

WATER PERMIT NO. 8927-3

Name of Applicant: **Justin Thompson**

Address: **29905 474th Avenue, Beresford SD 57004**

Phone: **605-957-5443**

Amount of Water Claimed: **No Add'l**

Total Acres: **80**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Lincoln**

Type of Waste Disposal System:

Location: **Approx. 5 miles northeast of Beresford**

PRIORITY

Date Received: **01-28-25**

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

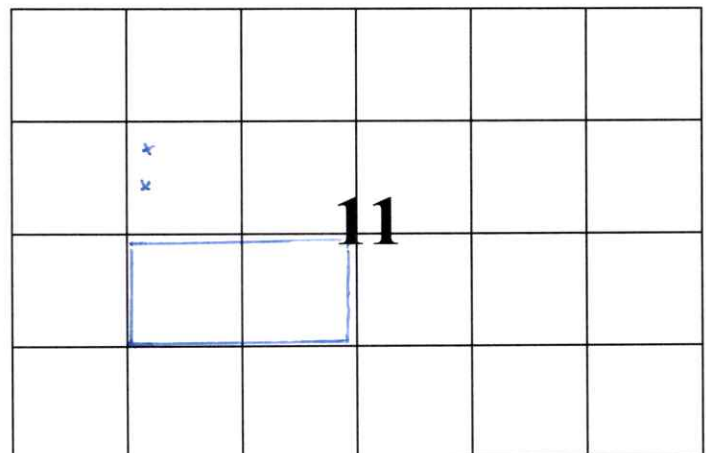
Corrected Application Received: **02-10-25**

Period of Annual Use: **May 1 – November 1**

Remarks: **Using existing wells from Water Right 7901-3**

Diversion Point: **SW 1/4 NW 1/4 Sec 11-T96N-
R50W**

Land to be Irrigated: **N 1/2 SW 1/4 Sec 11-T96N-
R50W**



Depth of Well: **76**

Well Driller: **Thein Well Co**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-10-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8927-3**

Date of first receipt of application January 28, 2025.

Date of return to applicant for corrections, amendments or changes January 28, 2025.

Date of receipt of corrected application February 11, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8927-3 to Justin Thompson, 29905 474th Avenue, Beresford SD 57004, 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. 8927-3 appropriates 1.56 cubic feet of water per second (cfs) from two existing wells completed into the Brule Creek Aquifer (75 and 76 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 80 acres located in the N 1/2 SW 1/4 Section 11; all in T96N-R50W. This site is located approximately five miles northeast of Beresford 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 – November 1.
3. The date from which applicant may claim right is January 28, 2025.
4. The date of approval of Permit No. 8927-3 is May 5, 2025.
5. One-fifth of the construction is to be completed on or before November 5, 2027.
6. All construction is to be completed on or before May 5, 2030.
7. Water is to be put to beneficial use on or before May 5, 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. 8927-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8927-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
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

5/16/25

date



RECEIVED

JAN 28 2025

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8927-3</u>	Hydrologic Unit <u>10170203</u>	OFFICE OF WATER
	Basin <u>Big Sioux</u>		
	Newspaper <u>Canton Sioux Valley News</u>		
	<u>Sioux Falls Argus Leader</u> (office use only)		

PAID

JAN 28 2025

CK# 2221

Rec't# _____

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 7901-3
(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 Justin Thompson

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

Mailing Address 29905 474th Ave Bertsdale SD 57004
(Address) (City) (State) (Zip Code)

Phone 605-957-5443 Mobile 605-957-5443 Email jst090@gmail.com

2. Amount of water claimed _____ *CFS or 700 **GPM _____ ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 Existing wells

4. Location of point of diversion 2 Existing wells in NW 1/4 Section 11-T96N-R50W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

well permit # 7901-3 County Lincoln

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used May 1st - November 1st

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 SW 1/4 Section 11-T96N-R50W	40		
NE 1/4 SW 1/4 Section 11-T96N-R50W	40		

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

Center Pivot irrigation Unit of land ~~owned~~ owned by Justin John Thompson (NW 1/2 of SW 1/4 Section 11-T96N-R50W) in Pleasant Twp, Lincoln County, South Dakota. Irrigation water will be supplied by 2 existing wells on NW 1/4 Section 11-T96N-R50W.

I, Justin John Thompson, 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)

RECEIVED

JAN 28 2025

OFFICE OF
WATER

1. Well Information (check one or both as applicable)

☐ Drilling new well(s)

☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Therion Well Company
(if yes, please provide copies of logs)

For either existing or proposed wells:

c) Well Depth (required) 60 + 75 Depth to Top of Water Bearing Material 40 ft Depth to Water from Surface 40 + 45

d) Distance to nearest domestic well on applicant's property 1400 ft Property owned by others Larry Spiech

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)

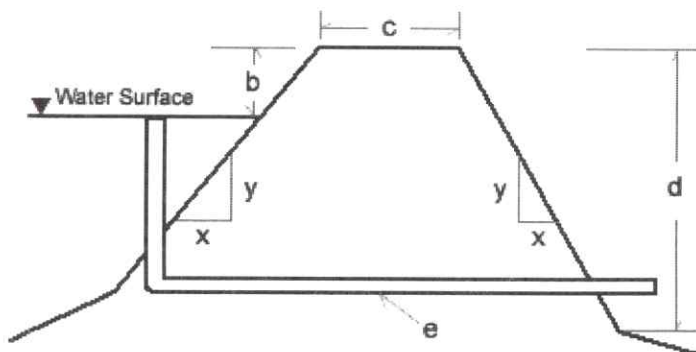
Upstream _____

Downstream _____

h) Area of Impoundment _____

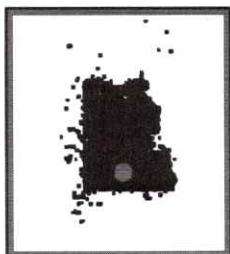
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Program
Year 2024



United States Department of Agriculture
Lincoln County, SD

PLSS: 11_96N_50W
Farm: 8209

1 inch equals 696 feet

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

//// Non Cropland

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided by the producer and/or National Agricultural Imagery Program (NAIP). The producer accepts the data 'as is' and assumes all risks associated with its use. USDA - FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.

2023 Ortho-Photography - Not to Scale

December 27, 2023



97N 50W
Section: 34

97N 50W
Section: 35

97N 50W
Section: 36

10170102 Vermillion

Lewis and Clark Lake

96N 50W
Section: 03

96N 50W
Section: 02

96N 50W
Section: 01

96N 50W
Section: 10

96N 50W
Section: 11

96N 50W
Section: 12

10170203 Lower Big Sioux

Big Sioux

96N 50W
Section: 15

96N 50W
Section: 14

96N 50W
Section: 13

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 28th 2025

RECEIVED OF Justin John Thompson 29905 474th Ave Beresford SD 57004

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

Fee for Application for Permit No. <u>8927-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>8927-3</u>	\$200.00
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
	\$950.00

By Eric Gronlund
Chief Engineer

SK

Rodriguez, Rachel

From: Justin Thompson <jjt090@gmail.com>
Sent: Tuesday, February 11, 2025 9:29 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Yes I will be using the 2 existing wells that are located on the northwest quarter section that borders the 80 acres I want to irrigate.

On Tue, Feb 11, 2025 at 8:05 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Excellent! I just want to confirm that you are using the 2 existing wells and not asking for additional water correct?

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Justin Thompson <jjt090@gmail.com>
Sent: Monday, February 10, 2025 2:06 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hello! Sorry for the delay, I didn't see your first email. Thank you for reaching out to me again! Attached is the map of what I want to irrigate marked in black. The east 50 acres will remain dryland. Thank you for your help!

Rodriguez, Rachel

From: Justin Thompson <jjt090@gmail.com>
Sent: Monday, February 10, 2025 2:06 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application
Attachments: map.pdf

Hello! Sorry for the delay, I didn't see your first email. Thank you for reaching out to me again! Attached is the map of what I want to irrigate marked in black. The east 50 acres will remain dryland. Thank you for your help!

On Mon, Feb 10, 2025 at 10:33 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning,

I am just following up on the email I sent Tuesday, January 28th. Please see below.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Tuesday, January 28, 2025 12:08 PM
To: jjt090@gmail.com
Subject: Water Permit Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, January 28, 2025 12:08 PM
To: jjt090@gmail.com
Subject: Water Permit Application
Attachments: map.pdf

Good afternoon,

I am in receipt of your water permit application. Based on the map you submitted, it appears that the area to be irrigated is actually 126 acres, not 80, which would require an additional \$100.00. Attached is a map with the irrigation area outlined in red. Please let me know if this is correct, if not, please outline the area to be irrigated and return to me.

Once I receive your response, I can begin processing your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8927-3, Justin Thompson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8927-3, Justin Thompson, 29905 474th Avenue, Beresford SD 57004.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8927-3 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. 8927-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8927-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
April 10, 2025

Report to the Chief Engineer
On Water Permit Application No. 8927-3

Justin Thompson

4/11/2025

Water Permit Application No. 8927-3 proposes to irrigate 80 acres at a maximum instantaneous diversion rate of 1.56 cubic feet of water per second (cfs) from two existing wells (75 and 76 feet deep) completed into the Brule Creek aquifer. The wells are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 and the land to be irrigated is located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11; all in T96N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres. This site is located in Lincoln County approximately five miles northeast of Beresford, SD.

The existing wells are authorized under Water Right No. 7901-3. Water Right No. 7901-3 authorizes 1.78 cfs from two wells completed into the Brule Creek aquifer located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 for the irrigation of 132.3 acres in the NW $\frac{1}{4}$ Section 11; all in T96N-R50W.

AQUIFER: Brule Creek (BRC)

HYDROGEOLOGY:

The Brule Creek aquifer is comprised of glacial and non-glacial origin medium sands to coarse gravels (Niehus, 1994). The Brule Creek aquifer underlies portions of Clay (1,800 acres), Lincoln (33,200 acres), and Union (43,400 acres) Counties (total 46,900 acres) (Hedges and others, 1982). Niehus (1994) estimated the Brule Creek aquifer underlies 180 square miles (115,200 acres) of Union and Lincoln Counties. Hedges and others (1982) estimated there was 298,950 acre-feet (ac-ft) of recoverable water in storage. Niehus (1994) estimated 570,000 ac-ft of water in storage in the aquifer in Lincoln and Union Counties.

The Brule Creek aquifer is hydrologically connected with the Newton Hills aquifer in its northern extent and possibly the Big Sioux and Lower Vermillion Missouri aquifers at its southern extent (Niehus, 1994) (Mathiowetz, 2022). The aquifer is generally under confined conditions except in the few areas where the aquifer is near land surface (Niehus, 1994). The Brule Creek aquifer is generally overlain by till with an average till thickness of 46 feet but can be overlain by virtually none or up to 176 feet of till (Niehus, 1994). Water movement in the aquifer is generally to the south, except in the northernmost portion where water moves to the northeast toward the hydrologically connected Newton Hills aquifer (Niehus, 1994). The average thickness of aquifer materials in the Brule Creek aquifer is 33 feet, with an approximate maximum thickness of 88 feet (Niehus, 1994).

The existing wells this application proposes to use are on file as part of Water Right No. 7901-3. The well completion reports list a static water level ranging from 21 to 22 feet with saturated aquifer thickness ranging from 23 to 35 feet with the depth to the top of aquifer materials ranging from approximately 45 to 46 feet below the ground surface (SDGS, 2025; Water Rights, 2025b and Water Rights, 2025d). The aquifer is confined at this location.

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 Brule Creek aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8927-3 proposes to appropriate water from the Brule Creek 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 Brule Creek 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 Brule Creek aquifer must be considered.

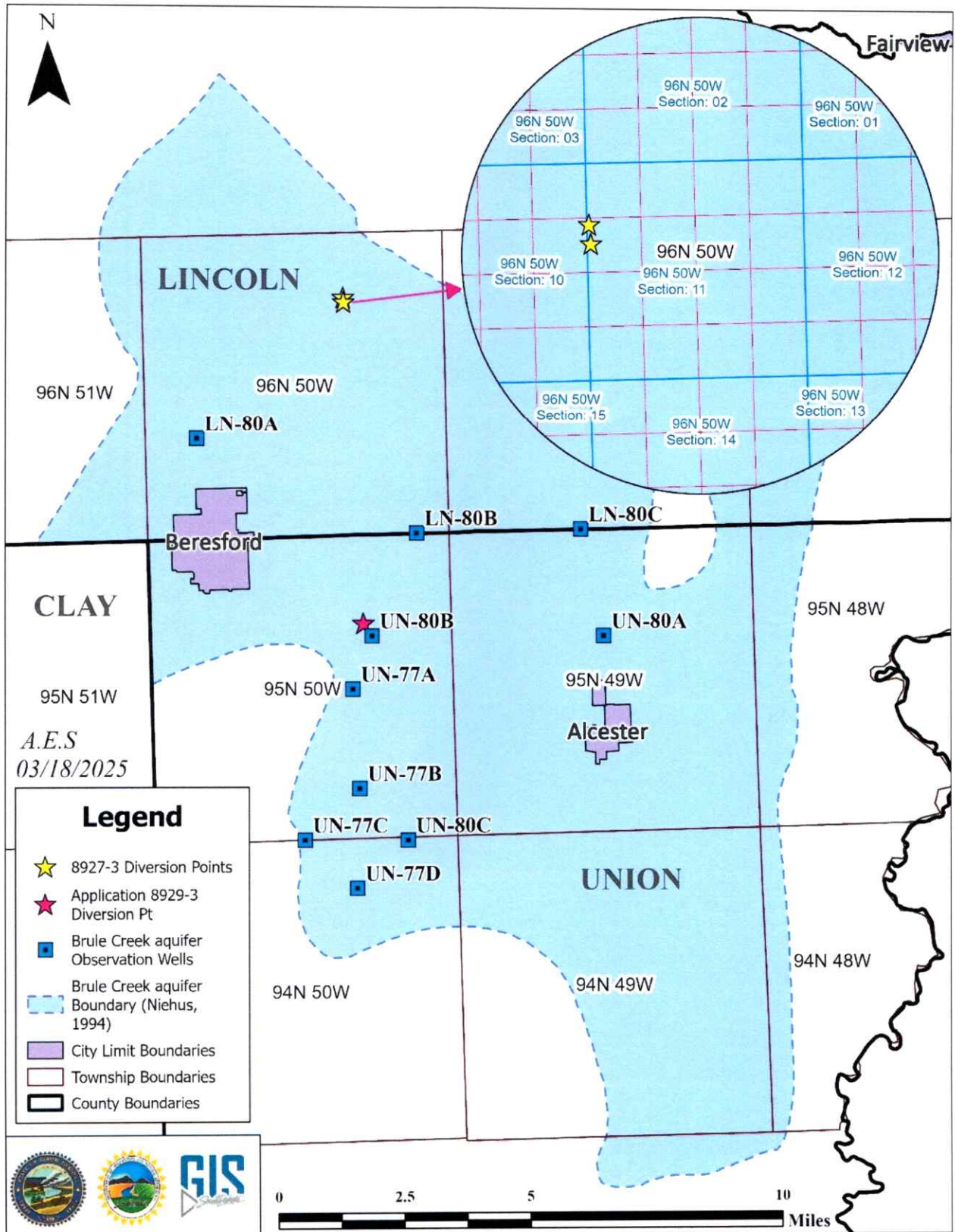


Figure 1. Map of the approximate areal extent of the Brule Creek aquifer (Niehus, 1994), diversion points for Water Permit Application No. 8927-3, and the Brule Creek aquifer observation wells (Niehus, 1994)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Brule Creek aquifer is primarily through the infiltration and subsequent percolation of precipitation in areas where the aquifer is at or near land surface (Niehus, 1994). Buhler (2009) estimated an average recharge rate of 4.5 inches per year (in/yr) to the unconfined portions of the Brule Creek aquifer using observation well analysis. Buhler (2009) estimated at least $\frac{1}{4}$ of the area of the aquifer was unconfined. Using Hedges and others (1982) and Niehus's (1994) estimated areal extents (78,400 acres and 115,200 acres, respectively), results in an average annual recharge rate range of approximately 7,350 to 10,800 ac-ft/yr.

Discharge

Discharge from the Brule Creek aquifer is primarily through evapotranspiration where the aquifer is near land surface, groundwater outflow to the Newton Hills aquifer, and well withdrawals (Niehus, 1994). Currently, there are 24 water rights/permits authorized to withdraw water from the Brule Creek aquifer (Water Rights, 2025d).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Brule Creek 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).

Both the City of Beresford and the City of Alcester are connected to rural water systems (Mathiowetz, 2022). SD DANR-Drinking Water Program files indicate the City of Beresford maintains their wells by "exercising" the wells every two weeks. There is no indication of how much water is actually being pumped. The City of Alcester only maintains one well that is used for irrigating the football field and the golf course during the summer. There is no indication of how much water is pumped for this. The annual water pumped under Water Right Nos. 672-3, 758-3, and 4909-3 is likely much less than the 60 percent pumping estimate and could possibly be near 0 ac-ft/yr pumped. However, there is no way to estimate the actual use. Therefore, to be conservative, it is assumed both the City of Beresford, and the City of Alcester are pumping water at the 60 percent estimation rate discussed previously. Overall, the estimated average annual withdrawal rate from the Brule Creek aquifer by the non-irrigation water rights/permits is less than 1,118 acre-feet per year (Table 1) (Water Rights, 2025c).

Table 1. Estimated average annual use by non-irrigation water rights (Water Rights, 2025d)

Permit No.	Name	County	Status	Use	CFS	Estimated Pumping (ac-ft/yr)
672-3	City of Alcester	UN	LC	MUN	0.44	191.1
758-3	City of Alcester	UN	LC	MUN	0.17	73.8
4909-3	City of Beresford	UN	LC	MUN	1.92	834
6558-3	Marlow Christensen	UN	LC	COM/LCO	0.044	19.1
UN: Union County; LC: License; MUN: Municipal; COM: Commercial; LCO: Livestock Confinement Operation					TOTAL	1,118

Currently, there are 20 irrigation water rights/permits authorized to appropriate water from the Brule Creek 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 Brule Creek aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 660.8 acre-feet per year (Table 2) (Water Rights, 2025a). 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 959.2 acre-feet per year (Table 2) (Water Rights, 2025a).

Table 2. Reported historic irrigation use from Niobrara aquifer within the main body of the Brule Creek aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)	Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	11	139	2003	8	469.76
1980	11	68	2004	8	667.95
1981	13	32	2005	7	637.91
1982	7	221.4	2006	7	733.58
1983	7	15.35	2007	7	702.51
1984	7	412	2008	11	755.39
1985	7	300	2009	11	333
1986	7	253	2010	12	91.7
1987	7	279	2011	12	670.82
1988	7	939	2012	12	1,526.63
1989	7	1,029	2013	13	1,158.76
1990	8	859	2014	18	616.24
1991	9	993	2015	18	786.38
1992	9	6	2016	18	1122.70
1993	10	11	2017	18	816.66
1994	10	1,192.57	2018	18	160.09
1995	10	1,041.22	2019	18	121.19
1996	9	446.51	2020	18	1544.32
1997	10	651	2021	19	1209.01
1998	10	987.91	2022	20	2011.21
1999	10	790.66	2023	20	1204.43
2000	10	702.65	Min	7	6
2001	10	521.45	Max	20	2,011.2
2002	9	504.96	Avg (1979-2023)	9	660.8
			Avg (2014-2023)	19	959.22

There is one pending application for the Brule Creek aquifer. Water Permit Application No. 8929-3 for Olsen Family Farm, if approved, plans to appropriate 1.78 cfs from one well for the irrigation of 185 acres in Union County. Generally, irrigators using center pivots in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for Water Permit Application No. 8929-3. If approved, Water Permit Application No. 8929-3 is assumed to withdraw 185 acre-feet/year.

There are domestic wells completed into the Brule Creek aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). 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 Brule Creek 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 Brule Creek aquifer.

Hydrologic Budget Summary

The estimated average annual recharge to the Brule Creek aquifer is 7,350 to 18,000 ac-ft/yr (Hedges and others (1982); Niehus, 1994). The estimated average annual withdrawal rate from the Brule Creek aquifer is approximately 2,342 acre-feet per year (non-irrigation: 1,118 acre-feet/year; irrigation: 959 acre-feet/year; Water Permit Application No. 8929-3 (if approved, assuming an application rate of one foot of water per acre): 185 acre-feet/year; Water Permit Application No. 8927-3: (if approved, assuming an application rate of one foot of water per acre) 80 ac-ft/yr). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Brule Creek 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 DNR-Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer (Water Rights, 2025b). The three closest observation wells in order of proximity to the proposed diversion points are LN-80A (confined) (approximately 3.9 miles southwest), LN-80B (unconfined) (approximately 4.8 miles south), and LN-80C (confined) (approximately 7 miles southeast) (Water Rights, 2025b). The hydrographs for these 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.

The hydrographs for these observation wells were compared to hydrographs for other observation wells completed into the Brule Creek aquifer, and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Brule Creek 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 water levels in the aquifer rather than the impacts of pumping from the Brule Creek 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: LN-80A, LN-80B & LN-80C

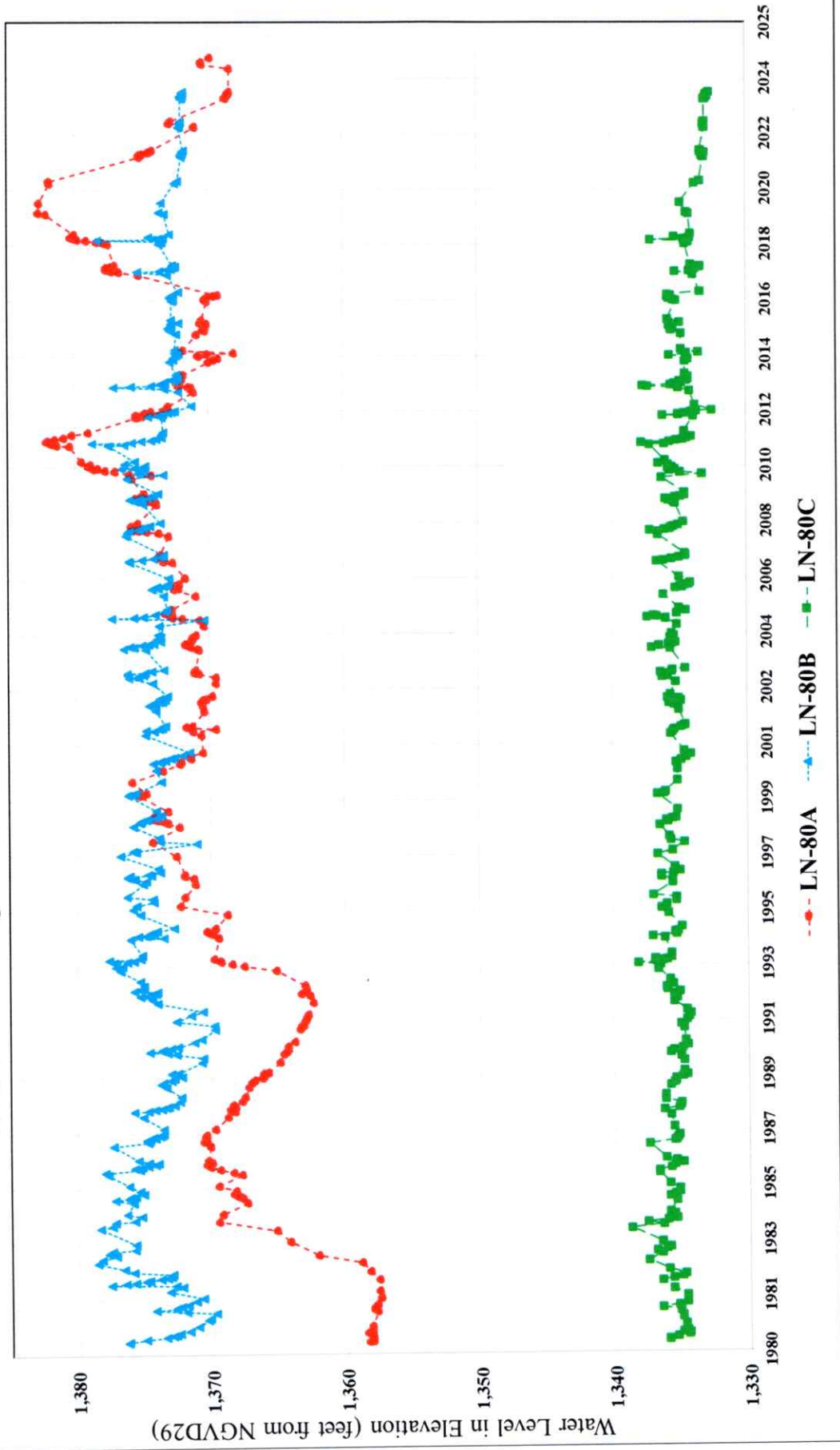


Figure 2. A graph showing the elevation of water levels from datum NGVD29 for observation wells: LN-80A, LN-80B & LN-80C (Water Rights, 2025b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 24 water rights/permits authorized to withdraw water from the Brule Creek aquifer (Water Rights, 2025d). The closest water right/permit to the proposed diversion points is No. 8496-3, which is held by John Bovill. The diversion point for No. 8496-3 is located approximately 2.7 miles south of the proposed diversion points for this application (Table 3) (Figure 3) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Brule Creek aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.5 miles south of the proposed diversion points (Water Rights, 2025d). There could potentially be other domestic wells completed into the Brule Creek 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.

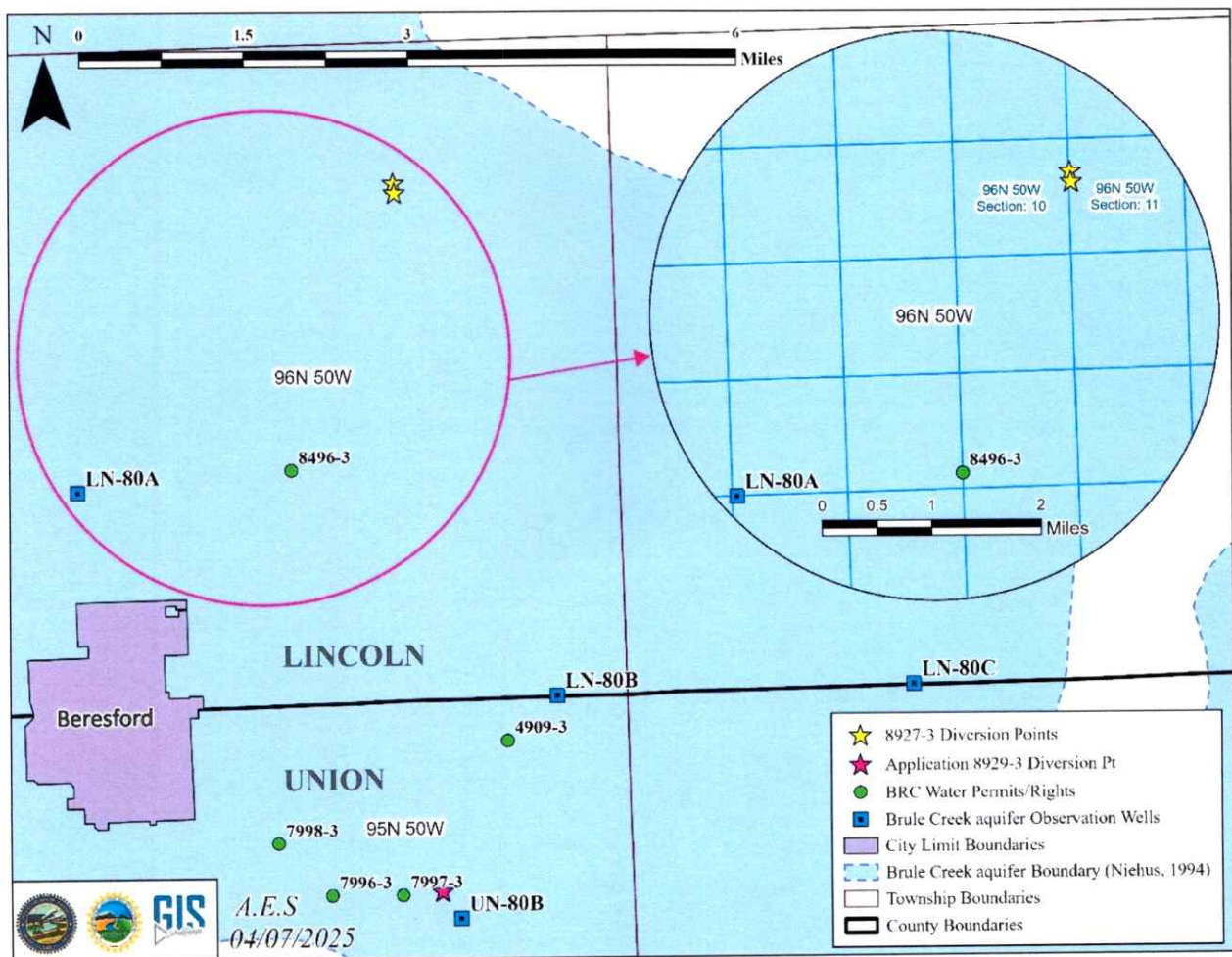


Figure 3. An approximate boundary of the Brule Creek aquifer (Niehus, 1994), the location of the proposed diversion points for Water Permit Application Nos. 8927-3 and 8929-3, and the nearby Brule Creek aquifer water rights/permits and observation wells (Water Rights, 2025b and 2025c)

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

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres (ac-ft/yr)
4909-3	CITY OF BERESFORD	LC	MUN	1.92	
7996-3	DANISH FARMLAND HOLDINGS LLC	PE	IRR	1.78	160
7997-3	DANISH FARMLAND HOLDINGS LLC	PE	IRR	1.78	64.18
7998-3	DANISH FARMLAND HOLDINGS LLC	PE	IRR	1.78	95
8496-3	JOHN BOVILL	LC	IRR	0.65	62

LC: License; PE: Permit; MUN: Municipal; IRR: Irrigation

The Brule Creek aquifer is expected to be confined near the proposed diversion points based on the water well and test hole completion reports on file, and lithologic logs on file for nearby observation wells (SDGS, 2025; Water Rights, 2025b, 2024c and 2025d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, in a confined aquifer, drawdown from pumping could extend a distance from the diversion points. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

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.”

Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Union County, there was one unsubstantiated complaint near the intersection between Sections 1, 2, 11, 12; all in T94N-R50W, approximately 11.5 miles south of this application’s diversion points. There were no other complaints on file for the Brule Creek aquifer in Clay and Lincoln County (Water Rights, 2025e).

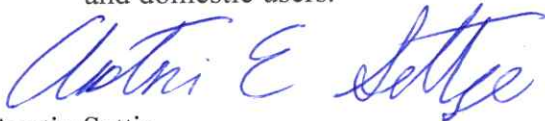
The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation 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 Brule Creek aquifer at their location.

Therefore, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Brule Creek aquifer near the proposed diversion points, the observation well data (Figure 2), and lack of well interference complaints for adequate wells, and the wells used in the application have been used for a number of years without any complaints, 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. 8927-3 proposes to irrigate 80 acres at a maximum instantaneous diversion rate of 1.56 cubic feet of water per second (cfs) from two existing wells (75 and 76 feet deep) completed into the Brule Creek aquifer. The wells are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 and the land to be irrigated is located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11; all in T96N-R50W. This site is located in Lincoln County approximately five miles northeast of Beresford, SD.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres for the land to be irrigated in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11; all in T96N-R50W.
3. Based on the hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriation.
4. There is reasonable probability that the proposed diversion by Water Permit Application No. 8927-3 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

- Buhler, K.A. 2009. Report on Water Permit Application No. 7166-3, Steve Andrews. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Drinking Water Program. 2025. SD DANR Drinking Water Program Online Database. <<https://danr.sd.gov/OfficeOfWater/Drinkingwater/default.aspx>> Accessed March 20, 2025.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Mathiowetz, A.W. 2022. Report on Water Permit Application No. 8623-3, Arden Van Beek. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water Resources Investigations Report 93-4195. Rapid City, South Dakota.
- SDGS, 2025. South Dakota Geological Survey Lithologic Logs Database. Accessed March 18, 2025. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- 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. 36



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 15, 2025

Justin Thompson
29905 474th Avenue
Beresford SD 57004

Dear Mr. Thompson:

Water Permit Application No. 8927-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Sioux Valley News printed at Canton SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8927-3 to Appropriate Water

Notice is given that Justin Thompson, 29905 474th Avenue, Beresford SD 57004, has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) from two existing wells completed into the Brule Creek Aquifer (75 and 76 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 80 acres located in the N 1/2 SW 1/4 Section 11; all in T96N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately five miles northeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8927-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 May 5, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 May 5, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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_



Order Confirmation

Not an Invoice

Account Number:	1526408
Customer Name:	Justin Thompson
Customer Address:	Justin Thompson 29905 474Th AVE Beresford SD 57004-6732
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	ijt090@gmail.com
PO Number:	

Date:	04/15/2025
Order Number:	11233849
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	161.0000
Height in Inches:	17.6400

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	04/24/2025 - 04/24/2025	Public Notices
SFA argusleader.com	1	04/24/2025 - 04/24/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$56.69
Tax Amount	\$0.00
Service Fee 3.99%	\$2.26
Cash/Check/ACH Discount	-\$2.26
Payment Amount by Cash/Check/ACH	\$56.69
Payment Amount by Credit Card	\$58.95

Order Confirmation Amount

\$56.69

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, April 15, 2025 4:35 PM
To: Rodriguez, Rachel
Cc: jjt090@gmail.com
Subject: RE: [EXT] 11233849 8927-3 Justin Thompson - Public Notice
Attachments: 11233849.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on April 24. The order cost is \$56.69 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a non-refundable 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 by 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 reply to this email requesting changes or to cancel.

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

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, April 15, 2025 8:58 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11233849 8927-3 Justin Thompson - Public Notice

Attached is a notice to be published on April 24, 2025.

Justin Thompson, 29905 474th Avenue, Beresford SD 57004, 605-957-5443, jjt090@gmail.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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 15, 2025 8:54 AM
To: svn@midconetwork.com
Subject: 8927-3 Justin Thompson - Public Notice
Attachments: 8927-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025.

Justin Thompson, 29905 474th Avenue, Beresford SD 57004, 605-957-5443, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 15, 2025 8:58 AM
To: legals@argusleader.com
Subject: 8927-3 Justin Thompson - Public Notice
Attachments: 8927-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025.

Justin Thompson, 29905 474th Avenue, Beresford SD 57004, 605-957-5443, jjt090@gmail.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





South Dakota

PO Box 630567 Cincinnati, OH 45263-0567

GANNETT

AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
Justin Thompson
29905 474th AVE
Beresford SD 57004-6732

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/24/2025

and that the fees charged are legal.
Sworn to and subscribed before on 04/24/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$56.69

Tax Amount: \$0.00

Payment Cost: \$56.69

Order No: 11233849

Customer No: 1526408

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8927-3
to Appropriate Water**

Notice is given that Justin Thompson, 29905 474th Avenue, Beresford SD 57004, has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) from two existing wells completed into the Brule Creek Aquifer (75 and 76 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 80 acres located in the N 1/2 SW 1/4 Section 11; all in T96N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately five miles north-east of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8927-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 May 5, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 May 5, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 April 24, 2025 at the total approximate cost of \$56.69 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application Justin Thompson

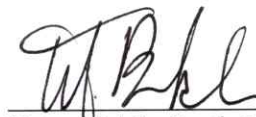
a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

April 24, 2025

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$44.46** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **24th** day of
April, 2025.



Notary Public, South Dakota



My Commission Expires
January 12, 2030

Notice of Application

NOTICE OF APPLICATION NO. 8927-3 to Appropriate Water

Notice is given that Justin Thompson, 29905 474th Avenue, Beresford SD 57004, has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) from two existing wells completed into the Brule Creek Aquifer (75 and 76 feet deep) located in the SW 1/4 NW 1/4 Section 11 for irrigation of 80 acres located in the N 1/2 SW 1/4 Section 11; all in T96N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately five miles northeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8927-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the

Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 May 5, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 May 5, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 in the Sioux Valley News on April 24, 2025, at the total approximate cost of \$44.46 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

APR 28 2025

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 16, 2025 8:11 AM
To: Justin Thompson
Subject: 8925-3 Double Down Farm - Public Notice
Attachments: 8927-3 Rec.pdf; 8927-3 Ltr.pdf; 8927-3 PubNotice.pdf; ArgusLeader Info.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 16 2025

Justin Thompson
29905 474th Avenue
Beresford SD 57004

Dear Mr. Thompson:

Enclosed is Water Permit No. 8927-3 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.: 8927-3

Name of Applicant: Justin Thompson

Date of Posting: 4/22/2025

Date of Removal: 5/16/2025



Ron Duvall, Engineer III

^{16 RR}
5/19/2025

Date

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



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

