

WATER PERMIT NO. 8935-3

Name of Applicant: **Richard P. Hybertson**

Address: **410 N 1st Street, Beresford SD 57004**

Phone: **605-763-2467**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **140**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **Approx. 6 miles north of Centerville**

PRIORITY

Date Received: **03-10-25**

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

Corrected Application Received: **N/A**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **Approx. center of SE 1/4 Sec 23-T97N-R52W**

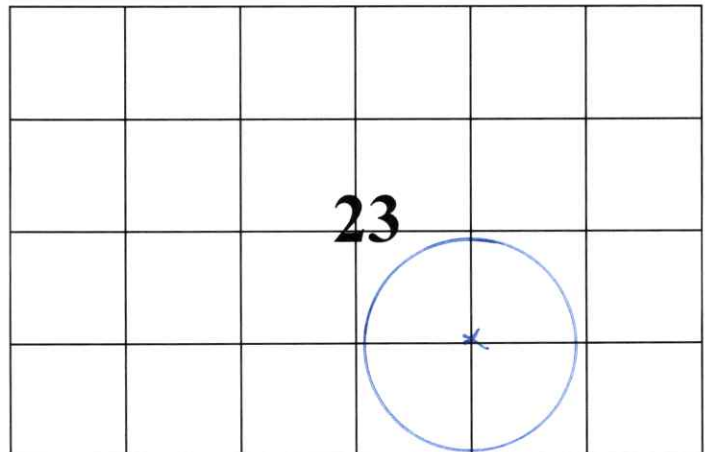
Land to be Irrigated: **SE 1/4 Sec 23-T97N-R52W**

Depth of Well: **160**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **0-10-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8935-3

Date of first receipt of application March 10, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8935-3 to Richard P. Hybertson, 410 N 1st Street, 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. 8935-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 160 feet deep) located in the approximate center of SE 1/4 Section 23 for irrigation of 140 acres located in the SE 1/4 Section 23; all in T97N-R52W. This site is located approximately six miles north of Centerville 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: April 1 – October 31.
3. The date from which applicant may claim right is March 10, 2025.
4. The date of approval of Permit No. 8935-3 is June 2, 2025.
5. One-fifth of the construction is to be completed on or before December 2, 2027.
6. All construction is to be completed on or before June 2, 2030.
7. Water is to be put to beneficial use on or before June 2, 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 well approved under Water Permit No. 8935-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8935-3 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, PE
Director of Office of Water
Department of Agriculture and Natural Resources

6/11/25
date



RECEIVED

MAR 10 2025

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

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8935-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion</u>
	Newspaper <u>Parker Turner New Era</u>
	<u>Argus Leader</u> (office use only)

PAID

MAR 10 2025

Ck# 12943

Rec't# _____

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.)

- Name to Appear on Irrigation Permit Richard P. Hybertson
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
 Mailing Address 410 W 1st Street Perrisford SD 57004
 (Address) (City) (State) (Zip Code)
 Phone 605-763-2467 Mobile 605-957-5113 Email _____
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 140 acres
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Ground
- Location of point of diversion one Well 23-097-52
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1st - - - Oct 31st
- 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
<u>SE 1/4 of 23-097-52</u>	<u>140</u>		

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

To Drill a Well in The center of Richard Hybertsons
Quarter To irrigate Crop Land

I, Phil Hybertson 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)

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MAR 10 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 _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 160' Depth to Top of Water Bearing Material 10' Depth to Water from Surface 9'
- d) Distance to nearest domestic well on applicant's property _____ 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)

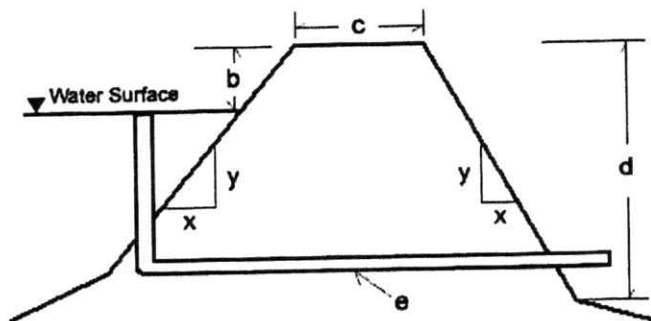
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



GENERAL FIELD DESIGN REPORT



Design Details - Center Pivot 1

Grower: Nick Hybertson

Date: 3/1/2025

Field: Dads 1/4

Layout: Layout 1

Field Area: 166.02 acres

Irrigated Area: 138.76 acres

System: 127.00 acres

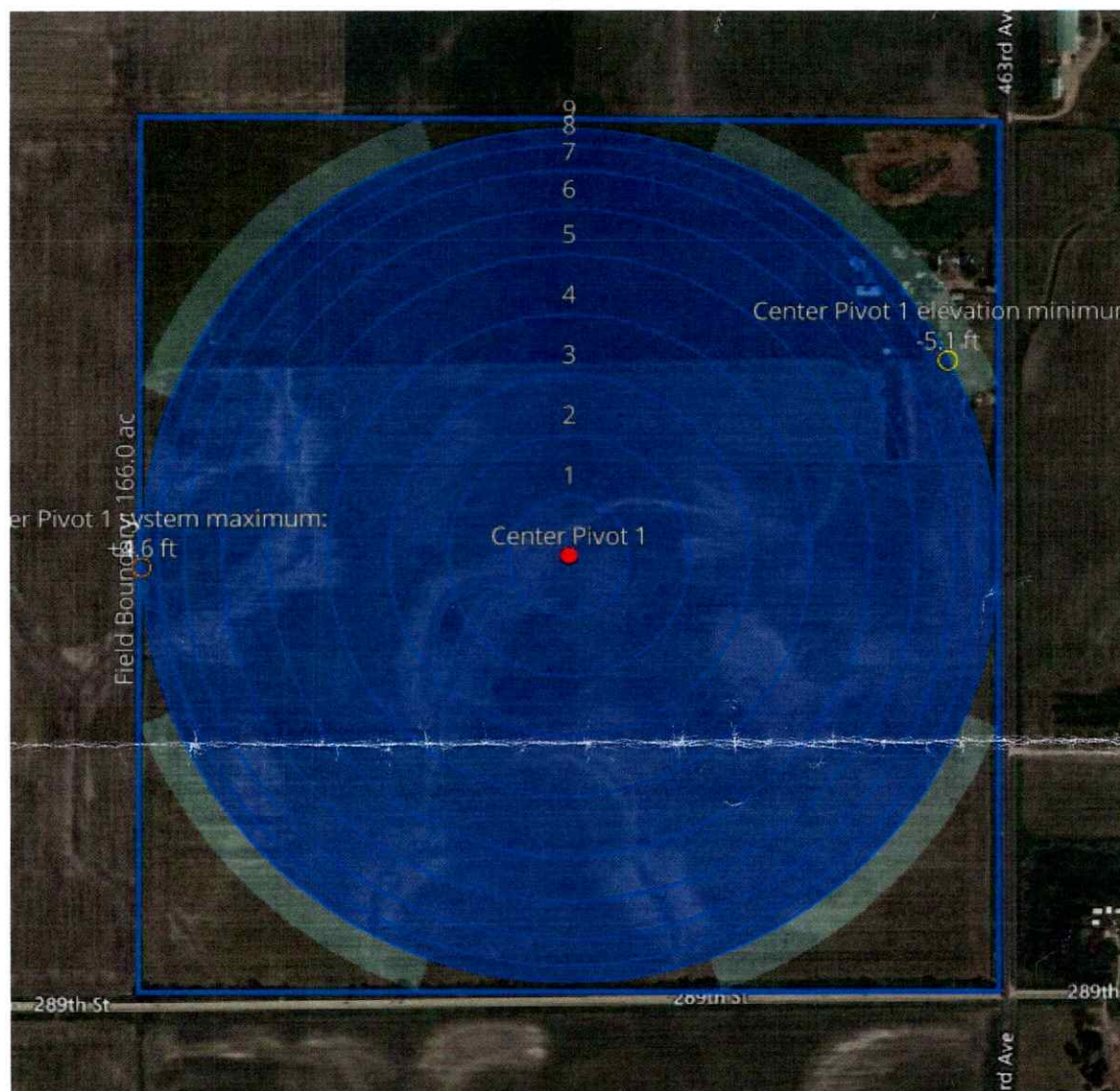
Primary End Gun: 11.77 acres

Swing Arm: 0 acres

Wrap Span: 0 acres

Drop Span: 0 acres

Secondary End Gun: 0 acres

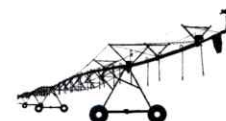


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MAR 10 2025

OFFICE OF
WATER

M & S IRRIGATION & TRENCHING, LLC
46970 HWY 50 • VERMILLION, SD 57069, USA
605-624-5594



97N 52W
Section: 10

97N 52W
Section: 11

97N 52W
Section: 12

97N 52W
Section: 15

97N 52W
Section: 14

97N 52W
Section: 13

97N 52W
Section: 22

10170102 Vermillion

97N 52W
Section: 23

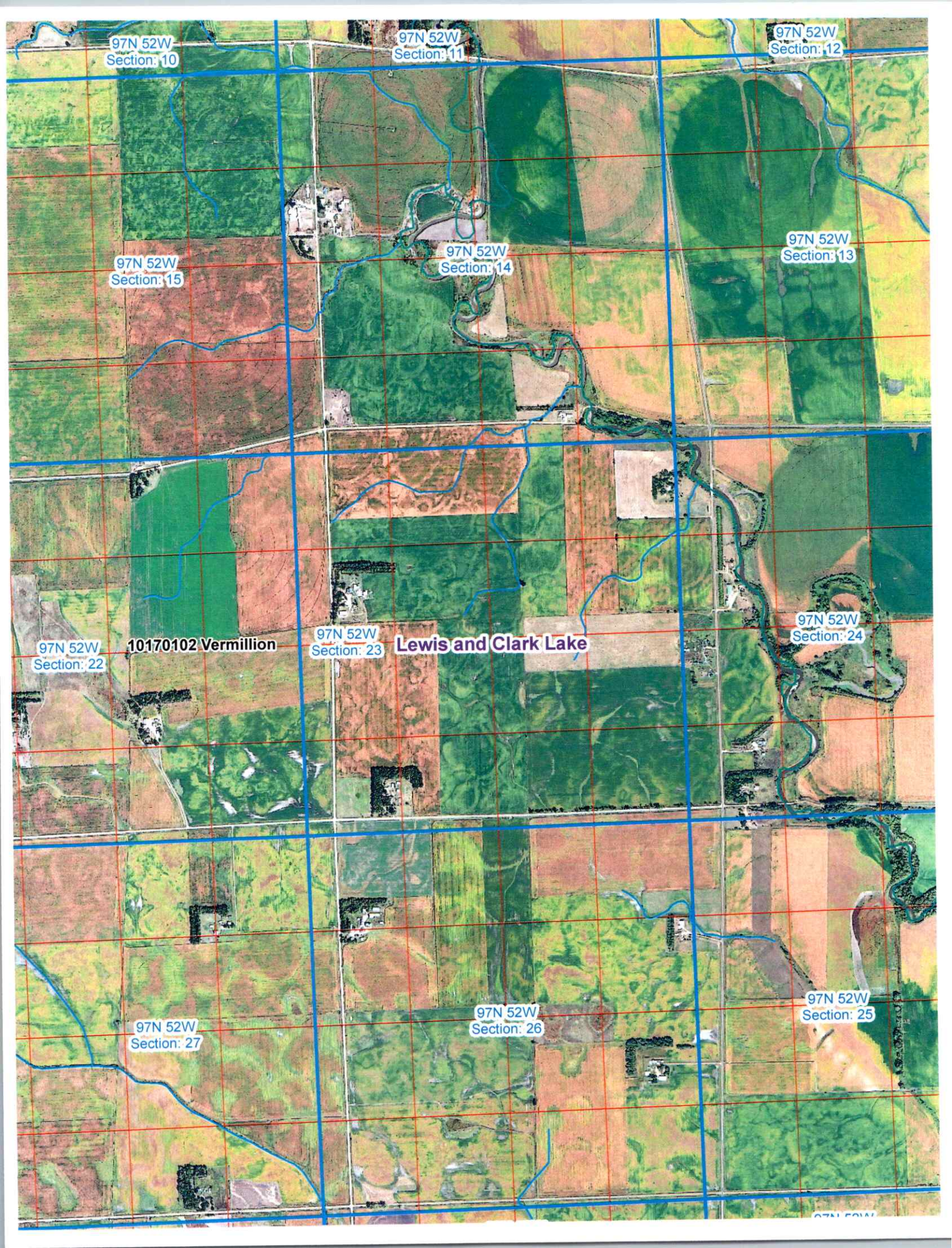
Lewis and Clark Lake

97N 52W
Section: 24

97N 52W
Section: 27

97N 52W
Section: 26

97N 52W
Section: 25



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 10th, 2025

RECEIVED OF Richard Hybertson 410 N 1st Street Beresford SD 57004

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

Fee for Application for Permit No. <u>8935-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>\$850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8935-3</u>	<u>\$200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$1050.00</u>

By

Mark Mayrl
Chief Engineer



**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. 8935-3, Richard Hybertson**

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. 8935-3, Richard Hybertson, 410 N 1st Street, Beresford SD 57004.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8935-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8935-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8935-3 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.

Mark Mayer, PE
Director of Office of Water
May 07, 2025

Report to the Chief Engineer
On Water Permit Application No. 8935-3

Richard P. Hybertson

May 9th, 2025

Water Permit Application No. 8935-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the South Management unit of the Upper Vermillion Missouri aquifer (approximately 160 feet deep) located in the approximate center of the SE ¼ Section 23 for irrigation of 140 acres located in the SE ¼ Section 23; all in T97N-R52W. This proposed well site is located approximately six miles north of Centerville, SD in Turner County.

AQUIFER: Upper Vermillion Missouri: South (UVM:S)

HYDROGEOLOGY:

The Southern management unit of the Upper Vermillion Missouri aquifer, referred to as the UVM:S aquifer for the remainder of this report, is a Quaternary aged glacial outwash that is made up of materials ranging in size from a fine sand to a medium-pebble gravel (Lindgren & Hansen, 1990). The UVM:S aquifer is primarily confined but can be found under unconfined conditions in areas where the UVM:S aquifer is hydrologically connected to the Parker-Centerville aquifer (Holmes & Filipovic, 2015). The UVM:S aquifer is overlain by a till layer with a range of thickness up to 160 feet thick (Holmes & Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the entire Upper Vermillion Missouri aquifer (Holmes & Filipovic, 2015). From this study and a report written by Water Right staff engineer Buhler (2014), the Water Management Board, in a meeting held on March 6th, 2014, adopted three management units (North, South, and West) that divided the Upper Vermillion Missouri aquifer for the purposes of water management (Water Rights, 2014). The UVM:S aquifer is hydrologically connected to the other management units of the Upper Vermillion Missouri aquifer, the Parker-Centerville aquifer, and the Lower Vermillion Missouri aquifer (Buhler, 2014; Mathiowetz, 2018; Niehus, 1997; Holmes & Filipovic, 2015). Hedges and others (1982) delineated a boundary between the Upper Vermillion Missouri aquifer and Lower Vermillion Missouri aquifer with portions of each boundary being modified by Buhler (2014) and Mathiowetz (2018) in response to additional study of the Upper Vermillion Missouri aquifer, as shown on Figure 1. Figure 1 also shows the estimated areal extent (approximately 78,820 acres) of the UVM:S aquifer (Buhler, 2014).

A well completion report was not submitted with this application, so the next closest test hole/well completion report will be used instead. A test hole is the closest report and was drilled on December 9th, 2022, and is located in the SW ¼ NW ¼ of Section 25-T97N-R52W, which is 0.7 miles southeast of the proposed diversion point (Water Rights, 2025d). The test hole report indicates the top of aquifer material (gravel) is approximately 86 feet below the ground surface (Water Rights, 2025d). The static water level of nearby observation wells ranges from 20 to 60

feet below ground surface (Water Rights, 2025b). Based on the test hole top of aquifer material and observation wells' water level, the aquifer is expected to be confined with a saturated aquifer thickness of approximately 108 feet (Water Rights, 2025b; Water Rights, 2025d). The nearby test hole report indicates the aquifer material is confined by a layer of clay and is similar to other nearby test hole reports and well completion reports.

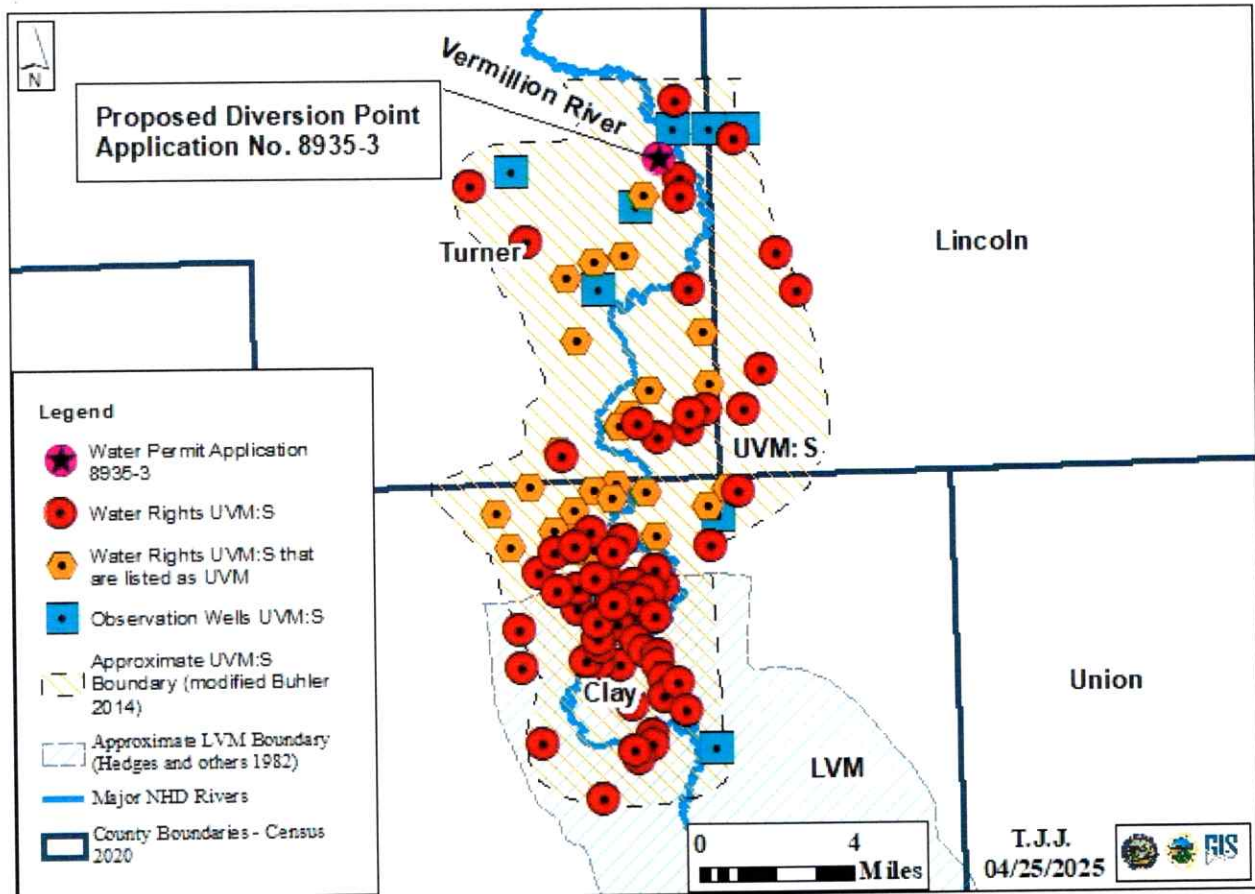


Figure 1. Map of the approximate UVM:S and LVM aquifer boundary delineated by Hedges and others (1982) with a portion of the UVM:S aquifer boundary modified by Buhler (2014), and the location of diversion point for Water Permit Application No. 8935-3, and UVM:S aquifer observation wells and water rights/permits (Water Rights, 2025a and 2025b).

Applicable South Dakota Codified Laws (SDCL)

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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 uses and water rights within the UVM:S aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8935-3 proposes to appropriate water from the UVM:S 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 UVM:S aquifer is not older than or stratigraphically lower than the Greenhorn Formation, 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 UVM:S aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the UVM:S aquifer is received primarily through infiltration of precipitation where the aquifer is at or near land surface. Additional recharge occurs where there is direct contact between the Upper Vermillion Missouri aquifer and Parker-Centerville aquifer (Lindgren & Hansen, 1990; Niehus, 1997; Holmes & Filipovic, 2015).

Using regional flow net analysis, Hedges and others (1985) estimated a recharge rate of 0.25 inches per year (in/yr) for the UVM aquifer. However, it should be noted that the entire UVM aquifer was analyzed at that time because it was still considered one aquifer. Using the current areal extent from Buhler’s report (2014), and Hedges and others (1985) estimated recharge rate of the UVM aquifer, the estimated recharge rate of the UVM:S aquifer is 1,642 acre-feet per year; keeping in mind that this estimate is likely lower than the actual rate based on Holmes & Filipovic (2015) investigation and Buhler’s (2014) report.

Hedges and others (1985) estimated a recharge rate range of 0.15 to 0.6 in/yr to buried-confined aquifers for use by management and development programs. Using Buhler’s (2014) aquifer area, that is an estimated average annual recharge rate range of approximately 985 to 3,941 ac-ft/yr. Based on the Holmes & Filipovic (2015) investigation and Buhler’s (2014) report, recharge is likely greater than the upper extent of that range. The recharge rate for the original aquifer extent and the generalized buried-confined recharge rate range broadly agree with each other.

2014 Flow Net Analysis

From Buhler’s (2014) analysis of the estimated groundwater outflow, recharge of the UVM:S aquifer exceeds withdrawals by a minimum estimate of 5,637 acre-feet per year. However, this recharge could be higher considering that another larger cross-section of the UVM:S aquifer shows recharge exceeding withdrawals by an estimated 8,223 acre-feet per year (Buhler, 2014).

Several permits have been approved by the Water Management Board since Buhler's analysis and will need to be considered in the withdrawals section (Water Rights, 2025b).

Discharge

Discharge from the UVM:S aquifer primarily occurs through well withdrawals, subsurface outflow to other glacial aquifers, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren & Hansen, 1990; Water Rights, 2025c & 2025d).

There are 93 water rights/permits authorized to appropriate water from the UVM:S aquifer (Water Rights, 2025b). Of these 93 water rights/permits, 28 are listed under the UVM aquifer even though they are completed into the UVM:S aquifer, the other 65 water rights/permits are properly listed under the UVM:S aquifer. Since Buhler's (2014) flow net analysis will be used as a basis for determining a rough estimate of the aquifer's recharge rate in excess of withdrawals, any water rights/permits that were approved at the time of the analysis will already be accounted for. So, the withdrawal rate of water rights/permits approved after the analysis will contribute to the average annual withdrawal rate of the UVM:S aquifer compared to the estimated average annual outflow from the aquifer.

The estimated average annual withdrawal rate of the UVM:S aquifer water rights/permits approved since the completion of Buhler's analysis is an estimated 2,234 acre-feet/year, as shown on Table 1. Recently, 24 LVM aquifer water rights/permits were redesignated as UVM:S aquifer based on the mapping of Buhler (2014); these water rights/permits have been included in the budget for the UVM:S since Buhler (2014). The 24 redesignated water rights/permits estimated average annual withdrawal rate of 1,797 acre-feet/year, as shown on Table 2. The withdrawal rate was found by summing the acreage of the 41 water rights/permits approved (shown on Table 1) since the completion of Buhler's (2014) report and the 24 recently redesignated water rights/permits (shown on Table 2), then multiplying the total acreage by 0.5 feet/acre which is the annual average application rate per permitted acre in the UVM:S (Buhler, 2014). Applying the same rate to the requested acres included on Water Permit Application No. 8935-3 provides a total approximate withdrawal rate of 70 acre-feet/year. Other pending water permit applications (Nos. 8933-3, 8936-3, & 8943-3) are estimated to withdraw an average of 172.5 acre-feet/year (Water Rights, 2025b). If this and other pending applications are approved, the total estimated average annual withdrawal rate from the UVM:S aquifer is an estimated 4,274 acre-feet/year.

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

Table 1. List of estimated average annual withdrawal rates of water right/permits from the UVM:S aquifer that were approved at or after the March 6th, 2014, Water Management Board meeting, water right/permits with a priority date before the meeting date but not included in Buhler's analysis are also accounted for in this table (Buhler, 2014; Water Rights, 2025b).

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	LC	IRR	115	57.5
7383-3	Metabank	07/20/2012	PE	IRR	25	12.5
7384-3	Nicholas & Courtney Blake	07/20/2012	LC	IRR	80	40
7441-3	Jason or Alicia Knutson	09/26/2012	PE	IRR	140	70
7442-3	Leah Johnson	09/26/2012	LC	IRR	40	20
7466-3	Bethel Hagen Trust	10/18/2012	LC	IRR	152	76
7467-3	Cleland Hagen Trust	10/18/2012	PE	IRR	152	76
7600-3	Michael D Stevens	12/28/2012	PE	IRR	180	90
7601-3	Michael D Stevens	12/28/2012	PE	IRR	132	66
7693-3	Metabank	02/06/2013	PE	IRR	27.7	13.85
7900-3	Leon Thompson	09/11/2013	LC	IRR	136	68
7919-3	Larry & Marlene Erickson	10/23/2013	LC	IRR	83.83	41.92
7945-3	Brad R or Linda R Trudeau	01/17/2014	LC	IRR	60	30
7947-3	Leon, Holly, & Jordan Rozeboom	01/23/2014	PE	IRR	133.44	66.72
7948-3	Majestic Farms LLP	01/23/2014	PE	IRR	55.02	27.51
7949-3	Jesse & Tanya Vandestroet	01/23/2014	LC	IRR	100.9	50.45
7964-3	Paul, Mike, & John Shubeck	02/12/2014	PE	IRR	128	64
7976-3	Vasgaard Properties	02/27/2014	LC	IRR	142	71
7993-3	Jesse & Tanya Vandestroet	04/10/2014	LC	IRR	53	26.5
7994-3	Hansen Ventures LLC	04/10/2014	PE	IRR	138	69
8070-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	96	48
8071-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	51	25.5
8469-3	Double A Farms LLC	03/15/2021	PE	IRR	114	57
8470-3	Nicholas Blake	03/22/2021	PE	IRR	160	80
8492-3	Tim or Kari Ostrem	02/19/2021	LC	IRR	180	90
8542-3	Tyler Anderson	08/09/2021	PE	IRR	103	51.5
8588-3	T & D Farms	02/03/2022	PE	IRR	160	80
8598-3	Tim Wellenstein	02/24/2022	PE	IRR	126	63
8599-3	Farron Pratt & Michelle Pratt	02/24/2022	PE	IRR	17.5	8.75
8619-3	Tim or Kari Ostrem	03/09/2022	PE	IRR	300	150
8685-3	Joe Schumacher	11/28/2022	PE	IRR	160	80
8686-3	Smit Family Trust	12/20/2022	PE	IRR	120	60
8689-3	Richard P Hybertson	03/06/2023	PE	IRR	97	48.5
8690-3	Richard P Hybertson	03/06/2023	PE	IRR	72	36
8695-3	William H Hansen	12/28/2022	PE	IRR	72.03	36.02
8790-3	William D/Judy Knutson	08/16/2023	PE	IRR	86	43
8832 -3	Jesse & Tanya Vandestroet	02/07/2024	LC	IRR	123	61.5
8833-3	Jesse & Tanya Vandestroet	02/07/2024	LC	IRR	53	26.5
8834-3	Smit Family Trust	02/05/2024	PE	IRR	18	9
8843-3	Mikota Holding LLC	03/01/2024	PE	IRR	160	80
8851-3	Jacob and Tyler Andersen	04/02/2024	PE	IRR	125.58	62.79
PE: Water Permit, LC: Water Right License, IRR: Irrigation					TOTAL:	4,468 2,234

Table 2. List of previous LVM water right/permits that have been recently redesignated as UVM:S water right/permits (Water Rights, 2025b).

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
973-3	Nicholas & Courtney Blake	07/02/1956	LC	IRR	131	65.5
974-3	Hansen Ventures LLC	07/02/1956	LC	IRR	140	70
1813-3	Hansen Ventures LLC	03/22/1971	LC	IRR	144	72
1916-3	Troy & Sheila Gust	10/21/1971	LC	IRR	169	84.5
4731-3	Richard/Gayle Johnson	03/23/1981	LC	IRR	140	70
5979-3	Clay Rural Water System Inc	01/31/1997	LC	RWS	0	307
6563-3	Rus Farms Real Estate LLC	04/22/1968	LC	IRR	242.5	121.25
6565-3	Rus Farms Real Estate LLC	01/04/2005	LC	IRR	130	65
6566-3	Hansen Ventures LLC	01/04/2005	LC	IRR	68	34
6569-3	Smit Family Trust	01/04/2005	PE	IRR	42	21
6571-3	Rus Farms Real Estate LLC	01/04/2005	LC	IRR	229.5	114.75
6572-3	Brad & Linda Trudeau Living Trust	01/04/2005	LC	IRR	78	39
6808-3	Lovejoy Family Trust	02/22/2007	LC	IRR	135	67.5
6813-3	Rus Farms Real Estate LLC	01/05/2005	LC	IRR	187	93.5
6815A-3	Rus Farms Real Estate LLC	01/04/2005	LC	IRR	264.5	132.25
6817-3	Hansen Ventures LLC	01/05/2005	PE	IRR	130	65
6819-3	Hansen Ventures LLC	02/20/2007	LC	IRR	102	51
6821-3	Tim Gregoire	02/20/2007	LC	IRR	83	41.5
6822-3	Hansen Properties	02/20/2007	PE	IRR	36	18
7001-3	Rus Farms Real Estate LLC	03/14/2008	LC	IRR	170	85
7003-3	Hansen Ventures LLC	01/04/2005	LC	IRR	31	15.5
7150-3	Tim Ostrem	06/25/2009	LC	IRR	275	137.5
7383-3	Hansen Ventures LLC	07/20/2012	PE	IRR	25	12.5
7693-3	Hansen Ventures LLC	02/06/2013	PE	IRR	27.7	13.85
PE: Water Permit, LC: Water Right License, IRR: Irrigation, RWS: Rural Water System				TOTAL:	2,980	1,797

Hydrologic Budget Summary

The recharge rate of the UVM:S aquifer, based on Buhler's (2014) analysis, is estimated to exceed withdrawals from the UVM:S aquifer by an estimated 5,637 to 8,223 acre-feet per year at the time of Buhler's (2014) analysis. Any water rights/permits listed as withdrawals from the Upper Vermillion Missouri aquifer or Lower Vermillion Missouri aquifer, which are within the extent of the UVM:S aquifer, were included in Buhler's (2014) analysis.

Since many previous water rights/permits are already accounted for in Buhler's (2014) analysis of recharge rate in excess of withdrawals, the water rights/permits approved at or after the March 6th, 2014, Water Management Board meeting, and the recently redesignated water rights/permits need to be considered (Table 1 & 2). The estimated average annual withdrawal rate for those water rights/permits from the UVM:S aquifer is approximately 4,031 acre-feet per year. If this application (No. 8935-3) and pending Water Permit Application Nos. 8933-3, 8936-3, & 8943-3 are approved, the estimated proposed withdrawal is 243 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors nine observation wells completed into the UVM:S aquifer. The locations of observation wells completed into the aquifer are shown on Figure 1 (Water Rights, 2025b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion point are TU-78B (approximately 0.9 miles north), TU-80I (approximately 1.4 miles southwest), and LN-78B (approximately 1.5 miles northeast) (Water Rights, 2025b). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2025b). The majority of observation wells in the UVM:S aquifer have a stable water level. The data shown in Figure 2 shares a similar trend with most of the observation wells in the UVM:S aquifer.

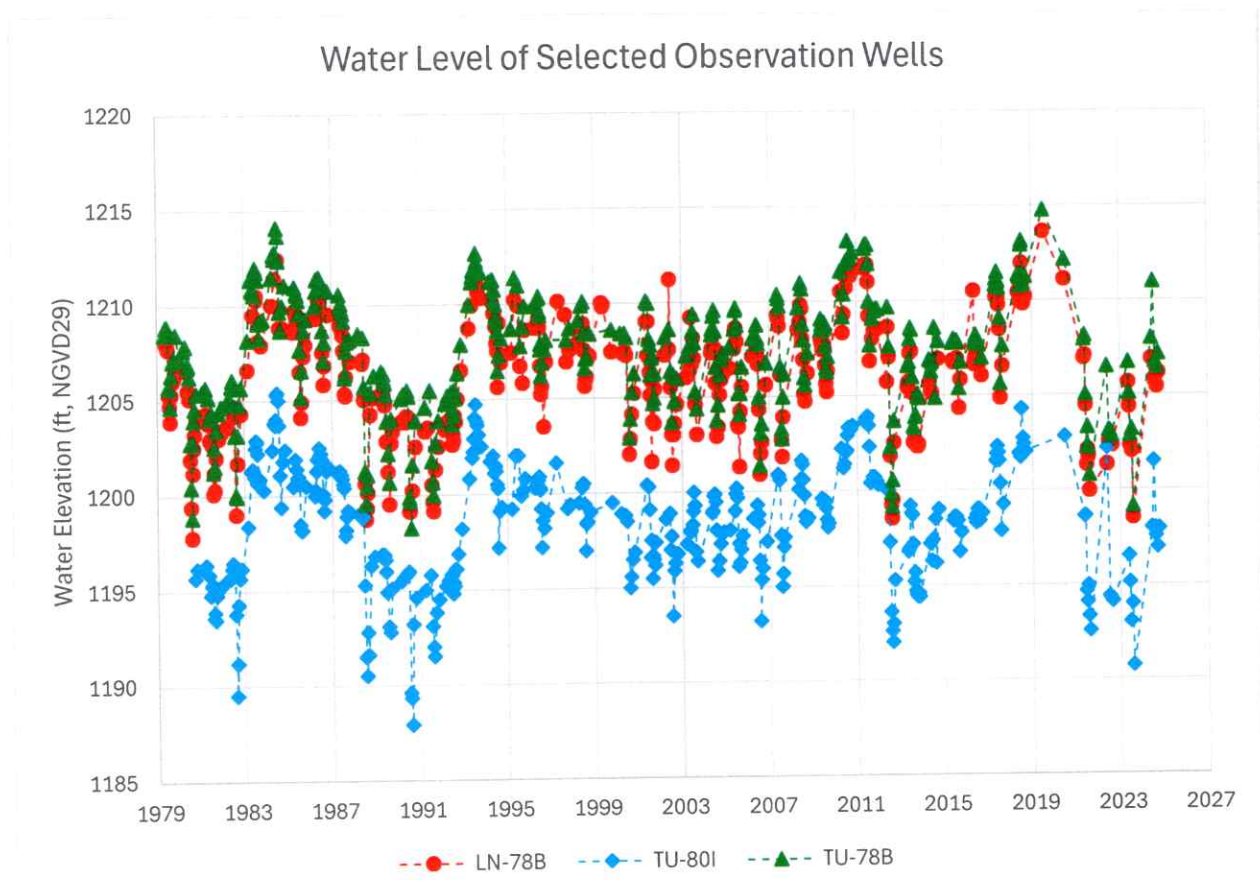


Figure 2. A graph showing the elevation of water levels in observation wells TU-78B, TU-80I, and LN-78B (Water Rights, 2025b)

Figure 2 shows the observation wells display generally stable water levels which is representative of a majority of other observation wells in the UVM:S aquifer. The hydrographs

for the UVM:S aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) 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 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 UVM:S 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. The observation well data supports the 2014 flow net analysis by Buhler (2014) stating there was a large amount of recharge in excess of withdrawals with the observation well data being stable despite increased withdrawals since Buhler's (2014) analysis.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits considered to be completed into the UVM:S aquifer in the general vicinity of the proposed well site for this application are shown in Figure 3 and summarized in Table 3 (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Permit No. 8685-3, held by Joe Schumacher. The diversion points for Water Permit No. 8685-3 are located approximately 0.7 miles southeast of the proposed diversion point for this application (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the UVM:S aquifer. The closest domestic well on file is located approximately 1.6 miles southwest of the proposed diversion point (Water Rights, 2025d). The location of domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the UVM:S aquifer near the proposed well site that are not on file with the DANR-Water Rights Program.

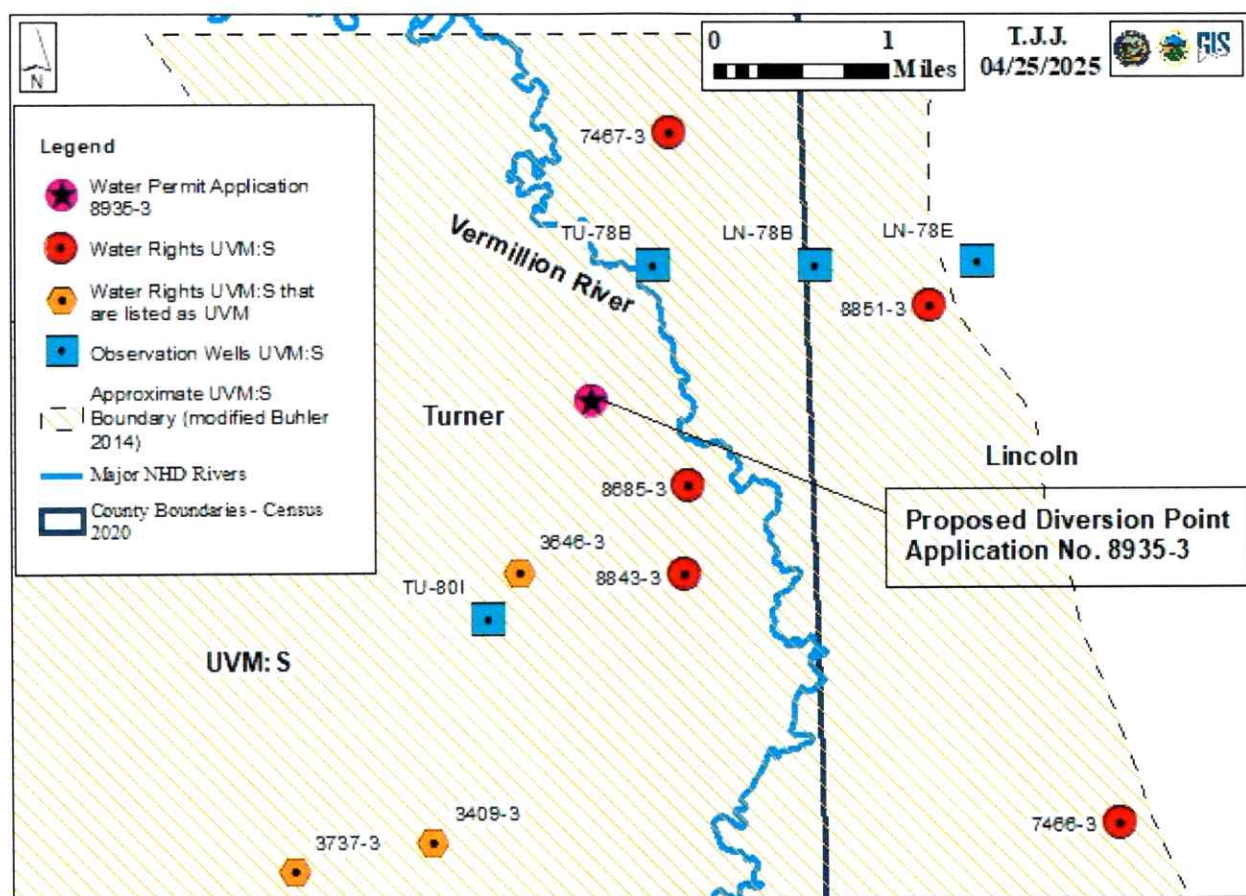


Figure 3. Map of the approximate areal extent of the UVM:S aquifer, UVM:S aquifer water rights/permits within approximately three miles of the location of the proposed well site for Water Permit Application No. 8935-3 (Water Rights, 2025b and 2025c).

Table 3. List of water rights/permits within approximately three miles of Water Permit Application No. 8935-3 shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
3409-3	Steven R. Null	12/07/1976	License	Irrigation	1.88	136
3646-3	Steven R. Null	02/04/1977	License	Irrigation	2.00	144
3737-3	William M. Jenter	09/16/1976	License	Irrigation	4.57	320
7466-3	Bethel Hagen Trust	10/18/2012	License	Irrigation	1.78	128.7
7467-3	Cleland Hagen Trust	10/18/2012	Permit	Irrigation	1.78	152
8685-3	Joe Schumacher	11/28/2022	Permit	Irrigation	1.56	120
8843-3	Mikota Holding LLC	03/01/2024	Permit	Irrigation	1.78	160
8851-3	Jacob and Tyler Andersen	04/02/2024	Permit	Irrigation	2.22	125.58

Based on the well completion reports and observation wells near the proposed diversion point for this application, the UVM:S aquifer is expected to be under confined conditions near the well site. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for

domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the UVM:S aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the history of irrigation in the area without any substantiated complaints of well interference (Water Rights, 2025e), and the saturated aquifer thickness near the diversion point, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8935-3 proposes to appropriate 1.78 cfs from one well to be completed into the South Management unit of the Upper Vermillion Missouri aquifer (approximately 160 feet deep) located in the approximate center of the NE ¼ Section 23 for irrigation of 140 acres located in the SE ¼ Section 23; all in T97N-R52W. The proposed well site is located approximately six miles north of Centerville, SD in Turner County.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Upper Vermillion Missouri South aquifer to supply the proposed appropriation.

3. There is a reasonable probability that the diversion by Water Permit Application No. 8935-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



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

References

- Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. Report in the file for Water Permit No. 7715-3. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- 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: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Holmes, S.L., Filipovic, D. 2015. Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer. Open-File Report 93-UR. SD DENR-Geological Survey. Vermillion, SD.
- Lindgren, R.J., and Hansen, D.S., 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100p.
- Mathiowetz, A. 2018. Report to the Chief Engineer on Water Permit Application 8335-3. Natural Resource Engineer IV, SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Niehus, C.A., 1997. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Vermillion, SD.
- 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, 2014. Final Order. DENR-Water Rights Program File for Water Right No. 7466-3, Pages 152 to 156. SD DANR-Water Rights Program, Joe Foss Building, 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.



**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.**

May 14, 2025

Richard P. Hybertson
410 N 1st Street
Beresford SD 57004

Dear Mr. Hybertson:

Water Permit Application No. 8935-3 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 New Era printed at Parker SD (Ph # 605 297-4419) 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 Acting 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 Acting 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. 8935-3 to Appropriate Water

Notice is given that Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 160 feet deep) located in the approximate center of SE 1/4 Section 23 for irrigation of 140 acres located in the SE 1/4 Section 23; all in T97N-R52W. This site is located approximately six miles north of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8935-3 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. 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 June 2, 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 June 2, 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_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 13, 2025 1:30 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11317065 8935-3 Richard Hybertson - Public Notice
Attachments: 11317065.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on May 23. The order cost is \$57.56 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: Monday, May 12, 2025 9:12 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11317065 8935-3 Richard Hybertson - Public Notice

Attached is a notice to be published on May 23, 2025.

Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, 605-763-2467, 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,

Order Confirmation

Not an Invoice

Account Number:	1532012
Customer Name:	Richard P Hybertson
Customer Address:	Richard P Hybertson 410 N 1St ST Beresford SD 57004-1402
Contact Name:	Richard Hybertson
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	05/13/2025
Order Number:	11317065
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	164.0000
Height in Inches:	17.9700

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	05/23/2025 - 05/23/2025	Public Notices
SFA argusleader.com	1	05/23/2025 - 05/23/2025	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	\$57.56
Tax Amount	\$0.00
Service Fee 3.99%	\$2.30
Cash/Check/ACH Discount	-\$2.30
Payment Amount by Cash/Check/ACH	\$57.56
Payment Amount by Credit Card	\$59.86

Order Confirmation Amount	\$57.56
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 12, 2025 9:10 AM
To: New Century Press
Subject: 8935-3 Richard Hybertson - Public Notice
Attachments: 8935-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 22, 2025.

Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, 605-763-2467, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 12, 2025 9:12 AM
To: legals@argusleader.com
Subject: 8935-3 Richard Hybertson - Public Notice
Attachments: 8935-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 23, 2025.

Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, 605-763-2467, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

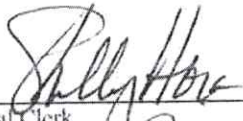
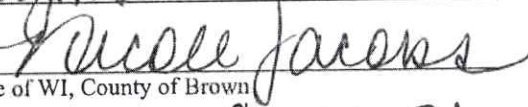
Richard Hybertson
Richard P Hybertson
410 N 1St ST
Beresford SD 57004-1402

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:

05/23/2025

and that the fees charged are legal.
Sworn to and subscribed before on 05/23/2025

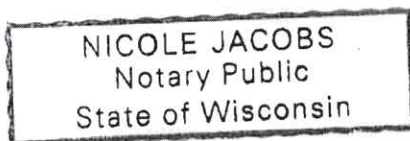

Legal Clerk

Notary, State of WI, County of Brown
8-21-26

My commission expires

Publication Cost:	\$57.56	
Tax Amount:	\$0.00	
Payment Cost:	\$57.56	
Order No:	11317065	# of Copies:
Customer No:	1532012	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF
APPLICATION NO. 8935-3
to Appropriate Water

Notice is given that Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 160 feet deep) located in the approximate center of SE 1/4 Section 23 for irrigation of 140 acres located in the SE 1/4 Section 23; all in T97N-R52W. This site is located approximately six miles north of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8935-3 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. 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.

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also file a petition. A petition filed by either an interested person or the applicant must be filed by June 2, 2025.

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Published May 23, 2025 at the total approximate cost of \$57.56 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

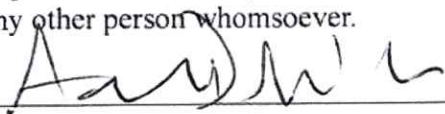
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0522-6 Notice of Application

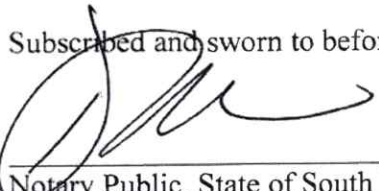
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 22nd day of May, 2025

That \$35.28 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 28th day of May, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$35.28
Notary Fee...\$
Total \$35.28

NOTICE OF APPLICATION NO. 8935-3 to Appropriate Water

Notice is given that Richard P. Hybertson, 410 N 1st Street, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 160 feet deep) located in the approximate center of SE 1/4 Section 23 for irrigation of 140 acres located in the SE 1/4 Section 23; all in T97N-R52W. This site is located approximately six miles north of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8935-3 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. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available

Public notices for

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 June 2, 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 June 2, 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 \$35.28 and may be viewed free of charge at www.sdpublicnotices.com.

(N0522-6)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 11 2025

Richard P. Hybertson
410 N 1st Street
Beresford SD 57004

Dear Mr. Hybertson:

Enclosed is Water Permit No. 8935-3 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.: 8935-3

Name of Applicant: Richard Hybertson

Date of Posting: 5/19/2025

Date of Removal: 6/11/2025



Ron Duvall, Engineer III

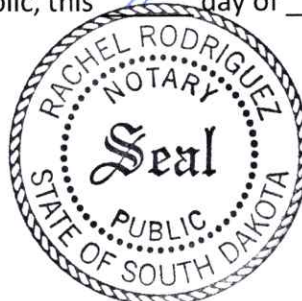
6/11/2025

Date

Subscribed and sworn to before me, a notary public, this 11th day of June, 2025.



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



(SEAL)