

WATER PERMIT NO. 8915-3

Name of Applicant: Joe Arthur

Address: 46409 154th Street, South Shore SD 57201 Phone: 605-880-0289

Amount of Water Claimed: 1.67 cfs Total Acres: 160

Source of Water Supply: Groundwater

Water to be used for: Irrigation County: Codington

Type of Waste Disposal System:

Location: Approx. 3 miles north of South Shore

PRIORITY Date Received: 12-20-24 Application/License Fee: \$1,050.00

Corrected Application Received: N/A Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SE 1/4 NE 1/4 Sec 3-T119N-R51W

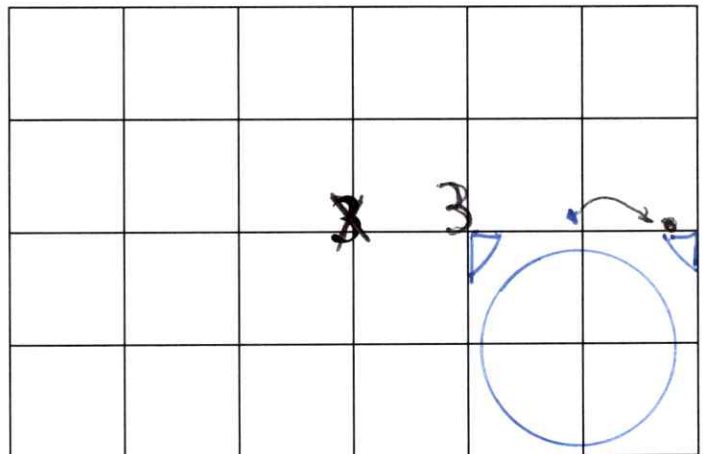
Land to be Irrigated: SE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4 Sec 3-T119N-R51W

Depth of Well: 180

Well Driller:

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 01-06-25

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8915-3

Date of first receipt of application December 20, 2024.

Date of return to applicant for corrections, amendments or changes January 12, 2025.

Date of receipt of corrected application January 12, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8915-3 to Joe Arthur, 46409 154th Street, South Shore SD 57201, 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. 8915-3 appropriates 1.67 cubic feet of water per second from up to two wells to be completed into the Antelope Valley Aquifer (approximately 50 – 100 feet deep) located near the approximate center of Section 3 for irrigation of 160 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3; all in T119N-R51W. This site is located approximately two miles north of South Shore 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: May 1 – September 30.
3. The date from which applicant may claim right is December 20, 2024.
4. The date of approval of Permit No. 8915-3 is March 31, 2025.
5. One-fifth of the construction is to be completed on or before October 1, 2027.
6. All construction is to be completed on or before March 31, 2030.
7. Water is to be put to beneficial use on or before March 31, 2034.
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 wells approved under Water Permit No. 8915-3 are 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 wells authorized by Permit No. 8915-3 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: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

APR 16 2025

date



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

RECEIVED

DEC 20 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8915-3</u> Hydrologic Unit <u>07020001</u> Basin <u>Minnesota</u> Newspaper <u>Watertown Public Opinion</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Joe Arthur

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

Mailing Address 46409 154th St South Shore SD 57201
(Address) (City) (State) (Zip Code)

Phone (605) 882-0289 Mobile _____ Email cjartur30@hotmail.com

2. Amount of water claimed 1.67 *CFS or 750 **GPM _____ ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use if applicable)

3. Source of water supply Wells (SE 1/4 NE 1/4)

4. Location of point of diversion 1 well NE 1/4 T119N R51W Sect 3
(example - 3 wells in SW 1/4 NE 1/4 section 12-T1104N-R53W)

County Codington

5. County or counties where water will be used Codington

6. Annual period during which water is to be used May - Sept 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
NW 1/4 of SE 1/4 Sect 3 T119N 51W	40	SW 1/4 of NE 1/4 T119N 51W Sect 3	5
NE 1/4 of SE 1/4 Sect 3 T119N 51W	40	SE 1/4 of NE 1/4 T119N 51W Sect 3	5
SE 1/4 of SE 1/4 Sect 3 T119N 51W	35		
SW 1/4 of SE 1/4 Sect 3 T119N 51W	35		

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

1 1270 ft Center pivot located in center of SE 1/4 Section 3 T119N 51W. 2 3 tower 500 ft pivots to water corners on north side of SE 1/4 and south side of NE 1/4 of Sect 3 T119N.

I, Joe Arthur Owner, 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 1-2 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 10512 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 180? Depth to Top of Water Bearing Material ? Depth to Water from Surface ?
- d) Distance to nearest domestic well on applicant's property 2000 ft Property owned by others _____

2. Wastewater Disposal System Information

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

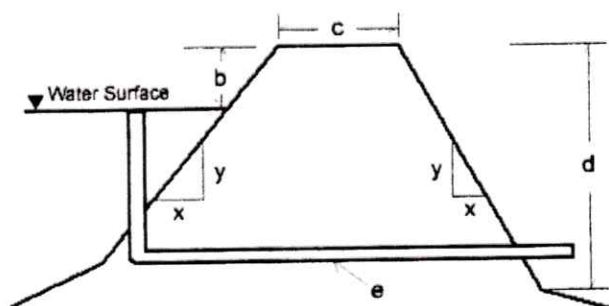
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

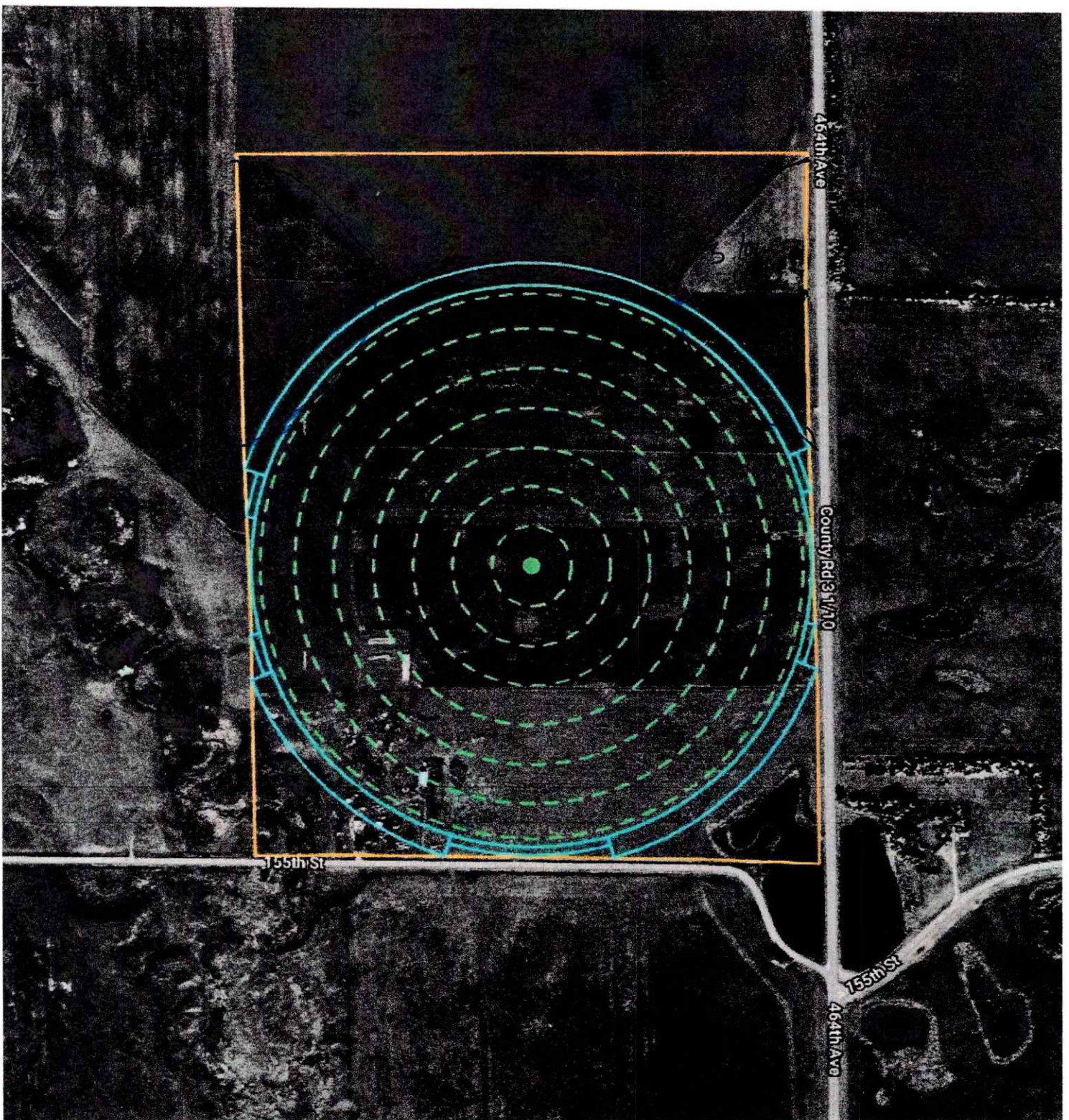


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment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



MIDWEST IRRIGATION & ELECTRIC INC.

552 Main St PO Box 36; Big Stone City, 57216-2179
Office: 1 (605) 862-8149; Mobile: 1 (605) 595-3440
Michael Pribbenow - mie.bigstone@gmail.com



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ETAL



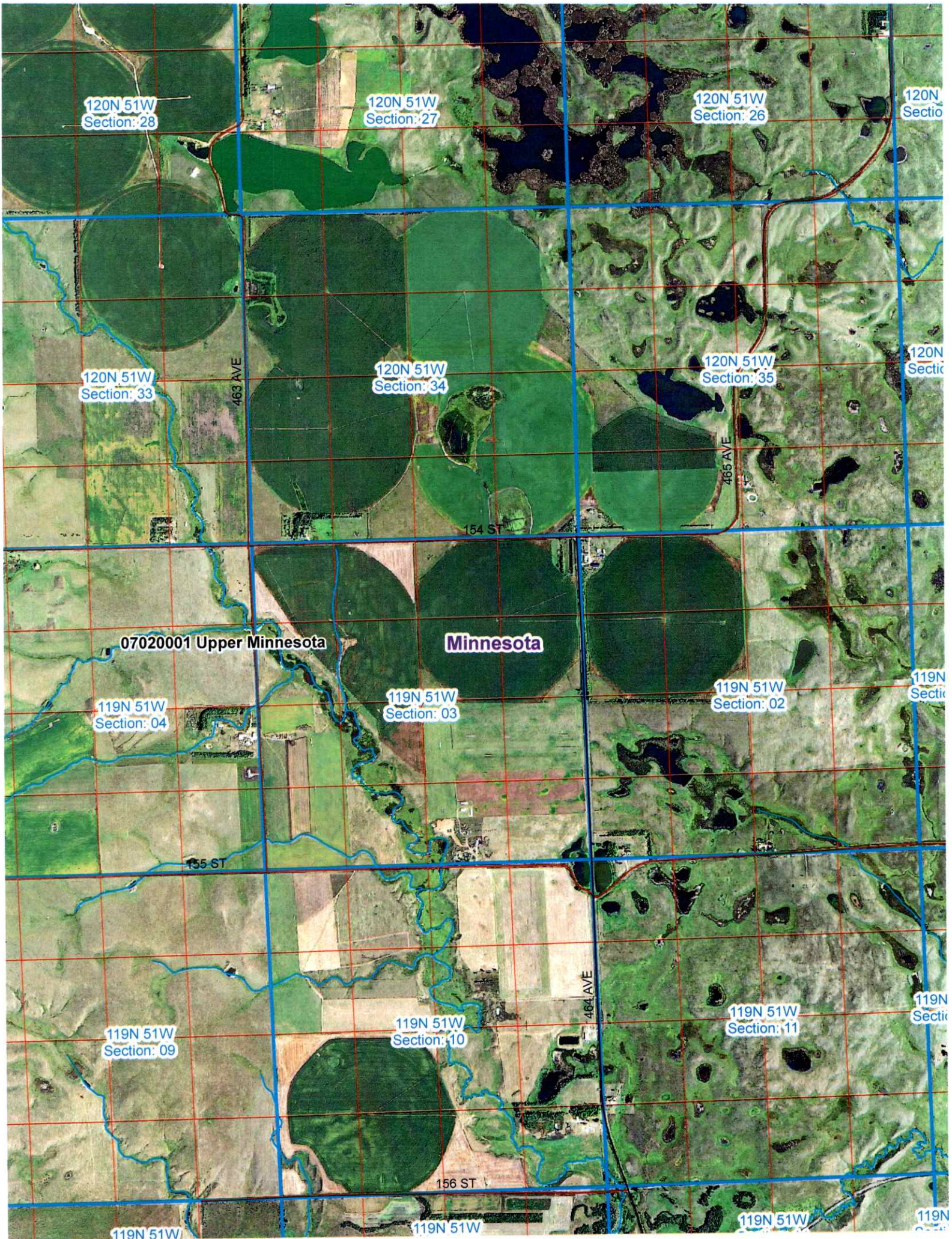
Well

SCHMELING
DENNIS

USFWS

County Rd 3 1/10

155th St



120N 51W
Section: 28

120N 51W
Section: 27

120N 51W
Section: 26

120N
Section

120N 51W
Section: 33

463 AVE

120N 51W
Section: 34

120N 51W
Section: 35

120N
Section

154 ST

07020001 Upper Minnesota

Minnesota

119N 51W
Section: 04

119N 51W
Section: 03

119N 51W
Section: 02

119N
Section

155 ST

119N 51W
Section: 09

119N 51W
Section: 10

119N 51W
Section: 11

119N
Section

464 AVE

156 ST

119N 51W

119N 51W

119N 51W

119N
Section

1/16/24

Craig Arthur

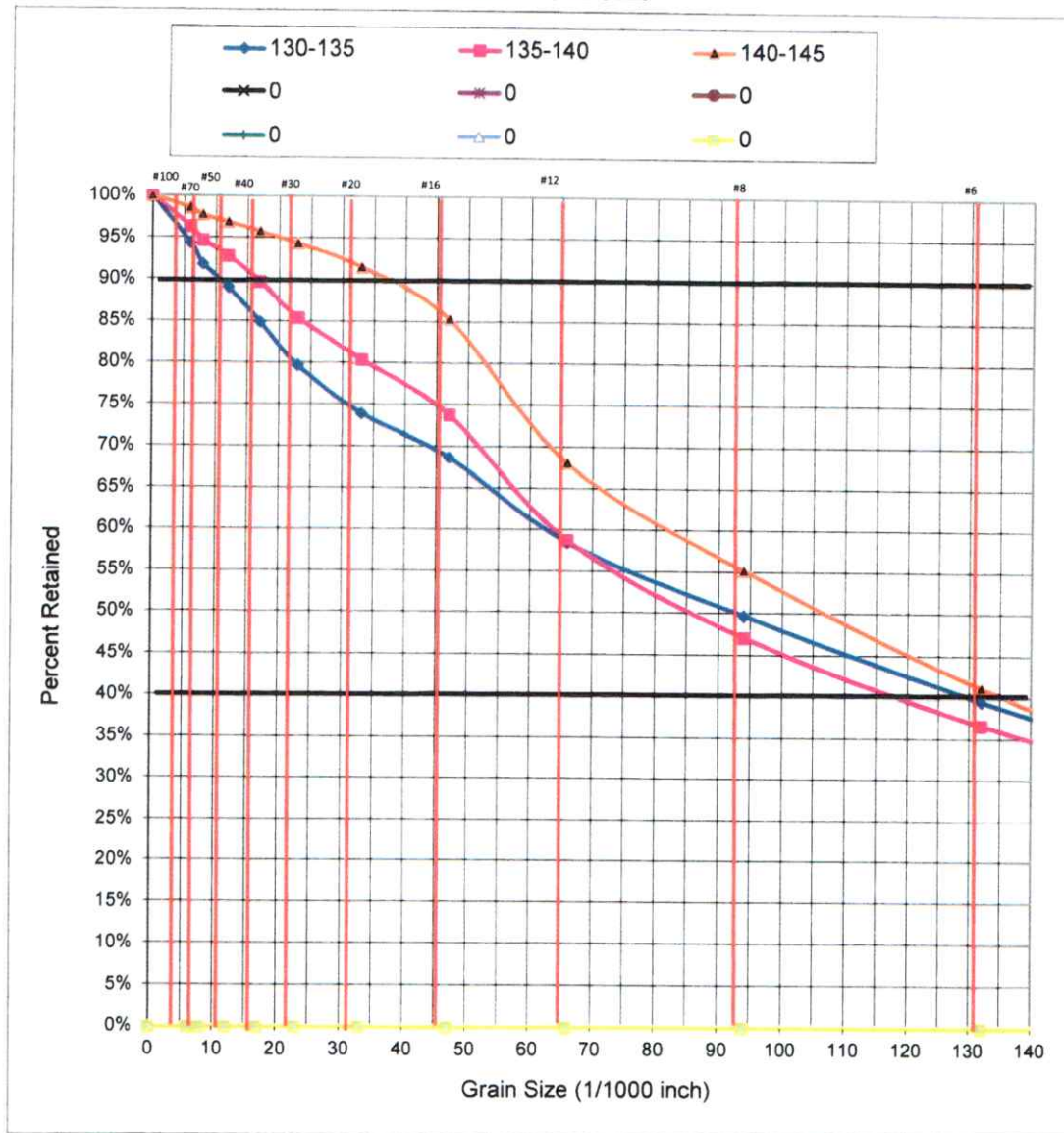
South Shore, SD

45°8.5710 N 96°55.5560 W

6.25" Bore x 200'

Test Hole 1

DEPTH (FT)	FORMATION
0-6	TOPSOIL/CLAY
6-16	SAND
16-19	YELLOW CLAY
19-42	SAND MEDIUM/FINE
42-47	CLAY SAND MIX
47-57	FINE SAND WITH CLAY LENSES
57-58	CLAY
58-59	FINE SAND
59-61	GRAY CLAY
61-63	FINE SAND
63-72	GRAY CLAY
72-74	SAND
74-95	BLUE CLAY
95-104	ROCKS CLAY SAND
104-112	BLUE CLAY
112-113	ROCK
113-130	BLUE CLAY
130-144	SAND
144-147	BLUE SANDY CLAY
147-148	ROCK
148-179	BLUE CLAY
179-183	SAND
183-195	CLAY WITH SAND SEAMS
195-197	SAND
197-200	CLAY



Job Name Arthur TH1
Location South Shore, SD
Driller Thein Well

Sample ID Page 2
Analyzed by: Duvall, Steven
Date: 2/10/2025

Casing ϕ 12 in
Screen ϕ 12 in

Desired Yield 800+ GPM
SWL (ft) NA

Recommended Slot Size: 120 slot (0.120") screen from 130' to 145' bgs.
Recommended Gravel Pack: Red Flint #120

Based exclusively on the samples provided by the contractor, a sieve analysis graph and suggested screen slot size is provided as requested. Since numerous construction considerations and site circumstances influence successful well completion, Johnson Screens assumes no responsibility for final well performance nor awareness of local regulations pertaining to well installations.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 20th, 2024

RECEIVED OF Joe Arthur C/O Craig Arthur 46409 154th St South Shore SD 57201

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

Fee for Application for Permit No. <u>8915-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for Transaction Fee	\$26.25
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>1076.25</u>

By

Eric Gronlund

Chief Engineer

SA

Settje, Austin

From: Dewell, Amanda
Sent: Monday, February 10, 2025 11:07 AM
To: Settje, Austin
Subject: FW: [EXT] Well location

Since you have the permit app file, could you print this email and the map to be included in it? Thanks!

File No. 8915-3

WATER RIGHTS PROGRAM – FILE DOCUMENTATION

NAME & ADDRESS: Craig Arthur

DATE: 02/10/2025

TELEPHONE: 605-880-0289

RE: Joe Arthur application No. 8915-3

COMMENTS:

Craig called the Water Rights Program the morning on February 10, 2025, requesting that the diversion point location for App No. 8915-3 be changed based on where the well driller located water. The well site has been moved from the E ¼ corner to the approx. center Sec 3-T119N-R51W. A map of the new diversion point location was received by email immediately after the phone call.



Amanda Dewell
Water Rights Program

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



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Monday, February 10, 2025 11:00 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Settje, Austin <Austin.Settje@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Well location

Be sure to file document this requested change and put in file.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, February 10, 2025 10:42 AM
To: Settje, Austin <Austin.Settje@state.sd.us>
Cc: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: [EXT] Well location

Good morning all,

Craig Arthur called me this morning after sending this email in regard to App No. 8915-3. The well driller was out and found water in a different location than was originally described on the application. The legal description of the diversion point will need to be changed to the "approximate center of Section 3, R119N-R51W".

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



From: Craig Arthur <cjarthur30@hotmail.com>
Sent: Monday, February 10, 2025 10:15 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Well location

Sent via the Samsung Galaxy S25+, an AT&T 5G smartphone
Get [Outlook for Android](#)

Water Rights Program - DANR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8915-3, Joe Arthur

ADDRESS: 46409 154th Street, South Shore SD COUNTY: Codington County

DATE: January 12, 2025 TELEPHONE: 1 605 880-0289

RE: Intended water source for Application No. 8915-3

I contacted Mr. Arthur since the Supplemental Information form states the well depth to be "180?". I stated his wells Water Right No. 3781-3 are listed on the water rights database and being shallower than that as are the wells for Water Right No. 7975-3 held by Jim & Dan Thyen just to the north. The well completion report for those wells are 52 and 54 feet deep. Mr. Arthur indicated that he mistakenly thought his existing wells under No. 3781-3 were deeper than that. He stated his intent is to complete the well(s) into the Antelope Valley aquifer.

He also stated the application should request for up to two wells.

NAME: Eric Gronlund
Eric Gronlund



**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. 8915-3, Joe Arthur**

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. 8915-3, Joe Arthur, 46409 154th Street, South Shore SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 8915-3 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. 8915-3 are 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 wells authorized by Permit No. 8915-3 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
March 6, 2025

Report to the Chief Engineer
On Water Permit Application No. 8915-3

Joe Arthur

2/28/2025

Water Permit Application No. 8915-3 proposes to irrigate 160 acres located in the SE ¼, S ½ NE ¼ Section 3 at a maximum pump rate of 1.67 cubic feet of water per second (cfs) from up to two wells to be completed into the Antelope Valley aquifer (approximately 50-100 feet deep) located near the approximate center of Section 3; all in T119N-R51W. This site is located in Codington County approximately two miles north of South Shore, SD.

AQUIFER: Antelope Valley (AV)

HYDROGEOLOGY:

The Antelope Valley aquifer is a glacial outwash aquifer that is composed of very coarse sand to coarse gravel (Hansen, 1990 and 1994). Hedges and others (1982) estimated the areal extent and amount of recoverable water stored in the Antelope Valley aquifer (Table 1). Figure 1 displays the delineation of the Antelope Valley aquifer based on the study completed Hedges and others (1982).

Table 1. Estimated areal extent and amount of recoverable water stored in the Antelope Valley aquifer (Hedges et al., 1982)

County	Codington	Grant	Deuel	Total:
Areal Extent (acres)	6,800	14,500	7,400	28,700
Recoverable Water in Storage (acre-feet)	15,300	32,630	16,650	64,580

The Antelope Valley aquifer is located in the axis of the drainage divide between the Big Sioux and Minnesota Rivers and is hydrologically connected to numerous small lakes and sloughs that overlie or are directly adjacent to the aquifer (Hansen, 1990). The aquifer is generally under unconfined conditions; however, there are locations where the aquifer is buried under up to 50 feet of till where it is generally under confined conditions (Hansen, 1990). In Grant and Codington Counties, the depth to the top of aquifer materials ranges from land surface to 57 feet below grade (Hansen, 1990). The average thickness of Antelope Valley aquifer materials is 34 feet with a documented maximum thickness of 52 feet (Hansen, 1990).

No water well or test hole completion report was submitted with Water Permit Application No. 8915-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Antelope Valley aquifer within approximately one mile of the proposed diversion point indicate saturated aquifer thicknesses ranging from approximately 8 to 44 feet, with the depth to the top of aquifer materials ranging from approximately 10 to 55 feet below the ground surface, and static water levels at well completion varying from approximately 10 to 18 feet below the ground surface (SDGS, 2025; Water Rights, 2025b and Water Rights, 2025d).

Based on the water well completion reports on file for nearby wells completed into the aquifer, and the lithologic logs on file for nearby observation wells, the Antelope Valley aquifer is expected to be unconfined near the proposed diversion point (SDGS, 2025; Water Rights, 2025b and 2025d).

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 Antelope Valley aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8915-3 proposes to appropriate water from the Antelope Valley 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 Antelope Valley 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 Antelope Valley aquifer must be considered.

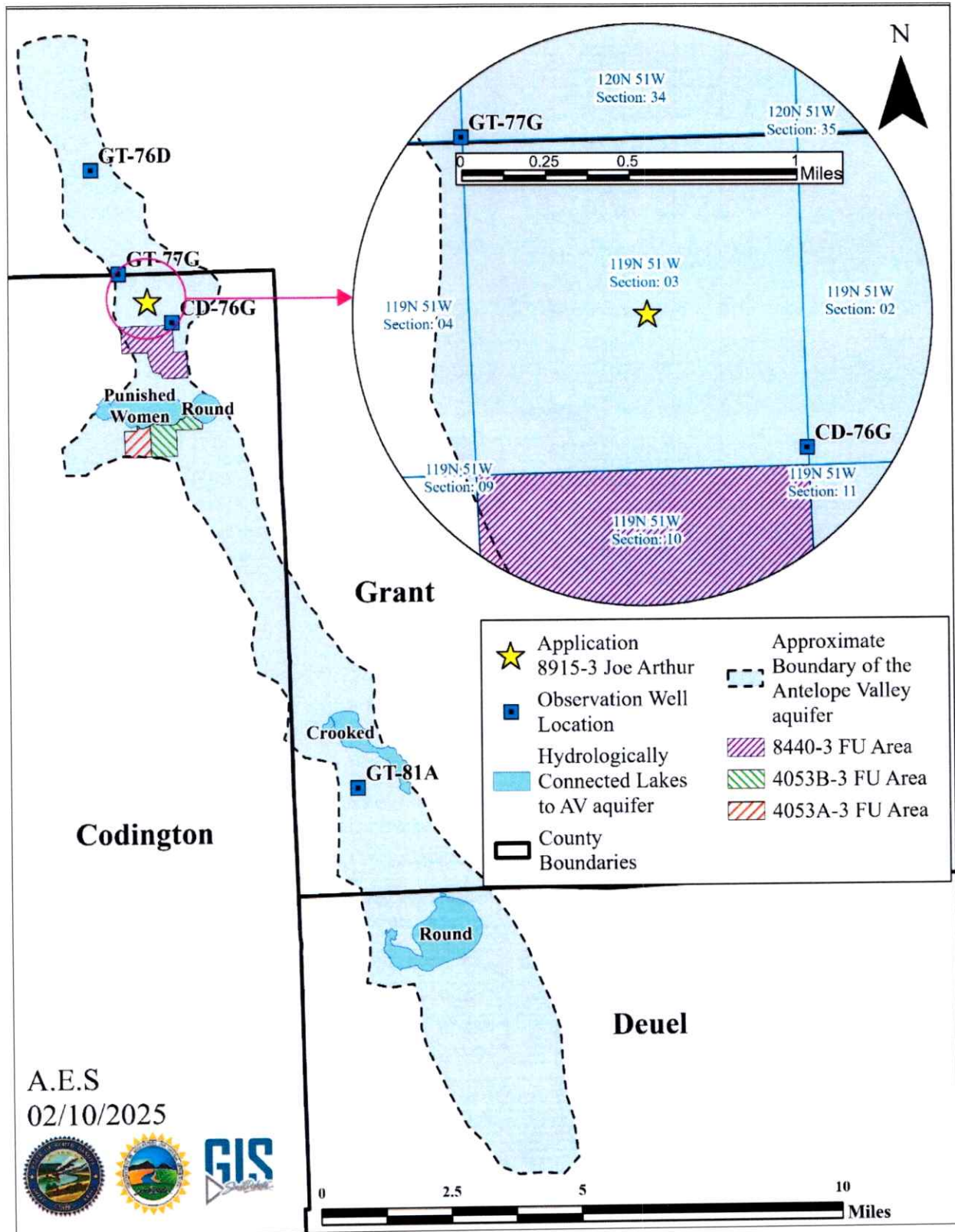


Figure 1. Map of the approximate areal extent of the Antelope Valley aquifer in eastern South Dakota (modified from Hedges et al., 1982) and the Antelope Valley aquifer observation wells (Water Rights, 2025b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Antelope Valley aquifer is primarily through direct infiltration and subsequent percolation of rainfall and snowmelt where the aquifer is near or at land surface (Hansen, 1990). Using observation well analysis, Hedges and others (1985) estimated a recharge rate of 2.3 inches per year to the Antelope Valley aquifer. The Antelope Valley aquifer has an estimated areal extent of approximately 28,700 acres (Hedges et al., 1982); therefore, the estimated average annual recharge rate (based on Hedges et al., 1982 and 1985) is approximately 5,500 acre-feet per year. The observation well analysis method used by Hedges and others (1985) assumed a rise in water level in the aquifer as the only product of recharge to the aquifer. A rise in water level in the aquifer is the result of recharge to the aquifer exceeding discharge from the aquifer, indicating the observation well analysis method may be conservative when estimating a recharge rate because it does not necessarily account for recharge that occurs when discharge from the aquifer exceeds recharge.

Discharge

Discharge from the Antelope Valley aquifer is through well withdrawals and evapotranspiration where the aquifer is near or at land surface. Additional discharge from the aquifer is through outflow to hydraulically connected lakes and sloughs, including Punished Woman, Round and Crooked Lakes (Hansen, 1990; Water Rights, 2025d).

Currently, there are 15 water rights/permits authorized to appropriate water from Antelope Valley aquifer (Water Rights, 2025c). Additionally, there are three future use permits (Nos. 4053-3 and 4053B-3 for the Town of South Shore, and 8440-3 for Grant-Robert RWS) reserving a combined 959 acre-feet of water annually from the Antelope Valley aquifer (Water Rights, 2025c)

Table 2 summarizes the three non-irrigation water rights/permits authorized to appropriate water from the Antelope Valley aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum 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 and is likely an overestimation of average annual withdrawals (Water Rights, 2025c). Overall, the estimated average annual withdrawal rate for the Antelope Valley aquifer non-irrigation water rights/permits is approximately 2,286 acre-feet per year (Table 2) (Water Rights, 2025c).

Table 2. Summary of the non-irrigation water permits/rights in Antelope Valley aquifer.

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
4053-3	TOWN OF SOUTH SHORE	LC	MUN	0.58		251.95
5520-3	TOWN OF SOUTH SHORE	LC	MUN	0.09		39.1
8439-3	GRANT-ROBERTS RWS	LC	RWS	5.14	1995	1,995
					TOTAL:	2,286

LC: Licensed Water Right; MUN: Municipal; RWS: Rural Water System

Grant-Roberts Rural Water System currently holds Water Right No. 8439-3, which incorporated Water Permit No. 6654-3 and Water Permit No. 8321-3, and is required to annually report the volume of water pumped from the Antelope Valley aquifer (Water Rights, 2025c). The reported historic annual use from the Grant-Roberts Rural Water System over the period of record (2003 to 2024) on file with the DANR – Water Rights Program is listed in Table 3 (Water Rights, 2025c). The Grant-Roberts Rural Water System, on average, uses less than their permitted volume each year; therefore, the assumed maximum permitted use shown in Table 2 is a higher annual withdrawal rate estimate than what is actually being withdrawn each year from the Antelope Valley aquifer from the non-irrigation water rights/permits. However, this conservative method of estimating average annual withdrawals is used because Grant-Roberts Rural Water System has shown some increase in annual pumpage over the period of record as shown in Table 3 and currently holds a future use permit for potential future growth.

Table 3. Reported historic use from the Grant-Roberts Rural Water System rights/permits (Water Rights, 2025c)

Year	Permitted (acre-feet/year)	Reported (acre-feet/year)	Year	Permitted (acre-feet/year)	Reported (acre-feet/year)
2003 (5576-3, 5576A)	1,074	761	2014 (5576-3, 5576A, 6654-3)	1,074	963
2004 (5576-3, 5576A, 6654-3)	1,074	792	2015 (5576-3, 5576A, 6654-3)	1,074	1,043
2005 (5576-3, 5576A, 6654-3)	1,074	645	2016 (5576-3, 5576A, 6654-3)	1,074	967
2006 (5576-3, 5576A, 6654-3)	1,074	835	2017 (5576-3, 5576A, 6654-3)	1,074	983
2007 (5576-3, 5576A, 6654-3)	1,074	875	2018 (6654-3, 8321-3)	1,074	1,154
2008 (5576-3, 5576A, 6654-3)	1,074	890	2019 (6654-3, 8321-3)	1,074	1,183
2009 (5576-3, 5576A, 6654-3)	1,074	874	2020 (6654-3, 8321-3)	1,995	1,157.8
2010 (5576-3, 5576A, 6654-3)	1,074	881	2021 (6654-3, 8321-3)	1,995	1,036.5
2011 (5576-3, 5576A, 6654-3)	1,074	844	2022 (6654-3, 8321-3)	1,995	1,077
2012 (5576-3, 5576A, 6654-3)	1,074	887	2023 (6654-3, 8321-3)	1,995	1,021.8
2013 (5576-3, 5576A, 6654-3)	1,074	920	2024 (6654-3, 8321-3)	1,995	1,063.1
			AVERAGE:		947.9

There are domestic wells completed into the Antelope Valley aquifer that do not require a water right/permit, so the withdrawal amount is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Antelope Valley aquifer is the uppermost aquifer available, domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn annually by domestic wells is estimated to be negligible to the hydrologic budget of the Antelope Valley aquifer.

Currently, there are 12 irrigation water rights/permits authorized to appropriate water from the Antelope Valley aquifer (Water Rights, 2025c). 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 Antelope Valley aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 1,118 acre-feet per year (Table 4) (Water Rights, 2025a). To reflect the current level of development for irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 1,308 acre-feet per year and will be used as the estimated average annual irrigation withdrawals for review of water availability (Table 4) (Water Rights, 2025a).

Table 4. Reported historic irrigation use from the Antelope Valley aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	7	73
1980	8	435
1981	7	513
1982	5	60.75
1983	6	542.79
1984	6	136
1985	6	49
1986	6	41
1987	6	645
1988	7	1,826.8
1989	7	1,427
1990	10	1,606
1991	12	988.5
1992	11	650
1993	11	310
1994	10	699.46
1995	10	469.31
1996	8	1,029.32
1997	8	932
1998	9	1,136.25
1999	9	1,378.77
2000	9	1,608.24
2001	9	1,808.88
2002	9	1,533.72
2003	9	2,000.65
2004	9	1,595.86
2005	9	1,740.32
2006	9	1,937.34
2007	9	1,299.29
2008	9	989.29
2009	9	1,281.3
2010	10	1,419.22
2011	10	886.68
2012	10	2,163.54
2013	12	2,003.03
2014	14	748.91
2015	14	569.6
2016	14	2,019.07
2017	14	1,404.82
2018	14	1,403.25
2019	14	227.7
2020	14	1,297.61
2021	14	1,582.56
2022	14	2,034.7
2023	12	1,787.47
Min	5	41
Max	14	2,163.5
Avg (1979-2023)	10	1117.60
Avg (2014-2023)	14	1307.57

Hydrologic Budget Summary

The estimated average annual recharge rate to the Antelope Valley aquifer is approximately 5,500 acre-feet per year. The estimated average annual withdrawal rate from the Antelope Valley aquifer is approximately 4,713 acre-feet per year (non-irrigation: 2,286 acre-feet/year; irrigation: 1,308 acre-feet/year (2014 to 2023); Future Use Reservations: 959 acre-feet/year; Water Permit Application No. 8915-3 (if approved, assuming application rate of one foot of water per authorized acre): 160 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Antelope Valley 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 four observation wells completed into the Antelope Valley aquifer (Water Rights, 2025b). The four observation wells in order of proximity to the proposed diversion point are CD-76G (approximately 0.62 miles southeast), GT-77G (approximately 0.75 miles northwest), GT-76D (approximately 2.7 miles northwest), and GT-81A (approximately 10 miles southeast) (Water Rights, 2025b). The hydrographs for the observation wells are displayed in Figure 2 (Water Rights, 2025b). 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 which were then converted to elevation in feet from the NGVD29 datum.

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Antelope Valley 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. 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 Antelope Valley 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: CD-76G, GT-77G, GT-76D & GT-81A

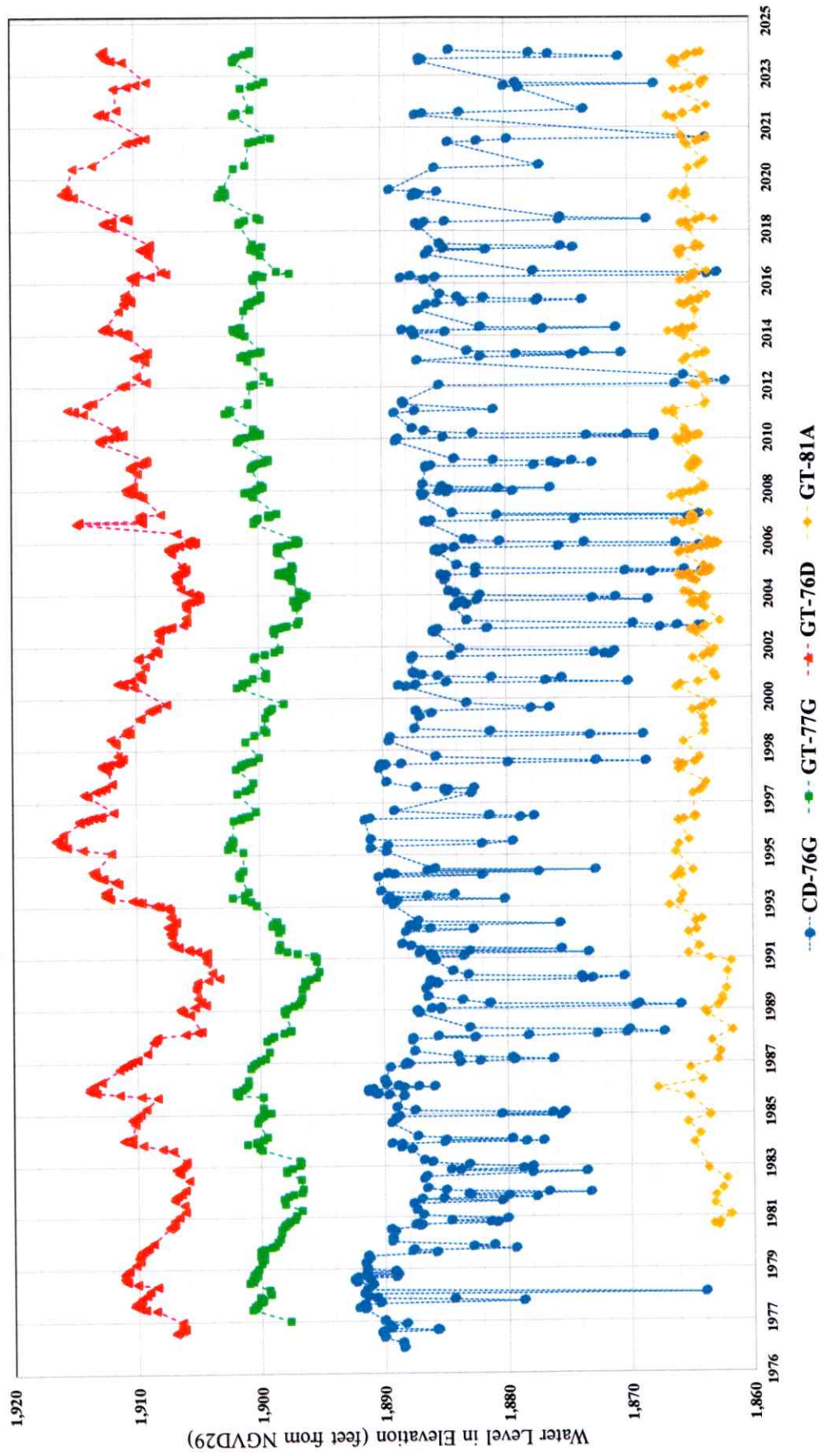


Figure 2. A graph showing the elevation of water levels for observation wells: CD-76G, GT-77G, GT-76D & GT-81A (Water Rights, 2025b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 15 water rights/permits authorized to appropriate water from the Antelope Valley aquifer (Water Rights, 2025c). The closest water right/permit to the proposed diversion point is Water Permit No. 7975-3 which is held by Jim and Dan Thyen. The diversion point for Water Permit No. 7975-3 is located approximately 0.4 miles northwest of the proposed diversion point for this application (Table 5) (Figure 3) (Water Rights, 2025c). The diversion point for this application is also 0.47 miles north of future use area 8440-3 and 0.62 miles northeast of Water Permit No. 8439-3, which are both currently held by Grant-Roberts County Rural Water System.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Antelope Valley aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.3 miles north of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Antelope Valley aquifer near the well sites 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. Since the Antelope Valley aquifer is expected to be unconfined at the proposed well sites, drawdown from pumping is not expected to extend far from the pumping wells; however, the exact drawdown behavior of a well cannot be known without an aquifer performance test.

The hydrographs (Figure 2) for nearby observation wells, GT-77G (unconfined) and CD-76G (confined) provide some general insight into drawdown behavior at the current level of pumpage. Both wells are within one mile of several irrigation or rural water system wells and are approximately 1.4 miles apart (Figure 3). However, the magnitude of the response to regional pumping is notably different between the two wells. In CD-76G, the lowest recorded water level (August 2016) was still 19.75 ft above the top of the aquifer, while in GT – 77G, the lowest water level (October 1990) left 17.5 ft of saturated thickness remaining in the aquifer.

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.”

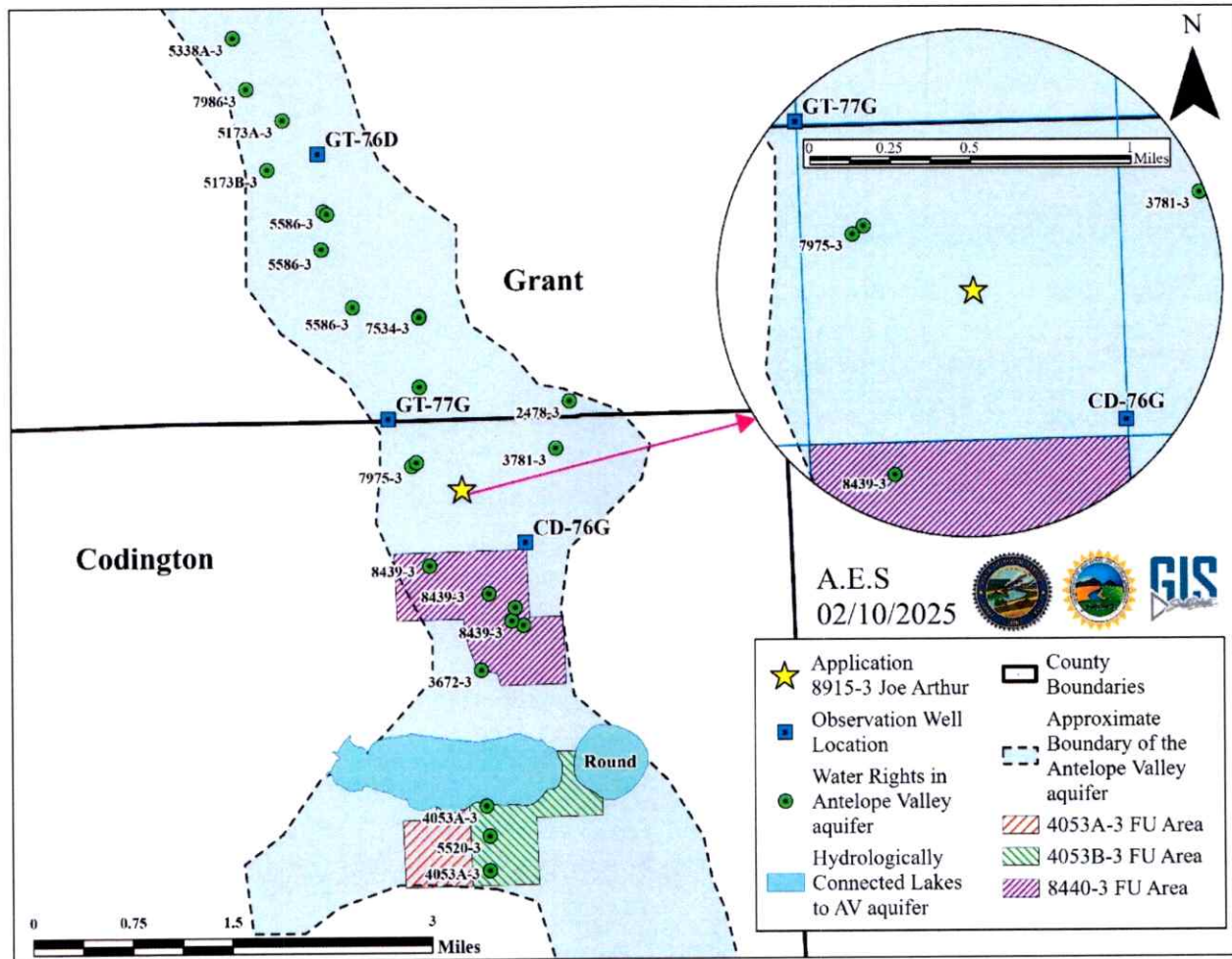


Figure 3. An approximate boundary of the Antelope Valley aquifer (modified from Hedges et al., 1982), the location of the proposed diversion points for Water Permit Application No. 8915-3, and the nearby Antelope Valley aquifer water rights/permits and observation wells (Water Rights, 2025b and 2025c)

Table 5. Water rights/permits authorized to withdraw or reserve water from the Antelope Valley aquifer as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres (ac-ft/yr)
2478-3	JOE & JOHN ARTHUR	LC	IRR	1.07	75
3672-3	COAST PROPERTIES INVESTORS LLC	LC	IRR	1.78	132
3781-3	JOE & JOHN ARTHUR	LC	IRR	3.75	264
4053A-3	TOWN OF SOUTH SHORE	LC	MUN	0.58	
4053B-3	TOWN OF SOUTH SHORE	FU	MUN		192
5173A-3	WILLOW RUN FARMS FLP	LC	IRR	2.44	166
5338A-3	WILLOW RUN FARMS FLP	LC	IRR	1.78	130
5520-3	TOWN OF SOUTH SHORE	LC	MUN	0.09	
5586-3	WILLOW RUN FARMS FLP	LC	IRR	6	1,260
7534-3	JOE & JOHN ARTHUR	LC	IRR	7.02	555
7975-3	JIM AND DAN THYEN	LC	IRR	1.67	117
7986-3	PAUL FEHR	LC	IRR	1.14	135
8439-3	GRANT-ROBERTS RWS INC	LC	RWS	5.14	
8440-3	GRANT-ROBERTS RWS INC	FU	RWS		767

LC: License; FU: Future Use; IRR: Irrigation; MUN: Municipal; RWS: Rural Water System

The Antelope Valley aquifer is under unconfined conditions near the applicant's proposed diversion point based on the well completion reports on file with the DANR-Water Rights Program and the lithologic logs on file for nearby Antelope Valley observation wells (SDGS, 2025; Water Rights, 2025b, 2025c, 2025d). Since the Antelope Valley aquifer is expected to be unconfined at the proposed well sites, drawdown from pumping is not expected to extend far from the pumping wells.

Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Antelope Valley aquifer within approximately one mile of the proposed diversion point indicate saturated aquifer thicknesses ranging from approximately 8 to 44 feet, with the depth to the top of aquifer materials ranging from approximately 10 to 55 feet below the ground surface (SDGS, 2025; Water Rights, 2025b and Water Rights, 2025d). 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 Administrative Rule of South Dakota (ARSD) 74:02:04:20(6). ARSD 74:02:04:20(6) defines an adequate well as:

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

Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Grant, Codington, and Deuel Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Antelope Valley aquifer (Water Rights, 2025e).

When considering the saturated thickness of the Antelope Valley aquifer near the proposed diversion point, the observation well data (Figure 2), and the lack of well interference complaints for adequate wells completed into the Antelope Valley 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. 8915-3 proposes to irrigate 160 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3 at a maximum pump rate of 1.67 cfs from up to two wells to be completed into the Antelope Valley aquifer (approximately 50-100 feet deep) located near the approximate center of Section 3; all in T119N-R51W. This site is located in Codington County approximately two miles north of South Shore SD.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Antelope Valley aquifer to supply the proposed appropriation.
3. There is reasonable probability that the proposed diversion by Water Permit Application No. 8915-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



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



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

References

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- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. 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 NEWSPAPER RIGHT AWAY.**

March 11, 2025

Joe Arthur
46409 154th Street
South Shore SD 57201

Dear Mr. Arthur:

Water Permit Application No. 8915-3 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 Public Opinion printed in Watertown SD (see contact information). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8915-3 to Appropriate Water

Notice is given that Joe Arthur, 46409 154th Street, South Shore SD 57201, has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from up to two wells to be completed into the Antelope Valley Aquifer (approximately 50 – 100 feet deep) located near the approximate center of Section 3 for irrigation of 160 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3; all in T119N-R51W. This site is located approximately two miles north of South Shore SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8915-3 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 March 31, 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 March 31, 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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 11, 2025 8:30 AM
To: legals@thepublicopinion.com
Subject: 8915-3 Joe Arthur - Public Notice
Attachments: 8915-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025.

Joe Arthur, 46409 154th Street, South Shore SD 57201, 605-880-0289, cjarthur30@hotmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, March 11, 2025 9:32 AM
To: Rodriguez, Rachel
Cc: cjarthur30@hotmail.com
Subject: RE: [EXT] 11121701 8915-3 Joe Arthur - Public Notice
Attachments: 11121701.pdf

Please find your order confirmation and proof of ad attached.

Your ad is set to run in Public Opinion on 3/20/25 with a cost of \$50.24. You will receive an invoice in the mail.

The total cost includes an affidavit, that will be mailed to Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

7-10 business days after the last day of the ad printing.

Please reply by 4 pm Monday, March 17, 2025 to cancel or with any changes for the ad.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

Final Order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you advise otherwise.

In the future, if you would like to utilize our online self-serve ad portal to place your legal notices, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thanks,

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

Diana Tope
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, March 11, 2025 9:30 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11121701 8915-3 Joe Arthur - Public Notice

Order Confirmation
Not an Invoice

Account Number:	1518881
Customer Name:	Joe Arthur
Customer Address:	Joe Arthur 46409 154Th ST Joe Arthur South Shore SD 57263-5710
Contact Name:	Joe Arthur
Contact Phone:	(770) 228-7118
Contact Email:	cjARTHUR30@hotmail.com
PO Number:	

Date:	03/11/2025
Order Number:	11121701
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	156.0000
Height in Inches:	0.0000

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AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave.
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

03/20/2025

and that the fees charged are legal.
Sworn to and subscribed before on 03/20/2025



Legal Clerk



Notary, State of WI, County of Brown



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Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8915-3
to Appropriate Water**

Notice is given that Joe Arthur, 46409 154th Street, South Shore SD 57201, has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from up to two wells to be completed into the Antelope Valley Aquifer (approximately 50 - 100 feet deep) located near the approximate center of Section 3 for irrigation of 160 acres located in the SE 1/4, S 1/2 NE 1/4 Section 3; all in T119N-R51W. This site is located approximately two miles north of South Shore SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8915-3 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 March 31, 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 March 31, 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 March 20, 2025 at the total approximate cost of \$50.24 and may be viewed free of charge at www.sdpublishnotices.com
11121701

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 11, 2025 10:01 AM
To: Craig Arthur
Subject: FW: [EXT] Irrigation permit
Attachments: 8915-3 Rec.pdf; 8915-3 Ltr.pdf; 8915-3 PubNotice.pdf; Watertown PubOp.pdf

Good morning,

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

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

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, March 11, 2025 8:21 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: [EXT] Irrigation permit

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



From: Craig Arthur <cjarthur30@hotmail.com>
Sent: Tuesday, March 11, 2025 7:57 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Irrigation permit



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 16 2025

Joe Arthur
46409 154th Street
South Shore SD 57201

Dear Mr. Arthur:

Enclosed is Water Permit No. 8915-3 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,

Mark Mayer, PE
Director of Office of Water

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.: 8915-3

Name of Applicant: Joe Arthur

Date of Posting: 3/17/2025

Date of Removal: 4/16/2025



Ron Duvall, Engineer III

4/16/2025

Date

Subscribed and sworn to before me, a notary public, this 16th day of April, 2025.



Notary Public - South Dakota
My commission expires:

**Rachel Rodriguez
My Commission Expires
May 18, 2029**

(SEAL)

