

WATER PERMIT NO. 6386-3

Name of Applicant: Tim Pazour

Address: 25725 350 Ave, Pukwana SD 57370

Phone: 605 894-4490

Amount of Water Claimed: 0.222 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Brule

Type of Waste Disposal System:

Location: 8 miles south of Pukwana

PRIORITY Date Received: 1-31-03

Application/License Fee: \$275

Corrected Application Received: 2-4-03

Period of Annual Use: January 1 – December 31

Remarks: livestock feeding operation

Diversion Point: NW ¼ SW ¼ Sec 2-T102N-R70W

Land to be Irrigated: NA

Depth of Well: ≈ 900 feet

Well Driller: :

Remarks:

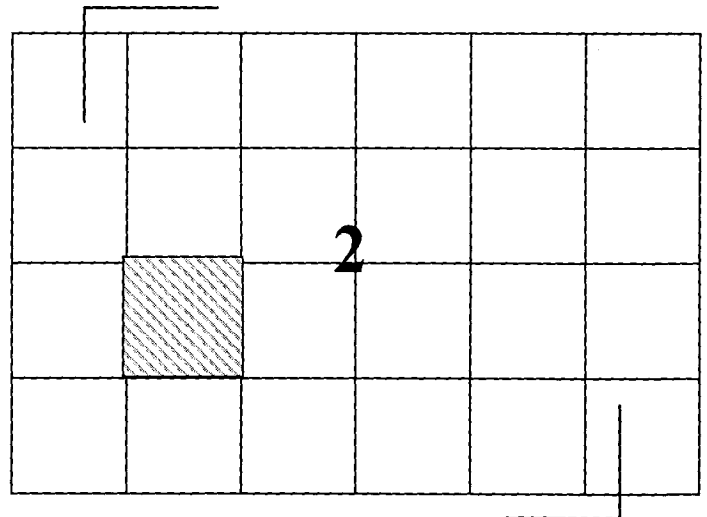
Type of Map: topo

Prepared by: Dale F Leffers, PE

Reviewed and the Number Assigned on: 2-4-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6386-3

Date of first receipt of application January 31, 2003.

Date of return to applicant for corrections, amendments or changes January 31, 2003.

Date of receipt of corrected application February 4, 2003.

The Water Management Board approved Water Permit No. 6386-3 on May 7, 2003 for Tim Pazour, 25725 350 Ave. Pukwana SD 57370 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. 6386-3 appropriates 0.222 cubic feet of water per second (100 gallons per minute) from one well (Dakota Formation) approximately 900 feet deep located in the NW ¼ SW ¼ Section 2-T102N-R70W.
2. The water appropriated shall be used for the purpose of commercial use in a livestock operation 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 from which applicant may claim right is January 31, 2003.
5. One-fifth of the construction is to be completed on or before November 7, 2005.
6. All construction is to be completed on or before May 7, 2008.
7. Water is to be put to beneficial use on or before May 7, 2012.
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. 6386-3 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. Permit No. 6386-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6386-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JUN 13 2003

date



RECEIVED
JAN 31 2003
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6386-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Chamberlain-Oacoma Register Chamberlain</u>	

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: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Tim Pazour Phone (605) 894-4490
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 25725 350 Ave Pukwana State SD 57370
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.222 *CFS or 100 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Dakota Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brule
1 proposed well in NW1/4, SW1/4 S2 T102N R70W (see attached map)
5. County or counties where water will be used Brule
6. Annual period during which water is to be used Jan 1 - Dec 31
7. 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)

STATE OF SOUTH DAKOTA)
County of Brule) 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, Tim Pazour, 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 Tim Pazour

Subscribed and sworn to before me this 29th day of January 20 03

Sharon Nelson

Notary Public signature

My Commission Expires 01-03-2008

Form 2A **Supplemental Information**

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.75 Depth ~900
- b) Casing Type Plastic Diameter 3in Thickness
- c) Screen Type Stainless Diameter 3in Thickness
- d) Gravel Pack yes Length of Gravel Pack 100 feet
- e) Depth to Top of Water Bearing Material 800 feet
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:

On applicants property no known w/in 1/2m

On property owned by others no known w/in 1/2m

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

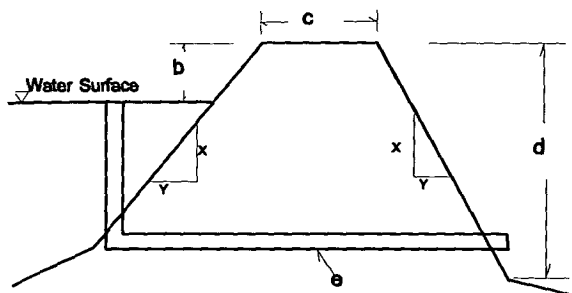
3. Dugout Information

- 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.

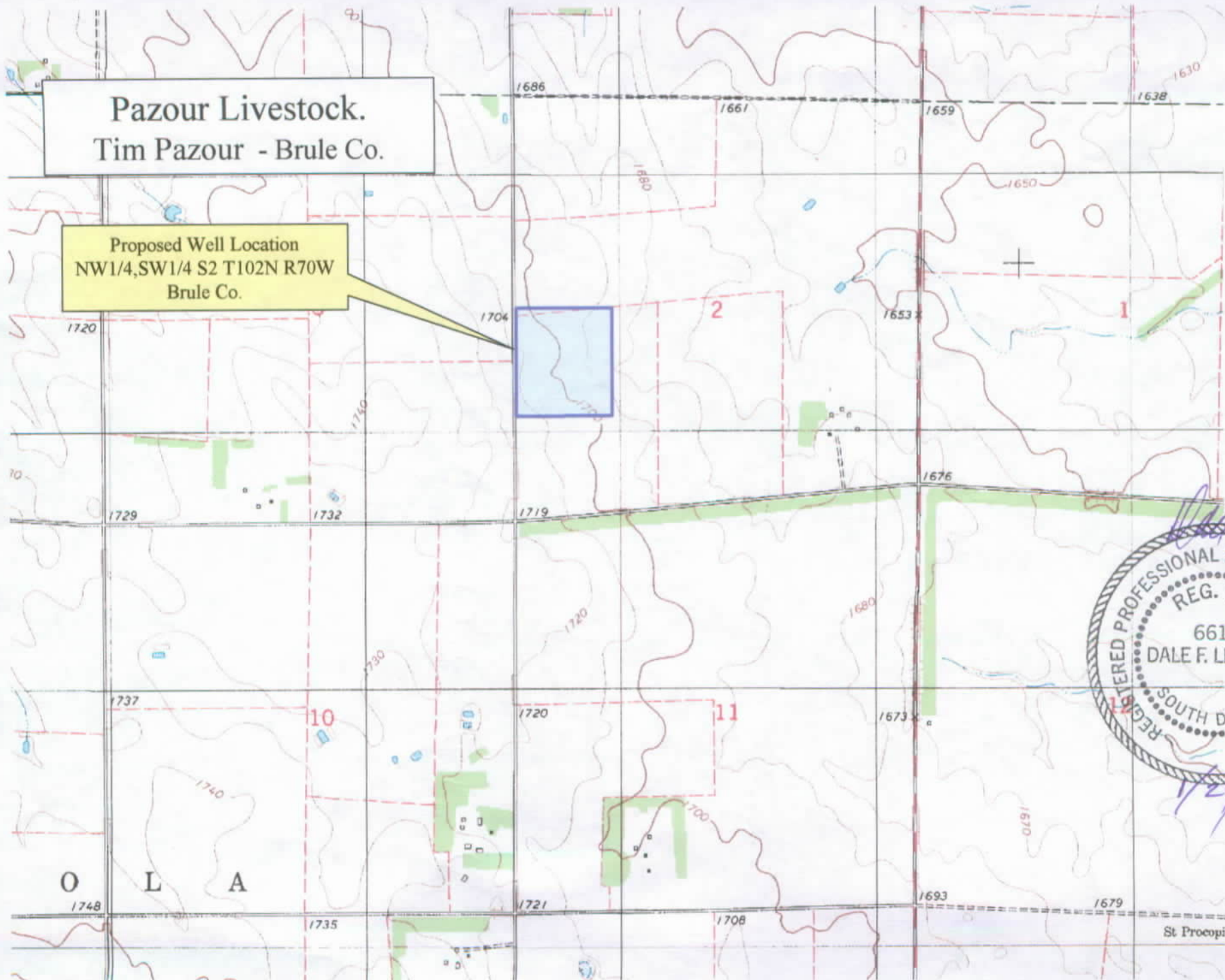
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

Pazour Livestock.
Tim Pazour - Brule Co.

Proposed Well Location
NW1/4, SW1/4 S2 T102N R70W
Brule Co.



St Procopi

6386-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2003

Tim Pazour
25725 350 Ave
Pukwana SD 57370

Dear Mr. Pazour:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use.

We have received the \$225 application filing fee. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6386-3, Tim Pazour**

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. 6386-3, Tim Pazour, 25725 350th Avenue, Pukwana SD 57370.

The Chief Engineer is recommending APPROVAL of Application No. 6386-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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. 6386-3 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.
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 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 31, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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Pukwana SD 57370

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Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 31, 20 03

RECEIVED OF Tim Pazour, 25725 350th Ave., Pukwana SD 57370

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

Fee for Application for Permit No. <u>6386-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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. _____		
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	225.00

No. 0000000000

By David E. Ebel

Chief Engineer gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 4, 20 03

RECEIVED OF Tim Pazour, 25725 350th Ave, Pukwana SD 57370

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50.00	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>10386-3</u>		
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. _____	50.00	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

By [Signature]

Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 6386-3
For Tim Pazour
March 21, 2003

Application No. 6386-3 proposes to appropriate 0.222 cfs (100 gpm) from one well approximately 900 feet deep located in the NW ¼ SW ¼ of section 2, T102N R70W in Brule County. The water is for commercial use in a livestock operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under artesian conditions at this site. The Dakota formation should be about 300 feet thick in this area (Schoon, 1971). The aquifer underlies 837 square miles and contains an estimated 12.65 million acre-feet of recoverable water in storage in Brule County (Hedges, 1982). No well or test hole information was submitted with this application but there is sufficient information available from the Schoon and Hedges reports and Water Rights domestic and water permit files to evaluate this application. Some area domestic wells indicate the top of the Dakota Formation from 850 to 950 feet below land surface and a static water level around 60 to 100 feet below land surface.

The Water Rights Program monitors an observation well BL-83A completed into the Dakota Formation and located about 8.5 miles northwest of this application. Water levels for this well have declined at a rate of about 0.4 foot per year since the well was installed. Total decline since 1891 was estimated at about 239 feet (Buhler, 2001). A hydrograph for observation well BL-83A is included with this report.

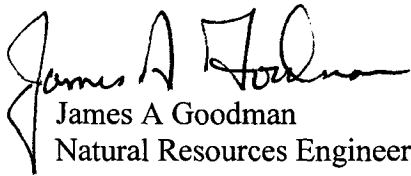
REVIEW OF EXISTING WATER RIGHTS/PERMITS

There is an existing Water Right No. 4769-3 located about five miles northwest of this application. This right is for irrigation of 130 acres and 0.66 cfs (300 gpm) from a free flowing Dakota Formation well. According to irrigation questionnaire records, this right has not been used since 1993 and would be subject to cancellation. There are no other nearby water permits/rights from the Dakota Formation; however, the aquifer is used extensively for domestic purposes in the area. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. In this immediate area wells will not flow at the land surface, although there are numerous flowing wells near Red Lake to the north and at lower elevations to the north, west and south. Pumping at this rate will not create significant drawdown. It is not expected that this diversion will create any adverse effects.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards. This means grouting the well casing from the top of the aquifer to the land surface.

4. The applicant should consider an alternate source of water for a backup supply for this system or at least construct a backup well.
5. No plans or specifications have been submitted to the Department for review and this facility will be required to obtain approval under the general water pollution control permit for concentrated animal feeding operations.
6. Historically water levels (head pressure) have declined in the Dakota Formation. However, this factor alone cannot be used to determine water availability from the aquifer. Principal reasons for declining water levels have been and continue to be water that is discharged through uncontrolled flowing wells and wasted. It can be seen from the observation well hydrograph that the rate of decline in water levels appears to be slowing.

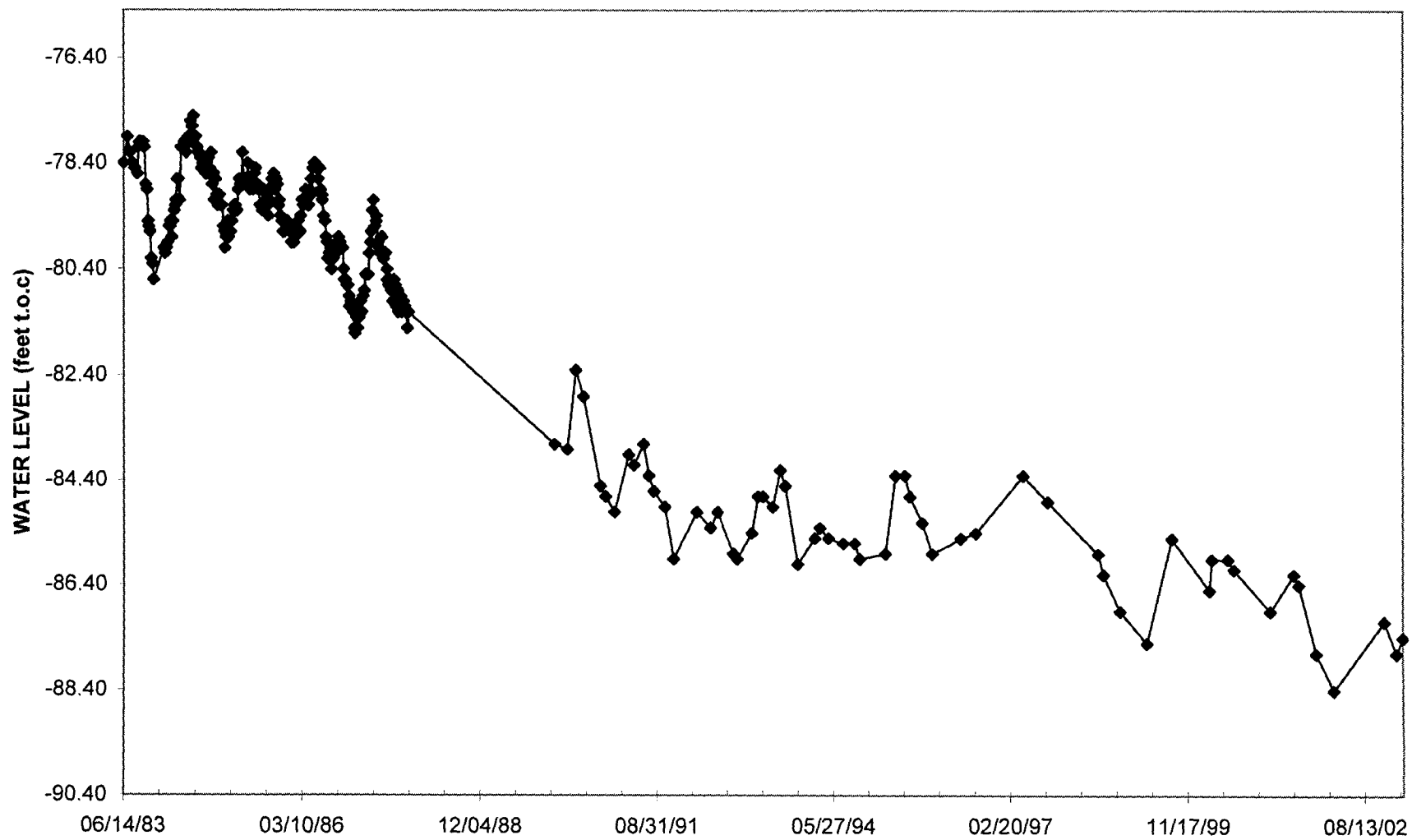


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SDGS, Vermillion, SD, 57069.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SDGS, Vermillion, SD, 57069.
- Water Rights, 2003, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BL-83A**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6386-3, Tim Pazour**

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The Chief Engineer is recommending APPROVAL of Application No. 6386-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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.
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 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele

Garland Erbele, Chief Engineer
March 31, 2003

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss

County of Brule

Debi Hopkins of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota: that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Application
No 6386-3 To Appropriate
Water

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

2 successive week(s) to wit:

April 9, 2003; _____, 20____;

April 16, 2003; _____, 20____;

_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

48.24

Signed: Debi Hopkins

Subscribed and sworn to before me this 2nd day of May, 2003.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAK
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

RECEIVED
MAY 05 2003
WATER RIGHTS
PROGRAM

my commission expires June 5, 2004

NOTICE OF APPLICATION NO. 6386-3 TO APPROPRIATE WATER

Notice is given that Tim Pazour, 25725 350 Avenue, Pukwana, SD 57370, has filed an application for a water permit to appropriate 0.222 cubic feet of water per second (100 gallons per minute) from one well (Dakota Formation) approximately 900 feet deep located in the NW1/4SW1/4 Section 2-T102N-R70W. The water is for commercial use in a livestock operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6386-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 East 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 April 28, 2003. 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.

The Water Management Board will consider this application at 10 a.m. May 7, 2003 in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 7, 2003 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 28, 2003 at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources
(April 9/April 16)

Instruction to Newspaper - Publish first Notice on April 10, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6386-3 to Appropriate Water

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The Water Management Board will consider this application at 10:00 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 7, 2003 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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 NEWSPAPER RIGHT AWAY.**

March 31, 2003

Tim Pazour
25725 350 Ave
Pukwana SD 57370

Dear Mr. Pazour:

Water Permit Application No. 6386-3 for commercial use has 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 Chamberlain-Oacoma Register printed at Chamberlain, SD (Ph # 605-234-6360). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 31, 2003

Chamberlain-Oacoma Register
PO Box 550
Chamberlain SD 57325-0550

ATTENTION: Legal Public Notice

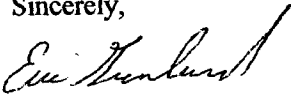
Enclosed is a Notice of Hearing on Application No. 6386-3 to Appropriate Water to be published twice. Please publish the first notice on April 10, 2003 with the second publication 7 days later.

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 Tim Pazour, 25725 350 Ave., Pukwana SD 57370 (Ph # 605-894-4490).

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-----

No. 6386-3

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

Date _____

We are in receipt of your letter of March 31, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6386-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

Tim Pazour
25725 350 Ave
Pukwana SD 57370

Dear Mr. Pazour:

Enclosed is Water Permit No. 6386-3 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 "Garland Erbele". The signature is written in a cursive style with a large, stylized 'G'.

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

enclosures

WATER RIGHT PROGRAM

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO: Jim Hutmacher	FROM: Eric Gronlund
COMPANY:	DATE: 7/16/2003
FAX NUMBER: 734-5959	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER: (605) 773-3352
RE: Tim Pazour	SENDER'S FAX NUMBER: (605) 773-4068

☐ URGENT
 ☐ FOR REVIEW
 ☐ PLEASE COMMENT
 ☐ PLEASE REPLY
 ☒ AS YOU REQUESTED

NOTES/COMMENTS:

Jim - Here is a copy of Tim Pazour's water permit. To request a change of diversion point we need a map showing the new location of the proposed well in reference to a section corner and a letter formally requesting the change.

In general, the letter should state that Mr. Pazour is requesting a change in the location of the proposed well authorized by Water Permit No. 6386-3. The new well will be located in legal description. The request should also state the water source which is the Dakota Formation will remain unchanged and no additional water to the 100 gpm currently authorized is requested. Finally, the letter should include the reason for the change of location. *to locate near an ~~electricity~~ power source.*

NE 1/4 of Sec 10
 T-102-N
 R-70-W
 Brule Co. S.D.

I hope this information is helpful.

Eric

September 18, 2003

Eric Gronlund
Water Rights Program
SD DENR
Joe Foss Building
523 E. Capitol Ave.
Pierre, S.D. 57501

RECEIVED
SEP 22 2003
WATER RIGHTS
PROGRAM

Attention: Eric Gronlund

Dear South Dakota Department of Environmental and Natural Resources,

I am requesting a change of diversion point from my authorized Water Permit Number 6386 – 3. I am requesting a change in the location of the proposed well, in order to locate near a power source. The water source, which is the Dakota Formation will remain unchanged and no additional water to the 100gpm currently authorized is requested. The new well will be located in NE ¼ of Sec.10, T-102-N, R-70-W, Brule County, South Dakota.

Thank you for considering this request.

Sincerely,



Tim Pazour
25725 350 Ave.
Pukwana, SD 57370

(605)894-4490

PATRONIZE YOUR ADVERTISERS

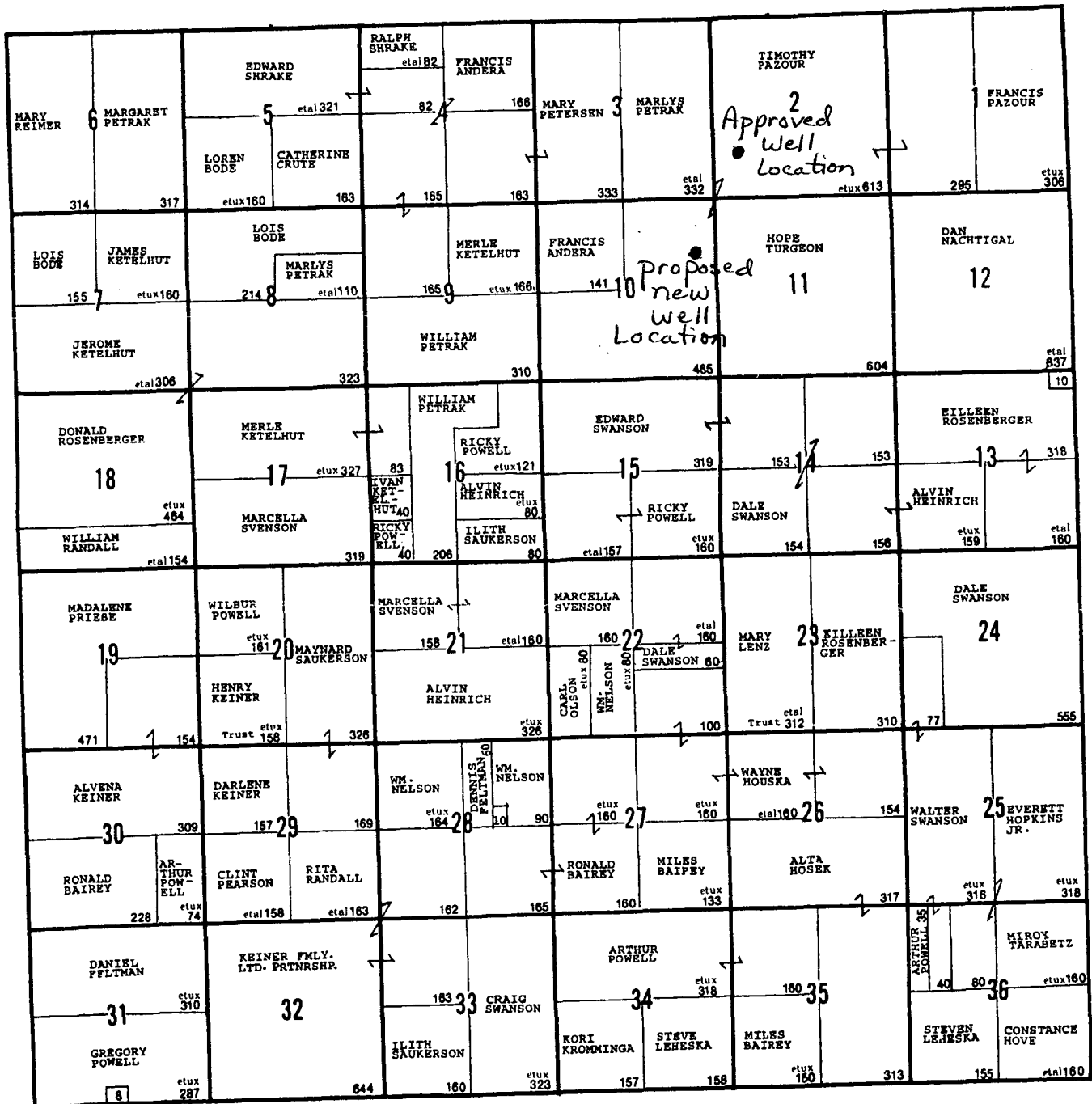
They Make It Possible For This
Directory To Come To
The Rural Residents Of This County.
Be Sure To Thank Them.

T-102-N

OLA PLAT
(Landowners)

R-70-W

T-11



Change of Diversion Point

NAME: Tim Pazour

ADDRESS: 25725 350th Avenue, Pukwana

DATE: October 6, 2003 **COUNTY:** Brule County

BACKGROUND:

Tim Pazour holds Water Permit No. 6386-3 appropriating 0.222 cubic feet of water per second (100 gallons per minute) from a Dakota well (approximately 900 feet deep) located in the NW ¼ SW ¼ of Section 2, T102N, R70W. This permit was approved on May 7, 2003 and has a priority date of January 31, 2003. The water is to be used for commercial purposes in a livestock confinement operation

Mr. Pazour has submitted a request to change the location of the well to the E ½ NE ¼ of Section 10, T102N, R70W. This change proposed to authorize locating the well approximately three fourths of a mile southwest of the originally intended location. Mr. Pazour proposes this change in order to locate the well near a power source.

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 well authorized under Water Right No. 6386-3 is to be constructed into the Dakota Formation at a depth of approximately 900 feet. The proposed replacement well will be constructed into the same aquifer.

No additional appropriation of water is requested. The water right appropriates 0.222 cfs (100 gpm). This request for a change in the location of diversion point is only to move the well nearer to a power source.

- **Review of Existing Diversions**

A review of the water rights database finds the closest water right from the Dakota Formation is six miles northwest of the proposed Pazour well. This change in the location of the well will not locate the well closer to this other water right.

A review of the Water Rights well log database found that there are numerous domestic wells constructed into the Dakota Formation in surrounding sections. It is difficult to balance the

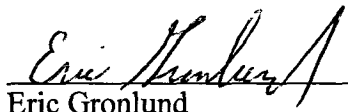
impact of moving this well three fourths of a mile southwest of its originally intended location. In some instances the new location will be closer to domestic wells while the vise versa is also true in that the change will put the well farther from other wells. The records show that there is not a Dakota well currently in either Section 2 or 10. The report prepared by Jim Goodman on the original application states that interference is not a concern. The same conclusion is true at this new location

CONCLUSION

- This replacement well does not appropriate additional water.
- The replacement well is to be constructed into the Dakota Formation which is the same water source as the original well authorized by Water Permit No. 6386-3.
- Existing domestic wells and water rights will not be adversely impacted by authorizing this replacement well.
- This change in well location is proposed in order to locate the well nearer to a power source.

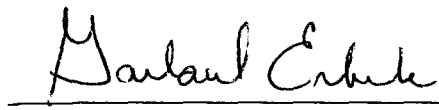
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the replacement diversion point be authorized by Water Permit No. 6386-3.


Eric Gronlund
Water Rights Program

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

This replacement well will not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program



6386-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 2003

Tim Pazour
25725 350th Avenue
Pukwana SD 57370

Dear Mr. Pazour:

I am writing in regard to your request to authorize the change in the location of the well authorized by Water Permit No. 6386-3. This permit appropriates 0.222 cubic feet of water per second (100 gallons per minute) from a Dakota Formation well (approximately 900 feet deep) located in the NW ¼ SW ¼ of Section 2, T102N, R70W. The water is to be used for commercial purposes in a livestock confinement operation

Upon review of the request and pursuant to SDCL 46-5-13.1, you are authorized to change the location of the well authorized by Water Permit No. 6386-3 to the E ½ NE ¼ of Section 10, T102N, R70W without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. This authorization does not grant an increase in the 0.222 cfs diversion rate from the well as appropriated by Water Right No. 4988-3.

This request has been authorized under SDCL 46-5-13.1 for which there is no application filing fee.

If you have any questions, please feel free to contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Permit No. 6386-3
Missouri River - Water District

Contact Person & Address: **Tim Pazour, 25725 350th Ave, Pukwana SD 57370**

Report Of Examination Of Works

On, **March 12, 2015**, I made a thorough examination of the water use system constructed by **Tim Pazour** holder of Permit No. **6386-3**, bearing the priority of **January 31, 2003** authorizing the diversion of **0.222** cu. ft. per second of the waters of **groundwater Dakota Aquifer** for **commercial** purposes, in **Brule** County.

The system is in the following condition **good**. The point of diversion is located all in **Sec 10 T102N R70W from the NE corner 40 ft W and 1300 feet S** with latitude of **43.65399** and a longitude of **-99.19184** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.222** cu. ft. per second of water which is to be used for **commercial purposes in a feedlot**. Water has been put to beneficial use to the maximum extent as follows:

The feedlot is located in **the S ½ of Sec 2 T102N R70W** and the license should be issued for **0.222** 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 **NA**.
- 4) Exceptions to compliance are: **yes**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Hutmacher Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **960** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **3 - 5** inches
- 2) Length **920** feet
- 3) Type **pvc**

Screen:

- 1) Type **stainless steel**
- 2) Length **40** feet
- 3) Static water level **100** feet

Pump:

- 1) Make **unknown**
- 2) Model **unknown**
- 3) Size **4**
- 4) Capacity **100** GPM

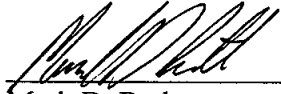
Motor:

- 1) Make unknown 2) Model No. unknown 3) Horsepower rating unknown hp

DISTRIBUTION LINES OR CANALS:

- 1) Type black polyplastic

Comments : none

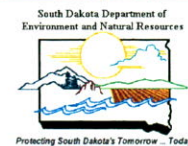
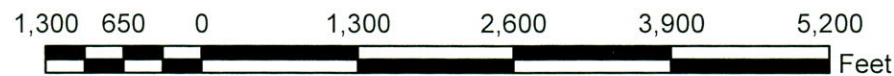


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

3-16-15

Date

No 6386-3



Mark D Rath 3-16-15
Mark D Rath
Natural Resources Engineer

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

NAME: Tim Pazour

ADDRESS: 25725 350th Ave, Pukwana SD 57370

DATE: 3-16-15 COUNTY: Brule TELEPHONE: 605-730-4490

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized one well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 2 T102N-R70W to provide water at a rate of up to 0.222 cfs for a commercial feedlot. The constructed well was actually drilled approximately a $\frac{1}{2}$ mile south in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 10 T102N-R70W.

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 well was constructed into the Dakota Aquifer as was authorized

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

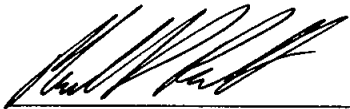
NA

- **Review of Existing Diversions**

The nearest well constructed into the Dakota Aquifer is located more than 1 mile away from this location. Well interference caused by pumping this well is not expected on other nearby wells.

RECOMMENDED ACTION

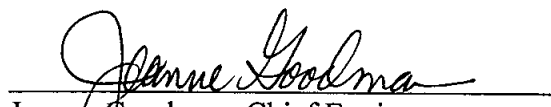
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 10 T102N-R70W.



Mark D. Rath, 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.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

APR 24 2015

6386-3

Tim Pazour
25725 350th Ave
Pukwana SD 57370

Dear Mr. Pazour:

Enclosed is Water License No. 6386-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6386-3, 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. 6386-3**

(1) Tim Pazour, 25725 350th Ave., Pukwana SD 57370 made Application No. 6386-3, January 31, 2003 for a water permit to divert 0.222 cubic feet of water per second from ground water (one well, Dakota Formation), Brule County, South Dakota for commercial purposes in a feedlot. Permit No. 6386-3, with a priority date of January 31, 2003 was approved May 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 2008 and for the application to beneficial use of said water on or before May 7, 2012.

Water Permit No. 6386-3 authorized one well to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T102N, R70W. An inspection of the water use system found the well to be located one half mile south in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T102N, R70W. The Chief Engineer made a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has 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 0.222 cubic feet of water per second for beneficial use.

The location of the diversion point is 40 feet W and 1,300 feet S of the NE corner of Section 10, T102N, R70W (NE $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

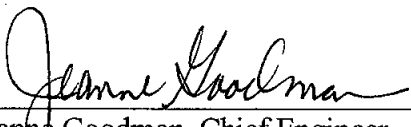
(4) Pursuant to South Dakota Water Law 46-5-30.1 Tim Pazour, 25725 350th Ave., Pukwana SD 57370 the holder and/or owner of Water Right No. 6386-3 is issued a license to appropriate water, the right to use 0.222 cubic feet of water per second from ground water (one well, Dakota Formation) with a priority date of January 31, 2003 from the location specified in (2) of this license for commercial purposes in a feedlot.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6386-3 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. 6386-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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 completed by Hutmacher Drilling Inc. in November, 2006. A copy of the log is on file with the Water Rights Program.***

continued

- Permit No. 6386-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6386-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

APR 24 2015

date

