

WATER PERMIT NO. 8738-3

Name of Applicant: **Todd Jongeling**

Address: **19423 467th Ave, Estelline SD 57234** Phone: **605-881-6694**

Amount of Water Claimed: **1.78 cfs** Total Acres: **120**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Hamlin**

Type of Waste Disposal System:

Location: **Approximately 3 miles south of Castlewood**

PRIORITY Date Received: **2-28-2023**

Application/License Fee: **\$950.00**

Corrected Application Received: **3-2-2023**

Period of Annual Use: **May 1 – Oct 1**

Remarks: **Requesting div rate greater than statutory limit**

Diversion Point: **NE 1/4 NE 1/4 Sec 12-T114N-R52W**

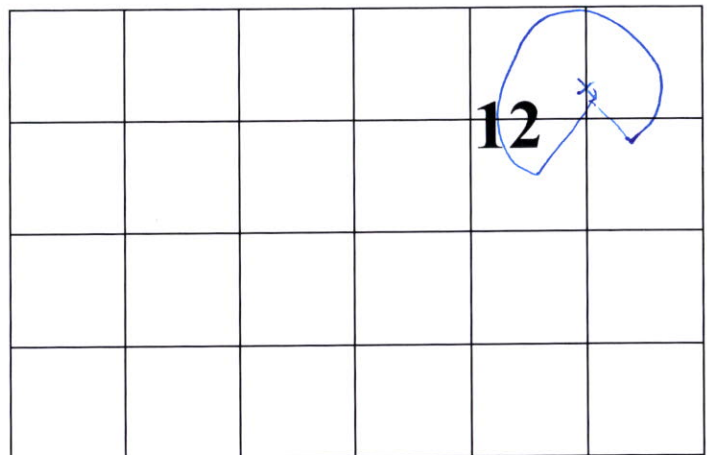
Land to be Irrigated: **NE 1/4 Sec 12-T114N-R52W**

Depth of Well: **32**

Well Driller: **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **3-24-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8738-3

Date of first receipt of application February 28, 2023.

Date of return to applicant for corrections, amendments or changes March 2, 2023.

Date of receipt of corrected application March 24, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8738-3 to Todd Jongeling, 19423 467th Avenue, Estelline SD 57234 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8738-3 appropriates 1.78 cubic feet of water per second (cfs) from up to two wells to be completed into the Big Sioux Brookings Aquifer (approximately 32 feet deep) located in the NE 1/4 NE 1/4 Section 12 for irrigation of 120 acres located in the NE 1/4 Section 12; all in T114N-R52W. This site is located approximately 2 miles southeast of Castlewood SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is February 28, 2023.
4. The date of approval of Permit No. 8738-3 is June 20, 2023.
5. One-fifth of the construction is to be completed on or before December 20, 2025.
6. All construction is to be completed on or before June 20, 2028.
7. Water is to be put to beneficial use on or before June 20, 2032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

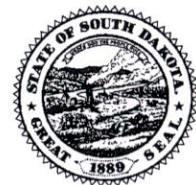
1. The wells approved under Water Permit No. 8738-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8738-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8738-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

FEB 28 2023

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8738-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Big Sioux River</u>
	Newspaper <u>Public Opinion 886-6901</u>
	<u>Castlewood Hamlin County Republican 793-2293</u>

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Todd Longeling

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

Mailing Address 19423 467th Ave Estelline S.D 57234
(Address) (City) (State) (Zip Code)

Phone 605-873-2831 Mobile 605 881-6694 Email tjungle@itctel.com

2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1-2 New wells

4. Location of point of diversion T114 N-R52W-Sec 12- NE NE
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin

5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used May 1 - Oct 1

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

Land Description	Acres	Land Description	Acres
<u>NE 1/4 NE 1/4 Sec 12 T114 R 52</u>	<u>36</u>		
<u>NW 1/4 NE 1/4 Sec 12 T114 R 52</u>	<u>34</u>		
<u>SW 1/4 NE 1/4 Sec 12 T114 R 52</u>	<u>30</u>		
<u>SE 1/4 NE 1/4 Sec 12 T114 R 52</u>	<u>20</u>		

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

Requesting div rate greater than statutory limit.

I, Todd Longeling Owner, 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 12 Have test holes been drilled ☒ Yes ☐ No Drilled by Kaiser Well Drilling
(if yes, please provide copies of logs)b) If existing wells, how many Provide copy of log(s), if available. Drilled by

For either Existing or Proposed Wells:

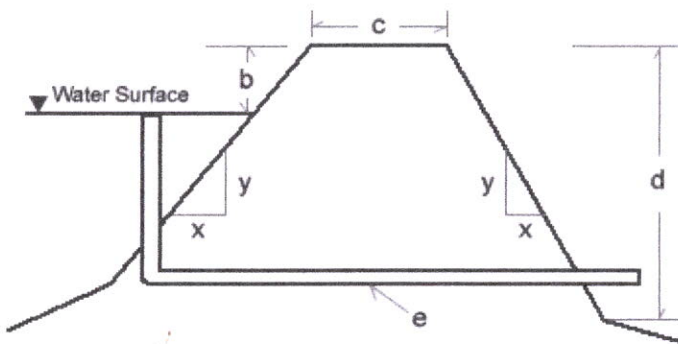
c) Well Depth (required) 32 Depth to Top of Water Bearing Material 15 Depth to Water from Surface 11d) Distance to nearest domestic well on applicant's property Property owned by others 1000+**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System Capacity (gallons) Year Constructed c) Connected to the City of Sanitary System**3. Dugout Information**a) Surface Dimensions Depth b) Depth to water (ground surface to water level) **4. Water Storage Dams**

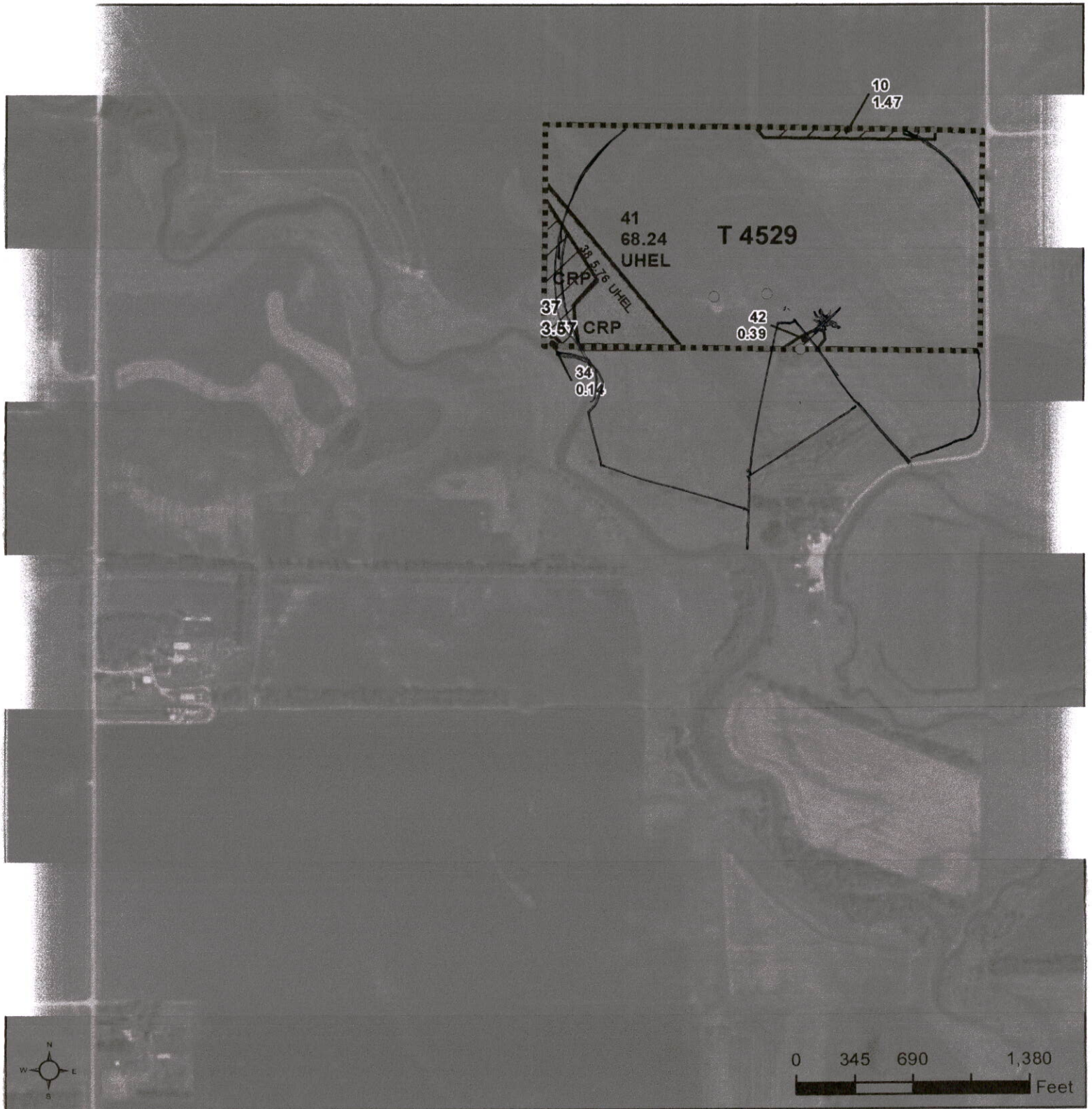
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

b) Freeboard c) Crest Width Crest Length d) Height e) Primary Outlet Capacity If pipe, diameter f) Secondary Spillway Capacity Spillway Width

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream Downstream h) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres



Common Land Unit

	CRP
	Non-Cropland
	Cropland
	Tract Boundary
	PLSS

Wetland Determination

	Restricted Use
	Limited Restrictions
	Exempt from Conservation
	Compliance Provisions

2021 Program Year
Map Created March 14, 2021
Farm 5843

12-114N-52W-Hamlin

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>NE 1/4 NE 1/4</u> Sec <u>12</u> Twp <u>114N</u> Rg <u>52W</u>		Well Owner: <u>Todd Jongeling</u>																																				
County <u>Hamlin</u>		Business Name: _____																																				
Please mark well location with an "X"		Address: <u>19423 467th Ave</u>																																				
		City, State, Zip: <u>Estelline</u> <u>SD</u> <u>57234</u>																																				
Well Completion Date <u>12/10/2022</u>		WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Top Soil</td> <td>0</td> <td>8</td> </tr> <tr> <td>Tan Clay</td> <td>8</td> <td>15</td> </tr> <tr> <td>yellow Gravel</td> <td>15</td> <td>32</td> </tr> <tr> <td>Blue Clay</td> <td>32</td> <td>80</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	Top Soil	0	8	Tan Clay	8	15	yellow Gravel	15	32	Blue Clay	32	80																		
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Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? _____ ft. from _____ (identify source)		STATIC WATER LEVEL <u>11.0</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____																																				
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		WELL TEST DATA: ☒ Pumped Describe: <u>air 70-80 GPM</u> ☐ Bailed ☐ Other Pumping Level Below Land Surface _____ Ft. After _____ Hrs. pumped _____ GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM																																				
METHOD OF DRILLING: Rotary Drill		REMARKS 																																				
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>40.0 LB/FT</td> <td>3.00 IN</td> <td>0.0 FT</td> <td>22.0 FT</td> <td>6.00 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	40.0 LB/FT	3.00 IN	0.0 FT	22.0 FT	6.00 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	GROUTING DATA: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>GrtWeIDF</td> <td>2</td> <td>54.0 Lb/gal</td> <td>0.0 Ft</td> <td>20.0 Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure _____		Grout Type	No. of Sacks	Grout Weight	From	To	GrtWeIDF	2	54.0 Lb/gal	0.0 Ft	20.0 Ft			Lb/gal	Ft	Ft
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		Lb/gal	Ft	Ft																																		
SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>3.00</u> Inches Length <u>10.0</u> Feet Material <u>PVC</u> Slot Size <u>.25</u> Set From <u>22.0</u> Feet to <u>32.0</u> Feet Other information _____		This well was drilled under license # <u>689</u> And this report is true and accurate. Drilling firm: <u>Kaiser Well Drilling Inc</u> Signature of License Representative: _____ Signature of Well Owner or Equitable Property Holder: _____ Date: <u>12-20-22</u>																																				
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____		DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? _____ ☒ No, Why Not? <u>test hole</u>																																				
Lab sample sent to for water quality analysis 																																						

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 23, 2023

RECEIVED OF Todd/Jody Jongeling 19423 467th Ave., Estelline SD 57234

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

Fee for Application for Permit No. <u>8738-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>8738-3</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>950.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 2, 2023

Todd Jongeling
19423 467th Ave
Estelline SD 57234

Dear Mr. Jongeling:

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

- On Item No. 6, Annual period during which water is to be used. We suggest the annual period of May 1- October 31. Do you agree?
- The application/license fee for irrigation of 120 acres \$950.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8738-3, Todd Jongeling**

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. 8738-3, Todd Jongeling, 19423 467th Avenue, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 8738-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8738-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8738-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8738-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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. 8738-3

Todd Jongeling

May 18th, 2023

Water Permit Application No. 8738-3 proposes to authorize 1.78 cubic feet per second (cfs) from up to two wells to be completed into the Big Sioux: Brookings aquifer (approximately 32 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 for irrigation of 120 acres located in the NE $\frac{1}{4}$ Section 12; all in T114N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site of interest is located approximately 2 miles southeast of Castlewood, SD.

AQUIFER: Big Sioux: Brookings (BS:B)

HYDROGEOLOGY:

The Brookings management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of medium to very coarse sand and very fine to medium gravel (Kume, 1985; Hamilton, 1989). The depth of the top of the Big Sioux: Brookings aquifer ranges from the land surface in the Big Sioux River floodplain to 212 feet below land surface (Hamilton, 1989). In Brookings, Deuel, Kingsbury, and Moody Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 323,000 acres and contain approximately 1,453,000 acre-feet of recoverable water in storage (Hedges et al, 1982 and Stonesifer, 2013). The direction of groundwater movement in the Big Sioux aquifer is south and towards the Big Sioux River (Hamilton, 1989). The Big Sioux aquifer is unconfined near the Big Sioux River and along major tributary valleys, but elsewhere the aquifer is confined by overlying till or clay lenses (Hamilton, 1989).

A test hole completion report was submitted with Water Permit Application No. 8738-3 (Water Rights, 2023d). The test hole was completed on December 10th, 2022. The test hole is completed into the Big Sioux: Brookings aquifer and has a depth to the top of aquifer material at 15 feet below the ground surface, static water level at 11 feet below the ground surface, and saturated aquifer thickness of 17 feet at the time of well completion (Water Rights, 2023d). Based on the submitted test hole completion report, the aquifer is expected to be locally confined. However, several other nearby water well completion reports for the Big Sioux: Brookings aquifer show the aquifer to more likely to be unconfined near the location of the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d). There is only four feet of artesian head pressure at the test hole site and; therefore, the aquifer could fluctuate between confined and unconfined conditions behaving more like an unconfined aquifer based on nearby unconfined conditions and the surficial nature of the aquifer.

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 Big Sioux: Brookings aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8738-3 proposes to appropriate water from the Big Sioux: Brookings 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 Big Sioux: Brookings 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 Big Sioux: Brookings aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Brookings aquifer is received primarily through infiltration of precipitation and seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989). Using observation well analysis Hedges et al (1985) estimated a recharge rate of 4.0 inches per year for the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013). Therefore, the average annual recharge rate (based on Hedges et al, 1985; Stonesifer, 2013) is approximately 107,000 acre-feet/year.

Discharge

Discharge from the Big Sioux: Brookings aquifer in South Dakota primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface. Currently, there are 261 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2023c). There are 11 future use permits reserving 6,041 acre-feet/year of water from the Big Sioux: Brookings aquifer, shown on Table 1 (Water Rights, 2023c).

Table 1. Future Use permit reserved water for the Big Sioux: Brookings aquifer (Water Rights, 2023c)

Future Uses Permit Holder	Permit Nos.	Amount of Reserved Water (acre-feet)
Joint Well Fields Inc.	3982-3, 3982A-3, 3982B-3, 6988-3	2,375
City of Lake Norden	4055-3, 6261-3	0
City of Castlewood	558A-3	123
City of Volga	5875-3, 6259-3	1,143
Sioux Rural Water System	5094-3, 7853-3	2,400
TOTAL:		6,041

Table 2 summarizes the 48 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings 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. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. It should be noted that some of the permits listed on Table 2 are connected to rural water systems rather than local wells; so, they will not contribute to the annual withdrawal rate. Overall, the annual withdrawal rate for the Big Sioux: Brookings aquifer non-irrigation water rights/permits is approximately 15,247 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 Big Sioux: Brookings aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
2111-3	GOPHER SIGN CO	LC	COM	0.040	N/A	17.38
5675-3	LAKE POINSETT ESTATES	LC	COM	0.090	N/A	39.10
6019-3	DAKOTA WHOLESALE BAIT INC	LC	COM, DOM	0.355	N/A	154.21
6329-3	OSWALD	LC	COM	1.280	N/A	556.03
6745-3	HANSEN	LC	COM	0.110	N/A	47.78
6785-3	DRUMGOON DAIRY LP	LC	COM, LCO	0.200	N/A	86.88
6786-3	NYSTROM	LC	COM, LCO	0.170	N/A	73.85
7277-3	OLD TREE FARMS	LC	COM, LCO	0.100	N/A	43.44
7854-3	ULVESTAD	PE	COM, LCO	0.890	N/A	386.62
7259-3	OLD APOSTOLIC LUTHERAN CHURCH	LC	GEO	1.000	120.00	120.00
5129-3	TECHNICAL ORDNANCE INC	LC	IND	0.100	N/A	43.44
6146-3	SD SOYBEAN PROCESSORS	LC	IND	0.144	N/A	62.55

Report on Water Permit Application No. 8738-3

1317-3	ESTELLINE	LC	MUN	1.100	N/A	477.84
1759-3	VOLGA	LC	MUN	1.650	N/A	716.76
3117-3*	HAYTI	LC	MUN	0.330	N/A	0.00
4950-3	BRUCE	LC	MUN	0.270	N/A	117.29
5071-3*	CLEAR LAKE	LC	MUN	0.450	N/A	0.00
5167-3	VOLGA	LC	MUN	0.450	N/A	195.48
534A-3*	CLEAR LAKE	LC	MUN	1.100	N/A	0.00
557-3	LAKE NORDEN	LC	MUN	3.000	N/A	1303.20
558B-3	CASTLEWOOD	LC	MUN	0.560	N/A	243.26
558D-3	CASTLEWOOD	LC	MUN	0.330	N/A	143.35
5645-3	ESTELLINE	LC	MUN	0.660	N/A	286.70
617-3*	HAYTI	LC	MUN	0.660	N/A	0.00
5815-3	LAKE NORDEN	LC	MUN	0.560	139.00	139.00
5941-3	VOLGA	LC	MUN	0.890	644.00	644.00
6417-3	LAKE NORDEN	LC	MUN	1.450	630.00	630.00
6542-3	LAKE NORDEN	LC	MUN	0.600	262.00	262.00
8640-3	VOLGA	PE	MUN	1.110	645.00	645.00
2033-3	SIOUX RURAL WATER SYSTEM	LC	RWS	0.750	N/A	325.80
4830-3	BROOKINGS-DEUEL RWS	LC	RWS	2.000	N/A	868.80
5079-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	2.900	N/A	1259.76
5098-3	SIOUX RURAL WATER SYSTEM	LC	RWS	2.000	N/A	868.80
5434-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	434.00	434.00
5602-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	434.00	434.00
5960-3	SIOUX RURAL WATER SYSTEM	PE	RWS	1.330	600.00	600.00
6002-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	362.00	362.00
2245B-3	BROOKINGS-DEUEL RWS	LC	RWS	1.930	270.00	270.00
6718-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	300.00	300.00
7381-3	BROOKINGS-DEUEL RWS	PE	RWS	0.000	N/A	0.00
7852-3	SIOUX RURAL WATER SYSTEM INC	PE	RWS	1.330	600.00	600.00
8185-3	JOINT WELL FIELD INC.	PE	RWS	0.000	603.00	603.00
7852A-3	SIOUX RURAL WATER SYSTEM	PE	RWS	0.000	N/A	0.00
6988A-3	JOINT WELL FIELD INC	PE	RWS	0.000	N/A	0.00
8371-3	JOINT WELL FIELD INC	PE	RWS	0.000	434.00	434.00
8732-3	SIOUX RURAL WATER SYSTEM	PE	RWS	0.000	N/A	0.00
1956-3	MEYER	LC	SHD	1.000	N/A	434.40
1956-3A	HAMILTON	LC	SHD	0.040	N/A	17.38
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, LCO Livestock Confinement Operation, GEO Geothermal, IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, *These Water Rights get their water from a separate system rather than local wells.					TOTAL:	15,247

Currently, there are 213 irrigation water rights/permits appropriating water from the Big Sioux: Brookings 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 Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 8,943 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 10,951 acre-feet per year (Table 3) (Water Rights, 2023a).

There are six water permits approved in 2022-2023, that are not accounted for in Table 3, Water Permit Nos. 8601-3, 8602-3, 8638-3, 8645-3, 8669-3, and 8712-3 (Water Right, 2023c). Water Permit Nos. 8601-3, 8602-3, 8638-3, 8645-3, 8669-3, and 8712-3 combined are authorized to irrigate approximately 514 acres (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, 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 Water Permit Nos. 8601-3, 8602-3, 8638-3, 8645-3, 8669-3, and 8712-3 is estimated at approximately 514 acre-feet per year. Additionally, this water permit application also proposes to use an approximately 120 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (10,951 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2022-2023 and this application (634 acre-feet/year), is approximately 11,585 acre-feet per year.

Table 3. Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	184	6,144
1980	187	9,837
1981	198	9,040
1982	155	4,558
1983	161	8,227
1984	188	8,177
1985	181	4,951
1986	179	2,855
1987	171	10,015
1988	167	18,521
1989	166	13,931
1990	175	5,863
1991	165	7,772
1992	162	2,332
1993	162	1,043
1994	160	2,855
1995	161	3,862
1996	154	7,221
1997	153	5,650
1998	157	8,110
1999	155	7,841
2000	153	8,934
2001	149	8,385
2002	149	12,411
2003	149	11,380
2004	156	11,810
2005	159	11,513
2006	161	14,325
2007	164	12,730
2008	166	12,506
2009	174	9,173
2010	172	2,713
2011	174	8,528
2012	177	19,483
2013	198	15,432
2014	212	9,948
2015	209	8,796
2016	210	10,267
2017	209	9,572
2018	211	7,953
2019	211	106
2020	209	10,001
2021	205	17,955
Max	212	19,483
Min	149	106
Avg (1982-2021)	174	8,943
Avg (2012-2021)	205	10,951

There are domestic wells completed into the Big Sioux: Brookings 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 Big Sioux: Brookings 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 Big Sioux: Brookings aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Brookings aquifer is estimated to be about 107,000 acre-feet/year (Stonesifer, 2013). The average withdrawal rate from the Big Sioux: Brookings aquifer totals to approximately 32,873 acre-feet/year; (future use: 6,041 acre-feet/year; non-irrigation: 15,247 acre-feet/year; irrigation (avg 2012 to 2021 plus the water rights/permits approved between 2021 and 2022) and this application: 11,585 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings 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 77 observation wells completed into the Big Sioux: Brookings aquifer. The observation wells completed into the aquifer are shown on Figure 1 (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The four closest observation wells to the proposed diversion point are HN-63A (approximately 0.2 miles northeast), HN-77I (approximately 1.4 miles northwest), HN-57A (approximately 2.9 miles northwest), and HN-77D (approximately 2.9 miles west) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 5 respectively (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurement of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on hydrographs. The majority of observation wells in the Big Sioux: Brookings aquifer have a stable water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize. The data shown on Figures 3 and 5 share a similar trend with most of the observation wells in the Big Sioux: Brookings aquifer. There are a few observation wells, Figures 2 and 4, that have their water level strongly impacted by surface water sources, such as the Big Sioux River and nearby lakes (Water Rights, 2023b). Observation wells in close proximity to water rights have their water levels strongly impacted by pumping. Which is why

some observation wells that are not surrounded by pumping have a rising water levels, while there is a slightly declining to stable water level in the areas that have a lot of pumping.

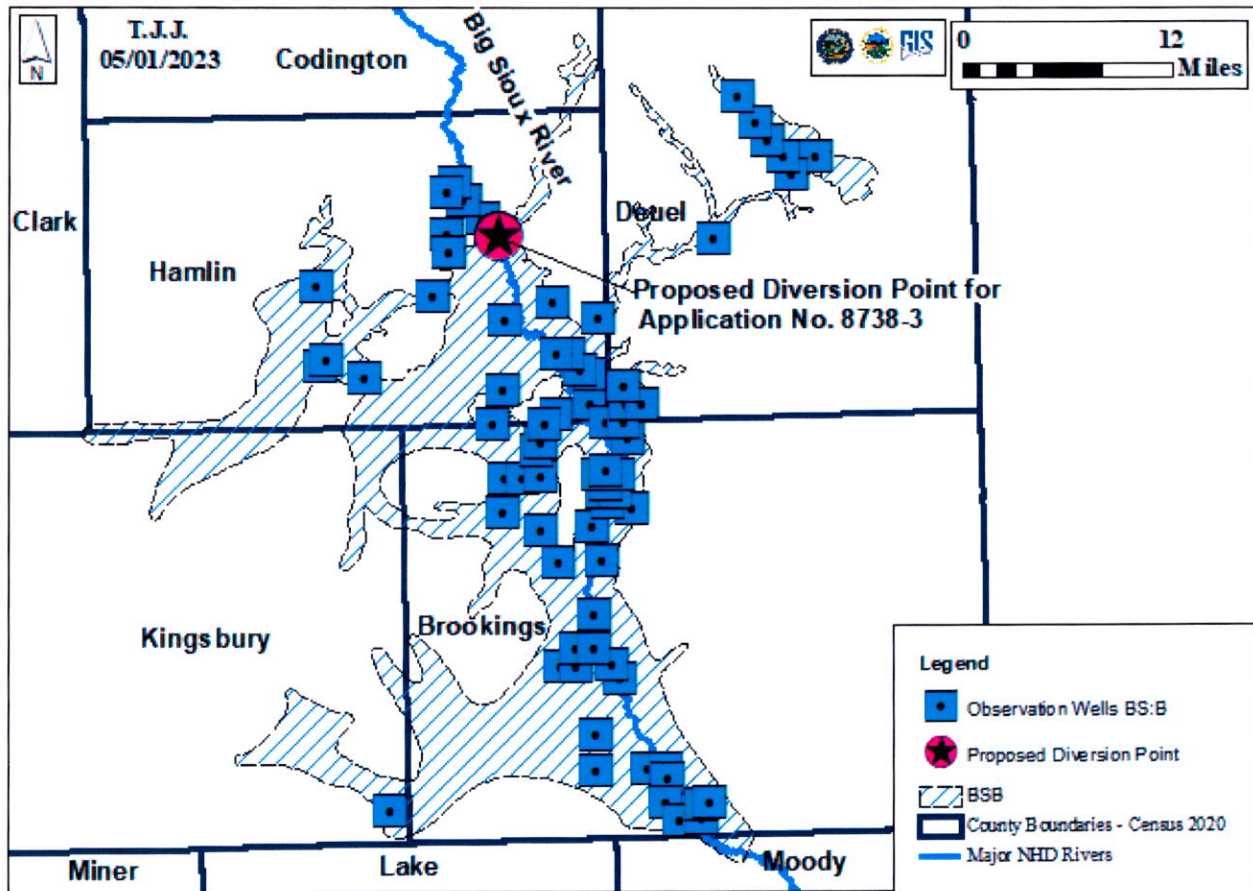


Figure 1. Map of the area Big Sioux: Brookings aquifer observation wells (Water Rights, 2023b and 2023c), and the location of diversion point for Water Permit Application No. 8738-3.

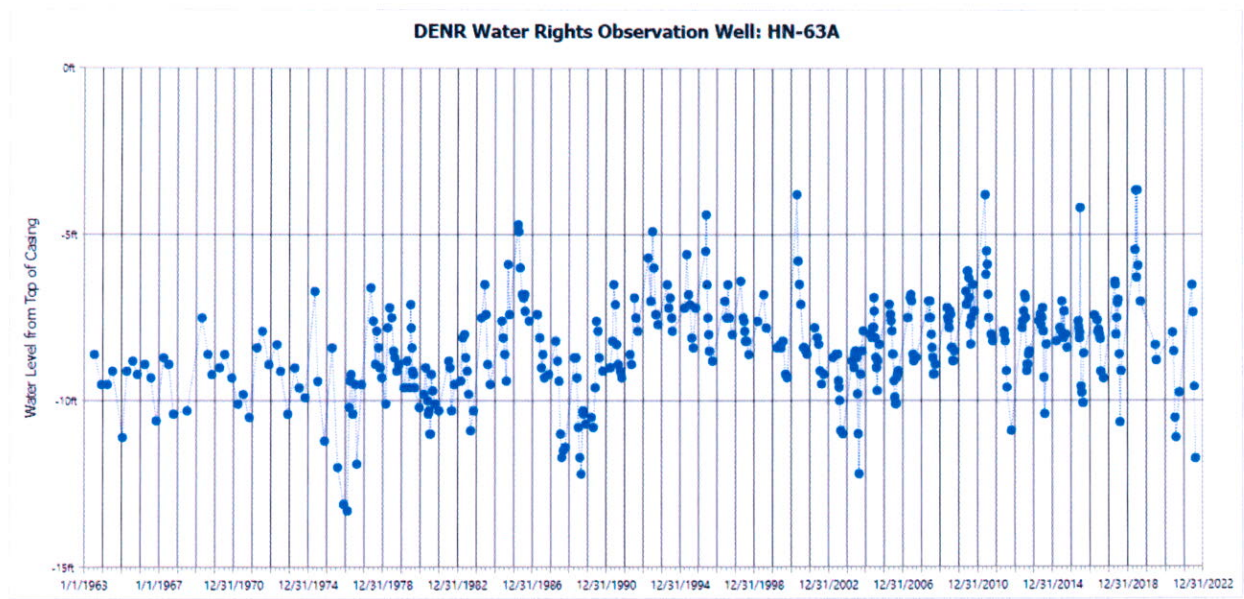


Figure 2. Hydrograph for observation well HN-63A (Water Rights, 2023b)

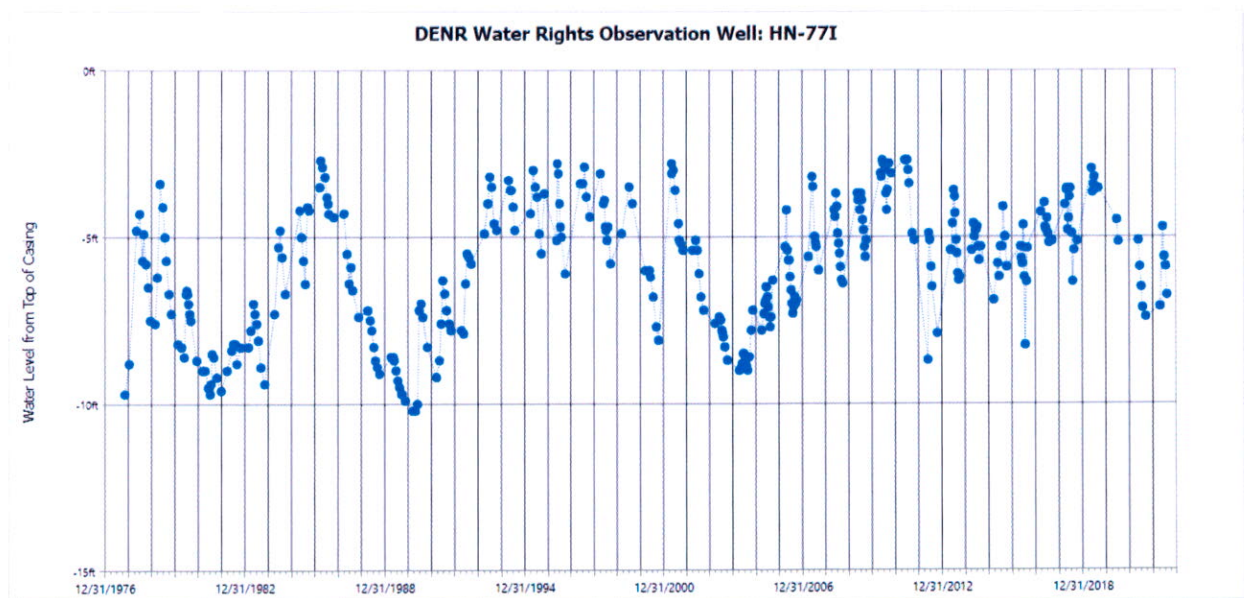


Figure 3. Hydrograph for observation well HN-77I (Water Rights, 2023b)

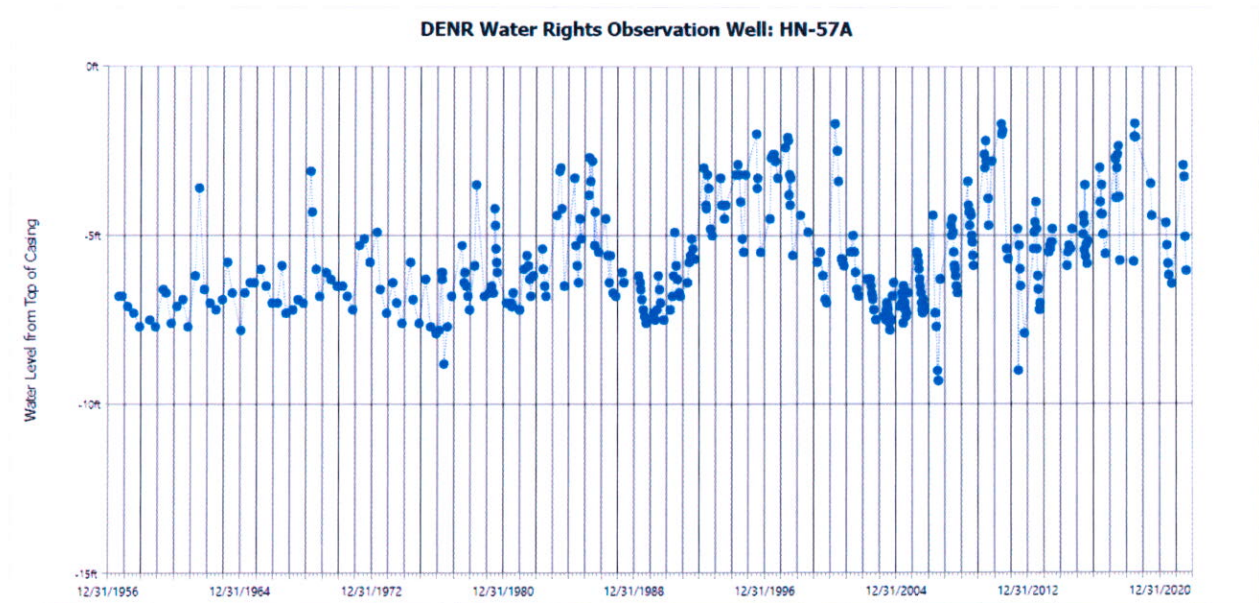


Figure 4. Hydrograph for observation well HN-57A (Water Rights, 2023b)

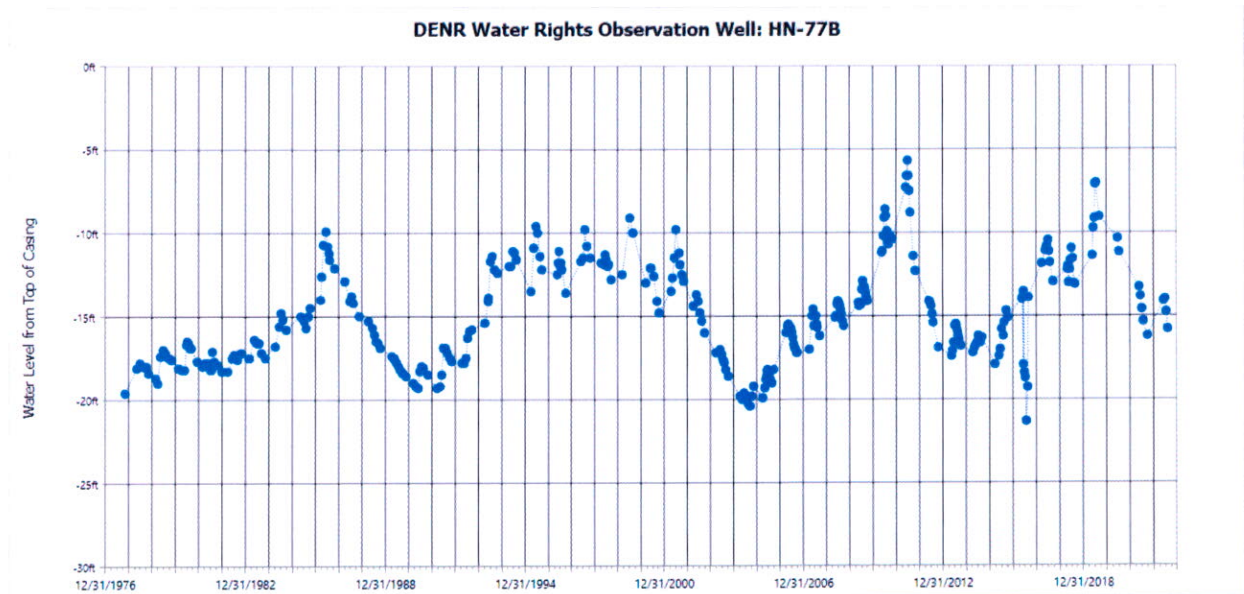


Figure 5. Hydrograph for observation well HN-77B (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable water levels with a couple showing a history of slightly declining water levels, due to additional pumping, that eventually stabilized under the new pumping demand. The hydrographs for the Big Sioux: Brookings 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 Big Sioux: Brookings 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 261 water rights/permits, partially shown on Figure 6, authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2023c). The closest water right/permit to the diversion point is Water Right No. 7490-3 which is held by Claremont Hutterian Brethren. The diversion point for Water Right No. 7490-3 is located approximately 0.2 miles northeast of the diversion point for this application (Water Rights, 2023c).

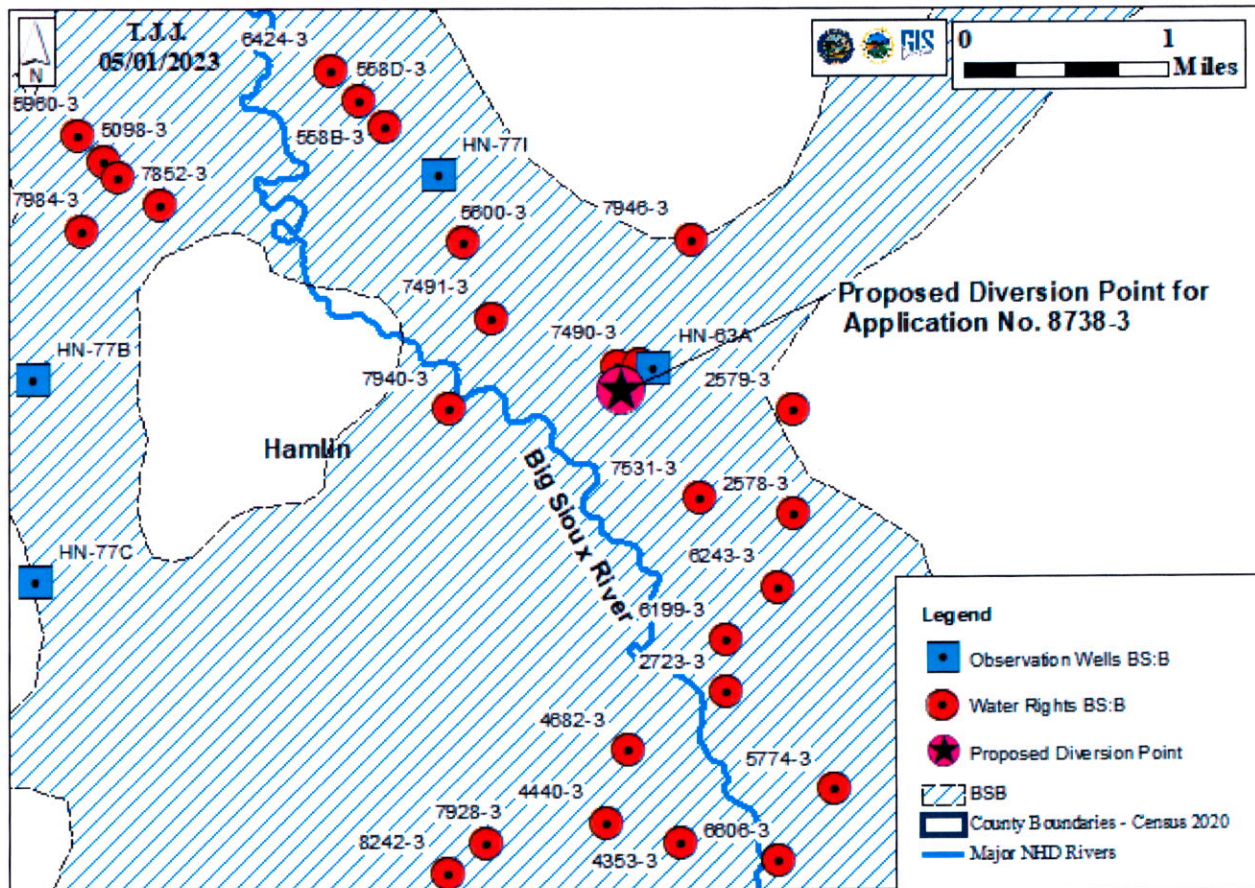


Figure 6. Map of the Big Sioux: Brookings aquifer water rights/permits (Water Rights, 2023b and 2023c), and the location of diversion point for Water Permit Application No. 8738-3.

Table 4. List of water rights/permits shown in Figure 6.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
558B-3	City of Castlewood	11/22/1958	License	Municipal	0.56	0
558D-3	City of Castlewood	07/01/1929	License	Municipal	0.33	0
2578-3	Randy H Hanson	02/26/1976	License	Irrigation	1.95	135
2579-3	Claremont Htrtn Brethren	02/26/1976	License	Irrigation	1.95	135
2723-3	Wayne Janssen	12/17/1973	License	Irrigation	2.00	140
4353-3	Claremont Htrtn Brethren	11/19/1973	License	Irrigation	2.70	188
4440-3	Randy H Hanson	09/14/1979	License	Irrigation	1.78	131
4682-3	Randy H Hanson	03/04/1981	License	Irrigation	1.71	125
5098-3	Sioux Rural Water System	06/01/1986	License	Rural Water System	2.00	0
5600-3	Castlewood Golf Course	11/18/1991	License	Irrigation	0.88	78
5774-3	Claremont Htrtn Brethren	12/16/1974	License	Irrigation	3.12	465
5960-3	Sioux Rural Water System	08/02/1986	License	Rural Water System	1.33	0
6199-3	Randy Hanson	05/08/2000	License	Irrigation	1.76	108
6243-3	Todd Woertink	11/21/2000	License	Irrigation	2.22	263
6424-3	Claremont Htrtn Brethren	06/20/2003	License	Irrigation	0.91	64
6606-3	Claremont Htrtn Brethren	03/15/2005	License	Irrigation	1.67	132
7490-3	Claremont Htrtn Brethren	10/25/2012	License	Irrigation	1.56	136
7491-3	Claremont Htrtn Brethren	10/25/2012	License	Irrigation	1.56	136
7531-3	Randy Hanson	11/26/2012	License	Irrigation	1.78	85
7852-3	Sioux Rural Water System	06/01/1986	Permit	Rural Water System	1.33	0
7928-3	Kevin Kannas	12/02/2013	License	Irrigation	1.78	136
7940-3	Jerry Kiihl	12/26/2014	License	Irrigation	1.11	117
7946-3	Owen & Lamont Peterson	01/21/2014	Permit	Irrigation	1.94	136
7984-3	Owen & Lamont Peterson	03/21/2014	Permit	Irrigation	1.78	147
8242-3	Bradley & Shelly Jongeling	10/11/2016	License	Irrigation	1.78	136

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.25 miles north of the diversion points based on the test well completion report submitted by the driller (Water Rights, 2023d). The location of the domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer near the diversion points that are not on file with the DANR-Water Rights Program.

In Hamlin and Deuel Counties, the Big Sioux aquifer has an average saturated aquifer thickness of approximately 30 feet (Kume, 1985). Within approximately one-half mile of the existing wells proposed to be used, water well and test hole completion reports on file for wells completed into the Big Sioux: Brookings aquifer have saturated aquifer thicknesses ranging from approximately 10 to 50 feet; while the test hole completion report at the application location has a saturated aquifer thickness of 17 feet (SDGS, 2022; Water Rights, 2022b and 2022d). This would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is the base standard to qualify as an adequate well per ARSD 74:02:04:20(6). Therefore, to be considered an adequate well at this location, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a 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. In Deuel and Hamlin Counties, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2022e).

The Big Sioux: Brookings aquifer is primarily under unconfined conditions. In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped well. However 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.”

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 Big Sioux: Brookings aquifer in Hamlin County (Water Rights, 2023e), 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.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...”

If approved, Water Permit Application No. 8738-3 would authorize a maximum instantaneous diversion rate of 1.78 cfs from two well for the irrigation of 120 acres. The applicant did not provide a reason for exceedance, but it appears to be due to the center pivot doing a partial rotation. For example, a center pivot requires 1.78 cfs to operate regardless of swinging a partial

or full circle. This reason has been acceptable to the Water Rights Program and the Water Management Board in the past.

CONCLUSIONS:

1. Water Permit Application No. 8738-3 proposes to appropriate 1.78 cfs from two wells to be completed into the Big Sioux: Brookings aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 for the irrigation of 120 acres located in the NE $\frac{1}{4}$ Section 12; all in T114N-R52W. The site of interest is located approximately 2 miles southeast of Castlewood, SD.
2. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres likely to accommodate a center pivot swinging three quarters of a circle. This is reasonable and has been accepted by the Water Management Board and the Water Rights Program in the past.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8738-3 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

References

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- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 30, 2023

Todd Jongeling
19423 467th Avenue
Estelline SD 57234

Dear Mr. Jongeling:

Water Permit Application No. 8738-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605 793-2293) and the Public Opinion printed at Watertown SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8738-3 to Appropriate Water

Notice is given that Todd Jongeling, 19423 467th Avenue, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from up to two wells to be completed into the Big Sioux Brookings Aquifer (approximately 32 feet deep) located in the NE 1/4 NE 1/4 Section 12 for irrigation of 120 acres located in the NE 1/4 Section 12; all in T114N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 2 miles southeast of Castlewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8738-3 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 20, 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 20, 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 30, 2023 11:17 AM
To: legals@thepublicopinion.com
Subject: 8738-3 Todd Jongeling - Public Notice
Attachments: 8738-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 7, 2023.

Todd Jongeling, 19423 467th Avenue, Estelline SD 57234, (605-881-6694) 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



From: Rodriguez, Rachel
Sent: Tuesday, May 30, 2023 11:19 AM
To: LeeAnne Dufek
Subject: 8738-3 Todd Jongeling - Public Notice
Attachments: 8738-3 public.short_final.docx; FORM8.FRM.doc

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Rachel.Rodriguez@state.sd.us



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

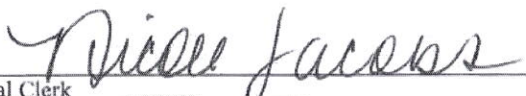
Todd Jongeling
Todd Jongeling
19423 467th AVE
Estelline SD 57234-5604

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

06/07/2023

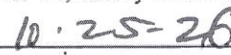
and that the fees charged are legal.
Sworn to and subscribed before on 06/07/2023



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$49.52

Order No: 8882213

of Copies:

Customer No: 955122

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8738-3
to Appropriate Water

Notice is given that Todd Jongeling, 19423 467th Avenue, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from up to two wells to be completed into the Big Sioux Brookings Aquifer (approximately 32 feet deep) located in the NE 1/4 NE 1/4 Section 12 for irrigation of 120 acres located in the NE 1/4 Section 12; all in T114N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 2 miles southeast of Castlewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8738-3 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 Capital, 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 20, 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 20, 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 June 7, 2023, at the total approximate cost of \$49.52 and may be viewed free of charge at www.sdpublicnotices.com

RECEIVED

JUN 09 2023

Form 8

OFFICE OF
WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, Lee Anne Dufek

certify that the attached printed Notice was taken

from the Estelline Journal

printed and published in Estelline

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 7, 2023

Cost of Printing 40.00

Lee Anne Dufek
(Signature)

Owner
(Title)

6-7-2023
(Date Signed)

RECORDS

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Published June 7, 2023, at total cost of \$40.00 and may be viewed online at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 30, 2023 1:18 PM
To: tjjungle@itctel.com
Subject: 8738-3 Todd Jongeling - Public Notice
Attachments: 8738-3rec.pdf; 8738-3 Ltr.pdf; PubOpinionContactInfo.pdf; 8738-3 public.short_final.docx

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

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

Todd Jongeling
19423 467th Avenue
Estelline SD 57234

Dear Mr. Jongeling:

Enclosed is Water Permit No. 8738-3 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.: 8738-3

Name of Applicant: Todd Jongeling

Date of Posting: 6/6/2023

Date of Removal: 7/11/2023

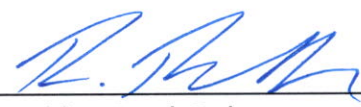


Ron Duvall, Water Rights Permitting Administrator

7/14/23

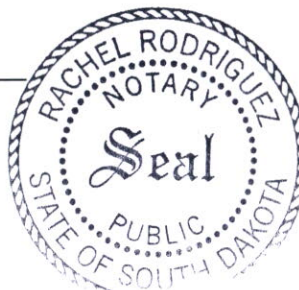
Date

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)



533 N7E 1 124C2210/30/24
RETURN TO SENDER
JONGELING
19247 456TH AVE
LAKE NORDEN SD 57248-6605
RETURN TO SENDER