

WATER PERMIT NO. 8851-3

Name of Applicant: **Jacob Andersen & Tyler Andersen**

Address: **46231 296th Street, Centerville SD 57014** Phone: **605-201-2764**

Amount of Water Claimed: **2.22 cfs** Total Acres: **125.58**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Centerville SD**

PRIORITY Date Received: **04-02-24**

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

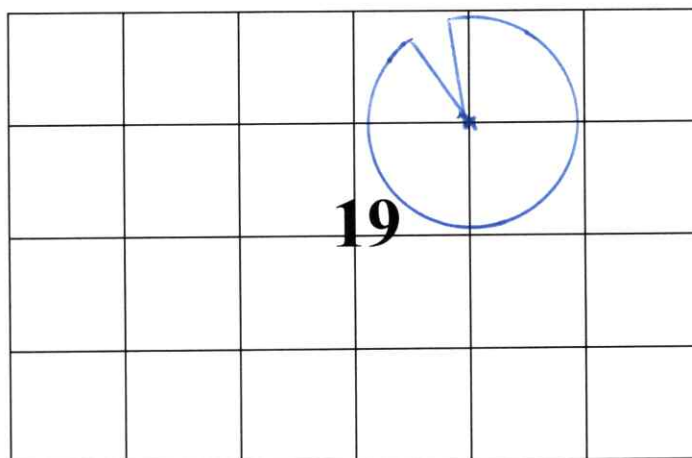
Corrected Application Received: **04-05-24**

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

Remarks:

Diversion Point: **Center of the NE 1/4 Sec 19-
T97N-R51W**

Land to be Irrigated: **NE 1/4 Sec 19-T97N-R51W**



Depth of Well: **220**

Well Driller: **Thein Well Co**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **04-05-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8851-3

Date of first receipt of application April 2, 2024.

Date of return to applicant for corrections, amendments or changes April 3, 2024.

Date of receipt of corrected application April 5, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8851-3 to Jacob Andersen Tyler Andersen, 46231 296th Street, Centerville SD 57014, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8851-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 220 feet deep) located near the center of the NE 1/4 Section 19 for irrigation of 125.58 acres located in the NE 1/4 Section 19; all in T97N-R51W. This site is located approximately seven miles northeast of Centerville SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 2, 2024.
4. The date of approval of Permit No. 8851-3 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 well approved under Water Permit No. 8851-3 is 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 well authorized by Permit No. 8851-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8851-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 125.58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 08 2024
date



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

RECEIVED

APR 02 2024

OFFICE OF
WATER

Mail to:

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

ph. (605) 773-3352

No. 8851-3 Hydrologic Unit 10170102

Basin Vermillion

Newspaper Lennox Independent

Sioux Falls Argus Leader (office use only)

PAID

APR 02 2024

Chk# 1231
Rec'd# 4/2/24

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Jacob Andersen Tyler Andersen

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

Mailing Address 46231 296th St Centerville SD 57014
(Address) (City) (State) (Zip Code)

Phone 605-201-2764 Mobile _____ Email andersen859@hotmail.com

2. Amount of water claimed 2.22 *CFS or 1000 **GPM _____ ***AF Total Acreage 125.58
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Upper Vermillion Missouri Aquifer

4. Location of point of diversion 1 well center of the NE 1/4 of section 797-51-19
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Lincoln

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used May - 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
NW 1/4 of NE 1/4 97-51-19	25.08		
NE 1/4 of NE 1/4 97-51-19	33.5		
SW 1/4 of NE 1/4 97-51-19	33.5		
SE 1/4 of NE 1/4 97-51-19	33.5		

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

Center pivot for row crop production.

Requesting a diversion rate greater than the statutory limit.

I, Jacob Andersen 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 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Thein Well Company
(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) 220 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property 0 Property owned by others 1900

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

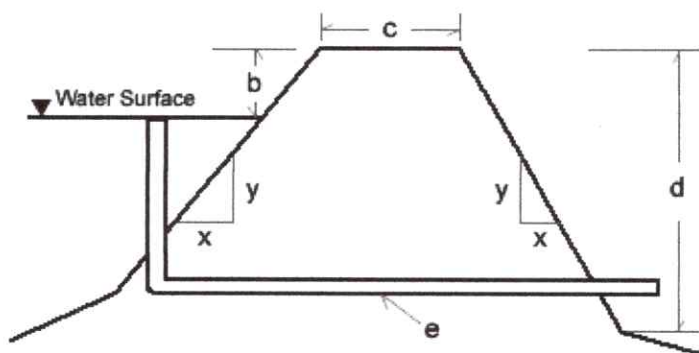
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

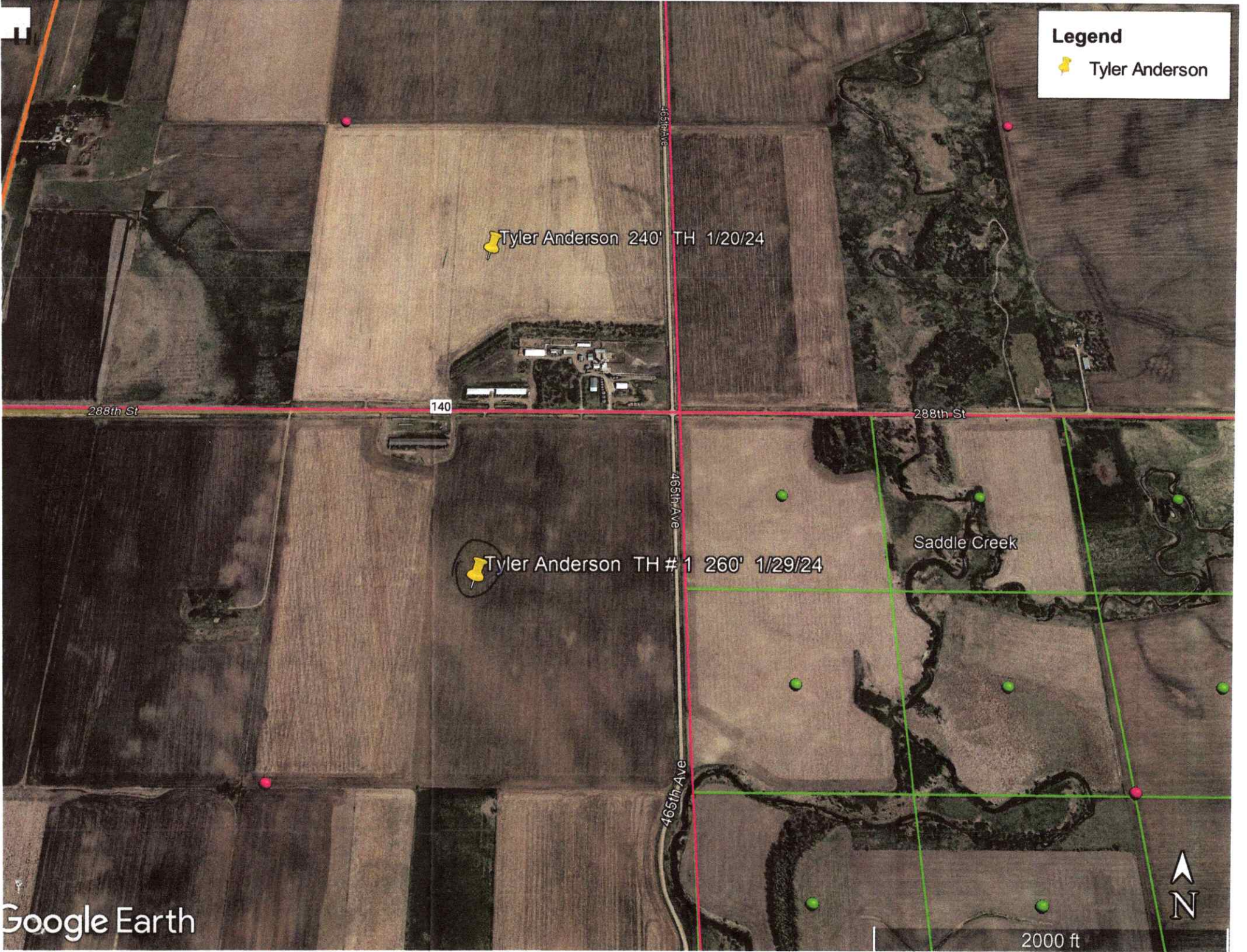
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____



- 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

Legend

 Tyler Anderson



Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

Farm: Field1

Grower: Jacob Andersen

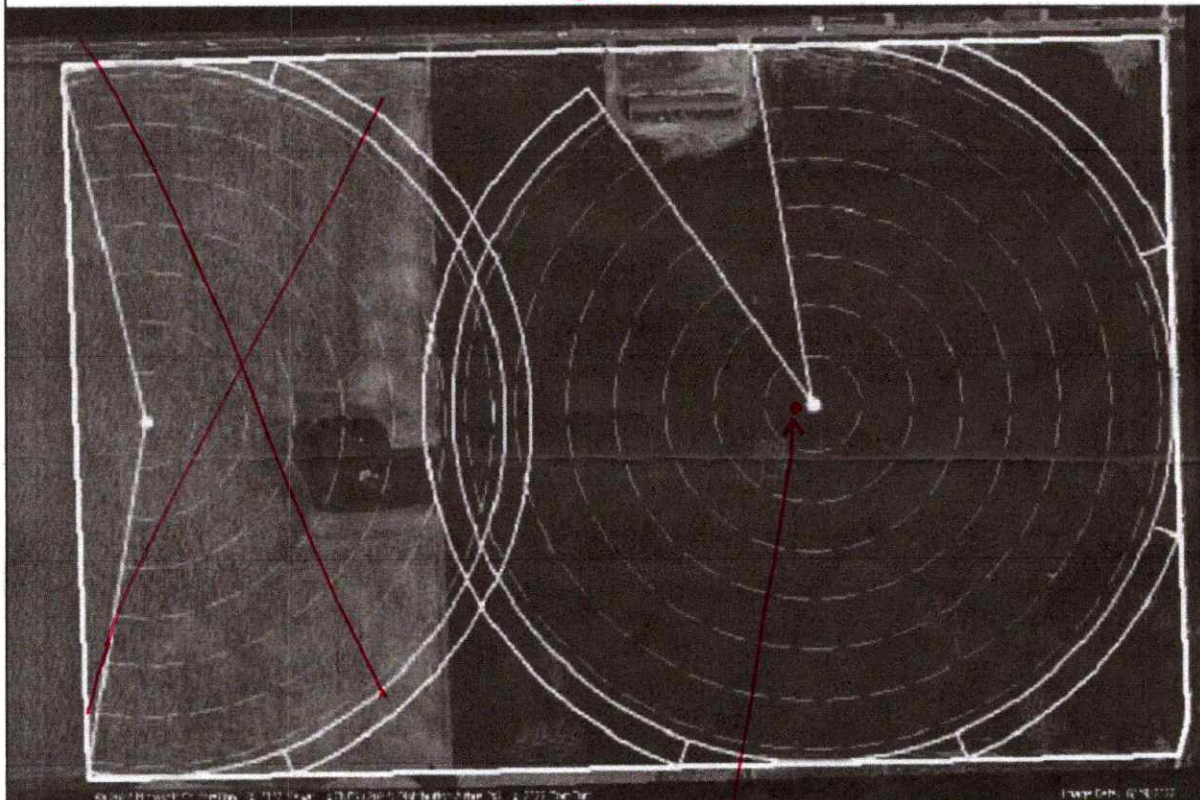
1/17/2023

Systems:	Length	Spans	Total area including endgun
○ Pivot 2	1303.67 ft	7 spans + 44 ft o.h.	125.58 acres
~~○ Pivot 4~~	~~1292.67 ft~~	~~7 spans + 33 ft o.h.~~	~~75.28 acres~~

Section 97-51-19

25.08

33.5



33.5

33.5

Approx well location

Pivot 2

Pivot Area: **113.87** acres
 Endgun Area: **11.71** acres
 Total Area: **125.58** acres

System Length: **1303.67** ft
 # of Spans: **7 + overhang**
 Deg. of Sweep: **334.4°**
 Endgun Throw: **100.0** ft

Color on map:



Spans

# of Spans: 7	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Span 6 (1074.8)	Span 7 (1253.7)	Overhang (1303.7)
Length:	179	179	179	179	179	179	179	44 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

# of Areas: 3	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	21.9° / 67.0°	30.3° / 75.4°	43.213969798° -96.908347331°	43.212048177° -96.905671587°	2.45
Area 2	111.5° / 158.3°	119.8° / 166.6°	43.209341375° -96.905623604°	43.207328137° -96.908366513°	2.54
Area 3	202.1° / 326.1°	210.4° / 334.4°	43.207337275° -96.912011870°	43.213620247° -96.912901799°	6.73

97N 52W
Section: 12

97N 51W
Section: 07

97N 51W
Section: 08

97N 52W
Section: 13

97N 51W
Section: 18

97N 51W
Section: 17

97N 52W
Section: 24

97N 51W
Section: 19

97N 51W
Section: 20

10170102 Vermillion

97N 52W
Section: 25

97N 51W
Section: 30

97N 51W
Section: 29

97N 52W
Section: 36

97N 51W
Section: 31

97N 51W
Section: 32

North

A 4x4 grid with a blue 'X' in the top-right cell. The left side is labeled 'W' and the right side is labeled 'E'.

1/29/2024

1 Mile

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

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

MUD ROTARY

If other describe

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

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	28	Lb/gal	0 Ft	260 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

If so, what material? _____
Describe packer(s) and location _____

Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not?

Lab to which water quality sample sent for analysis

TEST HOLE ONLY

City, State, Zip: CENTERVILLE SD 57014[illegible]

STATIC WATER LEVEL _____ **FEET**

If flowing: closed in pressure _____ **PSI**

GPM flow _____ through _____ **Inch pipe**

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ **GPM**

Can well be completely shut in?

☐ 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

GPS N 43° 12.6400 W 96° 54.6140 DAVIS SOUTH

Signature of Well Owner or Equitable Property Holder:

Date:

1/29/24

Tyler Anderson

Davis South Test Hole

N 43°12.6400 W 96°54.6140

260' X 6.25"

MATERIAL	DEPTH (ft.)
Top Soil	0-4
Tan Clay	4-21
Brown Clay	21-23
Blue Clay	23-59
Sandy Clay	59-63
Blue Clay with sand layers	63-75
Gravel	75-98
Blue Clay	98-124
Gravel	124-129
Blue Clay with Sand Layers	129-182
Sand	182-220
Sand with Clay Layers	220-258
Shale	258-260

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 2, 2024

RECEIVED OF Jacob C. Andersen 46231 296th Street Centerville SD 57014

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

Fee for Application for Permit No. <u>8851-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8851-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>1050.00</u>

By Eric Gronlund
Chief Engineer

vm

Rodriguez, Rachel

From: Jacob Andersen <andersen859@hotmail.com>
Sent: Friday, April 5, 2024 10:17 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Item C- well depth proposed would be around 220'

Domestic wells on property is 0. Neighboring well is 1900' away from proposed well.

Let me know if there's anything else I need.

Thanks

Jacob Andersen
Sent from my iPhone

On Apr 3, 2024, at 10:45 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning,

I am in receipt of your application however, there are a few items that need clarification:

1. Attached is Form 2A – please complete the highlighted areas and return to me. If you do not know the nearest domestic well, you may say unknown.

Once I am in receipt of this item, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

<Form 2A.pdf>

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 3, 2024 10:46 AM
To: 'andersen859@hotmail.com'
Subject: Water Permit Application
Attachments: Form 2A.pdf

Good morning,

I am in receipt of your application however, there are a few items that need clarification:

- Attached is Form 2A – please complete the highlighted areas and return to me. If you do not know the nearest domestic well, you may say unknown.

Once I am in receipt of this item, I can begin processing your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8851-3, Jacob Andersen and Tyler Andersen**

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. 8851-3, Jacob Andersen and Tyler Andersen, 46231 296th Street, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 8851-3 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. 8851-3 is 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 well authorized by Permit No. 8851-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8851-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 125.58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 20, 2024

Report to the Chief Engineer
On Water Permit Application No. 8851-3

Jacob & Tyler Andersen

May 13th, 2024

Water Permit Application No. 8851-3 proposes to appropriate 2.22 cubic feet of water (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 220 feet deep) located near the center of NE ¼ of Section 19 for irrigation of 125.58 acres in the NE ¼ of Section 19; all in T97N-R51W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located approximately 7 miles northeast of Centerville, SD in Lincoln County.

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

HYDROGEOLOGY:

The Southern management unit of the Upper Vermillion Missouri aquifer, referred to as the UVM:S aquifer for the remainder of this report, is a Quaternary aged glacial outwash that is made up of materials ranging in size from a fine sand to a medium-pebble gravel (Lindgren & Hansen, 1990). The UVM:S aquifer is primarily confined but can be found under unconfined conditions in areas where the UVM:S aquifer is hydrologically connected to the Parker-Centerville aquifer (Holmes & Filipovic, 2015). The UVM:S aquifer is overlain by a till layer with a range of thickness up to 160 feet thick (Holmes & Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the entire Upper Vermillion Missouri aquifer (Holmes & Filipovic, 2015). From this study and a report written by Water Right staff engineer Buhler (2014), the Water Management Board, in a meeting held on March 6th, 2014, adopted three management units (North, South, and West) that divided the Upper Vermillion Missouri aquifer for the purposes of water management (Water Rights, 2014). The UVM:S aquifer is hydrologically connected to the other management units of the Upper Vermillion Missouri aquifer, the Parker-Centerville aquifer, and the Lower Vermillion Missouri aquifer (Buhler, 2014; Mathiowetz, 2018; Niehus, 1997; Holmes & Filipovic, 2015). Hedges and others (1982) delineated a boundary between the Upper Vermillion Missouri aquifer and Lower Vermillion Missouri aquifer with portions of each boundary being modified by Buhler (2014) and Mathiowetz (2018) in response to additional study of the Upper Vermillion Missouri aquifer, as shown on Figure 1. Figure 1 also shows the estimated areal extent of the UVM:S aquifer, the area utilized for this report is approximately 78,820 acres (Buhler, 2014).

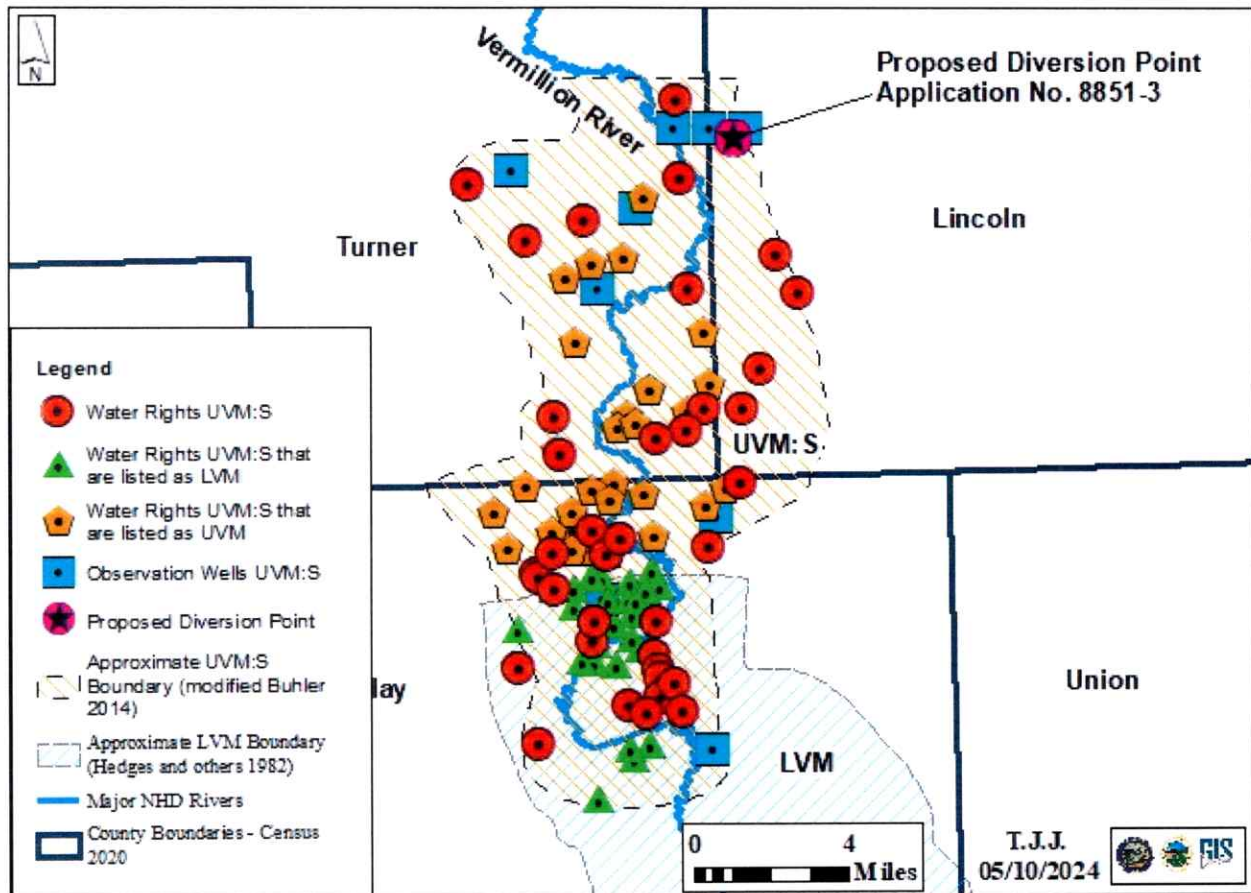


Figure 1. Map of the approximate UVM:S and LVM aquifer boundary delineated by Hedges and others (1982) with a portion of the UVM:S aquifer boundary modified by Buhler (2014), and the location of diversion point for Water Permit Application No. 8851-3, and UVM:S aquifer observation wells and Water Rights (Water Rights, 2024a and 2024b).

A test hole was submitted with this application and is located in the same location as the proposed diversion point (Water Rights, 2024c). The top of aquifer material is 182 feet below ground surface with a total thickness of 76 feet (Water Rights, 2024c). The static water level was not measured in the test hole so the observation well LN-78E (approximately 0.4 miles northeast) will be used to represent an approximate static water level (Water Rights, 2024a). The observation well LN-78E shows a typical historical water level range of 35-45 feet below ground surface, with declines to range of 40-45 feet below ground surface in recent years with the test hole and observation well LN-78E sharing similar land surface elevations (Water Rights, 2024a). Considering nearby well completion reports and observation wells, the proposed diversion point for this application is expected to be under confined conditions (Water Rights, 2024a & Water Rights, 2024c).

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

Pursuant to SDCL 46-2A-9,

“A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed

use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11."

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the UVM:S aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8851-3 proposes to appropriate water from the UVM:S aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

"No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."

The UVM:S aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the UVM:S aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

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

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

Hedges and others (1985) estimated a recharge rate range of 0.15 to 0.6 in/yr to buried-confined aquifers for use by management and development programs. Using Buhler's (2014) aquifer area,

that is an estimated average annual recharge rate range of approximately 985 to 3,941 ac-ft/yr. Based on the Holmes & Filipovic (2015) investigation and Buhler's (2014) report, recharge is likely greater than the upper extent of that range.

2014 Flow Net Analysis

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

Discharge

Discharge from the UVM:S aquifer primarily occurs through well withdrawals, subsurface outflow to other glacial aquifers, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren & Hansen, 1990; Water Rights, 2024c).

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

The estimated average annual withdrawal rate of the UVM:S aquifer water rights/permits approved since completion of Buhler's analysis is an estimated 2,350 acre-feet/year, as shown on Table 1. The withdrawal rate was found by summing the acreage of the 43 water rights/permits approved (shown on Table 1) since the completion of Buhler's (2014) report, then multiplying the total acreage by 0.5 feet/acre which is the annual average application rate per permitted acre in the UVM:S (Buhler, 2014). Applying the same rate to Water Permit Application's No. 8851-3 requested acres provides a total approximate withdrawal rate of 63 acre-feet/year. Other pending water permit (Nos. 8832-3, 8833-3, 8834-3, & 8843-3) applications would on average withdraw 110 acre-feet/year (Water Rights, 2024b). If these pending applications are approved, the total estimated average annual withdrawal rate from the UVM:S aquifer since completion of Buhler's analysis is an estimated 2,523 acre-feet/year.

There are domestic wells completed into the UVM:S aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024c). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be

a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the UVM:S aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the UVM:S aquifer.

Hydrologic Budget Summary

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

Since many previous water rights/permits are already accounted for in Buhler's (2014) recharge rate in excess of withdrawals analysis, only the water rights/permits approved at or after the March 6th, 2014, Water Management Board meeting need to be considered. The estimated average annual withdrawal rate for those water rights/permits from the UVM:S aquifer is approximately 2,523 acre-feet per year. If this application, Application No. 8851-3, and all other pending Water Permit Application Nos. 8832-3, 8833-3, 8834-3, and 8843-3 are approved, the estimated proposed withdrawal is 173 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply the proposed appropriation.

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

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

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors nine observation wells completed into the UVM:S aquifer as shown on Figure 1 (Water Rights, 2024a). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion point are TU-80I (approximately 3.1 miles southwest), TU-78B (approximately 1.6 miles northwest), LN-78B (approximately 0.7 miles northwest), and LN-78E (approximately 0.4 miles northeast) (Water Rights, 2024a). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024a). The data shown on Figure 2 shares a similar trend with all of the observation wells in the UVM:S aquifer.

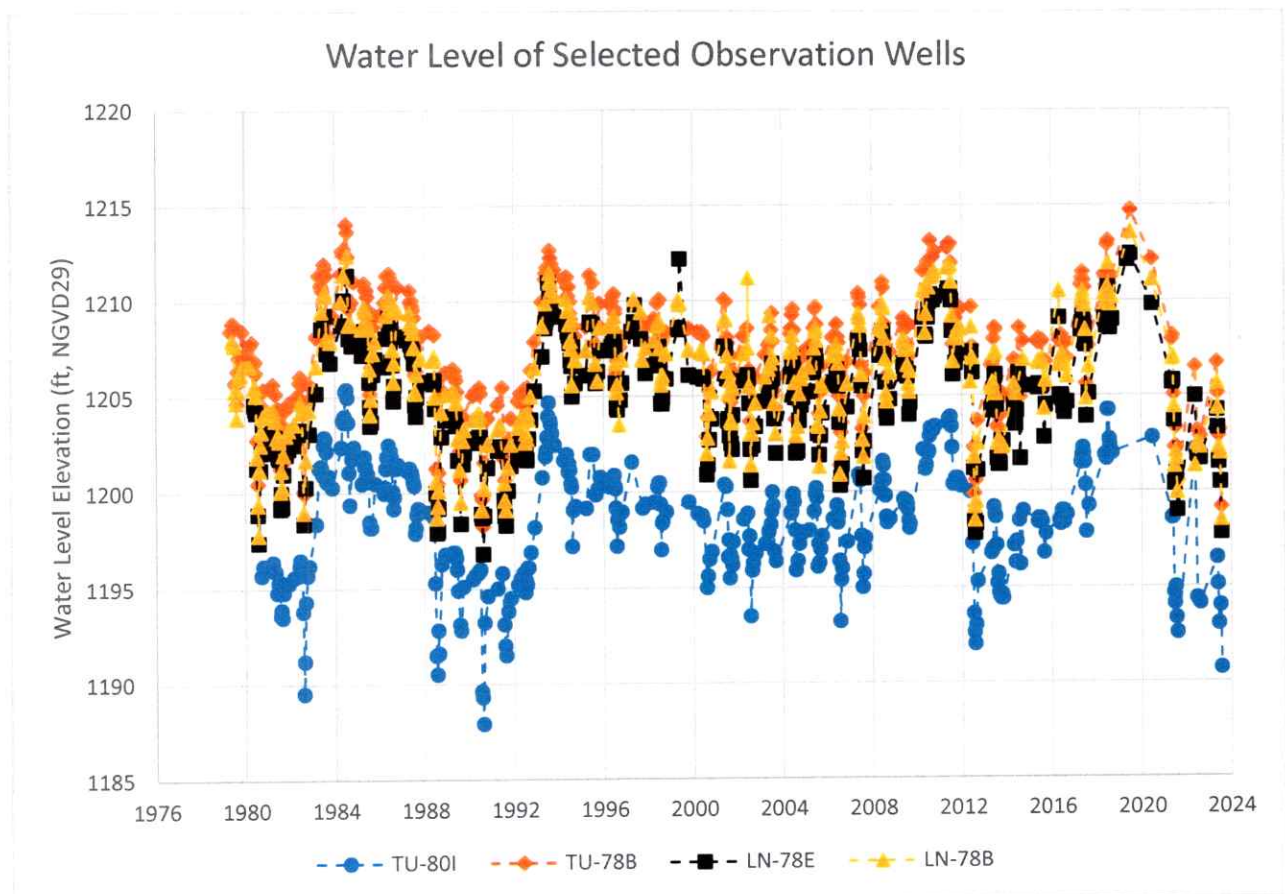


Figure 2. A graph showing the elevation of water levels of observation wells TU-80I, TU-78B, LN-78B, and LN-78E (Water Rights, 2024a)

Currently, all of the observation wells in the UVM:S aquifer have a stable trend in the water level, as seen in Figure 2. The water level for the UVM:S aquifer observation wells indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter

periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. There has been a recent decline in water levels due to recent drought conditions. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer exceed pumping with the aquifer water levels returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the UVM:S aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well water levels demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the well site for this application are shown in Figure 3 and summarized in Table 2. The closest water right/permit to the proposed diversion point for this application is Water Right No. 7467-3 which is held by Cleland Hagen Trust. The diversion point for Water Right No. 7467-3 is located approximately 1.7 miles northwest of the proposed diversion point for this application (Water Rights, 2024b). There are domestic wells on file with the DANR-Water Rights Program that are completed into the UVM:S aquifer, with the closest domestic well on file (not held by the applicant) less than 0.7 miles southwest of the proposed diversion point based on the legal description provided by the well driller on the well completion report (Water Rights, 2024c). There could potentially be other domestic wells completed into the UVM:S aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

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

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
3409-3	Steven R Null	12/07/1976	License	Irrigation	1.88	136
3646-3	Steven R Null	02/04/1977	License	Irrigation	2.00	144
3737-3	William M Jenter	09/16/1976	License	Irrigation	4.57	320
7466-3	Bethel Hagen Trust	10/18/2012	License	Irrigation	1.78	128.7
7467-3	Cleland Hagen Trust	10/18/2012	Permit	Irrigation	1.78	152
7600-3	Michael D Stevens	12/28/2012	Permit	Irrigation	3.56	180
7603-3	Michael D Stevens	12/28/2012	Permit	Irrigation	1.78	120
8685-3	Joe Schumacher	11/28/2022	Permit	Irrigation	1.56	120

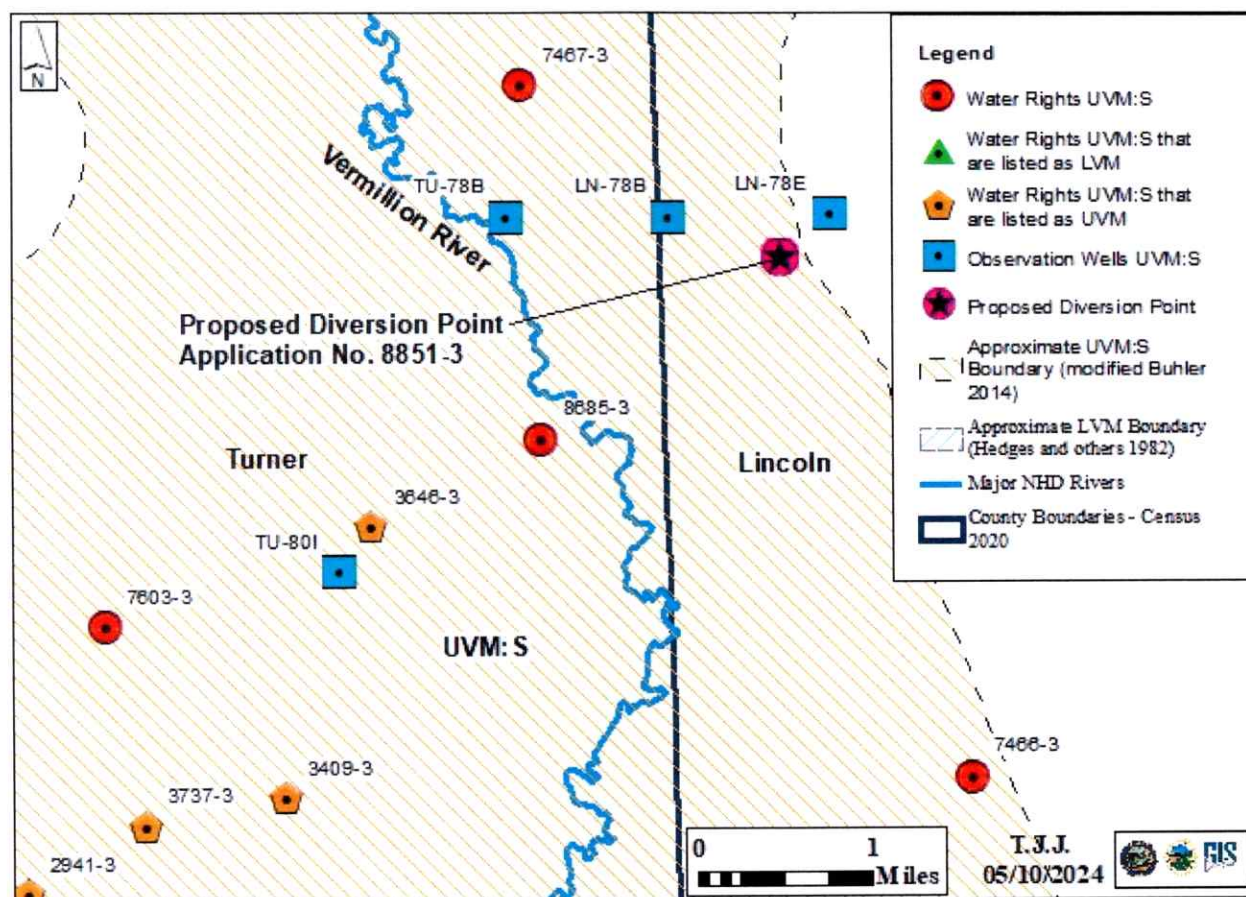


Figure 3. Map of the proposed diversion point for Water Permit Application No. 8851-3, nearby UVM:S aquifer water rights/permits including UVM:S water rights/permits listed as UVM or LVM, and observation wells within 3 miles of the proposed diversion point (Water Rights, 2024a and 2024b).

Based on the well completion reports and observation wells near the proposed diversion point for this application, the UVM:S aquifer is expected to be under confined conditions near the well site. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law

that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the UVM:S aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the history of irrigation in the area without any complaints of well interference (Water Rights, 2024d), and the saturated aquifer thickness near the diversion point, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

SDCL 46-5-6:

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

If approved, Water Permit Application No. 8851-3 would authorize a maximum instantaneous diversion rate of 2.22 cfs from one well for the irrigation of 125.58 acres, or equivalent of 1.24 cfs per 70 acres. The map and application submitted by the applicant indicates the center pivot is doing a partial full rotation. A center pivot typically requires a certain diversion rate to operate properly regardless of swinging a partial or full circle, so the statutory rate limit might be exceeded when a pivot is not completing a full circle. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.

CONCLUSIONS:

1. Water Permit Application No. 8851-3 proposes to appropriate 2.22 cfs from one well to be completed into the Upper Vermillion Missouri: South aquifer for irrigation of 125.58 acres. The site of interest is located approximately 7 miles northeast of Centerville, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the UVM:S aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8851-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

4. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres to accommodate a center pivot doing a partial full rotation. This is reasonable and has been accepted by the Water Management Board and the Water Rights Program in the past.

Reviewed by:



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



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

References

- Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.

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Water Rights, 2024a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2024b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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

Jacob Andersen & Tyler Andersen
46231 296th Street
Centerville SD 57014

Dear Sirs:

Water Permit Application No. 8851-3 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 Lennox Independent printed in Lennox SD (Ph # 605 647-2284) and the Argus Leader printed in Sioux Falls 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. 8851-3 to Appropriate Water

Notice is given that Jacob Andersen and Tyler Andersen, 46231 296th Street, Centerville SD 57014 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 220 feet deep) located near the center of the NE 1/4 Section 19 for irrigation of 125.58 acres located in the NE 1/4 Section 19; all in T97N-R51W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately seven miles northeast of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8851-3 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.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 29, 2024 1:38 PM
To: legals@argusleader.com
Subject: 8851-3 Jacob Andersen & Tyler Andersen - Public Notice
Attachments: 8851-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 6, 2024.

Jacob Andersen and Tyler Andersen, 46231 296th Street, Centerville SD 57014, 605-201-2764, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 29, 2024 1:34 PM
To: Newspaper Notices
Subject: 8851-3 Jacob Andersen & Tyler Andersen - Public Notice
Attachments: 8851-3 public.short_final.docx; FORM8.FRM.doc

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Thank you,

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



AFFIDAVIT OF PUBLICATION

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

STATE OF WISCONSIN, COUNTY OF BROWN

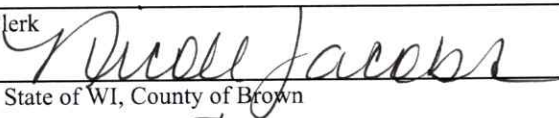
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

06/06/2024

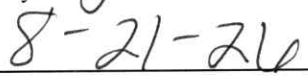
and that the fees charged are legal.
Sworn to and subscribed before on 06/06/2024



Legal Clerk



Notary, State of WI, County of Brown



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Tax Amount:	\$0.00	
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Please do not use this form for payment remittance.

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Notary Public
State of Wisconsin

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JUN 21 2024
Page 1 of 3
OFFICE OF
WATER

**NOTICE OF
APPLICATION NO. 8851-3
to Appropriate Water**

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Published on June 6, 2024 at the total approximate cost of \$56.69 and may be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

Julia Eng

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that THE LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Application No. 8851-3 to
Appropriate Water

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday the 16 day of June A.D., 20 24 and that the succeeding publication was severally

on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 40 Dollars and 83 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, that no agreement or 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.

Julia Eng

Subscribed and sworn to before me this 12 day of June, 20 24.

Anne Horman

Notary Public
Lincoln County, South Dakota

My Commission expires Oct. 26, 20 24.

NOTICES

NOTICE OF APPLICATION NO. 8851-3 TO APPROPRIATE WATER

Notice is given that Jacob Andersen and Tyler Andersen, 46231 296th Street, Centerville SD 57014 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 220 feet deep) located near the center of the NE 1/4 Section 19 for irrigation of 125.58 acres located in the NE 1/4 Section 19; all in T97N-R51W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately seven miles northeast of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8851-3 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 Duval 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

Continued on page 8

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JUN 14 2024

OFFICE OF
WATER

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.

Published once at the total approximate cost of \$40.83 and can be viewed free of charge at www.sdpublicnotices.com. (6-6)

STATE OF SOUTH DAKOTA
County of Lincoln

IN THE CIRCUIT COURT
JUDICIAL CIRCUIT

VS.

Affidavit of Publication

The within Affidavit of Publication of

was filed in my office this _____
day of _____, 20____.

Clerk of Circuit Court of the _____
Judicial Circuit of the State of South
Dakota within and for Lincoln County.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, May 30, 2024 9:36 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10230461 8851-3 Jacob Andersen & Tyler Andersen - Public Notice
Attachments: 10230461.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on June 6. The order cost is \$56.69 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 1:38 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10230461 8851-3 Jacob Andersen & Tyler Andersen - Public Notice

Attached is a notice to be published on June 6, 2024.

Jacob Andersen and Tyler Andersen, 46231 296th Street, Centerville SD 57014, 605-201-2764, 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:	1456524
Customer Name:	Jacob & Tyler Andersen
Customer Address:	Jacob & Tyler Andersen 46231 296Th ST Centerville SD 57014-6742
Contact Name:	Rachel Rodriguez
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	8851-3

Date:	05/30/2024
Order Number:	10230461
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	161.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	06/06/2024 - 06/06/2024	Public Notices
SFA argusleader.com	1	06/06/2024 - 06/06/2024	Public Notices

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

Total Cash Order Confirmation Amount Due	\$56.69
Tax Amount	\$0.00
Service Fee 3.99%	\$2.26
Cash/Check/ACH Discount	-\$2.26
Payment Amount by Cash/Check/ACH	\$56.69
Payment Amount by Credit Card	\$58.95

Order Confirmation Amount
\$56.69

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 30, 2024 9:48 AM
To: andersen859@hotmail.com
Subject: 8851-3 Jacob Andersen & Tyler Andersen - Public Notice
Attachments: 8851-3 Rec.pdf; 8851-3 Ltr.pdf; 8851-3 PubNotice.pdf; Receipt_Argus Leader.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

JUL 08 2024.

Jacob Andersen
Tyler Andersen
46231 296th Street
Centerville SD 57014

Dear Sirs:

Enclosed is Water Permit No. 8851-3 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.: 8851-3

Name of Applicant: Jacob Andersen and Tyler Andersen

Date of Posting: 6/3/2024

Date of Removal: 7/8/2024



Ron Duvall, Engineer III

7/8/2024

Date

Subscribed and sworn to before me, a notary public, this 8th day of July, 2024.



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

(SEAL)



**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 8551-3**

I have this day, **July 30, 2024**, made a thorough examination of the water use system constructed by **Mill Valley LLC, 15161 476th Ave, Milbank, SD 57252** of Permit No. **8551-3**, bearing the priority of **October 4, 2021** authorizing the diversion of an additional **0.17** cu. ft. per second of the waters of the **Greenhorn Formation Aquifer** for **commercial dairy use** purposes, in **Grant** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kranz Well & Excav LLC
- 2) No. of Wells 1
- 3) Depth(s) 352 feet
- 4) Well log is available Y Casing:
 - 1) Diameter 5 inches
 - 2) Length 332 feet
 - 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 50 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity See comments GPM

Motor:

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

Report of Examination of Works

Permit No. 8551-3

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

- 1) Type Buried PVC 2) Size Unknown inches 3) Length 200 feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) 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: WELL #1 2350 ft N & 40 ft W Lat 45.18552 Long -96.68189 (NE ¼ SE ¼) WELL #2 2225 ft N & 200 ft W Lat 45.18518 & Long -96.68237 (NE ¼ SE ¼) WELL #3 2450 ft N & 50 ft W Lat 45.18586 Long -96.68185 (NE ¼ SE ¼).
2. The works are capable of diverting and conveying to the place of use 0.056 cu. ft. per second of water which is to be used for commercial dairy use.

The license should be issued for 0.056 cfs (25 gpm).

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

Additional well ("N" well) and diversion rate to permit 7057A-3. The 7057A-3 report was submitted to DANR last year.

The total discharge capacity of all three (3) wells is 25 gpm. The dairy is on rural water also according to Mr. TerDenge. *Called and verified 8/29/2024 AMD

FSA maps and the ArcGIS program were used to construct the attached well location map.

I visited with Mr. Gerhardt TerDenge (605/949-1574) on the phone.

The address and phone number on the application materials are current.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: August 8, 2024

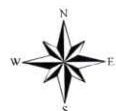


WELL LOCATIONS
From the SE corner
Sec 22 T120N R49W

WELL #1 2350 ft N & 40 ft W
Lat 45.18552 Long -96.68189

WELL #2 2225 ft N & 200 ft W
Lat 45.18518 & Long -96.68237

WELL #3 2450 ft N & 50 ft W
Lat 45.18586 Long -96.68185



0 385 770 1,540 2,310 3,080 Feet



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

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

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date 9/10/2024

FROM: Gerhard for Dango
(name)

605 949 1574
(phone)

15161 426th ave
(address)

millvalleydango@gmail.com
(email)

Millbank SD 57252
(city, state, zip)

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. 8551-3 states that the water use system is to be constructed by

December 20, 2026

(date)

and water is to be put to beneficial use by

December 20, 2030

(date)

The water use system was completed on

7/23/2023
(date)

Applying the water to beneficial use was completed on

7/28/2023
(date)

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

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SEP 17 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 18 2024

7057A-3
8551-3

Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St, STE 308
Sioux Falls SD 57106

Dear Mr. Boadwine:

Enclosed is Water License No. 8551-3. 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

NOTE: The applicable portions of Water Right No. 7057A-3 have been incorporated into Water Right No. 8551-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8551-3**

(1) Mill Valley LLC, 4009 W 49th St, Ste 308, made Application No. 7057A-3, February 14, 2014, for a water permit to reinstate Permit No. 7057-3, authorizing the diversion of 0.11 cubic feet of water per second from groundwater, two wells (Greenhorn Formation), Grant County, South Dakota for commercial use in a dairy operation. Permit No. 7057A-3, with a priority date of February 14, 2014, was approved May 12, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2019, and for the application to beneficial use of water on or before May 12, 2023. The applicable portions of Permit No. 7057A-3 have been incorporated into this license.

Mill Valley LLC made Application No. 8551-3, October 4, 2021, for a water permit to appropriate an additional 0.17 cfs (100 total acre-feet annually) and add a third well to what was already authorized by Permit No. 7057A-3. Permit No. 8551-3, with a priority date of October 4, 2021, was approved December 20, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 20, 2026, and for the application to beneficial use of water on or before December 20, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on September 17, 2024. The Notice stated the diversion system was completed on July 23, 2023, and the water was placed to beneficial use on July 28, 2023.

(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 0.056 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 2,350 ft N & 40 ft W of the SE corner of Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18552 & Longitude -96.68189)
- Well #2: 2,225 ft N & 200 ft W of the SE corner of Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18518 & Longitude -96.68237)
- Well #3: 2,450 ft N & 50 ft W of the SE corner Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18586 & Longitude -96.68185)

(3) The water is to be used during the following described annual period: January 1 – December 31.

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

(5) Pursuant to South Dakota Water Law 46-5-30.1 Mill Valley LLC, the holder and/or owner of Water Right No. 8551-3 is issued a license to appropriate water, the right to use 0.056 cubic feet of water per second from groundwater, three wells (Greenhorn Formation), with a priority date of February 14, 2014, from the locations specified in (2) of this license for commercial use in a dairy operation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8551-3 and subject to the following qualifications:

continued

Qualifications

1. The wells approved under Water Permit Nos. 7057A-3 & 8551-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit 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. 8551-3 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. *(The well was drilled in 2022 by Kranz Well & Excavation LLC. A copy of the well completion report is on file with the Water Rights Program.)*
3. Water Permit Nos. 7057A-3 & 8551-3 are subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.
4. Water Permit Nos. 7057A-3 & 8551-3 are subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards
 - b) Chapter 74:54:02 Ground Water Discharge Permits
 - c) Chapter 74:51:01 Surface Water Quality Standards
 - d) Chapter 74:51:02 Uses Assigned to Lakes
 - e) Chapter 74:51:03 Uses Assigned to Streams
 - f) Chapters 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Greenhorn Formation.
6. Water Permit Nos. 7057A-3 & 8551-3 authorize a total annual diversion of 100 acre-feet of water. *(Annual appropriations from the Greenhorn Formation under Water Right No. 8551-3 are limited to 40.3 acre-feet of water, based on the system as developed.)*



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

SEP 18 2024

date

