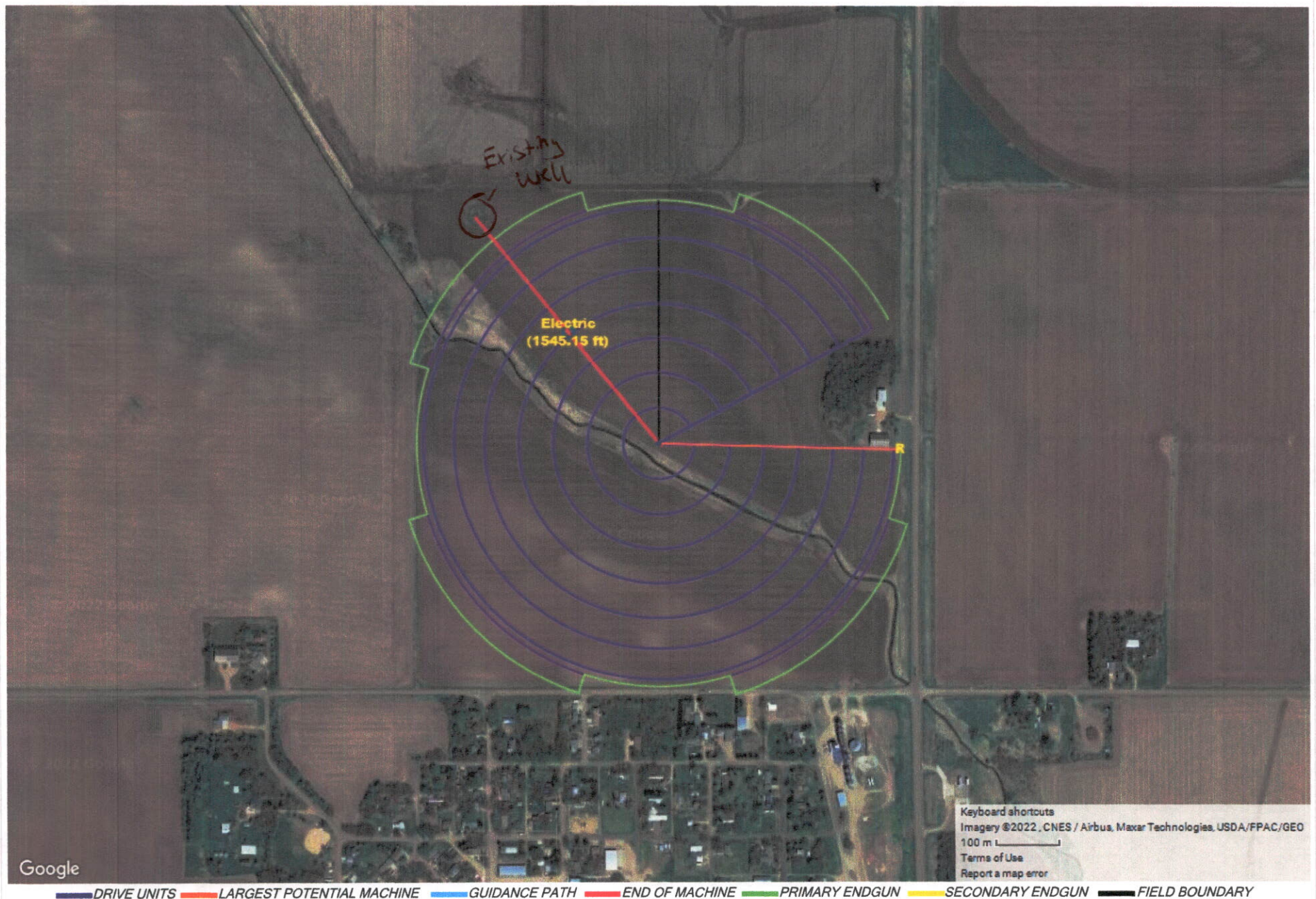
2) Overall length 1080 feet

3) Number of towers 8

4) End gun Y

5) High or low pressure High

6) Capacity 600 GPM



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3501-3

(1) Jay W. Parsons, PO Box 121, Hurley SD 57036 made Application No. 3501-3, December 29, 1976 for a water permit to divert 1.61 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 3501-3, with a priority date of December 29, 1976 was approved March 23, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1982 and for the application to beneficial use of said water on or before March 23, 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 2,240 feet west and 132 feet south from the east quarter corner of Section 22-T98N-R53W (NW 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:

<u>Section 22-T98N-R53W</u>	NW 1/4 SE 1/4	29 acres
	NE 1/4 SE 1/4	11 acres
	SW 1/4 SE 1/4	32 acres
	SE 1/4 SE 1/4	21 acres
Total		93 acres

11527

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jay W. Parsons, PO Box 121, Hurley SD 57036 the holder and/or owner of Water Permit No. 3501-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater (one well) with a priority date of December 29, 1976 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. 3501-3 and subject to South Dakota State Law.

John Hatch

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

DEC 26 1996

date



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 13, 2023

RECEIVED OF PBP Farms Partnership/Jay W. Parsons 45610 282nd St., Hurley SD 57036

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

Fee for Application for Permit No. <u>8730-3</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>8730-3</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

Em

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, March 8, 2023 1:21 PM
To: Schlaak, Karen; Rodriguez, Rachel
Subject: 3501-3, Jay Parsons

Brett Peterson called – he farms the property under WR No. 3501-3. Currently authorizes 1.33 cfs (597 gpm) to irrigate 93 with two pivots making partial rotation. He will be replacing the pivot with a standard quarter section pivot that will irrigate 115 acres. The pivot will not do the standard 132 – 136 acres that a standard quarter section pivot will normally do because of the farmstead on the east edge of the quarter section.

Will be applying in Jay Parsons name for an additional 22 acres
No increase in the 1.33 cfs diversion rate is being requested
Using existing well from 3501-3 so no Form 2A is needed.
Told him to provide a map showing the planned rotation.
Told him the application filing / licensing fee is \$700 (\$500 application + \$200 licensing)



Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov



**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. 8730-3, Jay W Parsons**

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. 8730-3, Jay W Parsons, PO Box 177, Viborg SD 57071.

The Chief Engineer is recommending APPROVAL of Application No. 8730-3 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. 8730-3 and Water Right No. 3501-3 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
May 8, 2023

Report to the Chief Engineer
On Water Permit Application No. 8730-3

Jay W Parsons

April 3rd, 2023

Water Permit Application No. 8730-3 proposes to irrigate an additional 22 acres located in the SE ¼ Section 22 T98N-R53W from an existing well authorized by Water Right No. 3501-3. Water Right No. 3501-3 authorizes 1.33 cubic feet of water per second (cfs) from one well completed into the Parker Centerville aquifer (49 feet deep) located in the center of the NW ¼ SE ¼ Section 22 for irrigation of 93 acres located in the SE ¼ Section 22; all in T98N-R53W. This application, if approved, and Water Right No. 3501-3 will authorize a combined total of 1.33 cfs for irrigation of 115 acres. The site of interest is located on the north side of Hurley, SD.

AQUIFER: Parker Centerville Aquifer (PAC)

HYDROGEOLOGY:

The Parker Centerville aquifer is a predominantly unconfined glacial outwash aquifer, composed of unconsolidated sand and gravel (Holmes and Filipovic, 2015). The north end of the Parker Centerville aquifer is a seven-mile-wide flat depression that narrows down into a mile wide valley train between Davis and Centerville (Tipton, 1957). In the past Lindgren and Hansen (1990) found the Parker Centerville aquifer to be separated from the underlying Upper and Lower Vermillion Missouri aquifers by a layer of till ranging from 7 to 97 feet thick; however, recently Holmes and Filipovic (2015) found some locations where there is no till layer and the Parker Centerville aquifer is hydraulically connected to the Upper Vermillion Missouri aquifer. The Parker Centerville aquifer is also hydraulically connected to the Vermillion River, Vermillion East Fork aquifer, and Vermillion West Fork aquifer (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Lindgren and Hansen (1990) also found, in Turner County, the depth to the top of the Parker Centerville aquifer ranges from the ground surface in the Vermillion River flood plain to 50 feet below grade outside of the flood plain, the static water level ranges from 0 to 20 feet below grade, and the average thickness of the aquifer is approximately 34 feet with a max thickness of 74 feet.

The delineation of the Parker Centerville aquifer by Holmes and Filipovic (2015) included an additional area south of Parker that had historically been attributed to be either the Vermillion West Fork aquifer or the Parker Centerville aquifer depending on the Water Rights staff member reviewing the application (Water Rights, 2023c). This mix of interpretation appears to be due to being in the vicinity of the transition area between the two aquifers (just to the east of Parker, SD) which is an area where the aquifers are in significant hydraulic connection (Holmes and Filipovic, 2015 and Jensen, 2015). Currently, the active water rights/permits that have been interpreted as belonging to the Vermillion West Fork aquifer in or adjacent to this area are Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-1, and 7438-3. To reflect the aquifer delineation of Holmes and Filipovic (2015) in this area, these water rights/permits will be included in the hydrologic budget for the Parker Centerville aquifer in this report.

Mathiowetz (2018) extended the mapping of the Parker Centerville aquifer by Holmes and Filipovic (2015) to approximately four miles south of Centerville, SD. This southern extension included a portion of the area mapped as Parker Centerville by Hedges et al (1982), which contains appropriative and observation wells completed into surficial alluvial and outwash deposits along the Vermillion River (Water Rights, 2023b and 2023c; Jensen, 2003 and 2015).

Farmer (2021) proposed additional area for the Parker Centerville aquifer ranging from approximately two miles south of Parker, SD to 2.5 miles west of Parker. Subsequently additional drilling has occurred in this area since the review of Farmer (2021) by both private drillers (Water Rights, 2023d) and the South Dakota Geological Survey (SDGS, 2023). Steen (2022) reviewed this general area further and delineated a unit of the Pleistocene: Series Unknown aquifer that overlapped with the additional Parker Centerville aquifer area proposed by Farmer (2021). Kilts and Mathiowetz (2023) reviewed the geologic and hydrogeologic information in the area of the overlap using the current, best reasonably available information and resolved the overlap area to be a buried arm of the Parker Centerville aquifer extending northwest from the main body of the aquifer mapped by Holmes and Filipovic (2015). Given the hydrogeologic properties of this northwestern arm of the Parker Centerville aquifer, water availability in this arm of the aquifer will need to be reviewed separately from the main body of the aquifer (Kilts and Mathiowetz, 2023). The extent of the main body of the Parker Centerville aquifer reflecting the work of Holmes and Filipovic (2015), Mathiowetz (2018), Farmer (2021), and Kilts and Mathiowetz (2023) is shown in Figure 1. The areal extent of the main body of the Parker Centerville aquifer shown in Figure 1 is approximately 43,500 acres. The diversion point for this application is located within the main body of the Parker Centerville aquifer; therefore, the remainder of this report will solely be looking at the main body of the Parker Centerville aquifer.

An irrigation well completion report was submitted with this application, the report lists “Topsoil” 0 to 1 feet below ground surface, “Black Dirt” 1 to 2 feet, “Sand + Clay” 2 to 5 feet, “Rusty Sand” 5 to 10 feet, and “Good Gravel” 10 to 48 feet (Water Right, 2023e). The completion report lists a static water level of 7.5 feet below ground surface at the time of well completion, May 6th, 1977 (Water Right, 2023e). Based on these details of the irrigation well completion report, the Parker Centerville aquifer is expected to be unconfined at the diversion point.

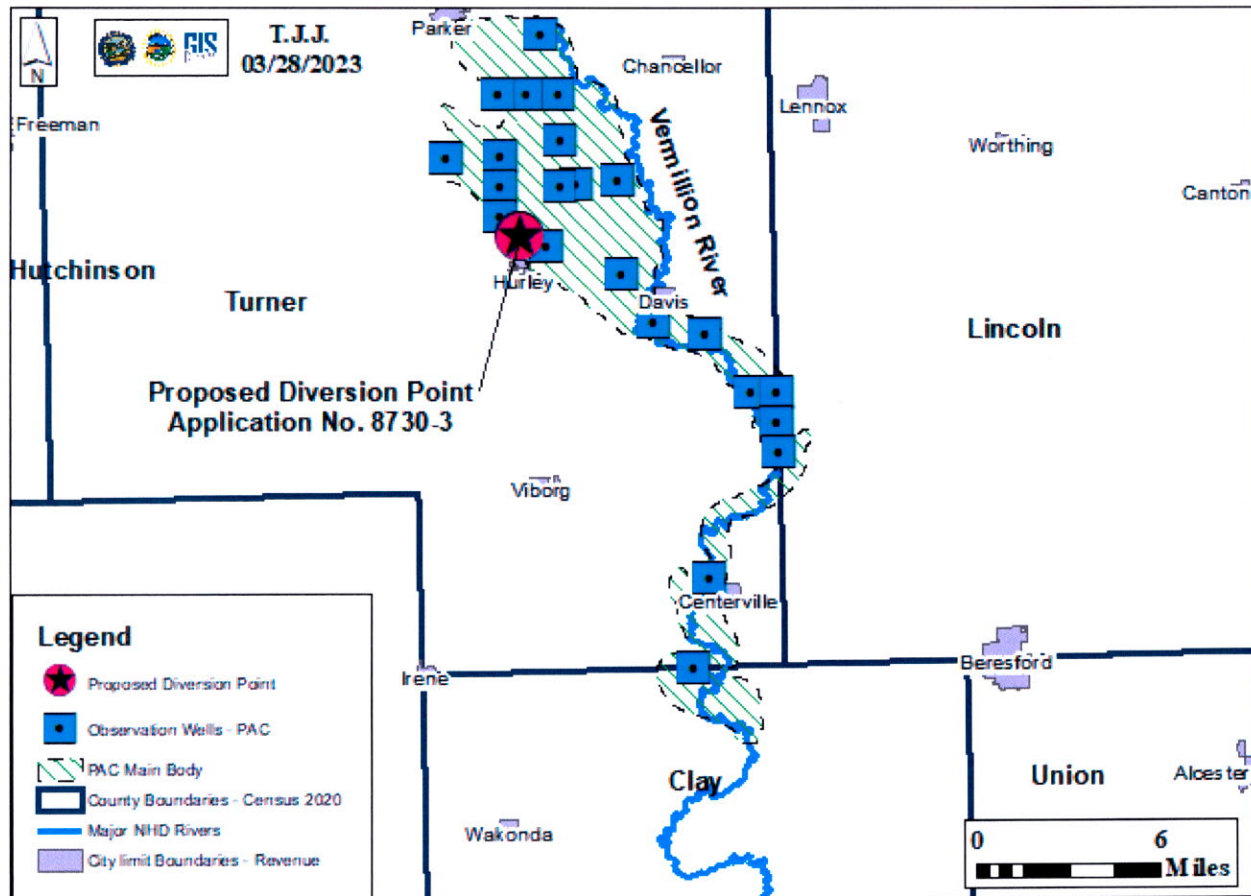


Figure 1. Main body of the Parker Centerville aquifer (Kilts and Mathiowetz, 2023; modified from Holmes and Filipovic, 2015; Mathiowetz, 2018; Farmer, 2021)

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 proposed 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 Parker Centerville aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8730-3 proposes to appropriate water from the Parker Centerville 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 Parker Centerville 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 Parker Centerville aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the main body of the Parker Centerville aquifer is received primarily through direct infiltration of precipitation where the aquifer is at or near the ground surface, inflow from the Vermillion East Fork and Vermillion West Fork aquifers, and seepage from the Vermillion River when the water level in the river is higher than the water level in the aquifer (Lindgren and Hansen, 1990). Hedges et al (1985) estimated a recharge rate of 4.9 inches per year for this unconfined aquifer. This yields an estimated average annual recharge rate (based on Hedges et al, 1985; Holmes and Filipovic, 2015; Kilts and Mathiowetz, 2023) of approximately 17,763 acre-feet/year.

Discharge

Discharge from the Parker Centerville aquifer primarily occurs through well withdrawals, outflow to the Vermillion River, leakage to the Upper Vermillion Missouri aquifer, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Currently, there are 152 water rights/permits authorized to appropriate water and four pending water applications, including this one, for the Parker Centerville aquifer (Water Rights, 2023c). There is one future use permit for the Parker Centerville aquifer, which is Future Use Permit No. 4798-3 held by City of Parker, with a total reservation of 340 acre-feet per year (Water Rights, 2023c). Additionally, there are 6 water rights/permits that have historically been attributed to the Vermillion West Fork aquifer that are being interpreted as appropriating water from the main body of the Parker Centerville aquifer.

Table 1 summarizes the 4 non-irrigation water rights/permits authorized to appropriate water from the Parker Centerville 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 limited solely by diversion rate. It is likely an overestimate of water withdrawn by water rights/permits only limited by diversion rate. The municipal water systems obtaining water from a rural water system are assumed to withdraw a negligible amount of water. Overall, the

estimated average annual withdrawal rate for the Parker Centerville aquifer non-irrigation water rights/permits is approximately 1,018 acre-feet/year (Table 1) (Water Rights, 2023c).

Table 1. Summary of non-irrigation water rights/permits authorized to appropriate from the Parker Centerville aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Use	Diversion Rate (cfs)	Annual Volume (acre-feet/year)	Estimated Use (acre-feet/year)
517A-3	City of Hurley	LC	MUN	0.400	0	0*
517B-3	City of Hurley	LC	MUN	0.380	0	0*
8358-3	Sonstegard Food Company	PE	COM	1.110	222.2	222.2
8428-3	Knodel Contractors	PE	IND	3.340	795.46	795.46
*Identified as being connected to a rural water system					TOTAL:	1,018
LC Licensed Water Right, PE Water Permit, MUN Municipal, COM Commercial, IND Industrial						

There are 148 irrigation water rights/permits appropriating water from the Parker Centerville aquifer and the 6 previously mentioned Vermillion West Fork aquifer water rights/permits for irrigation (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The irrigation data from the Vermillion West Fork aquifer water rights/permits is shown in Table 2. The total reported irrigation from the main body of the Parker Centerville aquifer and the water rights/permits from Table 2 are summarized in Table 3. Due to changes in farming practices and an increase in the number of permits from 126 in 2012 to 145 in 2016, the average over the entire period of record may not be an accurate reflection of average annual withdrawal at the present time. The average annual withdrawal rate from the Parker Centerville aquifer, including the previously discussed Vermilion West Fork aquifer water rights/permits, for irrigation that have reported over the past ten years of record (2012 to 2021) is approximately 11,251 acre-feet per year (Table 2 & Table 3) (Water Rights, 2023a).

Table 2. Vermillion West Fork aquifer irrigation permits that are considered to be completed into the Parker Centerville aquifer (Water Rights, 2023a)

Years	Water Permits Reported Pumpage (acre-feet/year)					
	3550-3	7151-3	7173-3	7294-3	7311-3	7438-3
1979	68.06	NA	NA	NA	NA	NA
1980	89.77	NA	NA	NA	NA	NA
1981	66.28	NA	NA	NA	NA	NA
1982	31.3	NA	NA	NA	NA	NA
1983	0	NA	NA	NA	NA	NA
1984	0	NA	NA	NA	NA	NA
1985	66	NA	NA	NA	NA	NA
1986	26	NA	NA	NA	NA	NA
1987	80	NA	NA	NA	NA	NA
1988	92.8	NA	NA	NA	NA	NA
1989	91	NA	NA	NA	NA	NA
1990	74	NA	NA	NA	NA	NA
1991	83	NA	NA	NA	NA	NA
1992	0	NA	NA	NA	NA	NA
1993	0	NA	NA	NA	NA	NA
1994	55.23	NA	NA	NA	NA	NA
1995	35.35	NA	NA	NA	NA	NA
1996	83.96	NA	NA	NA	NA	NA
1997	62	NA	NA	NA	NA	NA
1998	51.26	NA	NA	NA	NA	NA
1999	59.66	NA	NA	NA	NA	NA
2000	77.56	NA	NA	NA	NA	NA
2001	53.03	NA	NA	NA	NA	NA
2002	40.66	NA	NA	NA	NA	NA
2003	56.66	NA	NA	NA	NA	NA
2004	55.68	NA	NA	NA	NA	NA
2005	51.56	NA	NA	NA	NA	NA
2006	35.35	NA	NA	NA	NA	NA
2007	60.69	NA	NA	NA	NA	NA
2008	52.44	NA	NA	NA	NA	NA
2009	0	NA	NA	NA	NA	NA
2010	0	0	10.61	NA	NA	NA
2011	48.06	55.98	137.88	NA	NA	NA
2012	51.37	60.76	217.42	86.17	162.04	NA
2013	48.06	75.57	137.88	61.21	162.85	67.17
2014	41.84	116.35	83.96	46.22	143.4	114.02
2015	47.73	79.56	127.27	80.87	61.57	49.05
2016	41.1	122.26	198.86	81.76	62.79	72.7
2017	58	77.26	124.62	186.05	61.78	86.62
2018	0	28.54	58.33	0	15.93	55.24
2019	0	11.05	26.52	32.22	0	5.52
2020	16.79	139.02	138.76	130	67.67	93.25
2021	75.13	185.05	138.1	128.71	66.75	81.02
Average (1979-2021)	47	79	117	83	80	69
Average (2012-2021)	38	90	125	83	80	69

Table 3. Historical reported irrigation use from the Parker Centerville aquifer and from Table 2 (Water Rights, 2023a)

Year	Parker Centerville Water Permits		Former Vermillion West Forks Permits	
	Number of Permits Reporting	Reported Pumpage (acre-feet/year)	Number of Permits Reporting	Reported Pumpage (acre-feet/year)
1979	114	7,481	1	68
1980	110	7,675	1	90
1981	121	9,321	1	66
1982	111	6,494	1	31
1983	110	5,523	1	0
1984	111	5,152	1	0
1985	112	6,515	1	66
1986	113	6,120	1	26
1987	111	8,620	1	80
1988	108	13,558	1	93
1989	110	13,959	1	91
1990	110	12,201	1	74
1991	110	11,186	1	83
1992	111	3,909	1	0
1993	110	1,919	1	0
1994	111	10,724	1	55
1995	108	9,664	1	35
1996	107	10,897	1	84
1997	110	11,585	1	62
1998	108	10,072	1	51
1999	112	11,027	1	60
2000	113	12,955	1	78
2001	113	12,238	1	53
2002	114	13,865	1	41
2003	116	12,471	1	57
2004	117	14,668	1	56
2005	119	13,450	1	52
2006	117	15,304	1	35
2007	120	11,995	1	61
2008	123	13,224	1	52
2009	125	7,260	1	0
2010	123	392	1	11
2011	123	11,315	3	242
2012	123	19,045	3	578
2013	134	15,083	5	553
2014	136	11,269	6	546
2015	137	9,606	6	446
2016	139	11,934	6	579
2017	139	11,430	6	594
2018	138	3,808	6	158
2019	138	1,842	6	75
2020	138	10,554	6	585
2021	144	13,153	6	675
	Average (1979-2021)	10,011	Average (1979-2021)	154
	Average (2012-2021)	10,772	Average (2012-2021)	485
	Average (2012-2021) Including Former VWF permits	11,257		

There are seven water permits approved in 2022 and at the end of 2021 that are not accounted for in Table 3, these are Permit Nos. 8558-3, 8557-3, 8663-3, 8677-3, 8681-3, 8687-3, and 8688-3 (Water Rights, 2023c). There are also four pending applications including this one (8689-3, 8690-3, 8718-3, and 8730-3) (Water Rights, 2023c). The new permits authorize the irrigation of 782 acres, while the pending applications, including this application, propose to irrigate 331 acres, all together a total of 1,113 acres are planned to be irrigated (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 and pending applications. Therefore, the estimated average annual withdrawal rate for water permits approved in 2022 and at the end of 2021 and pending applications, including this application, is approximately 1,113 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (11,257 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2022, pending applications and this application (1,113 acre-feet/year), is approximately 12,370 acre-feet per year.

There are domestic wells completed into the Parker Centerville 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 Parker Centerville 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 Parker Centerville aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Parker Centerville aquifer is approximately 17,763 acre-feet/year (based on Hedges et al, 1985; Holmes and Filipovic, 2015; Kilts and Mathiowetz, 2023). The average withdrawal rate from the Parker Centerville aquifer totals to approximately 13,728 acre-feet/year; (average annual withdrawal rate for non-irrigation water rights/permits is approximately: 1,018 acre-feet/year; average annual withdrawal rate for the irrigation appropriations from 2012 to 2021: 11,257 acre-feet/year; the water permits approved at the start of 2022, end of 2021, pending applications and this application: 1,113 acre-feet/year; total future use reservation of 340 acre-feet per year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Parker Centerville 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 DNR-Water Rights Program monitors 22 observation wells, shown on Figure 1, completed into the Parker Centerville aquifer (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the diversion point are TU-79F (approximately 0.3 miles northwest), TU-56A (approximately 1.7 miles northwest), and TU-77E (approximately 0.9 miles southeast) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2, 3, and 4 respectively (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 DANR Water Rights Observation Well on hydrographs.

The majority of the observation wells in the Parker Centerville aquifer have stable water levels over their periods of record, with a few observation wells showing a slight decline in recent years (Water Rights, 2023b). The hydrographs for the Parker Centerville 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 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 Parker Centerville 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. Observation well TU-56F shows a steep decline in 2012 following air development of the well and slow recovery to its previous static level. This is indicative of the well not functioning properly. The hydrograph of TU-56F may not be fully representative of the Parker Centerville aquifer.

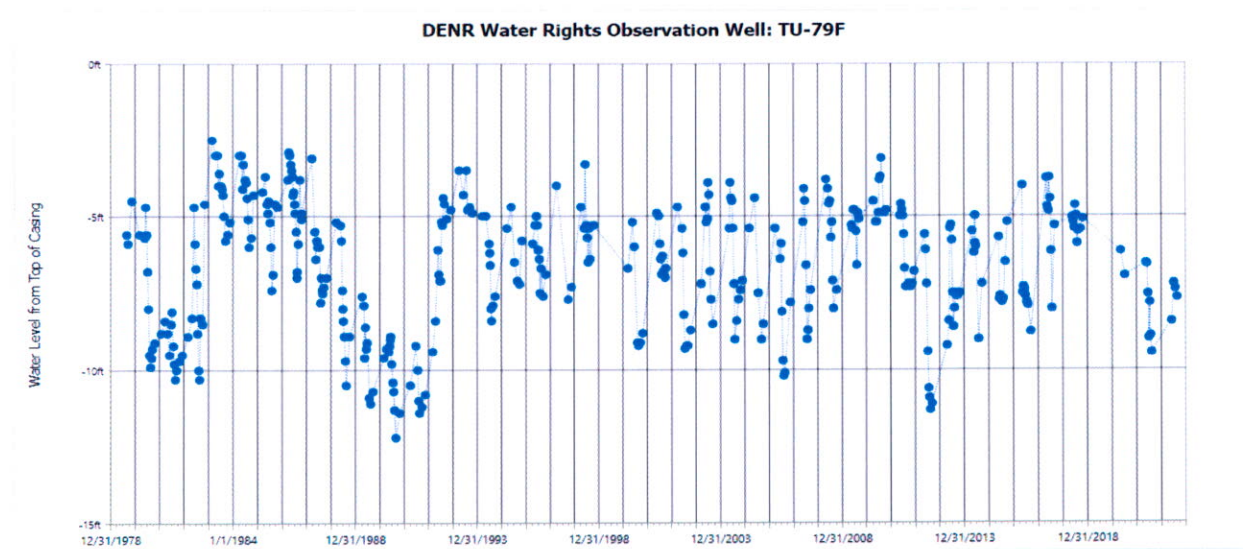


Figure 2. Hydrograph for observation well TU-79F (Water Rights, 2023b)

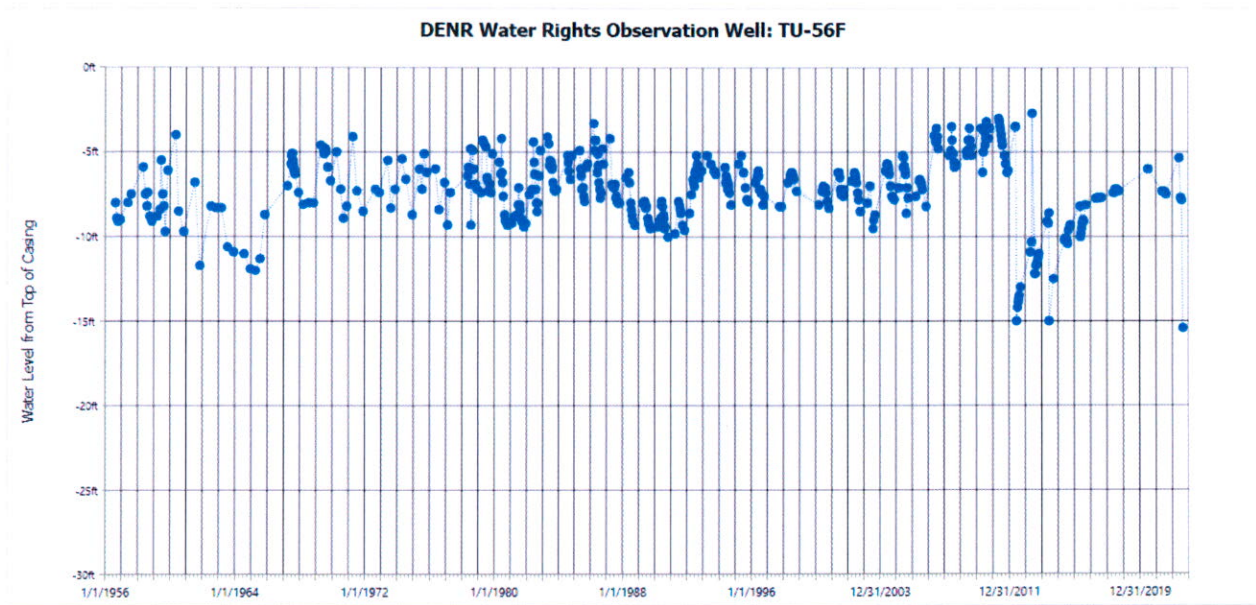


Figure 3. Hydrograph for observation well TU-56F (Water Rights, 2023b)

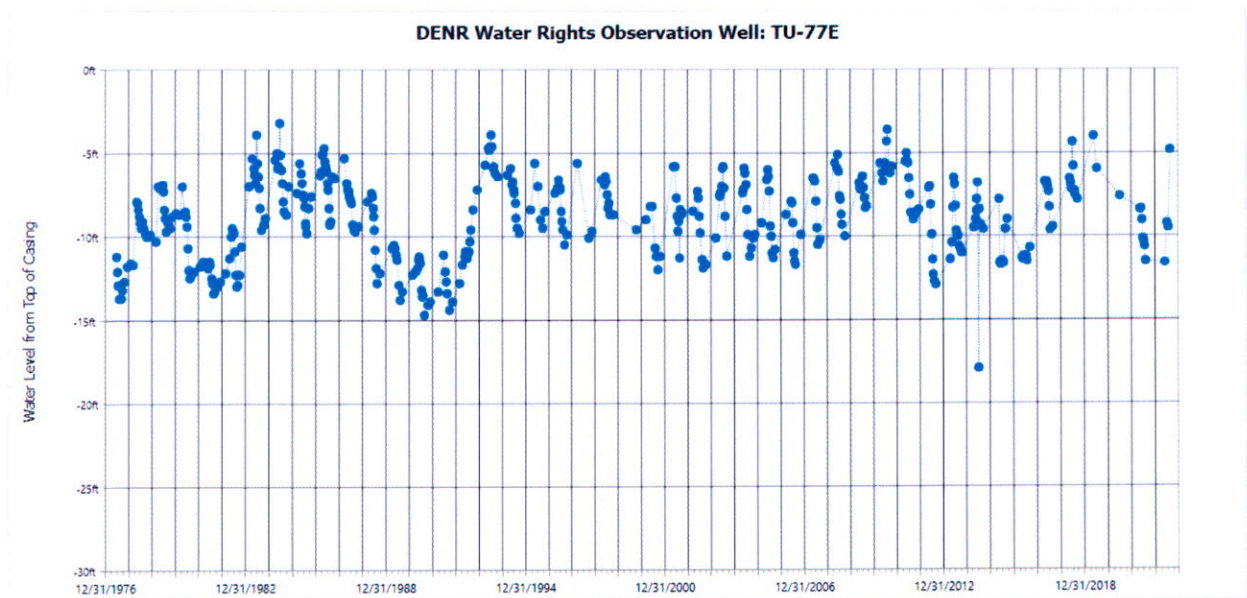


Figure 4. Hydrograph for observation well TU-77E (Water Rights, 2023b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 152 water rights/permits authorized to appropriate water and four pending applications for the Parker Centerville aquifer (Water Rights, 2023c). Table 4 lists nearby water rights/permits that are shown on Figure 5. The closest water right/permit to the proposed diversion point is Water Right No. 5987-3, shown on Figure 5, which is held by James D Bondesen for irrigation. The diversion point for Water Right No. 5987-3 is located approximately 0.3 miles northeast of the diversion point for this application (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Parker Centerville aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.5 mile south of the proposed diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Parker Centerville aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

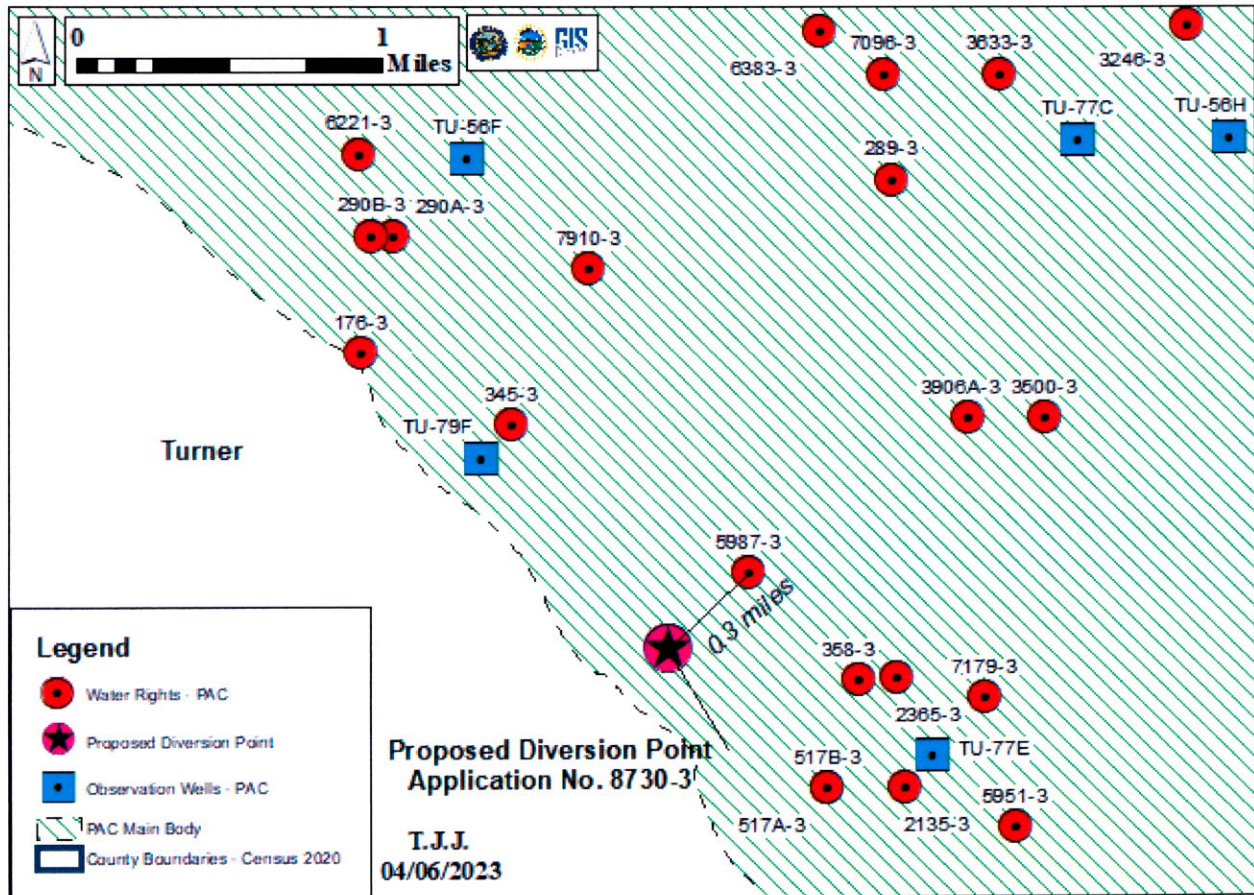


Figure 5. Map of the Parker Centerville aquifer water rights/permits within approximately 1.25 miles of the proposed diversion point, observation wells (Water Rights, 2023b and 2023c), and the location of the proposed diversion point for Water Permit Application No. 8730-3.

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

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
176-3	Jay & Calvin Graber	04/27/1956	License	Irrigation	4.48	320
289-3	Bar K Cattle Co. Inc.	09/12/1956	License	Irrigation	1.14	80
290A-3	Tony Brown	09/12/1956	License	Irrigation	1.78	160
290B-3	Scott Vannorsdel	09/12/1956	License	Irrigation	1.78	160
345-3	Duane Haase	11/26/1956	License	Irrigation	2.23	160
358-3	Brett Petersen	12/05/1956	License	Irrigation	0.47	33
517A-3	City of Hurley	04/01/1913	License	Municipal	0.4	0
517B-3	City of Hurley	01/20/1958	License	Municipal	0.38	0
2135-3	Dan Christensen	10/23/1974	License	Irrigation	0.85	60
2365-3	Brett Petersen	09/08/1975	License	Irrigation	1.2	99
3246-3	Ralph E Duxbury	10/22/1976	License	Irrigation	2.54	178
3500-3	Jay W Parsons	12/29/1976	License	Irrigation	0.54	38
3633-3	Bar K Cattle Co. Inc.	02/08/1977	License	Irrigation	3.72	261
3906A-3	Paul Petersen	04/25/1983	License	Irrigation	2.83	198
5951-3	Dan Christensen	08/14/1986	License	Irrigation	1.78	132
5987-3	James D Bondesen	03/24/1997	License	Irrigation	1.33	100
6221-3	Reuben Nicolai	07/07/2000	License	Irrigation	1.56	147
6383-3	James D Bondesen	01/13/2003	License	Irrigation	1.33	40
7096-3	James Bondesen	01/28/2009	Permit	Irrigation	1	35
7179-3	Dan Christensen	03/26/1999	License	Irrigation	1.34	60
7910-3	Burnette C Sawyer	10/04/2013	Permit	Irrigation	1.78	128

In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped 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 while still protecting domestic users. 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.”

While the best information available indicates that there is reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. 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 proposed diversion point, the lack of well interference complaints for adequate wells completed into the Parker

Centerville aquifer in Turner County (Water Rights, 2023e), and the well has been in use for Water Right No. 3501-3 since approval of the permit in the 1970's without reported issue, 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. 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. 8730-3 proposes to irrigate an additional 22 acres from one existing well authorized by Water Right No. 3501-3 completed into the Parker Centerville aquifer. The site of interest is located on the north side of Hurley, SD.
2. This application, if approved, and Water Right No. 3501-3 will authorize a combined total of 1.33 cfs for irrigation of 115 acres.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the main body of the Parker Centerville aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8730-3 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

Reviewed by:



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

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

May 9, 2023

Jay W Parsons
PO Box 177
Viborg, SD 57070

Dear Mr. Parsons:

Water Permit Application No. 8730-3 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 Turner County New Era printed at Parker SD (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number as prepayment is required for this newspaper). 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. 8730-3 to Appropriate Water

Notice is given that Jay W Parsons, PO Box 177, Viborg SD 57070 has filed an application for a water permit to irrigate an additional 22 acres. Water Right No. 3501-3 authorizes 1.33 cubic feet of water per second (cfs) from one well completed in the Parker Centerville Aquifer (49 feet deep) located in the NW 1/4 SE 1/4 Section 22 to irrigate 93 acres in the SE 1/4 Section 22; all in T98N – R53W. This application proposes to irrigate an additional 22 acres located in the SE 1/4 Section 22 T98N – R53W from the existing well. This application, if approved, and Water Right No. 3501-3 will authorize a combined total of 1.33 cfs for irrigation of 115 acres. This site is located on the north side of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8730-3 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 29, 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 29, 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, May 8, 2023 4:47 PM
To: newera@ncppub.com
Subject: 8730-3 Jay W Parsons - Public Notice
Attachments: 8730-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2023.

Jay W Parsons, PO Box 177, Viborg SD 57070, (605-351-6026) has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 8, 2023 4:49 PM
To: legals@argusleader.com
Subject: 8730-3 Jay W Parsons - Public Notice
Attachments: 8730-3 public.short_final.docx; FORM8.FRM.doc

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Thank you,

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



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8730-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8730-3 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 Duval 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 S.D. 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 29, 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 29, 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 \$52.13 and may be viewed free of charge at www.sdpublicnotices.com.

(N0518-1)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

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

N0518-1-Water Rights 8730-3

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

On Thursday, the 18th day of May 2023

That \$52.13 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Jessica Kleinsasser

Subscribed and sworn to before me this

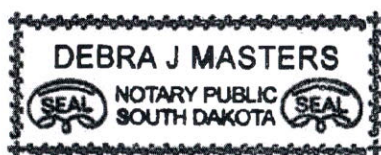
24th

Day of May 2023

Debra J. Masters

Notary Public, Turner County, South Dakota

My Commission Expires: 8.6.27



Argus Leader

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

RECEIVED

MAY 22 2023

OFFICE OF
WATER

Account No.: 6053516025

Ad No.: 0005697436

PO #:

Lines : 158

Ad Total: \$50.97

JAY W PARSONS
PO BOX 177
VIBORG, SD 57070

This is not an invoice

of Affidavits 1

Account No.: 6053516025

Ad No.: 0005697436

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin County of Brown

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

Thursday, May 18, 2023

Sworn to and subscribed before me this 18 day of May, 2023.

D. Roberts
Legal Clerk

Nicole Jacobs
Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8730-3
to Appropriate Water

Notice is given that Jay W Parsons, PO Box 177, Viborg SD 57070 has filed an application for a water permit to irrigate an additional 22 acres. Water Right No. 3501-3 authorizes 1.33 cubic feet of water per second (cfs) from one well completed in the Parker Center-ville Aquifer (49 feet deep) located in the NW 1/4 SE 1/4 Section 22 to irrigate 93 acres in the SE 1/4 Section 22; all in T98N - R53W. This application proposes to irrigate an additional 22 acres located in the SE 1/4 Section 22 T98N - R53W from the existing well. This application, if approved, and Water Right No. 3501-3 will authorize a combined total of 1.33 cfs for irrigation of 115 acres. This site is located on the north side of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8730-3 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 29, 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 29, 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 May 18, 2023, at the total approximate cost of \$50.97 and may be viewed free of charge at

www.sdpublicnotice.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 9, 2023 9:15 AM
To: pbpfarms@gmail.com
Subject: 8730-3 Public Notice for Jay Parsons
Attachments: 8730-3_rec.pdf; 8730-3 APPL2.docx; 8730-3 public.short_final.docx; Public Notice Argus Leader.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

JUN 16 2023

Jay W Parsons
PO Box 177
Viborg SD 57070

Dear Mr. Parsons:

Enclosed is Water Permit No. 8730-3 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.: 8730-3

Name of Applicant: Jay W Parsons

Date of Posting: 5/17/2023

Date of Removal: 6/16/2023



Ron Duvall, Water Rights Permitting Administrator

6/23/23

Date

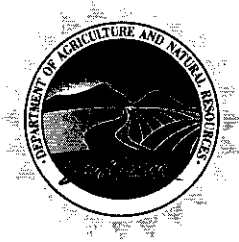
Subscribed and sworn to before me, a notary public, this 23rd day of June, 2023.



Notary Public - South Dakota
My commission expires: 5/16/2029



(SEAL)



8730-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 23, 2023

8730-3

Jay W Parsons
PO BOX 177
Viborg SD 57070

Dear Mr. Parsons:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

RECEIVED

AUG 23 2023

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 08/18/2023TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Jay W Parsons
(name)P.O. Box 177
(address)Viborg, SD 57070
(city, state, zip)605-951-6356
(phone)

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

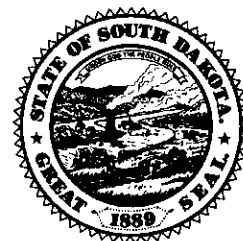
Water Permit No. 8730-3 states that the water use system is to be constructed by May 29, 2028 , and water is to be put to beneficial use by May 29, 2032 .
(date) (date)

The water use system was completed on June 5, 2023 .
(date)

Applying the water to beneficial use was completed on June 29, 2023 .
(date)

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

Jay Parsons
(signature)





**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: JAY W PARSONS, PO BOX 177, VIBORG, SD 57070

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) 8730-3. 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) 8730-3 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) 8730-3 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: UMZLEK**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 4, 2025

8730-3

Jay Parsons
PO Box 177
Viborg SD 57070

Dear Mr. Parsons:

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). 8730-3. 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