

WATER PERMIT NO. 6549-3

Name of Applicant: **James Ailsby, Britannia Dairy**

Address: **23017 476th Ave, Flandreau SD 57028**

Phone: **605 651-0515**

Amount of Water Claimed: **0.167 cfs (75 gpm)**

Total Acres: **na**

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

Water to be used for: **commercial**

County: **Moody**

Type of Waste Disposal System:

Location: **½ mile east of Flandreau**

PRIORITY

Date Received: **11-22-2004**

Application/License Fee: **\$200**

Corrected Application Received:

Period of Annual Use: **January 1 - December 31**

Remarks: **for use at the dairy**

Diversion Point: **SW ¼ SW ¼ Sec 20-T107N-
R48W**

Land to be Irrigated:

Depth of Well: **23 feet**

Well Driller: : **Lacey Well Drilling**

Remarks:

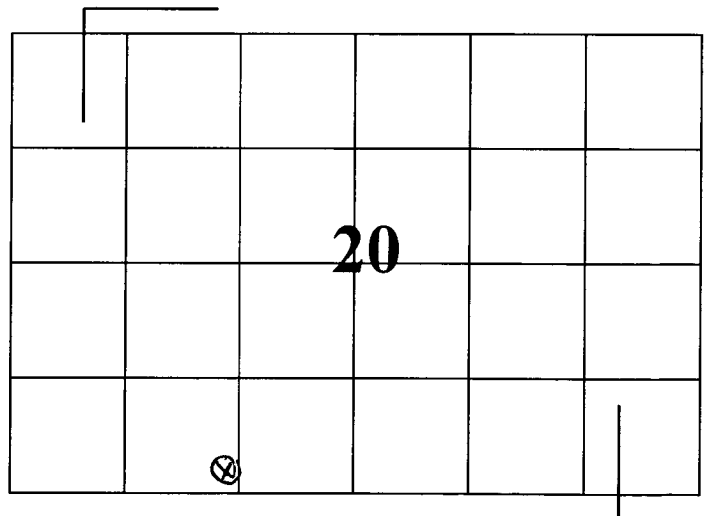
Type of Map: **Topo**

Prepared by: **Joe Knippling, Moody Co FSA**

Reviewed and the Number Assigned on: **11-22-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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. 6549-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux River
Newspaper Moody Co. Enterprise, Flandreau

RECEIVED
NOV 22 2004
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. _____
☐ 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 Mr James Ailsby Phone (605) 651-0515
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Britannia Dairy, 23017 476th Ave. Flandreau State SD 57028
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Big Sioux Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One well in the SE 1/4 of
the SW 1/4 in the SW 1/4 of Section 20, township 107 North, Range 48 West, Moody
County. County Moody
- County or counties where water will be used Moody
- Annual period during which water is to be used 12 months
- 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)

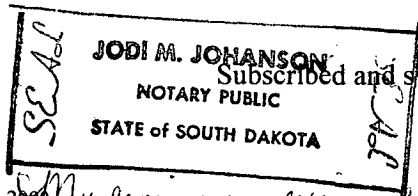
Well will be used to deliver water to Britannia Dairy located approximately one and one half miles to the west of well location.

STATE OF SOUTH DAKOTA)
County of Moody) 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, James Ailsby, 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 J. R. Ailsby
Subscribed and sworn to before me this 12th day of November 20 04



My Commission expires: March 27, 2009

Jodi M. Johanson
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6549-3

Date of first receipt of application November 22, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6549-3 to James Ailsby, 23017 476th Ave, Flandreau SD 57028 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. 6549-3 appropriates 0.167 cubic feet of water per second from one well to be completed into the Big Sioux Moody Aquifer (approximately 23 feet deep) located in the SW ¼ SW ¼ Section 20-T107N-R48W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy 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 of approval of Permit No. 6549-3 is December 27, 2004.
5. The date from which applicant may claim right is November 22, 2004.
6. One-fifth of the construction is to be completed on or before June 27, 2007.
7. All construction is to be completed on or before December 27, 2009.
8. Water is to be put to beneficial use on or before December 27, 2013.
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 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. 6549-3 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. 6549-3 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.

(continued)

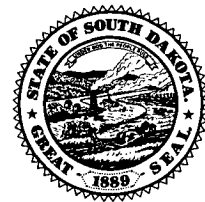
4. Permit No. 6549-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - 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

JAN 18 2005

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 22, 20 04

RECEIVED OF James Aileby, 23017 476th Ave., Flandreau SD 57028

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

Fee for Application for Permit No. <u>6549-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>6549-3</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	200.00

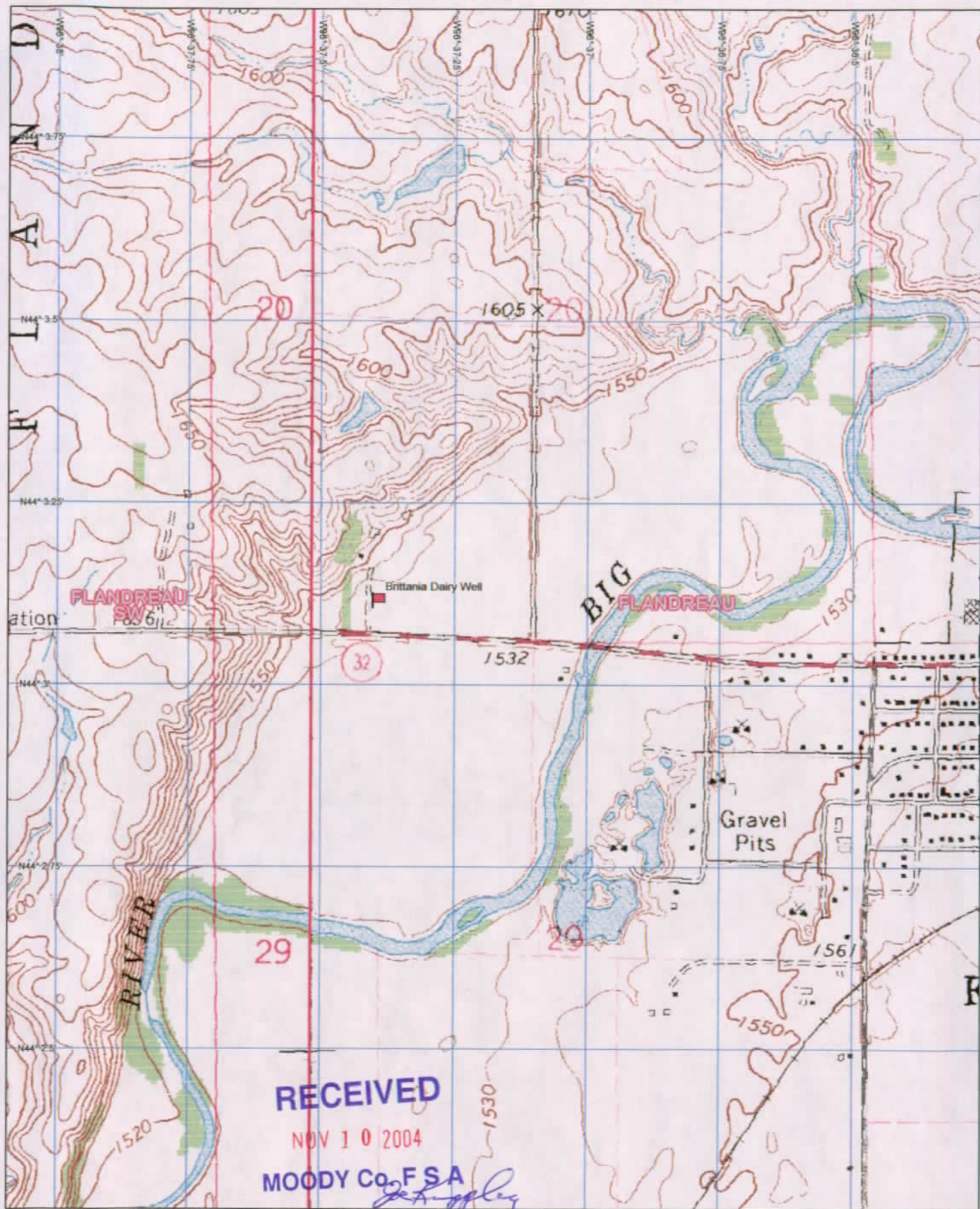
No.

002757

By

Darlene Ebel
Chief Engineer

Location of Well : Brittania Dairy - SE1/4 SW1/4 SW1/4 Sec.20, T107N R48W



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

County Executive Director

6549-3

In Water Since 1946

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING, INC.
47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

10-5-04

Test well on WAYNE HEARSH
property for JAMES AISBY
DAIRY. close to driveway (East side)
0-8 topsoil, 8-22 sand & gravel
gw/ 10-12'

Jim Lacey
SD #111

REPORT ON WATER PERMIT APPLICATION NO. 6549-3

For James Ailsby
November 24, 2004

Application No. 6549-3 proposes to appropriate 0.167 cfs (75 gpm) from one well approximately 23 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 20, T107N R48W in Moody County. The water is for commercial use in a dairy operation.

AQUIFER – BIG SIOUX MOODY (BS-M)

The Big Sioux Moody is a surficial outwash (sand and gravel) that is under water table conditions in this area. The Big Sioux aquifer underlies 58 square miles and contains an estimated 163,000 acre-feet of water in storage in Moody County (Hansen, 1986). Ground water movement is from north to south and locally toward the Big Sioux River. The aquifer is hydraulically connected to the Big Sioux River and to the many creeks that flow into the river. An estimate for just the Big Sioux Moody aquifer is underlying 33,100 acres and containing an estimated 124,130 acre-feet of recoverable water in storage (Hedges, 1982). Recharge to the aquifer has been estimated at 6.5 inches per year using a twenty percent specific yield (Hansen, 1988). This estimate would yield about 20,100 acre-feet per year of recharge.

The test well log filed with the application indicates 0 to 8 feet topsoil, 8 to 22 feet sand and gravel with a static water level of 10 to 12 feet below land surface. No test pumping data was provided but typically a well in the Big Sioux aquifer would easily yield the amount of water requested by this application. It would not be unusual to complete a well with a specific capacity of 25 to 75 gpm/ft of drawdown. Even so, at this site there is only about 10 feet of saturated thickness available and any lowering of the water table by extended drought could seriously affect the pumping rate from this well.

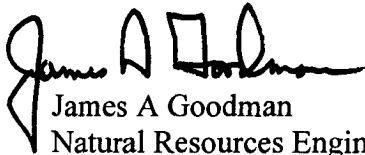
The Water Rights Program monitors seven observation wells completed into the Big Sioux Moody aquifer and within a five mile radius of this site. The nearest observation well MY-63DR is located about one mile south of this application. Water levels for the aquifer show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph for observation well MY-63DR is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permits/rights from the aquifer. The nearest permitted well is located about one mile south of this application. Interference is not a concern. Drawdown created by pumping in the Big Sioux typically does not extend very far from the individual production wells and would not be significant at this distance with this proposed rate of diversion.

CONCLUSIONS

1. Water is available from the Big Sioux Moody aquifer.
2. The aquifer is under water table conditions in this area. Drawdown will not be significant at the rate of 75 gpm. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been submitted and approved by the Department.
5. Water will be piped about one and one-half mile to the west for use in the dairy. The applicant will need to obtain easements to install the well and pipeline.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

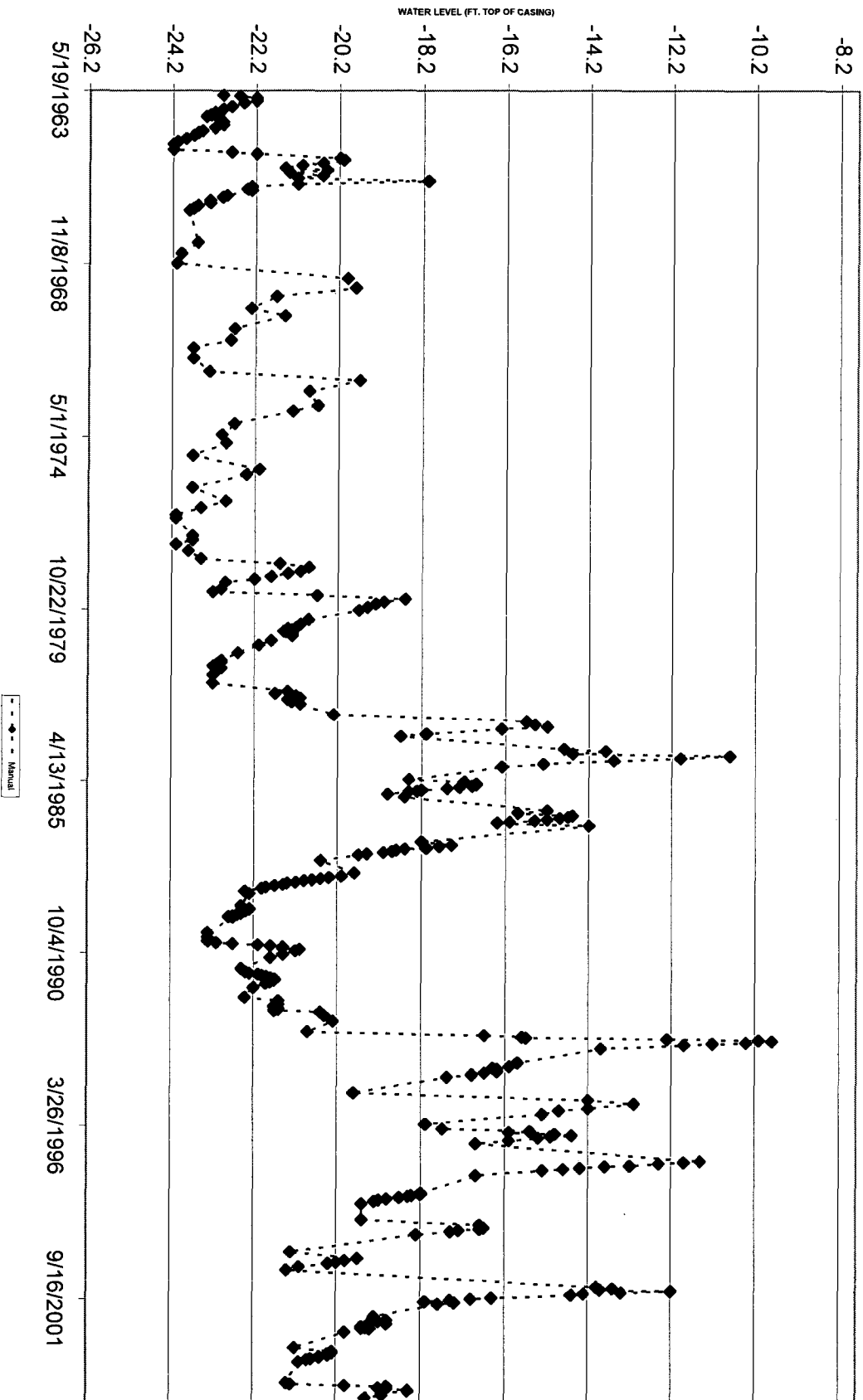
Hansen, D.S., 1988, Appraisal of the Water Resources of the Big Sioux Moody Aquifer, Moody County, South Dakota, Water-Resources Investigations Report 87-4057, USGS, Huron, SD, 57350.

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations Report 84-4209, USGS, Huron, SD, 57350.

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

Water Rights, 2004, Unpublished Observation Well Data for Moody County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL MY-63DR





**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. 6549-3, James Ailsby**

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. 6549-3, James Ailsby, Britannia Dairy, 23017 476th Avenue, Flandreau SD 57028.

The Chief Engineer is recommending APPROVAL of Application No. 6549-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 wells authorized by Permit No. 6549-3 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. 6549-3 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. 6549-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 30, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS

County of Moody)

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Dec. 8, 2004

Dec. 15, 2004

Cost of Printing \$ 42.84

Angela Nibbelink
(Signature)

office manager/bookkeeper
(Title)

12-15-04
(Date Signed)

NOTICE OF APPLICATION NO. 6549-3 to Appropriate Water

Notice is given that James Ailsby, Britannia Dairy, 23017 476th Ave., Flandreau SD 57028 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well to be completed into the Big Sioux Moody Aquifer (approximately 23 feet deep) located in the SW 1/4 SW 1/4 Section 20-T107N-R48W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6549-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 27, 2004.

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

(Dec. 8 & 15, 2004)

RECEIVED

DEC 17 2004

WATER RIGHTS
PROGRAM



**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.

December 1, 2004

James Ailsby
Britannia Dairy
23017 476th Ave
Flandreau SD 57028

Dear Mr. Ailsby:

Water Permit Application No. 6549-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Moody Co. Enterprise printed at Flandreau, SD (Ph # 605-997-0071). 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 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. 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

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

December 1, 2004

Moody Co Enterprise
PO Box 71
Flandreau SD 57028-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6549-3 to Appropriate Water to be published twice. Please publish the first notice on December 8, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James Ailsby, Britannia Dairy, 23017 476th Ave., Flandreau (Ph # 605-651-0515).

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. 6549-3

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

Date _____

We are in receipt of your letter of December 1, 2004 enclosing Notice to Appropriate Water by Application No. 6549-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 8, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6549-3 to Appropriate Water

Notice is given that James Ailsby, Britannia Dairy, 23017 476th Ave, Flandreau SD 57028 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well to be completed into the Big Sioux Moody Aquifer (approximately 23 feet deep) located in the SW ¼ SW ¼ Section 20-T107N-R48W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6549-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 18 2005

James Ailsby
23017 476th Ave
Flandreau SD 57028

Dear Mr. Ailsby:

Enclosed is Water Permit No. 6549-3 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

07-92

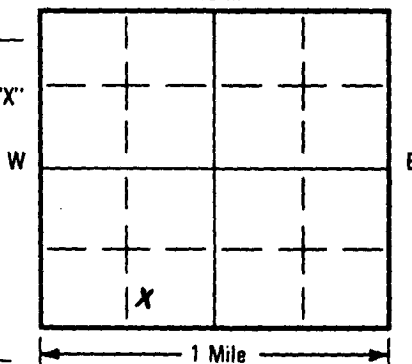
Location SE 1/4 SW 1/4 Sec 20 Twp 107-N Rg 48-W

County

North

Moody

Please mark well location with an "X"



Well Completion Date

11-19-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from Septic Feed (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket - False CasingCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50</u> LB/FT	<u>14</u> IN	<u>+3</u> FT	<u>19</u> FT	<u>20</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>Cement</u>	<u>22 bags</u>	_____ lb./gal	<u>6</u> ft	<u>16'</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 4.5 FEETMaterial Stainless SteelSlot Size 060 Set From 19 Feet to 23'6" 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: Chlorine

_____, NO, Why Not? _____

Laboratory sent to for water quality analysis

Brittner - Big SpringsWell Owner: James AilsbyBusiness Name: Brittania DairyAddress: 22079 #78th Ave. 57028 78thFl Andree, So. Dak. 57028

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>4</u>
<u>Greg Sand</u>	<u>4</u>	<u>16</u>
<u>Mud lens</u>	<u>16</u>	<u>16 1/2</u>
<u>Good Clean Sand</u>	<u>16 1/2</u>	<u>23'6"</u>

RECEIVED

FEB 24 2005

WATER RIGHTS PROGRAM

STATIC WATER LEVEL 10' 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? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

20 ft. After 6 Hrs. pumped 80 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey, Well Drilling, Inc.

Signature of License Representative:

Jean Riddle Lacey

Signature of Well Owner or Equitable Property Holder:

Date:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6549-3

I have this day, 26 October 2015, made a thorough examination of the water use system constructed by Britannia Dairy, 23017 476th Ave. Flandreau, SD 57028 of Permit No. 6549-3, bearing the priority of 22 November 2004 authorizing the diversion of 0.167 cu. ft. per second the waters of the Big Sioux: Moody aquifer for commercial use in a dairy operation, in Moody County.

Inspection contact & relationship to permit holder, if applicable: **Ben Pearson**
Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling, Inc.
- 2) No. of Wells one
- 3) Depth(s) 23.5 feet
- 4) Well log is available Yes

Comments: ma

Casing:

- 1) Diameter 14 inches
- 2) Length 19 feet
- 3) Type steel

Screen:

- 1) Type Stainless Steel
- 2) Length 4.5 feet
- 3) Static water level 10 feet (19 November 2004)

Pump:

- 1) Make Grundfoss
- 2) Model submersible
- 3) Size 5 horsepower
- 4) Capacity 75 GPM

B. Works used to transport water to place of use:

- 1) Type PVC
- 2) Size 4 inches
- 3) Length ≈10,000 feet

Comments: Water is transported from the well to 2-4,000 gallon storage tanks at the dairy,

located in Sec. 24, T107N-R49W (Lat/Lon: 44.05572429/-96.66130167) through a buried 4-inch PVC pipe

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na
- 3) Exceptions to compliance are: none

D. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 40 feet south and 1.435 feet east of the north west corner of Sec. 29, T107N-R48W (Lat./Lon.: 44.05098/96.62332).
2. The works are capable of diverting and conveying to the place of use 0.167 cu. ft. per second of water which is to be used for commercial use in a dairy operation.
The license should be issued for 0.167 cfs.
3. All structures, wells and lands on map Yes



Ken Buhler
DENR, Water Rights Program

Date report completed: 3 January 2016

Legend

-  6549-3_well
-  Quarter-Quarters Alternate Source
-  Sections Alternate Source



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

NAME: Britannia Dairy,

ADDRESS: 23017 476th Ave. Flandreau, SD 57028

DATE: 23 March 2016

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**

Water Permit No. 6549-3 authorized one well to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 20, T107N-R48W. A well was developed into the Big Sioux: Moody aquifer on 19 November 2004, at the location identified on the map that was submitted with the permit application. Based on the Bureau of Land Management PLSS ArcGIS layer and the GPS coordinates for the well, the well is actually located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T107N-R48W (see attached map and inspection report). The correct location of the well is approximately 80 feet southeast of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T107N-R48W. No additional diversion rate capacity was developed.

- **Review of Existing Diversions**

Approval of the change of location as proposed will not impair existing users.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Ken Buhler,
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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 24, 2016

No. 6549-3

Ben Pearson
Britannia Dairy
23017 476th Ave
Flandreau SD 57028

Dear Mr. Pearson:

On October 26, 2015, the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6549-3, was completed by Ken Buhler, a staff engineer with our program.

Our records indicate Water Permit No. 6549-3 is currently listed in the name of James Ailsby. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6549-3.

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

If you have any questions, please contact Genny McMath or me.

Sincerely,

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

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2017

6549-3

Ben Pearson
Britannia Dairy
47750 SD Hwy 32
Flandreau SD 57028

Dear Mr. Pearson:

I am writing in regard to Water Permit No. 6549-3, listed in the name of James Ailsby. The permit authorizes use of water from one well to be used for the dairy operation.

In October, 2015, the water use system was inspected for licensing purposes. In March, 2016 a transfer of ownership form was mailed to you for changing ownership of the permit over to Britannia Dairy prior to licensing. In going through our records, I found that we did not receive the transfer form from you and the water permit remains unlicensed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the completed form and the filing fee from you, we will go ahead and get the water license issued to cover your water use system as it was constructed.

I am enclosing a postage paid envelope for your convenience. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 12 2017

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6549-3

Date: 9/15/17 X

I/We request that Water Right/Permit No. 6549-3

formerly owned by: James Ailsby

X be transferred to: (name & address) BEN PEARSON 47750 SD HWY 32
PLANONUEAU SD 57028

Telephone No. 605 864 0448

Title to the following described land(s)/property has been transferred as described above:

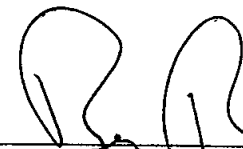
one well - NE 1/4 NW 1/4 Section 29-T107N-R48W for commercial use in a dairy operation

I/We understand that the validity of Water Permit No. 6549-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

X I/We BEN P. PEARSON, the new owner, certify that the above information is true and correct.

X 
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 12, 2017

RECEIVED OF Britannia Dairy LLP 47750 SD HWY 32 Flandreau 57028

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
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 _____ 6549-3		
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
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08357**

By Jeannie Goodman
Chief Engineer 7911



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

6549-3

OCT 19 2017

Ben Pearson
47750 SD Hwy 32
Flandreau SD 57028

Dear Mr. Pearson:

Enclosed is Water License No. 6549-3. This is the final water right document completing the process of obtaining a Water Right. Enclosed is the receipt which you paid for the Transfer of Ownership. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing 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. 6549-3

(1) James Ailsby, Flandreau SD made Application No. 6549-3, November 22, 2004 for a water permit to divert 0.167 cubic feet of water per second from one well – Big Sioux:Moody Aquifer, Moody County, South Dakota for commercial purposes. Permit No. 6549-3, with a priority date of November 22, 2004 was approved December 27, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 27, 2009 and for the application to beneficial use of water on or before December 27, 2013.

An investigation conducted for licensing purposes found the well under Water Permit No. 6549-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

On October 12, 2017, Water Permit No. 6549-3 was transferred to Ben Pearson, 47750 SD Hwy 32, Flandreau SD 57028.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6549-3 is issued a license, bearing a priority date of November 22, 2004 to appropriate 0.167 cubic feet of water per second from one well – Big Sioux:Moody Aquifer for commercial use in a dairy operation.

The diversion point is located: 40 feet south and 1,435 feet east of the NW corner of Section 29-T107N-R48W (NE 1/4 NW 1/4). The dairy operation is located in the S 1/2 Section 24-T107N-R49W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6549-3 including 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. 6549-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Lacey Well Drilling, Inc. in November, 2004. A copy of the log is on file with the Water Rights Program.*
3. Permit No. 6549-3 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. 6549-3 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

OCT 19 2017

date

