

WATER PERMIT NO. 6899-3

Name of Applicant: **Bottolfson Bros.**

Address: **1834 Constance Dr, Vermillion SD 57069**

Phone: **605 624-8249**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **160**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **3 miles northwest of Vermillion**

PRIORITY

Date Received: **9-28-07**

Application/License Fee: **\$300**

Corrected Application Received:

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **center SW ¼ Sec 16-T92N-R52W**

Land to be Irrigated: **SW ¼ Sec 16-T92N-R52W**

Depth of Well: **115 feet deep**

Well Driller:

Remarks:

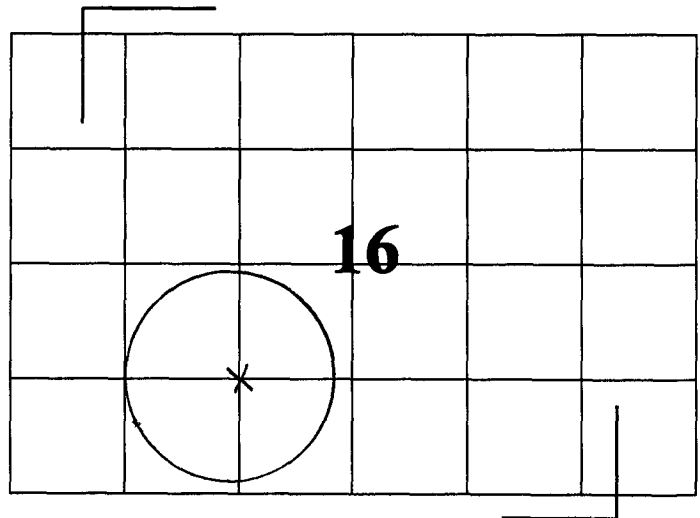
Type of Map: **aerial**

Prepared by: **Debra Eilers, Clay Co. FSA**

Reviewed and the Number Assigned on: **9-28-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6899-3</u> (office use only)
	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk Vermillion</u>

RECEIVED
SEP 28 2007
WATER RIGHTS
PROGRAM

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.)

- Name of Applicant Bottolfson Bros Phone 605 624 8249
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 1834 Constance Dr Vermillion State SD 57069
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22*CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
1 well in center of SW 1/4 Sect 16-92N-52W
- County or counties where water will be used Clay
- Annual period during which water is to be used May 1 - September 30
- 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
NW 1/4 SW 1/4 16-92N-52W	40		
NE 1/4 SW 1/4 16-92N-52W	40		
SE 1/4 SW 1/4 16-92N-52W	40		
SW 1/4 SW 1/4 16-92N-52W	40		

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

agricultural center pivot irrigation

STATE OF SOUTH DAKOTA)
County of Clay 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, Jay Bottolfson, 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 Jay Bottolfson Bottolf Bros

Subscribed and sworn to before me this 26th day of September 20 07

Russ A. Bremer
Notary Public signature

Comm Expires 1-24-2010

**SOUTH DAKOTA
WATER PERMIT NO. 6899-3**

Date of first receipt of application September 28, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6899-3 to Bottolfson Bros., 1834 Constance Dr, Vermillion SD 57069 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. 6899-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximate 115 feet deep) located in the center of the SW 1/4 Section 16 to irrigate 160 acres located in the SW 1/4 Section 16; all in T92N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 28, 2007.
4. The date of approval of Permit No. 6899-3 is November 26, 2007.
5. One-fifth of the construction is to be completed on or before May 26, 2010.
6. All construction is to be completed on or before November 26, 2012.
7. Water is to be put to beneficial use on or before November 26, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

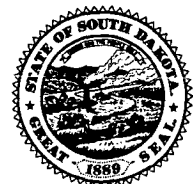
QUALIFICATIONS

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. 6899-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 25 2008
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 115'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8 - 3/8" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 45'
- f) Depth to Water (ground surface to water level) 24'
- g) Distance to nearest existing domestic well:
On applicants property none On property owned by others none known for several miles

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

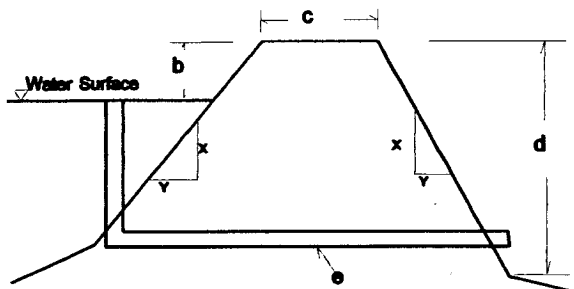
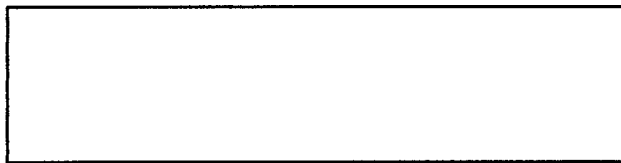
3. Dugout Information

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

4. Water Storage Dams

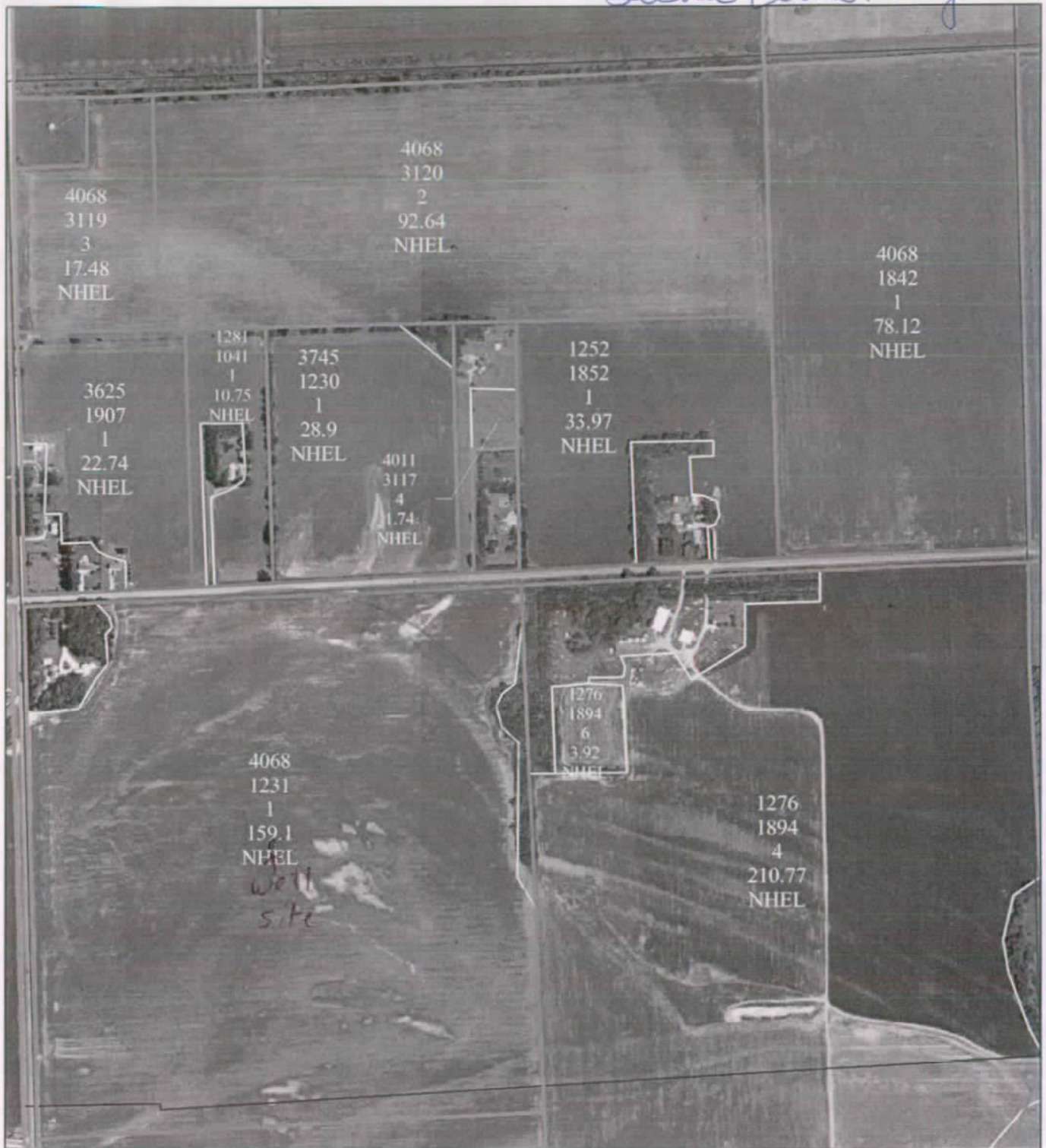
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

9/21/07
 Debra Files. clay co SD

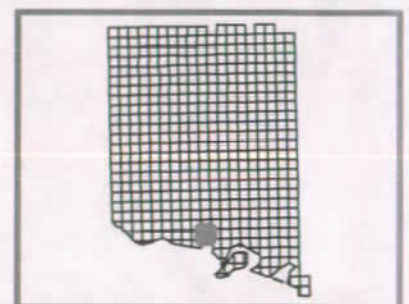


United States Department of Agriculture
 Farm Service Agency



South Dakota
Clay County
16-92N-52W

1:8,637



February 28, 2007

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 2007

RECEIVED OF Bottolfson Bros. RR 3 Box 98 Vermillion SD 57069

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

Fee for Application for Permit No. <u>6879 3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6879 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	300 00

No.

3174

By

[Signature]
Chief Engineer



**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. 6899-3, Bottolfson Brothers**

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. 6899-3, Bottolfson Brothers, c/o Jay Bottolfson, 1834 Constance Drive, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6899-3 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. 6899-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 26, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6899-3
For Bottolfson Bros.
October 18, 2007

Application No. 6899-3 proposes to appropriate 2.22 cfs (1,000 gpm) from one well approximately 115 feet deep located in the center of the SW ¼ of section 16 to irrigate 160 acres located in the SW ¼ of section 16 in T92N R52W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, into Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 75 to 100 feet thick in this area. Christensen described the aquifer as follows "On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium---gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash" (Christensen, 1967).

No test well was drilled for this application. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site.

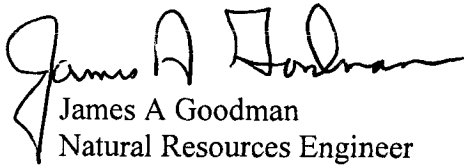
The Water Rights Program monitors an observation well CL-80B that is located about five miles west and CL-80G located about four miles northeast of this application. Water level records for these wells show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Hydrographs for these observation wells are included with this report. Also, note the overall decline in the lowest water levels since record keeping began in observation well CL-80B. This appears to be due to the entrenching of the Missouri River which in turn lowers the ground water level. This phenomenon is noticed on all the observation wells located near to the river.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Permits are No. 5435-3 (about one mile southwest) and No. 6804-3 (about one southeast) from the proposed well. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. This is also shown by the observation well record. Also there have never been any reported water availability problems for the Missouri Elk Point aquifer in Clay County.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to behave like it is under water table conditions. Until a test well is drilled it can not be determined if a well would be water table or artesian at this site. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

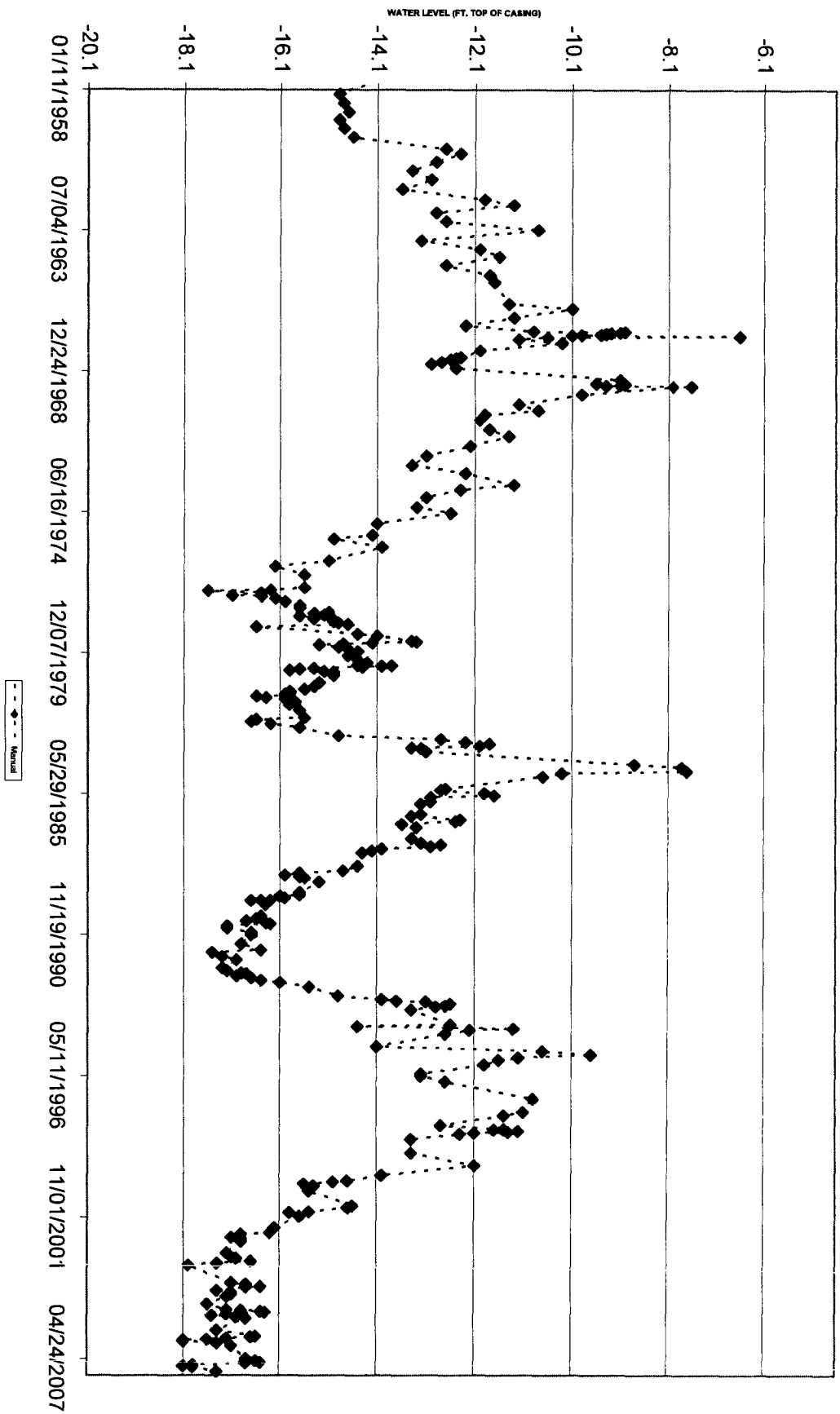
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

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

Water Rights, 2005, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-80B



WATER LEVEL (FT. TOP OF CASING)

Legend: - - ♦ - Manual

Date	Water Level (ft. top of casing)
08/22/1980	-92.6
05/19/1983	-92.6
02/12/1986	-92.6
11/08/1988	-92.6
08/05/1991	-92.6
05/01/1994	-92.6
01/25/1997	-92.6
10/22/1999	-92.6
07/18/2002	-92.6
04/13/2005	-92.6

Manual

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NOS. 6898-3 AND 6899-3

TO APPROPRIATE WATER

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 9th day of November 20 07 , , and that the succeeding publications were severally

on Friday, the 16th day of November , 20 07 ,

on Friday, the _____ day of _____ , 20 _____ ,

on Friday, the _____ day of _____ , 20 _____ ,

on Friday, the _____ day of _____ , 20 _____ ,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Forty-nine dollars and 45 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 20th day of November, 20 07

Alane J. Sauer
EX-9-5-2013

NOTICE OF APPLICATION NOS. 6898-3 and 6899-3 to Appropriate Water

Notice is given that Bottolfsen Bros., c/o Jay Bottolfsen, 1834 Constance Dr., Vermillion, SD 57069 have filed the following applications for a water permit.

Application No. 6898-3 proposes to appropriate 6.67 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in NW 1/4 NE 1/4 Section 8 to irrigate 405 acres located in the SE 1/4 Section 5, NE 1/4, E 1/2 NW 1/4, SW 1/4 NW 1/4 Section 8; all in T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6899-3 proposes to appropriate 2.22 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 115 feet deep) located in the center of the SW 1/4 Section 16 to irrigate 160 acres located in the SW 1/4 Section 16; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6898-3 and 6899-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these application or recommendations 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 November 26, 2007.

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.

Publish: November 9 & 16, 2007

RECEIVED
NOV 26 2007
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

October 29, 2007

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

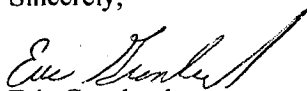
Enclosed is a Notice on Application Nos. 6898-3 and 6899-3 to Appropriate Water to be published twice. Please publish the first notice on November 9, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Bottolfson Bros., Jay Bottolfson, 1834 Constance Dr, Vermillion SD 57069 (Ph # 605-624-8249).

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. 6898-3 & 6899-3

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

Date _____

We are in receipt of your letter of October 29, 2007 enclosing Notice to Appropriate Water by Application Nos. 6898-3 & 6899-3 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

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

October 29, 2007

Bottolfson Bros
Jay Bottolfson
1834 Constance Dr
Vermillion SD 57069

Dear Mr. Bottolfson:

Water Permit Application Nos. 6898-3 & 6899-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph #605-624-2695). 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 report on the application is 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on November 9, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6898-3 and 6899-3 to Appropriate Water

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Application No. 6899-3 proposes to appropriate 2.22 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximate 115 feet deep) located in the center of the SW $\frac{1}{4}$ Section 16 to irrigate 160 acres located in the SW $\frac{1}{4}$ Section 16; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6898-3 and 6899-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 25 2008

Bottolfson Brothers
1834 Constance Dr
Vermillion SD 57069

Dear Sirs:

Enclosed are Water Permit Nos. 6898-3 & 6899-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

RECEIVED

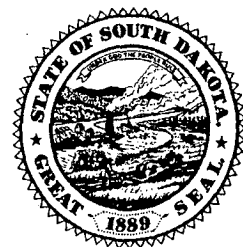
NOV 14 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-11-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Bottelion Bros
(name)1834 Constance Dr.
(address)Vermillion, SD 57069
(city, state, zip)(605) 624-2404
(phone)

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

Water Permit No. 6899-3 states that the water use system is to be constructed byNov. 26, 2012, and water is to be put to beneficial use by Nov. 26, 2016.
(date) (date)The water use system was completed on 5-9-08
(date)Applying the water to beneficial use was completed on 7-15-08
(date)

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

Bottelion Bros. by Mark Bottelion
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2008

6898-3
6899-3

Bottolfson Brothers
1834 Constance Dr
Vermillion SD 57069

Dear Sirs:

I am writing to acknowledge receipt of the 2008 irrigation questionnaires and the "Notice of Completion of Works" forms. The forms confirm that you are completed with the irrigation systems authorized by Water Permit Nos. 6898-3 and 6899-3.

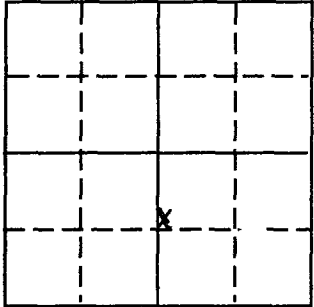
The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permits.

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

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

Location <u>ne</u> $\frac{1}{4}$ <u>sw</u> $\frac{1}{4}$ Sec <u>16</u> Twp <u>92n</u> Rg <u>52w</u>		Well Owner: <u>Mark Bottolfson</u>																																				
County <u>Clay</u>		Business Name: _____																																				
Please mark well location with an "X"		Address: <u>45723 timber Road</u>																																				
		City, State, Zip: <u>Vermillion</u> <u>SD</u> <u>57069</u>																																				
Well Completion Date <u>4/16/2008</u>		WELL LOG:																																				
Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>? 1,650.0</u> ft. from <u>septic tank</u> (identify source)		<table><thead><tr><th rowspan="2">FORMATION</th><th colspan="2">DEPTH</th></tr><tr><th>FROM</th><th>TO</th></tr></thead><tbody><tr><td>Silt, brown, sandy</td><td>0</td><td>3</td></tr><tr><td>Sand, brown fine, silty</td><td>3</td><td>45</td></tr><tr><td>Clay, gray, silty,</td><td>45</td><td>59</td></tr><tr><td>Gravel, med to coarse, sandy</td><td>59</td><td>97</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		FORMATION	DEPTH		FROM	TO	Silt, brown, sandy	0	3	Sand, brown fine, silty	3	45	Clay, gray, silty,	45	59	Gravel, med to coarse, sandy	59	97																		
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PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		STATIC WATER LEVEL <u>18.0</u> FEET																																				
METHOD OF DRILLING: <u>Direct Rotary</u>		If flowing: closed in pressure _____ PSI																																				
CASING DATA: ☐ Steel ☒ Plastic ☐ Other		GPM flow _____ through _____ Inch pipe																																				
If other describe _____		Controlled by ☐ Valve ☐ Reducers ☐ Other _____																																				
PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER LB/FT 16.00 IN 0.0 FT 64.0 FT 22.00 IN		Reduced flow rate _____ GPM																																				
LB/FT IN FT FT IN		Can well be completely shut in?																																				
LB/FT IN FT FT IN		WELL TEST DATA:																																				
GROUTING DATA:		☒ Pumped Describe:																																				
Grout Type No. of Sacks Grout Weight From To		☐ Bailed																																				
ent grt 18 9.5 Lb/gal 0.0 Ft 60.0 Ft		☐ Other																																				
Lb/gal Ft Ft		Pumping Level Below Land Surface																																				
Describe grouting procedure		<u>29.0</u> Ft. After <u>1.0</u> Hrs. pumped <u>700.0</u> GPM																																				
tremie		_____ Ft. After _____ Hrs. pumped _____ GPM																																				
SCREEN: ☐ Perforated pipe ☒ Manufactured		If pump installed, pump rate: _____ GPM																																				
Diameter <u>16.00</u> Inches Length <u>30.0</u> Feet		RECEIVED																																				
Material <u>pvc</u>		FEB - 2 2009																																				
Slot Size <u>0.080</u> Set From <u>64.0</u> Feet to <u>94.0</u> Feet		WATER RIGHTS PROGRAM																																				
Other information _____		REMARKS																																				
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No		This well was drilled under license # <u>666</u>																																				
If so, what material? _____		And this report is true and accurate.																																				
Describe packer(s) and location _____		Drilling firm: <u>Hammond Wetmore Drilling</u>																																				
DISINFECTION: Was well disinfected upon completion?		Signature of License Representative: 																																				
☒ Yes, How? <u>HTH tablets</u>		Signature of Well Owner or Equitable Property Holder: _____																																				
☐ No, Why Not? _____		Date: <u>12/10/08</u>																																				
Lab sample sent to for water quality analysis _____																																						



6899-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: BOTTOLFSON BROS, JAY BOTTOLFSON, 1834 CONSTANCE DR, VERMILLION, SD 57069

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6898-3, 6899-3, 7082-3 & 7083-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6898-3, 6899-3, 7082-3 & 7083-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6898-3, 6899-3, 7082-3 & 7083-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2010

Jay Bottolfson
Bottolfson Brothers
1834 Constance Dr
Vermillion SD 57069

RE: 2009 Irrigation Questionnaires for Water Permit Nos. 6898-3, 6899-3, 7082-3 & 7083-3

Dear Sir:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 6898-3, 6899-3, 7082-3 & 7083-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

Report of Examination of Works and/or Application of Water to Beneficial Use

To: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 22, 2014 made a thorough examination of the water system used by the Bottolfson Brothers, 1834 Constance Dr., Vermillion SD 57069, holder of Water Permit No. 6899-3, bearing the priority date of September 28, 2007. Water Permit No. 6899-3 authorizes the diversion of 2.22 cubic feet per second (cfs) from one well completed into the Missouri: Elk Point aquifer at approximately 100 feet below ground surface for the purposes of irrigating 160 acres in Clay County as follows: 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, all in T92N-R52W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One irrigation pump, manufactured by Kroy-Midwest
- 2) Works used to transport water to a place of use:
Underground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
One Valley 8000 Pivot.

The system is in the following condition: well maintained. The well associated with Water Permit No. 6899-3 is located in the center of the SW $\frac{1}{4}$ of Section 16, T92N-R52W. The exact location the well is as follows:

- 1) **1,300 feet east and 1,300 feet north of the southwest corner of Section 16, T92N-R52W.
Lat 42.78223N Lon 96.99803W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) 35 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T92N-R52W.
- 2) 33 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T92N-R52W.
- 3) 32.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T92N-R52W.
- 4) 32.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T92N-R52W.
- 5) 2.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T92N-R52W.
- 6) 2.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T92N-R52W.

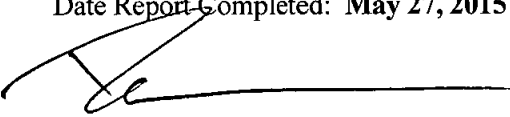
For a total of 138 acres.

License should be issued for the developed diversion rate of: **1.56 cfs or 700 gpm.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **May 27, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 6899-3

DATE OF INVESTIGATION:	September 22, 2014
NAME & ADDRESS OF PERMIT HOLDER	Bottolfson Brothers 1834 Constance Dr. Vermillion SD 57069
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mark Bottolfson
DIVERSION POINT LEGAL LOCATIONS	1,300 feet east and 1,300 feet north of the southwest corner of Section 16, T92N-R52W. Lat 42.78223N Lon 96.99803W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Hammond Wetmore Drilling
- 2) Number of Wells: **1**
- 3) Depth: **97 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Kroy Midwest**
- 2) Model:
- 3) Size:
- 4) Capacity: **700 gpm (1.56 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **64 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **30 feet**
- 3) Static Water Level: **18**

Motor

- 1) Make: **Kroy-Midwest**
- 2) Model No:
- 3) Power: **35 hp**

System Type

- 1) Make: **Valley 8000**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **7 Towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **700 gpm**

CHEMIGATION EQUIPMENT:

Yes, Mobile System

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **No**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **No discharge**
- 5) Injection Line Check Valve or Positive
Displacement Pump: **Piston Pump**
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation in 2008 to present.**

COMMENTS: The system is irrigated approximately five acres to the south in the N ½ of Section 21, T92N-R52W.



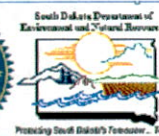
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Site



0 0.045 0.09 0.18 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Bottolfson Brothers

ADDRESS: 1834 Constance Dr., Vermillion, SD 57069

DATE: May 27, 2015

COUNTY: Clay

TELEPHONE: (605) 677-9582

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

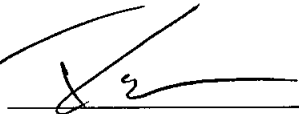
The acreage developed for irrigation is 138, as authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated from 2.22 cfs to 1.56 cfs. Five of the 138 acres authorized under Water Permit No. 6899-3 are located in the N ½ of Section 21, T92N-R52W to the south of the permitted area in Section 16, T92N-R52W.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

RECOMMENDED ACTION

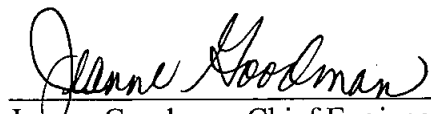
Based on the above criteria, it is recommended that the five acre area be included in the water license.



Bracken Capen, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6899-3

(1) Bottolfson Brothers., 1834 Constance Dr., Vermillion SD 57069 made Application No. 6899-3, September 27, 2007 for a water permit to divert 2.22 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6899-3, with a priority date of September 28, 2007 was approved November 26, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 26, 2012 and for the application to beneficial use of said water on or before November 26, 2016.

The original permit authorized irrigation of 160 acres in the SW $\frac{1}{4}$ Section 16, T92N, R52W. An inspection of the water use system found the pivot covering 138 acres with a portion shifted down to the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21, T92N, R52W. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that acreage developed for irrigation outside of the area described on the permit does not impair existing water rights.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,300 feet E and 1,300 feet N of the SW corner of Section 16, T92N, R52W (SW $\frac{1}{4}$ SW $\frac{1}{4}$ near the center of the SW $\frac{1}{4}$).

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

Section 16, T92N, R52W		Section 21, T92N, R52W	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres		

Total 138.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bottolfson Brothers., 1834 Constance Dr., Vermillion SD 57069 the holders and/or owners of Water Right No. 6899-3 are issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer) with a priority date of September 28, 2007 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6899-3 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. 6899-3 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. ***Well drilled by Hammond Wetmore Drilling in 2008. A copy of the log is on file with the Water Rights Program.***

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 11 2015
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 11 2015

Jay Bottolfson
Bottolfson Brothers
1834 Constance Dr
Vermillion SD 57069

RE: Water License Nos. 6899-3, 7082-3, 7486-3, 7487-3 and 7488-3

Dear Mr. Bottolfson:

Enclosed are Water License Nos. 6899-3, 7082-3, 7486-3, 7487-3 and 7488-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each 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 wells authorized by each water right, 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.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation systems, the staff engineer indicated he spoke with you about the absence of a low pressure drain. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. Low pressure drains are required and must be in place to prevent contamination of the water source. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program (his card is attached).

As long as you use the water beneficially, as stated in the Water Licenses, 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

Note: Water Permit Nos. 7083-3 and 7486-3 authorized irrigation of acreage using the same well. Upon licensing, the applicable portions of Water Permit No. 7083-3 were incorporated into Water License No. 7486-3.