

WATER PERMIT NO. 8810-3

Name of Applicant: Spring Valley Colony

Address: 23064 365 Ave, Wessington Springs SD 57382

Phone: 605-530-5186

Amount of Water Claimed: 3.56 cfs

Total Acres: 480

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Jerauld

Type of Waste Disposal System:

Location: Approx. 15 miles southwest of Wessington Springs SD

PRIORITY Date Received: 11-20-23

Application/License Fee: \$1,650.00

Corrected Application Received: 12-04-23

Period of Annual Use: April 1 – September 30

Remarks: 1 well and 3 pivots

Diversion Point: SW corner of Sec 3-T106N-
R67W

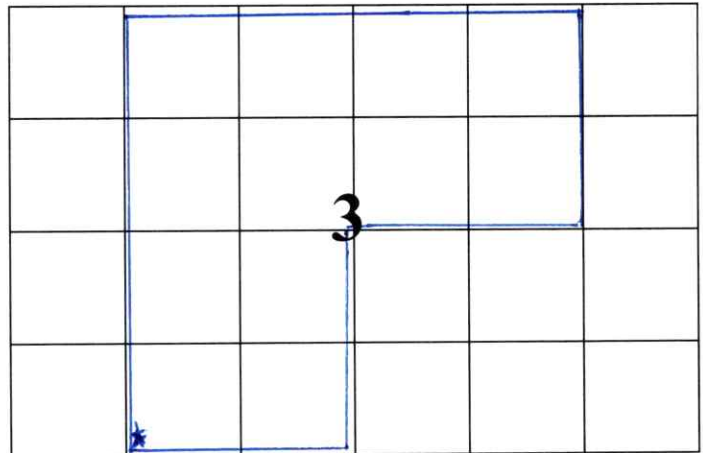
Land to be Irrigated: N 1/2 Sec 3, SW 1/4 Sec 3;
all in T106N-R67W

Depth of Well: 190

Well Driller: Cain Drilling

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 12-04-23

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8810-3**

Date of first receipt of application November 20, 2023.

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

Date of receipt of corrected application December 4, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8810-3 to Spring Valley Colony, 23064 365th Avenue, Wessington Springs SD 57382 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. 8810-3 appropriates 3.56 cubic feet of water per second from one well to be completed into the Crow Creek Aquifer (approximately 190 feet deep) located in the SW 1/4 SW 1/4 Section 3 for irrigation of 640 acres located in the N 1/2, SW 1/4, Section 3; NE 1/4 Section 4; all in T106N-R67W. This site is located approximately 15 miles southwest of Wessington Springs 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 November 20, 2023.
4. The date of approval of Permit No. 8810-3 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. 8810-3 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. 8810-3 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

FEB 26 2024

date



RECEIVED

NOV 20 2023

OFFICE OF
WATER

PAID

NOV 20 2023

Ck# 4944
Rec'd# 11/20/23**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>8810-3</u> Hydrologic Unit <u>10140105</u> Basin <u>Crow</u> Newspaper <u>Wessington Springs True Dakotan</u> <u>Huron Plainsman</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Spring Valley Colony

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

Mailing Address 23064 365th Ave Wessington Springs SD 57382
(Address) (City) (State) (Zip Code)Phone (605) 539-1361 Mobile (605) 412-6292 Email djoel@svcolony.com2. Amount of water claimed 3.56 *CFS or 1,600 **GPM 668 ***AF Total Acreage 668
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable3. Source of water supply Well4. Location of point of diversion ① Well SW corner of SW 1/4 in 3-106-67
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County _____

5. County or counties where water will be used Jerauld6. Annual period during which water is to be used April to September 307. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>N 1/2 of Sec 3 106N-67W</u>	<u>310</u>	<u>320</u>	
<u>SW 1/4 of Sec 3 106N-67W</u>	<u>158</u>	<u>160</u>	
<u>NE 1/4 Sec 4 - T106N-R67W</u>	<u>468</u>	<u>160</u>	

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

Site has cow well we had stretch's well service pump it. Came back @ 1,600 GPM
Plan is to drill irrigation well & put in 3 ~~pumps~~ pivots.

I, Melvin Stull Farm manager, 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.

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 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Cain Drilling
(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) 190 Depth to Top of Water Bearing Material 85 Depth to Water from Surface 105

d) Distance to nearest domestic well on applicant's property 3 Property owned by others Grohs Farms

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)

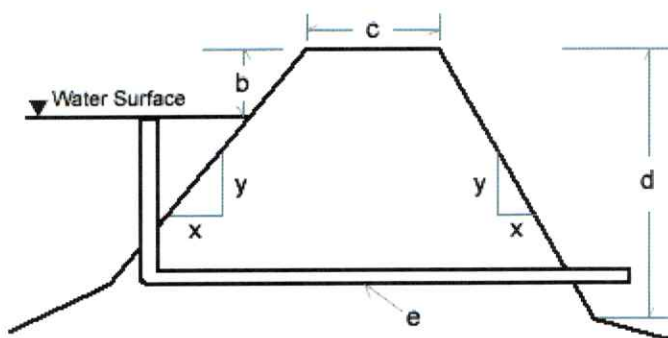
Upstream _____

Downstream _____

h) Area of Impoundment _____

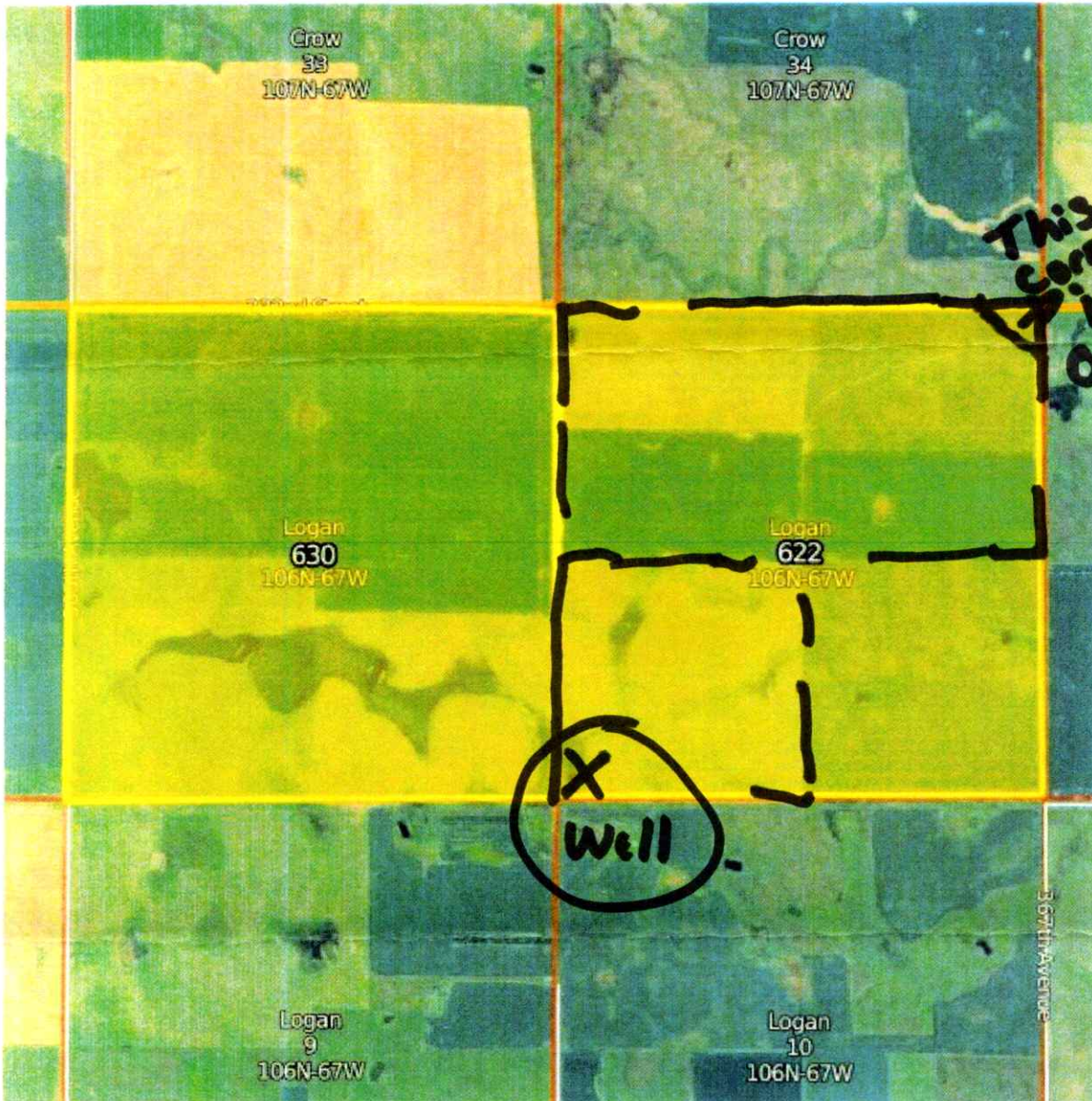
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Scouting Report

H & H AgSolutions, LLC - House Account - 421 5th St. - Alpena, SD 57312



Field #:
1699283

Farm: (SVC 100%)

Customer

H & H AgSolutions, LLC
- House Account
421 5th St., Alpena, SD
57312
(605) 849-3454

Grower

Spring Valley Colony
Spring Valley Colony -
SVC

Field Information

Acres: 1,252

Crop: -Unknown-

State: SD County:
Jerauld

Township: Logan

Tier & Range:

4-106N-67W

Center: 44.014283°

-98.867426°

Field name(s): Sec 4,
Sec 3

Comments:

[EXT] Added acres I visited with u about.



Melvin Stahl <melvin@svcolony.com>

To ● Rodriguez, Rachel

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

Expires 12/28/2025

↩ Reply

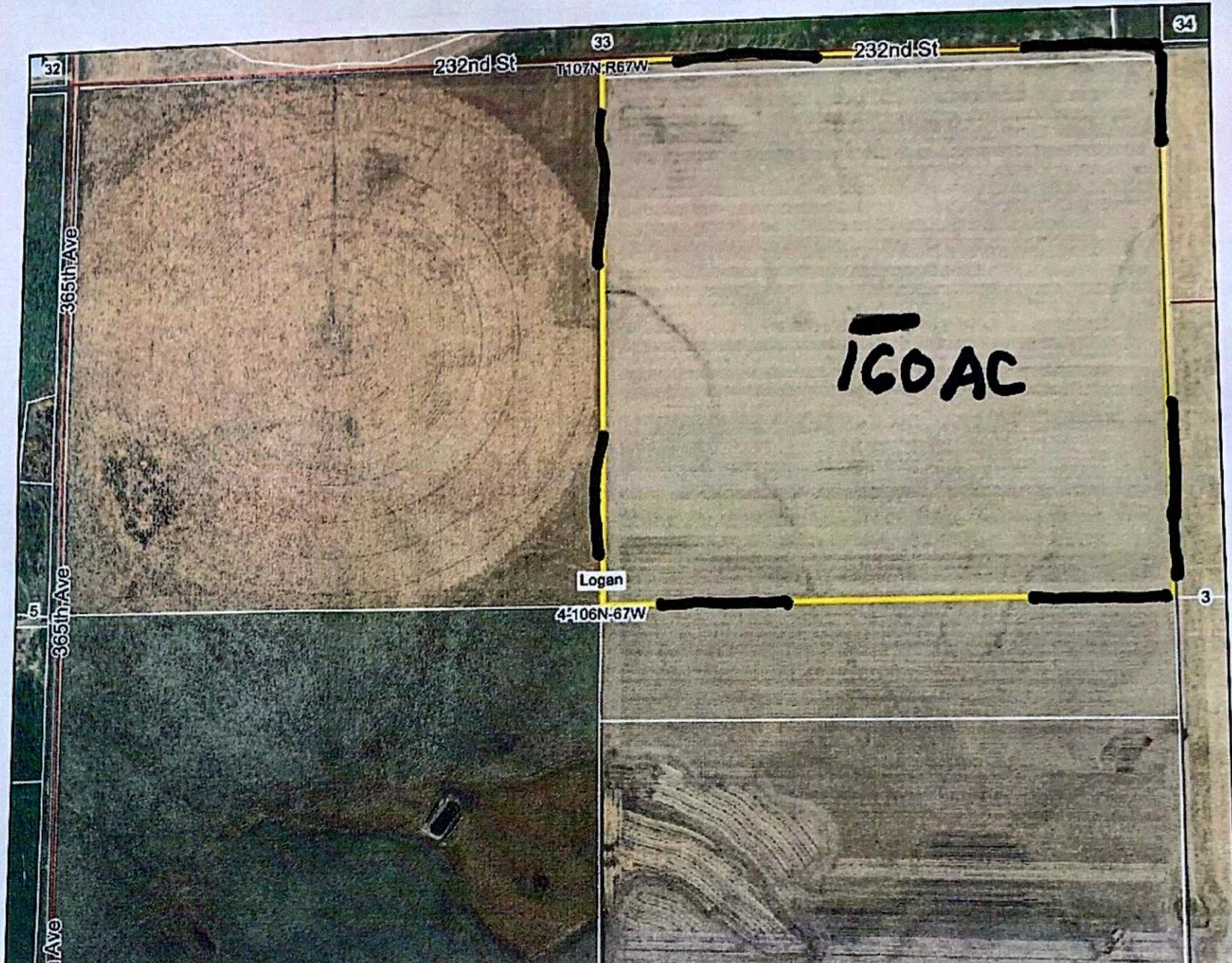
↩ Reply All

→ Forward



Fri 12/29/2023 4:29 PM

Aerial Map



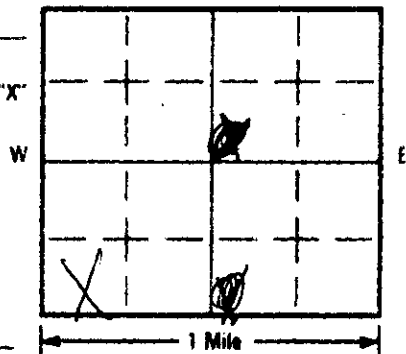
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ 118 $\frac{1}{4}$ Sec 3 Twp 106 Rg 67
 County NE North

gravel

Please mark well location with an "X"



Well Completion Date

June 20, 03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,
 lead lot, etc.) 100 ft. from capped well (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

forward rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>170</u> FT	<u>190</u> FT	<u>8 3/4</u> IN
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>170</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>lean</u>	<u>7</u>	<u>6.1</u> lb./gal	<u>30</u> ft	<u>130</u> ft
<u>concrete</u>	<u>5</u>	<u>6.1</u> lb./gal	<u>6</u> ft	<u>30</u> ft

Describe grouting procedure line on top of gas rock
pumped in then pulled to 30 feet penetration

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 20 FEET

Material plastic

Slot Size 025 Set From 170 Feet to 190 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? tablets

Laboratory sent to for water
 quality analysis

Pierre

Well Owner Kick or Myron Klepper
 Business Name Klepper Bros.
 Address 37058 231 St.
Wass, Springs, SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Black</u>	<u>0</u>	<u>2</u>
<u>yellow</u>	<u>2</u>	<u>8</u>
<u>sand</u>	<u>8</u>	<u>22</u>
<u>Blue Clay</u>	<u>22</u>	<u>78</u>
<u>gravel</u>	<u>78</u>	<u>82</u>
<u>Blue Clay</u>	<u>82</u>	<u>145</u>
<u>sandy blue clay</u>	<u>145</u>	<u>154</u>
<u>sand & water, no oil</u>	<u>154</u>	<u>188</u>
<u>shale</u>	<u>188</u>	<u>191</u>

STATIC WATER LEVEL 85 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: air line

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

160 ft After 4 Hrs. pumped 100+ GPM

_____ ft After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 10 GPM

REMARKS

from 155-188 it was
very rough digging heavy rock
& sand, excellent well

This well was drilled under license # 7

And this report is true and accurate. 1

Drilling firm Cain Drilling, Gerald Cain

Signature of License Representative _____

Kick Klepper

Signature of Well Owner or Equitable Property Holder _____

RECEIVED

JAN 28 2004

WATER RIGHTS PROGRAM

Date: 10-1-03

5-1

0

10

22 96'

[illegible]

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date November 20, 2023

RECEIVED OF Spring Valley Hutterian Brethren, Inc. 23064 365th Ave., Wessington Springs SD 57382

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

Fee for Application for Permit No. <u>8810-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1450.00</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>8810-3</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>1650.00</u>

By Eric Gronlund
Chief Engineer
me

[EXT] Added acres I visited with u about.



Melvin Stahl <melvin@svcolony.com>

To  Rodriguez, Rachel

 Reply

 Reply All

 Forward



Fri 12/29/2023 4:29 PM

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

Expires 12/28/2025

Melvin Stahl (605) 530-5186
On behalf of Spring Valley Colony I would like
to Amend these 160 Acres in NE $\frac{1}{4}$ of Sec 4-106N-67W
to Irrigation Permit We applied for.

Water Rights Program - File Documentation

NAME: Melvin Stahl – Spring Valley Colony

ADDRESS: 23064 365th Ave, Wessington Springs SD 57382

DATE: 12-04-2023

RE: Acres and distance to nearest well

COMMENTS:

Called Melvin regarding my email, see below. He agreed and filled in the info he relayed regarding distance to nearest well.

I am in receipt of your water permit application. However, based on the map you sent; would it be okay to round up from the 468 to make it 480 acres. That way, when an inspection is done, if you are using less than the 480 acres, it will not require a new water permit application. Also, you did not complete the "Distance to nearest well on applicant's property". If you do not know, it is okay to say unknown, we just need to ask applicants for a response. I can fill it in for you.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 4, 2023 11:35 AM
To: djoel@svcolony.com; melvin@svcolony.com
Subject: Water Permit Application

Good morning,

I am in receipt of your water permit application. However, based on the map you sent; would it be okay to round up from the 468 to make it 480 acres. That way, when an inspection is done, if you are using less than the 480 acres, it will not require a new water permit application. Also, you did not complete the "Distance to nearest well on applicant's property". If you do not know, it is okay to say unknown, we just need to ask applicants for a response. I can fill it in for you.

Once I receive your response, I will process your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8810-3, Spring Valley Colony**

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. 8810-3, Spring Valley Colony, 23064 365th Avenue, Wessington Springs SD 57382.

The Chief Engineer is recommending APPROVAL of Application No. 8810-3 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. 8810-3 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. 8810-3 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 30, 2024

Report to the Chief Engineer
On Water Permit Application No. 8810-3

Spring Valley Colony

February 1st, 2024

Water Permit Application No. 8810-3 proposes to appropriate 3.56 cubic feet per second (cfs) from one well to be completed into the Crow Creek aquifer (approximately 190 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 for irrigation of 640 acres located in the N $\frac{1}{2}$, SW $\frac{1}{4}$, Section 3; NE $\frac{1}{4}$ section 4; all in T106N-R67W. The site is located in Jerauld County approximately 15 miles southwest of Wessington Springs, SD.

AQUIFER: Crow Creek (CC)

HYDROGEOLOGY:

The Crow Creek aquifer is composed of permeable and well sorted glacial outwash deposits ranging from medium to very coarse sand and gravel (Hamilton, 1985). Mapping of the first occurrence of aquifer materials in Jerauld County by Jensen (2005) better supports the aquifer boundaries as identified by Hamilton (1985). The Crow Creek aquifer underlies approximately 44,800 acres in Jerauld County, and contains an estimated 270,000 ac-ft of recoverable water storage in the county (Hamilton, 1985). Hedges et al (1982) identified the Crow Creek aquifer in Jerauld and Hand Counties, which underlies approximately 41,500 acres with 153,700 acre-feet of water in storage. The aquifer also extends into Buffalo and Brule Counties but has yet to be fully delineated in those counties (Water Rights, 2024c and 2024d). The Crow Creek aquifer is predominantly under unconfined conditions but can be found under confined conditions as well (Hamilton, 1985; Water Rights, 2024b).

A water well completion report was submitted with this application. The well completion report is dated June 20th, 2003, and is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3-T106N-R67W (Water Rights 2024d). This well is completed into the Crow Creek aquifer with the depth to the top of aquifer material (sand) approximately 145 feet below the ground surface, static water level of 85 feet below the ground surface, and has a total saturated aquifer thickness of 43 feet at the time of well completion (SDGS, 2024; Water Rights, 2024b and 2024d). Based on this and other well completion reports near the diversion point, the Crow Creek aquifer is expected to be under confined conditions (SDGS, 2024; Water Rights, 2024b and 2024d).

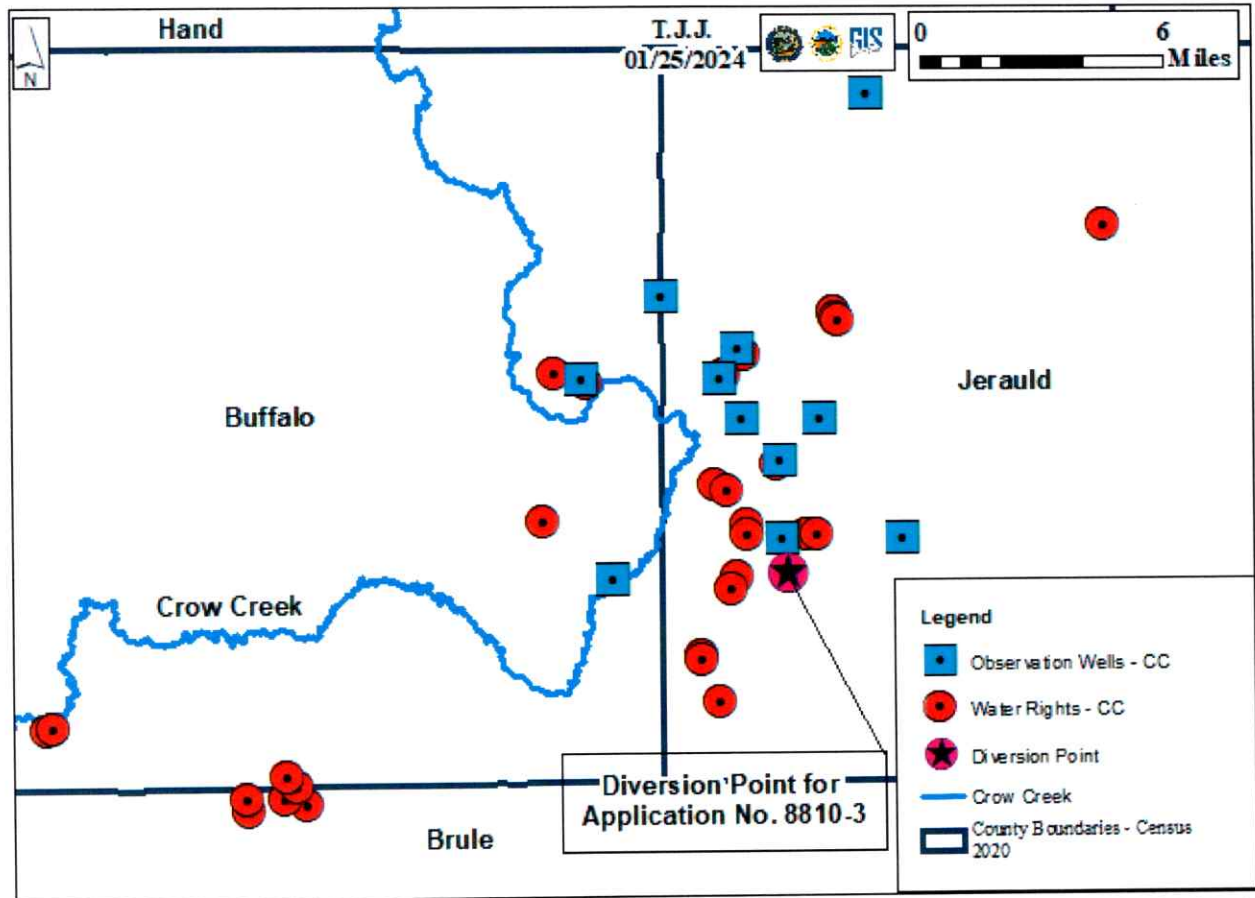


Figure 1. The Crow Creek aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) and the location of diversion point for Water Permit Application No. 8810-3.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Crow Creek aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8810-3 proposes to appropriate water from the Crow Creek aquifer for the purpose of irrigation. 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 Crow Creek 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 Crow Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Crow Creek aquifer is mostly by infiltration of precipitation through overlying deposits of sandy alluvium, outwash, and till (Hamilton, 1985). Some recharge to the Crow Creek aquifer is from water inflow from till laterally adjacent to the Crow Creek aquifer (Hamilton, 1985). In Jerauld County, Hamilton (1985) estimated the average recharge to the Crow Creek aquifer to be 9,100 acre-feet per year. Based on observation well analysis by Hedges et al (1985) a recharge rate of 3.8 inches per year was estimated for the Crow Creek aquifer. The Crow Creek aquifer has an estimated areal extent of approximately 44,800 acres in Jerauld County (Hamilton, 1985). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985; Hamilton, 1985) ranges between 9,100 to 14,187 acre-feet/year in Jerauld County. It is possible this range of recharge to the aquifer is less than the actual recharge to the aquifer since the aquifer has not been delineated in its entirety.

Discharge

Discharge from the Crow Creek aquifer primarily occurs through well withdrawals, groundwater outflow, and natural discharges into tills, and seepage to surface water (Hamilton, 1986). Currently, there are 25 water rights/permits authorized to appropriate water from the Crow Creek aquifer (Water Rights, 2024c).

There are 2 non-irrigation water rights/permits authorized to appropriate water from the Crow Creek aquifer. Table 1 list the non-irrigation water rights/permits with the estimated average annual use for each water right/permit as determined by their limiting diversion rate or annual volume limit. The amount of water that can be withdrawn was estimated by assuming the water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals. Overall, the total estimated annual non-irrigation withdrawal rate from the Crow Creek aquifer is approximately 246 acre-feet/year (Table 1) (Water Rights, 2024c).

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Crow Creek aquifer (Water Rights, 2024c)

Permit No:	Name/Business:	Status:	Type of Use:	Authorized Diversion Rate (cfs):	Authorized Annual Volume (ac-ft/yr):	Total Estimated Use (ac-ft/yr):
8670-3	Spring Valley Hutterian	PE	COM, DOM	0.42	194	194
6748-3	Brian & Ed Havlik	LC	COM, DOM	0.12	0	52
LC License, PE Permit, COM Commercial, DOM Domestic					Total:	246

Currently, there are 23 irrigation water rights/permits appropriating water from the Crow Creek aquifer (Water Rights, 2024c). 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 Crow Creek aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 1,838 acre-feet per year (Table 2) (Water Rights, 2024e). 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 3,068 acre-feet per year (Table 2) (Water Rights, 2024e).

Table 2. Reported historic irrigation use from the Crow Creek aquifer (Water Rights, 2024e)

Year	Number of Permits	Reported Pumpage (ac-ft)
1979	22	1,343
1980	22	2,353
1981	23	2,370
1982	15	1,145
1983	15	1,705
1984	17	1,481
1985	17	2,055
1986	17	966
1987	17	1,605
1988	23	3,954
1989	23	2,859
1990	23	1,699
1991	21	2,049
1992	18	827
1993	17	842
1994	17	1,163
1995	16	859
1996	16	1,031
1997	15	246
1998	15	262
1999	15	793
2000	15	1,163
2001	15	571
2002	15	1,975
2003	15	1,461
2004	15	860
2005	14	1,104
2006	13	1,756
2007	16	1,275
2008	21	1,875
2009	22	854
2010	22	551
2011	22	1,127
2012	27	4,004
2013	28	3,116
2014	27	2,162
2015	23	3,364
2016	21	2,774
2017	22	4,533
2018	24	3,392
2019	24	424
2020	23	2,357
2021	23	3,993
2022	23	4,563
Max	28	4,563
Min	13	246
Average (1979-2022)	19	1,838
Average (2013-2022)	24	3,068

This application is requesting to irrigate an additional 640 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 640 acre-feet per year.

There are domestic wells completed into the Crow Creek 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 not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Crow Creek aquifer is present; 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 Crow Creek aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Crow Creek aquifer ranges from approximately 9,100 to 14,187 acre-feet/year in Jerauld County alone (Hedges et al, 1982 and 1985; Hamilton, 1985). The withdrawal rate from the Crow Creek aquifer, including this application, totals to approximately 3,954 acre-feet/year; (non-irrigation withdrawals: 246 acre-feet/year; irrigation withdrawals: 3,068 acre-feet/year; this application: 640 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Crow Creek 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 9 observation wells completed into the Crow Creek aquifer (Water Rights, 2024b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the diversion point are JE-78J (approximately 0.9 mile north), JE-77G (approximately 2.9 miles north), and JE-78K (approximately 3.0 miles northeast) (Water Rights, 2024b). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2024b). The data points utilized to construct the hydrographs are measurement of the static water level in the observation wells from the top of the well casing. The data from Figures 2 to 4 shows a rise in water level that becomes a stable trend similar to other observation wells in Crow Creek aquifer (Water Rights, 2024b).



Figure 2. Hydrograph for observation well JE-78J (Water Rights, 2024b)



Figure 3. Hydrograph for observation well JE-77G (Water Rights, 2024b)

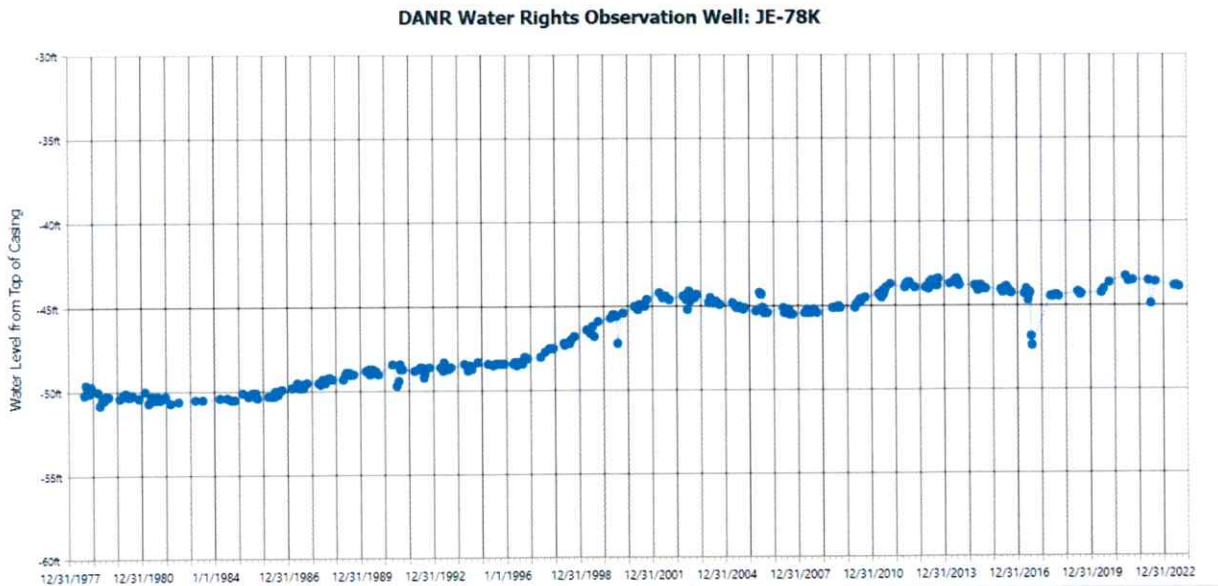


Figure 4. Hydrograph for observation well JE-78K (Water Rights, 2024b)

The hydrographs for the Crow Creek 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 water levels in the aquifer rather than the impacts of pumping from the Crow Creek 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 proposed well site for this application are shown in Figure 5 and summarized in Table 3 (Water Rights, 2024c). The closest water right/permit diversion point, not held by the applicant, is Water Permit No. 8039-3 held by Grohs Farms Partnership as shown on Figure 5. The diversion point for Water Permit No. 8039-3 is located approximately 1.2 miles west of the diversion point for this application (Water Rights, 2024c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Crow Creek aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.2 miles northeast of the diversion point based on the well completion report submitted by the driller (Water Rights, 2024d). There could potentially be other domestic wells completed into the Crow Creek aquifer near the diversion point that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

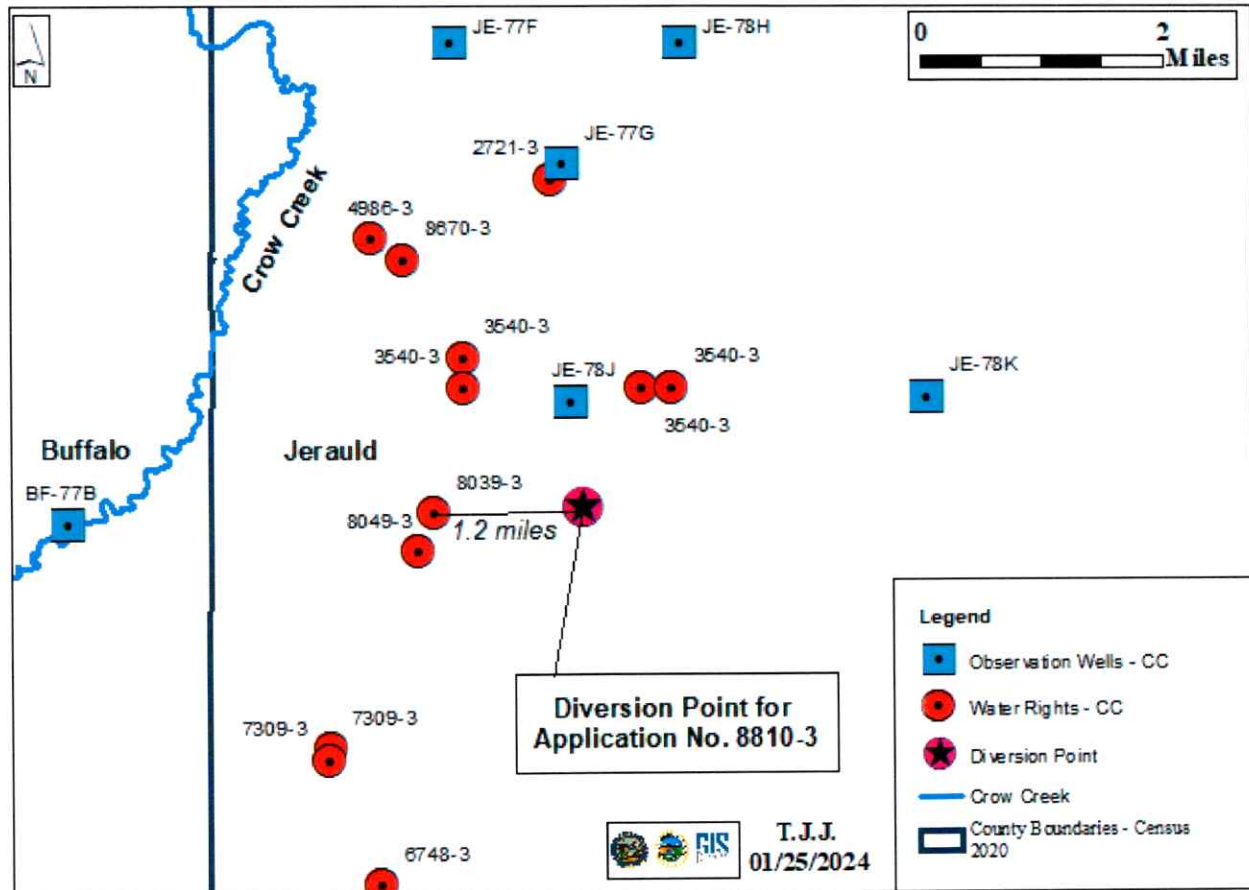


Figure 5. The Crow Creek aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) within 2 miles of the diversion point for Water Permit Application No. 8810-3.

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

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
2721-3	Spring Valley Hutterian	04/29/1976	License	Irrigation	1.55	132
3540-3	Spring Valley Hutterian	08/23/1976	License	Irrigation	1.66	268
4986-3	Spring Valley Hutterian	10/07/1983	License	Irrigation	3.55	266
6748-3	Brian & Ed Havlik	08/08/2006	License	Commercial, Domestic	0.12	0
7309-3	Todd Grohs	03/05/1981	License	Irrigation	3.9	716
8039-3	Grohs Farms Partnership	08/18/2014	Permit	Irrigation	4	320
8049-3	Spring Valley Colony	08/07/2014	Permit	Irrigation	4.47	313
8670-3	Spring Valley Hutterian	10/20/2022	Permit	Commercial, Domestic	0.42	0

The Crow Creek aquifer is primarily under unconfined conditions. In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped well. However, the Crow Creek aquifer is under confined conditions at the location of the diversion point. In a confined aquifer, drawdown created by pumping can extend far from the pumped well. 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 while still protecting domestic users. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Crow Creek aquifer at their location. In Jerauld County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Crow Creek aquifer (Water Rights, 2024a).

When considering ARSD 74:02:04:20(7), the saturated aquifer thickness near the diversion point and the lack of well interference complaints for adequate wells completed into the Crow Creek aquifer in Jerauld County, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells (Water Rights, 2024a).

CONCLUSIONS:

1. Water Permit Application No. 8810-3 proposes to appropriate 3.56 cfs from one well to be completed into the Crow Creek aquifer (approximately 190 feet deep) for the irrigation of 640 acres. The site of interest is located approximately 15 miles southwest of Wessington Springs, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Vermillion East Fork: Crow Creek aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8810-3 will not unlawfully impair adequate wells for existing water rights/permits holders or domestic users with adequate wells.



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

- Hamilton, L.J., 1985. Water Resources of Aurora and Jerauld Counties, South Dakota. Water Resources Investigations Report 84-4030. 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: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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- SDGS, 2024. South Dakota Geological Survey Lithologic Logs Database. Accessed January 22, 2024. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 2024a. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. "1979-2022 Irrigation Summaries by Aquifer", 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.**

February 2, 2024

Spring Valley Colony
c/o Melvin Stahl
23064 365th Avenue
Wessington Springs SD 57382

Dear Mr. Stahl:

Water Permit Application No. 8810-3 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 True Dakotan printed in Wessington Springs SD (Ph # 605 539-1281) and the Plainsman printed in Huron SD (Ph # 605 353-7414). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8810-3 to Appropriate Water

Notice is given that Spring Valley Colony, 23064 365th Ave, Wessington Springs SD 57382 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second from one well to be completed into the Crow Creek Aquifer (approximately 190 feet deep) located in the SW 1/4 SW 1/4 Section 3 for irrigation of 640 acres located in the N 1/2, SW 1/4, Section 3; NE 1/4 Section 4; all in T106N-R67W. This site is located approximately 15 miles southwest of Wessington Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8810-3 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: Friday, February 2, 2024 10:17 AM
To: 'news@truedakotan.com'
Subject: 8810-3 Spring Valley Colony - Public Notice
Attachments: 8810-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 7, 2024.

Spring Valley Colony, 23064 365th Ave, Wessington Springs SD 57382, 605-412-6292 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: Friday, February 2, 2024 10:18 AM
To: rcrandall@plainsman.com
Subject: 8810-3 Spring Valley Colony - Public Notice
Attachments: 8810-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 7, 2024.

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

Thank you,

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



Proof Of Publication

RECEIVED

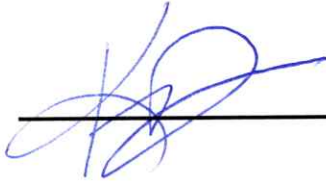
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

FEB 09 2024

OFFICE OF
WATER

Legal Notice Number: 2410

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Spring Valley Colony – Public Notice was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 02/07/2024. That the full amount of the fee charged for the \$43.83 of Public Hearings to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

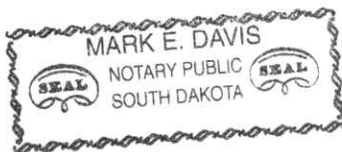


Subscribed and sworn to me before this date 2/7/24.



Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 02-27-24

**NOTICE OF
APPLICATION
NO. 8810-3 to**

Appropriate Water

Notice is given that Spring Valley Colony, 23064 365th Ave, Wessington Springs SD 57382 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second from one well to be completed into the Crow Creek Aquifer (approximately 190 feet deep) located in the SW 1/4 SW 1/4 Section 3 for irrigation of 640 acres located in the N 1/2, SW 1/4, Section 3; NE 1/4 Section 4; all in T106N-R67W. This site is located approximately 15 miles southwest of Wessington Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8810-3 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.

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.

No. 2410 (adv.)
Published one time at the total approximate cost of \$43.83 and may be viewed free of charge at www.sdpublicnotices.com.

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)

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Being first duly sworn, deposes and says: that he/she is a Resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by Kristi Hine; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

And that the notice and advertisement headed

Notice of Application No. 8810-3

A printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Wednesday, the 7 day of February, 2024; and that the succeeding publications were:
on Wednesday, the _____ day of _____, 20____
on Wednesday, the _____ day of _____, 20____
on Wednesday, the _____ day of _____, 20____

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 4.5 dollars and 80 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by law.

Signed: _____

Subscribed and sworn to before me, this 9 day of February, 2024

Delia Atkinson

Notary Public in and for
Jerauld County, South Dakota

My Commission Expires 8/10/2027

SEAL
DELIA ATKINSON
Notary Public
SOUTH DAKOTA

NOTICE OF APPLICATION NO. 8810-3

Notice is given that Spring Valley Colony, 23064 365th Ave, an application for a water permit to appropriate 3.56 cubic feet completed into the Crow Creek Aquifer (approximately 190 Section 3 for irrigation of 640 acres located in the N 1/2, SW 1/4 R67W. This site is located approximately 15 miles southwest of Pursuant to SDCL 46-2A-2, the Chief Engineer recommends a qualifications because 1) unappropriated water is available, 2) rights will not be unlawfully impaired, 3) it is a beneficial use of water pertains to matters within the regulatory authority of the Water Management Board recommendation with qualifications, the application, and staff in public or contact Ron Duvall for this information, or other information provided below.

Any person interested in opposing this application or recommendation upon approval, will cause injury to the person that is unique for general. The injury must concern a matter either within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 a the petitioner requirements and wishing to be a party of record written petition to oppose the application with BOTH the application the application shall be filed on a form provided by the Chief Engineer at <https://danr.sd.gov/public> or by contacting the Chief Engineer, Rights Program, FOSS Building, 523 E Capitol, Pierre SD 57501" mailing address is given above. If contesting the Chief Engineer also file a petition. A petition filed by either an interested person on 20, 2024.

The petition shall include a statement describing the unique injury petitioner, the petitioner's reasons for opposing the application, the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Any interested person may file a comment on the application with be filed on a form provided by the Chief Engineer and is available by calling (605) 773-3352 or writing the Chief Engineer at the address does not make the commenter a party of record or a participant; comment must be filed by February 20, 2024.

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

Published once at the total approximate cost of \$45.80 and m sdpublishnotices.com

Affidavit of Publication

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on Wednesday, the ____ day of _____, 20____
on Wednesday, the ____ day of _____, 20____
on Wednesday, the ____ day of _____, 20____

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 45 dollars and 80 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by law.

Signed: _____

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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 \$45.80 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, February 2, 2024 10:28 AM
To: 'joel@svcolony.com'
Subject: 8810-3 Spring Valley Colony - Public Notice
Attachments: 8810-3 rec.pdf; 8810-3 Ltr.pdf; 8810-3 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

FEB 26 2024

Spring Valley Colony
c/o Melvin Stahl
23064 365th Avenue
Wessington Springs SD 57382

Dear Mr. Stahl:

Enclosed is Water Permit No. 8810-3 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.: 8810-3

Name of Applicant: Spring Valley Colony, Melvin Stahl

Date of Posting: 2/6/2024

Date of Removal: 2/26/2024



Ron Duvall, Engineer III

2/27/2024

Date

Subscribed and sworn to before me, a notary public, this 27th day of February 20 24.



Notary Public - South Dakota
My commission expires: May 16, 2029



(SEAL)

On Jun 17, 2024, at 1:52 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good Afternoon,

Please send us a map with the location of current well and the proposed well and we will let you know if it is okay to proceed.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

From: joel@svcolony.com <joel@svcolony.com>
Sent: Monday, June 17, 2024 10:48 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] IRRATION PERMIT

GOOD MORNING RACHEL

IF MY WELL DOESN'T SUPPLY THE 1600 GPM THAT WE WERE PERMITTED FOR HAVE I GOT THE RIGHT TO PUT IN THE SECOND WELL TO GET TO THOSE GALLONS , I KNOW THE PERMIT READS OUT OF ON WELL. THANKS JOEL

8810-3

R 67 W
JOINS CROW TWP



Section 17 A Shana & Jennifer Namanny - 27.72
Section 20 B Todd & Hillary Groth - 28.35
C Sherie & Jennifer Namanny - 44.02

R 67 W	R 68 W	R 69 W	R 64 W	R 65 W
MAHAR	WINDY	CHRY	DALE	ALPENA
CROW	PLEASANT	MEDIA	WESSINGTON SPRINGS	FRANKLIN
LOGAN	CROW LAKE	JANNA	VIOLA	BLAINE

Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, June 18, 2024 4:48 PM
To: joel@svcolony.com
Cc: Rodriguez, Rachel
Subject: Water Permit Additional Well
Attachments: 8810-3_Add Well.pdf

Mr. Waldner,

The Water Rights Program has reviewed your request for permission to drill a second well for Permit No. 8810-3. Your request has been approved by the Chief Engineer (see attached).

Please note that while your request for the second well was approved, this does not authorize an increase in your diversion rate or the number of acres to be irrigated. Diversion from the two wells will be limited to 3.56 cfs (1600 gpm) and irrigation is limited to the 640 acres authorized under Permit No. 8810-3. Additionally, the second well is required to be completed into the same source (Crow Creek Aquifer).

Please let me know if you have any questions or concerns and have a great day.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Joel Waldner – Spring Valley ColonyCOUNTY: JerauldADDRESS: 23064 365th Ave, Wessington Springs SD 57382DATE: June 18, 2024**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

The permit holder is authorized to construct one well into the Crow Creek Aquifer in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T106N, R67W, to divert 3.56 cubic feet of water per second (cfs) for the irrigation of 640 acres located in the N $\frac{1}{2}$, SW $\frac{1}{4}$, Section 3 & NE $\frac{1}{4}$ Section 4; all in T106N, R67W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Developed water source same as permitted source and no additional water appropriated

The permit holder has requested to construct a second well to supplement the original well, with hopes that the two wells would produce the full diversion authority (3.56 cfs) afforded under Permit No. 8810-3. The second well is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T106N, R67W, with no increase to the diversion rate. The second well must be completed into the Crow Creek Aquifer (approximately 190 feet deep).

If irrigation, no new land is irrigated

The permit holder has made no request for additional acres. The number of irrigated acres is limited to 640, as described in Permit No. 8810-3.

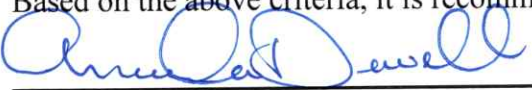
Review of Existing Diversions

There are two existing water permits/rights located within approximately 2 miles of where the second well is to be developed, also authorizing diversion from the Crow Creek Aquifer. Both 3540-3 & 8049-3 belong to the Spring Valley Colony and were existing when this permit was issued. The nearest water right/permit completed into the Crow Creek Aquifer, not held by the colony, is 2.8 miles SW. It was determined that there was reasonable probability any well interference due to pumping of the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

There are domestic wells in the area that appear to be completed into the Crow Creek Aquifer. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report. There are two domestic wells in Section 3, T106N, R67W, that based on the Jerauld County plat book, are on land owned by Spring Valley Colony. The nearest domestic well on file property not owned by Spring Valley Colony is located approximately 4,500 feet west in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T106N, R67W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the request for the additional diversion point be approved.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

8810-3

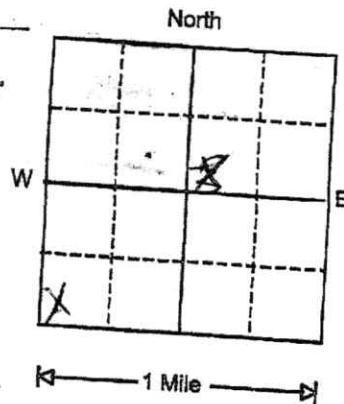
SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

11-02

Location S4 1/4 NE 1/4 Sec 3 Twp 106 Rg 67County Terrell

Please mark well location with an "X"



Well Completion Date

5-23-24Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
NONE ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

If other describe Stainless Steel ☐ Steel ☒ Plastic ☒ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>100 FT</u>	<u>26 IN</u>
<u>50 LB/FT</u>	<u>16 IN</u>	<u>100 FT</u>	<u>160 FT</u>	<u>26 IN</u>
<u>50 LB/FT</u>	<u>16 IN</u>	<u>160 FT</u>	<u>180 FT</u>	<u>26 IN</u>

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>50</u>	<u>Lb/gal</u>	<u>0 Ft</u>	<u>155 Ft</u>

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 inches Length 20 Feet
 Material Stainless Steel
 Slot Size 1050 Set From 160 Feet to 180 Feet
 Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe packer(s) and location above Screen

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? ChlorineLab to which water quality sample sent for analysis ☐ No, Why Not?Well Owner: Spring Valley ColonyBusiness Name: Spring Valley ColonyAddress: 23064 365 Th AveCity, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow Clay</u>	<u>2</u>	<u>38</u>
<u>Blue Clay</u>	<u>38</u>	<u>160</u>
<u>Pg Rock-Gravel</u>	<u>160</u>	<u>180</u>

STATIC WATER LEVEL

85 FEET

If flowing: closed in pressure

GPM flow through PSIControlled by ☐ Valve ☐ Reducers ☐ Other Inch pipeReduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air
☐ Bailed
☐ Other

Pumping Level Below Land Surface

 Ft. After 2 Hrs. pumped 1000 GPM
 Ft. After Hrs. pumped GPM
If pump installed, pump rate: GPM

REMARKS

RECEIVED

JUL 17 2024

OFFICE OF
WATERThis well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Gorm Proffers

Signature of Well Owner or Equitable Property Holder:

Jim [Signature]Date: 6/10/24