

WATER PERMIT NO. 8834-3

Name of Applicant: Smit Family Trust, c/o David Smit

Address: 45536 283rd Street, Hurley SD 57036 Phone: 605-310-0640

Amount of Water Claimed: No add'l Total Acres: 18

Source of Water Supply: Groundwater

Water to be used for: Irrigation County: Clay

Type of Waste Disposal System:

Location: Approx. 5 miles south of Centerville SD

PRIORITY Date Received: 02-05-24

Application/License Fee: \$500.00

Corrected Application Received: 02-09-24

Period of Annual Use: April 1 – October 31

Remarks: In comment box of Irrigation Questionnaire - stated that acreage for Permit 6569-3 was not accurate; adding additional 18 acres

Diversion Point: NW 1/4 NW 1/4 Sec 22-T95N-R52W

Land to be Irrigated: NW 1/4 Sec 22-T95N-R52W

22

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 02-09-24

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8834-3

Date of first receipt of application February 5, 2024.

Date of return to applicant for corrections, amendments or changes February 7, 2024.

Date of receipt of corrected application February 9, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8834-3 to Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036, 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. 8834-3 authorizes the irrigation of an additional 18 acres with no increase in diversion, to what is already authorized under Water Permit No. 6569-3. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri aquifer. Additional study, since the review and approval of the original application in 2005, identifies the water source as the Upper Vermillion Missouri: South Aquifer. This permit identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South Aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (60 feet deep) located in the NW 1/4 NW 1/4 Section 22 for irrigation of 42 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 22; all in T95N-R52W. This permit authorizes irrigation of an additional 18 acres located in the NW 1/4 Section 22-T95N-R52W. This permit, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres. This site is located approximately 5 miles south of Centerville 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 February 5, 2024.
4. The date of approval of Permit No. 8834-3 is April 29, 2024.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit Nos. 6569-3 and 8834-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6569-3 and 8834-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 17 2024
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8834-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion</u> Newspaper <u>Vermillion Plain Talk</u> <u>Daily Press & Dakotan</u> (office use only)
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PAID
FEB 05 2024
Ck# 7066
Rec't# 2/5/24

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No: 6569-3
(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 Smit Family Trust c/o David Smit
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 45536 283rd St Harley So. Dak 57036
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-310-0640 Email 73edsmit@gmail.com
2. Amount of water claimed no add'l *CFS or _____ **GPM _____ ***AF _____ Total Acreage 25.18
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 1 wells-auth by Permit No. 6569-3
4. Location of point of diversion N 1/2 SW 1/4 & NW 1/4 NW 1/4 - all in Sec 22 T95N-R52W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County Clay
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April 1 - Oct 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
NW 1/4 of NW 1/4 in 22-95-52	60 18		
Clay Co.			

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

additional acres to what is already permitted under 6569-3 RECEIVED

FEB 05 2024

OFFICE OF
WATER

I, David Smit owner - manager applicant, certify under
Name of Person Title (if applicable)

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

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

(type or print in ink)

1. Well Information - Proposed Construction

- a) - Drill Hole Diameter 32" Depth 158'
- b) Casing Type Plastic Diameter 16" Thickness sch 40
- c) Screen Type Plastic Diameter 16" Thickness sch 40
- d) Gravel Pack Road Gravel Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material Gravel at 92' down to 158'
- f) Depth to Water (ground surface to water level) 60'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

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

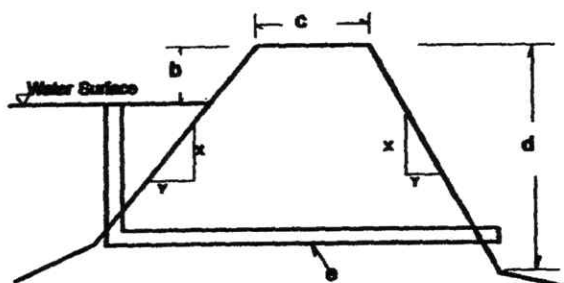
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Township: 95N 52W
Section: 16
QQ Sect: SENE

Township: 95N 52W
Section: 15
QQ Sect: SWNW

Township: 95N 52W
Section: 15
QQ Sect: SENW

Township: 95N 52W
Section: 15
QQ Sect: SWNE

Township: 95N 52W
Section: 15
QQ Sect: SENE

Township: 95N 52W
Section: 16
QQ Sect: NESE

Township: 95N 52W
Section: 15
QQ Sect: NWSW

Township: 95N 52W
Section: 15
QQ Sect: NESW

Township: 95N 52W
Section: 15
QQ Sect: NWSE

Township: 95N 52W
Section: 15
QQ Sect: NESE

95N 52W
Section: 16

95N 52W
Section: 15

Township: 95N 52W
Section: 16
QQ Sect: SESE

Township: 95N 52W
Section: 15
QQ Sect: SWSW

Township: 95N 52W
Section: 15
QQ Sect: SESW

Township: 95N 52W
Section: 15
QQ Sect: SWSE

Township: 95N 52W
Section: 15
QQ Sect: SESE

Township: 95N 52W
Section: 21
QQ Sect: NENE

Township: 95N 52W
Section: 22
QQ Sect: NENW

Township: 95N 52W
Section: 22
QQ Sect: NWNE

Township: 95N 52W
Section: 22
QQ Sect: NENE

10170102 Vermillion

Township: 95N 52W
Section: 21
QQ Sect: SENE

Township: 95N 52W
Section: 22
QQ Sect: SWNW

Township: 95N 52W
Section: 22
QQ Sect: SENW

Township: 95N 52W
Section: 22
QQ Sect: SWNE

Township: 95N 52W
Section: 22
QQ Sect: SENE

95N 52W
Section: 21

95N 52W
Section: 22

Township: 95N 52W
Section: 21
QQ Sect: NESE

Township: 95N 52W
Section: 22
QQ Sect: NWSW

Township: 95N 52W
Section: 22
QQ Sect: NESW

Township: 95N 52W
Section: 22
QQ Sect: NWSE

Township: 95N 52W
Section: 22
QQ Sect: NESE

Township: 95N 52W
Section: 21
QQ Sect: SESE

Township: 95N 52W
Section: 22
QQ Sect: SWSW

Township: 95N 52W
Section: 22
QQ Sect: SESW

Township: 95N 52W
Section: 22
QQ Sect: SWSE

Township: 95N 52W
Section: 22
QQ Sect: SESE

95N 52W
Section: 28

Township: 95N 52W
Section: 28
QQ Sect: NENE

Township: 95N 52W
Section: 27
QQ Sect: NWNW

Township: 95N 52W
Section: 27
QQ Sect: NENW

95N 52W
Section: 27

Township: 95N 52W
Section: 27
QQ Sect: NWNE

Township: 95N 52W
Section: 27
QQ Sect: NENE

TRACT 15 64.72 ACRES M/L

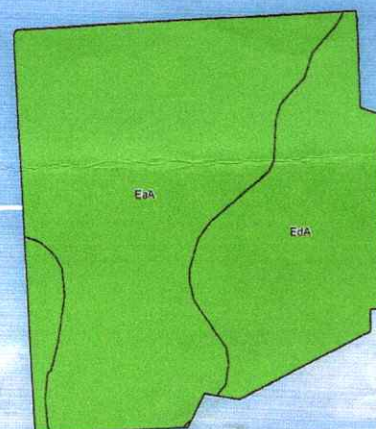
300th Street & 461st Avenue, Centerville, SD 57014

Tract 15 totals 64.72 acres m/l which consist of approximately 61.25 FSA tillable acres m/l carrying a PI of 86.2. Primary soil types include Egan-Chancellor-Davison Complex and Egan-Clarno-Trent Complex. Tract 15 is improved with an irrigation pivot which provides irrigation for approximately 54.87 acres. Located on the southeast corner of 300th Street and 461st Avenue in Section 22 of Riverside Township.

Estimated Annual Net Taxes: \$1,808.10

FSA TILLABLE SOILS

Code	Soil Description	Acres	Percent	Legend	Non-Irr Class	Productivity Index
EaA	Egan-Chancellor-Davison complex	38.82	63.4%		Iw	84
EdA	Egan-Clarno-Trent complex	22.43	36.6%		Iw	90
		61.25	Weighted Average			86.2



ClayCountyFarms.com

6569-3



United States Department of Agriculture
Farm Service Agency

22-95-52

Scott Porter CEJ

April 22, 2004

Clay County



1997 Digital Orthophotography - Not To Scale

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 5, 2024

RECEIVED OF Smit Family Trust c/o David Smit 45536 283rd St., Hurley SD 57036

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

Fee for Application for Permit No. <u>8834-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>8834-3</u>	\$ <u>50.00</u>
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>550.00</u>

By Eric Gronlund
Chief Engineer me

**SOUTH DAKOTA
WATER PERMIT NO. 6569-3**

Date of first receipt of application January 4, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6569-3 to Roger A Hansen, dba Hansen Properties, Box B, Centerville SD 57014 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. 6569-3 appropriates 1.11 cubic feet of water per second (cfs) from two wells completed into the Lower Vermillion Missouri Aquifer (one approximately 42 feet deep, the other 150 feet deep) located in the N ½ SW ¼ Section 22 (existing well authorized by Water Right Nos. 215-3 & 973-3) and the NW ¼ NW ¼ Section 22 to irrigate 42 acres located in the N ½ NW ¼, SW ¼ NW ¼ Section 22; all in T95N-R52W.
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 4, 2005.
4. The date of approval of Permit No. 6569-3 is March 14, 2005.
5. One-fifth of the construction is to be completed on or before September 14, 2007.
6. All construction is to be completed on or before March 14, 2010.
7. Water is to be put to beneficial use on or before March 14, 2014.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. 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 water rights.
2. The new well authorized by Permit No. 6569-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6569-3 authorizes a maximum diversion rate of 1.11 cfs from the wells for the irrigation of 42 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 01 2005

date



PAID
JAN 16 2020
Ck# 2424

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

JAN 16 2020

Water Right/Permit No. 6569-3

WATER RIGHTS
PROGRAM

Date: December 20, 2019

I/We request that Water Right/Permit No. 6569-3 formerly owned by:

MetaBank be transferred to:

New Owner Name: David Smit Revocable Trust & Cathy Smit Revocable Trust

Address: 45536 283rd Street

City, State, Zip Hurley SD 57036 Telephone No. 610-310-0640

Title to the following described land(s)/property has been transferred as described above:

42 acres located in the N 1/2 NW 1/4, SW1/4 NW1/4, all in Section 22-95N-R-52W

☒ I understand that the validity of Water Right/Permit No. 6569-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, David Smit, the new owner, certify that the above information is true and correct.

David Smit
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Water Rights Program - File Documentation

NAME: David Smit

ADDRESS: 45536 283rd Street, Hurley SD 57036

DATE: February 9, 2024

RE: Email I sent February 7, 2024, requesting clarification on acres.

COMMENTS:

David called today and stated that he wanted a total of 60 acres. Permit No. 6569-3 currently authorizes 42 acres. He would like to add 18 additional acres for a total of 60 acres.

Rachel Rodriguez

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, February 7, 2024 9:36 AM
To: '73cdsmit@gmail.com'
Subject: Water Permit Application for Irrigation
Attachments: map.pdf

Good Morning David,

In looking over your application, it looks good. However, there are a few things I need clarification on:

- Permit 6569-3 is authorized for 42 if you are adding acreage then it is considered a new application, not an amended application. Therefore, I just want to clarify that the additional acreage is as follows: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 -T95N-R52W. Attached is a map of the 60 acres highlighted in yellow, please let me know if that is correct. If it is not correct, then please outline the acreage and return to me.
- The tract 15 map submitted with the application has a total of 64.72 acres. Your application indicates a total acreage of 25 however, the land description indicates 60. So, my question is exactly how many acres are you adding? 20 or 25?

Once I receive your response, I can begin processing your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8834-3, Smit Family Trust**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8834-3, Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 8834-3 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 Nos. 6569-3 and 8834-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6569-3 and 8834-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 9, 2024

Report to the Chief Engineer
On Water Permit Application No. 8834-3

Smit Family Trust

April 3rd, 2024

Water Permit Application No. 8834-3 proposes to irrigate an additional 18 acres using the existing well and diversion rate currently authorized by Water Permit No. 6569-3. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri aquifer. Additional study since the review and approval of Water Permit No. 6569-3 in 2005, identifies the water source as the South management unit of the Upper Vermillion Missouri aquifer. This notice identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water (cfs) from one existing well completed into the Upper Vermillion Missouri: South aquifer (60 feet deep) located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 for irrigation of 42 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22; all in T95N-R52W. This application proposes to irrigate an additional 18 acres located in the NW $\frac{1}{4}$ Section 22-T95N-R52W. This application, if approved, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation and 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located approximately 5 miles south of Centerville, SD in Clay County.

AQUIFER: Upper Vermillion Missouri: South (UVM:S)

HYDROGEOLOGY:

The Southern management unit of the Upper Vermillion Missouri aquifer, referred to as the UVM:S aquifer for the remainder of this report, is a Quaternary aged glacial outwash that has materials ranging in size from a fine sand to a medium-pebble gravel (Lindgren & Hansen, 1990). The UVM:S aquifer is primarily confined but can be found under unconfined conditions in areas where the UVM:S aquifer is hydrologically connected to the Parker-Centerville aquifer (Holmes & Filipovic, 2015). The UVM:S aquifer is overlain by a till layer with a range of thickness up to 160 feet thick (Holmes & Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the entire Upper Vermillion Missouri aquifer (Holmes & Filipovic, 2015). From this study and a report written by Water Right staff engineer Buhler (2014), the Water Management Board, in a meeting held on March 6th, 2014, adopted three management units (North, South, and West) that divided the Upper Vermillion Missouri aquifer for the purposes of water management (Water Rights, 2014). The UVM:S aquifer is hydrologically connected to the other portions of the Upper Vermillion Missouri aquifer, the Parker-Centerville aquifer, and the Lower Vermillion Missouri aquifer (Buhler, 2014; Mathiowetz, 2018; Niehus, 1997; Holmes & Filipovic, 2015). Hedges and others (1982) delineated a boundary between the Upper Vermillion Missouri aquifer and Lower Vermillion Missouri aquifer with portions of each boundary being modified by Buhler (2014) and Mathiowetz (2018) in response to additional study of the Upper

Vermillion Missouri aquifer, as shown on Figure 1. Figure 1 also shows the estimated areal extent of the UVM:S aquifer, the area utilized for this report is approximately 78,820 acres (Buhler, 2014).

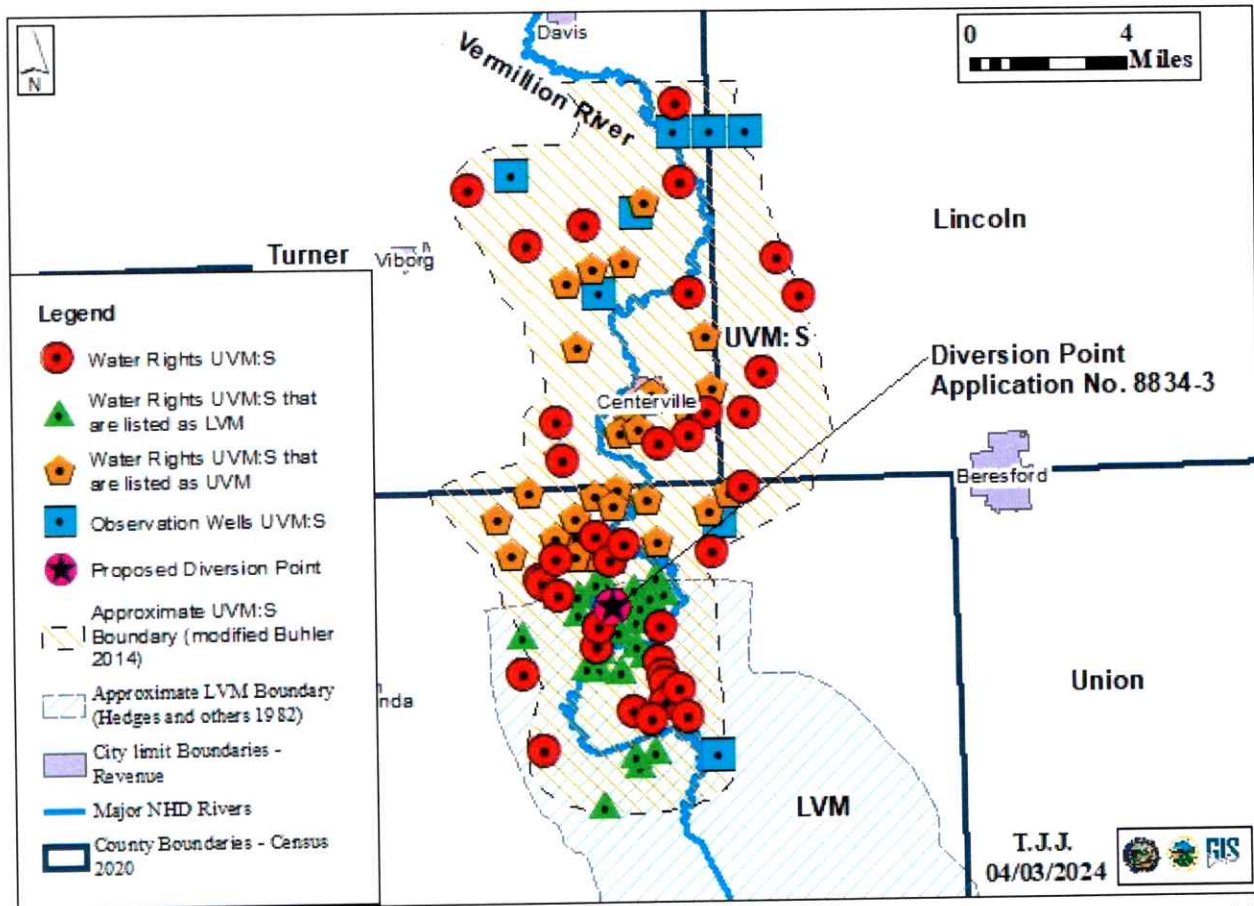


Figure 1. Map of the approximate UVM:S and LVM aquifer boundary delineated by Hedges and others (1982) with a portion of the UVM:S aquifer boundary modified by Buhler (2014), and the location of diversion point for Water Permit Application No. 8834-3, and UVM:S aquifer observation wells and Water Rights (Water Rights, 2024a and 2024b).

A water well completion report was not submitted with this application. However, Water Permit No. 6569-3 has a water well completion report on file (Water Rights, 2024c). The water well for Water Permit No. 6569-3 was completed on July 19th, 2007 (Water Rights, 2024c). The top of aquifer bearing material is 44 feet below ground surface, the static water level was 56 feet below ground surface, and a saturated aquifer thickness of 105 feet at the time of completion (Water Rights, 2024c). The well for Water Permit No. 6569-3 is under unconfined conditions along with a few other wells located within the Vermillion River floodplain in close proximity to the applicant's well (Water Rights, 2024c). However, wells in this area outside of the floodplain are typically confined (Water Rights, 2024c). This well is likely to behave in an unconfined manner except in the direction away from the floodplain where the effects of drawdown will be more similar to a confined aquifer.

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 UVM:S aquifer.

WATER AVAILABILITY:

Water Permit Applications No. 8834-3 proposes to appropriate water from the UVM:S 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 UVM:S 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 UVM:S aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the UVM:S aquifer is received primarily through infiltration of precipitation where the aquifer is at or near land surface. Additional recharge occurs where there is direct contact between the Upper Vermillion Missouri aquifer and Parker-Centerville aquifer (Lindgren & Hansen, 1990; Niehus, 1997; Holmes & Filipovic, 2015).

Using regional flow net analysis, Hedges and others (1985) estimated a recharge rate of 0.25 inches per year (in/yr) for the unconfined portion of the UVM aquifer. However, it should be noted that the entire UVM aquifer was analyzed as it was still considered one aquifer at the time. Using the current areal extent, from Buhler’s report (2014), and Hedges and others (1985) estimated recharge rate, the estimated recharge rate of the UVM:S aquifer should be 1,642 acre-feet per year; keeping in mind that this estimate is likely lower than the actual rate based on Holmes & Filipovic (2015) investigation and Buhler’s (2014) report.

Hedges and others (1985) estimated a recharge rate range of 0.15 to 0.6 in/yr to buried-confined aquifers for use by management and development programs. Using Buhler's (2014) aquifer area, that is an estimated average annual recharge rate range of approximately 985 to 3,941 ac-ft/yr. Based on the Holmes & Filipovic (2015) investigation and Buhler's (2014) report, recharge is likely greater than the upper extent of that range.

2014 Flow Net Analysis

From Buhler's (2014) analysis of the estimated groundwater outflow, recharge of the UVM:S aquifer exceeds withdrawals by a minimum estimate of 5,637 acre-feet per year. However, this recharge could be higher considering that another larger cross-section of the UVM:S aquifer shows recharge exceeding withdrawals by an estimated 8,223 acre-feet per year (Buhler, 2014). Several Permits have been approved by the Water Management Board since Buhler's analysis and will need to be considered in the withdrawals section (Water Rights, 2024b).

Discharge

Discharge from the UVM:S aquifer primarily occurs through well withdrawals, subsurface outflow to other glacial aquifers, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren & Hansen, 1990).

There are 97 water rights/permits authorized to appropriate water from the UVM:S aquifer (Water Rights, 2024b). Of these 97 water rights/permits, 31 are listed under UVM aquifer and 27 are listed under LVM aquifer in the water rights database, even though they are completed into the UVM:S aquifer, the other 39 water rights/permits are properly listed under the UVM:S aquifer. Since Buhler's (2014) flow net analysis will be used as a basis for determining a rough estimate of the aquifer's recharge rate in excess of withdrawals, any water rights/permits that were approved at the time of the analysis will already be accounted for. So, the withdrawal rate of water rights/permits approved after the analysis will contribute to the average annual withdrawal rate of the UVM:S aquifer compared to the estimated average annual outflow from the aquifer.

The estimated average annual withdrawal rate of the UVM:S aquifer water rights/permits approved since completion of Buhler's analysis is an estimated 2,350 acre-feet/year, as shown on Table 1. The withdrawal rate was found by summing the acreage of the 43 water rights/permits approved (shown on Table 1) since the completion of Buhler's (2014) report, then multiplying the total acreage by 0.5 feet/acre which is the annual average application rate per permitted acre in the UVM:S (Buhler, 2014). Applying the same rate to Water Permit Application's No. 8834-3 requested acres provides a total approximate withdrawal rate of 9 acre-feet/year. Other pending water permit (Nos. 8832-3 & 8833-3) applications would on average withdraw 21 acre-feet/year (Water Rights, 2024b). If these applications were to be approved the total estimated average annual withdrawal rate from the UVM:S since completion of Buhler's analysis is an estimated 2,380 acre-feet/year.

There are domestic wells completed into the UVM:S aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024c). 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 UVM:S 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 UVM:S aquifer.

Hydrologic Budget Summary

The recharge rate of the UVM:S, based on Buhler's (2014) analysis, is estimated to exceed withdrawals from the UVM:S by an estimated 5,637 to 8,223 acre-feet per year at the time of Buhler's (2014) analysis. Any water rights/permits listed as withdrawals from the Upper Vermillion Missouri aquifer or Lower Vermillion Missouri aquifer which are within the extent of the UVM:S aquifer were included in Buhler's (2014) analysis.

Since many previous water rights/permits are already accounted for in Buhler's (2014) recharge rate in excess of withdrawals analysis, only the water rights/permits approved at or after the March 6th, 2014, Water Management Board meeting need to be considered. The estimated average annual withdrawal rate for those water rights/permits from the UVM:S aquifer is approximately 2,350 acre-feet per year. If pending Water Permit Application Nos. 8832-3, 8833-3, and 8834-3 are approved, the estimated proposed withdrawal is 30 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply the proposed appropriation.

Table 1. List of estimated average annual withdrawal rates of water right/permits from the UVM:S aquifer that were approved at or after the March 6th, 2014, Water Management Board meeting, water right/permits with a priority date before the meeting date but not included in Buhler's analysis are accounted for in this table also (Buhler, 2014; Water Rights, 2024b)

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	115	57.5
6820A-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	43	21.5
7383-3	Metabank	07/20/2012	PE	IRR	25	12.5
7384-3	Nicholas & Courtney Blake	07/20/2012	PE	IRR	80	40
7441-3	Jason or Alicia Knutson	09/26/2012	PE	IRR	140	70
7442-3	Leah Johnson	09/26/2012	PE	IRR	40	20
7466-3	Bethel Hagen Trust	10/18/2012	LC	IRR	152	76
7467-3	Cleland Hagen Trust	10/18/2012	PE	IRR	152	76
7600-3	Micheal D Stevens	12/28/2012	PE	IRR	180	90
7601-3	Micheal D Stevens	12/28/2012	PE	IRR	132	66
7603-3	Micheal D Stevens	12/28/2012	PE	IRR	120	60
7690-3	Tim or Dave Ostrem	12/20/2013	PE	IRR	160	80
7693-3	Metabank	02/06/2013	PE	IRR	27.7	13.85
7900-3	Leon Thompson	09/11/2013	PE	IRR	136	68
7919-3	Larry & Marlene Erickson	10/23/2013	PE	IRR	83.83	41.92
7945-3	Brad R or Linda R Trudeau	01/17/2014	PE	IRR	60	30
7947-3	Leon, Holly, & Jordan Rozeboom	01/23/2014	PE	IRR	133.44	66.72
7948-3	Majestic Farms LLP	01/23/2014	PE	IRR	55.02	27.51
7949-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	100.9	50.45
7964-3	Paul, Mike, & John Shubeck	02/12/2014	PE	IRR	128	64
7976-3	Vasgaard Properties	02/27/2014	LC	IRR	142	71
7990-3	Robert P Walsh	04/02/2014	PE	IRR	240	120
7993-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	53	26.5
7994-3	Metabank	04/10/2014	PE	IRR	72	36
7995-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	25	12.5
8007-3	Louis Latendresse	04/18/2014	PE	IRR	150	75
8070-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	96	48
8071-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	51	25.5
8072-3	Jesse & Tanya Vandestroet	01/07/2015	PE	IRR	40	20
8469-3	Double A Farms LLC	03/15/2021	PE	IRR	114	57
8470-3	Nicholas Blake	03/22/2021	PE	IRR	160	80
8492-3	Tim or Kari Ostrem	02/19/2021	PE	IRR	180	90
8542-3	Tyler Anderson	08/09/2021	PE	IRR	103	51.5
8588-3	T & D Farms	02/03/2022	PE	IRR	160	80
8598-3	Tim Wellenstein	02/24/2022	PE	IRR	126	63
8599-3	Farron Pratt & Michelle Pratt	02/24/2022	PE	IRR	17.5	8.75
8619-3	Tim or Kari Ostrem	03/09/2022	PE	IRR	300	150
8685-3	Joe Schumacher	11/28/2022	PE	IRR	160	80
8686-3	Smit Family Trust	12/20/2022	PE	IRR	120	60
8689-3	Richard P Hybertson	03/06/2023	PE	IRR	97	48.5
8690-3	Richard P Hybertson	03/06/2023	PE	IRR	72	36
8695-3	William H Hansen	12/28/2022	PE	IRR	72.03	36.02
8790-3	William D/Judy Knutson	08/16/2023	PE	IRR	86	43
PE: Water Permit, LC: Water Right License, IRR: Irrigation				TOTAL:	4,700	2,350

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 nine observation wells completed into the UVM:S aquifer as shown on Figure 1 (Water Rights, 2024a). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the diversion point are CL-66AR (approximately 0.1 miles northwest), CL-80K (approximately 3.5 miles northeast), and CL-80J (approximately 4.7 miles southeast) (Water Rights, 2024a). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024a). The data shown on Figure 2 shares a similar trend with most of the observation wells in the UVM:S aquifer.

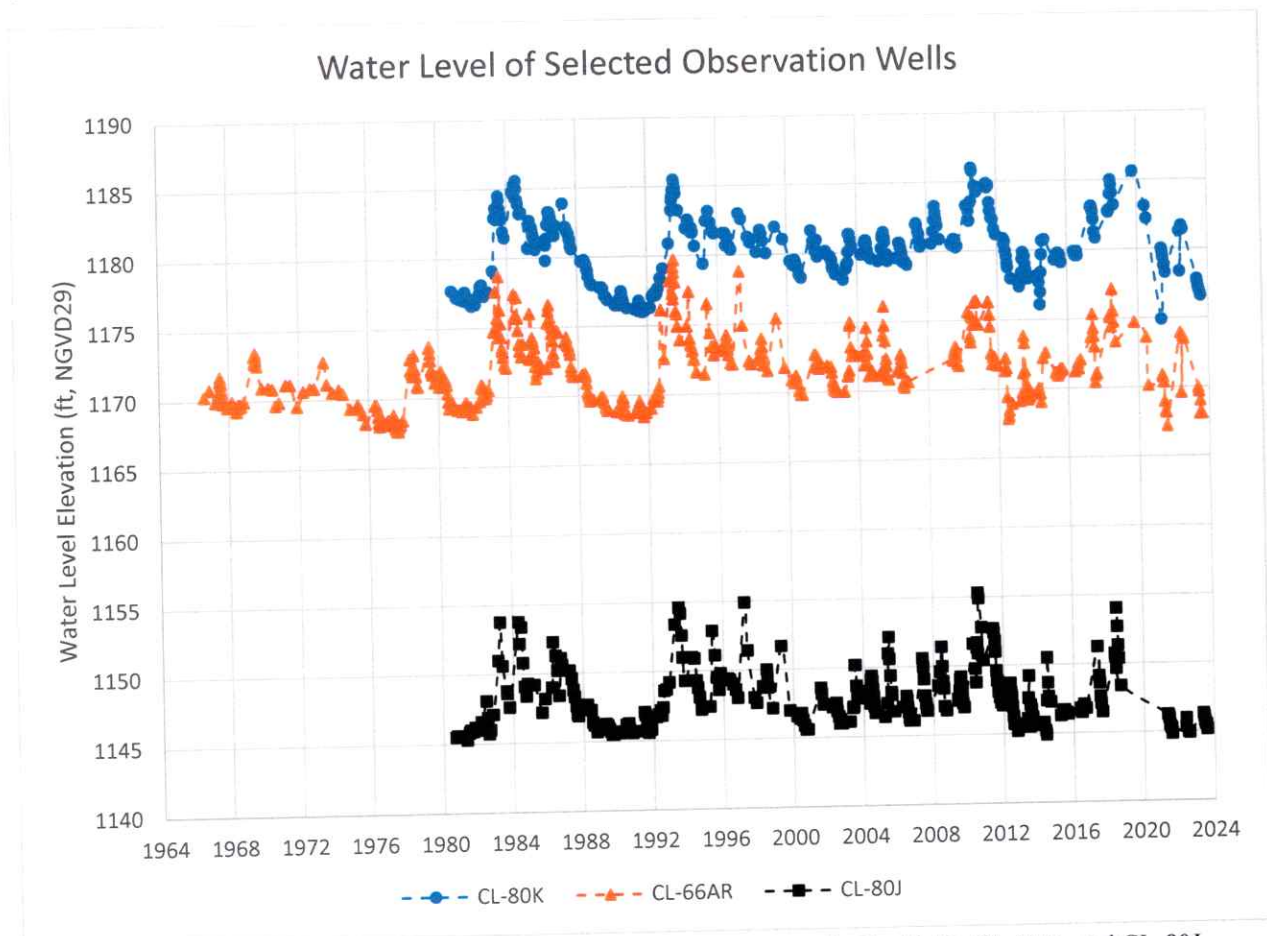


Figure 2. A graph showing the elevation of water levels of observation wells CL-66AR, CL-80K, and CL-80J (Water Rights, 2024a)

Currently all of observation wells in the UVM:S aquifer have a stable trend in the water level, as seen in Figure 2. The water level for the UVM:S aquifer observation wells 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 water levels 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 UVM:S aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well water levels 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 well site for this application are shown in Figure 3 and summarized in Table 2. The closest water right/permit to the diversion point for this application is Water Right No. 7383-3 which is held by Hansen Venture LLC. The diversion point for Water Right No. 7383-3 is located approximately 0.5 miles east of the diversion point for this application (Water Rights, 2024b). There are domestic wells on file with the DANR-Water Rights Program that are completed into the UVM:S aquifer, with the closest domestic well on file (not held by the applicant) less than 0.1 miles southeast of the diversion point based on the legal description provided by the well driller on the well completion report (Water Rights, 2024c). There could potentially be other domestic wells completed into the UVM:S aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

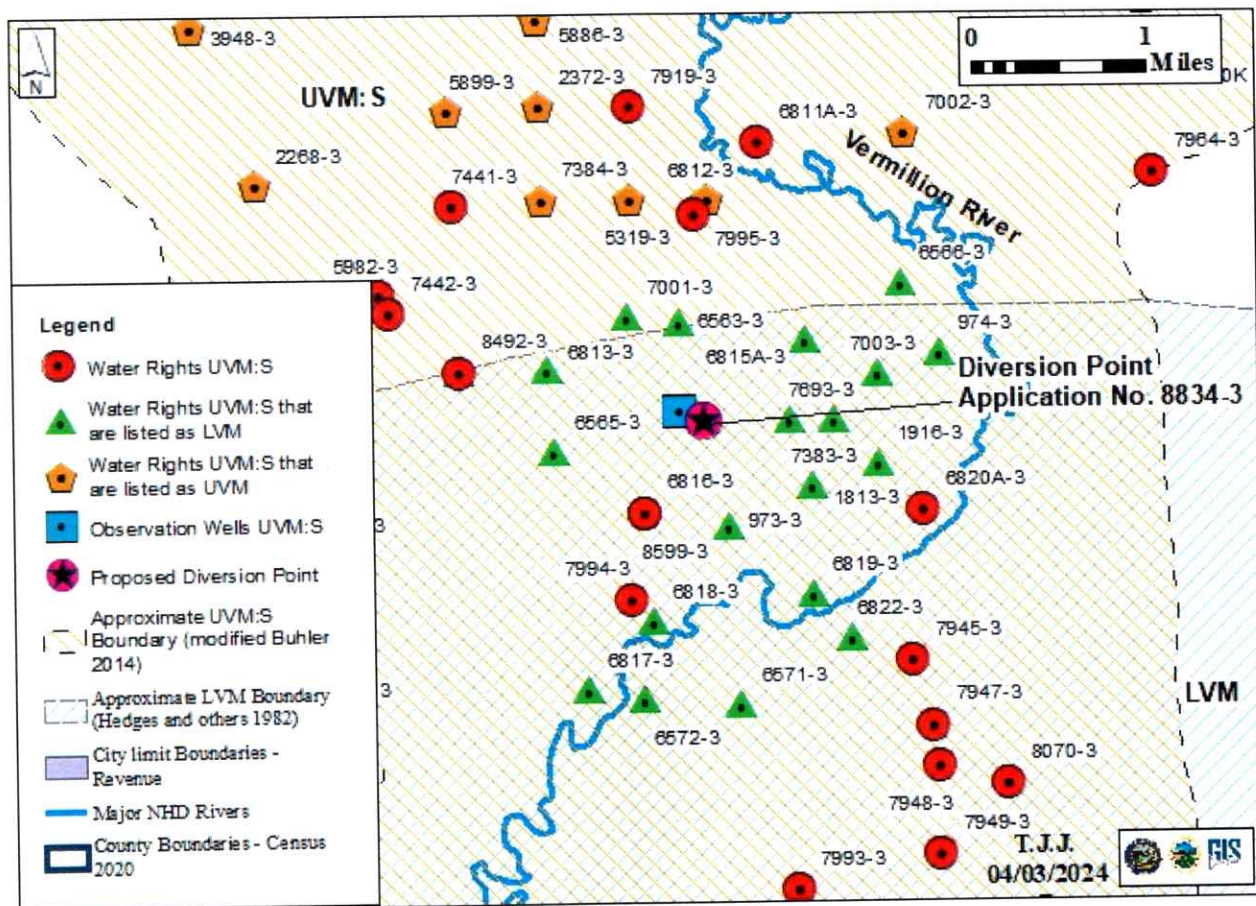


Figure 3. Map of the diversion point for Water Permit Application No. 8834-3, nearby UVM:S aquifer water rights/permits including UVM:S water rights/permits listed as UVM or LVM, and observation wells within 2 miles of the diversion point (Water Rights, 2024a and 2024b).

Table 2. List of water rights/permits within approximately 1 mile of the diversion point shown in Figure 3 (Water Rights, 2024b).

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
973-3	Nicholas & Courtney Blake	07/02/1956	License	Irrigation	1.78	131
1813-3	Hansen Ventures LLC	03/22/1971	License	Irrigation	2.06	144
1916-3	Troy & Sheila Gust	12/21/1971	License	Irrigation	1.33	169
6563-3	Rus Farms Real Estate LLC	04/22/1968	License	Irrigation	1.78	242.5
6565-3	Rus Farms Real Estate LLC	01/04/2005	License	Irrigation	1.78	130
6569-3	Smit Family Trust	01/04/2005	License	Irrigation	1.11	42
6813-3	Rus Farms Real Estate LLC	01/05/2005	License	Irrigation	1.78	187
6815A-3	Rus Farms Real Estate LLC	01/04/2005	License	Irrigation	1.78	264.5
6816-3	Farron & Michelle Pratt	02/20/2007	License	Irrigation	1.39	47.5
7001-3	Rus Farms Real Estate LLC	03/14/2008	License	Irrigation	1.78	170
7003-3	Hansen Ventures LLC	01/04/2005	License	Irrigation	0.67	31
7383-3	Hansen Ventures LLC	07/20/2012	Permit	Irrigation	0.56	25
7693-3	Hansen Ventures LLC	02/06/2013	Permit	Irrigation	0.67	27.7
8599-3	Farron & Michelle Pratt	02/24/2022	Permit	Irrigation	0.17	17.5

Based on the well completion reports near the diversion point for this application, the UVM:S aquifer can be under confined or unconfined conditions near the well site. In an unconfined aquifer, drawdown typically doesn't extend far from the pumping well. 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."

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, "general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable..." (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the UVM:S aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the history of irrigation in

the area without any complaints of well interference (Water Rights, 2024d), and the saturated aquifer thickness near the diversion point, 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.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...”

If approved, Water Permit Application No. 8834-3 would authorize a maximum instantaneous diversion rate of 1.11 cfs from one well for the irrigation of 60 acres or the equivalent of 1.30 cfs per 70 acres. The map and application submitted by the applicant indicates the center pivot system to be used is an undersized center pivot. A center pivot typically requires a certain diversion rate, 1.11 cfs in this case, to operate properly regardless of swinging a partial or full circle, full-size or undersized. An undersized pivot, less than ¼ mile long, typically requires the same or similar diversion rate as a full-size pivot, so the statutory rate limit might be exceeded when a pivot is not full size. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.

CONCLUSIONS:

1. Water Permit Application No. 8834-3 proposes to irrigate an additional 18 acres from the existing well authorized by Water Permit 6569-3. The site of interest is located approximately 5 miles south of Centerville, SD.
2. Water Permit No. 6569-3 authorizes 1.11 cfs from one well for the irrigation of 42 acres. Originally the water source for Water Permit No. 6569-3 was identified as being the Lower Vermillion Missouri aquifer; however, additional study identifies the water source to be the Upper Vermillion Missouri: South aquifer. This application will identify the water source for Water Permit No. 6569-3 as Upper Vermillion Missouri: South aquifer.
3. If this Application is approved, Water Permit Application No. 8834-3 and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the UVM:S aquifer to supply the proposed appropriation.

5. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres for Application No. 8834-3 to accommodate an undersized center pivot. This is reasonable and has been accepted by the Water Management Board and the Water Rights Program in the past.
6. There is a reasonable probability that the diversion by Water Permit Application No. 8834-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Reviewed by:



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



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

References

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- Water Rights, 2024c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
danr.sd.gov

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

April 11, 2024

Smit Family Trust
c/o David Smit
45536 283rd Street
Hurley SD 57036

Dear Mr. Smit:

Water Permit Application No. 8834-3 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 Plain Talk printed in Vermillion SD (Ph # 605 624-2695) and the Daily Press & Dakotan printed in Yankton SD (Ph # 605 665-7811). 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 19, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8834-3 to Appropriate Water and Water Source Identification for Water Permit No. 6569-3

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036 has filed an application for a water permit to irrigate an additional 18 acres. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri aquifer. Additional study, since the review and approval of the original application in 2005, identifies the water source as the Upper Vermillion Missouri: South Aquifer. This notice identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South Aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (60 feet deep) located in the NW 1/4 NW 1/4 Section 22 for irrigation of 42 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 22; all in T95N-R52W. This application proposes to irrigate an additional 18 acres located in the NW 1/4 Section 22-T95N-R52W. This application, if approved, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles south of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8834-3 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 29, 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 29, 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: Thursday, April 11, 2024 10:41 AM
To: Kelly Kronaizl
Subject: 8834-3 Smit Family Trust - Public Notice
Attachments: 8834-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 19, 2024, in the Plain Talk & Daily Press & Dakotan.

Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036, 605-310-0640 has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

PLAIN TALK

DAVID SMIT
45536 283RD ST
HURLEY SD 57036

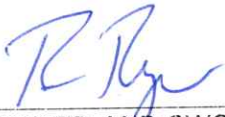
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
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MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 19th DAY OF April, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$48.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/19/2024

FILED ON: 04/19/24



SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF April, 2024



NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029



RECEIVED

APR 24 2024

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8834-3 to Appropriate Water and Water Source Identification for Water Permit No. 6569-3

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036 has filed an application for a water permit to irrigate an additional 18 acres. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri aquifer. Additional study, since the review and approval of the original application in 2005, identifies the water source as the Upper Vermillion Missouri: South Aquifer. This notice identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South Aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (60 feet deep) located in the NW 1/4 NW 1/4 Section 22 for irrigation of 42 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 22; all in T95N-R52W. This application proposes to irrigate an additional 18 acres located in the NW 1/4 Section 22-T95N-R52W. This application, if approved, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles south of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8834-3 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 Engineers 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 29, 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 29, 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 \$48.32 and can be viewed free of charge at

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APR 24 2024

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WATER

www.sdpublishnotices.com

Published April 19, 2024.

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APR 24 2024

**OFFICE OF
WATER**

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

APR 22 2024

OFFICE OF
WATER

SMIT FAMILY TRUST C/O DAVID SMIT
45536 283RD ST
HURLEY SD 57036

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

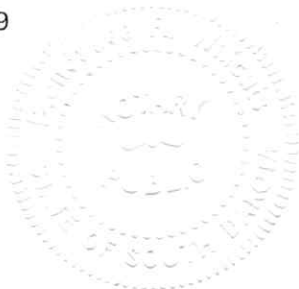
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NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029



NOTICE OF APPLICATION NO. 8834-3 to Appropriate Water and Water Source Identification for Water Permit No. 6569-3

Notice is given that Smit Family Trust, c/o David Smit, 45536 283rd Street, Hurley SD 57036 has filed an application for a water permit to irrigate an additional 18 acres. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri aquifer. Additional study, since the review and approval of the original application in 2005, identifies the water source as the Upper Vermillion Missouri: South Aquifer. This notice identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South Aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (60 feet deep) located in the NW 1/4 NW 1/4 Section 22 for irrigation of 42 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 22; all in T95N-R52W. This application proposes to irrigate an additional 18 acres located in the NW 1/4 Section 22-T95N-R52W. This application, if approved, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles south of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8834-3 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 Engineers 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 29, 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 29, 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 \$48.32 and can be viewed free of charge at

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 11, 2024 10:46 AM
To: 73cdsmit@gmail.com
Subject: 8834-3 Smit Family Trust - Public Notice
Attachments: 8834-3 Rec.pdf; 8834-3 Ltr.pdf; 8834-3 PubNotice.pdf

Good morning,

Attached is a copy of the report, chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2024

Smit Family Trust
c/o David Smit
45536 283rd Street
Hurley SD 57069

Dear Mr. Smit:

Enclosed is Water Permit No. 8834-3 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.: 8834-3

Name of Applicant: Smit Family Trust, c/o David Smit

Date of Posting: 4/15/2024

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)



8834-3

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

Date 5/25/2024

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

FROM: Smit Family Trust c/o David Smit
(name)
45536 283rd Street
(address)
Hurley, So. Dak 57036 605-310-0640
(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. 8834-3 states that the water use system is to be constructed by
Feb. 9, 2024 , and water is to be put to beneficial use by April 29, 2024 .
(date) (date)

The water use system was completed on May 1, 2024 .
(date)

Applying the water to beneficial use was completed on May 1, 2024 .
(date)

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

David Smit
(signature)

7-98



RECEIVED

MAY 30 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 30, 2024

8834-3

Smit Family Trust
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

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 under Permit No. 8834-3.

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

Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit Nos. 6569-3 and 8834-3

I have this day, October 23, 2024, made a thorough examination of the water use system owned by Smit Family Trust, 45536 283rd Street, Hurley, SD 57036, holders of Permit Nos. 6569-3, bearing the priority date of January 4, 2005, and 8834-3, bearing the priority date of February 5, 2024. Water Permit No. 8834-3 authorizes the irrigation of an additional 18 acres with no increase in diversion, to what is already authorized under Water Permit No. 6569-3. The water source for Water Permit No. 6569-3 was originally identified as being the Lower Vermillion Missouri Aquifer. Additional study, since the review and approval of the original application in 2005, identifies the water source as the Upper Vermillion Missouri: South Aquifer. This permit identifies the revised naming of water appropriated under Water Permit No. 6569-3 as being from the Upper Vermillion Missouri: South Aquifer. Water Permit No. 6569-3 authorizes 1.11 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (60 feet deep) located in the NW1/4 NW1/4 Section 22 for irrigation of 42 acres located in the N1/2 NW1/4, SW1/4 NW1/4 Section 22; all in T95N-R52W. Water Permit No. 8834-3 authorizes irrigation of an additional 18 acres located in the NW1/4 Section 22-T95N-R52W. Water Permit No. 8834-3, and Water Permit No. 6569-3 will authorize a combined total of 1.11 cfs for irrigation of 60 acres. This site is located approximately 5 miles south of Centerville, SD, and is in Clay County.

Inspection contacts: David Smit

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 162 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 102 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 56 feet

Pump:

- 1) Make: Borer Wholesale
- 2) Model: Unknown
- 3) Capacity: 750 gpm

Motor:

- 1) Make: Karlington
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: Aluminum Size: 8 inches Length: 10 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 822 feet
- 3) Number of towers: 5
- 4) End gun: Yes Range: 113 feet
- 5) Capacity: 700 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: The pump produces more flow than what was authorized.

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 860 feet south and 850 feet east of the northwest corner of Section 22-T95N-R52W (Latitude 43.03754, Longitude -96.98009, NW1/4 of the NW1/4).
- 2) The works are capable of diverting and conveying to the places of use 1.67 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

<u>Section 22-T95N-R52W</u>	
<u>NW1/4NW1/4</u>	<u>37 acres</u>
<u>NE1/4NW1/4</u>	<u>7.5 acres</u>
<u>SW1/4NW1/4</u>	<u>12 acres</u>
<u>SE1/4NW1/4</u>	<u>1.5 acres</u>

comprising a total of 58 acres of land and the license should be issued for 1.11 cfs.

- 3) All structures, wells and lands on map: Yes

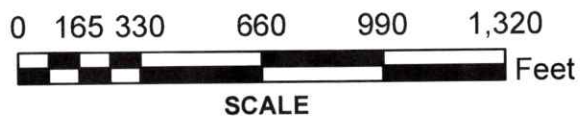
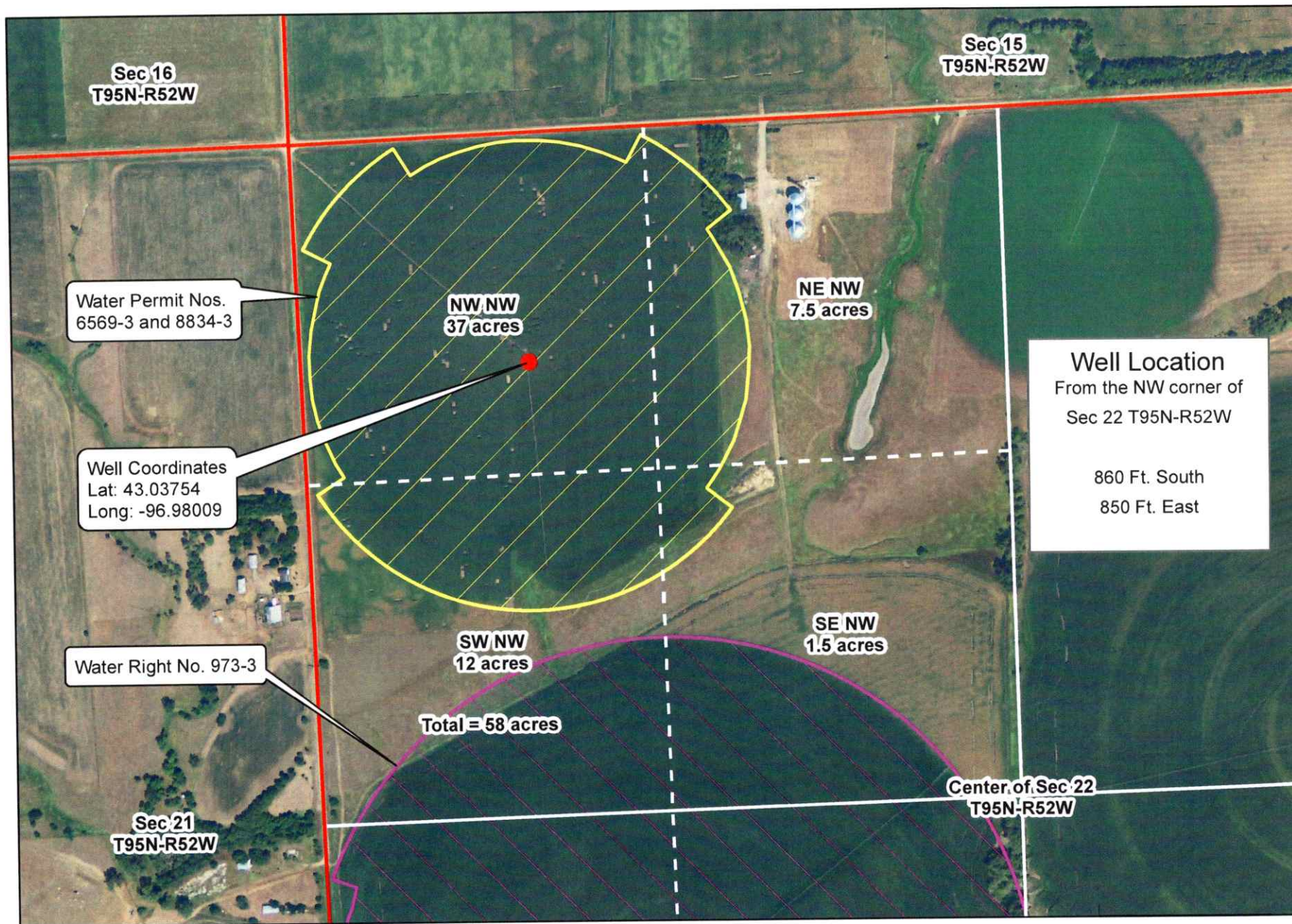
F. Comments or other permit(s) associated with the project: Water Permit No. 6569-3 allowed connection to the well associated with Water Right No. 973-3. This connection does not exist, and the irrigation system gets water only from the well in the NW1/4 of Section 22, T95N-R52W. Also, the pump flow rate is more than what was authorized by the permit. The pump and motor information was obtained from Reiners Well Drilling, who replaced the original pump and motor with a submersible system in 2023. Water Permit Nos. 6569-3 and 8834-3 should be combined into one license.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 6, 2024

Water Permit Nos. 6569-3 and 8834-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
October 23, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 15 2025

Smit Family Trust
c/o David Smit
45536 283rd St
Hurley, SD 57036

No. 8834-3

Dear Mr. Smit:

Enclosed is Water License No. 8834-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

Note: The well authorized under Water Right No. 8834-3 may be allowed to supply water to the irrigation system authorized under Water Right No. 973-3. The irrigation water use questionnaires need to be reported separately.

Note: While the original permit was issued for appropriations from the Lower Vermillion Missouri Aquifer, the aquifer designation has been changed to the Upper Vermillion Missouri: South Aquifer, based on the best information available. Redesignation of the appropriated aquifer does not represent a physical change in water source.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8834-3**

(1) On January 4, 2005, Roger Hansen, dba Hansen Properties made Application No. 6569-3, for a water permit to appropriate 1.11 cubic feet of water per second from groundwater, two wells (Upper Vermillion Missouri: South Aquifer), for irrigation purposes. Permit No. 6569-3, with a priority date of January 4, 2005, was approved March 14, 2005, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 14, 2010, and for the application to beneficial use of water on or before March 14, 2014. The applicable portions of Water Permit No. 6569-3 are incorporated into this license and previously established priority dates will be retained.

Ownership of Permit No. 6569-3 was transferred to Smit Family Trust, 45536 283rd St, Hurley, SD 57036 on December 18, 2023.

On February 5, 2024, Smit Family Trust made Application No. 8834-3, for a water permit to irrigate an additional 18 acres, to what was already authorized under Water Permit No. 6569-3, with no increase to the rate of diversion. Permit No. 8834-3, with a priority date of February 5, 2024, was approved April 29, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 860 feet S and 850 feet E from the NW corner of Section 22, T95N, R52W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.03754 and Longitude -96.98009)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.

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

Section 22, T95N, R52W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 7.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 37 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 12 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 1.5 acres
Total – 58 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Smit Family Trust, the holder and/or owner of Water Right No. 8834-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri: South Aquifer), with priority dates of January 4, 2005 (1.11 cfs & 42 acres) and February 5, 2024 (16 acres), from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8834-3 and subject to the following qualifications:

continued

Qualifications

1. The well approved under Water Permit No. 6569-3 and 8834-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6569-3 and 8834-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *(The number of acres authorized for irrigation under Water Right No. 8834-3 was reduced to 58 acres, based on the system as constructed.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

