

WATER PERMIT NO. 6371-3

Name of Applicant: Brown Day Marshall RWS

Address: PO Box 49, Britton SD Phone: 605 448-5417

Amount of Water Claimed: 1,300 AF Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: rural water system County: Marshall

Type of Waste Disposal System:

Location: 5 miles northeast of Britton

PRIORITY Date Received: 12-9-02 Application/License Fee: \$50

Corrected Application Received: Period of Annual Use: January 1 - December 31

Remarks: Place to beneficial use water reserved by 5490-3 and 5490A-3

Diversion Point: NE ¼ SE ¼ Sec 3-T127N-R57W

Land to be Irrigated: NA

Depth of Well: 256 and 283 feet deep

Well Driller: : LTP Enterprises, Inc.

Remarks:

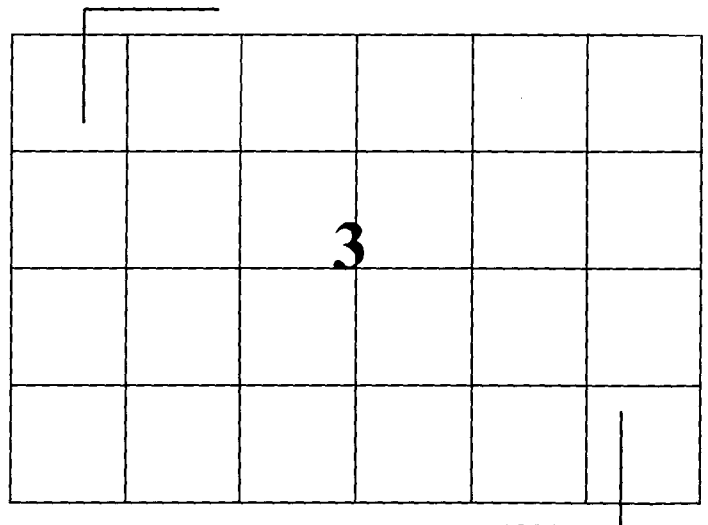
Type of Map: plat

Prepared by: Roger C. Larson, PE

Reviewed and the Number Assigned on: 12-10-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6371-3**

Date of first receipt of application December 9, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6371-3 to Brown Day Marshall Rural Water System, Inc., c/o David Wade, PO Box 49, Britton SD 57430 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. 6371-3 authorizes construction and to place to beneficial use 2.89 cubic feet of water per second (1,300 acre-feet annually) from two wells (Middle James:Columbia Aquifer) 256 feet and 283 feet deep located in the NE ¼ SE ¼ Section 3-T127N-R57W. This water was appropriated and reserved by future use Permit No. 5940-3 and 5940A-3.
2. The water appropriated shall be used for the purpose of supplying water for rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6371-3 is February 17, 2003.
5. The date from which applicant may claim right is August 1, 1996 (established by No. 5940-3).
6. One-fifth of the construction is to be completed on or before August 17, 2005.
7. All construction is to be completed on or before February 17, 2008.
8. Water is to be put to beneficial use on or before February 17, 2012.
9. 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 wells 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 wells authorized by Permit No. 6371-3 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. The BDM Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Middle James:Columbia Aquifer.

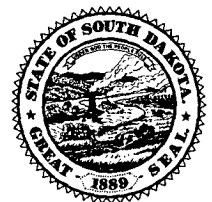
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 17 2003

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6371-3</u>	(office use only) Hydrologic Unit <u>09020105</u>
	Basin <u>Red Rainy</u>	
	Newspaper <u>sec 1st</u>	

RECEIVED
DEC 09 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation

(check one) ☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 5940-3
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Brown Day Marshall RWS Inc. Phone 605-448-5417
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 49, Britton State SD 57430
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.89 *CFS or 1300 **GPM 1300 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in NE1/4 of SE 1/4 of Section 3, T127N, R57W
County Marshall
- County or counties where water will be used Brown, Day, Marshall & Roberts
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Map attached - rural water system wells

STATE OF SOUTH DAKOTA)
County of Marshall) SS

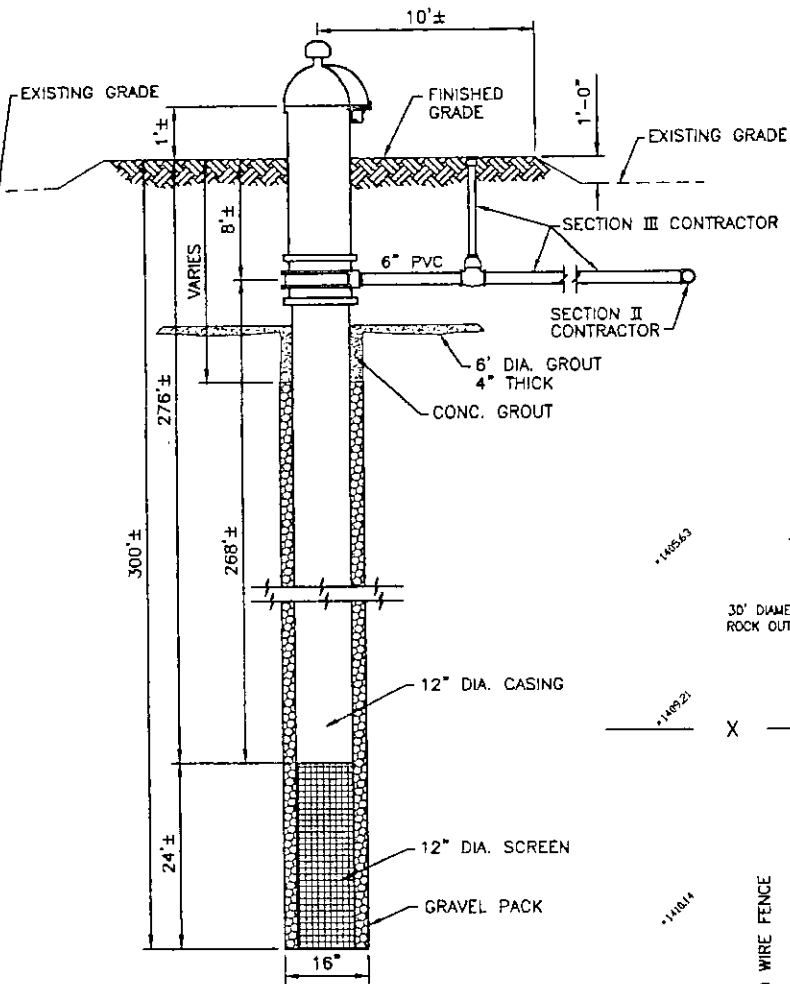
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, David Wade, Gen. Mgr., the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature David C. Wade, General Mgr

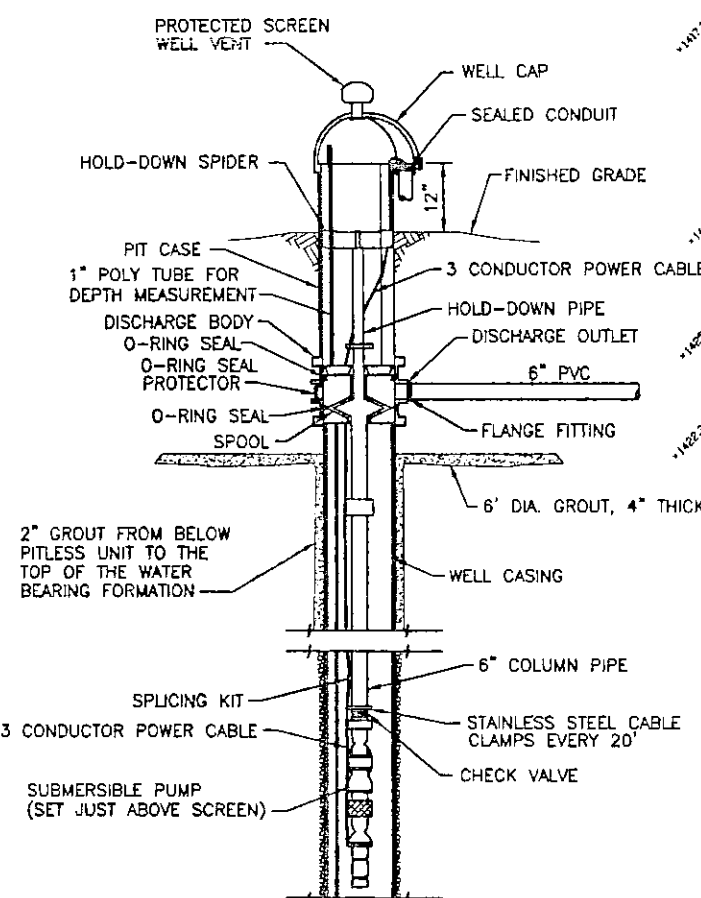
Subscribed and sworn to before me this 6th day of December 20 02

[Signature]
Notary Public signature



WATER SUPPLY WELL (GRAVEL PACKED)

NOT TO SCALE

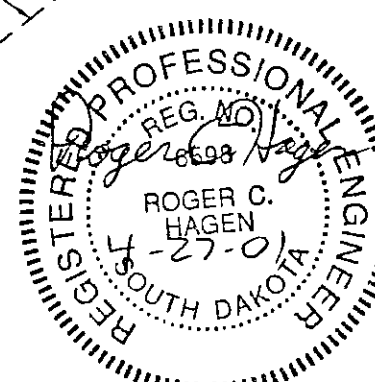
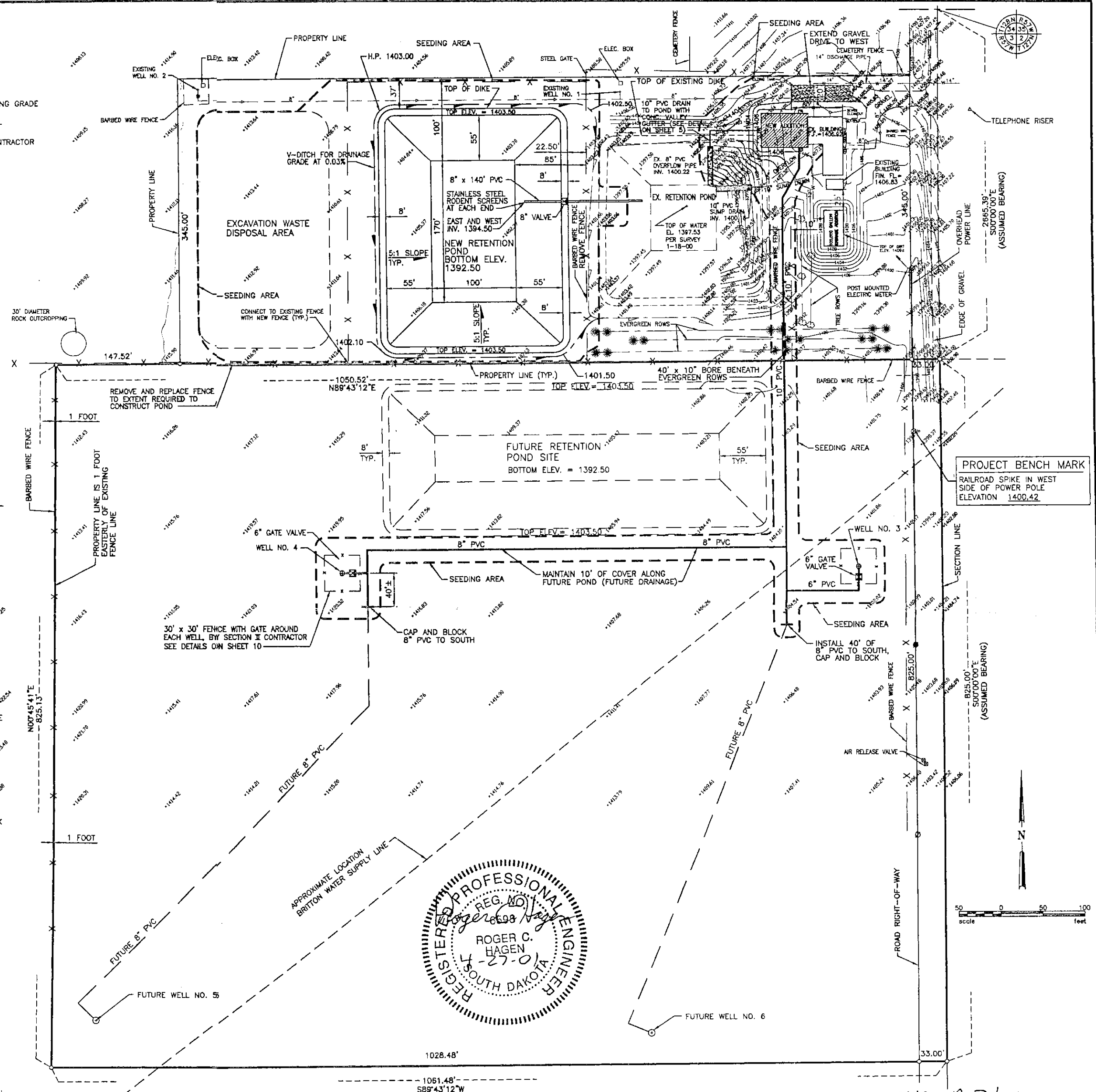


WELL DETAIL

NOT TO SCALE

NOTES:

1. ALL CABLES SHALL BE SUITABLE FOR DIRECT BURIAL. CABLES SHALL BE BURIED TO A MINIMUM DEPTH OF 4 FEET.
2. SEC. II CONTRACTOR SHALL DO FINISH GRADING AROUND EACH WELL SITE.
3. SEC. II CONTRACTOR SHALL BE RESPONSIBLE FOR ELECTRICAL WORK FROM RESERVOIR TO EACH WELL.
4. SEE SITE PLAN AT RIGHT FOR WELL SITE LOCATIONS.
5. SEC. II CONTRACTOR TO INSTALL 8" AND 10" RAW WATER LINE. SEC. III CONTRACTOR TO INSTALL 6" WELL LEADS AND 6" GATE VALVES.



**SE 1/4 OF SECTION 3,
T. 127 N., R. 57 W.**

5490A-3 & 6371-3

WELL FIELD AND RETENTION POND SITE PLAN - RESERVOIR 1
B.D.M. RURAL WATER SYSTEM, INC. - PHASE 2
SECTION II - RESERVOIR AND PUMPING EQUIPMENT
BRITTON, SOUTH DAKOTA

Scale AS SHOWN Drawn by DMR, LEW Checked by RCH, JDF Project No. 1834.012 Date 4-27-01 Sheet 3 of 16

PREPARED BY
HOUSTON ENGINEERING, INC.
P.O. BOX 5054 FARGO, NORTH DAKOTA 58105
PHONE: (701) 237-5065 FAX: (701) 237-5101

No.	Revision	Date	By

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 1/4 Sec 3 Twp 127 Rg 57
County Brown - Day
Marshall

Please mark well location with an "X"

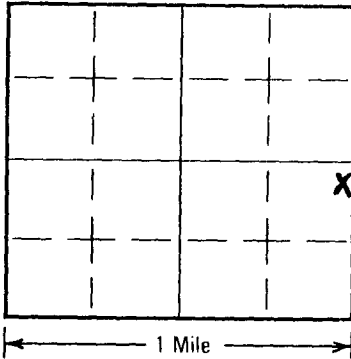
well #3

W

E

Well Completion Date

2-19-02

Well Owner: BDM Rural Water

Business Name:

Address: 705 7th Street
Britton, SD

WELL LOG:

FORMATION

DEPTH

FROM

TO

See Attached Log

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56</u> LB/FT	<u>12</u> IN	<u>+3</u> FT	<u>256</u> FT	<u>18</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neat Cement</u>	<u>64</u>	<u>15</u> lb./gal	<u>10</u> ft.	<u>151</u> ft.

Describe grouting procedure With Tremie PipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 28 FEETMaterial 5.5.Slot Size 30 Set From 256 Feet to 284 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: with

Laboratory sent to for water quality analysis

MUTL☐ NO, Why Not? ChlorinatedH₂OSTATIC WATER LEVEL 164 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ PumpedDescribe: Sub. pump☐ Bailed☐ Other

Pumping Level Below Land Surface

232.86 ft. After 24 Hrs. pumped 680 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm L.T.P. Enterprises, Inc.

Signature of License Representative:

Randy Pullen

Signature of Well Owner or Equitable Property Holder:

Date: 2-13-02

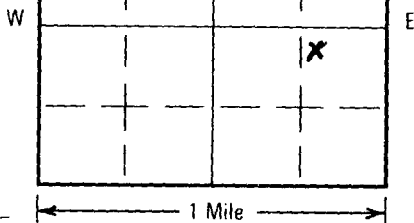
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 3 Twp 122 Rg 57
 County Brown - Day - Marshall North

Please mark well location with an "X"

Well #4



Well Completion Date

2-14-02

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
49.56 LB/FT	12 IN	13 FT	283 FT	18 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Neat Cement	69	15 lb./gal	80 ft.	179 ft.

Describe grouting procedure with Tremie Pipe

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 19 FEETMaterial S.S.Slot Size _____ Set From 283 Feet to 302 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

_____ NO, Why Not?

Laboratory sent to for water quality analysis

with Chlorinated H₂OWell Owner: BDM Rural Water

Business Name: _____

Address: 205 7th st.
Britten, SD

WELL LOG:

FORMATION

DEPTH

FROM

TO

See Attached log

STATIC WATER LEVEL 180.3 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ PumpedDescribe: Sub Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

230.3 ft. After 7 Hrs. pumped 680 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm L.T.P. Enterprises, Inc

Signature of License Representative:

Randy O. Pullen

Signature of Well Owner or Equitable Property Holder:

Date:

2-13-02

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date DECEMBER 10, 20 02

RECEIVED OF EDM Rural Water System Inc., PO Box 49, Britton SD 57430

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

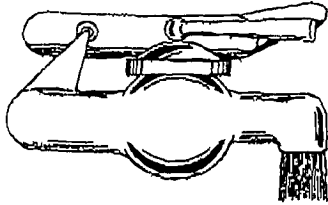
Fee for Application for Permit No. <u>4371-3</u> to Appropriate Water, to construct and to put water to beneficial use	450	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4371-3</u>	50	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	500.00

No.

000005

By

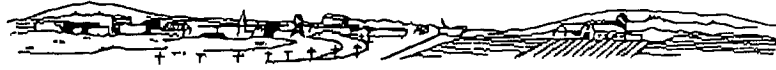
Darland Erlbe
Chief Engineer *gm*



**BROWN
DAY
MARSHALL**

P.O. Box 49
705 7th Street
Britton, South Dakota 57430
Phone 605-448-5417

Rural Water System, Inc.



November 13, 2001

Mr. James Goodman
Natural Resources Engineer
DENR
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Goodman:

I am faxing you this request to drill test wells under our future use Water Permit Application No. 5940-3. In speaking with Eric Gronlund, I realize we have to amend or modify our future use permit to reflect a small change in location. The actual location is the NE1/4 of the SE1/4 of section 3-T127N-R57W. Although this change is very important, it is merely across the fence from our original location.

Please let me know the status of this request as soon as possible. We have made definite plans to construct works and put this water to beneficial use as per our amended permit.

Please call me with any questions.

Sincerely,

David C. Wade
General Manager



6371-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 14, 2001

David C. Wade
Brown, Day, Marshall RWS, Inc.
PO Box 49
Britton, SD 57430

Dear Mr. Wade:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct test wells prior to approval of a water permit. The test wells are to be constructed in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, T127N-R57W. The test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

File No.

Water Rights Program - File Documentation

NAME: Brown Day Marshall RWS, Inc.

ADDRESS: PO Box 49, Britton SD 57430

DATE: December 10, 2002 **COUNTY:** ML **TELEPHONE:** 605 448-5417

RE: Pending application

COMMENTS:

I called John Freitag with Houston Engineering regarding what the acre-feet amount should be on the application. Mr. Freitag stated the amount should be 1,300 acre-feet and 1,300 gpm.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 11, 2002

Susan Wismer, CPA
BDM Rural Water System
PO Box 49
Britton SD 57430

Dear Ms. Wismer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for rural water system use.

I spoke with John Freitag, with Houston Engineering and he indicated the amount of water claimed on the application should be 1,300 gallons per minute and 1,300 acre-feet annually. The acre-feet amount has been added to the application.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

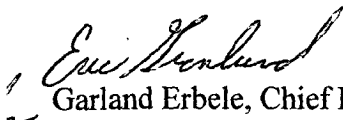
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6371-3, Brown Day Marshall Rural Water System**

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. 6371-3, Brown Day Marshall Rural Water System, c/o David Wade, PO Box 49, Britton SD 57430.

The Chief Engineer is recommending APPROVAL of Application No. 6371-3 because 1) existing rights will not be unlawful impaired, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells 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 wells authorized by Permit No. 6371-3 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. The BDM Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Middle James Columbia Aquifer.

See report on application for additional information.


Garland Erbele, Chief Engineer
January 15, 2003

REPORT ON WATER PERMIT APPLICATION NOS. 5940A-3 AND 6371-3
For Brown Day Marshall RWS, Inc.
December 20, 2002

Application No. 5490A-3 proposes to amend Future Use Permit No. 5490-3 to expand the future use area. Future Use Permit No. 5490-3 reserves 1,300 acre-feet of water annually from ground water. The area reserved for future use is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, T127N R57W. This permit expands the future use area to include the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 3, T127N R57W all in Marshall County.

Application No. 6371-3 proposes to construct and place to beneficial use 2.89 cfs (1,300 gpm) from two wells approximately 256 feet and 283 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 3, T127N R57W. This water was appropriated and reserved by future use Permit No. 5940-3. The water will be used to supply the Brown Day Marshall Rural Water System.

AQUIFER – MIDDLE JAMES COLUMBIA (MJ-C)

The Middle James Columbia is a buried outwash (sand and gravel) that is under confined or artesian conditions in this area. The aquifer underlies 93,400 acres and contains an estimated 715,500 acre-feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer extends into Brown County to the west, into North Dakota to the north and into Day County to the south. Ground water movement is predominantly from west to east with a component to the north (Koch, 1975).

The Water Rights Program monitors three observation wells within a one-mile radius of this site. These are observation wells, ML-82B, ML-82C and ML-70H. Water levels records (hydrographs) for these three wells are included with this report. The water level record indicates seasonal fluctuation does occur because of pumping. Water levels can change ten to twenty feet annually, depending upon the distance from the production wells. The record also indicates that the aquifer does recharge and that overall the water levels in the aquifer respond closely to precipitation, that is, rising during wet years (recharge) and gradually declining during dry years. The water level record clearly shows that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

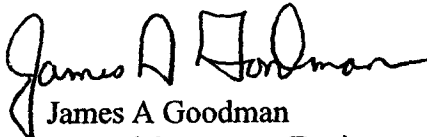
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other water permits/rights within three miles of this area belong to the rural water system. Interference will occur, that is, drawdown created by pumping will extend from one production well to the other. However, this can be managed by the rural water system and should not cause significant impacts. The rural water system will now be authorized for four wells that will be 600 to 700 feet apart. Test pumping of well #3 indicates production at 680 gpm with a drawdown of about 68.86 feet after 24 hours of pumping (results in a specific capacity of 9.88 gpm/ft of drawdown. Test pumping of well #4 indicates a production 680 gpm with a drawdown of 50 feet after seven hours of

pumping (results in a specific capacity of 13.6 gpm/ft of drawdown). The test results indicate the wells are capable of producing the requested 1,300 gpm.

CONCLUSIONS

1. Water is available from the Middle James Columbia aquifer.
2. The aquifer is confined and under artesian conditions at this site. Pumping does create drawdown. This is shown by the observation well water level record and the production pumping records for well #3 and #4. Interference will occur at the well site but the rural water system can manage the drawdown and should not have trouble maintaining a water supply.
3. The wells authorized by this permit have been constructed and are completed in accordance with SD Well Construction Standards.
4. Approval of permit application 5490A-3 allows the expansion of the future use area to the south of the existing facility. This does not pose any problems and can be authorized.
5. Approval of application 6371-3 potentially could use up all the water remaining in future use permit No. 5940-3. Any water not used will simply revert back to the future use permit to potentially be used under another application.


James A Goodman
Natural Resources Engineer

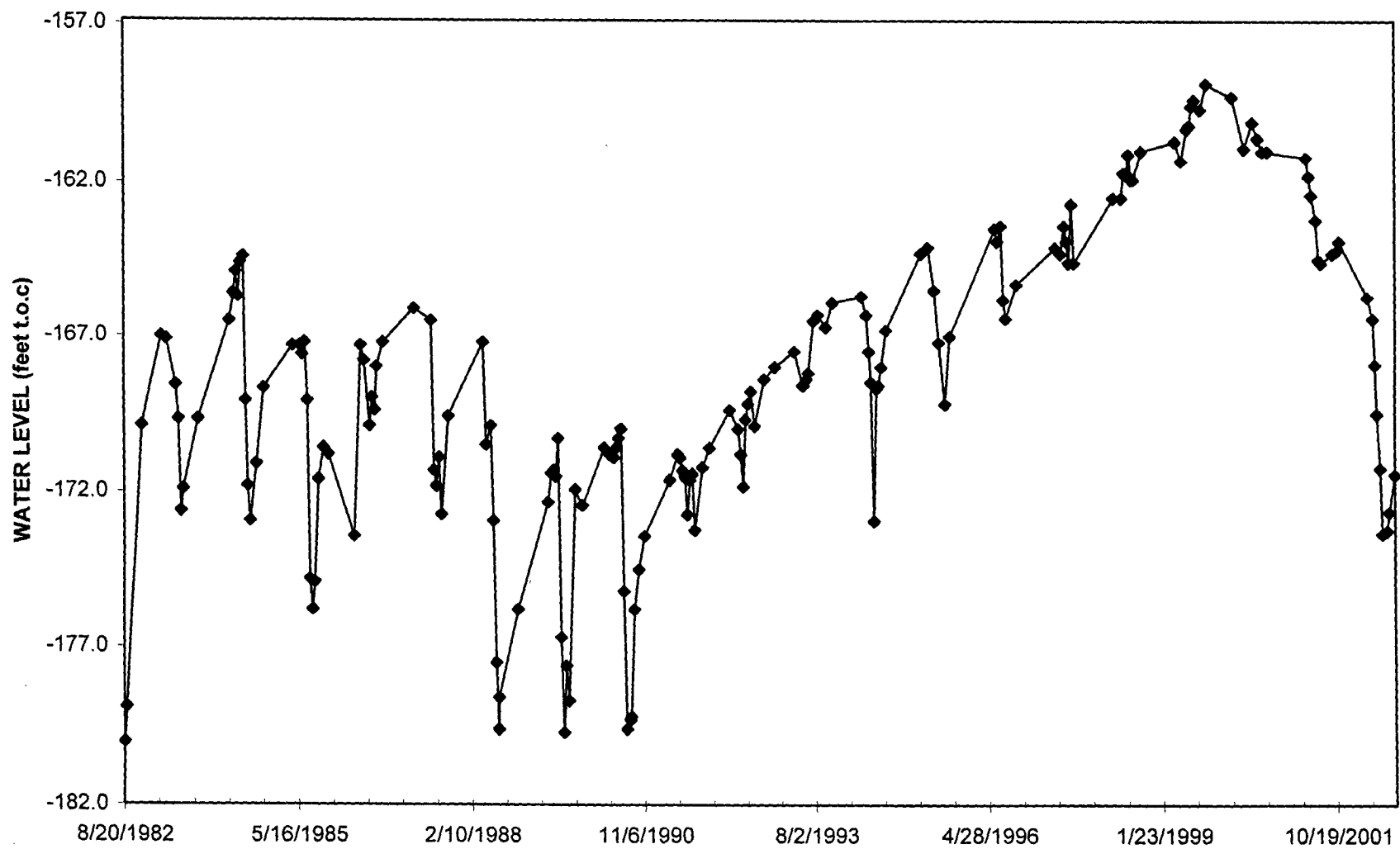
BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

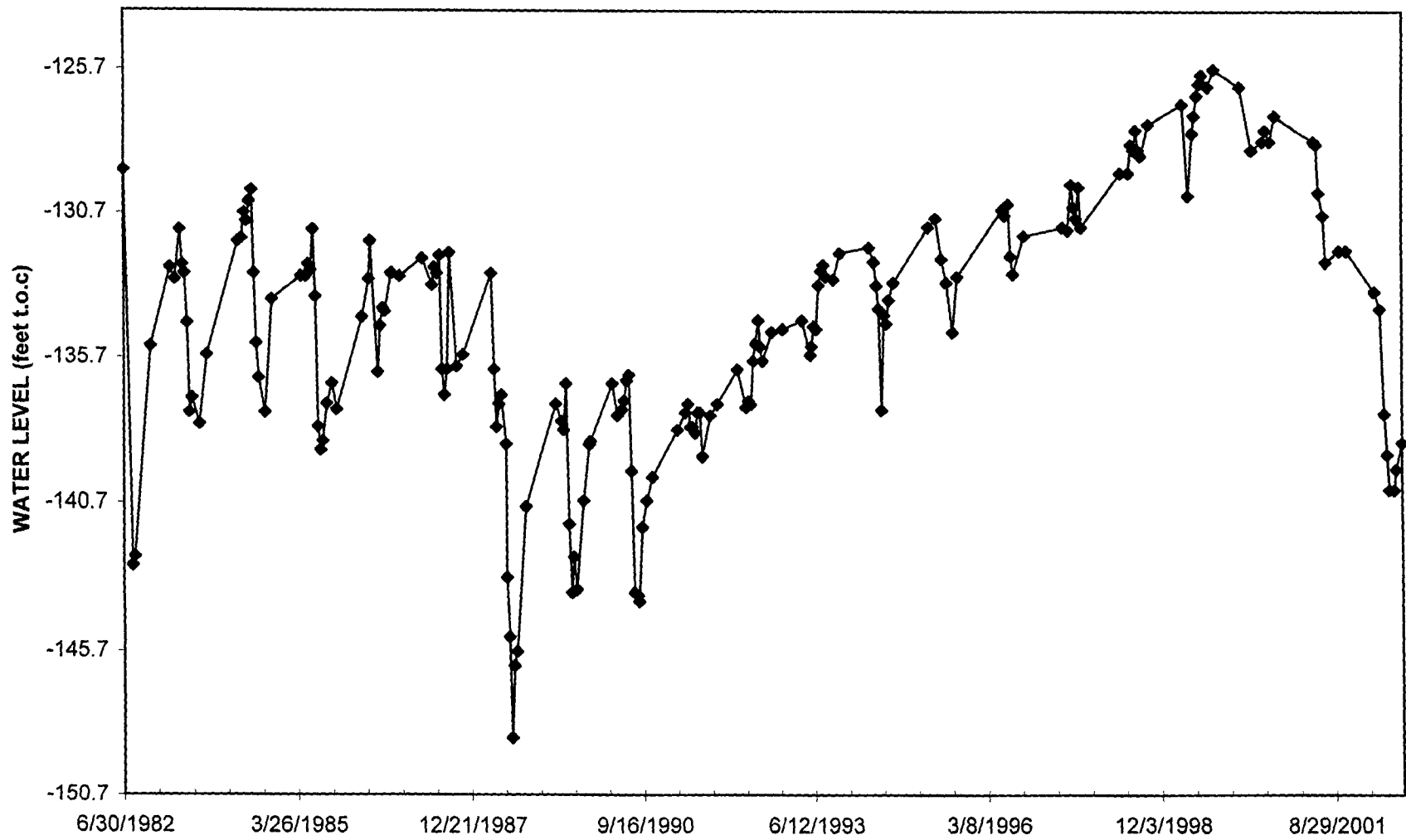
Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Part I: Geology and Water Resources, Bulletin 23, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Records for Marshall County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

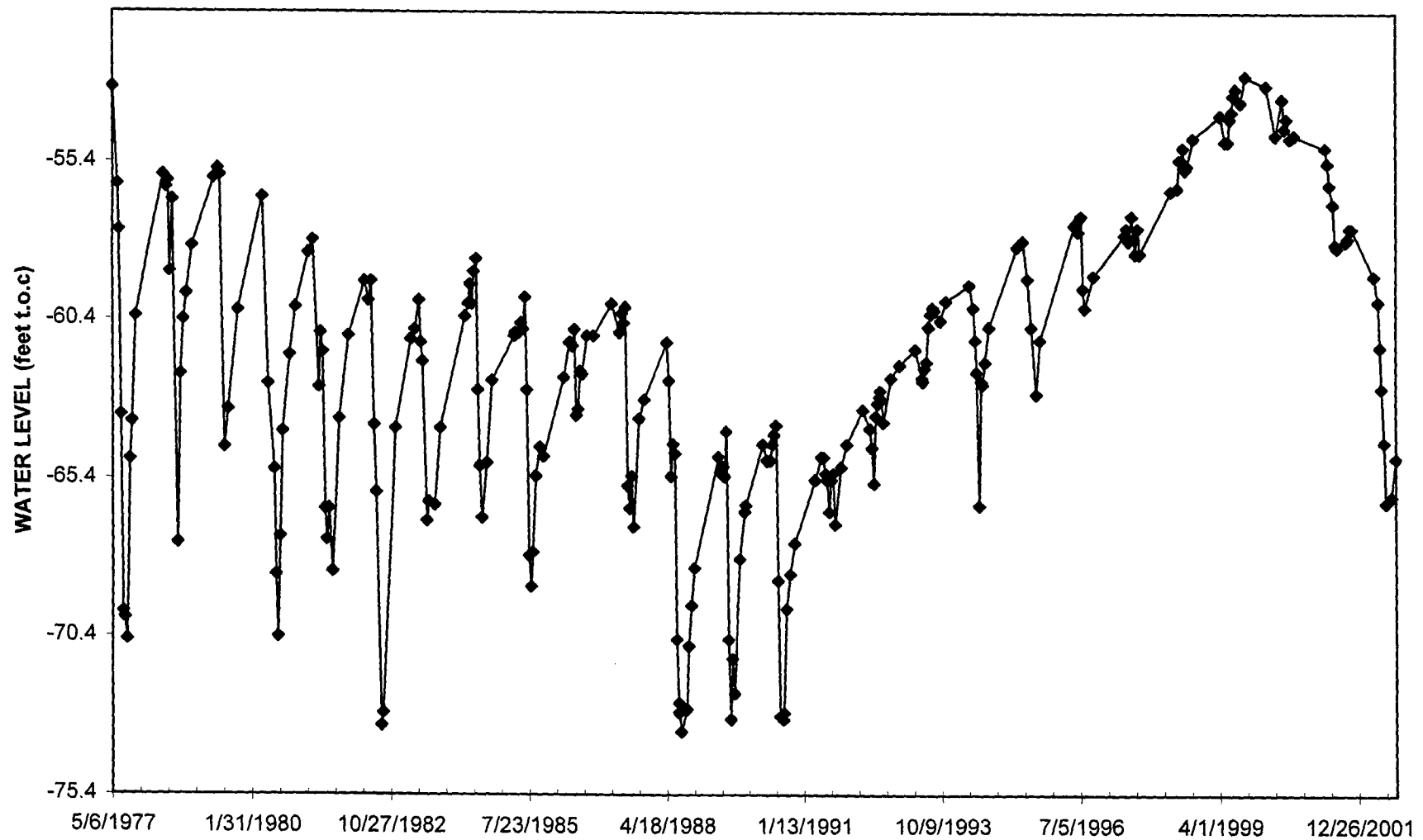
WATER RIGHTS' OBSERVATION WELL
ML-82C



**WATER RIGHTS' OBSERVATION WELL
ML-82B**



**WATER RIGHTS' OBSERVATION WELL
ML-70H**



County of Day } ss.
State of South Dakota,

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Notice to Appropriate Water, DENR, a printed copy of which is hereunto attached, was printed and published in the said newspaper two successive and complete issues as follows:

First Publication	Jan. 27, 2003;
Second Publication	Feb. 3, 2003;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$55.51 and inures solely to the Reporter & Farmer, published by The Day County Printing company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this third day of February, 2003.

LeAnn M. Suhr
Day County, South Dakota
My Commission Expires May 15, 2005

Notary Public, Day County, South Dakota

Notice of application

NOTICE OF APPLICATION NOS. 5940A-3 AND 6371-3 TO APPROPRIATE WATER

Notice is given that Brown Day Marshall Rural Water System, Inc., PO Box 48, Britton, SD 57430 has filed the following applications.

Application No. 5940A-3 proposes to amend Future Use Permit No. 5940-3 to expand the future use area. Future Use Permit No. 5940-3 reserves 1,300 acre-feet of water annually from groundwater (Middle James: Columbia Aquifer). The area reserved for future use is located in the SE 1/4 NE 1/4 Section 3-T127N-R57W. This permit expands the future use area to include the NE 1/4 SE 1/4 Section 3-T127N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5940A-3 because 1) the future use area can be expanded without unlawful impairment of existing rights, 2) the proposed use is a beneficial use of water, and 3) it is in the public interest.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Right Program address to request copies of information pertaining to these applications.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
(Last Feb. 3)

RECEIVED

FEB 27 2003

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Roberts } ss.

Harley E. Deutsch of said county, being first duly sworn, on oath says, that he is publisher of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice of Application, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Jan 28, 2003; _____;
Feb 4, 2003; _____;
_____; _____;
_____; _____;
_____; _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication thereof are \$ 48.53

Harley E Deutsch

Subscribed and sworn to before me this 4th day of

February, A.D., 2003

Spencer R. Runtz

Notary Public, Roberts County, South Dakota
My commission expires February 3, 2004

RECEIVED

FEB 13 2003

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NOS. 5940A-3 AND 6371-3

TO APPROPRIATE WATER

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AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Alice Rents being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Notice of Application

Legal # 899676

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

Week for 2 successive Weeks
The first publication being made on the 27 day of Jan
The second publication being made on the 3 day of Feb
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
The fifth publication being made on the _____ day of _____
The sixth publication being made on the _____ day of _____

That said newspaper is a legal newspaper published five days or more each week:

with a bona fide circulation of more than two hundred copies daily in English language within the said county of Brown for more than one first publication of said notice; and printed in whole in an office place of publication of said newspaper; That the whole amount of

publication of the annexed notice is \$ 97.20, w
to the benefit of said publisher; That no agreement or understanding thereof had been made with any other person; and That no part agreed to be paid to any person whomsoever.

Alice Rents

Subscribed and sworn to before me this 3 day of Feb, 2003.

Daily Circulation 18,000

Don Salfrank

Notary Public, Brown County, SD.

My commission expires March 20, 2007

(No. 899676 - Jan. 27, Feb. 3 - 21)
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5940A-3 and 6371-3 to
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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

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FEB - 5 2003

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Marshall)

I, Kim Buhl

certify that the attached printed Notice was taken

from the Britton Journal

printed and published in Britton

County of Marshall and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

JANUARY 24, 2003

Cost of Printing \$118.47

Kim Buhl
 (Signature)

Office Manager
 (Title)

1/30/03
 (Date Signed)

2T(Jan. 29-Feb. 5)

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Steven M. Pimer, Secretary,
 Department of Environment and Natural Resources.

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FEB - 4 2003

WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on January 29, 2003 with the second publication 7 days later. The applicant is responsible for payment.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

January 16, 2003

Brown Day Marshall RWS Inc
Attn: David Wade General Manager
PO Box 49
Britton SD 57430

Dear Mr. Wade:

Water Permit Application Nos. 5940A-3 and 6371-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the American News printed at Aberdeen, SD (Ph #605-225-4100), the Reporter & Farmer printed at Webster, SD (Ph #605-345-3356), the Britton Journal printed at Britton, SD (Ph #605-448-2281) and the Sisseton Courier printed at Sisseton, SD (Ph # 605-698-7642). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2003

American News
PO Box 4430
Aberdeen SD 57402-4430

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 5940A-3 and 6371-3 to Appropriate Water to be published twice. Please publish the first notice on January 27, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brown Day Marshall RWS, Inc., Attn: David Wade, General Manager, PO Box 49, Britton SD 57430 (Ph # 605-448-5417).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. 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

-----CUT HERE-----

Nos. 5940A-3 & 6371-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 16, 2003 enclosing Notice of Hearing to Appropriate Water by Application Nos 5940A-3 & 6371-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2003

Reporter & Farmer
PO Box 30
Webster SD 57274-0030

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605 773-3352

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and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2003

Sisseton Courier
PO Box 169
Sisseton SD 57262-0169

ATTENTION: Legal Public Notice

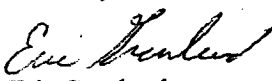
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enclosures

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Water Rights Program
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Pierre SD 57501-3181

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January 16, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Britton Journal
PO Box 69
Britton SD 57430-0069

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APR 17 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Brown Day Marshall Rural Water System Inc
David Wade General Manager
PO Box 49
Britton SD 57430

Dear Mr. Wade:

Enclosed is Water Permit No. 6371-3 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.

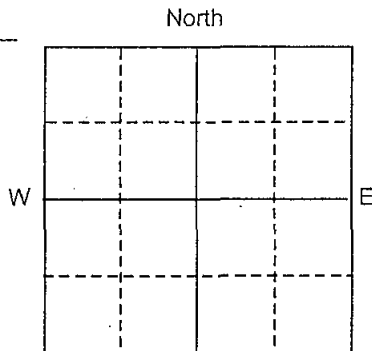
Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 3 Twp 127N Rg 57WCounty MarshallPlease mark well
location with an "X"

Well Completion Date

08/16/12

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
50.0 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	304.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Neat cement	230	Lb/gal	0.0 Ft	267.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 25.0 Feet
 Material stainless steel
 Slot Size .030 Set From 277.0 Feet to 302.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated☐ No, Why Not?Lab to which water
quality sample sent for analysisPace Analytical Services
1700 Elm St, Suite 200
Minneapolis, MN 55414Well Owner: BDM Rural Water

Business Name:

Address: 705 7th StCity, State, Zip: Britton SD 57430

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	1
Sand brown clay	1	9
Rock	9	10
Sandy brown clay	10	23
Rock	23	23.5
Gray silty clay	23.5	46
Sand	46	89
Gray sandy clay w/coal	89	123
continued on next page		

STATIC WATER LEVEL 195.6 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

243.9 Ft. After 8.5 Hrs. pumped 450.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Well #7

GPS - N 45 50.404
W 97 38.933This well was drilled under license # 475 and this
report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

RECEIVED

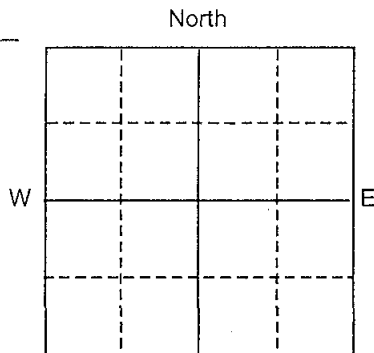
Signature of Well Owner or Equitable Property Holder:

DEC 26 2012

WATER RIGHTS
PROGRAMDate: 12/20/12

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec Twp Rg County Please mark well
location with an "X"Well Completion Date Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
 ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter Inches Length FeetMaterial Slot Size Set From Feet to FeetOther information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No
If so, what material? Describe packer(s) and location

DISINFECTION:

Was well disinfected upon completion?

☐ Yes, How?
☐ No, Why Not?
Lab to which water
quality sample sent for analysis Well Owner: BDM Rural WaterBusiness Name: Address: 705 7th StCity, State, Zip: Britton SD 57430

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Hard gray sand clay	123	140
Gray silty clay	140	179
Sand	179	180
Gray silty clay	180	213
Rock	213	213.5
Gray silty clay	213.5	246
Rock	246	247
Gray silty clay	247	258

continued on next page

STATIC WATER LEVEL FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed

☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

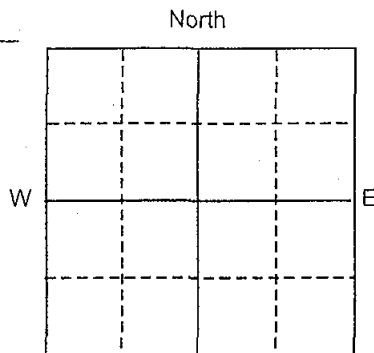
REMARKS

This well was drilled under license # and this
report is true and accurate.Drilling firm: Signature of License Representative: Signature of Well Owner or Equitable Property Holder: Date:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 3 Twp 127N Rg 57WCounty MarshallPlease mark well
location with an "X"

Well Completion Date

09/24/12

1 Mile

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
50.0 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	262.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Neat cement	230	Lb/gal	0.0 Ft	260.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 30.0 Feet
 Material stainless steel
 Slot Size .030 Set From 262.0 Feet to 292.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated
☐ No, Why Not?
Lab to which water
quality sample sent for analysis
 Pace Analytical Services
 1700 Elm St, Suite 200
 Minneapolis, MN 55414
Well Owner: BDM Rural Water

Business Name:

Address: 705 7th StCity, State, Zip: Britton SD 57430

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	4
Silty brown clay	4	18
Sand	18	23
Silty brown clay	23	37
Sand & brown clay	37	58
Sand	58	70
Gray silty clay	70	75
Sand & gray clay	75	92
continued on next page		

STATIC WATER LEVEL 197.6 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

233.0 Ft. After 6.0 Hrs. pumped 450.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Well #8

RECEIVED

DEC 26 2012

WATER RIGHTS
PROGRAMThis well was drilled under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co., Inc.

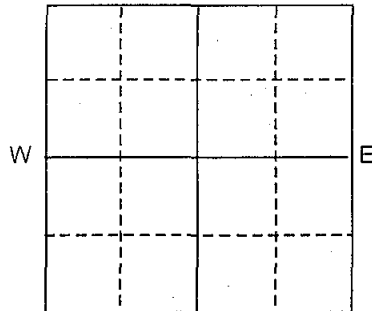
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/26/12

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec Twp Rg County NorthPlease mark well
location with an "X"Well Completion Date

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter Inches Length FeetMaterial Slot Size Set From Feet to FeetOther information WAS A PACKER OR SEAL USED? ☐ Yes ☐ NoIf so, what material? Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? ☐ No, Why Not? Lab to which water
quality sample sent for analysis Well Owner: BDM Rural WaterBusiness Name: Address: 705 7th StCity, State, Zip: Britton SD 57430

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Sand	92	119
Gray silty clay	119	171
Rock	171	171
Gray silty clay	171	197
Sand	197	198
Gray sandy clay	198	212
Sand	212	213
Gray sandy clay	213	254

continued on next page

STATIC WATER LEVEL

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:

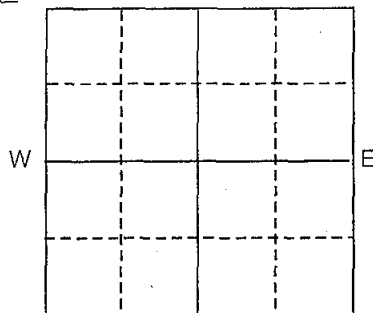
☐ Pumped Describe: ☐ Bailed ☐ Other Pumping Level Below Land Surface Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # and this report is true and accurate.Drilling firm: Signature of License Representative: Signature of Well Owner or Equitable Property Holder: Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec Twp Rg County NorthPlease mark well
location with an "X"Well Completion Date

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter Inches Length FeetMaterial Slot Size Set From Feet to FeetOther information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No
If so, what material? Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☐ No, Why Not?
Lab to which water
quality sample sent for analysis Well Owner: BDM Rural WaterBusiness Name: Address: 705 7th StCity, State, Zip: Britton SD 57430

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Sand	254	275
Gray clay	275	276
Sand	276	294
Gray shale	294	300

STATIC WATER LEVEL

FEET

If flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: ☐ Bailed☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # and this report is true and accurate.Drilling firm:

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



6371-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 3, 2020

BDM Rural Water System
Rodney Kappes, Manager
PO Box 49
Britton SD 57430

Dear Mr. Kappes:

A well driller's report filed by Thein Well Company Inc. shows that they recently completed a new well for BDM Rural Water System.

A review of our files indicates the system holds Water Permit No. 6371-3 that authorizes 2.89 cubic feet of water per second (cfs) from 2 wells located in the NE 1/4 SE 1/4 Section 3-T127N-R57W. Water Permit No. 4908-3 authorizes 1.00 cfs from 2 wells located in the SE 1/4 NE 1/4 Section 3-T127N-R57W (copies enclosed). All the wells are located in the Middle James Columbia Aquifer.

Mr. Kappes, is this a replacement well or an additional well which does not increase the total appropriation as stated above? If the authorized diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water permits accurately reflect the system's use.

During review of your water permits, it was noted that Qualification No. 3 on Water Permit No. 6371-3 requires the system report annually to the Chief Engineer the amount of water withdrawn from the Middle James Columbia Aquifer. It appears that we have not been requesting this water use information from you. If records are available from the past years regarding annual water use amounts, please submit them. At the beginning of each calendar year you will receive a letter requesting water usage for the prior year. Please keep the necessary records.

Please contact Ron Duvall or me regarding the status of this well or if you have any questions.

Sincerely,

Karen Schlaak

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

enclosures

~~WATER RIGHTS~~
PROGRAM

BDM Rural Water 12" 307 ' Well Completed December 2019

Formation	Color	From	To
Top Soil		0	1
Clay	Brown	1	4
Sand		4	6
Clay, pebbly w/ some rocks	Brown	6	37
Clay	Blue	37	41
Clay, sandy	Brown	41	48
Gravel		48	49
Clay, sandy	Brown	49	54
Clay	Blue	54	55
Sand & some coal		55	61
Clay	Brown	61	62
Clay	Blue	62	65
Sand, coal		65	68
Clay	Blue	68	71
Sand		71	81
Clay	Blue	81	96
Clay, w/ sand and coal layers	Blue	96	103
Sand & gravel		103	109
Clay	Blue	109	116
Sand, gravel- coarse		116	122
Sand		122	135
Clay	Blue	135	137
Sand & gravel		137	142
Clay w/ gravel layers	Blue	142	156
Sand & gravel		156	158
Clay	Blue / soft	158	163
Clay	Blue/ hard	163	184
Gravel		184	186
Clay	Blue	186	191
Clay, gravel layers, rocks	Blue	191	201
Clay	Blue	201	216
Clay w/ sand layers		216	218
Gravel layered with clay		218	232
Clay (rocks at 243)	Blue	232	268
Sand- fine dense		268	298
Gravel		298	301
Sand- fine		301	307
Shale		307	320

Wetland Area



Legend

BDM Test Hole # 2 320' BDM Test Hole # 2
N 45 50.3840 W 97 39.0620 BDM 12" 307' well

old well

107th St

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 11, 2020 1:08 PM
To: Rod Kappes
Subject: FW: [EXT] BDM Pumping History & Well Map

Rodney,

After reviewing the map and information you submitted, it is obvious that BDM Rural Water utilizes more wells than authorized by Water Right No. 4908-3 (2 wells-450 gpm) and Water Permit No. 6371-3 (2 wells-1300 gpm). You indicated up to 4 wells can pump at the same time. Each at a rate of 425 gpm (1700 gpm) which is less than the total authorized diversion rate (1750 gpm).

Water Permit No. 6371-3 has not been inspected. Inspections are done on a county-by-county basis as staff time permits. Someone from our office will contact you prior to the inspection to set up a time. The issue of the additional wells will be addressed then.

Also, thanks for reporting your water use the past 2 years. From now on, at the beginning of each calendar year you will receive a letter requesting water use for the prior year.

Let me know if you have questions.

Karen

From: Rod Kappes <rodneyk@bdmruralwater.com>
Sent: Friday, March 6, 2020 4:13 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] BDM Pumping History & Well Map

Good Afternoon Karen:

I went back and pulled the data for 2018 & 2019. In 2019 we had a leak that was 45-50 GPM for about 6 months that we could not find until this winter. We still have a possible leak in the 20-25 GPM that we have not been able to find yet. We also completed a project that installed 26 miles of new pipeline that used a fair amount of water for flushing. These 2 are the primary reasons for the difference between 2018 and 2019.

I also included the map that shows the locations of our 8 wells.

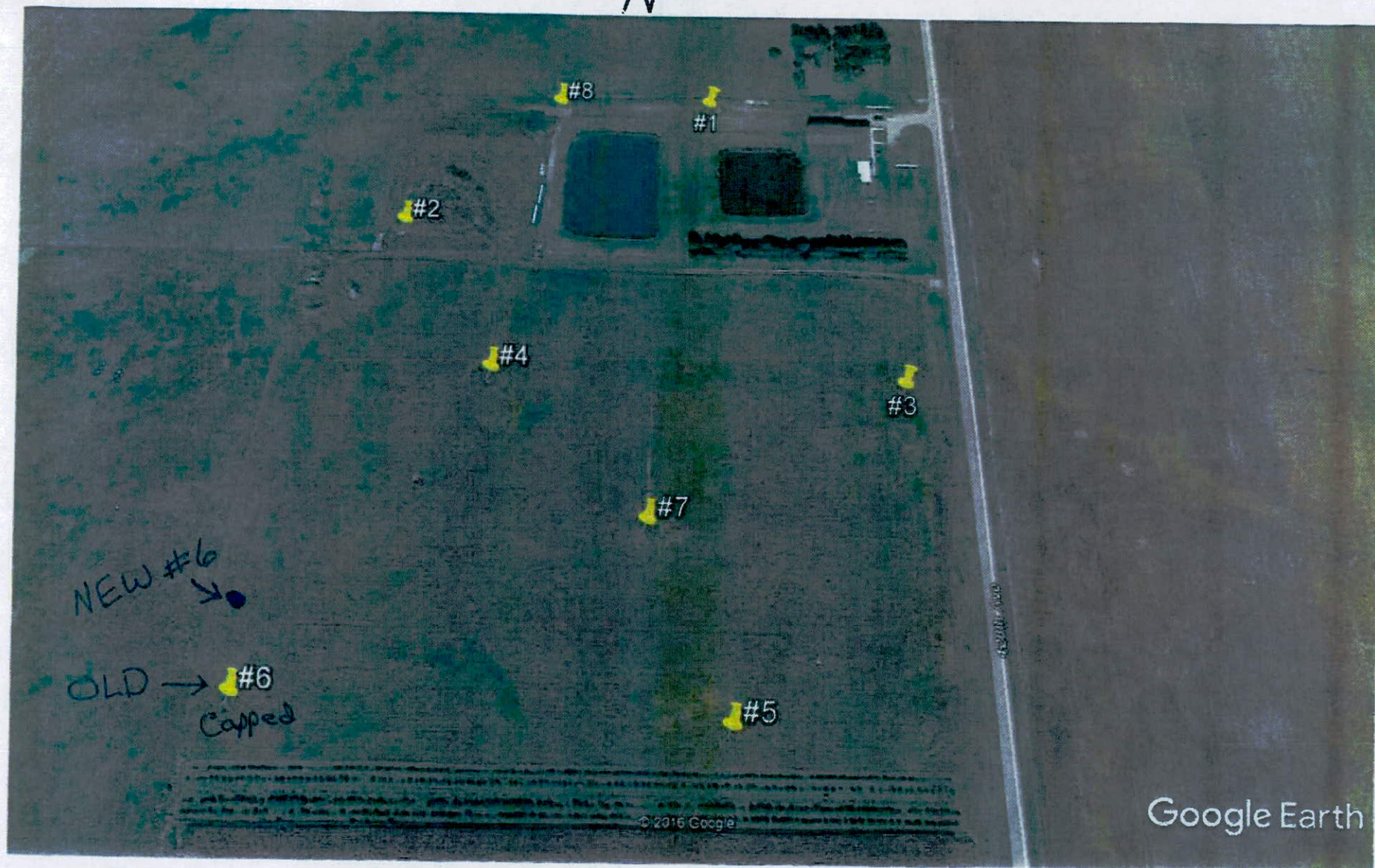
If you have any questions please let me know.

Thanks and have a great weekend.

Rodney Kappes
General Manager
B.D.M Rural Water System, Inc.
705 7th St
PO Box 49
Britton, SD 57430
(605) 448-5417

	WATER PUMPED	WATER SOLD
2018	462,130,999	401,634,650
2019	465,792,000	383,550,231

N



Google Earth

feet
meters

1000
300



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 11, 2020 2:49 PM
To: Rod Kappes
Subject: Future Use Permits for BDM Rural Water
Attachments: BDM RW.pdf

Rodney,

I checked on the future use permits for BDM (see attachment).

Future Use Permit No. 5940-3 reserved 1,300 acre-feet with the area reserved for future use located in the SE ¼ NE ¼ Sec 3-T127N-R57W.

Future Use Permit No. 5940A-3 expanded the future use area to include NE ¼ SE ¼ Sec 3-T127N-R57W.

Water Permit No. 6371-3 authorized construction and to place to beneficial use 1,300 acre-feet authorized by No. 5940-3 and 5940A-3.

That leaves nothing remaining in reserve for future use.

You can find all the water right/permits for BDM Rural Water by going to our website at: <http://denr.sd.gov/des/wr/wr.aspx>

On the left hand side below Water Rights select Databases, select Water Rights. Then select Go to text-based search. Under Name/Business put in Brown Day Marshall. It should bring up 4 permits. Select PDF and you can view the entire water right.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 26, 2024

4908-3, 6371-3, 8533-3

BDM Rural Water System
c/o Rodney Kappes, MGR
PO Box 49
Britton SD 57430

Dear Mr. Kappes:

I am writing you today to follow up on last weeks telephone conversation regarding the construction and pump placement of BDM RWS Well #9 and the additional 4 wells to be used at the new treatment facility. Currently, BDM is authorized diversion of water for the rural water system under Water Right No. 4908-3 and Permit Nos. 6371-3 & 8533-3.

Water Right No. 4908-3 authorizes the diversion of 1.0 cfs (pumping constantly would equate to 723.9 acre-feet annually), from 2 wells (Well #1 & Well #2), located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3-T127N-R57W.

Water Permit Nos. 6371-3 & 8533-3 authorize a combined diversion rate of 4.0 cfs (1,900 ac-ft annually), from 9 wells (Well #1 through Well #9), located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3-T127N-R57W. Per Permit No. 8533-3, all construction is to be completed by October 12, 2026.

If development of the four new wells (Well #10 through Well #13) will not cause the diversion rate to exceed a maximum instantaneous rate of 5.0 cfs or the annual volume to exceed 2,624 ac-ft, then it may be possible for the new wells to be included under your existing right/permits. To do so, please complete the highlighted portions of the enclosed permit application and return it to our office with a map of all well locations. On the map, please label the wells by assigned well number and identify which four wells are the additional wells beyond what your existing right/permits cover. Do not remit a fee with the application and map. Our office will complete a review to determine whether the additional wells may increase the potential for interference with other existing diversions. If the potential for interference is not increased, the wells can be added without the need to process the application pursuant to South Dakota Codified Law 46-5-13.1.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: If upon inspection, diversion from the 13 wells exceeds what is authorized under the above-mentioned Water Right and Permits, a new permit will be required.

enclosure

8000-3
RECEIVED

APR 03 2024

OFFICE OF
WATERFORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____ Basin _____ Newspaper _____ (office use only)
---	--

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

_____1. Name to Appear on Irrigation Permit BDM Rural Water System

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

Mailing Address PO Box 49 Britton SD 57430
(Address) (City) (State) (Zip Code)

Phone _____ Mobile _____ Email _____

2. Amount of water claimed N/A *CFS or N/A **GPM _____ ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply groundwater, four new wells4. Location of point of diversion E 1/2 NE 1/4 NE 1/4 9-127-57
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)5 New Wells #9, 10, 11, 12, 13.County Marshall5. County or counties where water will be used Brown, Day, Marshall, Roberts6. Annual period during which water is to be used Jan 1 - Dec 317. 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

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

4 additional diversion points to Permit No. 8533-3

I, Richard Kapper
Name of PersonGeneral Manager, the applicant, certify under
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)

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

☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 4 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) 285'^{aprox} 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)

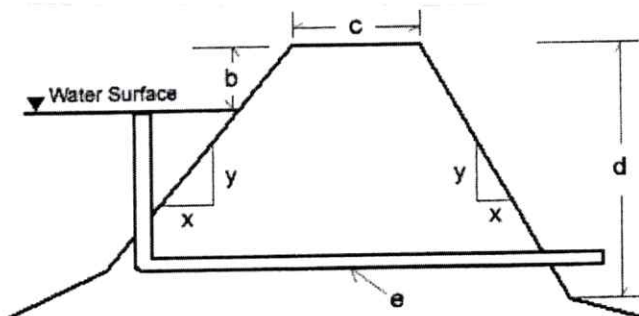
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Existing
WTP +
Well Field

127-57-03

Pleasant Hill

WTP

428th Ave

2025 - Hagen, Jim & Kathy

BDM New WTP E1/2NE1/4NE1/4 9-127-57

Aldentaler, Glen

#9 Well

107th St

#12 Well

#10 Well

#13 Well

#11 Well

107th St

428th Ave

Google Earth

Image © 2024 Airbus

2000 ft



BDM New WTP E1/2NE1/4NE1/4 9-127-57

107th St
2134 - Aldentaler, Glen

Well No. 9 - BDM

107th St

Well No. 12 - BDM

Well No. 10 - BDM

Well No. 13 - BDM

Well No. 11 - BDM

428th Ave

Google Earth

Image © 2024 Airbus

800 ft

N

From: Brian R. Bergantine <Brian.Bergantine@AE2S.com>
Sent: Friday, April 24, 2020 9:58 AM
To: Rod Kappes; Darin Roehr
Cc: Gregory Hansen
Subject: BDM Wells

OLD WTP Existing 8 Wells



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Brown Day Marshall Rural Water System, c/o Rodney Kappes

ADDRESS: PO BOX 49, Britton SD 57430

DATE: April 4, 2024

COUNTY: Marshall

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

BDM RWS holds Water Right No. 4908-3 and Permit Nos. 6371-3 & 8533-3. The permit holder was authorized to construct a total of nine wells into the Middle James: Columbia Aquifer in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T127N, R57W for a rural water system that serves users in Brown, Day, Marshall, and Roberts Counties. The authorized combined diversion rate for all of the wells under 4908-3, 6371-3, and 8533-3 is 5.0 cfs and appropriates up to 2,624 acre-feet annually.

BDM RWS has filed a request to correct the location of Well # 9 and add 4 wells (Wells 10, 11, 12 and 13) to the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T127N, R57W. The wells are to be completed into the Middle James: Columbia Aquifer.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased.

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed Well #9 and 4 additional wells into the Middle James: Columbia Aquifer in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T127N-R57W, Marshall County. The combined diversion rate for all 13 wells (9 existing & 4 new) is 5.0 cubic feet of water per second with a volume of 2624 ac-ft annually. Therefore, the wells are in the same water source and no additional water is appropriated by this request.

- **If irrigation, no new land is irrigated**

Not irrigation use.

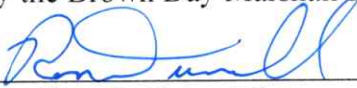
- **Review of Existing Diversions**

There are two existing water permits/rights within 2 miles of where the new wells are to be developed. Both existing permits/rights are held by BDM RWS (4908-3, and 6371-3). It should be noted that BDM RWS also holds Future Use Permit Nos. 5940-3 and 5940A-3 reserving water from the Middle James: Columbia Aquifer in this area. The location of Wells 9 – 13 is just over one mile southwest of BDM RWS's original well field. The review of the water permits for Nos. 4908-3 and 6371-3 concluded there was reasonable probability any well interference due to pumping of the wells would not adversely or unlawfully impair existing rights held by other users. The same would be expected for the wells constructed in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T127N, R57W.

The nearest Water Right held by another user, for withdrawals from the Middle James: Colombia Aquifer, would be Water Right No. 3915-3, held by the City of Britton. The diversion point authorized under Water Right No. 3915-3 is located approximately 2.5 miles northeast of BDM's site for Wells 9, 10, 11, 12, and 13. Interference is not expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be developed and permitted as requested by the Brown Day Marshall Rural Water System.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 4, 2024

BDM Rural Water System
c/o Rodney Kappes, Mgr
PO Box 49
Britton SD 57430

Dear Mr. Kappes:

This letter is in regard to your request for the relocation of Well 9 and addition of four new wells (Wells 10, 11, 12, and 13) under Water Permit No. 8533-3. Your request stated that Wells 9, 10, 11, 12, and 13 would be located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T127N, R57W, Marshall County, and was made because the first eight wells could not produce the amount of water authorized by Water Right No. 4908-3 and Permit Nos. 6371-3 & 8533-3.

Water Right No. 4908-3 and Permit Nos. 6371-3 & 8533-3 authorize a combined diversion rate of 5.0 cfs and appropriate up to 2,624 acre-feet annually, from nine wells completed into the Middle James: Columbia Aquifer, for a rural water system. According to the Permit No. 8533-3, Well 9 was to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T127N, R57W.

Upon review of your request and pursuant to SDCL 46-5-13.1, the relocation of Well 9 as well as the addition of four new diversion points (Wells 10, 11, 12, and 13) is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase in the authorized diversion rate or annual volume from the Middle James: Columbia Aquifer is authorized.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program