

WATER PERMIT NO. 8941-3

Name of Applicant: **Gary Jepsen**

Address: **31225 451st Avenue, Gayville SD 57031**

Phone: **605-661-8243**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **Approx. 1 mile southwest of Gayville**

PRIORITY

Date Received: **03-14-25**

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

Corrected Application Received:

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

Remarks:

Diversion Point: **Approx. center of SW 1/4 Sec 11-T93N-R54W**

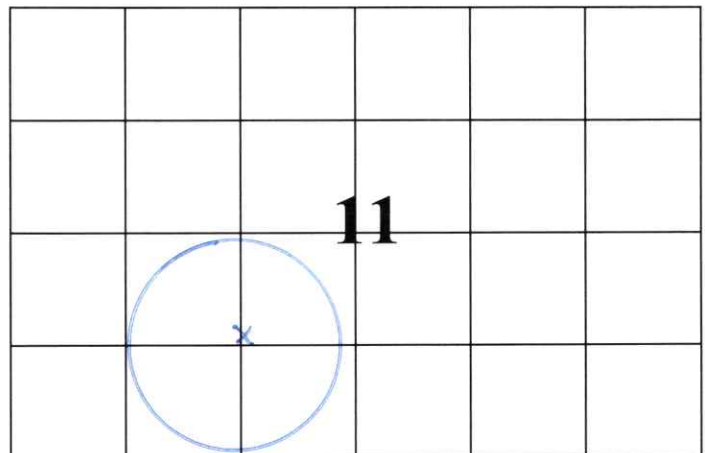
Land to be Irrigated: **SW 1/4 Sec 11-T93N-R54W**

Depth of Well: **100**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-17-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8941-3

Date of first receipt of application March 14, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8941-3 to Gary Jepsen, 31225 451st Avenue, Gayville SD 57031, 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. 8941-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 100 feet deep) located in the approximate center of SW 1/4 Section 11 for irrigation of 160 acres located in the SW 1/4 Section 11; all in T93N-R54W. This site is located approximately one mile west of Gayville SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 14, 2025.
4. The date of approval of Permit No. 8941-3 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. 8941-3 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. 8941-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

6/11/25
date



FORM 2: Application for irrigation in South Dakota

(type or print)

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MAR 14 2025

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8941-3</u>	(office use only) Hydrologic Unit <u>10170102</u>	OFFICE OF WATER
	Basin <u>Vermillion</u>		
	Newspaper <u>Press & Dakotan</u>		

PAID

MAR 14 2025

Ck# 1045

Rec't# _____

Application For Permit To Appropriate Water For IrrigationType of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

_____1. Name to Appear on Irrigation Permit Gary Jepsen

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

Mailing Address 31225 451 Avenue Gayville SD 57031
(Address) (City) (State) (Zip Code)Phone _____ Mobile (605) 661-8243 Email garyjepsen8@gmail.com2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply 1 Ground Water Well4. Location of point of diversion E1/2 SW1/4 of S11 T93N R54W near center of SW1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)County Yankton5. County or counties where water will be used Yankton6. Annual period during which water is to be used May 1 - September 307. 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 SW S11 T93N R54W	40		
NE SW S11 T93N R54W	40		
SW SW S11 T93N R54W	40		
SE SW S11 T93N R54W	40		

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

1 Well in center of SW 1/4 of S11 T93N R54W to supply water to 1 center pivot to irrigate 160 acres in SW 1/4 of S11 T93N R54W. The parcel legal description of where the pivot is located is W2 SW4 EXC LOT U-1 & EXC LTS R-9, and H2 & H3 and E2 SW4 EXC LTS H2 & H3 of Regrid property map 11-93N-54W Gayville Plat.

I, Gary Jepsen 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.

MAR 14 2025

Supplemental Information

(type or print)

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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many N/A Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 100 Depth to Top of Water Bearing Material 50 Depth to Water from Surface 20d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2600'**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)

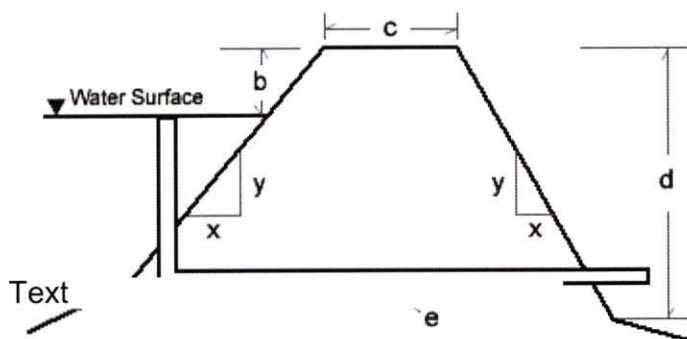
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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MAR 11 2005

Well Completion Reports

SEARCH WELLS

DRILLERS

PUMP INSTALLERS

Disclaimer

Help

Tools

T093N R054W

T93N R54W S11

T093N R054W S10

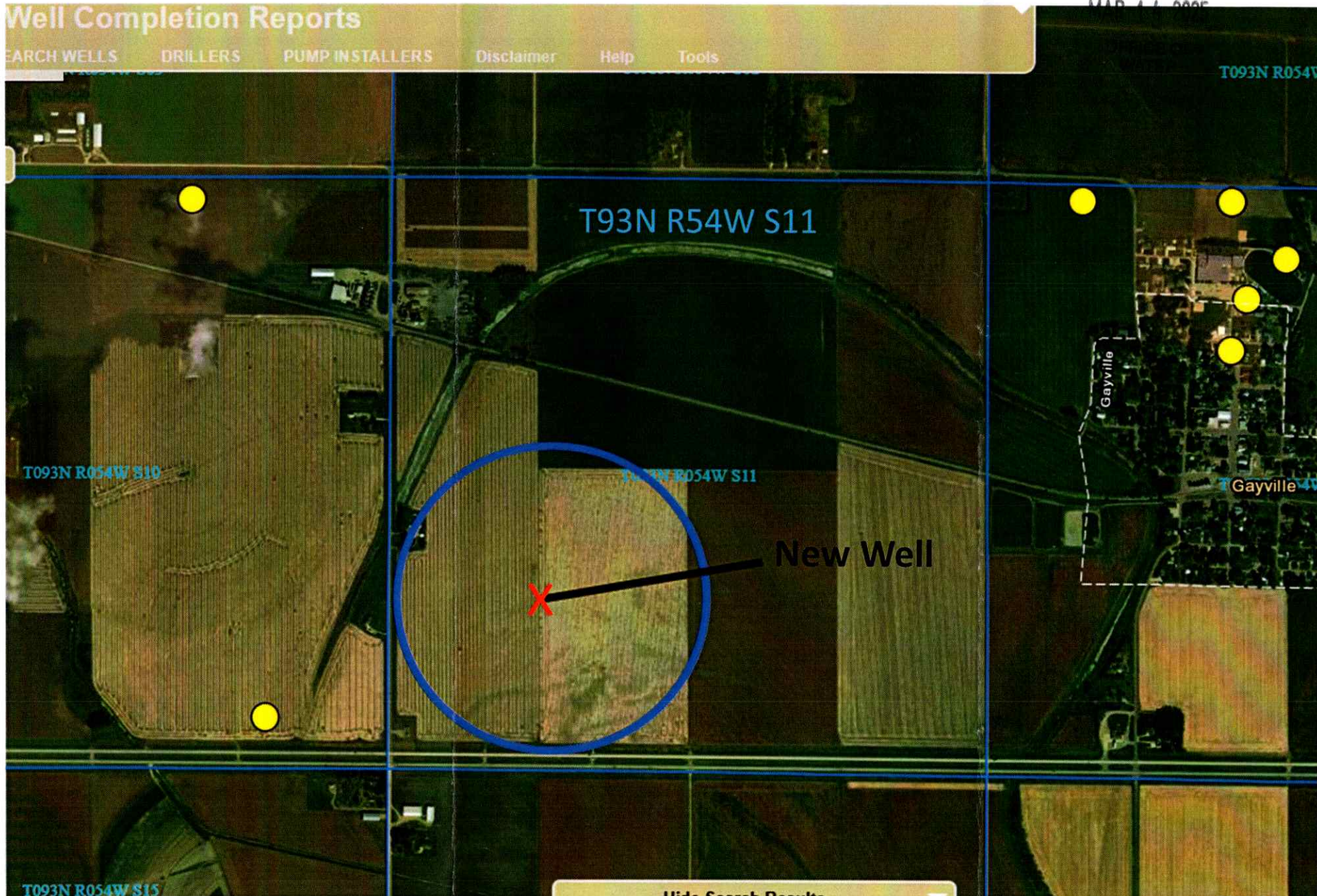
T093N R054W S11

Gayville 4W

New Well

T093N R054W S15

Hide Search Results





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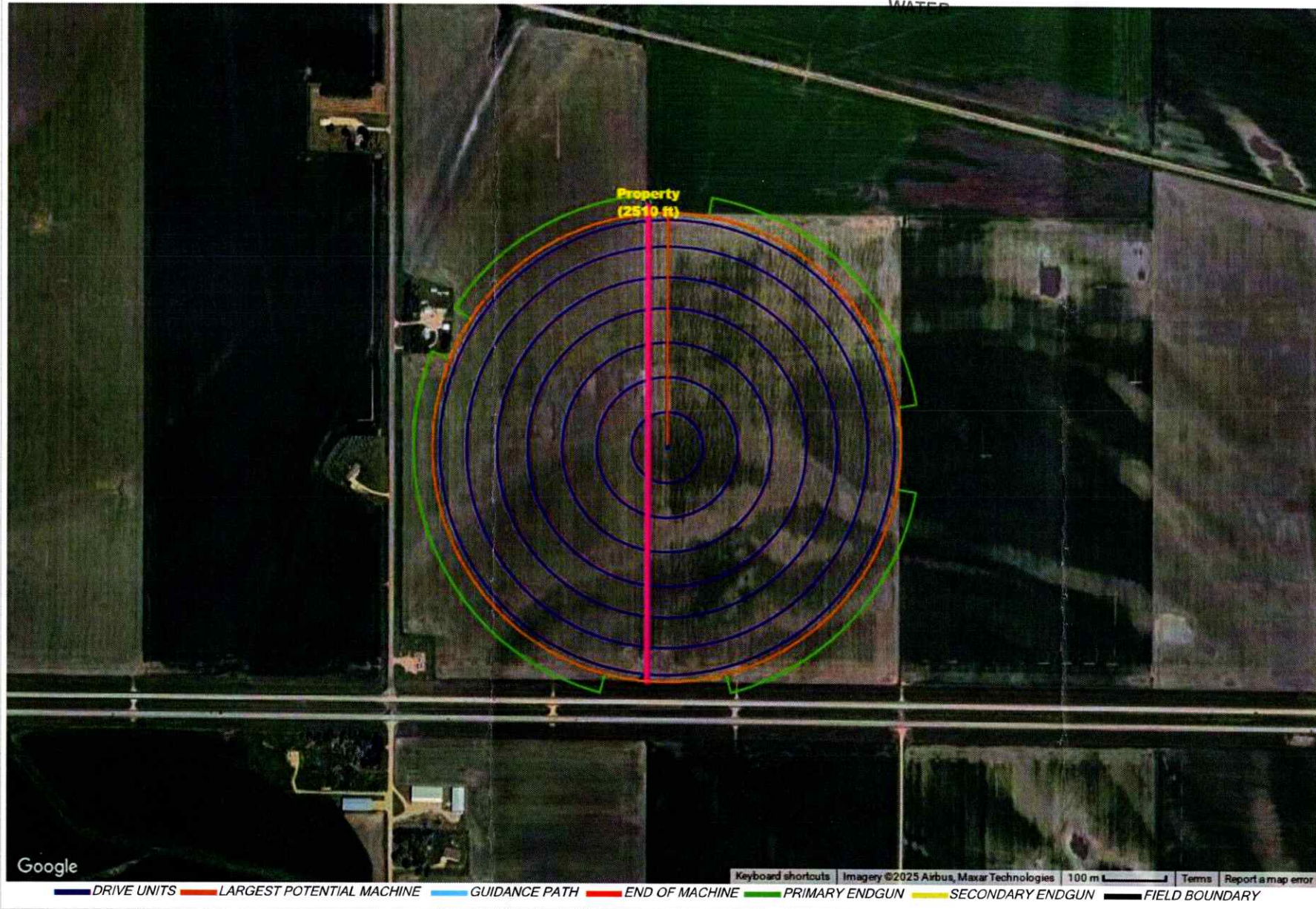


Project Name - Gary Jepsen - Jepsen Sibling 80

Version Name - Gary Jepsen - Jepsen Sibling 80...

Map Summary Report - Gary Jepsen - Jepsen sibling 80

OFFICE OF
WATER



HEINE ELECTRIC & IRRIGATION - 307 S. Robinson Ave, Hartington, NE, 68739-5139, United States



Project Name - Gary Jepsen - Jepsen Sibling 80

Version Name - Gary Jepsen - Jepsen Sibling 80_

Map Summary Report - Gary Jepsen - Jepsen sibling 80

Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_1_1223202413218243	Gary Jepsen - Jepsen sibling 80	Large Field Electrical Pivot 8000	108.36	7	1222.92	126.74

Total Project Irrigated Area (ac): 126.74

(Gary Jepsen - Jepsen sibling 80)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	108.3	0	18.44	0	0.00

* Estimated

Total Span Length (ft) 1184.80

Overhang Length (ft) 36.00

Flex/Transition/Other Lengths (ft) 2.12

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile	Wheel Track (ft)
1	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	184.80
2	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	364.80
3	6 5/8	180.00	12 ga cable / 11 cond shielded	68 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	544.80
4	6 5/8	180.00	12 ga cable / 11 cond shielded	68 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	724.80
5	6 5/8	160.00	12 ga cable / 11 cond shielded	68 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	884.80
6	6 5/8	160.00	12 ga cable / 11 cond shielded	68 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	1044.80
7	6 5/8	140.00	12 ga cable / 11 cond shielded	68 RPM Baldor Helical	11.2 x 38 Non-Directional 6Ply Tubeless	None	Standard	1184.54

Primary Endgun

Endgun Angles (Gary Jepsen - Jepsen sibling 80)	Endgun 1	Endgun 2	Endgun 3	Endgun 4
Start Angle	10.00 deg	100.00 deg	195.00 deg	303.00 deg
End Angle	80.00 deg	165.00 deg	292.00 deg	356.00 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_1223202413218243	42.885096416353996	-97.195095195945	-	-	0 deg	360 deg

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MAR 14 2025

94N 54W
Section: 34

94N 54W
Section: 35

94N 54W
Section: 36

93N 54W
Section: 03

93N 54W
Section: 02

93N 54W
Section: 01

10170102 Vermillion

Lewis and Clark Lake

93N 54W
Section: 10

93N 54W
Section: 11

93N 54W
Section: 12

93N 54W
Section: 15

10170101 Lewis and Clark Lake

93N 54W
Section: 14

93N 54W
Section: 13

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 17th, 2025

RECEIVED OF Gary Jepsen 31225 451st Avenue Gayville SD 57031

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

Fee for Application for Permit No. <u>8941-3</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>8941-3</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 Mayhew
Chief Engineer

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MAR 14 2025

OFFICE OF
WATER

Neighbor Consent For Irrigation

Please accept this notice as authorization
for Gary Jepsen to extend his Irrigation pivot
onto the land that Larry Skove owns which
is a portion of NW SW 511 T93 NR54W &
SW SW 511 T93 N R 54 W

Larry Skove

Larry Skove

3-12-25



**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. 8941-3, Gary Jepsen**

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. 8941-3, Gary Jepsen, 31225 451st Avenue, Gayville SD 57031.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8941-3 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. 8941-3 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. 8941-3 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 13, 2025

Report to the Chief Engineer
On Water Permit Application No. 8941-3

Gary Jepsen

May 15, 2025

Water Permit Application No. 8941-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer (approximately 100 feet deep) located in the approximate center of the SW $\frac{1}{4}$ of Section 11 for the irrigation of 160 acres located in the SW $\frac{1}{4}$ of Section 11; all in T93N-R54W. The site of interest is located in Yankton County approximately one mile west of Gayville, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial outwash deposit consisting of fine sand to very coarse gravel (Niehus, 1997). The Missouri: Elk Point aquifer underlies approximately 219,100 acres in Clay, Union, and Yankton Counties in South Dakota, and the aquifer contains approximately 3,287,100 acre-feet of recoverable water in storage (Hedges et al., 1982). The Missouri: Elk Point aquifer is hydrologically connected to the Lower Vermillion-Missouri, and Lower James-Missouri aquifers, and the Big Sioux, James, Missouri, and Vermillion Rivers (Niehus, 1994; Stephens, 1967).

The Missouri: Elk Point aquifer is generally under confined conditions in the northwestern part of the aquifer and unconfined conditions in the southern part of the aquifer, and the direction of groundwater movement in the aquifer is generally from the northwest to the southeast (Niehus, 1994 and 1997).

No water well or test hole completion report was submitted with Water Permit Application No. 8941-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Missouri: Elk Point aquifer within approximately two miles of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 20 to 80 feet, with the depth to the top of aquifer materials ranging from approximately 45 to 75 feet below the ground surface, and static water levels at well completion varying from approximately 15 to 25 feet below the ground surface (Water Rights, 2025d). The Missouri: Elk Point aquifer at the proposed diversion point is expected to be under confined aquifer conditions based on the well completion reports on file for nearby wells (Water Rights, 2025c and 2025d). However, it is likely the well will behave more like it is completed into an unconfined aquifer due to the proximity of unconfined conditions and the fact the nearby confining clay layers are silty and sandy and therefore, somewhat transmissive of water.

Figure 1 displays a map of the approximate Missouri: Elk Point aquifer extent (modified from Hedges et al., 1982) and the location of the proposed diversion point for Water Permit Application No. 8941-3 (Water Rights, 2025c and 2025d).

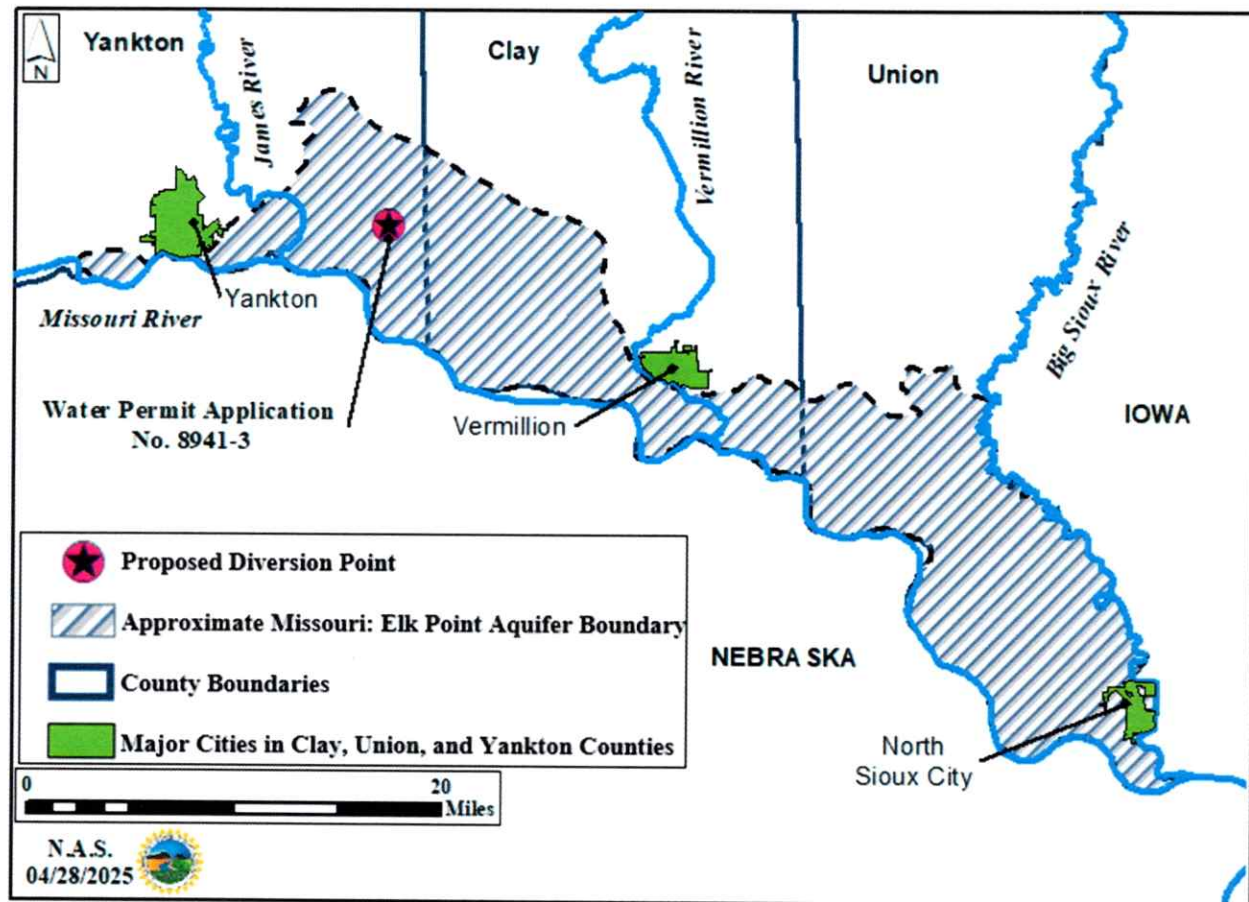


Figure 1. Map of the approximate Missouri: Elk Point aquifer extent modified from Hedges and others (1982) with the location of the proposed diversion point for Water Permit Application No. 8941-3 (Water Rights, 2025c)

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 Missouri: Elk Point aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8941-3 proposes to appropriate water from the Missouri: Elk Point 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 Missouri: Elk Point 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 Missouri: Elk Point aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, inflow from the Lower Vermillion-Missouri and Lower James-Missouri aquifers at the northern extent of the Missouri: Elk Point aquifer and inflow from the Big Sioux aquifer at the extreme northeastern extent of the Missouri: Elk Point aquifer, and from the underlying Dakota aquifer in Union County (Condley and Lamkey, 2022; Niehus, 1994 and 1997).

Several studies have been completed to estimate average annual recharge to the Missouri: Elk Point aquifer (Condley and Lamkey, 2022; Hedges et al., 1985; Mathiowetz, 2022; Stephens, 1967; Stonesifer, 2013). A discussion of these studies is available in the hydrologic budget section within the report for Water Permit No. 8614-3 - Lewis & Clark Regional Water System completed by Mathiowetz (2022). Collectively, the estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 130,770.3 acre-feet per year assuming full development of the existing future use and water rights/permits currently held by Lewis & Clark Regional Water System (Mathiowetz, 2022 and 2023). Due to proximity of the Lewis & Clark Regional Water System’s Missouri: Elk Point aquifer wells to the Missouri River, the highly transmissive aquifer materials, and large authorized diversion rate, the pumping occurring at the Lewis & Clark Regional Water System is inducing recharge into the aquifer. The scale of this induced recharge is significant enough that it must be accounted for as described by Mathiowetz (2022).

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through well withdrawals, evapotranspiration where the aquifer is at or near the ground surface, outflow to the Big Sioux and Missouri Rivers during periods of low flow and stage, and leakage to the underlying Dakota aquifer (Niehus, 1994 and 1997; Water Rights, 2025d). Currently, there are 657 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus two pending applications – Water Permit Application Nos. 8925-3 and 8926-3 requesting to

collectively irrigate 245 acres in Clay County, and six future use permits reserving water. The six future use permits (Nos. 5832-3, 6237-3, 6869-3, 6869A-3, 7208-3, and 8754-3) collectively reserve 21,021 acre-feet of water annually from the Missouri: Elk Point aquifer (Water Rights, 2025c). For the purpose of estimating average annual withdrawals, the future use permits are assumed to be fully developable for a total of 21,021 acre-feet per year.

Table 1 summarizes the 44 non-irrigation water rights/permits (including two irrigation water permits, see paragraph below) authorized to appropriate water from the Missouri: Elk Point aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at their respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2025c). This method is likely an overestimation of withdrawals. Three municipal water rights were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2025; Water Rights, 2025c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 1.

Water Right No. 5437-3 was licensed for a reduced diversion rate which prevents pumping the allotted volume of water specified on the permit (Water Rights, 2025c). The estimated average annual withdrawal rate for Water Right No. 5437-3 was approximated assuming pumping 60% of full time at the respective licensed diversion rate method (Table 1).

Water Permit No. 5998-3 is permitted for the irrigation of turf and Water Permit No. 5998A-3 extends the amount of time allowed for water to be put to beneficial use as authorized by Water Permit No. 5998-3 (Water Rights, 2025c). The estimated use for these two irrigation permits is included with the non-irrigation water rights/permits listed on Table 1, as the permit holder is not required to submit an annual irrigation questionnaire. However, Water Permit No. 5998-3 is authorized for use in a rural water system and the permit holder reports the annual use by Water Permit No. 5998-3 with their other rural water system Missouri: Elk Point aquifer permits, listed on Table 2 (Water Rights, 2025c).

Water Permit No. 7059-3 is permitted for recreational use to maintain the water level of a small lake with a surface area of 17.6 acres (Water Rights, 2025c). It is assumed that the only consumptive use of this water is due to evaporation; however, it is likely there is some seepage through the bottom of the pond (Water Rights, 2025c). Annual evaporation of water from shallow lakes is estimated to be approximately 42 inches per year at the location of the authorized diversion point for Water Permit No. 7059-3 (NOAA, 1982; Water Rights, 2025c), and normal annual total precipitation at the Sioux City, Iowa airport was determined to be approximately 29.27 inches over a 30-year period of record (1991 to 2020) (Arguez et al., 2020), which results in the lake to fluctuate approximately 12.73 inches per year. To maintain the water level of the small lake, the estimated use of Water Permit No. 7059-3 is approximately 18.7 acre-feet per year. Overall, the average annual withdrawal rate for the 44 non-irrigation water

rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire) authorized to appropriate water from the Missouri: Elk Point aquifer is approximately 69,385 acre-feet per year (Table 1) (Water Rights, 2025c and 2025f).

Table 1. Estimated annual use for the non-irrigation water rights/permits (plus two irrigation water permits for Clay RWS) authorized to divert water from the Missouri: Elk Point aquifer (Drinking Water Program, 2025; Water Rights, 2025c and 2025f)

Permit No.	Name	Status	Priority Date	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)	Total Estimated Use (acre-feet/year)
4501-3	Eddie Wohl	LC	03/27/1980	COM	0.05		21.7
5616-3	Cimpls Inc	LC	01/31/1992	COM	0.44		191.2
5827-3	Don Lantis	LC	06/08/1994	COM	0.022		9.6
5953-3	H & K Oil Co	LC	08/19/1996	COM	0.037		16.1
6151-3	Vernon & Norma Vakoc	LC	10/04/1999	COM	0.67		291
6580-3	West Shores Acres LLC	LC	01/28/2005	COM	0.10		43.5
8031-3	Dakota Protein Conversion Inc	PE	06/18/2014	COM	0.22		95.6
8147-3	Doug Lafleur	PE	04/06/2015	COM, LCO	1.0	160	159
8381-3	RP Constructors	PE	11/19/2018	COM	0.04	1	1
8403-3	Stockmen's Livestock Inc	LC	06/27/2019	COM	1.06	40	40
8415-3	3 Sons Properties	PE	11/14/2019	COM	0.10	25	25
8435-3	Sioux City Insulation	PE	07/30/2012	COM	0.33	1	1
8844-3	GrowMark Inc	PE	03/22/2024	COM, IND	0.67	3.68	3.68
7388-3	Clay RWS Inc	PE	07/30/2012	DOM, IRR	2.0		349
5998-3	Clay RWS Inc	PE	04/21/1997	IRR, DOM	2.2		
5998A-3	Clay RWS Inc	PE	04/21/1997	IRR, DOM	0.0		
5490-3	USGS CERC Field Research Station	LC	11/15/1990	FWP	0.09		39.1
5907-3	US Fish and Wildlife Service	LC	01/26/1996	FWP	3.78		1,643
6733-3	US Fish and Wildlife Service	LC	06/07/2006	FWP	1.11		482.5
7094-3	US Fish and Wildlife Service	LC	12/01/2008	FWP	2.67		1,160
5021-3	Vishay-Dale Electronics Inc	LC	05/04/1984	IND	0.10		43.5
5388-3	LG Everist Inc	LC	01/30/1990	IND	0.45		195.6
5453-3	AaLadin Industries Inc	LC	05/24/1990	IND	0.05		21.7
5593-3	Vishay-Dale Electronics Inc	LC	10/31/1991	IND	0.056		24.3
6170-3	Knife River	LC	01/03/2000	IND	0.222		96.5
1255-3	City of Elk Point	LC	01/01/1914	MUN	1.13		491.1
143-3	City of Vermillion	LC	01/21/1956	MUN	1.78		773.7
147-3	City of Vermillion	LC	01/01/1935	MUN	2.66		1,245
6236-3	City of Vermillion	LC	11/06/2000	MUN	2.6	1,161	
6354-3	City of Vermillion	LC	08/12/2002	MUN	0.022		10
1965-3	Town of Gayville	LC	01/01/1914	MUN	0.37		0*
4207-3	Town of Jefferson	LC	01/01/1916	MUN	0.90		391
5118-3	Town of Gayville	LC	01/28/1987	MUN	0.33		0*
5437-3	Dakota Dunes Community Improvement District	LC	04/12/1990	MUN	3.33		1,447
5782-3	City of North Sioux City	LC	08/12/1993	MUN	1.14		495.5
8212-3	City of Yankton	LC	03/25/2016	MUN	20.12	6,050	6,050
7059-3	WE Investments LLC	PE	08/28/2008	REC	3.11		18.7
8744-3	Dakota Bay	PE	03/29/2023	REC	1.55	28.6	28.6
6736-3	Lewis and Clark RWS	PE	07/08/1994	RWS	27.85	20,165	53,442
7207-3	Lewis and Clark RWS	PE	07/08/1994	RWS	20	12,000	
8613-3	Lewis and Clark RWS	PE	07/16/2007	WDS	29.8	13,000	
8614-3	Lewis and Clark RWS	PE	03/04/2022	RWS	0.0	8,277	
5581-3	Larson's Landing	LC	07/30/1991	SHD	0.089		38.7
5592-3	East Winds Court Inc	LC	10/09/1991	SHD	0.11		0*
						TOTAL:	69,385

*Identified as being connected to a RWS; therefore, water use from aquifer is presumed to be zero acre-feet/year

COM: Commercial; DOM: Domestic; FWP: Fish and Wildlife Propagation; IND: Industrial; IRR: Irrigation; LCO: Livestock Confinement Operation;

MUN: Municipal; REC: Recreation; RWS: Rural Water System; SHD: Suburban Housing Development

Of the 44 non-irrigation water rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire), there are 16 non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer (Water Rights, 2025c and 2025f).

Three of the non-irrigation water rights/permits that are required to report (Nos. 8031-3, 8415-3, and 8435-3) are currently under development (or were approved in 2023) and have not reported any withdrawals from the Missouri: Elk Point aquifer to the DANR-Water Rights Program (Water Rights, 2025c). The remaining thirteen non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer are shown on Table 2 (Water Rights, 2025c and 2025f). The reported usage (as shown on Table 2) for Permit Nos. 8381-3 and 8403-3 (approved in 2018 and 2019) is not necessarily reflective of the future usage of these permits based on information within their respective water permit files (Water Rights, 2025c), and only have four years of reported withdrawals (Water Rights, 2025f). Therefore, the estimated use for Permit Nos. 8031-3, 8415-3, 8435-3, 8381-3, 8403-3, and 8614-3 will be based on the method used previously to estimate non-irrigation use: water rights/permits 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. The estimated average annual withdrawal rates for these permits are listed on Table 1.

The reported use for the City of Yankton (8212-3) and Lewis and Clark Regional Water System (6736-3, 7207-3, 8613-3, and 8614-3) (as shown on Table 2) is steadily increasing (Water Rights, 2025f), as these water users are continually undergoing development (8614-3 was approved in 2023) (Water Rights, 2025c). It is likely these water users will use their entire respective annual volume limitation in the future; therefore, the average annual withdrawal rate for these water rights/permits is assumed to be their entire respective annual volume listed on Table 1 (Water Rights, 2025c).

The annual withdrawal rate for Clay Rural Water System Inc (Permit Nos. 5998-3, 5998A-3, and 7388-3) averaged over the last ten years (approximately 349 acre-feet per year) is more reflective of current usage than the entire period of record of reported withdrawals because the first few years of reported values were during the construction period (Water Rights, 2025c and 2025f). The average annual withdrawal rate based off the reported annual withdrawal rates averaged from 2003 to 2023 on Table 2 for these water permits will be used in this analysis.

The annual withdrawal rates for Doug Lafleur (8147-3) and City of Vermillion (147-3, 6236-3) on Table 2 are relatively steady over their respective periods of record (Water Rights, 2025c and 2025f); therefore, the average annual withdrawal rate based on the reported values from each of these water users (as shown on Table 2) is reasonably reflective of the future withdrawals likely to be made by these appropriate users. The average annual withdrawal rate based off the reported annual withdrawal rates averaged over the period of record on Table 2 for these water rights/permits will be used in this analysis.

Table 2. Non-irrigation water rights/permits required to report their respective annual use from the Missouri: Elk Point aquifer (Water Rights, 2025c and 2025f)

	RP Constructors	Stockmen's Livestock Inc	Clay RWS Inc	Doug Lafleur	City of Vermillion	City of Yankton	Lewis and Clark RWS
	8381-3	8403-3	5998-3, 5998A-3, 7388-3	8147-3	147-3, 6236-3	8212-3	6736-3, 7207-3, 8613-3, 8614-3
2003			238		1.363		
2004			483		1.226		
2005			21		1.247		
2006			170		1.252		
2007			217		1.344		0
2008			213		1.199		0
2009			215		1.140		0
2010			183		1.071		0
2011			137		1.127		92
2012			525		1.317		3,836
2013			301		1.183		9,368
2014			307		1.121		11,532
2015			278	202	1.161		15,591
2016			231	202	1.175	66	17,091
2017			276	202	1.215	531	18,051
2018			305	98	1.168	504	18,143
2019	0.0171	1	292	135	1.440	1,370	20,397
2020	0.0224	4.2	461	121	1.373	2,923	21,039
2021	0.2332	5.5	486	170	1.378	3,065	23,537
2022	0.0252	5.7	550	142	1.394	3,405	24,693
2023	0.0313	6.4	495	161	1.368	3,157	26,801
Max (acre-feet)	0.2	6.4	550	202	1.440	3,405	26,801
Min (acre-feet)	0.0171	1	21	98	1.071	66	0
Avg (acre-feet)	0.066	4.56	304	159	1.251	1,878	16,167*
RWS: Rural Water System *Excluded reported zero values							

Currently, there are 615 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus two pending applications (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 Missouri: Elk Point aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 19,589 acre-feet per year (Table 3) (Water Rights, 2025a). A more recent average period is likely to better reflect the current development of irrigation water rights/permits; thus, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 25,765 acre-feet per year (Table 3) (Water Rights, 2025a).

The usage for two irrigation water permits (Nos. 5998-3 and 5998A-3) was accounted for on Table 1 with the non-irrigation water rights/permits, as the permit holder is not required to report their respective annual irrigation usage (Water Rights, 2025c), resulting in only 613 of the Missouri: Elk Point aquifer irrigation water rights/permits being currently required to submit an annual irrigation questionnaire (Water Rights, 2025c).

Additionally, Water Right No. 6110-3 is authorized to divert water from a well completed into the Dakota aquifer and pump the water into two ponds that receive incidental surface runoff and possible groundwater inflow from the Missouri: Elk Point aquifer (Water Rights, 2025c). Water Right No. 6110-3 is included in the 615 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer; however, the estimated use for this permit is assumed to be negligible to the overall hydrologic budget due to the minimal amount of water from the Missouri: Elk Point aquifer the permit holder is expected to withdraw. When omitting Water Right No. 6110-3 and Water Permit Nos. 5998-3 and 5998A-3 from this analysis of Missouri: Elk Point aquifer irrigation water rights/permits, 612 water rights/permits remain.

Table 3 lists 599 water rights/permits as reporting in 2023 (Water Rights, 2025a and 2025c). The 599 water rights/permits listed as reporting in 2023 includes four water rights/permits (Nos. 7322-3, 7325-3, 7749-3, 8595-3) that were incorporated into another water right or cancelled in 2023 or 2024 (Water Rights, 2025c), resulting in only 595 of the water rights/permits reporting on the 2023 irrigation questionnaire as being currently active.

Seventeen water permits/rights did not submit an irrigation questionnaire form in 2023 that are currently active, accounting for the difference between the 595 currently active water rights/permits that reported in 2023 and the 612 irrigation water rights/permits currently required to submit an annual irrigation questionnaire and annual use being estimated in this analysis (Water Rights, 2025a and 2025c). Of these seventeen permits, thirteen were issued between 2023 to 2025 and have not yet submitted an irrigation questionnaire and the 2024 irrigation questionnaires are not through the final review process. The remaining rights are Water Right No. 5935-3, which is not required to submit an irrigation questionnaire, and Water Right Nos. 1006-3 and 1007-3 whose holders did not submit an irrigation questionnaire in 2023 for an unknown reason. Overall, these seventeen water permits/rights are authorized to irrigate approximately 1,737.2 acres (Water Rights, 2025c).

Table 3. Reported historic irrigation use from Missouri: Elk Point aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	259	10,258
1980	263	14,937
1981	297	13,931
1982	269	19,143.1
1983	273	11,081
1984	281	9,605.5
1985	282	14,020.7
1986	286	6,324.8
1987	281	13,369
1988	282	28,558.1
1989	292	25,904.3
1990	297	19,508
1991	300	18,877.7
1992	295	1,895
1993	298	1,475.2
1994	295	10,314.9
1995	292	18,761.3
1996	296	9,473.6
1997	305	17,236
1998	313	11,079.5
1999	308	14,877
2000	309	26,551
2001	313	19,115.2
2002	315	23,326.9
2003	314	27,007
2004	322	24,309
2005	335	24,206.1
2006	353	27,943.3
2007	366	30,652
2008	396	16,439
2009	410	6,346
2010	419	2,906.9
2011	431	12,330
2012	445	56,994.7
2013	543	35,090.5
2014	557	12,423.5
2015	563	17,884.1
2016	564	27,869.3
2017	567	37,209.9
2018	570	9,160.7
2019	575	8,736.3
2020	570	26,601
2021	572	40,503.4
2022	579	44,925
2023	599	32,338
Min	259	1,475.2
Max	599	56,994.7
Avg (1979 to 2023)	379	19,589
Avg (2014 to 2023)	572	25,765

Farmer (2018a, 2018b, and 2021) analyzed the amount of water pumped per permitted acre for the period from 1979 through 2005. This period was chosen due to the relatively stable number of permitted acres across the entire period. There was a continual annual increase in the number of permitted acres from 2006 through 2013/2014. From 2013/2014 through 2021, the total number of permitted acres had been relatively stable (Mathiowetz, 2022; Water Rights, 2025c). Farmer (2021) determined that it would be best to separate the review of pumpage per permitted acres between crops, such as corn and soybeans, and turf, such as golf courses and lawn irrigation, to describe the pumpage more accurately per permitted acres. Turf irrigation typically requires more water per acre annually than crop irrigation. Mathiowetz (2022) determined over the entire period of record (1979 through 2021), the crop application rate per permitted acre is 0.331 feet per year (3.97 inches per year), and 0.908 feet per year for turf (10.9 inches per year) (Water Rights, 2025a and 2025c).

Currently, there are 84,051.4 acres authorized to be irrigated from the Missouri: Elk Point aquifer, with 819.6 of those acres authorized for turf irrigation, plus two pending applications requesting to collectively crop irrigate 245 acres (Water Rights, 2025c). Table 4 contains the turf irrigation permits with their respective authorized permitted acres and an estimated average annual use based on Mathiowetz's (2022) application rate per permitted acre (Water Rights, 2025c). By multiplying the application rate of 0.908 feet per acre per year (Mathiowetz, 2022), by the 819.6 acres permitted for turf irrigation (Water Rights, 2025c), the annual use for turf irrigation yields approximately 744.2 acre-feet per year (Table 4). By multiplying the application rate of 0.331 feet per acre per year (Mathiowetz, 2022), by the 83,231.8 acres (total acres minus turf irrigated acres) acres being crop irrigated, plus 245 acres for the pending applications (Water Rights, 2025c), the average annual use for crop irrigation yields approximately 27,630.8 acre-feet per year. Collectively, the average annual use from the Missouri: Elk Point aquifer for both crop and turf irrigation water rights/permits utilizing Mathiowetz's (2022) application rates is approximately 28,375 acre-feet per year.

Table 4. Water rights/permits authorized for irrigation of turf (Water Rights, 2025c)

Permit No.	Name	Status	County	Acres	Total Estimated Use (acre-feet/year)
1294-3	Recreation Development Assn. Inc.	LC	Union	102	92.6
2011-3	TR Golf LLC	LC	Union	95	86.3
5786-3	Dakota Dunes Golf Course	LC	Union	173	157.1
5998-3	Clay Rural Water System Inc	PE	Union	300	272.4
5998A-3	Clay Rural Water System Inc	PE	Union	0	0
5935-3	Ted Waitt	LC	Union	1	0.908
5936-3	Applied Engineering	LC	Yankton	1.8	1.6
8010-3	Ryan Rusher	LC	Yankton	2.5	2.3
8029-3	Dakota Dunes Comm Improvement District	PE	Union	17.8	16.2
8040-3	Heine Electric & Irrigation Inc	LC	Clay	1	0.908
8354-3	TR Golf LLC	PE	Union	30	27.24
8407-3	Gayville-Volin School District 63-1	LC	Yankton	4.5	4.1
8530-3	National Field Archery Association Foundation	LC	Yankton	16	14.5
8560-3	TR Golf LLC	PE	Union	65	59
8727-3	TR Golf LLC	PE	Union	10	9.1
			TOTAL:	819.6	744.2

There are domestic wells completed into the Missouri: Elk Point 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 not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Missouri: Elk Point 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 Missouri: Elk Point aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Missouri: Elk Point aquifer is approximately 130,770.3 acre-feet per year.

The estimated average annual withdrawal rate for the water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer is approximately 118,836 acre-feet per year (including the estimated use for Water Permit Application Nos. 8925-3, 8926-3, and 8941-3 if approved) (listed on Table 5). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Missouri: Elk Point aquifer for the proposed appropriation.

Table 5. Estimated use from Missouri: Elk Point aquifer (Water Rights, 2025a, 2025c, and 2025f)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Future Use Reservations	21,021
Non-Irrigation	69,385
Irrigation (Mathiowetz's (2022) turf and crop application rates) (including pending Water Permit App Nos. 8925-3 and 8926-3)	28,375
Application No. 8941-3 (if approved, assuming Mathiowetz's (2022) crop application rate of 0.331 per acre)	55
TOTAL:	118,836

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2025b). The three closest observation wells to the proposed diversion point are YA-78J (approximately 2.4 miles northwest), YA-80KA (approximately 3.8 miles southeast), and YA-57DR (approximately 4.5 miles west) (Water

Rights, 2025b). The hydrograph for these observation wells is 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 and were adjusted by each of the well casings respective stickup height to reflect from the ground surface.

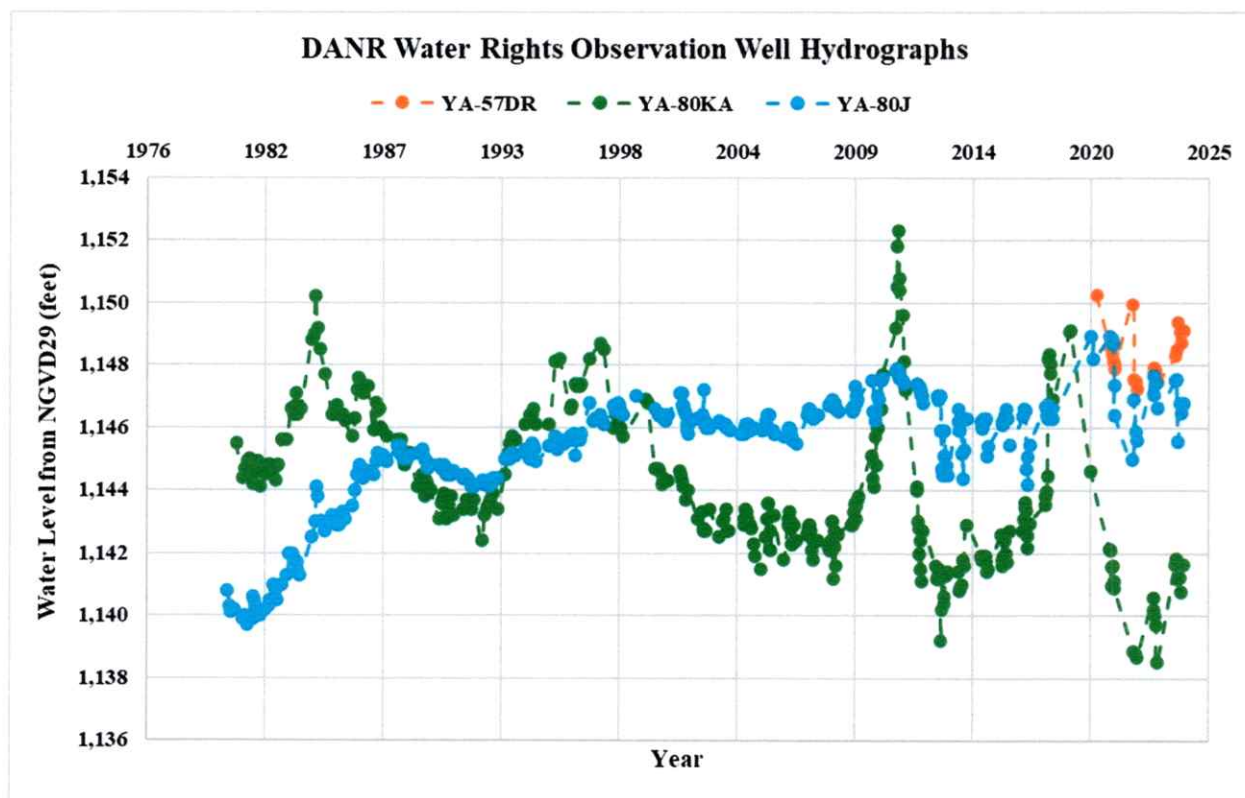


Figure 2. Hydrograph for observation well YA-78J, YA-80KA, and YA-57DR (Water Rights, 2025b)

Most hydrographs for observation wells completed into the Missouri: Elk Point aquifer display a generally stable to slightly increasing trend, except for several Missouri: Elk Point aquifer observation wells close to the Missouri River whose respective hydrographs show a gradual long-term downward trend. The same trends are displayed in Figure 2 (Water Rights, 2025b), but is less pronounced than what is seen on hydrographs for observation wells completed closed to the Missouri River. This downward trend is caused by entrenchment of the Missouri River riverbed and in some places a widening of the channel leading to lower water levels despite the river having the same rate of flow (Elliott and Jacobson, 2022). The lowering of the water level in the Missouri River downstream of the Gavins Point Dam and the subsequent lowering of the water level of Missouri: Elk Point aquifer observation wells in proximity to the river show the strong hydrologic connection between the Missouri River and the Missouri: Elk Point aquifer. This is demonstrated by the very similar water levels between the aquifer and river as shown in the hydrographs in Figures 2 and 3. The lowering of the water levels in the aquifer, especially in proximity to the Missouri River, is not a sign of over appropriation of the Missouri: Elk Point aquifer.

To demonstrate the connection between the aquifer and the Missouri River, consider the United States Geological Survey (USGS) Stream Gage #06467500, located on the Missouri River at

Yankton, SD below Gavins Point Dam, and the hydrograph for this gage is shown in Figure 3 (USGS, 2025). By comparing the hydrograph for Stream Gage #06467500 to the observation well hydrographs of the Missouri: Elk Point aquifer (Figure 2), both show the river and aquifer react to climatic conditions by rising and falling over similar trends and similar magnitudes for the observation wells closest to the river (USGS, 2025; Water Rights, 2025b). Additionally, during flood events (such as, the years 2011 and 2019), the water level in the Missouri: Elk Point aquifer, especially where in closer proximity to the Missouri River (as seen in the hydrograph for YA-80KA), rises very quickly beyond what is typically seen for glacial outwash aquifers that are only responding to the infiltration of precipitation (Water Rights, 2025b). This indicates there is a hydrologic connection between the Missouri: Elk Point aquifer and the Missouri River. Therefore, when the elevation of the water in the Missouri River is higher than the elevation of water in the aquifer, the river will recharge the aquifer. In contrast, when the elevation of water is higher in the Missouri: Elk Point aquifer, the aquifer naturally discharges to the Missouri River. The observation well water levels simply show the connection between the river and the aquifer and how the aquifer reacts to climatic conditions without showing any long-term effects from pumping. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

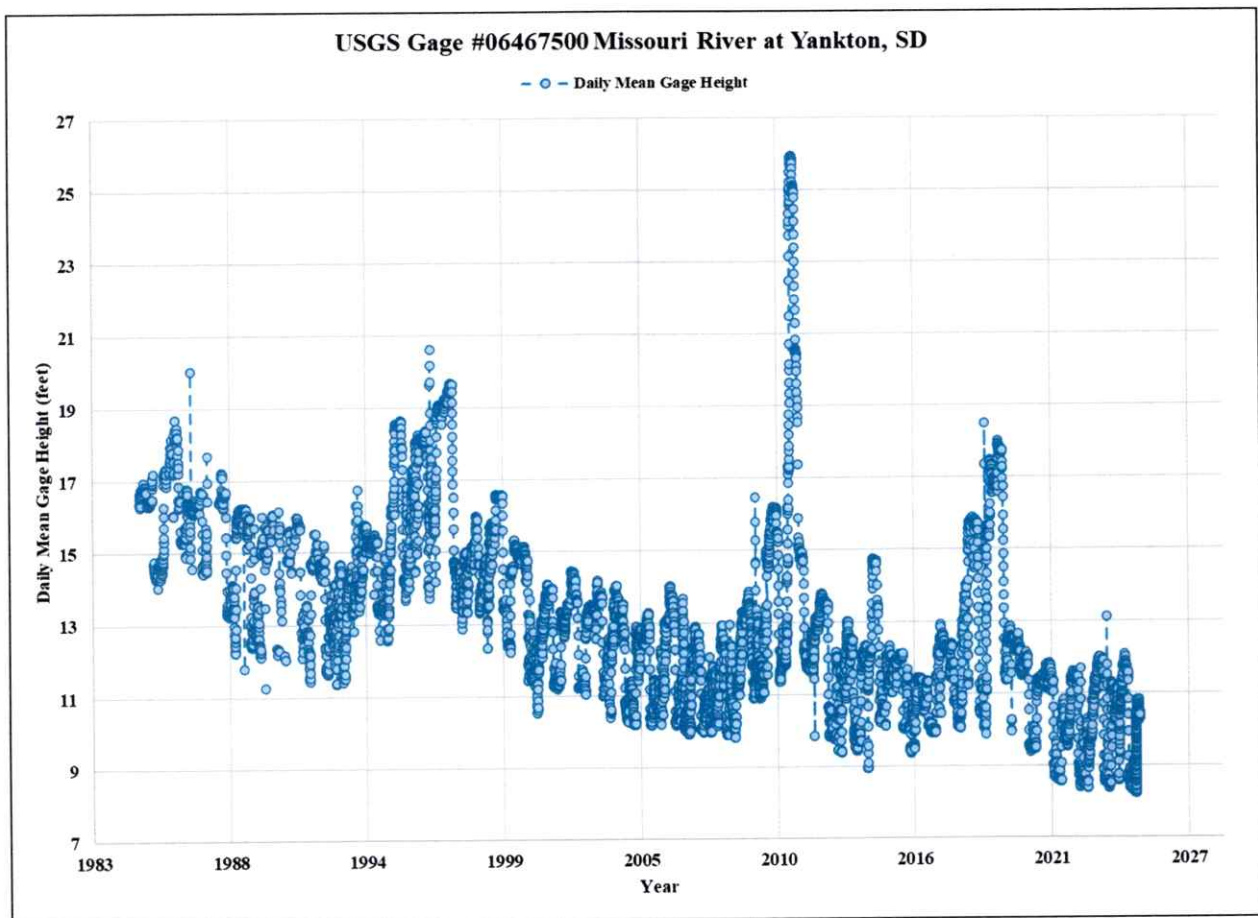


Figure 3. Hydrograph for USGS Stream Gage #06467500 Missouri River at Yankton, SD from 1985 to 2025 (USGS, 2025)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 657 water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus six future use permits reserving water, and two pending applications (Water Rights, 2025c). The closest water right/permit to the proposed diversion point is Water Right No. 6967-3, which is held by Erickson Bye Farms. The diversion point for Water Right No. 6967-3 is located approximately 0.6 miles northwest of the proposed diversion point for this application (Table 6) (Figure 4) (Water Rights, 2025c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Missouri: Elk Point aquifer, with the closest domestic wells on file (not held by the applicant) located approximately 1.4 miles northwest and southeast of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the proposed diversion point that are not on file with the DNR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

Table 6. Water rights/permits authorized to withdraw water from the Missouri: Elk Point aquifer within approximately two miles of the proposed diversion point, as shown in Figure 4 (Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)
1965-3	Town of Gayville	LC	MUN		0.37
4678-3	Craig Jepsen	LC	IRR	108	1.54
4700-3	DA Olson & Sons	LC	IRR	136	1.94
4846-3	James Ryken	LC	IRR	132	1.89
5118-3	Town of Gayville	LC	MUN		0.33
1680A-3	Heine Farms	LC	IRR	205.3	2.93
6378-3	Ricky Bye	LC	IRR	264	2.4
6648-3	Freeburg Limited Partnership	LC	IRR	117	1.56
6775-3	James & Brian Ryken	LC	IRR	132	1.89
6780-3	Willard Schmidt	LC	IRR	115	1.64
6839-3	Karl M Schenk	LC	IRR	118	1.89
6967-3	Erickson Bye Farms	LC	IRR	253	2
7017-3	Karl M Schenk	LC	IRR	136	1.56
7240-3	James A Herzog	LC	IRR	135	1.78
7241-3	Jennifer Herzog LLC	LC	IRR	135	1.78
7458-3	Jim Bye	LC	IRR	246	2.22
7554-3	John L Gregg II	LC	IRR	135	1.89
7593-3	Ricky Bye	LC	IRR	105	1.5
7687-3	Nicholas W Olson	LC	IRR	67	1
7936-3	Donald Johnson	LC	IRR	308	2.95
8192-3	Stop Drop Lock Inc	LC	IRR	136	2.22
8407-3	Gayville-Volin School District 63-1	LC	IRR	4.5	0.114
LC: Licensed Water Right; IRR: Irrigation; MUN: Municipal					

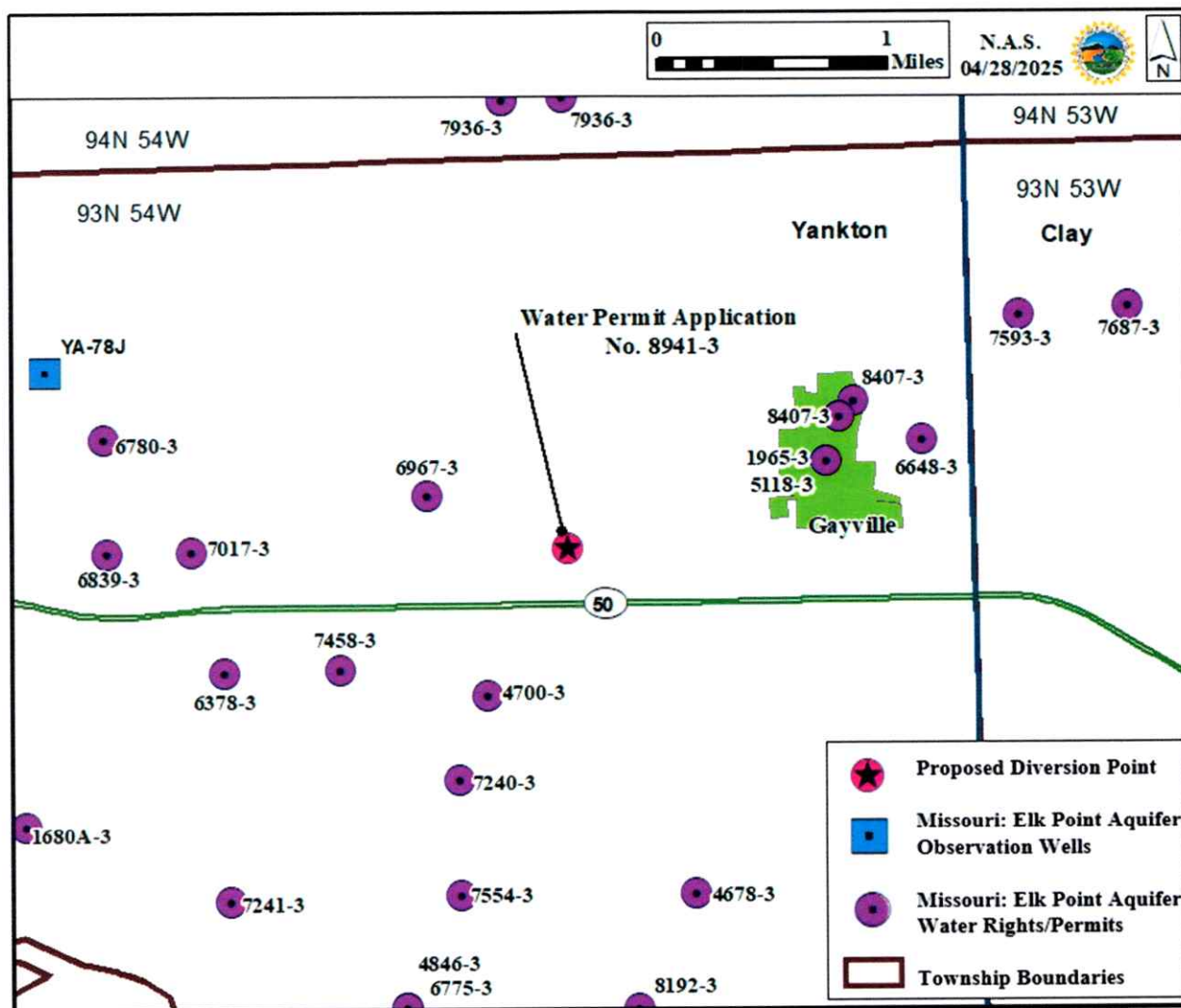


Figure 4. Location of the proposed diversion point for Water Permit Application No. 8941-3 with the Missouri: Elk Point aquifer water rights/permits within approximately two miles (Water Rights, 2025c)

The Missouri: Elk Point aquifer ranges from confined to unconfined aquifer conditions, but is primarily under unconfined conditions (Niehus, 1994 and 1997). Based on the nearby well completion reports, the Missouri: Elk Point aquifer is expected to be confined at the proposed diversion point (Water Rights, 2025c and 2025d). However, the well is likely to behave more like an unconfined aquifer well due to the silty and sandy nature of the overlying clay and the proximity of unconfined aquifer conditions. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. Examination of the hydrographs for observation wells completed into the Missouri: Elk Point aquifer show no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a mile of several high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2025b and 2025c).

Within approximately two miles of the proposed diversion point, the Missouri: Elk Point aquifer has a saturated aquifer thickness ranging between approximately 20 to 80 feet (Water Rights, 2025d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Clay, Union, and Yankton Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2025e).

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.”

While the proposed well for this application is likely to behave more similarly to an unconfined aquifer well, the well is technically confined; thus, has artesian head pressure above the top of the aquifer. 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 Missouri: Elk Point aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Missouri: Elk Point aquifer near the proposed diversion point, the generally unconfined nature of the aquifer, and the lack of well interference complaints from the Missouri: Elk Point aquifer in the area, 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. 8941-3 proposes to divert water at a maximum instantaneous diversion rate of 1.78 cfs from one well to be completed into the Missouri: Elk Point aquifer (approximately 100 feet deep) for the irrigation of 160 acres. The site of interest is located in Yankton County approximately one mile west of Gayville, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8941-3 will not unlawfully impair adequate wells for existing water rights/permit holders and domestic users.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:

Adam Mathiowetz

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

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 16, 2025

Gary Jepsen
31225 451st Avenue
Gayville SD 57031

Dear Mr. Jepsen:

Water Permit Application No. 8941-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Press & Dakotan printed in Yankton SD (Ph # 605 665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the 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. 8941-3 to Appropriate Water

Notice is given that Gary Jepsen, 31225 451st Avenue, Gayville SD 57031, 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 Missouri: Elk Point Aquifer (approximately 100 feet deep) located in the approximate center of SW 1/4 Section 11 for irrigation of 160 acres located in the SW 1/4 Section 11; all in T93N-R54W. This site is located approximately one mile west of Gayville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8941-3 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 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: Rodriguez, Rachel
Sent: Thursday, May 15, 2025 1:27 PM
To: Kelly Kronaizl
Subject: 8941-3 Gary Jepsen - Public Notice
Attachments: 8941-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 23, 2025, in the Daily Press & Dakotan.

Gary Jepsen, 31225 451st Avenue, Gayville SD 57031, 605-661-8243, 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

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAY 29 2025

OFFICE OF
WATER

GARY JEPSEN
31225 451ST
GAYVILLE SD 57031

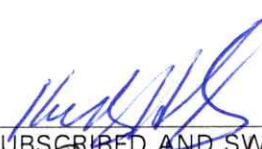
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

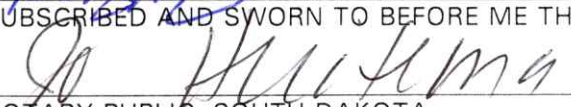
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 23rd DAY OF May, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 05/23/2025

FILED ON: 05/23/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF May, 2025


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



RECEIVED

MAY 29 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8941-3 to Appropriate Water

Notice is given that Gary Jepsen, 31225 451st Avenue, Gayville SD 57031, 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 Missouri: Elk Point Aquifer (approximately 100 feet deep) located in the approximate center of SW 1/4 Section 11 for irrigation of 160 acres located in the SW 1/4 Section 11; all in T93N-R54W. This site is located approximately one mile west of Gayville SD.

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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.

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Published once at the total approximate cost of \$40.32 and can be viewed free of charge at www.sdpublicnotices.com

Published May 23, 2025.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 15, 2025 1:36 PM
To: garyjepsen8@gmail.com
Subject: 8941-3 Gary Jepsen - Public Notice
Attachments: 8941-3 Rec.pdf; 8941-3 Ltr.pdf; 8941-3 PubNotice.pdf

Attached is a copy of the report, acting 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

JUN 11 2025

Gary Jepsen
31225 451st Avenue
Gayville SD 57031

Dear Mr. Jepsen:

Enclosed is Water Permit No. 8941-3 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**

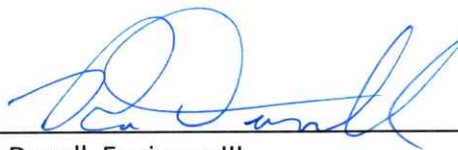
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8941-3

Name of Applicant: Gary Jepsen

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:

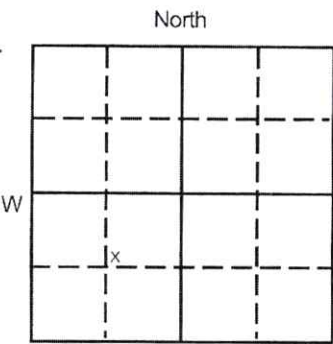
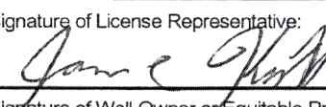
(SEAL) Rachel Rodriguez
My Commission Expires
May 18, 2029



8941-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location <u>NE</u> $\frac{1}{4}$ <u>SW</u> $\frac{1}{4}$ Sec <u>11</u> Twp <u>93N</u> Rg <u>54W</u> County <u>YANKTON</u> GPS Coordinates Lat: <u>42.885096</u> Lon: <u>-97.195095</u>  North W E 1 Mile Please mark well location with an "X" on section grid Well Completion Date <u>7/15/2025</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>? 1,450</u> ft. from <u>SEPTIC TANK</u> (identify source)	Well Owner: <u>GARY JEPSEN</u> Business Name: _____ Address: <u>31225 451ST AVE</u> City, State, Zip: <u>GAYVILLE, SD 57031</u> WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr><td>TOP SOIL</td><td>0.0</td><td>3.0</td></tr> <tr><td>FINE GRAY SAND</td><td>3.0</td><td>45.0</td></tr> <tr><td>GRAVEL</td><td>45.0</td><td>48.0</td></tr> <tr><td>FINE GRAY SAND</td><td>48.0</td><td>68.0</td></tr> <tr><td>MED. GRAVEL/ FINE SAND</td><td>68.0</td><td>85.0</td></tr> <tr><td>MEDIUM TO COARSE GRAVEL</td><td>85.0</td><td>104.0</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> STATIC WATER LEVEL <u>21.0</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____	FORMATION	DEPTH		FROM	TO	TOP SOIL	0.0	3.0	FINE GRAY SAND	3.0	45.0	GRAVEL	45.0	48.0	FINE GRAY SAND	48.0	68.0	MED. GRAVEL/ FINE SAND	68.0	85.0	MEDIUM TO COARSE GRAVEL	85.0	104.0												
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PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other _____ METHOD OF DRILLING: CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>SDR26 LB/FT</td> <td>16 IN</td> <td>0 FT</td> <td>84 FT</td> <td>22 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table> GROUTING DATA: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>GROUTWELLDF</td> <td>7</td> <td>Lb/gal</td> <td>0.0 Ft</td> <td>20.0 Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure <u>TREMIE</u> SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>16</u> Inches Length <u>20.0</u> Feet Material <u>PVC</u> Slot Size <u>.060</u> Set From <u>84.0</u> Feet to <u>104.0</u> Feet Other information _____	PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	SDR26 LB/FT	16 IN	0 FT	84 FT	22 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	Grout Type	No. of Sacks	Grout Weight	From	To	GROUTWELLDF	7	Lb/gal	0.0 Ft	20.0 Ft			Lb/gal	Ft	Ft	RECEIVED JUL 21 2025 OFFICE OF WATER WELL TEST DATA: ☐ Pumped Describe: _____ ☐ Bailed ☐ Air ☐ Other _____ Pumping Level Below Land Surface _____ Ft. After _____ Hrs. pumped _____ GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																																
SDR26 LB/FT	16 IN	0 FT	84 FT	22 IN																																
LB/FT	IN	FT	FT	IN																																
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		Lb/gal	Ft	Ft																																
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____ DISINFECTION: Was well disinfected upon completion? ☒ Yes, How? <u>HTH TABLETS</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____	REMARKS ELEVATION: 1163 This well was drilled under license # <u>810</u> And this report is true and accurate. Drilling firm: <u>HEINE ELECTRIC & IRRIGATION, INC.</u> Signature of License Representative:  Signature of Well Owner or Equitable Property Holder: _____ Date: <u>7-21-25</u>																																			

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501