

WATER PERMIT NO. 8898-3

Name of Applicant: Good Samaritan Society – Founders Crossing

Address: 4800 W 57th Street, Sioux Falls SD 57108 Phone: 605-362-3345

Amount of Water Claimed: 0.40 cfs Total Acres: 28.5

Source of Water Supply: Groundwater

Water to be used for: Institutional County: Minnehaha

Type of Waste Disposal System:

Location: In the southeast city limits of Sioux Falls

PRIORITY Date Received: 08-09-24

Application/License Fee: \$700.00

Corrected Application Received: 08-20-24

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SE 1/4 SW 1/4 Sec 31-TT101N-
R48W

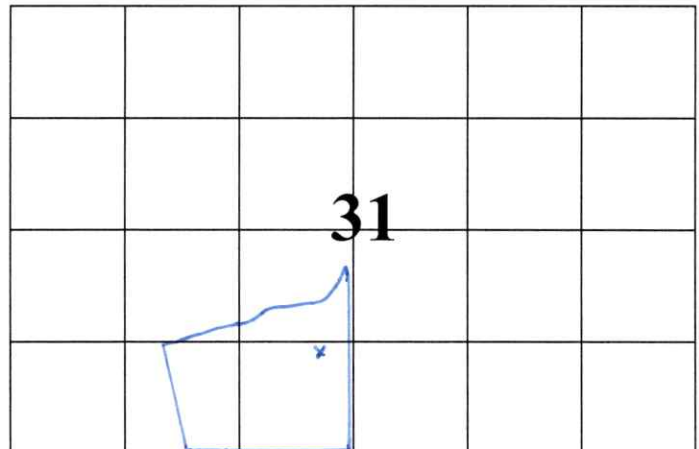
Land to be Irrigated: SW 1/4 Sec 31-T101N-
R48W

Depth of Well: 300

Well Driller:

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 08-28-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8898-3

Date of first receipt of application July 25, 2024.

Date of return to applicant for corrections, amendments or changes July 26, 2024.

Date of receipt of corrected application August 28, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8898-3 to Good Samaritan Society – Founders Crossing, 4800 W 57th Street, Sioux Falls SD 57108, 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. 8898-3 appropriates up to 57 acre-feet of water annually from one well to be completed into the Sioux Quartzite Aquifer (approximately 300 feet deep) located in the SE 1/4 SW 1/4 Section 31-T101N-R48W for irrigation and institutional purposes. The water will be diverted from the well at a maximum pump rate of 0.40 cubic feet of water per second (cfs) to maintain the water level in two permanent ponds with a combined storage capacity of 28.3 acre-feet both located in the SE 1/4 SW 1/4 Section 31-T101N-R48W. Water will be diverted from the two ponds at a maximum pump rate of 1.11 cfs for irrigation of 28.5 acres located in the SW 1/4 Section 31-T101N-R48W. This site is located in the southeast city limits of Sioux Falls SD.
2. The water appropriated shall be used for the purpose of irrigation and institutional use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8898-3 is November 4, 2024.
5. The date from which applicant may claim right is July 25, 2024.
6. One-fifth of the construction is to be completed on or before May 4, 2027.
7. All construction is to be completed on or before November 4, 2029.
8. Water is to be put to beneficial use on or before November 4, 2033.
9. 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. 8898-3 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. 8898-3 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.

(continued)

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. 8898-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 28.5 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

NOV 26 2024
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8898-3</u> Hydrologic Unit <u>10170203</u> Basin <u>Big Sioux</u> Newspaper <u>Argus Leader</u> (office use only)
---	---

RECEIVED

AUG 09 2024

OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☒ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <u>Irrigation of Campus from ponds</u>	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit Good Samaritan Society - Founders Crossing
Mailing Address 4800 W 57th Street Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)
Phone 605-362-3345 Mobile _____ Email jguenthe@good-sam.com
- Amount of water claimed 0.40 *CFS or 180 **GPM and 57 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Well 1SE 1/4 SW 1/4
- Location of point of diversion 1 well in SW1/4 Section 31 T101N R48W County Minnehaha
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used During non-frozen conditions Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well water will be used to maintain the permanent pool elevation of multiple private ponds for aesthetic purposes within the Founders Crossing development.

The permanent pool ponds are to also be used for irrigation up to 28.5 acres of greenspace.
The estimated irrigation pump size is 500 gpm +/-.

I, Jason Guenther Director of Planning and Construction, 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 _____
(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) 300' +/- Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2 miles

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)

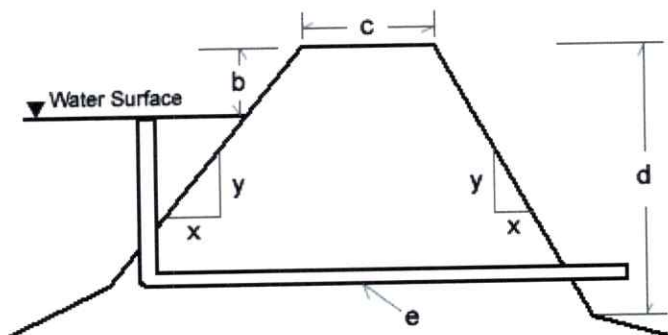
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Scale: 1 inch = 426 feet

590

Feet



DANR
SOUTH DAKOTA

Completed by:

Ron Duvall
Ron Duvall, Engineer III
SD DANR, Water Rights Program

Date:

Application No.

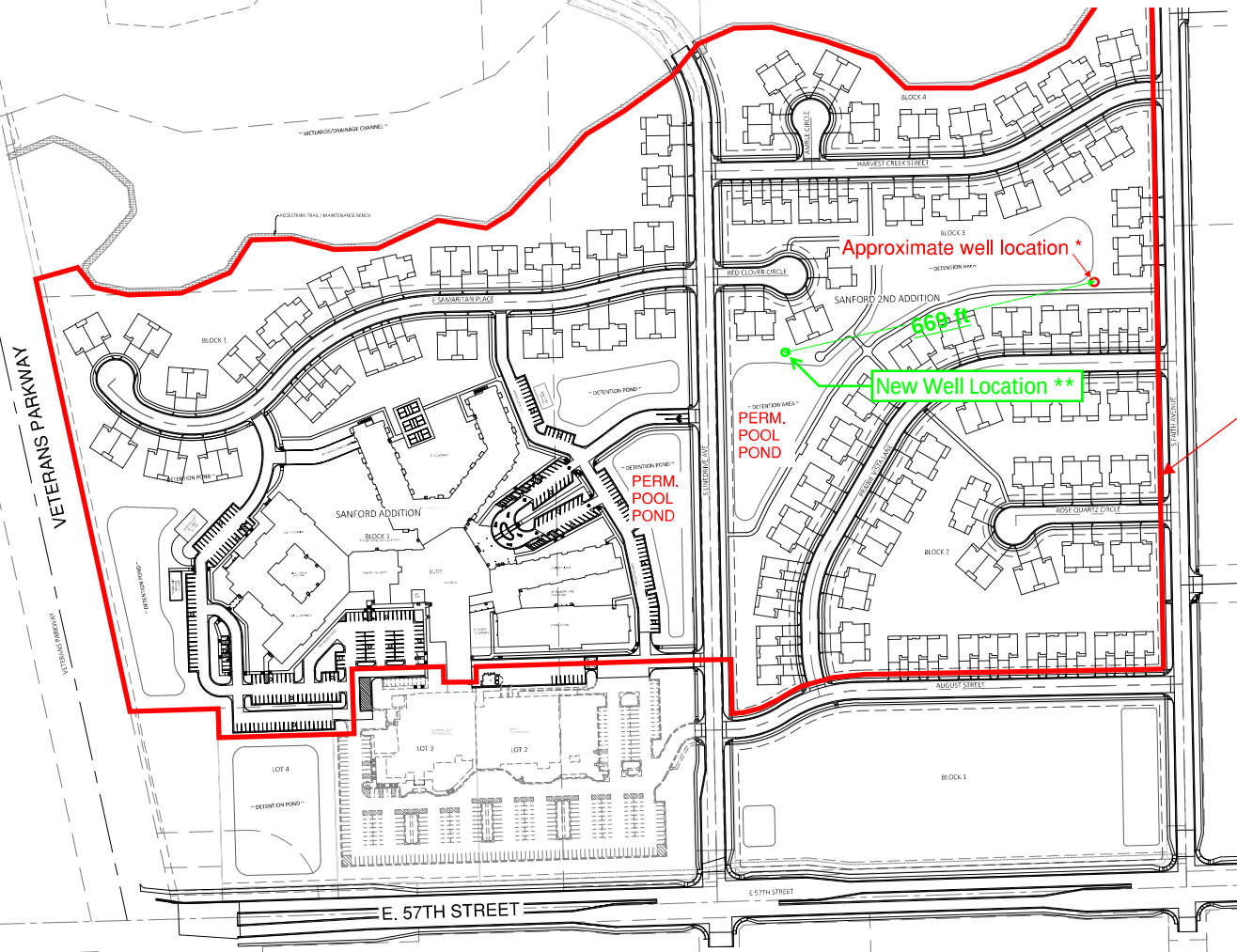
8898-3

OVERALL SITE LAYOUT

GOOD SAMARITAN - FOUNDERS CROSSING

Proposed Well is located in the SW 1/4 of Section 31-T101N-R48W.
 Latitude: 43d30m13.95s N Longitude: 96d38m31.57s W
 *Final Location TBD

**** Revised Well Location**
 SW 1/4 of Section 31-T101N-R48W
 Latitude: 43d30m12.75s N
 Longitude: 96d38m40.18s W



Area to be irrigated from ponds outside of buildings, hard surfaced areas, and ponds. (Approximately 28.5 Acres).

Notified by Myon Adam with JSA Engineers on March 20, 2025, the location of the proposed well is being relocated as shown on this map. The new location is within the diversion point area on Permit No. 8898-3. I informed Mr. Adam no further action is needed by the Good Samaritan Society.

Ron Duvall, Engineer
 SD DANR, Water Rights Program
 March 21, 2025

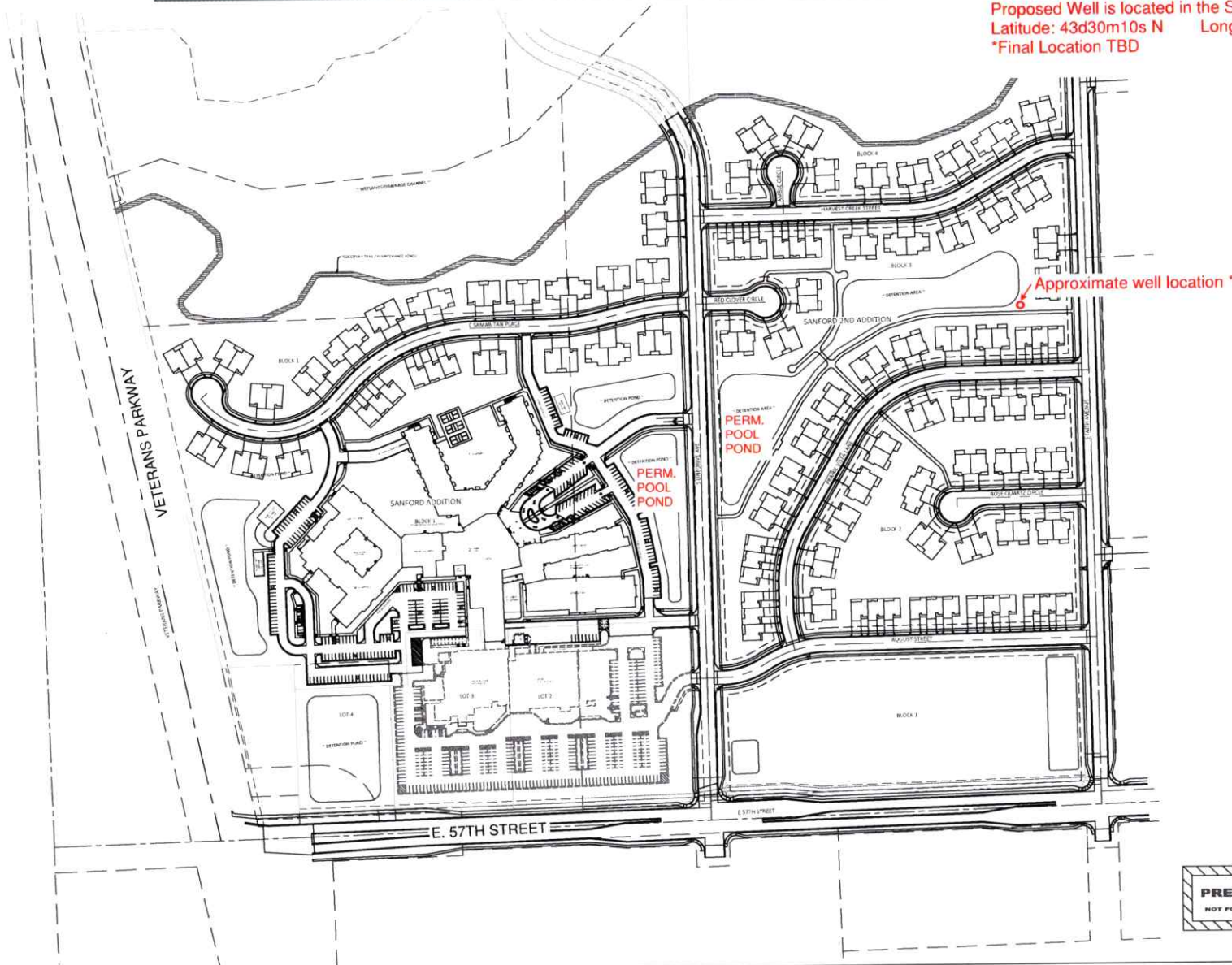


OVERALL SITE LAYOUT

OVERALL SITE LAYOUT

GOOD SAMARITAN - FOUNDERS CROSSING

Proposed Well is located in the SW 1/4 of Section 31-T101N-R48W.
Latitude: 43d30m10s N Longitude: 96d38m33s W
*Final Location TBD



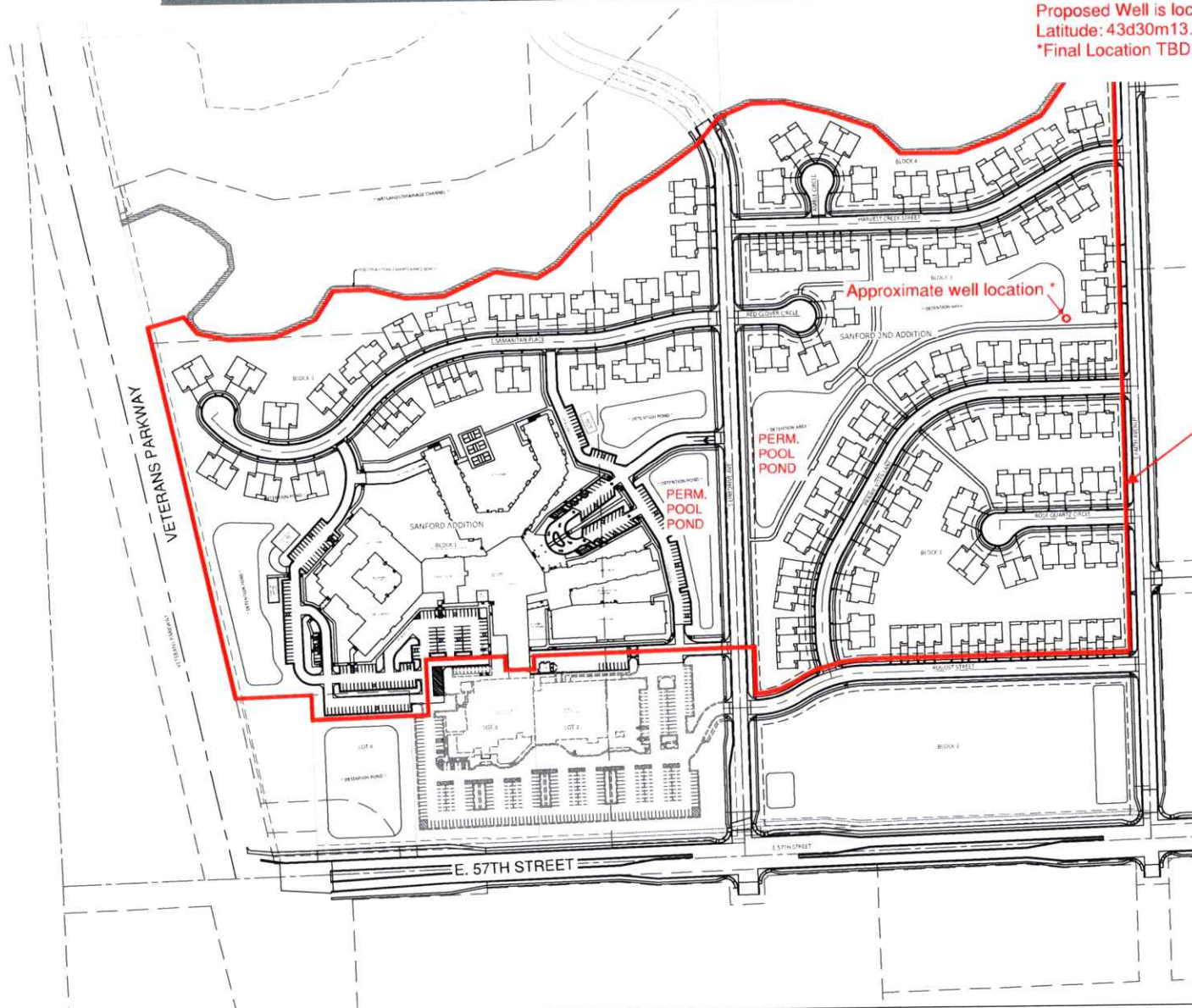
PRELIMINARY
NOT FOR CONSTRUCTION

OVERALL SITE LAYOUT

OVERALL SITE LAYOUT

GOOD SAMARITAN - FOUNDERS CROSSING

Proposed Well is located in the SW 1/4 of Section 31-T101N-R48W.
Latitude: 43d30m13.95s N Longitude: 96d38m31.57s W
*Final Location TBD



Area to be irrigated from ponds outside of
buildings, hard surfaced areas, and ponds.
(Approximately 28.5 Acres).

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WATER

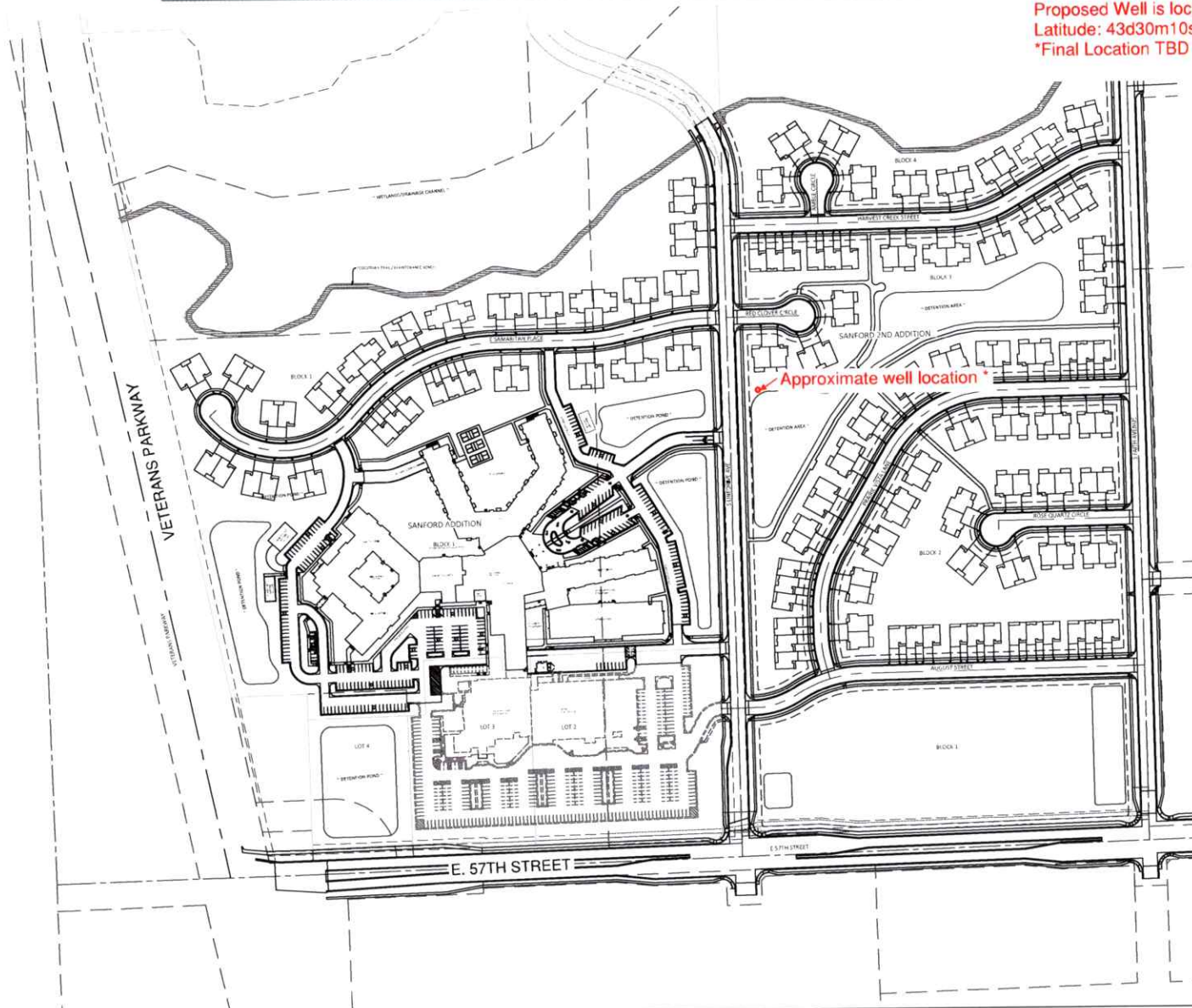


OVERALL SITE LAYOUT

OVERALL SITELAYOUT

GOOD SAMARITAN - FOUNDERS CROSSING

Proposed Well is located in the SW 1/4 of Section 31-T101N-R48W.
Latitude: 43d30m10s N Longitude: 96d38m41s W
*Final Location TBD



PRELIMINARY
NOT FOR CONSTRUCTION

OVERALL SITE LAYOUT



RECEIVED

AUG 09 2024

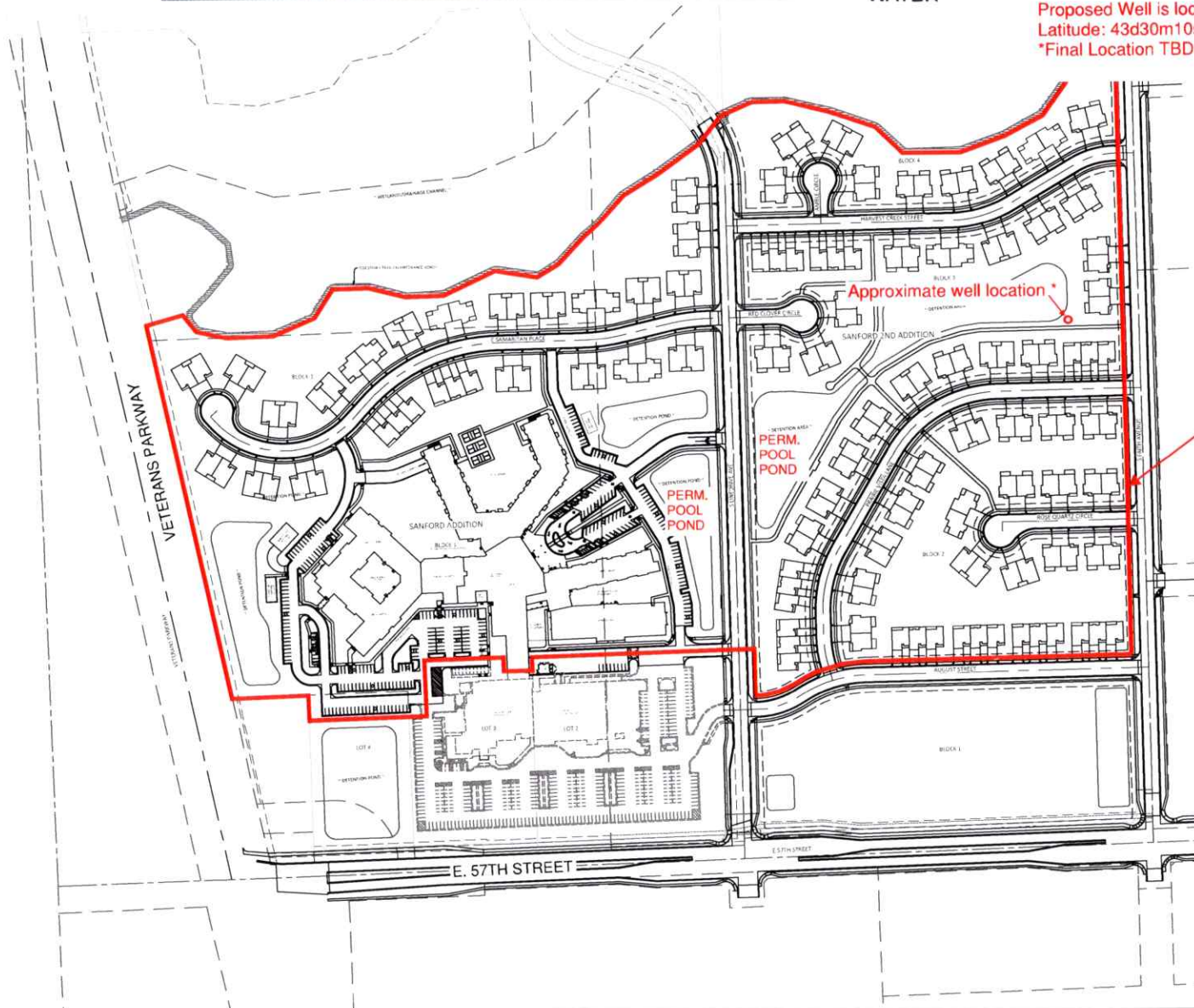


OVERALL SITE LAYOUT

OFFICE OF
WATER

GOOD SAMARITAN - FOUNDERS CROSSING

Proposed Well is located in the SW 1/4 of Section 31-T101N-R48W.
Latitude: 43d30m10s N Longitude: 96d38m33s W
*Final Location TBD



Area to be irrigated from ponds outside of buildings, hard surfaced areas, and ponds. (Approximately 28.5 Acres).

PRELIMINARY
NOT FOR CONSTRUCTION

OVERALL SITE LAYOUT

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 28th, 2024

RECEIVED OF Good Samaritan Society-Founders Crossing 4800 W 57th Street Sioux Falls SD 57108

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

Fee for Application for Permit No. <u>8898-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8898-3</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>700.00</u>

By Eric Gronlund
Chief Engineer



STATE OF SOUTH DAKOTA

Doing Business As (DBA) Fictitious Business Name Registration

Good Samaritan Society - Founder's Crossing
ID: UB277295

The address where the main office of the above listed business is to be maintained:

Physical Address:
4800 W. 57TH STREET
SIOUX FALLS, SD 57108

Mailing Address:
4800 W. 57TH STREET
SIOUX FALLS, SD 57108

The owner of the above listed business is:

Name	Address
THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY	Physical: 4800 West 57th Street, Sioux Falls, SD 57108, USA Mailing: 4800 West 57th Street, Sioux Falls, SD 57108, USA

The DBA/Fictitious Business Name registered above has a filing date of June 19, 2024, and is effective for a term of 5 years and will expire on June 19, 2029.


SD Secretary of State





532317549

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2024
FILING YEAR

ANNUAL REPORT

Foreign Nonprofit Corporation
SDCL 47-27-18, 59-11-24 to 26

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$10

Total Fee: \$10

1. Business ID and Name:

FN000326
BUSINESS ID

THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY
BUSINESS NAME

2. The jurisdiction under whose law it is formed **NORTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

4800 WEST 57TH STREET
SIOUX FALLS, SD 57108

Mailing Address

4800 WEST 57TH STREET
SIOUX FALLS, SD 57108

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **C T CORPORATION SYSTEM (0000002)**

Actual Street Address in this State

319 S COTEAU ST
PIERRE, SD 57501-3187

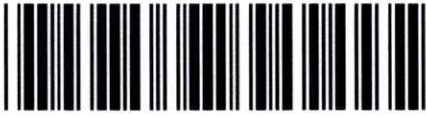
Mailing Address in this State

5. The names and addresses of its principal officers.

Title	Name	Address
Vice President	Aimee N Middleton	4800 West 57th Street, Sioux Falls, South Dakota 57108
Secretary	Michael Rogers	4800 West 57th Street, Sioux Falls, South Dakota 57108
Treasurer	Scott Wooten	4800 West 57th Street, Sioux Falls, South Dakota 57108
President	Nathan Schema	4800 West 57th Street, Sioux Falls, South Dakota 57108

6. The names and addresses of its directors (governors).

Name	Address
Dean L Bresciani PhD	4800 West 57th Street, Sioux Falls, South Dakota 57108
Nathan Schema	4800 West 57th Street, Sioux Falls, South Dakota 57108
Scott Petersen	4800 West 57th Street, Sioux Falls, South Dakota 57108
Darrell Schmith	4800 West 57th Street, Sioux Falls, South Dakota 57108
David Austad	4800 West 57th Street, Sioux Falls, South Dakota 57108



Thomas Koop	4800 West 57th Street,Sioux Falls, South Dakota 57108
Matt Hocks	4800 West 57th Street,Sioux Falls, South Dakota 57108
Linda Norman	4800 West 57th Street,Sioux Falls, South Dakota 57108
Helen Melland	4800 West 57th Street,Sioux Falls, South Dakota 57108

7. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" Foreign government, a government, or the state-controlled enterprise of a government, other than the United States, its states, or its territories. A natural person who is not a United States Citizen. An entity registered outside the United States or its territories.

Does the entity have any foreign beneficial owners/interests?

N/A

8. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

04/09/2024

Dated

Email (Optional)

Kelly Lettmann

Signature of an Authorized Person

Kelly Lettmann

Printed Name

Rodriguez, Rachel

From: Duvall, Ron
Sent: Wednesday, August 28, 2024 8:55 AM
To: Chris Jibben
Cc: Rodriguez, Rachel; Dewell, Amanda; Myron Adam; Guenther,Jason
Subject: RE: [EXT] Water Permit Application

Chris,

We did get the fee and the application is complete. The publication will come after completion of a report addressing water availability and impacts to other existing water rights. Based on that report, the Chief Engineer makes a recommendation and then it is ready to be public noticed. We have 60 days to get a recommendation made. When that is all completed, we will provide you and the newspaper the notice to be published. You will then need to contact the newspaper and authorize the paper to print the notice.

Please let me know if you have any questions.

Thank you,

Ron

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Tuesday, August 27, 2024 3:24 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther,Jason <jguenthe@good-sam.com>
Subject: RE: [EXT] Water Permit Application

Ron,
I paid the requested fee over the phone last week and I assume the application is now complete.
Will your office be posting the publication soon? Please let us know if anything else is needed.
Thank You,

Chris Jibben, PE
JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

From: Chris Jibben
Sent: Tuesday, August 20, 2024 2:38 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther,Jason <jguenthe@good-sam.com>
Subject: RE: Water Permit Application

Ron,
Yes, we checked with the City of Sioux Falls, and there are no issues with the proposed well.
Thanks,

Chris Jibben, PE
JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Tuesday, August 20, 2024 1:36 PM

To: Chris Jibben <CHRIS@isaengineers.biz>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@isaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: Water Permit Application

You're welcome. I noticed this site is within the city limits of Sioux Falls. That does not matter as far as the water rights permitting process goes, but some communities may have local ordinances regarding the drilling wells within their boundaries. I don't know if Sioux Falls does, but you may want to look into that if you haven't already.

From: Chris Jibben <CHRIS@isaengineers.biz>

Sent: Tuesday, August 20, 2024 11:54 AM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@isaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: [EXT] Water Permit Application

Ron,

Thanks again for your assistance on the permit process.

I'll coordinate the application fee with Jason & we'll get it paid asap.

Chris Jibben, PE

JSA Engineers/Land Surveyors

Direct Phone: 605-679-4337

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Tuesday, August 20, 2024 11:51 AM

To: Chris Jibben <CHRIS@isaengineers.biz>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@isaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: Water Permit Application

Chris,

Thank you for the map. You can pay by credit card by calling the main office number 605.773.5559 or send a check to the address you indicated below. If you pay by card, whatever the processing fee is will be added to the total. Whichever method you use to pay, please indicate it is for the Good Samaritan water permit application. This is a one-time fee.

Regarding the publication you are looking at around 60 days from the time we have a complete application. At this point, to make the application complete, we are only lacking the fee.

Thank you,

Ron

From: Chris Jibben <CHRIS@isaengineers.biz>

Sent: Tuesday, August 20, 2024 9:55 AM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: [EXT] Water Permit Application

Ron,

I updated the coordinates with additional precision to attached proposed well location.

or

43.5039 N

96.6421 W

What is the easiest way to provide the required application fee?

Can Jason or us, pay with a credit card or do you prefer a check to this address?

The forms, map, fee, and any other information for filing a permit application should be submitted to:

Department of Agriculture and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD 57501-3182

We would like to get the publication out asap.

Thank You,

Chris Jibben, PE

JSA Engineers/Land Surveyors

Direct Phone: 605-679-4337

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Monday, August 19, 2024 3:18 PM

To: Chris Jibben <CHRIS@jsaengineers.biz>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: Water Permit Application

Chris,

I think we have everything we need other than the application/license fee, which for 28.5 acres is going to be \$700.00. The map of the site layout showing the proposed well location does not match the coordinates provided on the map. I am attaching a map showing the outer boundary of the area to be irrigated and two well locations – one based on the location shown on the map, and one based on the coordinates provided on the map. The green dot is the coordinates provided and the red dot is my eyeballing the well location based on the most recent map you provided which is a different location from the previous map provided. If you just confirm which well site you plan to use (I will update my map based on what I hear back from you) and remit the fee, we can start the process of getting a report and recommendation prepared. After those items are prepared, the application will need to be public noticed – you are looking at about three months assuming no one contests the application in response to the public notice.

If you want to drill the well prior to the permit being approved, then you can request permission to drill a test well which will eventually be used as the production well. The risk is making the expenditure is not knowing whether the water permit will be approved.

Please let me know if you have any further questions.

Thank you,

Ron

Duvall, Ron

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Tuesday, August 20, 2024 9:55 AM
To: Duvall, Ron
Cc: Rodriguez, Rachel; Dewell, Amanda; Myron Adam; Guenther,Jason
Subject: RE: [EXT] Water Permit Application
Attachments: C01.05_Well Location_8-20-24.pdf

Ron,
I updated the coordinates with additional precision to attached proposed well location.
or
43.5039 N
96.6421 W

What is the easiest way to provide the required application fee?
Can Jason or us, pay with a credit card or do you prefer a check to this address?

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Department of Agriculture and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD
57501-3182

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JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

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Subject: RE: Water Permit Application

Chris,

I think we have everything we need other than the application/license fee, which for 28.5 acres is going to be \$700.00. The map of the site layout showing the proposed well location does not match the coordinates provided on the map. I am attaching a map showing the outer boundary of the area to be irrigated and two well locations – one based on the location shown on the map, and one based on the coordinates provided on the map. The green dot is the coordinates provided and the red dot is my eyeballing the well location based on the most recent map you provided which is a different location from the previous map provided. If you just confirm which well site you plan to use (I will update my map based on what I hear back from you) and remit the fee, we can start the process of getting a report and recommendation prepared. After those items are prepared, the application will need to be public noticed – you are looking at about three months assuming no one contests the application in response to the public notice.

If you want to drill the well prior to the permit being approved, then you can request permission to drill a test well which will eventually be used as the production well. The risk is making the expenditure is not knowing whether the water permit will be approved.

Please let me know if you have any further questions.

Thank you,

Ron

From: Chris Jibben <CHRIS@jsaengineers.biz>

Sent: Monday, August 19, 2024 10:19 AM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: [EXT] Water Permit Application

Ron,

I just following up to see if you had any more questions or needed any additional information. GSS was looking at drilling a well this fall, so I'm checking to see what the timeline would be to get approval. Thank You,

Chris Jibben, PE

JSA Engineers/Land Surveyors

Direct Phone: 605-679-4337

From: Chris Jibben

Sent: Friday, August 9, 2024 4:25 PM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>; Guenther, Jason <jguenthe@good-sam.com>

Subject: RE: Water Permit Application

Ron,

I believe we addressed your comments or added the information requested to the attached updated permit application. Please let me know if you have any additional questions or need anything else.

Chris Jibben, PE

JSA Engineers/Land Surveyors

Direct Phone: 605-679-4337

Cell: 605-929-1885

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Tuesday, August 6, 2024 9:59 AM

To: Chris Jibben <CHRIS@jsaengineers.biz>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>

Subject: RE: Water Permit Application

Chris,

Thanks for the responses. Since a major use of the water is irrigation, the application should also identify "irrigation" along with "institutional" use. The "institutional" aspect will amount to having the water for aesthetic purposes as noted on the application. Also, since irrigation is a major use, the area encompassing the 28.5 acres should be identified on the map. I don't know whether the 28.5 acres is the area surrounding the main facility near the intersection of Veteran's Parkway and 57th Street or whether the acres include the entire area identified on the map already submitted. I ask because the public notice will need to identify the legal description of the diversion points (well and two ponds) and the area to be irrigated.

By statute (SDCL 46-5-6) you are allowed 2 acre-feet of water per acre, but can use up to 3 acre-feet per acre if certain conditions are met. For 28.5 acres that amounts to 57 acre-feet which equals 18.6 million gallons. On the application, you indicated up to 20 million gallons - perhaps the difference between 18.6 and 20 million gallons can be attributed to evaporation and seepage losses. In any event, if you believe you need more than 2 acre-feet per acre to take care of turf irrigation, then you should specify that on the application.

The same statute listed above identifies a diversion rate for irrigation that may not exceed one cubic foot of water per second (cfs) for each 70 acres. For 28.5 acres, this equates to 0.41 cfs (approx. 180 gallons per minute). If necessary (and it probably will be), this pump rate may be increased beyond 1 cfs per 70 acres according to SDCL 46-5-6 with time constraints during which water may be pumped being the likely reason for doing so (e.g. applying water in the evening only). You indicated in your response that the sizing of the pumps to irrigate the lawn have not been sized - we are going to need a number for that, again, for the public notice and complying with SDCL 46-5-6.

Please let me know if you have any questions about all my questions.

Thank you,

Ron

From: Chris Jibben <CHRIS@jsaengineers.biz>

Sent: Tuesday, July 30, 2024 2:39 PM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Myron Adam <Myron@jsaengineers.biz>

Subject: RE: [EXT] Water Permit Application

Ron,

I responded again in red below.

I also updated the application for an "institutional" use, adjusted the proposed well location and labeled the permanent pool ponds on the exhibit.

Please let me if you have any additional questions.

Thank You,

Chris Jibben, PE

JSA Engineers/Land Surveyors

Direct Phone: 605-679-4337

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Friday, July 26, 2024 2:58 PM

To: Chris Jibben <CHRIS@jsaengineers.biz>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: Water Permit Application

Chris,

Rachel brought me the application and I have a few questions/thoughts:

1. Is the proposed well to be the water supply (potable and sanitary use) for the entire facility or is it primarily for irrigation and aesthetic purposes? The proposed well will serve two purposes: 1) to maintain the level of the two permanent pool ponds when the water levels drop due to seepage and evaporation losses, and 2) to maintain the level of the two permanent pool ponds after the pond levels drop due to lawn irrigation draw downs from the ponds. The well will not be used for any potable water.
 - a. If water is being used for nonirrigation purposes, that is volume of water we are requesting. I don't know whether or not the volume figures you provided to Rachel (15 – 20,000 MGAL) included irrigation uses. Also, is 20,000 MGAL = 20,000,000 gallons? I presume so, since at a pump rate of 200 gpm, the most you can pump in a year is 322.5 acre-feet which equates roughly to 105,100,000 gallons (105.1 MGAL) Yes, 15,000-20,000 MGAL = 15,000,000-20,000,000 gallons.
 - b. Is the irrigation use incidental or more significant. By this I mean, are you doing some targeted watering in a relatively small area say, around a building, or are the entire grounds going to be watered? If the entire grounds are going to be irrigated, then we are going to need the number of acres being watered with those acres shown on a map. Our client will be watering approximately 28.5 acres of green space around their campus from the water in the ponds. The well will be used to recharge the two permanent pool ponds.
2. In looking at the map I count, I count five detention ponds. You indicated in your response to Rachel there will be two permanent pools (presumably with water levels maintained by the well) and ponds may be used to water the grounds. Are the ponds to be used to water the grounds the two permanent pools and which of the five detention ponds showing on the map are the permanent pools? Three of the five ponds are "dry" stormwater detention ponds to control stormwater runoff. The two permanent pool ponds are labelled on the attached exhibit for your reference/clarification.
3. Regarding the 200 gpm pump rate, is this the proposed pump rate from the well (I assume so, but please confirm) or is it the pump rate from the pond(s) to the area to be irrigated? We will need both pump rates, please identify which is which. Yes, the 200 gpm pump rate is for the rate from the well. The pump(s) required to lawn irrigate from the ponds have not been sized at this point.
4. The application identifies the water use as "commercial" for which there is a definition [available here](#). There is no definition of "institutional" use, but you may want to consider whether that is a better fit. We typically issue permits for institutional uses to entities such as churches, schools, medical centers, children's welfare entities, etc. Also, based on whether the irrigation use is more of an incidental use or a significant use, irrigation use may also be specifically mentioned as a water use. I agree that defining the use as "institutional" may make better sense in this application.
5. Regarding the proposed water source, are you looking to develop into the Sioux Quartzite aquifer or some other aquifer? Based on existing wells in this vicinity, this would be the Sioux Quartzite aquifer.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Friday, July 26, 2024 10:45 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Myron Adam <Myron@jsaengineers.biz>
Subject: RE: [EXT] Water Permit Application

Rachel,

See responses in red below & let us know if you have any further questions.

Chris Jibben, PE
JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, July 25, 2024 3:26 PM
To: Chris Jibben <CHRIS@jsaengineers.biz>
Subject: Water Permit Application

Good afternoon,

In looking over your water permit application, there are a few things that need clarification:

- We need the estimated annual volume of water that will be diverted from the well. **15-20,000 MGAL depending on precipitation**
- Number of ponds and the cumulative storage capacity of each pond. **2 permanent pool ponds (West Pond = 465 MGAL, East Pond = 4600 MGAL.**
Will there be any diversion of water from these ponds for watering the grounds? **Yes, ponds may be used to water grounds in summer months.**
- We need a specific period when the water will be used (i.e. Nov 1 – Mar 31) **Estimated in May-September**
- Fee will be based on the annual volume **Noted**

Thank you,

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



Duvall, Ron

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Tuesday, July 30, 2024 2:39 PM
To: Duvall, Ron
Cc: Rodriguez, Rachel; Dewell, Amanda; Myron Adam
Subject: RE: [EXT] Water Permit Application
Attachments: Application for a Water Right Permit_7-30-24.pdf

Ron,

I responded again in red below.

I also updated the application for an "institutional" use, adjusted the proposed well location and labeled the permanent pool ponds on the exhibit.

Please let me if you have any additional questions.

Thank You,

Chris Jibben, PE
JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, July 26, 2024 2:58 PM
To: Chris Jibben <CHRIS@jsaengineers.biz>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: Water Permit Application

Chris,

Rachel brought me the application and I have a few questions/thoughts:

1. Is the proposed well to be the water supply (potable and sanitary use) for the entire facility or is it primarily for irrigation and aesthetic purposes? The proposed well will serve two purposes: 1) to maintain the level of the two permanent pool ponds when the water levels drop due to seepage and evaporation losses, and 2) to maintain the level of the two permanent pool ponds after the pond levels drop due to lawn irrigation draw downs from the ponds. The well will not be used for any potable water.
 - a. If water is being used for nonirrigation purposes, that is volume of water we are requesting. I don't know whether or not the volume figures you provided to Rachel (15 – 20,000 MGAL) included irrigation uses. Also, is 20,000 MGAL = 20,000,000 gallons? I presume so, since at a pump rate of 200 gpm, the most you can pump in a year is 322.5 acre-feet which equates roughly to 105,100,000 gallons (105.1 MGAL) Yes, 15,000-20,000 MGAL = 15,000,000-20,000,000 gallons.
 - b. Is the irrigation use incidental or more significant. By this I mean, are you doing some targeted watering in a relatively small area say, around a building, or are the entire grounds going to be watered? If the entire grounds are going to be irrigated, then we are going to need the number of acres being watered with those acres shown on a map. Our client will be watering approximately 28.5 acres of green space around their campus from the water in the ponds. The well will be used to recharge the two permanent pool ponds.
2. In looking at the map I count, I count five detention ponds. You indicated in your response to Rachel there will be two permanent pools (presumably with water levels maintained by the well) and ponds may be used to water the grounds. Are the ponds to be used to water the grounds the two permanent pools and which

of the five detention ponds showing on the map are the permanent pools? Three of the five ponds are "dry" stormwater detention ponds to control stormwater runoff. The two permanent pool ponds are labelled on the attached exhibit for your reference/clarification.

3. Regarding the 200 gpm pump rate, is this the proposed pump rate from the well (I assume so, but please confirm) or is it the pump rate from the pond(s) to the area to be irrigated? We will need both pump rates, please identify which is which. Yes, the 200 gpm pump rate is for the rate from the well. The pump(s) required to lawn irrigate from the ponds have not been sized at this point.
4. The application identifies the water use as "commercial" for which there is a definition [available here](#). There is no definition of "institutional" use, but you may want to consider whether that is a better fit. We typically issue permits for institutional uses to entities such as churches, schools, medical centers, children's welfare entities, etc. Also, based on whether the irrigation use is more of an incidental use or a significant use, irrigation use may also be specifically mentioned as a water use. I agree that defining the use as "institutional" may make better sense in this application.
5. Regarding the proposed water source, are you looking to develop into the Sioux Quartzite aquifer or some other aquifer? Based on existing wells in this vicinity, this would be the Sioux Quartzite aquifer.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Friday, July 26, 2024 10:45 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Myron Adam <Myron@jsaengineers.biz>
Subject: RE: [EXT] Water Permit Application

Rachel,

See responses in red below & let us know if you have any further questions.

Chris Jibben, PE
JSA Engineers/Land Surveyors
Direct Phone: 605-679-4337

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Sent: Thursday, July 25, 2024 3:26 PM
To: Chris Jibben <CHRIS@jsaengineers.biz>
Subject: Water Permit Application

Good afternoon,

In looking over your water permit application, there are a few things that need clarification:

- We need the estimated annual volume of water that will be diverted from the well. 15-20,000 MGAL depending on precipitation

- Number of ponds and the cumulative storage capacity of each pond. 2 permanent pool ponds (West Pond = 465 MGAL, East Pond = 4600 MGAL.
Will there be any diversion of water from these ponds for watering the grounds? Yes, ponds may be used to water grounds in summer months.
- We need a specific period when the water will be used (i.e. Nov 1 – Mar 31) Estimated in May-September
- Fee will be based on the annual volume Noted

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. 8898-3, Good Samaritan Society - Founders Crossing**

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. 8898-3, Good Samaritan Society - Founders Crossing, 4800 W 57th Street, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 8898-3 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. 8898-3 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. 8898-3 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. 8898-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 28.5 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
October 15, 2024

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8898-3
FOR
GOOD SAMARITAN SOCIETY – FOUNDERS CROSSING
OCTOBER 15, 2024

Application No. 8898-3 proposes to appropriate up to 57 acre-feet of water per year (ac-ft/yr) at a maximum instantaneous diversion rate of 0.40 cubic feet of water per second (cfs) from one well (approximately 300 ft deep) to be completed into the Sioux Quartzite. The well is to be located in the SE ¼ SW ¼ Section 31 and to be used for irrigation and for the institutional purpose of maintaining the water level in two permanent ponds with a combined storage capacity of 28.3 ac-ft both located in the SE ¼ SW ¼ Section 31; all in T101N-R48W. Water will be diverted from the two ponds at a maximum pump rate of 1.11 cfs for irrigation of 28.5 acres located in the SW ¼ Section 31-T101N-R48W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in the southeast city limits of Sioux Falls, SD in Minnehaha County.

AQUIFER: Sioux Quartzite (SOUX)

Aquifer Characteristics:

The Sioux Quartzite is a Precambrian aged fine to coarse grained ortho-quartzite primarily composed of pink and red colored quartz sand cemented into a nonporous quartzite by silica (Baldwin, 1949; Martin et al., 2004). The Sioux Quartzite underlies portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa (Tomhave, 1994; Southwick, 1984). Figure 1 shows the approximate extent of the Sioux Quartzite in southeastern South Dakota. The depth to the Sioux Quartzite can vary significantly over short distances as shown by mapping of the Precambrian surface done by McCormick (2010). The craggy and uneven surface of the Sioux Quartzite is a likely product of pre-glacial streams incising irregular valleys on the quartzite surface (Baldwin, 1949).

There is very limited or no primary porosity for most of the Sioux Quartzite, except in areas where the silica cement is not present due to weathering or non-deposition (Baldwin, 1949). In areas where there is secondary porosity and permeability features (e.g., fractures), water can be transmitted through secondary porosity and the Sioux Quartzite can be considered an aquifer. Any aquifer characteristics are site specific and highly variable due to the unpredictable and uneven nature of the fractures, faults, and joints that comprise secondary porosity. Determination of whether the Sioux Quartzite aquifer is a confined or unconfined aquifer is complicated, since the fractured nature of the quartzite and very low primary porosity means the portion of the quartzite overlaying a fracture can be the low permeability formation isolating the groundwater from the atmosphere. Therefore, a well completed into the Sioux Quartzite aquifer is likely to behave in a manner more consistent with a confined aquifer even if the aquifer meets or is more similar to the definition of an unconfined aquifer.

The Sioux Quartzite has estimated maximum thickness ranging from less than 1,000 feet (Gries, 1983) to 3,000 feet (Baldwin, 1949). However, wells penetrating the Sioux Quartzite typically

penetrate to a maximum depth of 200 feet or less (Water Rights, 2024e; Lindgren and Niehus, 1992). The Sioux Quartzite is likely hydrologically connected to overlying and adjacent aquifers and surface water features in direct contact with the quartzite. However, the extent of the hydrologic connections likely vary geographically and are not well understood (Lindgren and Niehus, 1992).

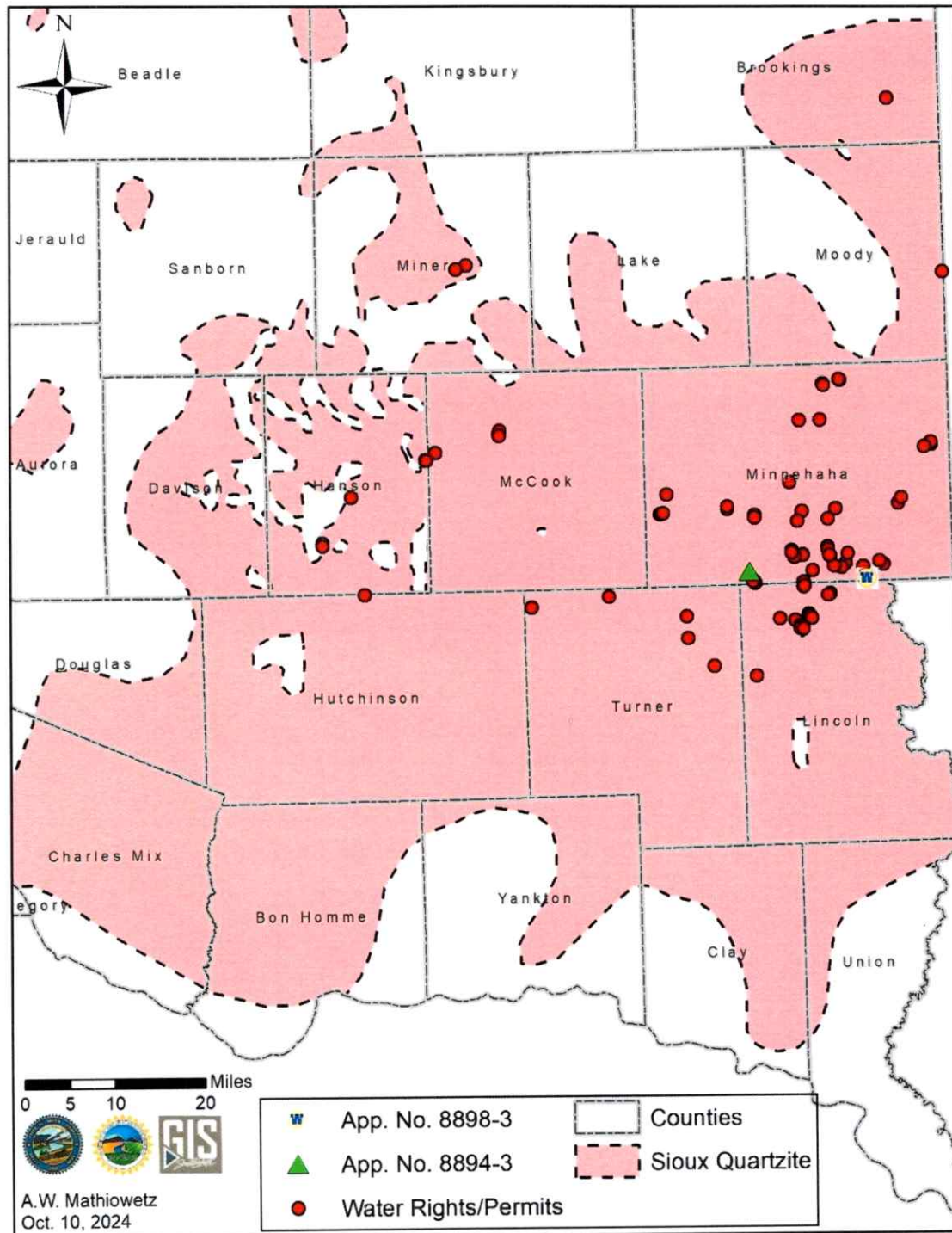


Figure 1- Approximate extent of the Sioux Quartzite in southeastern South Dakota (modified from: McCormick, 2010) with Sioux Quartzite water rights/permits (Water Rights, 2024d)

Based on the lithologic logs (SDGS, 2024) and well completion reports (Water Rights, 2024), and a Precambrian bedrock map (McCormick, 2010), the depth to the top of the Sioux Quartzite at the applicant's proposed well site will likely be less than 100 ft but may be as deep as 300 ft. Due to the site specific nature of the Sioux Quartzite and lack of well data completed into the Sioux Quartzite within less than 0.25 miles, there is no relatively specific estimate of static water level. Within approximately 2.5 miles, there are 20 wells on record that appear to be completed into the Sioux Quartzite (Water Rights, 2024e). These wells have construction dates from 1957 through 2022. The depth to static water level ranges from 162 feet below grade to land surface. The nearest wells are approximately 1.5 miles north and north-northwest. In general, the water levels in these wells show the Sioux Quartzite is confined in this area. Even if the static water level is below the top of the Sioux Quartzite formation, technically making the aquifer unconfined, any well completed into the Sioux Quartzite is likely to behave in a manner closer to a confined aquifer well due to the fact all water movement in the aquifer is within secondary porosity that is highly variable.

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 Sioux Quartzite aquifer.

This application proposes to appropriate water from the Sioux Quartzite 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. The Sioux Quartzite is a Pre-Cambrian aged formation and thus older than the Greenhorn Formation (Fahrenbach et al, 2010). However, the applicant is not a water distribution system. Therefore, the balance between recharge to and withdrawals from the Sioux Quartzite 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 0.4 cfs from the well for the irrigation of 28.3 acres or the equivalent of 0.99 cfs per 70 acres. However, the well pumps into ponds and the diversion rate from the ponds is to be 1.11 cfs. That is equivalent to 2.75 cfs per 70 acres. No specific reason for the request was provided on the application. However, based on the provided map, this project appears to be lawn irrigation in a housing type development. Frequently, this type of irrigation requires a faster pump rate due to timing and irrigation methodology requirements. 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 Water Rights Program does not maintain any observation wells completed into the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).

Sioux Quartzite water levels show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992). The water levels undergo cyclic conditions, rising during wetter periods and declining during drier years. A review of well completion reports on file with the Water Rights Program (2024e) indicates in general water levels in the Sioux Quartzite in the area of this application have historically been relatively stable over time when considered in the context geographic sub-areas (see Table 1).

Table 1 shows a summary of the Sioux Quartzite wells on file with the Water Rights Program within approximately 2.5 miles of the applicant’s proposed well site. The adjacent colored sections are each geographic sub-area that shows similar potentiometric surface elevations. Each sub-area is sorted by primary direction from the applicant’s well site and then drill date within each direction. The ground surface elevation is interpreted as best as possible based on the location provided on the well completion report by the driller. Based on the mapping and the elevation of the mapped site, the potentiometric surface and top of Sioux Quartzite elevations are calculated. The error for the elevations should be considered +/- 20 ft.

Table 1 shows in general within each sub-area water levels are relatively stable over time. Since water levels in the Sioux Quartzite in this area have been relatively stable, this indicates that withdrawals from the Sioux Quartzite have not exceeded recharge in the area of this application. If water levels were to show a decline over time, it may be suggestive of withdrawal exceeding recharge to the Sioux Quartzite. Since recharge to and groundwater outflow from an aquifer can be captured for well withdrawals, the water level information from well completion reports on file with the DANR-Water Rights Program is indicative there is unappropriated water available in the Sioux Quartzite in the vicinity of this application.

Table 1– Data points used to examine historic water levels in the Sioux Quartzite (Water Rights, 2024e)

Name (Permit No.)	Year Drilled	Distance (mi.) & Direction from App.	Approx. Ground Surface Elev. (ft NGVD29)	Estimated Potentiometric Surface (ft NGVD29)	Approx. Elev. of the Top of the Sioux Quartzite (ft NGVD29)
Ole Garvick	1977	1.9 N	1,480	1,418	1,412
Henry Van Horst	1978	1.5 N	1,480	1,390	1,385
Lee Gacke	1978	1.6 N	1,450	1,288	1,354
Dusty Miller	2006	2.3 N	1,455	1,350	1,350
Doug Hoff	1984	2 NE	1,445	1,412	1,414
Willow Run Golf Course [6618-3]	2004	2.4 NE	1,310	1,283	1,237
Sioux Falls Parks & Rec [7805-3]	2012	2.4 NE	1,310	1,271	1,271
Willow Run Golf Course [8445-3]	2021	2.4 NE	1,310	1,278	1,235
Marvin Kroon	1986	2 ENE	1,295	1,295	1,290
Roger Andal	1993	2.4 ENE	1,310	1,287	1,290
Jeff Langner	2013	2.1 ENE	1,280	1,263	1,260
Roger Steward	1978	2.4 E	1,300	1,291	1,273
Tom Krueger	1991	2.1 ESE	1,390	1,289	1,268
Gloria Dei Church	2009	2.4 W	1,485	1,370	1,380
Albert Rieck	1957	2.6 NW	1,540	1,410	1,436
James Brown	1978	2.1 NW	1,470	1,359	1,368
Dean Nasser	1981	2.4 NW	1,465	1,385	1,405
Mike Power	1983	2.6 NW	1,525	1,442	1,427
Bill Scott	1985	2.4 NW	1,505	1,403	1,387
Prairie Hills Covenant Church [6553-3]	2004	1.5 NNW	1,500	1,430	1,450

Hydrologic Budget:

Discharge

Discharge from the Sioux Quartzite is through leakage to hydrologically connected aquifers and surface water features where the potentiometric surface of the Sioux Quartzite is higher than in the connected aquifer or surface water feature and through well withdrawals. Currently, there are 69 water rights/permits authorized to withdraw water from the Sioux Quartzite of which 59 are for non-irrigation purposes (Water Rights, 2022d). In general, the amount of water withdrawn for domestic uses is not a significant portion of the hydrologic budget for an aquifer. This is due to the relatively low diversion rate of domestic wells and the development of rural water systems, especially in southeastern South Dakota. This means some of the domestic wells completed into the Sioux Quartzite may no longer be in use. Therefore, the hydrologic budget will only consider appropriate usage from the aquifer.

There are six water rights/permits that include or are for quarry dewatering. These water rights/permits are listed in Table 2. Reported water use, for those permits required to report, is shown in Table 3. The reported data shows these water rights/permits typically use less than full time pumping at their respective maximum permitted diversion rates or their respective permitted volumes. Water Right No. 8345-3 limits the annual use for both Water Right No. 5784-3 and itself to a combined total annual volume of 1,105 ac-ft/yr. The reported average from 2018 through 2023 is 525.1 ac-ft/yr. Since the period of reporting is only 5 years, the liberal estimate of the permitted volume, 1,105 ac-ft/yr, will be used for the hydrologic budget in this report (Water Rights, 2024f).

Water Right No. 4493-3 is not required to report annual use. However, it is for the same quarry as Water Right No. 6070-3. Water Right No. 6070-3 reports their annual use based on water discharge from the quarry (Kilts, 2020). Therefore, the reported use under Water Right No. 6070-3 is likely to be reflective of the use under both Water Right Nos. 4493-3 and 6070-3 (Kilts, 2020).

The average annual reported use by Water Right No. 5400-3 across the period of record, 2003-2023, is approximately 26.4 percent of the volume that would be pumped if the quarry was constantly dewatered at the maximum permitted diversion rate, 8,874 ac-ft/yr (Water Rights, 2022f). It should be noted, in general, reported pumping under Water Right No. 5400-3 has been increasing over the period of record. The average reported pumpage across the last 10 years, 2014-2023, is 2,515 ac-ft, and across the last 5 years, 2019-2023, is 2,565 ac-ft. To be prudent and use a reasonable average through a wet and dry cycle, the average across the last 10 years will be used for the estimated average annual withdrawal. Water Permit No. 8458-3 is assumed to pump their maximum permitted annual volume of 1,452 ac-ft/yr, since it was approved in early 2021 and only has three years of reported pumpage. Therefore, the estimated average annual use by quarry dewatering water rights/permits is 6,541 ac-ft/yr.

Table 2- Water rights/permits from the Sioux Quartzite that include quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024d and 2024f)

Permit No.	Name	County	Status	Use	CFS	Annual Volume Limit (ac-ft/yr)	Est. Avg. Withdrawal (ac-ft/yr)
4493-3	SPENCER QUARRIES INC	HS	LC	COM	1.8	n/a	1,469
6070-3			LC	COM	3.1	n/a	
5400-3	L G EVERIST INC	MA	LC	IND	12.25	n/a	2,515
5784-3			LC	COM	3.33	limited by 8345-3	1,105
8345-3			LC	IND	3.36	1,105	
8458-3	KNIFE RIVER	MA	PE	IND	2	1,452	1,452
HS= Hansen, MA= Minnehaha, LC= Water Right, PE= Water Permit, COM= Commercial, IND= Industrial							

Table 3- Reported use for Sioux Quartzite permits for quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024f)

Year	5400-3	5784-3 & 8345-3*	6070-3	8458-3**
2023	2,249	575.8	1,120	82.3
2022	2,161	511.2	1,120	56.5
2021	2,214	643.0	1,120	32.79
2020	2,766	484.3	1,120	n/a
2019	3,436	423	1,135	n/a
2018	2,767	513	1,120	n/a
2017	2,664	0	1,120	n/a
2016	2,557	1	1,120	n/a
2015	2,114	0	1,248	n/a
2014	2,222	0	1,120	n/a
2013	2,027	10	1,120	n/a
2012	2,309	10	1,111	n/a
2011	2,692	113	1,680	n/a
2010	2,752	132	1,690	n/a
2009	2,355	63	1,680	n/a
2008	2,115	70	1,680	n/a
2007	2,100	66	1,680	n/a
2006	2,101	0	2,190	n/a
2005	1,790	28	2,240	n/a
2004	1,801	640	2,190	n/a
2003	1,984	3	2,240	n/a
Average (acre-feet)	2,342	204	1,469	n/a
*8345-3 issued in 2018 and reports combined pumpage with 5784-3				
** Water Permit No. 8458-3 was approved in January 2021				

Other non-irrigation water rights/permits limited by an annual volume are assumed to use the entire volume. Non-irrigation water rights/permits limited only by a diversion rate are assumed to pump at their maximum permitted diversion rate for 60 percent of the time. This is the standard method used by the Water Rights Program to somewhat overestimate average annual withdrawals. All of the municipalities that have Sioux Quartzite water rights/permits are connected to rural water and maintain their wells for standby/emergency purposes (Mathiowetz, 2021). Therefore, there is no use assumed under the 16 municipal water rights. The water rights/permits limited only by diversion rate, except Water Right No. 6552A-3 as discussed later are estimated to withdraw on average 2,345 ac-ft/yr.

A summary of the reported average withdrawals for the non-quarry dewatering, non-irrigation water rights/permits required to report annual withdrawals is shown in Table 4. The reported average annual withdrawal is 393.4 ac-ft/yr. It should be noted Water Right No. 8629-3 has yet to report withdrawals. However, only Water Right No. 6552A-3 has a sufficiently long period of record, 10+ years, to allow for a reasonable average through a wet/dry cycle to be used for estimation of average annual withdrawals. The column showing the permitted volume minus the reported average withdrawal clearly shows these users are withdrawing less than their permitted volume, particularly Water Right No. 8426-3, for each of the water rights/permits with less than 10 years of reported withdrawals. However, the most reasonable method to estimate average

annual withdrawals will be to use the average reported for 6552A-3 and the permitted volume for the rest. Consequently, that is an estimated average annual withdrawal of 781.5 ac-ft/yr.

Table 4- Summary of reported withdrawals for non-quarry dewatering, non-irrigation water rights/permits (Water Rights, 2024f)

Permit No.	Status	Years Reporting		Avg. Withdrawal (ac-ft/yr)	Permitted Vol. (ac-ft/yr)	Permitted Minus Avg. Reported (ac-ft/yr)	Est. Avg. Annual Withdrawal (ac-ft/yr)
6552A-3	LC	11	2013-2023	7.7	n/a	n/a	7.7
8068-3	PE	7	2017-2023	35.5	46	10.5	46
8186-3	PE	8	2016-2023	24.2	55	30.9	55
8243-3	LC	7	2017-2023	25.7	46.03	20.3	46.03
8289-3	LC	7	2017-2023	20.1	36.3	16.2	36.3
8290-3	LC	7	2017-2023	21.2	64.5	43.3	64.5
8301-3	PE	7	2017-2023	32.7	61	28.3	61
8344-3	LC	6	2018-2023	1.7	4.6	2.9	4.6
8424-3	LC	4	2020-2023	35.6	62	26.4	62
8426-3	LC	3	2021-2023	175.6	300	124.4	300
8437-3	LC	3	2021-2023	13.6	18.4	4.8	18.4
8629-3	LC	2	2022-2023	0	80	80	80
LC= Water Right PE= Water Permit				393.4	Reported Avg. Annual Withdrawal		
				Total Est. Avg. Annual Withdrawal			781.5

There are currently 10 water rights/permits authorized to withdraw water from the Sioux Quartzite aquifer for irrigation purposes (Water Rights, 2024d). A summary of the annual irrigation questionnaire data for these water rights/permits is shown in Table 5. Water Right Nos. 6451-3 and 6553-3 do not have a qualification to report annual irrigation use (Water Rights, 2024d). Water Right Nos. 6451-3 and 6553-3 are estimated to use less than their respective permitted volumes of 2 feet of water per acre for a combined estimated average annual use of less than 14 ac-ft/yr. That value is likely very high given that Water Right No. 6451-3 is qualified to only use water when the City of Sioux Falls has implemented water restrictions.

Water Right No. 5365-3 has not been required to submit irrigation applications since 1995. This is due to the user having well issues and eventually being hooked up to city water. Water Permit Nos. 8445-3 and 8446-3 have only 1 year of reported data and are assumed to pump their full permitted volumes, 142 ac-ft/yr and 7 ac-ft/yr, respectively, until sufficient data is available to calculate an average pumping that is likely reflective of full development for each permit. Water Permit No. 8547-3 was approved in December 2021. It is assumed to pump the full permitted volume, 22.78 ac-ft/yr, until sufficient data is available to calculate average pumping that is likely reflective of full development for the permit. The estimated average annual withdrawals were calculated using the above-mentioned values for those specific permits and the average reported withdrawals for the other permits for a total of 370.78 ac-ft/yr.

Table 5- Summary of irrigation water rights/permits and reported irrigation use from the Sioux Quartzite (Water Rights, 2024b)

PERMIT NO.	NAME	COUNTY	STATUS	ACRES	AVG. REPORTED USE (ac-ft/yr)	YEARS OF CONSTRUCTED SYSTEM DATA
5365-3	WILLOW WOOD APARTMENTS	MA	LC	1.5	1.2	6 (1990-1995)
6451-3	BLUFFS TOWNHOMES ASSOCIATION	MA	LC	3	no data	not reporting
6553-3	PRAIRIE HILLS COVENANT CHURCH	MA	LC	4	no data	not reporting
6618-3	WILLOW RUN GOLF LLC	MA	LC	71	82.9	18
6910-3	WOODLAWN CEMETERY	MA	LC	80	5.2	14
7415-3	BAKKER CROSSING GOLF COURSE	LN	LC	95	105.7	11
7805-3	CITY OF SIOUX FALLS PARK & RECREATION	MA	LC	8	4.0	11
8445-3	G L MANAGEMENT LLC	MA	PE	71	19.31	3
8446-3	BLUE BARN LLC	MA	PE	3.5	1.55	3
8547-3	L & E HOLDINGS LLC	MA	PE	11.39	0	2 (not constructed)
Total				348.39	219.86	
MA= Minnehaha, LN= Lincoln, LC= Water Right, PE= Water Permit						

Water Permit Application No. 8894-3 proposes to irrigate 23 acres using water from a well to be completed into the Sioux Quartzite aquifer. Because that application is for turf irrigation, it is assumed average annual withdrawal, if approved, will be the full appropriation of 2 feet of water per acre for a total of 46 ac-ft/yr. This application, if approved, will authorize the withdrawal of up to 57 ac-ft/yr. The total estimated average annual withdrawal from the Sioux Quartzite aquifer is 9,903.6 ac-ft/yr (see Table 6).

Table 6- Estimated average annual withdrawals from the Sioux Quartzite aquifer

Estimation Category	Quarry Dewatering	Non-Quarry Reported Use	Non-Irrigation Limited by Diversion Rate	Irrigation	App No. 8894-3	App. No. 8898-3	Total
Estimated Avg. Annual Withdrawal (ac-ft/yr)	6,448	693.83	2,345	370.78	46	57	9,960.61

Recharge to the Sioux Quartzite is predominantly through the infiltration of precipitation where the Sioux Quartzite is at land surface or near land surface and overlain by permeable materials, streamflow losses where the stream flows across outcrops with secondary porosity features, and leakage from overlying and adjacent aquifers where a hydrologically connected aquifer has a higher potentiometric head than the Sioux Quartzite (Lindgren and Niehus, 1992). A recharge rate to the Sioux Quartzite has yet to be quantified. Furthermore, and as previously stated, aquifer characteristics including recharge are site specific due to the unpredictable and uneven nature of secondary porosity features. Therefore, there is no reasonable estimate of average annual recharge to the Sioux Quartzite available. However, analysis of reported static water levels in well completion reports near this application, suggest that withdrawals from the aquifer do not exceed the average annual recharge.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The nearest Sioux Quartzite appropriative water right to the applicant's well is Water Right No. 6553-3 located approximately 1.5 miles north-northwest (Water Rights, 2024d). The nearest domestic well on file with the Water Rights Program for a well that appears to be completed into the Sioux Quartzite is located approximately 1.5 miles north of the applicant's well site (Water Rights, 2024e). The location of well completion reports is based on the location provided by the well driller when the completion report is submitted. Not all wells have a well completion report filed with the Water Rights Program.

Based on the static water levels of nearby wells (see Table 1), a well completed into the Sioux Quartzite is likely to be under confined conditions. The Water Management Board has defined an adequate well in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) as:

a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.

In the past the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. 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.

For most aquifers, the placement of the pump intake 20 feet below the top of the aquifer is sufficient for domestic wells. However, for wells completed into the Sioux Quartzite, 20 feet of saturated thickness may not be sufficient for a dependable water supply. This is due to the low primary porosity of the Sioux Quartzite and the unpredictable occurrence of secondary porosity. Thus, wells that meet the definition of an adequate well and therefore should be protected by the

definition of an adversely impacted domestic well may not yield sufficient water for a well owner's needs while still being adequate under the rule. Pump placement concerning water yield is found in ARSD 74:02:04:60. The rule requires the depth of the pump placement be determined by dividing the specific capacity of the well into the required yield and adding at minimum 10 additional feet. Regardless of the pump placement calculated using ARSD 74:02:04:60, the well is not an adequate well unless it meets or exceeds the requirements found in ARSD 74:02:04:20(6). However, having 20 feet of saturated aquifer above the inlet to the pump, and adequate well per ARSD 74:02:04:20(6) may not be reliable for water delivery.

South Dakota Codified Law (SDCL) 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and the Water Management Board has recognized in the past to place water to maximum beneficial use, a certain amount of drawdown may occur. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Water Management Board adopted Findings of Facts and Conclusions of Law that noted 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 an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels.

There are no complaints on file with DANR-Water Rights Program regarding well interference issues between Sioux Quartzite wells in nearby Lincoln County (Water Rights, 2024a). However, in Minnehaha County, a complaint was filed in 2018 regarding well interference that occurred starting in the late 1980's and continued until 1998 when the Soo Dell Park-A-Home, provided water under Water Right No. 5944-3, was hooked into the City of Sioux Falls water system. The complaint stated that the construction and use of the City of Sioux Falls Big Sioux: Sioux Falls aquifer wells were affecting the Sioux Quartzite wells authorized under Water Right No. 5944-3. No complaint was filed during the years of the alleged interference. The 2018 complaint was primarily regarding whether Water Right No. 5944-3 was unlawfully impaired during the 1990's and was eligible to receive more preferential water rates from the city. The complaint was not substantiated (Water Rights, 2024a). Also, a complaint was filed in 2021 regarding possible well interference caused by pumping under Water Permit No. 8426-3. However, the complainant did not provide enough information regarding their own well to determine if there was any well interference or unlawful impairment of their well (Water Rights, 2024a). When considering the statute (SDCL 46-6-6.1), rule (ARSD 74:02:04:20(7)), and the distance between the applicant's proposed well site and other Sioux Quartzite wells on file with the Water Rights Program, there is a reasonable probability this proposed diversion will not unlawfully impair existing users with adequate wells.

CONCLUSIONS:

1. Application No. 8898-3 proposes to appropriate up to 57 acre-feet of water per year (ac-ft/yr) at a maximum instantaneous diversion rate of 0.40 cubic feet of water per second (cfs) from one well (approximately 300 ft deep) to be completed into the Sioux Quartzite. The well is to

be located in the SE ¼ SW ¼ Section 31-T101N-R48W and to be used for irrigation and for the institutional purpose of maintaining the water level in two permanent ponds with a combined storage capacity of 28.3 ac-ft both located in the SE ¼ SW ¼ Section 31-T101N-R48W. Water will be diverted from the two ponds at a maximum pump rate of 1.11 cfs for irrigation of 28.5 acres located in the SW ¼ Section 31-T101N-R48W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in the southeast city limits of Sioux Falls, SD.

2. Application No. 8898-3 proposes to irrigate at a rate in excess of the statutory limit of 1 cfs per 70 acres. Based on the map submitted with the application, this project appears to be lawn irrigation in a housing type development. This type of irrigation requires a faster pump rate due to timing and irrigation methodology requirements. This reason has been accepted by the Water Management Board and the Water Rights Program in the past.
3. Based on review of available hydrologic budget information and historical well water level data, there is a reasonable probability unappropriated water is available for this proposed appropriation.
4. There is a reasonable probability that pumping this proposed diversion will not unlawfully impair existing domestic water users and water rights with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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- Water Rights. 2024b. Irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024d. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024e. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024f. Non-irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

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

October 16, 2024

Good Samaritan Society – Founders Crossing
c/o Jason Guenthe
4800 W 57th Street
Sioux Falls SD 57108

Dear Mr. Guenthe:

Water Permit Application No. 8898-3 for irrigation and institutional use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed in Sioux Falls SD (Requires prepayment, see contact information). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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. 8898-3 to Appropriate Water

Notice is given that Good Samaritan Society – Founders Crossing, 4800 W 57th Street, Sioux Falls SD 57108, has filed an application for a water permit to appropriate up to 57 acre-feet of water annually from one well to be completed into the Sioux Quartzite Aquifer (approximately 300 feet deep) located in the SE 1/4 SW 1/4 Section 31-T101N-R48W for irrigation and institutional purposes. The water will be diverted from the well at a maximum pump rate of 0.40 cubic feet of water per second (cfs) to maintain the water level in two permanent ponds with a combined storage capacity of 28.3 acre-feet both located in the SE 1/4 SW 1/4 Section 31-T101N-R48W. Water will be diverted from the two ponds at a maximum pump rate of 1.11 cfs for irrigation of 28.5 acres located in the SW 1/4 Section 31-T101N-R48W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in the southeast city limits of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8898-3 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 November 4, 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 November 4, 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.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, October 16, 2024 10:37 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10681642 8898-3 Good Samaritan Society - Public Notice

I have set the ad up, and sent confirmation to the client. I have also requested the affidavit be sent to your office following publication

Thank you

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, October 16, 2024 8:33 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10681642 8898-3 Good Samaritan Society - Public Notice

Attached is a notice to be published on October 24, 2024.

Good Samaritan Society – Founders Crossing, 4800 W 57th Street, Sioux Falls SD 57108, 605-362-3345, jguenthe@good-sam.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



AFFIDAVIT OF PUBLICATION

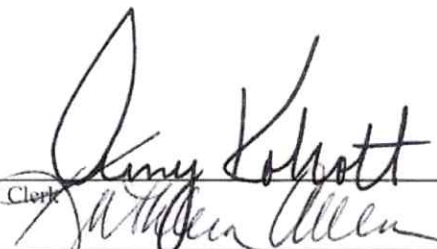
Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

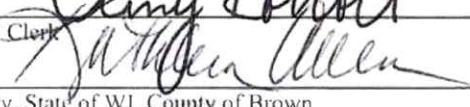
STATE OF WISCONSIN, COUNTY OF BROWN

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:

10/24/2024

and that the fees charged are legal.
Sworn to and subscribed before on 10/24/2024



Legal Clerk


Notary, State of WI, County of Brown

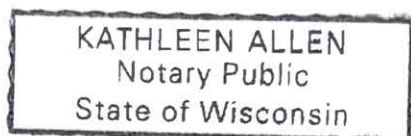
1-7-25

My commission expires

Publication Cost:	\$61.04	
Tax Amount:	\$0.00	
Payment Cost:	\$61.04	
Order No:	10681642	# of Copies:
Customer No:	1491546	1
PO #:	NO. 8898-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF
APPLICATION NO. 8898-3
to Appropriate Water

Notice is given that Good Samaritan Society - Founders Crossing, 4800 W 57th Street, Sioux Falls SD 57108, has filed an application for a water permit to appropriate up to 57 acre-feet of water annually from one well to be completed into the Sioux Quartzite Aquifer (approximately 300 feet deep) located in the SE 1/4 SW 1/4 Section 31-T101N-R48W for irrigation and institutional purposes. The water will be diverted from the well at a maximum pump rate of 0.40 cubic feet of water per second (cfs) to maintain the water level in two permanent ponds with a combined storage capacity of 28.3 acre-feet both located in the SE 1/4 SW 1/4 Section 31-T101N-R48W. Water will be diverted from the two ponds at a maximum pump rate of 1.11 cfs for irrigation of 28.5 acres located in the SW 1/4 Section 31-T101N-R48W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in the southeast city limits of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8898-3 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 November 4, 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 November 4, 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 Oct. 24, 2024, at the total approximate cost of \$61.04 and may be viewed free of charge at www.sdpublicnotice.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, October 16, 2024 10:49 AM
To: Guenther,Jason
Subject: 8898-3 Good Samaritan Society - Public Notice
Attachments: 8898-3 Rec.pdf; 8898-3 Ltr.pdf; 8898-3 PubNotice.pdf; 8898-3 ArgusLeader.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.** You should have received an email from the Argus Leader with information regarding the notice. 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

NOV 26 2024

Good Samaritan Society – Founders Crossing
c/o Jason Guenther
4800 W 57th Street
Sioux Falls SD 57108

Dear Mr. Guenther:

Enclosed is Water Permit No. 8898-3 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**

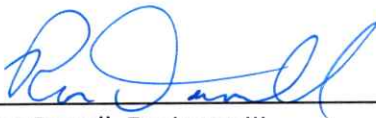
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8898-3

Name of Applicant: Good Samaritan Society - Founders Crossing, Jason Guenther

Date of Posting: 10/21/2024

Date of Removal: 11/26/2024



Ron Duvall, Engineer III

11/26/2024

Date

Subscribed and sworn to before me, a notary public, this 26th day of Nov, 2024.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

