

WATER PERMIT NO. 3321A-3

Name of Applicant: **Dave & Peg Brooker**

Address: **38840 186th St, Tulare SD 57476** Phone: **605 350-4996**

Amount of Water Claimed: **1.33 cfs** Total Acres: **120 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Spink**

Type of Waste Disposal System:

Location: **3 miles southeast of Tulare**

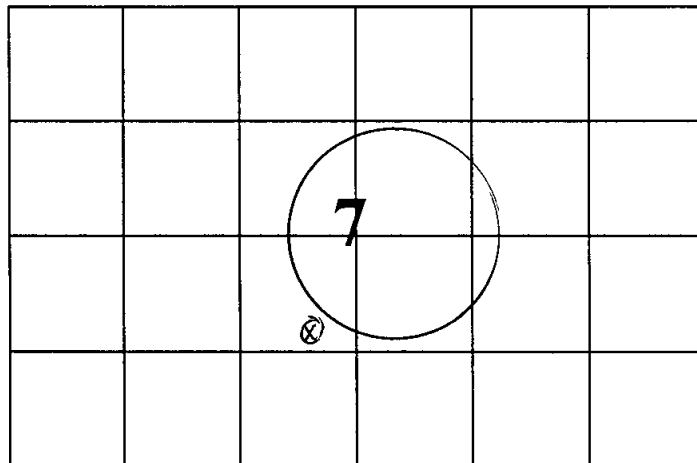
PRIORITY Date Received: **6-11-14** Application/License Fee: **\$ 300**

Corrected Application Received: Period of Annual Use: **April 1 – Sept 30**

Remarks: **Transfer diversion rate authority and acreage to new land**

Diversion Point: **NE 1/4 SW 1/4 Sec 7-T114N-**
R63W

Land to be Irrigated: **SE 1/4 NW 1/4, SW 1/4 NE**
1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4
Sec 7-T114N-R63W



Depth of Well: **75 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **6-11-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 3321A-3 (office use only)
Hydrologic Unit 10160006
Basin James River 605-472-0822
Newspaper Redfield Press Box 440 57469
Plainsman Box 1258 Huron 57350 605-353-7111

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3321-3
(Use predates Mar 2, 1955)

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

We would like to move our existing pivot due to excessive water where it is currently located. We would like to transfer the diversion rate authority to acres to new land.

1. Name to Appear on Irrigation Permit Currently Peg Brooker - Transferring to Dave + Peg Brooker
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Dave Brooker (Brooker Farms)
(name and complete address if different than above name)

Mailing Address 38840 186th Street Tulare SD 57470
(Address) (City) (State) (Zip Code)

Home Phone 605-266-2745 Cell 350-4996 Email brookerc@venturecomm.net

2. Amount of water claimed no additional *CFS or no additional **GPM no additional ***AF Total Acreage 120 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable) circle

3. Source of water supply well - ground water - 1 well - ~~at~~ Tulare Western Spink

4. Location of point of diversion Sec. 7-114-63 (SE 1/4 SW 1/4) Hitchcock Aquifer Unit
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Belmont Township

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1st - Sept. 30th

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
SE 1/4 of NW 1/4 7-114-63	14	SW 1/4 of SE 1/4 7-114-63	9
SW 1/4 of NE 1/4 7-114-63	25	NE 1/4 of SW 1/4 7-114-63	17
NW 1/4 of SE 1/4 7-114-63	40	SE 1/4 of SW 1/4 7-114-63	3
NE 1/4 of SE 1/4 7-114-63	9	SE 1/4 NE 1/4 7-114-63	3

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

Intent to transfer to new acres since existing is subject to flooding. The land is held between Dave Brooker + Peg Brooker (brother + sister) as Brooker Farms. Once we have the new well + the pivot moved we will plug the old well. We plan to continue for 2014 on current land and dig new well + move pivot in the fall after approved.

I, Dave Brooker, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 3321A-3

Date of first receipt of application June 11, 2014.

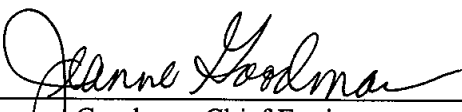
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3321A-3 to Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3321A-3 amends Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3321-3 appropriates 1.33 cubic feet of water per second from one well located in the approximate center of the SE 1/4 Section 12 for irrigation of 120 acres located in the SE 1/4 Section 12; all in T114N-R64W. This permit moves the system approximately one-half mile east with the well to be located in the SE 1/4 SW 1/4 Section 7 to irrigate 120 acres located in the SE 1/4 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4 Section 7; all in T114N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are authorized by this permit. Therefore, Water Right No. 3321-3 is incorporated into Permit No. 3321A-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is November 15, 1976.
4. The date of approval of Permit No. 3321A-3 is August 25, 2014.
5. One-fifth of the construction is to be completed on or before February 25, 2017.
6. All construction is to be completed on or before August 25, 2019.
7. Water is to be put to beneficial use on or before August 25, 2023.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his 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 well authorized by Permit No. 3321A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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.
4. The original well authorized by Water Right No. 3321-3 which is located in the approximate center of the SE 1/4 Section 12, T114N, R64W shall be plugged in accordance with South Dakota Well Construction Standards.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 03 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Stretch's Well Service
(if yes, please provide copies of logs) Hitchcock, SDb) If existing wells, how many Provide copy of log(s), if available. Drilled by c) Well Depth Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

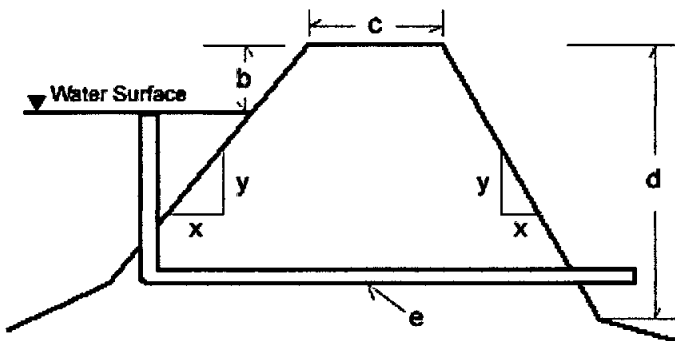
On applicant's property 1/4 mile On property owned by others **2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System Capacity (gallons) Year Constructed c) Connected to the City of Sanitary System **3. Dugout Information**a) Surface Dimensions Depth b) Depth to water (ground surface to water level) **4. Water Storage Dams**

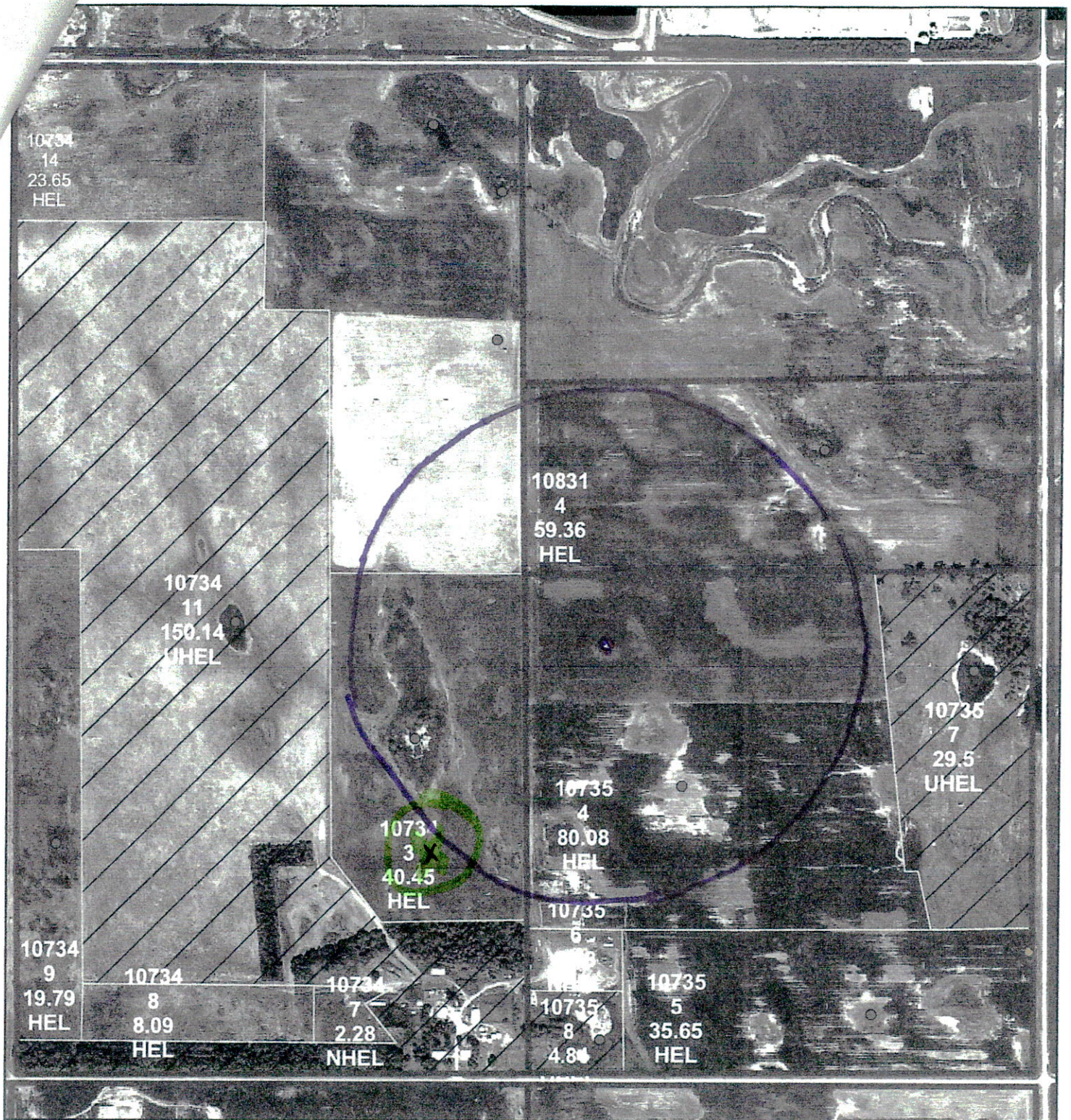
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres



United States Department of Agriculture
Farm Service Agency

PLSS: 7_114N_63W
Farm: 8330

Spink County, SD
1:8,297

January 26, 2011



Wetland Determination Identifiers

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

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Common Land Units

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Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Dave Brooker

Job Name

NW of Building

Site

Location

4-6-2014

Date

Rig No.

Drew Nelson

Foreman

Jt. #	Depth	Time	350-4996	Remarks
1	0-15	2.15	GL-7	TOP SOIL Sand washed through it
2	15-30	2.26	7-9	DIRTY Sand
3	30-45	4.15	9-11	Sandy yellow clay sand streaks
4	45-60	6.21	11-20	Sandy yellow clay
5	60-75	6.30	20-23	Mixed clay with dirty sand
6	75-90	6.40	23-27	Mixed clay with stones - gravel streaks - hard
			27-29	Light Gray silty clay - sand streaks
			29-30	Blue silty clay
1	0-15	K	30-33	ROCK Granite
2	15-25	DC	33-44	Blue clay
3	25-40	R	44-45	Sand
4	40-55	R	45-50	Sand
5	55-70	R	50-55	Sand with coal
6	70-85	R	55-60	Sand
			60-65	Sand
			65-70	Sand drilled better
			70-75	Sand
			75-76	Sand
			76-85	Blue clay
			47' 4" PVC well casing - WD 75'	
			30' 4" PVC well screen 25 slot w/h	27.40
			Per rock for pack	
			well is open bottom	
			1-4" well cap	

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South Dakota Department of Environment and Natural Resources

Date 6/11, 20 14

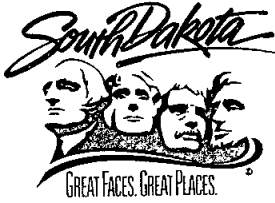
RECEIVED OF Brooker Farms 38840 186th St Tulare SD 57486

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

Fee for Application for Permit No. <u>3321A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3321A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. **06882**

By Leanne Hoodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



June 11, 2014

No. 3321-3

Dave & Peg Brooker
38840 186th St
Tulare SD 57470

Dear Mr. & Ms. Brooker:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3321-3. The water right is currently listed in the name of Peggy Brooker.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

Schlaak, Karen

From: Dave & Becky Brooker <brooker@venturecomm.net>
Sent: Wednesday, June 11, 2014 11:04 AM
To: Schlaak, Karen
Subject: RE: Pending Water Permit Application

Thank you for letting us know. When we get the form we will finish filling it out and get it back to you right away.

Thank you again,
Brookers

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Wednesday, June 11, 2014 11:02 AM
To: Brooker, David
Subject: Pending Water Permit Application

Dave and Peg Brooker,

We received your water permit application today. Water Right No. 3321-3 is listed in the name of Peggy Brooker. It appears that you want both names on the new application. It will be necessary to file a Notice of Transfer of Ownership form for Water Right No. 3321-3. A partially completed form is being mailed to you today.

In the meantime, we will begin processing the application to Amend Water Right No. 3321-3 to transfer acres.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Gronlund, Eric

From: Dave & Becky Brooker <brooker@venturecomm.net>
Sent: Friday, June 13, 2014 8:11 AM
To: Gronlund, Eric
Subject: RE: water permit application to transfer to new location

Eric,
Sorry I didn't get back to you yesterday I was not home. We have looked at the map and agree with the description and acres that you listed. Also, I remember you saying the diversion rate was 600gpm, but I forgot to write that on the application. We remembered that the total acres had to equal 120.

Thank you and if you need anything further please let us know.

Brookers

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, June 12, 2014 9:20 AM
To: Brooker, David
Subject: water permit application to transfer to new location

Please find attached a map of Brooker Farms proposed new pivot location and a breakdown of acres.

The application you filed did not include the legal description of the SE ¼ NE ¼ but it looks like a portion of this quarter-quarter will receive water.

Do you concur with this acreage breakdown.

Please understand if the application is approved you will be limited to a diversion rate of 600 gpm and a total number of acres being 120.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, August 01, 2014 3:22 PM
To: 'Dave & Becky Brooker'
Subject: RE: water permit application to transfer to new location

Dave/Becky - I talked with Dave and the purpose of this email is to document our discussion for the file.

Received the draft staff report from the engineer – so that's a good thing! Means we're close to going to public notice. Couple questions arose that I thought was worth an email for clarification.

The original water right was in Peg Brooker's name. As part of this process the water right was transferred into the name "Brooker Farms" with Dave and Peg as contact people. They filed the application to change acres in the name – Dave and Peg Brooker. Dave confirmed that the name on the application should be "Brooker Farms" and he is the primary point of contact at 38840 186th St, Tulare SD 57470

I also inquired about what is going to be the disposition of the original well under Water Right No. 3321-3 in the SE ¼ of Section 12, T114N, R64W. Wells that are abandoned are to be plugged in accordance with well construction standards. Dave confirmed that Brooker Farms is willing to plug this old well assuming the permit to change location is approved.

Have a great weekend!

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3321A-3, Brooker Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 3321A-3, Brooker Farms, c/o Dave Brooker, 38840 186th Street, Tulare SD 57470.

The Chief Engineer is recommending APPROVAL of Application No. 3321A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his 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 well authorized by Permit No. 3321A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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.
4. The original well authorized by Water Right No. 3321A-3 which is located in the approximate center of the SE ¼ Section 12, T114N, R64W shall be plugged in accordance with South Dakota Well Construction Standards.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 6, 2014

**REPORT TO THE CHIEF ENGINEER
ON
APPLICATION NO. 3321A-3
DAVE & PEG BROOKER
JULY 31, 2014**

Application No. 3321A-3 proposes to amend Water Right No. 3321-3 by transferring the acreage authorized for irrigation and the authorized point of diversion to new locations. Water Right No. 3321-3 authorizes the diversion of water from one well located in the approximate center of the SE¼ Section 12, T114N-R64W at a maximum rate of 1.33 cubic feet of water per second (cfs). The water right authorizes the irrigation of 120 acres located in the SE¼ Section 12, T114N-R64W. Application No. 3321A-3 proposes to authorize the relocation of the system approximately one-half mile east. The diversion point proposed by Application No. 3321A-3 is to be a well located in the SE¼ SW¼ Section 7, T114N-R63W. Application No. 3321A-3 proposes a permit authorizing the irrigation of 120 acres located in the SE¼ NW¼, S½ NE¼, N½ SE¼, SW¼ SE¼, E½ SW¼ of Section 7, T114N-R63W. The water source for this irrigation system is the Tulare: Western Spink /Hitchcock aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

**AQUIFER: WESTERN SPINK/HITCHCOCK MANAGEMENT UNIT OF THE
TULARE AQUIFER**

Based on the best information available regarding recharge to the Tulare Western Spink/Hitchcock aquifer as it compares to withdrawals from the aquifer, along with the projected water use associated with acreage currently authorized for irrigation, the Water Management Board found the Tulare Western Spink/Hitchcock aquifer is fully appropriated [In the matter of Water Permit Application Nos. 7725-3, et al., Findings of Fact, Conclusions of law and Final Decision issued December 5, 2013}.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. This application states “intent to transfer to new acres since existing is subject to flooding.”

WATER RIGHT NO. 3321-3

Water Permit Application No. 3321-3 was filed February 17, 1977. Consideration of this, and a number of other applications was deferred by the Water Rights Commission pending Staff investigation. Water Permit No. 3321-3 was issued February 6, 1979. A Notice of Completion of Works and/or Application of Water to Beneficial Use for the project were submitted on December 8, 1979. The permit was inspected on July 1, 1982, and Water Right No. 3321-3 was issued on August 10, 1982.

Irrigation questionnaire data reported for Water Right No. 3321-3 from 1979 through 2013 is shown in Table 1. The average number of acres irrigated over the 35 year period was 68.05 acres and the average annual volume of water pumped under the water right was 32.16

acre-feet per year(AF/yr). Irrigation was reported 25 of the 35 years with an average application rate of 6.35 inches per acre per year (in/ac/yr).

Year	Acres	AF/yr	in/ac/yr	Comment from Questionnaire
2013	30	9.72	3.89	
2012	35	26.85	9.89	
2011	0	0		excess moisture in spring, crop received hail damage this fall
2010	22	4.97	2.71	
2009	51.8	12.04	2.79	68.2 A were prevent plant
2008	62	20.55	3.98	
2007	60	34.47	6.89	
2006	120	90.15	9.02	
2005	120	58.33	5.83	
2004	120	42.42	4.24	
2003	120	68.17	6.82	
2002	80	51.70	7.76	
2001	0	0		too much spring flooding
2000	0	0		flooded
1999	0	0		flooded
1998	0	0		flooded
1997	0	0		
1996	60	58.33	20.68	only 1/2 of circle irrigated because of flooding
1995	0	0		excessive rain
1994	90	7.95	1.06	
1993	0	0		excessive rainfall & flooding
1992	120	23.86	2.39	
1991	120	84.85	8.48	
1990	120	31.82	3.18	
1989	120	98.11	9.81	
1988	120	117.99	11.80	
1987	75	46.73	7.48	
1986	0	0		too much rainfall
1985	120	46.73	4.67	
1984	120	58.33	5.83	
1983	120	74.24	7.42	
1982	120	54.52	5.45	
1981	did not report	0		
1980	did not report	0		
1979	120	2.65	0.27	

Table 1. Irrigation questionnaire data for Water Right No. 3321A-3 for the period of 1979-2013 (Water Rights, 2014)

Pursuant to SDCL 46-5-37:

“If any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years, the unused water shall revert to the public and shall be regarded as unappropriated public water.”

The irrigation questionnaire data indicates that the entire 120 acres authorized for irrigation by the water right have been irrigated 14 of the 25 years that irrigation has taken place. U.S. Department of Agriculture, Farm Service Agency aerial photography for 2004, 2008, 2010 and 2012 clearly document the persistent wet conditions in this area in recent years (see Figure 1).

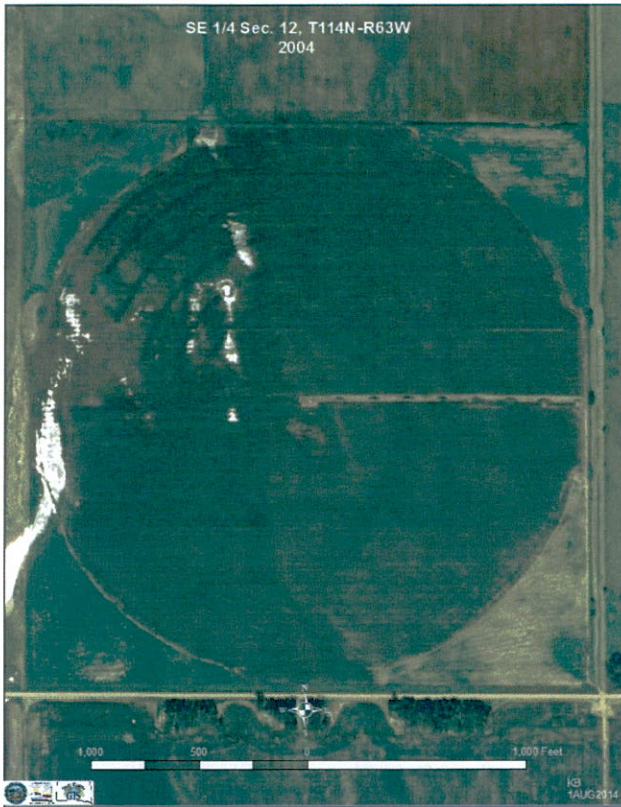


Figure 1 Areal photography of SE $\frac{1}{4}$ Section 12, T114N-R63W

This proposed transfer will not result in an additional appropriation from the Tulare: Western Spink/Hitchcock management unit. Based on the historic usage (i.e. average annual irrigated acres equals 68.05 acres and average annual volume of water pumped equals 32.16 acre-feet per year), it will likely result in an additional volume of water to be used under this appropriation. Although the Water Management Board has determined that the Tulare: Western Spink/Hitchcock aquifer is fully appropriated based on use, SDCL 46-5-34 allows for the transfer proposed by this application without regard to the availability of unappropriated water.

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits filed for diversion points within approximately one mile of the well site proposed by this application are shown in Figure 2 and Table 2.

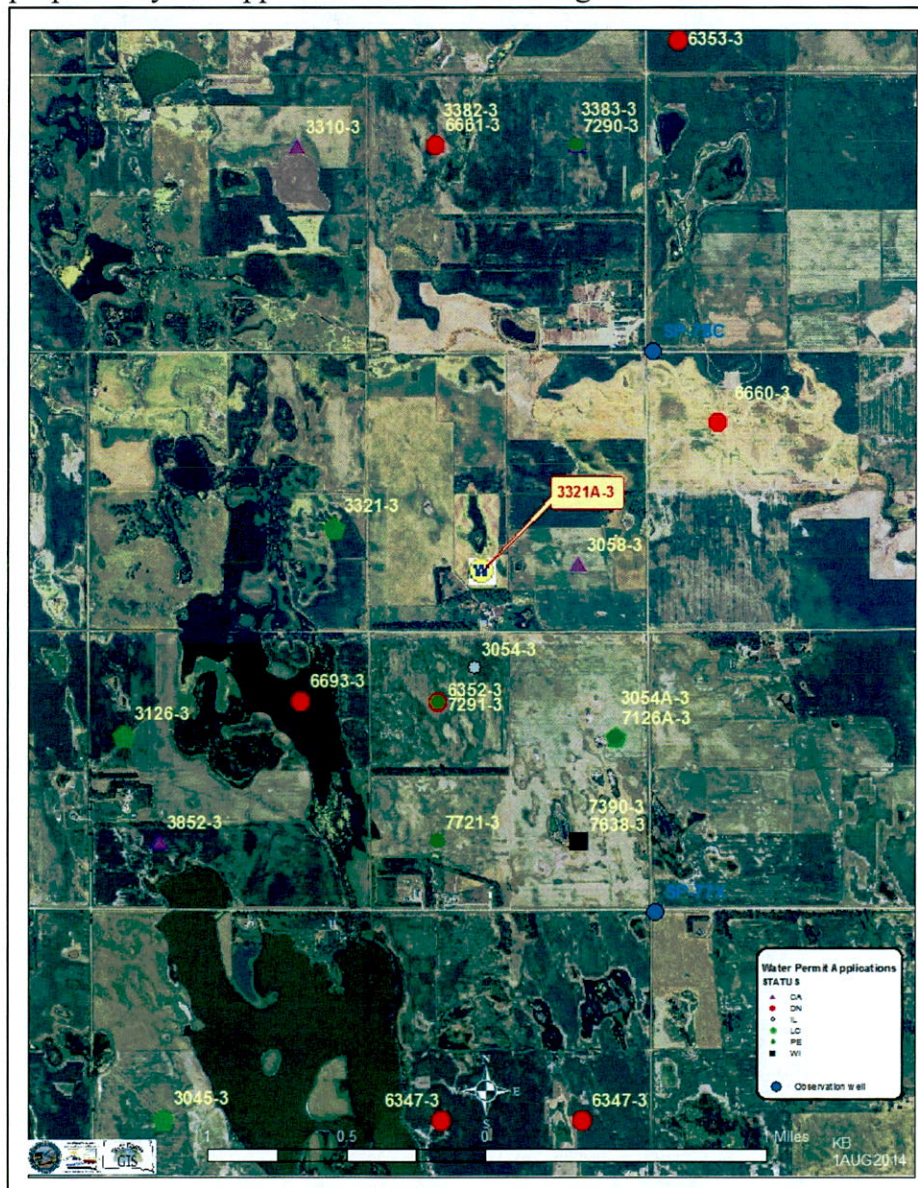


Figure 2. Location of the well site proposed by Application No. 3321A-3 and diversion points for existing water rights/permits.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
3045-3	JOSHUA NOWELL	09/14/1976	LC	1.66	120
3054A-3	MARSHALL BROTHERS	09/14/1976	LC	1.21	85
3054-3	CHARLES I GILBERT	09/14/1976	IL	na	na
3126-3	THOMAS D GILBERT	09/28/1976	LC	1.78	136
3321-3	BROOKER FARMS	11/15/1976	LC	1.33	120
3058-3	LEROY BROOKER	09/21/1976	CA	na	na
3310-3	MILTON C KOPPLIN	11/08/1976	CA	na	na
3382-3	LEE GATZKE	11/29/1976	CA	na	na
3383-3	LEE GATZKE	11/29/1979	CA	na	na
3852-3	WILLIS BOYD	03/01/1977	CA	na	na
6347-3	OSCAR INC	na	DN	na	na
6352-3	LEE GATZKE	na	DN	na	na
6353-3	LEE GATZKE	na	DN	na	na
6660-3	LEE GATZKE	09/12/2005	DN	na	na
6661-3	LEE GATZKE	09/12/2005	DN	na	na
6693-3	LEE GATZKE	02/09/2006	DN	na	na
7290-3	LEE GATZKE	12/15/2011	PE	1.78	135
7291-3	LEE GATZKE	12/15/2011	PE	1.78	135
7126A-3	MARSHALL BROTHERS	09/14/1976	PE	0	45
7638-3	MARSHALL BROS	12/09/2012	PE	1.78	135
7721-3	TERRY WIETING	02/08/2013	PE	1.33	100
7390-3	MARSHALL BROTHERS	na	WI	na	na

NA= Not Applicable, PE= Permit, LC= License, IL= Incorporated, WI= Withdrawn, CA= Cancelled, DN= Denied

Table 2. Water Permit Applications with status in the vicinity of the well site proposed by Application No. 3321A-3.

Historically, well interference has not been an issue from the Tulare: Western Spink Hitchcock aquifer. The Tulare: Western Spink/Hitchcock aquifer is under confined conditions, and there is currently approximately 55 feet of artesian pressure in this area. The DENR-Water Rights Program monitors two observation wells completed into the Tulare: Western Spink/Hitchcock aquifer in this area (See Figure 2.) Drawdown from nearby irrigation wells is approximately 5-10 feet (see Figures 3 & 4).

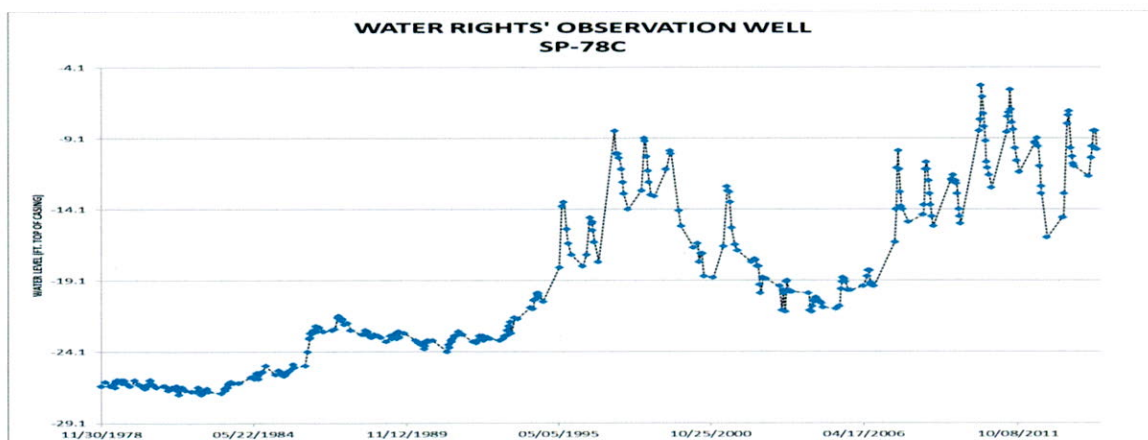


Figure 3. Hydrograph of Observation Well SP-78C

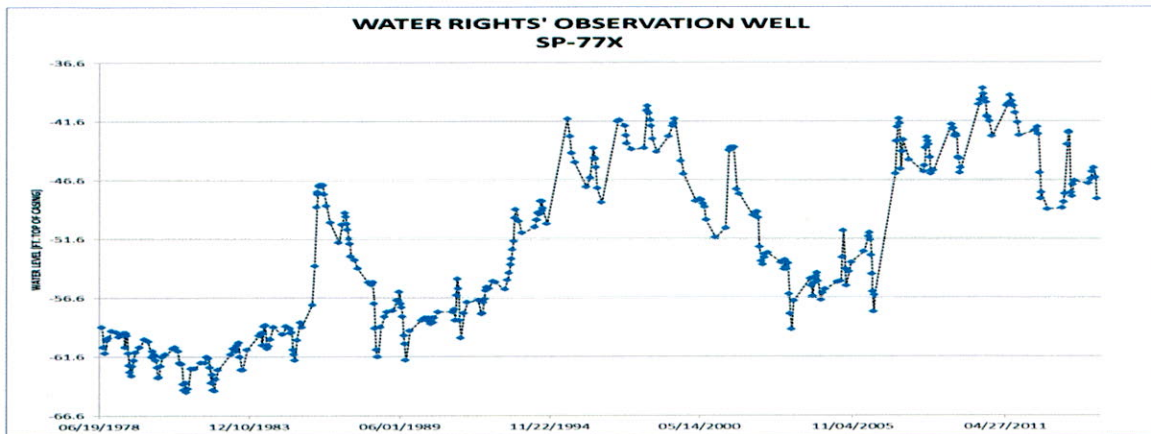


Figure 4. Hydrograph of Observation Well SP-77X

If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary. Increased lift would decrease the pump discharge or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

South Dakota Codified Law (SDCL) 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980, 294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure 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 nearest domestic well completed into the Tulare: Western Spink/Hitchcock aquifer on file with the DENR-Water Rights Program was drilled for Gerald Binger and is located approximately one-half mile from the well site proposed by this application. Well interference should not be a concern for adequate domestic wells.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
3. Approval of this transfer will likely result in an increase of the average annual withdrawal from the aquifer.
4. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
5. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.



Ken Buhler
SD DENR-Water Rights Program

Water Rights Program, 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, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2014, Irrigation Questionnaire Report Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA, AUG 26 2014
County of Spink: ss.

WATER RIGHTS PROGRAM

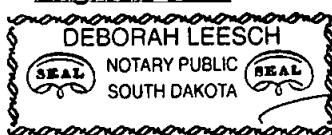
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

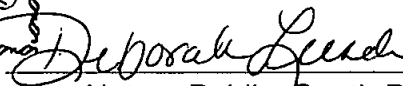
#1001 NOTICE

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on August 13th 2014, that Thirty and .45/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, 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.



Subscribed and sworn to before me this 13th day of August, 2014.




Notary Public, South Dakota

My commission expires 10/09/2019

Notice

#1001

Notice is given that Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 have filed Application No. 3321A-3 which requests to amend Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3321-3 appropriates 1.33 cubic feet of water per second from one well located in the approximate center of the SE 1/4 Section 12 for irrigation of 120 acres located in the SE 1/4 Section 12; all in T114N-R64W. This application proposes to move the system approximately one-half mile east with the well to be located in the SE 1/4 SW 1/4 Section 7 to irrigate 120 acres located in the SE 1/4 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4 Section 7; all in T114N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Dave Brooker indicates there is excessive water where the water right is currently located and the area has been subject to continuous flooding in past years.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 3321A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss

Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by

August 25, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or

supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights

Program address to request copies of information pertaining to this application.

Natural Resources.

Published once at the total approximate cost of \$30.45. (Aug. 13)

Steven M. Pirner, Secretary,
Department of Environment and

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

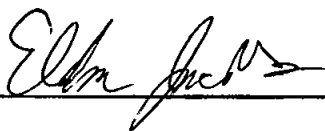
AUG 26 2014

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL –
WATER RIGHTS/BROOKER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 13TH day AUG 2014. That the full amount of the fee charged for publishing is: FORTY-SIX & 31/100 dollars insures to the benefit of the publisher 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 whom so ever.



Subscribed and sworn to me before this 13TH day of AUG 2014.


Notary Public, South Dakota

My term expires 10/25/2017
Legal #1395

F.P. 08-13-14

**NOTICE OF
APPLICATION
NO. 3321A-3**

Notice is given that Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 have filed Application No. 3321A-3 which requests to amend Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3321-3 appropriates 1.33 cubic feet of water per second from the well located in the approximate center of the SE 1/4 Section 12 for irrigation of 120 acres located in the SE 1/4 Section 12; all in T114N-R64W. This application proposes to move the system approximately one-half mile east with the well to be located in the SE 1/4 SW 1/4 Section 7 to irrigate 120 acres located in the SE 1/4 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 SW 1/4 Section 7, all in T114N-R63W. The water source for this irrigation system is the Tulare Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Dave Brooker indicates there is excessive water where the water right is currently located and the area has been subject to continuous flooding in past years.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3321A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23,

the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant, must be filed by August 25, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 1395 (adv.)
Published one time at the total approximate cost of \$46.30.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



August 7, 2014

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 3321A-3 to Appropriate Water. Please publish the notice once on August 13, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 (Ph # 605-266-2745).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 07, 2014 7:56 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: Notice of Application No. 3321A-3, Brooker Farms
Attachments: 3321A-3public.short.docx

Attached is a Notice of Application No. 3321A-3, Brooker Farms, Dave & Peg Brooker, 38840 186th St, Tulare SD 57476 (605 266-2745 or cell 605 350-4996). The notice is to be published on August 13, 2014. The Brooker's have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.
Thanks,

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 25, 2014 8:36 AM
To: 'Deb Leesch'
Subject: RE: Notice of Application No. 3321A-3, Brooker Farms

Please send us the affidavit for this notice.

Thanks
Karen

From: Deb Leesch [<mailto:office.redpress@midconetwork.com>]
Sent: Monday, August 11, 2014 8:32 AM
To: Schlaak, Karen
Subject: Re: Notice of Application No. 3321A-3, Brooker Farms

Sorry that I didn't respond sooner will publish as wanted.
On Aug 7, 2014, at 7:56 AM, Schlaak, Karen wrote:

Attached is a Notice of Application No. 3321A-3, Brooker Farms, Dave & Peg Brooker, 38840 186th St, Tulare SD 57476 (605 266-2745 or cell 605 350-4996). The notice is to be published on August 13, 2014. The Brooker's have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.
Thanks,

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

<3321A-3public.short.docx>

Deb Leesch
office.redpress@midconetwork.com
Phone: 472-0822
Fax: 472-3634
16 E. 7th Ave. Redfield, SD 57469



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



August 7, 2014

Plainsman
PO Box 1258
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 3321A-3 to Appropriate Water. Please publish the notice once on August 13, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 (Ph # 605-266-2745).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 07, 2014 7:53 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: Notice for Brooker Farms
Attachments: 3321A-3public.short.docx

Attached is a Notice of Application No. 3321A-3, Brooker Farms, Dave & Peg Brooker, 38840 186th St, Tulare SD 57476 (605 266-2745 or cell 605 350-4996). The notice is to be published on August 13, 2014. The Brooker's have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Thanks,

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 25, 2014 8:37 AM
To: 'Ruby Crandal'
Subject: RE: Notice for Brooker Farms

Please send us the affidavit for this notice.

Thanks,
Karen

From: Ruby Crandal [<mailto:rnewman.plainsman@midconetwork.com>]
Sent: Thursday, August 07, 2014 8:12 AM
To: Schlaak, Karen
Subject: Re: Notice for Brooker Farms

I have received your email.
Thank you.

Ruby (Newman) Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Aug 7, 2014, at 7:52 AM, Schlaak, Karen wrote:

Attached is a Notice of Application No. 3321A-3, Brooker Farms, Dave & Peg Brooker, 38840 186th St, Tulare SD 57476 (605 266-2745 or cell 605 350-4996). The notice is to be published on August 13, 2014. The Brooker's have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.
Thanks,

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

<3321A-3public.short.docx>



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



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

August 7, 2014

Brooker Farms
Dave Brooker and Peg Brooker
38840 186th St
Tulare SD 57476

Dear Sir:

Water Permit Application No. 3321A-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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) 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,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

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

Instruction to Newspaper - Publish the Notice on August 13, 2014 The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 3321A-3

Notice is given that Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 have filed Application No. 3321A-3 which requests to amend Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3321-3 appropriates 1.33 cubic feet of water per second from one well located in the approximate center of the SE 1/4 Section 12 for irrigation of 120 acres located in the SE 1/4 Section 12; all in T114N-R64W. This application proposes to move the system approximately one-half mile east with the well to be located in the SE 1/4 SW 1/4 Section 7 to irrigate 120 acres located in the SE 1/4 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4 Section 7; all in T114N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Dave Brooker indicates there is excessive water where the water right is currently located and the area has been subject to continuous flooding in past years.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3321A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 25, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



SEP 03 2014

Brooker Farms
Dave Brooker & Peg Brooker
38840 186th St
Tulare SD 57476

Dear Sir:

Enclosed is Water Permit No. 3321A-3 authorizing construction of your 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,

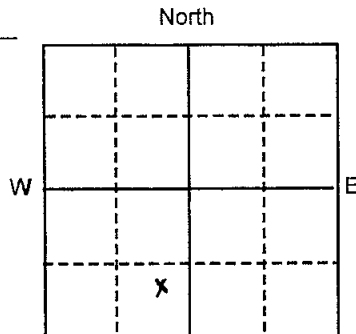
A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 7 Twp 63 Rg 114County SpinkPlease mark well
location with an "X"

Well Completion Date

10/23/2014

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
none ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☐ OtherIf other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160 LB/FT	16 IN	0 FT	47 FT	26 IN
304SS LB/FT	16 IN	47 FT	77 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	20	Lb/gal	0 Ft	45 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmie Pipe

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16 Inches Length 30 FeetMaterial Stainless SteelSlot Size .050 Set From 47 Feet to 77 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Dave Brooker

Business Name:

Address: 38840 186th StCity, State, Zip: Tulare SD 57476

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	2	25
Sandy Clay	25	31
Course Sand	31	44
Sandy Clay	44	68
Coal & Pea Rock	68	77

STATIC WATER LEVEL 33 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersable Test☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

26.6 G.P.F

RECEIVED

DEC 01 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 722 and this
report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11-26-14

Brooker Farms would like to request a change in the permit to move our pivot from one field to another. The permit was granted 2 years ago and we have finished moving the pivot. We are requesting a change in the Qualification #4 on the permit that states that the well must be plugged before we are finished.

We are requesting that we be able to reduce the well, but leave it open to use for livestock watering when the need arises. The well will not be used all year round and may not be needed at all during the year, but we would like to have the opportunity there if it is needed during certain years.

Thank you for considering our request to change Qualification #4 about plugging our old well and allowing us to use it to water livestock if needed.

Brooker Farms
Becky Brooker
605-350-4995
brooker@venturecomm.net

RECEIVED
OCT - 3 2016
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 28, 2016

NOTICE

TO: Becky Brooker
Brooker Farms
38840 186th Street
Tulare SD 57476

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Amendment to Qualification No. 4 on Water Permit No. 3321A-3, Brooker Farms

Water Permit No. 3321A-3 transferred the irrigated acres and point of diversion of Water Right No. 3321-3 to a new well in the SE ¼ SW ¼ Section 7 for irrigation of 120 acres located in the SE ¼ NW ¼, S ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼, E ½ SW ¼ Section 7; all in T114N, R63W. Qualification No. 4 on the permit provides that the original well authorized by Water Right No. 3321-3 located in the approximate center of the SE ¼ Section 12, T114N, R64W shall be plugged in accordance with the South Dakota Well Construction Standards.

On October 3, 2016, Brooker Farms filed a request that the original well be allowed to remain in place and used for livestock watering.

Livestock watering is a domestic use of water that does not require a water permit. As Chief Engineer, I am recommending amendment to Qualification No. 4 on Water Permit No. 3321A-3 to allow the well to be used for livestock watering at a rate not to exceed reasonable domestic use. Reasonable domestic use is defined as the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. The recommendation is attached.

The Water Management Board will conduct a hearing to consider amendment to Qualification No. 4 on Water Permit No. 3321A-3 at 10:30 AM (Central Time) on Thursday, December 1, 2016, at the Pierre Chamber of Commerce, 800 West Dakota Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided if there is a significant change to the hearing time.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Ann Mines, Assistant Attorney General

enclosure

CERTIFICATION

I hereby certify that on October 28, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 28, 2016, regarding amendment to qualification to Water Permit Application No. 3321A-3, Brooker Farms, as set forth below:

Becky Brooker
Brooker Farms
38840 186th Street
Tulare SD 57476

Sent Notice Inter-Office mail to:

Ann Mines, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



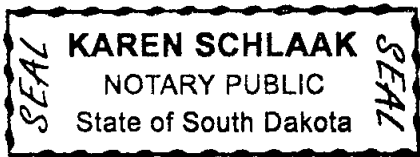
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of October, 2016



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR AMENDMENT TO
QUALIFICATION NO. 4 ON WATER PERMIT NO. 3321A-3, BROOKER FARMS**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources to amend Qualification No. 4 on Water Permit No. 3321A-3, Brooker Farms, c/o Becky Brooker, 38840 186th Street, Tulare SD 57476.

The Chief Engineer is recommending Qualification No. 4 on Water Permit No. 3321A-3 be amended to allow for the well located in the approximate center of the SE ¼ Section 12, T114N, R64W to remain in place for domestic use for the purpose of livestock watering. The recommendation is for the qualification to be amended from its current form as:

4. The original well authorized by Water Right No. 3321-3 which is located in the approximate center of the SE ¼ Section 12, T114N, R64W shall be plugged in accordance with South Dakota Well Construction Standards.

and be amended to read as follows:

4. The original well authorized by Water Right No. 3321-3 may be maintained for domestic use for the purpose of livestock watering. The use for livestock watering shall not exceed reasonable domestic use which is the use of 25, 920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. If the well is permanently abandoned it shall be plugged in accordance with South Dakota Well Construction Standards.

Jeanne Goodman, Chief Engineer
October 25, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 06 2016

3321A-3

Brooker Farms
Becky Brooker
38840 186th St
Tulare SD 57476

Dear Ms. Brooker

Enclosed is Reissued Water Permit No. 3321A-3. On December 1, 2016, the Water Management Board amended Water Permit No. 3321A-3. The original Qualification No. 4 was deleted and replaced with the following qualification.

The original well authorized by Water Right No. 3321-3 may be maintained for domestic use for the purpose of livestock watering. The use for livestock watering shall not exceed reasonable domestic use which is the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. If the well is permanently abandoned it shall be plugged in accordance with South Dakota Well Construction Standards.

If you have any questions, please contact this office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 3321A-3**

Date of first receipt of application June 11, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3321A-3 to Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 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. 3321A-3 amends Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3321-3 appropriates 1.33 cubic feet of water per second from one well located in the approximate center of the SE 1/4 Section 12 for irrigation of 120 acres located in the SE 1/4 Section 12; all in T114N-R64W. This permit moves the system approximately one-half mile east with the well to be located in the SE 1/4 SW 1/4 Section 7 to irrigate 120 acres located in the SE 1/4 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4 Section 7; all in T114N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are authorized by this permit. Therefore, Water Right No. 3321-3 is incorporated into Permit No. 3321A-3.

Qualification No. 4 amended based on action taken by the Water Management Board on December 1, 2016.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is November 15, 1976.
4. The date of approval of Permit No. 3321A-3 is August 25, 2014.
5. One-fifth of the construction is to be completed on or before February 25, 2017.
6. All construction is to be completed on or before August 25, 2019.
7. Water is to be put to beneficial use on or before August 25, 2023.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his 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 well authorized by Permit No. 3321A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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.
4. The original well authorized by Water Right No. 3321-3 may be maintained for domestic use for the purpose of livestock watering. The use for livestock watering shall not exceed reasonable domestic use which is the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. If the well is permanently abandoned it shall be plugged in accordance with South Dakota Well Construction Standards.

WATER MANAGEMENT BOARD

By: _____

Jeanne Goodman

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 06 2016

date



RECEIVED

FEB 09 2018

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 2-7-18TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Brooker Farms Dave Brooker and Peg Brooker
(name)38840 186th St.
(address)Tulare, S.D. 57476
(city, state, zip)Dave-266-2745 or 350-4996
(phone)Peg-596-4391 or 450-0562

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. 3321A-3 states that the water use system is to be constructed byAugust 25, 2019, and water is to be put to beneficial use by August 25, 2023.
(date) (date)The water use system was completed on September 1, 2015.
(date)Applying the water to beneficial use was completed on September 1, 2015.
(date)

You may schedule an investigation so that the water license may

Peg Brooker
(signature)

Stretch's Well Service of Hitchcock, S.D. has removed the pump from the original well located in the center of SE 1/4 12-114-64 and has installed a pump for domestic livestock watering. This pump was installed on Feb. 6, 2018.
Peg Brooker

Report of Examination of Works

Permit No. 3321A-3

Contact Person & Address: Dave Brooker, Peg Brooker, 38840 186th St., Tulare, SD 57476
Peg Brooker cell # 605-450-0562

On, July 26, 2018, I made a thorough examination of the water use system constructed by Dave and Peg Brooker holder of Permit No. 3321A-3, bearing the priority November 15, 1976 authorizing the diversion of 1.33 cu. ft. per second of the waters of ground water (Tulare: Western Spink Hitchcock Aquifer) for irrigation purposes, in Spink County.

The system is in the following condition good. The point of diversion is located from the SE corner of Section 7, T114N, R63W 1,265 feet North and 3,105 feet West with latitude of 44.69433 and a longitude of -98.45483 as determined using GPS. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 7, T114N, R63W:

SE ¼ NW ¼ - 10 ac

SE ¼ NE ¼ - 4 ac SW ¼ NE ¼ - 27 ac

NW ¼ SE ¼ - 40 ac NE ¼ SE ¼ - 10 ac SW ¼ SE ¼ - 6 ac

NE ¼ SW ¼ - 22 ac SE ¼ SW ¼ - 1 ac

comprising a total of 120 acres of land and the license should be issued for 1.33 cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none.

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service
- 2) No. of Wells 1
- 3) Depth(s) 85 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 4 inches
- 2) Length 47 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 27 feet

Pump:

- 1) Make Grundfos
- 2) Model Submersible
- 3) Capacity 600 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 8 inches 3) Length 1,475 feet

SYSTEM TYPE:

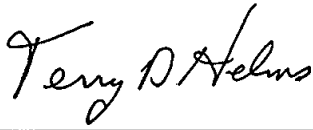
Center pivot:

- 1) Make T & L 2) Overall length 1,320 feet
3) Number of towers 8 4) End gun no
5) High or low pressure low 6) Capacity 600 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

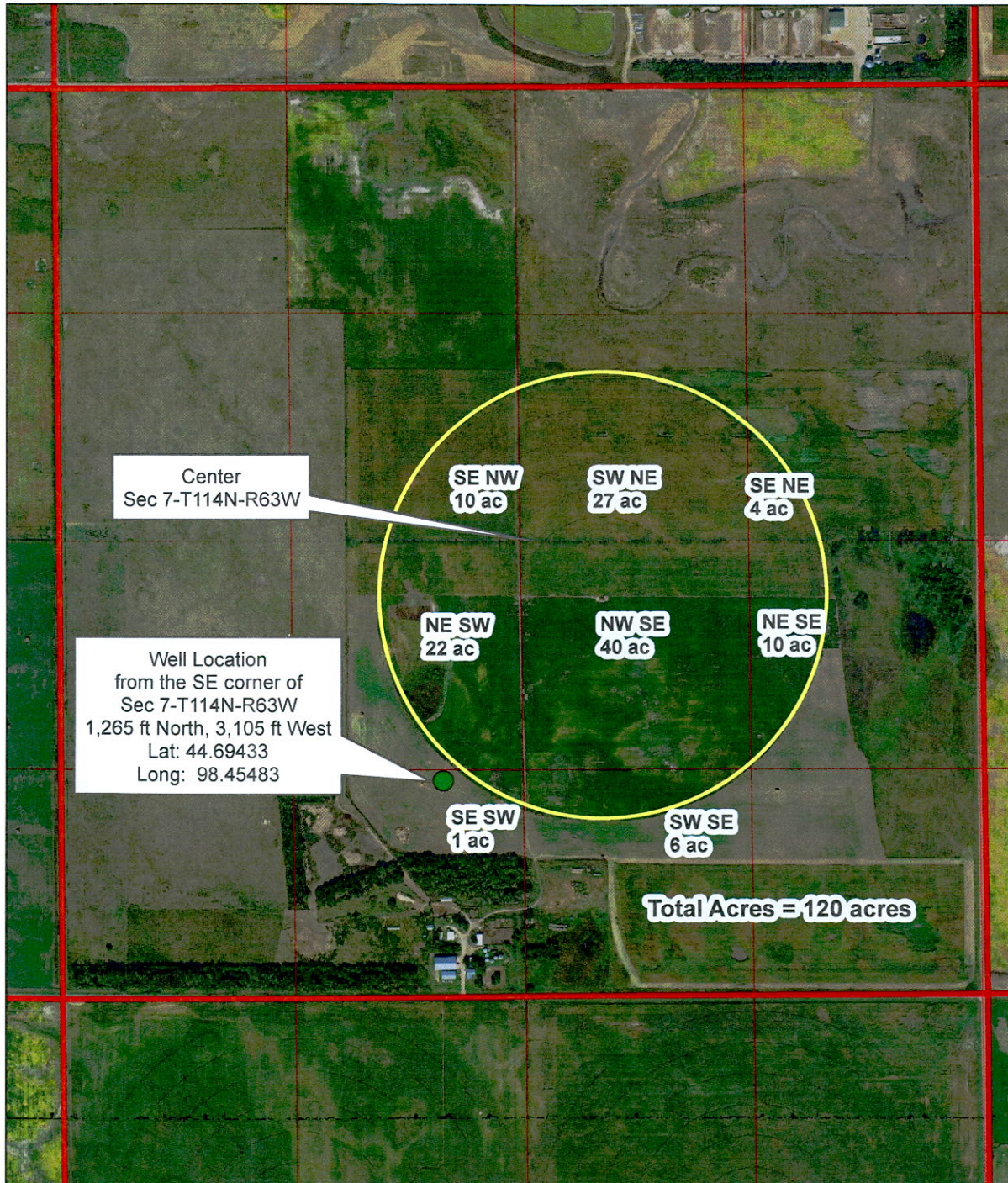
Comments: none



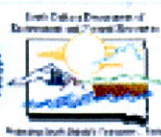
Date: June 19, 2019

Terry Helms, PE
Water Rights Inspector
DENR, Water Rights Program

Water Right No. 3321A-3, Brooker Farms



0 350 700 1,400 2,100 2,800 Feet



Terry D Helms

Terry Helms, PE
Staff Engineer
June 19, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 27 2019

3321A-3

Dave & Peg Brooker
Brooker Farms
38840 186th St
Tulare SD 57476

Dear Mr. Brooker & Ms. Brooker:

Enclosed is Water License No. 3321A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3321A-3

(1) Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 made Application No. 3321A-3, June 11, 2014 for a water permit to amend Water Right No. 3321-3 by transferring the irrigated acreage and point of diversion to other land. No. 3321A-3 authorized moving the irrigation system approximately one-half mile east. The project is located in Spink County, South Dakota. Permit No. 3321A-3, with a priority date of November 15, 1976 was approved August 25, 2014 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 25, 2019 and for the application to beneficial use of water on or before August 25, 2023.

Approval of Water Permit No. 3321A-3 incorporated Water Permit No. 3321-3 authorizing a total of 1.33 cubic feet of water per second from one well (Tulare Western Spink Hitchcock Aquifer) to irrigate 120 acres.

Water Permit No. 3321A-3 was given a priority date of November 15, 1976 as established under Water Right No 3321-3. The permit listed an acre-foot limitation of 2 acre feet per acre annually. Permits with priority dates prior to July, 1978 were allowed up to 3 acre feet per acre annually. With regard to the November 15, 1976 priority date, Water License No. 3321A-3 corrects the error and allows up to 3 acre feet per acre annually.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,265'N and 3,105'W of the SE corner of Section 7, T114N, R63W (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Latitude 44.69433, Longitude -98.45483

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 7, T114N, R63W					
SE $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	22 acres
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	10 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6 acres		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	27 acres				

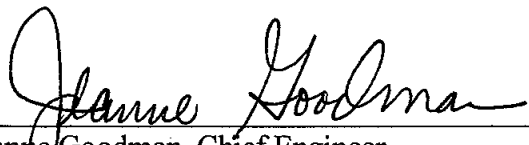
Total acres irrigated: 120

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brooker Farms, Dave Brooker and Peg Brooker, 38840 186th St, Tulare SD 57476 the holders and/or owners of Water Right No. 3321A-3 are issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water, one well (Tulare Western Spink Hitchcock Aquifer) with a priority date of November 15, 1976 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Reissued Water Right No. 3321A-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 3321A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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. *The well was drilled in October, 2014 by Stretch's Well Service Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The original well authorized by Water Right No. 3321-3 may be maintained for domestic use for the purpose of livestock watering. The use for livestock watering shall not exceed reasonable domestic use which is the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. If the well is permanently abandoned it shall be plugged in accordance with South Dakota Well Construction Standards. *This qualification is based on action taken by the Water Management Board on December 1, 2016.*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 27 2019

date

