

WATER PERMIT NO. 8899-3

Name of Applicant: **Matt Fenske**

Address: **1811 7th Avenue S, Brookings SD 57026**

Phone: **605-690-4159**

Amount of Water Claimed: **18 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Dom/Fish & Wildlife**

County: **Brookings**

Type of Waste Disposal System:

Location: **Approx. 14 miles northwest of Brookings**

PRIORITY Date Received: **08-23-24**

Application/License Fee: **\$700.00**

Corrected Application Received:

Period of Annual Use: **May 1 – Sept 30 primarily**

Remarks:

Diversion Point: **SE 1/4 NE 1/4 Sec 31-T112N-R51W**

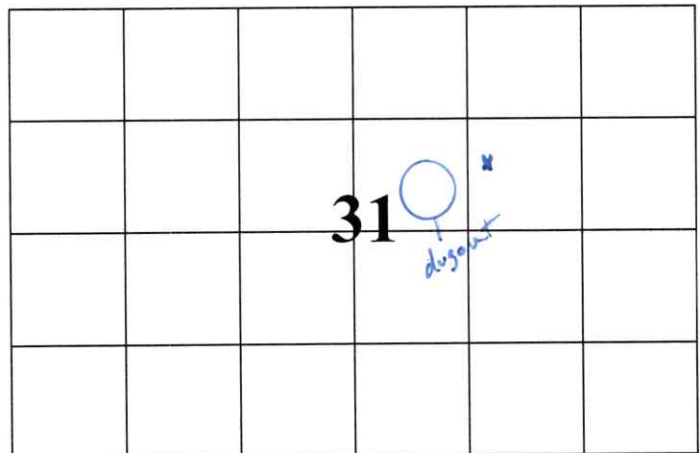
Land to be Irrigated: **N/A**

Depth of Well: **193**

Well Driller: **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **08-29-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8899-3

Date of first receipt of application August 23, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8899-3 to Matt Fenske, 1811 7th Avenue S, Brookings SD 57006, 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. 8899-3 appropriates up to 18 acre-feet of water annually at a maximum pump rate of 0.178 cubic feet of water per second from one existing well completed into the Howard Aquifer (193 feet deep) located in the SE 1/4 NE 1/4 Section 31-T112N-R51W. The water will be used to maintain the water level in a dugout (2 surface acres) located in the SW 1/4 NE 1/4 Section 31-T112N-R51W for fish and wildlife propagation and provide water for domestic purposes to a livestock tank. This site is located approximately fourteen miles northwest of Brookings SD.
2. The water appropriated shall be used for the purpose of fish and wildlife, and domestic 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. 8899-3 is November 18, 2024.
5. The date from which applicant may claim right is August 23, 2024.
6. One-fifth of the construction is to be completed on or before May 18, 2027.
7. All construction is to be completed on or before November 18, 2029.
8. Water is to be put to beneficial use on or before November 18, 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. 8899-3 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 Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Howard Aquifer.
3. Water Permit No. 8899-3 authorizes a total annual diversion of up to 18 acre-feet of water from the Howard Aquifer.
4. No diversion of water from the Howard Aquifer to the dugout may occur when the dugout is full and spilling water.

WATER MANAGEMENT BOARD

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

DEC 13 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>8899-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Big Sioux</u>
	Newspaper <u>Brookings Register</u>
	(office use only)

RECEIVED

AUG 23 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 _____	

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 Matt Fenske
Mailing Address 1811 7th Avenue S. Brookings SD 57026
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605.690.4159 Email matt.f@millbornseeds.com
- Amount of water claimed 0.178 *CFS or 80 **GPM and 18 ***AF or 5,865,385 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 SE 1/4
- Location of point of diversion 1 well in NE 1/4 NE 1/4 Sec 31 - T112N - R51W County Brookings
(example - 3 wells in SW 1/4 NE 1/4 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 - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Brookings
- Annual period during which water is to be used May - September primarily
- 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)

Water from well will be used to maintain water levels in stockdam for fish, wildlife, and filling a stock tank for livestock watering.

I, Todd Hansman Project Manager, 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) 193' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 65'
- d) Distance to nearest domestic well on applicant's property unknown Property owned by others unknown

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

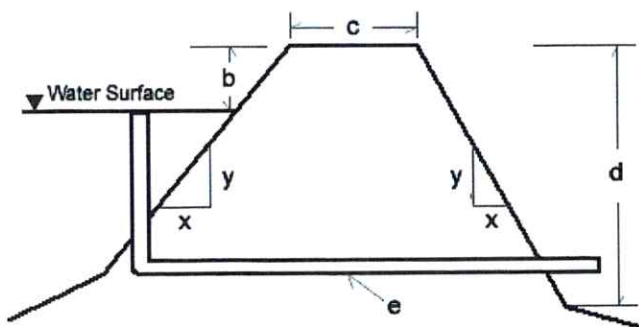
3. Dugout Information

- a) Surface Dimensions 87,120 sq. ft. Depth 10'
- b) Depth to water (ground surface to water level) 2'

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 4'
- c) Crest Width 30'
Crest Length 130'
- d) Height 18'
- e) Primary Outlet Capacity _____
If pipe, diameter 8"
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 3 to 1
Downstream 4 to 1
- h) Area of Impoundment 2 Acres
- i) Storage 18 Acre Feet
- j) Drainage Area Above Dam 5 Acres

The area that you put a square around in red is outside of the homeowner's property line. We filled out the Water Storage Dam section of 2A and were referring to the pond, which I have circled in red. We do not actually have a "Dam", so maybe that portion doesn't need to be filled out? If it's easier to give me a call, that's fine too!



Kjerstin

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, August 22, 2024 4:26 PM
To: Kjerstin Faris <kjerstin@jarrodsmartconstruction.com>
Subject: RE: Water Permit Application

I took a look at the application and made a few edits in blue. I've attached to this email for you to review and decide if you agree with them. I've also attached an additional map of the site. Can you tell me if the dam outlined in red is the



QQ Sect: SWSE

QQ Sect: SESE

QQ Sect: SWSW

112N 51W

Section: 31

QQ Sect: NWNE

Township: 112N 51W
Section: 31
QQ Sect: NWNE

Township: 112N 51W
Section: 31
QQ Sect: NENE

Township: 112N 51W
Section: 31
QQ Sect: NENE

Township: 112N 51W
Section: 32
QQ Sect: NWNW

112N 51W
Section: 31

112N 51W
Section: 32

112N 51W
Section: 31
QQ Sect: SWNE

Township: 112N 51W
Section: 31
QQ Sect: SWNE

Township: 112N 51W
Section: 31
QQ Sect: SENE

Township: 112N 51W
Section: 31
QQ Sect: SENE

Township: 112N 51W
Section: 32
QQ Sect: SWNW

Township: 112N 51W
Section: 31
QQ Sect: NWSE

Township: 112N 51W
Section: 31
QQ Sect: NWSE

Township: 112N 51W
Section: 31
QQ Sect: NESE

Township: 112N 51W
Section: 32
QQ Sect: NWSW

Once you've made those updates, please email back the revised application. The fees for this application will be \$700.00, this includes the \$500 application fee and the \$200 licensing/inspection fee. Checks can be made payable to SD Water Rights and mailed to DANR, Water Rights, 523 E Capitol Ave, Pierre SD 57501, or payment can be made over the phone by calling our Fiscal Office @ 605.773.5559

Thank you and happy Friday!

WELL COMPLETION REPORT

11-02

Reg 51W Well Owner: Orkwood Ranch Design
Business Name: Jared Smart Construction
Address: 820 E Arvidson St
City, State, Zip: Sioux Falls SD 57104

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	96
Blue Clay	96	100
Yellow Sand fine-med	100	104
Blue Clay	104	125
Yellow Sand fine-med	125	134
Blue Clay	134	180
Gravel med-coarse-yellow w/ fines	180	193

STATIC WATER LEVEL 63 FEET
If flowing: closed in pressure _____ PSI
GPM flow _____ through _____ Inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other _____
Reduced flow rate _____ GPM
Can well be completely shut in? _____

DIAMETER 3/4 IN

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Kjerstin Faris <kjerstin@jarrodsmartconstruction.com>
Sent: Friday, August 23, 2024 8:57 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application

Amanda,

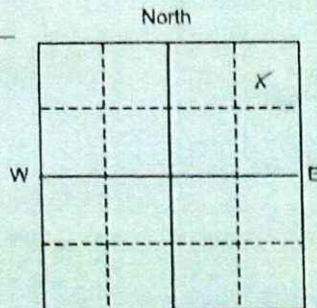
Thanks for looking this over! The first edit should be this number: 5,865,385, I agree with the second edit for number 7. In the description of the project area. Is there a reason that you put an 'X' in the "Using existing well(s)" box? This is a new well installed by Kaiser Well Drilling. I'm also wondering why the Well Depth was changed from 178' to 193'?

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 31 Twp 112N Rg 51WCounty Brookings

Please mark well location with an "X"



Well Completion Date

10-15-22Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
300ft ft. from unknown (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Drill

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50317</u> LB/FT	<u>5</u> IN	<u>12</u> FT	<u>178</u> FT	<u>8 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Gravel</u>	<u>14</u>	<u>50</u> Lb/gal	<u>0</u> Ft	<u>176</u> Ft
<u>DF</u>		Lb/gal	Ft	Ft

Describe grouting procedure

Pressure Pull

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 5 Inches Length 15 FeetMaterial PVCSlot Size 25 Set From 178 Feet to 193 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not?

Lab to which water quality sample sent for analysis

no pump installedWell Owner: Oakwood Ranch DesignBusiness Name: Sared Smart ConstructionAddress: 820 E Amidon StCity, State, Zip: Sioux Falls SD 57104

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>96</u>
<u>Blue Clay</u>	<u>96</u>	<u>100</u>
<u>Yellow Sand fine-med</u>	<u>100</u>	<u>104</u>
<u>Blue Clay</u>	<u>104</u>	<u>125</u>
<u>Yellow Sand fine-med</u>	<u>125</u>	<u>134</u>
<u>Blue Clay</u>	<u>134</u>	<u>180</u>
<u>Gravel med-coarse-yellow w/ fines</u>	<u>180</u>	<u>193</u>

STATIC WATER LEVEL

63

FEET

If flowing: closed in pressure

PSI

GPM flow through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: air compressor
☐ Bailed 80+
☐ Other

Pumping Level Below Land Surface

20 Ft. After 4 Hrs. pumped 80+ GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Job Address.
46087 201st St
Brook SD 57220
This well was drilled under license # 1089 and this report is true and accurate.Drilling firm: Kaiser Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 29th, 2024

RECEIVED OF Matt Fenske 1811 7th Avenue S Brookings SD 57026

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

Fee for Application for Permit No. <u>8899-3</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>8899-3</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

Eric

Rodriguez, Rachel

From: Dewell, Amanda
Sent: Wednesday, August 28, 2024 11:18 AM
To: Rodriguez, Rachel
Subject: FW: [EXT] Water Permit Application

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Kjerstin Faris <kjerstin@jarrodsmartconstruction.com>
Sent: Friday, August 23, 2024 2:02 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application

I should also update that the last name for this client is Fenske (Matt & Jodie). I know the project manager's handwriting is a little hard to decipher sometimes!!

Thank you!
Kjerstin

From: Kjerstin Faris
Sent: Friday, August 23, 2024 1:24 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Water Permit Application

That makes sense!! I have attached the updated application. Let me know if I need to change anything else.

Thank you!
Kjerstin

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, August 23, 2024 9:47 AM
To: Kjerstin Faris <kjerstin@jarrodsmartconstruction.com>
Subject: RE: Water Permit Application

Hey Kjerstin,

The reason for the changes to the well information would be that the well "exists" in that it's already been drilled. The other selection would be for a project where they had not drilled a well yet. I changed the dept to 193' in accordance with the WCR Kaiser Well drilling completed. (see below image) Also, since the fish pond is not an actual dam, would you mind completing the dugout portion of page 2A instead, as that seems to better describe the project?

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, August 22, 2024 4:26 PM
To: Kjerstin Faris
Subject: RE: [EXT] Water Permit Application
Attachments: Matt Ferske_applicaiton.pdf; Map_well_dam.pdf

I took a look at the application and made a few edits in blue. I've attached to this email for you to review and decide if you agree with them. I've also attached an additional map of the site. Can you tell me if the dam outlined in red is the dam that information was listed for on page 2A of the application? The X is the well site. Could you please also identify the location of the fish pond?

Thank you!

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Kjerstin Faris <kjerstin@jarrodsmartconstruction.com>
Sent: Thursday, August 22, 2024 3:50 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application

Hey Amanda! Thanks for getting back to me. I did confirm with the Project Manager that the homeowners are using the well to fill their fish pond on the south side of the property, and fill their stock tank for cattle on occasion as there is another water source on the property that the cattle can utilize. I have attached the application and well completion report. Please let me know if you need additional information!

Thank you!

KJERSTIN FARIS
Project Managers' Assistant

[KJERSTIN@JARRODSMARTCONSTRUCTION.COM](mailto:kjerstin@jarrodsmartconstruction.com)
OFFICE: 605.275.2963
MOBILE: 605.809.5481
FAX: 605.338.7938

 **JARROD SMART**
CONSTRUCTION Co.

820 EAST AMIDON STREET	Sioux Falls	SD • 57104
JARRODSMARTCONSTRUCTION.COM	605.275.2963	

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, August 22, 2024 1:42 PM



**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. 8899-3, Matt Fenske**

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. 8899-3, Matt Fenske, 1811 7th Avenue S, Brookings SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 8899-3 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. 8899-3 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 Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Howard Aquifer.
3. Water Permit No. 8899-3 authorizes a total annual diversion of up to 18 acre-feet of water from the Howard Aquifer.
4. No diversion of water from the Howard Aquifer to the dugout may occur when the dugout is full and spilling water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 25, 2024

Report to the Chief Engineer

On Water Permit Application No. 8899-3

Matt Fenske

October 08, 2024

Water Permit Application No. 8899-3 proposes to appropriate up to 18 acre-feet of water annually at a maximum pump rate of 0.178 cubic feet of water per second (cfs) from one existing well completed into the Howard aquifer (193 feet deep) located in the SE ¼ NE ¼ Section 31-T112N-R51W. The water will be used to maintain the water level in a dugout (2 surface acres) located in the SW ¼ NE ¼ Section 31-T112N-R51W for fish and wildlife propagation and provide water for domestic purposes to a livestock tank. This site is located in Brookings County approximately fourteen miles northwest of Brookings, SD

AQUIFER: Howard (HO)

HYDROGEOLOGY:

The Howard aquifer is a glacial outwash consisting of fine to very coarse quartzose sand to fine gravel (Hansen, 1986; Hamilton, 1989). The Howard aquifer underlies parts of Brookings, Kingsbury, Lake, Moody, Miner, and Minnehaha Counties. The aquifer is often intermixed with till and clay lenses (Koch and McGarvie, 1988; Water Rights, 2024d). The aquifer directly overlies till, the Pierre Shale, or the Niobrara Formation in Miner, Lake, and Moody Counties. In southern Lake and Moody Counties, and northeast Minnehaha County, the aquifer can also directly overlie the Sioux Quartzite (Hansen, 1986; Koch and McGarvie, 1988; Lindgren and Niehus, 1992). The aquifer is primarily confined and can be buried by as much as 470 feet of till (Hansen, 1986), and depth below the surface to the top of aquifer materials ranges from approximately 140 feet in south-central Kingsbury County to as much as 438 feet, 2 miles east of Arlington, and generally are greater than 200 feet. (Hamilton, 1989; Lindgren and Niehus, 1992).

Table 1 lists the approximate areal extents of the aquifer in each of the counties where it has been mapped. Based on observation wells and well completion reports of the Howard aquifer, the aquifer may not be as expansive as previously expected (Water Rights, 2024b and 2024d). However, further study would be required to confirm this.

Table 1. Areal Extents of the Howard Aquifer (Hullinger, 2024)

County	Areal Extent (acres)	Source
Brookings & Kingsbury	534,400	Hamilton, 1989
Lake & Moody	432,000	Hanson, 1986
Miner	110,100	Hedges et al., 1982
Minnehaha	9,600	Lindgren and Niehus, 1992
Total	1,086,100 acres	

According to files submitted with the application, there was a well completed on Nov 2nd, 2022, which is proposed to be used for Water Permit Application No. 8899-3, if approved (Water Rights, 2024d). Based on the well completion report, the aquifer is under confined conditions. The report states that at the time of the well's completion, the static water level was approximately 63 feet deep, and the top of aquifer materials begin at a depth of approximately 180 feet below the ground surface. Nearby well lithologies state that there is a fine, firm sand layered with clay lenses, or a good sand and gravel layer with clay lenses which were identified as the Howard aquifer, directly overlying shale. These nearby well completion reports match the lithology for the well drilled identified on this application.

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

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Howard aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8899-3 proposes to appropriate water from the Howard aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." The Howard aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Howard aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Snowmelt and spring rainfall are the main sources of recharge to the Howard aquifer, and most likely infiltrate the aquifer in Kingsbury and Brookings Counties (Hansen, 1986).

There is not a specific recharge rate available for the Howard aquifer. Leakage of precipitation through till was estimated to recharge the aquifer at a rate of 0.01 inches/year in Kingsbury and Brookings Counties (Hamilton, 1989). However, this may be an underestimate due to intermixed

layers of permeable sand in the till, and because precipitation primarily infiltrates through more permeable regions of the aquifer, which then recharges Lake County via subsurface flow. This value was also estimated from hydrograph analysis of observation wells, and since this is a confined aquifer, water levels in the observation wells represent the artesian head pressure in that area and not necessarily a direct measurement of storage change within the aquifer. While an increase of artesian head pressure in a confined aquifer could be an indication of recharge exceeding withdrawals, it is not typically used to quantify a recharge rate.

Hedges et al. (1985) calculated recharge rates for confined aquifers in South Dakota using flow net analysis. However, the minimum and maximum calculated rates found by the study were probably higher than the actual recharge rates (Hedges et al., 1985). Therefore, the report recommended that for confined aquifers, an estimated recharge rate ranging from 0.15 inches/year to 0.6 inches/year should be used if there has not been a more thorough individualized study for that aquifer (Hedges et al., 1985).

Using the Hedges et al. (1985) recharge rate estimations and multiplying those values by the total areal extent of the Howard aquifer (Table 1), the recharge rate for the Howard aquifer ranges between approximately 13,576 acre-feet/year and 54,305 acre-feet/year. However, the actual recharge to the aquifer could be lower if the areal extent of the aquifer is smaller than what was previously mapped by the sources listed in Table 1.

Discharge

Discharge from the Howard aquifer occurs through subsurface outflow from Lake and Moody Counties to the Dell Rapids Quarry, leakage to the underlying Niobrara aquifer in the southwest and central part of Lake County, leakage to fractures in underlying Sioux Quartzite, and through well withdrawals (Hansen, 1986; Lindgren and Niehus, 1992; Water Rights, 2024d).

Currently, there are 24 existing water rights/permits authorized to appropriate water from the Howard aquifer, including one Future Use Water Permit No. 6512-3 for the City of Madison, reserving 387 acre-feet of water from the Howard aquifer (Water Rights, 2024c).

Of the 24 water rights/permits appropriating water from the Howard aquifer, 8 are for irrigation use (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Howard aquifer irrigation water rights/permits that have reported over the period of record (1981 to 2023) is approximately 71 acre-feet per year (Table 3) (Water Rights, 2024a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 124 acre-feet per year (Table 3) (Water Rights, 2024a). The total irrigation pumpage from the Howard aquifer was calculated using the reported irrigation water rights/permits data from 2023, excluding the recorded pumpage from Water Right No. 6316-3. Pumpage from 6316-3 for 2023 was calculated using an average from 2014 to 2022 to better represent current usage. The holder of Water Right No. 6316-3 inadvertently overestimated for pumpage in 2023 which will be disregarded in the irrigation summary (Water Rights, 2024a).

Water Permits Nos. 8758-3 and 8764-3 were recently approved by the Chief Engineer in 2023 and are authorized to irrigate a combined 267.5 acres. (Water Rights, 2024d). Generally, non-turf irrigators in South Dakota apply less than one foot of water per acre per year. Assuming an application rate of one foot of water per acre per year, the permit is assumed to pump approximately 267.5 acre-feet/year.

Water Right No. 4813-3 for the Rutland School District has a municipal use well which is used for the turf irrigation of 0.75 acres (Water Rights, 2024c). Irrigators in South Dakota are not authorized to use more than two feet of water per acre per year, so Water Right No. 4813-3 will be assumed to apply 2 acre-feet/year per permitted acre, thus assuming to pump 1.5 acre-feet (Table 2).

Of the 24 water rights/permits appropriating water from the Howard aquifer, 15 are for non-irrigation use (Water Rights, 2024c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of the time at their respective permitted diversion rate. Water right/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. The 60 percent estimation was established by Water Rights staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Drinking Water Program, 2024; Water Rights, 2024c).

Municipal water rights/permits that are connected to a rural water system likely maintain their wells for standby purposes and appropriations have been estimated to be zero acre-feet/year. Water Right No. 6511-3 for the City of Madison has one Howard aquifer well which is required to report annual use to the Chief Engineer. Since there are more than ten years of reported data, the average reported use from 2014 to 2023 will be used for Water Right No. 6511-3 (Water Rights, 2024e). Table 2 lists the non-irrigation water rights/permits and their respective estimated use.

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Howard aquifer (Water Rights, 2024c, Hullinger, 2024)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
244-3	CITY OF COLMAN*	LC	MUN	0.22	N/A	0
1061-3		LC	MUN	0.22	N/A	0
578-3	CITY OF HOWARD*	LC	MUN	0.16	N/A	0
1599-3		LC	MUN	1.1	N/A	0
5143A-3		LC	MUN	0.22	N/A	0
1604-3	CITY OF MADISON **	LC	MUN	1.22	N/A	530
6511-3		LC	MUN	0.86	N/A	135.3
1958-3	WINFRED WATER DISTRICT	LC	MUN	0.1	N/A	43.4
4162-3	TOWN OF CANOVA	LC	MUN	0.66	N/A	286.7
4813-3	RUTLAND SCHOOL DIST 39-4	LC	MUN	0.033	N/A	1.5
5465-3	CITY OF LAKE PRESTON*	LC	MUN	0.56	N/A	0
5465A-3	BRANDON KARBAN	LC	DOM	0.11	N/A	47.8
5789-3	RAMSDELL'S FERTILIZER AND PROPANE INCE.	LC	COM	0.18	N/A	78.2
5955-3	SD SOYBEAN PROCESSORS	LC	IND	0.444	N/A	192.9
8596-3	KINGFISHER ENTERPRISES	PE	COM	0.2	72.6	72.6
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, IND Industrial, MUN Municipal; *Identified as being connected to a rural water system; **Estimated use for Water Right No. 6511-3 based on average reported use to the Chief Engineer					TOTAL:	1,388

Table 2 summarizes the 15 non-irrigation water rights/permits authorized to appropriate water from the Howard aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Overall, the estimated average annual withdrawal rate from the Howard aquifer by the non-irrigation water rights/permits is approximately 1,388 acre-feet per year (Table 2) (Water Rights, 2024c).

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

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1981	2	111
1982	1	66.46
1983	1	70.7
1984	2	111
1985	2	89
1986	1	44
1987	1	53
1988	1	88.5
1989	1	106
1990	1	22
1991	1	106
1992	0	0
1993	0	0
1994	0	0
1995	0	0
1996	0	0
1997	0	0
1998	0	0
1999	0	0
2000	1	100.91
2001	1	0
2002	2	12.2
2003	2	6.19
2004	3	1.8
2005	3	29.26
2006	4	82.37
2007	4	54.41
2008	5	175.46
2009	5	28.59
2010	5	67.12
2011	5	91.92
2012	5	88.53
2013	6	197.23
2014	6	162.76
2015	6	95.56
2016	6	87.95
2017	6	143.57
2018	6	64.16
2019	6	17.06
2020	6	116.26
2021	6	185.3
2022	6	190.82
*2023	8	175.83
Max	8	197.23
Min	0	0
Avg (1981-2023)	3	71
Avg (2014-2023)	6	124
*Total pumpage for 2023 was calculated using the last 10 years of recorded pumping for water permit 6316-3, excluding 2023's data. All other recorded pumpage is applied from 2023's Irrigation Summary normally.		

Hydrologic Budget Summary

The estimated average annual recharge rate to the Howard aquifer is estimated to range between 13,576 acre-feet/year and 54,305 acre-feet/year. The estimated average annual withdrawal rate from the Howard aquifer is approximately 2,185 acre-feet per year (future use: 387 acre-feet/year; non-irrigation and Application No. 8899-3 if approved: 1,406 acre-feet/year; irrigation (average 2014 to 2023), Water Permit No. 8764-3 and applicable portions of Water Permit No. 8758-3: 391.5 acre-feet). Overall, the estimated average annual recharge rate to the Howard aquifer is greater than the estimated average annual withdrawal rate from the aquifer. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Howard aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 7 observation wells completed into the Howard aquifer (Water Rights, 2024b). The locations of the observation wells completed into the aquifer are shown on Figure 2 (Water Rights, 2024b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the existing diversion point are BG-2000A (approximately 12.7 miles southeast), LK-81A (approximately 24.7 miles south), and LK-84A (approximately 32.4 miles southwest) (Water Rights, 2024b). The data points utilized to construct the hydrographs are measurements of the static water level in elevation. The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Howard aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 1 (Water Rights, 2024b). Most observation wells in the Howard aquifer have a stable water level, with several observation wells that are under the influence of heavy pumping showing points in time when there were slight declines in water levels that eventually stabilized. These periods of time almost always coincide with reduced recharge due to drought conditions.

DANR Water Rights Observation Wells: BG-2000A, LK-81A & LK84A

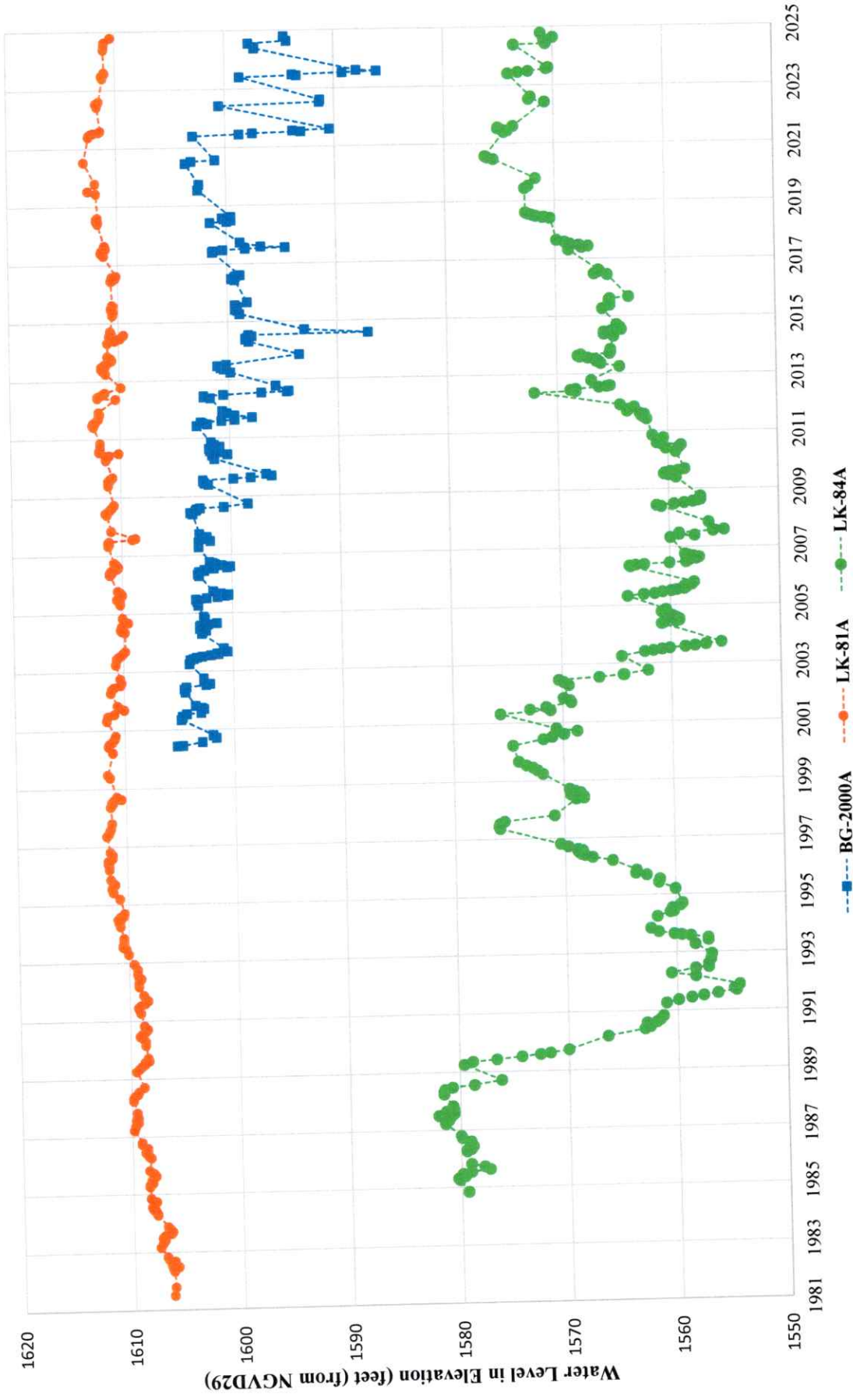


Figure 1. A graph showing the elevation of water levels for observation wells BG-2000A, LK-81A and LK-84A (Water Rights, 2024b)

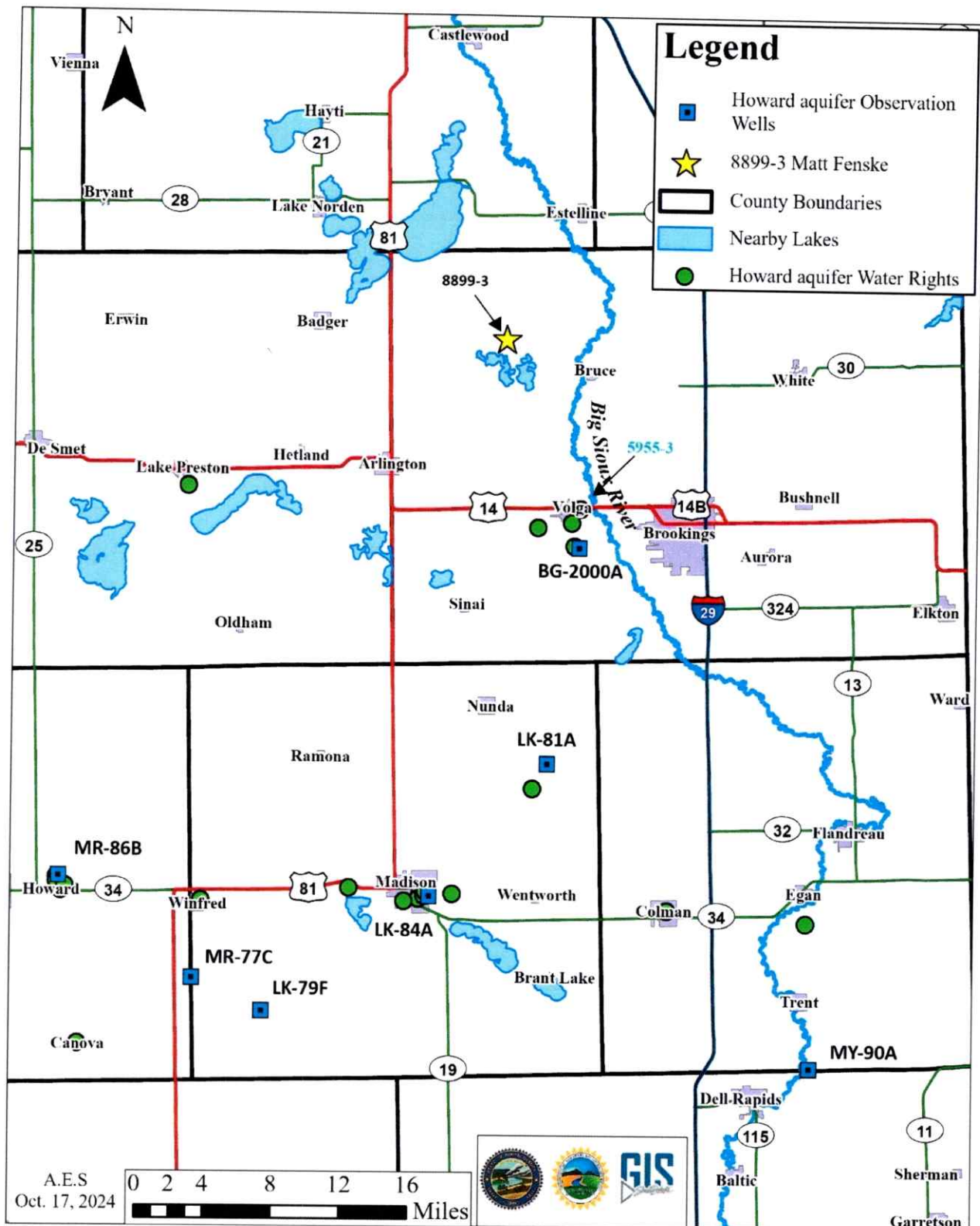


Figure 2. Map showing the location of the existing diversion point for Application No 8899-3, observation wells completed in the Howard aquifer, and nearby existing water rights/permits authorized to appropriate water from the Howard aquifer (Water Rights, 2024b and 2024c).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 24 water rights/permits and one future permit authorized to appropriate water from the Howard aquifer (Water Rights, 2024c). The closest water right/permit to the proposed diversion point is Water Right No. 5955-3, which is held by South Dakota Soybean Processors. The diversion point for Water Right No. 5955-3 is located approximately 11 miles south of the proposed diversion point for this application (Figure 2) (Water Rights, 2024c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Howard aquifer, with the closest domestic well on file (not held by the applicant) located approximately 2.5 miles northwest of the proposed diversion point (Water Rights, 2024d). There could potentially be other domestic wells completed into the Howard aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995).

There have been complaints about well interference in Brookings County, but it is unclear whether the well complaints were about the Howard aquifer. In 1980, a complaint was filed about impairments to a well owned by a Mr. Tolzman, located approximately 12 miles east of this application. He stated that the water level in his well was 60-80 feet lower than it had been, and that a local irrigator was drying up the well. After testing the well, it was found that water level went down about 40 feet after pumping, and that Mr. Tolzman was over-pumping the well. A second well was installed and there was sufficient water (Water Rights, 2024f).

With that in mind, any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells; however, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Howard aquifer at their location.

CONCLUSIONS:

1. Water Permit Application No. 8899-3 proposes to appropriate up to 18 acre-feet of water annually at a maximum pump rate of 0.178 cfs from one existing well completed into the Howard aquifer (193 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T112N-R51W. The water will be used to maintain the water level in a dugout (2 surface acres) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 31-T112N-R51W for fish and wildlife propagation and provide water for domestic purposes to a livestock tank. This site is located in Brookings County approximately fourteen miles northwest of Brookings, SD
2. Based on a hydrologic budget analysis and observation well data, there is a reasonable probability that unappropriated water is available from the Howard aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8899-3, if approved, will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program



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

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- Water Rights, 2023f. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

October 29, 2024

Matt Fenske
1811 7th Avenue S
Brookings SD 57006

Dear Mr. Fenske:

Water Permit Application No. 8899-3 for domestic/fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed in Brookings SD (Ph # 605 692-6271). 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. 8899-3 to Appropriate Water

Notice is given that Matt Fenske, 1811 7th Avenue S, Brookings SD 57006, has filed an application for a water permit to appropriate up to 18 acre-feet of water annually at a maximum pump rate of 0.178 cubic feet of water per second from one existing well completed into the Howard Aquifer (193 feet deep) located in the SE 1/4 NE 1/4 Section 31-T112N-R51W. The water will be used to maintain the water level in a dugout (2 surface acres) located in the SW 1/4 NE 1/4 section 31-T112N-R51W for fish and wildlife propagation and provide water for domestic purposes to a livestock tank. This site is located approximately fourteen miles northwest of Brookings SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8899-3 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 18, 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 18, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 29, 2024 8:45 AM
To: registerclassifieds@brookingsregister.com
Subject: 8899-3 Matt Fenske - Public Notice
Attachments: 8899-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 7, 2024.

Matt Fenske, 1811 7th Avenue S, Brookings SD 57006, 605-690-4159 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

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

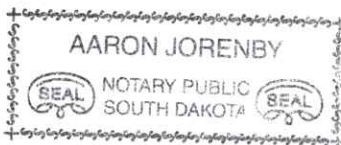
Leg# 40712 Notice of Application

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

November 7, 2024

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-Four Dollars and Ninety-Seven Cents \$44.97



[Handwritten Signature]

25 day of

November

2024

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

[Handwritten Signature]

Exhibit "A"

Legal 40712 1X

11/7

NOTICE OF APPLICATION
NO. 8899-3 TO
APPROPRIATE WATER

Notice is given that Matt Fenske, 1811 7th Avenue S, Brookings SD 57006, has filed an application for a water permit to appropriate up to 18 acre-feet of water annually at a maximum pump rate of 0.178 cubic feet of water per second from one existing well completed into the Howard Aquifer (193 feet deep) located in the SE 1/4 NE 1/4 Section 31-T112N-R51W. The water will be used to maintain the water level in a dugout (2 surface acres) located in the SW 1/4 NE 1/4 section 31-T112N-R51W for fish and wildlife propagation and provide water for domestic purposes to a live-stock tank. This site is located approximately fourteen miles northwest of Brookings SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8899-3 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,

RECEIVED

DEC 02 2024

OFFICE OF
WATER

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 18, 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 No-

ember 18, 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 November 7, 2024 at the total approximate cost of \$44.97 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 29, 2024 8:53 AM
To: mattf@millbornseeds.com
Subject: 8899-3 Matt Fenske - Public Notice
Attachments: 8899-3 Rec.pdf; 8899-3 Ltr.pdf; 8899-3 PubNotice.pdf

Good morning,

Attached is a copy of the report, chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, **please contact the paper(s) as soon as possible to authorize publication and arrange for payment.** This information is also being mailed to you today.

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 18 2024

Matt Fenske
1811 7th Avenue S
Brookings SD 57006

Dear Mr. Fenske:

Enclosed is Water Permit No. 8899-3 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**

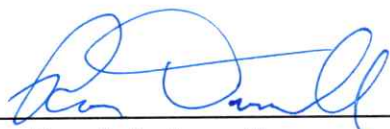
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8899-3

Name of Applicant: Matt Fenske

Date of Posting: 11/4/2024

Date of Removal: 12/13/2024

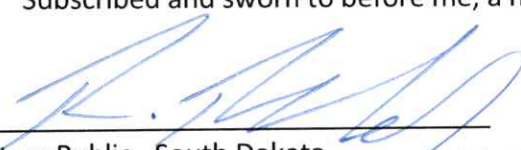


Ron Duvall, Engineer III

12/13/2024

Date

Subscribed and sworn to before me, a notary public, this 13th day of Dec, 2024.



Notary Public - South Dakota
My commission expires: Rachel Rodriguez
My Commission Expires
May 18, 2029

(SEAL)

