

WATER PERMIT NO. 8736-3

Name of Applicant: David G Sternhagen

Address: 30455 438 Ave, Yankton SD 57078

Phone: 605-760-3021

Amount of Water Claimed: 1.78 cfs

Total Acres: 134.98

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Yankton

Type of Waste Disposal System:

Location: Approx 5 miles northwest of Yankton

PRIORITY

Date Received: 3-22-2023

Application/License Fee: \$1,050.00

Corrected Application Received:

Period of Annual Use: Apr 1 – Sept 30

Remarks: Using existing well under Water License 8081-3

Diversion Point: NE 1/4 SE 1/4 Sec 10 – T94N –
R56W

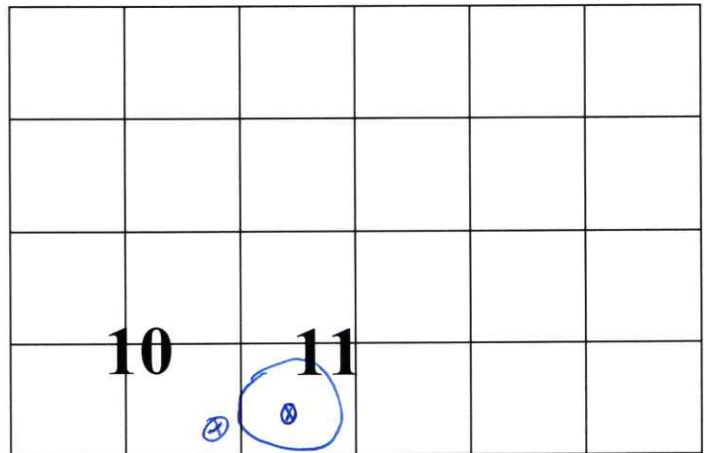
Land to be Irrigated: SW 1/4 Sec 11 – T94N –
R56W

Depth of Well: 240

Well Driller: Dick Hammond

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 3-22-2023

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8736-3**

Date of first receipt of application March 22, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8736-3 to David G Sternhagen, 30455 438th Avenue, Yankton SD 57078 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. 8736-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 240 feet deep) located in the center of the SW 1/4 Section 11 for irrigation of 134.98 acres located in the SW 1/4 Section 11; all in T94N – R56W. The permit also authorizes an additional 0.22 cfs from the well authorized by Water Right No. 8081-3. Water Right No. 8081-3 authorizes 1.56 cfs from one well completed into the Lower James Missouri Aquifer located in the NW 1/4 SE 1/4 Section 10 to irrigate 164 acres located in the SE 1/4, W 1/2 NE 1/4 Section 10; all in T94N-R56W. Any of the above described lands may be irrigated from either the existing well or the proposed new well. This site is located approximately 5 miles northwest of Yankton SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 22, 2023.
4. The date of approval of Permit No. 8736-3 is June 12, 2023.
5. One-fifth of the construction is to be completed on or before December 12, 2025.
6. All construction is to be completed on or before June 12, 2028.
7. Water is to be put to beneficial use on or before June 12, 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 Right No. 8081-3 and Water Permit No. 8736-3 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 new well authorized by Permit No. 8736-3 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

JUL 11 2023
date



RECEIVED

MAR 22 2023

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8736-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan 665-7811</u>
	(office use only)

PAID

MAR 22 2023

Ck# 2360/9810Rec'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 David G Sternhagen

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

Mailing Address 30455 438 Ave. Yankton S.D. 57078
(Address) 605-760-3020 (City) Yankton (State) SD (Zip Code) 57078Phone _____ Mobile 605-760-3021 Email davesternhagen@yahoo.com
0.22 add'l from existing well2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 134.98
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply 1 groundwater well + 1 proposed well4. Location of point of diversion one well in the NE 1/4 of SE 1/4 section 10
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)T94N R56W; proposed well center SW1/4 County Yankton
Sec 11 - T94N-56W5. County or counties where water will be used Yankton6. Annual period during which water is to be used April to September7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW 1/4 sec 10 T94N R56W</u>	<u>134.98</u>		

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

Irrigate cropland using a center pivot through the months of April to September. using the existing well under permit 8081-3.

I, David M Sternhagen, the applicant, certify under

Name of Person

Title (if applicable)

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

2021-08

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

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 one Provide copy of log(s), if available. Drilled by Dick Hammen

For either existing or proposed wells:

c) Well Depth (required) 240 Depth to Top of Water Bearing Material 155 Depth to Water from Surface 143

d) Distance to nearest domestic well on applicant's property _____ Property owned by others 3000'

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)

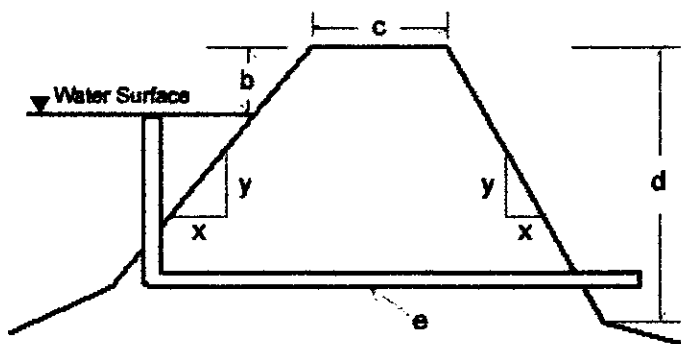
Upstream _____

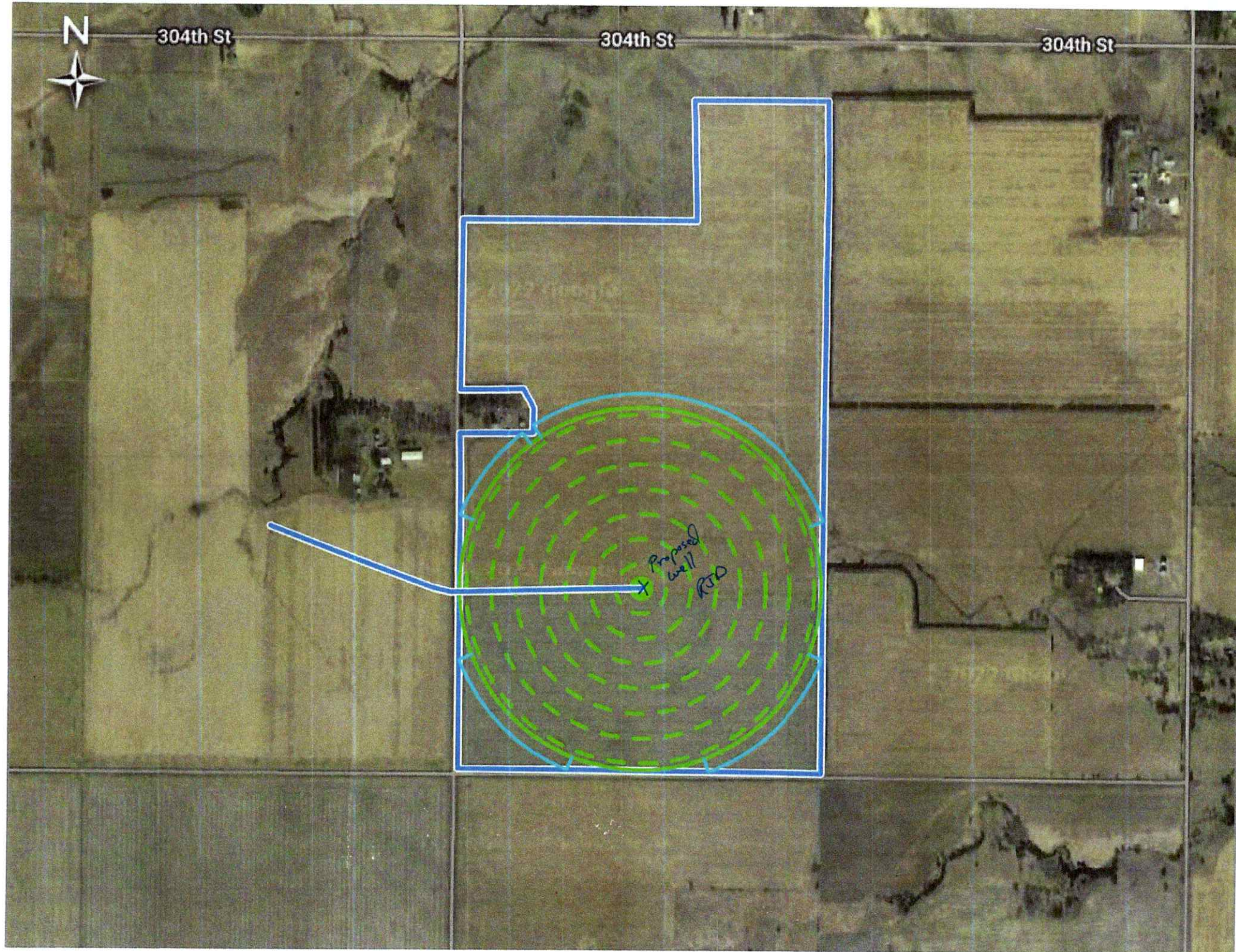
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





94N 56W
Section: 03

94N 56W
Section: 02

94N 56W
Section: 01

94N 56W
Section: 10

94N 56W
Section: 11

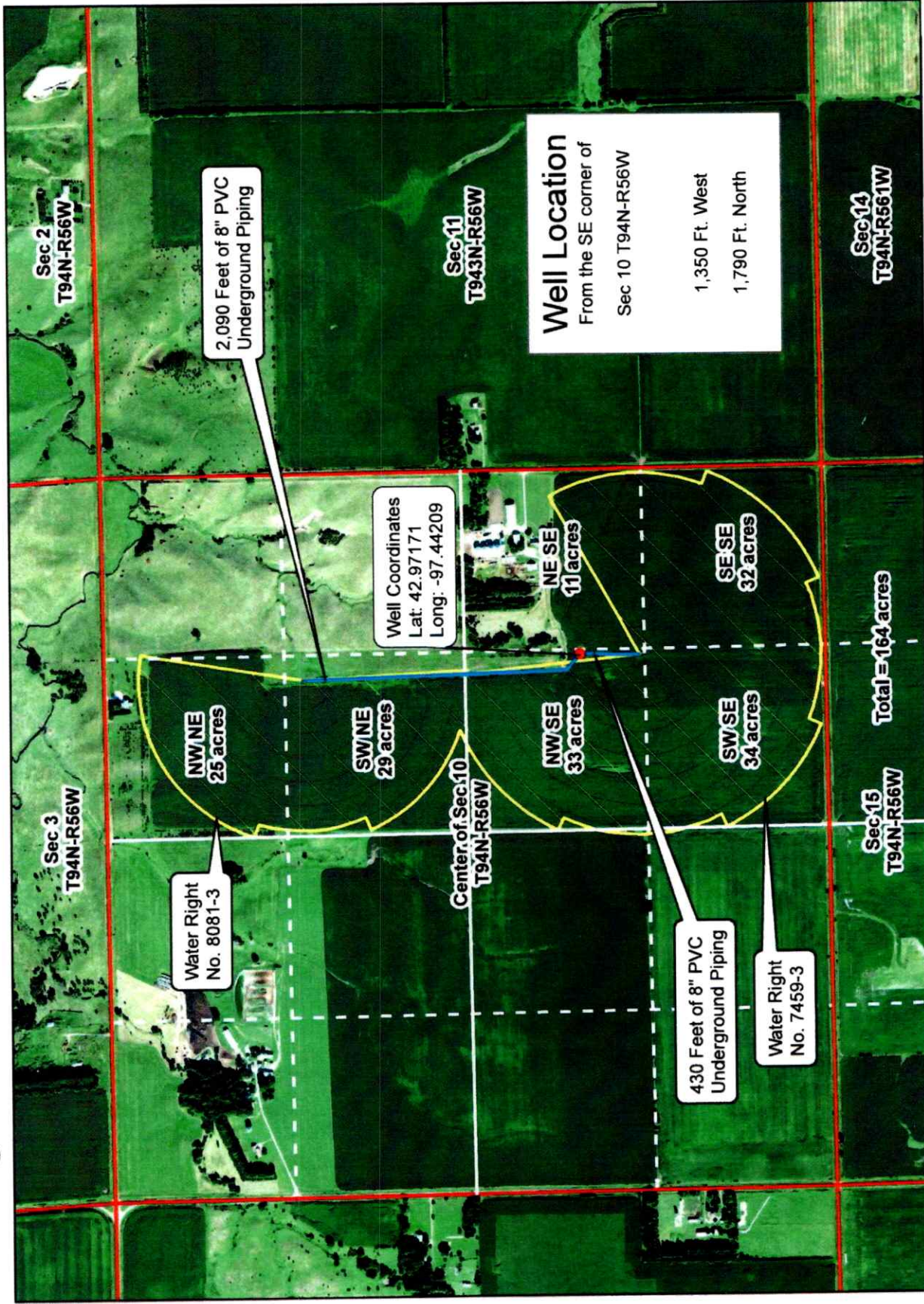
94N 56W
Section: 12

94N 56W
Section: 15

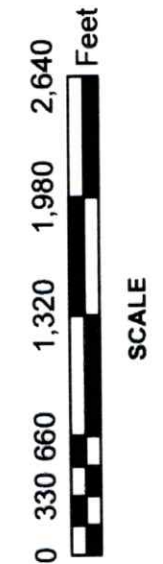
94N 56W
Section: 14

94N 56W
Section: 13

Water Right Nos. 7459-3 and 8081-3



Keith DeJong
 Keith DeJong, PE
 Staff Engineer
 July 23, 2021



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8081-3**

(1) David G Sternhagen, 30455 438th Ave., Yankton SD 57078 made Application No. 8081-3, January 23, 2015 for a water permit to add 58 acres to an existing irrigation system authorized under Water Permit No. 7459-3. The project is located in Yankton County, South Dakota. Permit No. 8081-3, with a priority date of January 23, 2015 was approved April 6, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 6, 2020 and for the application to beneficial use of said water on or before April 6, 2024.

A "Notice of Completion of Works" was submitted indicating the water use system described in Water Permit No. 7459-3 and Water Permit No. 8081-3 was completed in 2013 and 2015 respectively.

Water Permit No. 7459-3, with a priority date of October 12, 2012 appropriates 1.78 cfs from one well to irrigate 113 acres located in the SE $\frac{1}{4}$ Section 10, T94N R56W. Water Permit No. 8081-3, with a priority date of January 23, 2015 added 58 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 from the existing well. The applicable portions of Water Permit No. 7459-3 are incorporated into this Water License No. 8081-3.

The authorized well was to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T94N, R56W. An investigation of the water use system found the well was in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T94N, R56W. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding the change in location of the diversion point did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,350' W and 1,790' N of the SE corner of Section 10, T94N, R56W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
Latitude 42.97171, Longitude -97.44209

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

Section 10, T94N, R56W			
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres	Total	164 acres

**Note: The SE $\frac{1}{4}$ Section 10 retains a priority date of October 12, 2012, established under No. 7459-3
The NE $\frac{1}{4}$ Section 10 retains a priority date of January 23, 2015, established under No. 8081-3**

(4) Pursuant to South Dakota Water Law 46-5-30.1 David G Sternhagen, 30455 438th Ave., Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 8081-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with priority dates of October 12, 2012 and January 23, 2015 from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 8081-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8081-3 and subject to the following qualifications:

- The well approved under Nos. 7459-3 & 8081-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

JUL 30 2021

date



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 22, 2023

RECEIVED OF Nicholas/Cessalie Sternhagen for David Sternhagen 43769 304th St., Yankton SD 57078

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

Fee for Application for Permit No. <u>8736-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$425.00
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>8736-3</u>	\$100.00
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	\$525.00

By Eric Gronlund
Chief Engineer
Eric

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 22, 2023

RECEIVED OF David/Cindy Sternhagen 30455 438 Ave., Yankton SD 57078

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

Fee for Application for Permit No. <u>8736-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>425.00</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>8736-3</u>	\$ <u>100.00</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>525.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. No. 8736-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: David Sternhagen

ADDRESS: 30455 438th Ave, Yankton SD 57078

DATE: March 23, 2023

PHONE: 605.760.3021

RE: Application for Irrigation Permit

COMMENTS:

Application No. 8736-3 proposes to add another quarter of land to irrigate from an existing well covered by Water Right No. 8081-3. I contacted Mr. Sternhagen to determine whether there was the possibility of operating the center pivots independently of each other by drilling another well in the future rather than alternating their operation by using just the existing well. Mr. Sternhagen indicated it was possible a second well could be drilled and, given the five-year construction period, decided to include a second well on his application located near the center of the proposed center pivot. Mr. Sternhagen asked me to make the needed change to his application. The application should reference the existing well, a proposed well in the same aquifer at the center of the quarter of the acreage being added, and the application should allow irrigation of any of the land from either well in the event the proposed well does not get constructed. Also, the application should authorized an increase in 100 gallons per minute from the existing well covered by Water Right No. 8081-3.

Ron Duvall, Water Rights Permitting Administrator
SD DANR, Water Rights Program

Water Rights Program - File Documentation

NAME: David Sternhagen

ADDRESS: Yankton SD

DATE: 3-22-23

RE: Pending application

COMMENTS:

I called David Sternhagen who verified the area to be irrigated should be listed as the SW 1/4 Section 11-T94N-R56W. He also stated he wanted to apply for 800 gpm from the existing well authorized by Water Right No. 8081-3. Water Right No. 8081-3 was licensed for 1.56 cfs or 700 gpm.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8736-3, David G Sternhagen**

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. 8736-3, David G Sternhagen, 30455 438th Avenue, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8736-3 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 Right No. 8081-3 and Water Permit No. 8736-3 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 new well authorized by Permit No. 8736-3 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
May 23, 2023

Report to the Chief Engineer
On Water Permit Application No. 8736-3

David G Sternhagen

May 18th, 2023

Water Permit Application No. 8736-3 proposes to appropriate 1.78 cubic feet per second (cfs) from one well to be completed into the Lower James Missouri aquifer (approximately 240 feet deep) located in the center of the SW $\frac{1}{4}$ Section 11 for irrigation of 134.98 acres located in the SW $\frac{1}{4}$ Section 11; all in T94N-R56W. The application also requests an additional 0.22 cfs from the well currently authorized by Water Right No. 8081-3. Water Right No. 8081-3 currently authorizes 1.56 cfs from one well completed into the Lower James Missouri aquifer located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 for irrigation of 164 acres located in the SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10; all in T94N-R56W. Any of the described lands may be irrigated from either the existing well or the proposed well. The site of interest is located approximately 5 miles northwest of Yankton, SD.

AQUIFER: Lower James Missouri (LJM)

HYDROGEOLOGY:

The Lower James Missouri aquifer is a glacial outwash that consists of fine sand to cobble gravel that is intermixed in some expanses with discontinuous layers of till up to 25 feet thick (Lindgren and Hansen, 1990 and 1993). The depth of the top of the Lower James Missouri aquifer ranges from the land surface in the James River floodplain to 245 feet below land surface (Lindgren and Hansen, 1990 and 1993). In Clay, Hutchinson, and Yankton Counties, the Lower James Missouri aquifer is estimated to underly approximately 191,700 acres and contain approximately 2,795,400 acre-feet of recoverable water in storage (Hedges et al, 1982; see Table 1). The Lower James Missouri aquifer is hydrologically connected to Missouri: Elk Point aquifer, Choteau: East aquifer, Niobrara aquifer, and Lower James Missouri: Scotland aquifer, adjacent bedrock aquifers, and surface water features such as the James River and Missouri River (Hedges et al, 1982; Bugliosi, 1986; Lindgren and Hansen, 1990 and 1993; Water Rights, 2023b). The average saturated thickness of the Lower James Missouri aquifer can range from approximately 50 to 150 ft (Bugliosi, 1986). The Lower James Missouri aquifer is predominantly under confined conditions but can be found to have unconfined conditions (Bugliosi, 1986; Lindgren and Hansen, 1990).

Table 1. Estimated areal extent and amount of recoverable water stored in the Lower James Missouri aquifer (Hedges et al, 1982)

Counties	Clay	Hutchinson	Yankton	Total:
Areal Extent (acres)	5,400	93,800	92,500	191,700
Recoverable Water in Storage (acre-feet)	81,000	633,150	2,081,250	2,795,400

A water well completion report was not submitted with the application for Water Permit Application No. 8736-3. A nearby water well completion report used in the Water Permit No.

7459-3 will be used instead. The well was completed on October 10th, 2012. The well is completed into the Lower James Missouri aquifer and has a depth to the top of aquifer material of 155 feet below the ground surface, static water level of 144 feet below the ground surface, and saturated aquifer thickness of 93 feet at the time of well completion (Water Rights, 2023d). Based on the water well completion report used in the Water Permit No. 7459-3, the Lower James Missouri aquifer is expected to be confined at the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d). Nearby well completion reports indicate the aquifer can be found under unconfined conditions nearby.

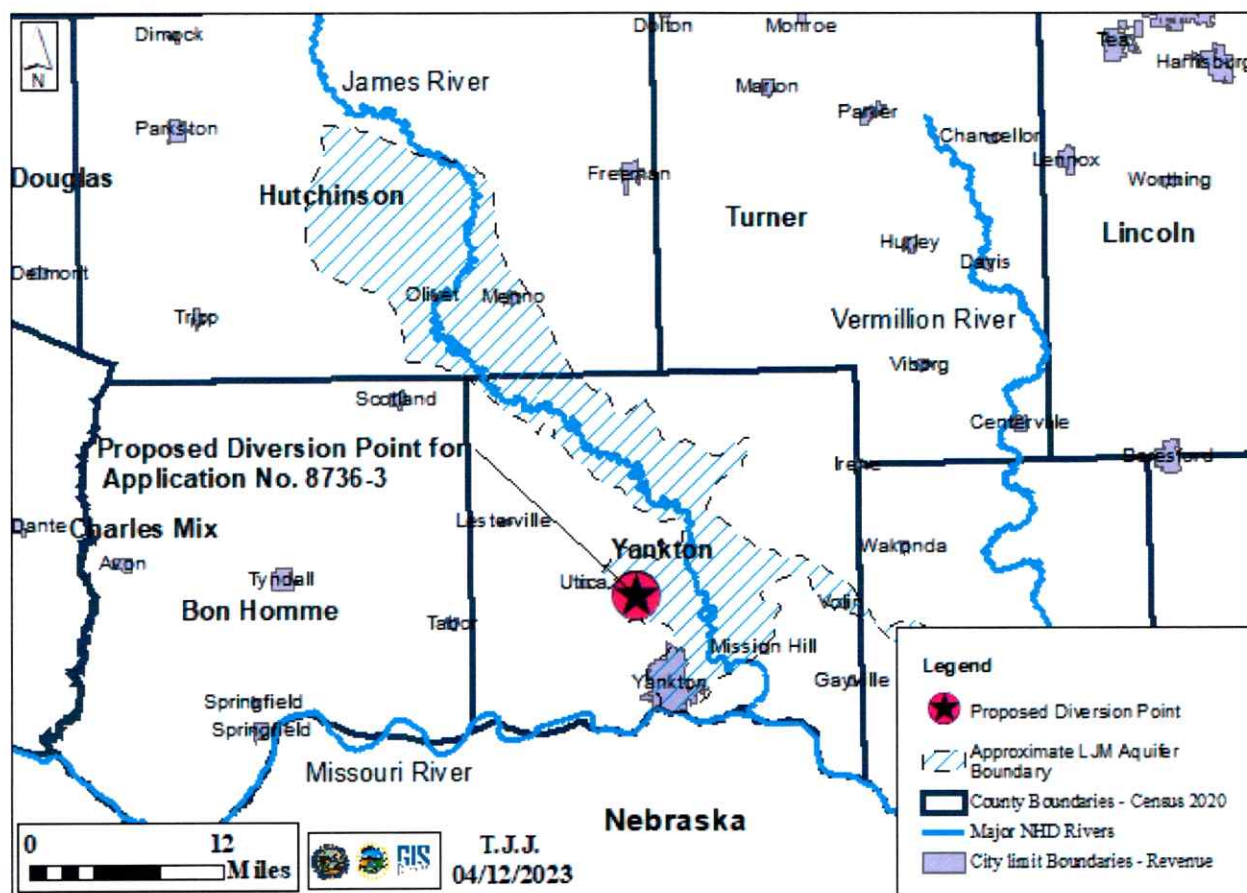


Figure 1. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), and the location of proposed diversion point for Water Permit Application No. 8736-3.

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 Lower James Missouri aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8736-3 proposes to appropriate water from the Lower James Missouri 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 Lower James Missouri 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 Lower James Missouri aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Lower James Missouri aquifer is received mostly by seepage from streams/surface water features, infiltration of precipitation, and inflow from nearby aquifers such as Missouri: Elk Point, Choteau: East, Niobrara, and Lower James Missouri: Scotland (Bugliosi, 1986). Most of the recharge occurs in the spring and early summer months, and the short-term infiltration rates in the floodplain soil combined with rapid evapotranspiration rates causes most of the rainfall in the southern area of the aquifer to either be evaporated or transpired; because of this reason most of the recharge enters in the northern area of the Lower James Missouri aquifer (Bugliosi, 1986).

Using flow-net analysis Hedges et al (1985) estimated a recharge rate of 1.5 inches per year for the Lower James Missouri aquifer. The Lower James Missouri aquifer has an estimated areal extent of approximately 191,700 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 23,963 acre-feet/year.

Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 3.9 inches per year for the unconfined portions of the Lower James Missouri aquifer. Stonesifer's report (2014) estimated the unconfined portion of the aquifer to be 82,200 acres. The average annual recharge rate for unconfined portions of the Lower James Missouri aquifer based on Hedges et al (1985) estimated recharge rate of 3.9 inches per year and Stonesifer's (2014) unconfined portion, is estimated to be 26,715 acre-feet/year, which should also be considered a likely maximum recharge rate for the Lower James Missouri aquifer. From this data, the average annual recharge rate to the Lower James Missouri aquifer has a range between 23,963 to 26,715 acre-feet/year (Hedges et al, 1982 and 1985; Stonesifer, 2014).

Discharge

Discharge from the Lower James Missouri aquifer in South Dakota primarily occurs through well withdrawals, leakage to the James River, and evapotranspiration in areas where the aquifer is at or near land surface (Bugliosi, 1986; Lindgren and Hansen, 1990).

Currently, there are 130 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer (Water Rights, 2023c). There are no future use permits reserving water from the Lower James Missouri aquifer (Water Rights, 2023c).

Table 2 summarizes the 8 non-irrigation water rights/permits authorized to appropriate water from the Lower James Missouri 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 that can be 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 non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating average annual withdrawals by non-irrigation appropriations. Overall, the average annual withdrawal rate for the Lower James Missouri aquifer non-irrigation water rights/permits is approximately 1,595 acre-feet/year (Table 2) (Water Rights, 2023c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Lower James Missouri aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
4556-3	KNIFE RIVER	LC	COM	0.440	N/A	191.14
840-3	STUELPNAGELS INC	LC	COM	1.110	N/A	482.18
6264-3	YANKTON LAND & CATTLE CO	LC	COM, LCO	0.560	N/A	243.26
6320-3	WOLF CREEK HTTRN BRTH	LC	COM, DOM	0.080	N/A	34.75
6925-3	TSCHETTER COLONY	LC	COM, LCO	0.070	N/A	30.41
7827-3	MAXWELL COLONY	PE	COM, LCO	0.330	N/A	143.35
1288-3	NATIONAL FOOD STORES INC	LC	IND	0.160	N/A	69.5
8412-3	KNIFE RIVER	LC	IND	7.800	400	400
COM Commercial, IND Industrial, LC Licensed Water Right, PE Water Permit, LCO Livestock Confinement Operation, DOM Domestic					TOTAL:	1,595

Currently, there are 122 irrigation water rights/permits appropriating water from the Lower James Missouri aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Lower James Missouri aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 2,951

acre-feet per year (Table 3) (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 5,398 acre-feet per year (Table 3) (Water Rights, 2023a).

There are five water permits approved in 2022 and early 2023, that are not accounted for in Table 3, Water Permit Nos. 8606-3, 8634-3, 8649-3, 8655-3, and 8659-3 (Water Right, 2023c). These five water permits combined, are authorized to irrigate approximately 482 acres (Water Rights, 2023c). This application is requesting to irrigate 134.98 acres. Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, 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 rights/permits. Therefore, the estimated average annual withdrawal rate for the five water permits approved in 2022 and early 2023 is approximately 482 acre-feet per year. The estimated average annual withdrawal rate for this application is approximately 135 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (5,398 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2022 and early 2023 (482 acre-feet/year), and this application (135 acre-feet per year), is approximately 6,015 acre-feet per year.

Table 3. Reported historic irrigation use from the Lower James Missouri aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	22	588
1980	23	1,299
1981	27	1,835
1982	23	1,301.25
1983	27	1,306.54
1984	28	1,360
1985	27	1,483
1986	30	989.6
1987	30	1,041.60
1988	31	2,744.90
1989	31	2,144.80
1990	35	2,928.10
1991	42	2,599
1992	45	1,159
1993	45	230.44
1994	45	1,918.17
1995	41	1,483.32
1996	49	2,102.99
1997	50	2,320
1998	53	2,787.30
1999	50	2,102.15
2000	51	3,751.08
2001	53	2,940.09
2002	53	4,061.52
2003	53	2,843.15
2004	47	2,886.65
2005	48	2,866.63
2006	50	3,630.92
2007	56	3,425.91
2008	79	4,494.03
2009	84	1,463.27
2010	85	665.37
2011	89	4,147.47
2012	93	13,058.45
2013	118	7,855.75
2014	125	3,347.27
2015	127	4,822.86
2016	126	5,747.01
2017	126	5,727.12
2018	126	1,035.87
2019	127	328.01
2020	121	3,864.53
2021	120	8,195.56
Max	127	13,058.5
Min	22	230.4
Avg (1979-2021)	63	2,951
Avg (2012-2021)	121	5,398

There are domestic wells completed into the Lower James Missouri 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 Lower James Missouri 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 Lower James Missouri aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Lower James Missouri aquifer has a range between 23,963 to 26,715 acre-feet/year (Hedges et al, 1982 and 1985; Stonesifer, 2014). The average withdrawal rate from the Lower James Missouri aquifer totals to approximately 7,610 acre-feet/year; (non-irrigation: 1,595 acre-feet/year; irrigation (avg 2012 to 2021 plus the water rights/permits approved between 2022 and early 2023, and this application): 6,015 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 3 closest observation wells to the proposed diversion point as shown in Figure 2 are YA-80K (approximately 1.1 miles northeast), YA-78G (approximately 1.2 miles south), and YA-80N (approximately 1.7 miles east) (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 DANR Water Rights Observation Well on hydrographs. The data shown on Figures 3 to 5 share a similar trend with most of the other observation wells in the Lower James Missouri aquifer. However, there are a few observation wells that seem to have their hydraulic head strongly impacted by other sources, such as the James River (Water Rights, 2023b).

The graph displays the water level in feet from the top of the casing for observation well YA-80K. The data shows a long-term decline from approximately -42 feet in the early 1980s to a low of about -53 feet around 2013, followed by a sharp recovery to -40 feet by 2021. The data is characterized by high seasonal variability, with annual peaks and troughs.

Date	Water Level (ft)
1/1/1980	-52.0
12/31/1980	-52.5
12/31/1981	-52.0
12/31/1982	-49.0
12/31/1983	-42.0
12/31/1984	-45.0
12/31/1985	-46.0
12/31/1986	-45.0
12/31/1987	-47.0
12/31/1988	-48.0
12/31/1989	-49.0
12/31/1990	-50.0
12/31/1991	-51.0
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12/31/2009	-45.0
12/31/2010	-46.0
12/31/2011	-47.0
12/31/2012	-48.0
12/31/2013	-53.0
12/31/2014	-52.0
12/31/2015	-51.0
12/31/2016	-48.0
12/31/2017	-44.0
12/31/2018	-40.0
12/31/2019	-41.0
12/31/2020	-40.0
12/31/2021	-49.0

8

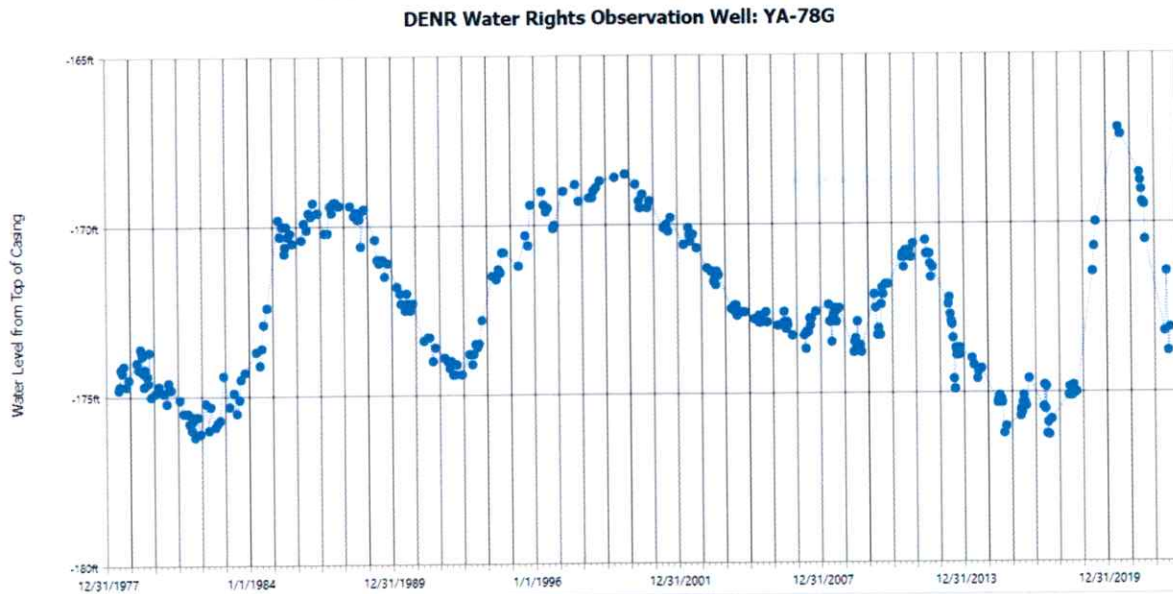


Figure 4. Hydrograph for observation well YA-78G (Water Rights, 2023b)

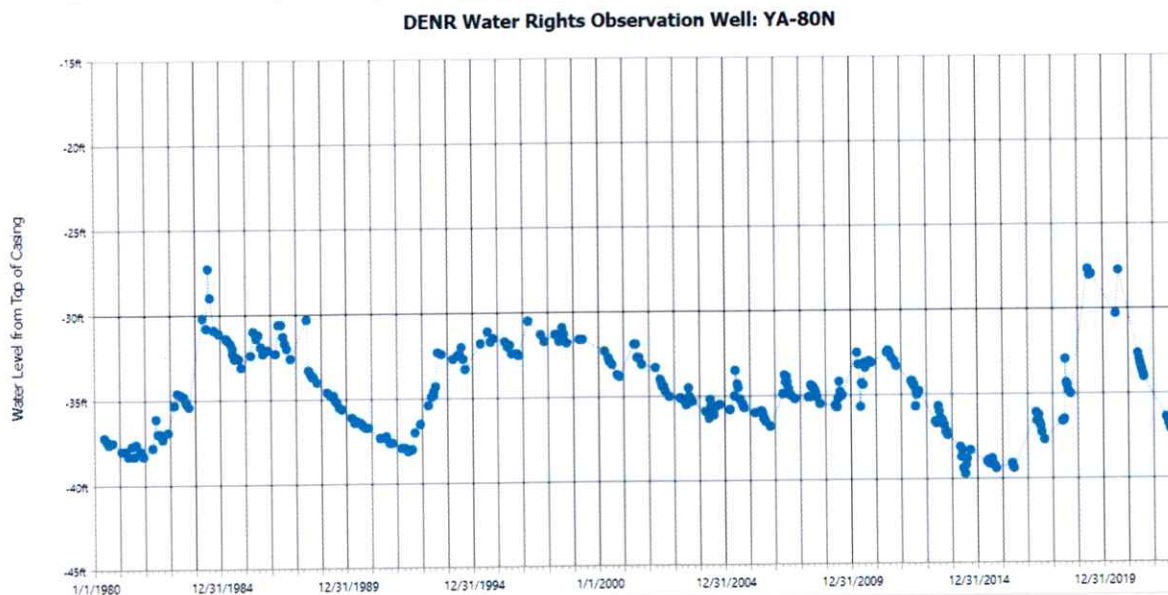


Figure 5. Hydrograph for observation well YA-80N (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable water levels over their respective periods of record. The hydrographs for the Lower James Missouri 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 levels 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 Lower James Missouri aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 130 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer (Water Rights, 2023c). The closest water right/permit, not held by the applicant, to the diversion point is Water Permit No. 7398-3, as shown on Figure 2, which is held by Frank Kralicek. The diversion point for Water Permit No. 7398-3 is located approximately 1.1 miles southwest 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 Lower James Missouri aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.5 miles southeast of the diversion point (Water Rights, 2023d).

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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, "general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable..." (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Lower James Missouri aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Lower James Missouri aquifer in Yankton County, and the fact that Water Right No. 8081-3 has been in place for several years 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 (Water Rights, 2023e). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

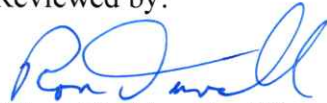
CONCLUSIONS:

1. Water Permit Application No. 8736-3 proposes to appropriate 1.78 cfs from one proposed well to be completed into the Lower James Missouri aquifer (approximately 240 feet deep) for irrigation of 134.98 acres in the SW1/4 section 11-T94N-R56W. The site of interest is located approximately 5 miles northwest of Yankton, SD.
2. This application is also requesting to appropriate an additional 0.22 cfs from one existing well currently authorized by Water Right No. 8081-3. The described lands and acreage covered by No. 8081-3 may be irrigated from the existing well or proposed well.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8736-3 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

for

References

- Bugliosi., E.F., 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
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- Water Rights, 2023a. "1979-2022 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 NEWSPAPER RIGHT AWAY.**

May 24, 2023

David G. Sternhagen
30455 438th Ave
Yankton SD 57078

Dear Mr. Sternhagen:

Water Permit Application No. 8736-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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. 8736-3 to Appropriate Water

Notice is given that David G Sternhagen, 30455 438th Ave, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 240 feet deep) located in the center of the SW 1/4 Section 11 for irrigation of 134.98 acres located in the SW 1/4 Section 11; all in T94N – R56W. The application also requests an additional 0.22 cfs from the well authorized by Water Right No. 8081-3. Water Right No. 8081-3 authorizes 1.56 cfs from one well completed into the Lower James Missouri Aquifer located in the NW 1/4 SE 1/4 Section 10 to irrigate 164 acres located in the SE 1/4, W 1/2 NE 1/4 Section 10; all in T94N-R56W. Any of the above described lands may be irrigated from either the existing well or the proposed new well. This site is located approximately 5 miles northwest of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8736-3 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 June 12, 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 June 12, 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: Tuesday, May 23, 2023 3:35 PM
To: Michael Pietz
Subject: 8736-3 David G Sternhagen - Public Notice
Attachments: 8736-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 2, 2023.

David Sternhagen, 30455 438th Ave, Yankton SD 57078, (605-760-3021) 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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUN 05 2023

OFFICE OF
WATER

DAVID G STERNHAGEN
30455 438TH AVE.
YANKTON SD 57078

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 2nd DAY OF June, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.16 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 06/02/2023

FILED ON: 06/02/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF June, 2023

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 05/23/2029

6/15/28



Ad text : NOTICE OF APPLICATION NO. 8736-3 to Appropriate Water

Notice is given that David G Sternhagen, 30455 438th Ave, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 240 feet deep) located in the center of the SW 1/4 Section 11 for irrigation of 134.98 acres located in the SW 1/4 Section 11; all in T94N-R56W. The application also requests an additional 0.22 cfs from the well authorized by Water Right No. 8081-3. Water Right No. 8081-3 authorizes 1.56 cfs from one well completed into the Lower James Missouri Aquifer located in the NW 1/4 SE 1/4 Section 10 to irrigate 164 acres located in the SE 1/4, W 1/2 NE 1/4 Section 10; all in T94N-R56W. Any of the above described lands may be irrigated from either the existing well or the proposed new well. This site is located approximately 5 miles northwest of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8736-3 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 June 12, 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 June 12, 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 \$44.16 and can be viewed free of charge at www.sdpublicnotices.com.

Published on June 2, 2023.

Rodriguez, Rachel

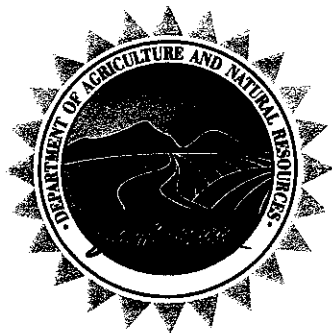
From: Rodriguez, Rachel
Sent: Tuesday, May 23, 2023 3:47 PM
To: nsternha@hotmail.com; davesternhagen@yahoo.com
Subject: 8736-3 David G Sternhagen - Public Notice
Attachments: 8736-3.pdf; Ltr.pdf; 8736-3 public.short_final.docx

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 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

JUL 11 2023

David G Sternhagen
30455 438th Avenue
Yankton SD 57078

Dear Mr. Sternhagen:

Enclosed is Water Permit No. 8736-3 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.: 8736-3

Name of Applicant: David Sternhagen

Date of Posting: 5/30/2023

Date of Removal: 7/11/2023



Ron Duvall, Water Rights Permitting Administrator

7/14/23

Date

Subscribed and sworn to before me, a notary public, this 14 day of July, 2023.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



8736-3
RECEIVED

SEP 25 2023

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 7/15/2023TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: David G Sternhagen
(name)30455 438th Ave.
(address)Yankton, SD 57078
(city, state, zip)(605) 760-3020
(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.

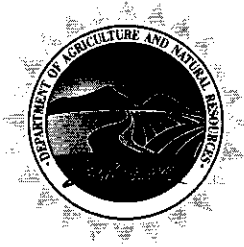
Water Permit No. 8736-3 states that the water use system is to be constructed by June 12 2028, and water is to be put to beneficial use by June 12 2032.
(date) (date)

The water use system was completed on June 30, 2023.
(date)

Applying the water to beneficial use was completed on June 30, 2023.
(date)

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

David G Sternhagen
(signature)



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

September 25, 2023

David G Sternhagen
30455 438th Ave
Yankton SD 57078

8736-3

Dear Mr. Sternhagen:

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

JUL 16 2026

Water Rights
Program

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8736-3

Date: 7-14-26

I/We request that Water Right/Permit No. 8736-3 formerly owned by:
David G Sternhagen be transferred to:

New Owner Name: Nicholas Sternhagen
Address: 43769 304th St mobile: 605-760-3020
City, State, Zip: Yankton SD 57078 email: nsternhag@hotmail.com

Title to the following described land(s)/property has been transferred as described above:

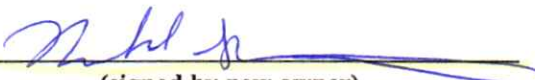
SW 1/4, Section 11-T94N-R56W
TOTAL: 134.98 acres

☒ I understand that the validity of Water Right/Permit No. 8736-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Nicholas Sternhagen, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

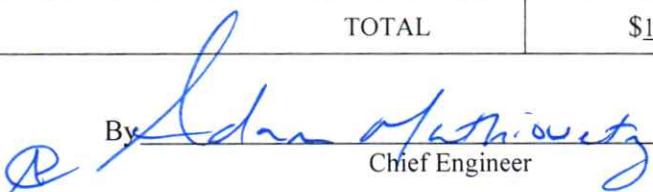
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 07, 2026

RECEIVED OF Nicholas Sternhagen 43769 304th St Yankton, SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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 <u>#8736-3, #8081-3</u>	\$ <u>100.00</u>
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>100.00</u>

By 

Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 10, 2026

8736-3, 8081-3

Nicholas Sternhagen
43769 304th st
Yankton, SD 57078

Dear Mr. Sternhagen:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the fees you submitted for Water Permit No. 8736-3 & Water Right No. 8081-3, enclosed is a \$100.00 receipt of payment for your records.

Water Permit No. 8736-3 & Water Right No. 8081-3, previously held by David G Sternhagen, are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 8736-3 & Water Right No. 8081-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures