

WATER PERMIT NO. 8808-3

Name of Applicant: **Justin Vyn Irrevocable Trust**

Address: **610 N Pleasantview Pl, Sioux Falls SD 57110**

Phone: **806-376-3711**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **239.99**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **Approx. 3/4 of a mile from Elkton SD**

PRIORITY Date Received: **11-14-23**

Application/License Fee: **\$1,150.00**

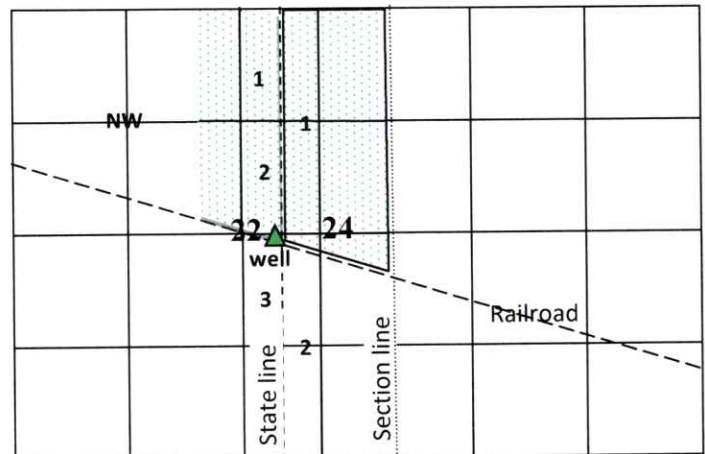
Corrected Application Received: **11-20-23**

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

Remarks: **Part of the land is irrigated in MN**

Diversion Point: **NE 1/4 SE 1/4 Sec 22-T109N-R47W**

Land to be Irrigated: **Lots 1, 2 & 3, E1/2 NW1/4 Sec 22 (SD); Lots 1 & 2, E1/2 E1/2 Sec 24 (MN) all in T109N-R47W north of railroad tracks.**



Depth of Well: **86**

Well Driller: **Steffl Drilling & Pump Inc.**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **12-01-23**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8808-3**

Date of first receipt of application November 14, 2023.

Date of return to applicant for corrections, amendments or changes November 16, 2023.

Date of receipt of corrected application November 20, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8808-3 to Justin Vyn Irrevocable Trust, 610 N Pleasantview Pl, Sioux Falls SD 57110 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. 8808-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Big Sioux: Aurora Aquifer (approximately 76 feet deep) located in the NE corner of the SE 1/4 (Lot 3) Section 22 - T109N-R47W for irrigation of 237.9 acres located in Lots 1, 2, and 3; E 1/2 NW 1/4 Section 22; in South Dakota and Lots 1 and 2; E 1/2 E 1/2 Section 24 in Minnesota all in T109N-R47W north of the railroad tracks. This site is located approximately three quarters of a mile east of Elkton 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 – October 31.
3. The date from which applicant may claim right is November 14, 2023.
4. The date of approval of Permit No. 8808-3 is February 20, 2024.
5. One-fifth of the construction is to be completed on or before August 20, 2026.
6. All construction is to be completed on or before February 20, 2029.
7. Water is to be put to beneficial use on or before February 20, 2033.
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. 8808-3 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. 8808-3 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

MAR 08 2024

date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8808-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>
	Newspaper <u>Brookings Register</u>

RECEIVED

NOV 14 2023

OFFICE OF
WATER**Application For Permit To Appropriate Water For Irrigation**
 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Justin Lyn Irrevocable Trust

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

Mailing Address 610 N Pleasantview Pl Sioux Falls SD 57110
(Address) (City) (State) (Zip Code)Phone 806 326 3211 Mobile _____ Email justinlyn@yahoo.com2. Amount of water claimed 2.22*CFS or _____**GPM _____***AF Total Acreage 232.90
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion NE corner of the SE 1/4 of 22-109N 47W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Brookings County SD County Brookings5. County or counties where water will be used Brookings / Lincoln6. Annual period during which water is to be used April - October7. 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
SD section 22-109N 47W	78.42	E 1/2 NW 1/4, Lots 1, 2 & 3 22-109-47	
NW section 24-109N 47W	159.48	north of the railroad tracks	
↳ Lots 1 & 2, E 1/2 E 1/2 24-109-47			
north of railroad tracks			

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

I, Sarah Lyn trustee, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☒ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many n/a Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 86 Depth to Top of Water Bearing Material 48 Depth to Water from Surface ?

d) Distance to nearest domestic well on applicant's property n/a Property owned by others n/a

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) n/a

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions n/a Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

N/a
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)

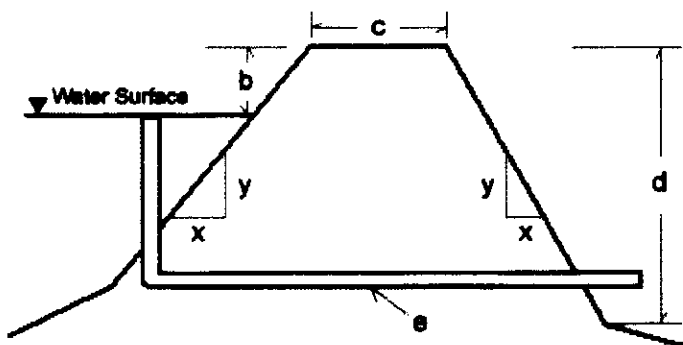
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

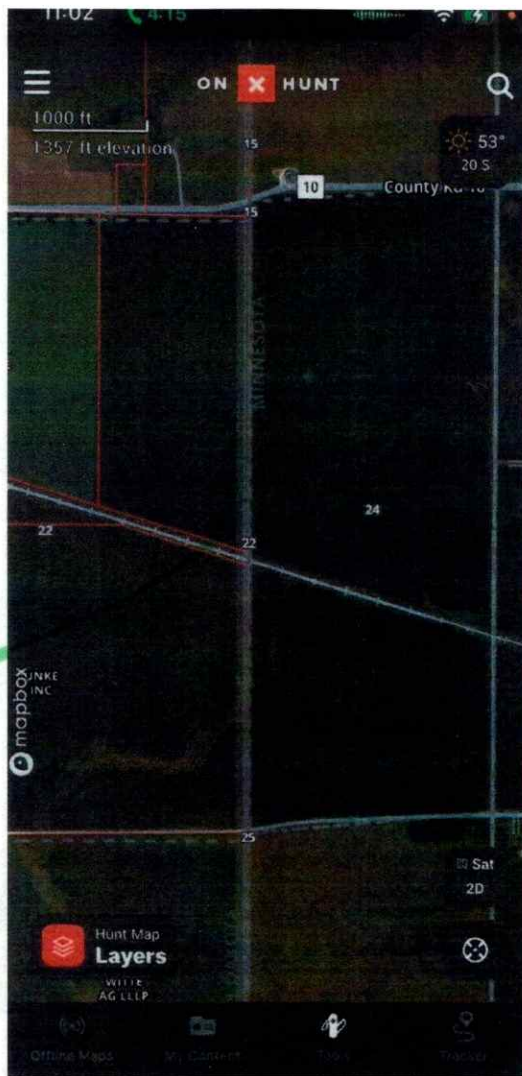
j) Drainage Area Above Dam _____ Acres



Rachel I added a blue mark for the well we are replacing and a black mark for another active well we are keeping both on the mn side. The well we are keeping was pumping 200gpm last. Please let me know if you need anything else, and sounds good on the 1,000ga pumping rate.



Location
of new
well
just north of
tracks 150 ft
and approx
150ft on SD
side of
border



Re: [EXT] Water Permit Application



Justin Vyn <justinvyn@yahoo.com>
To: Rodriguez, Rachel

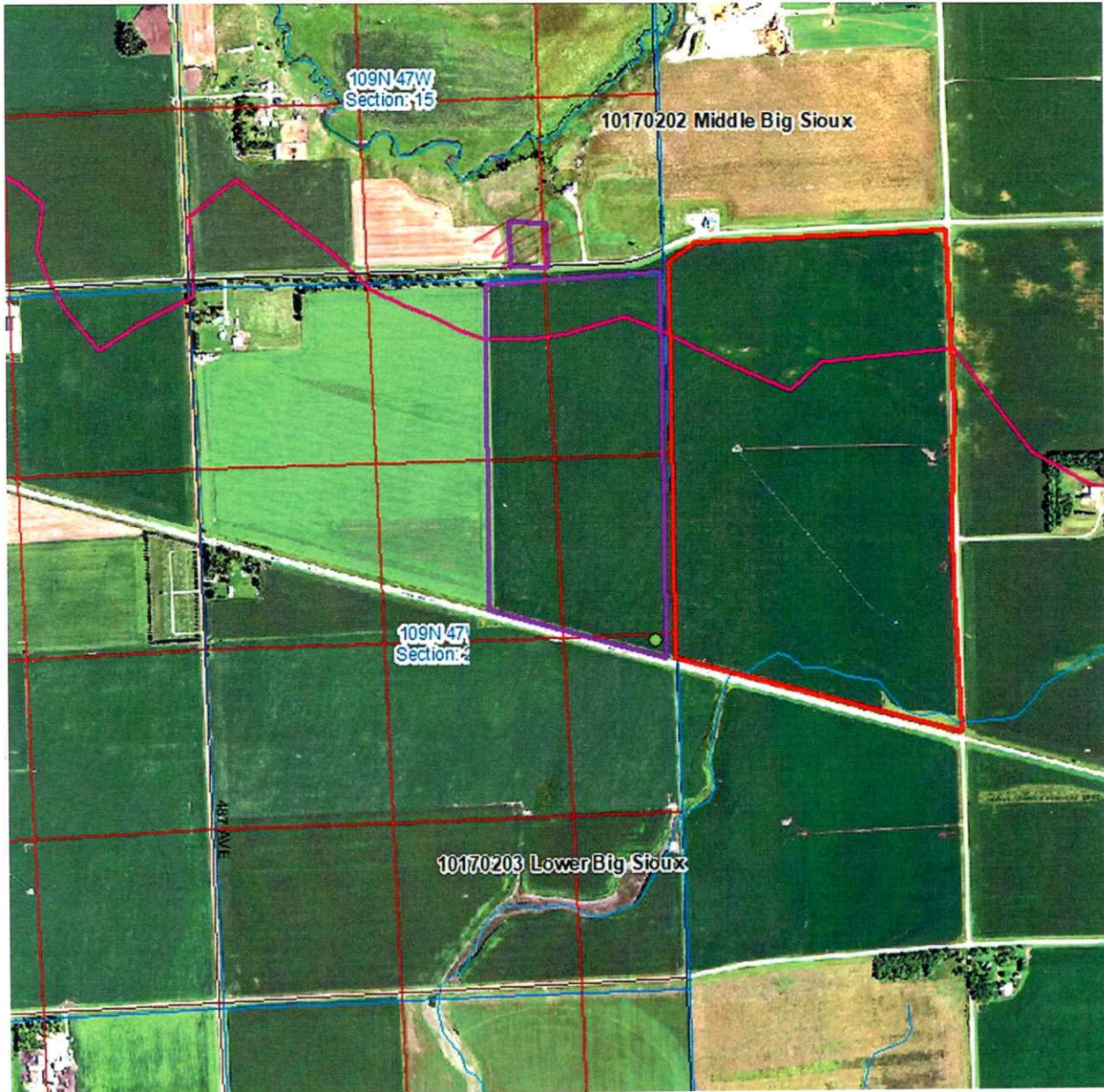
Retention Policy: 2 Year Delete (Default) (2 years)

Expires: 11/15/2025

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)

Thu 11/16/2023 4:28 PM

That's looks good thanks! I mailed the check today for 1,150\$



$V. 13^{\circ} 25'$

40.00

1334

A. 160.

A. 25.97

A. 25.24

A. 24.51

A. 23.78

11.88

Sec. 22.

A. 419.50

A. 160.

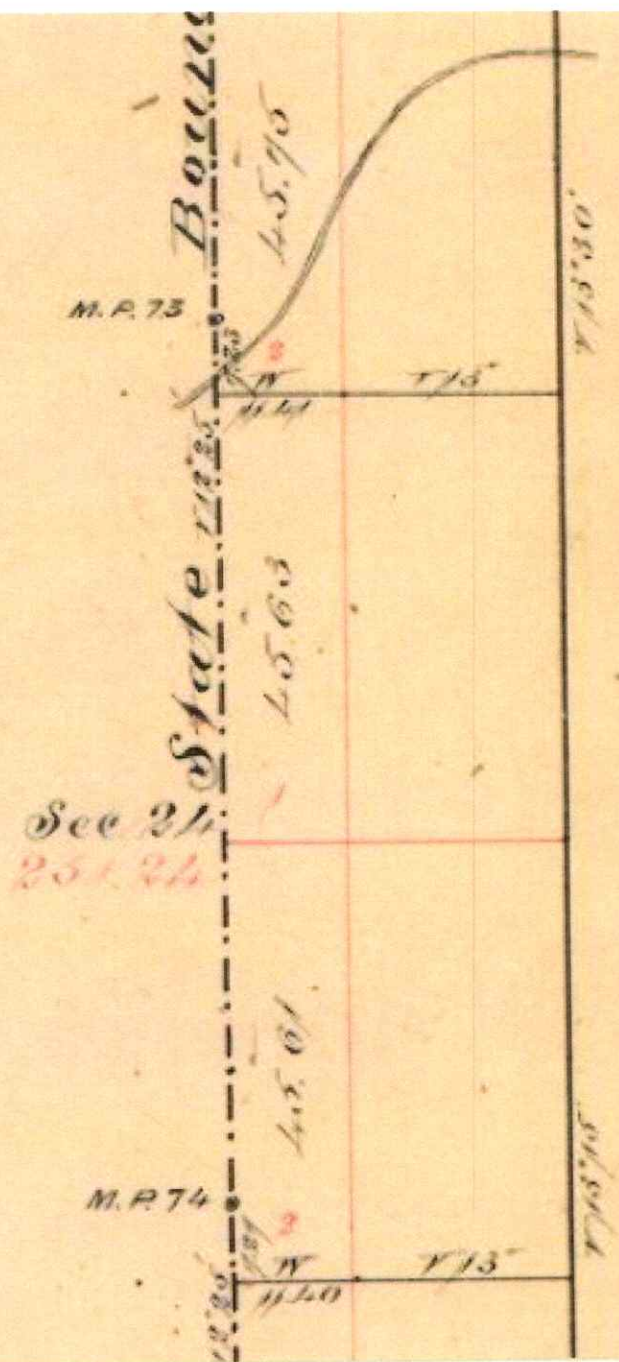
$V. 13^{\circ} 25'$

40.00

78.70

24. M. E

9.15



11:02

4:15



ON  HUNT



1000 ft

1357 ft elevation

 53°
20 S

15

10

County Route

MINNESOTA

24

22

22

mapbox
JUNKE
INC

25

Sat
2D



Hunt Map
Layers

WHITE
AG LLLP

DAKOTA



Offline Maps



My Content



Tools



Tracker

Elkton SD new well application

Legend

Untitled Placemark

Google Earth



2000 ft

SOUTH DAKOTA WATER WELL COMPLETION REPORT

SDE Form - 1621LD V1

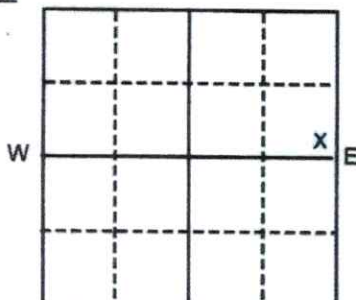
11-02

Location SE 1/4 NE 1/4 Sec 22 Twp 109 Rg 47

County Brookings ☒

North

Please mark well location with an "X"



Well Completion Date

11/09/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe ☐ Steel ☐ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	5	Lb/gal	0.0 Ft	198 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? Test Hole

☒ No, Why Not?

Lab to which water quality sample sent for analysis _____

Well Owner: Justin Vyn

Business Name: _____

Address: 610 Pleasantview Pl

City, State, Zip: Sioux Falls ☒ SD ☒ 57110

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Black		0	5
Gravel	Tan		5	8
Clay	Tan	M	8	13
Gravel	Tan	Course	13	36
Clay	Tan	M-H	36	48
Gravel	Tan		48	76
Clay	Brown/Grey	M-H	76	146
Sand	Blue/Grey		148	177
Clay	Blue	H	177	198

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Site Address: (no#) 110th Ave, Elkton
44 13 57.40N
96 27 09.70W

TH 1

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22 Twp 109 Rg 47County Brookings ☒

North

Please mark well
location with an "X"

Well Completion Date

11/09/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	5	Lb/gal	0.0 Ft	198 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? Test Hole
☒ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: Justin Vyn

Business Name: _____

Address: 610 Pleasantview PlCity, State, Zip: Sioux Falls ☒ SD ☒ 57110

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Black		0	5
Gravel	Tan		5	8
Clay	Tan	M	8	13
Gravel	Tan	Course	13	36
Clay	Tan	M-H	36	48
Gravel	Tan		48	76
Clay	Brown/Grey	M-H	76	146
Sand	Blue/Grey		148	177
Clay	Blue	H	177	198

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

 Site Address: (no#) 110th Ave, Elkton
 44 13 57.40N
 96 27 09.70W
This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

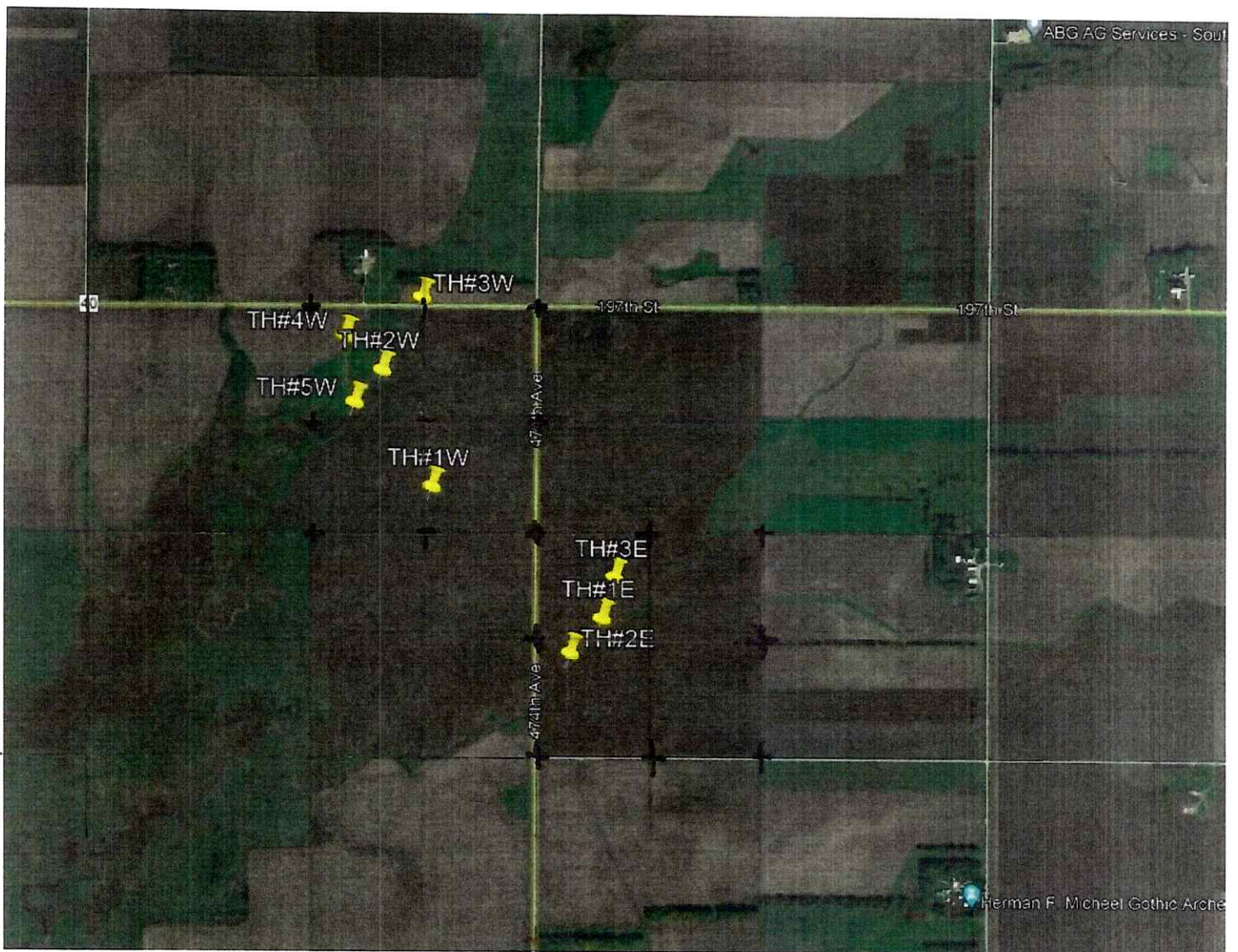
Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

DEC 20 2023

Date: _____

OFFICE OF
WATER



Jerrold Waldner – Red Willow Colony

West of 474th Ave:

TH#1W: 44 31 20.00N 96 43 54.00W

TH#2W: 44 31 33.50N 96 44 02.00W

TH#3W: 44 31 41.90N 96 43 55.60W

TH#4W: 44 31 37.40N 96 44 08.00W

TH#5W: 44 31 29.80N 96 44 06.50W

East of 474th Ave:

TH#1E: 44 31 04.70N 96 43 26.50W

TH#2E: 44 31 00.80N 96 43 31.60W

TH#3E: 44 31 09.50N 96 43 24.40W

RECEIVED

DEC 20 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 20, 2023

RECEIVED OF Justin Vyn 610 N Pleasantview Pl., Sioux Falls SD 57110

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

Fee for Application for Permit No. <u>8808-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>8808-3</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>1150.00</u>

By Eric Gronlund
Chief Engineer
vm

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Justin Vyn

DATE: Jan. 22, 2024 TELEPHONE: 807-376-3711

RE: Planned aquifer to be used

COMMENTS:

Based on the test hole completion report submitted with the application, two aquifers were encountered. The shallower, from 48 to 76 feet below grade, is the Big Sioux: Aurora aquifer and the deeper from 148 to 177 feet below grade is the Rutland aquifer. Called Mr. Vyn to discuss which aquifer he planned to use for irrigation. Mr. Vyn stated he planned to develop the shallower Big Sioux: Aurora aquifer.



Adam Mathiowetz

Natural Resources Engineer

DANR-Water Rights Program

Rodriguez, Rachel

From: Justin Vyn <justinvyn@yahoo.com>
Sent: Thursday, November 16, 2023 3:50 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application
Attachments: Map.pdf

Rachel I added a blue mark for the well we are replacing and a black mark for another active well we are keeping both on the mn side. The well we are keeping was pumping 200gpm last. Please let me know if you need anything else, and sounds good on the 1,000ga pumping rate.

Rodriguez, Rachel

From: Justin Vyn <justinvyn@yahoo.com>
Sent: Thursday, November 16, 2023 1:39 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Hi Rachel, We can do less if you think that's better or more likely to get approved? I just didn't want to limit myself in the future or get in trouble for overpumping if well turned out really good. Not sure how the rules work on pumping rate vs what's applied for but driller thought we could make 800 pretty easy.

On Nov 16, 2023, at 11:29 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Hello Justin,

1,000 GPM seems quite high for 237 acres, generally the range is 500 to 700 GPM for 240 acres.

Thank you,

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



From: Justin Vyn <justinvyn@yahoo.com>
Sent: Thursday, November 16, 2023 11:10 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 16, 2023 9:26 AM
To: Justin Vyn
Subject: RE: Water Permit Application

Good morning, Justin,

In looking over your application, there are a few things that need clarification, they are as follows:

- Please provide the GPM or CFS to be used.
- Is this a replacement well or new well? If it is a replacement well, where is the current well located.
- Please be sure to submit a map outlining acres in each state and the number of acres in each state.

Thank you,

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



From: Justin Vyn <justinvyn@yahoo.com>
Sent: Wednesday, November 15, 2023 12:00 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] water permit application form

Hi Eric, we would like to drill this sight as a 'test well' this fall while the weather is nice and the apply to permit it for irrigation for the 2024 season.
here is the form we will be mailing in with the check for \$1,150, I thought I would email it first so you can get a head start on it and let me know if you see any major issues.

thanks!

Justin Vyn

On Tuesday, November 14, 2023 at 01:17:54 PM CST, Gronlund, Eric <eric.gronlund@state.sd.us> wrote:

Justin -attached is the water permit application form for irrigation near Elkton. Also included is the link to the application on water rights website.

Let us know if you have any questions on completing the form. You can ask for Rachel Rodriguez, Amanda Dewell or myself.



Eric Gronlund, PE

Chief Engineer, Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 16, 2023

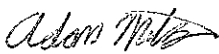
Justin Vyn
Justin Vyn Irrevocable Trust
610 N Pleasantview Pl
Sioux Falls SD 57110

Dear Mr. Vyn:

As requested by email on November 15, 2023, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well prior to approval of a water permit. The test well will be completed into the Aurora management unit of the Big Sioux aquifer. The test well is to be located in NE ¼ SE ¼ Sec. 22 T109N-R47E in Brookings County. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Amanda Dewell at (605) 773-3352.

Sincerely,


Eric Gronlund, Chief Engineer
Water Rights Program
(605)773-3352



**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. 8808-3, Justin Vyn Irrevocable Trust**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8808-3, Justin Vyn Irrevocable Trust, 610 N Pleasantview Pl, Sioux Falls SD 57110.

The Chief Engineer is recommending APPROVAL of Application No. 8808-3 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. 8808-3 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. 8808-3 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
January 29, 2024

Note: Water Permit No. 8808-3 includes acres to be irrigated in the State of Minnesota. Issuance of this Permit does not release the permit holder from complying with any requirements imposed by the State of Minnesota.

This recommendation is for the Big Sioux:Aurora aquifer as the water source. If the well is completed into the deeper Rutland aquifer, a water permit application will need to be obtained to reflect that water source. Any new application will require an additional filing fee.

Report to the Chief Engineer

Water Permit Application No. 8808-3

Justin Vyn Irrevocable Trust c/o Sarah Vyn, Trustee

17 January 2024

Water Permit Application No. 8808-3 proposes to appropriate water at a maximum instantaneous diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Aurora aquifer (approximately 76 feet deep) for the irrigation of 237.9 acres. The well is to be located in the NE corner of the SE $\frac{1}{4}$ (Lot 3) of Section 22, T109N-R47W to irrigate land in Lots 1, 2, and 3; E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, T109N-R47W in South Dakota. The proposed diversion is also to irrigate Lots 1 and 2; E $\frac{1}{2}$, E $\frac{1}{2}$ of Section 24, T109N-R47W in Minnesota, north of the railroad tracks. This wellsite is located approximately $\frac{3}{4}$ miles east of Elkton, South Dakota.

Review of the test hole log submitted with this application indicates a deeper aquifer, called the Rutland aquifer, that is likely present at a lower elevation than the targeted Big Sioux: Aurora aquifer. This report will address only the Big Sioux: Aurora aquifer, and if the applicant completes the proposed well into the Rutland aquifer, another application to appropriate water will need to be submitted.

Aquifer: Big Sioux: Aurora (BS: A)

Description of Aquifer:

The Big Sioux aquifer is a Quaternary aged, glacial outwash located within the Big Sioux River valley. It consists of permeable medium to very coarse sand and fine to medium gravel. The aquifer is generally unconfined near the river and along major tributaries and can be confined in areas that are buried by thick glacial till (Hamilton, 1989). The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the SD DANR Water Rights Program and the Water Management Board (Water Rights, 2024c). This application is seeking to appropriate water from the Aurora management unit of the Big Sioux aquifer, known as the Big Sioux: Aurora aquifer. The aquifer is found in southeastern Brookings and northeastern Moody Counties in South Dakota, and western Lincoln and Pipestone Counties in Minnesota and has an area of approximately 72,485 acres, which includes acreage in Minnesota (Farmer, 2017).

Hamilton (1989) mapped the potentiometric contours of the Big Sioux aquifer in Brookings County, which shows the movement of groundwater splitting into two directions near the town of Elkton. Buhler (2012) delineated areas within the aquifer that should be managed separately for the purposes of water appropriation because of this separation, creating two sub-units within the Big Sioux: Aurora aquifer. Farmer (2017) estimated the area of the north and south sub-units of the aquifer to be approximately 54,245 and 18,240 acres, respectively. The location of the proposed well site is in the south sub-unit of the Big Sioux: Aurora aquifer, and for the remainder of the report, the term "Big Sioux: Aurora aquifer" will be referencing the southern

sub-unit only. Figure 1 shows the areal extents for the northern and southern subsections of the Big Sioux: Aurora aquifer and the location of the proposed diversion site.

A test hole was drilled at the location of the proposed well site. According to the application, the ground elevation at the location of the proposed well is 1,760 feet mean sea level (all elevations are referenced to the National Geodetic Vertical Datum, NGVD, of 1929), and the targeted aquifer materials occur at 1,684 to 1,712 feet. The deeper aquifer materials indicated on the test hole report occur at an elevation of 1,612 feet. These deeper aquifer materials correspond to the Rutland aquifer (Hamilton, 1989). Nearby lithologic logs and well completion logs suggest that the elevation of the Rutland aquifer ranges from approximately 1,568 to 1,626 feet. There is no static water level listed on the application (Water Rights, 2024c). The Big Sioux: Aurora aquifer in the vicinity of the well site for this application will locally be under buried unconfined or confined conditions, with static water levels near the top of the aquifer or pressurized to only a few feet above the aquifer (Minnesota (1), 2024; Water Rights, 2024c and 2024d; SDGS, 2024).

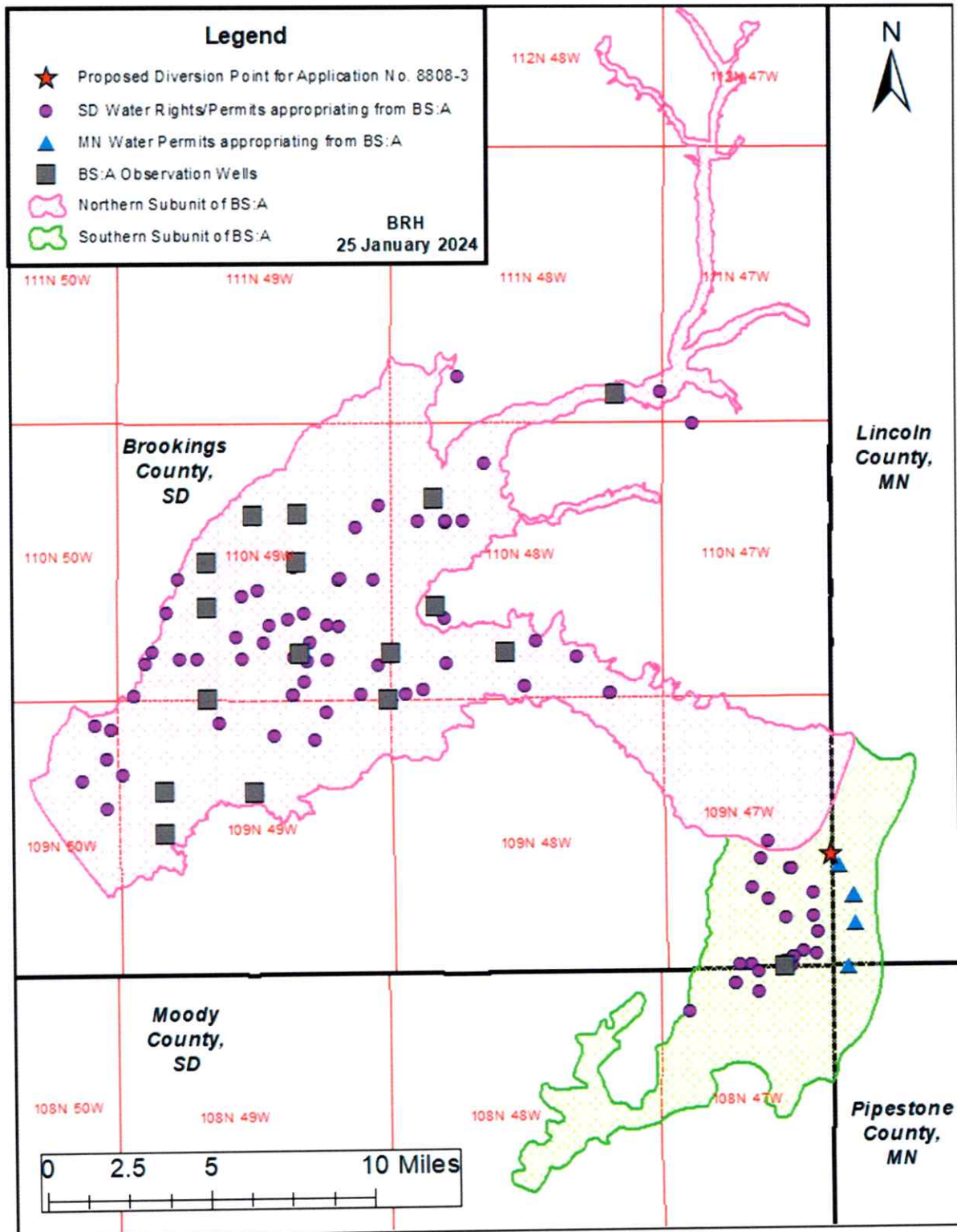


Figure 1. Approximate delineation of the Big Sioux: Aurora aquifer, north and southern subsections. The approximate location of the proposed diversion point is shown, along with observation well BG-78H and other nearby water rights/permits (Beste, 2024; Minnesota (2), 2024; Buhler, 2012; Water Rights, 2024c and 2024b).

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 there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by the 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 water uses and water rights within the Big Sioux: Aurora aquifer.

SDCL 46-6-3.1:

SDCL 46-6-3.1 states that "no application to appropriate groundwater may be approved if, according to the best possible 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."

Water Permit Application No. 8808-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and is not older or stratigraphically lower than the Greenhorn formation. Therefore, to approve an application to appropriate water, there needs to be evidence showing that unappropriated water is available, which for this report will be data showing that the average annual recharge exceeds discharge, and observation well analysis.

Hydrologic Budget Analysis:

Recharge

Recharge to the Big Sioux: Aurora aquifer is primarily through infiltration of precipitation and by slow seepage through till, lake deposits, and underlying aquifers when the potentiometric surface of the aquifer is lower than the water source (Hamilton, 1989).

Hedges and others (1985) estimated recharge specifically for the Aurora management unit of the Big Sioux aquifer with observation well data. The average annual recharge is calculated by multiplying the average annual water level rise for a series of wells by the specific yield of the aquifer materials. Using this method, Hedges and others (1985) estimated the recharge rate to be approximately 5.0 inches/year. This gives a volumetric recharge to the Big Sioux: Aurora aquifer to be approximately 7,600 acre-feet/year, using the areal extent of the southern sub-unit (18,240 acres), estimated by Farmer in 2017.

Discharge

Discharge from the Big Sioux: Aurora aquifer is to lakes and the Big Sioux River, when the potentiometric surface of the aquifer is higher than those discharge areas, and through well withdrawals (Hamilton, 1989). Well withdrawals from only the southern sub-unit of the Big Sioux: Aurora aquifer will be considered for the hydrologic budget.

There are currently 22 water rights/permits authorized to appropriate water from the southern sub-unit of the Big Sioux: Aurora aquifer, including one Future Use Permit No. 7393-3, belonging to Lincoln-Pipestone Rural Water. The volume of water reserved by that permit will be included in the hydrologic budget and is 614 acre-feet. There is only one non-irrigation water right, No. 7392-3, also for Lincoln-Pipestone Rural Water. This water right has been required to report annual usage to the Chief Engineer, and there are 10 years of reported data. The first three years had minimal to zero water usage, and the remaining seven years shows water usage steadily increasing from 373 acre-feet in 2016 and ranging between approximately 575 to 616 acre-feet until 2022. The average for all ten years is not necessarily reflective of the development of the water system after the first three years. Therefore, this water right will be assumed to withdraw their entire respective annual volume limitation of 614 acre-feet. Overall, the estimated annual appropriation from Water Right No. 7392-3 and Future Use Permit No. 7393-3 is 1,128 acre-feet (Water Rights, 2024c and 2024f).

In Minnesota, the Lincoln Pipestone RWS maintains the Verdi Well Field, consisting of five production wells which are completed into the Big Sioux: Aurora aquifer. While this withdrawal is not within the State of South Dakota, the withdrawal is still from the Big Sioux: Aurora aquifer and should be accounted for. In Minnesota, the Lincoln Pipestone RWS is authorized to withdraw 683 million gallons/year, or 2,096 acre-feet/year (Buhler, 2012; Minnesota (2), 2024) and will be assumed to withdraw their entire annual volume limitation.

There are other two other water permits in Minnesota that withdraw water from the Big Sioux: Aurora aquifer: Jo's Family Farm, LLC and Justin Vyn (the applicant for this application). Jo's Family Farm has an authorized annual volume of approximately 15 acre-feet, and Justin Vyn has an authorized annual volume of approximately 110 acre-feet. Jo's Family Farm has been reporting water use from 2013 to 2022, and the average annual use for this permit is 1.5 acre-feet. Justin Vyn has not been reporting long enough for a reliable average (at least 10 years of reported data) and will be assumed to withdraw their entire annual volume limitation (Beste, 2024; Minnesota (2), 2024). These MN water permits can be seen on Figure 1.

There are currently 20 water rights/permits for irrigation use authorized to appropriate water from the Big Sioux: Aurora southern sub-unit aquifer in South Dakota. Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Approximate average irrigation use from the aquifer during the years 1979 to 2022 is approximately 651 acre-feet. To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal by irrigation appropriations from 2013 to 2022 will be used for the budget and is approximately 690 acre-feet/year (Water Rights, 2024a).

There are domestic wells completed into the Big Sioux: Aurora aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, rural water systems have been developed in areas where the Big Sioux: Aurora aquifer is the uppermost aquifer available, and it is likely that some domestic users have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget.

There are currently no other pending applications. Generally, crop irrigators in South Dakota apply less than one foot of water per acre per year. Assuming a conservative application rate of one foot of water per acre per year, this application, No. 8808-3, if approved, will be assumed to pump 237.9 acre-feet/year.

Hydrologic Budget Summary

Recharge to the southern sub-unit of the Big Sioux: Aurora aquifer is estimated to be approximately 7,600 acre-feet/year. The average annual withdrawal from the aquifer is estimated to be approximately 4,126 acre-feet, listed on Table 1. This application seeks to withdraw an estimated 237.9 acre-feet of water per year. Based on the hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Table 1. Summary of estimated withdrawals from the southern sub-unit of the Big Sioux: Aurora aquifer (Beste, 2024; Buhler, 2012; Minnesota (2), 2024; Water Rights, 2024a, 2024c, 2024f).

Type of Water Right/Permit	Annual Withdrawal (acre-feet)
Water Right No. 7392-3	614
Future Use Water Permit No. 7393-3	614
Lincoln-Pipestone RWS (Minnesota Well Field)	2,096
Irrigation (average annual withdrawal from 2013 to 2022)	690
Jo's Family Farm, LLC and Justin Vyn	111.5
TOTAL	4,126

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 SD DANR Water Rights Program monitors one observation well completed into the southern sub-unit of the Big Sioux: Aurora aquifer (Water Rights, 2024b). Observation well BG-78H is located approximately 2.7 miles southwest of the proposed diversion point (see Figure 1),

and the hydrograph for this well is shown in Figure 2. Hydrographs of observation wells are constructed by measuring the static water level from the top of the well casing over a period of record, and for Figure 2, subtracting that water level from the surveyed elevation of the well in reference to the 1929 NGVD. Water levels for this observation well illustrate water level trends, climatic conditions, and pumping for the southern sub-unit of the Big Sioux: Aurora aquifer near that observation well.

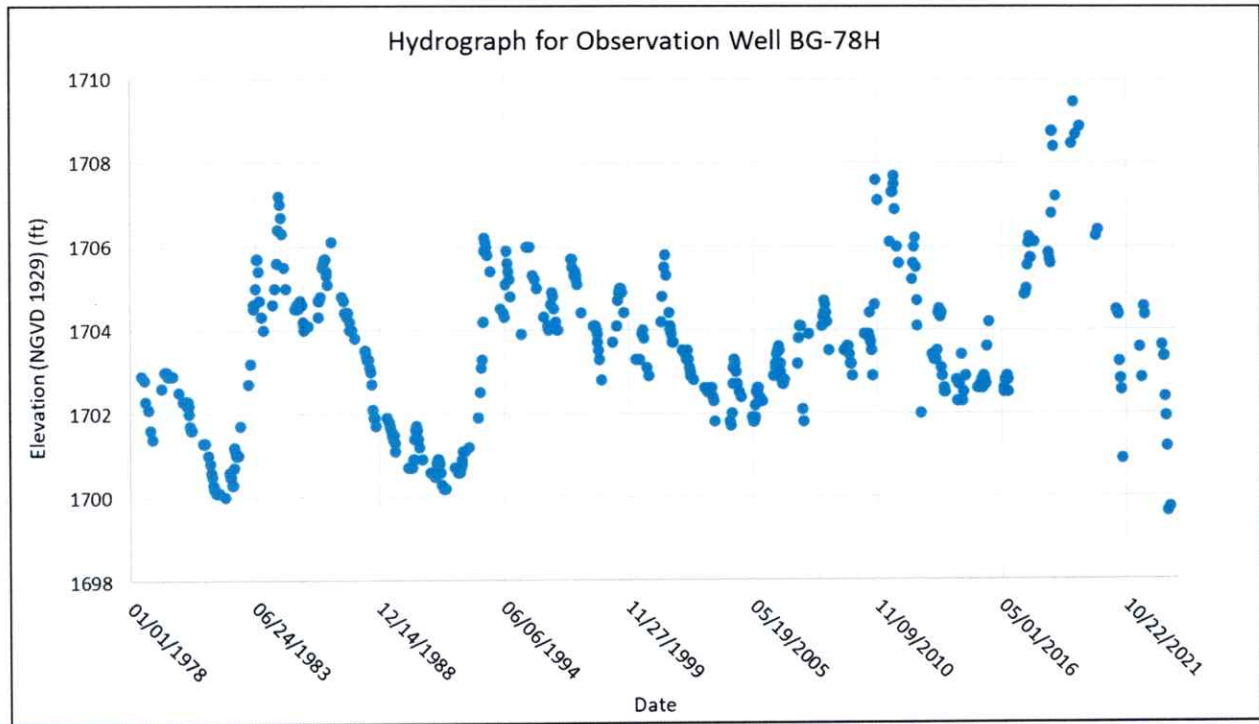


Figure 2. Hydrograph for observation well BG-78H.

When evaluating hydrographs, the context of the entire period of record is important, as it shows long-term trends of the aquifer and not only the beginning and ending water levels. The overall trend for the hydrograph of observation well BG-78H displays stable to increasing water levels. Short-term trends show water levels recovering to pre-pumped levels after the end of irrigation seasons. Long-term trends illustrate climatic fluctuations in approximately 10-year intervals. Droughts have occurred in South Dakota in the mid to late 1970's, the late 1980's to early 1990's, the early 2000's, the years 2012 to 2014, and the years 2020 to the present (NOAA, 2024). Water levels recover during subsequent wet years (Water Rights, 2024b). Climatic conditions, and therefore the effects of recharge to and natural discharge from the aquifer govern the short and long-term water level trends in the aquifer rather than the impacts of pumping.

The latest reading from this well shows the lowest water level reading since readings began in 1978. This well is in an unconfined portion of the aquifer, so observation wells are a more direct indication of water in storage compared to confined wells. The well is near multiple high-yield wells (pumped at a rate greater than 0.2 cfs), and likely is showing the effect of the recent drought. However, Figure 2 shows that the aquifer at observation well BG-78H is likely to recover from the recent low water levels and will continue to be monitored in the coming years.

Since both recharge to and natural discharge from an aquifer can be captured or pumping, observation well BG-78H shows that there is unappropriated water available for the proposed appropriation.

Potential for Unlawful Impairment:

Nearby Water Rights/Permits

Currently, there are 21 water rights/permits authorized to appropriate water from the southern sub-unit of the Big Sioux: Aurora aquifer and one future use permit (Water Rights, 2024c). The nearest water right/permit (not held by the applicant) is South Dakota Water Right No. 8255-3, held by Jon Vaske, and is located approximately one mile southwest of the proposed diversion point for this application (Water Rights, 2024c). The Verdi Well Field located in Minnesota used by the Lincoln Pipestone Rural Water System is located approximately 1.5 miles southeast of the proposed diversion point (Minnesota (2), 2024). Nearby water rights/permits are shown on Figure 3.

There are domestic wells on file with the SD DANR Water Rights Program that are completed into the Big Sioux: Aurora aquifer, with the closest domestic wells on file (not held by the applicant) located approximately ½ mile northwest of the proposed diversion point (Water Rights, 2024d). There could potentially be other domestic wells completed into the Big Sioux: Aurora aquifer that are not on file with the Water Rights Program. Domestic wells in South Dakota have priority over other use types and are protected from unlawful impairment when the well is constructed under adequate well standards, defined in ARSD 74:02:04:20(6) as:

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

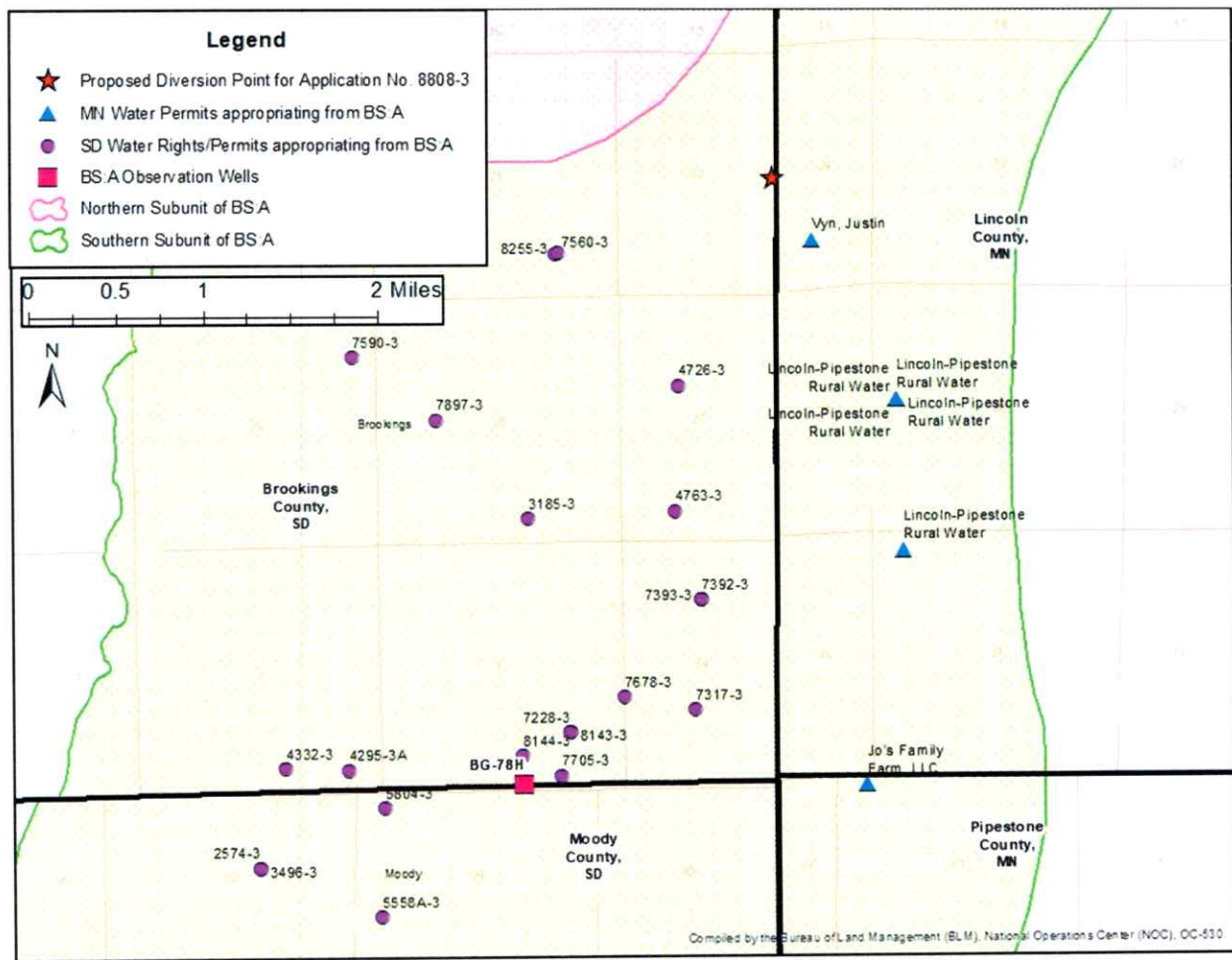


Figure 3. Map showing the proposed diversion point, observation well BG-78H, nearby water rights/permits in South Dakota, as well as Minnesota water permits that are likely appropriating water from the southern subsection of the Big Sioux: Aurora (Beste, 2024; Minnesota (2), 2024; Water Rights, 2024b and 2024c).

Potential of Drawdown

The test hole for this application indicates 28 feet of aquifer material, and the saturated thickness of the aquifer in this area ranges from approximately 17 to 47 feet (Water Rights, 2024c and 2024d). This would generally allow enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for a well to be adequate.

The nearest water right to the potential diversion is in an unconfined area of the Big Sioux: Aurora, and most of the southern sub-unit of the aquifer is unconfined (Water Rights, 2023d). The effects of drawdown from an unconfined aquifer generally do not extend far from a well. “The effects of withdrawals from wells that tap the Big Sioux aquifer generally are small because of extensive recharge and unconfined conditions. Drawdown of water levels is temporary and a few feet at most at about a mile from large-capacity wells” (Hamilton, 1989).

The Big Sioux: Aurora aquifer is buried unconfined or confined at this location. Wells in a confined aquifer experience more drawdown than those in an unconfined aquifer. The nearby Verdi Well Field wells appear to be under buried unconfined or confined conditions (Minnesota (1), 2024). In a confined aquifer, drawdown from pumping could extend a distance from the diversion point. Observation well BG-78H may provide insight to how the aquifer responds to pumping. There are five high-capacity wells (at least 0.2 cfs diversion rate) within one mile to observation well BG-78H (Figure 3). The hydrograph in Figure 2 indicates that drawdown from nearby irrigation wells does not create significant changes in water level, however this observation well is located in an unconfined portion of the aquifer (Water Rights, 2024b).

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 does not reserve artesian head pressure for delivery of water, as it would be inconsistent with SDCL 46-1-4. SDCL 46-4-1 states that “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). Depending on the buried unconfined or confined nature of the Big Sioux: Aurora aquifer at certain locations, some existing well owners may need to lower their pumps. There have not been any complaints about well interference in the southern sub-unit of the Big Sioux: Aurora aquifer (Water Rights, 2024e).

Based on the generally unconfined conditions of the Big Sioux: Aurora, the stability of observation well BG-78H regardless of its vicinity to high-yield irrigation wells, ARSD 74:02:04:20(6) and (7), as well as SDCL 46-1-4, it is reasonable that any drawdown for this application is not expected to unlawfully impair nearby adequate wells.

Conclusions:

1. Water Permit Application No. 8808-3 proposes to appropriate 2.22 cfs from a well to be completed into the Big Sioux: Aurora aquifer located in the in the NE corner of the SE $\frac{1}{4}$ (Lot 3) of Section 22, T109N-R47W to irrigate land in Lots 1, 2, and 3; E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, T109N-R47W in South Dakota. The proposed diversion is also to irrigate Lots 1 and 2; E $\frac{1}{2}$, E $\frac{1}{2}$ of Section 24, T109N-R47W in Minnesota, north of the railroad tracks. The site is located approximately $\frac{3}{4}$ mile east of Elkton, South Dakota.
2. This report assumes that the applicant completes the well into the Big Sioux: Aurora aquifer, the uppermost aquifer (well depth of approximately 76 feet) as logged by the test

hole report. Completion of the well into the Rutland aquifer would require a new Water Permit Application.

3. Based on a hydrologic budget analysis and observation well data, there is reasonable probability that unappropriated water is available from the southern sub-unit of the Big Sioux: Aurora aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Application No. 8808-3 will not unlawfully impair adequate wells for existing South Dakota water rights/permits and domestic uses.
5. Issuance of this permit does not negate any required permitting for irrigated acres located in Minnesota.



Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program



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

References

- Beste, Brent. 2024. District Appropriations Hydrologist, Minnesota DNR. Email Correspondence. January 24, 2024.
- Buhler, K. 2012. Report to the Chief Engineer on Water Permit Application No. 7392-3, Lincoln Pipestone Rural Water. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Farmer, J. 2017. Report to the Chief Engineer on Water Permit Application No. 8285-3, Norm's Greenhouse. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water Resources Investigations Report 88-4185. U.S. Geological Survey. Huron, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Groundwater Recharge. Office of Geological Survey. Vermillion, South Dakota.
- Minnesota Well Index Map (1). 2024. Minnesota Department of Health.
<mnwellindex.web.health.state.mn.us> Accessed January 4, 2024.

<https://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/wateruse.html>

<<https://www.drought.gov/states/south-dakota#historical-conditions>>

<<https://usd.maps.arcgis.com/apps/webappviewer/index.html?id=e54c5063b19c49629560a86a7be2eb3d>>

Rights, 2024a. “1979-2022 Irrigation Summaries by Aquifer.” SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Rights, 2024c. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Rights, 2024e. County Files Database. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Water Rights, 2024f. Non-Irrigation Water Use Reports to Chief Engineer. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**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.**

January 29, 2024

Justin Vyn Irrevocable Trust
610 N Pleasantview Pl
Sioux Falls SD 57110

Dear Mr. Vyn:

Water Permit Application No. 8808-3 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 Brookings Register printed in Brookings SD (Ph # 605 692-6271). 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. 8808-3 to Appropriate Water

Notice is given that Justin Vyn Irrevocable Trust, c/o Sarah Vyn, Trustee, 610 N Pleasantview Pl, Sioux Falls SD 57110 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: Aurora Aquifer (approximately 76 feet deep) located in the NE corner of the SE 1/4 (Lot 3) Section 22 -T109N-R47W for irrigation of 237.9 acres located in Lots 1, 2, and 3; E 1/2 NW 1/4 Section 22; in South Dakota and Lots 1 and 2; E 1/2 E 1/2 Section 24 in Minnesota all in T109N-R47W north of the railroad tracks. This site is located approximately three quarters of a mile east of Elkton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8808-3 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 February 20, 2024.

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

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

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 9:47 AM
To: registerclassifieds@brookingsregister.com
Subject: 8808-3 Justin Vyn Irrevocable Trust - Public Notice
Attachments: 8808-3 public.short_final.docx; FORM8.FRM.doc

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

Justin Vyn Irrevocable Trust, c/o Sarah Vyn, Trustee, 610 N Pleasantview Pl, Sioux Falls SD 57110, 806-376-3711 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

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

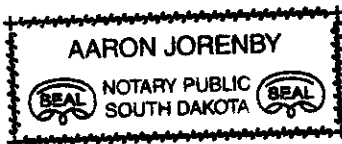
LEG #317105 Notice of Application to Appropriate Water

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

February 8, 2024

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-Seven Dollars and Ninety-One Cents \$47.91



[Signature]

22 day of

February

2024

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

PUBLIC NOTICES

Legal 31705 1X
2/8

**NOTICE OF APPLICATION
NO. 8808-3 TO
APPROPRIATE WATER**

Notice is given that Justin Vyn Irrevocable Trust, c/o Sarah Vyn, Trustee, 610 N Pleasantview Pl, Sioux Falls SD 57110 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: Aurora Aquifer (approximately 78 feet deep) located in the NE corner of the SE 1/4 (Lot 3) Section 22 -T109N-R47W for irrigation of 237.9 acres located in Lots 1, 2, and 3; E-1/2 NW 1/4 Section 22; in South Dakota and Lots 1 and 2; E 1/2 E 1/2 Section 24 in Minnesota all in T109N-R47W north of the railroad tracks. This site is located approximately three quarters of a mile east of Elkton SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8808-3 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 recom-

RECEIVED

FEB 26 2024

**OFFICE OF
WATER**

mentation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvali 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 February 20, 2024.

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

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

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant

to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published February 8, 2024 at the total approximate cost of \$47.91 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 9:58 AM
To: Justin Vyn
Subject: 8808-3 Justin Vyn Irrevocable Trust - Public Notice
Attachments: 8808-3 rec.pdf; 8808-3 Ltr.pdf; 8808-3 PubNotice.pdf

Good Morning,

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

MAR 08 2024

Justin Vyn Irrevocable Trust
c/o Sarah Vyn, Trustee
610 N Pleasantview Pl
Sioux Falls SD 57110

Dear Ms. Vyn:

Enclosed is Water Permit No. 8808-3 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**

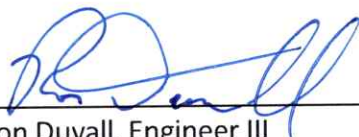
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8808-3

Name of Applicant: Justin Vyn Irrevocable Trust, c/o Justin or Sarah Vyn

Date of Posting: 2/6/2024

Date of Removal: 3/8/2024



Ron Duvall, Engineer III

3/8/2024

Date

Subscribed and sworn to before me, a notary public, this 8th day of March, 2024.



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

(SEAL)



8808-3

RECEIVED

MAR 14 2024

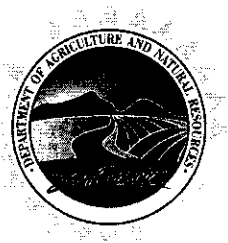
NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEOFFICE OF
WATERDate 3-14-2024TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Justin Vyn Irrevocable Trust
(name)610 N Pleasantview Pl
(address)Sioux Falls SD 57110
(city, state, zip)806 376 3711
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8808-3 states that the water use system is to be constructed byJune 1, 2024, and water is to be put to beneficial use by July 1, 2024
(date) (date)The water use system was completed on July 1, 2024
(date)Applying the water to beneficial use was completed on July 1, 2024
(date)

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

[Signature]
(signature)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 14, 2024

8808-3

Justin Vyn Irrevocable Trust
c/o Sarah Vyn
610 N Pleasantview Pl
Sioux Falls SD 57110

Dear Ms. Vyn:

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

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

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

Sincerely,

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

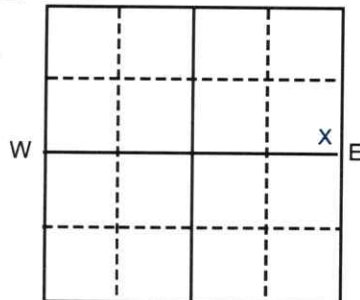
8808-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NE 1/4 Sec 22 Twp 109 Rg 47County Brookings

North

Please mark well
location with an "X"

Well Completion Date

12/01/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

115 ft. from Ditch (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12 IN	0 FT	56 FT	17.5 IN
LB/FT	12 IN	76 FT	86 FT	17.5 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bent	13	Lb/gal	0.0 Ft	48 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 FeetMaterial Stainless SteelSlot Size 100 Set From 56 Feet to 76 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Justin Vyn

Business Name:

Address: 610 Pleasantview PlCity, State, Zip: Sioux Falls ☒ SD ☒ 57110

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Black		0	1
Clay	Brown	M	1	5
Gravel	Brown		5	8
Clay	Brown		8	13
Gravel	Brown		13	36
Clay	Brown		36	48
Gravel	Brown		48	76
Clay	Blue		76	86

STATIC WATER LEVEL 31 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: SUB☐ Bailed☐ Other

Pumping Level Below Land Surface

56.57 Ft. After 22.25 Hrs. pumped 527 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Site Address: (no#) 110th Ave, Elkton

Irr Well (TH1)

44 13 57.40N

96 27 09.70W

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 20 2023

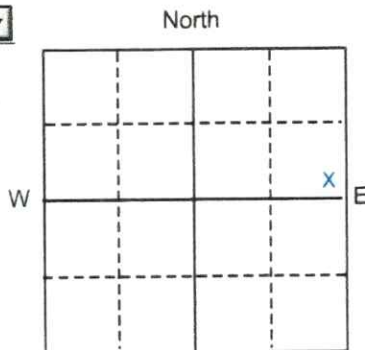
OFFICE OF
WATER

Date:

8808-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22 Twp 109 Rg 47County BrookingsPlease mark well
location with an "X"

Well Completion Date

12/01/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

115 ft. from Ditch (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>56</u> FT	<u>17.5</u> IN
LB/FT	<u>12</u> IN	<u>76</u> FT	<u>86</u> FT	<u>17.5</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>HS Bent</u>	<u>13</u>	Lb/gal	<u>0.0</u> Ft	<u>48</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 12 Inches Length 20 FeetMaterial Stainless SteelSlot Size 100 Set From 56 Feet to 76 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Justin Vyn

Business Name:

Address: 610 Pleasantview PlCity, State, Zip: Sioux Falls ☒ SD ☒ 57110

WELL LOG:

FORMATION		DEPTH	
		FROM	TO
Top Soil	Black	0	1
Clay	Brown M	1	5
Gravel	Brown	5	8
Clay	Brown	8	13
Gravel	Brown	13	36
Clay	Brown	36	48
Gravel	Brown	48	76
Clay	Blue	76	86

STATIC WATER LEVEL 31 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

56.57 Ft. After 22.25 Hrs. pumped 527 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Site Address: (no#) 110th Ave, Elkton
Irr Well (TH1)
44 13 57.40N
96 27 09.70W

RECEIVED

DEC 31 2024

OFFICE OF
WATERThis well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-21-2023

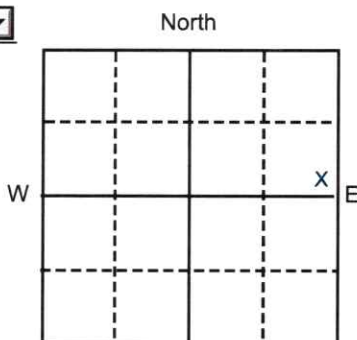
8808-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NE 1/4 Sec 22 Twp 109 Rg 47County Brookings

Please mark well location with an "X"



Well Completion Date

12/01/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

115 ft. from Ditch (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>56</u> FT	<u>17.5</u> IN
LB/FT	<u>12</u> IN	<u>76</u> FT	<u>86</u> FT	<u>17.5</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>HS Bent</u>	<u>13</u>	Lb/gal	<u>0.0</u> Ft	<u>48</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 FeetMaterial Stainless SteelSlot Size 100 Set From 56 Feet to 76 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Justin Vyn

Business Name:

Address: 610 Pleasantview PICity, State, Zip: Sioux Falls ☒ SD ☒ 57110

WELL LOG:

FORMATION		DEPTH	
		FROM	TO
Top Soil	Black	0	1
Clay	Brown M	1	5
Gravel	Brown	5	8
Clay	Brown	8	13
Gravel	Brown	13	36
Clay	Brown	36	48
Gravel	Brown	48	76
Clay	Blue	76	86

STATIC WATER LEVEL 31 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: SUB☐ Bailed☐ Other

Pumping Level Below Land Surface

56.57 Ft. After 22.25 Hrs. pumped 527 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Site Address: (no#) 110th Ave, Elkton

Irr Well (TH1)

44 13 57.40N

96 27 09.70W

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 20 2023

OFFICE OF
WATER

Date:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. **8803-3**

I have this day, **April 22, 2025**, made a thorough examination of the water use system constructed by **Justin Vyn Irrevocable Trust, 610 N Pleasant Pl, Sioux falls, SD 57110** of Permit No. **8803-3**, bearing the priority of **November 14, 2023** authorizing the diversion of **2.22** cu. ft. per second of the waters of the **Big Sioux – Aurora Aquifer** for **irrigation** purposes, in **Brookings** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Steffl Drilling & Pump**
- 2) No. of Wells **1**
- 3) Depth(s) **76** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **12** inches
- 2) Length **56** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless steel**
- 2) Length **20** feet
- 3) Static water level **31** feet

Pump:

- 1) Make **Submersible**
- 2) Model **Unknown**
- 3) Size **Unknown**
- 4) Capacity **700** GPM

Motor:

- 1) Make **Unknown**
- 2) Model No. **Unknown**
- 3) Horsepower rating **Unknown** hp

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

- 1) Type **Buried PVC**
- 2) Size **8** inches
- 3) Length **1500** feet

Comments: **xx**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1800 feet
- 3) Number of towers 10 plus corner leg
- 4) End gun Y
- 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the NW corner Sec 22 T109N R47W, 2750 ft S & 3460 ft E, Lat 44.23256 Long -96.45276 (NW
1/4 SE 1/4.
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
Land in Sec 22 T109N R47W	
NE 1/4 NW 1/4 - 10 acres	
SE 1/4 NW 1/4 - 11 acres	
NW 1/4 NE 1/4 - 27 acres	
SW 1/4 ne 1/4 - 27 acres	
Land in Minnesota Sec 24 - 145 acres	

comprising a total of 220 acres of land and the license should be issued for 1.56 cfs .
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

FSA photographs and the ArcGIS software were used to estimate the irrigated acreage and to construct the map.

The pump discharge reported in a recent Irrigation Questionnaire was used to establish the flow capacity for the system.

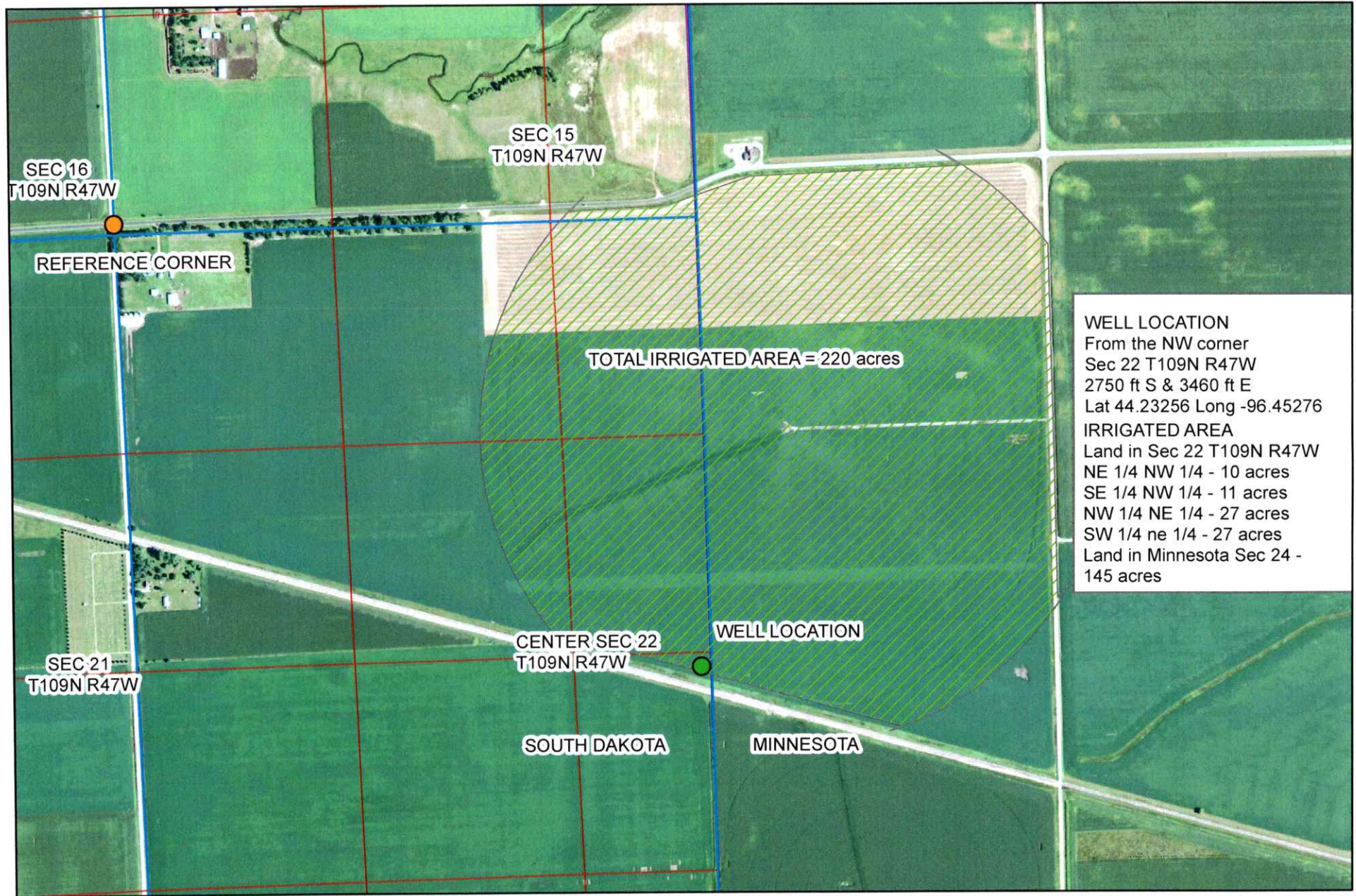
The mailing address and the telephone number in the permit materials are current.

I visited with Mr. Justin Vyn, owner (806/376-3711) prior to the field visit.

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', written in a cursive style.

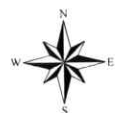
Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 24, 2025



WELL LOCATION
 From the NW corner
 Sec 22 T109N R47W
 2750 ft S & 3460 ft E
 Lat 44.23256 Long -96.45276

IRRIGATED AREA
 Land in Sec 22 T109N R47W
 NE 1/4 NW 1/4 - 10 acres
 SE 1/4 NW 1/4 - 11 acres
 NW 1/4 NE 1/4 - 27 acres
 SW 1/4 ne 1/4 - 27 acres
 Land in Minnesota Sec 24 -
 145 acres



0 650 1,300 2,600 3,900 5,200 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2025

Vyn Irrevocable Trust
c/o Sarah Vyn
610 N Pleasantview Pl
Sioux Falls, SD 57110

No. 8808-3

Dear Ms. Vyn:

Enclosed is Water License No. 8808-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The parcels authorized for irrigation on the face of License No. 8808-3 are also identified as Lots 1 through 3, Section 22 (South Dakota) & Lots 1 & 2, Section 24 (Minnesota); all in T109N, R47W.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8808-3**

(1) Justin Vyn Irrevocable Trust, 610 N Pleasantview Pl, Sioux Falls, SD 57110, made Application No. 8808-3, November 14, 2023, for a water permit to divert 2.22 cubic feet of water per second from groundwater, one well (Big Sioux: Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 8808-3, with a priority date of November 14, 2023, was approved February 20, 2024, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 20, 2029, and for the application to beneficial use of water on or before February 20, 2033.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on March 14, 2024. The Notice stated the diversion system was completed on July 1, 2024 and the water was placed to beneficial use on July 1, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,750 feet S and 3,460 feet E from the NW corner of Section 22, T109N, R47W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 44.23256 and Longitude -96.45276)

(3) The amount of 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 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 22, T109N, R47W	Section 24, T109N, R47W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres	E $\frac{1}{2}$ E $\frac{1}{2}$ - 145 acres in Minnesota
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 11 acres	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 27 acres	
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 27 acres	
Total – 220 acres	

(5) Pursuant to South Dakota Water Law 46-5-30.1 Justin Vyn Irrevocable Trust, the holder and/or owner of Water Right No. 8808-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Big Sioux: Aurora Aquifer), with a priority date of November 14, 2023, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8808-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8808-3 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.

continued

2. The well authorized by Permit No. 8808-3 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. *(The well was drilled in 2023 by Steffl Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.)*

3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

