

WATER PERMIT NO. 8813-3

Name of Applicant: **Jeffrey Albrecht**

Address: **21749 435th Ave, DeSmet SD 57231**

Phone: **605-203-1105**

Amount of Water Claimed: **No add'l**

Total Acres: **18.5**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Kingsbury**

Type of Waste Disposal System:

Location: **Approx. 7 miles south of DeSmet SD**

PRIORITY Date Received: **12-06-23**

Application/License Fee: **\$500.00**

Corrected Application Received: **12-13-23**

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

Remarks: **Inspection by DeBoer identified add'l 18.5 acres not authorized by applicant's current permit**

Diversion Point: **SE 1/4 SE 1/4 Sec 35-T110N-R56W**

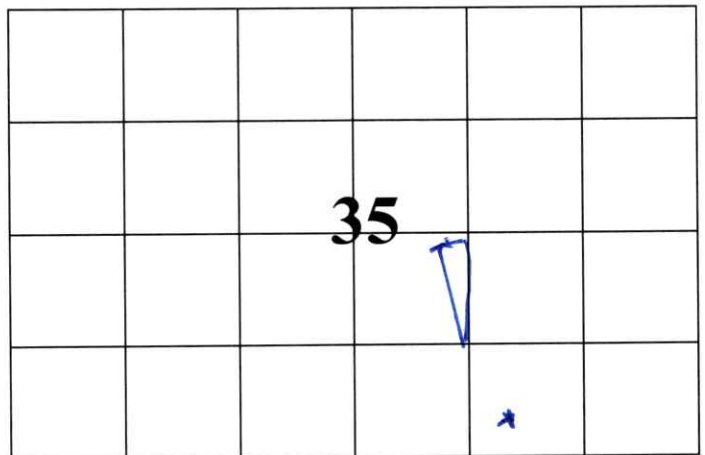
Land to be Irrigated: **NW 1/4 SE 1/4 Sec 35-T110N-R56W**

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **12-13-23**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8813-3**

Date of first receipt of application December 6, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8813-3 to Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231, 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. 8813-3 authorizes irrigation of an additional 18.5 acres. Water Permit No. 8226-3 authorized 1.78 cubic feet of water per second (cfs) from two wells completed into the Vermillion: East Fork - Unnamed Aquifer (100 feet deep) located in the S 1/2 SE 1/4 Section 35 for irrigation of 102.5 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 35; all in T110N-R56W. This permit authorizes irrigation of an additional 18.5 acres located in the NW 1/4 SE 1/4 Section 35 from one well developed in the SE 1/4 SE 1/4 Section 35; all in T110N-R56W. This permit and Water Permit No. 8226-3 will authorize a combined total of 121 acres with no increase in the permitted 1.78 cfs diversion rate. This site is located approximately 7 miles south of DeSmet SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is December 6, 2023.
4. The date of approval of Permit No. 8813-3 is March 4, 2024.
5. 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. 8226-3 and Water Permit No. 8813-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Permit No. 8226-3 and Water Permit No. 8813-3, combined, authorize a maximum diversion rate of 1.78 cfs for the irrigation of 121 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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 19 2024
date



RECEIVED

DEC 06 2023

OFFICE OF
WATER

PAID

DEC 06 2023

Ck# 60124
Rec't# 121613**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>8813-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>Kingsbury Journal</u> <u>Madison Daily Leader</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.)

- Name to Appear on Irrigation Permit Jeffrey Albrecht
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 21749 435th Ave DeSmet SD 57231
(Address) (City) (State) (Zip Code)
Phone (605)-854-3571 Mobile 605-203-1105 Email jealbrecht60@gmail.com
- Amount of water claimed N/A *CFS or no Appl **GPM ***AF Total Acreage 18.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater-existing well auth. under 8226-3
- Location of point of diversion 1 well SE 1/4 Sec 35 T110N-R56W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Kingsbury
- County or counties where water will be used Kingsbury
- Annual period during which water is to be used May 1 - Sept 30
- List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

<u>nw 1/4</u> Land Description	Acres	Land Description	Acres
<u>SE 1/4 Sec 35 T110N-R56W</u>	<u>18.5</u>		

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

obtaining permit for 18.5 acres developed that were not covered under permit No. 8226-3

I, Jeffrey Albrecht, 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)

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

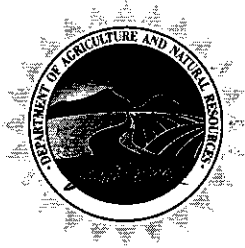
Date December 6, 2023

RECEIVED OF Jeff/Tamara Albrecht 21749 435th Ave., DeSmet SD 57231

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

Fee for Application for Permit No. <u>8813-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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. _____	\$ _____
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>500.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 20, 2023

Jeffrey Albrecht
21749 435th Ave
DeSmet SD 57231

Dear Mr. Albrecht:

A recent field inspection conducted by staff engineer Darrel DeBoer for the licensing of your Water Permit No. 8226-3 discovered the development of 121 irrigated acres. Presently Permit No. 8226-3 only authorizes the irrigation of 102.5 acres. I've enclosed a map for your reference.

I've also enclosed a partially completed Permit Application and pre-paid envelope for you to complete, sign, and return. This secondary application will bring the extra 18.5 acres into compliance. I have highlighted the portions of the application that need your attention and the applicable fees.

The cost for bringing these extra acres into compliance will be \$500.00 for the application. The \$200.00 licensing fee will be waived as it's already been paid under Permit No. 8226-3

Upon the return of this application and payment of fees, we will proceed with the licensing of your irrigation system.

If you have any questions or concerns, please feel free to contact me. My direct line is 605.910.5187

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8226-3

I have this day, November 2, 2023, made a thorough examination of the water use system constructed by Jeffrey Albrecht, 21749 435th Ave, DeSmet, SD 57231 of Permit No. 8226-3, bearing the priority of May 25, 2016 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Vermillion:East Fork Aquifer for irrigation purposes, in Kingsbury County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steven Traut Wells
- 2) No. of Wells 1
- 3) Depth(s) 120 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 91 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 34 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 1000 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Using commercially available equipment

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 SE corner Sec 35 T110N R56W, 425 ft N & 900 ft W, Lat 44.28303 Long -97.51494 (SE ¼ SE ¼)
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
legal description/acreage
All land in Sec 35 T110N R56W
NW SE – 28 acres
NE SE – 31 acres
SW SE – 29 acres
SE SE – 33 acres
comprising a total of 121 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:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

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

There is only one (1) well on that quarter.

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

I conversed with Jeff Albrecht regarding the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 10, 2023

Diversion Point Location

From the SE corner of
Sec 35 T110N-R56W
** Well**
425 ft N & 900 ft W
Lat 44.28303 Long -97.51494

Irrigated Land

Sec 35 T110N-R56W
NW1/4 SE 1/4 - 28 ac
NE 1/4 SE1/4 - 31 ac
SW1/4 SE1/4 - 29 ac
SE1/4 SE1/4 - 33 ac

Section 35
T110N-R56W

Well

Reference
Corner

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



0 625 1,250 2,500 3,750 5,000 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8813-3, Jeffrey Albrecht**

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. 8813-3, Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231.

The Chief Engineer is recommending APPROVAL of Application No. 8813-3 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. 8226-3 and Water Permit No. 8813-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Permit No. 8226-3 and Water Permit No. 8813-3, combined, authorize a maximum diversion rate of 1.78 cfs for the irrigation of 121 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
February 13, 2024

Report to the Chief Engineer

Water Permit Application No. 8813-3

Jeffrey Albrecht

31 January 2024

Water Permit No. 8813-3 proposes to add 18.5 acres to the acreage covered by Water Permit No. 8226-3, which authorized 1.78 cubic feet of water per second (cfs) from two wells completed into the Vermillion East Fork-Unnamed aquifer (100 feet deep) located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35 for the irrigation of 102.5 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, all in T110N-R56W. This application proposes to irrigate an additional 18.5 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 from one well developed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, all in T110N-R56W. This application, if approved, and Water Permit No. 8226-3 will authorize a combined total of 121 acres with no increase in the permitted 1.78 cfs diversion rate. This site is located in Kingsbury County, approximately seven miles south of DeSmet, South Dakota.

Aquifer: Vermillion East Fork-Unnamed (VEF)

Description of Aquifer:

The Vermillion East Fork aquifer is a surficial outwash aquifer located in the floodplain of the East Fork Vermillion River, consisting of medium to coarse sand and fine gravel. The entire aquifer extends from Clark County into Turner County, and water generally moves in a northwest to southeast direction. The aquifer extends approximately two to four miles wide on either side of the East Fork Vermillion River valley (Hamilton, 1989). The aquifer is generally unconfined, with depths to the top of the aquifer ranging from 0 to 120 feet. However, near the edges of the aquifer, it can be found under confined conditions. The aquifer thickness is less than 40 feet in southern Kingsbury County (Hamilton, 1989).

The Vermillion East Fork aquifer was split into four management units by Hedges et al. in 1982, which were Antelope Lake, Reid Lake, Spirit Lake, and Willow Lake. Aquifer and management unit boundaries are based on certain criteria, including groundwater flow divides, aquifer constrictions, and surface water connections (Hedges et al., 1982). The Montrose management unit was established as a separate management unit south of the Spirit Lake Management unit due to the isolated nature of the aquifer, and this management unit is present in Hedges et al. 1985 publication (Hedges, 1985; Stonesifer, 2013). The aquifer constricts again in southern Kingsbury County, where there are divides in water movement determined by first occurrence maps and aquifer studies (Hamilton 1989; Schultz, 2007; Stonesifer, 2013). The portion of the Montrose management unit that lies south of T111N in Kingsbury County and extends south to the border of Kingsbury and Moody Counties has been considered a separate, unnamed management unit of the Vermillion East Fork aquifer. This separate unnamed portion of the Vermillion East Fork aquifer underlies approximately 42,500 acres located within central Kingsbury County (Stonesifer, 2013).

The five management units in the Vermillion East Fork aquifer, and an unnamed management unit can be seen on Figure 1. For the remainder of this report, the unnamed management unit will be referred to as the Vermillion East Fork aquifer, or the Vermillion East Fork-Unnamed aquifer.

This application is requesting to irrigate additional acres to the acreage covered by Water Permit No. 8226-3, with no increase in the permitted diversion rate, and using the existing well on the property. There is a well completion report for the existing well from June 20, 2018. The report states that the top of aquifer begins at a depth of 90 feet below the surface (approximately 1,635 feet mean sea level), and static water level at the time of well completion was approximately 34 feet below the surface. The Vermillion East Fork aquifer is confined at this location, with a saturated thickness of approximately 21 feet (Water Rights, 2024c and 2024d).

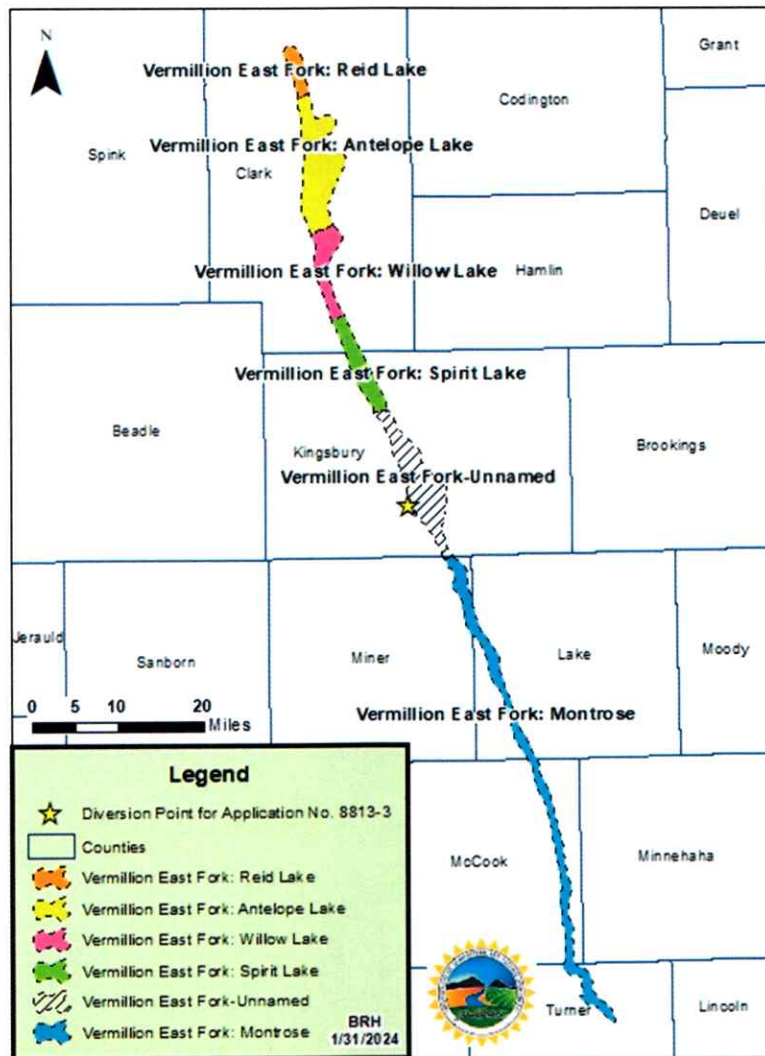


Figure 1. Location of the well site for this application and Water Permit No. 8226-3, and the approximate areal extents of the entire Vermillion East Fork aquifer, with the five delineated management units (Modified from Hedges et al., 1982; Water Rights, 2024c).

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 Vermillion East Fork-Unnamed 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. 8813-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the aquifer 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. This report will provide data and observation well analysis showing that the average annual recharge exceeds discharge.

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 8 observation wells completed into the Vermillion East Fork-Unnamed aquifer (Water Rights, 2024b). The closest observation wells to the existing well site are KG-2017A (located approximately 0.4 miles northeast), KG-77F (located approximately four miles northwest), and KG-57B (located approximately 6.6 miles northwest). Hydrographs for these observation wells are shown in Figures 2 through 4. Water levels for observation wells illustrate water level trends, climatic conditions, and pumping from the Vermillion East Fork-Unnamed aquifer at those locations.

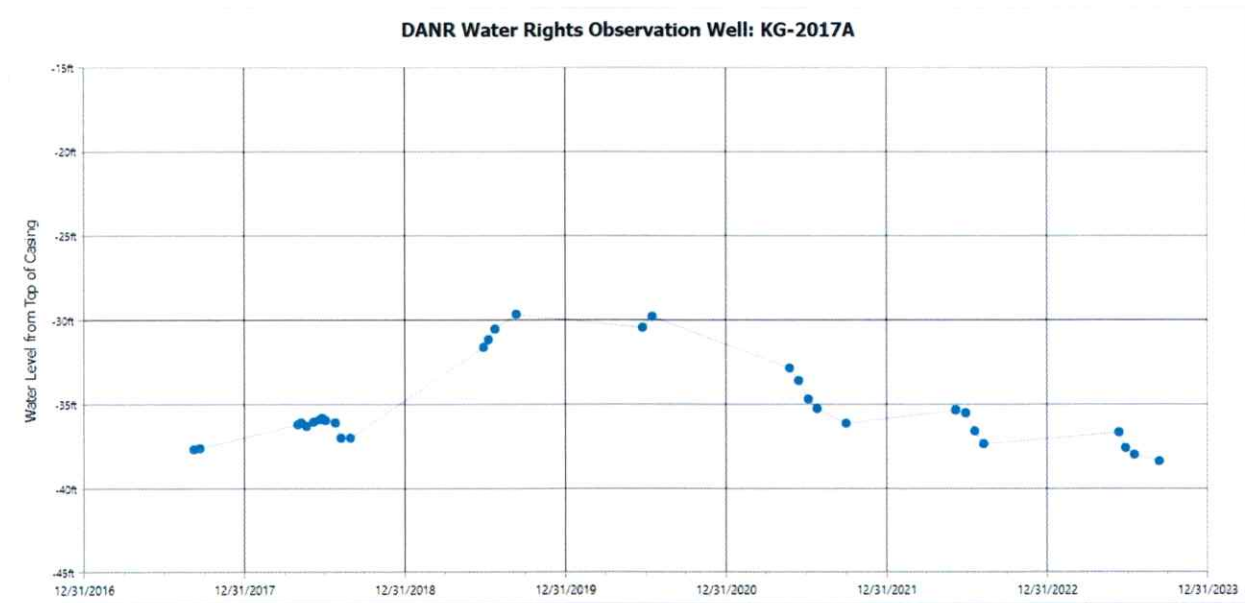


Figure 2. Hydrograph for observation well KG-2017A

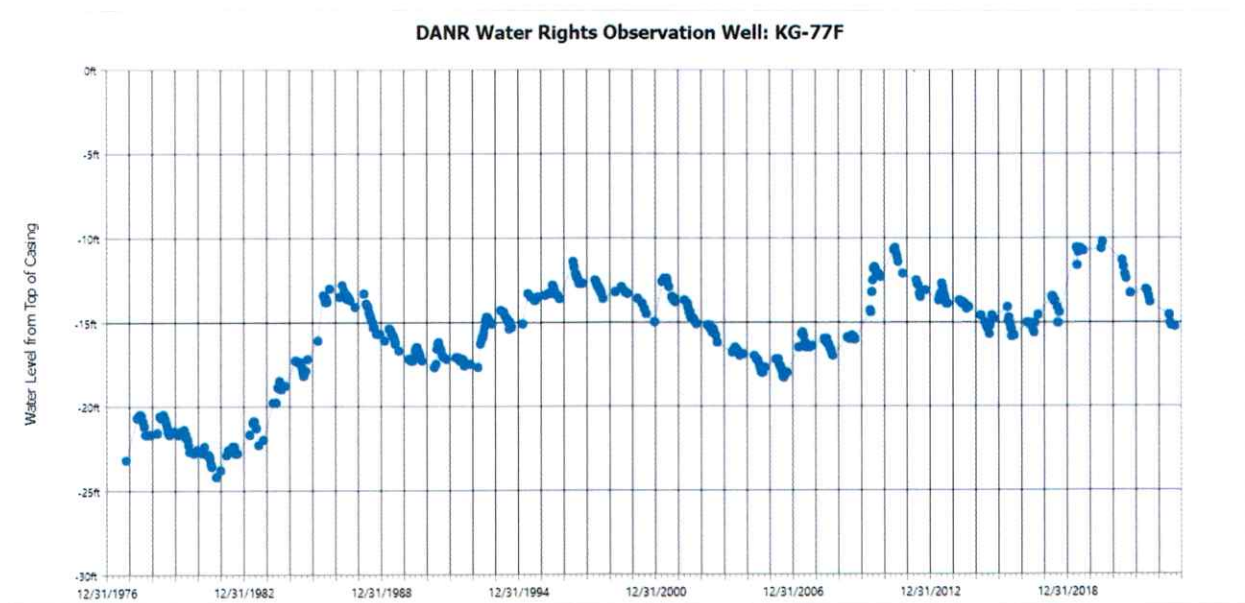


Figure 3. Hydrograph for observation well KG-77F

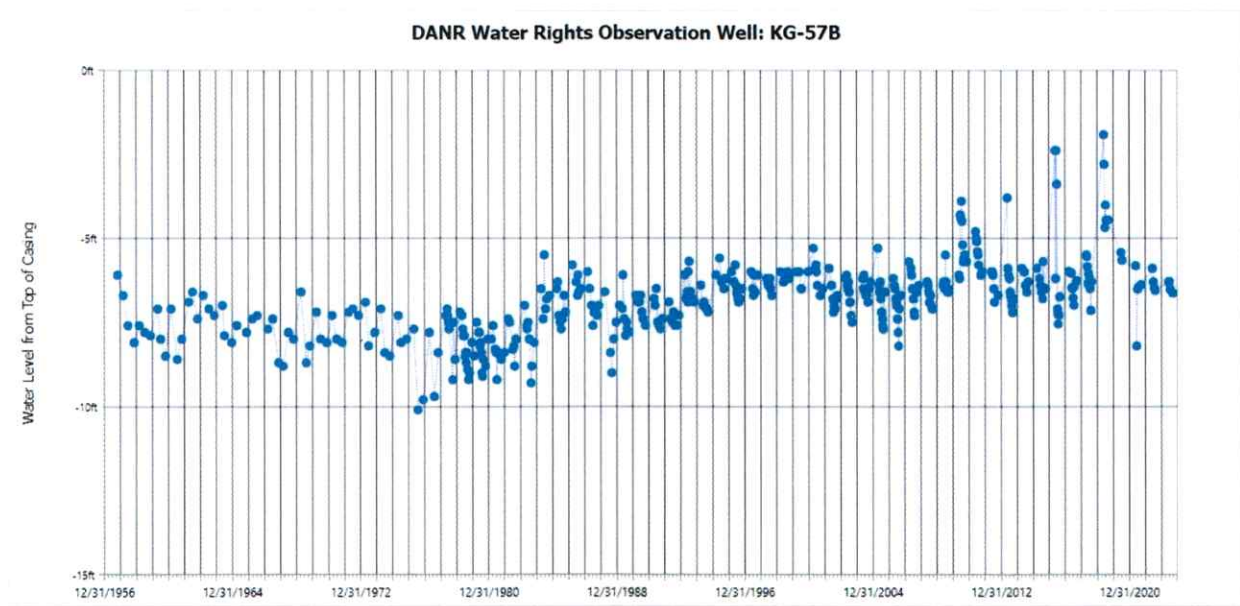


Figure 4. Hydrograph for observation well KG-57B

The Vermillion East Fork aquifer at observation wells KG-2017A and KG-77F is unconfined (Water Rights, 2024b). Hydrographs for unconfined aquifers better represent water levels in an aquifer because pressurized water levels due to confining layers change more dramatically from the effects of pumping than water levels that are only under atmospheric pressure.

The three hydrographs in Figures 2 through 4 illustrate trends for the Vermillion East Fork aquifer. For KG-77F, water levels over 46 years have fluctuated on long-term climatic trends, which have historically occurred over 10-year intervals (Figure 3). 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 2012-2014, and the years 2020 to 2023 (NOAA, 2024). These climatic conditions are reflected in the hydrograph for well KG-77F. The overall trend for water levels on this hydrograph is increasing, which agrees with precipitation data in Kingsbury County. The long-term trend of total yearly precipitation in Kingsbury County since 1895 has increased approximately 2.4 inches/century (NOAA (2), 2024). Short-term changes between irrigation seasons are not as pronounced on this hydrograph.

Observation well KG-57B is located on the border of a slough called the Big Slough waterfowl production area. Water Right No. 5938-3 authorizes the impoundment of water to maintain the water level before it drains into Silver Lake, located approximately 0.6 miles northwest of the slough (Water Rights, 2024c). The observation well is located just below the outlet works constructed into Highway 14. Water levels in the well shift noticeably higher after the outlet works construction in 1997 (Figure 4). However, short-term trends in the hydrograph show that water levels recover in the spring after the previous irrigation season.

Observation well KG-2017A does not have enough data for reliable trends of aquifer behavior at that location. However, the general shape of the hydrograph shows that water levels are responding as expected to climatic changes (Figure 2). Since around 2021, this well has shown

minimal recovery after irrigation seasons to the pre-pumped level (Water Rights, 2024b). However, this may be due to persisting drought conditions. This well will continue to be monitored by SD DANR Water Rights Program.

Other observation wells completed into the Vermillion East Fork-Unnamed aquifer have hydrographs with similar trends as those shown in Figures 2 through 4. Overall, water levels are rising during wetter periods and declining, then stabilizing during dry periods. Climatic conditions, and therefore the effects of recharge to and natural discharge from the aquifer govern the short- and long-term water trends in the aquifer rather than the impacts of pumping. Since both recharge to and discharge from an aquifer can be captured for pumping, the observation well hydrographs show that unappropriated water is available for the proposed appropriation.

Hydrologic Budget Analysis:

Recharge

The Vermillion East Fork aquifer is recharged by precipitation and leakage from adjacent and underlying till, including inflow from the northern management units of the Vermillion East Fork aquifer (Hamilton, 1989). There is no recharge rate specific to the Vermillion East Fork-Unnamed aquifer. Hedges et al. (1985) estimated a recharge rate to the Spirit Lake management unit, located just to the north, using observation well analysis of 4.0 inches/year. Due to the proximity, similar geography, and similar aquifer characteristics of the Spirit Lake management unit to the unnamed unit, this recharge rate has been adopted for the unnamed unit of the Vermillion East Fork aquifer (Stonesifer, 2013; Stonesifer, 2014; Buhler, 2016; Hansen, 2020). Applying the area of the Vermillion East Fork-Unnamed aquifer (42,500 acres) to the recharge rate results in an estimated recharge of approximately 14,167 acre-feet/year.

Discharge

Discharge from the Vermillion East Fork-Unnamed aquifer occurs through evapotranspiration, outflow to adjacent till and local lakes, and well withdrawals (Hamilton, 1989).

There are currently 27 water rights/permits that are authorized to appropriate water from the Vermillion East Fork-Unnamed aquifer and two future use permits. Of those, six are for non-irrigation use (Water Rights, 2024c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of the time at their respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. Kingbrook Rural Water System is required to report annual use to the Chief Engineer; however, their combined volume limitation from the Vermillion East Fork aquifer will be used for the budget (Hansen, 2020; Mathiowetz, 2022). There are two future use permits, and the remaining volume of water reserved in those permits will be included in the hydrologic budget. There are currently no other pending applications for the Vermillion East Fork-Unnamed aquifer. Table 1 lists the non-irrigation water rights/permits including the future use permits and their respective estimated use from the Vermillion East Fork-Unnamed aquifer. Overall, the estimated average annual withdrawal by non-irrigation water rights/permits is approximately 4,958 acre-feet.

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

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Annual Estimated Use (acre-feet)
4137-3	Kingbrook RWS Inc.	LC	RWS	1.06	1,350	1,350
5186-3		LC	RWS	0.7		
5209-3		FU	RWS	n/a		
524-3		FU	MUN	n/a		
1652-3	City of Desmet	LC	MUN	2.22	n/a	964.4
4795-3		LC	MUN	2.11	n/a	916.6
6759-3		LC	MUN	0.004	n/a	1.7
8637-3	Wilde Air Service	PE	COM	0.056	0.10	0.1
LC: License, FU: Future Use, PE: Permit, RWS: Rural Water System, MUN: Municipal, COM: Commercial					TOTAL	4,958

Of the 27 water rights/permits authorized to appropriate water from the Vermillion East Fork aquifer, 21 are for irrigation use (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal for irrigation appropriations from 2013 to 2022 will be used for the budget, and those are listed on Table 2. The average annual withdrawal for irrigation appropriations from 1979 to 2022 is approximately 948 acre-feet, and average appropriations from 2013 to 2022 is approximately 1,233 acre-feet (Water Rights, 2024a). Water Permit No. 8168-3 did not report their annual use in 2022, and Water Permit No. 8593-3 was not yet reporting at the time of the survey. Generally, non-turf irrigators in South Dakota apply less than one foot of water per authorized acre per year. Applying the aforementioned application rate for those permits, Water Permit No. 8168-3 is assumed to have an annual use of 195.6 acre-feet, and Water Permit No. 8593-3 is assumed to have an annual use of 80 acre-feet. This application, if approved, will be assumed to pump 18.5 acre-feet/year with the diversion rate established in Water Permit No. 8226-3.

Table 2. Reported irrigation use from the Vermillion East Fork-Unnamed aquifer for the years 2013 to 2022 and the average pumpage for those years (Water Rights, 2024c and 2024a).

Year	No. Permits Reporting	Annual Pumpage (acre-feet)
2013	17	1,603.63
2014	19	1,229.64
2015	19	1,478.10
2016	21	1,586.45
2017	22	1,337.29
2018	21	1,181.16
2019	21	27.97
2020	22	684.51
2021	21	1,742.75
2022	21	1,459.71
Average (acre-feet)		1,233.12

There are domestic wells completed into the Vermillion East Fork—Unnamed 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 Vermillion East Fork-Unnamed 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.

Hydrologic Budget Summary:

The average annual recharge rate to the Vermillion East Fork-Unnamed aquifer is estimated to be 14,167 acre-feet/year. The estimated average annual withdrawal rate is approximately 6,467 acre-feet/year, listed on Table 3. This application seeks to withdraw an estimated 18.5 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 3. Summary of estimated withdrawals from the Vermillion East Fork aquifer (Water Rights, 2024a and 2024c).

Type of Water Right/Permit	Annual Withdrawal (acre-feet)
Non-Irrigation	4,958
Irrigation (average annual withdrawal from 2013 to 2022)	1,233
Water Permit Nos. 8168-3 and 8593-3	276
Total	6,467

Potential for Unlawful Impairment:

Water Permit No. 8226-3 was opposed at the time of public notice by the U.S. Fish and Wildlife Service and an adjacent landowner, and a hearing was held in 2016 before the Water Management Board. The U.S. Fish and Wildlife Service concern was that the proposed wells were to be located within a wetland easement as part of the National Wildlife Refuge System, and that the proposed pumping may cause draining of the wetland. The U.S. Fish and Wildlife Service withdrew its objection after the applicant's agreement to move the well 100 feet to the east. The adjacent landowner was concerned about impairment to his irrigation wells associated with Water Right No. 7279-3, named H T Albrecht & Sons Inc (Water Rights, 2024c). The Water Management Board approved Water Permit No. 8226-3 in 2017 due to the reasonable probability that the application would not violate provisions of SDCL 46-2A-9 or SDCL 46-6-3.1 (Water Rights, 2024c).

Nearby Water Rights/Permits

The nearest water rights/permits to the existing diversion point for this application is H T Albrecht & Sons Inc (Water Right No. 7279-3), whose wells are located approximately 0.7 miles north of the well for this application (Water Rights, 2024c).

There are domestic wells on file with the SD DANR Water Rights Program that are completed into the Vermillion East Fork aquifer, with the closest domestic wells on file (not held by the applicant) located approximately 0.5 miles southwest of the existing diversion point (Water Rights, 2024d). There could potentially be other domestic wells completed into the Vermillion East Fork aquifer near the diversion point that are not on file with the Water Rights Program. The locations of the domestic wells are based on the location provided by the well driller at the time of well completion.

Potential of Drawdown

The existing well for Water Permit No. 8226-3 has been in use since 2021 which is the year that pumpage was first reported to the Chief Engineer in the Irrigation Questionnaire Survey (Water Rights, 2024a). This application seeks to add 18.5 acres to the permitted acreage for Water Permit No. 8226-3 with no increase in diversion rate. According to the license inspection in November of 2023, those 18.5 additional acres had been previously developed using the diversion rate authorized by Water Permit No. 8226-3. Therefore, any current drawdown associated with this well is already associated with irrigation of the additional 18.5 acres. The hydrograph for observation well KG-2017A shows that for the first year after 2021, the well has shown minimal water level recovery between irrigation seasons since the approval of Water Permit No. 8226-3 (Water Rights, 2024b). The current water levels are similar to the 2017 and 2018 water levels prior to the high water levels in 2019 during a wet year. There is not enough data to determine that the recent lower water levels were not caused by the recent drought (NOAA, 2024), when other hydrographs show the same long-term climatic trends (Figure 2).

The Vermillion East Fork-Unnamed aquifer is confined at the well site, confirmed by the well completion report for Water Permit No. 8226-3 (Water Rights, 2024c and 2024d). The wells for Water Right No. 7279-3 have a 43-foot-thick confining layer, are within 20 feet of each other, and have saturated thicknesses less than 20 feet. The well for this application has a saturated aquifer thickness of 21 feet. The shallow saturated thicknesses of the wells for Application No. 7279-3, the wells' proximity to each other, and the confined conditions of the aquifer at that location were likely concerns leading to the contested case for Water Permit No. 8226-3. An adequate well is 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.”

Findings of Fact and Conclusions of Law during the issuance of Water Permit No. 8226-3 states that Jeffrey Albrecht (the applicant) testified that there is a domestic well on or near the property where the permit is sought, and that this well has not shown any problems over the years (Water Rights, 2024c). However, the domestic well located on the Albrecht property is unconfined based on the well completion report (Kingsbury, 2023; Water Rights, 2024d) and may not accurately show the behavior of drawdown for confined wells in the Vermillion East Fork-Unnamed aquifer.

There was approximately 56 feet of artesian head pressure at the time of well completion for Water Permit No. 8226-3, and approximately 36 to 42 feet of artesian head pressure at the time of well completion for the irrigation wells used by Water Right No. 7279-3. Recent measurements of artesian head pressure are unknown in the Vermillion East Fork aquifer at these well sites. A pumping test would be required to know the exact drawdown behavior of the aquifer in this area.

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.”

SDCL 46-1-4 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...” Depending on specific characteristics of the Vermillion East Fork aquifer, some existing well owners may need to lower pumps at their location. There have been no complaints of well interference in the Vermillion East Fork-Unnamed aquifer in Kingsbury County since the approval of Water Permit No. 8226-3 (Water Rights, 2024e). Qualifications in the final decision for the approval of Water Permit No. 8226-3 include that the well owner for that permit must control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Due to climatic conditions being the primary driver of water level in the Vermillion East Fork aquifer as seen in observation well hydrographs, ARSD 74:02:04:20(6) and (7), artesian head pressure in the wells for Water Right No. 7279-3 and Water Right No. 8226-3 at the time of well completion, qualifications for Water Permit No. 8226-3 to prevent the reduction of needed water supplies to nearby wells, the lack of complaints for the Vermillion East Fork-Unnamed aquifer in Kingsbury County after the approval of Water Permit No. 8226-3, and that the additional acres requested by Water Permit Application No. 8813-3 have previously been developed using the diversion rate authorized by Water Permit No. 8226-3, and that this application is not requesting an increase in diversion rate, there is a reasonable probability that any drawdown as a result of

the additional acreage for this application is not expected to unlawfully impair nearby adequate wells.

Conclusions:

1. Water Permit Application No. 8813-3 proposes an additional 18.5 acres to the acreage covered by Water Permit No. 8226-3, which authorized 1.78 cfs from two wells completed into the Vermillion East Fork-Unnamed aquifer located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35 for the irrigation of 102.5 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, all in T110N-R56W. This application proposes to irrigate an additional 18.5 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 from one well developed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, all in T110N-R56W. This site is located in Kingsbury County, approximately seven miles south of DeSmet, South Dakota.
2. Based on a hydrologic budget analysis and observation well analysis, there is reasonable probability that unappropriated water is available to supply the proposed appropriation using the diversion rate authorized by Water Permit No. 8226-3.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8813-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.
4. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior rights.



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



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

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**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 14, 2024

Jeffrey Albrecht
21749 435th Avenue
De Smet SD 57231

Dear Mr. Albrecht:

Water Permit Application No. 8813-3 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 Kingsbury Journal printed in De Smet SD (Ph # 605 854-3331) and the Madison Daily Leader printed in Madison SD (Ph # 605 256-4555). 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. 8813-3 to Appropriate Water

Notice is given that Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231 has filed an application for a water permit to irrigate an additional 18.5 acres. Water Permit No. 8226-3 authorized 1.78 cubic feet of water per second (cfs) from two wells completed into the Vermillion: East Fork - Unnamed Aquifer (100 feet deep) to be located in the S 1/2 SE 1/4 Section 35 for irrigation of 102.5 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 35; all in T110N-R56W. This application proposes to irrigate an additional 18.5 acres located in the NW 1/4 SE 1/4 Section 35 from one well developed in the SE 1/4 SE 1/4 Section 35; all in T110N-R56W. This application, if approved, and Water Permit No. 8226-3 will authorize a combined total of 121 acres with no increase in the permitted 1.78 cfs diversion rate. This site is located approximately 7 miles south of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8813-3 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 March 4, 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 March 4, 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: Wednesday, February 14, 2024 8:56 AM
To: 'legals@kingsburyjournal.com'
Subject: 8813-3 Jeffrey Albrecht - Public Notice
Attachments: 8813-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 21, 2024.

Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231, 605 203-1105 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: Wednesday, February 14, 2024 8:59 AM
To: ads@madisondailyleader.com
Subject: 8813-3 Jeffrey Albrecht - Public Notice
Attachments: 8813-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 21, 2024.

Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231, 605 203-1105, jealbrecht60@gmail.com 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, } SS.
County of Kingsbury.

Amhersch of said county being first duly sworn on oath, says that he is the publisher of the KINGSBURY JOURNAL, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application No. 8813-3
To Appropriate Water

Jeffrey Albrecht, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in

each week for One successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

3/21 2024; _____ 20____
____ 20____; _____ 20____
____ 20____; _____ 20____
____ 20____; _____ 20____

that the full amount of the fee charged for the publication of said notice accrues 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 whomsoever, and that the fees charged for the publication thereof are

\$ 50.79

Subscribed and sworn to before me this 17th
day of March A.D. 2024
Julie Coughlin
Notary Public
Kingsbury County, South Dakota

My commission expires _____, 20____



My Commission Expires
October 30th, 2024

NOTICE OF APPLICATION NO. 8813-3 TO APPROPRIATE WATER

Notice is given that Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231 has filed an application for a water permit to irrigate an additional 18.5 acres. Water Permit No. 8226-3 authorized 1.78 cubic feet of water per second (cfs) from two wells completed into the Vermillion: East Fork - Unnamed Aquifer (100 feet deep) to be located in the S 1/2 SE 1/4 Section 35 for irrigation of 102.5 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 35; all in T110N-R56W. This application proposes to irrigate an additional 18.5 acres located in the NW 1/4 SE 1/4 Section 35 from one well developed in the SE 1/4 SE 1/4 Section 35; all in T110N-R56W. This application, if approved, and Water Permit No. 8226-3 will authorize a combined total of 121 acres with no increase in the permitted 1.78 cfs diversion rate. This site is located approximately 7 miles south of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8813-3 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 March 4, 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

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 March 4, 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 \$50.79 and can be viewed free of charge at www.sd-publicnotices.com

RECEIVED

MAR 13 2024

OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

NOA NO. 8813-3 to Appropriate Water
printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES:

Feb. 21, 2024

NOTICE ID: H5MZjXdPIJb8WWsyhnpf

PUBLISHER ID: MDL000112

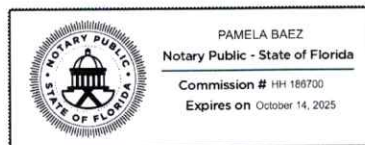
NOTICE NAME: NOA NO. 8813-3 to Appropriate Water

That \$43.67 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

(Signed) Yuade Moore

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: 02/23/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 8813-3 to Appropriate Water

Notice is given that Jeffrey Albrecht, 21749 435th Avenue, DeSmet SD 57231 has filed an application for a water permit to irrigate an additional 18.5 acres. Water Permit No. 8226-3 authorized 1.78 cubic feet of water per second (cfs) from two wells completed into the Vermillion: East Fork - Unnamed Aquifer (100 feet deep) to be located in the S 1/2 SE 1/4 Section 35 for irrigation of 102.5 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 35; all in T110N-R56W. This application proposes to irrigate an additional 18.5 acres located in the NW 1/4 SE 1/4 Section 35 from one well developed in the SE 1/4 SE 1/4 Section 35; all in T110N-R56W. This application, if approved, and Water Permit No. 8226-3 will authorize a combined total of 121 acres with no increase in the permitted 1.78 cfs diversion rate. This site is located approximately 7 miles south of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8813-3 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.

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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 March 4, 2024.

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

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

Published Feb 21, 2024 at the total approximate cost of \$43.67 and may be viewed free of charge at www.sd-publicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, February 14, 2024 9:01 AM
To: jealbrecht60@gmail.com
Subject: 8813-3 Jeffrey Albrecht - Public Notice
Attachments: 8813-3 Rec.pdf; 8813-3 Ltr.pdf; 8813-3 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 19 2024

8813-3
8226-3

Jeffrey Albrecht
21749 435th Ave
De Smet SD 57231

Dear Mr. Albrecht:

Enclosed is Water Permit & License No. 8813-3. 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,

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

NOTE: The applicable portions of Water Permit No. 8226-3 have been incorporated into Water Right No. 8813-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8813-3**

(1) Jeffrey Albrecht, 21749 435th Ave, De Smet SD 57231, made Application No. 8226-3, May 25, 2016, for a water permit to divert 1.78 cubic feet of water per second from groundwater, two wells (Vermillion: East Fork-Unnamed Aquifer), Kingsbury County, South Dakota for the irrigation of 102.5 acres. Permit No. 8226-3, with a priority date of May 25, 2016, was approved March 1, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 1, 2022, and for the application to beneficial use of water on or before March 1, 2026.

The permit holder made Application No. 8813-3, December 6, 2023, for a water permit to authorize the irrigation of 18.5 additional acres from the groundwater source authorized under Permit No. 8226-3, with no increase to the rate of diversion. Permit No. 8813-3, with a priority date of December 6, 2023, was approved March 6, 2024.

The applicable portions of Permit No. 8226-3 have been incorporated into this license.

(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: *(one well developed)*

- 425 ft N & 900 ft W of the SE corner Section 35, T110N, R56W (SE ¼ SE ¼)
(Latitude 44.28303 & Longitude -97.51494)

(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: May 1 – September 30.

(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 35, T110N, R56W			
NE ¼ SE ¼	31 acres	SW ¼ SE ¼	29 acres
NW ¼ SE ¼	28 acres	SE ¼ SE ¼	33 acres
TOTAL: 121 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Jeffrey Albrecht, the holder and/or owner of Water Right No. 8813-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Vermillion: East Fork Unnamed-Aquifer), with priority dates of May 25, 2016, for 102.5 acres & 1.56 cfs and December 6, 2023, for 18.5 acres, 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. 8813-3 and subject to the following qualifications:

continued

Qualifications

1. The well approved under Water Permit No. 8226-3 and Water Permit No. 8813-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Permit No. 8226-3 and Water Permit No. 8813-3, combined, authorize a maximum diversion rate of 1.78 cfs for the irrigation of 121 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *(The maximum rate of diversion was lowered to 1.56 cfs based on the system as developed.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

MAR 19 2024
date





**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.: 8813-3

Name of Applicant: Jeffrey Albrecht

Date of Posting: 2/16/2024

Date of Removal: 3/19/2024

Ron Duvall, Engineer III

3/19/2024

Date

Subscribed and sworn to before me, a notary public, this 19th day of March, 2024.

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



(SEAL)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7th, 2025

8813-3

Tamara Albrecht
21749 435th Avenue
Desmet, SD 57231

Dear Ms. Albrecht:

Thank you for contacting the Water Rights program regarding transferring ownership of Water Right No. 8813-3, currently held in the name of Jeffrey Albrecht. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope provided.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.3352

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosure