

WATER PERMIT NO. 8829-3

Name of Applicant: **Nick Berndt**

Address: **30409 106th Street, Herreid SD 57632**

Phone: **605-848-2879**

Amount of Water Claimed: **0.66 cfs**

Total Acres: **130**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Campbell**

Type of Waste Disposal System:

Location: **Adjacent to the northeast side of Herreid SD**

PRIORITY

Date Received: **01-08-24**

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

Corrected Application Received: **02-02-24**

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

Remarks:

Diversion Point: **SW 1/4 SW 1/4 Sec 5-T127-
R76W**

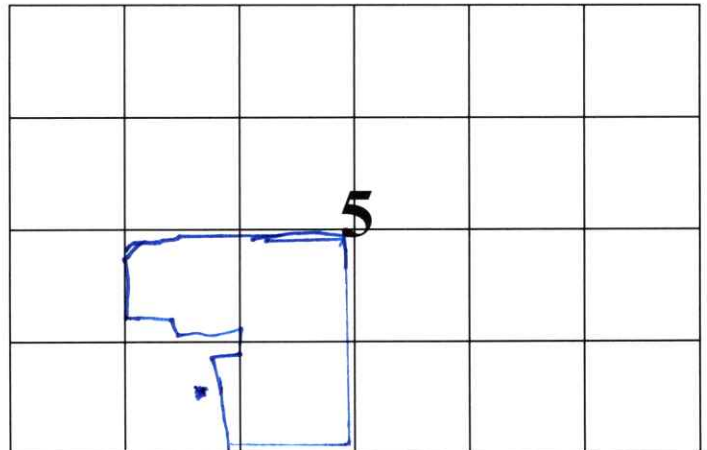
Land to be Irrigated: **SW 1/4 Sec 5-T127N-R76W**

Depth of Well: **240**

Well Driller: **Dakota Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **02-02-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8829-3**

Date of first receipt of application January 8, 2024.

Date of return to applicant for corrections, amendments or changes January 9, 2024.

Date of receipt of corrected application February 2, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8829-3 to Nick Berndt, 30409 106th Street, Herreid SD 57632, 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. 8829-3 appropriates 0.66 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 240 feet deep) located in the SW 1/4 SW 1/4 Section 5 for irrigation of 130 acres located in the SW 1/4 Section 5; all in T127N-R76W. This site is located adjacent to the northeast side of Herreid SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 8, 2024.
4. The date of approval of Permit No. 8829-3 is April 22, 2024.
5. One-fifth of the construction is to be completed on or before October 22, 2026.
6. All construction is to be completed on or before April 22, 2029.
7. Water is to be put to beneficial use on or before April 22, 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. 8829-3 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. 8829-3 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, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAY 17 2024

date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8829-3</u> (office use only) Hydrologic Unit <u>10130102</u>
	Basin <u>Oahe</u>
	Newspaper <u>Pollock Prairie Pioneer</u>
	<u>Aberdeen American News</u>

PAID
 JAN 08 2024
 Ck# 2921
 Rec't# 1/8/24

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 Nick Berndt

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

Mailing Address 30409 106th St Herreid SD 57632
 (Address) (City) (State) (Zip Code)

Phone _____ Mobile 605 848 2879 Email _____

2. Amount of water claimed 0.106 *CFS or 300 **GPM ***AF Total Acreage _____
 (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well SW 1/4 (T127N-R76W)

4. Location of point of diversion 1 well SW 1/4 Sec 5 T27N R76W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Campbell

5. County or counties where water will be used Campbell

6. Annual period during which water is to be used April - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 Sec 5 T27N R76W	100 130		

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

well through PVC to 360 Rain Irrigation Machine

RECEIVED

JAN 08 2024

OFFICE OF
WATER

I, Nick Berndt, the applicant, certify under

Name of Person

Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Dakota Well 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) 20 Depth to Top of Water Bearing Material 210 Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property _____ Property owned by others 5 of 8**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)

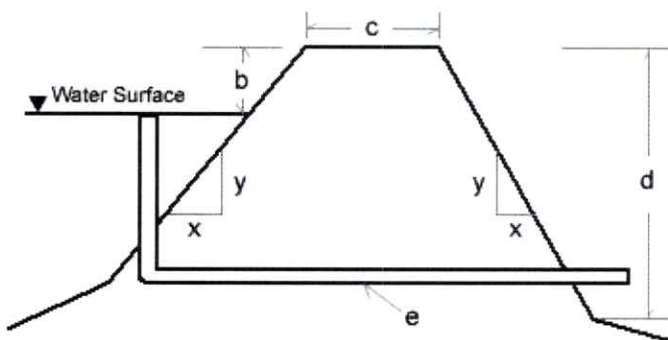
Upstream _____

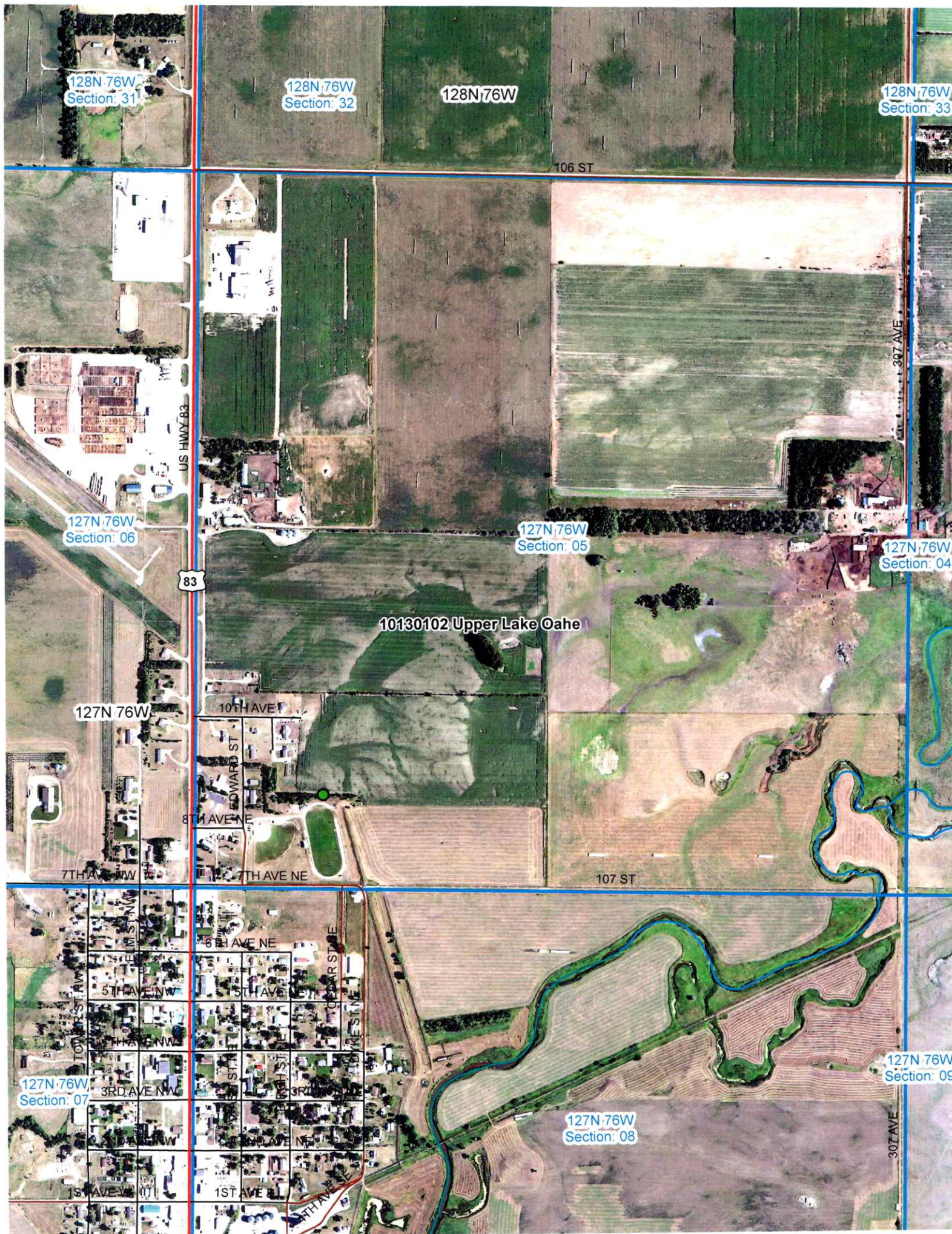
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Untitled Map

Write a description for your map.

Legend

 Feature 1

Google Earth

Image © 2023 Airbus

Image © 2023 CNES / Airbus

nick berndt 360 rain

WELL LOCATION

05

1000 ft



SOUTH DAKOTA WATER WELL COMPLETION REPORT

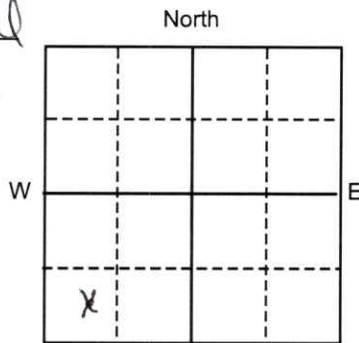
11-02

Location SW 1/4 SW 1/4 Sec 5 Twp 127N Rg 76WWell Owner: Nick Berndt

Business Name: _____

Address: 30409 106th StCity, State, Zip: Herreid SD 57632County Campbell

Please mark well location with an "X"



Well Completion Date

1-2-24

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☐ Plastic ☒ Other
If other describe Test Hole

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Well Grout 5</u>	<u>9.5</u>	Lb/gal	<u>200</u>	Ft <u>0</u>
<u>Frame line</u>		Lb/gal		Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter _____ Inches Length _____ Feet
 Material _____
 Slot Size _____ Set From _____ Feet to _____ Feet
 Other information _____
WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Drilled with chlorinated water
☐ No, Why Not? _____
 Lab to which water quality sample sent for analysis _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Sand + Gravel	1	8
Yellow Clay	8	14
Blue Clay	14	140
Hard Slat like clay	140	190
Fine Sand	190	210
Medium Sand	210	240
Hard Shale	240	260

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test HoleThis well was drilled under license # 843 and this report is true and accurate.Drilling firm: Dakota Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-5-24

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 8, 2024

RECEIVED OF Nick/Jessica Berndt 30409 106th St., Herreid SD 57632

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

Fee for Application for Permit No. <u>8829-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</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>8829-3</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>1050.00</u>

By *Eric Gronlund*
Chief Engineer
me

Water Rights Program - File Documentation

NAME: Nick Berndt

ADDRESS: 30409 106th St, Herreid SD 57632

DATE: February 2, 2024

RE: Letters sent requesting information for application

COMMENTS:

Nick called today regarding the information I requested for his water permit application. On Form 2A – 501 ft from property owned by others.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

rachel.rodriquez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2024

Nick Berndt
30409 106th Street
Herreid SD 57632

Dear Mr. Berndt:

I sent you a letter on January 9, 2024, which I have enclosed for your reference. To date I have not received a reply to the questions below:

- On Form 2A, Supplemental Information. On Item No. 1 regarding the Well Information, please complete d) Distance to nearest domestic well on applicant's property ____ Property owned by others _____. If you do not know, it is okay to say unknown.

If you do not know, it is okay to say unknown. You may email (rachel.rodriguez@state.sd.us) your response to me which would be quicker. Once I am in receipt of this information, I can begin processing your application.

If you have any questions, please contact me.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 9, 2024

Nick Berndt
30409 106th Street
Herreid SD 57632

Dear Mr. Berndt:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Campbell County. I just need clarification on the following items.

- On Form 2A, Supplemental Information. On Item No. 1 regarding the Well Information, please complete d) Distance to nearest domestic well on applicant's property ____ Property owned by others _____. If you do not know, it is okay to say unknown.

You may also email these items back to me which would be quicker. Once I am in receipt of this information, I can begin processing your application.

If you have any questions, please contact me.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8829-3, Nick Berndt**

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. 8829-3, Nick Berndt, 30409 106th Street, Herried SD 57632.

The Chief Engineer is recommending APPROVAL of Application No. 8829-3 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. 8829-3 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. 8829-3 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
March 27, 2024

Report to the Chief Engineer
Water Permit Application No. 8829-3
Nick Berndt
19 March 2024

Water Permit Application No. 8829-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.66 cubic feet per second (cfs) from one well to be completed into the Grand aquifer (approximately 240 feet deep) for the irrigation of 130 acres. The well is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 to irrigate land located in the SW $\frac{1}{4}$ of Section 5, all in T127N-R76W. This site is located in Campbell County, adjacent to the northeast side of Herreid, South Dakota.

Aquifer: Grand (G)

Description of Aquifer:

The Grand aquifer is a Quaternary-aged buried glacial outwash consisting of coarse sand and gravel and is found in Campbell, McPherson, Walworth, Edmunds, and Faulk Counties of South Dakota (Koch, 1970; Hamilton, 1982). The aquifer is a basal system, lying above the Pierre shale and till. The aquifer is primarily under confined conditions, and water generally travels west towards the Missouri River (Hedges et al., 1985; Kume and Howells, 1987; Water Rights, 2024d). In southeastern Campbell County, the Grand aquifer is overlain in some areas by a shallow glacial aquifer called the Selby aquifer. Water in some areas of the Grand aquifer has a medium sodium hazard and high salinity, which would indicate the potential need for special management when utilizing the Grand aquifer for irrigation purposes (Koch, 1970; Hamilton, 1982; Hedges et al., 1982; Kume and Howells, 1987; Water Rights, 2024c).

Within 3 miles of the proposed diversion point for this application, depths to the top of the Grand aquifer range from 200 to 255 feet below land surface, depth to static water levels range from 36 to 70 feet, and saturated thicknesses of the Grand aquifer range from 20 to 65 feet. There was a test hole report submitted with Application No. 8829-3. Depth to the aquifer as indicated by the test hole report is approximately 210 feet below land surface and is approximately 50 feet thick. Based on nearby well completion reports, the aquifer is expected to be confined at this location (Water Rights, 2024c and 2024d).

Since the publication of the extents of South Dakota aquifers by Hedges et al. (1982), the South Dakota Geological Survey has published First Occurrence of Aquifer Materials maps for Edmunds and Faulk Counties (Rich, 2008 and 2010). By comparing these publications, some areas in Edmunds and Faulk Counties that were mapped by Hedges et al. (1982) to be the Grand aquifer are areas where the first aquifer materials are the Dakota aquifer, implying that the Grand aquifer is not as extensive as was previously mapped (Kilts, 2019). The updated information from the First Occurrence maps as well as observation well data resulted in the Grand aquifer being separated into three portions (Kilts, 2019). The location of the proposed well for this application is in the northern portion of the Grand aquifer. For the remainder of the report, “aquifer” or “Grand aquifer” will refer to the northern portion of the Grand aquifer. Table 1 lists

the areal extents of the northern portion of the aquifer by county. Since First Occurrence of Aquifer Materials maps are not yet available for Campbell, McPherson, and Walworth Counties, the estimated area of the Grand aquifer in those counties by Hedges et al. (1982) will be used until sufficient data is available to further refine the areal extent in those counties. Overall, the estimated area of the Grand aquifer is approximately 360,621 acres (Hedges et al., 1982; Rich, 2008 and 2010; Kilts, 2019)

Table 1. Estimated areal extents of the northern portion of the Grand aquifer.

County	Acres	Source
Campbell	97,900	Hedges et al. (1982)
McPherson	44,200	Hedges et al. (1982)
Walworth	67,200	Hedges et al. (1982)
Edmunds	144,039	Rich (2010)
Faulk	7,282	Rich (2008)
Total	360,621 Acres	

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 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 right within the Grand 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. 8829-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Grand aquifer is not older or stratigraphically lower than the Greenhorn formation. Therefore, in order to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average annual recharge exceeds discharge with available data and observation well analysis.

Hydrologic Budget Analysis:

Recharge

The Grand aquifer is recharged by vertical infiltration of precipitation where the Selby aquifer overlies the Grand aquifer, from lateral subsurface inflow, and where the potentiometric surface of the Lake Oahe reservoir is higher than the aquifer (Koch, 1970; Hamilton, 1982).

Hedges et al. (1985) estimated the recharge rate for unconfined portions of the Grand aquifer to be 4 inches/year. However, as most of the aquifer is under confined conditions, this recharge rate would be an overestimation if applied to the entire areal extent of the aquifer. Since an individual recharge study has not been done on confined portions of the Grand aquifer, the Hedges et al. report (1985) recommended recharge rate range of 0.15 to 0.6 inches/year for confined aquifers in eastern South Dakota will be used. Multiplying this range by the total areal extent of the Grand aquifer (Table 1), the annual recharge rate is between approximately 4,508 to 18,031 acre-feet/year.

Discharge

Water in the Grand aquifer is discharged by surface outflow west towards the Missouri River where the potentiometric surface of the Lake Oahe reservoir is lower than the aquifer and south into Walworth County from permeable materials extending downward from the aquifer (Koch, 1970). Well withdrawals are another source of discharge from the Grand aquifer. There are currently 53 existing water rights/permits authorized to appropriate water from the northern portion of the Grand aquifer. There are no future use permits reserving water from the aquifer.

Of the 53 water rights/permits, 39 are for irrigation use (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. The average annual withdrawal for the Grand aquifer irrigation water rights/permits that have reported from the years 1979 to 2022 is approximately 2,524 acre-feet (Water Rights, 2024a). 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 is approximately 3,889 acre-feet (Water Rights, 2024a).

Water Permit Nos. 7616-3, 8091-3, 8092-3, 8096-3, and 8097-3 are likely subject to cancellation due to non-development, as these permits have reported zero acre-feet/year for all years that they have reported, and thus the estimated average annual withdrawal of these permits is zero acre-feet/year. Water Permit Nos. 8402-3, 8429-3, 8539-3, 8608-3, 8694-3, 8719-3, and 8798-3 are either still in development or were approved after the mailing of the 2022 irrigation questionnaire and are not properly accounted for in the average annual reported irrigation withdrawal. These permits authorize a combined acreage of 1,015 acres. Generally, non-turf irrigators in South Dakota apply less than one foot of water per acre per year. Assuming a conservative application rate of one foot of water per acre per year, these permits will be assumed to pump a combined 1,015 acre-feet/year. Application No. 8829-3 is requesting to irrigate 130 acres, and if approved, will be assumed to pump 130 acre-feet/year.

Of the 53 water rights/permits appropriating water from the Grand aquifer, 14 are for non-irrigation use. Non-irrigation water rights/permits limited by an instantaneous diversion rate have been assumed to be pumping 60% of the time at their respective permitted diversion rate. Non-irrigation water rights/permits limited by an annual volume are assumed to withdraw their entire volume limitation. Water Right No. 6629-3 pumps approximately 0.07 cfs from one well completed into the Grand aquifer (Water Rights, 2024c). Water Right Nos. 778-3, 3998-3, 4144-3, 5417-3 and 5366-3 are connected to the Web RWS and maintain their wells for standby purposes, so these water rights will be assumed to pump zero acre-feet/year (Drinking Water Program, 2024). The city of Hosmer, SD purchases 90% of public water from Web RWS, and so only 10% of the annual estimated use for Water Right No. 1705-3 will be included in the hydrologic budget (Drinking Water Program, 2024). The city of Roscoe, SD purchases 91% of public water from Web RWS, and so only 9% of the annual estimated use for Water Right No. 4914-3 will be included in the hydrologic budget (Drinking Water Program, 2024). Water Right No. 7841-3 is required to report annual use to the Chief Engineer, and its average use for the past 10 years will be included in the hydrologic budget (Water Rights, 2024f). These are standard methods to estimate annual use from an aquifer (Water Rights, 2024c), and the annual estimated withdrawal from non-irrigation water rights/permits is approximately 650 acre-feet.

There are domestic wells completed into the Grand aquifer that do not require a water right/permit, so the total withdrawal amount for domestic use is unknown. Due to relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget.

Hydrologic Budget Summary

Recharge to the Grand aquifer is estimated to be 4,508 to 18,031 acre-feet/year. The estimated average withdrawal in the northern portion is approximately 5,554 acre-feet/year, listed on Table 2. This application seeks to withdraw an estimated 130 acre-feet/year. Due to the only aquifer specific recharge range being for the unconfined portions of the Grand aquifer, the lower end of the Hedges et al. (1985) estimated recharge rate range, which is based on recharge to fully confined aquifers, may be an underestimation because there are unconfined portions of the Grand aquifer. Based on the hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Table 2. Summary of estimated withdrawals from the Grand aquifer (Water Rights, 2024a, 2024c and 2024f).

Type of Water Right/Permit	Estimated Annual Withdrawal (acre-feet)
Non-Irrigation	650
Irrigation (average from 2013-2022)	3,889
Permit Nos. 8402-3, 8429-3, 8539-3, 8608-3, 8694-3, 8719-3, and 8798-3	1,015
Total	5,554

Observation Well Analysis:

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 33 observation wells completed into the northern portion of the Grand aquifer (Water Rights, 2024b). CA-65B is located approximately 3.1 miles south, CA-65A is located approximately 4.2 miles west, CA-78B is located approximately 5.2 miles south, and CA-78A is located approximately 6.5 miles northwest. Observation well CA-65BR is a replacement well for CA-65B, but due to its short period of record and almost identical data, it was excluded from the analysis. Hydrographs for these observation wells are shown in Figure 1, and static water level elevations are referenced to the NGVD29 vertical datum. Hydrographs for observation wells illustrate climatic conditions and pumping from the Grand aquifer at those locations (Water Rights, 2024b).

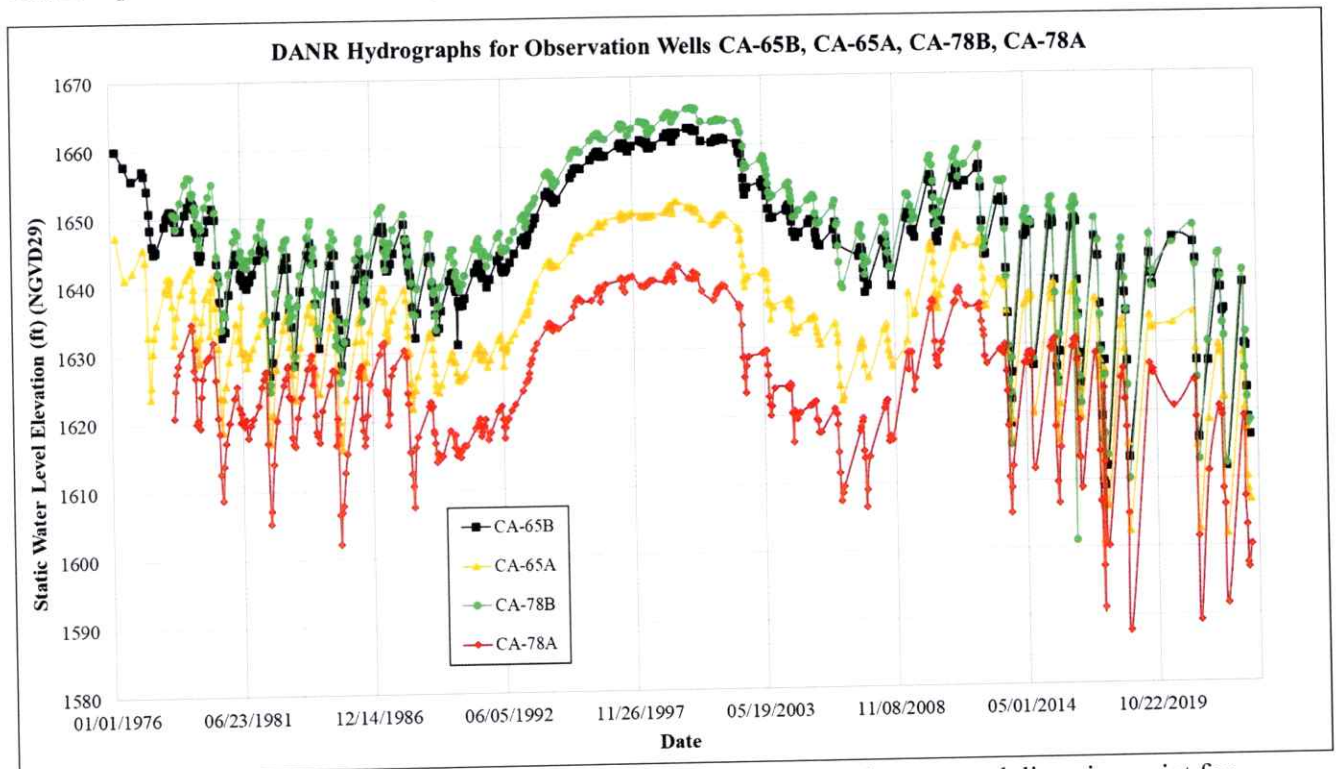


Figure 1. Hydrographs for observation wells in the Grand aquifer near the proposed diversion point for this application (Water Rights, 2024a).

When looking at observation well hydrographs, trends over the entire period of record are key when evaluating the overall behavior of the aquifer. The Grand aquifer is a generally confined aquifer, meaning that static water level represents the pressurized water level, called the hydraulic head. The hydraulic head is not a direct indication of water in storage but can show the effect of pumping and recharge to the confined aquifer.

Looking at these hydrographs, it is clear that artesian head pressure is responding to long-term climatic variations. There is a decline in head pressure in the late 1970's to mid 1980's, which increases during the 1990's, decreases again in the early 2000's, slightly recovers in the late 2010's, and has been decreasing since 2012 except for some recovery in 2019. Extended periods of drought conditions in South Dakota correlates to increased pumping in the aquifer and would also affect the recovery of artesian head pressure in the Grand aquifer (NOAA, 2024; Water Rights, 2024b).

Noticeably, during the years 1990 to 2000, static water levels in the Grand aquifer do not fluctuate like the rest of the period of record. Those years were exceptionally wet in South Dakota. The irrigation questionnaires reported pumping average for the years 1990 to 2000 is 1,384 acre-feet/year, and when compared to the pumping average for the years 1979 to 1989 (2,535 acre-feet/year), and the years 2013 to 2022 (3,889 acre-feet/year), could explain the aquifer behavior during this time period, and why the seasonal downward spikes in the artesian head pressure are much less prominent.

Fluctuations in the level of Lake Oahe cause changes of hydraulic head in the Grand aquifer (Kume and Howells, 1987). The aquifer was likely being recharged by the Lake Oahe reservoir during periods in 1993, 1996, 1997, 1999, 2010, and 2011 when the reservoir was filled up to or near the exclusive flood control zone, which is at an elevation of 1,617 to 1,620 feet (USACE, 2018). Observation well CA-80A is the northern-most observation well in the Grand aquifer and is approximately 7 miles east of Lake Oahe. The hydrograph for this well shows similar trends as those in Figure 1, but the potentiometric surface of the Grand aquifer at this location before the increase of artesian head in the 1990's was approximately 1,600 feet (Water Rights, 2024b). This indicates that the potentiometric surface of Lake Oahe was higher at times than the potentiometric surface of the Grand aquifer and may have been a source of recharge.

There are other observation wells in the Grand aquifer that show different trends in the Grand aquifer. While observation wells in different locations in the Grand aquifer behave differently, many of the observation wells show trends changing in the 1990's to 2000's, and there are no observation wells which show concerning downward trends of artesian head pressure in the Grand aquifer due to over-pumping the aquifer. The recent downward trend in artesian head pressure follow climatic conditions and increased development of the aquifer. A similar trend was seen in the late 1970's and early 2000's before the water levels shown in the observation wells stabilized in relation to the changes.

Overall, the observation wells in the Grand aquifer are responding to heavier pumping due to drought conditions and increased appropriation, as shown by the more significant seasonal downward spikes (Water Rights, 2024a and 2024b) caused by decreasing head pressure and subsequent recovery after the irrigation season. The long-term downward trend since 2012 will continue to be monitored for signs of over-pumping, but it generally appears that recharge to and natural discharge from the aquifer governs the long-term water level trends in the aquifer rather than the impacts of pumping. There is a reasonable probability that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment:

Currently, there are 53 water rights/permits authorized to appropriate water from the northern portion of the Grand aquifer (Water Rights, 2024c). The nearest water right is No. 5417-3 held by the City of Herreid (approximately 0.6 miles southwest), a municipal well held on standby, and Water Right No. 7841-3 held by Herreid Concrete Inc (approximately 1.1 miles southwest). Nearby existing water rights/permits can be seen in Figure 2. According to well completion reports (Water Rights, 2024d), the nearest domestic well is approximately 0.1 miles south. There are at least six other domestic wells, including one held by the applicant, likely completed into the Grand aquifer within one mile of the proposed diversion point. There could potentially be other domestic wells completed into the Grand aquifer that are not on file with the Water Rights Program. Domestic wells in South Dakota have a priority over other use types and are protected from unlawful impairment when the well is constructed under adequate well standards, defined in ARSD 74:02:04:20(6) as:

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

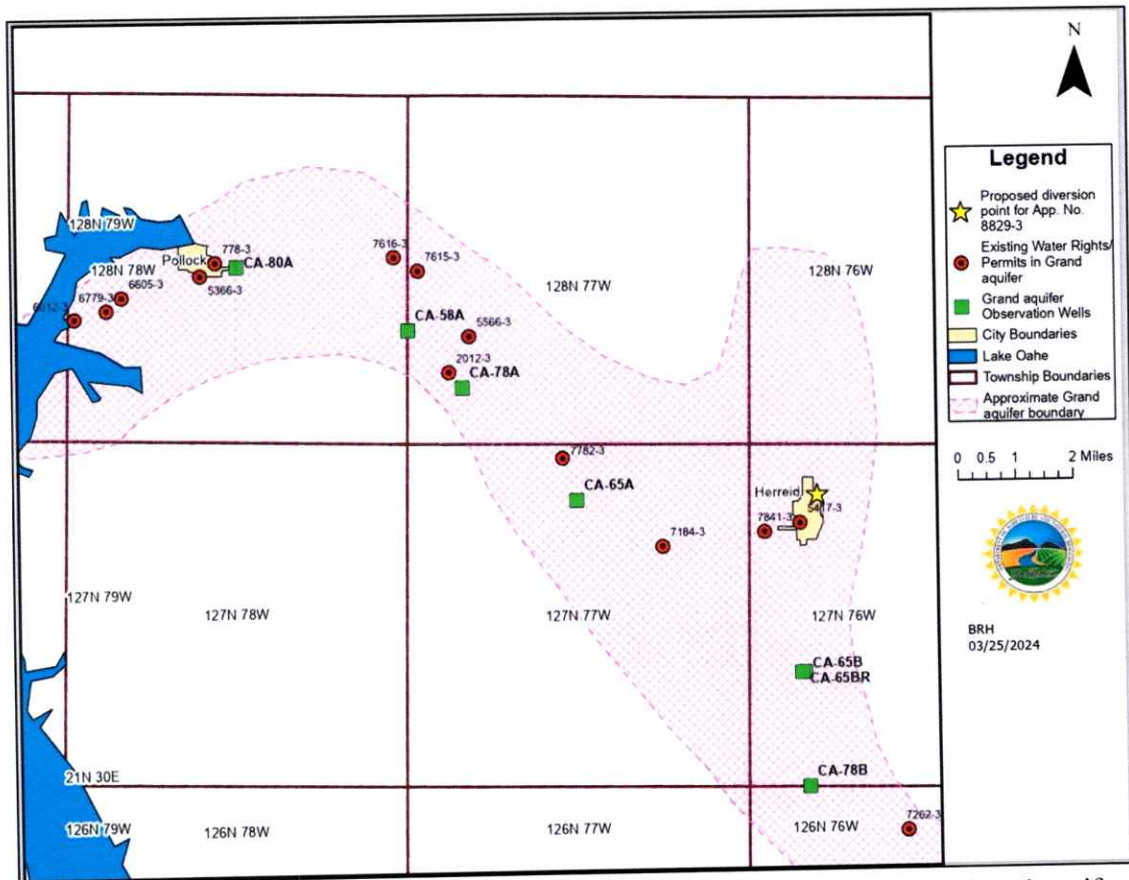


Figure 2. Observation wells and existing water rights/permits appropriation from the Grand aquifer near the proposed diversion point for Application No. 8829-3.

The Grand aquifer is most likely confined at the proposed diversion point based on the test hole log submitted with the application, and the nearest well completion reports (Water Rights, 2024c and 2024d). Drawdown created by pumping a well generally does not extend far in an unconfined aquifer. However, pumping from a confined aquifer creates drawdown that extends much further from the diversion point. A pumping test would be required to know the exact drawdown behavior of the Grand aquifer in this area.

The thickness of aquifer materials for this application is approximately 50 feet, and the saturated thickness of the aquifer in this area ranges from approximately 20 to 65 feet (Water Rights, 2024d). This would generally allow for a pump to be placed 20 feet below the top of the aquifer.

Nearby the proposed diversion point, wells completed into the Grand aquifer have artesian head pressure ranging from 160 to 190 feet above the top of the aquifer at the time of well completion. At their lowest water level, the nearest observation wells (Figure 1) have artesian head pressure ranging from 90 to 135 feet. Nearby observation wells to the proposed diversion point provide insight to how the Grand aquifer in this area responds to pumping. Observation well CA-78A is 0.4 miles southeast and one mile south from active irrigation water rights. These two irrigation water rights pump at a faster rate than the proposed diversion rate for this application, and there was still 90 feet of pressure available, even at the lowest recorded water level for CA-78A. Additionally, irrigation is the use type for this application. Since irrigation is a seasonal use, there would be no pumping over winter months which allows for recovery of the artesian head pressure.

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 as a means of water delivery. 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 Grand aquifer, some existing well owners may need to lower pumps at their location. There have not been any complaints about well interference in the Grand aquifer in Campbell, McPherson, Walworth, Edmunds, or Faulk Counties (Water Rights, 2024e).

Due to the recent and continuing drought being the likely driver of decreased artesian head pressure in the aquifer, the available artesian head pressure in the Grand aquifer after pumping, ARSD 74:02:04:20(6) and (7), SDCL 46-1-4, recommendations to the Chief Engineer for this report, and the lack of unlawful interference complaints in Campbell, McPherson, Walworth, Edmunds, or Faulk Counties, it is reasonable that any drawdown for this application is not expected to unlawfully impair nearby adequate wells.

Recommendations:

The well owner under this Permit shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior rights.

Conclusions:

1. Water Permit Application No. 8829-3 proposes to appropriate 0.66 cfs from one well to be completed into the Grand aquifer for the irrigation of 130 acres. The well is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 to irrigate land located in the SW $\frac{1}{4}$ of Section 5, all in T127N-R76W. This site is located in Campbell County, adjacent to the northeast side of Herreid, South Dakota.
2. Based on a hydrologic budget and observation well analysis, there is reasonable probability that unappropriated water is available from the Grand aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8829-3 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

Reviewed By:



Adam Mathiowetz, P.E.
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.**

March 28, 2024

Nick Berndt
30409 106th Street
Herreid SD 57632

Dear Mr. Berndt:

Water Permit Application No. 8829-3 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 Prairie Pioneer printed in Pollock SD (Ph # 605 889-2320) and the American News printed in Aberdeen SD (see attachment for contact number). 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.

Instruction to Newspaper - Publish the Notice on April 11, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8829-3 to Appropriate Water

Notice is given that Nick Berndt, 30409 106th Street, Herreid SD 57632 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 240 feet deep) located in the SW 1/4 SW 1/4 Section 5 for irrigation of 130 acres located in the SW 1/4 Section 5; all in T127N-R76W. This site is located adjacent to the northeast side of Herreid SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8829-3 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 April 22, 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 April 22, 2024.

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Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, March 28, 2024 8:30 AM
To: aan-legals@aberdeennews.com
Subject: 8829-3 Nick Berndt - Public Notice
Attachments: 8829-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 11, 2024.

Nick Berndt, 30409 106th Street, Herreid SD 57632, 605-848-2879 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: Thursday, March 28, 2024 8:29 AM
To: pioneer@valleytel.net
Subject: 8829-3 Nick Berndt - Public Notice
Attachments: 8829-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 11, 2024.

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Thank you,

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



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Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

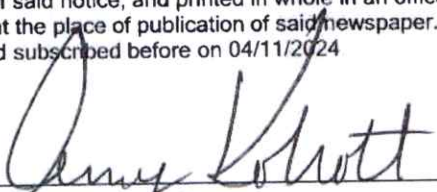
Water Rights Program
Water Rights Program
523 E. Capitol Ave.
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

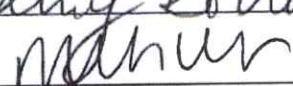
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

04/11/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 04/11/2024



Legal Clerk



Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost: \$49.66

Order No: 10012584

of Copies:

Customer No: 1409126

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8829-3
to Appropriate Water**

Notice is given that Nick Berndt, 30409 106th Street, Herreid SD 57632 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 240 feet deep) located in the SW 1/4 SW 1/4 Section 5 for irrigation of 130 acres located in the SW 1/4 Section 5; all in T127N-R76W. This site is located adjacent to the northeast side of Herreid SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 8829-3 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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Published April 11, 2024 at the total approximate cost of \$49.66 and may be viewed free of charge at www.sdpublicnotices.com
10012584

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APR 29 2024

OFFICE OF
WATER

Berndt files application to appropriate water

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Published once at the total approximate cost of \$39.69 and can be viewed free of charge at www.sdpublicnotices.com

-041124

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF CAMPBELL, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, 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; that the

Berndt files application to appropriate water

Nick Berndt

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

1- Prairie Pioneer: 4/11/2024

That the full amount of the fees for the publication of the annexed notice is \$39.69

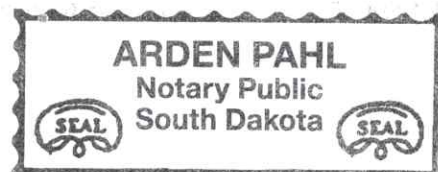
Lori Cox

Subscribed and sworn to before me this 4/11/2024

Arden Pahl

Arden Pahl, Notary Public
State of South Dakota

My commission expires August 1, 2025



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, March 28, 2024 9:22 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10012584 8829-3 Nick Berndt - Public Notice
Attachments: 10012584.pdf

Please find your order confirmation and proof of ad attached.

Your ad is set to run in American News on 4/11/24 with a cost of \$49.66

The total cost includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by **4 pm Monday, April 8, 2024 to cancel or with any changes for the ad**. You will receive an invoice in the mail.

All orders are subject to a 3.99% service fee if paid with a credit card. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final Order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you advise otherwise.

In the future, if you would like to utilize our online self-serve ad portal to place your legal notices, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thanks,

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. Anything missing and/or incorrect can cause your publication to be rejected in which you will be responsible for all fees to republished.

Diana Tope
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, March 28, 2024 9:30 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 10012584 8829-3 Nick Berndt - Public Notice

Attached is a notice to be published on April 11, 2024.

Nick Berndt, 30409 106th Street, Herreid SD 57632, 605-848-2879 has been notified to contact you to authorize publication and arrange for payment.

Order Confirmation

Not an Invoice

Account Number:	1409126
Customer Name:	Nick Berndt
Customer Address:	Nick Berndt 30409 106Th ST Nick Berndt Herreid SD 57632-5700
Contact Name:	Nick Berndt
Contact Phone:	(605) 945-0593
Contact Email:	rachel.rodriquez@state.sd.us
PO Number:	

Date:	03/28/2024
Order Number:	10012584
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	154.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	04/11/2024 - 04/11/2024	Public Notices
ABD aberdeennews.com	1	04/11/2024 - 04/11/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$49.66
Tax Amount	\$0.00
Service Fee 3.99%	\$1.98
Cash/Check/ACH Discount	-\$1.98
Payment Amount by Cash/Check/ACH	\$49.66
Payment Amount by Credit Card	\$51.64

Order Confirmation Amount

\$49.66



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2024

Nick Berndt
30409 106th Street
Herreid SD 57632

Dear Mr. Berndt:

Enclosed is Water Permit No. 8829-3 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**

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STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

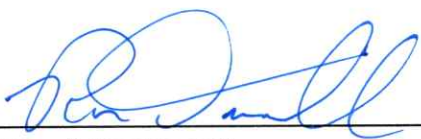
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8829-3

Name of Applicant: Nick Berndt

Date of Posting: 4/8/2024

Date of Removal: 5/17/2024



Ron Duvall, Engineer III

5/17/2024

Date

Subscribed and sworn to before me, a notary public, this 17th day of May, 2024.



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

(SEAL)



Duvall, Ron

From: Duvall, Ron
Sent: Wednesday, July 17, 2024 2:09 PM
To: auction@valleytel.net
Subject: Links to documents and acknowledgement of discussion concerning possible well interference concerns

Mr. Fjeldheim,

Here is a link to the Huber permit - [8840-3.pdf \(sd.gov\)](#)

Here is a link to the Berndt permit - [8829-3.pdf \(sd.gov\)](#)

Here is a link to your well completion report for the auction - [00065988.pdf \(sd.gov\)](#)

As long as water use by the auction is for only livestock watering and does not exceed either a pump rate of 25 gallons per minute or daily volume of 25,920 gallons, then a water right permit is NOT needed. If either of these numbers is exceeded, then a water right permit is needed by the auction for commercial water use.

As we discussed on the phone, you are concerned with these recently approved irrigation permits affecting water availability in the well used for the auction. There will likely be an affect to the head pressure if one or both of these irrigation permits are placed into use. To prevent your pump from burning out by sucking air, you may want to consider lowering your pump now as a preventative measure. I will add this email to the file for Water Permit Nos. 8840-3 and 8829-3 to note your concerns about well interference called by these irrigation permits.

Also as requested, your email address will be added to the weekly email list which is used to alert recipients about pending applications/public notices being processed by the SD Dept of Ag and Natural Resources.

Please let me know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Duvall, Ron

From: Kilts, Whitney (DENR)
Sent: Wednesday, July 17, 2024 11:11 AM
To: Dewell, Amanda; Duvall, Ron
Subject: application question-does someone have one in

Kent Fjeldheim (605-848-3459) (based on googling likely associated with Herreid Livestock) called wanting to know if someone (Bob Huber (spelling?)) putting in an irrigation well by Herreid Sd had a permit. Location from Herreid is 1 mile west of Hwy 83 on 107th St and a quarter mile north (looks like the W ½ Sec 6-T127N-R76W area). I did not see a permit on the water rights layer for the area or an active Campbell County public notice and indicated that to him over the phone.

He wants to know if there is an application in for irrigation is that area, get added to the public notice email list, how to petition an application, and how long he has to file a petition once the public notice goes out. Could one of you give him a call back on if an application has been submitted and his petition questions? Thanks.



Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov