

**WATER PERMIT NO. 8796-3**

Name of Applicant: **Munkvold Land & Cattle Co. Inc.**

Address: **43723 294<sup>th</sup> Street, Menno SD 57045** Phone: **605-660-2545**

Amount of Water Claimed: **3.78 cfs** Total Acres: **320**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **15 miles north of Yankton SD**

**PRIORITY** Date Received: **09-05-2023**

Application/License Fee: **\$2,100.00**

Corrected Application Received: **09-06-2023**

Period of Annual Use: **May 1 – October 31**

Remarks:

Diversion Point: **North quarter corner of Section  
15-T96N-R56W**

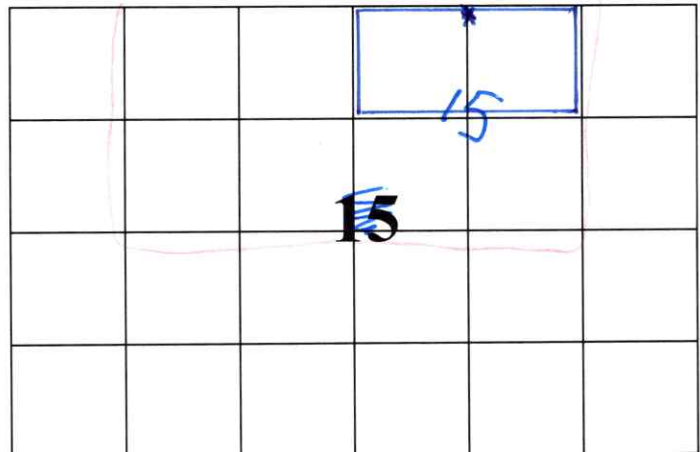
Land to be Irrigated: **N 1/2 Section 15-T96N-  
R56W**

Depth of Well: **250**

Well Driller: **Thein Well Co.**

Remarks:

Type of Map: **topo**



Reviewed and the Number Assigned on: **09-07-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA  
WATER PERMIT NO. 8796-3**

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Date of first receipt of application September 5, 2023.

Date of return to applicant for corrections, amendments or changes September 6, 2023.

Date of receipt of corrected application September 6, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8796-3 to Munkvold Land & Cattle Co. Inc., 43723 294<sup>th</sup> Street, Menno SD 57045 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. 8796-3 appropriates 3.78 cubic feet of water per second from one well to be completed into the Lower James Missouri Aquifer (approximately 250 feet deep) located near the north quarter corner Section 15 for irrigation of 320 acres located in the N 1/2 Section 15; all in T96N-56W. This site is located approximately 15 miles north of Yankton SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is September 5, 2023.
4. The date of approval of Permit No. 8796-3 is November 13, 2023.
5. One-fifth of the construction is to be completed on or before May 13, 2026.
6. All construction is to be completed on or before November 13, 2028.
7. Water is to be put to beneficial use on or before November 13, 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. 8796-3 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. 8796-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: Eric Gronlund

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

JAN 02 2024  
date



RECEIVED

SEP 05 2023

PAID

SEP 05 2023

Ck# 2332  
Rec't# 9/5/23

Mail to:

SD DANR, Water Rights  
523 E Capitol Ave  
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 8796-3 Hydrologic Unit 10160011

Basin Lower James

Newspaper Daily Press & Dakotan

(office use only)

OFFICE OF  
WATER

## Application for Permit to Appropriate Water for Irrigation

Type of Application:

☒ New

☐ Vested Right

(Use predates Mar 2, 1955)

☐ Amendment/Correction to Permit No. \_\_\_\_\_

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

1. Name to Appear on Irrigation Permit Munkvold Land & Cattle Co. Inc

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

Mailing Address 43723 294th St Menno SD 57045

(Address)

(City)

(State)

(Zip Code)

Phone 605-387-5784 Mobile 605-660-2545 Email MLCCTC@goldenwest.net

2. Amount of water claimed 3.78 \*CFS or 1700 \*\*GPM        \*\*\*AF Total Acreage 320

(\*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 1 well N 1/2 Sec 15 96-56

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

near N 1/4 corner

County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used may thru october 31

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>N 1/2 Sec 15-96N-56W</u> | <u>320</u> |                  |       |
|                             |            |                  |       |
|                             |            |                  |       |
|                             |            |                  |       |

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

I, Deedus R. Ruppert

Name of Person

President

Title (if applicable)

, the applicant, certify under

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 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by Therion Well Co.  
(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) 150 Depth to Top of Water Bearing Material 140 Depth to Water from Surface 135

d) Distance to nearest domestic well on applicant's property 1 mile Property owned by others 1 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)

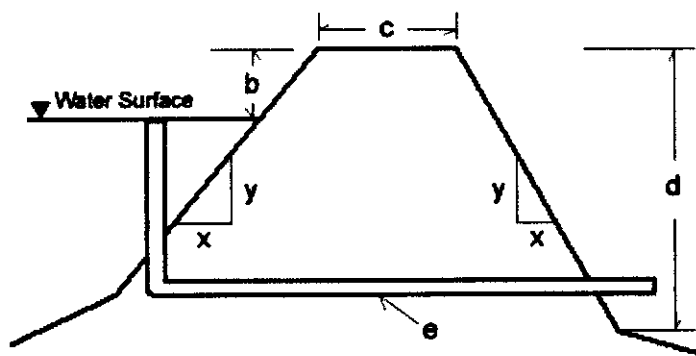
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres

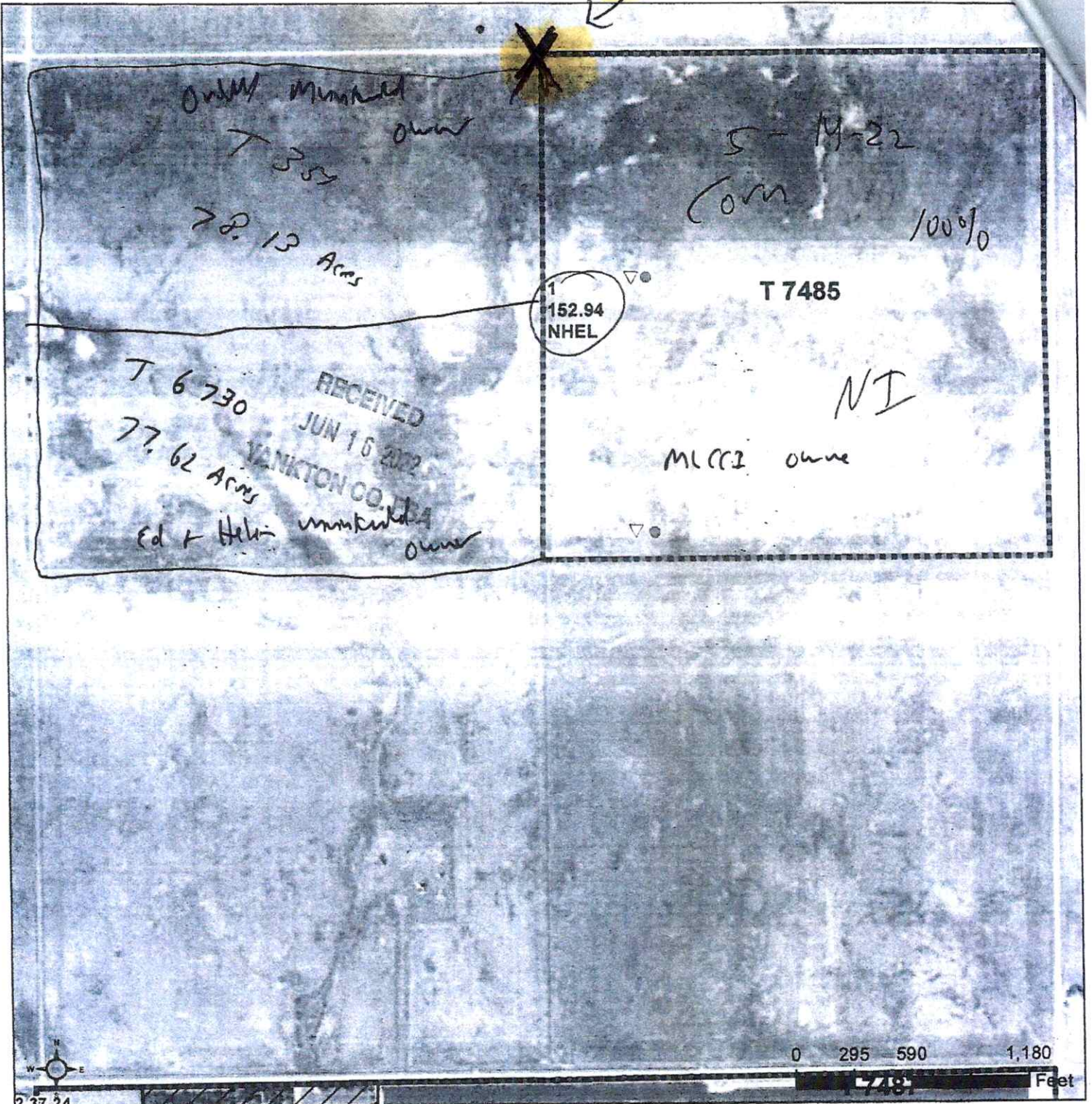




United States  
Department of  
Agriculture

Yankton County, South Dakota

Proposed well location



#### Common Land Unit

PLSS

- Cropland
- Tract Boundary

#### Wetland Determination Identifiers

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

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

Producer initial ORM  
Date 6-15-22

2022 Program Year

Map Created April 01, 2022

Farm 7385

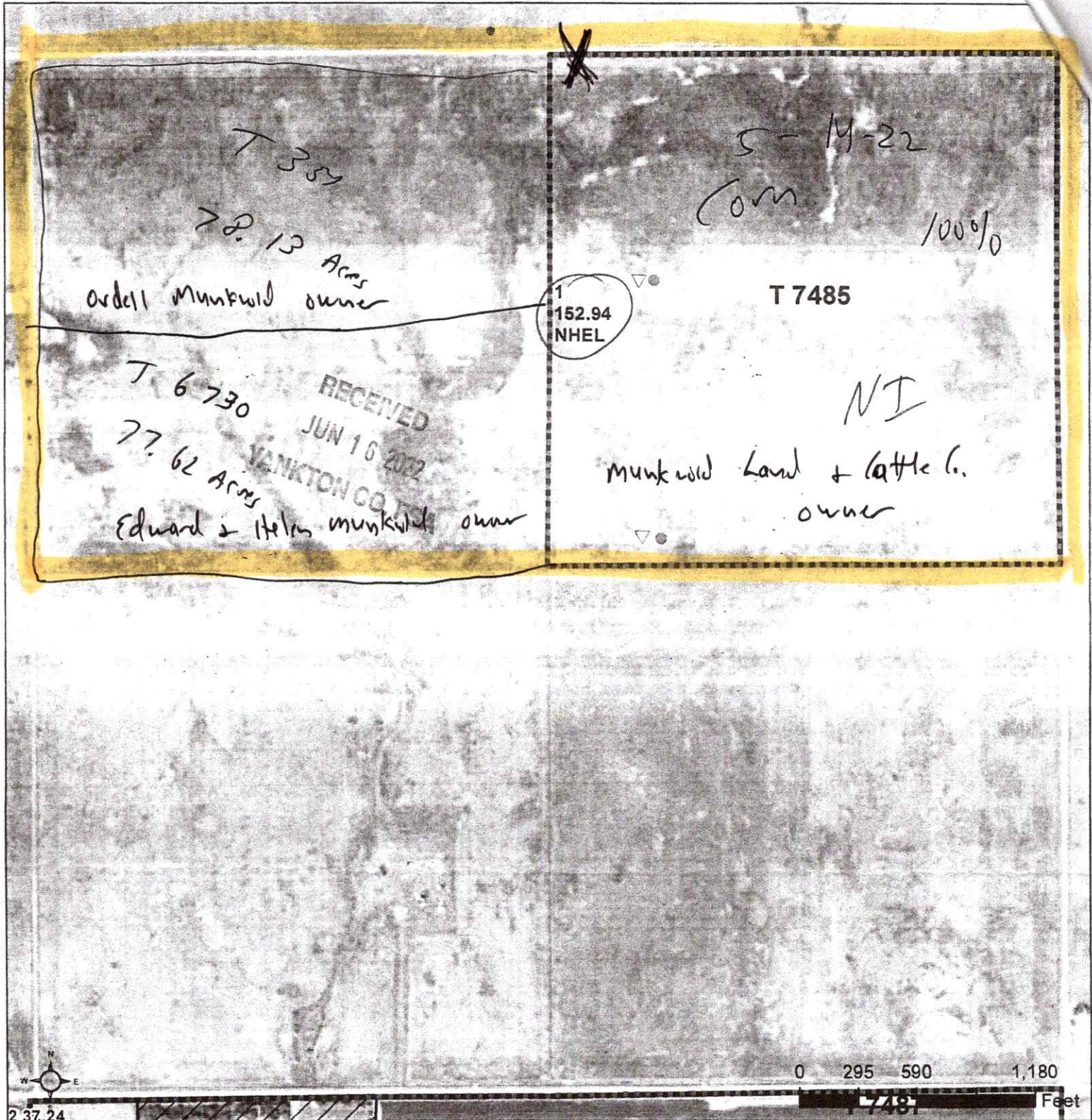
15 -96N -56W

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) for more information.



United States  
Department of  
Agriculture

# Yankton County, South Dakota



## Common Land Unit

PLSS

- Cropland
- Tract Boundary

## Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
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Producer initial ORM  
Date 6-15-22

2022 Program Year

Map Created April 01, 2022

**Farm 7385**

**15 -96N -56W**

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December 29, 2023

**PAYMENT REQUEST FORM**

**PAYEE:** Munkvold Land & Cattle Co. Inc.  
Ordell Munkvold, President  
43723 294th  
Menno SD 57045

**FROM:** DANR-Water Rights Program  
523 E. Capitol Ave  
Pierre, SD 57501-3181

**DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER**

Refund of over payment for Application/License Fee

**AMOUNT:** \$750.00

**FUNDING SOURCE:** WR Fees

**GENERAL:**

**FEDERAL:**

**OTHER:**

**COMMENTS:**

**AUTHORIZATION:** *Eric Munkvold* 12/29/2023

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.  
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 5, 2023

RECEIVED OF Munkvold Land & Cattle Co. Inc. 43723 294<sup>th</sup> St., Menno SD 57045

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

|                                                                                                                        |                   |
|------------------------------------------------------------------------------------------------------------------------|-------------------|
| Fee for Application for Permit No. <u>8796-3</u> to Appropriate Water, to construct and to put water to beneficial use | \$ <u>1900.00</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>8796-3</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>2100.00</u> |

By Eric Gronlund  
Chief Engineer  
vm

## Rodriguez, Rachel

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**From:** mlcci@goldenwest.net  
**Sent:** Wednesday, September 6, 2023 1:03 PM  
**To:** Rodriguez, Rachel  
**Subject:** Re: [EXT] Application -Permit for Water Irrigation  
**Attachments:** Scan\_0791.pdf

Rachel I resent the map with the proposed location for the well And yes we want to irrigate the N 1/2 of section 15 Approximatley 308.69 Acres Thanks Ordell

On 2023-09-06 09:57, Rodriguez, Rachel wrote:

Good morning,

*North quarter corner*

I am in receipt of your application for a water permit. I just want to confirm the following:

- 1 well location NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 15-T96N-R56W
- Irrigation area N  $\frac{1}{2}$  Section 15-T96N-R56W

Once you confirm, I can proceed to process your application.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 8796-3, Munkvold Land & Cattle Co. Inc.**

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. 8796-3, Munkvold Land & Cattle Co. Inc., 43723 294th Street, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 8796-3 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. 8796-3 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. 8796-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer  
October 24, 2023

Report to the Chief Engineer  
On Water Permit Application No. 8796-3  
Munkvold Land & Cattle Co. Inc.

October 19<sup>th</sup>, 2023

Water Permit Application No. 8796-3 proposes to appropriate 3.78 cubic feet per second (cfs) from one well to be completed into the Lower James Missouri aquifer (approximately 250 feet deep) located near the north quarter corner (NE corner of the NW ¼) of Section 15 for irrigation of 320 acres located in the N ½ Section 15; all in T96N-R56W. The site of interest is located approximately 15 miles north of Yankton, SD in Yankton County.

**AQUIFER:** Lower James Missouri (LJM)

**HYDROGEOLOGY:**

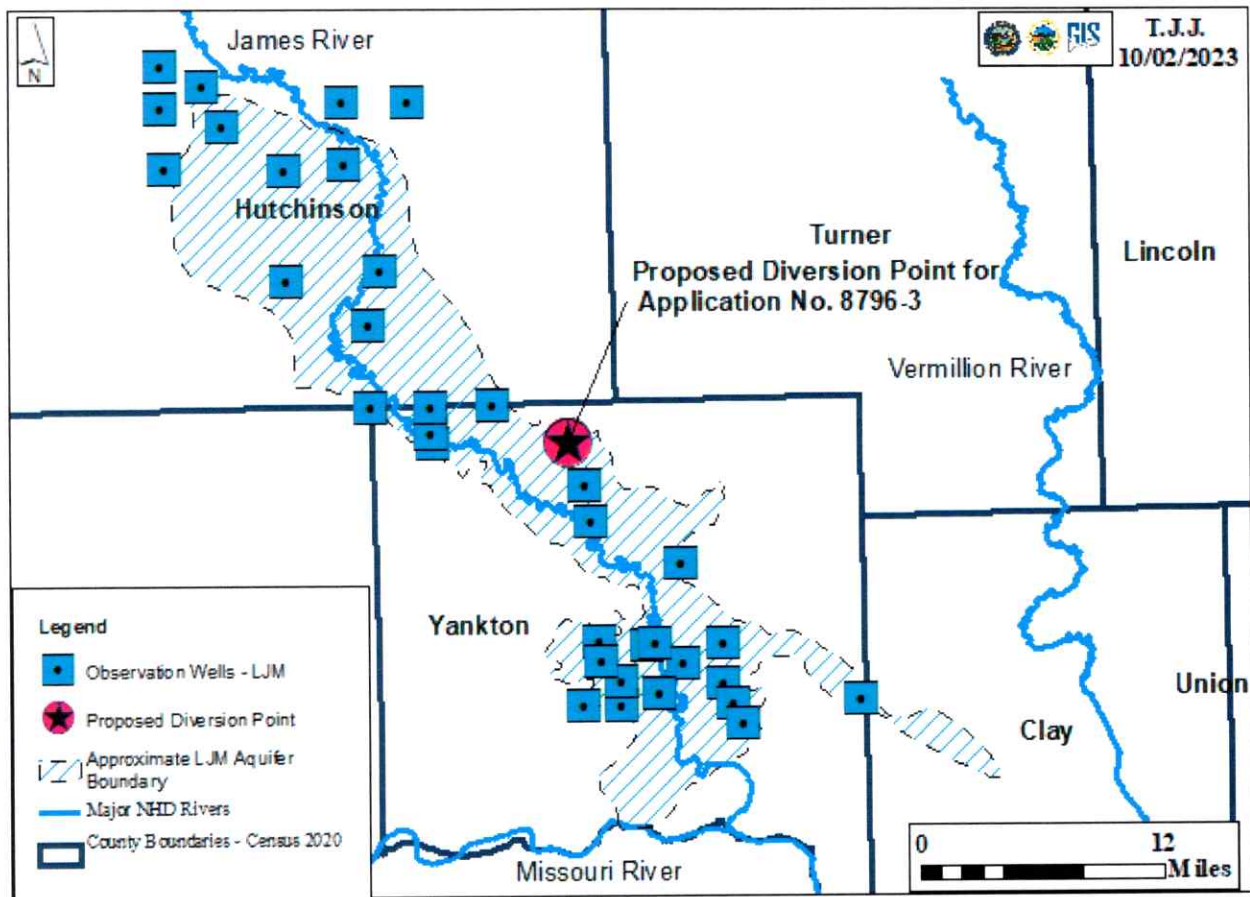
The Lower James Missouri aquifer is a Quaternary aged glacial outwash that consists of fine sand to cobble gravel that is intermixed in some expanses with discontinuous layers of clayey till up to 25 feet thick (Lindgren and Hansen, 1990 and 1993). The Lower James Missouri aquifer is generally underlain 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/underlying 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 ranges from approximately 50 to 150 ft (Bugliosi, 1986). The Lower James Missouri aquifer is predominantly under confined conditions but can be found to be under 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   | <b>Total:</b>    |
|------------------------------------------|--------|------------|-----------|------------------|
| Areal Extent (acres)                     | 5,400  | 93,800     | 92,500    | <b>191,700</b>   |
| Recoverable Water in Storage (acre-feet) | 81,000 | 633,150    | 2,081,250 | <b>2,795,400</b> |

There was no well completion report submitted with Water Permit Application No. 8796-3, so the next closest well completion report will be used instead. The closest well is located 0.5 miles southwest of the proposed diversion point and was completed on June 28<sup>th</sup>, 1985. The well is

completed into the Lower James Missouri aquifer and had an approximate static water level of 147 feet below the ground surface and the top of aquifer material was 173 feet below the ground surface (Water Rights, 2023d). Based on water wells within 2 miles surrounding the diversion point, the saturated aquifer thickness ranges from 20 feet to 80 feet (Water Rights, 2023d). Based on this water well completion report and other reports near the proposed diversion point, the Lower James Missouri aquifer is expected to be under confined conditions at the proposed diversion point (Water Rights, 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. 8796-3

### **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. 8796-3 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 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 possible 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 possibly in excess of 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 134 water rights/permits authorized to appropriate water from the Lower James Missouri aquifer, and one pending application (Application No. 8786-3) 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 |                          |        |          |                                 | <b>TOTAL:</b>                        | <b>1,595</b>                   |

Currently, there are 126 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 3,114 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 2013 to 2022 is approximately 5,106 acre-feet per year (Table 3) (Water Rights, 2023a).

There are five water permits that were approved in 2023 that are not accounted for in Table 3: Water Permit Nos. 8736-3, 8740-3, 8762-3, 8765-3, and 8780-3 (Water Right, 2023c). Combined, these five water permits are authorized to irrigate 559.98 acres (Water Rights, 2023c). Pending Water Permit Applications Nos. 8796-3 and 8786-3 are requesting to irrigate a combined total of 473 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 2023 is approximately 560 acre-feet per year. The estimated average annual withdrawal rate for this application and other pending application is approximately 473 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2013 to 2022 (5,106 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2023 (560 acre-feet/year), this application and the other pending application (473 acre-feet per year), is approximately 6,139 acre-feet per year.

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

| <b>Year</b>            | <b>No. of Permits Reporting</b> | <b>Reported Pumpage (acre-feet)</b> |
|------------------------|---------------------------------|-------------------------------------|
| 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                            |
| 2022                   | 122                             | 10,131.70                           |
| <b>Max</b>             | <b>127</b>                      | <b>13,058.5</b>                     |
| <b>Min</b>             | <b>22</b>                       | <b>230.4</b>                        |
| <b>Avg (1979-2022)</b> | <b>64</b>                       | <b>3,114</b>                        |
| <b>Avg (2013-2022)</b> | <b>124</b>                      | <b>5,106</b>                        |

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.

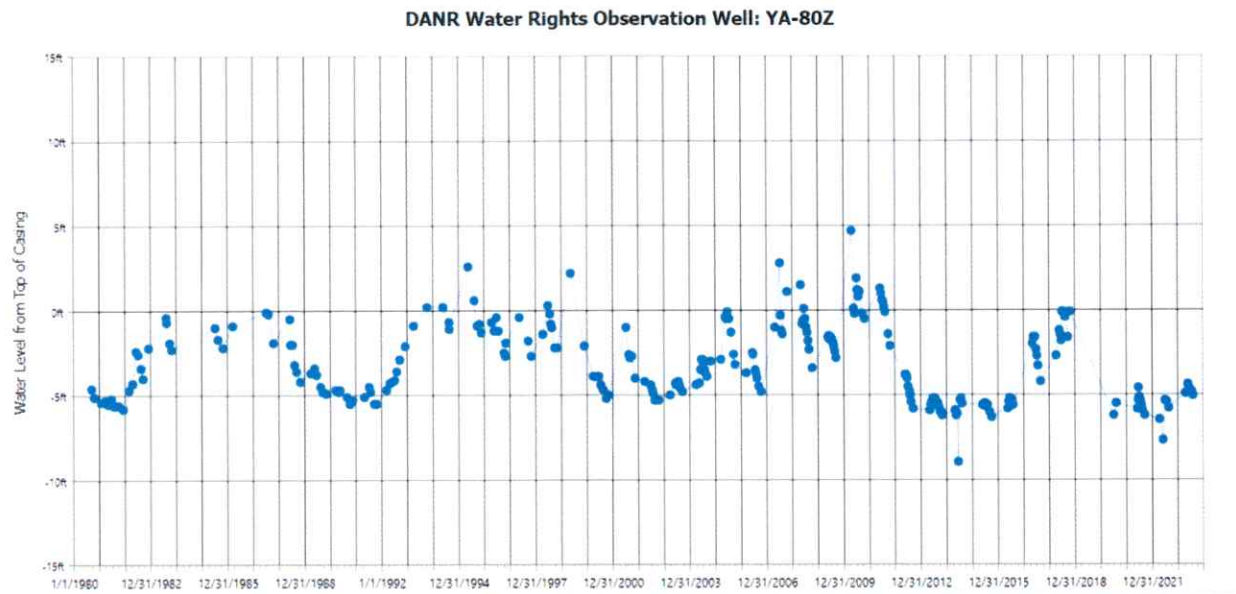
### **Hydrologic Budget Summary**

The average annual recharge rate to the Lower James Missouri aquifer has a range between 23,963 to possibly in excess of 26,715 acre-feet/year (Hedges et al, 1982 and 1985; Stonesifer, 2014). The average withdrawal rate from the Lower James Missouri aquifer totals to approximately 7,734 acre-feet/year; (non-irrigation: 1,595 acre-feet/year; irrigation (avg. 2013 to 2022 plus the water rights/permits approved in 2023, this application, and one other pending application): 6,139 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.

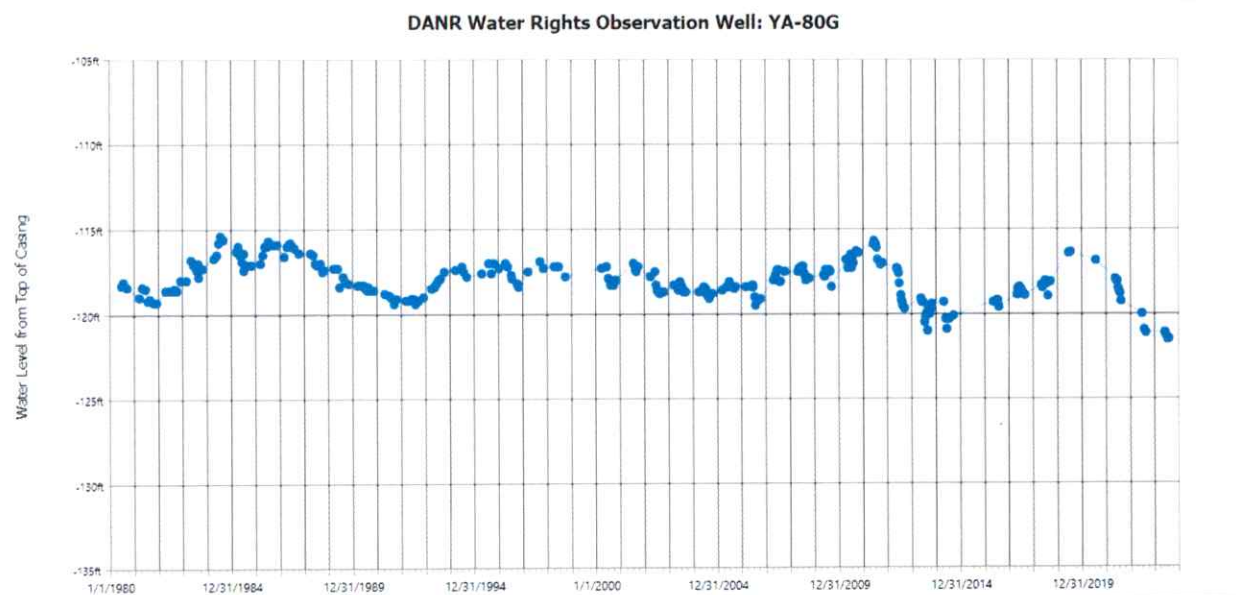
### **OBSERVATION WELL DATA:**

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.

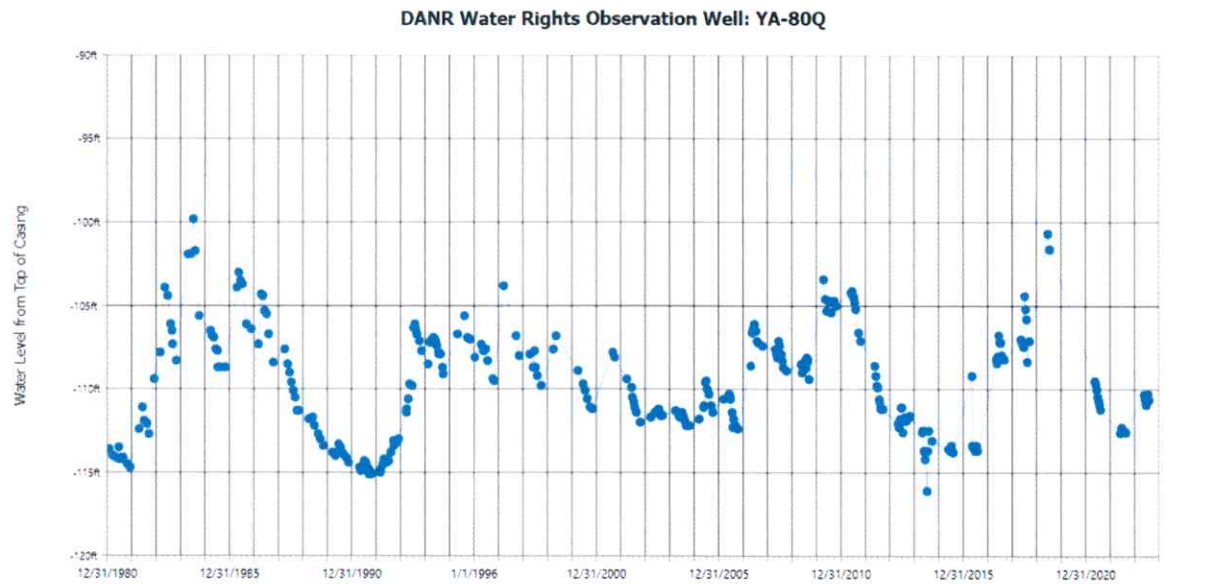
The DANR-Water Rights Program monitors 34 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 3 closest observation wells to the proposed diversion point are YA-80Z (approximately 3.9 miles south), YA-80G (approximately 4.3 miles northwest), and YA-80Q (approximately 7.0 miles northwest) (Water Rights, 2023b). It should be noted that YA-80X is closer to the diversion point; however, it is a special consideration well due to an iron bacteria issue and may not be currently representative of the Lower James Missouri aquifer; thus, YA-80X is not included in this report. 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 to 4 share a similar trend to most of the other observation wells in the Lower James Missouri aquifer.



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



**Figure 3.** Hydrograph for observation well YA-80G (Water Rights, 2023b)

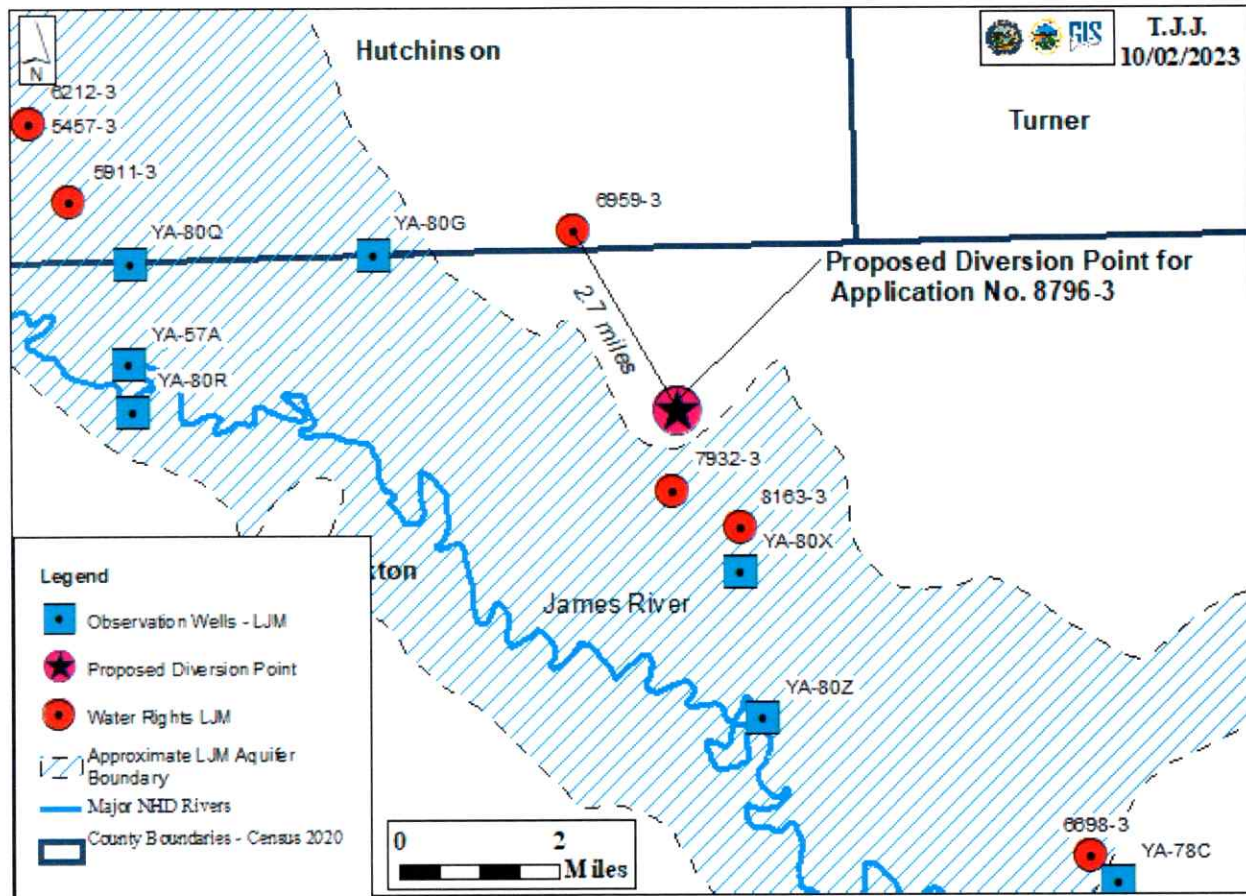


**Figure 4.** Hydrograph for observation well YA-80Q (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable water levels over their respective periods of record. The hydrographs for the Lower James Missouri aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Lower James Missouri aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

#### **POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:**

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. 6959-3, as shown on Figure 5, which is held by Schaffer Acres Inc. The diversion point for Water Right No. 6959-3 is located approximately 2.6 miles northwest of the proposed diversion point for this application (Water Rights, 2023c). It should be noted that Water Rights Nos. 7932-3 and 8163-3 are closer to the diversion point but are also held by Munkvold Land & Cattle Co. Inc. (Water Rights, 2023c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Lower James Missouri aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.5 miles 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 the approximate Lower James Missouri aquifer boundary (modified from Hedges et al, 1982), the Lower James Missouri aquifer water rights/permits within 4 miles of the proposed diversion point (Water Rights, 2023c), and the location of proposed diversion point for Water Permit Application No. 8796-3.

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

| Permit | Name/Business                   | Priority   | Status  | Use Type   | CFS  | Acres |
|--------|---------------------------------|------------|---------|------------|------|-------|
| 5457-3 | John Ulmer                      | 06/08/1990 | License | Irrigation | 1.88 | 132   |
| 5911-3 | John Ulmer                      | 02/27/1996 | License | Irrigation | 1.4  | 98    |
| 6212-3 | John Ulmer                      | 05/30/2000 | Permit  | Irrigation | 0.89 | 20    |
| 6698-3 | J. H. Gunderson                 | 07/18/1977 | License | Irrigation | 1.56 | 392   |
| 6959-3 | Schaffer Acres Inc.             | 02/11/2008 | Permit  | Irrigation | 2.11 | 320   |
| 7932-3 | Munkvold Land & Cattle Co. Inc. | 11/22/2013 | License | Irrigation | 3.01 | 155   |
| 8163-3 | Munkvold Land & Cattle Co. Inc. | 05/26/2015 | License | Irrigation | 2.23 | 238   |

The Lower James Missouri aquifer varies between confined and unconfined conditions (Bugliosi, 1986; Lindgren and Hansen, 1993). Based on water well completion reports near the proposed diversion point, the proposed diversion point is expected to be under confined conditions. 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)), 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). It should be noted the proposed well site is near the aquifer boundary. This means there is an increased potential for drawdown. Within approximately two miles of the proposed well site, saturated aquifer thickness ranges from 20 to 80 feet. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

**CONCLUSIONS:**

1. Water Permit Application No. 8796-3 proposes to appropriate 3.78 cfs from one well to be completed into the Lower James Missouri aquifer (approximately 250 feet deep) located near the north quarter corner (NE corner of the NW  $\frac{1}{4}$ ) of Section 15 for irrigation of 320 acres located in the N  $\frac{1}{2}$  Section 15; all in T96N-R56W. The site of interest is located approximately 15 miles north of Yankton, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8796-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



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

Reviewed by:



Adam Mathiowetz, PE  
Natural Resources Engineer IV  
SD DANR - Water Rights Program

### References

- Bugliosi., E.F., 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Lindgren, R.J., and Hansen, D.S., 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey, Huron, South Dakota.
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- Stonesifer, J.R., 2014. Report to the Chief Engineer, Water Permit Application No. 7977-3, Dahlerup Family Trust, April 25, 2014. SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- 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.**

October 26, 2023

Munkvold Land & Cattle Co.  
c/o Ordell Munkvold  
43723 294<sup>th</sup> Street  
Menno SD 57045

Dear Mr. Munkvold:

Water Permit Application No. 8796-3 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.

NOTICE OF APPLICATION NO. 8796-3 to Appropriate Water

Notice is given that Munkvold Land & Cattle Co. Inc., 43723 294<sup>th</sup> Street, Menno SD 57045 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from one well to be completed into the Lower James Missouri Aquifer (approximately 250 feet deep) located near the north quarter corner Section 15 for irrigation of 320 acres located in the N 1/2 Section 15; all in T96N-56W. This site is located approximately 15 miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8796-3 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 November 13, 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 November 13, 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

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**From:** Rodriguez, Rachel  
**Sent:** Thursday, October 26, 2023 9:16 AM  
**To:** Kelly Kronsizl  
**Subject:** 8796-3 Munkvold Land & Cattle Co. Inc. - Public Notice  
**Attachments:** 8796-3 public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 2, 2023 in the Daily Press & Dakotan.

Munkvold Land & Cattle Co. Inc., 43723 294th Street, Menno SD 57045, (605-660-2545) 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

NOV 06 2023

OFFICE OF  
WATER

MUNKVOLD LAND & CATTLE FACILITY  
43723 294TH ST  
MENNO SD 57045

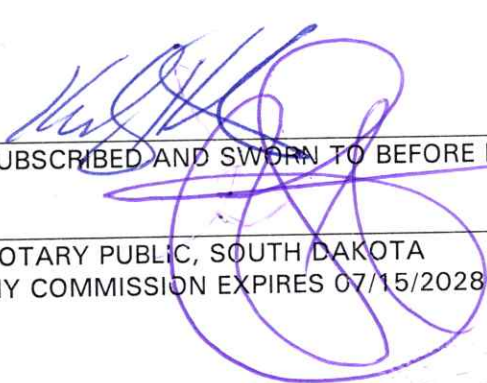
STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 2nd DAY OF November, 2023  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$39.68 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: 11/02/2023

FILED ON: 11/02/2023

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

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



Ad text : NOTICE OF APPLICATION NO. 8796-3 to Appropriate Water

Notice is given that Munkvold Land & Cattle Co. Inc., 43723 294th Street, Menno SD 57045 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from one well to be completed into the Lower James Missouri Aquifer (approximately 250 feet deep) located near the north quarter corner Section 15 for irrigation of 320 acres located in the N 1/2 Section 15; all in T96N-56W. This site is located approximately 15 miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8796-3 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 November 13, 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 November 13, 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 \$39.68 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published November 2, 2023.

## Rodriguez, Rachel

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**From:** Rodriguez, Rachel  
**Sent:** Thursday, October 26, 2023 9:28 AM  
**To:** mlcci@goldenwest.net  
**Subject:** 8796-3 Munkvold Land & Cattle Co. Inc. - Public Notice  
**Attachments:** 8796-3\_Rec.pdf; 8796-3\_Ltr.pdf; 8796-3\_PubNotice.pdf

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.

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





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

JAN 02 2024

Munkvold Land & Cattle Co. Inc.  
Ordell Munkvold, President  
43723 294<sup>th</sup> Street  
Menno SD 57045

Dear Mr. Munkvold:

Enclosed is Water Permit No. 8796-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of 2,100.00 was submitted with the application. The correct fee for this permit is \$1,350.00. Therefore, \$750.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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.:** 8796-3

**Name of Applicant:** Munkvold Land & Cattle Co. Inc., Ordell Munkvold

**Date of Posting:** 10/30/2023

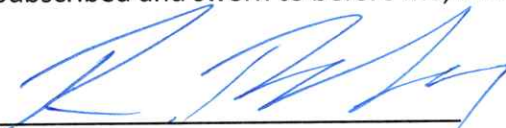
**Date of Removal:** 1/2/2024

  
\_\_\_\_\_  
Ron Duvall, Engineer III

1/2/2024

\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 2<sup>nd</sup> day of January, 2024.

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

(SEAL)

