

WATER PERMIT NO. 8907-3

Name of Applicant: **West Lake LLC**

Address: **PO Box 346, Ipswich SD 57451**

Phone: **605-426-6186**

Amount of Water Claimed: **1.55 cfs**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

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

County: **Brown**

Type of Waste Disposal System:

Location: **West side of Aberdeen**

PRIORITY Date Received: **10-11-24**

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

Corrected Application Received: **10-22-24**

Period of Annual Use: **January 1 – December 31**

Remarks: **See project narrative**

Diversion Point: **N 1/2 NE 1/4 Sec 15-T123N-R64W**

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

Depth of Well: **120**

Well Driller: **Stretch's Well Service**

Remarks:

Type of Map: **topo**

15

Reviewed and the Number Assigned on: **10-23-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8907-3**

Date of first receipt of application October 11, 2024.

Date of return to applicant for corrections, amendments or changes October 15, 2024.

Date of receipt of corrected application October 22, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8907-3 to West Lake, LLC., PO Box 346, Ipswich SD 57451, 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. 8907-3 appropriates up to 324 acre-feet of water annually at a maximum pump rate of 1.55 cubic feet of water per second from up to 3 wells to be completed into the Middle James Aberdeen Aquifer (approximately 109 to 145 feet deep) located in the N 1/2 NE 1/4 Section 15 with water from the wells used to maintain the water level in an 18 surface acre waterbody to be located in the NE 1/4 Section 15; all in T123N-R64W. Water will be used for domestic, recreational, and fish and wildlife purposes. This site is located on the west side of Aberdeen SD.
2. The water appropriated shall be used for the purpose of recreation, 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. 8907-3 is January 6, 2025.
5. The date from which applicant may claim right is October 11, 2024.
6. One-fifth of the construction is to be completed on or before July 6, 2027.
7. All construction is to be completed on or before January 6, 2030.
8. Water is to be put to beneficial use on or before January 6, 2034.
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 wells approved under Water Permit No. 8907-3 are 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 proposed wells authorized by Permit No. 8907-3 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. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Middle James Aberdeen Aquifer.

(continued)

4. Water Permit No. 8907-3 authorizes a total annual diversion of up to 324 acre-feet of water from the Middle James Aberdeen Aquifer.
5. No diversion of water from the Middle James Aberdeen Aquifer to the waterbody may occur when the waterbody is full and spilling water.

WATER MANAGEMENT BOARD

By: Eric Gronlund

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

JAN 30 2025

date



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

RECEIVED

OCT 11 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8907-3</u> Hydrologic Unit <u>1016 0603</u>
	Basin <u>James R</u>
	Newspaper <u>Aberdeen American News</u>
	(office use only)

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 West Lake, LLC
Mailing Address PO Box 346 Ipswich SD 57451
(Address) (City) (State) (Zip Code)
Phone 605-426-6186 Mobile 763-516-1560 Email rtobin@syltebros.com; jnelson@syltebros.com
- Amount of water claimed 1.55 *CFS or 700 **GPM and 324 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Ground (NW 1/4 NE 1/4, NE 1/4 NE 1/4)
- Location of point of diversion 3 wells in the NE 1/4 15-23-64 County Brown
(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 Brown
- Annual period during which water is to be used March-October Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See attached "West Lake Project Narrative".

I, Rodrick L. Tobin President, 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 2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Stretch's Well Service
(if yes, please provide copies of logs)
- b) If existing wells, how many NA Provide copy of log(s), if available. Drilled by NA

For either existing or proposed wells:

- c) Well Depth (required) 120 Depth to Top of Water Bearing Material 60 Depth to Water from Surface 80
- d) Distance to nearest domestic well on applicant's property NA Property owned by others Unknown

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) NA
- b) System Capacity (gallons) NA Year Constructed NA
- c) Connected to the City of NA Sanitary System

3. Dugout Information

- a) Surface Dimensions 18 acres Depth 20 feet
- b) Depth to water (ground surface to water level) 18 feet

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.

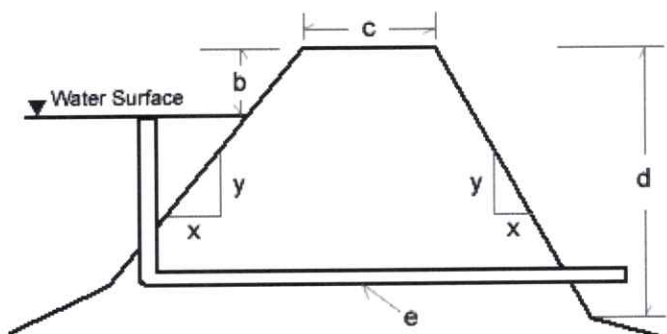
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

NO DAM

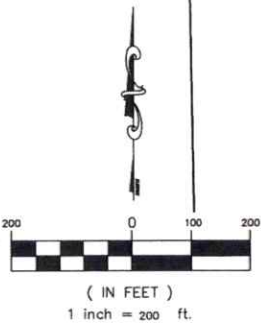
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

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



1 WELL LOCATION



Helm
& ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION
STREET N.
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 8668-LS	BY: NGP	SHEET 1 OF 1
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123N 64W
Section: 04

123N 64W
Section: 03

123N 64W
Section: 02

123N 64W
Section: 09

123N 64W
Section: 10

123N 64W
Section: 11

10160008 Snake

123N 64W
Section: 16

123N 64W
Section: 15

10160003 Upper James
James

123N 64W
Section: 14

123N 64W
Section: 21

123N 64W
Section: 22

123N 64W
Section: 23

123N 64W
Section: 28

10160008 Snake

123N 64W
Section: 27

123N 64W
Section: 26

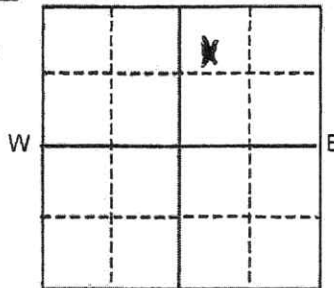
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NE 1/4 Sec 15 Twp 123 Rg 64

County Brown

North

Please mark well
location with an "X"

Well Completion Date

10-8-2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
None ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Recreation &
Mud Rotary Fish/Wildlife Propagation

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
250 LB/FT	5 IN	0 FT	105 FT	7 7/8 IN
250 LB/FT	5 IN	105 FT	145 FT	7 7/8 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	#5	Lb/gal	0 Ft	100 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 5 Inches Length 40 Feet

Material PVC

Slot Size .025 Set From 105 Feet to 145 Feet

Other Information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Describe packer(s) and location

Enviro Plug
Above Screen

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How?

Chlorine

Lab to which water

quality sample sent for analysis

Well Owner:

S+S Rental, LLC West Lake,

Business Name:

West Lake, LLC

Address:

5055 US Hwy 12 East

City, State, Zip:

Aberdeen SD 57401

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Too Soil	0	4
Blue Clay	4	10
Sandy Clay	11	17
Blue Clay	17	100
Soil	100	145
Blue Clay	145	155

STATIC WATER LEVEL

2'

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: Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

7.5 Ft. After 3 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

OCT 23 2024

OFFICE OF
WATER

This well was drilled under license #

722

and this

report is true and accurate.

Drilling firm:

Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Radwick, President

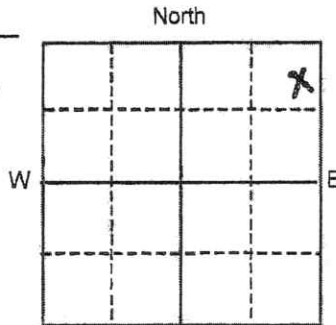
Date: 10/23/2024

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 15 Twp 123 Rg 64County Brown

Please mark well location with an "X"



Well Completion Date

10-3-2024

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
None ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Recreation &
Fish/Wildlife PropagationMud Rotary

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>79</u> FT	<u>7 7/8</u> IN
<u>250</u> LB/FT	<u>5</u> IN	<u>79</u> FT	<u>109</u> FT	<u>7 7/8</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>4</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>75</u> Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 5 Inches Length 30 Feet
Material PVCSlot Size .025 Set From 79 Feet to 109 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe packer(s) and location Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis

Well Owner: S+S Rental, LLC West Lake, LLCBusiness Name: West Lake LLCAddress: 5055 US Hwy 12 EastCity, State, Zip: Aberdeen SD 57401

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Yellow Clay</u>	<u>3</u>	<u>11</u>
<u>Blue Clay</u>	<u>11</u>	<u>80</u>
<u>Sand</u>	<u>80</u>	<u>108</u>
<u>Blue Clay</u>	<u>108</u>	<u>115</u>

STATIC WATER LEVEL 3.2 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: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

13.6 Ft. After 3 Hrs. pumped 30 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT 23 2024

OFFICE OF
WATERThis well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

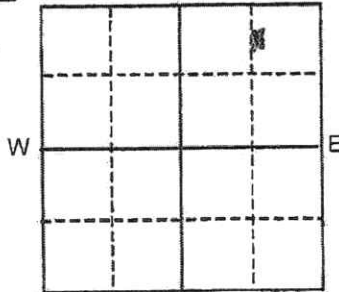
Robert John, PresidentDate: 10/23/2024

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NE 1/4 Sec 15 Twp 123 Rg 64County Brown

North

Please mark well location with an "X"



Well Completion Date

9-30-2024

1 Mile

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

None ft. from

(identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Recreation & Fish/Wildlife Propagation

mud Rotary

CASING DATA:

If other describe

☐ Steel
 ☒ Plastic
 ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>71</u> FT	<u>7 7/8</u> IN
<u>250</u> LB/FT	<u>5</u> IN	<u>71</u> FT	<u>111</u> FT	<u>7 7/8</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>#4</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>70</u> Ft

Describe grouting procedure

Tremmie Pipe

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 5 Inches Length 40 FeetMaterial PVCSlot Size .025 Set From 71 Feet to 111 Feet

Other Information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

S+S Rentals LLC West Lake, LLC

Business Name:

West Lake, LLC

Address:

5055 US Hwy 12 East

City, State, Zip:

Aberdeen SD 57401

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Yellow Clay</u>	<u>3</u>	<u>11</u>
<u>Blue Clay</u>	<u>11</u>	<u>72</u>
<u>Sand</u>	<u>72</u>	<u>112</u>
<u>Blue Clay</u>	<u>112</u>	<u>120</u>

STATIC WATER LEVEL

3.6

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: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

21

Ft. After

3

Hrs. pumped

30

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

OCT 23 2024

OFFICE OF WATER

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm:

Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Robert L. Smith, PresidentDate: 10/23/2024

West Lake Development Narrative

Aberdeen is in desperate need of new housing. Historically, single-family home inventory has averaged around 300 units for sale. Over the past few years, the inventory has shrunk to fewer than 50 homes and remains there today. Compounding the problem is the fact that empty lots suitable for new home construction are in very short supply. The rental market does nothing to alleviate the shortage as rental inventory is very low as well. The current shortage of affordable housing is one of Aberdeen's major barriers for attracting and retaining a quality workforce.

S & S Rentals, LLC ("S&S"), is the project owner, developer, and applicant for the SDHA Housing Infrastructure Financing Program. Chris Sylte and Jason Sylte formed S&S in 2003 to provide single-family and multi-family homes. The brothers later transferred their ownership into their trusts, CS Trust 2012 (Chris Sylte) and the JKS Trust 2012 (Jason Sylte), for estate planning purposes. S&S has developed and owns several other projects in Aberdeen and other South Dakota communities. S&S's other housing projects are fully occupied and have waiting lists.

S&S's most recent project is the West Lake housing development in Aberdeen ("West Lake"). West Lake is designed to address many of Aberdeen's housing needs. Specifically, West Lake will provide affordable, quality workforce housing for families and young professionals. As the name implies, West Lake is on Aberdeen's western border, southwest of the intersection of 8th Avenue NW and 19th Street N. The land is within Aberdeen's city limits and is properly zoned, R-2 Medium Density Residential, for this use.

West Lake's first phase will consist of 89 single-family housing lots. The development includes 19 twin-home structures on 38 of the lots (the current plat, included with this application, shows 34 twin-home lots; however, S&S will replat the development to increase that number to 38).

The West Lake Development will greatly increase Aberdeen's housing and lot inventory. Twin homes are an affordable housing option; however, few, if any, are under construction. Most of the recent twin-home constructions have been for 55+ communities, like the Refuge Retreats Development. West Lake's 38 twin-homes will not be restricted to 55+ population. The 51 single-family residential lots will provide single-family home construction opportunities that do not now exist. And future expansion will add another 102 single-family lots and multifamily housing.

West Lake has community participation from the City of Aberdeen and others for the project. The City of Aberdeen has reviewed the plans and has signaled its support for the development. Local employers and the Aberdeen Economic Development Corporation have strongly advocated for the increase in quality and affordable housing for their workforces, like this project will provide. Additionally, S&S has worked closely with a local civil engineering firm to design an organized and efficient site plan providing future occupants' good access and all necessary infrastructure.

The City of Aberdeen has sufficient water and wastewater capacity for this development. Local utility companies confirm there is ample capacity to serve this development. The engineer's site plan employs grading and natural flow to collect storm water runoff in a storm water retention and then gradually release it into the natural waterway. This development will add very little burden to the City's existing storm sewer.

West Lake will provide affordable, quality workforce housing for families and young professionals. S&S has 20 years construction experience and has created numerous successful building projects. For West Lake, S&S has employed engineers and other professionals to ensure the infrastructure and other construction will meet or exceed all of Aberdeen City Code requirements thereby providing a safe and attractive addition to Aberdeen.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 13, 2024

West Lake, LLC
c/o Jenny Nelson
PO Box 346
Ipswich SD 57451

Ms. Nelson:

As requested by email on October 22, 2024, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have Stretch's Well Service, Inc. construct test wells prior to approval of a water permit. The test wells will be located in the N ½ NE ¼ Sec. 15-T123N-R64W in Brown County. The wells will be approximately 120 feet deep. The target aquifer is the Middle James: Aberdeen aquifer per a discussion between Water Rights staff and Tom Rathjen of Stretch's Well Service. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605)773-3352

CC: Stretch's Well Service, Inc

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 18th, 2024

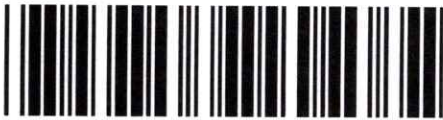
RECEIVED OF West Lake, LLC C/O Rodrick L Tobin po box 346 Ipswich SD 57451

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

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

By 
Chief Engineer





DL214991

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **West Lake, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**415 S. MAIN STREET
SUITE 400
ABERDEEN, SD 57401**

Mailing Address

**PO BOX 490
ABERDEEN, SD 57402**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **RODRICK L. TOBIN**

Actual Street Address in this State

**415 S MAIN ST 400 CAPITOL BLDG
ABERDEEN, SD 57401**

Mailing Address in this State

**PO BOX 490
ABERDEEN, SD 57402-0490**

Article IV

The name and address of each organizer

Name

Address

Rodrick L. Tobin

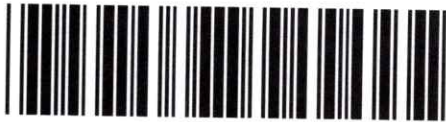
415 S. Main Street, Suite 400, Aberdeen, SD 57401

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0200-1900 11/22/2021 4:09PM Rec'd by SD SOS



B0200-1901 11/22/2021 4:09PM Rec'd by SD SOS

Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

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

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Rodrick L. Tobin

Rodrick L. Tobin

Organizer

11/22/2021

PRINTED NAME

SIGNATURE

TITLE

DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

West Lake, LLC

BUSINESS ID# DL214991

with an effective date of: November 22, 2021, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, November 22, 2021.

Steve Barnett

Steve Barnett
Secretary of State

11/22/2021 4:09 PM

Mathiowetz, Adam (DENR)

From: Rod Tobin <rtobin@syltebros.com>
Sent: Wednesday, November 13, 2024 10:29 AM
To: Mathiowetz, Adam (DENR)
Cc: Dewell, Amanda; Gronlund, Eric; Jenny Nelson
Subject: RE: [EXT] West Lake LLC Water Permit Application.

Adam:

Thank you for the conversation yesterday. The description in your email accurately reflects our project and we agree with keeping our application at 324 ac-ft per year. Please let me know if you need anything else from me.

Thank you,
Rod

Rodrick Tobin
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 605.380.0622
rtobin@syltebros.com



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From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Wednesday, November 13, 2024 10:20 AM
To: Rod Tobin <rtobin@syltebros.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Jenny Nelson <jnelson@syltebros.com>
Subject: West Lake LLC Water Permit Application.

Rod,

This email is the follow-up to our phone conversation from Nov. 12. Please make sure the below description accurately describes your West Lake LLC project. If it does, please reply to let us know you agree. If it is not accurate, please make the appropriate corrections. Once we have an accurate assessment of your application, we will proceed with processing on our end. FYI, we have kind of come full circle on the permitting side regarding annual pumping volume.

The intent of the West Lake, LLC project is to fill an 18 surface acre waterbody once during initial construction. The estimated depth of water is that is to be approximately 18 feet deep (total volume approximately 324 ac-ft of water) and then maintain the level relatively constant throughout the summer. In fall, the water level is to be lowered 3 ft. In the spring, the water level is to be raised the 3 feet again (54 ac-ft of water). On average, there is approximately 42" (3.5') of evaporation annually [NOAA, 1982] and annual precipitation of slightly less than 22" (1.83') [US Climate Data, 2024]. The difference between evap. and precip. is 1.67' more evaporation which would be 30 ac-ft of water over the area of the waterbody.

All the math shows on average your project will need to pump 84 acre-feet of water per year to account for climate and the annual spring refill of the waterbody. However, that doesn't account for inflow or outflow to the shallow Elm: Southern Brown aquifer that your waterbody incises and thus shares a hydrologic connection with or any runoff into the waterbody. Since the amount of inflow and outflow from the shallow aquifer is unknown and will likely have a significant effect on the amount of water to be pumped to maintain the waterbody, the Water Rights Program believes it prudent to stick with your currently listed 324 ac-ft per year volume to ensure your project has the ability, if your permit application is approved, to pump a sufficient amount of water to maintain your waterbody. Your application, if approved, will likely have a qualification requiring the annual volume of water pumped from the wells into the water body. In the long-term, we would rely on your reported average pumping for determining water availability from the aquifer, the Middle James: Aberdeen, your wells are completed into.

References

- NOAA. 1982. Evaporation Atlas for the Contiguous 48 United States. NOAA Technical Report NWS 33. National Weather Service. National Oceanic and Atmospheric Administration. Washington, DC.
- US Climate Data. 2024. Climate Aberdeen, SD. <<https://www.usclimatedata.com/climate/aberdeen/south-dakota/united-states/ussd0001>>. Accessed Nov. 13, 2024.



Adam Mathiowetz, PE

Engineer, Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov

Mathiowetz, Adam (DENR)

From: Mathiowetz, Adam (DENR)
Sent: Monday, November 4, 2024 2:53 PM
To: rtobin@syltebros.com; jnelson@syltebros.com
Cc: Dewell, Amanda
Subject: RE: West Lake LLC Water Permit Application

Rodrick and Jenny,

Good afternoon. We are still seeking clarification on how the 324 ac-ft/yr volume was determined. Processing of your application awaits your response.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Mathiowetz, Adam (DENR)
Sent: Wednesday, October 30, 2024 2:06 PM
To: rtobin@syltebros.com; jnelson@syltebros.com
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: West Lake LLC Water Permit Application

Jenny and Rodrick,

During my initial technical review of your permit application, I noticed the annual volume you applied for was 324 acre-feet per year (ac-ft/yr). Per the application the intended use is to maintain a water body of 18 surface acres, fish & wildlife propagation, and domestic uses.

How was the 324 ac-ft/yr calculated? It seems quite a bit more than needed than to just maintain the water body. The total annual evaporation from the water body is approximately 63 ac-ft/yr. Obviously, there will be seepage increasing the annual volume of water required.

Feel free to call or email me. Or if there is someone else I should be talking to, please provide me their contact info or have them contact me.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Rodriguez, Rachel

From: Jenny Nelson <jnelson@syltebros.com>
Sent: Wednesday, October 23, 2024 10:50 AM
To: Mathiowetz, Adam (DENR)
Cc: Rodriguez, Rachel; Duvall, Ron; Dewell, Amanda; Rod Tobin
Subject: RE: [EXT] Water Permit Application
Attachments: 1286_001.pdf

Thank you, Adam. I have attached for the well completion reports from Stretch's Well Service for your files.

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Wednesday, October 23, 2024 9:47 AM
To: Jenny Nelson <jnelson@syltebros.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rod Tobin <rtobin@syltebros.com>
Subject: RE: Water Permit Application

Jenny,

Attached is a scan of your test well permission letter. The original is following in the mail to the Ipswich address on the West Lake LLC application. A copy has also been sent to Stretch's Well Service. I did discuss the wells with Stretch to verify depth and target aquifer.

If you have questions on the letter or wells, feel free to contact me.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

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From: Jenny Nelson
Sent: Wednesday, October 16, 2024 10:04 AM
To: 'Rodriguez, Rachel' <Rachel.Rodriguez@state.sd.us>
Cc: Rod Tobin <rtobin@syltebros.com>
Subject: RE: Water Permit Application

Please see attached for the requested map. The points labeled 1 and 2 are the locations of the wells.

Thank you,

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, October 15, 2024 4:01 PM
To: Rod Tobin <rtobin@syltebros.com>; Jenny Nelson <jnelson@syltebros.com>
Subject: Water Permit Application

Good afternoon,

I am in receipt of your water permit application and narrative. To complete your application, there are a few items needed:

- A map that references a government section corner or quarter corner including section, township, and range. Please mark the location of the two proposed wells with "X's" and outline the area where the water will be used.
- In addition of the permit for Domestic use, I would also suggest adding Water Distribution System. Do you agree? If so, I can check that box on your application.
- The application/license fee is \$1,050.00 (\$850 application + \$200 license)

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

Thank you,

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, October 16, 2024 12:07 PM
To: Jenny Nelson <jnelson@syltebros.com>
Cc: Rod Tobin <rtobin@syltebros.com>
Subject: RE: Water Permit Application

You may pay by credit card. Please call our fiscal office at 605-773-5559.

Thank you,

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



From: Jenny Nelson <jnelson@syltebros.com>
Sent: Wednesday, October 16, 2024 11:48 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Rod Tobin <rtobin@syltebros.com>
Subject: RE: [EXT] Water Permit Application

Rachel –

Can this fee be paid online? If not, where can we mail payment?

Thank you,

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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Duvall, Ron

From: Jenny Nelson <jnelson@syltebros.com>
Sent: Tuesday, October 22, 2024 1:47 PM
To: Duvall, Ron
Cc: Rodriguez, Rachel; Dewell, Amanda; Rod Tobin
Subject: RE: [EXT] Water Permit Application

Ron –

Thank you for your time today on the telephone. We would like to revise our application as follows:

1. Type of Use. Please revise to “domestic”, “recreational”, and “fish & wildlife”.
2. On the previously provided map, the points labeled 1, 2, **AND 3** are the locations of the wells.
3. No. 6. Please revise to year-round use.

We would also like to request permission to begin construction of the wells ASAP.

Thank you,

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, October 16, 2024 2:36 PM
To: Jenny Nelson <jnelson@syltebros.com>; Rod Tobin <rtobin@syltebros.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: Water Permit Application

Ms. Nelson,

I suggested that Rachel ask about adding “water distribution system” as a use because I mistakenly assumed when the application indicated “domestic” use, that the use was a drinking water supply for the proposed housing development. By way of information, here is the legal definition of “domestic use” found in [South Dakota Codified Law 46-1-6\(7\)](#). I now see in your response below the wells are to be used to fill/maintain the lake and, presumably, are NOT

a water supply for the homes. Are there any other uses other than maintaining the lake level, such as irrigation of yards/gardens? Also, by way of information, while you will need a permit to pump water to lake at a rate of 700 gallons per minute, individual homeowners could pump water from the lake for the "domestic use" of watering up to one acre for noncommercial uses. Whether the development will allow diversion of water from the lake for irrigating yards/garden, is for the development to decide.

Back to the question as to the type of water use identified on the application. If the wells are just being used to keep the lake full, that use does not meet the definition of a domestic use as found in [46-1-6\(7\)](#). Perhaps, "Recreational," or "Fish & Wildlife," if it will be a fishing hole, are more in line with the types of use. There are no definitions of those uses in water rights law that I can point you to but, recreation or fish and wildlife, seem more accurate as to the type of use envisioned.

Please let us know how you want to proceed with the type(s) of water use to be identified on the application.

Thank you,

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



DANR
SOUTH DAKOTA

From: Jenny Nelson <jnelson@syltebros.com>
Sent: Wednesday, October 16, 2024 12:16 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Rod Tobin <rtobin@syltebros.com>
Subject: RE: [EXT] Water Permit Application

Thank you for the information. Regarding the Water Distribution System, can you elaborate why you feel this may be something we should apply for? We will be using the well water to fill/maintain the lake within the residential development.

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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Rodriguez, Rachel

From: Duvall, Ron
Sent: Friday, October 11, 2024 4:31 PM
To: Rodriguez, Rachel; Dewell, Amanda
Subject: FW: [EXT] You filled out: "Application for Nonirrigation Permit"
Attachments: 1226_001.pdf

Attachment to go with the application we just received.

Ron

From: Jenny Nelson <jnelson@syltebros.com>
Sent: Friday, October 11, 2024 4:23 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: [EXT] You filled out: "Application for Nonirrigation Permit"

Mr. Duvall –

Please see attached for the West Lake Development Narrative referenced in the Application. And as a note, S&S Rentals, LLC (referenced in the West Lake Development Narrative) is the whole owner of West Lake, LLC, the applicant. I have requested from our engineer the map referenced in the Application as well.

Thank you,

Jenny Nelson
5055 US HWY 12 E
Aberdeen, SD 57401
Office: 605.426.6186
Cell: 763.516.1560
jnelson@syltebros.com



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From: Department of Agriculture and Natural Resources via Adobe Acrobat Sign <adobesign@adobesign.com>
Sent: Friday, October 11, 2024 4:13 PM
To: Ron Duvall <ron.duvall@state.sd.us>; Jenny Nelson <jnelson@syltebros.com>
Subject: You filled out: "Application for Nonirrigation Permit"



**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. 8907-3, West Lake LLC**

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. 8907-3, West Lake LLC, PO Box 346, Ipswich SD 57451.

The Chief Engineer is recommending APPROVAL of Application No. 8907-3 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 wells approved under Water Permit No. 8907-3 are 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 proposed wells authorized by Permit No. 8907-3 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. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Middle James Aberdeen Aquifer.
4. Water Permit No. 8907-3 authorizes a total annual diversion of up to 324 acre-feet of water from the Middle James Aberdeen Aquifer.
5. No diversion of water from the Middle James Aberdeen Aquifer to the waterbody may occur when the waterbody is full and spilling water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 18, 2024

Report to the Chief Engineer

On Water Permit Application No. 8907-3

West Lake LLC

11/25/2024

Water Permit Application No. 8907-3 proposes to appropriate up to 324 acre feet of water annually at a maximum pump rate of 1.55 cubic feet of water per second (cfs) from 3 wells completed into the Middle James: Aberdeen aquifer (ranging from 109 to 145 feet deep) located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15 with water from the wells used to maintain the water level in an 18 surface acre waterbody to be located in the NE $\frac{1}{4}$ Section 15; all in T123N-R64W. Water will be used for domestic, recreational, and fish and wildlife purposes. This site is located in Brown County on the west side of Aberdeen, SD.

AQUIFER: Middle James: Aberdeen (MJ: A)

HYDROGEOLOGY:

The Middle James: Aberdeen aquifer is composed of buried outwash (sand and gravel) that is predominantly under confined conditions (Koch and Bradford, 1976). The delineations of the Middle James: Aberdeen aquifer for Brown County and Spink County were done separately, and this report will include approximations from both Hedges et. Al (1982) for Brown County and Benson (1997) for Spink County in Figure 1. The Middle James: Aberdeen aquifer underlies approximately 118,800 acres and contains approximately 356,000 acre-feet (ac-ft) of recoverable water in storage in Brown County with a small undefined area in Spink County (Figure 1) (Hedges et. al, 1982). In Spink County, Benson (1997) stated the Middle James: Aberdeen aquifer underlies approximately 160 square miles (102,400 acres) (Figure 1). Review of the entirety of Benson's (1997) delineation determined the western portion of the mapped Middle James aquifer is the Middle James: Aberdeen aquifer as described by Hedges et. Al (1982). This western portion underlies approximately 58,525 acres of Spink County. References to the Middle James: Aberdeen aquifer for the rest of this report will be specific to the Hedges et al (1982) portion in Brown County and the western portion (shown in Figure 1) of Benson's (1997) delineation. The water in the aquifer generally moves west to east (Koch and Bradford, 1976). The aquifer has an average saturated thickness of 20 feet but may be up to 100 feet thick in Brown County (Koch and Bradford, 1976). The aquifer can be encountered from 40 ft below ground surface in lowlands to 250 ft below grade at higher land surface elevations (Koch and Bradford, 1976). In the area of this application the aquifer maybe overlain by the Elm aquifer (Koch and Bradford, 1976), but there does not appear to be a hydrologic connection between the two aquifers in this area (Water Rights, 2024a).

Three water well completion reports were submitted with Water Permit Application No. 8907-3. The first report, indicated as hole #3 on the log lists, "topsoil" from 0 to 3 feet below the ground surface, "yellow clay" from 3 to 11 feet, "blue clay" from 11 to 72 feet, "sand" from 72 to 112 feet, "blue clay" from 112 to 120 feet below the ground surface (Water Rights, 2024d). The well was screened from 71 to 111 feet and had a static water level of approximately 3.6 feet at the

time of well completion (September 30, 2024) (Water Rights, 2024d). The second report, indicated as hole #5 on the log lists, “topsoil” from 0 to 3 feet below the ground surface, “yellow clay” from 3 to 11 feet, “blue clay” from 11 to 80 feet, “sand” from 80 to 108 feet, “blue clay” from 108 to 115 feet below the ground surface (Water Rights, 2024d). The well was screened from 79 to 109 feet and had a static water level of approximately 3.2 feet at the time of well completion (October 3, 2024) (Water Rights, 2024d). The third report, indicated as hole #6 on the log lists, “topsoil” from 0 to 4 feet below the ground surface, “blue clay” from 4 to 10 feet, “sandy clay” from 11 to 17 feet, “blue clay” from 17 to 100 feet, “sand” from 100 to 145, “blue clay” from 145 to 155 feet below the ground surface (Water Rights, 2024d). The well was screened from 105 to 145 feet and had a static water level of approximately 2 feet at the time of well completion (October 8, 2024) (Water Rights, 2024d). Based on the submitted well completion reports, the Middle James: Aberdeen aquifer is confined at the diversion point locations for this application (Water Rights, 2024c and 2024d).

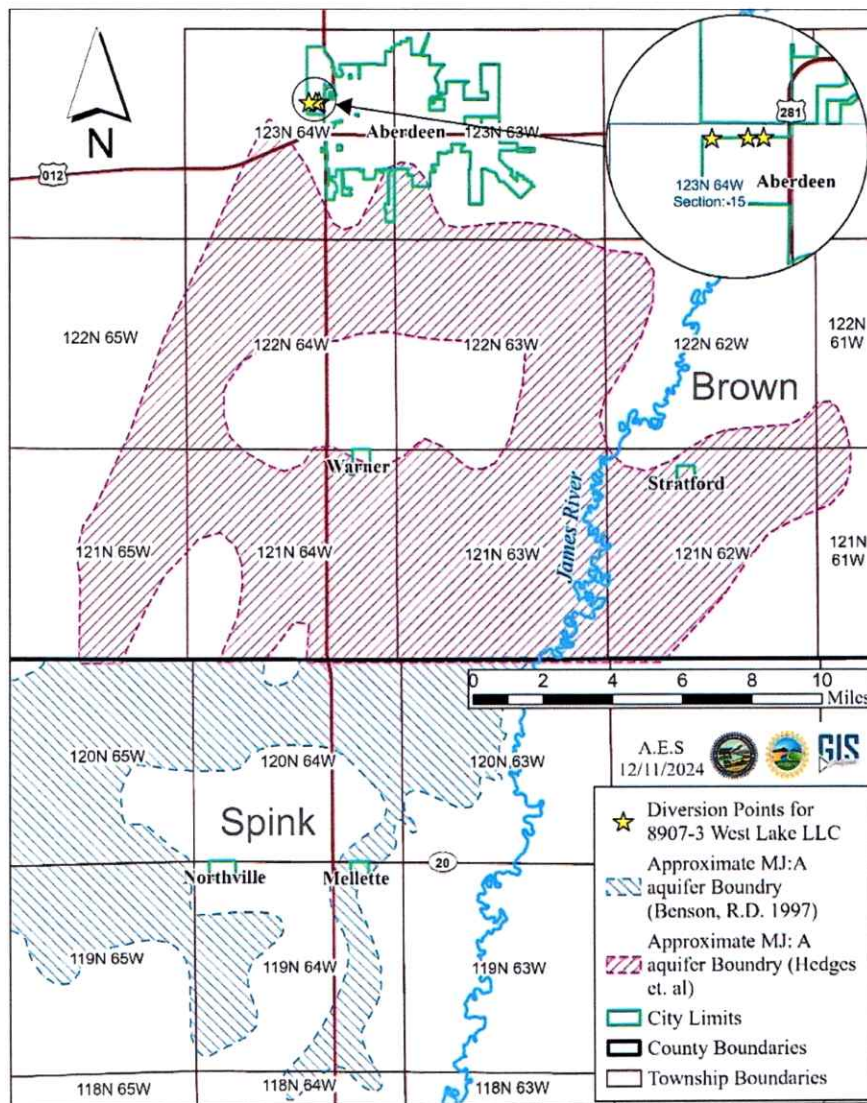


Figure 1. Map of the approximate areal extent of the Middle James: Aberdeen aquifer in Brown and Spink County (modified from Hedges et al, 1982)

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 Middle James: Aberdeen aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8907-3 proposes to appropriate water from the Middle James: Aberdeen 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 Middle James: Aberdeen 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 Middle James: Aberdeen aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Middle James: Aberdeen aquifer is primarily through percolation of precipitation through overlying lake silts, outwash, and till (Koch and Bradford, 1976). According to Koch and Bradford (1976), the largest source of recharge is probably from the Elm aquifer where it overlies the Middle James aquifer. Recharge to the Middle James: Aberdeen aquifer has yet to be quantified. However, according to Hedges and others (1985), “for management and development programs the minimum recharge rate to confined aquifers is estimated to be 0.15 inches per year and the maximum rate is 0.60 inches per year.” Using that range, the annual recharge to the aquifer ranges between 1,485 ac-ft and 5,940 ac-ft in Brown County, and 732 ac-ft and 2,926 ac-ft in western Spink County.

Discharge

Discharge from the Middle James: Aberdeen aquifer is primarily through percolation into the Deep James aquifer, flow into the Lake Dakota sediments, flow into adjacent till, and well withdrawals (Koch and Bradford, 1976). There are 16 water rights/permits appropriating water from the Middle James: Aberdeen aquifer (Water Rights, 2024b).

Two non-irrigation Middle James: Aberdeen aquifer water rights/permits currently exist – Water Right Nos. 4288-3 and 5881-3. Water Right No. 4288-3 is held by Warner Sanitary District, but they are currently served by WEB Rural Water. This municipal water right likely maintains their well for standby purposes (Drinking Water Program, 2024; Water Rights, 2024c); as such, the average annual water use for this water right has been estimated to be zero acre-feet per year. Water Right No. 5881-3, which is held by ABE South Dakota LLC for industrial use, is authorized to divert at a maximum diversion rate of 1.0 cfs (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 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 and is likely an overestimation of average annual withdrawals (Water Rights, 2024c). Assuming 60% pumping for Water Right No. 5881-3, the estimated average annual withdrawal rate from the Middle James: Aberdeen aquifer by the non-irrigation water rights/permits is approximately 434.4 acre-feet per year (Water Rights, 2024c).

Currently, there are 14 irrigation water rights/permits authorized to appropriate water from the Middle James: Aberdeen aquifer (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 Middle James: Aberdeen aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 1,544.6 acre-feet per year (Table 1) (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 1,549.9 acre-feet per year (Table 1) (Water Rights, 2024a).

There are domestic wells completed into the Middle James: Aberdeen aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Middle James: Aberdeen aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Middle James: Aberdeen aquifer.

Table 1. Reported historic irrigation use from the Middle James: Aberdeen aquifer (Water Rights, 2024a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	11	1,162
1980	11	1,199
1981	15	2,473
1982	11	2,035.24
1983	11	2,195.29
1984	9	1,464
1985	10	2,283
1986	11	1,173
1987	11	2,934
1988	12	3,482.4
1989	13	2,937
1990	13	2,107
1991	14	2,584.5
1992	15	1,546
1993	15	528
1994	14	1,446.25
1995	13	1,127.56
1996	11	1,845.51
1997	11	678
1998	10	384.62
1999	10	718.56
2000	11	737.67
2001	11	925.81
2002	11	1,307.26
2003	11	1,208.42
2004	11	953.33
2005	11	1,256.04
2006	11	1,783.12
2007	12	2,041.59
2008	12	2,057.03
2009	12	555.87
2010	12	264.27
2011	12	685.82
2012	12	2,289.31
2013	13	1,638.35
2014	14	2,141.19
2015	14	1,390.32
2016	14	2,241.47
2017	14	2,445.85
2018	14	2,601.93
2019	14	7.37
2020	14	790.53
2021	14	1,872.98
2022	14	894.64
2023	14	1,112.73
Min	9	7.37
Max	15	3,482.4
Avg (1979-2023)	12	1,544.6
Avg (2014-2023)	14	1,549.9

Hydrologic Budget Summary

The estimated average annual recharge rate to the Middle James: Aberdeen aquifer is approximately between 1,485 ac-ft and 5,940 ac-ft in Brown County, and 732 ac-ft and 2,926 ac-ft in Spink County. The estimated average annual withdrawal rate from the Middle James: Aberdeen aquifer is approximately 2,308.3 acre-feet per year (non-irrigation: 434.4 acre-feet/year; irrigation: 1,549.9 acre-feet/year; Water Permit Application No. 8907-3 (if approved, assuming full volume: 324 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Middle James: Aberdeen 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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 10 observation wells completed into the Middle James: Aberdeen aquifer (Water Rights, 2024b). The 3 closest observation wells to the proposed diversion points are BN-82C (approximately 3 miles south), BN-82B (approximately 9.5 miles southwest and BN-77I (approximately 11.8 southwest) (as shown in Figure 3) (Water Rights, 2024b). The hydrographs for these 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.

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Middle James: Aberdeen aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figures 1 (Water Rights, 2024b). The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Middle James: Aberdeen aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. While the seasonal effects of irrigation pumping are apparent in some of the hydrographs, BN-77I and BN-82B for example, 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 Middle James: aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

DANR-Water Rights Observation Wells: BN-82C, BN-82B & BN-77I

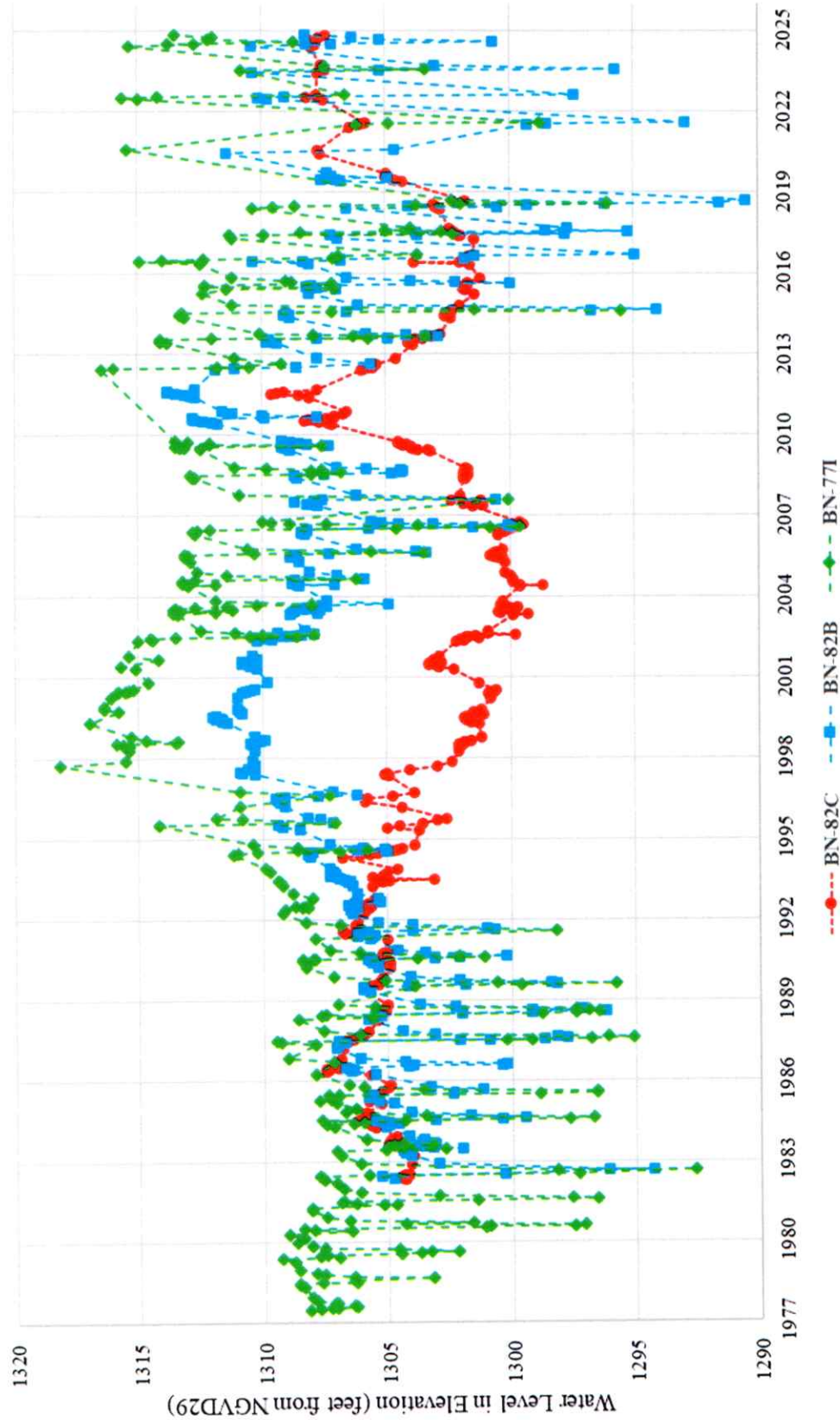


Figure 2. A graph showing the elevation of water levels for observation wells: BN-82C, BN-82B & BN-77I (Water Rights, 2024b)

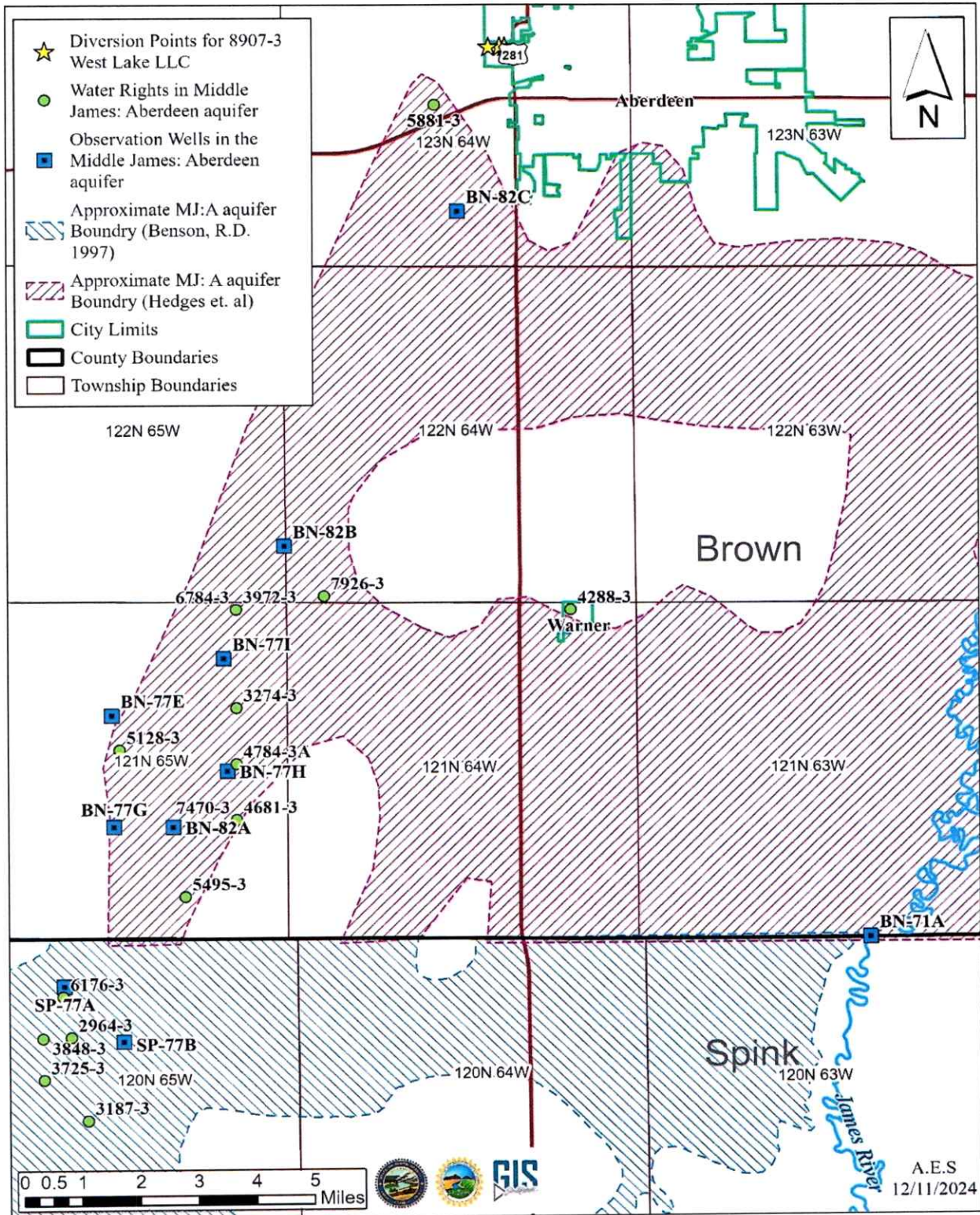


Figure 3. An approximate aquifer boundary of the Middle James: Aberdeen aquifer in Brown and Spink County (modified from Hedges et al, 1982), the location of the proposed diversion points for Water Permit Application No. 8907-3, and the Middle James: Aberdeen aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 16 water rights/permits authorized to appropriate water from the Middle James: Aberdeen aquifer (Water Rights, 2024c). The closest and only water right/permit within 5 miles of the proposed diversion points is Water Right No. 5881-3, which is held by ABE South Dakota LLC and has an authorized diversion rate of 1 cfs used for industrial purposes. The diversion point for Water Right No. 5881-3 is located approximately 1.4 miles southwest of the proposed diversion points for this application (Figure 3) (Water Rights, 2024c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Middle James: Aberdeen aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.5 miles northeast of the proposed diversion points (Water Rights, 2024d). There could potentially be other domestic wells completed into the Middle James: Aberdeen aquifer near the wells 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. Within one mile of the diversion points, the Middle James: Aberdeen aquifer is expected have a saturated aquifer thickness ranging from approximately 25 to 50 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 Brown County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for wells completed into the Middle James: Aberdeen aquifer (Water Rights, 2024e).

Table 2. Water rights/permits authorized to withdraw water from the Middle James: Aberdeen aquifer shown in Figure 3 (Water Rights, 2024c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres
2964-3	RODNEY A BADE	LC	IRR	2	254
3187-3	BOEKELHEIDE FARMS INC	LC	IRR	2	264
3274-3	BLTS FARM PARTNERSHIP	LC	IRR	1.33	112
3725-3	CAROLE BADE	LC	IRR	2	396
3848-3	MYRON JESCHKE	LC	IRR	2.2	154
3972-3	JOHN BRAUN ETAL	LC	IRR	1.89	132
4288-3	WARNER SANITARY DIST	LC	MUN	0.22	N/A
4681-3	PHILLIP SHANLEY	LC	IRR	2	274
4784-3A	WIEDEBUSH FARMS INC	LC	IRR	1.78	132
5128-3	KRAUSE-ALLBEE FARMS	LC	IRR	1.61	113
5495-3	JOHN BRAIN	LC	IRR	8	890
5881-3	ABE SOUTH DAKOTA LLC	LC	IND	1	N/A
6176-3	SAMUEL PAUL HELLING	LC	IRR	1.34	120
6784-3	JOHN BRAUN	PE	IRR	1.37	96
7470-3	PHILLIP SHANLEY	PE	IRR	0	46
7926-3	RANDY KIENOW	PE	IRR	2.22	480

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 Middle James: Aberdeen aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the proposed diversion points, and lack of well interference complaints for adequate wells completed into the Middle James: Aberdeen aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to 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 to existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8907-3 proposes to appropriate up to 324 acre feet of water annually at a maximum pump rate of 1.55 cubic feet of water per second (cfs) from 3 wells completed into the Middle James: Aberdeen aquifer (ranging from 109 to 145 feet deep) located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15 with water from the wells used to maintain the water level in an 18 surface acre waterbody to be located in the NE $\frac{1}{4}$ Section 15; all in T123N-R64W. Water will be used for domestic, recreational, and fish and wildlife purposes. This site is located in Brown County on the west side of Aberdeen, SD.
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Middle James: Aberdeen aquifer to supply the proposed appropriation.
3. There is reasonable probability that the proposed diversion by Water Permit Application No. 8907-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.



Austin Settje
Natural Resources Engineer
SD DANR - Water Rights Program



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

References

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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 DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

December 17, 2024

West Lake LLC
c/o Rodrick Tobin
PO Box 346
Ipswich SD 57451

Dear Mr. Tobin:

Water Permit Application No. 8907-3 for domestic, recreational, and fish/wildlife uses has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Aberdeen American News printed in Aberdeen SD (Ph # 855 753-8597 *3, email aan-legals@aberdeennews.com). 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. 8907-3 to Appropriate Water

Notice is given that West Lake LLC c/o Rodrick Tobin, PO Box 346, Ipswich SD 57451, has filed an application for a water permit to appropriate up to 324 acre-feet of water annually at a maximum pump rate of 1.55 cubic feet of water per second from up to 3 wells to be completed into the Middle James Aberdeen Aquifer (approximately 109 to 145 feet deep) located in the N 1/2 NE 1/4 Section 15 with water from the wells used to maintain the water level in an 18 surface acre waterbody to be located in the NE 1/4 Section 15; all in T123N-R64W. Water will be used for domestic, recreational, and fish and wildlife purposes. This site is located on the west side of Aberdeen SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8907-3 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 January 6, 2025.

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 January 6, 2025.

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 _

Duvall, Ron

From: Duvall, Ron
Sent: Friday, December 20, 2024 2:39 PM
To: aan-legals@aberdeennews.com
Cc: Rodriguez, Rachel
Subject: 8907-3 West Lake LLC c/o Rodrick Tobin - Public Notice
Attachments: FORM8.FRM.doc; 8907-3 public.short_final.docx

Attached is a notice to be published on December 27, 2024.

West Lake LLC c/o Rodrick Tobin, PO Box 346, Ipswich SD 57451 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,

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



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SOUTH DAKOTA

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Aberdeen News
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PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

WATER RIGHTS PROGRAM
Dept Of Environ & Nat Resource
Water Rights Program
523 E Capitol Joe Foss Bldg
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

12/27/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 12/27/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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PO #:	APP #8907-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8907-3
to Appropriate Water

Notice is given that West Lake LLC c/o Rodrick Tobin, PO Box 346, Ipswich SD 57451, has filed an application for a water permit to appropriate up to 324 acre-feet of water annually at a maximum pump rate of 1.55 cubic feet of water per second from up to 3 wells to be completed into the Middle James Aberdeen Aquifer (approximately 109 to 145 feet deep) located in the N 1/2 NE 1/4 Section 15 with water from the wells used to maintain the water level in an 18 surface acre waterbody to be located in the NE 1/4 Section 15; all in T123N-R64W. Water will be used for domestic, recreational, and fish and wildlife purposes. This site is located on the west side of Aberdeen SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8907-3 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 January 6, 2025.

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 January 6, 2025.

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 12/27/24 at the total approx. cost of \$54.30 and may be viewed free of charge at www.sdpublicnotices.com.
10879940

Duvall, Ron

From: Duvall, Ron
Sent: Friday, December 20, 2024 2:43 PM
To: Rod Tobin; jnelson@syltebros.com
Cc: Rodriguez, Rachel
Subject: 8907-3 West Lake LLC c/o Rodrick Tobin - Public Notice
Attachments: 8907-3_rec.pdf; 8907-3 APPL2.pdf; 8907-3 public.short_final.pdf

Mr. Tobin:

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 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,

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



DANR
SOUTH DAKOTA



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 30 2025

West Lake, LLC.
c/o Rodrick L. Tobin
PO Box 346
Ipswich SD 57451

Dear Mr. Tobin:

Enclosed is Water Permit No. 8907-3 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.: 8907-3

Name of Applicant: West Lake LLC, c/o Rodrick Tobin

Date of Posting: 12/26/2024

Date of Removal: 1/30/2025

Ron Duvall, Engineer III

1/30/2025

Date

Subscribed and sworn to before me, a notary public, this 30th day of Jan, 2025.


Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

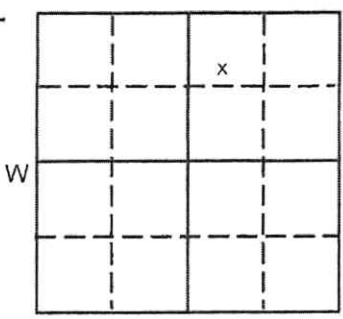
(SEAL)



8907-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location <u>NW ¼ NE ¼</u> Sec <u>15</u> Twp <u>123</u> Rg <u>64</u> County <u>Brown</u> GPS Coordinates _____ Lat: _____ Lon: _____ Please mark well location with an "X" on section grid  Well Completion Date <u>4/1/2025</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? <u>None</u> ft. from _____ (identify source) PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other _____ METHOD OF DRILLING: Reverse Circulation CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>160 LB/FT</td> <td>16 IN</td> <td>0 FT</td> <td>116 FT</td> <td>26 IN</td> </tr> <tr> <td>S.S. LB/FT</td> <td>16 IN</td> <td>116 FT</td> <td>146 FT</td> <td>26 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table> GROUTING DATA: Grout Type No. of Sacks Grout Weight From To #20 70 Lb/gal 0.0 Ft 113.0 Ft _____ Lb/gal Ft Ft Describe grouting procedure <u>Tremie Pipe</u> SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>16</u> Inches Length <u>30.0</u> Feet Material <u>High Flow Stainless Steel</u> Slot Size <u>.050</u> Set From <u>116.0</u> Feet to <u>146.0</u> Feet Other information _____ WAS A PACKER OR SEAL USED? ☒ Yes ☐ No If so, what material? <u>Enviro Plug</u> Describe packer(s) and location <u>6 bags @ 113'</u> DISINFECTION: Was well disinfected upon completion? ☒ Yes, How? <u>Chlorine</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____	PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	160 LB/FT	16 IN	0 FT	116 FT	26 IN	S.S. LB/FT	16 IN	116 FT	146 FT	26 IN	LB/FT	IN	FT	FT	IN	Well Owner: <u>S&S Rental, LLC</u> Business Name: <u>West Lake, LLC</u> Address: <u>5055 US Hwy 12 East</u> City, State, Zip: <u>Aberdeen, SD 57401</u> WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Top Soil</td> <td>0.0</td> <td>4.0</td> </tr> <tr> <td>Yellow Clay w/Gravel</td> <td>4.0</td> <td>25.0</td> </tr> <tr> <td>Blue Clay</td> <td>45.0</td> <td>65.0</td> </tr> <tr> <td>Blue Clay w/Gravel</td> <td>65.0</td> <td>85.0</td> </tr> <tr> <td>Sand w/Gravel</td> <td>85.0</td> <td>125.0</td> </tr> <tr> <td>Sand</td> <td>125.0</td> <td>146.0</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> STATIC WATER LEVEL <u>2.0</u> 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: <u>Submersible</u> ☐ Bailed ☐ Air ☐ Other _____ Pumping Level Below Land Surface <u>106.0</u> Ft. After <u>6.0</u> Hrs. pumped <u>550.0</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM REMARKS RECEIVED JUN 03 2025 OFFICE OF WATER This well was drilled under license # <u>722</u> And this report is true and accurate. Drilling firm: <u>Stretch's Well Service, Inc.</u> Signature of License Representative: _____ Signature of Well Owner or Equitable Property Holder: _____ Date: <u>06/03/2025</u>	FORMATION	DEPTH		FROM	TO	Top Soil	0.0	4.0	Yellow Clay w/Gravel	4.0	25.0	Blue Clay	45.0	65.0	Blue Clay w/Gravel	65.0	85.0	Sand w/Gravel	85.0	125.0	Sand	125.0	146.0									
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Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501