

WATER PERMIT NO. 8780-3

Name of Applicant: **Dan or Ann Hacecky Revocable Trust**

Address: **30463 NE Jim River Rd, Mission Hill SD 57046**

Phone: **605-661-5321**

Amount of Water Claimed: **1.78 cfs** Total Acres: **100**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **5 miles northeast of Yankton SD**

PRIORITY Date Received: **7-17-2023**

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

Corrected Application Received: **7-19-2023**

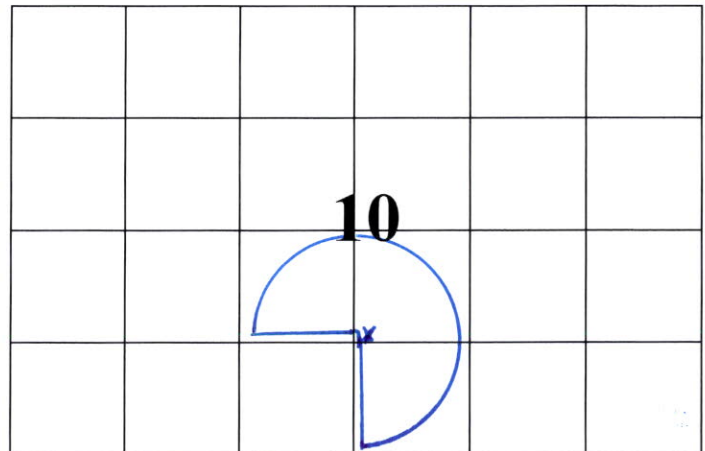
Period of Annual Use: **June 1 – September 30**

Remarks:

Diversion Point: **Approx. center W 1/2 SE 1/4**

Section 10 -T94N-55W

Land to be Irrigated: **NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4 Section 10 -T94N-R55W**



Depth of Well: **256**

Well Driller: **Thein Well Company**

Remarks:

Type of Map: **topo**

Reviewed and the Number Assigned on: **7-19-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8780-3

Date of first receipt of application July 17, 2023.

Date of return to applicant for corrections, amendments or changes July 17, 2023.

Date of receipt of corrected application July 19, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8780-3 to Dan or Ann Hacecky Revocable Trust, 30463 NE Jim River Road, Mission Hill SD 57046 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. 8780-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 256 feet deep) located in the approximate center of the S 1/2 Section 10 for irrigation of 100 acres located in the NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 10; all in T94N-R55W. This site is located approximately 5 miles northeast 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: June 1 – September 30.
3. The date from which applicant may claim right is July 17, 2023.
4. The date of approval of Permit No. 8780-3 is September 25, 2023.
5. One-fifth of the construction is to be completed on or before March 25, 2026.
6. All construction is to be completed on or before September 25, 2028.
7. Water is to be put to beneficial use on or before September 25, 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. 8780-3 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. The well authorized by Permit No. 8780-3 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. 8780-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 100 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

OCT 10 2023

date



RECEIVED

JUL 17 2023

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8780-3</u> Hydrologic Unit <u>10170101</u> Basin <u>Lewis & Clark Lake</u> Newspaper <u>Daily Press & Dakotan</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.)

1. Name to Appear on Irrigation Permit Dan ^{or Ann} Hlacecky ~~Dan Hlacecky Ann Hlacecky~~
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in. Revocable trust
 Mailing Address 30463 NE Jim River Rd Mission Hill SD 57046
 (Address) (City) (State) (Zip Code)
 Phone 605-665-5321 Mobile 605-665-5321 Email RedCloud@midconetwork.com
 2. Amount of water claimed 1.78 *CFS or 775 ¹⁰⁸⁰⁰ **GPM ***AF Total Acreage 100
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet = storage capacity of dam/dugout or annual use if applicable
 3. Source of water supply Well
 4. Location of point of diversion T 94 N R 55 W Sec 10 (approx. center NW 1/4 SE 1/4)
 (example = 3 wells in SW 1/4 NE 1/4 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 June - 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
<u>T 94 N - R 55 W Sec 10</u>	<u>100</u>		
<u>NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4</u>			

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

I, Dan Hlacecky, 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.

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

Supplemental Information

(type or print)

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



Drilling new well(s)



Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Them Well
(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) 256 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property 1/2 mile Property owned by others 1/2 mile

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)

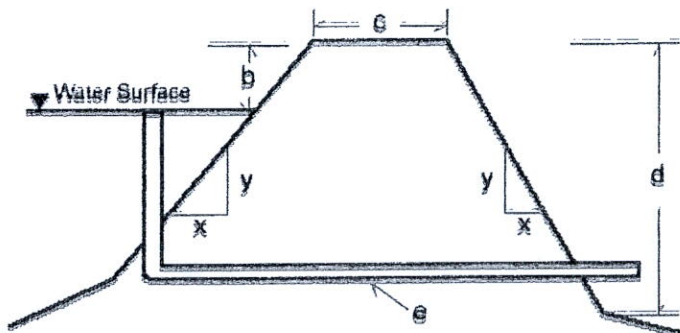
Upstream _____

Downstream _____

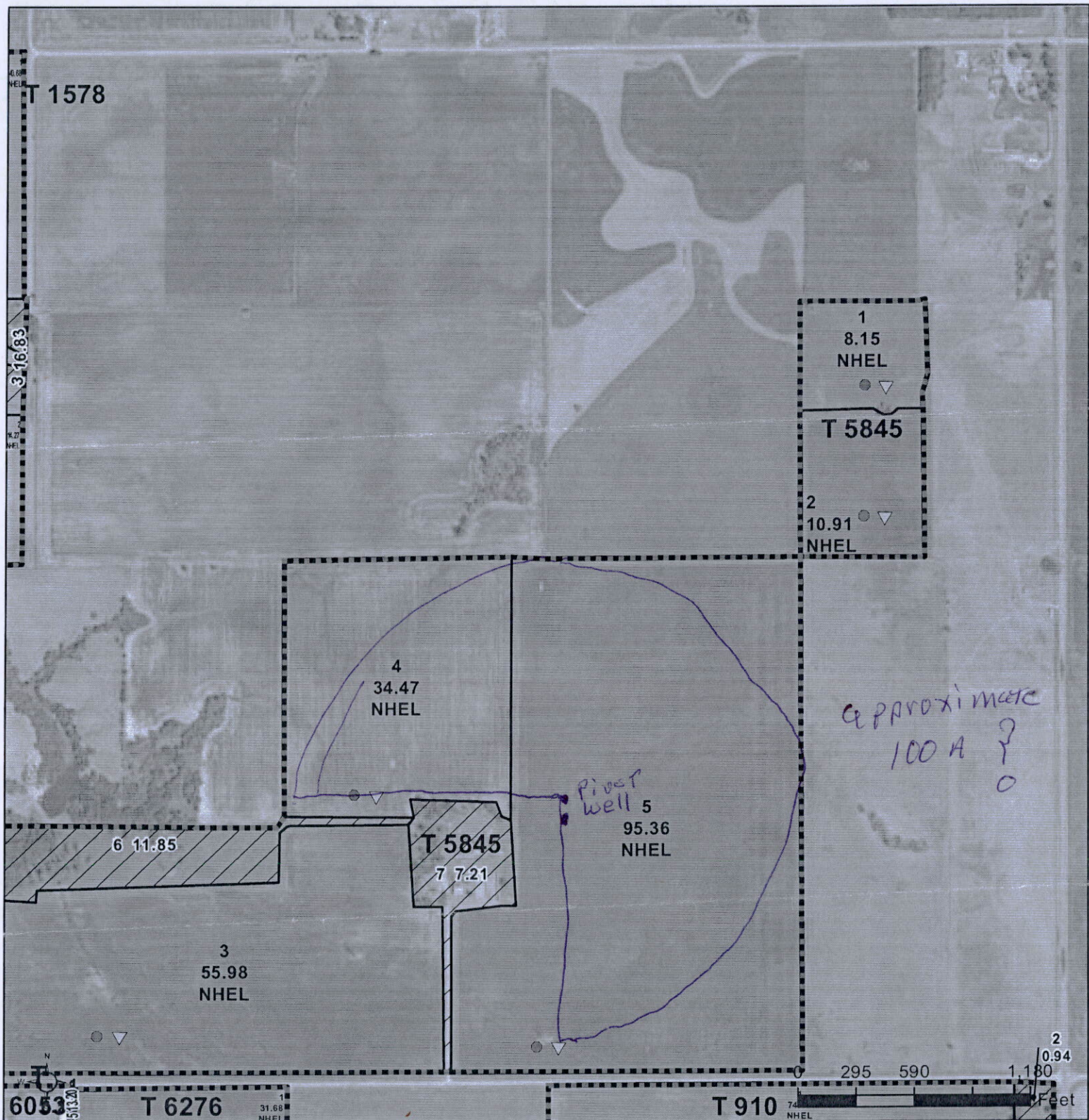
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Atw
Ron Duvall

Common Land Unit ☐ Tract Boundary☐ Non-Cropland
☐ Cropland

Wetland Determination Identifiers

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

Unless otherwise noted,
crops listed below are:

Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer Initial _____
Date _____

2023 Program Year

Map Created April 21, 2023

Farm 6986

10 -94N -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).



444 AVE

94N 55W
Section: 02

10170102 Vermillion

94N 55W
Section: 03

304 ST

94N 55W
Section: 04

443 AVE

94N 55W
Section: 11

10170101 Lewis and Clark Lake

94N 55W
Section: 10

10160011 Lower James

94N 55W
Section: 09

305 ST

NE JIM RIVER RD

94N 55W
Section: 14

94N 55W
Section: 15

94N 55W
Section: 16

UNKNOWN

4/21/23

Dan Hacecky
Mission Hill, SD
Test hole 1
N 42° 58.2320 W 97°19.6890

6.25" Bore x 260'

DEPTH (FT)	FORMATION
0-2	TOPSOIL
2-26	BROWN CLAY
26-29	SAND
29-44	BROWN CLAY
44-47	BLUE CLAY
47-51	GRAVEL / BROWN CLAY MIX
51-72	GRAY/BLUE CLAY
72-82	GRAVEL W/CLAY LAYERS
82-111	BLUE CLAY
111-130	GRAY CLAY W/GRAVEL LAYERS
130-134	SAND
134-153	SANDY GRAY CLAY
153-256	SAND AND GRAVEL
256-260	GRAY CLAY

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 19, 2023

RECEIVED OF Daniel/Ann Hacecky 30463 NE Jim River Rd., Mission Hill SD 57046

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

Fee for Application for Permit No. <u>8780-3</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>8780-3</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

Em



**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. 8780-3, Dan or Ann Hacecky Revocable Trust**

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. 8780-3, Dan or Ann Hacecky Revocable Trust, 30463 NE Jim River Road, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 8780-3 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. 8780-3 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. The well authorized by Permit No. 8780-3 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. 8780-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 100 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
August 31, 2023

Report to the Chief Engineer
On Water Permit Application No. 8780-3
Dan or Ann Hacecky Revocable Trust

September 6th, 2023

Water Permit Application No. 8780-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Lower James Missouri aquifer (approximately 256 feet deep) located in the S ½ Section 10 for irrigation of 100 acres located in the NE ¼ SW ¼, W ½ SE ¼ Section 10; all in T94N-R55W. 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 5 miles northeast of Yankton, SD.

AQUIFER: Lower James Missouri (LJM)

HYDROGEOLOGY:

The Lower James Missouri aquifer is a 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 to 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 test hole completion report was submitted with Water Permit Application No. 8780-3. The test hole is located in the same location as the proposed diversion point and was completed on April 21st, 2023. Comparing the test hole data to the lithological logs of nearby observation wells (YA-

80HA and YA-78E), the proposed well could be under either unconfined or confined conditions (SDGS, 2023; Water Rights, 2023b). A nearby water well completion report will also be used to evaluate local aquifer conditions, since test holes do not include the local static water level. The well to be used is located approximately 1 mile south of the proposed diversion point (based on the location provided by the well driller on the report) and was completed on April 2nd, 2015. The well is completed into the Lower James Missouri aquifer and had an approximate static water level of 110 feet below the ground surface at the time of well completion (Water Rights, 2023d). Based on the geology of the test hole, observation wells near the diversion point, and water well completion reports near the proposed diversion point, the Lower James Missouri aquifer is expected to be locally confined by clay lens or buried unconfined at the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d).

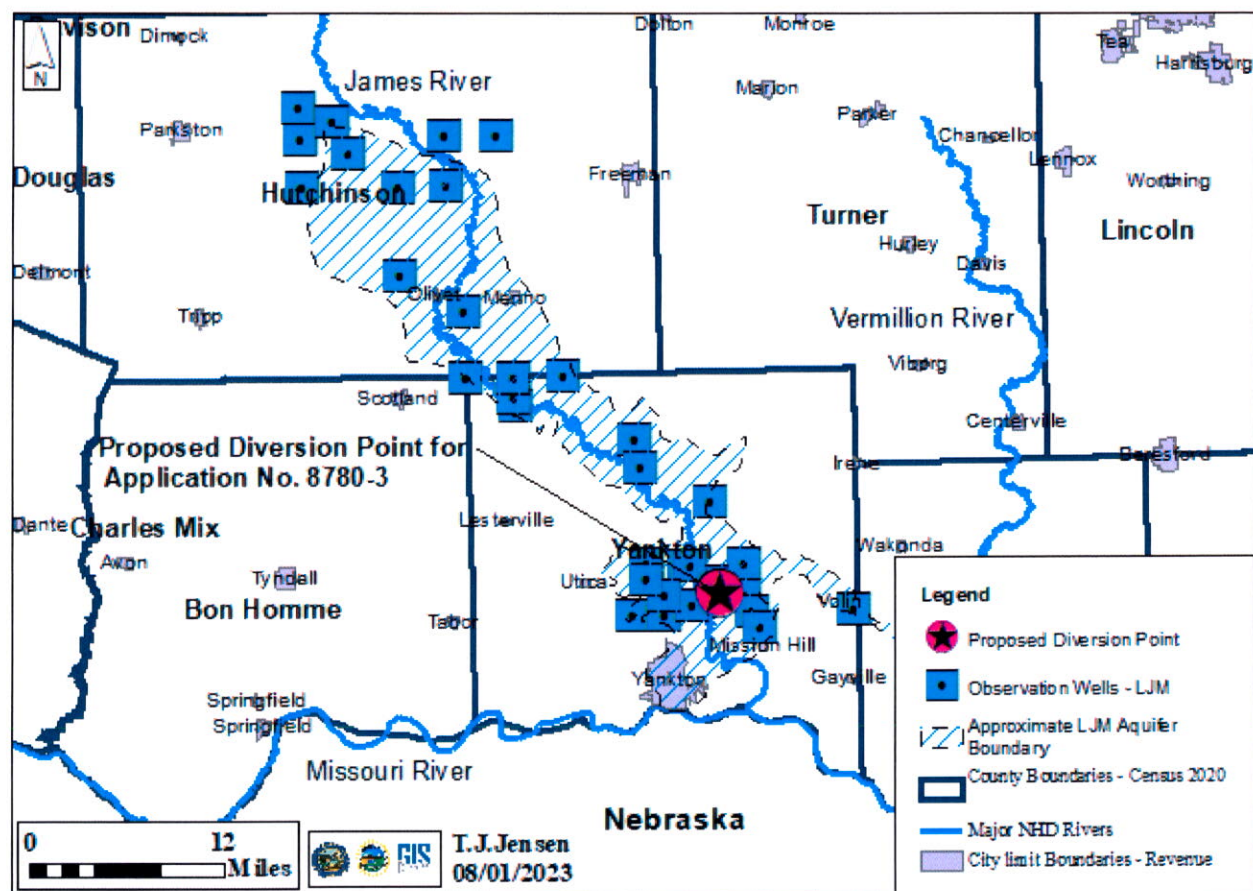


Figure 1. Map of the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), and the location of observation wells (Water Rights, 2023b) and proposed diversion point for Water Permit Application No. 8780-3.

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 SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Lower James Missouri aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8780-3 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 mostly by seepage from streams/surface water features, infiltration of precipitation, and inflow from hydrologically connected aquifers such as the Missouri: Elk Point, Choteau: East, Niobrara, and Lower James Missouri: Scotland aquifers (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. However, this large areal extent includes portions of Plum Creek and Choteau: East aquifers, identified by Hedges et al (1982), for both the entire areal extent and the unconfined portions of the Lower James Missouri aquifer. 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. Since the unconfined portion of the aquifer recharge rate does not necessarily account for any recharge that enters through the confined portion of the aquifer, it is probable that recharge to the aquifer exceeds 26,715 ac-ft/yr. 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 132 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer, and two pending applications 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 HTTRN BRTH	LC	COM, DOM	0.080	N/A	34.75
6925-3	TSCHETTER COLONY	LC	COM, LCO	0.070	N/A	30.41
7827-3	MAXWELL COLONY	PE	COM, LCO	0.330	N/A	143.35
1288-3	NATIONAL FOOD STORES INC	LC	IND	0.160	N/A	69.5
8412-3	KNIFE RIVER	LC	IND	7.800	400	400
COM Commercial, IND Industrial, LC Licensed Water Right, PE Water Permit, LCO Livestock Confinement Operation, DOM Domestic					TOTAL:	1,595

Currently, there are 124 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 seven 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, 8659-3, 8736-3, and 8740-3 (Water Right, 2023c). Combined, these seven water permits are authorized to irrigate approximately 736.98 acres (Water Rights, 2023c). Water Permit Application No. 8780-3 and pending Applications Nos. 8762-3 and 8765-3 are requesting to irrigate a combined total of 304 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 seven water permits approved in 2022 and early 2023 is approximately 737 acre-feet per year. The estimated average annual withdrawal rate for this application and other pending applications is approximately 304 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 (737 acre-feet/year), this application and the other pending application (304 acre-feet per year), is approximately 6,439 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 8,034 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): 6,439 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 34 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-80HA (approximately 0.9 miles northwest), YA-78E (approximately 1.5 miles east), and YA-80O (approximately 1.8 miles southwest) (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. The data shown on Figures 2 and 3 share a similar trend to most of the other observation wells in the Lower James Missouri aquifer.

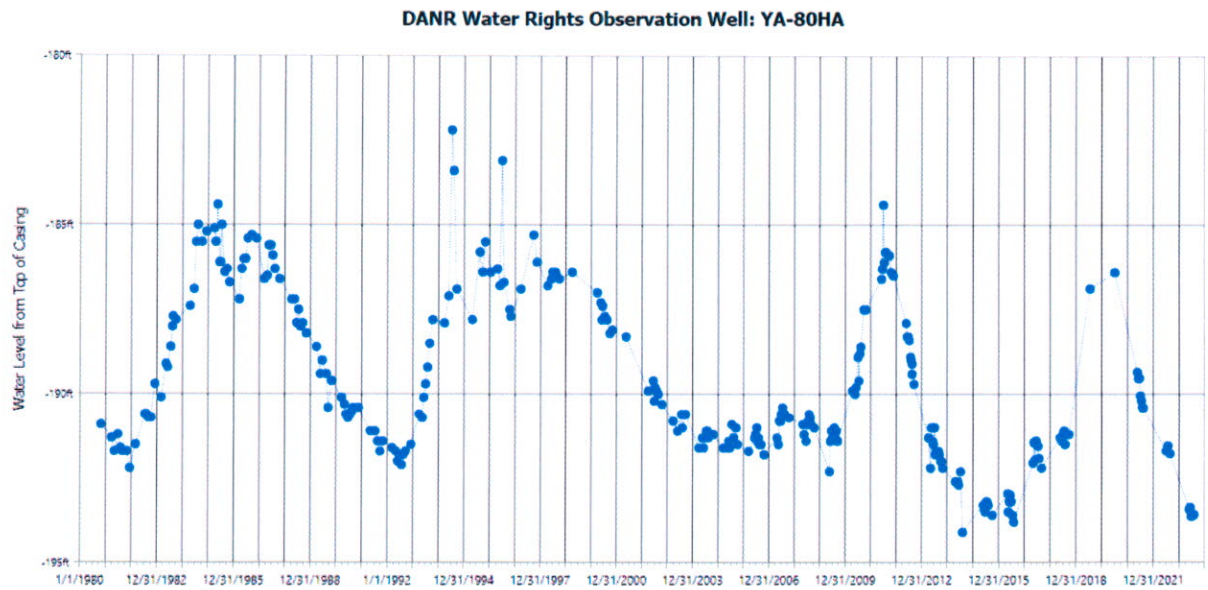


Figure 2. Hydrograph for observation well YA-80HA (Water Rights, 2023b)

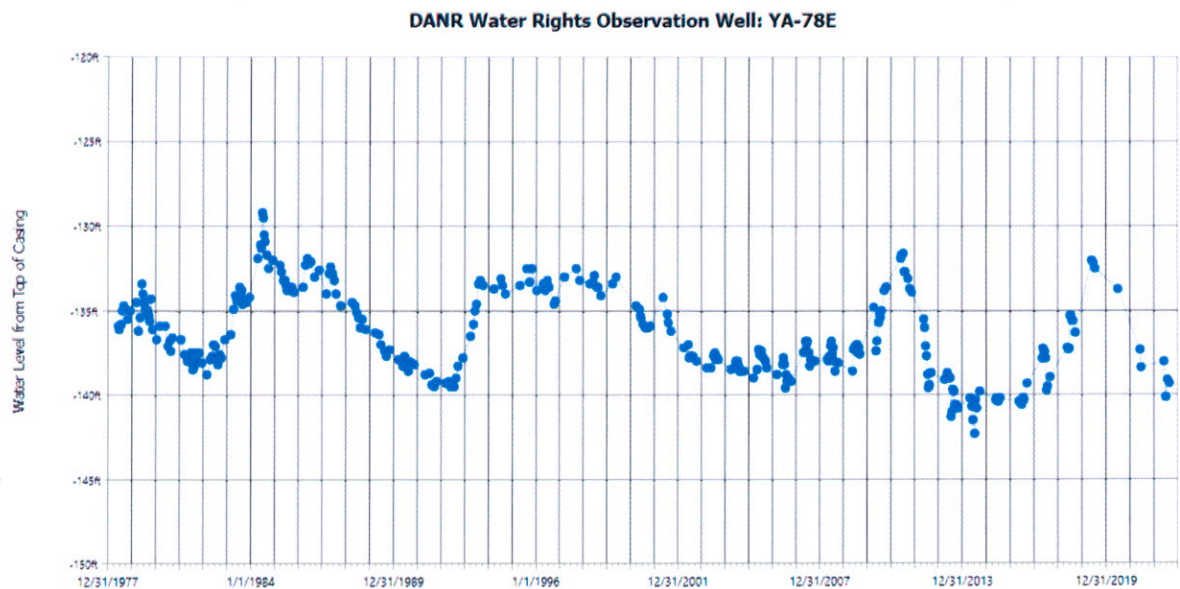


Figure 3. Hydrograph for observation well YA-78E (Water Rights, 2023b)

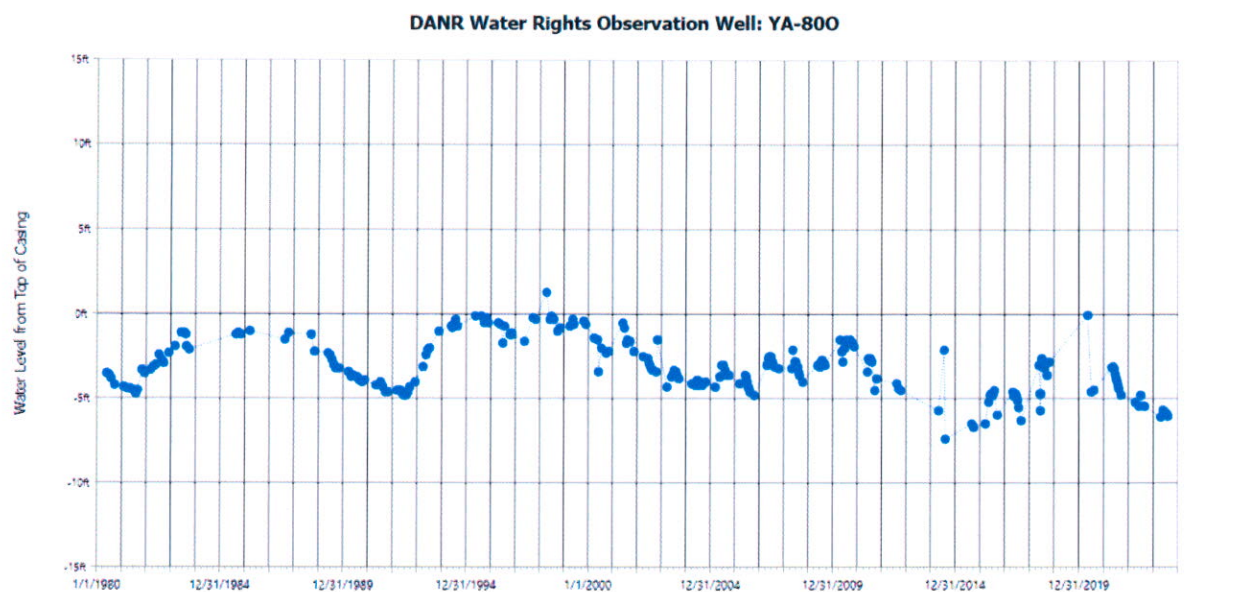


Figure 4. Hydrograph for observation well YA-800 (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable water levels over their respective periods of record. A few of the hydrographs display a slight downward trend in recent years. This is likely due to the significant recent development of permits in the area of these wells. This would cause a lowering of the artesian head pressure in the confined portions of the aquifer as the aquifer equilibrates to the increased use. 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:

Water rights/permits appropriating water from the Lower James Missouri aquifer in the general vicinity of the proposed well site for this application are shown in Figure 5 and summarized in Table 4. The closest water right/permit, not held by the applicant, to the diversion point is Water Right No. 4629-3, as shown on Figure 5, which is held by Samantha Hagedorn. The diversion point for Water Right No. 4629-3 is located approximately 1.1 miles northeast of the diversion point for this application (Water Rights, 2023c). It should be noted that Water Right Nos. 7611-3 and 7612-3 are closer to the diversion point but are also owned by Dan Hacecky (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 0.8 miles southwest 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.

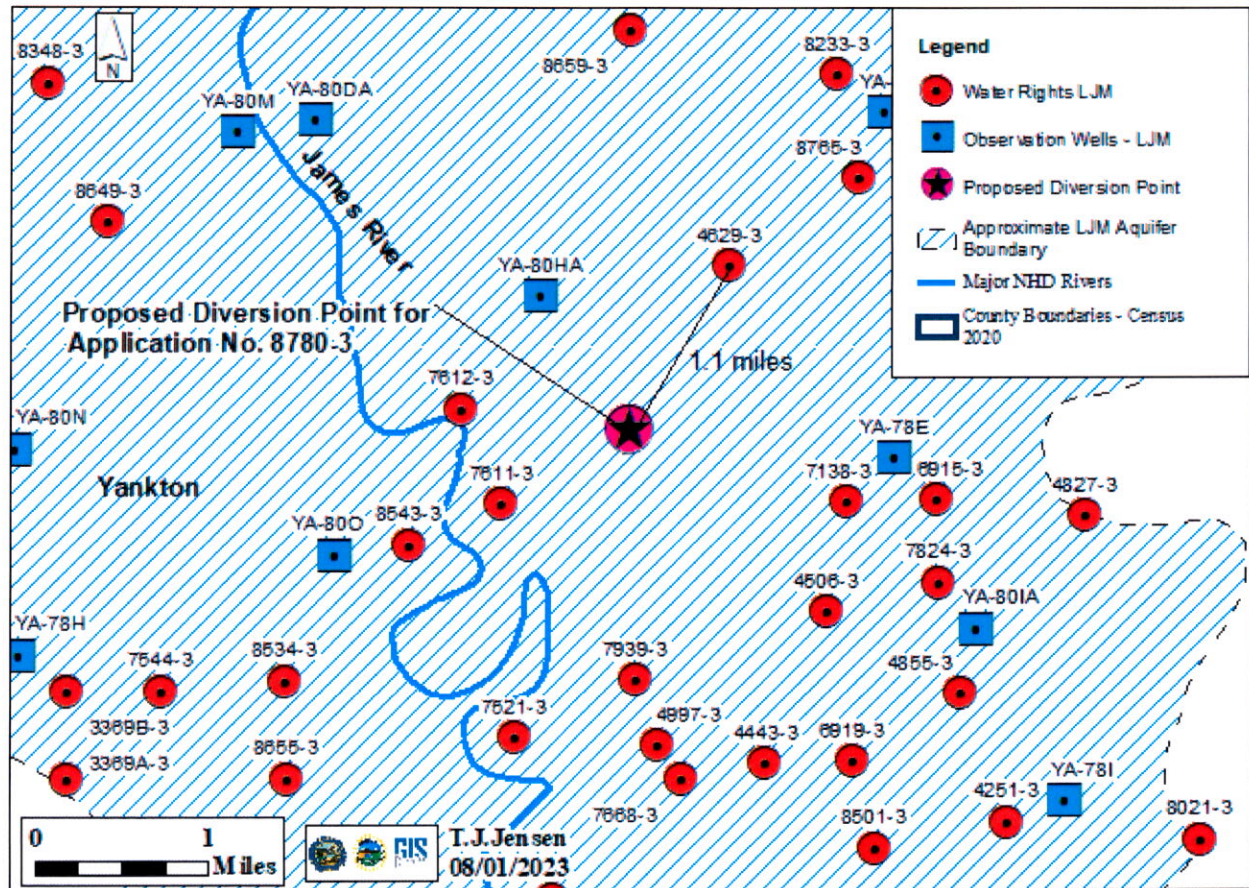


Figure 5. Map of a portion of the Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), the Lower James Missouri aquifer water rights/permits within 3 miles of the proposed diversion point (Water Rights, 2023c), and the location of proposed diversion point for Water Permit Application No. 8780-3.

Table 4. List of Lower James Missouri aquifer water rights/permits within 3 miles of the proposed diversion point shown on Figure 5 (Water Rights, 2023c)

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
4443-3	Dennis Darrell Nelson	10/10/1979	License	Irrigation	1.78	148
4506-3	Karl M Schenk	03/10/1980	License	Irrigation	2.45	203
4629-3	Mary Anne Boyd	01/19/1981	License	Irrigation	1.78	154
4997-3	Dale Hebda	12/19/1983	License	Irrigation	0.28	32
6915-3	Gary Smith	12/07/2007	License	Irrigation	1.65	64
7138-3	Morris Nelson Farms Inc	05/21/2009	License	Irrigation	1.89	134
7521-3	John & Jacki Smith	11/16/2012	License	Irrigation	1.44	100
7586-3	Three Sisters Farms	12/20/2012	License	Irrigation	1.78	143
7611-3	Dan Hacecky	01/04/2013	License	Irrigation	1.83	77
7612-3	Dan Hacecky	01/04/2013	License	Irrigation	1.65	153
7668-3	Karl M Schenk	01/28/2013	License	Irrigation	1.33	80
7824-3	Gary Smith	04/14/2008	License	Irrigation	1.78	115
7939-3	Karl M Schenk	01/06/2014	License	Irrigation	1.78	128
8543-3	Kokes Farms LLC	12/26/2012	License	Irrigation	1.67	152
8765-3	Barry Van Osdel	05/24/2023	Permit	Irrigation	1.78	84

The Lower James Missouri aquifer varies between confined and unconfined conditions (Bugliosi, 1986; Lindgren and Hansen, 1993). Based on the geology listed on the test hole completion report, lithologic logs of observation wells near the proposed diversion point, and water well completion reports near the proposed diversion point, it is inconclusive if the proposed diversion point is experiencing confined conditions from local clay layers or buried unconfined conditions. Since either locally confined conditions or buried unconfined conditions could be possible, both conditions must be considered. 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 exact drawdown behavior of a well cannot be known without an aquifer performance test.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be

put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). 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.

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, the permit would authorize a maximum instantaneous diversion rate of 1.78 cfs from one well for the irrigation of 100 acres. While not indicated on the application, the applied for 1.78 cfs may be needed to place a center pivot on the property which will complete a partial rotation. For example, a full quarter-section sized 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. 8780-3 proposes to appropriate 1.78 cfs from one well to be completed into the Lower James Missouri aquifer (approximately 256 feet deep) located in the S ½ Section 10 for irrigation of 100 acres located in the NE ¼ SW ¼, W ½ SE ¼ Section 10; all in T94N-R55W. The site of interest is located approximately 5 miles northeast of Yankton, SD.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. No reason was given for a diversion rate greater than the statutory limit, although it is likely needed for a center pivot on the property which will complete a partial rotation.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8780-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Reviewed by:



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



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.
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- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed August 8, 2023. <http://cf.sddanr.net/lithdb/>.
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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.**

September 7, 2023

Dan or Ann Hacecky
30463 NE Jim River Road
Mission Hill SD 57046

Dear Mr. & Mrs. Hacecky:

Water Permit Application No. 8780-3 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 in 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.

Instruction to Newspaper - Publish the Notice on September 14, 2023. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8780-3 to Appropriate Water

Notice is given that Dan or Ann Hacecky Revocable Trust, 30463 NE Jim River Rd., Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 256 feet deep) located in the approximate center of the S 1/2 Section 10 for irrigation of 100 acres located in the NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 10; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles northeast of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8780-3 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 September 25, 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 September 25, 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: Wednesday, September 6, 2023 12:59 PM
To: Michael Pietz
Subject: 8780-3 Dan or Ann Hacecky - Public Notice
Attachments: 8780-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 14, 2023.

Dan or Ann Hacecky Revocable Trust, 30463 NE Jim River Rd., Mission Hill SD 57046, (605 665-5321) 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 Ave, Pierre SD 57501.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

SEP 18 2023

OFFICE OF
WATER

DAN HACECKY
30463 NE JIM RIVER RD
MISSION HILL SD 57046

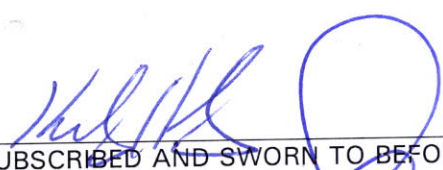
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 14th DAY OF September, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$41.28 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: 09/14/2023

FILED ON: 09/14/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF September, 2023


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028

Notice is given that Dan or Ann Hacecky Revocable Trust, 30463 NE Jim River Rd., Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (approximately 256 feet deep) located in the approximate center of the S 1/2 Section 10 for irrigation of 100 acres located in the NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 10; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles northeast of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8780-3 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 Engineers 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 September 25, 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 September 25, 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 \$41.28 and can be viewed free of charge at www.sdpublicnotices.com

Published September 14, 2023.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 1:08 PM
To: Dan Hacecky
Subject: 8780-3 Dan or Ann Hacecky - Public Notice
Attachments: 8780-3_rec.pdf; 8780-3_Ltr.pdf; 8780-3_PubNotice.pdf

Good afternoon Dan,

Attached is a copy of the report, chief engineer's 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 also 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

OCT 10 2023

Dan and Ann Hacecky
30463 NE Jim River Road
Mission Hill SD 57046

Dear Mr. and Mrs. Hacecky:

Enclosed is Water Permit No. 8780-3 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
Posting 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.: 8780-3

Name of Applicant: Dan or Ann Hacecky Revocable Trust

Date of Posting: 9/11/2023

Date of Removal: 10/10/2023



Ron Duvall, Engineer III

10/10/2023

Date

Subscribed and sworn to before me, a notary public, this 10 day of October, 2023.



Notary Public - South Dakota
My commission expires: Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)





8780-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 19, 2023

8780-3

Dan or Anna Hacecky Revocable Trust
c/o Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57078

Dear Mr. Hacecky:

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

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

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

Sincerely,

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

RECEIVED

OCT 18 2023

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 10-13-23

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Dan Harecky

(name)

30463 NE Jim River Rd

(address)

Mission Hill SD 57078

(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. 8780-3 states that the water use system is to be constructed by

Sept 25 - 2028

(date)

, and water is to be put to beneficial use by Sept 25 2032

(date)

The water use system was completed on 10-5-23

(date)

Applying the water to beneficial use was completed on will start in 2024

(date)

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

D Harecky

(signature)



Dan Hacecky 256' Well - Mission Hill SD Formation Log

GPS n 42 58' 14.56" w 97 19' 41.29"

<i>Formation</i>	<i>From</i>	<i>To</i>
Top soil	0	2
Clay – brown	2	26
Sand	26	29
Clay – brown	29	44
Clay – blue	44	47
Gravel / Clay mix – brown	47	51
Clay – blue/gray	51	72
Gravel w/clay layers	72	82
Clay – blue	82	111
Clay – gray w/gravel layers	111	130
Sand	130	134
Sandy clay – gray	134	153
Sand & gravel	153	256
Clay – gray	256	260

Dan Hacecky

12" well - 256' deep
Mission Hill SD

Legend

 12" Well - Dan Hacecky

 12" Well - Dan Hacecky

44th Ave

NE Jim River Rd

NE Jim River Rd

Google Earth



1000 ft