

WATER PERMIT NO. 8878-3

Name of Applicant: Tim & Cindy Henrich

Address: 1015 330th Street, Bellingham MN 56212

Phone: 320-305-1812

Amount of Water Claimed: 2.0 cfs

Total Acres: 88

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Grant

Type of Waste Disposal System:

Location: Approx. 7 miles southeast of Milbank SD

PRIORITY Date Received: 06-06-24

Application/License Fee: \$950.00

Corrected Application Received: 06-18-24

Period of Annual Use: June 1 – October 31

Remarks:

Diversion Point: SW 1/4 SW 1/4 Sec 20-T120N-
R47W

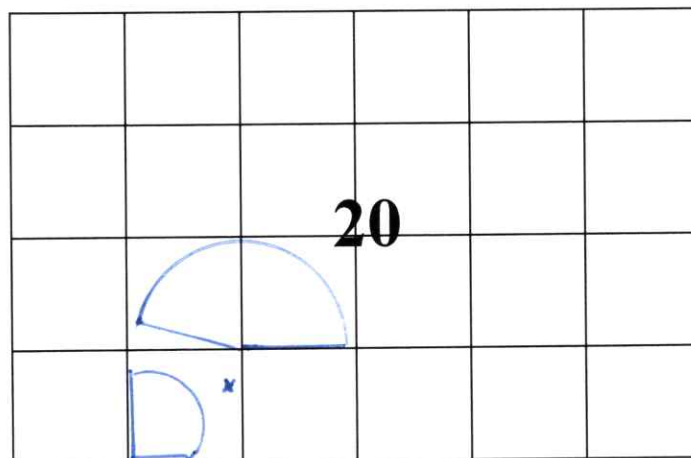
Land to be Irrigated: SW 1/4 Sec 20-T120N-
R47W

Depth of Well: 89

Well Driller: Steffl Drilling & Pump

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 06-18-204

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8878-3

Date of first receipt of application June 6, 2024.

Date of return to applicant for corrections, amendments or changes June 11, 2024.

Date of receipt of corrected application June 18, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8878-3 to Tim and Cindy Henrich, 1015 330th Street, Bellingham MN 56212, 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. 8878-3 appropriates 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (approximately 89 feet deep) located near the center of the SW 1/4 Section 20 for irrigation of 88 acres located in the SW 1/4 Section 20; all in T120N-R47W. This site is located approximately 7 miles southeast 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: June 1 – October 31.
3. The date from which applicant may claim right is June 6, 2024.
4. The date of approval of Permit No. 8878-3 is September 9, 2024.
5. One-fifth of the construction is to be completed on or before March 9, 2027.
6. All construction is to be completed on or before September 9, 2029.
7. Water is to be put to beneficial use on or before September 9, 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. 8878-3 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 Water Management Board retains jurisdiction of Water Permit No. 8878-3 to manage use of water from this aquifer. Based on the historical average water use, unappropriated water is available. However, if the average use increases and begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then curtailment of water use under this Permit may be necessary.
3. The well authorized by Permit No. 8878-3 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.
4. 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. 8878-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 88 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

(continued)

5. 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

SEP 27 2024

date



RECEIVED

JUN 06 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8878-3</u> Hydrologic Unit <u>07020001</u> Basin <u>Minnesota</u> Newspaper <u>Milbank Grant Co Review</u> <u>Watertown Public Opinion</u> (office use only)
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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 Tim & Cindy Henrich

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

Mailing Address 1015 330th St Bellingham MN 56212
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 320-305-1812 Email seth.henrich@yahoo.com

2. Amount of water claimed 2.0 *CFS or 900 **GPM _____ ***AF Total Acreage 88
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well near center of

4. Location of point of diversion 1 well NW 1/4 SW 1/4 Section 20 - 120N 047W
(example - 3 wells in SW 1/4 NE 1/4 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 June-October

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
<u>SW 1/4 Sec 20 - T120N - R47W</u>	<u>88</u>		

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

Requesting a diversion rate greater than the statutory limit.

I, Seth Henrich Renter, 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 _____ Have test holes been drilled? ☒ Yes ☐ No Drilled by Steffl Drilling & Pump In
(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) 89 Depth to Top of Water Bearing Material 54 Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others 700'

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)

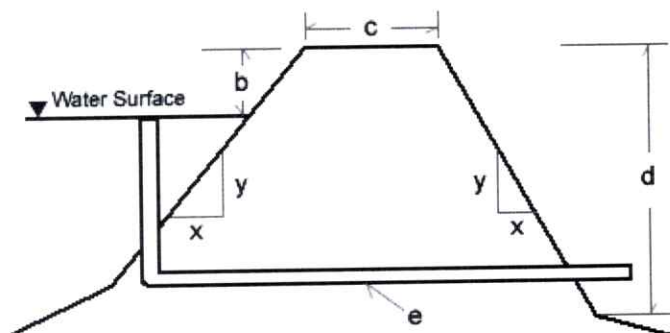
Upstream _____

Downstream _____

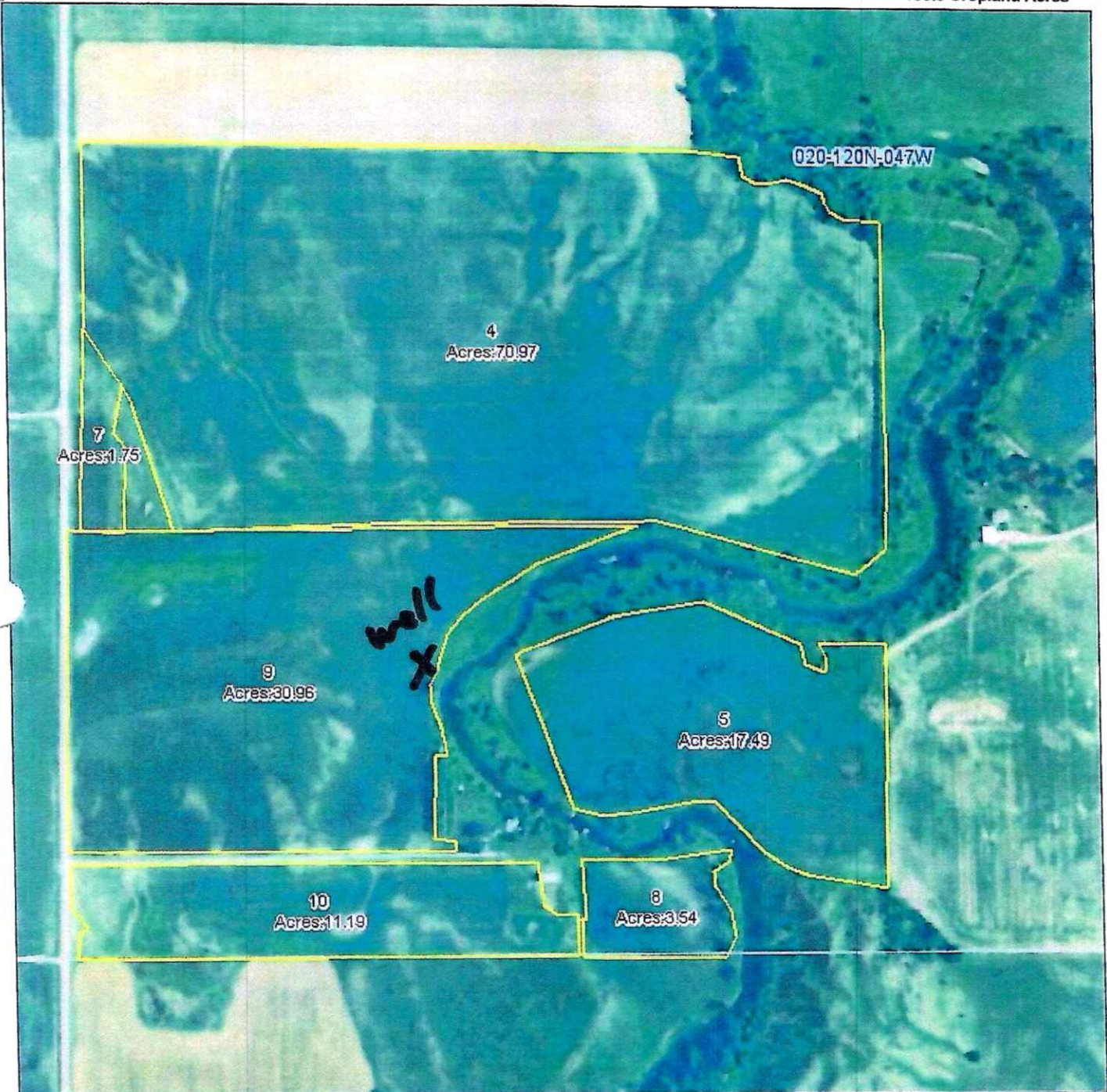
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

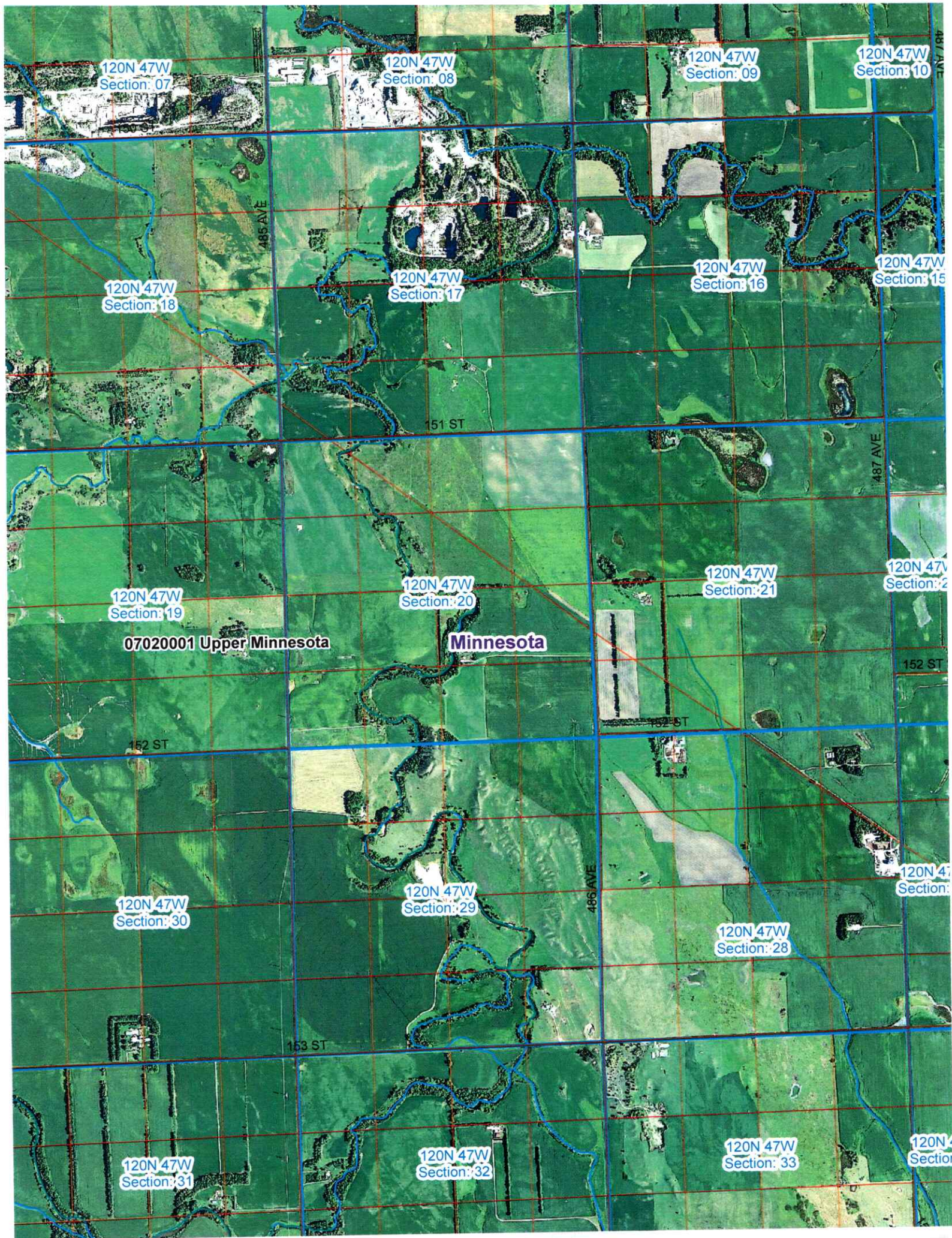


Map Page# 2: 020 -120N-047W

SD-Grant
135.9 Cropland Acres

Policy #	Crop	Unit	FSN	Farm Name	Shareholders	Field Number(s)
831820	Wheat	00010002	2520			10,4,5,7,8,9
831820	Corn	00010002	2520			10,4,5,7,8,9
831820	Soybeans	00010002	2520			10,4,5,7,8,9





Design Detail & Summary



Prepared For:

Seth Henrich



System Name: North Pivot

Span #	Diameter	Length	Cumulative Length
1	6 - 5/8" (168 mm)	180.17 ft	180.17 ft
2	6 - 5/8" (168 mm)	178.92 ft	359.08 ft
3	6 - 5/8" (168 mm)	178.92 ft	538.00 ft
4	6 - 5/8" (168 mm)	178.92 ft	716.92 ft
5	6 - 5/8" (168 mm)	178.92 ft	895.83 ft
6	6 - 5/8" (168 mm)	178.92 ft	1074.75 ft
7	6 - 5/8" (168 mm)	157.08 ft	1231.83 ft
Overhang:	5 - 9/16" (141 mm)	47.00 ft	1278.83 ft
End Gun:	-	3.00 ft	1281.83 ft



Total System Length: 1281.83 ft
 Number of Spans: 7
 Available Outlet Count: 178
 Degree of Sweep: 173 degrees
 Endgun Throw: 100.00 ft
 System Wetted Area: 56.93 acres
 Corner Wetted Area: NA
 End Gun Wetted Area: 5.25 acres
Total Wetted Area: 62.18 acres

Center, Start, Stop Positions							
Center Position		Start Position		Stop Position		Angle Degree From North	
Lat	Long	Lat	Long	Lat	Long	Start	Stop
45.183859°	-96.491839°	45.184269°	-96.496776°	45.183881°	-96.486869°	276.7°	89.6°

Endgun Coverage Area									
Primary Endgun	Angle Degree From North		Angle Degree From Start		Start Position		Stop Position		Total Coverage Area
	Start	Stop	Start	Stop	Lat	Long	Lat	Long	
Area 1	291.8°	338.6°	15.1°	61.9°	45.185167°	-96.496453°	45.187132°	-96.493652°	2.50
Area 2	20.9°	72.5°	104.2°	155.8°	45.187143°	-96.490067°	45.184916°	-96.487099°	2.75

Second Endgun	Angle Degree From North		Angle Degree From Start		Start Position		Stop Position		Total Coverage Area
	Start	Stop	Start	Stop	Lat	Long	Lat	Long	

MIDWEST IRRIGATION & ELECTRIC INC.

552 Main St PO Box 36; Big Stone City, 57216-2179
 Office: 1 (320) 596-2242; Mobile: 1 (612) 581-4360
 Les Olson - les.olson1888@gmail.com
 Miebighstone.com

6/4/2024

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Confidential

Design Detail & Summary



Prepared For:

Seth Henrich



System Name: South Pivot

Span #	Diameter	Length	Cumulative Length
1	6 - 5/8" (168 mm)	180.17 ft	180.17 ft
2	6 - 5/8" (168 mm)	178.92 ft	359.08 ft
3	6 - 5/8" (168 mm)	178.92 ft	538.00 ft
4	6 - 5/8" (168 mm)	178.92 ft	716.92 ft
5	6 - 5/8" (168 mm)	178.92 ft	895.83 ft
6	6 - 5/8" (168 mm)	157.08 ft	1052.92 ft
Overhang:	5 - 9/16" (141 mm)	47.00 ft	1099.92 ft
End Gun:	-	3.00 ft	1102.92 ft



Total System Length: 1102.92 ft
 Number of Spans: 6
 Available Outlet Count: 153
 Degree of Sweep: 89 degrees
 Endgun Throw: 100.00 ft
 System Wetted Area: 21.60 acres
 Corner Wetted Area: NA
 End Gun Wetted Area: 3.32 acres
Total Wetted Area: 24.93 acres

Center, Start, Stop Positions							
Center Position		Start Position		Stop Position		Angle Degree From North	
Lat	Long	Lat	Long	Lat	Long	Start	Stop
45.180963°	-96.496961°	45.183987°	-96.496864°	45.180966°	-96.492685°	1.3°	89.9°

Endgun Coverage Area									
Primary Endgun	Angle Degree From North		Angle Degree From Start		Start Position		Stop Position		Total Coverage Area
	Start	Stop	Start	Stop	Lat	Long	Lat	Long	
Area 1	1.3°	73.3°	0.0°	72.0°	45.183987°	-96.496863°	45.181833°	-96.492865°	3.32

Second Endgun	Angle Degree From North		Angle Degree From Start		Start Position		Stop Position		Total Coverage Area
	Start	Stop	Start	Stop	Lat	Long	Lat	Long	

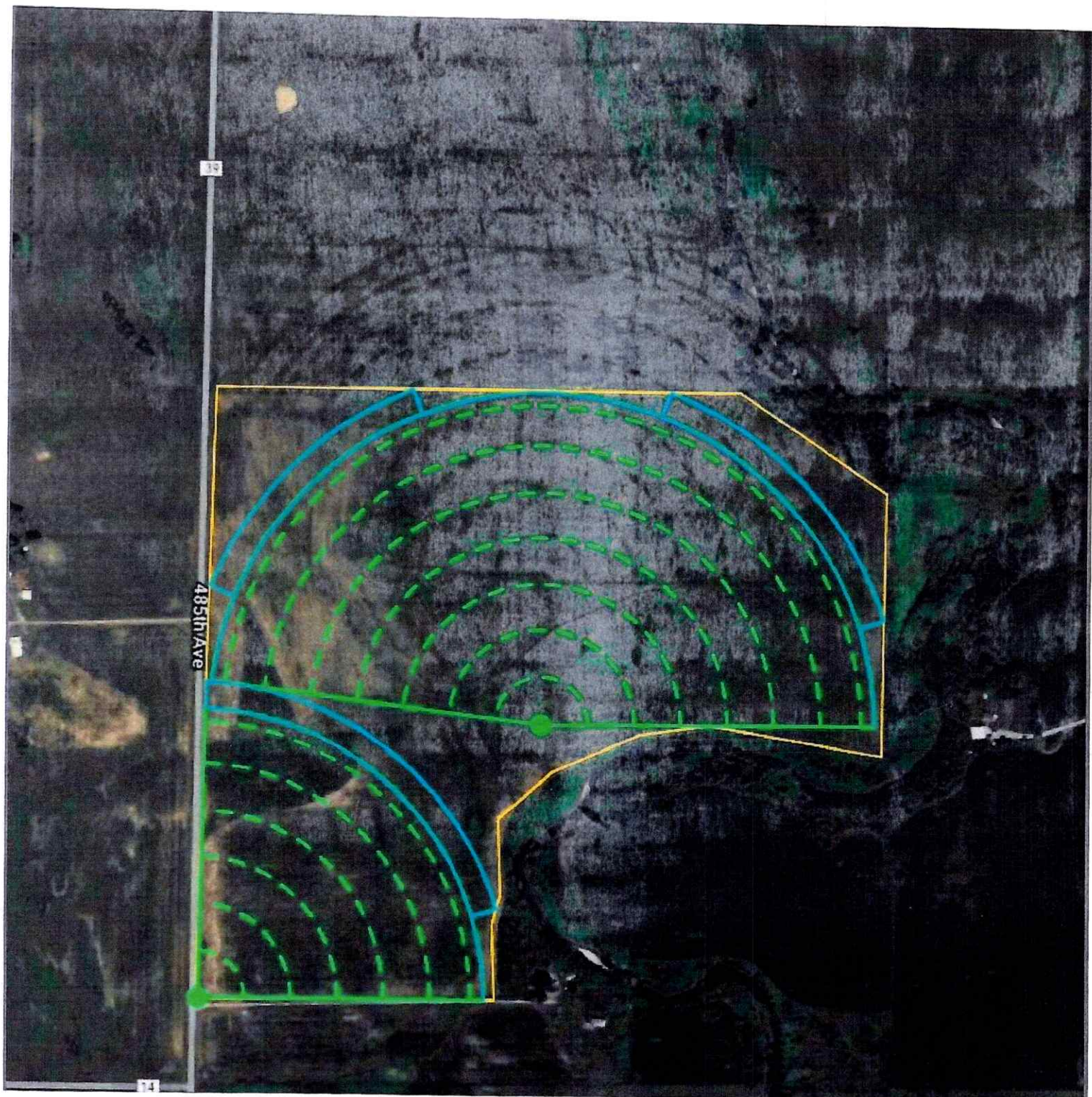
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 Miebigstone.com

6/4/2024

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6/4/2024

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SOUTH DAKOTA WATER WELL COMPLETION REPORT

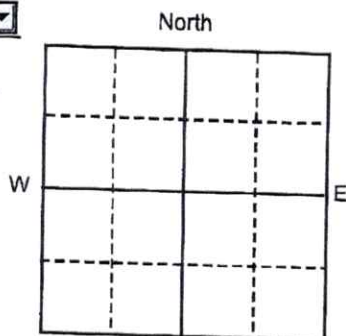
SD EForm - 1621LD V1

11-02

Location NW ¼ SW ¼ Sec 20 Twp 120 Rg 47

County Grant

Please mark well location with an "X"



Well Completion Date

03/18/2024

← 1 Mile →

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe ☐ Steel ☐ Plastic ☐ Other

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	4	Lb/gal	0.0 Ft	89 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter _____ Inches Length _____ Feet
Material _____
Slot Size _____ Set From _____ Feet to _____ 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? **Test Hole**
Lab to which water quality sample sent for analysis

Well Owner: Seth Henrich

Business Name: _____

Address: 16221 477th Ave

City, State, Zip: Labolt ☒ SD ☒ 57246

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Clay YLW S	1	6
Gravel YLW NO H2O LOSS	6	21
Clay BLU M/H	21	54
Sand BLU	54	88
Granite RWHT	88	89

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?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other
Pumping Level Below Land Surface
_____ Ft. After _____ Hrs. pumped _____ GPM
_____ Ft. After _____ Hrs. pumped _____ GPM
If pump installed, pump rate: _____ GPM

REMARKS

TH #2
GPS: 45 12 05.32N 96 29 47.14W

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 18th, 2024

RECEIVED OF Seth Henrich for Tim & Cindy Henrich 1015 330th Street Bellingham MN 56212

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

Fee for Application for Permit No. <u>8878-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>8878-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$ _____
Fee for <u>Credit Card</u> _____	\$23.75
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	\$973.75

By Eric Gronlund
Chief Engineer

JK



**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. 8878-3, Tim & Cindy Henrich**

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. 8878-3, Tim & Cindy Henrich, 1015 330th Street, Bellingham MN 56212.

The Chief Engineer is recommending APPROVAL of Application No. 8878-3 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. 8878-3 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 Water Management Board retains jurisdiction of Water Permit No. 8878-3 to manage use of water from this aquifer. Based on the historical average water use, unappropriated water is available. However, if the average use increases and begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then curtailment of water use under this Permit may be necessary.
3. The well authorized by Permit No. 8878-3 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.
4. 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. 8878-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 88 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
5. 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
August 15, 2024

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8878-3
TIM AND CINDY HENRICH
AUGUST 16, 2024

Water Permit Application No. 8878-3 proposes to irrigate 88 acres located in the SW $\frac{1}{4}$ Section 20 at a maximum instantaneous diversion rate of 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen aquifer (approximately 89 feet deep) located near the center of the SW $\frac{1}{4}$ Section 20; all in T120N-R47W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 7 miles southeast of Milbank, SD.

AQUIFER: Veblen (VEB)

Aquifer Characteristics:

Historically, several of the various saturated Quaternary aged glacial outwash deposits underlying portions of northeastern South Dakota have been considered the “Veblen aquifer” (Buhler, 2007). The Veblen aquifer is a group of generally buried outwash deposits underlying portions of Roberts, Grant, and Deuel Counties, South Dakota, and Big Stone, Swift, and Lac Qui Parle Counties, Minnesota (Buhler, 2016). Hansen (1990) defined approximate aquifer boundaries for the Veblen aquifer in Grant County. In a subsequent hydrologic investigation, Barr Engineering (2007) suggested Hansen (1990) may have overestimated the areal extent of the aquifer in Grant County and showed that it extends north into Roberts County. Thompson (2001) mapped the Veblen aquifer starting in northwestern Roberts County and extending southeasterly. However, all mappings indicate there is likely a hydrologic or physical separation or at the very least a significant constriction of aquifer materials between a northern and southern portion of the aquifer somewhere between Wilmot and Peever, approximately 10 to 15 miles north into Roberts County from its southern border. Figure 1 is a map depicting the three principal delineations of the Veblen aquifer mentioned above.

Currently, the DANR-Geological Survey Program is conducting a study of the Veblen, Revillo, and Wilmot aquifers in Grant and Roberts Counties. This study is not complete but preliminary data suggest the hydrologic separation in the Veblen aquifer, as shown in Figure 1 by the Thompson (2001) and Barr (2007) aquifer delineations, is very likely. Therefore, the approximate aquifer boundaries will change. The southern and northern portions of the Veblen aquifer are expected to be recognized as hydrologically separate and distinct aquifers. Aquifer names for the various water rights/permits will be updated accordingly. This aquifer designation change does not constitute a physical change in the water source, a change in diversion rate, or appropriation by these permits. This would be done to accurately represent the water source the various water rights/permits are withdrawing water from based on the best information available. The proposed well site for this application is located in the southern portion, Hansen (1990) and Barr (2007), areas of the Veblen aquifer. The approximate areal extents of the South Dakota portions of each delineation are shown in Table 1.

Table 1- Approximate areal extent of Veblen aquifer delineations in South Dakota

Delineation	Hansen, 1990	Thompson, 2001	Barr, 2007
Area in South Dakota (Acres)	206,660	148,760	246,525

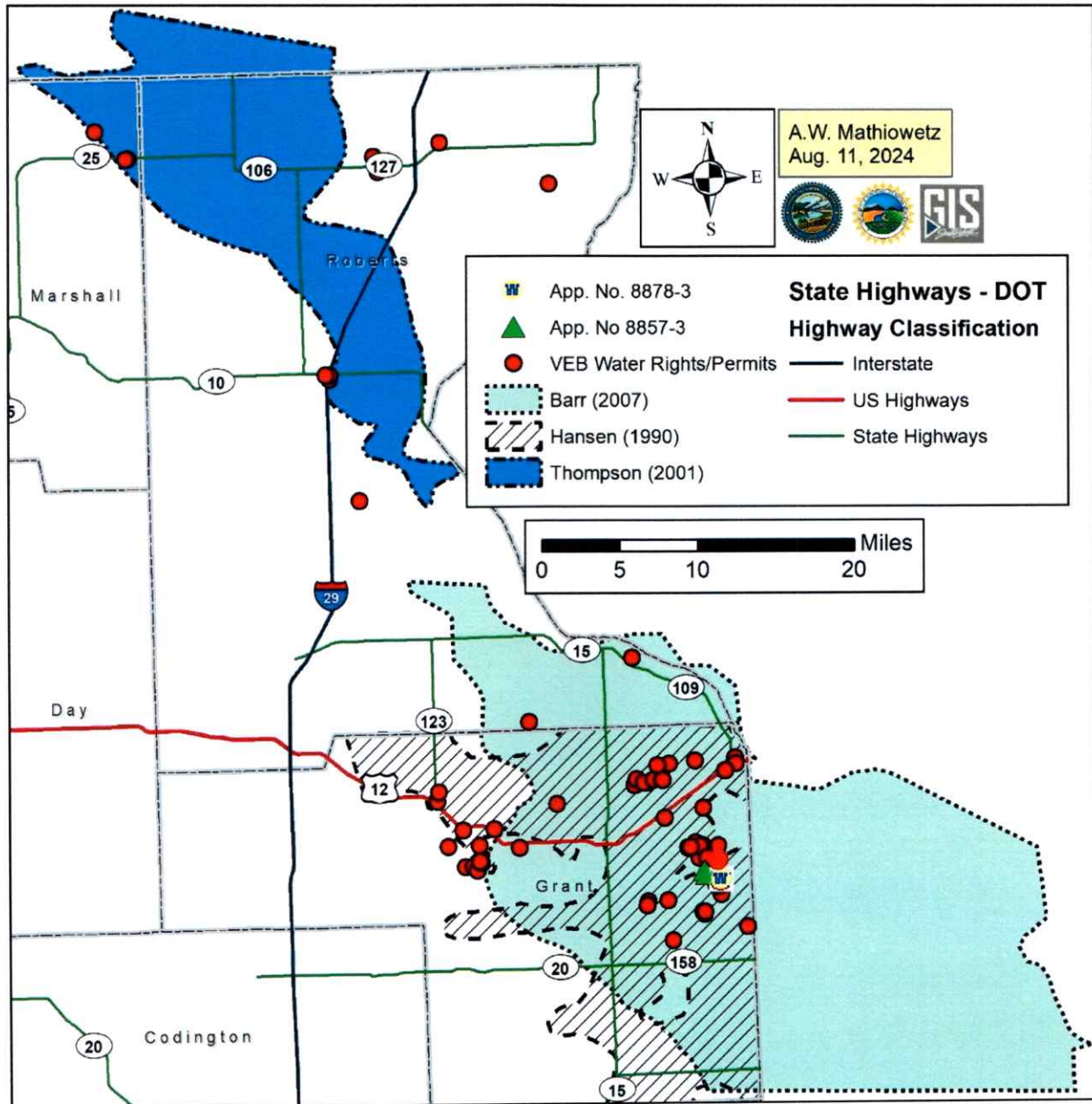


Figure 1- Map showing the three principal delineations of the Veblen aquifer and South Dakota Veblen aquifer water rights/permits (Water Rights, 2024e)

The individual sand and gravel units that comprise the Veblen aquifer are not continuous throughout the entire mapped extent, but there is some interconnection between the outwash deposits in some locations (Buhler, 2007). For the purposes of this report, the Veblen aquifer will be considered as the group of buried outwash deposits in Grant and southern Roberts Counties that

are found within the areal extents and intervals of altitude defined by Hansen (1990) and Barr (2007) as used by Buhler (2016).

The Veblen aquifer is primarily buried outwash consisting of medium to coarse sand and fine gravel under confined conditions (Hansen, 1990). Based on area lithologic logs (SDGS, 2024), well completion reports (Water Rights, 2024f), and test hole log submitted with this application, the top of the Veblen aquifer material near the proposed well site can be found anywhere from near ground surface to between 30 and 80 feet below grade. The static water levels in observation wells GT-79F, 1.2 miles south, and GT-77Q, 1.5 miles northwest, of the proposed well site, ranges from 10 to 25 feet below grade (Water Rights, 2024d). The test hole log provided with the application shows aquifer material from 6 to 21 feet and 54 to 88 feet below grade. Both portions of aquifer material would be considered the Veblen aquifer. It is likely some or all of the upper portion is not always saturated. The aquifer can be either unconfined or confined at the location but is generally unconfined in the area of this application.

Application No. 8857-3 shown in Figure 1 is currently on hold pending further test hole drilling. The initial test hole drilling for the application indicated that likely well development at that site would be into the Veblen aquifer. However, there was potential for a deeper aquifer. Discussion with the applicant determined the shallower Veblen aquifer may not be the best option for their project. For the purposes of this report, Application No. 8857-3 will be considered as proposing to withdraw water from the Veblen aquifer for the purposes of this report. Application No. 8857-3 proposes the irrigation of 190 acres at a diversion rate of 2.7 cfs from up to 2 wells. Application No. 8857-3, if approved, would have a priority date junior to this application.

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):

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 Veblen aquifer.

This application proposes to appropriate water from the Veblen aquifer. The probability of unappropriated water 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 Greenhorn Formation is a Cretaceous aged Formation. As a Quaternary aged glacial outwash deposit, the Veblen aquifer is not older or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010). Furthermore, the applicant is not a water distribution system. Therefore, the balance between recharge to and withdrawals from the Veblen aquifer must be considered for this application.

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1 cfs per 70 acres or the equivalent thereof. The statute provides 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 or water, or the type of soil so requires." This application is requesting an instantaneous diversion rate of 2.0 cfs for the irrigation of 88 acres or the equivalent of 1.59 cfs per 70 acres. No specific reason for the request was provided on the application. However, based on the provided map, the plan is to have two center pivot irrigation systems with each making a partial rotation. Center pivot irrigation systems require a certain diversion rate to operate properly whether making a partial or full rotation. Operating two separate partial rotation systems off of the same well likely exacerbates that issue. This reason has been accepted by the Water Management Board and the Water Rights Program in the past.

Observation Well Data:

Administrative Rule of South Dakota Section 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 29 observation wells completed into the Veblen aquifer with 16 completed into the southern portion of the Veblen aquifer, within the areas mapped by Hansen (1990) and Barr (2007), and that this application proposes to use (Water Rights, 2024d). Figure 3 is a map showing the location of the observation wells completed into the southern portion of the Veblen aquifer as well as the well site proposed by this application and nearby Application No. 8857-3. There are 4 observation wells within approximately 4 miles of the proposed well site, GT-779F (1.2 miles south), GT-77Q (1.55 miles northwest), GT-83B (3.6 miles northwest), and GT-77P (3.7 miles northwest) (Water Rights, 2024d). The hydrographs for these observation wells are shown in Figure 2.

These four hydrographs are representative and consistent with the hydrographs for the other observation wells completed into the Veblen aquifer. The observation well hydrographs show the water level over the period of record has been stable to rising. The observation wells show good response to climatic conditions. The water levels rise during wet periods when recharge exceeds natural discharge plus withdrawals, and gradually decline during drier periods when natural discharge plus withdrawals exceed recharge. Some of the hydrographs for observation wells show the effects of nearby pumping on the aquifer. However, these effects are minor and are masked by the effects climatic conditions have on the water levels. The dominance of climatic conditions on the water levels means that recharge to and natural discharge from the aquifer exceeds withdrawals. Recognizing natural discharge from an aquifer can be captured for pumping, the hydrographs document there is unappropriated water available for this proposed appropriation.

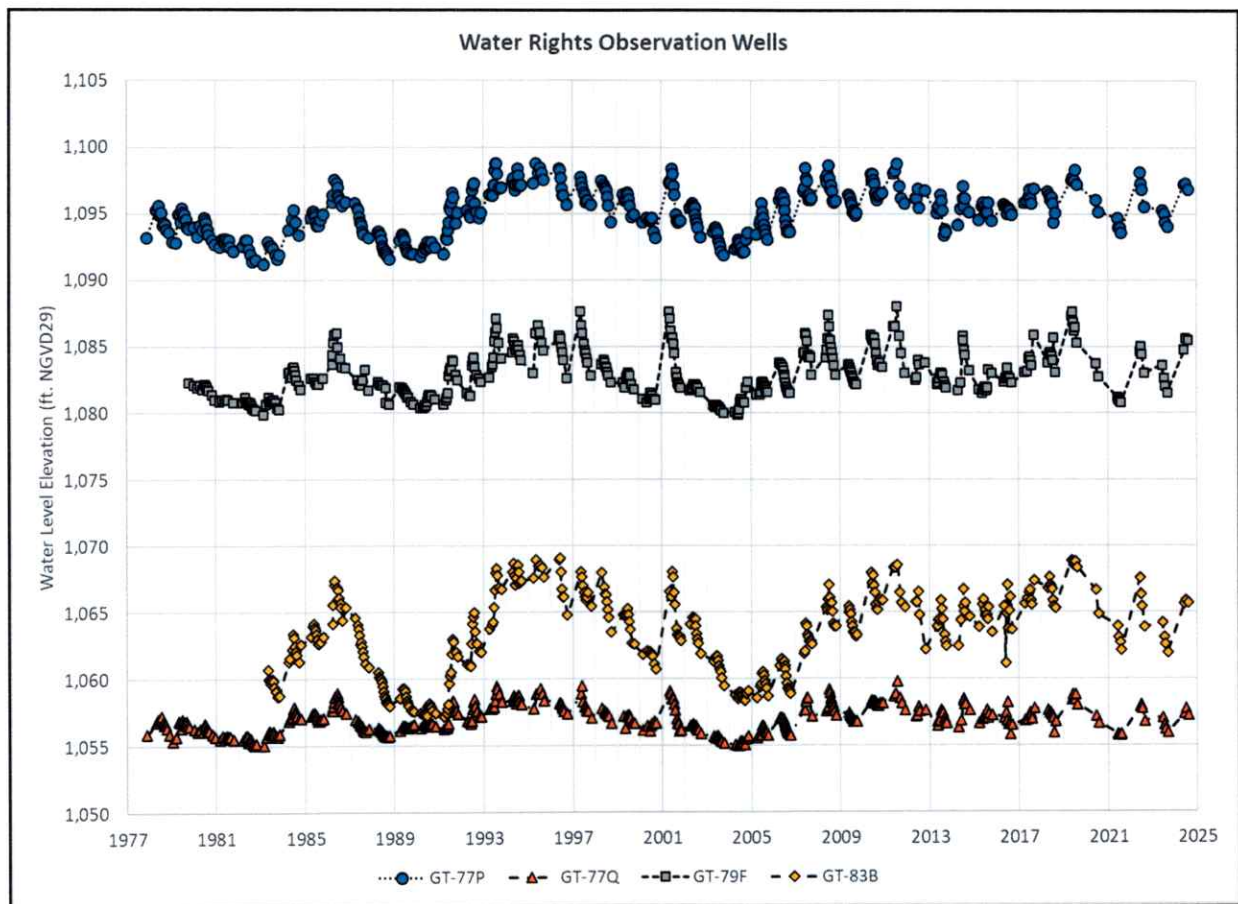


Figure 2- Hydrographs for selected Veblen aquifer observation wells (Water Rights, 2024d)

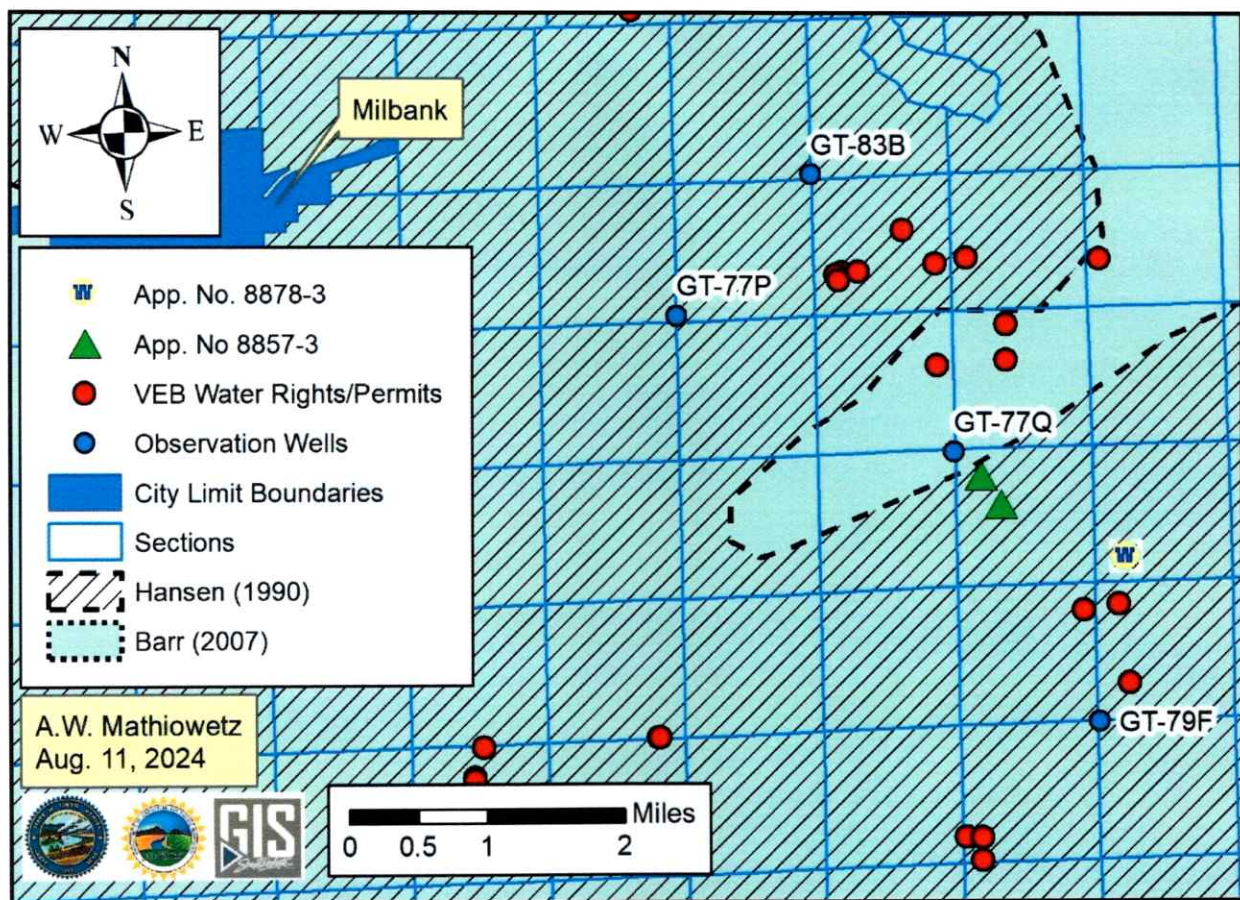


Figure 3- Map of Veblen aquifer water rights/permits, pending applications, and observation wells in the vicinity of Application No. 8878-3 including approximate aquifer delineations (Barr, 2007; Hansen, 1990; Water Rights, 2024d and 2024e)

Hydrologic Budget:

Recharge:

Recharge to the Veblen aquifer in Grant County and southern Roberts County, where this application is located, occurs through direct infiltration of precipitation where the aquifer is at land surface and possibly leakage from the till (Hansen, 1990). Hedges and others (1985) estimated recharge to the Veblen aquifer. However, the aquifer as mapped in the Hedges and others (1982) report contains what Thompson (2001) and Barr (2007) mapped as separate aquifers and an area extending east of the Thompson (2001) mapping to the South Dakota border. The subsequent mappings by Hansen (1990), Thompson (2001), and Barr (2007) show a much-reduced area and at least 2 distinct aquifers between the Thompson (2001) mapping in the northern Roberts County and the Barr (2007) mapping in Grant and southern Roberts Counties.

Hedges and others (1985) estimated the recharge rate to the Veblen aquifer to be 0.24 inches per year (in/yr.) for the entire aquifer based on regional flow-net analysis. Hedges and others (1985) also estimated a recharge rate of 5.2 in/yr. to the unconfined portions of the aquifer. Hedges and others (1985) also state, "It should be noted that recharge rates calculated using flow-net analysis are suspect and conclusions based on this method are questionable." It is likely the actual recharge rate to the Veblen aquifer is within that range. Furthermore, the Veblen aquifer is primarily under

confined conditions which means the recharge rate is likely much closer to the 0.24 in/yr. than the 5.2 in/yr. Using the recharge rate of 0.24 in/yr as a probable minimum recharge rate across the South Dakota portions of the Barr (2007) and Hansen (1990) aquifer delineations, the estimated average annual recharge rates are shown in Table 2.

Table 2- Estimated probable minimum recharge to the Veblen aquifer in Grant and southern Roberts Counties (Hedges et al, 1985; Hansen, 1990; Barr, 2007)

Delineation	Hansen, 1990	Barr, 2007
Recharge in South Dakota (ac-ft/yr)	4,133	4,931

Discharge:

Discharge from the Veblen aquifer occurs through well withdrawals, discharge to the Whetstone River in northern Grant County, to the Yellow Bank River, to Big Stone Lake, to the granite quarries east of Milbank, and to the Minnesota River (Hansen, 1990; Water Rights, 2024f). There are 36 water rights/permits authorized to withdraw water from the southern portion of the Veblen aquifer located in Grant and southern Roberts Counties and 1 future use permit reserving water from the same (Water Rights, 2024e). Future Use Permit No. 549-3 for the City of Milbank reserves 808 ac-ft of water per year (Water Rights, 2024e). Future Use Permits are assumed to be fully developable. The non-irrigation water rights/permits are shown in Table 4 along with permitted annual volume, reported average use, and estimated annual use for the hydrologic budget. The estimated average annual use by non-irrigation appropriations is 1,512.4 ac-ft/yr.

Water Right No. 7649-3 is required to report their annual pumpage and it is used as a backup water supply if the levels of Big Stone Lake are low. The maximum reported pumpage from 2013-2022 was 33.5 ac-ft in 2016. Water Right No. 7649-3 has a permitted volume of 2,000 ac-ft/yr but is only using 6.2 ac-ft/yr over their reported period of record (see Table 3). Typically, the Water Rights Program assumes full pumpage of a permitted volume unless there is a sufficiently long record, 10+ years, of reported pumping that does not show consistently increasing water use over that period of time. It is unlikely 2,000 ac-ft/yr will ever be used under Water Right No. 7649-3. The full permitted volume was used for Water Right No 7931-3 and Water Permit No. 8227-3 since there was less than 10 years of reported pumpage available. The City of Big Stone City buys their water from a different system and thus are assumed to pump no water under Water Right No. 4050-3 (Drinking Water Program, 2024). All other estimates are based on assuming pumping at the permitted diversion rate 60% of the time. This estimate was developed by Water Rights Program staff as a reasonable and conservative estimate. This method has been accepted by the Water Management Board in the past.

Table 3- Reported non-irrigation water use from the Veblen aquifer in Grant and southern Roberts Counties (Water Rights, 2024c)

Year	7649-3	7931-3	8227-3
2022	0	2.9	33.5
2021	0.4	1.91	38.7
2020	0	2.4	37.2
2019	0.04	2.4	33.4
2018	0	1.36	33.9
2017	0.2	1.9	33
2016	33.5	3	6.2
2015	28	4	9
2014	0	3	n/a
2013	0	n/a	n/a
Avg. (ac-ft/yr)	6.2	2.5	28.1

Table 4- Estimated Average Annual non-irrigation water use from the Veblen aquifer in Grant and southern Roberts Counties (Water Rights, 2024c and 2024e)

PERMIT NO.	NAME	COUNTY	STATUS	USE	CFS	PERMITTED VOL. (ac-ft/yr)	AVG. REPORTED VOL. (ac-ft/yr)	EST. VOL. (ac-ft/yr)
548-3	CITY OF MILBANK	GT	LC	MUN	2.1	n/a	n/a	912.7
2006-3	TOWN OF CORONA	RB	LC	MUN	0.245	n/a	n/a	106.5
4050-3	CITY OF BIG STONE CITY	GT	LC	MUN	3.3	n/a	n/a	0**
5918-3	VICTORY FARMS	GT	LC	COM/LCO	0.33	n/a	n/a	143.4
6161-3	LOU'S GREENHOUSE	GT	LC	COM	0.04	n/a	n/a	17.4
6171-3	COLD SPRING GRANITE CO	GT	LC	IND	0.111	n/a	n/a	48.2
6230-3	WHETSTONE LAND CO LLC	GT	LC	COM/LCO	0.39	n/a	n/a	169.5
6358-3	MICHAEL & NANCY JOHNSON	GT	LC	COM/LCO	0.11	n/a	n/a	47.8
6636-3	WESTERN CONSOLIDATED COOP	GT	LC	COM	0.022	n/a	n/a	9.6
7649-3	POET BIOREFING - BIG STONE LLC	GT	LC	IND	3.34	2000*	6.2 (2013-2022)	6.2
7931-3	GCC READY MIX	GT	LC	COM	0.11	5	2.5 (2014-2022)	5
8227-3	TETON LLC	GT	PE	COM	0.11	46.03	28.1 (2015-2022)	46.03
<i>Total Estimated Annual Water Use, Using Permitted Vol. for 7649-3</i>								3,506.2
<i>Estimated Annual Water Use, Using Avg. Reported Use by 7649-3 (6.2 ac-ft/yr)</i>								1,512.4
* - Used as a backup supply when lake levels are low, ** - Purchases water from a different water system, RB= Roberts County, GT= Grant County, MUN= Municipal, COM= Commercial, LCO= Livestock Confinement Operation, IND= Industrial								

Average annual irrigation use from the Veblen aquifer in Grant and southern Roberts counties as reported to the DANDR-Water Rights Program through annual irrigation questionnaires is shown in Table 5. Over the period of record, there has been steady build out of irrigation systems withdrawing water from the Veblen aquifer. The average over the period of record, 1979-2023, is 980.1 ac-ft/yr. However, to better represent likely average use going forward, the last 10 years, 2014-2023, of reported use will be considered. The average reported irrigation use from the Veblen aquifer from 2014-2023 is 1,100.6 ac-ft/yr. This number will be used for the hydrologic budget. In general, crop irrigators in eastern South Dakota apply less than 10 inches of water per acre. Assuming that average application rate, this application would likely withdraw approximately 73.3 ac-ft/yr on average. Application No. 8857-3 would be expected to withdraw 158.3 ac-ft/yr.

Table 5- Reported irrigation water use from the Veblen aquifer in Grant and southern Roberts counties (Water Rights, 2024b)

Year	No. of Permits Reporting	Pumpage (ac-ft)	Year	No. of Permits Reporting	Pumpage (ac-ft)
2023	23	1358.4	1998	16	812.07
2022	24	1442.04	1997	15	709.06
2021	24	1536.3	1996	15	712.6
2020	25	1725.97	1995	16	445.6
2019	25	176.88	1994	18	675.63
2018	26	911.77	1993	18	220.06
2017	25	956.57	1992	18	589.09
2016	25	1388.23	1991	21	230.99
2015	23	729.474	1990	18	1329.9
2014	24	780.77	1989	19	1222.9
2013	27	1384.59	1988	17	1897.35
2012	22	1265.45	1987	17	1046.71
2011	20	314.74	1986	17	726.7
2010	20	1100.69	1985	16	519.1
2009	20	1067.84	1984	16	1189.03
2008	20	1350.26	1983	14	808.3
2007	16	1245.01	1982	14	704.84
2006	16	1440.48	1981	19	1062
2005	16	1245.54	1980	15	504
2004	17	1283.56	1979	15	700
2003	17	1274.54	Min	14	176.88
2002	17	1024.95	Max	27	1897.35
2001	17	1160.59	Avg.	19.0	980.1
2000	17	975.55	Avg. 2014-2023	24.4	1100.6
1999	17	859.36			

In addition to appropriative rights, there are a number of well completion reports on file with the DANDR-Water Rights Program for domestic wells that appear to be completed into the Veblen aquifer (Water Rights, 2024f). The annual withdrawal due to domestic wells is not expected to be

significant to the hydrologic budget of the aquifer due to their limited diversion rate. Furthermore, there are a number of rural water systems in the areas where the Veblen aquifer is the uppermost aquifer. It is likely a number of domestic users have transitioned to rural water.

Balance:

The estimated average annual recharge to the Veblen aquifer in Grant and southern Roberts Counties ranges from 4,133 to 4,931 ac-ft/yr. The estimated average annual withdrawal from the aquifer is 3,652.6 ac-ft/yr (future use: 808; non-irrigation: 1,512.4; irrigation: 1,100.36; App. No. 8857-3: 158.3; App. No. 8878-3: 73.3). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation. This is supported by the observation well data.

Water Availability Discussion:

On an average annual basis, the water pumped from the Veblen aquifer in Grant and southern Roberts Counties is less than the estimated average annual recharge to the aquifer. However, if the full permitted volume under Water Right No. 7649-3 is accounted for instead of their reported average pumpage, the estimated average annual withdrawals exceed the estimated average annual recharge to the aquifer. As noted earlier, the average reported pumping, 6.2 ac-ft/yr (see Table 3), under Water Right No. 7649-3 is significantly lower than the permitted volume, 2,000 ac-ft/yr. If the full permitted volume is accounted for in the hydrologic budget instead of the average reported pumping, the estimated average annual use from the aquifer becomes 5,646.4 ac-ft/yr.

SDCL 46-5-39 allows for the issuance of temporary use permits for the temporary use of water reserved by future use permits. There are currently no temporary use permits per SDCL 46-5-39 issued from this aquifer. Future Use Permit No. 549-3 reserves 808 ac-ft/yr for the City of Milbank. However, Water Right No. 7649-3 is unlikely to use their full permitted volume of 2,000 ac-ft/yr regularly and have reported using significantly less, 0.3 %, of their permitted volume.

If this application is issued as a temporary use permit per SDCL 46-5-39, there is a reasonable probability unappropriated water is available. If this application were to be issued as a standard permit per SDCL 46-2A-9 and because there is a water right with a senior priority date which can significantly increase their pumping from their reported average to permitted volume, it is recommended, if approved, a qualification on the permit indicating the long-term curtailment of pumping of this permit may be required to manage water usage from this aquifer.

POTENTIAL FOR UNLAWFUL IMPAIRMENT:

The nearest appropriative water rights not held by the applicant to the proposed well site are Water Right No. 7439-3 (0.35 miles south), Water Right No. 7216-3 (0.5 miles southwest, Water Right No. 5525-3 (0.9 miles south), and the proposed well sites for App. No. 8857-3 (1 to 1.2 miles northwest) (Water Rights, 2024e). There are three domestic wells on file within one mile of the proposed well site that may be completed into the Veblen aquifer (Water Rights, 2024f). The nearest is approximately 0.3 miles south of the proposed well site and is in the immediate vicinity of the irrigation wells for Water Right Nos. 7216-3 and 7439-3 (Water Rights, 2024e and 2024f). The location of domestic wells is based off of the information provided on the well completion report submitted by the well driller. There may be other domestic wells in the area that are not on

file with the Water Rights Program. Figure 4 is a map of the project area including Veblen aquifer water rights/permits, pending applications, and observation wells.

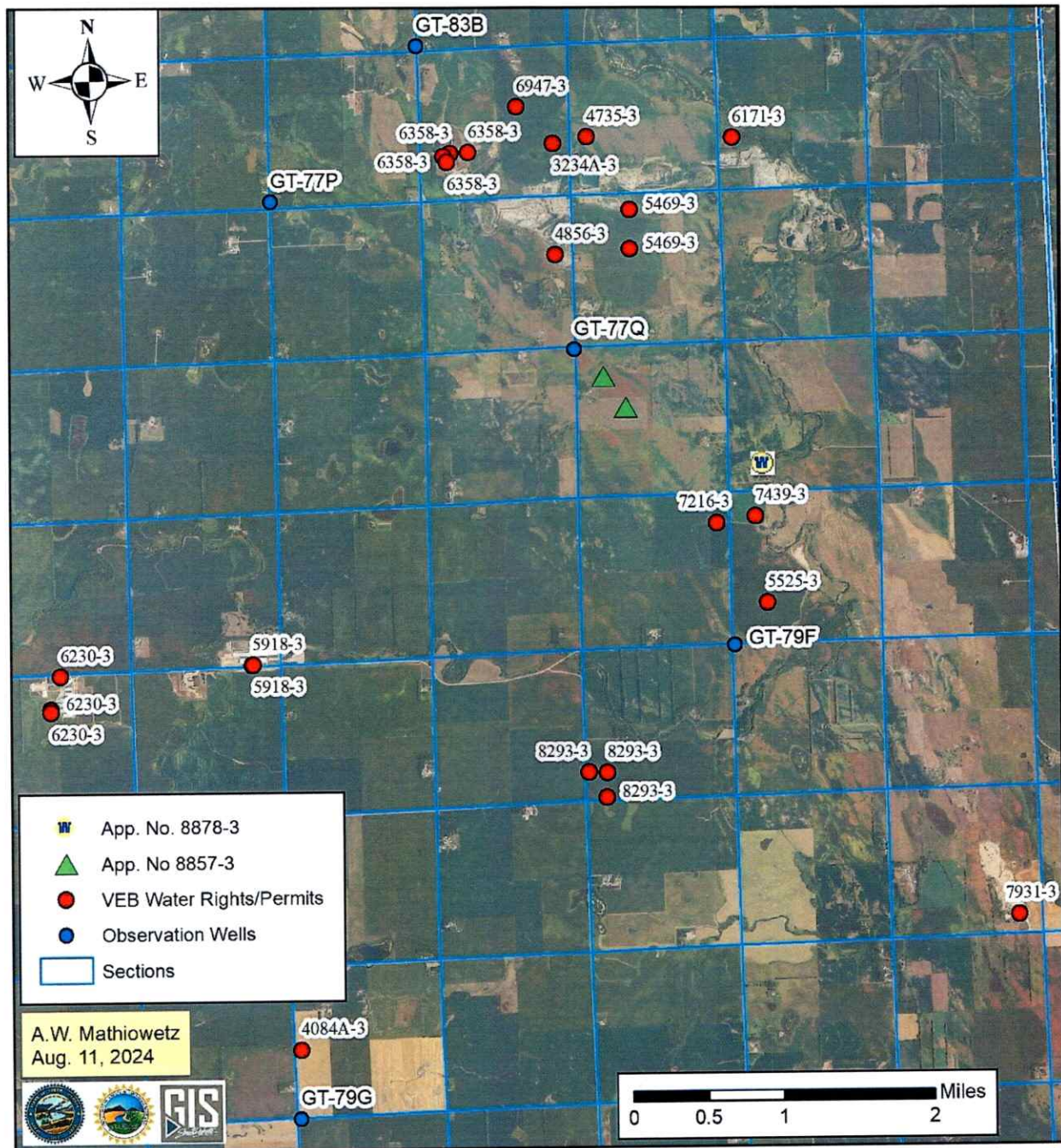


Figure 4- Map of Veblen aquifer water rights/permits and observation wells within approximately 3 miles of the well site proposed by App. No. 8878-3 (Water Rights, 2024d and 2024e)

Although the Veblen aquifer is generally under confined conditions, there are areas where the aquifer is unconfined. In the vicinity of the proposed well site, observation wells GT-79F and GT-77Q are under unconfined conditions while GT-83B, GT-79G and GT-77P are under confined

conditions. The hydrographs for those observation wells do not show any effect on water level caused by nearby pumping.

The Water Management Board has recognized in the past to place water to maximum beneficial use some drawdown may occur. In order to protect domestic users, 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.”

While precise drawdown cannot be determined without aquifer performance testing, any drawdown created from pumping this proposed diversion is not expected to cause unlawful impairment of existing water rights with adequate wells or adequate domestic wells. This is due to unconfined nature of the aquifer at the proposed well sites.

There have been two complaints filed with the Water Rights Program involving potential well interference between wells in the Veblen aquifer in Grant County. Both complaints were filed in June 1988 (Water Rights, 2024a). One complaint located approximately four miles north of the proposed well site stated their well was going dry because of a nearby irrigator. Water Rights staff determined during discussion with the well owner that the concrete curbing and wood screened well was likely the issue and not drawdown caused by the nearby irrigator. The second complaint, approximately 12 miles northwest, was about a well going dry and the well owner believed an irrigator 1.5 miles west of their well was the cause. Water Rights staff reviewed well completion reports and water level data from nearby observation well GT-77L . Water Rights staff determined it was likely well construction and pump placement causing the drawdown issues for the complainer’s well. There have been no complaints filed since that time.

Based on the generally unconfined conditions of the Veblen aquifer in the immediate area of the applicant’s well, the lack of substantiated well interference complaints, the close proximity of the multiple irrigation wells to each other without reported issue, and the statutes and rules, there is a reasonable probability this proposed diversion can be developed without unlawful impairment of existing adequate domestic wells or senior water rights/permits with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8878-3 proposes to irrigate 88 acres located in the SW ¼ Section 20 at an instantaneous diversion rate of 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen aquifer (approximately 89 feet deep) located near the center of the SW ¼ Section 20; all in T120N-R47W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 7 miles southeast of Milbank, SD.
2. The Veblen aquifer is currently under study by the South Dakota Geological Survey and is likely to be redelineated. This redelineation may cause an aquifer name change for this

application, if approved, and a number of existing water rights/permits upon completion of this study. This name change would not constitute a physical change in the water source those water rights/permits are withdrawing from, a change in permitted diversion rate, irrigated acres, or permitted volume. The change would be done to reflect the most recent data available on aquifer delineation.

3. For the extent of this report, the Veblen aquifer is considered to be the portion of the aquifer in Grant and southern Roberts Counties.
4. This application proposes to irrigate at a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Based on the provided map, it appears there will be two center pivot irrigation systems each with a partial rotation. Partial rotation systems require the same diversion rate as full rotation systems to properly operate while irrigating fewer acres. This reason for the exceedance has been accepted by the Water Management Board and the Water Rights Program in the past.
5. Based on the observation well data for the Veblen aquifer, the current level of pumping from the aquifer is likely not exceeding recharge to the aquifer.
6. Based on an analysis of the hydrologic budget for the Veblen aquifer, annual appropriations exceed average annual recharge to the aquifer. However, Water Right No. 7649-3 pumps on average significantly less water, 6.2 ac-ft/yr, than the permitted volume, 2,000 ac-ft/yr.
7. Based on reported and estimated average annual pumping from the Veblen aquifer, there is a reasonable probability of unappropriated water available for this application.
8. No temporary use permits per SDCL 46-5-39 have been issued from the Veblen aquifer. There is currently 808 ac-ft/yr reserved by Future Use Permit No. 549-3.
9. If this application were approved as a standard water permit per SDCL 46-2A-9, a qualification should be included to indicate a water right with a senior priority date may significantly increase their average annual pumping and this may cause this application to have long-term curtailment of pumping to manage water usage from the Veblen aquifer.
10. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

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Mathiowetz, Adam (DENR)

From: Christensen, Wesley P <Wes.Christensen@usd.edu>
Sent: Wednesday, June 26, 2024 11:26 AM
To: Mathiowetz, Adam (DENR)
Subject: RE: [EXT] possible Milbank aquifer water permit application

Follow Up Flag: Follow up
Flag Status: Flagged

Ok, I am going by the qtr qtr location which places it just north of CO-84-60 by about 0.4 miles. The reported -96 29' 47.14" west is spot on, but the 45 12' 05.32" north puts it further north into section 17. In any case it is just outside the granite wash boundary of UR-96. This is kind of a tricky one and I wish I could see the sand from that interval, but based on info at hand I think it would be ok to call it milbank in the same vein as the CO-84-60 sand interval at elev 1032-1012.



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

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Wednesday, June 26, 2024 9:21 AM
To: Christensen, Wesley P <Wes.Christensen@usd.edu>
Subject: RE: possible Milbank aquifer water permit application

We have 1 permit issued for the Grantie Wash, 7541-3. We have generally put in a lot of effort in checking if applications were proposing to use the Granite Wash since deposits like that tend to be discontinuous and doing the analysis that we have to do for approving or denying permits is very difficult for similar type aquifers.

\\state.sd.local\work\NRPR1\DES1\WORK\WR\Imaging\wrinfo\wr_div3\7541-3.pdf This permit is located in Sec 9-T119N-R47W. Logs that may not be in the permit file are linked below.
<https://danr.sd.gov/wrimage/WellCompletionReports/images75k/00069000.pdf>
<https://danr.sd.gov/wrimage/WellCompletionReports/images75k/00069003.pdf>

Observation wells GT-2013A is from the drilling for the permit and t GT-2016A, GT-2016B, GT-2018A & GT-2018B are from the UR-96.

7541-3 is within the mapped extent from UR-96 based on plate 1.



Adam Mathiowetz, PE
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605.773.3352
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From: Christensen, Wesley P <Wes.Christensen@usd.edu>
Sent: Wednesday, June 26, 2024 8:24 AM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: RE: [EXT] possible Milbank aquifer water permit application

Does water rights have permits coming from the granite wash aquifer, specifically the one mentioned in the attached report?



Wesley Christensen
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Ph. 605-658-6894
Fax 605-658-6879

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Monday, June 24, 2024 3:24 PM
To: Christensen, Wesley P <Wes.Christensen@usd.edu>
Subject: possible Milbank aquifer water permit application

Wes,

This test hole came in with an irrigation application. Can you please take a look and give me your thoughts? I am assuming it would be the Milbank aquifer, currently named Veblen aquifer, but I do know the Fairmont aquifer is nearby.

Rodriguez, Rachel

From: Seth <seth.henrich@yahoo.com>
Sent: Tuesday, June 18, 2024 12:28 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Good afternoon Rachel,

Yes, if you could correct the application that would be great. For the payment do I mail a check or can I call and pay with a credit card?

If I need to mail a check what would be the address to send that to?

Thank you
Seth

On Jun 18, 2024, at 11:32 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Hello Seth,

I am just following up on the outstanding items below.

1. Based on the map you sent with an X marking the diversion point. It appears to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20-T120N-R47W. However, you wrote the diversion point as the NW $\frac{1}{4}$ SW $\frac{1}{4}$. Would you like me to correct your application?
2. Application fee \$750.00 and Inspection fee \$200.00, total of \$950.00

Once I received the items above, I can begin processing your application.

Thank you,

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

From: Rodriguez, Rachel
Sent: Tuesday, June 11, 2024 11:50 AM
To: Seth.henrich@yahoo.com
Subject: Water Permit Application

Good Morning Seth,

I am in receipt of your application for a water permit. Everything looks good. I just need to verify that based on the maps submitted, the total acres are 87.11, so rounding up to 88 acres, correct? Please submit the fees:

Application fee \$750.00
Inspection fee \$200.00

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 18, 2024 11:32 AM
To: Seth.henrich@yahoo.com
Subject: FW: Water Permit Application

Hello Seth,

I am just following up on the outstanding items below.

- Based on the map you sent with an X marking the diversion point. It appears to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20-T120N-R47W. However, you wrote the diversion point as the NW $\frac{1}{4}$ SW $\frac{1}{4}$. Would you like me to correct your application?
- Application fee \$750.00 and Inspection fee \$200.00, total of \$950.00

Once I received the items above, I can begin processing your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Tuesday, June 11, 2024 11:50 AM
To: Seth.henrich@yahoo.com
Subject: Water Permit Application

Good Morning Seth,

I am in receipt of your application for a water permit. Everything looks good. I just need to verify that based on the maps submitted, the total acres are 87.11, so rounding up to 88 acres, correct? Please submit the fees:

Application fee \$750.00
Inspection fee \$200.00

Once I receive the items above, I can begin processing your application.

Thank you,

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 11, 2024 11:50 AM
To: Seth.henrich@yahoo.com
Subject: Water Permit Application

Good Morning Seth,

I am in receipt of your application for a water permit. Everything looks good. I just need to verify that based on the maps submitted, the total acres are 87.11, so rounding up to 88 acres, correct? Please submit the fees:

Application fee \$750.00

Inspection fee \$200.00

Once I receive the items above, I can begin processing your application.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 11, 2024 11:57 AM
To: Seth.henrich@yahoo.com
Subject: RE: Water Permit Application - UPDATE

Forgot one thing. Based on the map you sent with an X marking the diversion point. It appears to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 20-T120N-R47W. However, you wrote the diversion point as the NW $\frac{1}{4}$ SW $\frac{1}{4}$. Would you like me to correct your application?

Thank you,

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



From: Rodriguez, Rachel
Sent: Tuesday, June 11, 2024 11:50 AM
To: Seth.henrich@yahoo.com
Subject: Water Permit Application

Good Morning Seth,

I am in receipt of your application for a water permit. Everything looks good. I just need to verify that based on the maps submitted, the total acres are 87.11, so rounding up to 88 acres, correct? Please submit the fees:

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Inspection fee \$200.00

Once I receive the items above, 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

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

August 16, 2024

Tim & Cindy Henrich
1015 330th Street
Bellingham MN 56212

Dear Mr. & Mrs. Henrich:

Water Permit Application No. 8878-3 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. 8878-3 to Appropriate Water

Notice is given that Tim and Cindy Henrich, 1015 330th Street, Bellingham MN 56212 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (approximately 89 feet deep) located near the center of the SW 1/4 Section 20 for irrigation of 88 acres located in the SW 1/4 Section 20; all in T120N-R47W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 7 miles southeast of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8878-3 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 September 9, 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 September 9, 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: Friday, August 16, 2024 11:16 AM
To: legals@thepublicopinion.com
Subject: 8878-3 Tim & Cindy Henrich - Public Notice
Attachments: 8878-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

Tim and Cindy Henrich, 1015 330th Street, Bellingham MN 56212, 320-3051812, seth.henrich@yahoo.com 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: Friday, August 16, 2024 11:17 AM
To: gcreview@itcmilbank.com
Subject: 8878-3 Tim & Cindy Henrich - Public Notice
Attachments: 8878-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

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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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, August 16, 2024 12:14 PM
To: Rodriguez, Rachel
Cc: seth.henrich@yahoo.com
Subject: [EXT] 10488323 RE: 8878-3 Tim & Cindy Henrich - Public Notice
Attachments: Order_Confirmation_Liners (72).pdf

Hello!

Please find your order confirmation and proof of ad attached. Please note that prepayment is required.

Your ad is set to run in the Watertown Public Opinion on 8/28. The total cost is \$51.69. Please email before 8/26 @ 8am with any changes.

Please call 844-254-5287 by 8/26 @ 8am **for PAYMENT of the ad in order to run.** Anyone who answers can help you. Please reference ad# 10488323.

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.

Thank you!

Kerri Furnace

Public Notice Representative



Office: 844-254-5287

*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not complaint with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, August 16, 2024 12:16 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 8878-3 Tim & Cindy Henrich - Public Notice

Attached is a notice to be published on August 28, 2024.

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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,

Order Confirmation

Not an Invoice

Account Number:	1478236
Customer Name:	Tim and Cindy Henrich
Customer Address:	Tim and Cindy Henrich 1015 330Th ST Bellingham MN 56212-1001
Contact Name:	Henrich
Contact Phone:	
Contact Email:	seth.henrich@yahoo.com
PO Number:	

Date:	08/16/2024
Order Number:	10488323
Prepayment Amount:	\$ 0.00

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

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	08/28/2024 - 08/28/2024	Public Notices
WAT thepublicopinion.com	1	08/28/2024 - 08/28/2024	Public Notices

Order Confirmation Amount

\$51.69

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Henrich
Water Rights Program
523 E Capitol Ave
Pierre South Dakota 57501

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

08/21/2024

and that the fees charged are legal.
Sworn to and subscribed before on 08/21/2024



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$51.69	
Tax Amount:	\$0.00	
Payment Cost:	\$51.69	
Order No:	10488323	# of Copies:
Customer No:	1478236	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

RECEIVED

AUG 26 2024

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8878-3 to
Appropriate Water

Notice is given that Tim and Cindy Henrich, 1015 330th Street, Bellingham MN 56212 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (approximately 89 feet deep) located near the center of the SW 1/4 Section 20 for irrigation of 88 acres located in the SW 1/4 Section 20; all in T120N-R47W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 7 miles southeast of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8878-3 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.

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RECEIVED

AUG 26 2024

OFFICE OF
WATER

or the applicant must be filed by September 9, 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.

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Published on August 28, 2024 at the total approximate cost of \$51.69 and may be viewed free of charge at www.sdpublicnotices.com

RECEIVED

AUG 26 2024

OFFICE OF
WATER

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. 8878-3 to Appropriate Water, Tim and Cindy Henrich _____ 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>August 21</u>	<u>20</u>	<u>24</u>	<u>20</u>
	<u>20</u>		<u>20</u>
	<u>20</u>		<u>20</u>

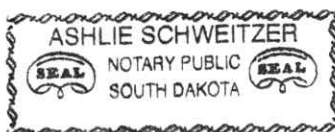
That \$ 41.07 _____, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 21st day of Aug 2024

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee	\$	<u>41.07</u>
Notarial Fee	\$	
Total	\$	<u>41.07</u>

NOTICE OF APPLICATION

NO. 8878-3 to Appropriate Water

Notice is given that Tim and Cindy Henrich, 1015 330th Street, Bellingham, MN, 56212 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (approximately 89 feet deep) located near the center of the SW 1/4 Section 20 for irrigation of 88 acres located in the SW 1/4 Section 20; all in T120N-R47W. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. This site is located approximately seven miles southeast of Milbank, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8878-3 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.

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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

OFFICE OF
WATER

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 _____

_____ on the

_____ day of _____, 20____

Attorney for _____

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 September 9, 2024.

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Published once at an approximate cost of \$41.07 and can be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, August 16, 2024 1:13 PM
To: Seth.henrich@yahoo.com
Subject: 8878-3 Tim & Cindy Henrich - Public Notice
Attachments: 8878-3 Rec.pdf; Ltr.pdf; Public Opinion.pdf

Good afternoon,

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

SEP 27 2024

Tim and Cindy Henrich
1015 330th Street
Bellingham MN 56212

Dear Mr. & Mrs. Henrich:

Enclosed is Water Permit No. 8878-3 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.: 8878-3

Name of Applicant: Tim & Cindy Henrich

Date of Posting: 8/26/2024

Date of Removal: 9/27/2024



Ron Duvall, Engineer III

9/27/2024

Date

Subscribed and sworn to before me, a notary public, this 27th day of Sept, 2024.



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

(SEAL)

