

WATER PERMIT NO. 8802-3

Name of Applicant: **Adam Wiese**

Address: **22603 479th Avenue, Flandreau SD 57028** Phone: **605-530-2641**

Amount of Water Claimed: **2.22 cfs** Total Acres: **179**

Source of Water Supply: **Groundwater**Water to be used for: **Irrigation** County: **Moody**

Type of Waste Disposal System:

Location: Approx. 4 miles northwest of Flandreau SD

PRIORITY Date Received: 10-2-2023

Application/License Fee: **\$1,050.00**

Corrected Application Received: **10-10-2023**

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

Remarks: **3 irrigation pivots**

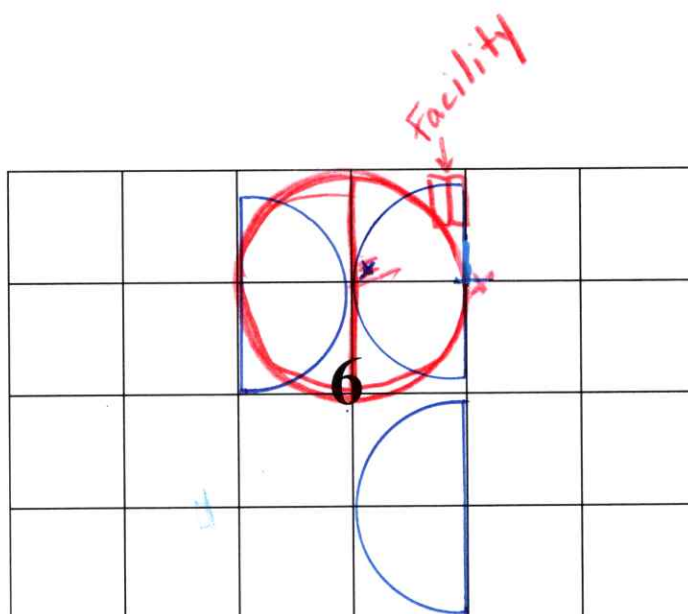
Diversion Point: **NE 1/4 Sec 6-T107N-R48W**

Land to be Irrigated: E 1/2 NW 1/4, W 1/2 NE 1/4,
W 1/2 SE 1/4 Section 6-T107N-R48W

Depth of Well: 40

Well Driller:

Remarks:

Type of Map: **aerial**Reviewed and the Number Assigned on: **10-10-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8802-3

Date of first receipt of application October 2, 2023.

Date of return to applicant for corrections, amendments or changes October 4, 2023.

Date of receipt of corrected application October 10, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8802-3 to Adam Wiese, 22603 479th Avenue, Flandreau SD 57028 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. 8802-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Big Sioux: Moody Aquifer (approximately 40 feet deep) located in the E 1/2 NE 1/4 Section 6 for irrigation of 179 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, W 1/2 SE 1/4 Section 6; all in T107N-R48W. This site is located approximately 4 miles northwest of Flandreau 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: April 1 – September 30.
3. The date from which applicant may claim right is October 2, 2023.
4. The date of approval of Permit No. 8802-3 is December 27, 2023.
5. One-fifth of the construction is to be completed on or before June 27, 2026.
6. All construction is to be completed on or before December 27, 2028.
7. Water is to be put to beneficial use on or before December 27, 2032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 8802-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8802-3 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 24 2024
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8802-3</u> Hydrologic Unit <u>10170 203</u> Basin <u>Lower Big Sioux</u> Newspaper <u>Flandreau/Moody Co Enterprise</u> <u>Brookings Register</u> (office use only)
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PAID
OCT 02 2023
Ck# 5189
Rec't# 10/2/23

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name to Appear on Irrigation Permit Adam Wiese
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 22603 479th Ave Flandreau SD 57028
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-530-2641 Email adam.wiese1982@gmail.com
- Amount of water claimed 2.22*CFS or 1000**GPM ***AF Total Acreage 153 179
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion E 1/2 of NE 1/4 of T108N, Sect 31, R48W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County Moody
- County or counties where water will be used Moody
- Annual period during which water is to be used April - Sept 30
- 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
NE 1/4 of NW 1/4 Sect 6 T107N R48W	23	NW 1/4 of SE 1/4 Sect 6 T107N R48W	34
SE 1/4 of NW 1/4 Sect 6 T107N R48W	23 3/4	SW 1/4 of SE 1/4 Sect 6 T107N R48W	34
NW 1/4 of NE 1/4 Sect 6 T107N R48W	20		
SW 1/4 of NE 1/4 Sect 6 T107N R48W	19 3/4		

- Give a description of the project. (Attach sheet if more space is needed)
(3) irrigation pivots to be installed in section 6 of T-107N R48W

RECEIVED

OCT 04 2023

I, Adam Wiese, 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 acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

OFFICE OF
WATER

2021-08

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

Supplemental Information

(type or print)

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

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

- a) If new wells, how many 2 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(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) 40ft Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property 1/2 mile Property owned by others yes

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

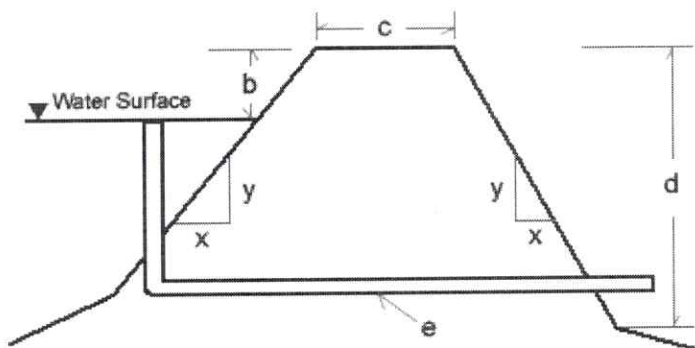
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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.

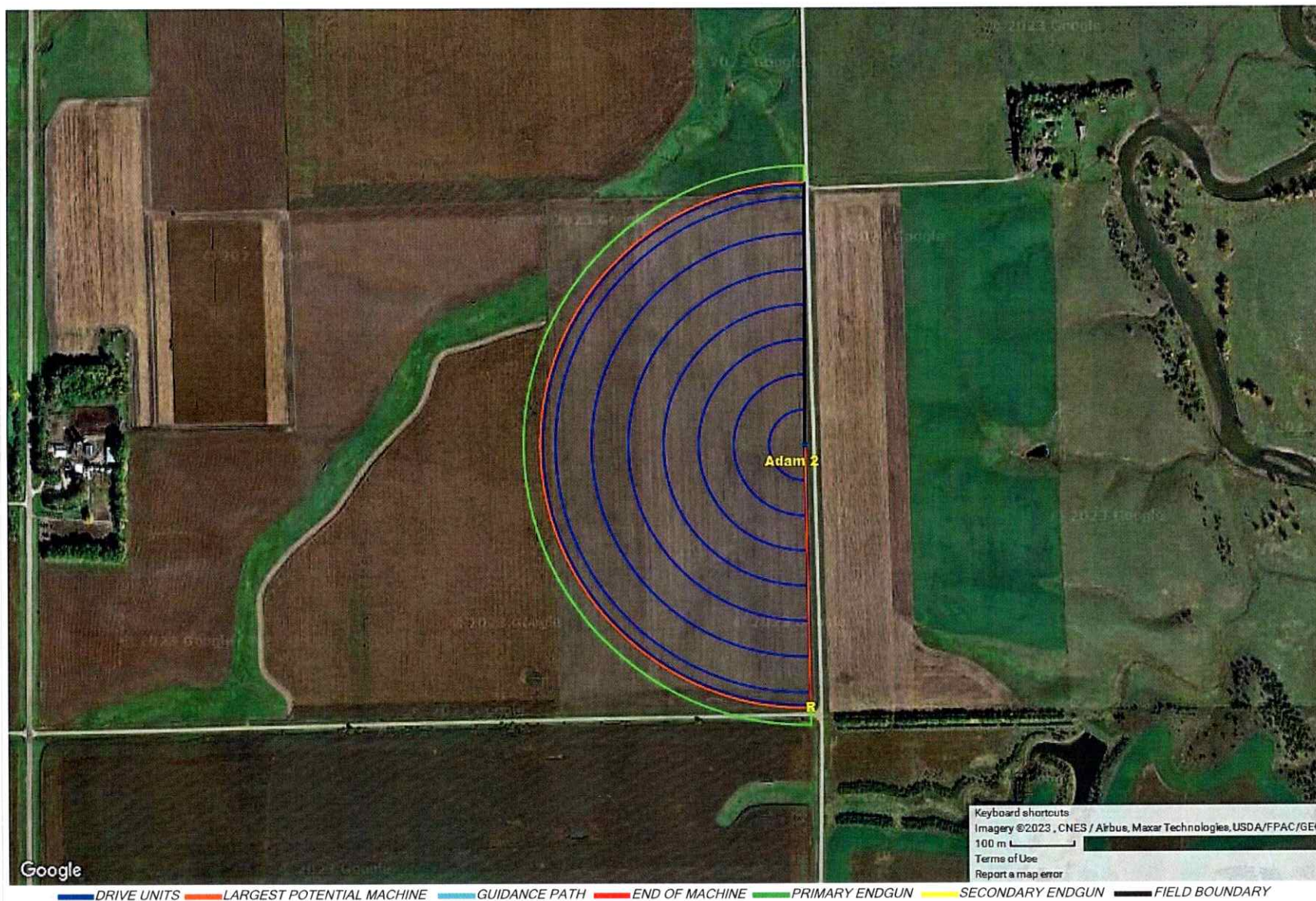
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____



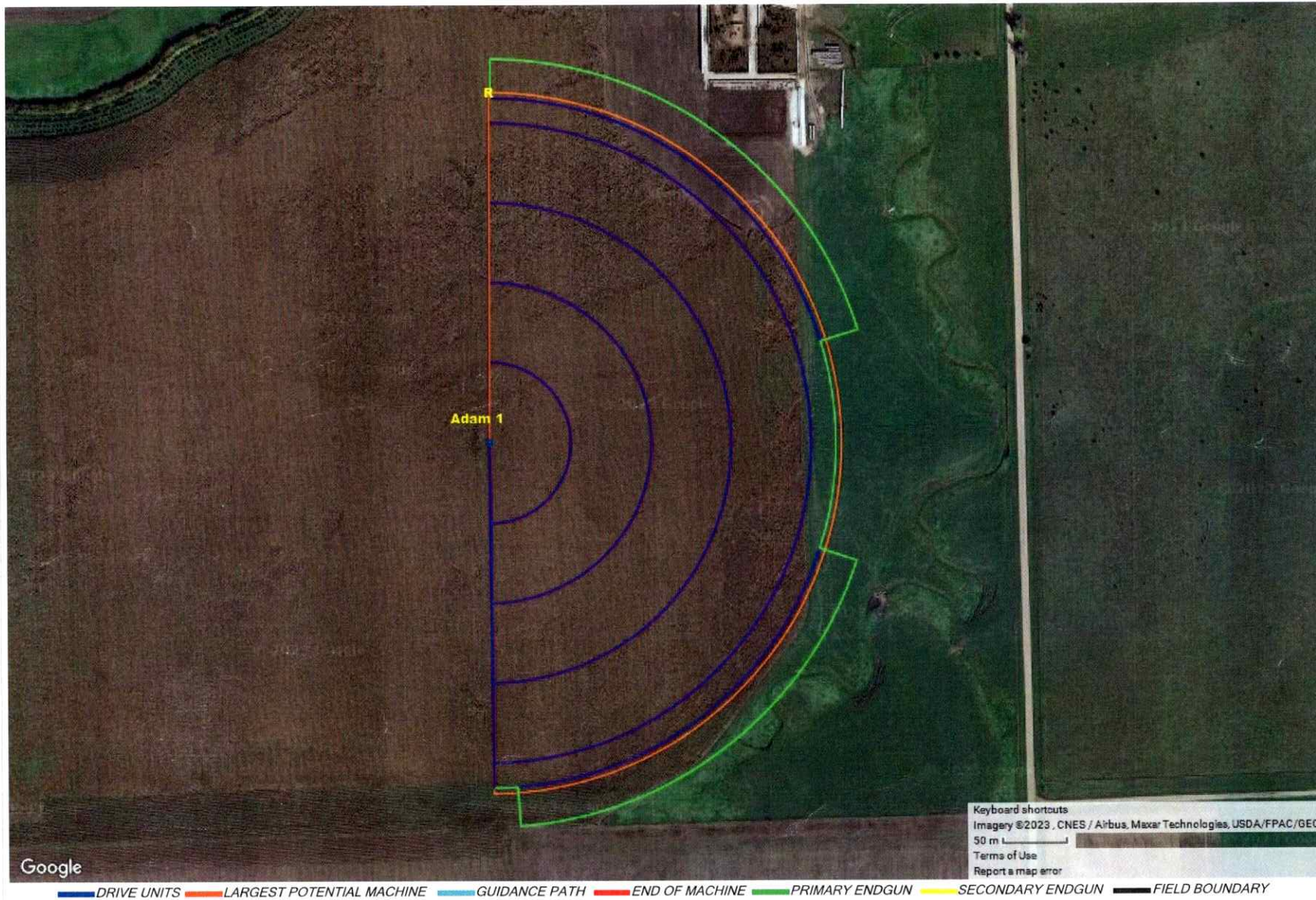
- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Map Summary Report - Adam 2



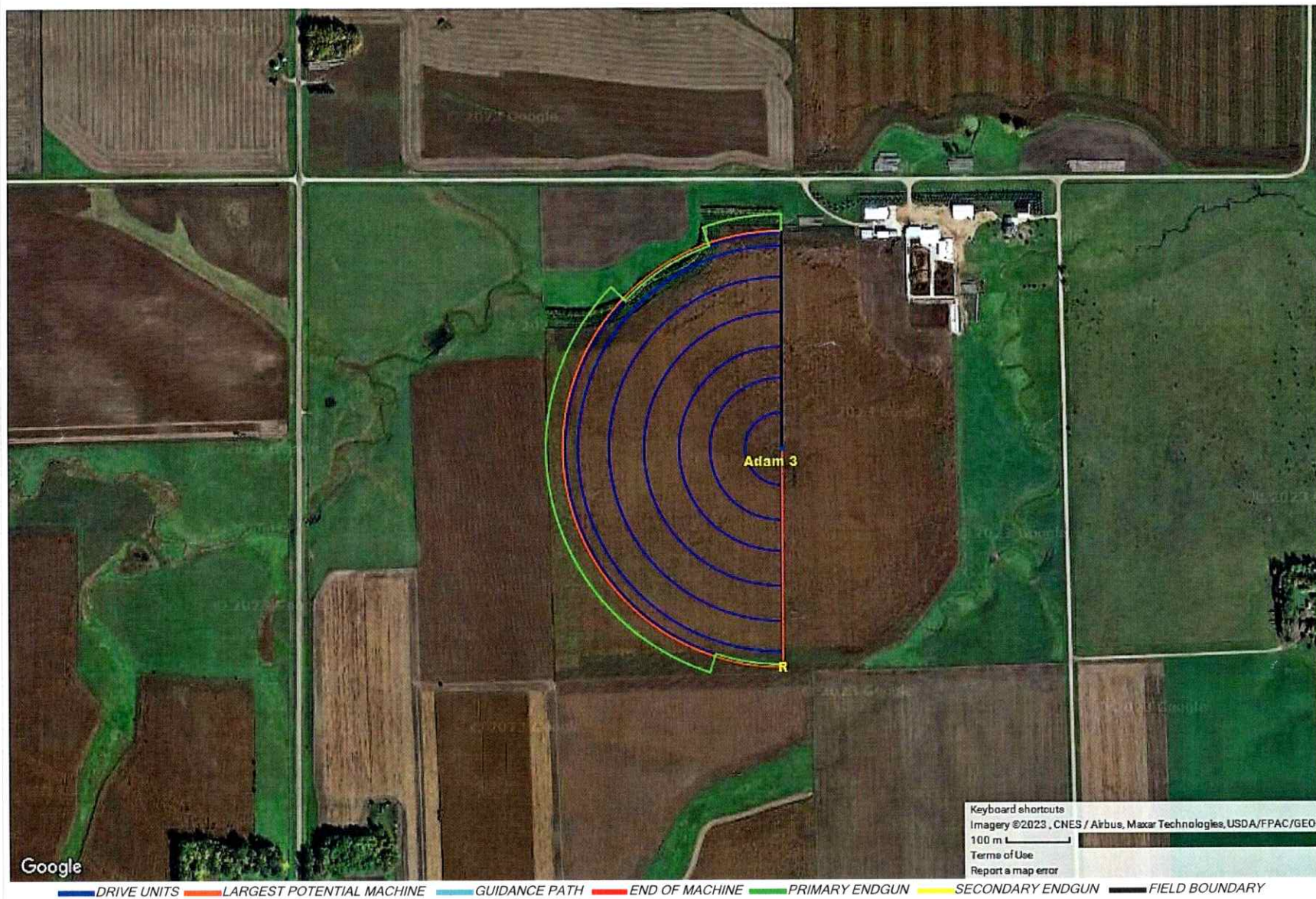
FARMERS IMPLEMENT & IRR. - 3023 Hwy 14 Bypass, Brookings, SD, 57006, United States

Map Summary Report - Adam 1



FARMERS IMPLEMENT & IRR. - 3023 Hwy 14 Bypass, Brookings, SD, 57006, United States

Map Summary Report - Adam 3



Map Summary Report - Adam 1

Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_1_822023143213602	Adam 1	LARGE FIELD ELECTRICAL PIVOT 8000	29.24	4	885.72	33.61

Total Project Irrigated Area (ac): 159.58

(Adam 1)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	28.32	0	5.29	0	0.00

* Estimated

Total Span Length (ft) 819.60

Overhang Length (ft) 64.00

Flex/Transition/Other Lengths (ft) 2.12

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile	Wheel Track (ft)
1	6 5/8	204.90	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	205.13
2	6 5/8	204.90	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	410.03
3	6 5/8	204.90	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	614.93
4	6 5/8	204.90	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	819.57

Primary Endgun

Endgun Angles (Adam 1)	Endgun 1	Endgun 2
Start Angle	0.21 deg	108.00 deg
End Angle	73.00 deg	175.69 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_822023143213602	44.104761715483	-96.63850378247	-	-	0 deg	179.54 deg

Map Summary Report - Adam 2

Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_2_822023144224595	Adam 2	LARGE FIELD ELECTRICAL PIVOT 8000	66.31	7	1335.72	75.00

Total Project Irrigated Area (ac): 159.58

(Adam 2)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	64.91	0	10.08	0	0.00

* Estimated

Total Span Length (ft) 1269.60

Overhang Length (ft) 64.00

Flex/Transition/Other Lengths (ft) 2.12

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile	Wheel Track (ft)
1	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	180.23
2	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	360.23
3	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	540.23
4	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	720.23
5	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	900.23
6	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	1085.03
7	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	1269.57

Primary Endgun

Endgun Angles (Adam 2)	Endgun 1
Start Angle	179.03 deg
End Angle	359.97 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_2_822023144224595	44.098584637739	-96.633283762544	179.03 deg	-	179.03 deg	359.97 deg

Map Summary Report - Adam 3

Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_3_82202314529900	Adam 3	LARGE FIELD ELECTRICAL PIVOT 8000	45.81	6	1110.92	50.97

Total Project Irrigated Area (ac): 159.58

(Adam 3)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	44.67	0	6.31	0	0.00

* Estimated

Total Span Length (ft) 1044.80

Overhang Length (ft) 64.00

Flex/Transition/Other Lengths (ft) 2.12

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile	Wheel Track (ft)
1	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	185.03
2	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	365.03
3	6 5/8	160.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	525.03
4	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	705.03
5	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	885.03
6	6 5/8	160.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	14.9 x 24 High Float w/Tube	None	Standard	1044.77

Primary Endgun

Endgun Angles (Adam 3)	Endgun 1	Endgun 2
Start Angle	198.00 deg	340.57 deg
End Angle	313.73 deg	359.90 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_3_82202314529900	44.105190634173994	-96.638880625351	180 deg	-	180 deg	360 deg

108N 49W
Section: 36

108N 48W
Section: 31

108N 48W
Section: 32

226 ST

479 AVE

10170203 Lower Big Sioux

107N 49W
Section: 01

107N 48W
Section: 06

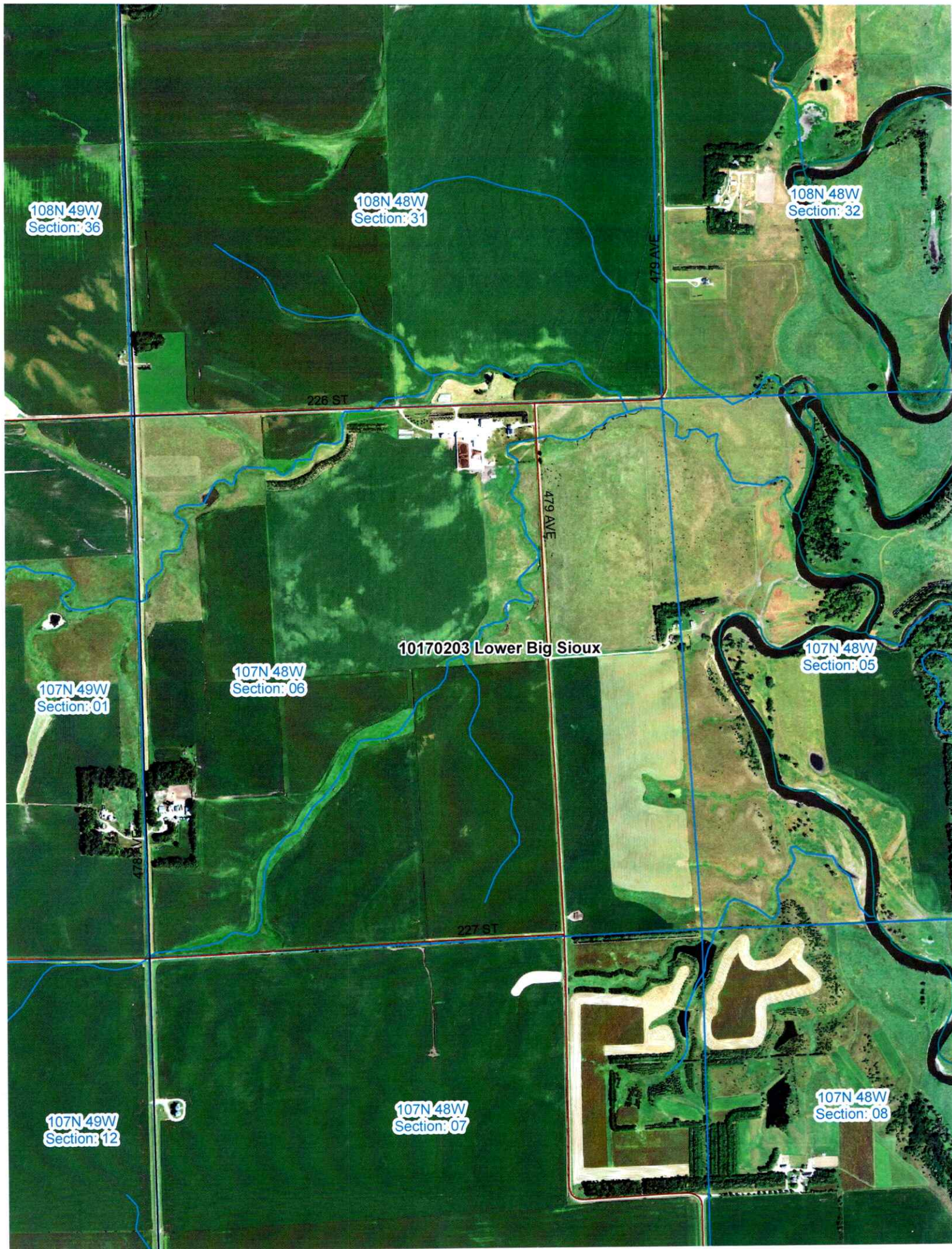
107N 48W
Section: 05

227 ST

107N 49W
Section: 12

107N 48W
Section: 07

107N 48W
Section: 08



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 2, 2023

RECEIVED OF Adam/Kathryn Wiese 22603 479th Ave Flandreau SD 57028

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

Fee for Application for Permit No. <u>8802-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$850.00
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>8802-3</u>	\$200.00
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	\$1050.00

By Eric Gronlund
Chief Engineer
vm

Rodriguez, Rachel

From: Emily Voelker <emilyv@farmersii.com>
Sent: Tuesday, October 10, 2023 2:49 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Adam Weise

Yes, I will agree with you on using that acreage.

Thank you for all your help and patience!

Emily

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, October 10, 2023 1:12 PM
To: Emily Voelker <emilyv@farmersii.com>
Subject: RE: Adam Weise

Good afternoon,

So, I calculate 179 acres as follows:

NE ¼ NW ¼ Sec 6-T107N-R48W 23
SE ¼ NW ¼ Sec 6-T107N-R48W 34
NW ¼ NE ¼ Sec 6-T107N-R48W 20
SW ¼ NE ¼ Sec 6-T107N-R48W 34
NW ¼ SE ¼ Sec 6-T107N-R48W 34
SW ¼ SE ¼ Sec 6-T107N-R48W 34

Is it okay to use this acreage, you will not owe any additional money and the engineer I work with says it is always better to round up and issue the water permit for more acreage, rather than less. The reason being is that when an inspection is done, if you are using less acreage, you will not need to submit another application.

Thank you,

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



From: Emily Voelker <emilyv@farmersii.com>
Sent: Friday, October 6, 2023 5:17 PM

Rodriguez, Rachel

From: Emily Voelker <emilyv@farmersii.com>
Sent: Friday, October 6, 2023 5:17 PM
To: 'Farmers Implement'; Rodriguez, Rachel
Subject: RE: [EXT] Adam Weise
Attachments: BRN3C2AF414CFB6_026033.pdf

Good afternoon!

I believe I have the land/sections straightened out on the application for Adam Wiese.

Attached is the revised information. Sorry about our learning curve and thank you for your patience!

Emily

From: Farmers Implement <Gregs@farmersii.com>
Sent: Friday, October 6, 2023 12:59 PM
To: Emily Voelker <emilyv@farmersii.com>
Subject: Fwd: Adam Weise

Sent from my iPhone

Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>
Date: October 6, 2023 at 12:11:14 PM CDT
To: Farmers Implement <Gregs@farmersii.com>
Subject: RE: Adam Weise

Brilliant! Would you outline the area to be irrigated please.

The reason I ask is because you have the NW ¼ NW ¼ with two different acres listed, one is for 40 the other is for 11. Is the 11 acres in another Section?

Thank you,

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, October 6, 2023 12:11 PM
To: Farmers Implement
Subject: RE: [EXT] Adam Weise
Attachments: Map.pdf

Brilliant! Would you outline the area to be irrigated please.

The reason I ask is because you have the NW ¼ NW ¼ with two different acres listed, one is for 40 the other is for 11. Is the 11 acres in another Section?

Thank you,

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



From: Farmers Implement <Gregs@farmersii.com>
Sent: Friday, October 6, 2023 11:08 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Adam Wiese <adamwiese1982@gmail.com>
Subject: Re: [EXT] Adam Weise

Rachel
Looking at your map that is correct the NE 1/4 of sec 6
T-107N -R48w

Sent from my iPhone

On Oct 6, 2023, at 10:52 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning Adam,

In looking at the location of the well, it looks like it is in Section 6 (T107N-R48W) not Section 31 as your application indicates. Attached is map, please verify that the well location is in the NE 1/4 Section 6 (T107N-R48W)

Rodriguez, Rachel

From: Farmers Implement <Gregs@farmersii.com>
Sent: Friday, October 6, 2023 11:08 AM
To: Rodriguez, Rachel
Cc: Adam Wiese
Subject: Re: [EXT] Adam Weise
Attachments: Map.pdf

Rachel
Looking at your map that is correct the NE 1/4 of sec 6
T-107N -R48w

Sent from my iPhone

On Oct 6, 2023, at 10:52 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning Adam,

In looking at the location of the well, it looks like it is in Section 6 (T107N-R48W) not Section 31 as your application indicates. Attached is map, please verify that the well location is in the NE 1/4 Section 6 (T107N-R48W)

Thank you,

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



From: gregs@farmersii.com <gregs@farmersii.com>
Sent: Wednesday, October 4, 2023 1:01 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: [EXT] Adam Weise

Rachel, Here is he corrected application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, October 4, 2023 9:10 AM
To: adamwiese1982@gmail.com
Subject: 2nd Application for Water Permit for Irrigation
Attachments: Wiese2.pdf

Good morning Adam,

I am in receipt of your second water permit application. However, this application is also incomplete. Please complete the sections I have highlighted in yellow on your application.

- I need a value for CFS or GPM
- "Total Acreage" field must match the land description and acres which comes to 159 is that correct?
- Form 2A, please complete the highlighted fields
- Please mark the location of the proposed well with an "X" on the map

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. 8802-3, Adam Wiese**

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. 8802-3, Adam Wiese, 22603 479th Avenue, Flandreau SD 57028.

The Chief Engineer is recommending APPROVAL of Application No. 8802-3 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. 8802-3 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. 8802-3 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
November 27, 2023

Report to the Chief Engineer
On Water Permit Application No. 8802-3

Adam Wiese

November 28th, 2023

Water Permit Application No. 8802-3 proposes to authorize 2.22 cubic feet per second (cfs) from one well to be completed into the Big Sioux: Moody aquifer (approximately 40 feet deep) located in the E ½ NE ¼ Section 6 for the irrigation of 179 acres located in the E ½ NW ¼, W ½ NE ¼, W ½ SE ¼ Section 6; all in T107N-R48W. The site of interest is located approximately 4 miles northwest of Flandreau, SD, in Moody County.

AQUIFER: Big Sioux: Moody (BS:M)

HYDROGEOLOGY:

The Moody management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of fine to coarse sand and gravel (Hansen, 1988). The depth of the top of the Big Sioux: Moody aquifer ranges from the land surface in the Big Sioux River floodplain to 18 feet below land surface (Hansen, 1986). In Moody and Minnehaha Counties, the Big Sioux: Moody aquifer is estimated to underly approximately 35,500 acres, as shown in Figure 1 and contain approximately 133,130 acre-feet of recoverable water in storage (Hedges et al, 1982). The Big Sioux: Moody aquifer is hydrologically connected to the Big Sioux: Brookings aquifer and the Big Sioux River (Hansen, 1986). The direction of groundwater movement in the Big Sioux: Moody aquifer is in a southern direction and towards the Big Sioux River (Hansen, 1986). The Big Sioux aquifer is primarily an unconfined aquifer, but it can be found locally under confined conditions (Hedges et al, 1982; Hanson, 1986).

A water well completion report was not submitted with Water Permit Application No. 8802-3; therefore, a nearby well completion report will be used instead (Water Rights, 2023d). The water well is located 0.8 miles northeast of the proposed diversion point and was completed on March 14, 2013 (Water Rights, 2023d). The water well completion report indicates the well is completed into the Big Sioux: Moody aquifer with the top of aquifer material (coarse brown gravel) approximately 8 feet below the ground surface, a static water level of 25.67 feet below the ground surface, and a total aquifer saturated thickness of 14.33 feet at the time of well completion (Water Rights, 2023d). Several other nearby water well completion reports for the Big Sioux: Moody aquifer show the aquifer to be unconfined near the location of the proposed diversion point (SDGS, 2023; Water Rights, 2023b and 2023d). Considering all the nearby water well completion reports, the aquifer at the proposed diversion point for this application is likely to be unconfined.

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 Big Sioux: Moody aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8802-3 proposes to appropriate water from the Big Sioux: Moody aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Big Sioux: Moody aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Moody aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Moody aquifer is received primarily through infiltration of precipitation and seepage from lakes, ponds, rivers, streams, and inflow from the Big Sioux: Brookings aquifer (Hansen, 1986 & 1988). Using observation well analysis, Hansen (1988) calculated a recharge range of 2.7 to 7.02 inches per year, with an average recharge rate of 4.86 inches per year for the Big Sioux: Moody aquifer. The Big Sioux: Moody aquifer has an estimated areal extent of approximately 35,500 acres (Hedges et al, 1982). Therefore, the average annual recharge rate for the Big Sioux: Moody aquifer (based on Hedges et al, 1982; Hansen, 1988) is approximately 14,378 acre-feet/year, with a range of 7,988 to 20,768 acre-feet/year. Hedges et al, 1985, also performed an analysis using observation well data and found a slightly higher rate of 4.9 inches per year which when applied to the same estimated areal extent provides an annual recharge rate of 14,496 acre-feet/year for the Big Sioux: Moody aquifer.

Discharge

Discharge from the Big Sioux: Moody aquifer primarily occurs through well withdrawals, seepage to the Big Sioux River, and evapotranspiration in areas where the aquifer is at or near land surface (Hansen, 1988; Water Rights, 2023d). Currently, there are 38 water rights/permits authorized to appropriate water from the Big Sioux: Moody aquifer and a pending application, No. 8801-3 (Water Rights, 2023c). Additionally, there are 4 future use permits

reserving 10,004 acre-feet/year of water from the Big Sioux: Moody aquifer, shown on Table 1 (Water Rights, 2023c).

Table 1. Future Use Permit reserved water in the Big Sioux: Moody aquifer (Water Rights, 2023c)

Future Uses Permit Holder	Permit Nos.	Amount of Reserved Water (acre-feet)
Big Sioux Community Water	3984-3, 3984A-3, 3984B-3	589
Shared Resources	8651-3	9,415
TOTAL:		10,004

Table 2 summarizes the 14 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Moody 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 assumed that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. It should be noted that some of the water permits/rights listed on Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes water rights for the City of Flandreau and Town of Trent which purchase all their water from the Big Sioux Community Water System and Big Sioux Community Water System which purchases 10% their water from the Minnehaha Community Water Corp (Drinking Water, 2023). It should be noted that, based on non-irrigation annual reports, Water Permit Nos. 8391-3 and 8457-3 are reporting lower than the permitted values on Table 2 (Water Rights, 2023f). Overall, the estimated annual withdrawal rate for the Big Sioux: Moody aquifer non-irrigation water rights/permits is approximately 2,908 acre-feet/year; although, this amount is likely lower based on non-irrigation annual reports (Table 2) (Water Rights, 2023c, Water Rights, 2023f).

Currently, there are 24 irrigation water rights/permits appropriating water from the Big Sioux: Moody aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Big Sioux: Moody aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 874 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 913 acre-feet per year (Table 3) (Water Rights, 2023a).

This application proposes to irrigate 179 acres. Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for

this application. Therefore, the estimated withdrawal rate for this application is approximately 179 acre-feet per year. There is another recent application, No. 8801-3, that proposes to withdraw approximately 278 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2013 to 2022 (913 acre-feet/year), plus this pending application and Application No. 8801-3 (457 acre-feet/year), is approximately 1,370 acre-feet per year.

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Moody aquifer (Water Rights, 2023c)

Permit No:	Name/Business:	Status:	Type of use:	Authorized Diversion Rate (cfs):	Authorized Annual Volume (acres-feet/year):	Total Estimated Use (acre-feet/year)
1182-3*	City of Flandreau	LC	MUN	3.42	0	0
1800-3*	Town of Trent	LC	MUN	0.25	0	0
2054-3	Big Sioux Community Water	LC	RWS	1.16	0	504
5083-3	L.G. Everist Inc.	LC	COM	0.05	0	22
5720B-3	Big Sioux Community Water	LC	RWS	0.67	291	291
5962-3	Big Sioux Community Water	LC	RWS	0.44	120	120
5963-3	Big Sioux Community Water	LC	RWS	0.95	240	240
6026-3	Pleasant Valley Colony	LC	COM, DOM	0.27	0	117
6223-3*	Big Sioux Community Water	LC	RWS	0.67	0	262
6317-3	Dakota Layers LLP	LC	COM	0.39	0	169
6549-3	Ben Pearson	LC	COM	0.167	0	73
6632-3	Golden Dakota Farms LLC	LC	COM	1.34	0	582
8391-3	Big Sioux Community Water	PE	RWS	0.67	300	300
8457-3	River Bend Dairy LLC	PE	COM	0.637	228	228
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, MUN Municipal, and RWS Rural Water System *Obtains water entirely or partially from another system					Total:	2,908

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

Year	No. of Permits Reported	Reported Pumpage (acre-feet)
1979	35	517
1980	35	1,243
1981	36	1,478
1982	26	734
1983	27	1,128
1984	26	582
1985	28	1,114
1986	29	260
1987	30	744
1988	31	1,931
1989	31	1,435
1990	25	813
1991	25	1,163
1992	24	194
1993	25	7
1994	26	694
1995	24	402
1996	22	1,006
1997	20	575
1998	19	1,300
1999	19	499
2000	19	852
2001	19	1,051
2002	20	1,340
2003	20	1,204
2004	21	380
2005	21	557
2006	21	960
2007	23	860
2008	24	746
2009	24	753
2010	25	246
2011	26	475
2012	26	2,094
2013	26	1,390
2014	26	1,159
2015	27	244
2016	26	870
2017	26	1,073
2018	26	207
2019	26	79
2020	24	673
2021	24	1,538
2022	23	1,897
Min	19	7
Max	36	2,094
Average (1979-2022)	25	874
Average (2013-2022)	25	913

There are domestic wells completed into the Big Sioux: Moody aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: Moody aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Big Sioux: Moody aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Moody aquifer is an estimated 14,378 acre-feet/year, with a range of 7,988 to 20,768 acre-feet/year (Hedges et al, 1982; Hansen, 1988). The average withdrawal rate from the Big Sioux: Moody aquifer totals to approximately 14,282 acre-feet/year; (future use: 10,004 acre-feet/year; non-irrigation: 2,908 acre-feet/year; and irrigation (average of 2013 to 2022) and pending applications: 1,370 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Moody 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 22 observation wells completed into the Big Sioux: Moody aquifer. The location of observation wells completed into the aquifer are shown on Figure 1 (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the existing diversion point are MY-61A (approximately 1.2 miles southeast), MY-82C (approximately 1.5 miles southeast), and MY-82A (approximately 2.4 miles north) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 respectively (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. The majority of observation wells in the Big Sioux: Moody aquifer have a stable water level, with some observation wells that are under the influence of heavy pumping from nearby water rights/permits showing a history of slightly declining water levels that eventually stabilize. The data shown on Figures 2 to 4 share a similar trend with most of the observation wells in the Big Sioux: Moody aquifer.

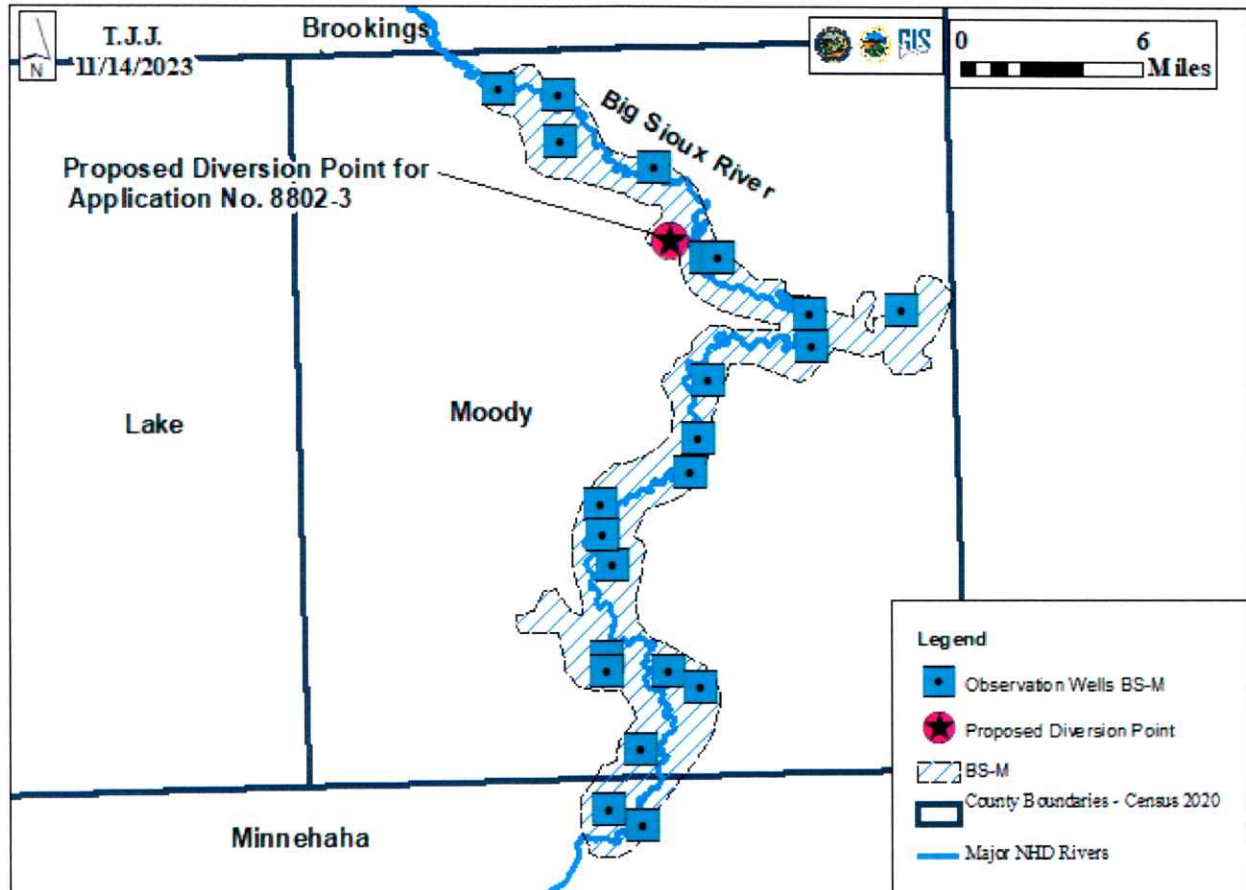


Figure 1. Map of the area Big Sioux: Moody aquifer observation wells (Water Rights, 2023b), and the location of proposed diversion point for Water Permit Application No. 8802-3.

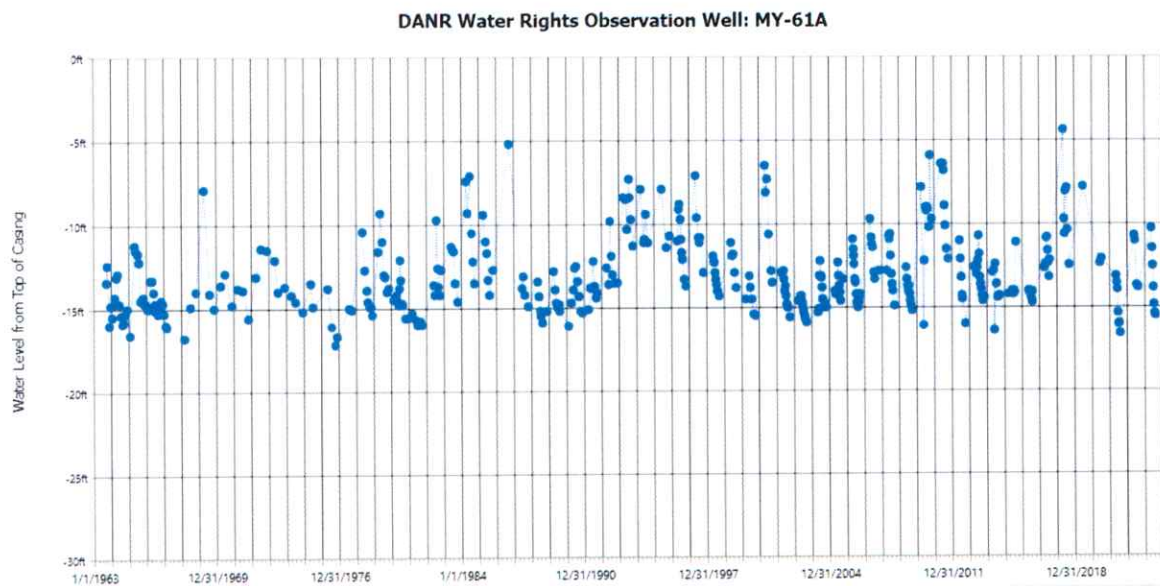


Figure 2. Hydrograph for observation well MY-61A (Water Rights, 2023b)

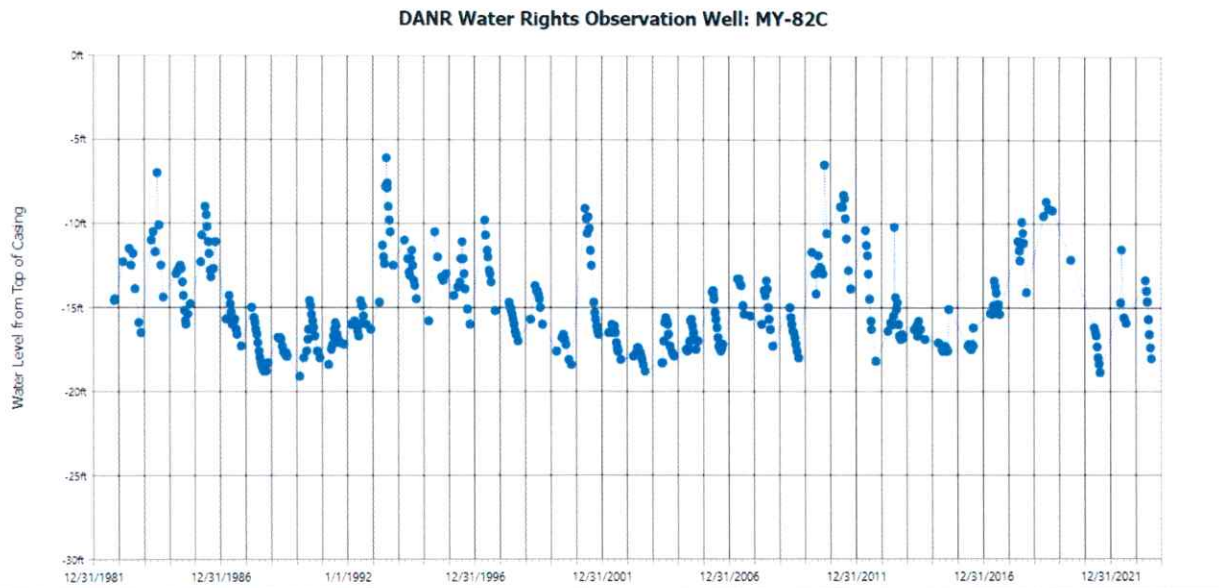


Figure 3. Hydrograph for observation well MY-82C (Water Rights, 2023b)

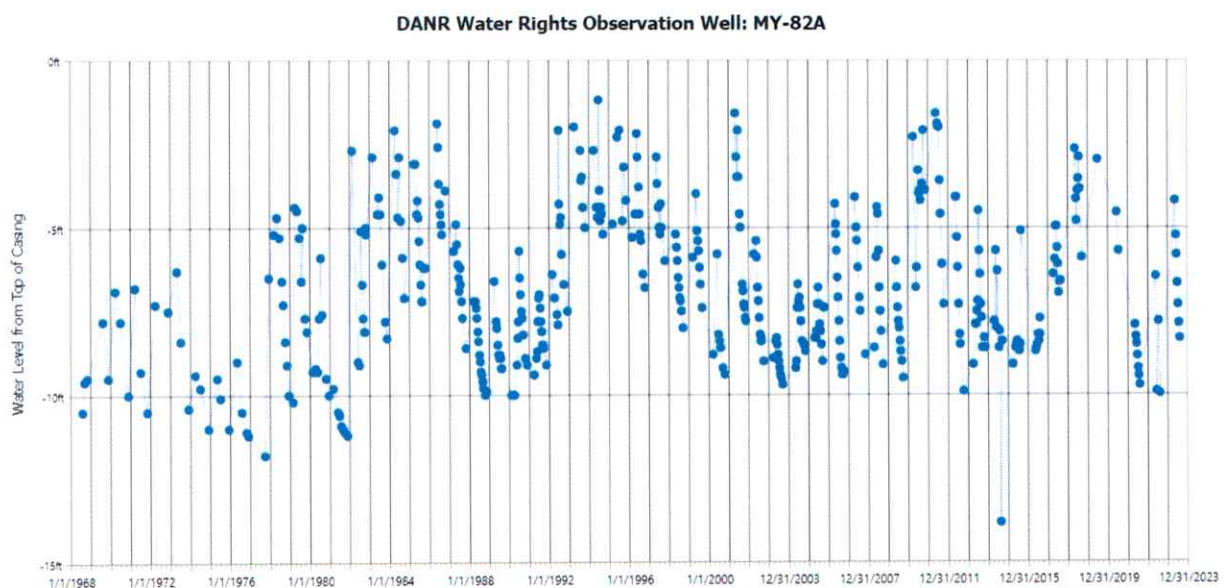


Figure 4. Hydrograph for observation well MY-82A (Water Rights, 2023b)

The hydrographs, Figures 2 to 4, for the observation wells display generally stable water levels which is representative of a majority of other observation wells in the Big Sioux: Moody aquifer. The hydrographs for the Big Sioux: Moody aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer, govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of

pumping from the Big Sioux: Moody 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 in the general vicinity of the existing well site for this application are shown in Figure 5 and summarized in Table 4 (Water Rights, 2023c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 8323-3 which is held by James H Jepsen. The diversion point for Water Right No. 8323-3 is located approximately 1.2 miles southeast of the proposed diversion point for this application (Water Rights, 2023c). It should be noted that Water Right 7692-3 is closer to the diversion point but it is also held by Adam Wiese. There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Moody aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.4 miles northwest of the diversion point based on the well completion report submitted by the driller (Water Rights, 2023d). The location of the domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the Big Sioux: Moody aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

Table 4. List of water rights/permits within 3 miles of the diversion point shown in Figure 5.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
1155-3	Wayne Headrick	12/23/1964	License	Irrigation	1.11	132.5
2026-3	Clayton	10/29/1973	License	Irrigation	1.33	132
6317-3	Dakota Layers LLP	03/29/2002	License	Commercial	0.39	0
6632-3	Golden Dakota Farms LLC	06/10/2005	License	Commercial	1.34	0
7692-3	Adam J Wiese	02/04/2013	License	Irrigation	1.56	206
8323-3	James H Jepsen	12/08/2017	License	Irrigation	1.11	134

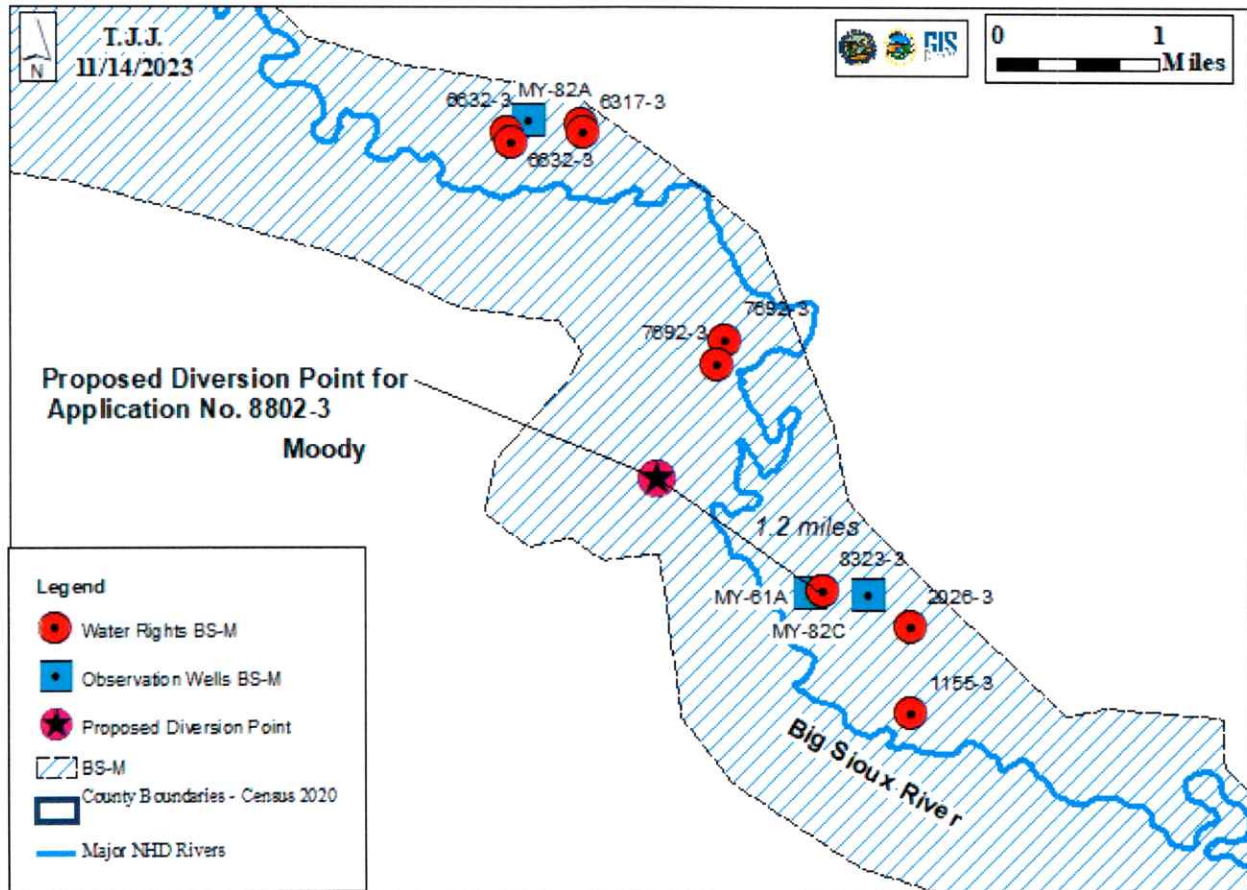


Figure 5. Map of the Big Sioux: Moody aquifer water rights/permits (Water Rights, 2023b and 2023c) within 3 miles of the proposed diversion point for Water Permit Application No. 8802-3.

The Big Sioux: Moody aquifer is primarily under unconfined conditions (Water Rights, 2023b). 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 well completion report of the well located 0.8 miles northeast of the proposed diversion point has a saturated aquifer thickness of 14.33 feet (SDGS, 2023; Water Rights, 2023b and 2023d). This would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. Therefore, to be considered an adequate well at this location, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a reasonable probability average annual recharge exceeds average

annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. In Moody County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Big Sioux: Moody aquifer (Water Rights, 2023e).

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Big Sioux: Moody aquifer in Moody County (Water Rights, 2023e), any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8802-3 proposes to authorize 2.22 cfs from one well to be completed into the Big Sioux: Moody aquifer (approximately 40 feet deep) for irrigation of 179 acres. The site of interest is located in Moody County approximately 4 miles northwest of Flandreau, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Moody aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8802-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.


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

Reviewed by:


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

References

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- Hansen, D. S., 1986. Water Resources of Lake and Moody Counties, South Dakota: Water Resources Investigation 84-4209. USGS, Huron, South Dakota: U.S. Geological Survey.
- Hansen, D. S., 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota: Water Resources Investigation 84-4209. USGS, Huron, South Dakota: U.S. Geological Survey.
- 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.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed November 2, 2023. <http://cf.sddanr.net/lithdb/>.
- 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.
- Water Rights, 2023f. "2003-2022 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

December 4, 2023

Adam Wiese
22603 479th Ave
Flandreau SD 57028

Dear Mr. Wiese:

Water Permit Application No. 8802-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Moody County Enterprise printed in Flandreau (Ph # 605 997-3725) and the Brookings Register printed in Brookings SD (Ph # 605 692-6271). 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. 8802-3 to Appropriate Water

Notice is given that Adam Wiese, 22603 479th Avenue, Flandreau SD 57028 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Big Sioux: Moody Aquifer (approximately 40 feet deep) located in the E 1/2 NE 1/4 Section 6 for irrigation of 179 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, W 1/2 SE 1/4 Section 6; all in T107N-R48W. This site is located approximately 4 miles northwest of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8802-3 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 December 27, 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 December 27, 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

Woody Co
Enterprise

From: Rodriguez, Rachel
Sent: Monday, December 4, 2023 9:46 AM
To: mce6@mcisweb.com
Subject: 8802-3 Adam Wiese - Public Notice
Attachments: 8802-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 13, 2023.

Adam Wiese, 22603 479th Avenue, Flandreau SD 57028, (605-530-2641) 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, December 4, 2023 9:47 AM
To: registerclassifieds@brookingsregister.com
Subject: 8802-3 Adam Wiese - Public Notice
Attachments: 8802-3 public.short_final.docx; FORM8.FRM.doc

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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 South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

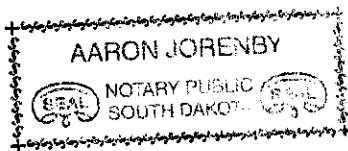
LEG #25905 Notice of Application to Appropriate Water

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

December 13, 2023

said Exhibit "A" inures to the sole benefit for the publishers 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 whomsoever; that the fees charged for the publication thereof are:

Forty-Four Dollars and Ninety-Seven Cents \$44.97



[Handwritten Signature]

15 day of

December

2023

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

[Handwritten Signature]

**Legal 25905 1X
12/13**
**NOTICE OF APPLICATION
NO. 8802-3 TO
APPROPRIATE WATER**
Notice is given that Adam Wiese, 22803 479th Avenue, Flandreau SD 57028 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Big Sioux; Moody Aquifer (approximately 40 feet deep) located in the E 1/2 NE 1/4 Section 6 for irrigation of 179 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, W 1/2 SE 1/4 Section 8; all in T107N-R48W. This site is located approximately 4 miles northwest of Flandreau SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. _____

RECEIVED

JAN 04 2024

**OFFICE OF
WATER**

8802-3 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 December 27, 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 December 27, 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 December 13, 2023 at the total approximate cost of \$44.97 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application

No. 8802-03 to

Appropriate Water

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

12-13-23

that the full amount of the fee charged for the publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 40⁹⁶

M. Headrick

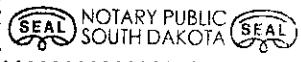
bookkeeper

Subscribed and sworn to before me this day

December 14, 2023

Kayla Charles
Notary Public, County Moody, South Dakota

KAYLA CHARLES



My commission expires 3-30-2029

Water Permit Notice

NOTICE OF APPLICATION NO. 8802-3 TO APPROPRIATE WATER

Notice is given that Adam Wiese, 22603 479th Avenue, Flandreau SD 57028 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Big Sioux: Moody Aquifer (approximately 40 feet deep) located in the E 1/2 NE 1/4 Section 6 for irrigation of 179 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, W 1/2 SE 1/4 Section 6; all in T107N-R46W. This site is located approximately 4 miles northwest of Flandreau, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8802-3 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 Duval 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 December 27, 2023.

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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 once at a cost of \$40.96 and may be viewed free of charge at www.danr.sd.gov/public/noticees.cfm

DEC 22 2023

OFFICE OF
WATER

County of

AFFIDAVIT OF PUBLICATION

Filed in the office of

on the _____ day of

_____, 20____

Attorney for

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 4, 2023 9:50 AM
To: Adam Wiese
Subject: 8802-3 Adam Wiese - Public Notice
Attachments: 8802-3 Rec.pdf; 8802-3_Ltr.pdf; 8802-3_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 24 2024

Adam Wiese
22603 479th Avenue
Flandreau SD 57028

Dear Mr. Wiese:

Enclosed is Water Permit No. 8802-3 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.: 8802-3

Name of Applicant: Adam Wiese

Date of Posting: 12/11/2023

Date of Removal: 1/24/2024



Ron Duvall, Engineer III

1/24/2024

Date

Subscribed and sworn to before me, a notary public, this 24th day of January, 2024.



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

(SEAL)

