

WATER PERMIT NO. 8846-3

Name of Applicant: Anthony or Kimberly Folk

Address: 47762 140th Street, Corona SD 57227

Phone: 605-467-0913

Amount of Water Claimed: 2.0 cfs

Total Acres: 266

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Grant

Type of Waste Disposal System:

Location: Approx. 7 miles north of Milbank SD

PRIORITY Date Received: 03-12-24

Application/License Fee: \$1,250.00

Corrected Application Received: 03-31-24

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 2-T121N-
R48W

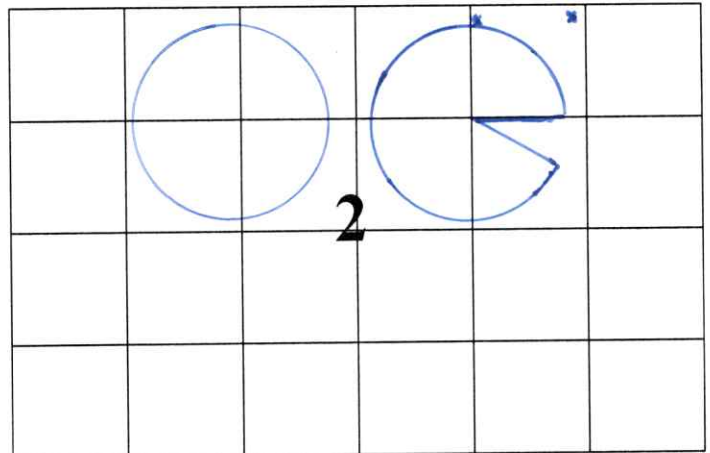
Land to be Irrigated: NW 1/4, NE 1/4 Sec 2-
T121N-R48W

Depth of Well: 50

Well Driller: Thein Well Co., Inc.

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 04-02-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8846-3**

Date of first receipt of application March 12, 2024.

Date of return to applicant for corrections, amendments or changes March 13, 2024.

Date of receipt of corrected application April 3, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8846-3 to Anthony or Kimberly Folk, 47762 140th Street, Corona SD 57227, 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. 8846-3 appropriates 2.0 cubic feet of water per second from up to two wells to be completed into the Wilmot Aquifer (approximately 50 feet deep) located in the NE 1/4 NE 1/4 Section 2 for irrigation of 266 acres located in the N 1/2 Section 2; all in T121N-R48W. This site is located approximately 7 miles north of Milbank 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 March 12, 2024.
4. The date of approval of Permit No. 8846-3 is June 17, 2024.
5. One-fifth of the construction is to be completed on or before December 17, 2026.
6. All construction is to be completed on or before June 17, 2029.
7. Water is to be put to beneficial use on or before June 17, 2033.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 8846-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8846-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must 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

JUN 26 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>8846-3</u> Hydrologic Unit <u>07020001</u> Basin <u>Upper Minnesota</u> Newspaper <u>Milbank Grant Co. Review</u> <u>Watertown Public Opinion</u> (office use only)
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RECEIVED
MAR 12 2024
OFFICE OF
WATER

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 Anthony or Kimberly Folk

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

Mailing Address 47762 1405th Street Corona SD 57227
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-467-0913 Email folkfarms@gmail.com

2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 266
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wells

4. Location of point of diversion 2 Wells in NE1/4 NE1/4 in 2-121N-48W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Grant

5. County or counties where water will be used Grant

6. Annual period during which water is to be used April 1-October 31

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

Land Description	Acres	Land Description	Acres
NW1/4 NW1/4	34	NW1/4 NE1/4	34
NE1/4 NW1/4	34	NE1/4 NE1/4	34
SW1/4 NW1/4	34	SW1/4 NE1/4	34
SE1/4 NW1/4	34	SE1/4 NE1/4	28

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

Install wells from ground water to irrigate cropland.

I, Anthony Folk Owner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

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

a) If new wells, how many 2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Thein Well Co, Inc
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by Thein Well Co, Inc

For either existing or proposed wells:

c) Well Depth (required) 50' Depth to Top of Water Bearing Material 33' Depth to Water from Surface 7'

d) Distance to nearest domestic well on applicant's property 1490 Property owned by others 4200

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)

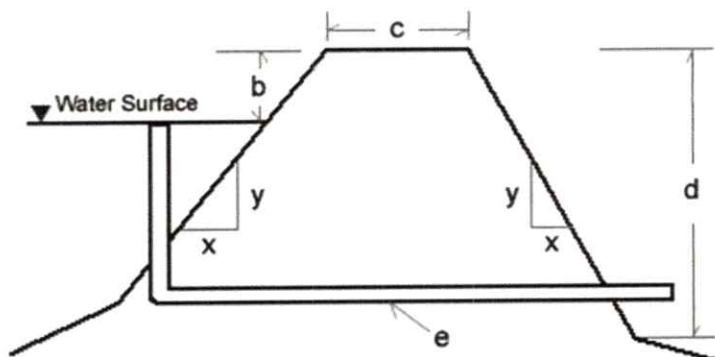
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

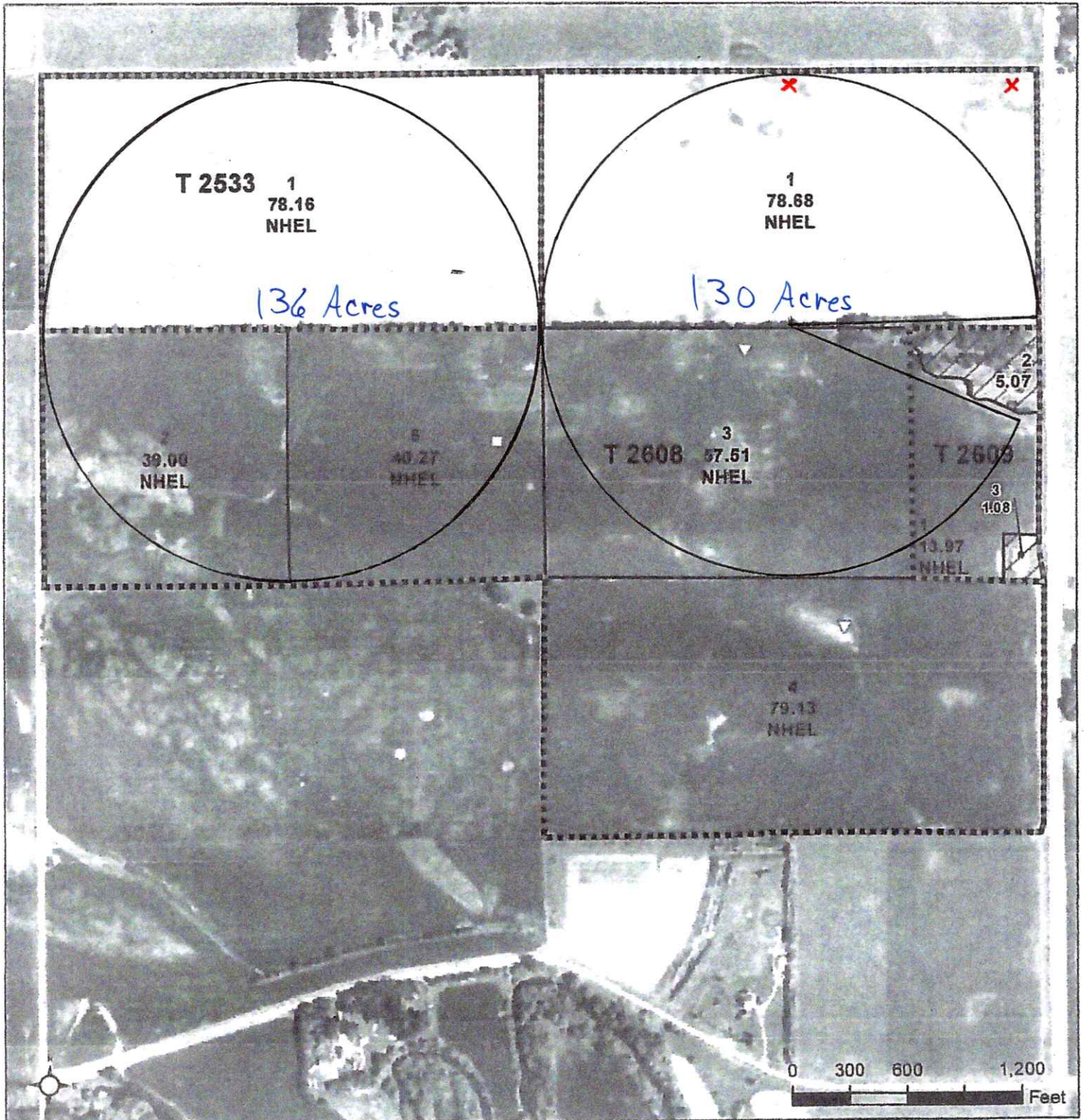
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Grant County, South Dakota



Common Land Unit  Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination Identifiers

-  Restricted Use
-  Limited Restrictions
-  Exempt from Conservation
-  Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non-oil

Producer initial _____
Date _____

2024 Program Year

Map Created February 13, 2024

Farm 4829

2-121N-48W-Grant

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

122N 48W
Section: 27

122N 48W
Section: 26

122N 48W
Section: 25

122N 48W
Section: 34

122N 48W
Section: 35

122N 48W
Section: 36

121N 48W
Section: 03

121N 48W
Section: 02

121N 48W
Section: 01

07020001 Upper Minnesota

121N 48W
Section: 10

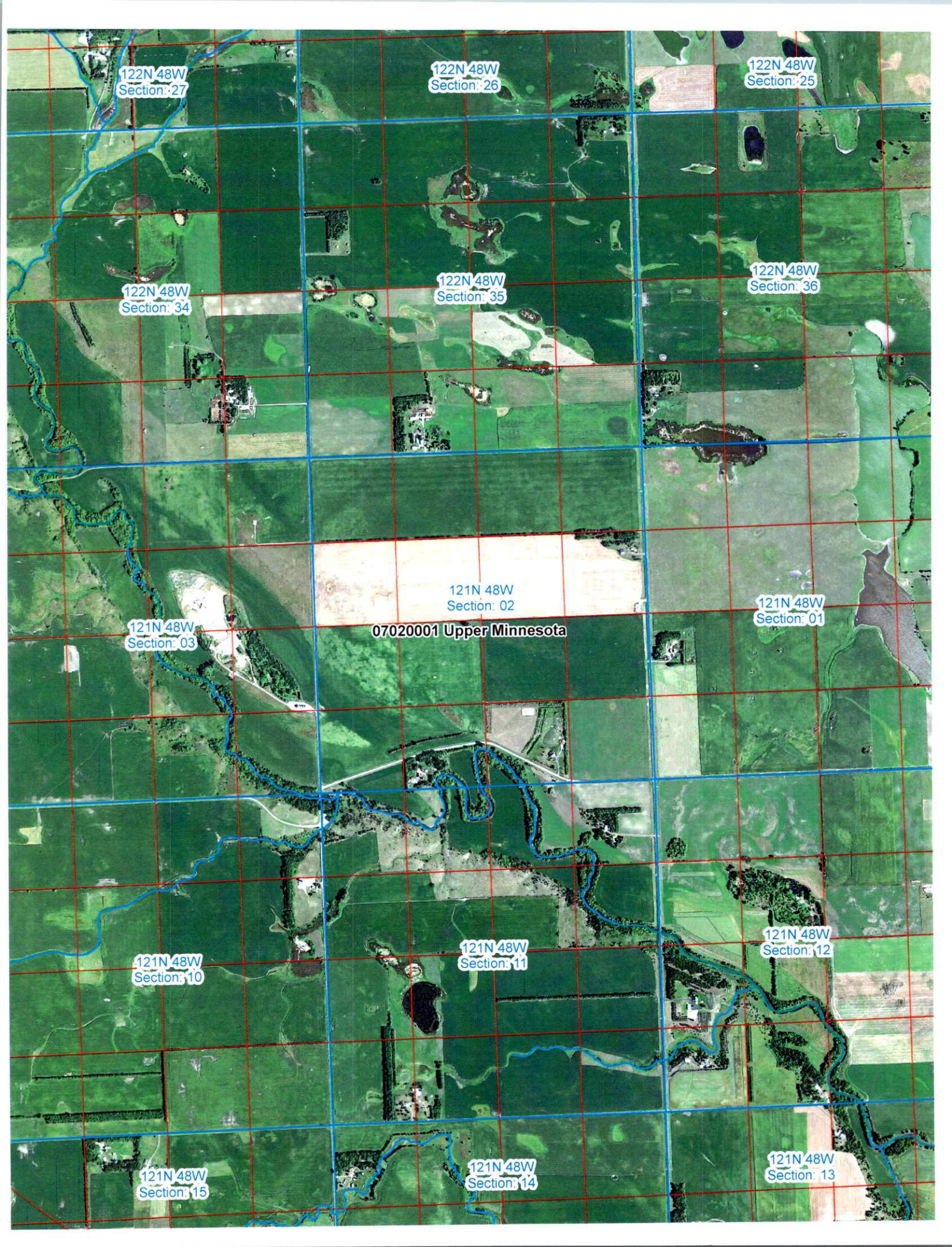
121N 48W
Section: 11

121N 48W
Section: 12

121N 48W
Section: 15

121N 48W
Section: 14

121N 48W
Section: 13



Tony Folk TH # 4 14225 SD HWY 15 Milbank
GPS N 45 19.5830 W 96 38.2540

Formation	From	To
Top soil	0	1
Yellow clay	1	5
Yellow clay some rocks	5	16
Yellow clay	16	26
Yellow clay small amount of sand	26	30
Yellow clay	30	31
Blue clay	31	33
Sand	33	35
Gravel	35	40
Sand	40	45
Sand/ gravel	45	49
Blue clay	49	53
Sand	53	54
Blue clay w/ rock	54	55
Brown clay w/ rock	55	57
Brown clay	57	86
Sand / gravel	86	90
Blue clay	90	123
Blue clay / some rock	123	128
Sand	128	129
Blue clay	129	134
Shale	134	172
Soft shale	172	174
Shale	174	252
Sandstone	252	253
Dirty sandstone/ mostly shale	253	265
Shale	265	268
Shale w/ thin sandstone seams	268	276
Shale	276	300

Please Note:

In Tract 2609,

$E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ in which
11 Acres will be irrigated, is
owned by:

Brian Folk

14225 SD Hwy 15

Milbank, SD 57252

Permission To Irrigate

As the owner of the property located in Grant County, SD 2-121N-48W in
E1/2 SE1/4 NE1/4, I, Brian Folk will allow irrigation equipment to be operated
on my land.

Brian Folk

3-30-2024

RECEIVED

APR 03 2024

OFFICE OF
WATER

Permission To Irrigate

As the owner of the property located in Grant County, SD 2-121N-48W in

E1/2 SE1/4 NE1/4, I, Brian Folk will allow irrigation equipment to be operated

on my land.

Brian Folk

3-30-2024

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 15, 2024

RECEIVED OF Tony Folk 47762 140th Street Corona SD 57227

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

Fee for Application for Permit No. <u>8846-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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>8846-3</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>1250.00</u>

By Eric Gronlund
Chief Engineer
EG

Mathiowetz, Adam (DENR)

From: Christensen, Wesley P <Wes.Christensen@usd.edu>
Sent: Friday, April 19, 2024 11:12 AM
To: Mathiowetz, Adam (DENR)
Subject: RE: [EXT] Aquifer determination in Grant County

Follow Up Flag: Follow up
Flag Status: Flagged

Ignore previous email, I believe now it is wilmot. Sorry for the confusion. It's located right in the area where milbank and wilmot end/overlap. Definitely going with Wilmot

Wesley Christensen
Environmental Scientist
Dept. of Agriculture and Natural Resources Geological Survey Program Akeley-Lawrence Science Center #307 Ph. 605-658-6894 Fax 605-658-6879

-----Original Message-----

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Wednesday, April 17, 2024 2:53 PM
To: Christensen, Wesley P <Wes.Christensen@usd.edu>
Cc: Cowman, Tim <Tim.Cowman@usd.edu>; Gronlund, Eric <eric.gronlund@state.sd.us>; Schulz, Layne <Layne.Schulz@usd.edu>
Subject: Aquifer determination in Grant County

Wes,

Attached is geology from a test hole drilled in northern Grant County. The GPS coordinates for the test hole are 45 19.5830', -96 38.2540'.

I would like to know if the sand and gravel encountered at a depth of 33 to 54 feet is into any of the aquifers you have been working on up there. If it is, which one. If it isn't, do you have any ideas if it is into a different larger named aquifer or just a minor deposit. Thanks for your assistance.

Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Rodriguez, Rachel

From: Tony Folk <folkfarms@gmail.com>
Sent: Sunday, March 31, 2024 9:00 PM
To: Rodriguez, Rachel
Subject: Fwd: [EXT] Permission To Irrigate

Rachel, I finally got a chance to get a signature from Brian. Sorry for the delay. Thanks, Tony

Begin forwarded message:

From: Tony Folk <folkfarms@gmail.com>
Subject: **Permission To Irrigate**
Date: March 31, 2024 at 8:47:38 PM CDT
To: Tony Folk <folkfarms@gmail.com>

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 18, 2024 12:20 PM
To: folkfarms@gmail.com
Subject: Water Permit Application

Good afternoon Anthony,

I received the items requested and the note you added regarding Brian Folk. However, we would need a letter from Brian Folk stating that he will allow irrigation of the 11 acres on his property. Once I receive the letter, I will begin processing your application.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, March 13, 2024 11:06 AM
To: 'folkfarms@gmail.com'
Subject: Application for Water Permit for Irrigation
Attachments: map.pdf

Good morning,

I am in receipt of your application for a water permit for irrigation. The following items are needed:

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. Attached is a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- For mailing address, you have "47762 140st, Corona SD 57227. Please provide a complete mailing address.
- Application fee of \$1,050.00 plus the inspection fee \$200.00 comes to a total of \$1,250.00.
- You indicated a test hole was done by Thein Well Co, Inc., please send a copy of the report from the driller is you have one.

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. 8846-3, Anthony or Kimberly Folk**

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. 8846-3, Anthony or Kimberly Folk, 47762 140th Street, Corona SD 57227.

The Chief Engineer is recommending APPROVAL of Application No. 8846-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8846-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8846-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must 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
May 21, 2024

Report to the Chief Engineer

On Water Permit Application No. 8846-3

Anthony or Kimberly Folk

May 21, 2024

Water Permit Application No. 8846-3 proposes to divert water at a maximum instantaneous diversion rate of 2.0 cubic feet of water per second (cfs) from up to two wells to be completed into the Wilmot aquifer (approximately 50 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 for the irrigation of 266 acres located in the N $\frac{1}{2}$ of Section 2; all in T121N-R48W. The site of interest is located in Grant County approximately seven miles north of Milbank, SD.

AQUIFER: Wilmot (WIL)

HYDROGEOLOGY:

The Wilmot aquifer is composed of Pleistocene-aged glacial and alluvium outwash deposits ranging from fine sand to coarse gravel (Thompson, 2001). The Wilmot aquifer has previously been estimated to underly approximately 152,900 acres in Grant and Roberts Counties in South Dakota, and the aquifer estimated to contain approximately 344,030 acre-feet of recoverable water in storage (Hedges et al., 1982). Hedges and others (1982) estimated areal extent for the Wilmot aquifer is currently the best information available for the mapped extent. The South Dakota Geological Survey (SDGS) “Current Projects – Aquifer Delineation” webpage mentions an ongoing study in the northeast part of the state to more accurately map the boundaries of glacial outwash aquifers that lie east of the Coteau des Prairies, with the Wilmot aquifer being one of the five named aquifers under study (SDGS, 2024). The drilling and studies needed to refine aquifer delineations are multi-year projects. Review of nearby well logs (Water Rights, 2024d), observation well lithologic logs (Water Rights, 2024b), and conversations with SDGS staff aided in the determination that the proposed diversion points for this application are withdrawing from the Wilmot aquifer (Christensen and Mathiowetz, 2024). The SDGS study mentioned above has been ongoing for a few years and SDGS staff indicated the drilling and analysis is to refine the Wilmot aquifer boundaries in Grant and Roberts Counties. The anticipated updates to the delineation of the Wilmot aquifer are not expected to affect the review of this application in any substantive manner that would require deferral of this application until the study is completed.

A test hole completion report was submitted with Water Permit Application No. 8846-3. A reiteration of the log is displayed in Table 1. The target aquifer is from 33 to 49 feet below ground surface, which is the Wilmot aquifer at this location and depth. The Wilmot aquifer varies between confined and unconfined conditions (Water Rights, 2024b and 2024d). Well completion reports on file with the DANR-Water Rights Program for wells completed into the Wilmot aquifer within approximately two miles of the proposed diversion points have saturated aquifer thicknesses ranging from approximately 7 to 30 feet, with the depth to the top of aquifer materials ranging from approximately 20 to 40 feet below the ground surface, and static water levels at well completion varying from approximately 10 to 40 feet below the ground surface

(SDGS, 2024; Water Rights, 2024b and 2024d). The Wilmot aquifer is expected to be under confined conditions near the proposed diversion points based on water well completion reports on file. However, there are nearby well logs that show the aquifer can be unconfined (Water Rights, 2024d).

Table 1. Test hole log submitted with Water Permit Application No. 8846-3

Formation	From	To
Top soil	0	1
Yellow clay	1	5
Yellow clay some rocks	5	16
Yellow clay	16	26
Yellow clay small amt of sand	26	30
Yellow clay	30	31
Blue clay	31	33
Sand	33	35
Gravel	35	40
Sand	40	45
Sand/gravel	45	49
Blue clay	49	53
Sand	53	54
Blue clay w/ rock	54	55
Blue clay w/ rock	55	57
Brown clay	57	86
Sand / gravel	86	90
Blue clay	90	123
Blue clay / some rock	123	128
Sand	128	129
Blue clay	129	134
Shale	134	172
Soft shale	172	174
Shale	174	252
Sandstone	252	253
Dirty sandstone / mostly shale	253	265
Shale	265	268
Shale w/ thin sandstone seams	268	276
Shale	276	300

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

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public

interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Wilmot aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8846-3 proposes to appropriate water from the Wilmot 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 Wilmot 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 Wilmot aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Wilmot aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface (Thompson, 2001).

An average annual recharge rate has not been estimated for the Wilmot aquifer. For buried, confined aquifers, Hedges and others (1985) recommended recharge rates of 0.15 to 0.60 inches per year for use by management and development programs. The areal extent of the Wilmot aquifer is approximately 152,900 acres when adding the estimates for Grant and Roberts Counties (Hedges et al., 1982); therefore, the average annual recharge rate to Wilmot aquifer ranges between approximately 1,911 to 7,645 acre-feet per year. Additional drilling and study of the Wilmot aquifer is expected to refine the estimated areal extent of the aquifer by Hedges and others (1982) which will likely affect the mathematics of the average annual recharge range.

Discharge

Discharge from the Wilmot aquifer is primarily through well withdrawals and evapotranspiration where the aquifer is at or near the ground surface (Thompson, 2001; Water Rights, 2024d).

Currently, there are six water rights/permits authorized to appropriate water from Wilmot aquifer (Water Rights, 2024c). Additionally, there is one future use permit (No. 4796-3) reserving 1,607 acre-feet of water annually from the Wilmot aquifer (Water Rights, 2024c). For the purpose of estimating average annual withdrawals, the future use permit is assumed to be fully developable for a total of 1,607 acre-feet per year. Based on a study being conducted by the SDGS, a number

of permits listed as withdrawing from the Wilmot aquifer may be reassigned to other aquifers based on the outcomes of the study

Table 2 summarizes the non-irrigation water right authorized to appropriate water from the Wilmot aquifer, and future use permit reserving water, with the estimated annual use as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations 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. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2024c). Overall, the estimated average annual withdrawal rate from the Wilmot aquifer by the non-irrigation water right and future use permit is approximately 2,189.1 acre-feet per year (Table 2) (Water Rights, 2024c).

Table 2. Non-irrigation water right authorized to divert water, and future use permit reserving water, from the Wilmot aquifer (Water Rights, 2024c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)	Estimated Use (acre-feet/year)
4796-3	City of Sisseton	FU	MUN		10	1,607	1,607
5006-3	City of Sisseton	LC	MUN		1.34		582.1
LC: Licensed Water Right; FU: Future Use; MUN: Municipal						TOTAL:	2,189.1

Currently, there are five irrigation water rights/permits authorized to appropriate water from the Wilmot aquifer (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 Wilmot aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 145 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 164 acre-feet per year (Table 3) (Water Rights, 2024a).

The average annual withdrawal rate for irrigation water rights/permits includes the reported withdrawal rates from now cancelled Water Right No. 2266-3 and Water Permit No. 4719-3, previously labeled as withdrawing from the Pleistocene Series: Unknown aquifer but were likely withdrawing from the Wilmot aquifer based on the information available from the SDGS study currently in progress (Christensen and Mathiowetz, 2024).

Additionally, Water Permit No. 8814-3 was approved in 2024, authorizing the irrigation of 102 acres (Water Rights, 2024c). Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for Water Permit No. 8814-3. Therefore, the average annual withdrawal rate for Water Permit No. 8814-3 is approximately 102 acre-feet per year.

Overall, the average annual withdrawal rate for the irrigation water rights/permits that have reported from 2013 to 2022, plus the withdrawal rate estimated for Water Permit No. 8814-3, is approximately 266 acre-feet per year.

There are domestic wells completed into the Wilmot aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Wilmot 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 Wilmot aquifer.

Hydrologic Budget Summary

The average annual recharge rate to Wilmot aquifer ranges between approximately 1,911 to 7,645 acre-feet per year. Additional drilling and study of the Wilmot aquifer conducted by the SDGS is expected to refine the estimated areal extent of the aquifer by Hedges and others (1982) which will likely affect the mathematics of the average annual recharge range. The estimated average annual withdrawal rate from the Wilmot aquifer is approximately 2,721.1 acre-feet per year (non-irrigation (including future use reservation): 2,189.1 acre-feet/year; irrigation (avg 2013 to 2022 plus Water Permit No. 8814-3): 266 acre-feet/year; Water Permit Application No. 8846-3 (if approved, assuming application rate of one foot per authorized acre): 266 acre-feet/year). While the average annual withdrawal rate exceeds the lower end of the average annual recharge rate, assumptions based on irrigation application rates were made by estimating the average annual withdrawal rate for permits that are still under development. Additionally, based on a study being conducted by the SDGS, a number of permits listed as withdrawing from the Wilmot aquifer may be reassigned to other aquifers based on the outcomes of the study (Christensen and Mathiowetz, 2024). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Wilmot aquifer for the proposed appropriation.

Table 3. Reported historic irrigation use from the Wilmot aquifer (Water Rights, 2024a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	4	70.86
1980	5	257.72
1981	8	208.34
1982	7	218.86
1983	7	344.41
1984	7	282
1985	8	90
1986	8	0
1987	7	213
1988	8	371.7
1989	8	214.5
1990	8	156
1991	7	0
1992	7	65.5
1993	7	0
1994	7	0
1995	5	0
1996	5	100.98
1997	5	130
1998	5	170.01
1999	5	106.19
2000	5	164.89
2001	5	48.86
2002	5	39.6
2003	5	100.41
2004	5	107.95
2005	3	61.87
2006	4	209.87
2007	4	102.53
2008	4	89.49
2009	4	117.47
2010	4	167.04
2011	4	136.14
2012	4	397.61
2013	4	229.64
2014	4	132.93
2015	4	78.3
2016	4	155.04
2017	4	173.46
2018	4	204.97
2019	4	0
2020	4	238.55
2021	4	201.36
2022	4	227.99
Min	3	0
Max	8	397.6
Avg (1979 to 2022)	5	145
Avg (2013 to 2022)	4	164

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 four observation wells completed into the Wilmot aquifer (Water Rights, 2024b). The location of the observation wells in relation to the proposed diversion points are RB-77P (approximately 9.7 miles northwest), RB-77O (approximately 10.7 miles northwest), RB-77Q (approximately eleven miles northwest), and GT-76E (approximately thirteen miles northwest) (Water Rights, 2024b). The hydrographs for these observation wells are displayed in Figures 1 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. Locations of the observation wells can be seen on Figure 5.

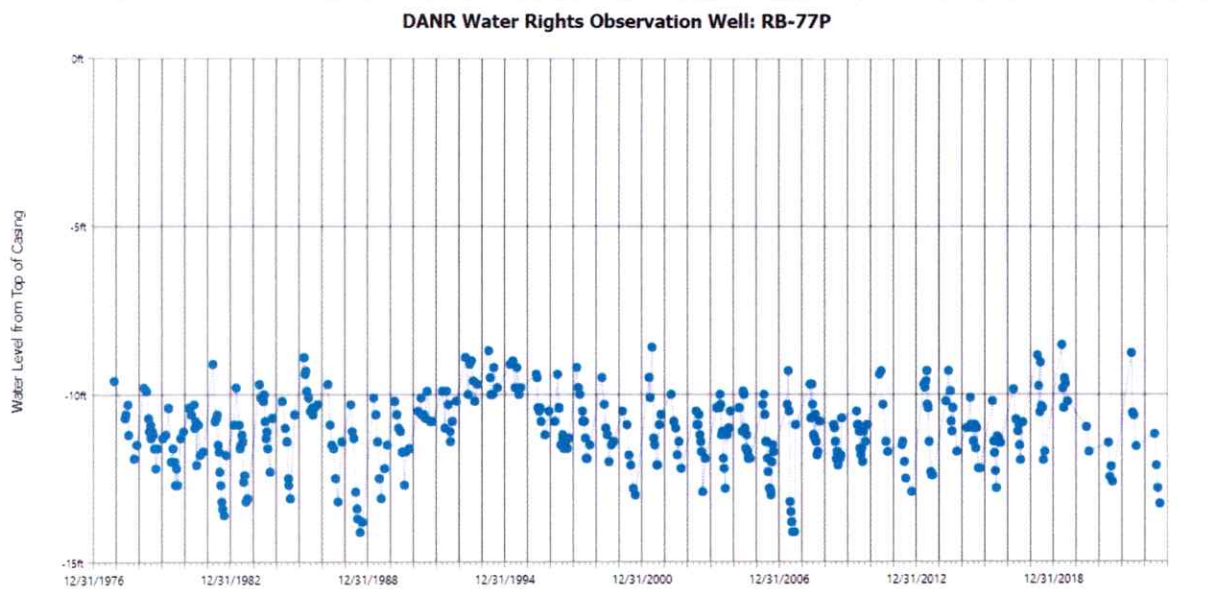


Figure 1. Hydrograph for observation well RB-77P (Water Rights, 2024b)

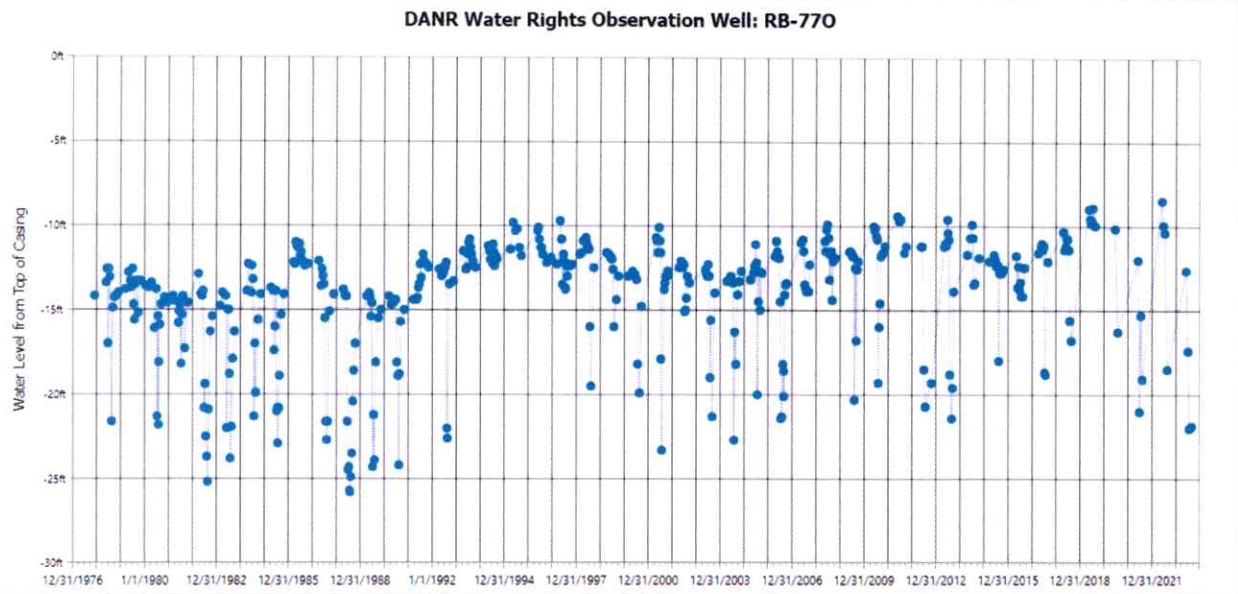


Figure 2. Hydrograph for observation well RB-77O (Water Rights, 2024b)

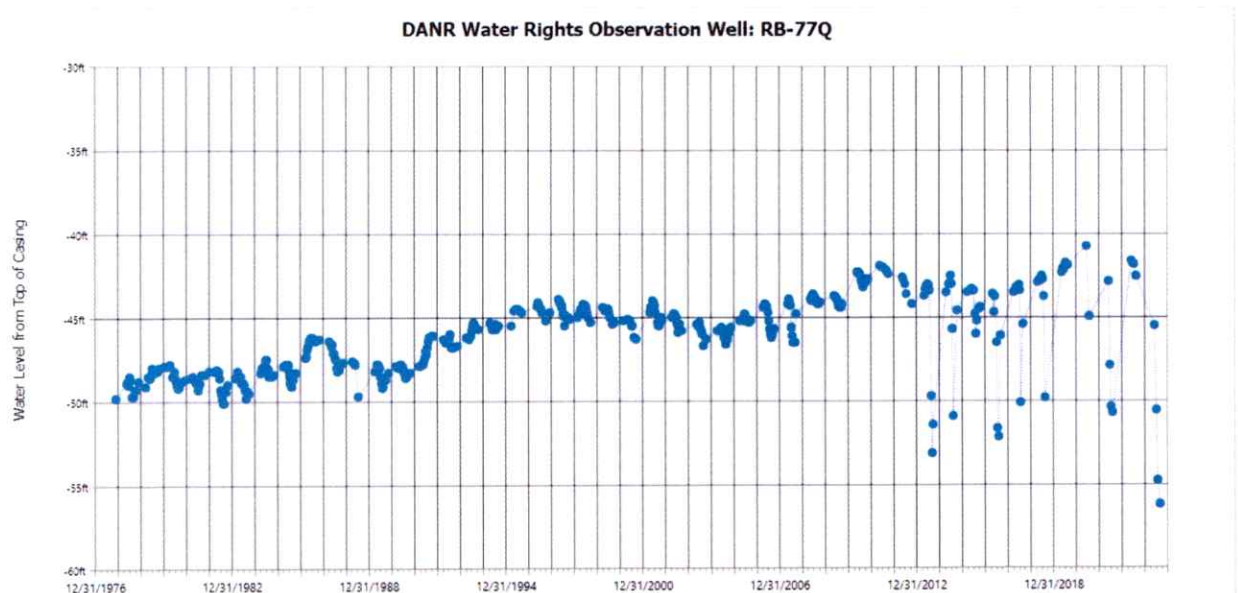


Figure 3. Hydrograph for observation well RB-77Q (Water Rights, 2024b)

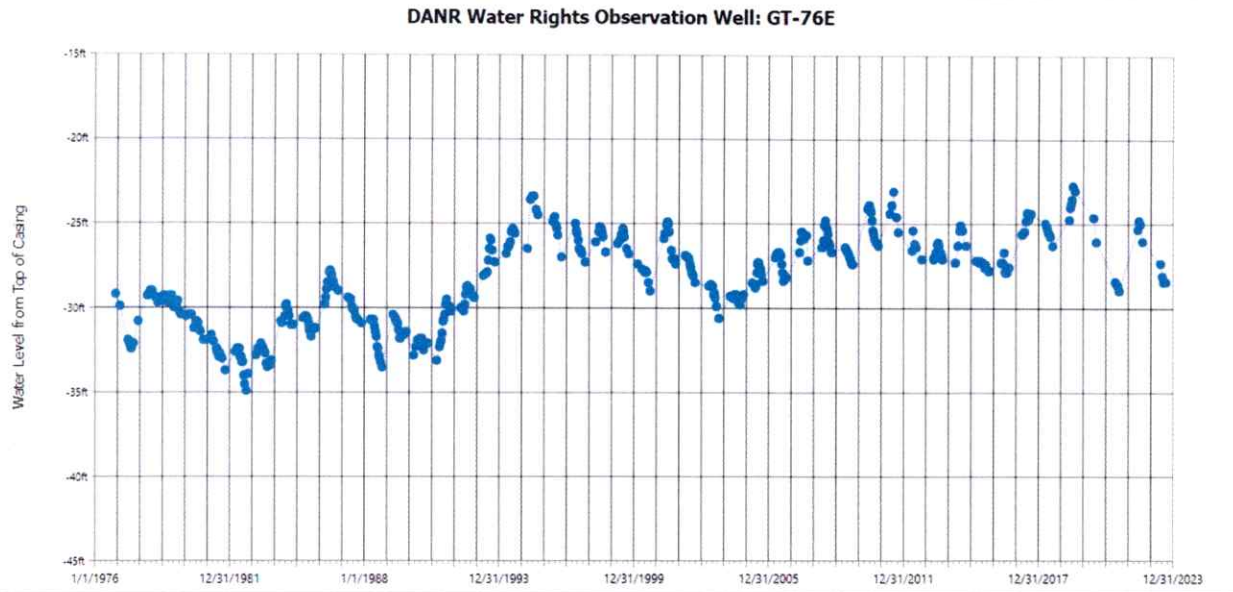


Figure 4. Hydrograph for observation well GT-76E (Water Rights, 2024b)

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Wilmot aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Wilmot aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are six water rights/permits authorized to appropriate water from the Wilmot aquifer, and one future use permit reserving water (Water Rights, 2024c). The closest water right/permit to the proposed diversion points is Water Right No. 696-3, which is held by Brian Renelt. The diversion point for Water Right No. 696-3 is located approximately eleven miles northwest of the proposed diversion points for this application (Table 4) (Figure 5) (Water Rights, 2024c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Wilmot aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.3 miles southwest of the proposed diversion points (Water Rights, 2024d). There could potentially be other domestic wells completed into the Wilmot aquifer near the proposed diversion points that are not on file with the DANR-Water Rights Program. The

location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

Table 4. Water rights/permits authorized to withdraw water and future use permit reserving water from the Wilmot aquifer, as shown in Figure 5 (Water Rights, 2024c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)
696-3	Brian Renelt	LC	IRR	289	3	
4788-3	Kent E Frerichs	LC	IRR	498	2.67	
4796-3	City of Sisseton	FU	MUN		10	1,607
5006-3	City of Sisseton	LC	MUN		1.34	
5194-3	Kent E Frerichs	LC	IRR	234	2	
6685-3	David Anderson	PE	IRR	55	0.89	
8814-3	Craig Arthur	PE	IRR	102	1.44	
LC: Licensed Water Right; PE: Water Permit; FU: Future Use; IRR: Irrigation; MUN: Municipal						

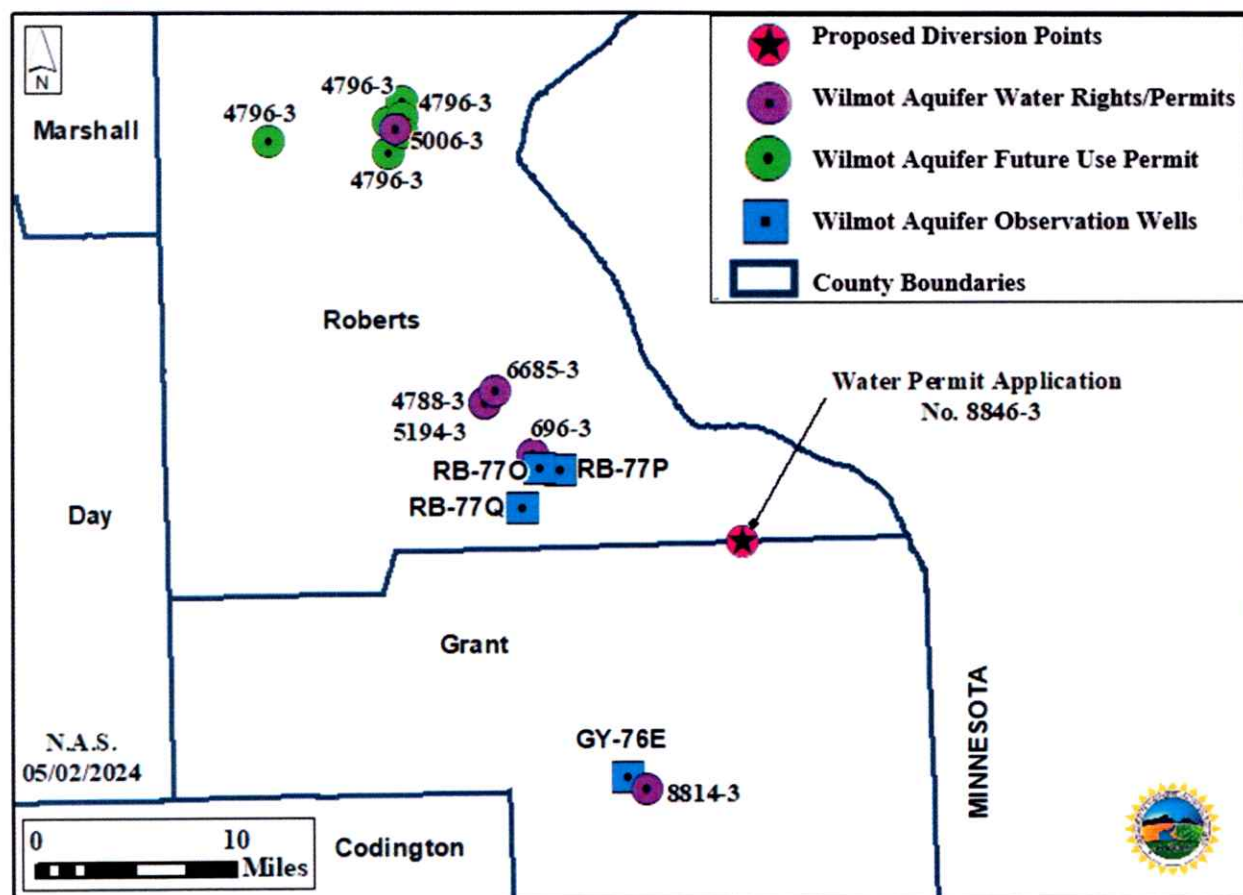


Figure 5. Location of the proposed diversion points for Water Permit Application No. 8846-3, with the Wilmot aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c)

The Wilmot aquifer varies between confined and unconfined conditions (Water Rights, 2024b and 2024d). The Wilmot aquifer is expected to be under confined conditions near the proposed diversion points based on water well completion reports on file (Water Rights, 2024d). The drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Wilmot aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well RB-77Q (approximately eleven miles northwest of the proposed diversion points) has four high-yield (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) irrigation wells within approximately six miles of it (Water Rights, 2024b and 2024c). The drawdown from pumping can be seen on the hydrograph for RB-77Q, along with the aquifer returning to pre-pumping conditions between irrigation seasons (Figure 3) (Water Rights, 2024b). The lithologic log on file for RB-77Q noted the well was drilled 165 feet deep below the ground surface, had a casing stick up height of approximately 1.5 feet, and the top of aquifer materials approximately 131 feet below the ground surface (SDGS, 2024). The lowest recorded static water level on the hydrograph (displayed in Figure 3) is approximately 56 feet below the top of the well casing, which indicates there was still approximately 75 feet of artesian head pressure in RB-77Q even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (SDGS, 2024; Water Rights, 2024b).

Well completion reports on file with the DANR-Water Rights Program for wells completed into the Wilmot aquifer within approximately two miles of the proposed diversion points have saturated aquifer thicknesses ranging from approximately 7 to 30 feet and show the aquifer is generally confined, but may have unconfined areas (Water Rights, 2024d). A saturated aquifer thickness of 7 feet would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. Therefore, to be considered an adequate well at this location, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a short period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. In Grant and Roberts Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Wilmot aquifer (Water Rights, 2024e).

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 Wilmot 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 artesian head pressure in observation wells completed into the aquifer, and the lack of well interference complaints for adequate wells completed into the aquifer in Grant and Roberts Counties, 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 on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8846-3 proposes to divert water at a maximum instantaneous diversion rate of 2.0 cfs from up to two wells to be completed into the Wilmot aquifer (approximately 50 feet deep) for the irrigation of 266 acres. The site of interest is located in Grant County approximately seven miles north of Milbank, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Wilmot aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8846-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

4. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

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

References

- Christensen, WP., and Mathiowetz, A.W., 2024. Email Communication. South Dakota Geological Survey and SD DANR-Water Rights Program.
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- Water Rights, 2024a. "1979-2022 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2024b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 30, 2024

Anthony or Kimberly Folk
47762 140th Street
Corona SD 57227

Dear Mr. & Mrs. Folk:

Water Permit Application No. 8846-3 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 Grant County Review printed in Milbank SD (Ph # 605 432-4516) and the Public Opinion printed in Watertown SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8846-3 to Appropriate Water

Notice is given that Anthony or Kimberly Folk, 47762 140th Street, Corona SD 57227 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from up to two wells to be completed into the Wilmot Aquifer (approximately 50 feet deep) located in the NE 1/4 NE 1/4 Section 2 for irrigation of 266 acres located in the N 1/2 Section 2; all in T121N-R48W. This site is located approximately 7 miles north of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8846-3 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 June 17, 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 June 17, 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.

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Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, May 29, 2024 2:20 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10227908 8846-3 Anthony or Kimberly Folk - Public Notice
Attachments: 10227908.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Public Opinion on June 5. The order cost is \$49.66 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

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

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, May 29, 2024 11:11 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 10227908 8846-3 Anthony or Kimberly Folk - Public Notice

Attached is a notice to be published on June 5, 2024.

Anthony or Kimberly Folk, 47762 140th Street, Corona SD 57227, 605-467-0913, 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.**

Order Confirmation
Not an Invoice

Account Number:	1456438
Customer Name:	Anthony Folk
Customer Address:	Anthony Folk 47762 140Th ST Corona SD 57227-8230
Contact Name:	Rachel Rodriguez
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	8846-3

Date:	05/29/2024
Order Number:	10227971
Prepayment Amount:	\$ 0.00

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Payment Amount by Credit Card	\$51.64

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Rodriguez, Rachel

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Sent: Wednesday, May 29, 2024 11:11 AM
To: legals@thepublicopinion.com
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Attachments: 8846-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 29, 2024 11:10 AM
To: gcreview@itcmilbank.com
Subject: 8846-3 Anthony or Kimberly Folk - Public Notice
Attachments: 8846-3 public.short_final.docx; FORM8.FRM.doc

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Thank you,

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



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Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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06/05/2024

and that the fees charged are legal.
Sworn to and subscribed before on 06/05/2024

Legal Clerk

Notary, State of WI, County of Brown

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WATER
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NOTICE OF
APPLICATION NO. 8846-3
to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8846-3 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 June 17, 2024.

The petition shall include a statement describing the unique injury upon approval of the application

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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 June 17, 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 on June 5, 2024 at the total approximate cost of \$49.66 and may be viewed free of charge at www.sdpublicnotices.com.

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Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Owner _____ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8846-3 To Appropriate Water, Anthony or Kimberly Folk

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

<u>June 5</u>	<u>20 24</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

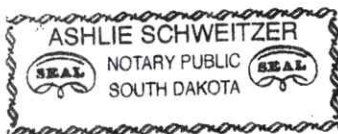
That \$ 39.96, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 5th day of June 20 24

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee \$ 39.96
Notarial Fee \$ _____
Total \$ 39.96

NOTICE OF APPLICATION NO. 8846-3

TO APPROPRIATE WATER

Notice is given that Anthony or Kimberly Folk, 47762 140th Street, Corona SD 57227 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from up to two wells to be completed into the Wilmot Aquifer (approximately 50 feet deep) located in the NE 1/4 NE 1/4 Section 2 for irrigation of 266 acres located in the N 1/2 Section 2; all in T121N-R48W. This site is located approximately seven miles north of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8846-3 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 per-

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Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT } ss.

Filed in the office of _____

_____ day of _____, 20____

on the

Attorney for _____

son 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 June 17, 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 peti-

tioner 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 June 17, 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 an approximate cost of \$39.96 and can be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 30, 2024 8:26 AM
To: Tony Folk
Subject: 8846-3 Anthony or Kimberly Folk - Public Notice
Attachments: 8846-3 Rec.pdf; 8846-3 Ltr.pdf; 8846-3 PubNotice.pdf; Receipt_Folk.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

JUN 26 2024

Anthony or Kimberly Folk
47762 140th Street
Corona SD 57227

Dear Mr. and Mrs. Folk:

Enclosed is Water Permit No. 8846-3 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**

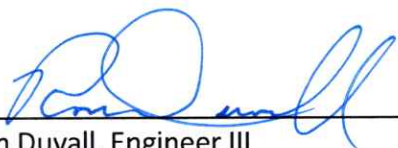
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8846-3

Name of Applicant: Anthony or Kimberly Folk

Date of Posting: 6/3/2024

Date of Removal: 6/26/2024



Ron Duvall, Engineer III

6/26/2024

Date

Subscribed and sworn to before me, a notary public, this 26th day of June, 20 24.



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

(SEAL)



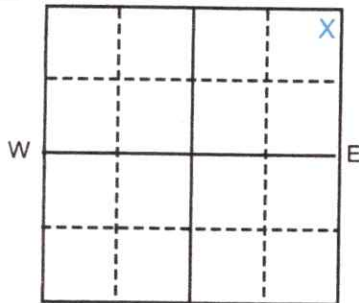
8846-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 2 Twp 121 Rg 48County GRANT ☒

North

Please mark well
location with an "X"

Well Completion Date

10/3/2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
.25 MILE ft. from SOUTH OF SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>40</u> FT	<u>16</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>BENTONITE</u>	<u>9</u>	Lb/gal	<u>0</u> Ft	<u>35</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 12 Inches Length 10 FeetMaterial STAINLESS STEELSlot Size .070 Set From 40 Feet to 50 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?☒ No, Why Not?Lab to which water
quality sample sent for analysisIRRIGATION WELLWell Owner: TONY FOLK

Business Name:

Address: 47762 140TH STCity, State, Zip: CORONA ☒ SD ☒ 57227

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1
YELLOW CLAY/ SOME ROCK	1	26
CLAY, SMALL AMOUNT OF SAND	26	30
YELLOW CLAY	16	26
CLAY SMALL AMOUNT OF SAND	26	30
YELLOW / BLUE CLAY	30	33
SAND / GRAVEL	33	40
SAND/ GRAVEL	40	49
CLAY	49	52

STATIC WATER LEVEL

4.0 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

20 Ft. After 5 Hrs. pumped 400 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 45 19.5831 W 96 38.26512 - EAST WELLThis well was drilled under license # 475 and this
report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 10-23-24

TONY FOLK - IRR WELLS SEC 2 NORTH OF MILBANK

Legend

N 45 19.58826 W 96 38.54628

12" IRR WELL 65' 10/3/2024 WEST WELL

Tony Folk Th. # 4 300' 3/5/2024

12" IRR WELL 50' 10/3/2024 - EAST WELL

5" test well 47' 3/6/2024

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OCT 21 2024

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Google Earth

600 ft

