

WATER PERMIT NO. 8831-3

Name of Applicant: Allen Fugere

Address: 700 Main Street N, Estelline SD 57234

Phone: 605-881-4221

Amount of Water Claimed: 1.11 cfs

Total Acres: 128

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Hamlin

Type of Waste Disposal System:

Location: Approx. 3 miles north of Estelline SD

PRIORITY Date Received: 01-16-24

Application/License Fee: \$1,050.00

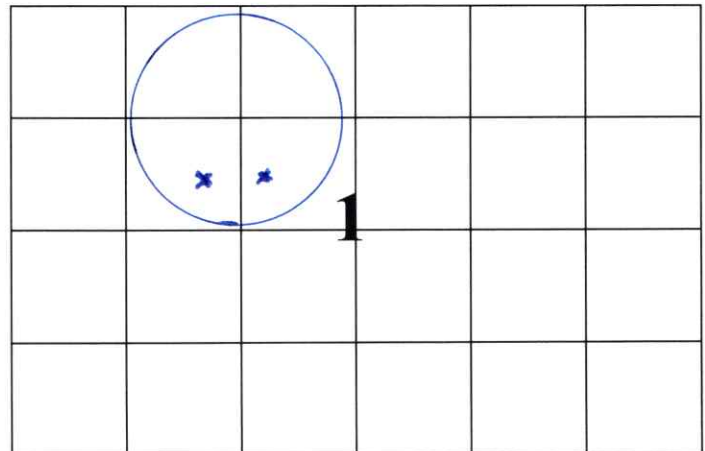
Corrected Application Received: 02-06-24

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: 1 well SE 1/4 NW 1/4, 2nd well
SW 1/4 NW 1/4 Sec 1 -T113N-R51W

Land to be Irrigated: NW 1/4 Sec 1 -T113N-R51W



Depth of Well: 78

Well Driller: Steffel Well Drilling

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 02-07-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8831-3

Date of first receipt of application January 16, 2024.

Date of return to applicant for corrections, amendments or changes January 18, 2024.

Date of receipt of corrected application February 6, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8831-3 to Allen Fugere, 700 Main Street N, Estelline SD 57234, 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. 8831-3 appropriates 1.78 cubic feet of water per second from two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 66 feet deep) located in the S 1/2 NW 1/4 Section 1 for irrigation of 136 acres located in the NW 1/4 Section 1; all in T113N-R51W. This site is located approximately 3 miles north of Estelline 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 January 16, 2024.
4. The date of approval of Permit No. 8831-3 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 wells approved under Water Permit No. 8831-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8831-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 17 2024
date



RECEIVED

JAN 16 2024

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8831-3</u> Hydrologic Unit <u>10170202</u> Basin <u>Sioux</u> Newspaper <u>Hart/ Hamlin Co Enterprise</u> <u>Watertown Public Opinion</u> (office use only)
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PAID

JAN 16 2024

Ck# 10163Rec't# 111624

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 Allen Fugere

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

Mailing Address 700 Main St. N Estelline SD 57234
(Address) (City) (State) (Zip Code)Phone 605-873-2496 Mobile 605-881-4221 Email _____2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 134
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply 2 New Wells4. Location of point of diversion 1 well in the SE 1/4 of NW 1/4 of Sec 1 T113N R51W and
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in the SW 1/4 of NW 1/4 of Sec 1 T113N R51W County Hamlin5. County or counties where water will be used Hamlin6. Annual period during which water is to be used May 1 - Sept 307. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of the NW 1/4 of Sec 1 T113N R51W	32 1/4		
NE 1/4 of the NW 1/4	32 1/4		
SW 1/4 of the NW 1/4	32 1/4		
SE 1/4 of the NW 1/4	32 1/4		

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

Will be using a new well located in the SE 1/4 of the NW 1/4 Sec 1 113N R51W and one new well located in the SW 1/4 of the NW 1/4 of Sec 1 113N R51W, water will be piped approximately 1200ft to the NW to ~~the NW~~ an center pivot irrigation system

I, Allen Fugere Owner, 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 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Steffel 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:

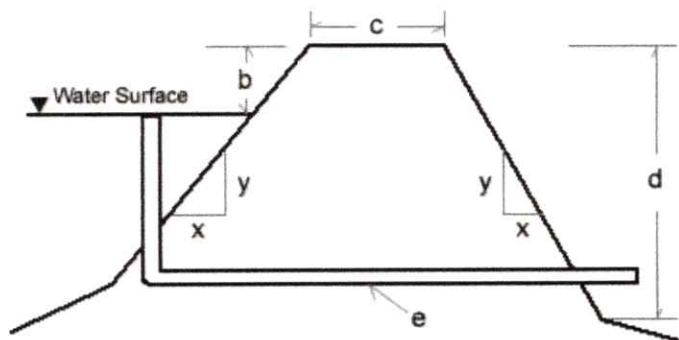
c) Well Depth (required) 78 Depth to Top of Water Bearing Material 11 Depth to Water from Surface 9.4d) Distance to nearest domestic well on applicant's property none Property owned by others 2,100ft**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System 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) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres

114N 51W
Section: 26

114N 51W
Section: 25

114N 50W
Section: 30

114N
Section

114N 51W
Section: 35

114N 51W
Section: 36

114N 50W
Section: 31

114N
Section

113N 51W
Section: 02

113N 51W
Section: 01

10170202 Middle Big Sioux

113N 50W
Section: 06

113N
Section

113N 51W
Section: 11

113N 51W
Section: 12

113N 50W
Section: 07

113N
Section

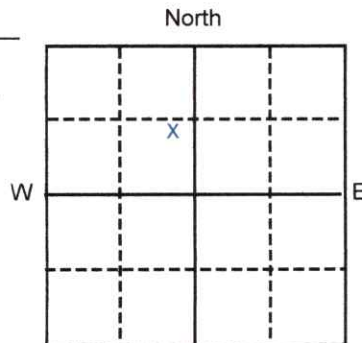
113N 51W
Section: 14

113N 51W
Section: 13

113N 50W
Section: 18

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 1 Twp 113 Rg 51County HamlinPlease mark well
location with an "X"

Well Completion Date

12/9/2022

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>51</u> FT	<u>17 1/2</u> IN
LB/FT	<u>12</u> IN	<u>66</u> FT	<u>76</u> FT	<u>17 1/2</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>HS Bentonite</u>	<u>6</u>	Lb/gal	<u>0.0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 15 FeetMaterial Stainless SteelSlot Size .080 Set From 51 Feet to 66 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

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

Business Name:

Address: 700 No Main StCity, State, Zip: Estelline ☒ SD ☒ 58234

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil Black	0	1
Clay Tan	1	2
Sand	2	12
Sandy Clay Blue	12	20
Sand/Gravel	20	30
Clay Blue	30	53
Sand/Gravel	53	66
Clay Green M/Hard	66	76

STATIC WATER LEVEL 10 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: Submersible 500gpm
☐ Bailed

☐ Other

Pumping Level Below Land Surface

41.5 Ft. After 24 Hrs. pumped 280 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

IRR Well - TH #1

GPS:

44 37 30.10N96 53 49.60WThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

Print Form

Save As

Clear Form

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 16, 2024

RECEIVED OF Allen Fugere 700 Main Street N., Estelline SD 57234

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

Fee for Application for Permit No. <u>8831-3</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>8831-3</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
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 8831-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Allen Fugere

ADDRESS: 700 Main St. N, Estelline SD 57234

DATE: March 26, 2024

PHONE: 605.881.4221

RE: Acreage and Amount of Water on Application No. 8831-3

COMMENTS:

I called Allen Fugere regarding the number of acres applied for and the amount of water being claimed on his irrigation water permit application. I asked Mr. Fugere whether the number of acres should be increased and the amount of being applied for since center pivot irrigation systems covering one quarter of land frequently cover more acres and use more water than specified on the application. Mr. Fugere asked that the application be modified to request 800 gallons per minute to irrigate 136 acres. I informed Mr. Fugere I would make his change as requested to the application.

Ron Duvall, N.R. Engineer III
SD DANR, Water Rights Program

Rodriguez, Rachel

From: Gronlund, Eric
Sent: Tuesday, February 6, 2024 9:05 AM
To: Rodriguez, Rachel; Mathiowetz, Adam (DENR)
Subject: FW: Map from Estelline?
Attachments: SNRPR1P0224020610190.pdf

See attachment. There are "X's" marked on the SW ¼ and SE ¼ Section 1, T113N, R51W.

Do we have an application that we're waiting for a map?

From: Fawcett, Kayla <Kayla.Fawcett@state.sd.us>
Sent: Tuesday, February 6, 2024 8:53 AM
To: Ward, Aaron <Aaron.Ward@state.sd.us>; Roth, Troy <Troy.Roth@state.sd.us>; McIntire, Mark <Mark.McIntire@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Florentz, Terry <Terry.Florentz@state.sd.us>
Subject: Map from Estelline?

Are any of you expecting a map with marked sections from someone in Estelline? A scan is attached – the mail was left on a desk in ICR. It's currently on my desk.

Thank you!



Kayla Fawcett, P.E.
Engineering Manager I
Inspection, Compliance, and Remediation Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3296
danr.sd.gov

From: nrpr1p02@state.sd.us <nrpr1p02@state.sd.us>
Sent: Tuesday, February 6, 2024 9:20 AM
To: Fawcett, Kayla <Kayla.Fawcett@state.sd.us>
Subject: Message from NRPR1P02



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 18, 2024

Allen Fugere
700 Main Street N
Estelline SD 57234

Dear Mr. Fugere:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Hamlin County. To complete the application, the following items are needed:

- A map is required - enclosed is an aerial photo map. Please mark the location of the two wells with "X's" and please outline the acres to be irrigated.

If you have any questions, please contact me. To expedite this application, you may email me the requested information.

Sincerely,

Rachel Rodriguez

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

enclosure



**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. 8831-3, Allen Fugere**

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. 8831-3, Allen Fugere, 700 Main Street N, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 8831-3 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 wells approved under Water Permit No. 8831-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8831-3 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
April 2, 2024

Report to the Chief Engineer
On Water Permit Application No. 8831-3

Allen Fugere

April 2nd, 2024

Water Permit Application No. 8831-3 proposes to authorize 1.78 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux: Brookings aquifer (approximately 66 feet deep) located in the SW 1/2 NW 1/4 of Section 1 for irrigation of 136 acres located in the NW 1/4 Section 1; all in T113N-R51W. The site of interest is located in Hamlin County approximately 3 miles north of Estelline, SD.

AQUIFER: Big Sioux: Brookings (BS:B)

HYDROGEOLOGY:

The Brookings management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of medium to very coarse sand and very fine to medium gravel (Kume, 1985; Hamilton, 1989). The depth of the top of the Big Sioux: Brookings aquifer ranges from the land surface in the Big Sioux River floodplain to 212 feet below land surface (Hamilton, 1989). In Brookings, Deuel, Hamlin, Kingsbury, Moody, and Codington Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 323,000 acres and contain approximately 1,453,000 acre-feet of recoverable water in storage, as shown in Figure 1 (Hedges et al, 1982 and Stonesifer, 2013). The direction of groundwater movement in the Big Sioux: Brookings aquifer is in a southern direction and towards the Big Sioux River (Hamilton, 1989). The aquifer is unconfined near the Big Sioux River and along major tributary valleys, but elsewhere the aquifer may be confined by overlying till or clay lenses (Hamilton, 1989). The aquifer is primarily unconfined (Stonesifer 2013; Water Rights, 2024b and 2024d).

A water well completion report was submitted with Water Permit Application No. 8831-3. The water well is located in the SE 1/4 NW 1/4 of Section 1 T113N-R51W and was completed on December 9th, 2022 (Water Rights, 2024d). The water well completion report indicates the well is completed into the Big Sioux: Brookings aquifer with the top of aquifer bearing material (sand/gravel) at 12 feet below the ground surface, a static water level of 10 feet below the ground surface, and a total aquifer saturation of 30 feet at the time of well completion (Water Rights, 2024d). Several other nearby water well completion reports for the Big Sioux: Brookings aquifer show the aquifer to be unconfined near the location of the diversion point (SDGS, 2024; Water Rights, 2024b and 2024d). Considering all the nearby water well completion reports indicating unconfined conditions, the aquifer at the diversion point for this application is expected to be unconfined.

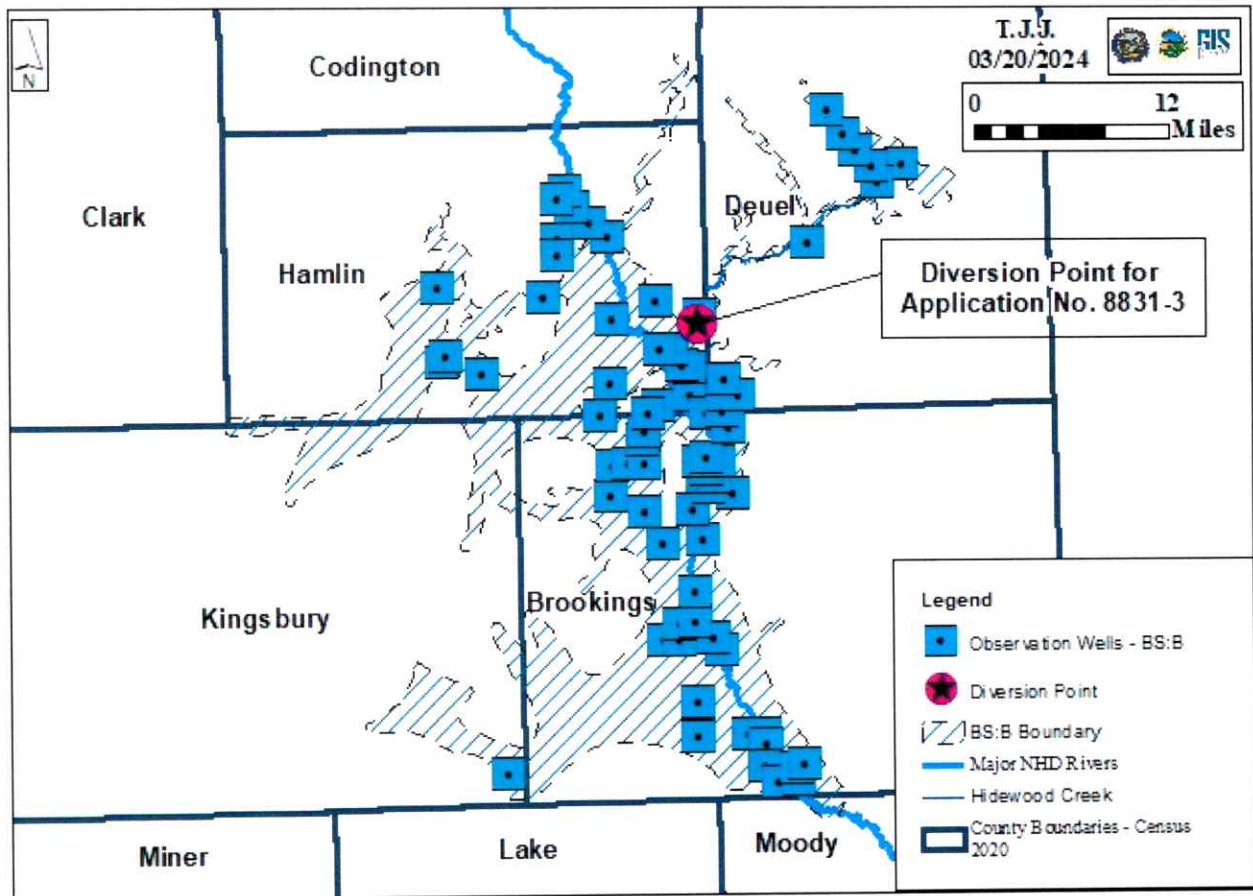


Figure 1. Map of the area Big Sioux: Brookings aquifer observation wells (Water Rights, 2024b and 2024c), and the location of diversion point for Water Permit Application No. 8831-3.

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

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

WATER AVAILABILITY:

Water Permit Application No. 8831-3 proposes to appropriate water from the Big Sioux: Brookings aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed

the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Big Sioux: Brookings aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Brookings aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Brookings aquifer is received primarily through infiltration of precipitation and seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989). Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 4.0 inches per year for the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013). Therefore, the average annual recharge rate for the Big Sioux: Brookings aquifer (based on Hedges et al, 1985; Stonesifer, 2013) is approximately 107,667 acre-feet/year.

Discharge

Discharge from the Big Sioux: Brookings aquifer primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface (Hamilton, 1989). Currently, there are 261 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2024c). There are 11 future use permits reserving 6,041 acre-feet/year of water from the Big Sioux: Brookings aquifer, shown on Table 1 (Water Rights, 2024c).

Table 1. Future Use Permit reserved water for the Big Sioux: Brookings aquifer (Water Rights, 2024c)

Future Uses Permit Holder	Permit Nos.	Amount of Reserved Water (acre-feet)
Joint Well Fields Inc.	3982-3, 3982A-3, 3982B-3, 6988-3	2,375
City of Lake Norden	4055-3, 6261-3	0
City of Castlewood	558A-3	123
City of Volga	5875-3, 6259-3	1,143
Sioux Rural Water System	5094-3, 7853-3	2,400
TOTAL:		6,041

Table 2 summarizes the 46 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-

irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. It should be noted that some of the water permits/rights listed on Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes water rights for the Town of Hayti which purchases all their water from the Sioux Rural Water System and the City of Clear Lake which purchases all their water from the Brookings-Deuel Rural Water System (Drinking Water, 2024). Overall, the estimated average annual withdrawal rate for the Big Sioux: Brookings aquifer non-irrigation water rights/permits is 14,378 acre-feet/year (Table 2) (Water Rights, 2024c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Brookings aquifer (Water Rights, 2024c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
2111-3	GOPHER SIGN CO	LC	COM	0.040	N/A	17.38
5675-3	LAKE POINSETT ESTATES	LC	COM	0.090	N/A	39.10
6019-3	DAKOTA WHOLESALE BAIT INC	LC	COM, DOM	0.355	N/A	154.21
6329-3	GREG OSWALD	LC	COM	1.280	N/A	556.03
6745-3	KENNETH HANSEN	LC	COM	0.110	N/A	47.78
6785-3	DRUMGOON DAIRY LP	LC	COM, LCO	0.200	N/A	86.88
6786-3	DAVID NYSTROM	LC	COM, LCO	0.170	N/A	73.85
7277-3	OLD TREE FARMS	LC	COM, LCO	0.100	N/A	43.44
7854-3	DAVID ULVESTAD	PE	COM, LCO	0.890	N/A	386.62
7259-3	OLD APOSTOLIC LUTHERAN CHURCH	LC	GEO	1.000	120.00	120.00
5129-3	TECHNICAL ORDNANCE INC	LC	IND	0.100	N/A	43.44
6146-3	SD SOYBEAN PROCESSORS	LC	IND	0.144	N/A	62.55
1317-3	CITY OF ESTELLINE	LC	MUN	1.100	N/A	477.84
1759-3	CITY OF VOLGA	LC	MUN	1.650	N/A	716.76
3117-3*	TOWN OF HAYTI	LC	MUN	0.330	N/A	0.00
4950-3	CITY OF BRUCE	LC	MUN	0.270	N/A	117.29
5071-3*	CITY OF CLEAR LAKE	LC	MUN	0.450	N/A	0.00
5167-3	CITY OF VOLGA	LC	MUN	0.450	N/A	195.48
534A-3*	CITY OF CLEAR LAKE	LC	MUN	1.100	N/A	0.00
557-3	CITY OF LAKE NORDEN	LC	MUN	3.000	N/A	1303.20
558B-3	CITY OF CASTLEWOOD	LC	MUN	0.560	N/A	243.26
558D-3	CITY OF CASTLEWOOD	LC	MUN	0.330	N/A	143.35
5645-3	CITY OF ESTELLINE	LC	MUN	0.660	N/A	286.70
617-3*	TOWN OF HAYTI	LC	MUN	0.660	N/A	0.00
5815-3	CITY OF LAKE NORDEN	LC	MUN	0.560	139.00	139.00
5941-3	CITY OF VOLGA	LC	MUN	0.890	644.00	644.00
6417-3	CITY OF LAKE NORDEN	LC	MUN	1.450	630.00	630.00
6542-3	CITY OF LAKE NORDEN	LC	MUN	0.600	262.00	262.00
8640-3	CITY OF VOLGA	PE	MUN	1.110	645.00	645.00
2033-3	SIOUX RURAL WATER SYSTEM	LC	RWS	0.750	N/A	325.80
4830-3	BROOKINGS-DEUEL RWS	LC	RWS	2.000	N/A	868.80
5079-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	2.900	N/A	1259.76
5434-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	434.00	434.00

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
5602-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	434.00	434.00
5960-3	SIOUX RURAL WATER SYSTEM	PE	RWS	1.330	600.00	600.00
6002-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	362.00	362.00
2245B-3	BROOKINGS-DEUEL RWS	LC	RWS	1.930	270.00	270.00
6718-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1.000	300.00	300.00
7381-3	BROOKINGS-DEUEL RWS	PE	RWS	0.000	N/A	0.00
7852-3	SIOUX RURAL WATER SYSTEM INC	PE	RWS	1.330	600.00	600.00
8185-3	JOINT WELL FIELD INC.	PE	RWS	0.000	603.00	603.00
7852A-3	SIOUX RURAL WATER SYSTEM	PE	RWS	0.000	N/A	0.00
6988A-3	JOINT WELL FIELD INC	PE	RWS	0.000	N/A	0.00
8371-3	JOINT WELL FIELD INC	PE	RWS	0.000	434.00	434.00
8732-3	SIOUX RURAL WATER SYSTEM	PE	RWS	0.000	N/A	0.00
1956-3	H. E. MEYER	LC	SHD	1.000	N/A	434.40
1956-3A	NEIL HAMILTON	LC	SHD	0.040	N/A	17.38
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, LCO Livestock Confinement Operation, GEO Geothermal, IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, *These Water Rights get their water from a separate system rather than local wells.					TOTAL:	14,378

Currently, there are 215 irrigation water rights/permits appropriating water from the Big Sioux: Brookings aquifer (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 9,028 acre-feet per year (Table 3) (Water Rights, 2024a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2013 to 2022 is approximately 10,454 acre-feet per year (Table 3) (Water Rights, 2024a).

There are 4 irrigation water permits approved in 2023, that are not accounted for in Table 3, Water Permit Nos. 8712-3, 8738-3, 8753-3, and 8758-3 (Water Right, 2024c). Water Permit Nos. 8712-3, 8738-3, 8753-3, and 8758-3 combined are authorized to irrigate approximately 811 acres (Water Rights, 2024c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water rights/permits. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 8712-3, 8738-3, 8753-3, and 8758-3 is estimated at approximately 811 acre-feet per year. Additionally, this application proposes to use approximately 136 acre-feet per year on average. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2013 to 2022 (10,454 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2023 and this application (947 acre-feet/year), is approximately 11,401 acre-feet per year.

Table 3. Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2024a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	184	6,144
1980	187	9,837
1981	198	9,040
1982	155	4,558
1983	161	8,227
1984	188	8,177
1985	181	4,951
1986	179	2,855
1987	171	10,015
1988	167	18,521
1989	166	13,931
1990	175	5,863
1991	165	7,772
1992	162	2,332
1993	162	1,043
1994	160	2,855
1995	161	3,862
1996	154	7,221
1997	153	5,650
1998	157	8,110
1999	155	7,841
2000	153	8,934
2001	149	8,385
2002	149	12,411
2003	149	11,380
2004	156	11,810
2005	159	11,513
2006	161	14,325
2007	164	12,730
2008	166	12,506
2009	174	9,173
2010	172	2,713
2011	174	8,528
2012	177	19,483
2013	198	15,432
2014	212	9,948
2015	209	8,796
2016	210	10,267
2017	209	9,572
2018	211	7,953
2019	211	106
2020	209	10,001
2021	205	17,955
2022	206	14,509
Max	212	19,483
Min	149	106
Avg (1982-2022)	175	9,028
Avg (2013-2022)	208	10,454

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

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Brookings aquifer is estimated to be about 107,667 acre-feet/year (Stonesifer, 2013). The estimated average withdrawal rate from the Big Sioux: Brookings aquifer totals to approximately 31,820 acre-feet/year; (future use: 6,041 acre-feet/year; non-irrigation: 14,378 acre-feet/year; and irrigation (avg 2013 to 2022 plus the water rights/permits approved in 2023) and pending applications: 11,401 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR-Water Rights Program monitors 77 observation wells completed into the Big Sioux: Brookings aquifer. The observation wells completed into the aquifer are shown on Figure 1 (Water Rights, 2024b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the existing diversion point are HN-83A (approximately 0.5 miles north), HN-77J (approximately 2.2 miles southwest), and HN-75A (approximately 2.7 miles southwest) (Water Rights, 2024b). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024b). The majority of observation wells in the Big Sioux: Brookings aquifer have a stable water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize. The data shown on Figure 2 shares a similar trend with most of the observation wells in the Big Sioux: Brookings aquifer.

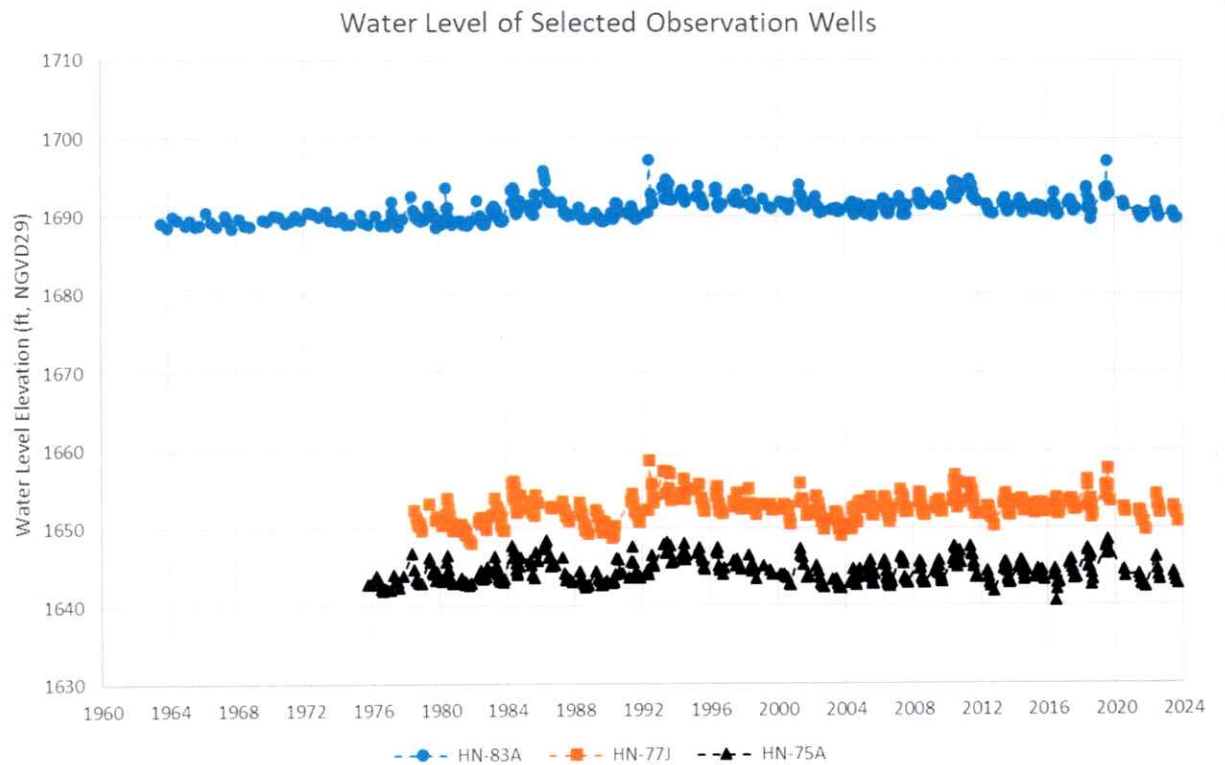


Figure 2. A graph showing the elevation of water levels of observation wells HN-83A, HN-77J, and HN-75A (Water Rights, 2024b)

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

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the existing well site for this application are shown in Figure 3 and summarized in Table 4 (Water Rights, 2024c). The closest water right/permit (not held by the applicant) to the diversion point is Water Right No. 5374-3 which is held by Kenneth/Judith Foster. The diversion point for Water Right No. 5374-3 is located approximately 0.4 miles south of the diversion point for this application (Water Rights, 2024c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.7 miles southwest of the diversion point based on the well completion report submitted by the driller (Water Rights, 2024d). The location of the domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

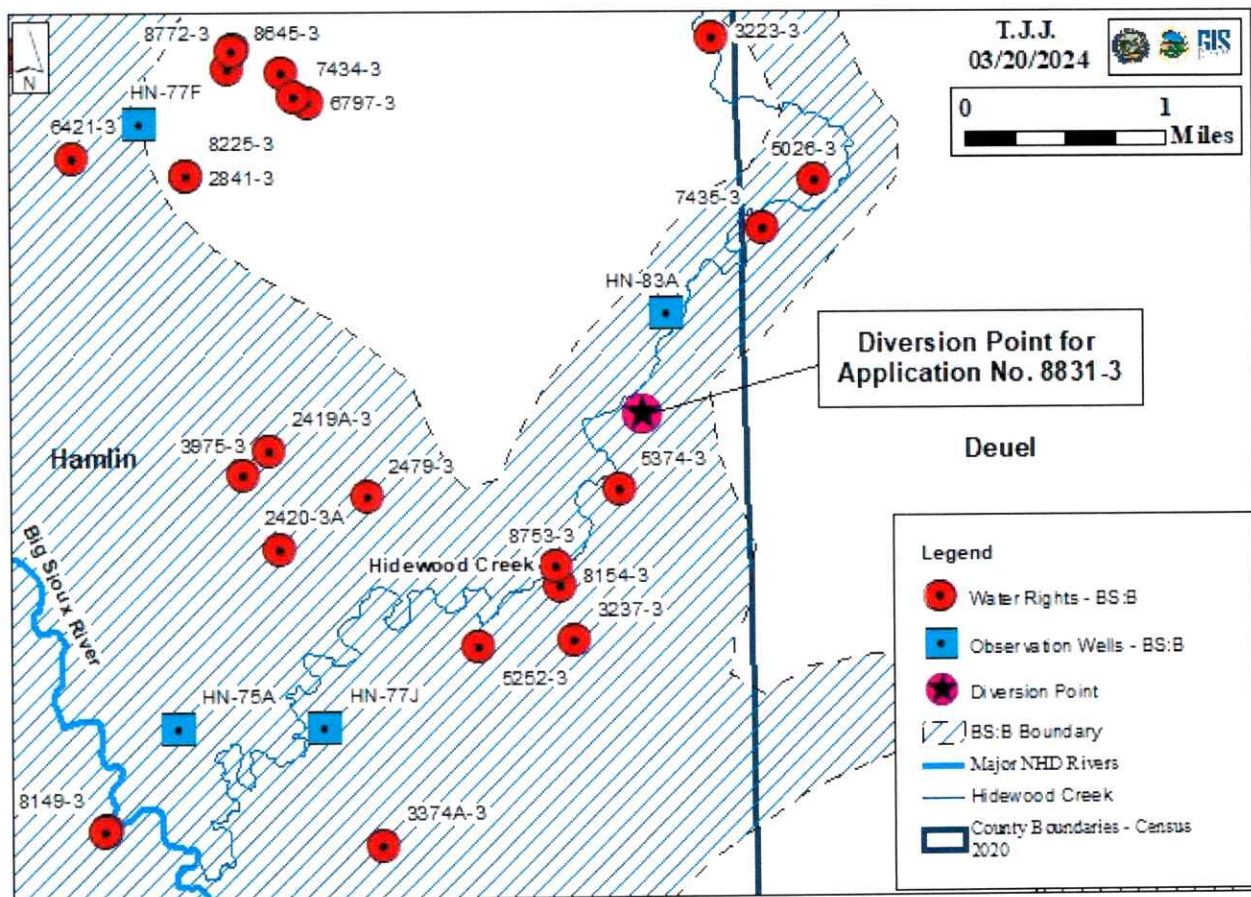


Figure 3. Map of the Big Sioux: Brookings aquifer water rights/permits within 4 miles of the proposed location of diversion point for Water Permit Application No. 8831-3 (Water Rights, 2024b and 2024c).

Table 4. List of water rights/permits within 2 miles of the diversion point shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
2419A-3	GTS	10/15/1975	License	Irrigation	1	70
2420-3A	Gerald L Spilde	10/15/1975	License	Irrigation	1.89	132
2479-3	Pine Knoll Inc.	12/15/1975	License	Irrigation	2	258
3223-3	Poinsett Htrn Brth	10/28/1976	License	Irrigation	5	560
3237-3	Kenneth Foster	10/15/1976	License	Irrigation	1.16	225
3975-3	GTS	05/24/1977	License	Irrigation	2.95	207
5026-3	Poinsett Htrn Brth	05/23/1984	License	Irrigation	1.55	122.5
5252-3	Dale Williams	05/29/1988	License	Irrigation	1.78	200
5374-3	Kenneth/Judith Foster	11/27/1989	License	Irrigation	1.89	132
7435-3	Poinsett Htrn Brth	09/14/2012	License	Irrigation	1.22	76
8154-3	Dale G Williams	03/16/1989	License	Irrigation	1.78	230.5
8753-3	Dale G Williams	04/11/2023	License	Permit	0.67	20

The Big Sioux: Brookings aquifer is primarily under unconfined conditions. However, the aquifer may be locally under confined conditions by a clay layer at the well site for this application. However, there are unconfined conditions in relatively close proximity and the proposed well is likely to mainly act as if completed into an unconfined aquifer due to the very limited artesian head pressure. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use 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.”

In Hamlin and Deuel Counties, the Big Sioux aquifer has an average saturated aquifer thickness of approximately 30 feet (Kume, 1985). Drawdown is likely to occur in the Big Sioux: Brookings aquifer. However, precise drawdown in the aquifer cannot be known without an aquifer performance test. While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Big Sioux: Brookings aquifer in Hamlin County (Water Rights, 2024e), the nearby unconfined conditions in the aquifer, and that the proposed well is likely to behave as if

completed into an unconfined aquifer due to limited artesian head pressure, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8831-3 proposes to authorize 1.78 cfs from two wells to be completed into the Big Sioux: Brookings aquifer (approximately 66 feet deep) for irrigation of 136 acres. The site of interest is located in Hamlin County approximately 3 miles north of Estelline, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8831-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



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

Reviewed by:



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

References

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- Water Rights, 2024e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 2, 2024

Allen Fugere
700 Main Street N
Estelline SD 57234

Dear Mr. Fugere:

Water Permit Application No. 8831-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Hamlin County Herald Enterprise printed in Hayti SD (Ph # 605 783-3636) and the Public Opinion printed in Watertown 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.

NOTICE OF APPLICATION NO. 8831-3 to Appropriate Water

Notice is given that Allen Fugere, 700 Main Street N, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 66 feet deep) located in the S 1/2 NW 1/4 Section 1 for irrigation of 136 acres located in the NW 1/4 Section 1; all in T113N-R51W. This site is located approximately 3 miles north of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8831-3 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.

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: Tuesday, April 2, 2024 11:28 AM
To: LeeAnne Dufek
Subject: 8831-3 Allen Fugere - Public Notice
Attachments: 8831-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 10, 2024.

Allen Fugere, 700 Main Street N, Estelline SD 57234, 605-881-4221 or 605-873-2496 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: Tuesday, April 2, 2024 11:29 AM
To: legals@thepublicopinion.com
Subject: 8831-3 Allen Fugere - Public Notice
Attachments: 8831-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

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



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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. Capital
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

04/10/2024

and that the fees charged are legal.
Sworn to and subscribed before on 04/10/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$49.66

Order No: 10036959

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Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8831-3
to Appropriate Water**

Notice is given that Allen Fugere, 700 Main Street N, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 66 feet deep) located in the S 1/2 NW 1/4 Section 1 for irrigation of 136 acres located in the NW 1/4 Section 1; all in T113N-R51W. This site is located approximately 3 miles north of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8831-3 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.

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 April 10, 2024, at the total approximate cost of \$49.66 and may be viewed free of charge at www.sdpublishnotices.com

APR 15 2024

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SSI. Lee Anne Dufekcertify that the attached printed Notice was taken
from the Estelline Journalprinted and published in EstellineCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 10, 2024Cost of Printing \$39.29Leeanne Dufek
(Signature)Dwner
(Title)4-11-2024
(Date Signed)NOTICE OF APPLICATION
NO. 8831-3 TO
APPROPRIATE WATER

Notice is given that Allen Fugere, 700 Main Street N, Estelline SD 57234 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 66 feet deep) located in the S 1/2 NW 1/4 Section 1 for irrigation of 136 acres located in the NW 1/4 Section 1; all in T113N-R51W. This site is located approximately 3 miles north of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8831-3 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.

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 April 10, 2024, at total cost of \$39.29 and may be viewed online at www.sdpublicnotices.com

Order Confirmation

Not an Invoice

Account Number:	921672
Customer Name:	Fugere, Allen
Customer Address:	Fugere, Allen 700 Main ST N Estelline SD 57234-2012
Contact Name:	Allen Fugere
Contact Phone:	
Contact Email:	
PO Number:	

Date:	04/02/2024
Order Number:	10036959
Prepayment Amount:	\$ 0.00

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

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	04/10/2024 - 04/10/2024	Public Notices
WAT thepublicopinion.com	1	04/10/2024 - 04/10/2024	Public Notices

Order Confirmation Amount

\$49.66

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, April 2, 2024 12:16 PM
To: Rodriguez, Rachel
Subject: [EXT] 10036959 RE: 8831-3 Allen Fugere - Public Notice
Attachments: Order_Confirmation_Liners - 2024-04-02T131515.833.pdf

Hello!

Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Public Opinion on 4/10. The order cost is \$49.66 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email by 8am on Monday with any changes.

Please call 844-254-5287 by 8am on Monday **for PAYMENT of the ad in order to run.** Anyone who answers can help you. Please reference ad# 10036959.

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.

Thank you!
Kerri Furnace
Public Notice Representative



Office: 844-254-5287

*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. If your ad is not complaint with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, April 2, 2024 12:29 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 8831-3 Allen Fugere - Public Notice

Attached is a notice to be published on April 10, 2024.

Allen Fugere, 700 Main Street N, Estelline SD 57234, 605-881-4221 or 605-873-2496 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,



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2024

Allen Fugere
700 Main Street N
Estelline SD 57234

Dear Mr. Fugere:

Enclosed is Water Permit No. 8831-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8831-3

Name of Applicant: Allen Fugere

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, 20 24.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 6-5-24

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM: allen fugere
(name)
700 North Main
(address)
Estelline SD 57234 1-605-881-4221
(city, state, zip) (phone)

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

Water Permit No. 8831-3 states that the water use system is to be constructed by
October 22 2026 and water is to be put to beneficial use by Oct. 22 2026
(date) (date)
April 22 2024
The water use system was completed on April 22 2029
(date)
Applying the water to beneficial use was completed on April 22 2033
(date)

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

allen fugere
(signature)



RECEIVED

JUN 13 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 13, 2024

8831-3

Allen Fugere
700 North Main
Estelline SD 57234

Dear Mr. Fugere:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Permit No. 8831-3.

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

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

Sincerely,

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

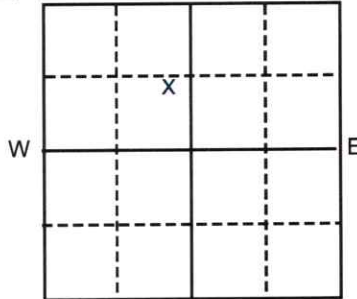
8831-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 1 Twp 113 Rg 51County Hamlin

North

Please mark well
location with an "X"

Well Completion Date

12/9/2022

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>51</u> FT	<u>17 1/2</u> IN
LB/FT	<u>12</u> IN	<u>66</u> FT	<u>76</u> FT	<u>17 1/2</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>HS Bentonite</u>	<u>6</u>	Lb/gal	<u>0.0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 15 Feet
 Material Stainless Steel
 Slot Size .080 Set From 51 Feet to 66 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: Allen Fugere

Business Name:

Address: 700 No Main StCity, State, Zip: Estelline ☒ SD ☒ 58234

WELL LOG:

		DEPTH	
FORMATION		FROM	TO
Topsoil	Black	0	1
Clay	Tan	1	2
Sand		2	12
Sandy Clay	Blue	12	20
Sand/Gravel		20	30
Clay	Blue	30	53
Sand/Gravel		53	66
Clay	Green M/Hard	66	76

STATIC WATER LEVEL 10 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

41.5 Ft. After 24 Hrs. pumped 280 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

IRR Well - TH #1

GPS:

44 37 30.10N96 53 49.60WThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 20 2023

Date:

OFFICE OF
WATER