

WATER PERMIT NO. 8836-3

Name of Applicant: **Kirk Sorensen**

Address: **46113 Timber Road, Vermillion SD 57069**

Phone: **605-202-0191**

Amount of Water Claimed: **2.22** Total Acres: **190**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **Approx. 9 miles northwest of Vermillion SD**

PRIORITY Date Received: **02-05-24**

Application/License Fee: **\$1,150.00**

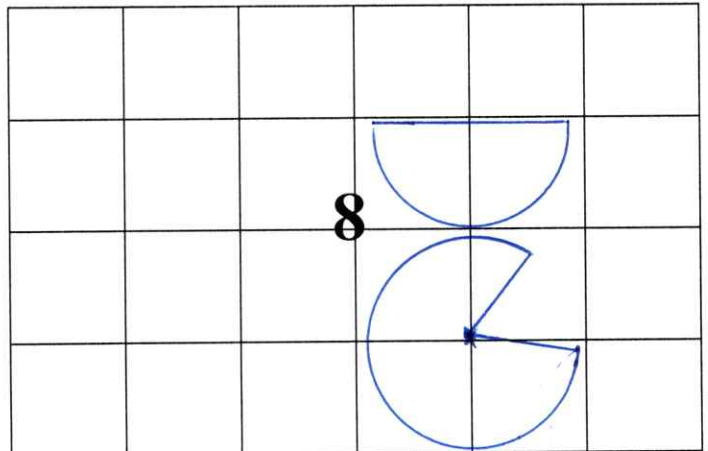
Corrected Application Received: **02-12-24**

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

Remarks:

Diversion Point: **Approximate center of SE 1/4 Sec 8 - T92N-R53W**

Land to be Irrigated: **S 1/2 NE 1/4, SE 1/4 Sec 8 - T92N-R53W**



Depth of Well: **115**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-13-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8836-3

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 12, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8836-3 to Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069 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. 8836-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of SE 1/4 Section 8 for irrigation of 190 acres located in the S 1/2 NE 1/4, SE 1/4 Section 8; all in T92N-R53W. This site is located approximately 9 miles west of Vermillion 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 February 5, 2024.
4. The date of approval of Permit No. 8836-3 is April 22, 2024.
5. One-fifth of the construction is to be completed on or before October 22, 2026.
6. All construction is to be completed on or before April 22, 2029.
7. Water is to be put to beneficial use on or before April 22, 2033.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8836-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8836-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 17 2024
date



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WATER PERMIT NO. 8836-3

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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. 8836-3 Hydrologic Unit 10170101
Basin Missouri
Newspaper Vermillion Plain Talk
Daily Press & Dakotan (office use only)

PAID
FEB 05 2024
Ck# 11619
Rec't# 215624

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 Kirk Sorensen

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

Mailing Address 46113 Timber Rd Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Phone 605-202-0191 Mobile _____ Email _____

2. Amount of water claimed 2.22 *CFS or 1000 **GPM _____ ***AF Total Acreage 190
(*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 Ground Water well (approximate center)

4. Location of point of diversion 1 well in NE 1/4 SE 1/4 section 8 T92N R53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County _____

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 - September 30

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

Land Description	Acres	Land Description	Acres
SW NE S8 T92N R53W	33	SE SE S8 T92N R53W	33
SE NE S8 T92N R53W	33	NE SE S8 T92N R53W	25
NW SE S8 T92N R53W	33		
SW SE S8 T92N R53W	33		

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

1 well in NESE S8 T92N R53W to supply water to 2 center pivots

RECEIVED

FEB 05 2024

I, Kirk Sorensen owner, the applicant, certify _____
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(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) ~115 Depth to Top of Water Bearing Material 90 Depth to Water from Surface 70
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others 73000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

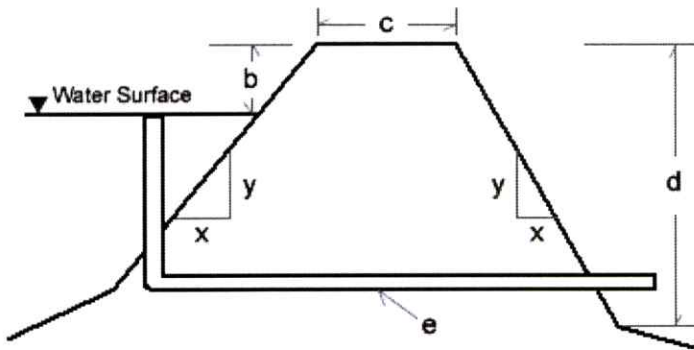
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

If pipe, diameter _____

- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Kirk Sorensen

Proposed Well 2024

NE SE S8, T92N R53W

316th St

16th St

97.349, -97.125983 Kirk-Sorensen Proposed well

Timber Rd

Google Earth

454th Ave

1 mi

N
Berg

Recreation Area

Recreation River

Missouri River

NEBRASKA

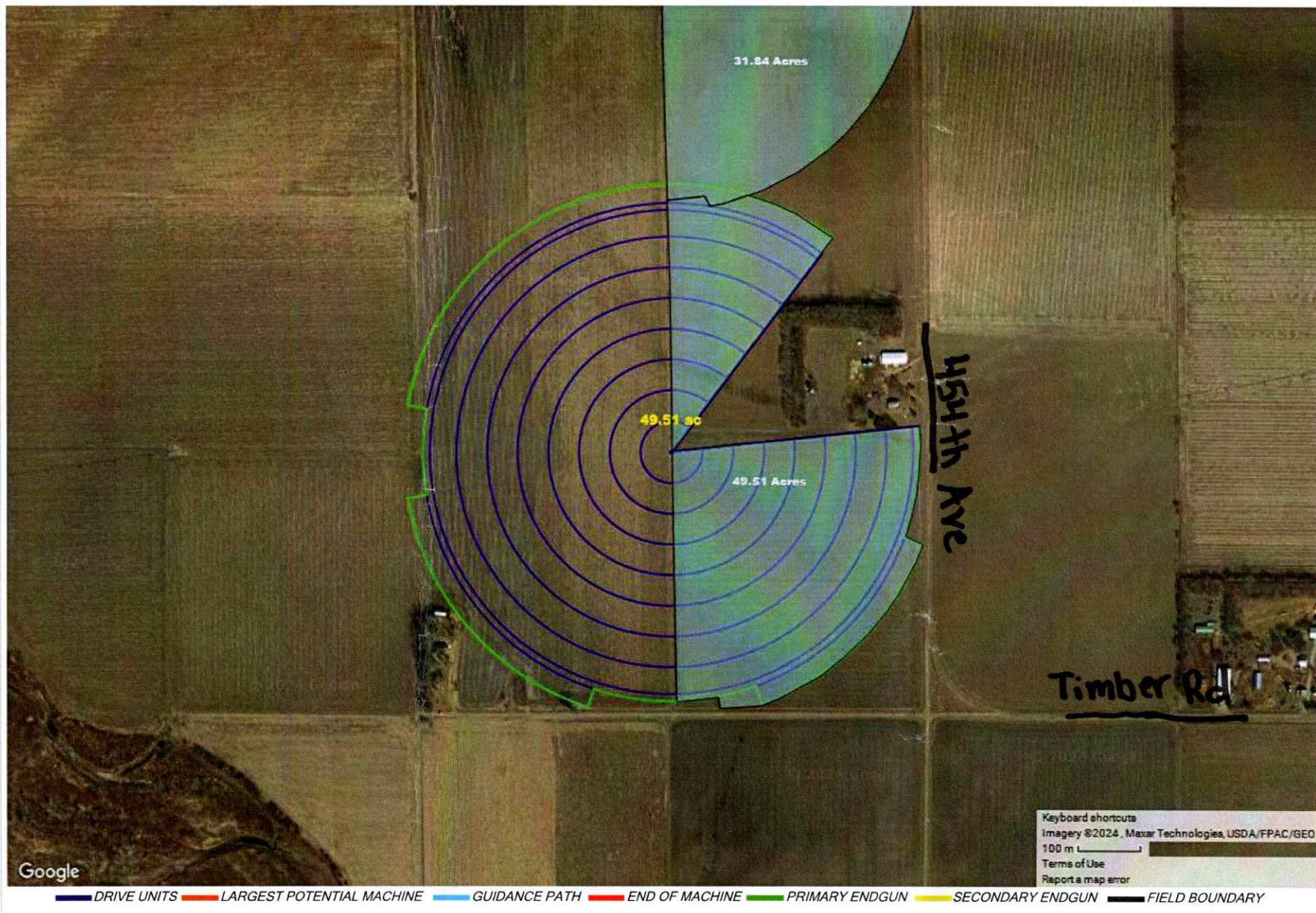


Map Summary Report - Used T-L South



Project Name - Kirk Sorensen - Used T-L

Version Name - Kirk Sorensen - Used T-L



HEINE ELECTRIC & IRRIGATION - 307 S. Robinson Ave, Hartington, NE, 68739-5139, United States

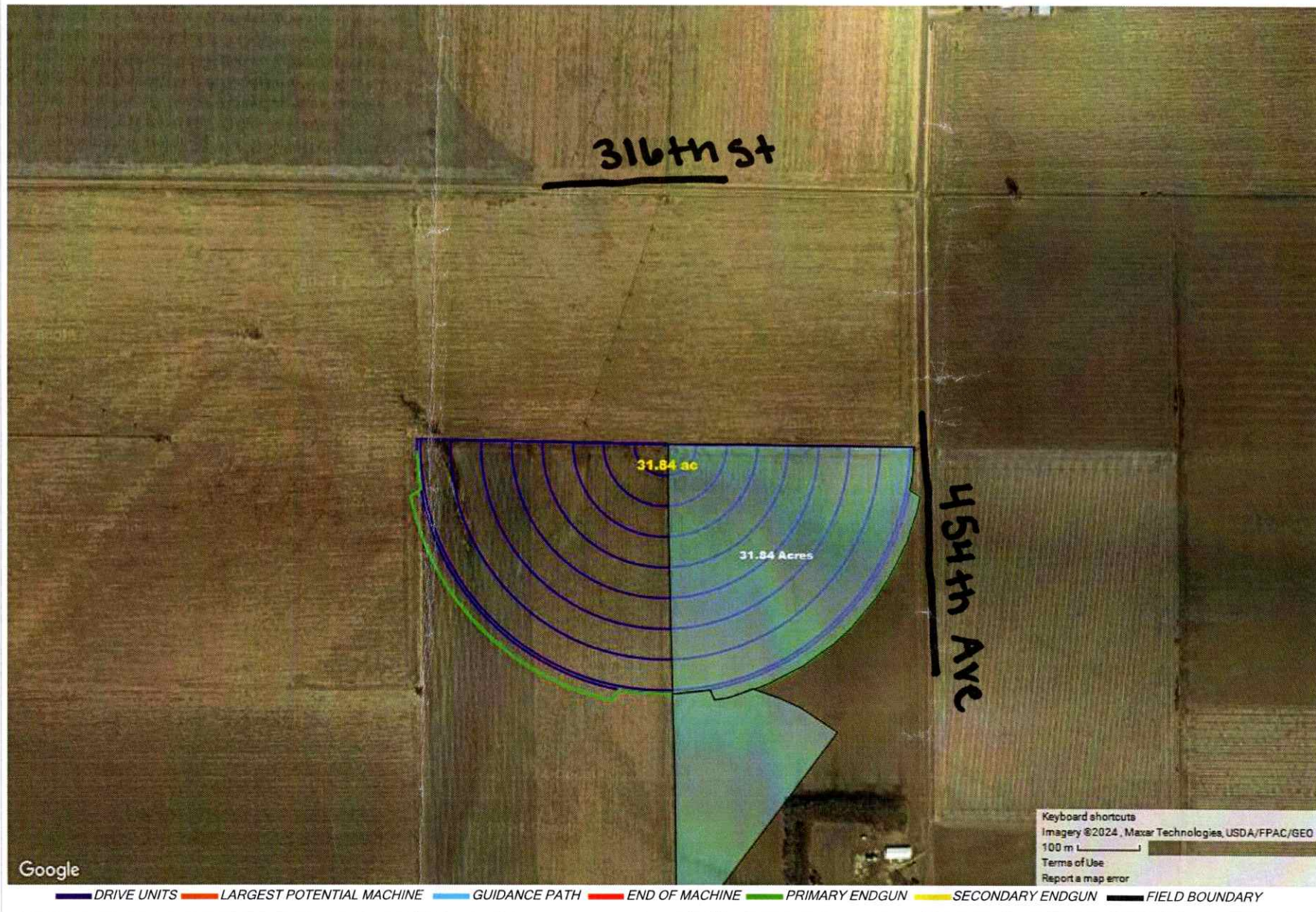


Map Summary Report - Kirk Sorensen - North



Project Name - Kirk Sorensen - Used T-L

Version Name - Kirk Sorensen - Used T-L



HEINE ELECTRIC & IRRIGATION - 307 S. Robinson Ave, Hartington, NE, 68739-5139, United States

Township: 92N 53W
Section: 05
QQ Sect: SWSW

Township: 92N 53W
Section: 05
QQ Sect: SESW

Township: 92N 53W
Section: 05
QQ Sect: SWSE

Township: 92N 53W
Section: 05
QQ Sect: SESE

Township: 92N 53W
Section: 04
QQ Sect: SWSW

Township: 92N 53W
Section: 08
QQ Sect: NWNW

Township: 92N 53W
Section: 08
QQ Sect: NENW

Township: 92N 53W
Section: 08
QQ Sect: NWNE

Township: 92N 53W
Section: 08
QQ Sect: NENE

Township: 92N 53W
Section: 09
QQ Sect: NWNW

Township: 92N 53W
Section: 08
QQ Sect: SWNW

Township: 92N 53W
Section: 08
QQ Sect: SENW

Township: 92N 53W
Section: 08
QQ Sect: SWNE

Township: 92N 53W
Section: 08
QQ Sect: SENE

Township: 92N 53W
Section: 09
QQ Sect: SWNW

Township: 92N 53W
Section: 08
QQ Sect: NWSW

Township: 92N 53W
Section: 08
QQ Sect: NESW

Township: 92N 53W
Section: 08
QQ Sect: NWSE

Township: 92N 53W
Section: 08
QQ Sect: NESE

Township: 92N 53W
Section: 09
QQ Sect: NWSW

92N 53W

Township: 92N 53W
Section: 08
QQ Sect: SWSW

Township: 92N 53W
Section: 08
QQ Sect: SESW

Township: 92N 53W
Section: 08
QQ Sect: SWSE

Township: 92N 53W
Section: 08
QQ Sect: SESE

Township: 92N 53W
Section: 09
QQ Sect: SWSW

10170101 Lewis and Clark Lake

Township: 92N 53W
Section: 17
QQ Sect: NWNW

Township: 92N 53W
Section: 17
QQ Sect: NENW

Township: 92N 53W
Section: 17
QQ Sect: NWNE

Township: 92N 53W
Section: 17
QQ Sect: NENE

Township: 92N 53W
Section: 16
QQ Sect: NWNW

Township: 92N 53W
Section: 17
QQ Sect: SWNW

Township: 92N 53W
Section: 17
QQ Sect: SENW

Township: 92N 53W
Section: 17
QQ Sect: SWNE

Township: 92N 53W
Section: 17
QQ Sect: SENE

Township: 92N 53W
Section: 16
QQ Sect: SWNW

Township: 92N 53W
Section: 17
QQ Sect: NWSW

Township: 92N 53W
Section: 17
QQ Sect: NESW

Township: 92N 53W
Section: 17
QQ Sect: NWSE

Township: 92N 53W
Section: 17
QQ Sect: NESE

Township: 92N 53W
Section: 16
QQ Sect: NWSW

10170102 Vermillion

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 5, 2024

RECEIVED OF Kirk Sorensen 46113 Timber Rd., Vermillion SD 57069

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

Fee for Application for Permit No. <u>8836-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>8836-3</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>1150.00</u>

By Eric Gronlund
Chief Engineer
me

Rodriguez, Rachel

From: Dawn Nelson <mddvaka@yahoo.com>
Sent: Monday, February 12, 2024 2:27 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Confirmation of well location

Hi Rachel,

Thank you for your prompt reply. The name of the registered agent is the attorney that filed the application for the LLC.

Please continue the application process as it was originally. The name change is no longer requested.

Thank you,
Dawn Nelson for Kirk Sorensen

On Monday, February 12, 2024 at 09:47:25 AM CST, Rodriguez, Rachel <rachel.rodriguez@state.sd.us> wrote:

Good Morning Dawn,

Thanks for clarifying the location of the well. No, I do not need the map returned to me. Regarding the name change on the application, I found Sorensen Cottonwood Farms LLC on the Secretary of State's corporation website. The name of the registered agent is Sheila S. Woodward. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Sorensen Cottonwood Farms LLC on all matters involving the water permit application. Thus, a new first page of the application would need to be submitted with the name and signature. Please let me know if you plan to proceed with the name change.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, February 12, 2024 9:47 AM
To: Dawn Nelson
Subject: RE: [EXT] Confirmation of well location

Good Morning Dawn,

Thanks for clarifying the location of the well. No, I do not need the map returned to me. Regarding the name change on the application, I found Sorensen Cottonwood Farms LLC on the Secretary of State's corporation website. The name of the registered agent is Sheila S. Woodward. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Sorensen Cottonwood Farms LLC on all matters involving the water permit application. Thus, a new first page of the application would need to be submitted with the name and signature. Please let me know if you plan to proceed with the name change.

Thank you,

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



From: Dawn Nelson <mddvaka@yahoo.com>
Sent: Saturday, February 10, 2024 9:46 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: [EXT] Confirmation of well location

Dear Ms Rodriguez,

I have received your letter concerning the Application for a Permit to Appropriate Water.

I would like to clarify that the location of the well on the enclosed map is in the approximate center of the SE 1/4 Section 8-T92N-R53W.

Please advise if you need the map returned to you by mail.

ALSO - would we be able to change the name on this application to Sorensen Cottonwood LLC, Kirk Sorensen, Representative? I (Kirk Sorensen) would be the co-owner operator of the LLC.

Thank you for continuing to process this application.

Sincerely,

Kirk Sorensen
46113 Timber Road
Vermillion SD 57069

Rodriguez, Rachel

From: Dawn Nelson <mddvaka@yahoo.com>
Sent: Saturday, February 10, 2024 9:46 AM
To: Rodriguez, Rachel
Subject: [EXT] Confirmation of well location

Dear Ms Rodriguez,

I have received your letter concerning the Application for a Permit to Appropriate Water.

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Thank you for continuing to process this application.

Sincerely,

Kirk Sorensen
46113 Timber Road
Vermillion SD 57069

605-677-7979



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2024

Kirk Sorensen
46113 Timber Rd
Vermillion SD 57069

Dear Mr. Sorensen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clay County. In reviewing your application, I need clarification on one item.

- Enclosed is a map, please confirm that the location of the well is in the approximate center of the SE 1/4 Section 8-T92N-R53W. See green dot. If not, please mark the well location with an "X".

If you have any questions, please contact me, via email rachel.rodriguez@state.sd.us which is the most efficient. Once I am in receipt of your response, I can begin processing your application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@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. 8836-3, Kirk Sorensen**

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. 8836-3, Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069..

The Chief Engineer is recommending APPROVAL of Application No. 8836-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8836-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8836-3 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 3, 2024

Report to the Chief Engineer
On Water Permit Application No. 8836-3

Kirk Sorensen

April 3, 2024

Water Permit Application No. 8836-3 proposes to divert water at a maximum instantaneous diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer (approximately 115 feet deep) located in the approximate center of the SE $\frac{1}{4}$ of Section 8 for the irrigation of 190 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 8; all in T92N-R53W. The site of interest is located in Clay County approximately nine miles west of Vermillion, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial outwash deposit consisting of fine sand to very coarse gravel (Niehus, 1997). The Missouri: Elk Point aquifer underlies approximately 219,100 acres in Clay, Union, and Yankton Counties in South Dakota, and the aquifer contains approximately 3,287,100 acre-feet of recoverable water in storage (Hedges et al., 1982). The Missouri: Elk Point aquifer is hydrologically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers, and the Big Sioux, James, Missouri, and Vermillion Rivers (Niehus, 1994; Stephens, 1967).

The Missouri: Elk Point aquifer is generally under confined conditions in the northwestern part of the aquifer and unconfined conditions in the southern part of the aquifer, and the direction of groundwater movement in the aquifer is generally from the northwest to the southeast (Niehus, 1994 and 1997).

No water well or test hole completion report was submitted with Water Permit Application No. 8836-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Missouri: Elk Point aquifer within approximately one mile of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 70 to 90 feet, with the depth to the top of aquifer materials ranging from approximately 10 to 25 feet below the ground surface, and static water levels at well completion varying from approximately 10 to 25 feet below the ground surface (Water Rights, 2024d). The Missouri: Elk Point aquifer is expected to be unconfined at the proposed diversion point based on the well completion reports on file for nearby wells completed into the aquifer (Water Rights, 2024d).

Figure 1 displays a map of the approximate Missouri: Elk Point aquifer boundary (modified from Hedges et al., 1982) and the location of the proposed diversion point for Water Permit Application No. 8836-3 (Water Rights, 2024c and 2024d).

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 Missouri: Elk Point aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), 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 Missouri: Elk Point aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, inflow from the Lower Vermillion-Missouri and Lower James-Missouri aquifers at the northern boundary of the Missouri aquifer and inflow from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer, and from the underlying Dakota aquifer in Union County (Condley and Lamkey, 2022; Niehus, 1994 and 1997).

Several studies have been completed to estimate average annual recharge to the Missouri: Elk Point aquifer (Condley and Lamkey, 2022; Hedges et al., 1985; Mathiowetz, 2022; Stephens, 1967; Stonesifer, 2013). A discussion of these studies is available in the hydrologic budget section within the report for Water Permit No. 8614-3 - Lewis & Clark Regional Water System completed by Mathiowetz (2022). Collectively, the estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 114,593.9 acre-feet per year assuming full development of the existing water rights/permits currently held by Lewis & Clark Regional Water System (Mathiowetz, 2022). If Future Use Permit Application No. 8754-3 (with a priority date senior to this application), applied for by Lewis & Clark Regional Water System, requesting to appropriate and reserve 19,121 acre-feet per year, is approved and fully developed, the estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 130,770.3 acre-feet per year due to the induced recharge component from the Missouri River to the Missouri: Elk Point aquifer that results from Lewis & Clark Regional Water System’s pumping (Mathiowetz, 2023).

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through well withdrawals, evapotranspiration where the aquifer is at or near the ground surface, outflow to the Big Sioux and Missouri Rivers during periods of low flow and stage, and leakage to the underlying Dakota aquifer (Niehus, 1994 and 1997; Water Rights, 2024d).

Currently, there are 655 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus two pending applications – Water Permit Application No. 8830-3 requesting to irrigate 48 acres in Clay County, and Future Use Permit Application No. 8754-3,

and normal annual total precipitation at the Sioux City, Iowa airport was determined to be approximately 29.27 inches over a 30-year period of record (1991 to 2020) (Arguez et al., 2020), which results in the lake to fluctuate approximately 12.73 inches per year. To maintain the water level of the small lake, the estimated use of Water Permit No. 7059-3 is approximately 18.7 acre-feet per year. Overall, the average annual withdrawal rate for the 44 non-irrigation water rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire) authorized to appropriate water from the Missouri: Elk Point aquifer is approximately 69,720 acre-feet per year (Table 1) (Water Rights, 2024c and 2024f).

Of the 44 non-irrigation water rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire), there are 16 non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer (Water Rights, 2024c and 2024f).

Four of the non-irrigation water rights/permits that are required to report (Nos. 8031-3, 8415-3, 8435-3, and 8614-3) are currently under development (or were approved in 2023) and have not reported any withdrawals from the Missouri: Elk Point aquifer to the DANR-Water Rights Program (Water Rights, 2024c). The remaining twelve non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer are shown on Table 2 (Water Rights, 2024c and 2024f). The reported usage (as shown on Table 2) for Permit Nos. 8381-3 and 8403-3 (approved in 2018 and 2019) is not necessarily reflective of the future usage of these permits based on information within their respective water permit files (Water Rights, 2024c), and only four years of reported withdrawals (Water Rights, 2024f). Therefore, the estimated use for Permit Nos. 8031-3, 8415-3, 8435-3, 8381-3, 8403-3, and 8614-3 will be based on the method used above: water rights/permits limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate; water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. The estimated average annual withdrawal rate for these permits is listed on Table 1.

Next, the reported use for the City of Yankton (8212-3) and Lewis and Clark Regional Water System (6736-3, 7207-3, and 8613-3) (as shown on Table 2) is steadily increasing (Water Rights, 2024f), as these water users are continually undergoing development (8614-3 was approved in 2023) (Water Rights, 2024c). It is likely these water users will use up to their entire respective annual volume limitation in the future; therefore, the average annual withdrawal rate for these water rights/permits is assumed to be their entire respective annual volume listed on Table 1 (Water Rights, 2024c).

The annual withdrawal rate for Clay Rural Water System Inc (Permit Nos. 5998-3, 5998A-3, and 7388-3) averaged over the last ten years (approximately 349 acre-feet per year) is more reflective of current usage than the entire period of record of reported withdrawals because the first few years the permit holder reported values were during a construction period (Water Rights, 2024c and 2024f). The average annual withdrawal rate based off the reported annual withdrawal rates averaged from 2013 to 2022 on Table 2 for these water permits will be used in this analysis.

Lastly, the annual withdrawal rates for Doug Lafleur (8147-3) and City of Vermillion (147-3, 6236-3) on Table 2 are relatively steady over their respective periods of record (Water Rights, 2024c and 2024f); therefore, the average annual withdrawal rate based on the reported values from each of these water users (as shown on Table 2) is reasonably reflective of the future withdrawals likely to be made by these appropriative users. The average annual withdrawal rate based off the reported annual withdrawal rates averaged over the period of record on Table 2 for these water rights/permits will be used in this analysis.

Currently, there are 613 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus one pending irrigation application (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Missouri: Elk Point aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 19,299 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 26,040 acre-feet per year (Table 3) (Water Rights, 2024a).

The usage for two irrigation water permits (Nos. 5998-3 and 5998A-3) was accounted for on Table 1 with the non-irrigation water rights/permits, as the permit holder is not required to report their respective annual irrigation usage (Water Rights, 2024c), resulting in only 609 of the Missouri: Elk Point aquifer irrigation water rights/permits being currently required to submit an annual irrigation questionnaire (Water Rights, 2024c).

Additionally, Water Right No. 6110-3 is authorized to divert water from a well completed into the Dakota aquifer and pump the water into two ponds that receive incidental surface runoff and possible groundwater inflow from the Missouri: Elk Point aquifer (Water Rights, 2024c). Water Right No. 6110-3 is included in the 611 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer; however, the estimated use for this permit is assumed to be negligible to the overall hydrologic budget due to the minimal amount of water from the Missouri: Elk Point aquifer the permit holder is expected to withdraw. When omitting Water Right No. 6110-3 and Water Permit Nos. 5998-3 and 5998A-3 from this analysis of Missouri: Elk Point aquifer irrigation water rights/permits, 608 water rights/permits remain.

Table 3 lists only 579 water rights/permits as reporting in 2022 (Water Rights, 2024a and 2024c). These 579 water rights/permits listed as reporting in 2022 includes three water rights/permits (Nos. 6901B-3, 6939-3, and 7635-3) that were incorporated into another water right in 2022 and 2023 (Water Rights, 2024c), resulting in only 576 of the water rights/permits listed as reporting in 2022 being currently active. Additionally, Water Right/Permit Nos. 3127-3 and 6458-3 were each divided into two separate water permits to reflect the new ownership change (Water Rights, 2024c), resulting in the 576 permits to become 578 permits.

Thirty water permits/rights did not submit an irrigation questionnaire form in 2022 that are currently active, accounting for the difference between the 578 currently active water rights/permits listed as reporting in 2022 and the 608 irrigation water rights/permits currently required to submit an annual irrigation questionnaire and annual use being estimated in this analysis (Water Rights, 2024a and 2024c). Of these 30 permits, 29 were issued in 2022 or 2023 and have not submitted an irrigation questionnaire at this time. The remaining permit, Water Right No. 5935-3, is not required to submit an irrigation questionnaire. Overall, these 30 water permits/rights are authorized to irrigate approximately 2,404 acres (Water Rights, 2024c).

Farmer (2018a, 2018b, and 2021) analyzed the amount of water pumped per permitted acre for the period from 1979 through 2005. This period was chosen due to the relatively stable number of permitted acres across the entire period. There was a continual annual increase in the number of permitted acres from 2006 through 2013/2014. From 2013/2014 through 2021, the total number of permitted acres had been relatively stable (Mathiowetz, 2022; Water Rights, 2024c). Farmer (2021) determined that it would be best to separate the review of pumpage per permitted acres between crops, such as corn and soybeans, and turf, such as golf courses and lawn irrigation, to describe the pumpage more accurately per permitted acres. Turf irrigation typically requires more water per acre annually than crop irrigation. Mathiowetz (2022) determined over the entire period of record (1979 through 2021), the crop application rate per permitted acre is 0.331 feet per year (3.97 inches per year), and 0.908 feet per year for turf (10.9 inches per year) (Water Rights, 2024a and 2024c).

Currently, there are 83,207.5 acres authorized to be irrigated from the Missouri: Elk Point aquifer (plus pending Water Permit Application No. 8830-3 proposing to crop irrigate 48 acres), with 819.6 of those acres authorized for turf irrigation (Water Rights, 2024c). Table 4 contains the turf irrigation permits with their respective authorized permitted acres and an estimated average annual use based on Mathiowetz's (2022) application rate per permitted acre (Water Rights, 2024c). By multiplying the application rate of 0.908 feet per acre per year (Mathiowetz, 2022), by the 819.6 acres being turf irrigated (Water Rights, 2024c), the annual use for turf irrigation yields approximately 744.2 acre-feet per year (Table 4). By multiplying the application rate of 0.331 feet per acre per year (Mathiowetz, 2022), by the 82,387.9 acres (total acres minus turf irrigated acres) acres being crop irrigated (Water Rights, 2024c), plus the pending application requesting to crop irrigate 48 acres, the annual use for crop irrigation yields approximately 27,286.3 acre-feet per year. Collectively, the average annual use from the Missouri: Elk Point aquifer for both crop and turf irrigation water rights/permits utilizing Mathiowetz's (2022) application rates is approximately 28,030.5 acre-feet per year.

Table 4. Water rights/permits authorized for irrigation of turf (Water Rights, 2024c)

Permit No.	Name	Status	County	Acres	Total Estimated Use (acre-feet/year)
1294-3	Recreation Development Assn. Inc.	LC	Union	102	92.6
2011-3	TR Golf LLC	LC	Union	95	86.3
5786-3	Dakota Dunes Golf Course	LC	Union	173	157.1
5998-3	Clay Rural Water System Inc	PE	Union	300	272.4
5998A-3	Clay Rural Water System Inc	PE	Union	0	0
5935-3	Ted Waitt	LC	Union	1	0.908
5936-3	Applied Engineering	LC	Yankton	1.8	1.6
8010-3	Ryan Rusher	LC	Yankton	2.5	2.3
8029-3	Dakota Dunes Comm Improvement District	PE	Union	17.8	16.2
8040-3	Heine Electric & Irrigation Inc	LC	Clay	1	0.908
8354-3	TR Golf LLC	PE	Union	30	27.24
8407-3	Gayville-Volin School District 63-1	LC	Yankton	4.5	4.1
8530-3	National Field Archery Association Foundation	LC	Yankton	16	14.5
8560-3	TR Golf LLC	PE	Union	65	59
8727-3	TR Golf LLC	PE	Union	10	9.1
TOTAL:				819.6	744.2

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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2024b). The three closest observation wells to the proposed diversion point are CL-80B (approximately 1.2 miles east), YA-80KA (approximately 3.7 miles northwest), and CL-80A (approximately 7.1 miles northeast) (Water Rights, 2024b). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2024b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing.

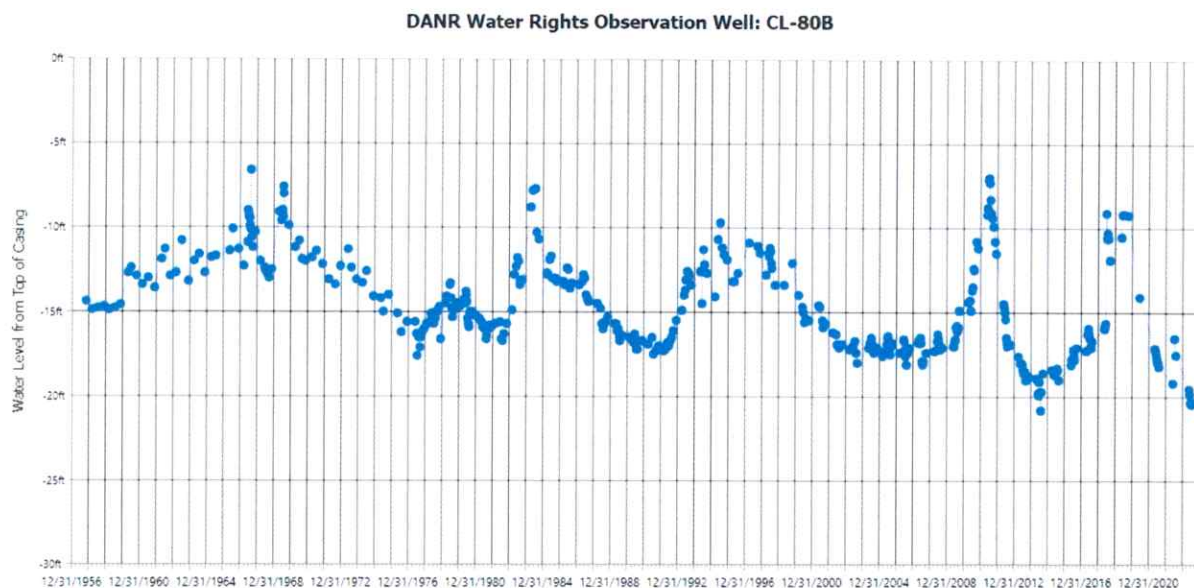


Figure 2. Hydrograph for observation well CL-80B (Water Rights, 2024b)

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Missouri: Elk Point aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figures 2 to 4 (Water Rights, 2024b), except for several Missouri: Elk Point aquifer observation wells close to the Missouri River whose respective hydrographs show a gradual long-term downward trend (Water Rights, 2024b). This downward trend is caused by entrenchment of the Missouri River riverbed and in some places a widening of the channel leading to lower water levels despite the river having the same rate of flow (Elliott and Jacobson, 2022). The lowering of the water level in the Missouri River downstream of the Gavins Point Dam and the subsequent lowering of the water level of Missouri: Elk Point aquifer observation wells in close proximity to the river show the strong hydrologic connection between the Missouri River and the Missouri: Elk Point aquifer. This is demonstrated by the very similar water levels between the aquifer and river as shown in the hydrographs in Figures 2 to 5. The lowering of the water levels in the aquifer, especially in close proximity to the Missouri River, is not a sign of over appropriation of the Missouri: Elk Point aquifer.

To demonstrate the connection between the aquifer and the Missouri River, consider the United States Geological Survey (USGS) Stream Gage #06467500, located on the Missouri River at Yankton, SD, and the hydrograph for this gage is shown in Figure 5 (USGS, 2024). By comparing the hydrograph for Stream Gage #06467500 to the observation well hydrographs of the Missouri: Elk Point aquifer (Figures 2 to 4), both show the river and aquifer react to climatic conditions by rising and falling over similar trends (USGS, 2024; Water Rights, 2024b). Additionally, during flood events (such as, the years 2011 and 2019), the water level in the Missouri: Elk Point aquifer, especially where in closer proximity to the Missouri River, rises very quickly beyond what is typically seen for glacial outwash aquifers that are only responding to the infiltration of precipitation (Water Rights, 2024b). This indicates there is a hydrologic connection between the Missouri: Elk Point aquifer and the Missouri River. Therefore, when the elevation of the water in the Missouri River is higher than the elevation of water in the aquifer, the river will recharge the aquifer. In contrast, when the elevation of water is higher in the Missouri: Elk Point aquifer, the aquifer naturally discharges to the Missouri River. The observation well water levels simply show the connection between the river and the aquifer and how the aquifer reacts to climatic conditions without showing any long-term effects from pumping. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

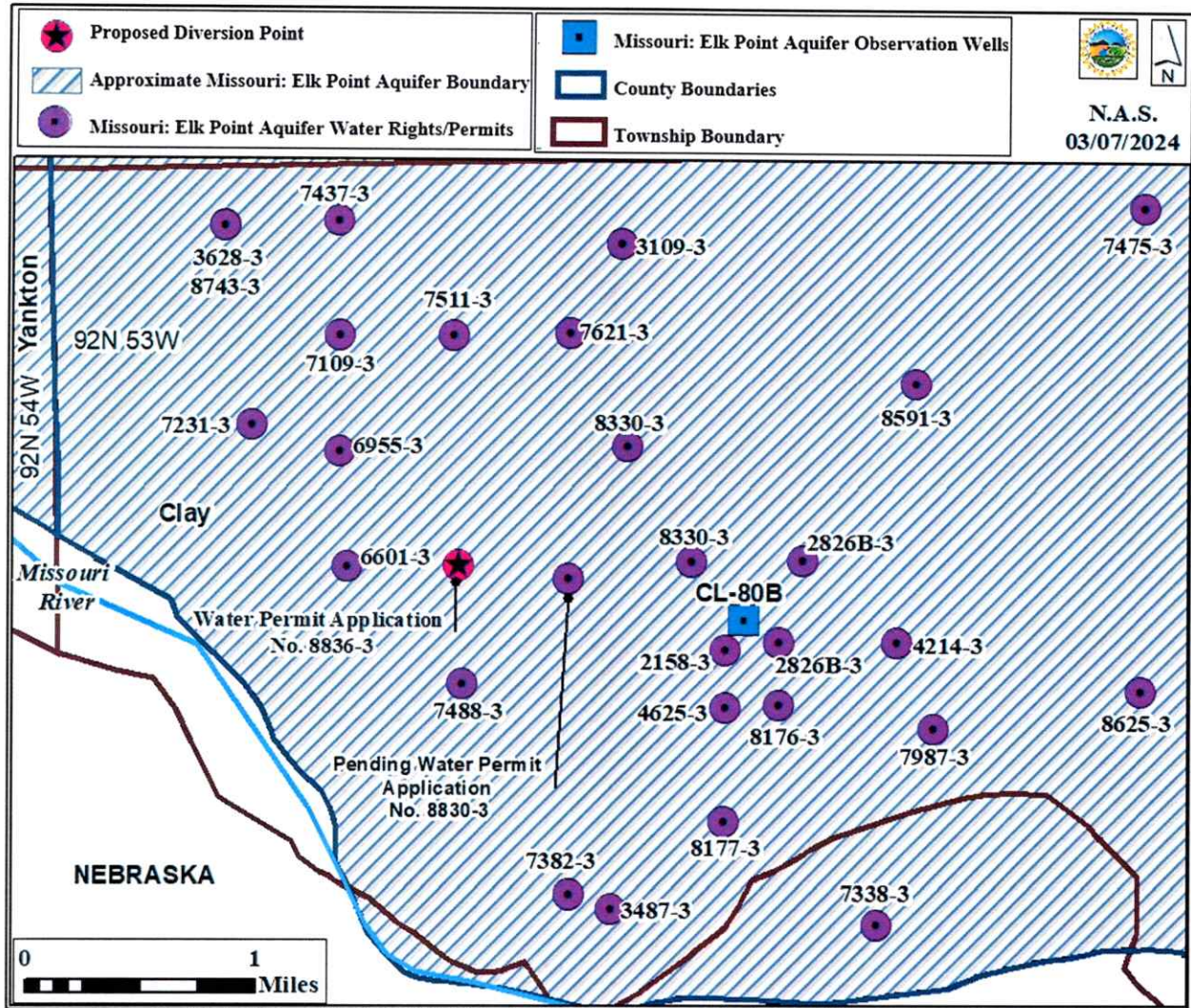


Figure 6. Location of the proposed diversion point for Water Permit Application No. 8836-3 and the Missouri: Elk Point aquifer water rights/permits and observation well within approximately two miles (Water Rights, 2024b and 2024c)

be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2024b and 2024c).

Within one mile of the proposed diversion point, the Missouri: Elk Point aquifer has a saturated aquifer thickness of approximately 70 to 90 feet Water Rights, 2024d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Clay, Union, and Yankton Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2024e).

When considering the saturated thickness of the Missouri: Elk Point aquifer near the proposed diversion point, the generally unconfined nature of the aquifer, and the lack of well interference complaints for adequate wells completed into the Missouri: Elk Point aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to 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 to existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8836-3 proposes to divert water at a maximum instantaneous diversion rate of 2.22 cfs from one well to be completed into the Missouri: Elk Point aquifer (approximately 115 feet deep) for the irrigation of 190 acres. The site of interest is located in Clay County approximately nine miles west of Vermillion, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8836-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:

Adam Mathiowetz

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

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 4, 2024

Kirk Sorensen
46113 Timber Road
Vermillion SD 57069

Dear Mr. Sorensen:

Water Permit Application No. 8836-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 12, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8836-3 to Appropriate Water

Notice is given that Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of SE 1/4 Section 8 for irrigation of 190 acres located in the S 1/2 NE 1/4, SE 1/4 Section 8; all in T92N-R53W. This site is located approximately 9 miles west of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8836-3 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: Wednesday, April 3, 2024 1:59 PM
To: Kelly Kronaizl
Subject: 8836-3 Kirk Sorensen - Public Notice
Attachments: 8836-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 12, 2024, in the Plain Talk and Daily Press & Dakotan.

Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069, 605-202-0191 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

YANKTON DAILY PRESS AND DAKOTAN

KIRK SORENSEN
46113 TIMBER RD
VERMILLION SD 57069

RECEIVED

APR 16 2024

OFFICE OF
WATER

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

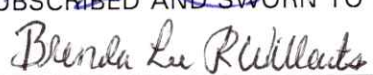
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF April, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.68 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: 04/12/2024

FILED ON: 04/12/24


SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF April, 2024


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



NOTICE OF APPLICATION NO. 8836-3 to Appropriate Water

Notice is given that Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of SE 1/4 Section 8 for irrigation of 190 acres located in the S 1/2 NE 1/4, SE 1/4 Section 8; all in T92N-R53W. This site is located approximately 9 miles west of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8836-3 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 \$39.68 and can be viewed free of charge at www.sdpublicnotices.com

Published April 12, 2024.

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

APR 16 2024

OFFICE OF
WATER

KIRK SORENSEN
46113 TIMBER ROAD
VERMILLION SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

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AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
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IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
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HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/12/2024

FILED ON: 04/12/24



SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF April, 2024

Brenda Lee R. Willards
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029



NOTICE OF APPLICATION NO. 8836-3 to Appropriate Water

Notice is given that Kirk Sorensen, 46113 Timber Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of SE 1/4 Section 8 for irrigation of 190 acres located in the S 1/2 NE 1/4, SE 1/4 Section 8; all in T92N-R53W. This site is located approximately 9 miles west of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8836-3 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 \$39.68 and can be viewed free of charge at www.sdpublicnotices.com

Published April 12, 2024.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 5, 2024 12:11 PM
To: 'joshanglin42@gmail.com'
Subject: 8836-3 Kirk Sorensen - Public Notice
Attachments: 8836-3 Rec.pdf; 8836-3 Ltr & PubNotice.pdf

Good afternoon Josh,

Per our conversation, attached is a copy of what was sent. Actually, the letter went out yesterday, so hopefully it will arrive Saturday. At any rate, the letter states the two newspapers which will need to be called to authorize publication and arrange for payment. Let me know if you have any questions.

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

Kirk Sorensen
46113 Timber Road
Vermillion SD 57069

Dear Mr. Sorensen:

Enclosed is Water Permit No. 8836-3 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
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STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 8836-3

Name of Applicant: Kirk Sorensen

Date of Posting: 4/8/2024

Date of Removal: 5/17/2024

Ron Duvall, Engineer III

5/17/2024

Date

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

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



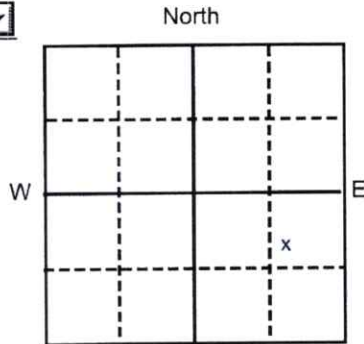
(SEAL)

8836-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 8 Twp 92N Rg 53WCounty ClayPlease mark well
location with an "X"

Well Completion Date

06/11/2024

1 Mile

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

1000 ft. from SEPTIC STSTEM

(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
sdr 26 LB/FT	16 IN	0 FT	94 FT	22 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Groutwell DF	5	Lb/gal	0 Ft	15 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16 Inches Length 20 FeetMaterial PVC SDR 26Slot Size .080 Set From 94 Feet to 114 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? HTH TABLETS☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: KIRK SORENSEN

Business Name:

Address: 46113 TIMBER ROADCity, State, Zip: VERMILLION ☒ SD ☒ 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	4
TAN CLAY	4	15
FINE GRAY SAND	15	44
MEDIUM GRAVEL WITH SAND	44	51
FINE GRAY SAND	51	72
MED TO FINE BROWN SAND	72	90
SAND & GRAVEL WITH ROCKS	90	114

STATIC WATER LEVEL 18 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

LATITUDE: 42.797444°

LONGITUDE: -97.126111°

ELEVATION: 1154

RECEIVED

JUN 18 2024

OFFICE OF

WATER

This well was drilled under license # 810 and this
report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 6-17-24

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8836-3

I have this day, July 22, 2024, made a thorough examination of the water use systems owned by Kirk Sorensen, 46113 Timber Road, Vermillion, SD 57069, holder of Permit No. 8836-3, bearing the priority date of February 5, 2024. This permit authorizes the diversion of 2.22 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) authorizing the irrigation of 190 acres located in Clay County.

Inspection contacts: Kirk Sorensen

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Heine Electric & Irrigation, Inc.
- 2) No. of Wells: 1
- 3) Depth(s): 114 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 94 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 20 feet
- 3) Type: PVC
- 4) Static water level: 18 feet

Pump:

- 1) Make: Gilds
- 2) Model: 950
- 3) Capacity: 800 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: 15 feet (well to the south pivot)
- 2) Type: PVC Size: 8 inches Length: 2,620 feet (well to the north pivot)

C. Works used to apply water to beneficial use:

North Center Pivot

- 1) Make: T & L
- 2) Overall length: 1,295 feet
- 3) Number of towers: 8
- 4) End gun: Yes Range: 88 feet
- 5) Capacity: 800 gpm

South Center Pivot

- 1) Make: T & L
- 2) Overall length: 1,296 feet
- 3) Number of towers: 8
- 4) End gun: Yes Range: 88 feet
- 5) Capacity: 800 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: 2024 is the first year the pivot is in use.
3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 1,330 feet west and 1,360 feet north of the southeast corner of Section 8-T92N-R53W (Latitude 42.79739, Longitude -97.12602— approximate center of the SE1/4).
2) The works are capable of diverting and conveying to the places of use 1.78 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:

Section 8-T92N-R53W

<u>SW1/4NE1/4</u>	<u>35 acres</u>
<u>SE1/4NE1/4</u>	<u>34 acres</u>
<u>NW1/4SE1/4</u>	<u>35 acres</u>
<u>NE1/4SE1/4</u>	<u>18 acres</u>
<u>SW1/4SE1/4</u>	<u>34 acres</u>
<u>SE1/4SE1/4</u>	<u>34 acres</u>

comprising a total of 190 acres of land and the license should be issued for 1.78 cfs.

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

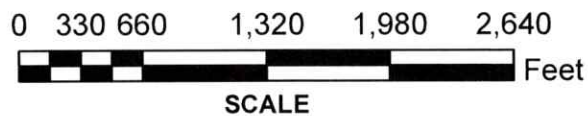
F. Comments or other permit(s) associated with the project: The pump and motor information was obtained from Heine Electric & Irrigation, Inc.

Keith DeJong

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

Date report completed: July 31, 2024

Water Permit No. 8836-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
July 22, 2024

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

Date

7-31-24

MAIL TO: PMB 2020

DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Phone: (605) 773-3352

FROM:

Kirk Sorensen

(name)

46113 Timer Road

(address)

Vermillion

(city)

SD

(state)

57069

(zip)

605-202-0191

(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. 8836-3 states that the water use system is to be constructed by

April 22, 2029, and water is to be put to beneficial use by April 22, 2033.

(date)

(date)

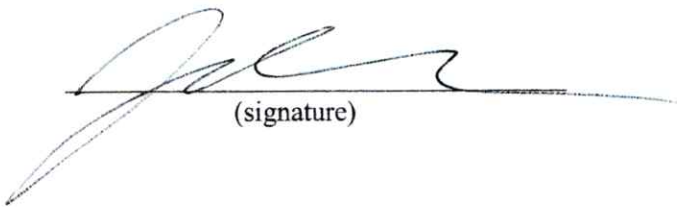
The water use system was completed on July, 2024

(date)

Applying the water to beneficial use was completed on July, 2024

(date)

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


(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 26 2024

8836-3

Kirk Sorenson
46113 Timber Rd
Vermillion SD 57069

Dear Mr. Sorenson:

Enclosed is Water License No. 8836-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8836-3**

(1) Kirk Sorenson, 46113 Timber Road, Vermillion SD 57069, made Application No. 8836-3, February 5, 2024, for a water permit to divert 2.22 cubic feet of water per second from groundwater, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 8836-3, with a priority date of February 5, 2024, was approved April 22, 2024, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 22, 2029, and for the application to beneficial use of water on or before April 22, 2033.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on July 31, 2024. The Notice stated the diversion system was completed and the water was placed to beneficial use in July 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,330 ft W & 1,360 ft N of the SE corner Section 8, T92N, R53W (approx. center SW $\frac{1}{4}$)
(Latitude 42.79739 & Longitude -97.12602)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 8, T92N, R53W			
SW $\frac{1}{4}$ NE $\frac{1}{4}$	35 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	18 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
TOTAL: 190 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Kirk Sorenson, the holder and/or owner of Water Right No. 8836-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), with a priority date of February 5, 2024, 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. 8836-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8836-3 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.

continued

Water Right No. 8836-3

2. The well authorized by Permit No. 8836-3 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.

Eric Gronlund

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

AUG 26 2024

date

