

WATER PERMIT NO. 8740-3

Name of Applicant: **Arthur Anderson**

Address: **11746 Giorgio Dr., Skiatook OK 74070**

Phone: **605-661-8477**

Amount of Water Claimed: 1.60 cfs

Total Acres: **120**

Source of Water Supply: **Groundwater**

Water to be used for: IrrigationCounty: **Yankton**

Type of Waste Disposal System:

Location: **1 mile east of Yankton**

PRIORITY Date Received: 2-6-2023

Application/License Fee: **\$950**

Corrected Application Received: **3-27-2023**

Period of Annual Use: **June 1 – Sept 30**Remarks: 1 existing well

Diversion Point: **SW1/4 SE1/4 Sec 5 -T93N-R55W**

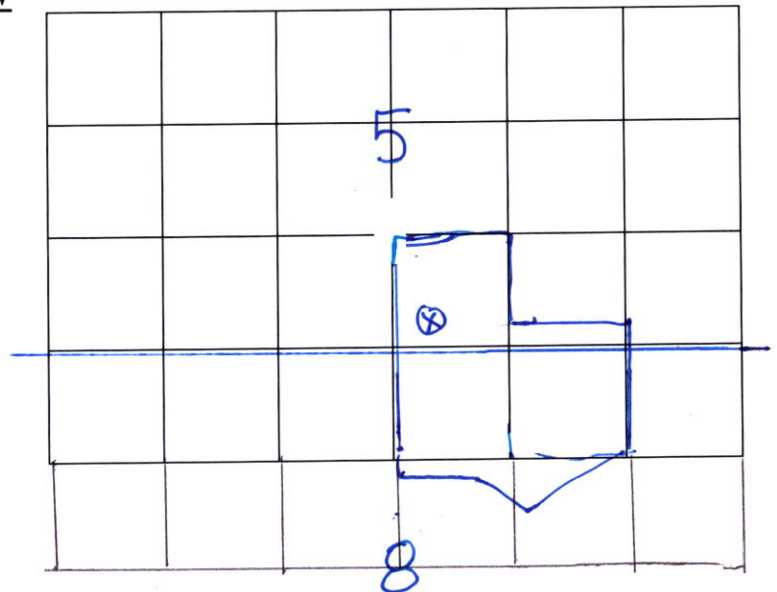
Land to be Irrigated: **SW1/4 SE1/4 Sec 5, NE1/4**

Sec 8; all in T93N-R55W

Depth of Well: 48

Well Driller:

Remarks:

Type of Map: **aerial**Reviewed and the Number Assigned on: **3-28-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8740-3**

Date of first receipt of application February 6, 2023.

Date of return to applicant for corrections, amendments or changes February 7, 2023.

Date of receipt of corrected application March 27, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8740-3 to Arthur Anderson, 11746 Giorgio Drive, Skiatook OK 74070 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. 8740-3 appropriates 1.56 cubic feet of water per second from one existing well completed into the Lower James Missouri Aquifer (48 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 120 acres located in the SW1/4 SE1/4 Section 5; NE 1/4 Section 8; all in T93N-R55W. This site is located approximately 1 mile east 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: May 1 – October 30.
3. The date from which applicant may claim right is February 6, 2023.
4. The date of approval of Permit No. 8740-3 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 well approved under Water Permit No. 8740-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2023
date



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

PAID

FEB 6 2023

Ck# 3004

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8740-3</u> Hydrologic Unit <u>10170101</u> Basin <u>Missouri River</u> Newspaper <u>Press & Dakotan 605-7811</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

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

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

Tom Arens, Operator
4408 Broadway, Yankton
57078

1. Name to Appear on Irrigation Permit ARTHUR ANDERSON

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

Mailing Address 11746 GIORGIO DR. SKIATOOK, OK 74070
(Address) (City) (State) (Zip Code)
Phone 512 267 5126 Mobile 605 661 8477 Email Tom

2. Amount of water claimed 1.56 *CFS or 700 **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 GROUND WATER

4. Location of point of diversion 1 WELL IN SW 1/4 OF SE 1/4 SECTION 5 T93N R55W
(existing) (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County YANKTON

5. County or counties where water will be used YANKTON

6. Annual period during which water is to be used MAY 1 JUNE THRU OCT 30 SEPT

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

Land Description	Acres	Land Description	Acres
SW 1/4 OF SE 1/4 SEC 5 T93N R55W	40 30	SE 1/4 NE 1/4 SEC 8 T93N R55W	20
NW 1/4 OF NE 1/4 SEC 8 T93N R55W	40 30		
NE 1/4 OF NE 1/4 SEC 8 T93N R55W	40 30		
SW 1/4 NE 1/4 SEC 8 T93N R55W	10	Total 120 acres	

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

REAPPY FOR EXISTING CANCELLED PERMIT # 374-3
TO IRRIGATE ROW CROP ACRES

RECEIVED

FEB 06 2023

OFFICE OF
WATER

I, TOM ARENS Tom Arens, the applicant, certify under _____
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☒ Using existing well(s)

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

For either existing or proposed wells:

- c) Well Depth (required) 18' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others UNKNOWN

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

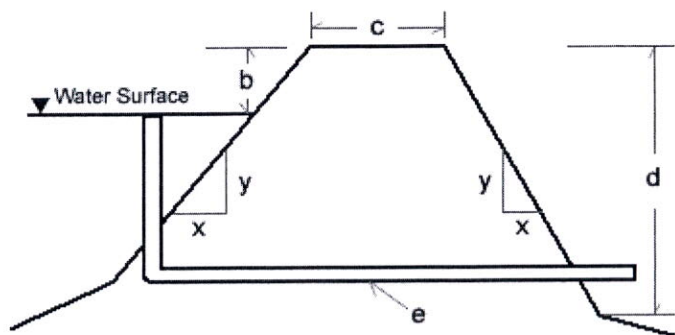
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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 _____

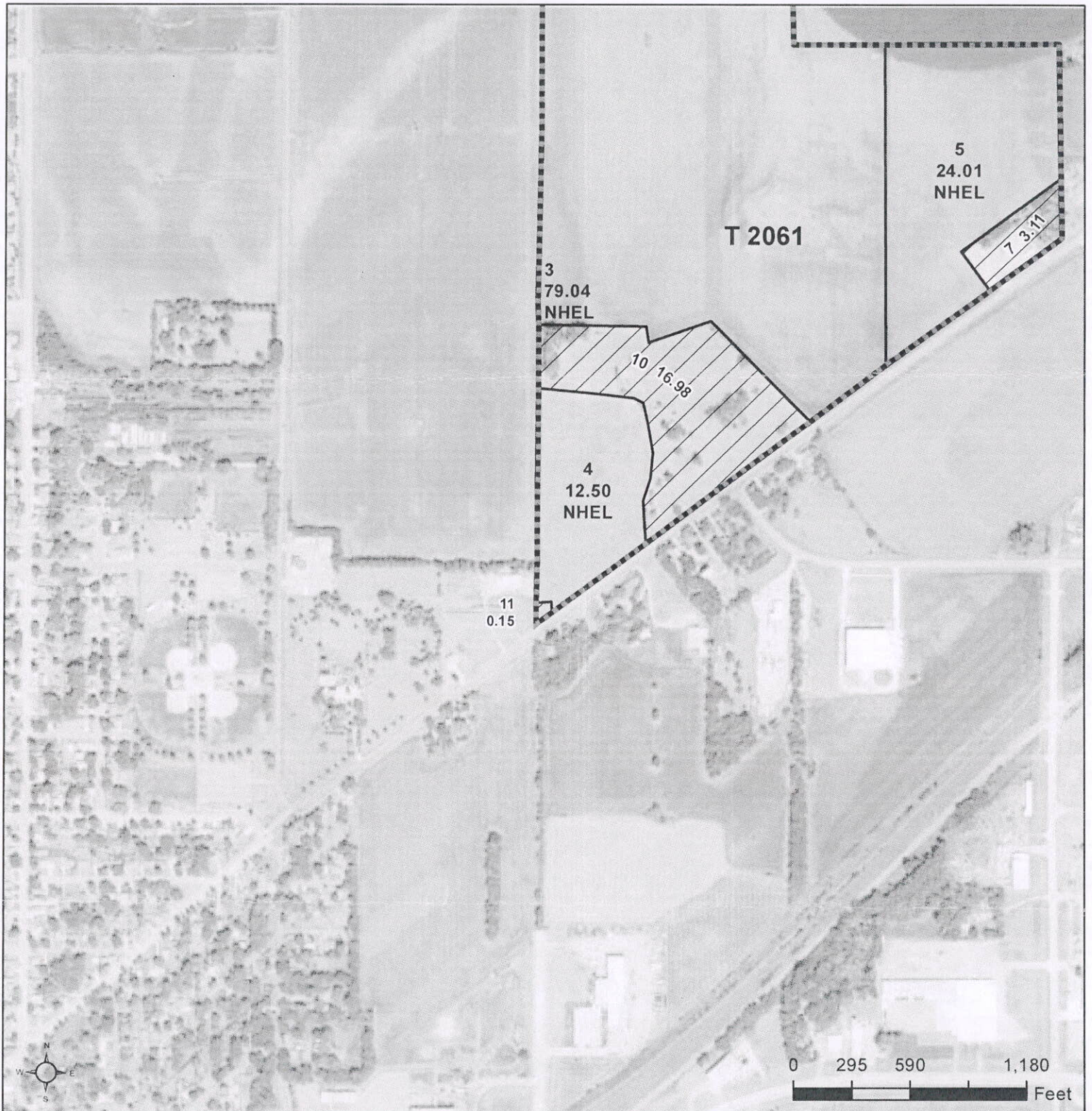


- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States
Department of
Agriculture

Yankton County, South Dakota



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland
PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non-oil

Producer initial _____
Date _____

2023 Program Year

Map Created December 01, 2022

Farm 1218

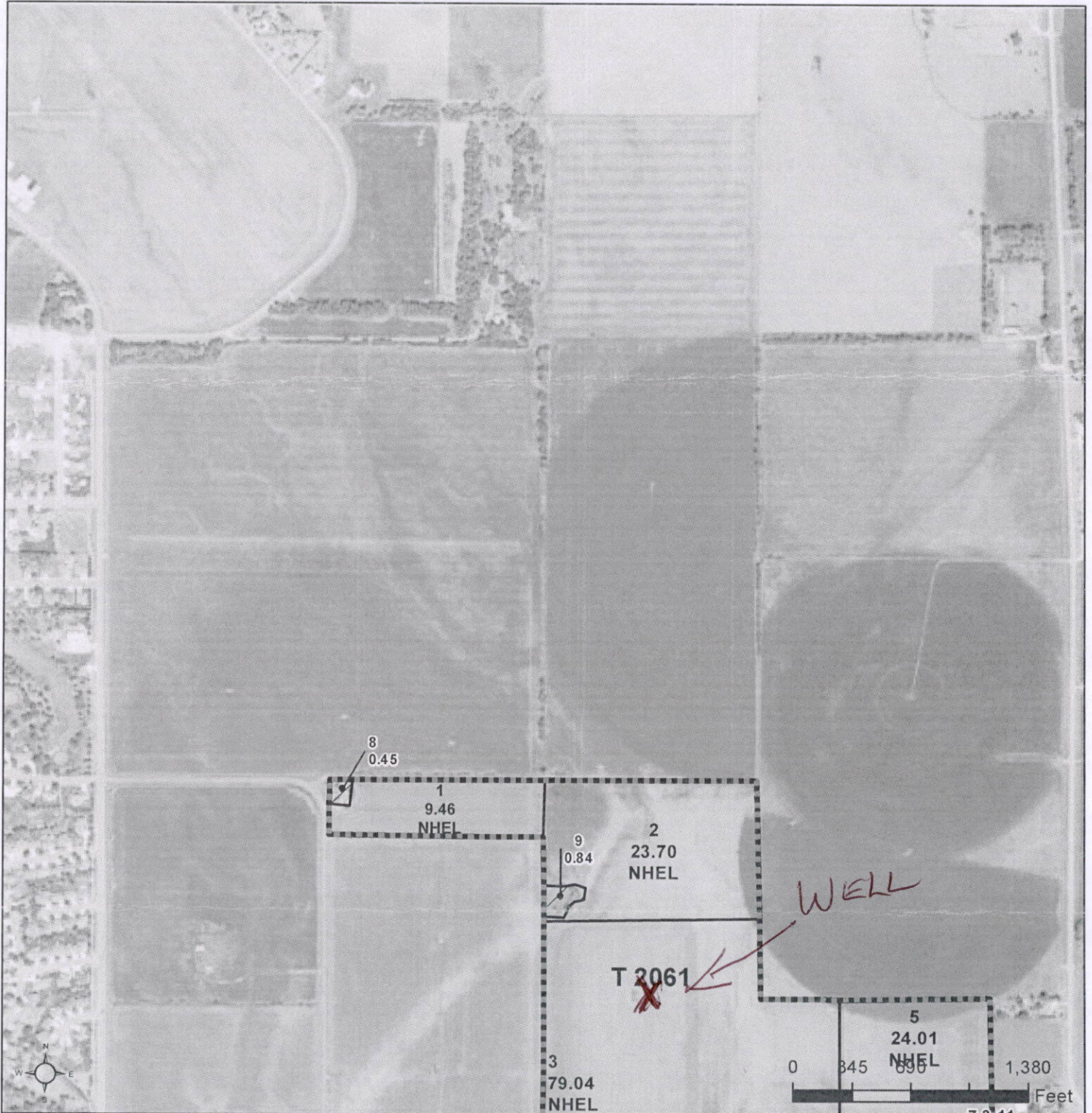
8 -93N -55W

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).



United States
Department of
Agriculture

Yankton County, South Dakota



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland
 PLSS

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
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Corn = Yellow
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Producer initial _____
Date _____

2023 Program Year
Map Created December 01, 2022

Farm 1218

5 -93N -55W

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94N 55W
Section: 31

94N 55W
Section: 32

94N 55W
Section: 33

93N 55W
Section: 06

93N 55W
Section: 05

93N 55W
Section: 04

93N 55W
Section: 07

93N 55W
Section: 08

93N 55W
Section: 09

93N 55W

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 6, 2023

RECEIVED OF Prairie Creek Ranch LLC/Thomas/Terry Arens 11746 Giorgio Dr., Skiatook OK 74070

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

Fee for Application for Permit No. <u>8740-3</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>8740-3</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

Duvall, Ron

From: Adam Arens <adamjarens@gmail.com> — *Tom Arens Son*
Sent: Tuesday, March 28, 2023 4:34 PM
To: Duvall, Ron
Subject: Re: [EXT] Application for permit to irrigate
Attachments: image001.png

Yes, please change it to May thru October.

On Tue, Mar 28, 2023, 4:15 PM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

I am looking over the application submitted in the name of Arthur Anderson and I have a question about the annual period of use placed on the application which is June through September. Please let me know if you are interested in expanding that time period to May through October in the event we have a bad drought year where you may want to begin irrigating earlier than June or go a bit longer than September. If you would like me to make that change, please respond to this email and we will proceed from there.

Thank you,

Ron Duvall

**Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program**

605.773.3352

danr.sd.gov



Water Rights Program - File Documentation

NAME: Tom Arens, Operator for Arthur Anderson

ADDRESS: Yankton SD

DATE: 3-27-23

RE: Pending application

COMMENTS:

I called Tom Arens. I indicated that we had received an email from Art Anderson verifying Tom Arens could sign his application.

Tom indicated he would like to proceed with the application for 120 acres. He thought his son Adam had sent an additional \$100.00. The additional \$100 is not required. I told him we would refund the \$100 once the permit had been thru the permitting process.



Karen Schlaak
Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 27, 2023 7:51 AM
To: adanderson@atlasok.com
Subject: RE: [EXT] Water permit

Thank you for submitting the documentation agreeing that Tom Arens could sign your water permit application.

-----Original Message-----

From: adanderson@atlasok.com <adanderson@atlasok.com>
Sent: Friday, March 24, 2023 2:47 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Water permit

Karen,

I received your letter and am responding via email. Tom Arens is assisting me in acquiring a water use license for my property. I believe the two of you have been working on location of the well, the acreage that will be irrigated, and the CFS needed to irrigate my property. Let me know if you need anything else from me.

Thanks,

Art

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 13, 2023 2:18 PM
To: 'Adam Arens'
Subject: RE: [EXT] Art Anderson Water Permit
Attachments: 0132.pdf

Tom Arens,
Attached is my letter to Arthur Anderson.

Please see if you agree with the changes I made on the application. You indicated that 700 gallons per minute would be sufficient for your proposed system.
Under Item No. 7, I broke down the acres to be irrigated including the acres located in the S ½ NE ¼ Sec 8 for a total of 120 acres. If you want more acres included on this application, let me know. The application/license fee will increase an additional \$100.00.

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



From: Adam Arens <adamjarens@gmail.com>
Sent: Monday, March 13, 2023 11:13 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Art Anderson Water Permit



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 7, 2023

Arthur Anderson
11746 Giorgio Dr
Skiatook OK 74070

Dear Mr. Anderson:

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

- The application was submitted in your name signed by Tom Arens. Please verify that you agree with Mr. Arens signing your water permit application. If you agree, we will need contact information for Mr. Arens (address, phone, email). Also, your email address would be helpful.
- Enclosed is the aerial photo map for the location of the irrigation. On the map, please outline the 120 acres to be irrigated and mark the well location with an "X". The two maps submitted with the application did not outline the 120 acres.
- The application requests a pump rate greater than the statutory limit of 1 cubic feet per second (cfs) per 70 acres. The application requests irrigation of 120 acres/70 = 771 gallons per minute (gpm). You applied for 1000 gpm, which is over the limit. It is possible to apply for a greater rate than 1 cfs per 70 acres. Usually, a typical low-pressure pivot can operate in the 700 to 800 gpm range so there is no need to justify a greater amount if it is not needed. If the system you intend to install requires 1000 gpm, please indicate so, then we have a basis for proceeding with the higher amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

700 gpm

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8740-3, Arthur Anderson**

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. 8740-3, Arthur Anderson, 11746 Giorgio Dr., Skiatook OK 74070.

The Chief Engineer is recommending APPROVAL of Application No. 8740-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8740-3 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. 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. 8740-3

Arthur Anderson

May 19th, 2023

Water Permit Application No. 8740-3 proposes to appropriate 1.56 cubic feet per second (cfs) from one existing well completed into the Lower James Missouri aquifer (48 feet deep) located in the SW ¼ SE ¼ Section 5 for irrigation of 120 acres located in the SW ¼ SE ¼ Section 5; NE ¼ Section 8; all in T93N-R55W. The site of interest is located approximately 1 mile east of Yankton, SD.

AQUIFER: Lower James Missouri (LJM)

HYDROGEOLOGY:

The Lower James Missouri aquifer is an Quaternary aged 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 Lower James Missouri aquifer is generally underlain by till or Carlile Shale; however, northeast of the James River the aquifer overlies Sioux Quartzite, while north and northwest of the James River the aquifer lies on the Niobrara Formation (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 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 Water Permit Application No. 8740-3. A nearby water well completion report will be used instead to evaluate local aquifer conditions. The well is located approximately 0.47 miles northeast of the diversion point (based on the location provided by the well driller on the report) and was completed on October 18th, 2016.

The well is completed into the Lower James Missouri aquifer and has a depth to the top of aquifer material of 42 feet below the ground surface, static water level of 40 feet below the ground surface, and saturated aquifer thickness of 58 feet at the time of well completion (Water Rights, 2023d). Based on the water well completion reports near the diversion point, the Lower James Missouri aquifer is expected to be confined at the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d). However, due to limited artesian head pressure, 2 feet, the aquifer may fluctuate between confined and unconfined conditions locally.

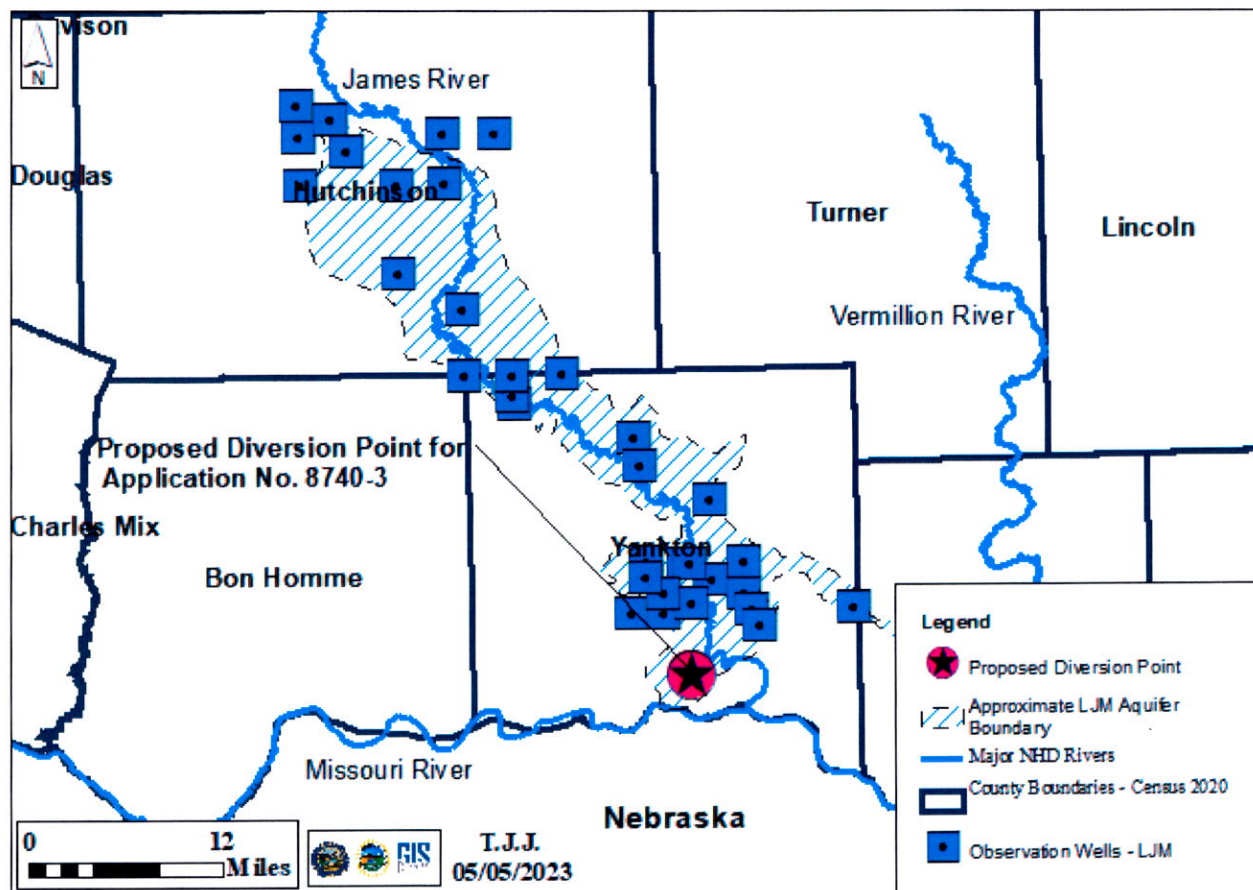


Figure 1. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), and the location of observation wells (Water Rights, 2023b) and diversion point for Water Permit Application No. 8740-3.

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. 8740-3 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, and one pending application besides this application (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. 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. 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 HTRN 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 No. 8740-3 and pending Application No. 8736-3 are requesting to irrigate a combined total of 254.98 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 and other pending applications is approximately 255 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), this application and the other pending application (255 acre-feet per year), is approximately 6,135 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 7,730 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, plus one other pending application): 6,135 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 are YA-78H (approximately 4.2 miles northwest), YA-80O (approximately 4.4 miles north), and YA-78I (approximately 5.2 miles northeast) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 (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 data shown on Figures 2 to 4 share a similar trend with most of the other observation wells in the Lower James Missouri aquifer. However, there are a few observation wells, Figure 3, that seem to have their hydraulic head strongly impacted by other sources, such as the James River (Water Rights, 2023b).

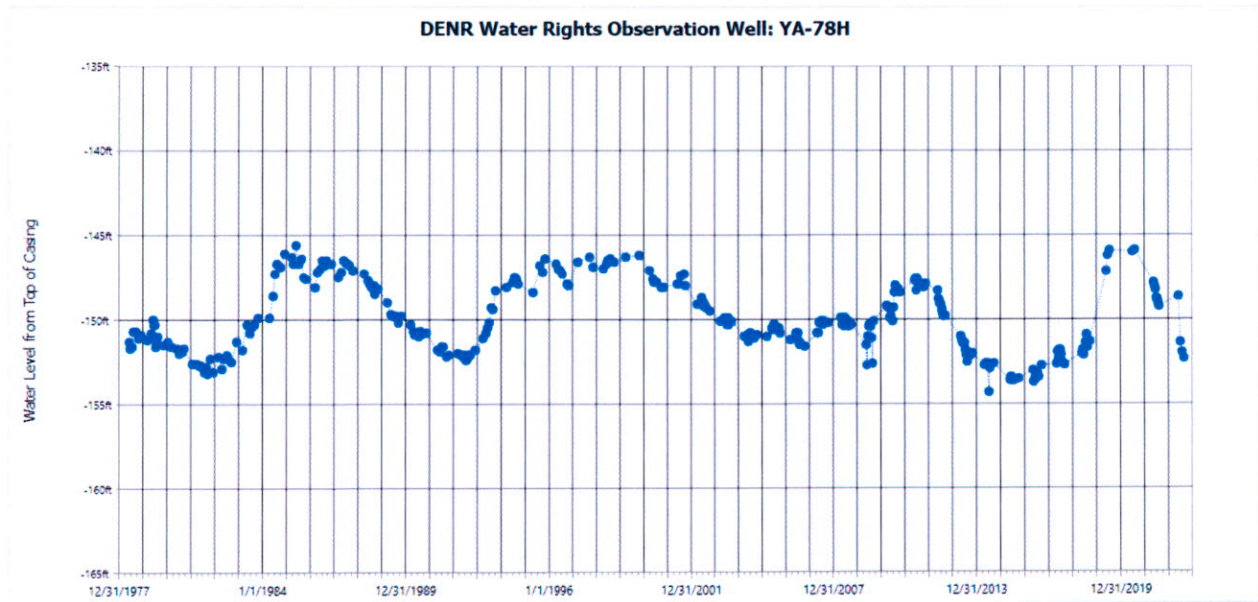


Figure 2. Hydrograph for observation well YA-78H (Water Rights, 2023b)

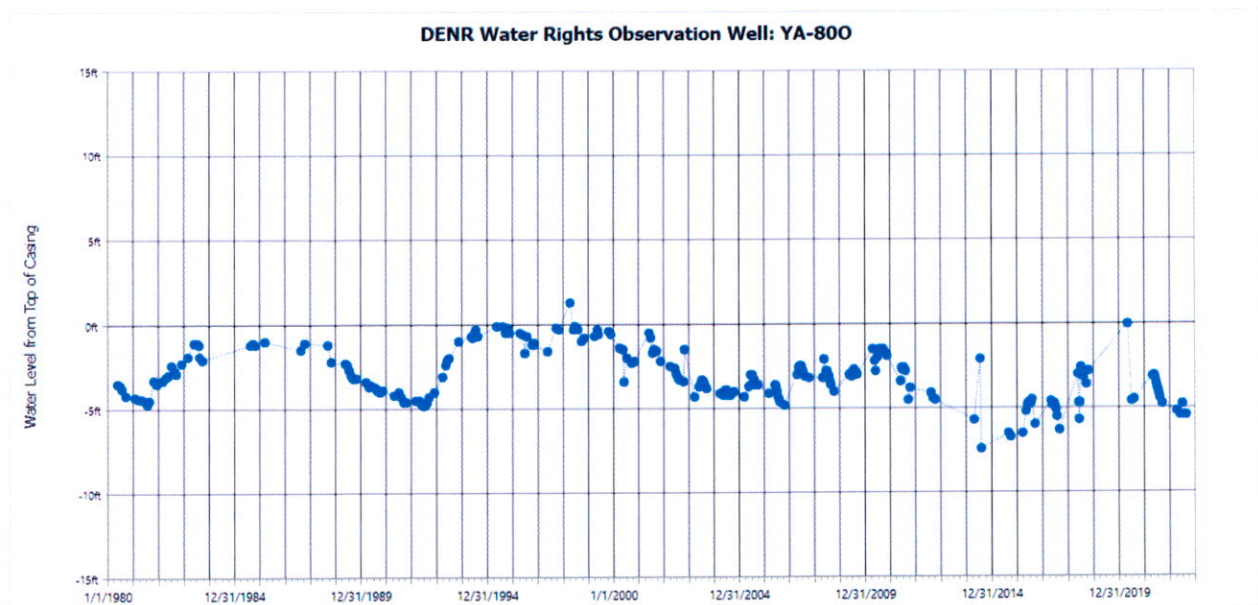


Figure 3. Hydrograph for observation well YA-800 (Water Rights, 2023b)

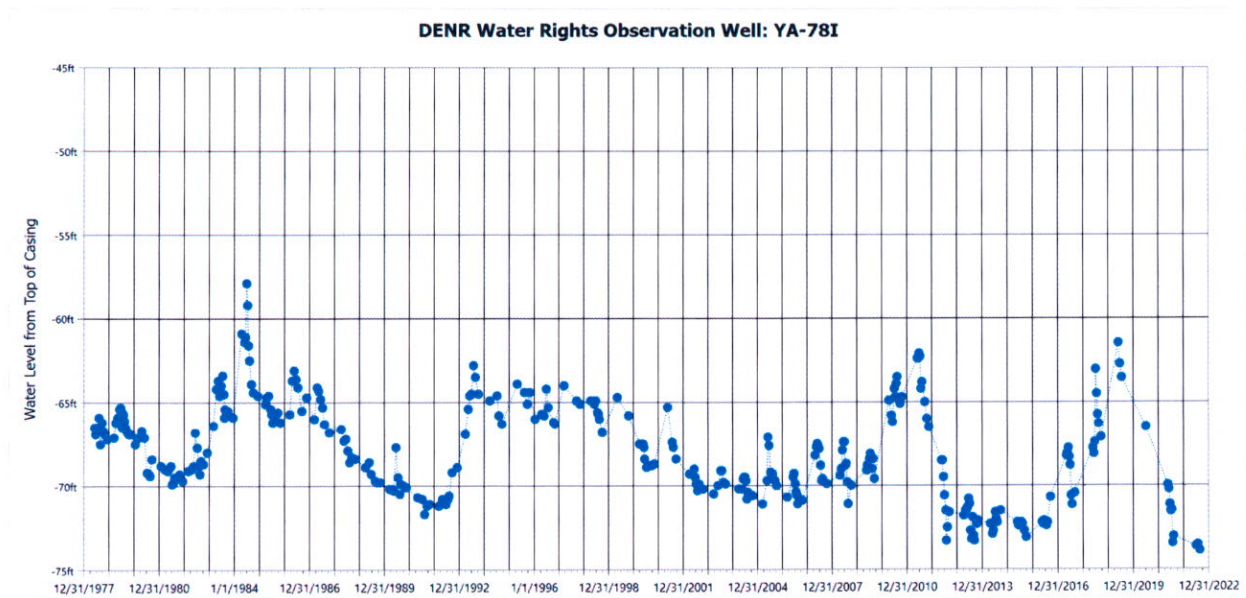


Figure 4. Hydrograph for observation well YA-78I (Water Rights, 2023b)

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 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 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, and one pending application besides this application (Water Rights, 2023c). The closest water right/permit, not held by the applicant, to the diversion point is Water Permit No. 8524-3, as shown on Figure 5, which is held by Samantha Hagedorn. The diversion point for Water Permit No. 8524-3 is located approximately 0.4 miles north 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 0.1 miles north of the diversion point (Water Rights, 2023d). The locations of the domestic wells are provided by the well driller at the time of well completion.

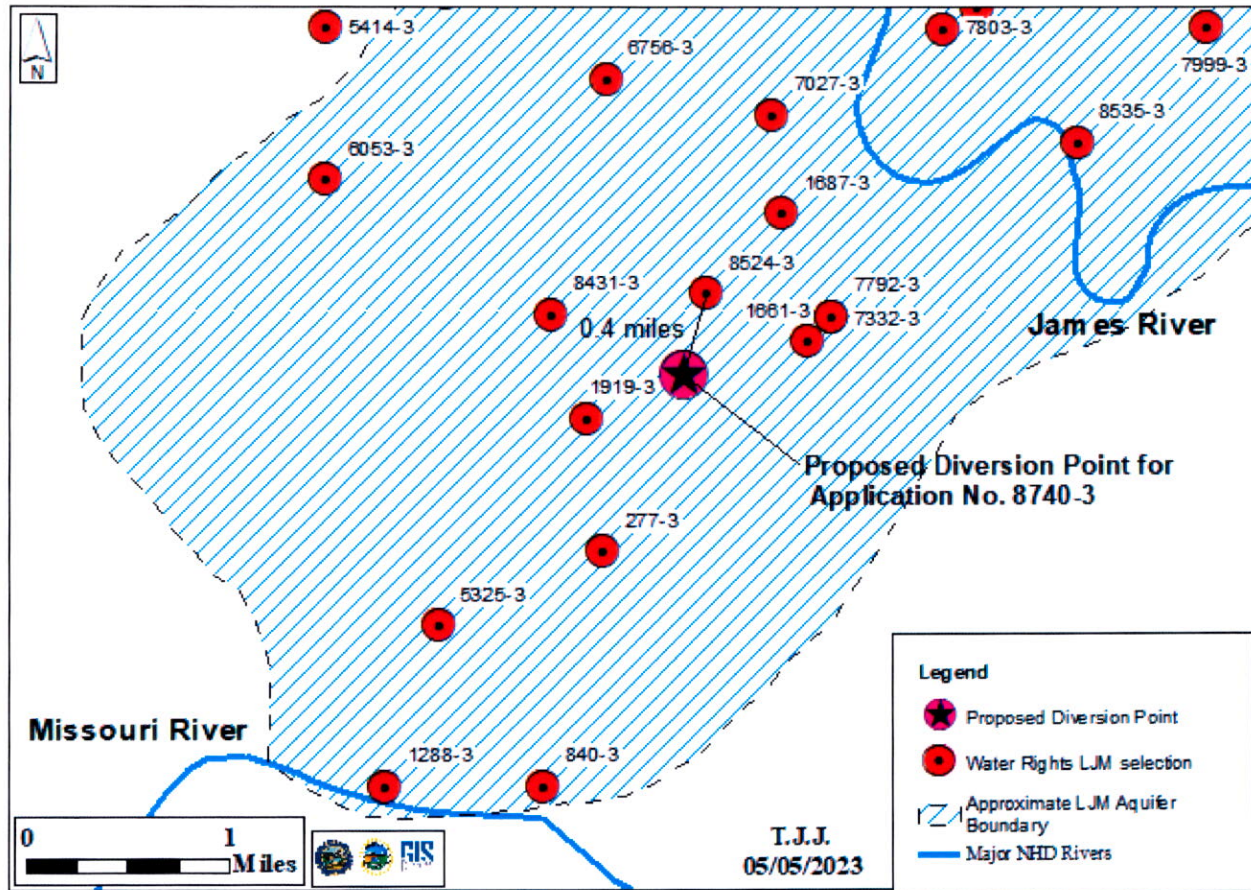


Figure 5. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), the Lower James Missouri aquifer water rights/permits within 4 miles of the proposed diversion point (Water Rights, 2023c), and the location of proposed diversion point for Water Permit Application No. 8740-3.

Table 4. List of Lower James Missouri aquifer water rights/permits shown on Figure 5 (Water Rights, 2023c)

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
277-3	Dakota Acres	01/01/1943	License	Irrigation	0.57	40
840-3	Stuelpnagels Inc.	10/04/1961	License	Commercial	1.11	0
1288-3	National Food Stores Inc.	06/23/1966	License	Industrial	0.16	0
1661-3	Gurney Seed & Nursery	02/12/1969	License	Irrigation	2.85	200
1687-3	John Frick	07/03/1969	License	Irrigation	1.20	83
1919-3	Dakota Acres	01/01/1939	License	Irrigation	2.23	156.7
5325-3	Federal Prison Camp	03/23/1989	License	Irrigation	0.39	27
5414-3	Morris Nelson	03/14/1990	License	Irrigation	3.00	300
6053-3	City of Yankton	02/27/1998	License	Irrigation	0.21	15
6756-3	Nelson Family Partnership	09/15/2006	License	Irrigation	2.22	164
7027-3	Jack Frick	04/21/2008	License	Irrigation	1.78	158
7332-3	Rudolph Farm LLLP	03/05/2012	Permit	Irrigation	2.00	157.8
7792-3	Rudolph Farm LLLP	03/13/2013	Permit	Irrigation	0.00	21.8
7803-3	Ralph Marquardt	02/27/2013	License	Irrigation	1.56	67
7999-3	Karl M Schenk	04/11/2014	Permit	Irrigation	1.78	96
8431-3	Hillcrest Golf and Country Club	06/15/2020	License	Irrigation	3.67	127
8524-3	Samantha Hagedorn	07/09/2021	Permit	Irrigation	1.78	72
8535-3	Jay Cutts	08/02/2021	Permit	Irrigation	1.78	92

While the Lower James Missouri aquifer is primarily under confined conditions, locally and primarily along the James River, the aquifer can be found 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.”

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, and the lack of well interference complaints for adequate wells completed into the Lower James Missouri aquifer in Yankton County, 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. 8740-3 proposes to appropriate 1.56 cfs from one existing well completed into the Lower James Missouri aquifer (48 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 for irrigation of 120 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; NE $\frac{1}{4}$ Section 8; all in T93N-R55W. The site of interest is located approximately 1 mile east of Yankton, SD.
2. 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.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8740-3 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

- Bugliosi., E.F., 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Lindgren, R.J., and Hansen, D.S., 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey, Huron, South Dakota.
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Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.

Water Rights, 2023a. "1979-2022 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 30, 2023

Arthur Anderson
11746 Giorgio Dr.
Skiatook OK 74070

Dear Mr. Anderson:

Water Permit Application No. 8740-3 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. 8740-3 to Appropriate Water

Notice is given that Arthur Anderson, 11746 Giorgio Dr., Skiatook OK 74070 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one existing well completed into the Lower James Missouri Aquifer (48 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 120 acres located in the SW1/4 SE1/4 Section 5; NE 1/4 Section 8; all in T93N-R55W. This site is located approximately 1 mile east of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8740-3 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 10:01 AM
To: Michael Pietz
Subject: 8740-3 Arthur Anderson - Public Notice
Attachments: 8740-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

Arthur Anderson, 11746 Giorgio Dr., Skiatook OK 74070, (605-661-8477) 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[✓]

RECEIVED

JUN 12 2023

OFFICE OF
WATER

YANKTON DAILY PRESS AND DAKOTAN

ARTHUR ANDERSON
11746 GIORGIO DR.
SKIATOOK OK 74070

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 8th DAY OF June, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.96 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: 06/08/2023

FILED ON: 06/08/2023



SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF June, 2023



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

Notice is given that Arthur Anderson, 11746 Giorgio Dr., Skiatook OK 74070 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one existing well completed into the Lower James Missouri Aquifer (48 feet deep) located in the SW 1/4 SE 1/4 Section 5 for irrigation of 120 acres located in the SW1/4 SE1/4 Section 5; NE 1/4 Section 8; all in T93N-R55W. This site is located approximately 1 mile east of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8740-3 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 \$40.96 and can be viewed free of charge at www.sdpublicnotices.com.

Published on June 8, 2023.

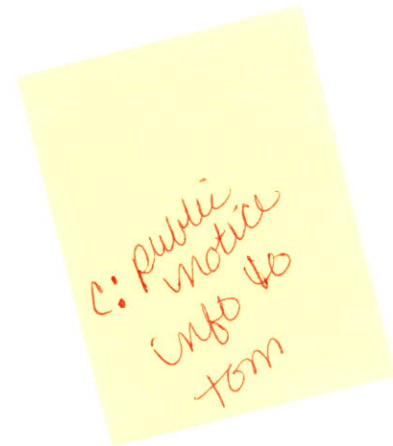
Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 30, 2023 10:13 AM
To: adamjarens@gmail.com
Subject: 8740-3 Arthur Anderson - Public Notice
Attachments: 8740-3rec.pdf; 8740-3Ltr.pdf; 8740-3 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

JUN 20 2023

Arthur Anderson
11746 Giorgio Drive
Skiatook OK 74070

Dear Mr. Anderson:

Enclosed is Water Permit No. 8740-3 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.: 8740-3

Name of Applicant: Arthur Anderson

Date of Posting: 6/6/2023

Date of Removal: 6/20/2023

Ron Duvall, Water Rights Permitting Administrator

Date

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

Notary Public - South Dakota

My commission expires: 5/16/2029



(SEAL)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 18, 2026

8740-3

Erik Anderson
741 Wiltshire Drive
Hutto, TX 78634

Dear Mr. Anderson:

We understand that Water Permit No. 8740-3, has been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst

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

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 5-28-26

MAIL TO: PMB 2020
DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Phone: (605) 773-3352

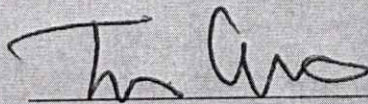
FROM: Arthur Anderson
(name)11746 Giorgio Dr.
(address)

<u>Skiatook</u>	<u>OK</u>	<u>74070</u>	<u>605-661-8477</u>
(city)	(state)	(zip)	(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. 8740-3 states that the water use system is to be constructed byJune 20, 2028, and water is to be put to beneficial use by June 20, 2032.
(date) (date)The water use system was completed on 7-23.
(date)Applying the water to beneficial use was completed on 7-23.
(date)

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


(signature)

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8740-3**

I have this day, May 28, 2026, made a thorough examination of the water use systems owned by Arthur Anderson, 11746 Giorgio Dr., Skiatook, OK 74070, holder of Permit No. 8740-3, bearing the priority date of February 6, 2023. This permit authorizes the diversion of 1.56 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) authorizing the irrigation of 120 acres located in Yankton County.

Inspection contacts: Tom Arens

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells: 1
- 3) Depth(s): 48 feet
- 4) Well log is available: No

Casing:

- 1) Diameter: Unknown inches
- 2) Length: Unknown feet
- 3) Type: Unknown

Screen:

- 1) Diameter: Unknown inches
- 2) Length: Unknown feet
- 3) Type: Unknown
- 4) Static water level: 13 feet

Pump:

- 1) Make: Western Land Roller
- 2) Model: 1561366
- 3) Capacity: Unknown gpm

Engine:

- 1) Make: Twin Disc
- 2) Model: SP111 HP-3

Gear Drive:

- 1) Make: Holloshaft
- 2) Serial No.: 1053555
- 3) Horsepower rating: 30 hp

B. Works used to transport water to place of use:

- 1) Type: PVC Size: 8 inches Length: 740 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Lindsay
- 2) Overall length: 1,293 feet
- 3) Number of towers: 7
- 4) End gun: Yes Range: 100 feet
- 5) Capacity: 800 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 2,120 feet west and 60 feet north of the southeast corner of Section 5-T93N-R55W (Latitude 42.89454, Longitude -97.36536– SW1/4 of the SE1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.51 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 5-T93N-R55W</u>		<u>Section 8-T93N-R55W</u>	
<u>SW1/4SE1/4</u>	<u>32 acres</u>	<u>NW1/4NE1/4</u>	<u>36 acres</u>
		<u>NE1/4NE1/4</u>	<u>34 acres</u>
		<u>SW1/4NE1/4</u>	<u>2 acres</u>
		<u>SE1/4NE1/4</u>	<u>2 acres</u>

comprising a total of 106 acres of land and the license should be issued for 1.51 cfs.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: The well was drilled in about 1956 for Water Right No. 374-3. A well completion report is not available. The depth of the well and the static water level are from the licensing report completed on August 3, 1957. This water right was cancelled on July 10, 2014 because the land had not been irrigated since the early 1990's. The pump and gear drive are still original to the well, but the engine has been replaced. The flow rate of the pump is unknown, but the renter of the land, Mr. Tom Arens believes the pump puts out about 800 gpm.

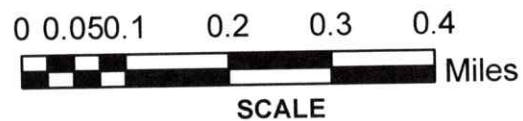
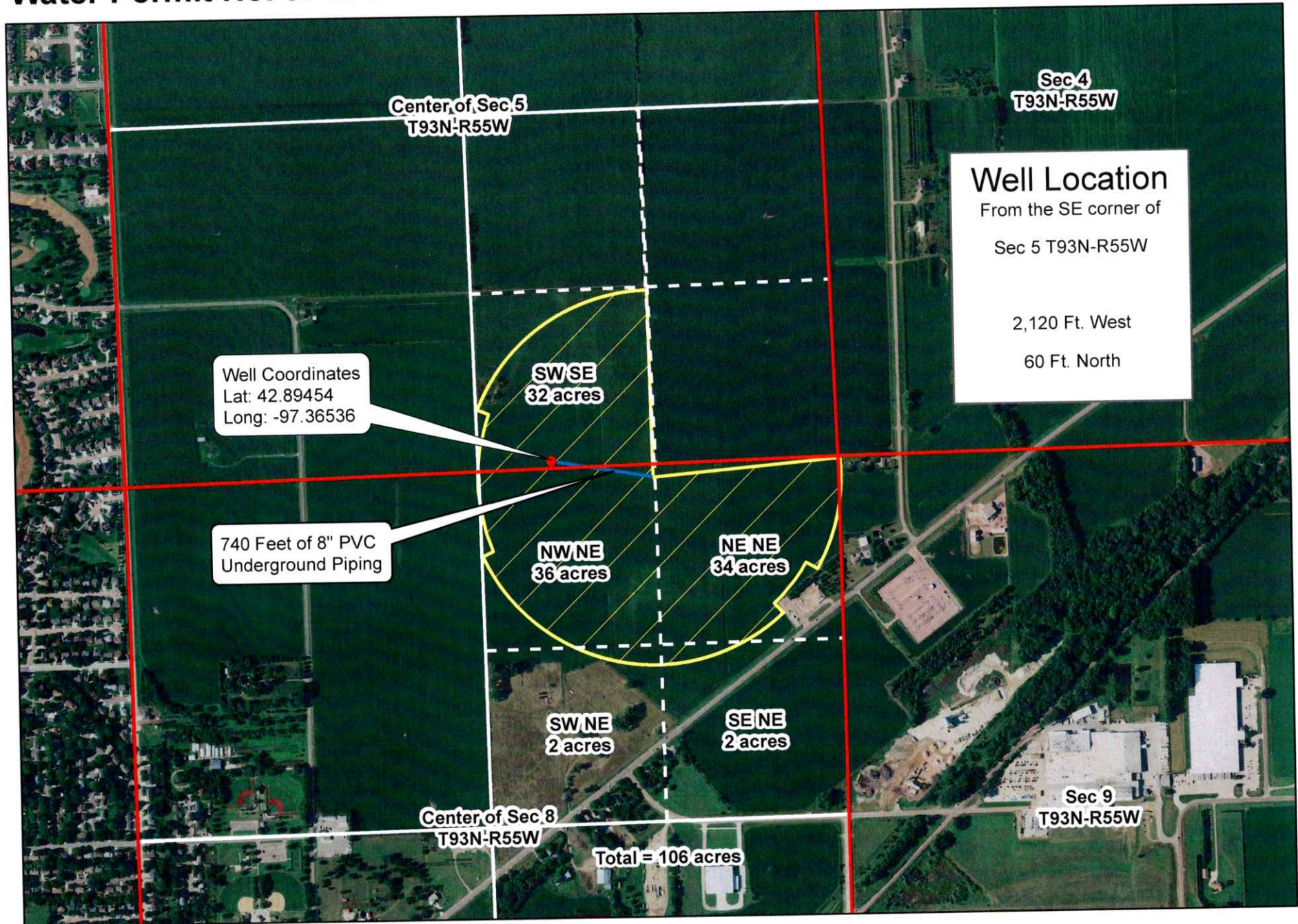
Also, Mr. Arthur Anderson has passed away, and his son Erik Anderson now owns the land. The contact information for Erik Anderson is 741 Wiltshire Drive, Hutto, TX 78634, and his phone number is 512-694-0733.



Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 4, 2026

Water Permit No. 8740-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
June 3, 2026

RECEIVED

JUL 13 2026

PAID

JUL 13 2026

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Water Rights
Program

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

Water Right/Permit No. 8740-3

Date: 6/27/26

Ck# 1000

Rec't#

I/We request that Water Right/Permit No. 8740-3 formerly owned by:

Arthur Anderson

be transferred to:

New Owner Name:

Anderson Holdings SOA LLC

Address:

202 W. 2nd St

mobile:

512-694-0733

City, State, Zip

Yankton SD 57401

email:

erik.anderson73@yahoo.com

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

SW 1/4 SE 1/4 Section 5, NE 1/4 Section 8; all in T93N-R55W
Total: 120 acres

☒ I understand that the validity of Water Right/Permit No. 8740-3 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, Anderson Holdings SOA LLC, the new owner, certify that the above information is true and correct.

Erik Anderson managing partner
(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

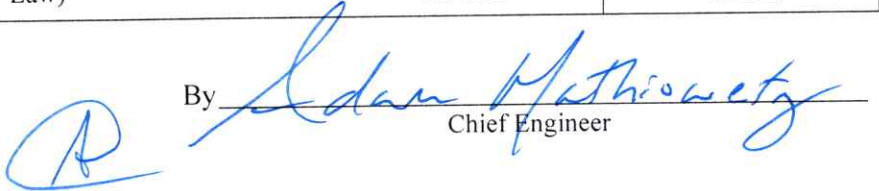
Date July 13, 2026

RECEIVED OF Anderson Holdings SDA UC 202 W 2nd 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 #8740-3 _____	\$ <u>50.00</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>50.00</u>

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 17 2026

8740-3

Anderson Holdings SDA UC
C/O Erik Anderson
202 W 2nd St
Yankton, SD 57078

Dear Mr. Anderson:

Enclosed is Water License No. 8740-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The Water Rights Program also received the "Notice of Transfer of Ownership" form and the fee you submitted. Enclosed is a \$50.00 receipt of payment and new Water Right No. 8740-3, previously held by Arthur Anderson, is now listed under Anderson Holdings SDA UC. I have also updated your contact information in our system.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Water Rights Permitting Administrator, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights Program

NOTE: The investigation found your irrigation system is capable of diverting 1.78 cubic feet of water per second (cfs) which is equivalent to (approximately 800 gallons per minute). The statutory limit for 106 acres is 1.51 cfs (approximately 675 gpm). Diversion under this Water Right is limited to 1.51 cfs.

NOTE: The validity of Water Right No. 8740-3 has 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8740-3**

(1) Arthur Anderson made Application No. 8740-3, February 6, 2023, for a water permit to divert 1.56 cubic feet of water per second from one well (Lower James Missouri Aquifer), Yankton County, South Dakota, for irrigation purposes. Permit No. 8740-3, with a priority date of February 6, 2023, was approved on June 20, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 20, 2028, and for the application to beneficial use of water on or before June 20, 2032.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on May 28, 2026. The notice stated the diversion system was completed and the water was placed to beneficial use in July of 2023.

Ownership of Permit No. 8740-3 was transferred to Anderson Holdings SDA UC, 202 W 2nd Street, Yankton, SD 57078 on July 13, 2026.

(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 1.51 cubic feet of water per second for beneficial use. The location of the diversion points is:

- 2,120 ft W and 60 ft N of the SE corner of Section 5-T93N-R55W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 42.89454 & Longitude -97.36536)

(3) The amount of appropriation may not exceed 2 ac-ft 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 30.

(4) 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: *all in T93N-R55W*

Section 5	Section 8
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres

TOTAL: 106 acres

(5) Pursuant to South Dakota Water Law 46-5-30. Anderson Holdings SDA UC, the holder and/or owner of Water Right No. 8740-3 is issued a license to appropriate water, the right to use 1.51 cubic feet of water per second from one well (Lower James Missouri Aquifer), with a priority date of February 6, 2023, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8740-3 and subject to the following qualifications:

continued

1. The well approved under Water Right No. 8740-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.



Adam Mathiowetz, PE
Acting Chief Engineer
SD DANR – Water Rights Program



date