

WATER PERMIT NO. 8901-3

Name of Applicant: **Robert Maeschen**

Address: **40568 266th Street, Ethan SD 57334**

Phone: **605-999-1170**

Amount of Water Claimed: **0.62 cfs**

Total Acres: **73**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Davison**

Type of Waste Disposal System:

Location: **Approx. 12 miles south of Mitchell**

PRIORITY Date Received: **09-18-24**

Application/License Fee: **\$950.00**

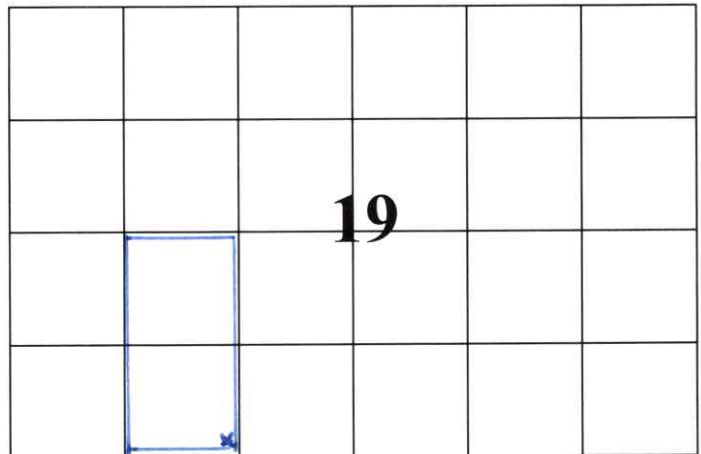
Corrected Application Received: **09-30-24**

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

Remarks: **Subsurface crop irrigation**

Diversion Point: **SW 1/4 SW 1/4 Sec 19-T101N-R60W**

Land to be Irrigated: **W 1/2 SW 1/4 Sec 19-T101N-R60W**



Depth of Well: ~~140~~ ¹⁶⁰

Well Driller: **Quality Well Service**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **09-30-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8901-3**

Date of first receipt of application September 18, 2024.

Date of return to applicant for corrections, amendments or changes September 25, 2024.

Date of receipt of corrected application September 30, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8901-3 to Robert Maeschen, 40568 266th Street, Ethan SD 57334, 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. 8901-3 appropriates 0.62 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 100 feet deep) located in the SW 1/4 SW 1/4 Section 19 for irrigation of 73 acres located in the W 1/2 SW 1/4 Section 19; all in T101N-R60W. This site is located approximately five miles west southwest of Ethan SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is September 18, 2024.
4. The date of approval of Permit No. 8901-3 is December 23, 2024.
5. One-fifth of the construction is to be completed on or before June 23, 2027.
6. All construction is to be completed on or before December 23, 2029.
7. Water is to be put to beneficial use on or before December 23, 2033.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8901-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8901-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Gronlund

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

JAN 28 2025
date



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

RECEIVED

SEP 18 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8901-3</u> Hydrologic Unit <u>10160011</u> Basin <u>James R</u> Newspaper <u>Mitchell Daily Republic</u> <u>Daily Press & Dakotan</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Robert Maeschen

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

Mailing Address 40568 266th St. Ethan SD 57334
(Address) (City) (State) (Zip Code)
Phone 6059991170 Mobile 6059991170 Email maescheninc@gmail.com

2. Amount of water claimed 0.62*CFS or 280 **GPM ***AF Total Acreage 73
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion W1/2 of the SW1/4 Section 19-T101N-R60W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Davison

5. County or counties where water will be used Davison

6. Annual period during which water is to be used June - September 30

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

Land Description	Acres	Land Description	Acres
W1/2 of the SW1/4 Section 19-T101N-R60W	73		

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

Subsurface Crop Irrigation

I, Robert Maeschen, 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 Quality Well, Yankton SD
(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) 100' Depth to Top of Water Bearing Material 46' Depth to Water from Surface 37'

d) Distance to nearest domestic well on applicant's property 3/4 of a mile Property owned by others No

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) None

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions None 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)

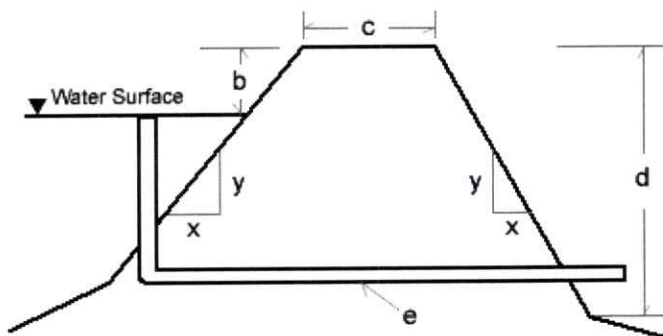
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



101N 61W
Section: 12

101N 60W
Section: 07

101N 60W
Section: 08

101N 60
Section:

264 ST

101N 60W
Section: 18

407 AVE

101N 60
Section:

101N 61W
Section: 13

101N 60W
Section: 17

406 AVE

265 ST

101N 61W
Section: 24

10160011 Lower James

101N 60W
Section: 19

James

101N 60W
Section: 20

101N 61W
Section: 23

266 ST

101N 61W
Section: 25

101N 60W
Section: 30

101N 60W
Section: 29

101N 61W
Section: 26

101N 61W
Section: 35

101N 61W
Section: 36

101N 60W
Section: 31

101N 60W
Section: 32

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CIP 3/5/2011
OFFICE OF
WATER

101N 61W
Section: 12

101N 60W
Section: 07

101N 60W
Section: 08

101N 60W
Section: 09

264 ST

101N 60W
Section: 18

101N 61W
Section: 13

406 AVE

407 AVE

101N 60W
Section: 17

101N 60W
Section: 16

265 ST

101N 61W
Section: 24

10160011 Lower James

101N 60W
Section: 19

James

101N 60W
Section: 20

101N 61W
Section: 23

266 ST

101N 61W
Section: 25

101N 60W
Section: 30

101N 60W
Section: 29

101N 61W
Section: 26

101N 61W
Section: 35

101N 61W
Section: 36

101N 60W
Section: 31

101N 60W
Section: 32

SOUTH DAKOTA WATER WELL COMPLETION REPORT

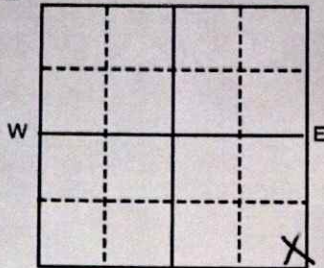
11-02

Location SE ¼ SE ¼ Sec 19 Twp 101 N Rg 60 W

County Davidson ☒

North

Please mark well location with an "X"



Well Completion Date

12-28-17

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2000 ft. from SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Straight Rotary Proposed use
per AWM 08/18/2024

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8 IN	0 FT	60 FT	13.5 IN
LB/FT	8 IN	60 FT	140 FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	40	Lb/gal	0 Ft	60 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMI

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 8 Inches Length 80 Feet

Material PVC

Slot Size .080 Set From 60 Feet to 80 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? CHLORINE

Lab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: Robert Maeschen

Business Name:

Address: 40568 266TH

City, State, Zip: Ethan ☒ Sd ☒ 57334

WELL LOG:

DEPTH

FORMATION	FROM	TO
Topsoil	0	5
Brown Clay	5	12
Blue Clay	12	27
Sand & Gravel	27	30
Blue Clay	30	39
Niobrara Chalk	39	110
White Chalk	110	140
Fractures at 62-65 & 94-102		
Fractures from 130-140		

STATIC WATER LEVEL

27 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: Pumped 350 GPM at 130'
☐ Bailed Pumped 300 GPM at 120'
☐ Other Pumped 250 GPM at 115'

Pumping Level Below Land Surface

120 Ft. After 6 Hrs. pumped 300 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 250 GPM

REMARKS

Test well

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WATER

This well was drilled under license # 773 and this report is true and accurate.

Drilling firm: Quality Well Service llc

Signature of License Representative:

[Signature]
Signature of Well Owner or Equitable Property Holder:

Date: 12-29-17

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 30th 2024

RECEIVED OF Robert Maeschen 40568 266th Street Ethan SD 57334

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

Fee for Application for Permit No. <u>8901-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>\$750.00</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>8901-3</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>\$950.00</u>

By Eric Gronlund
Chief Engineer



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 25, 2024 9:58 AM
To: maescheninc@gmail.com
Subject: Water Permit Application for Irrigation
Attachments: map.pdf

Good Morning Robert,

The application needs the following items:

- Map, see attached, please mark the proposed location of the well with an "X" and outline the 73 acres to be irrigated.
- The fees for this application come to \$950.00, \$750 for the application and \$200 for the inspection fee.

Once I am in receipt of these items, I can process your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8901-3, Robert Maeschen**

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. 8901-3, Robert Maeschen, 40568 266th Street, Ethan SD 57334..

The Chief Engineer is recommending APPROVAL of Application No. 8901-3 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. 8901-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8901-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 27, 2024

Report to the Chief Engineer

On Water Permit Application No. 8901-3

Robert Maeschen

11/1/2024

Water Permit Application No. 8901-3 proposes to irrigate 73 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19 at a maximum pump rate of 0.62 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 100 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19; all in T101N-R60W. This site is located in Davison County approximately five miles west of Ethan SD.

AQUIFER: Niobrara (NBRR)

HYDROGEOLOGY:

The Niobrara aquifer consists of the permeable and saturated portions of the late-Cretaceous-aged Niobrara Formation (Fahrenbach et al., 2010). The Niobrara Formation is a “white to dark-gray argillaceous chalk, marl, and shale” that ranges from 160 to 225 feet in thickness in South Dakota (Martin et al., 2004). The Niobrara Formation is fine-grained with low porosity so water movement in the aquifer is often controlled by secondary porosity developed along fractures, faults, and solution cavities (Hedges et al., 1982). The interconnected nature of secondary porosity is highly variable and unpredictable. Weathering and glacial activity may also contribute to higher productive zones in the Niobrara aquifer; however, because these features are difficult to forecast in the subsurface, productivity of the Niobrara is nearly impossible to predict (Hedges et al., 1982). Locally, the Niobrara Formation is also known as “chalk rock” and is extensive throughout South Dakota; however, characteristics of the Niobrara aquifer vary greatly across the state (Hedges et al., 1982).

Figure 1 displays a map of the approximate areal extent of the Niobrara Formation in eastern South Dakota (modified from Hedges et al., 1982). Some portions of the Niobrara Formation are physically separate from the main body of the formation because the area between them eroded prior to being overlain with glacial till and are not included in Figure 1 (Hedges et al., 1982; Tomhave and Schulz, 2004). The proposed diversion point for Water Permit Application No. 8901-3 is expected to be completed into the Niobrara aquifer within the main body of the Niobrara Formation (shown in Figure 1). The main body of the Niobrara Formation underlies approximately 17,600,000 acres of eastern South Dakota (estimated from Tomhave and Schulz, 2004).

A test well completion report was submitted with Water Permit Application No. 8901-3. The geology as listed on the well completion report for the well this application proposes to use is recreated in Table 1. The static water level was approximately 27 feet at the time of well completion on December 29, 2017. Thus, the well is under confined conditions at the time of well completion.

Table 1. Water well completion report submitted with Water Permit Application 8901-3

Formation	From (ft)	To (ft)
<i>Topsoil</i>	0	5
<i>Brown Clay</i>	5	12
<i>Blue Clay</i>	12	27
<i>Sand & Gravel</i>	27	30
<i>Blue Clay</i>	30	39
<i>Niobrara Chalk</i>	39	110
<i>White Chalk</i>	110	140
<i>Fractures at 62-65 & 94-102</i>		
<i>Fractures from 130-140</i>		

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 Niobrara aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8901-3 proposes to appropriate water from the Niobrara 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 Niobrara 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 Niobrara aquifer must be considered.

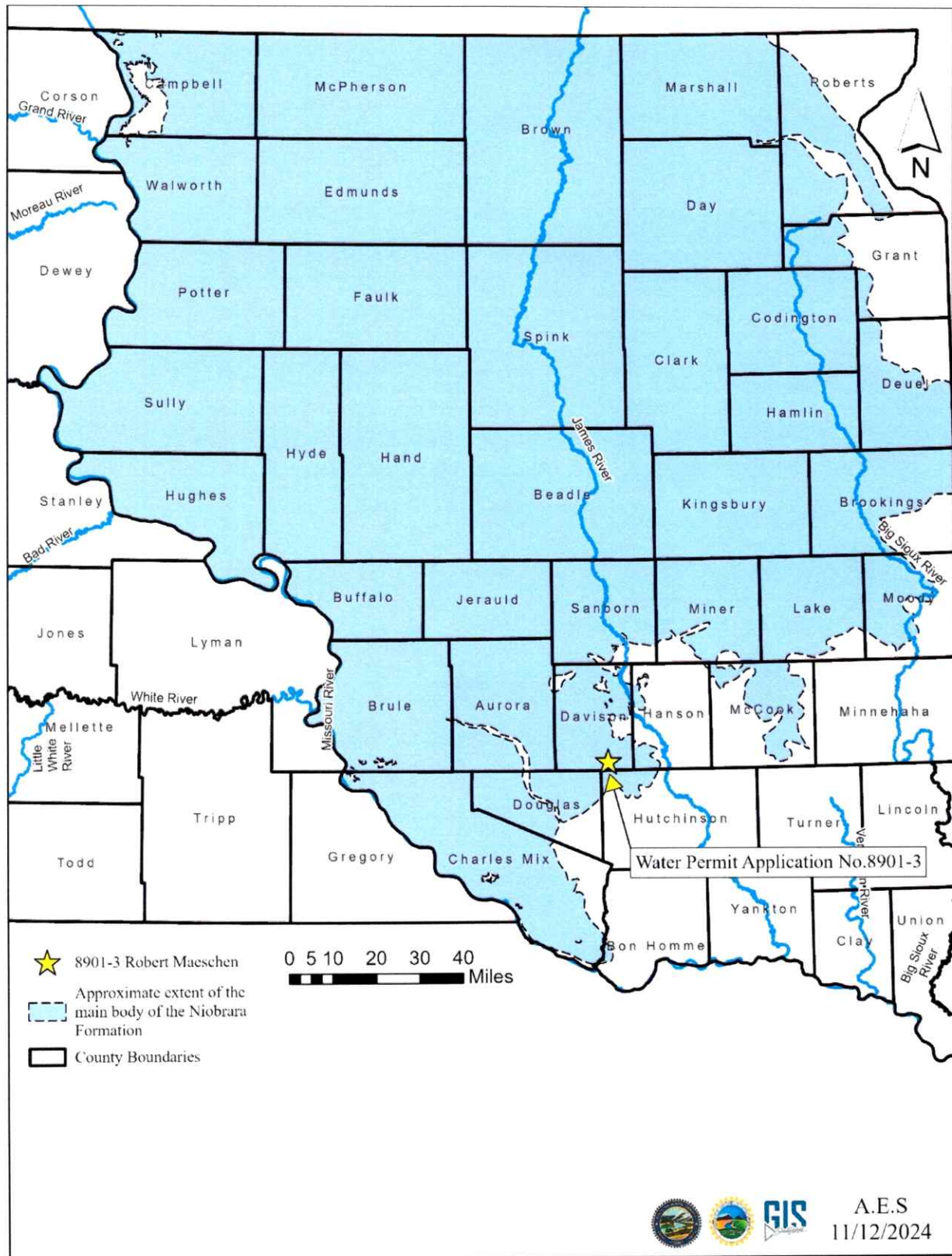


Figure 1. Map of the approximate areal extent of the Niobrara Formation main body in eastern South Dakota (modified from Tomhave and Schulz, 2004)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Niobrara aquifer in Davison County is primarily through the infiltration of precipitation and snowmelt on the outcrop, which is located in the flood plain of the North Fork of Twelve Mile Creek (Hansen, 1983). Additional recharge to the aquifer is likely through the infiltration of precipitation when the aquifer is at or near the land surface. There is also potential for leakage from the Choteau: West and Lower James Missouri: Scotland aquifers into the Niobrara aquifer (Water Rights, 2024b).

No average annual recharge rate has been estimated for the Niobrara aquifer within the main body of the Niobrara Formation, or the aquifer in its entirety, and a source (such as, Hedges and others, 1985) that normally gives an estimate of the porosity of other bedrock aquifer does not attempt to do so for the Niobrara aquifer, likely due to how variable the aquifer's characteristics are across South Dakota. Hedges and others (1985) also noted east of the Missouri River in South Dakota, the "Niobrara Formation" has such high storage with low use, it is unlikely that withdrawals are approaching or exceeding recharge from the aquifer. Additionally, there is no evidence of a significant decrease in artesian head pressure for observation wells completed into Niobrara aquifer (Water Rights, 2024b).

Discharge

Discharge from the Niobrara aquifer in Davison County is primarily through well withdrawals (Water Rights, 2024c and 2024d), evapotranspiration in areas where the aquifer is at or near the ground surface, and outflow to the Ethan aquifer (Hansen, 1983). Currently, there are 34 water rights/permits authorized to appropriate water from the Niobrara aquifer within the main body of the Niobrara Formation including Water Permit No. 8413-3. Water Permit No. 8413-3 is authorized to complete two wells into either the Dakota or Niobrara aquifer and will be included in this analysis (Water Rights, 2024c). Additionally, there are zero future use permits reserving water from the main body of the Niobrara aquifer (Water Rights, 2024c).

Table 2 summarizes the 19 non-irrigation water rights/permits authorized to appropriate water from the Niobrara aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2024c). Four municipal water rights were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2024; Water Rights, 2024c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year in Table 2. Overall, the estimated average annual withdrawal rate for the Niobrara aquifer non-irrigation water rights/permits is approximately 855 acre-feet per year (Table 2) (Water Rights, 2024c).

Currently, there are 15 irrigation water rights/permits authorized to appropriate water from the Niobrara aquifer within the main body of the Niobrara Formation. Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. There are also six deferred irrigation applications (8721-3, 8722-3, 8749-3, 8750-3, 8751-3, and 8752-3) that would have a priority date senior to this application if approved. These six applications, if approved, would authorize the irrigation of a combined 2,758 acres in Beadle and Spink counties. Assuming an application rate of one foot of water per acre, these six applications are estimated to pump up to 2,758 ac-ft/yr, if approved.

Water Permit No. 8624-3 was approved in 2021 and was originally found to be in the main body of the Niobrara aquifer. However, Water Rights staff conducted an inspection of the irrigation system back in July 2024 and it was found that the well to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32 was drilled into the SW $\frac{1}{4}$ SW $\frac{1}{4}$, at a depth of 213 feet. Based on the location and the well completion report submitted by Heine Electric & Irrigation, it has been determined that the well was completed into the Choteau: West aquifer. Therefore, for this application, 8624-3 will not be included in the overall irrigation estimate.

Water Permit Nos. 8678-3, 8748-3, and 8773-3 were issued in 2023 and would not have been accounted for in the 2023 irrigation summary. It is common practice to apply one foot of water per acre for irrigation. These water permits authorize the irrigation of 300 acres, 136 acres, and 160 acres, respectively. That would be 596 acre-feet of water annually from the main body of the Niobrara Formation

Therefore, the collective estimated average annual withdrawal rate for the irrigation appropriations that have reported from 1979 to 2023 and Water Permit Nos. 8678-3, 8748-3, and 8773-3 (Table 4) is approximately 968.7 acre-feet/year (Water Rights, 2024a and 2024c).

Table 2. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Niobrara aquifer within the main body of the Niobrara Formation (Drinking Water Program, 2024; Water Rights, 2024c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
4121A-3	City of White Lake	LC	MUN	0.13		0*
4264A-3	City of Mount Vernon	LC	MUN	0.07		0*
4264B-3	City of Mount Vernon	LC	MUN	0.14		0*
4278-3	Town of Cavour	LC	MUN	0.23		0*
5061-3	Battle Creek Campground	LC	COM	0.02		8.7
5111A-3	Sunshine Bible Academy	LC	INS	0.04		17.4
5594-3	Gerald V/Joan M Elstran	LC	COM	0.01		4.3
5624-3	South Dakota Wheat Growers	LC	COM	0.055		23.9
5625-3	White's Drive In	LC	COM	0.022		9.6
5757-3	Scott R Rink	LC	COM	0.022		9.6
5859-3	Dakota Pump Inc	LC	IND	0.134		58.2
5872-3	Forestburg Well Co	LC	MUN	0.06		26.1
5876-3	City of Woonsocket	LC	MUN	0.78		338.8
5977-3	Country Pumper	LC	COM	0.022		9.6
6119-3	Storla Sunset Home	LC	INS	0.067		29.1
6137-3	Our Home Inc	LC	INS	0.11		47.8
6703-3	Todd Worrell	PE	FWP, REC	0.17		73.8
7273-3	Sanborn Central #55-5	PE	INS	0.28		121.6
8413-3	Ratio LLC	PE	COM	0.134	77	77
					TOTAL:	855

LC: Licensed Water Right; PE: Water Permit; COM: Commercial; FWP: Fish and Wildlife Propagation; IND: Industrial; INS: Institutional; MUN: Municipal; REC: Recreation; *Identified as being connected to a rural water system

Hydrologic Budget Summary

No average annual recharge rate has been estimated for the Niobrara aquifer within the main body of the Niobrara Formation, or the aquifer in its entirety. The estimated average annual withdrawal rate from the Niobrara aquifer is approximately 1,823.7 ac-ft/yr. This application, assuming an application rate of one foot of water per acre, is estimated to withdraw on average 73 ac-ft/yr. The six deferred applications are estimated to withdraw on average 2,758 ac-ft/yr. If all deferred and pending applications are approved, the estimated average annual withdrawal from the main body of the Niobrara aquifer is 4,654.7 ac-ft/yr. As no average annual recharge rate for the Niobrara aquifer within the main body of the Niobrara Formation has been estimated at this time, a hydrologic budget cannot show whether recharge exceeds the estimated average annual withdrawal rate. Regardless, the observation well data section of this report is informative concerning availability of unappropriated water from the aquifer.

Table 3. Estimated average annual withdrawals from Niobrara aquifer within the main body of the Niobrara Formation

Use Type	Est. Avg. Annual Withdrawal (ac-ft/yr)
Non-irrigation	855
Irrigation	968.7
est. current avg. annual withdrawal	1,823.7
Deferred Apps.	2,758
App. No. 8901-3	73
Total est. withdrawal if all apps. Approved	4,654.7

Table 4. Reported historic irrigation use from Niobrara aquifer within the main body of the Niobrara Formation (Water Rights, 2024a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	11	362.21
1980	12	613.24
1981	12	847.62
1982	12	822.92
1983	12	346.35
1984	12	247
1985	12	431
1986	12	471
1987	12	470
1988	11	1,352.2
1989	11	966
1990	10	738
1991	10	654.6
1992	10	522
1993	10	3
1994	9	473.85
1995	9	286
1996	9	303.4
1997	9	245
1998	8	272.36
1999	8	80.65
2000	8	238.67
2001	8	102.86
2002	7	296.97
2003	7	298.92
2004	6	159.03
2005	8	262.65
2006	8	468.45
2007	8	449.9
2008	8	342.4
2009	8	64.08
2010	8	119.84
2011	8	175.2
2012	8	579.47
2013	9	135.9
2014	9	133.85
2015	10	278.2
2016	10	406.58
2017	10	388.96
2018	10	143.31
2019	11	48.23
2020	10	153.58
2021	11	95.15
2022	13	478.98
2023	15	442.44
Min	6	3
Max	15	1,352.2
Avg (1981-2023)	10	372.71
Avg (2014-2023)	11	256.93

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 63 observation wells completed into the Niobrara aquifer, with 40 of the observation wells being completed into the main body of the Niobrara aquifer (Water Rights, 2024b). The three closest observation wells to the proposed diversion point are DN-78D (approximately 0.2 miles west), DN-69C (approximately 0.7 miles east), and DN-66C (approximately 1.6 miles southwest) (Water Rights, 2024b). The hydrographs for the observation wells are displayed in Figure 2 (Water Rights, 2024b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing that are converted to feet from the NGVD29 datum.

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

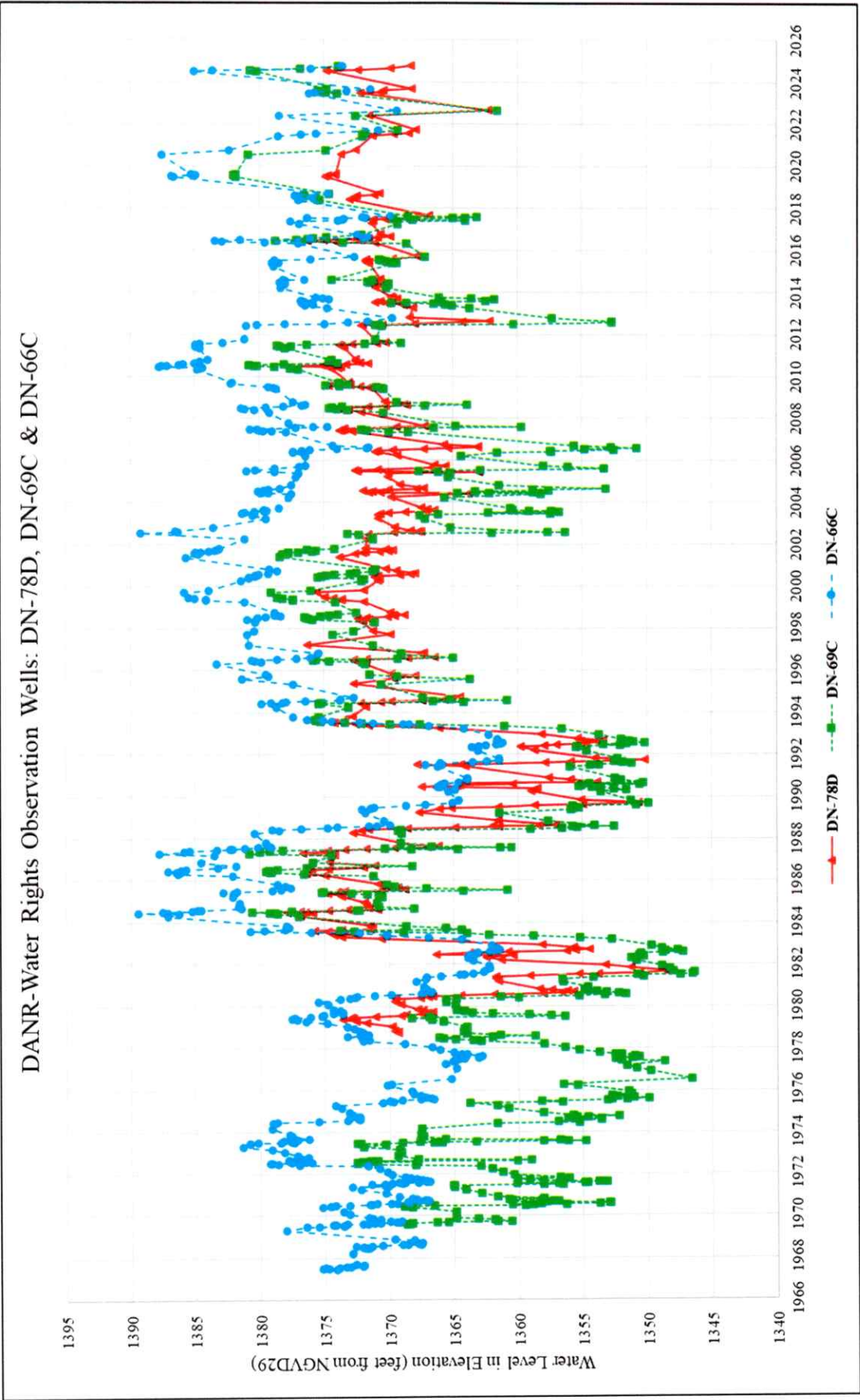


Figure 2. A graph showing the elevation of water levels for observation wells: DN-78D, DN-69C & DN-66C (Water Rights, 2024b)

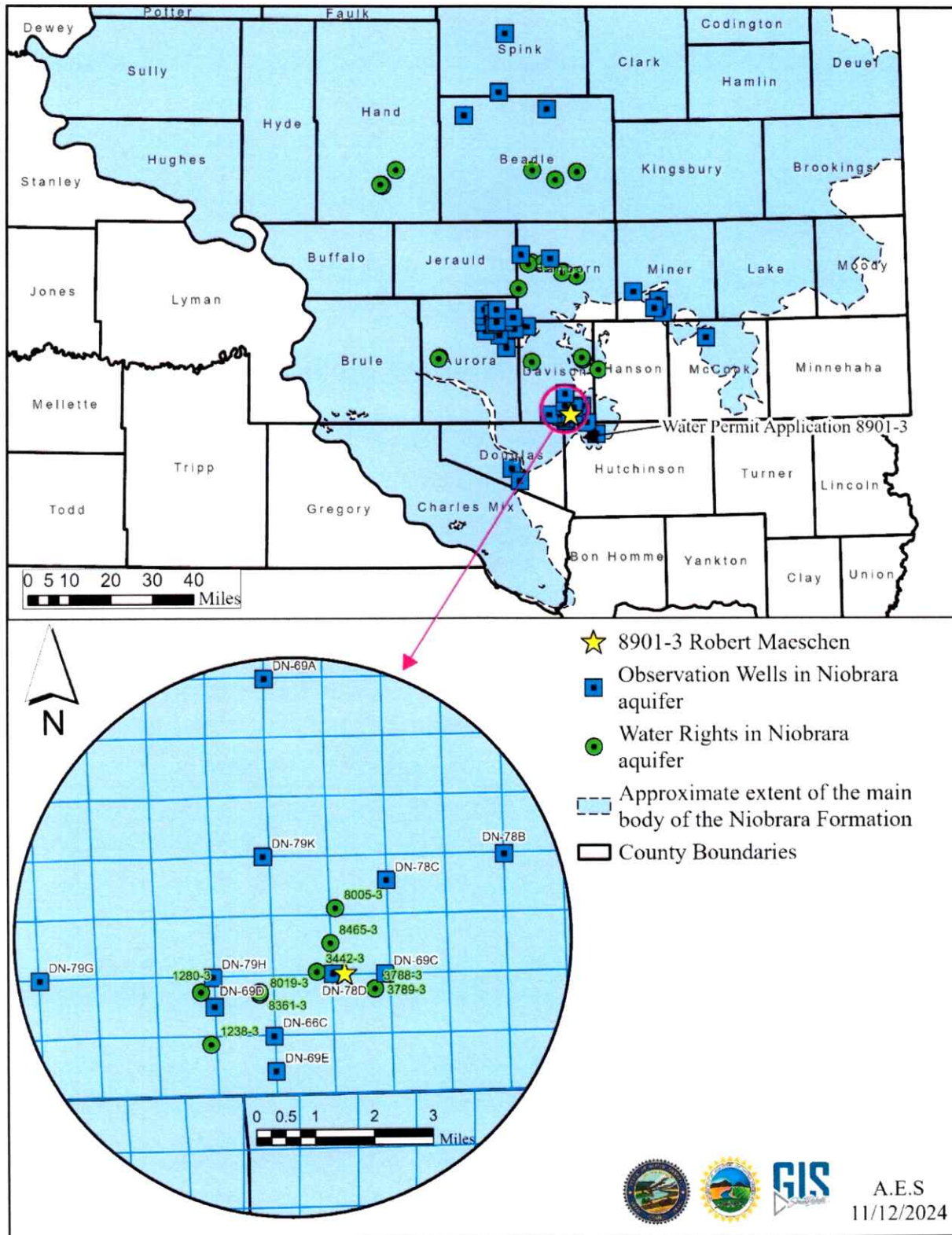


Figure 3. An approximate portion of the main body of the Niobrara Formation (modified from Tomhave and Schulz, 2004), the location of the proposed diversion point for Water Permit Application No. 8901-3, and the Niobrara aquifer water rights/permits and observation wells within into the main body (Water Rights, 2024b and 2024c)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 34 water rights/permits authorized to appropriate water from the Niobrara aquifer within the main body (Water Rights, 2024c). Water rights/permits in the general vicinity of the existing well site for this application are shown in Figure 3 and summarized in Table 5 (Water Rights, 2024c). The closest water right/permit to the proposed diversion point is Water Permit No. 3442-3, which is held by Norman Maeschen. The diversion point for Water Right No. 3442-3 is located approximately 0.47 miles west of the proposed diversion point for this application (Table 5) (Figure 3) (Water Rights, 2024c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Niobrara aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.91 miles south of the proposed diversion point (Water Rights, 2024d). There could potentially be other domestic wells completed into the Niobrara aquifer near the well the applicant proposes to use that are not on file with the DNR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

Table 5. Water rights/permits authorized to withdraw water from the Niobrara aquifer main body within the vicinity of the applicant's well, as shown in Figure 3 (Water Rights, 2024c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres
1238-3	LINCOLN NEUGEBAUER	LC	IRR	1.88	386
1280-3	MARTY NEUGEBAUER	LC	IRR	2.04	152
3442-3	*ROBERT MAESCHEN	LC	IRR	1.22	108
3788-3	RANDAL L RUMBOLZ	LC	IRR	1.33	120
3789-3	RANDAL L RUMBOLZ	LC	IRR	1.33	130
8005-3	*ROBERT MAESCHEN	PE	IRR	1.56	180
8019-3	MARK HOHN	PE	IRR	1.73	145
8361-3	MARK HOHN	PE	IRR	0.17	145
8465-3	*ROBERT MAESCHEN	PE	IRR	1.22	91

LC: Licensed Water Right; **PE:** Water Permit; **IRR:** Irrigation; *Is owned by applicant

In Davison County, the Niobrara aquifer varies between confined and unconfined conditions with some variation in depth to the top of the aquifer and saturated aquifer thickness (Hansen, 1983; SDGS, 2024; Water Rights, 2024b, 2024c and 2024d). The Niobrara aquifer is expected to be confined near the proposed diversion point based on the water well and test hole completion reports, and lithologic logs on file for nearby observation wells (SDGS, 2024; Water Rights, 2024b, 2024c and 2024d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

Within three miles of the proposed diversion point, the Niobrara aquifer is expected have a saturated aquifer thickness ranging from approximately 30 to 80 feet (SDGS, 2024; Water Rights, 2024b, 2024c and 2024d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown because of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Davison County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the main body of the Niobrara aquifer (Water Rights, 2024e).

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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Niobrara aquifer at their location. This would not be considered an unlawful impairment of existing water rights/permit holders or domestic users with adequate wells. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the proposed diversion point, and the lack of well interference complaints for adequate wells completed into the main body of the Niobrara aquifer, any drawdown created from the proposed diversion is not expected to cause an adverse impacts on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8901-3 proposes to irrigate 73 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19 at a maximum pump rate of 0.62 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 100 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19; all in T101N-R60W. This site is located in Davison County approximately five miles west of Ethan SD.
2. While there is no estimate for recharge to the aquifer, the Niobrara aquifer is very large with a high volume of storage, and the amount of water being withdrawn is relatively small. Additionally, data from observation wells show no declines in water levels, except for those caused by local, seasonal pumping, which recovers each season. Therefore, there is a reasonable likelihood that unappropriated water is available for this proposed use.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8901-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.
4. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.



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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

December 2, 2024

Robert Maeschen
40568 266th Street
Ethan SD 57334

Dear Mr. Maeschen:

Water Permit Application No. 8901-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to The Daily Republic printed in Mitchell SD (Ph # 605 996-5514) and the Daily Press and Dakotan printed in Yankton SD (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8901-3 to Appropriate Water

Notice is given that Robert Maeschen, 40568 266th Street, Ethan SD 57334, has filed an application for a water permit to appropriate 0.62 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 100 feet deep) located in the SW 1/4 SW 1/4 Section 19 for irrigation of 73 acres located in the W 1/2 SW 1/4 Section 19; all in T101N-R60W. This site is located approximately five miles west southwest of Ethan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8901-3 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 December 23, 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 December 23, 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: Monday, December 2, 2024 10:44 AM
To: legals@mitchellrepublic.com
Subject: 8901-3 Robert Maeschen - Public Notice
Attachments: 8901-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 11, 2024.

Robert Maeschen, 40568 266th Street, Ethan SD 57334, 605-999-1170, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 2, 2024 10:45 AM
To: Kelly Kronaizl
Subject: 8901-3 Robert Maeschen - Public Notice
Attachments: 8901-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 11, 2024 in the Daily Press & Dakotan.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

ROBERT MAESCHEN
40568 266TH ST
ETHAN SD 57334

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

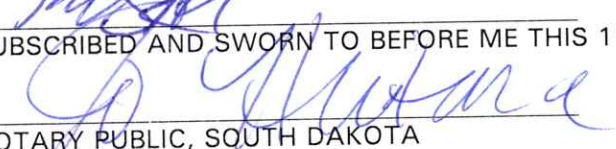
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

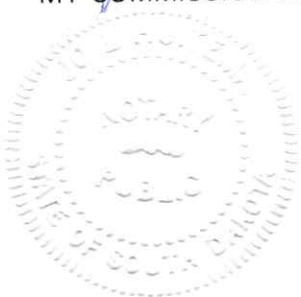
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 11th DAY OF December, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.68 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 12/11/2024

FILED ON: 12/11/24


SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF December, 2024


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED
DEC 16 2024
OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8901-3 to Appropriate Water

Notice is given that Robert Maeschen, 40568 266th Street, Ethan SD 57334, has filed an application for a water permit to appropriate 0.62 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 100 feet deep) located in the SW 1/4 SW 1/4 Section 19 for irrigation of 73 acres located in the W 1/2 SW 1/4 Section 19; all in T101N-R60W. This site is located approximately five miles west southwest of Ethan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8901-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Published once at the total approximate cost of \$39.68 and can be viewed free of charge at www.sdpublicnotices.com

Published December 11, 2024.

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DEC 16 2024

OFFICE OF
WATER



Forum Communications Company

SD Affidavit No. MxbU32ARp6Kb4GTxrHEf

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Nicole Riegert, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of the Mitchell Republic, a newspaper printed and published in the City of Mitchell, County of Davison, State of South Dakota.

1. I am the designated agent of The *Mitchell Republic*, a Daily newspaper published in the city of Mitchell, in said County Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: **General Public Notice Notice**; (1) time: *Wednesday, December 11, 2024*, as required by law or ordinance.

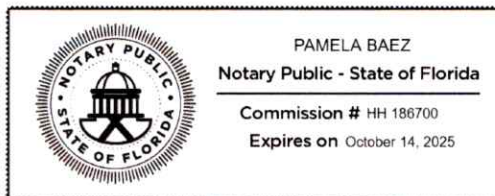
3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher of publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any other person whomsoever, that the fees charged for the publication are: \$40.74

Nicole Riegert

(Signed)

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: 12/11/2024

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF APPLICATION NO. 8901-3 to Appropriate Water

Notice is given that Robert Maeschen, 40568 266 th Street, Ethan SD 57334, has filed an application for a water permit to appropriate 0.62 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 100 feet deep) located in the SW 1/4 SW 1/4 Section 19 for irrigation of 73 acres located in the W 1/2 SW 1/4 Section 19; all in T101N-R60W. This site is located approximately five miles west southwest of Ethan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8901-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH 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 peti-

tion filed by either an interested person or the applicant must be filed by December 23, 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 December 23, 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 times at the total approximate cost of \$40.74 and may be viewed for free of charge at www.sdpublicnotices.com.
(Dec. 11, 2024)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 2, 2024 11:32 AM
To: Robert Maeschen
Subject: 8901-3 Robert Maeschen - Public Notice
Attachments: 8901-3 Rec.pdf; 8901-3 Ltr.pdf; 8901-3 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. Please note that the Mitchell Daily Republic uses an online portal for payment. I will forward you the email from the newspaper next. 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

JAN 28 2025

Robert Maeschen
40568 266th Street
Ethan SD 57334

Dear Mr. Maeschen:

Enclosed is Water Permit No. 8901-3 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.: 8901-3

Name of Applicant: Robert Maeschen

Date of Posting: 12/9/2024

Date of Removal: 1/28/2025



Ron Duvall, Engineer III

1/28/2025

Date

Subscribed and sworn to before me, a notary public, this 28th day of Jan, 2025.



Notary Public - South Dakota

My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

