

WATER PERMIT NO. 8945-3

Name of Applicant: **James Minor**

Address: **47225 219th Street, Brookings SD 57006**

Phone: **605-690-0198**

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

Total Acres: **80**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **Approx. 5 miles south of Brookings**

PRIORITY Date Received: **03-26-25**

Application/License Fee: **\$700.00**

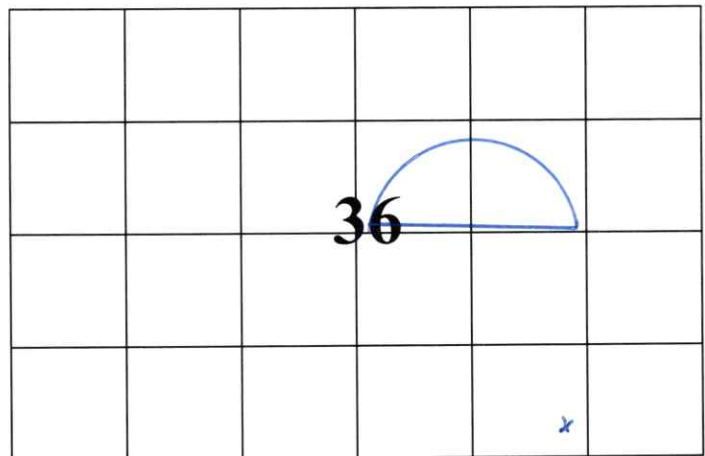
Corrected Application Received: **03-26-25**

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

Remarks: **Replacing existing well and adding 80 additional acres.**

Diversion Point: **Corner of the SE 1/4 Sec 36-T109N-R50W**

Land to be Irrigated: **S 1/2 NE 1/4 Sec 36-T109N-R50W**



Depth of Well: **41**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **03-27-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8945-3

Date of first receipt of application March 26, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8945-3 to James Minor, 47225 219th Street, Brookings SD 57006, 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. 8945-3 authorizes irrigation of an additional 80 acres and a possible replacement well for an existing well. Water Right No. 692-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Brookings Aquifer (41 feet deep) located in the SW 1/4 SE 1/4 Section 36 for irrigation of 156 acres located in the SE 1/4 Section 36; all in T109N-R50W. The existing well may be replaced with a new well (approximately 41 feet deep) to be constructed near the center of the SE 1/4 Section 36-T109N-R50W. This permit authorizes irrigation of an additional 80 acres located in the S 1/2 NE 1/4 Section 36-T109N-R50W, with no increase in the diversion rate authorized by Water Right No. 692-3. This permit, and Water Right No. 692-3 will authorize a total of 1.78 cfs from either the existing well or a new well for a combined total of 236 acres. This site is located approximately six miles south of Brookings 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 – October 31.
3. The date from which applicant may claim right is March 26, 2025.
4. The date of approval of Permit No. 8945-3 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. 8945-3 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 replacement well authorized by Permit No. 8945-3 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

7/21/25
date



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

RECEIVED

MAR 26

PAID

MAR 26 2025

Ck# 230

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8945-3</u> Hydrologic Unit <u>OFFICE OF 10170202</u> <u>WATER</u> Basin <u>Big Sioux</u> Newspaper <u>Brookings Register</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

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

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

Adding additional acres to permit 692.3

- Name to Appear on Irrigation Permit James Minor
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
Mailing Address 47225 219th St Brookings SD 57006
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-690-0198 Email _____
- Amount of water claimed _____ *CFS or N/A **GPM _____ ***AF Total Acreage 80 (additional)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County _____
- County or counties where water will be used Brookings County
- Annual period during which water is to be used May thru October 31
- 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
Sec 36-T109N-R50W, NE1/4 of SE 1/4	39	Sec 36-T109N-R50W, SW1/4 of NE 1/4	40
Sec 36-T109N-R50W, SE1/4 of SE 1/4	38	Sec 36-T109N-R50W, SE1/4 of NE 1/4	40
Sec 36-T109N-R50W, SW1/4 of SE 1/4	39		
Sec 36-T109N-R50W, NW1/4 of SE 1/4	40		

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

Replacing existing irrigation pivot with a new one and will be adding an additional
80 acres of irrigated land.

I, James Minor _____, the applicant, certify under
Name of Person Title (if applicable)
penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if
acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

OFFICE OF
WATER

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

☐ Drilling new well(s)

☒ Using existing well(s)

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 41 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

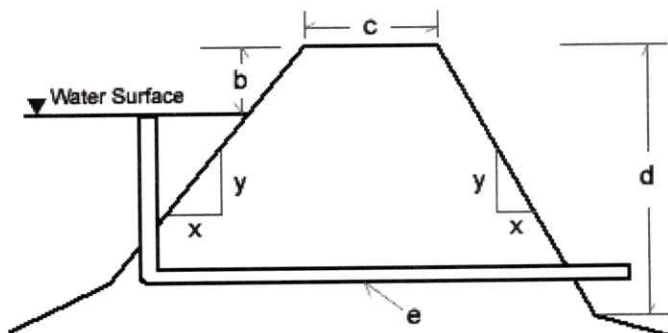
3. Dugout Information

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

4. Water Storage Dams

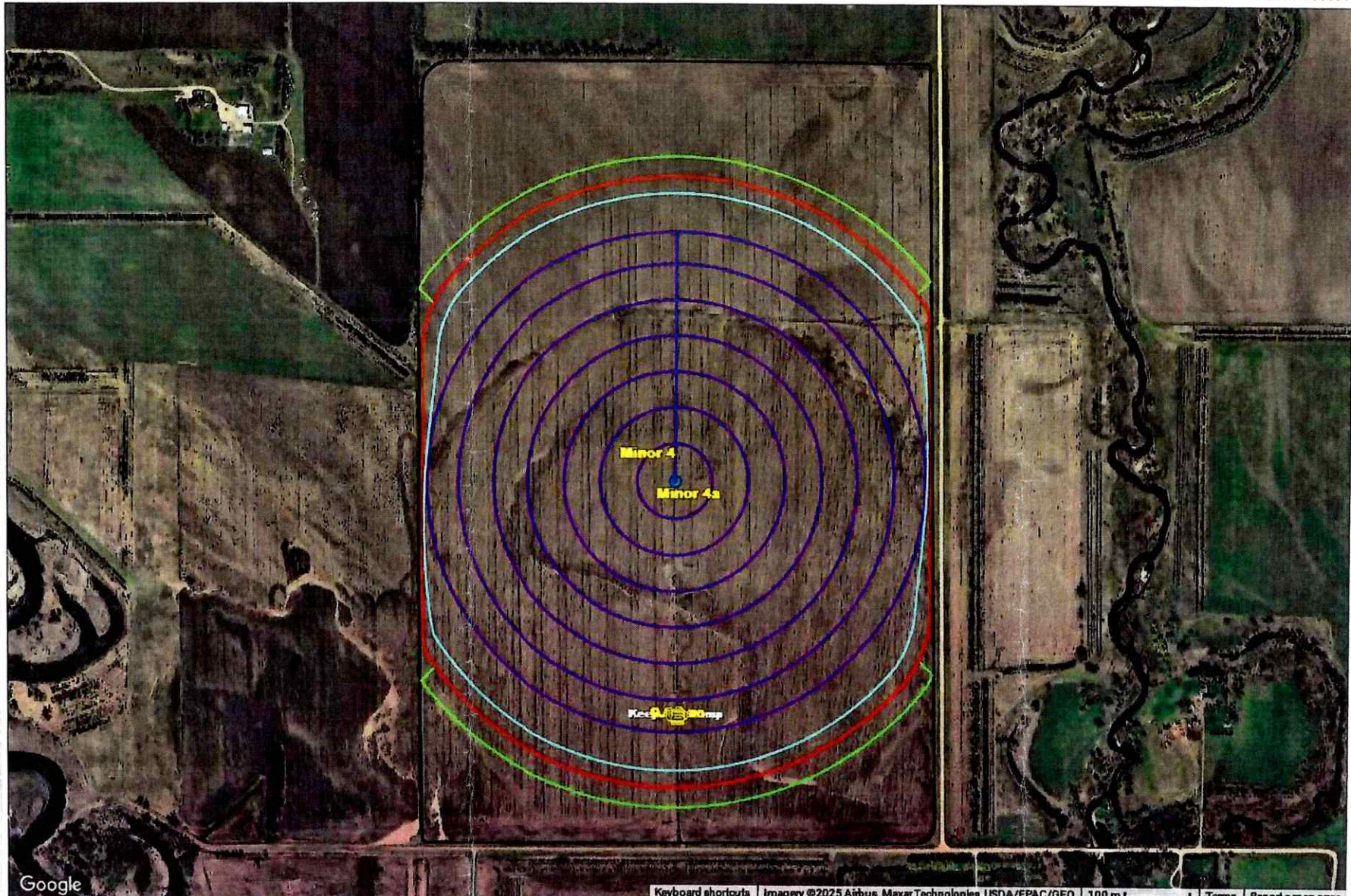
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Map Summary Report - Zone_03202025_135132



Google

Keyboard shortcuts

Imagery ©2025 Airbus, Maxar Technologies, USDA/FPAC/GEO

100 m

Terms

Report a map error

DRIVE UNITS LARGEST POTENTIAL MACHINE GUIDANCE PATH END OF MACHINE PRIMARY ENDGUN SECONDARY ENDGUN FIELD BOUNDARY

109N 50W
Section: 23

109N 50W
Section: 24

109N 49W
Section: 19

109N 50W
Section: 26

109N 50W
Section: 25

109N 49W
Section: 30

109N 50W
Section: 35

10170202 Middle Big Sioux

Big Sioux

109N 50W
Section: 36

109N 49W
Section: 31

108N 50W
Section: 02

108N 50W
Section: 01

108N 49W
Section: 06



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 26th, 2025

RECEIVED OF James Minor 47225 219th Street Brookings SD 57006

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

Fee for Application for Permit No. <u>8945-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8945-3</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>700.00</u>

By

Mark Mayer
Chief Engineer

Water Rights Program - File Documentation

NAME: James Minor

ADDRESS: 47225 219th Street, Brookings SD 57006

DATE: March 26, 2025

RE: Location of diversion point

COMMENTS:

I called Mr. Minor regarding the diversion point on his water permit application. I asked if it was going to be in the same place or a different location. He stated that the replacement well would be in roughly the same area, S 1/2 SE 1/4 Sec 36-T109N-R50W.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

rachel.rodriquez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 8945-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: James Minor

ADDRESS: 47225 219th St, Brookings SD 57006

DATE: April 4, 2025

PHONE: 605.690.0198

RE: Water Permit Application

COMMENTS:

Spoke to James Minor, the applicant, concerning whether the well to be used is the existing well or whether the existing well will be replaced. Mr. Minor indicated that he is going to have a driller see if he can get a new well at the center of the pivot, if not, he will use the existing well.

RECOMMENDED ACTION:

I told Mr. Minor we would modify the application to accommodate use of either the existing well or a new well at the center of the new pivot location.

Ron Duvall, Engineer
SD DANR, Water Rights Program



**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. 8945-3, James Minor**

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. 8945-3, James Minor, 47225 219th Street, Brookings SD 57006.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8945-3 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. 8945-3 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 replacement well authorized by Permit No. 8945-3 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 27, 2025

Report to the Chief Engineer

On Water Permit Application No. 8945-3

James Minor

May 22, 2025

Water Permit Application No. 8945-3 proposes to irrigate an additional 80 acres and construct a possible replacement well for an existing well to what is authorized by Water Right No. 692-3 without increasing the permitted diversion rate. Water Right No. 692-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Brookings aquifer (41 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 for irrigation of 156 acres located in the SE $\frac{1}{4}$ Section 36; all in T109N-R50W. The existing well may be replaced with a new well (approximately 41 feet deep) to be constructed near the center of the SE $\frac{1}{4}$ Section 36-T109N-R50W. This application also proposes to irrigate an additional 80 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 36-T109N-R50W with no increase in the diversion rate authorized by No. 692-3. This application, if approved, and Water Right No. 692-3 will authorize a total of 1.78 cfs from either the existing well or a new well for a combined total of 236 acres. This site is located in Brookings County approximately six miles south of Brookings SD.

AQUIFER: Big Sioux: Brookings (BS: B)

HYDROGEOLOGY:

The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DANR-Water Rights Program and SD Water Management Board (Water Rights, 2025c). The water source for this application is the Brookings management unit of the Big Sioux aquifer.

The Brookings management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of medium to very coarse sand and very fine to medium gravel (Kume, 1985; Hamilton, 1989). The depth of the top of the Big Sioux: Brookings aquifer ranges from the land surface in the Big Sioux River floodplain to 212 feet below land surface (Hamilton, 1989). In Brookings, Deuel, Hamlin, Kingsbury, Moody, and Codington Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 323,000 acres and contain approximately 1,453,000 acre-feet of recoverable water in storage with Figure 1 showing an approximate areal extent of the aquifer (Hedges et al, 1982 and Stonesifer, 2013). The direction of groundwater movement in the Big Sioux: Brookings aquifer is in a southerly direction and towards the Big Sioux River (Hamilton, 1989). The aquifer is unconfined near the Big Sioux River and along major tributary valleys, but elsewhere the aquifer may be confined by overlying till or clay lenses (Hamilton, 1989). However, the aquifer is primarily unconfined (Stonesifer 2013; Water Rights, 2025b and 2025d).

No water well or test hole completion report was submitted with Water Permit Application No. 8945-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Big Sioux: Brookings aquifer within approximately two miles of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 12 to 40 feet, with the depth to the top of aquifer materials ranging from approximately 3 to 13 feet below the ground surface, and static water levels at well completion varying from approximately 3 to 13 feet below the ground surface (Water Rights, 2025d). The Big Sioux: Brookings aquifer at the proposed diversion point is expected to be under unconfined aquifer conditions based on the well completion reports on file for nearby wells (Water Rights, 2025c and 2025d).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Brookings aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8945-3 proposes to appropriate water from the Big Sioux: Brookings 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 Big Sioux: Brookings 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 Big Sioux: Brookings aquifer must be considered.

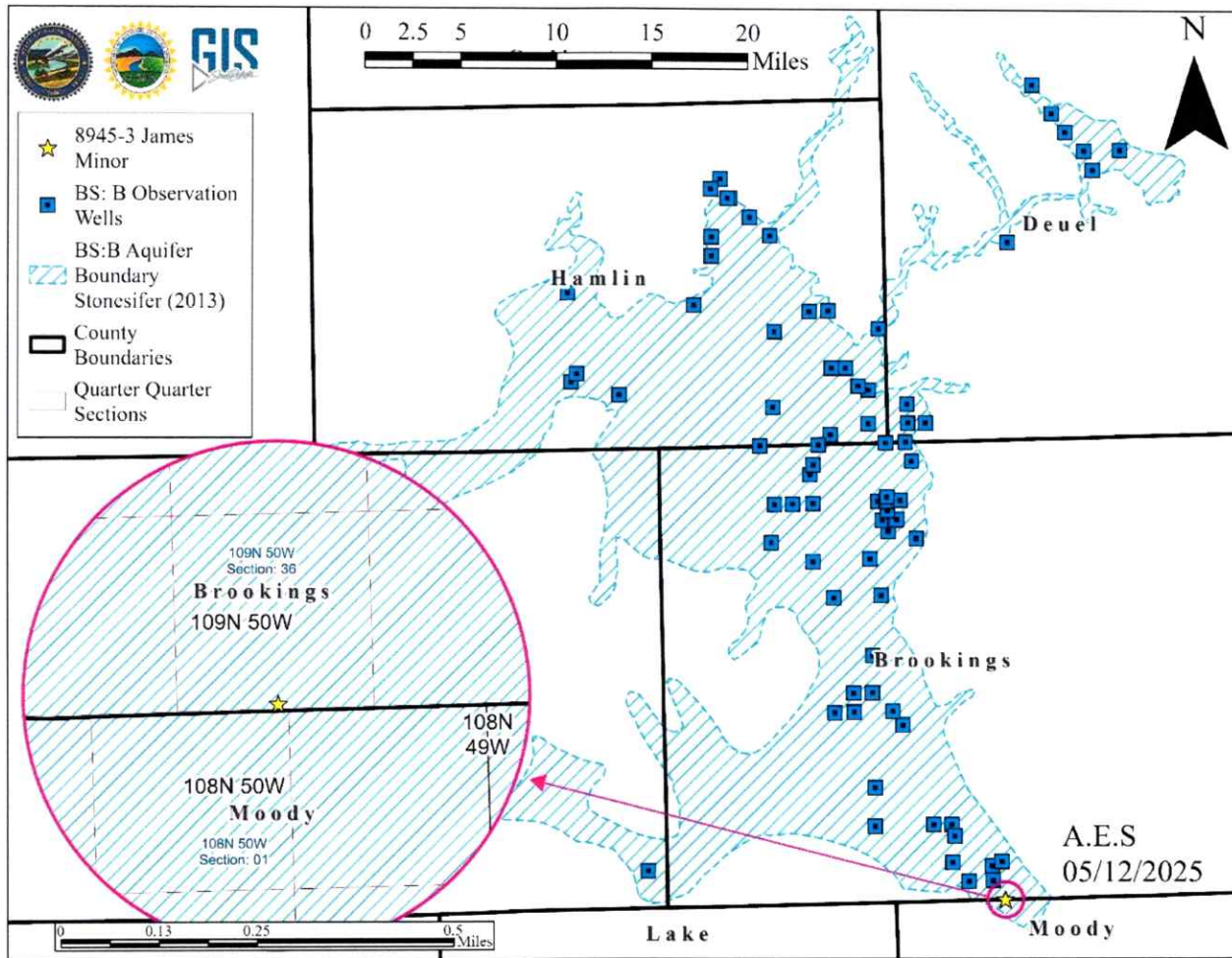


Figure 1. Map of the approximate areal extent of the Big Sioux: Brookings aquifer, the observation wells, and the location of the existing/proposed diversion point for Water Permit Application No. 8945-3 (Water Rights, 2025b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Brookings aquifer is received primarily through the infiltration of precipitation and seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989). Using observation well analysis, Hedges and others (1985) estimated a recharge rate of 4.0 inches per year for the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013); therefore, the average annual recharge rate for the Big Sioux: Brookings aquifer (based on Hedges et al, 1985; Stonesifer, 2013) is approximately 107,667 acre-feet/year.

Discharge

Discharge from the Big Sioux: Brookings aquifer primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface (Hamilton, 1989; Water Rights, 2025d).

Currently, there are 259 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2025c). There are 13 future use permits reserving 5,261 acre-feet/year of water from the Big Sioux: Brookings aquifer, shown on Table 1 (Water Rights, 2025c). There are domestic wells completed into the Big Sioux: Brookings aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: Brookings 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 Big Sioux: Brookings aquifer.

Table 1. Future Use Permits reserving water from the Big Sioux: Brookings aquifer (Water Rights, 2025c)

Future Use Permit Holder	Permit Nos.	Amount of Reserved Water (acre-feet)
JOINT WELL FIELDS INC.	3982-3, 3982A-3, 3982B-3, 6988-3, 6988A-3	875
CITY OF LAKE NORDEN	4055-3, 6261-3	0
CITY OF CASTLEWOOD	558A-3	123
CITY OF VOLGA	5875-3, 6259-3	1,143
SIOUX RURAL WATER SYSTEM	5094-3, 7853-3	2,400
BROOKINGS-DEUEL RURAL WATER SYSTEM	8893-3	720
TOTAL:		5,261

Table 2 summarizes the 47 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Drinking Water Program, 2025; Water Rights, 2025c). It should be noted that some of the water permits/rights listed on Table 2 are connected to rural water systems and use rural water rather than their permitted

wells; so, they are estimated to not contribute to the annual withdrawal rate. This includes water rights for the Town of Hayti who purchases their water from the Sioux Rural Water System, and the City of Clear Lake who purchases their water from the Brookings-Deuel Rural Water System (Drinking Water, 2025). Overall, the estimated average annual withdrawal rate from the Big Sioux: Brookings aquifer by the non-irrigation water rights/permits is approximately 14,417 acre-feet per year (Table 2) (Water Rights, 2025c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Brookings aquifer (Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
2111-3	GOPHER SIGN CO	LC	COM	0.04		17.38
5675-3	LAKE POINSETT ESTATES	LC	COM	0.09		39.1
6019-3	DAKOTA WHOLESALE BAIT INC	LC	COM, DOM	0.355		154.21
6329-3	GREG OSWALD	LC	COM	1.28		556.03
6745-3	KENNETH HANSEN	LC	COM	0.11		47.78
6785-3	DRUMGOON DAIRY LP	LC	COM, LCO	0.2		86.88
6786-3	DAVID NYSTROM	LC	COM, LCO	0.17		73.85
7277-3	OLD TREE FARMS	LC	COM, LCO	0.1		43.44
7854-3	DAVID NYSTROM	LC	COM, LCO	0.44		191.14
8895-3		PE	COM, LCO		117.5	117.5
8918-3	PLAINVIEW DAIRY LLC	PE	COM, LCO	1.33	550	550
7259-3	OLD APOSTOLIC LUTHERAN CHURCH	LC	GEO	1	120	120
5129-3	TECHNICAL ORDNANCE INC	LC	IND	0.1		43.44
6146-3	SD SOYBEAN PROCESSORS	LC	IND	0.144		62.6
1317-3	CITY OF ESTELLINE	LC	MUN	1.1		477.8
1759-3	CITY OF VOLGA	LC	MUN	1.49		647.3
3117-3*	TOWN OF HAYTI	LC	MUN	0.33		0
4950-3	CITY OF BRUCE	LC	MUN	0.27		117.3
5071-3*	CITY OF CLEAR LAKE	LC	MUN	0.45		0
5167-3	CITY OF VOLGA	LC	MUN	0.45		195.5
534A-3*	CITY OF CLEAR LAKE	LC	MUN	1.1		0
557-3	CITY OF LAKE NORDEN	LC	MUN	0.6		260.6
558B-3	CITY OF CASTLEWOOD	LC	MUN	0.56		243.3
558D-3		LC	MUN	0.33		143.4
5645-3	CITY OF ESTELLINE	LC	MUN	0.66		286.7
5815-3	CITY OF LAKE NORDEN	LC	MUN	0.56	378	378
5941-3	CITY OF VOLGA	LC	MUN	0.89	644	644
617-3*	CITY OF HAYTI	LC	MUN	0.66		0
6417-3	CITY OF LAKE NORDEN	LC	MUN	1.45	630	630
6542-3		LC	MUN	0.6	262	262
8640-3	CITY OF VOLGA	LC	MUN	1.09	645	645
2033-3	SIoux RURAL WATER SYSTEM	LC	RWS	0.66		286.7
2245B-3	BROOKINGS-DEUEL RWS	LC	RWS	0.67	270	270
4830-3		LC	RWS	2		868.8
5079-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	2.9		1,259.76
5434-3		LC	RWS	1	434	434
5602-3		LC	RWS	1	434	434
6002-3		LC	RWS	0.78	362	362
6718-3		LC	RWS	0.56	300	300
7381-3		PE	RWS	0		0
7852-3	SIoux RURAL WATER SYSTEM INC	LC	RWS	4.66	2100	2,100
7852A-3		PE	RWS	0		0
8185-3	JOINT WELL FIELD INC.	PE	RWS	0	603	603
8371-3		PE	RWS	0	434	434
8732-3	SIoux RURAL WATER SYSTEM INC	PE	RWS	0	0	0
1956-3	H E MEYER	LC	SHD	0.03		13
1956-3A	NEIL HAMILTON	LC	SHD	0.04		17.4
					TOTAL	14,417

LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, LCO Livestock Confinement Operation, GEO Geothermal, IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, *these Water Rights get their water from a separate system rather than local wells.

Currently, there are 212 irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 9,176 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 10,478 acre-feet per year (Table 3) (Water Rights, 2025a).

There were three irrigation water rights/permits approved in 2024 (Nos. 8831-3, 8880-3, and 8889-3). Water Right Nos. 8880-3 and 8889-3 were approved to add additional acres that were originally developed, but not permitted under, older water rights and are therefore accounted for in the reported irrigation use shown in Table 3 (Water Right, 2025c). Water Permit No. 8831-3 authorizes the irrigation of 136 acres (Water Rights, 2025c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, the one foot of water per acre per year application rate will be used to conservatively estimate the average annual withdrawal rate. Therefore, the estimated average annual withdrawal rate for Water Permit No. 8831-3 is approximately 136 acre-feet per year.

Collectively, the average annual withdrawal rate for the irrigation appropriations from 2014 to 2023 (10,478 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permit approved in 2024 not already accounted for (136 acre-feet/year), is approximately 10,614 acre-feet per year.

It should be noted Water Right No. 1626-3 was mentioned as possibly being completed into the Toronto aquifer and not the Big Sioux: Brookings aquifer (Drennon, 2024). Water Right No. 1626-3 authorizes the irrigation of 215 acres at a maximum instantaneous diversion rate of 2.25 cfs. However, there is not sufficient information currently available to determine with certainty which aquifer is being used.

Table 3. Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	184	6,144
1980	187	9,837
1981	198	9,040
1982	155	4,551.86
1983	161	8,227.46
1984	188	8,177.6
1985	181	4,951.4
1986	179	2,854.7
1987	171	10,015
1988	167	18,521.4
1989	166	13,930.7
1990	175	5,862.9
1991	165	7,771.74
1992	162	2,331.6
1993	162	1,042.9
1994	160	2,854.62
1995	161	3,862.25
1996	154	7,220.95
1997	153	5,650
1998	157	8,109.71
1999	155	7,841.04
2000	153	8,933.72
2001	149	8,384.81
2002	149	12,410.94
2003	149	11,380.47
2004	156	11,809.91
2005	159	11,513.48
2006	161	14,325.04
2007	164	12,730.13
2008	166	12,505.85
2009	174	9,172.9
2010	172	2,713.39
2011	174	8,527.61
2012	177	19,483
2013	198	15,432.29
2014	212	9,947.64
2015	209	8,796.02
2016	210	10,267.4
2017	209	9,572
2018	211	7,952.8
2019	211	106.29
2020	209	10,000.76
2021	205	17,955.04
2022	206	14,509.26
2023	214	15,670.33
Max	214	19,483
Min	149	106
Avg (1979-2023)	176	9,176
Avg (2014-2023)	210	10,478

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Brookings aquifer is estimated to be approximately 107,667 acre-feet/year (Stonesifer, 2013). The estimated average annual withdrawal rate from the Big Sioux: Brookings aquifer is approximately 30,372 acre-feet per year (non-irrigation: 14,417 acre-feet/year; irrigation: 10,614 acre-feet/year; Future Use Reservations: 5,261 acre-feet/year; Water Permit Application No. 8945-3 (if approved, assuming application rate of one foot of water per authorized acre): 80 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DNR-Water Rights Program monitors 76 observation wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2025b). The locations of the 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 four closest observation wells to the existing diversion point are BG-#20 (approximately 1.2 miles north), BG-57H (approximately 1.9 miles north), BG-#18 (approximately 2 miles north), and BG-#21 (approximately 2.1 miles northwest) (Water Rights, 2025b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet from the NGVD29 datum.

DANR-Water Rights Observation Wells: BG-#20, BG-57H, BG-#18 & BG-#21

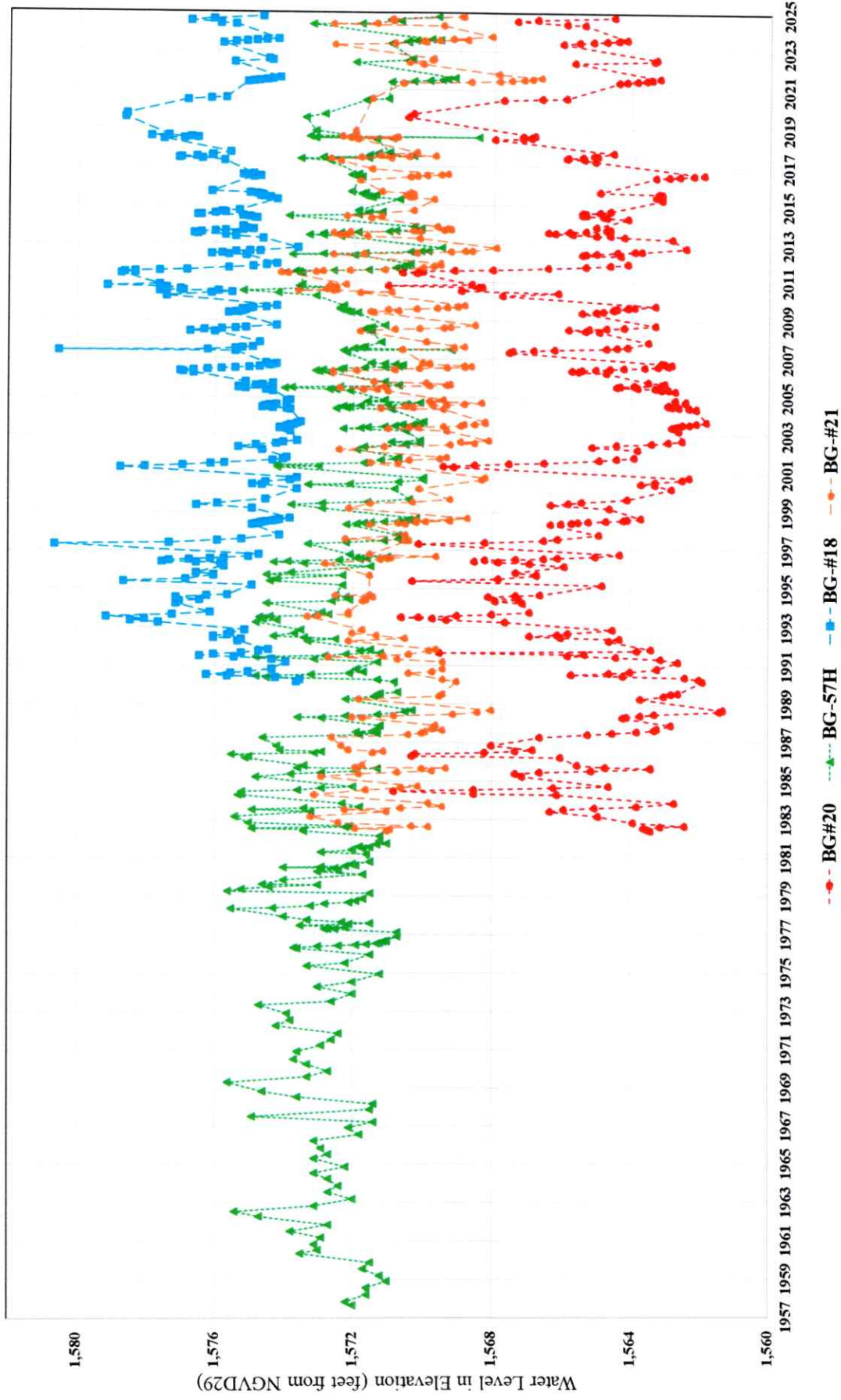


Figure 2. A graph showing the elevation of water levels for observation wells: BG-#20, BG-57H, BG-#18 & BG-#21 (Water Rights, 2025b)

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Big Sioux: Brookings aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Big Sioux: Brookings aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions seasonally. 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 Big Sioux: Brookings 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.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 259 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2025c). The closest water right/permit to the proposed diversion point not belonging to the applicant is Water Right No. 6019-3, which is held by Dakota Wholesale Bait Inc. The diversion point for Water Right No. 6019-3 is located approximately 1.1 miles northwest of the proposed diversion point for this application (Table 4) (Figure 3) (Water Rights, 2025c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.5 miles northwest of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer 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.

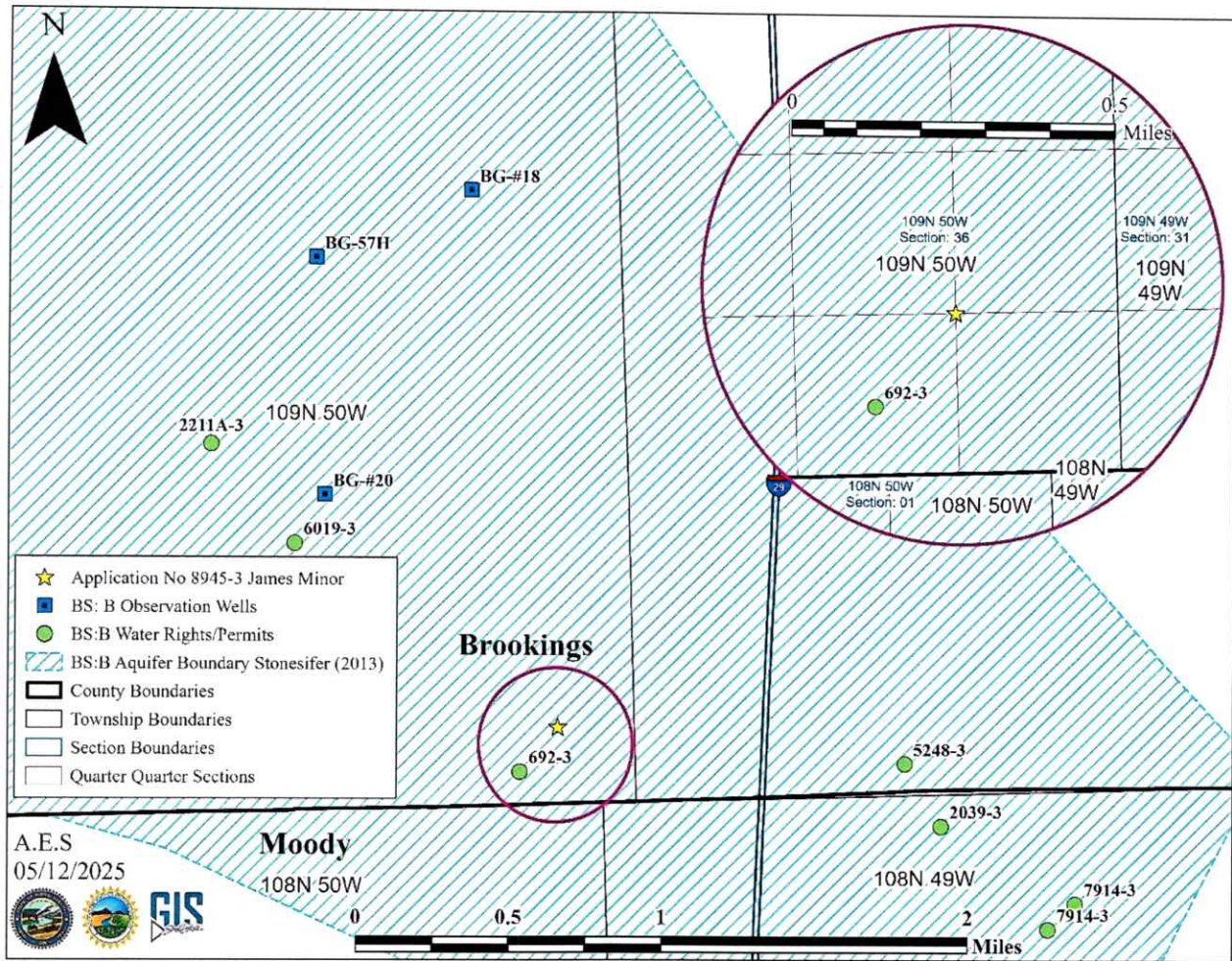


Figure 3. Approximate areal extent of a portion of the Big Sioux: Brookings aquifer, the location of the proposed location of the possible replacement well for Water Permit Application No. 8945-3, and the nearby Big Sioux: Brookings aquifer water rights/permits and observation wells (Water Rights, 2025b and 2025c)

Table 4. Water rights/permits authorized to withdraw or reserve water from the Big Sioux: Brookings aquifer as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres
692-3	JAMES MINOR	LC	IRR	1.78	156
2039-3	SOOBROOK FARMS INC	LC	IRR	1.89	144
2211A-3	JESSE VANDESTROET	LC	IRR	1.78	164
5248-3	ALLISON FARMS	LC	IRR	1.89	158
6019-3	DAKOTA WHOLESALE BAIT INC	LC	COM, DOM	0.355	N/A
7914-3	JOHN ZOMER JR	LC	IRR	2.67	297.5

The Big Sioux: Brookings aquifer is primarily under unconfined conditions and drawdown as the result of pumping in an unconfined aquifer typically does not extend far from the pumping 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.”

Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells especially since this is an existing diversion with a history of use and no reported well interference. In Brookings and Moody County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2025e).

Within approximately two miles of the proposed diversion point, water well completion reports on file for wells completed into the Big Sioux: Brookings aquifer have saturated thicknesses ranging from approximately 12 to 40 feet (Water Rights, 2025b and 2025d). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. An adequate well is defined by ARSD 74:02:04:20(6) as

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

Therefore, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the generally unconfined nature of the aquifer near the proposed diversion point, and the proliferation of water rights/permits in the vicinity of the applicant’s proposed diversion point without complaints regarding well interference, 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. 8945-3 proposes to irrigate an additional 80 acres and construct a possible replacement well for an existing well to what is authorized by Water Right No. 692-3 without increasing the permitted diversion rate. Water Right No. 692-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Brookings aquifer (41 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 for irrigation of 156 acres located in the SE $\frac{1}{4}$ Section 36; all in T109N-R50W. The existing well may be replaced with a new well (approximately 41 feet deep) to be constructed near the center of the SE $\frac{1}{4}$ Section 36-T109N-R50W. This application also proposes to irrigate an additional 80 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 36-T109N-R50W with no increase in the diversion rate authorized by No. 692-3. This application, if approved, and Water Right No. 692-3 will authorize a total of 1.78 cfs from either the existing well or a new well for a combined total of 236 acres. This site is located in Brookings County approximately six miles south of Brookings SD.
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. There is reasonable probability that irrigating 80 additional acres, with no increase in the 1.78 cfs diversion rate authorized by No. 692-3, will not unlawfully impair adequate wells for existing water rights/permits holders and domestic users.



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



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

References

- Drennon, K.C. 2024. Report to the Chief Engineer on Water Permit Application No. 8768-3 Plainview Dairy, LLC. SD DANR-Water Rights Program. Pierre, SD.
- Drinking Water, 2025. Drinking Water Reports, SD DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Hamilton, L.J., 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota: Water-Resources Investigation Report 88-4185. USGS, Huron, South Dakota: U.S. Geological Survey.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Hedges, L.S., 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: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Kume J., 1985. Water Resources of Deuel and Hamlin Counties, South Dakota; Water-Resources Investigations Report 84-4069 SDGS, Huron, South Dakota.
- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 28, 2025

James Minor
47225 219th Street
Brookings SD 57006

Dear Mr. Minor:

Water Permit Application No. 8945-3 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 Brookings Register printed in Brookings SD (Ph # 605 692-6271). 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. 8945-3 to Appropriate Water

Notice is given that James Minor, 47225 219th Street, Brookings SD 57006, has filed an application for a water permit to irrigate an additional 80 acres and a possible replacement well for an existing well. Water Right No. 692-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Brookings Aquifer (41 feet deep) located in the SW 1/4 SE 1/4 Section 36 for irrigation of 156 acres located in the SE 1/4 Section 36; all in T109N-R50W. The existing well may be replaced with a new well (approximately 41 feet deep) to be constructed near the center of the SE 1/4 Section 36-T109N-R50W. This application also proposes to irrigate an additional 80 acres located in the S 1/2 NE 1/4 Section 36-T109N-R50W, with no increase in the diversion rate authorized by No. 692-3. This application, if approved, and Water Right No. 692-3 will authorize a total of 1.78 cfs from either the existing well or a new well for a combined total of 236 acres. This site is located approximately six miles south of Brookings SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8945-3 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 8:48 AM
To: registerclassifieds@brookingsregister.com
Subject: 8945-3 James Minor - Public Notice
Attachments: 8945-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 5, 2025.

James Minor, 47225 219th Street, Brookings SD 57006, 605-690-0198, 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

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

L40051 Notice of Application

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

June 5, 2025

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or 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; that the fees charged for the publication thereof are:

Fifty Dollars and Eighty-Four Cents \$50.84



June

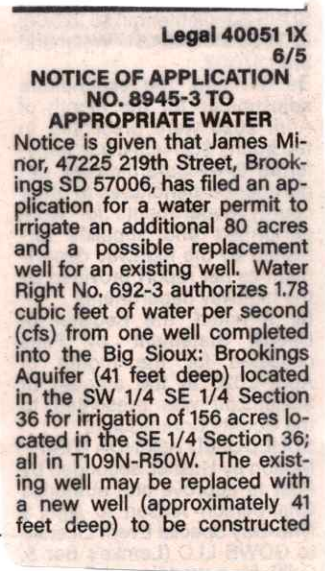
Katherine Foiles

_____ 5 day of

_____ 2025

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Ag



RECEIVED

JUN 11 2025

OFFICE OF
WATER

near the center of the SE 1/4 Section 36-T109N-R50W. This application also proposes to irrigate an additional 80 acres located in the S 1/2 NE 1/4 Section 36-T109N-R50W, with no increase in the diversion rate authorized by No. 692-3. This application, if approved, and Water Right No. 692-3 will authorize a total of 1.78 cfs from either the existing well or a new well for a combined total of 236 acres. This site is located approximately six miles south of Brookings SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8945-3 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 de-

finied 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 1X at the total approximate cost of \$50.84 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 28, 2025 9:12 AM
To: jimminor61@hotmail.com
Subject: 8945-3 James Minor - Public Notice
Attachments: 8945-3 Rec.pdf; 8945-3 Ltr.pdf; 8945-3 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

James Minor
47225 219th Street
Brookings SD 57006

Dear Mr. Minor:

Enclosed is Water Permit No. 8945-3 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.: 8945-3

Name of Applicant: James Minor

Date of Posting: 6/2/2025

Date of Removal: 7/21/2025

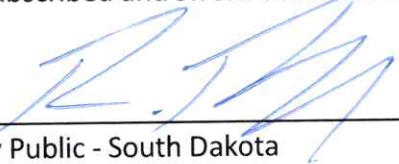


Ron Duvall, Engineer III

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:

(SEAL)

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



8945-3

RECEIVED

AUG 08 2025

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-1-25TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

JAMES MIVOR

(name)

47225 219th St

(address)

Brookings SD 57006

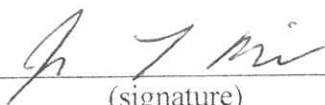
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8945-3 states that the water use system is to be constructed by6-16-2030
(date), and water is to be put to beneficial use by 6-16-2034
(date)The water use system was completed on 7-1-25
(date)Applying the water to beneficial use was completed on 8-1-25
(date)

You may schedule an investigation so that the water license may be issued.


(signature)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 12, 2025

8945-3

James Minor
47225 219th St
Brookings SD 57006

Dear Mr. Minor:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in, reporting that you are completed with the water use system authorized by Permit No. 8945-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
(605) 773-3352
Amanda.Dewell@state.sd.us