

WATER PERMIT NO. 8943-3

Name of Applicant: **Ostrem Farms**

Address: **29545 460th Avenue, Centerville SD 57014** Phone: **605-530-1503**

Amount of Water Claimed: **No Add'l** Total Acres: **180**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **Approx. 4 miles southwest of Centerville**

PRIORITY Date Received: **03-25-25** Application/License Fee: **\$1,050.00**

Corrected Application Received: **03-26-25** Period of Annual Use: **May 1 – September 30**

Remarks: **Using existing well from 5899-3 to irrigate additional acres, with no increase to diversion rate.**

Diversion Point: **S 1/2 NE 1/4 Sec 8-T95N-R52W**

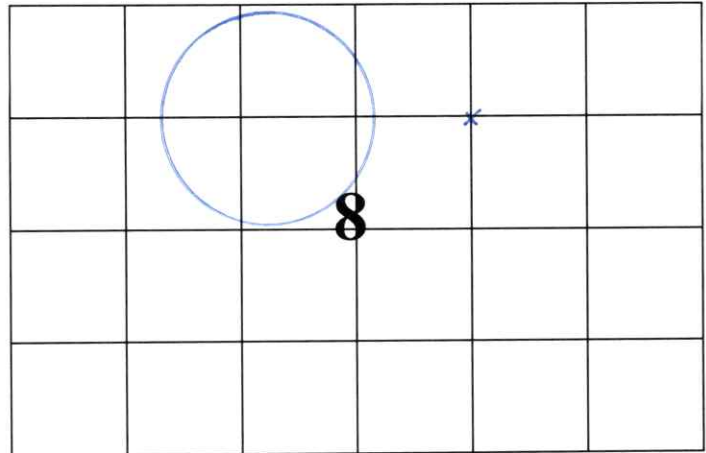
Land to be Irrigated: **NW 1/4, W 1/2 NE 1/4 Sec 8-T95N-R52W**

Depth of Well: **175**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-26-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8943-3**

Date of first receipt of application March 25, 2025.

Date of return to applicant for corrections, amendments or changes March 26, 2025.

Date of receipt of corrected application March 26, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8943-3 to Ostrem Farms, 29545 460th Avenue, Centerville SD 57014, 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. 8943-3 authorizes irrigation of an additional 180 acres from an existing well authorized by Water Right No. 5899-3. Water Right No. 5899-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (175 feet deep) located near the center of the NE 1/4 Section 8 for irrigation of 134 acres located in the NE 1/4 Section 8; all in T95N-R52W. This permit authorizes irrigation of an additional 180 acres located in the NW 1/4, W 1/2 NE 1/4 Section 8-T95N-R52W, using the existing well, with no increase in the 1.78 cfs diversion rate. This permit, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. This site is located approximately four miles southwest 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: May 1 – September 30.
3. The date from which applicant may claim right is March 25, 2025.
4. The date of approval of Permit No. 8943-3 is June 16, 2025.
5. One-fifth of the construction is to be completed on or before December 16, 2027.
6. All construction is to be completed on or before June 16, 2030.
7. Water is to be put to beneficial use on or before June 16, 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. 8943-3 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. 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

7/21/25
date



RECEIVED

MAR 25 2025

OFFICE OF
WATER

PAID

MAR 25 2025

Ck# 10181

Rec't#

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8943-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion R</u> Newspaper <u>Plain Talk</u> <u>Daily Press & Dakotan</u> (office use only)
---	--

Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Tim Ostrem Farms

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

Mailing Address 45924 300th St 29545 460 AVE Centerville SD 57014
(Address) (City) (State) (Zip Code)

Phone 605 530 1503 Mobile _____ Email dostrem@hinet.net

2. Amount of water claimed N/A *CFS or N/A **GPM N/A ***AF Total Acreage 180
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply existing well (auth. by 5899-3)

4. Location of point of diversion S 1/2 NE 1/4 Section 8-T95N-R52W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 - Sept 30 (same as 5899-3)

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 Section 8 9552	35	NW 1/4 NE 1/4 Section 8 9552	15
SW 1/4 NW 1/4 Section 8 9552	35	SW 1/4 NE 1/4 Section 8 9552	15
NE 1/4 NW 1/4 Section 8 9552	40		
SE 1/4 NW 1/4 Section 8 9552	40		

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

Using well auth. by 5899-3 to provide water to additional acres. No increase to diversion needed as systems will be operated on rotation.

I, Davis Ostrem, 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)

RECEIVED

MAR 25 2025

OFFICE OF
WATERForm 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

see 5899-3

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 1 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 175 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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

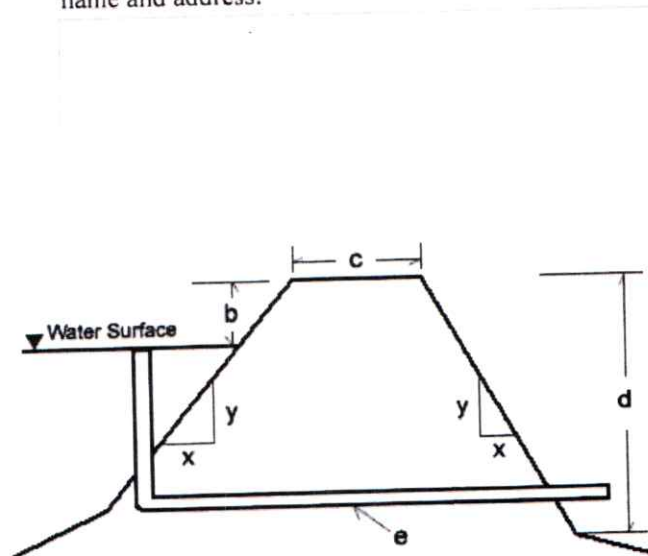
a) Surface Dimensions _____ Depth _____

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

95N 52W
Section: 05

RECEIVED

MAR 25 2025

OFFICE OF
WATER

298th St

NEW
PIVOT



95N 52W
Section: 08

Frog Creek Rd

460th Ave

299th St



96N 52W
Section: 31

96N 52W
Section: 32

96N 52W
Section: 33

46

SD HWY 46

95N 52W
Section: 06

95N 52W
Section: 05

95N 52W
Section: 04

FROG CREEK RD

298 ST

95N 52W
Section: 07

10170102 Vermillion

95N 52W
Section: 08

Lewis and Clark Lake

95N 52W
Section: 09

299 ST

95N 52W
Section: 18

95N 52W
Section: 17

95N 52W
Section: 16

100 AVE

300 ST

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 26th, 2025

RECEIVED OF Ostrem Farms C/O David Ostrem 29545 460th Avenue Centerville SD 57014

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

Fee for Application for Permit No. <u>8943-3</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>8943-3</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 May

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. 8943-3, David Ostrem**

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. 8943-3, David Ostrem, 29545 460th Avenue, Centerville SD 57014.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8943-3 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. 8943-3 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. 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 27, 2025

Report to the Chief Engineer
On Water Permit Application No. 8943-3

Ostrem Farms

May 23rd, 2025

Water Permit Application No. 8943-3 proposes to irrigate an additional 180 acres from an existing well authorized by Water Right No. 5899-3. Water Right No. 5899-3 authorizes a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well completed into the South Management unit of the Upper Vermillion Missouri aquifer (175 feet deep) located near the center of NE $\frac{1}{4}$ Section 8 for irrigation of 134 acres located in the NE $\frac{1}{4}$ Section 8; all in T95N-R52W. This application proposes to irrigate an additional 180 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8-T95N-R52W, using the existing well, with no increase in the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. This well site is located approximately four miles southwest of Centerville, SD in Clay 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 overlying Parker-Centerville aquifer (Holmes & Filipovic, 2015). The UVM:S aquifer is generally overlain by a till layer with a 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. However, a well completion report was submitted with Water Right No. 5899-3 which is the same well to be used for this

application. The well was completed on April 3rd, 1997, and is located in the NE ¼ of Section 8-T95N-R52W (Water Rights, 2025d). The well completion report indicates that the top of aquifer material (sand & gravel) is approximately 112 feet below the ground surface and static water level of 60 feet below ground surface (Water Rights, 2025d). Based on the top of aquifer material and the static water level, the aquifer is expected to be confined with a saturated aquifer thickness of 63 feet (Water Rights, 2025b; Water Rights, 2025d). The well completion 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.

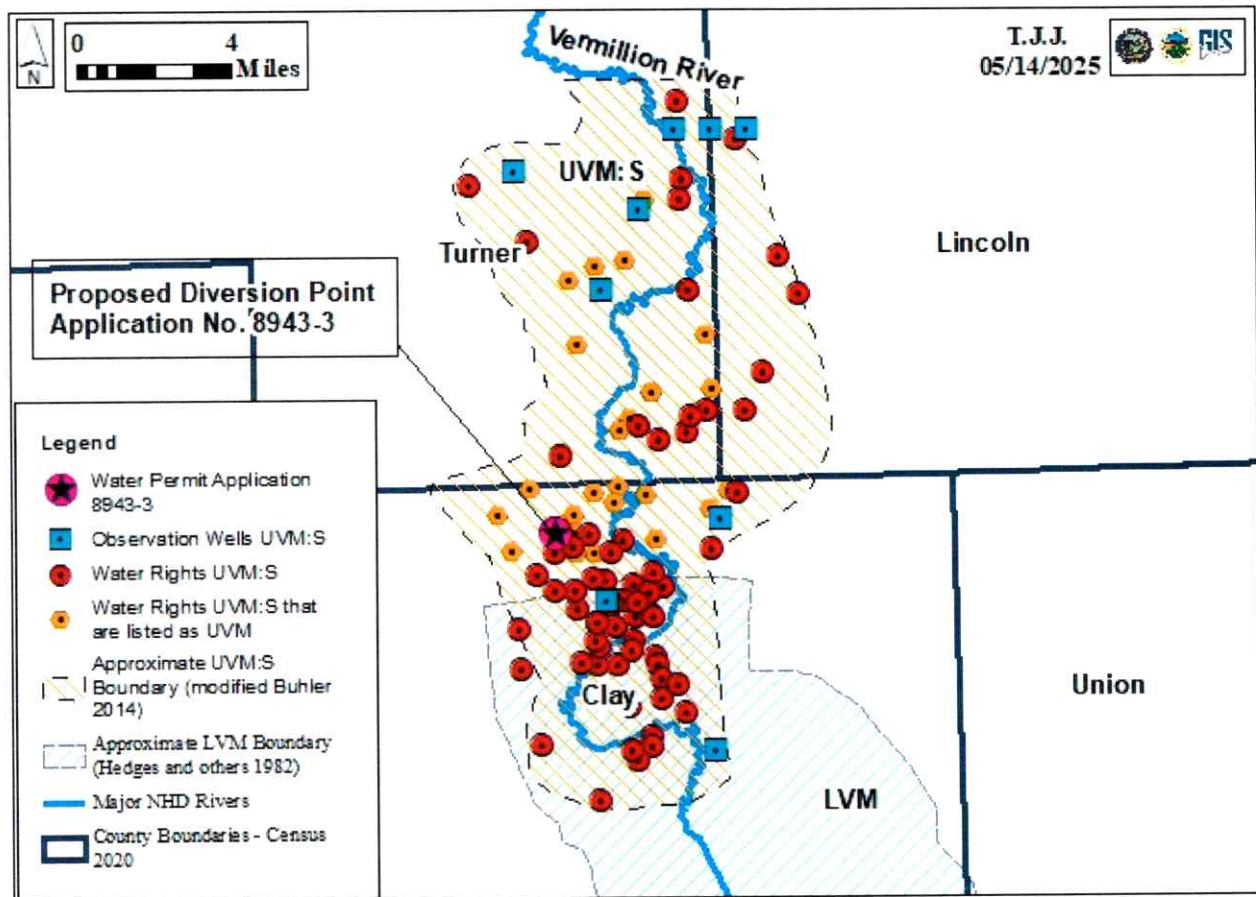


Figure 1. Map of the approximate UVM:S and LVM aquifer boundary delineated by Hedges and others (1982) with a portion of the UVM:S aquifer boundary modified by Buhler (2014), and the location of diversion point for Water Permit Application No. 8943-3, and UVM:S aquifer observation wells and water rights/permits (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. 8943-3 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 range 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 92 water rights/permits authorized to appropriate water from the UVM:S aquifer (Water Rights, 2025b). Of these 92 water rights/permits, 28 are listed under the UVM aquifer even though they are completed into the UVM:S aquifer, the other 64 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 be accounted for in comparison to the recharge rate in excess of withdrawals as calculated by Buhler (2014).

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 2,254 acre-feet/year, as shown on Table 1. Recently, 23 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 23 redesignated water rights/permits have an estimated average annual withdrawal rate of 1,776 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 23 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. 8943-3 provides an additional approximate withdrawal rate of 90 acre-feet/year. Other pending water permit applications (Nos. 8933-3, 8935-3, & 8936-3) are estimated to withdraw an average of 152.5 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 4,273 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	LC	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	58	29
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:	4,508	2,254

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
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:	2,938	1,776

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 4,030 acre-feet per year. If this application (No. 8943-3) and pending Water Permit Application Nos. 8933-3, 8935-3, & 8936-3 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 location 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-77M (approximately 6.4 miles north), CL-66AR (approximately 2.2 miles southeast), and CL-80K (approximately 4.2 miles east) (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.

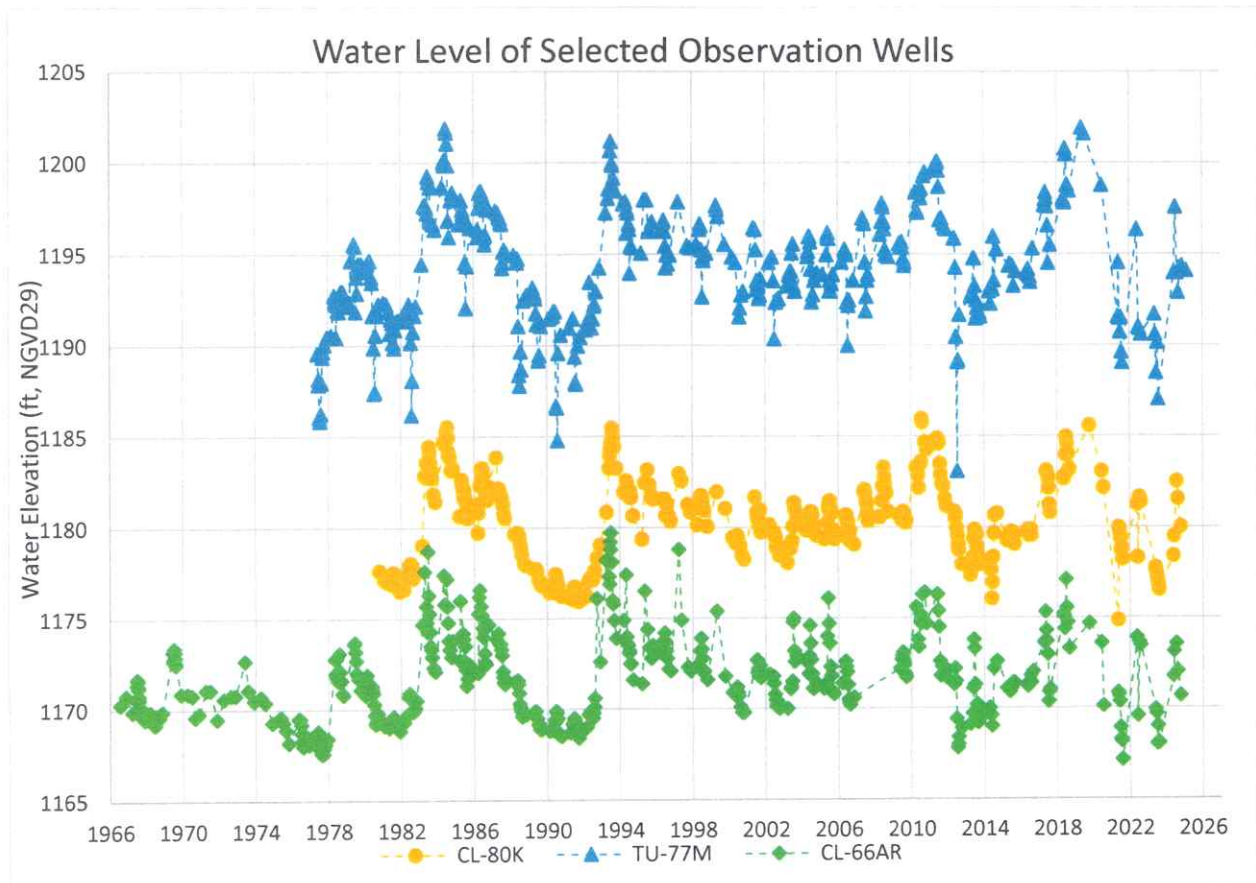


Figure 2. A graph showing the elevation of water levels in observation wells TU-77M, CL-66AR, and CL-80K (Water Rights, 2025b)

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. 2372-3, held by Larry Erickson. The diversion point for Water Permit No. 2372-3 is located approximately half a mile east 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 half a mile east 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.

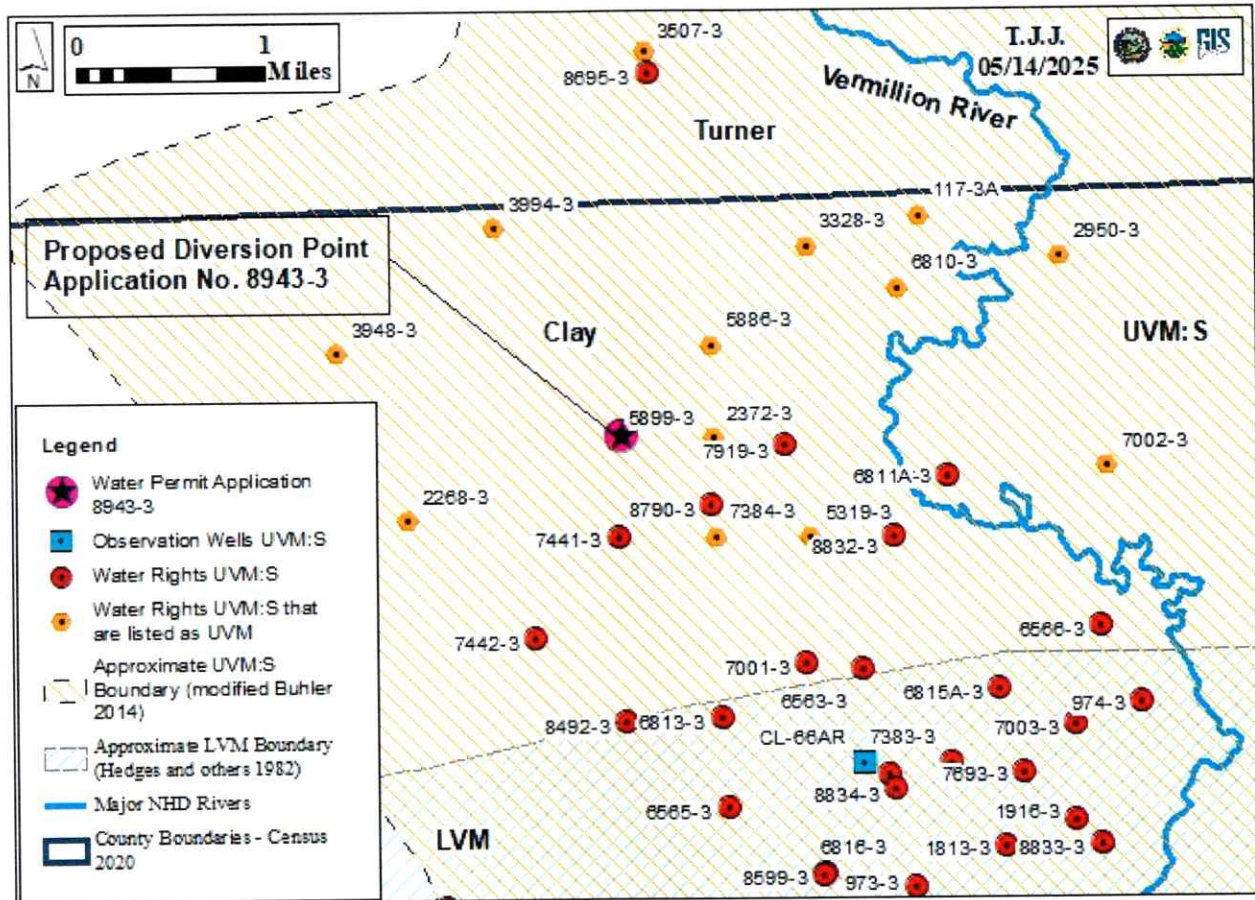


Figure 3. Map of the approximate areal extent of a portion of the UVM:S aquifer, UVM:S aquifer water rights/permits within approximately two miles of the location of the proposed well site for Water Permit Application No. 8943-3 (Water Rights, 2025b and 2025c).

Table 3. List of water rights/permits within approximately two miles of Water Permit Application No. 8943-3 shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
117-3A	Glyndon Knutson	04/14/1955	License	Irrigation	0.95	66
2268-3	William Knutson	08/07/1975	License	Irrigation	2.0	206
2372-3	Larry Erickson	10/07/1975	License	Irrigation	1.76	123
3328-3	Tom Austin	11/12/1976	License	Irrigation	1.33	121
3507-3	W. Jerald Hansen	12/28/1976	License	Irrigation	0.99	69
3948-3	Jason Knutson	04/19/1977	License	Irrigation	1.88	135
3994-3	Glyndon Knutson	07/07/1956	License	Irrigation	4.94	332
5319-3	Larry Erickson	04/13/1989	License	Irrigation	1.89	132
5886-3	Tim Ostrem	09/28/1995	License	Irrigation	1.78	134
6563-3	Rus Farms Real Estate LLC	04/22/1968	License	Irrigation	1.78	242.5
6565-3	Rus Farms Real Estate LLC	01/04/2005	License	Irrigation	1.78	130
6810-3	Jesse & Tanya Vandestroet	02/01/2008	License	Irrigation	1.56	65
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	License	Irrigation	1.78	67
6813-3	Rus Farms Real Estate LLC	01/05/2005	License	Irrigation	1.78	187
7001-3	Rus Farms Real Estate LLC	03/14/2008	License	Irrigation	1.78	170
7384-3	Nicholas & Courtney Blake	07/20/2012	License	Irrigation	1.67	67
7441-3	Jason or Alicia Knutson	09/26/2012	License	Irrigation	1.78	140
7442-3	Leah Johnson	09/26/2012	License	Irrigation	1.64	133

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
7919-3	Larry & Marlene Erickson	10/23/2013	License	Irrigation	1.83	80
8492-3	Tim or Kim Ostrem	02/19/2021	License	Irrigation	1.78	230
8695-3	William H. Hansen	12/28/2022	Permit	Irrigation	1.78	72.03
8790-3	William D. or Judy Knutson	08/16/2023	Permit	Irrigation	1.78	86
8832-3	Jesse & Tanya Vandestroet	02/07/2024	Permit	Irrigation	1.78	123

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 including pumping from the well specified on this application (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. 8943-3 proposes to irrigate an additional 180 acres from an existing well authorized by Water Right No. 5899-3. This application, if approved, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. The well site is located approximately four miles southwest of Centerville, SD in Clay County.
2. Water Right No. 5899-3 authorizes 1.78 cfs from one well completed into the South Management unit of the Upper Vermillion Missouri aquifer (175 feet deep) located near the center of the NE ¼ Section 8 for irrigation of 134 acres located in the NE ¼ Section 8; all in T95N-R52W.
3. 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.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8943-3 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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, March 26, 2025 1:59 PM
To: David Ostrem
Subject: RE: [EXT] Water Permit Application

Sure, that is totally fine. It's always best to overestimate than underestimate.

I have processed your application; it will be assigned to an engineer to write a report. They have 60 days to complete the report. Once completed, I will contact you again regarding the public notice process, which should be around the end of May.

Thank you,

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



From: David Ostrem <dostrem@hcinet.net>
Sent: Wednesday, March 26, 2025 1:25 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Can we leave it at 180 acres for now and then fine tune it when we get to the licensing step. Tim has done extra acres on previous applications to make sure that we have enough acres covered and when the actual pivot is in place we can get it more precise.
Sent from my iPhone

On Mar 26, 2025, at 12:24 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Hello David,

Per our conversation, please list out only the total additional acres. If you look at the first page of the application, section 7 comes to 180 acres. We just need the total additional acres.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>



**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 28, 2025

Ostrem Farms
c/o David Ostrem
29545 460th Avenue
Centerville SD 57014

Dear Mr. Ostrem:

Water Permit Application No. 8943-3 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 Plain Talk printed at Vermillion SD (Ph # 605 624-2695) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). 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. 8943-3 to Appropriate Water

Notice is given that Ostrem Farms, 29545 460th Avenue, Centerville SD 57014, has filed an application for a water permit to irrigate an additional 180 acres from an existing well authorized by Water Right No. 5899-3. Water Right No. 5899-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (175 feet deep) located near the center of the NE 1/4 Section 8 for irrigation of 134 acres located in the NE 1/4 Section 8; all in T95N-R52W. This application proposes to irrigate an additional 180 acres located in the NW 1/4, W 1/2 NE 1/4 Section 8-T95N-R52W, using the existing well, with no increase in the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. This site is located approximately four miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8943-3 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 16, 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 16, 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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 28, 2025 10:24 AM
To: Kelly Kronaizl
Subject: 8943-3 Ostrem Farms - Public Notice
Attachments: 8943-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 6, 2025, in the Plain Talk and Daily Press & Dakotan.

Ostrem Farms, c/o David Ostrem, 29545 460th Avenue, Centerville SD 57014, 605-530-1503, 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

JUN 30 2025

OFFICE OF
WATER

DAVID OSTREM
29545 460TH AVE
CENTERVILLE SD 57014

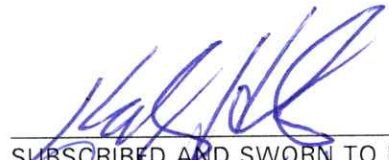
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

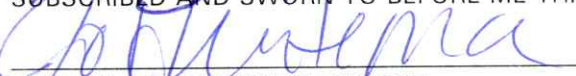
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND 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 6th DAY OF June, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.48 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: 06/06/2025

FILED ON: 06/23/25


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


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



Ad text :

RECEIVED

JUN 30 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8943-3 to Appropriate Water

Notice is given that Ostrem Farms, 29545 460th Avenue, Centerville SD 57014, has filed an application for a water permit to irrigate an additional 180 acres from an existing well authorized by Water Right No. 5899-3. Water Right No. 5899-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (175 feet deep) located near the center of the NE 1/4 Section 8 for irrigation of 134 acres located in the NE 1/4 Section 8; all in T95N-R52W. This application proposes to irrigate an additional 180 acres located in the NW 1/4, W 1/2 NE 1/4 Section 8-T95N-R52W, using the existing well, with no increase in the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. This site is located approximately four miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8943-3 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 16, 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 16, 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 \$44.48 and can be viewed free of charge at www.sdpublicnotices.com

Published June 6, 2025.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 09 2025

OFFICE OF
WATER

PLAIN TALK

DAVID OSTREM
29545 460TH AVE
CENTERVILLE SD 57014

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, 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 6th DAY OF June, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.48 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: 06/06/2025

FILED ON: 06/06/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF June, 2025

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



RECEIVED
JUN 09 2025
OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8943-3 to Appropriate Water

Notice is given that Ostrem Farms, 29545 460th Avenue, Centerville SD 57014, has filed an application for a water permit to irrigate an additional 180 acres from an existing well authorized by Water Right No. 5899-3. Water Right No. 5899-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Upper Vermillion Missouri: South Aquifer (175 feet deep) located near the center of the NE 1/4 Section 8 for irrigation of 134 acres located in the NE 1/4 Section 8; all in T95N-R52W. This application proposes to irrigate an additional 180 acres located in the NW 1/4, W 1/2 NE 1/4 Section 8-T95N-R52W, using the existing well, with no increase in the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 5899-3 will authorize a total of 1.78 cfs for a combined total of 314 acres. This site is located approximately four miles southwest of Centerville SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8943-3 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 16, 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 16, 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 \$44.48 and can be viewed free of charge at www.sdpublicnotices.com

Published June 6, 2025.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 28, 2025 10:34 AM
To: David Ostrem
Subject: 8943-3 Ostrem Farms - Public Notice
Attachments: 8943-3 Rec.pdf; 8943-3 Ltr.pdf; 8943-3 PubNotice.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 21 2025

Ostrem Farms
c/o David Ostrem
29545 460th Avenue
Centerville SD 57014

Dear Mr. Ostrem:

Enclosed is Water Permit No. 8943-3 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.: 8943-3

Name of Applicant: Ostrem Farms, David Ostrem

Date of Posting: 6/2/2025

Date of Removal: 7/21/2025

Ron Duvall, Engineer III

7/21/2025

Date

Subscribed and sworn to before me, a notary public, this 21st day of July, 2025.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

