

WATER PERMIT NO. 8789-3

Name of Applicant: Dennis Larson

Address: PO Box 212, Blunt SD 57522

Phone: 605-280-6335

Amount of Water Claimed: 0.067 cfs

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Fish & Wildlife

County: Hughes

Type of Waste Disposal System:

Location: Approx 18 miles east of Pierre SD

PRIORITY Date Received: 8-8-23

Application/License Fee: \$300.00

Corrected Application Received: 8-10-23

Period of Annual Use: January 1 – December 31

Remarks: N/A

Diversion Point: NE 1/4 SE 1/4 Section 14 -T111N-
R76W

Land to be Irrigated: N/A

Depth of Well: 63

Well Driller:

Remarks:

Type of Map: aerial

			14		

Reviewed and the Number Assigned on: 8-10-23

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA WATER PERMIT NO. 8789-3

Date of first receipt of application August 8, 2023.

Date of return to applicant for corrections, amendments or changes August 30, 2023.

Date of receipt of corrected application February 26, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8789-3 to Dennis Larson, PO Box 212, Blunt SD 57522, 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. 8789-3 appropriates up to 48 acre-feet of water annually at a maximum diversion rate of 0.067 cubic feet of water per second from one well completed into the Inyan Kara Aquifer located in the NE 1/4 SE 1/4 Section 14 for fish and wildlife use in impoundments located in the NE 1/4 Section 14, SW 1/4 Section 13 and the SE 1/4 Section 11; all in T111N-R76W. This site is located approximately 18 miles east of Pierre SD.
2. The water appropriated shall be used for the purpose of fish and wildlife use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8789-3 is May 20, 2024.
5. The date from which applicant may claim right is February 26, 2024.
6. One-fifth of the construction is to be completed on or before November 20, 2026.
7. All construction is to be completed on or before May 20, 2029.
8. Water is to be put to beneficial use on or before May 20, 2033.
9. 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. 8789-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a waste of water, or reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future replacement well must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. A replacement well may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. Water Permit No. 8789-3 appropriates up to 48 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

JUN 17 2024

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8789-3</u> Hydrologic Unit <u>10140101</u> Basin <u>Missouri</u> Newspaper <u>Pierre Capital Journal</u> <u>Huron Plainsman</u> (office use only)
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PAID
AUG 08 2023
Ck# 7105
Rec'd Aug 08 2023
RECEIVED
AUG 08 2023
OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

Nothing changing

1. Name to Appear on Water Permit Dennis Larson
Mailing Address PO Box 212 Blunt SD 57522
962 (Address) (City) (State) (Zip Code)
Phone 605-280-6335 Mobile 605-280-7835 Email _____

2. Amount of water claimed _____ *CFS or 30 **GPM and 48 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Well Flowing

4. Location of point of diversion Well is in NE corner of SE 1/4 of Sec 14 111-76 County Hughes
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No

If "Yes," where will water be used? SE 1/4 of Sec 14 SW 1/4 Sec 13 + SE 1/4 sec 11 all in 111-76 Valkyrie Twp
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used all year

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Existing well Nothing new is being added Just need a water permit for Fish and Wildlife use

I, Dennis Larson, 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 0 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 _____**For either existing or proposed wells:**

c) Well Depth (required) _____ 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 _____

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)

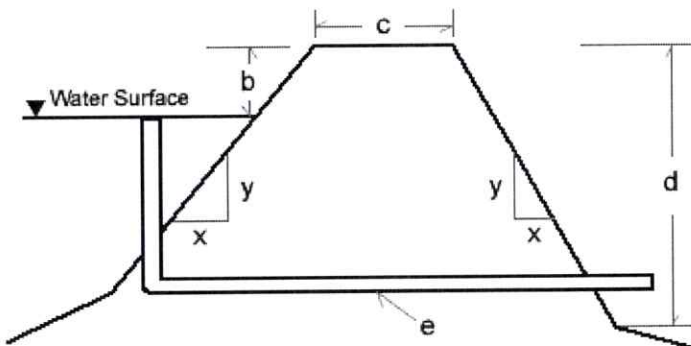
Upstream _____

Downstream _____

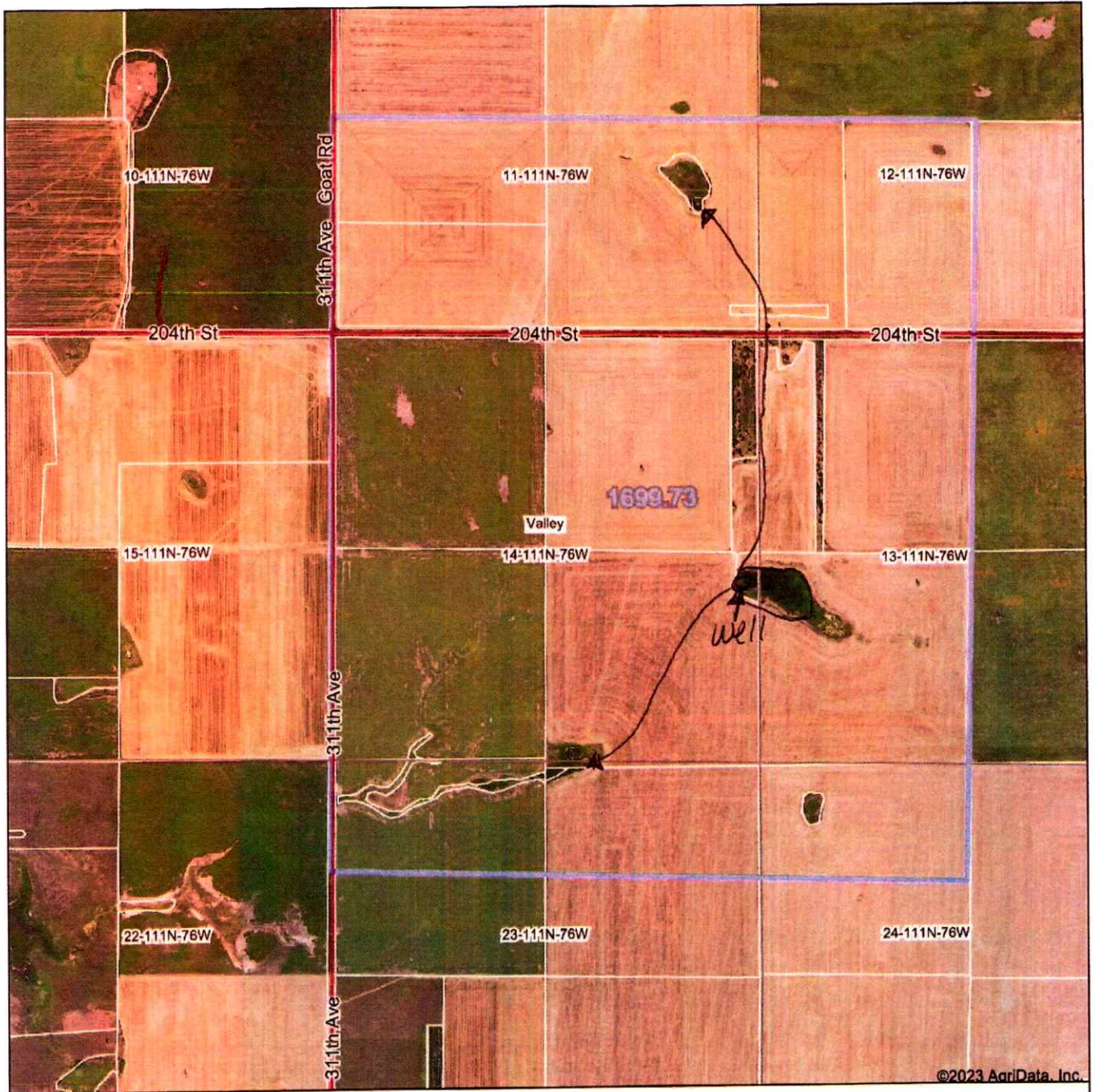
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Aerial Map



©2023 AgriData, Inc.

Boundary Center: 44° 25' 11.83, -99° 55' 54.09

0ft 1909ft 3818ft

14-111N-76W
Hughes County
South Dakota



Maps Provided By:



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www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.

8/9/2023

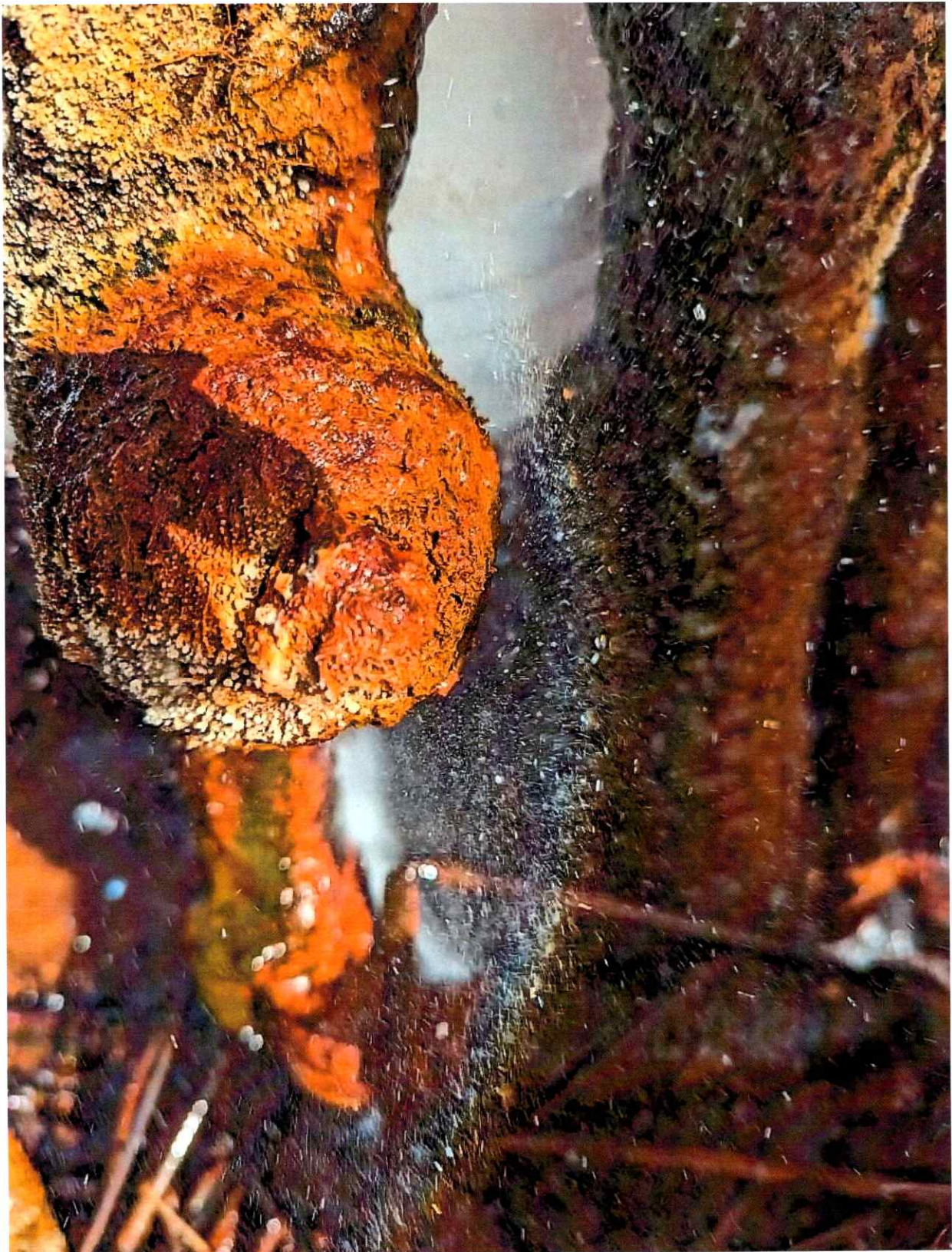
RECEIVED

AUG 09 2023

OFFICE OF
WATER



Water Spraying from Well



Water Spraying from Cracked Pipe



Water Flowing from Valve

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 10, 2023

RECEIVED OF Dennis Larson PO Box 212 Blunt SD 57522

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

Fee for Application for Permit No. <u>8789-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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>8789-3</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>300.00</u>

By Eric Gronlund
Chief Engineer
em

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Dennis Larson

DATE: Feb 26, 2024 TELEPHONE: (605) 962-6335 [home]; (605) 280-7835 [mobile]

RE: Site visit to determine aquifer for permit application

COMMENTS:

From February 14 through February 22, 2024, several attempts were made to contact Mr. Larson by phone to request permission to enter his property to inspect his flowing well to attempt determination of the aquifer the well was completed into. Mr. Larson did not respond during this period. On Feb. 23, 2024, Water Rights Program-Program Assistant Travis Newling and myself went to Mr. Larson's property located in the NE ¼ SE ¼ Sec. 14-T111N-R76W to inspect the well. At that time, the water from the well was flowing out a small valve and spraying from a burst pipe, see attached photos. The well needs repair.

Based on the height of the spray (likely high closed in pressure) and the relatively warm temperature of the water, I determined the likely aquifer is the Inyan Kara aquifer. At this location, a well completed into the Inyan Kara aquifer is expected to be between 1,800 to 2,100 feet deep.



Adam Mathiowetz
Natural Resources Engineer
DANR-Water Rights Program

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Dennis Larson

DATE: Sept. 8, 2023 TELEPHONE: 605-280-7835

RE: Site Visit and Holding Application

COMMENTS:

Called Mr. Larson to attempt to schedule a site visit to visit his flowing well to determine aquifer. Mr. Larson stated it is surrounded by "8 foot tall corn" and is located "at least a quarter mile" out into the field. After some discussion, Mr. Larson agreed to put his application on hold until the corn was harvested. He expected mid- to late-October. Will call him the week of October 16 to discuss a site visit.



Adam Mathiowetz

Natural Resources Engineer

DANR-Water Rights Program

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Dennis Larson

DATE: Aug. 30, 2023 TELEPHONE: 605-962-6335

RE: Site Visit and Correct Telephone Numbers

COMMENTS:

Called Mr. Larson to arrange a visit for DANR staff to the well to try to determine which aquifer, Dakota or Inyan Kara, the flowing well he proposes to use for his permit application is completed into. During the phone call, I asked permission to amend his application with corrected phone numbers: home phone (605) 962-6335 and mobile (605) 280-7835. Mr. Larson said that was ok.



Adam Mathiowetz

Natural Resources Engineer

DANR-Water Rights Program



**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. 8789-3, Dennis Larson**

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. 8789-3, Dennis Larson, PO Box 212, Blunt SD 57522.

The Chief Engineer is recommending APPROVAL of Application No. 8789-3 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. 8789-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a waste of water, or reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future replacement well must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. A replacement well may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. Water Permit No. 8789-3 appropriates up to 48 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 29, 2024

**Report to the Chief Engineer on
Water Permit Application No. 8789-3**

Dennis Larson

2024 March 14

Water Permit Application No. 8789-3 proposes to appropriate up to 48 acre-feet of water per year (ac-ft/yr) at a maximum diversion rate of 0.067 cubic feet of water per second (cfs) from one existing well completed into the Inyan Kara aquifer in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 T111N-R76W, 5th Principal Meridian for fish and wildlife propagation. This application is 7 miles southeast of Blunt, South Dakota.

Aquifer: Inyan Kara (INKR)

Hydrogeologic Characteristics

The Inyan Kara aquifer is a regional-scale bedrock aquifer that underlies most of the northern great plains in the United States and Canada and is composed of the permeable and saturated portions of the Inyan Kara Group of sediments deposited during the early Cretaceous period [1] [2]. The Inyan Kara Group consists of the Fall River and the Lakota Formations. The Fall River Formation is a "Variegated brown, red, and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone, and shale containing mica" [1]. The Lakota Formation is a "yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive-to-thin-bedded, cross-bedded sandstone" [1]. The Inyan Kara aquifer underlies approximately 23,000,000 acres of South Dakota west of the Missouri River and also extends east of the Missouri River [3]. In South Dakota, the Inyan Kara aquifer is under water table conditions where it outcrops around the Black Hills but is otherwise under confined conditions [4] [5]. Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which behaves as a relatively impermeable barrier between the Inyan Kara and the Dakota aquifers [6]. Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer [6]. Below most of the Inyan Kara aquifer, the Morrison Shale behaves as a relatively impermeable barrier between the Inyan Kara aquifer and the aquifers below it [6]. In general, water in the Inyan Kara aquifer flows radially out from the Black Hills and eastward across South Dakota [7] [4].

The applicant did not submit a well completion report, but sufficient information is available to assess availability of water and possibility of unlawful impairment on existing water rights/permits. This application was submitted as a result of an inspection by Staff Engineer Adam Mathiowetz on February 23, 2024. Mathiowetz determined based on the height of the spray from the well and temperature of the water that it likely is completed into the Inyan Kara aquifer [8]. The age and construction details of the applicant's well are unknown. A well completion report on file with the Water Rights Program located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T111N-R75W (2.6 miles east-northeast of this application) reports encountering the Lakota Formation 1,530 feet below grade and the "Sundance" formation 1,775 feet below grade to a total depth of 1,960 feet below grade [5]. The closed in pressure at the time the well was completed on November 2, 2006 was 220 psi, equivalent to 506 feet of hydraulic head above the top of the casing. The Sundance aquifer is a Jurassic-aged sandstone which does not occur in the part of South Dakota where this well is located [9]. Therefore, what was called Sundance by the

driller was likely the Fall River Formation. This naming convention is an archaic name that several well drillers continue to use to describe the Inyan Kara aquifer in the area of the applicant's well. Other well completion reports near this application which are completed into the Dakota aquifer indicate the Dakota aquifer does not flow at land surface locally [5], corroborating Mathiowetz's determination that this well is likely completed into the Inyan Kara aquifer.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The Inyan Kara aquifer is stratigraphically older and lower than the Greenhorn Formation, but the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Inyan Kara aquifer is by infiltration of precipitation and streamflow over the outcrop and groundwater inflow from aquifers in contact with the Inyan Kara aquifer when the hydraulic head of those aquifers is higher than that of the Inyan Kara aquifer [8]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [10] estimated that the recharge to the Inyan Kara outcrop in the Black Hills area of South Dakota is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [11] attempted to model flows between the Madison Group, Inyan Kara aquifer, Dakota/Newcastle aquifer, and confining shale units, but the model is based on dated information when newer information is available that could change the results. Their model estimated that approximately 16,000 ac-ft/yr flows from the Madison Group to the Inyan Kara aquifer [11], which is the only available estimate of recharge to the Inyan Kara aquifer from lower aquifers.

Discharge

Discharge from the Inyan Kara aquifer is by evapotranspiration on the outcrops when the hydraulic head and formation of the aquifer is near land surface, seepage to surface water

features when hydraulic head of the aquifer is above the stage of the surface water features the aquifer is hydrologically connected to, groundwater outflow to aquifers in contact with the Inyan Kara aquifer, uncontrolled flowing wells, and domestic and appropriative well withdrawals [12] [10] [13]. The Water Rights Program considers the outflow from uncontrolled flowing wells and the outflow from natural discharge to be available for appropriation.

Due to the low withdrawal rate and prevalence of water distribution systems, domestic well withdrawals are estimated to be negligible for the hydrologic budget. There are 210 water rights/permits currently authorized to withdraw from the Inyan Kara aquifer, one future use permit, No. 1780-2, reserving 142 ac-ft/yr from the aquifer, and one application, No. 2686-2, which seeks to withdraw up to 274 ac-ft/yr is being held in abeyance until federal permits are approved [13].

Of the 210 water rights/permits authorized to withdraw water, 98 are primarily for some type of water distribution system (such as a rural water system, suburban housing development, or municipal use, etc.), 58 are for commercial use, 18 for domestic use, 15 for irrigation, 10 for industrial use, 5 for fish and wildlife propagation, 3 for geothermal use, 2 for recreation, and 1 for institutional use [13]. Nine of the 15 irrigation water rights/permits are required to report their withdrawals and are old enough to have reported their withdrawals in an irrigation questionnaire, although one, No. 8334-3, reports withdrawals to the Chief Engineer with the non-irrigation yearly questionnaires [13]. Figure 1 shows a graph of reported irrigation over the entire period of record (1982-2022) [14]. Average irrigation reported over the period of record (1982-2022) was approximately 81 ac-ft/yr [14]. However, irrigation practices and the number of irrigation permits have changed over time, so an average over the period of record may not be an accurate method to predict future withdrawals. The average irrigation over the last ten years of record (2013-2022) was approximately 120 ac-ft/yr [14]. There are six irrigation permits, accounting for approximately 529.25 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation [13]. Water Right No. 466-1 allows for irrigation via ditches of 434 acres from a flowing well at 1.5 cfs and is assumed to withdraw 1,086.68 ac-ft/yr, which is the amount the well can deliver if it flows uncontrolled at its maximum instantaneous diversion rate [13]. Assuming the five other water right/permits accounting for approximately 95.25 acres that do not report irrigation or, are too new to have reported, apply 12 inches per acre per year, those permits are estimated to withdraw a total of 95.25 ac-ft/yr. The total estimated withdrawal for irrigation is 1,302 ac-ft/yr, using the 2012 through 2021 average withdrawal rate for reporting permits.

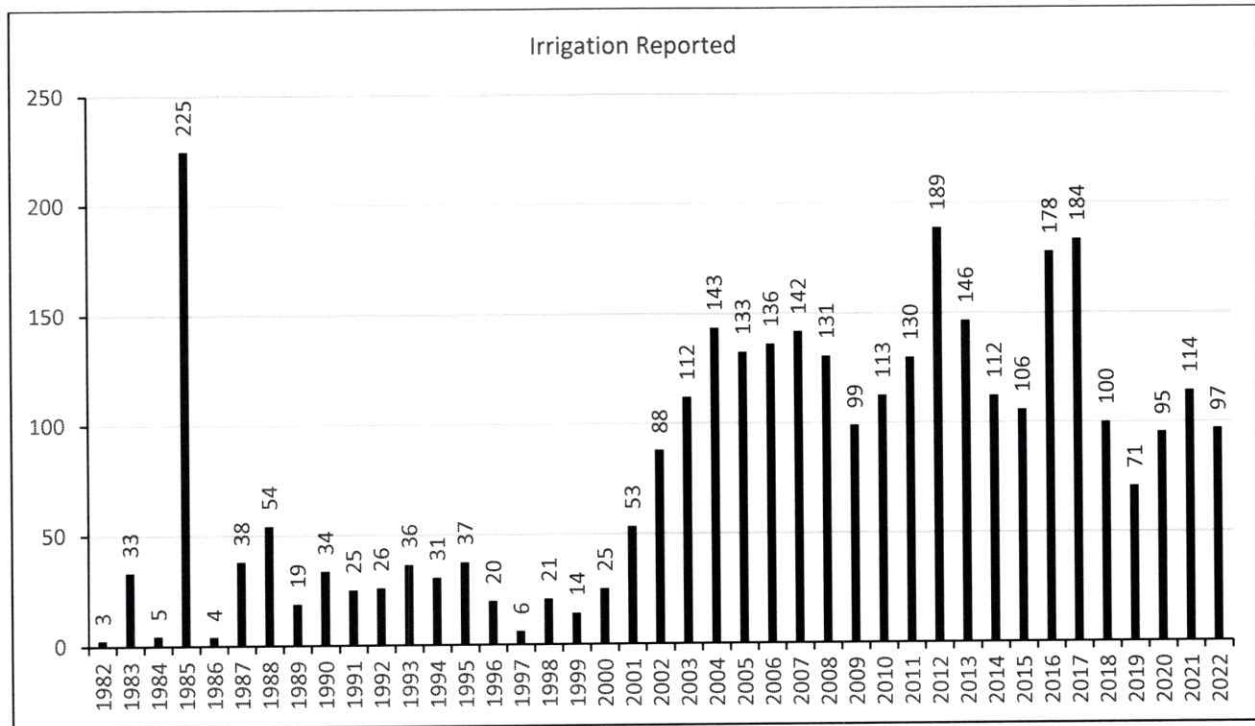


Figure 1: Irrigation reported in the Inyan Kara aquifer [14]

Of the non-irrigation withdrawals, 15 municipal water rights/permits are only maintained for emergency use [15] [16] [17] [18]. Those water rights/permits are assumed to withdraw a negligible amount of water.

There are 46 non-irrigation water rights/permits required to report their withdrawals to the Water Rights Program, although some are new enough that their average reported use continues to increase with each new year of reports, which means they are still developing the full use of their permit [13] [19]. For water rights/permits that are still developing their permit, if there is a maximum volume of withdrawal specified in their permit, that volume is assumed to be their estimated annual withdrawal. If those permits do not have a volume specified on their permit, they are assumed to pump at their maximum instantaneous diversion rate 60% of the time. For non-irrigation permits required to report that have fully developed their permit, the estimated withdrawal is their average annually reported withdrawal rate. One water right permit holder, Wink Cattle Company, reported withdrawals of 24 ac-ft in 2018, 15.9 ac-ft in 2019, 25.5 ac-ft in 2020, and 29.6 ac-ft in 2021 [19] [20]. Mr. Wink indicated to Water Rights staff that the meter reading in his latest non-irrigation questionnaire response was for the entire time the well for his water rights had been in operation and he also reported that the meter reading for his well was over 106 million gallons on November 6, 2021 [20]. His earliest water right/permit was approved in 2006 [13], so his average annual withdrawal is approximately 22 ac-ft/yr for the 16 years Wink Cattle Company has had a water right/permit. There are 14 water rights/permits which report their water production to the Drinking Water Program and the Inyan Kara aquifer is their only source of water, so their reported production is assumed to be their withdrawal [15] [16]. Table 2 in the Appendix shows those reported to the Drinking Water Program when the Inyan

Kara aquifer is their only source of water and Appendix Table 3 shows the non-irrigation water rights/permits required to report their withdrawals. The total estimated withdrawal for non-irrigation water rights/permits that report withdrawals is 4,629 ac-ft/yr.

There are four non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [13]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 73 ac-ft/yr.

Concentrated animal feeding operations (CAFOs) large enough to require a *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (General Permit) that do not report their annual withdrawals are estimated to withdraw water based on the number of animals permitted to those facilities [21] [22]. There are 14 CAFOs that are large enough to require a General Permit that are not required to report their withdrawals under their water right/permit. In the cases where the estimated animal water requirements are greater than the amount of water allowed by the water right/permit, the water rights/permits are assumed to withdraw at the maximum amount of water licensed/permitted. The number of these permits and estimated withdrawal have not changed since the last hydrologic budget was estimated and can be found in that report [23]. The total estimated withdrawal for CAFO water rights/permits not required to report their withdrawals is 1,095 ac-ft/yr.

Finally, there are 103 non-irrigation water rights/permits that do not match any of the descriptions above [13]. They are conservatively assumed to withdraw at their maximum instantaneous diversion rate 60% of the time, for a withdrawal of 7,039 ac-ft/yr. This is likely to be an overestimate, based on Water Rights Staff experience.

Summary of Hydrologic Budget

The estimated average annual recharge to the Inyan Kara aquifer in South Dakota is 27,600 ac-ft/yr. The total estimated average annual appropriation is 14,554 ac-ft/yr including permits that are held in abeyance and reserving water for future use. This application is estimated to withdraw 48 ac-ft/yr, although it has likely been withdrawing that amount for quite some time. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available.

Table 1: Summary of estimated withdrawals and appropriations

Estimation Type	Number of Permits	Est. Use (ac-ft/yr)
Irrigation, reporting	8	120
Irrigation, not reporting	6	1,182
Standby	15	0
Non-Irrigation, Reporting	60	4,629
CAFO General Permits	14	1,095
Non-Irrigation, Volume	4	73
Non-Irrigation, 60 percent	103	7,039
<i>Subtotal</i>	<i>210</i>	<i>14,138</i>
Future Use	1	142
Held	1	274
Grand Total	212	14,554

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation wells to determine the availability of unappropriated water. The nearest Water Rights Program Observation Well is ED-85B, located approximately 90 miles northeast of this application [4]. Due to the distance between Observation Well ED-85B and this application, water level fluctuations in Observation Well ED-85B are not reflective of fluctuations happening near the well for this application. However, trends of measurements from Observation Well ED-85B are likely to be reflective of trends over time in the area of this application. Figure 2 shows the water levels from the top of the casing over the period of record of 1990 to 2024 [4]. In general, water levels in the observation well are declining over time. Sharp declines in water levels in 2009 through 2012 were caused by aquifer performance tests in the area of Observation Well ED-85B [4]. The declines slope more steeply from 2002 through 2013, consistent with that period of time being drier than average in the Black Hills, where the Inyan Kara aquifer receives recharge [24]. Declines in water levels in confined aquifers represent a decline in hydraulic head in the aquifer and not a significant decline in the available water in the aquifer. Much of the declining head in the Inyan Kara aquifer is due to uncontrollable flowing wells which are discharging to land surface or other aquifers when the wells have casing failures in a shallower aquifer. It is likely the hydraulic head in the Inyan Kara aquifer will continue to decline, albeit at a slower rate, as pressure in the aquifer equilibrates with time. The well for this application has been flowing for an unknown amount of time before present. Photos on file from Staff Engineer Mathiowetz's inspection of the well for this application show that the well is quite old [8]. Therefore, any influence this well might have on the hydraulic head of the Inyan Kara aquifer is already reflected in the observation well record. Upon consideration of Water Permit Application No. 5136-3 in 1987 for Farmland Industries, the Water Management Board concluded that it was better to place water to beneficial use than to attempt to preserve hydraulic head in the Dakota aquifer, which is declining similarly to the Inyan Kara aquifer [25]. Therefore, based on the record of observation well records and consistent with past Water Management Board decisions, there is reasonable probability unappropriated water is available for this application.

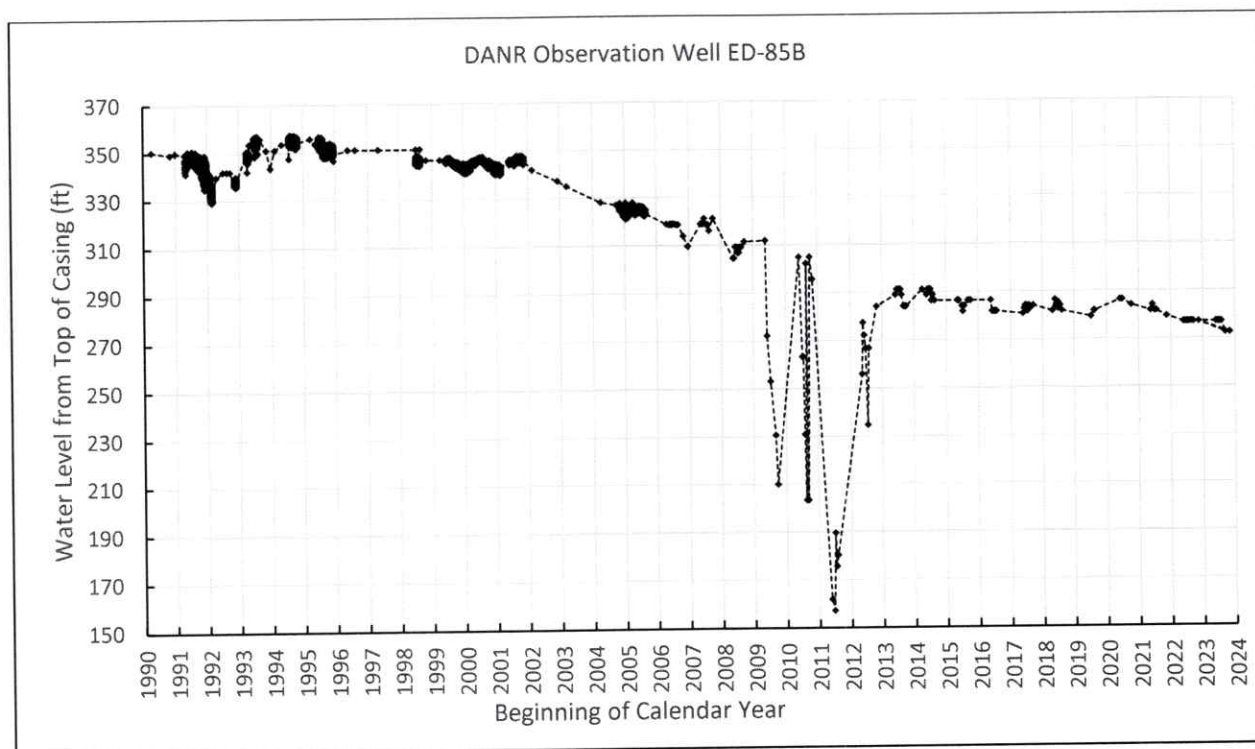


Figure 2: Observation Well ED-85B water levels [4]

Possibility of Unlawful Impairment

The nearest water right permit to this application is Water Right No. 2419-2, which is located approximately 12 miles southwest of this application [13]. The nearest well completion report on file with the Water Rights Program that is likely to be completed into the same aquifer as this application is located approximately 2.6 miles east of this application [5]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

There are no complaints on file in Hughes County regarding adverse impacts to wells [26]. Therefore, based on the lack of complaints, distance between this application and the nearest well on file with the Water Rights Program in the same aquifer, and the fact that this well has been in use for a long time, there is reasonable probability this application was developed without unlawful impact to existing water rights/permits.

Special Consideration: Flowing Well

South Dakota Codified Law (SDCL) 46-1-4 provides that waste of water should be prevented. Administrative Rule of South Dakota (ARSD) 74:02:04:76 provides that "Any well that flows or may flow shall be constructed to allow the completed well to be completely shut off or the flow reduced to no more than 5 gallons per minute to prevent freezing when not in use." Therefore, the applicant must valve the well so that waste of water is prevented as provided by ARSD 74:02:04:76.

Special Consideration: Adequate Well Required

The well for this application does not have a well completion report available for it. Therefore, it is not possible to assess if the well meets South Dakota Well Construction Standards. South Dakota Well Construction Standards provide an alternative construction method for Inyan Kara and Dakota aquifer wells which is commonly called the "slim hole" construction, which allows for a small screen and casing to be placed into the aquifer formation. The slim hole construction method is acceptable for domestic wells, but wells completed following the slim hole method are not adequate wells because a pump cannot be placed into the aquifer formation. South Dakota Well Construction Standards also provide that a well completed for a water right permit must be an adequate well. In the past, this well may have been used for domestic purposes for which slim hole construction was permissible. However, if the applicant replaces this well with a new one, the new well must meet South Dakota Well Construction Standards including the adequate well requirement.

Conclusions

1. Water Permit Application No. 8789-3 proposes to 48 ac-ft/yr at a maximum diversion rate of 0.067 cfs from one existing well completed into the Inyan Kara aquifer in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 T111N-R76W, 5th Principal Meridian for fish and wildlife propagation.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application will not unlawfully impair existing water rights or domestic uses.
4. The well for this application must be valved so that waste of water is prevented except as provided by state laws and rules.
5. If the applicant replaces this well, the replacement well must be constructed according to South Dakota Well Construction Standards and must meet the definition of an adequate well for any use of water that is not a domestic use.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

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Appendix

Table 2: Water use as reported to the Drinking Water Program [16]

Permit No.	Name/Business	Priority	Use (gal/day)	Use (ac-ft/yr)
1793-1	Autumn Meadows Sanitary District	2003-05-13	4,000	4
716-1	City of Newell	1963-09-27	70,000	78
731-1	City of Newell	1964-06-10		
2425-2	Country Road Estates LLC	1999-07-12	6,000	7
1597-1	Crooked Oaks Canyon Homeowners Association	1994-03-22	4,000	4
1799-1	Deep Water LLC (renamed Dry Creek Estates)	2003-10-14	19,000	21
1861-1	Horseshoe Acres Water Assoc Inc	2006-04-20	14,000	16
1656-1	Lofty Pines Homeowners	1998-01-02	4,000	4
2268-2	Prairie Acres LLC	1993-03-09	21,000	24
2414-2	Signature Development (renamed The Ranch at Black Gap)	1998-10-06	55,000	62
794-2	Town of Buffalo Gap	1963-03-11	11,250	13
660-2	Town of New Underwood	1961-03-03	55,000	62
1947-2	Town of New Underwood	1981-06-03		
366-1	Town of Nisland	1939-01-01	15,450	17

Report on Water Permit App. No. 8789-3

Table 3: Water right permits reporting to the Chief Engineer [19] [20]

Permit No.	Name/Business	Status	Max. CFS	Volume Limit (ac-ft/yr)	Years Reported	Avg. Report (ac-ft/yr)	Est. Use (ac-ft/yr)
8299-3	Aberdeen Energy LLC	PE	1.330	968	5	0	968
8197-3	Aberdeen Farm LLC	PE	0.160	72	2	9	72
8635-3	Big Watt Digital SD LLC	PE	0.890	77	1	4	77
1903-1	Castle Rock Group	LC	0.110	N/A	14	15	15
1906-1	City of Sturgis	LC	0.222	N/A	14	2	2
1958-1	City of Sturgis	LC	0.088	8	16		
2596-2	City of Wall	LC	0.890	261	17	147	147
1983-1	Continental Resources	PE	0.500	360	5	54	360
1982-1	Dennis L Miller	PE	0.333	120	3	2	120
1846-1	Dennis or Anna Mae Beckham	LC	0.100	N/A	17	3	3
1996-1	Dylan Gingras	PE	0.133	48	1	0	48
2032-1	Elk Creek Developers, LLC	PE	0.000	30	0	N/A	30
1920-1	Elk Valley Ranchettes HOA	LC	0.100	N/A	11	7	7
2635-2	Fall River Water Users District	LC	0.333	N/A	13	5	5
2819-2	Fall River Water Users District	PE	0.090	25	2	0	25
8334-3	Gettysburg Country Club	PE	0.180	N/A	5	27	78
1826-1	Golden Valley Water Company LLC	LC	0.267	N/A	18	18	18
2601-2	Grandview Land LLC	LC	0.340	206	6	3	206
1837-1	Guy Mann	LC	0.440	N/A	18	2	2
2841-2	Hwy 79 LLC	PE	0.890	218	0	N/A	218
2538-2	JKRK Properties LLC	PE	0.244	N/A	18	15	15
1989-1	Luff Exploration Company	PE	0.100	59	4	18	59
8197A-3	Mina North LLC	PE	0.000	72	0	N/A	72
2622-2	Owanka Rural Water Association Inc	LC	0.667	N/A	16	18	18
1999-1	Rafter Properties LLC	PE	0.170	74	2	3	74
2832-2	Reel Simple LLC	PE	0.044	10	1	0	10
1857-1	Shade Valley Inc	LC	0.330	N/A	17	1	1
2543-2	Southern Black Hills Water System	LC	0.220	N/A	14	18	18
2752-2	Southern Black Hills Water System	PE	0.330	170	7	0	170
2752A-2	Southern Black Hills Water System	PE	0.000	N/A	7	3	0
8607-3	Spring Creek Hutterian Brethren Inc	PE	0.220	100	1	32	100
2754-2	Steve Simunek	LC	0.100	N/A	7	14	43
2165-2	Tightline Lake Estates HOA	LC	0.070	N/A	20	9	9
2550-2	Town of Hermosa	LC	0.450	162	18	50	50
1968-1	Venekamps LLC	LC	0.110	29	6	3	29
1874-1	Viewfield Rural Water Assoc Inc	LC	0.290	N/A	16	40	40
1898-1	Viewfield Rural Water Assoc Inc	LC	0.155	N/A	16		
8420-3	Vogel Farms PTR	PE	0.120	89	3	81	89
2830-2	Weinreis Brothers	PE	0.330	160	1	34	160

Report on Water Permit App. No. 8789-3

Permit No.	Name/Business	Status	Max. CFS	Volume Limit (ac-ft/yr)	Years Reported	Avg. Report (ac-ft/yr)	Est. Use (ac-ft/yr)
2464-2	West River Lyman Jones	LC	1.000	360	20	449	449
2465-2	West River Lyman Jones	LC	1.000	360	20	0	0
2797-2	West River Lyman Jones Rws	LC	1.000	455	5	0	455
2778-2	Western Construction Inc	PE	0.170	31	5	0	31
1855-1	Wink Cattle Co	LC	0.133	N/A	17	21	21
1975-1	Wink Cattle Co	PE	0.069	N/A	7		
1975A-1	Wink Cattle Co	PE	0.000	N/A	7		
Total			14.718	4,524		1,109	4,316



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 30, 2024

Dennis Larson
PO Box 212
Blunt SD 57522

Dear Mr. Larson:

Water Permit Application No. 8789-3 for fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capital Journal printed in Pierre SD (Ph # 605 224-7301) and the Plainsman printed in Huron SD (Ph # 605 353-7414). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8789-3 to Appropriate Water

Notice is given that Dennis Larson, PO Box 212, Blunt SD 57522 has filed an application for a water permit to appropriate up to 48 acre-feet of water annually at a maximum diversion rate of 0.067 cubic feet of water per second from one well completed into the Inyan Kara Aquifer located in the NE 1/4 SE 1/4 Section 14 for fish and wildlife use in impoundments located in the NE 1/4 Section 14, SW 1/4 Section 13 and the SE 1/4 Section 11; all in T111N-R76W. This site is located approximately 18 miles east of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8789-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 20, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 20, 2024.

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.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 29, 2024 1:43 PM
To: legals@capjournal.com
Subject: 8789-3 Dennis Larson - Public Notice
Attachments: 8789-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 8, 2024.

Dennis Larson, PO Box 212, Blunt SD 57522, 605-280-7835, 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 29, 2024 1:44 PM
To: Ruby Crandall
Subject: 8789-3 Dennis Larson - Public Notice
Attachments: 8789-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 8, 2024.

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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

State of Pennsylvania, County of Lancaster, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed NOTICE OF APPLICATION NO. 8789-3 a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

May. 8, 2024

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or 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 whomever; that the fees charged for the publication thereof are: 55.03

Nichole Seitz

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 05/08/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 8789-3 to Appropriate Water

Notice is given that Dennis Larson, PO Box 212, Blunt SD 57522 has filed an application for a water permit to appropriate up to 48 acre-feet of water annually at a maximum diversion rate of 0.067 cubic feet of water per second from one well completed into the Inyan Kara Aquifer located in the NE 1/4 SE 1/4 Section 14 for fish and wildlife use in impoundments located in the NE 1/4 Section 14, SW 1/4 Section 13 and the SE 1/4 Section 11; all in T111N-R76W. This site is located approximately 18 miles east of Pierre SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8789-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below. Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements

and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 20, 2024. 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.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the

Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published May 8, 2024
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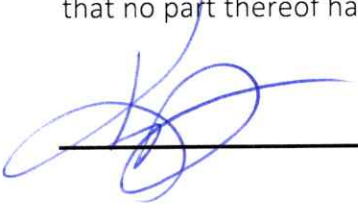
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 2579

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MAY 13 2024

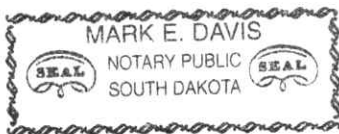
OFFICE OF
WATER

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Dennis Larson – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 05/8/2024. That the full amount of the fee charged for the \$43.83 Public Hearings to the benefit of the publisher of said newspaper; that no agreement or 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 whom so ever.


Subscribed and sworn to me before this date 5/8/24.


Notary Public, South Dakota

My Term Expires 12/27/2024



**NOTICE OF
APPLICATION
NO. 8789-3 to**

Appropriate Water

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Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of

the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's

recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 20, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/> public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 20, 2024.

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.

No. 2579 (adv.)
Published one time at the total approximate cost of \$43.83 and may be viewed free of charge at www.sdpublicnotices.com.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 17 2024

Dennis Larson
PO Box 212
Blunt SD 57522

Dear Mr. Larson:

Enclosed is Water Permit No. 8789-3 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**

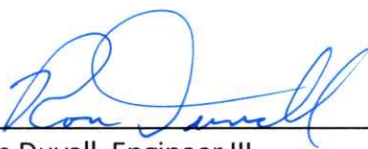
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8789-3

Name of Applicant: Dennis Larson

Date of Posting: 5/6/2024

Date of Removal: 6/17/2024



Ron Duvall, Engineer III

6/17/2024

Date

Subscribed and sworn to before me, a notary public, this 17th day of June, 20 24.



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

(SEAL)



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

Date 6-24-2024

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

FROM:

Dennis Larson
(name)P.O. Box 212 103W Lonetree Ave
(address)Blunt, SD 57522
(city, state, zip)605-280-7835
(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. 8789-3 states that the water use system is to be constructed by

May 20-2029 (date), and water is to be put to beneficial use by May 20-2033 (date).

The water use system was completed on 5-25-2024 (date).

Applying the water to beneficial use was completed on 5-26-2024 (date).

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

[Signature]
(signature)



RECEIVED

JUL 01 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 1, 2024

8789-3

Dennis Larson
PO Box 212
Blunt SD 57522

Dear Mr. Larson:

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 authorized by Permit No. 8789-3.

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