**WATER PERMIT NO. 7019-3**

Name of Applicant: **Brook Bye**

Address: **31472 458th Ave, Vermillion SD 57069** Phone: **605 624-6571**

Amount of Water Claimed: **1.83 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: **4 mile northwest of Vermillion**

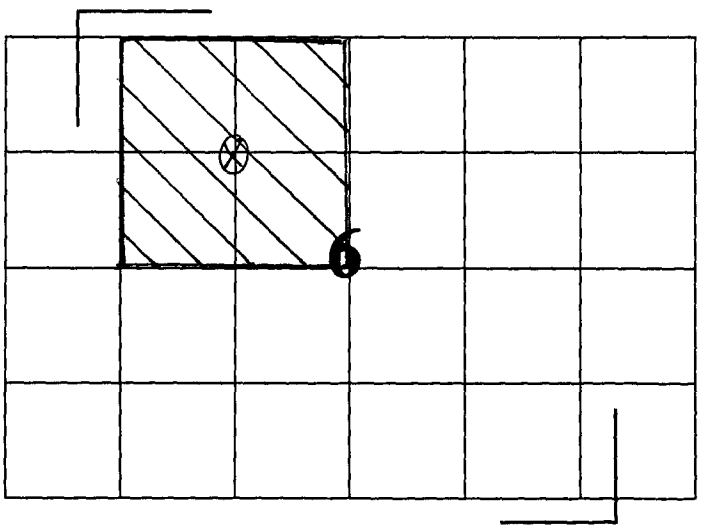
PRIORITY Date Received: **4-21-08** Application/License Fee: **$300**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **center of NW ¼ Sec 6-T92N-R52W**

Land to be Irrigated: **NW ¼ Sec 6-T92N-R52W**




Depth of Well: **115 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Sheree Christensen, Clay Co FSA**

Reviewed and the Number Assigned on: **4-21-08** By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

| Mail to: | (office use only) |
|---|---|
| Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. 7019-3 Hydrologic Unit 10170102<br>Basin Vermillion River<br>Newspaper Plain Talk PO Box 256<br>605-624-2695 Vermillion 57069 |

RECEIVED
APR 11 2008
WATER RIGHTS PROGRAM

# Application For Permit To Appropriate Water For Irrigation

**Type of Application:** [X] **New** [ ] **Vested Right** (Use predates Mar 2, 1955) [ ] **Amendment/Correction to Permit No.** _____

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

1. Name of Applicant Brock Byc (check one) [X] Owner [ ] Tenant/lessee Phone 605-624-6571
   Mailing Address 31472 458 Jth Ave. Vermillion SD State 57069
   (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.84 *CFS or 825 **GPM _____ ***AF Total Acreage 160
   (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
   06-092-52 approximate center NW1/4
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April 1st Oct 31st
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
   (Attach sheet if more space is needed)

| Land Description | Acres | Land Description | Acres |
|---|---|---|---|
| 06-092-52 | 160 | | |
| ~~Lot 6~~ NW1/4 Sec 6 | | | |
| | | | |
| | | | |

8. Give a description of the project. (Attach sheet if more space is needed)
   Irrigation for Farm Ground "crops"

**STATE OF SOUTH DAKOTA)** SS
County of Clay )

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, Brock Byc, 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 Brock Byc

Subscribed and sworn to before me this 15 day of April 20 08

Karla K. Bird
Notary Public signature

2-2007

# SOUTH DAKOTA
# WATER PERMIT NO. 7019-3

Date of first receipt of application April 21, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7019-3 to Brook Bye, 31472 458th Ave, 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. 7019-3 appropriates 1.84 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of the NW 1/4 Section 6 to irrigate 160 acres located in the NW 1/4 Section 6; 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: April 1 – October 31.

3. The date from which applicant may claim right is April 21, 2008.

4. The date of approval of Permit No. 7019-3 is June 30, 2008.

5. One-fifth of the construction is to be completed on or before December 30, 2010.

6. All construction is to be completed on or before June 30, 2013.

7. Water is to be put to beneficial use on or before June 30, 2017.

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. 7019-3 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

JUL 2 4 2008
date

Form 2A **Supplemental Information**
(Complete applicable portions only)

Dick Hammond

(type or print in ink)

**1. Well Information - Proposed Construction**

a) Drill Hole Diameter 22" 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 to 3/8 Pea rock Length of Gravel Pack 50'

e) Depth to Top of Water Bearing Material 70'

f) Depth to Water (ground surface to water level) 22'

g) Distance to nearest existing domestic well:

On applicants property Greater Hammond On property owned by others 1300'

**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**

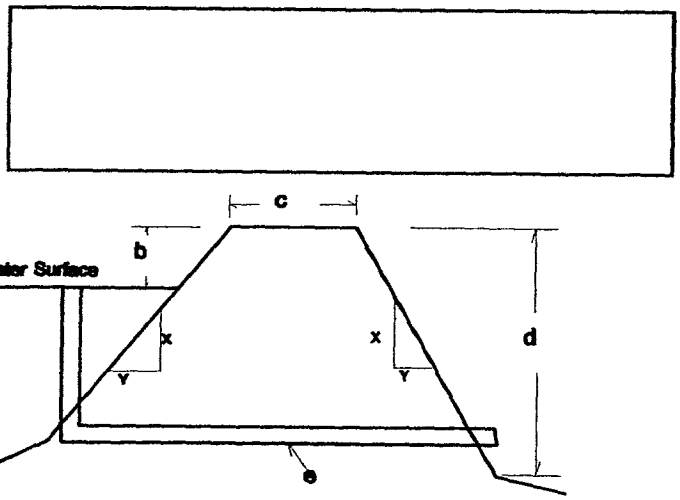
a) Surface Dimensions _____ Depth _____

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 _____

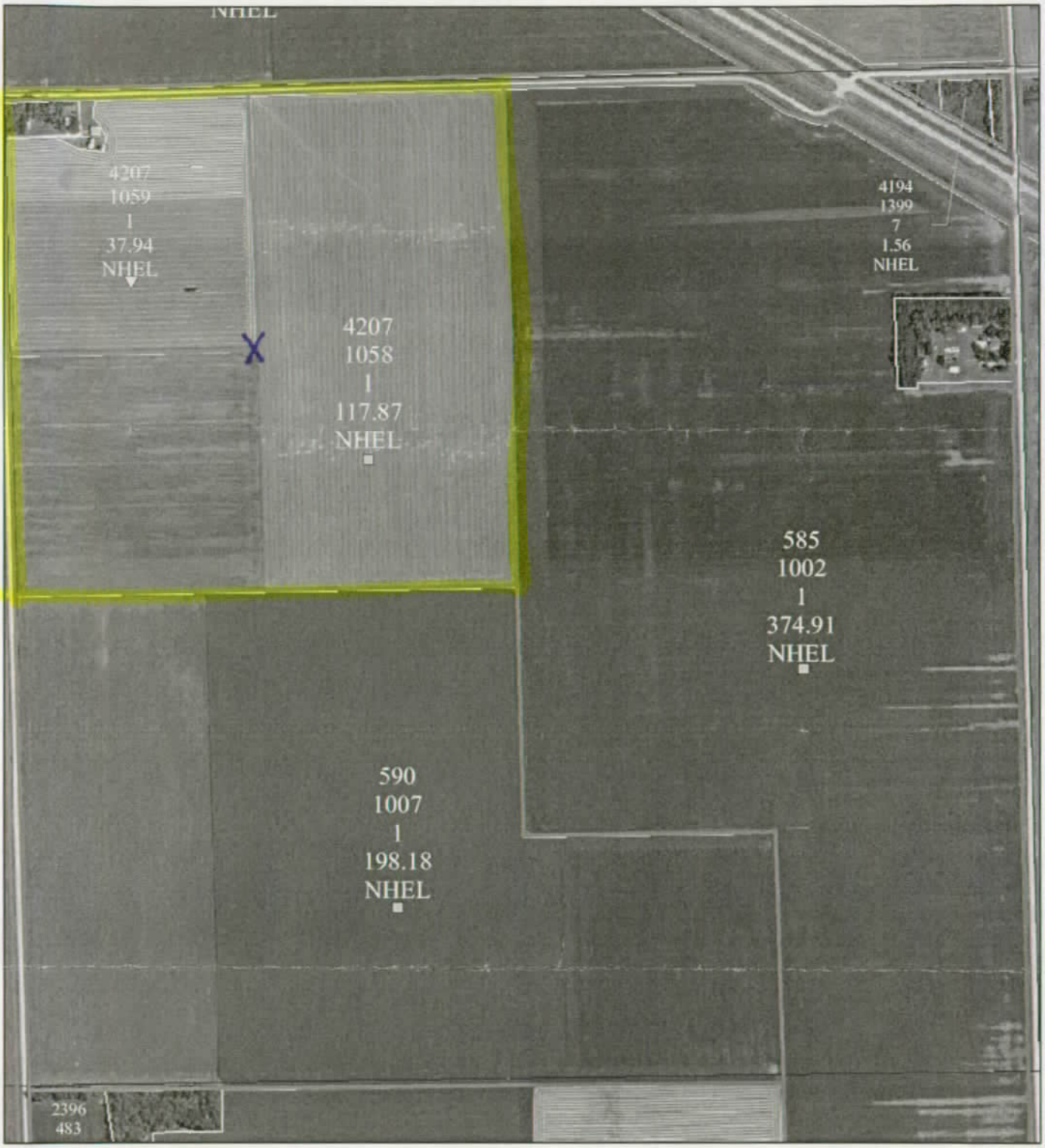
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

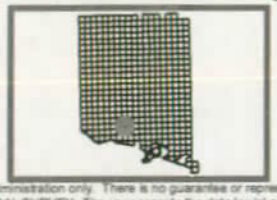



USDA USDA
Farm Service Agency

# South Dakota
# Clay County
## 6-92N-52W

March 28, 2008

N



**Legend**

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

**Wetland Determination Identifiers**

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

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APR 21 2008
WATER RIGHTS PROGRAM

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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

1:8,668

Sheree Christensen, Program Technician

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/21, 2008

RECEIVED OF Brook Bye 31472 458th Ave Vermillion SD 57069

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

| | | |
|---|---|---|
| Fee for Application for Permit No. 7019-3 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. 7019-3 | 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. 03657

By Leland Erickle
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. 7019-3, Brook Bye**

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. 7019-3, Brook Bye, 31472 458th Avenue, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7019-3 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. 7019-3 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
May 30, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7019-3
For Brook Bye
May 22, 2008

Application No. 7019-3 proposes to appropriate 1.84 cfs (825 gpm) from one well approximately 115 feet deep located in the approximate center of the NW ¼ of section 6 to irrigate 160 acres located in the NW ¼ of section 6; all 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 100 to 125 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. It is likely that one well at this site could yield the amount of water requested. This estimate is based upon other irrigation wells completed into the Missouri Elk Point aquifer in Clay County. In general wells completed into the Missouri Elk Point aquifer in Clay are prolific and it is not unusual to obtain specific capacities of over 50 gpm/ft of drawdown.

The Water Rights Program monitors an observation well CL-80B that is located about four 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, 2008). 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 Permit is No. 6940-3 (well to be located about one mile east) from this proposed well. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. The distance between wells and the relatively small diversion rate proposed by this application all minimize the potential for drawdown. This conclusion is 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

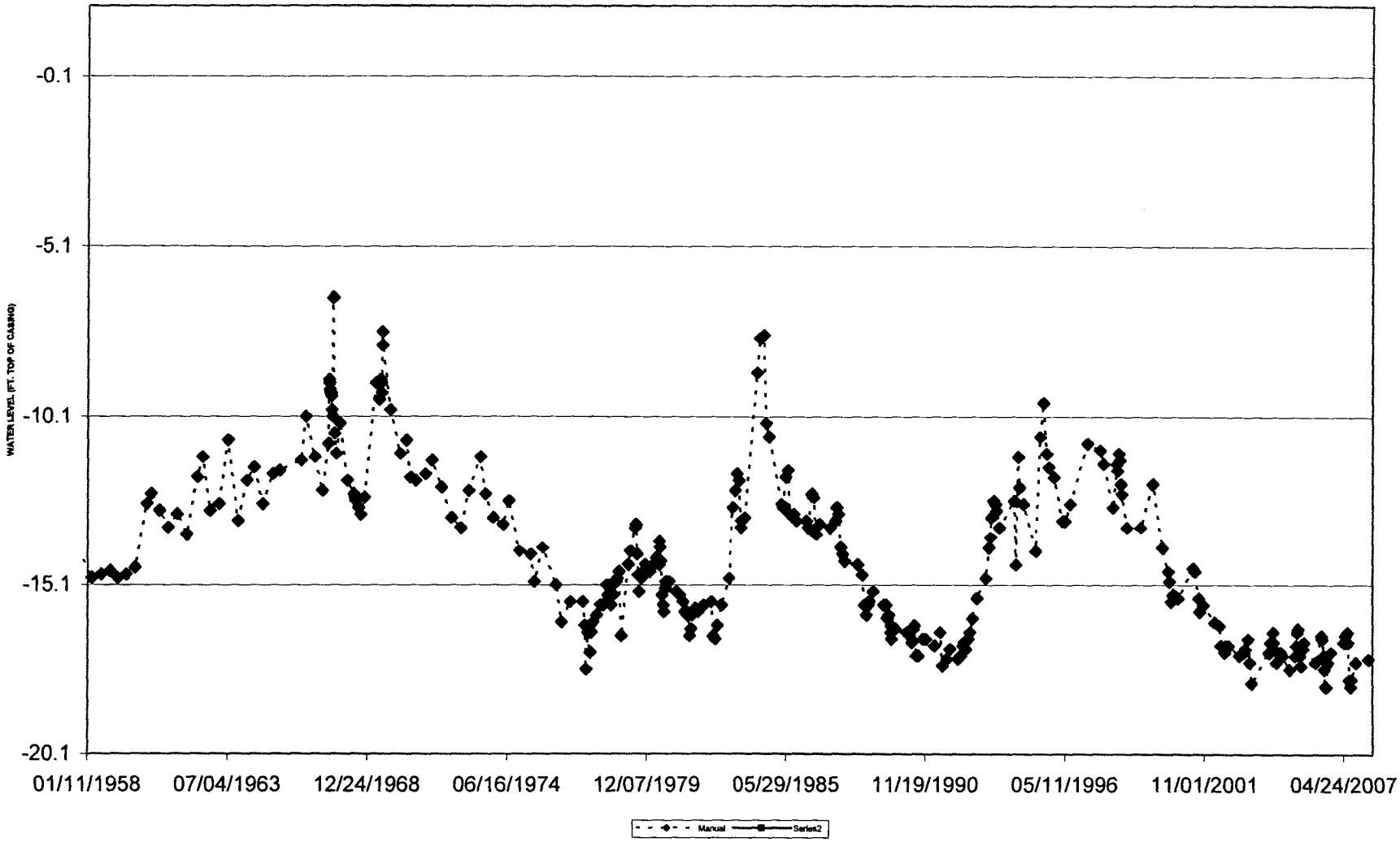
BIBLIOGAPHY

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.

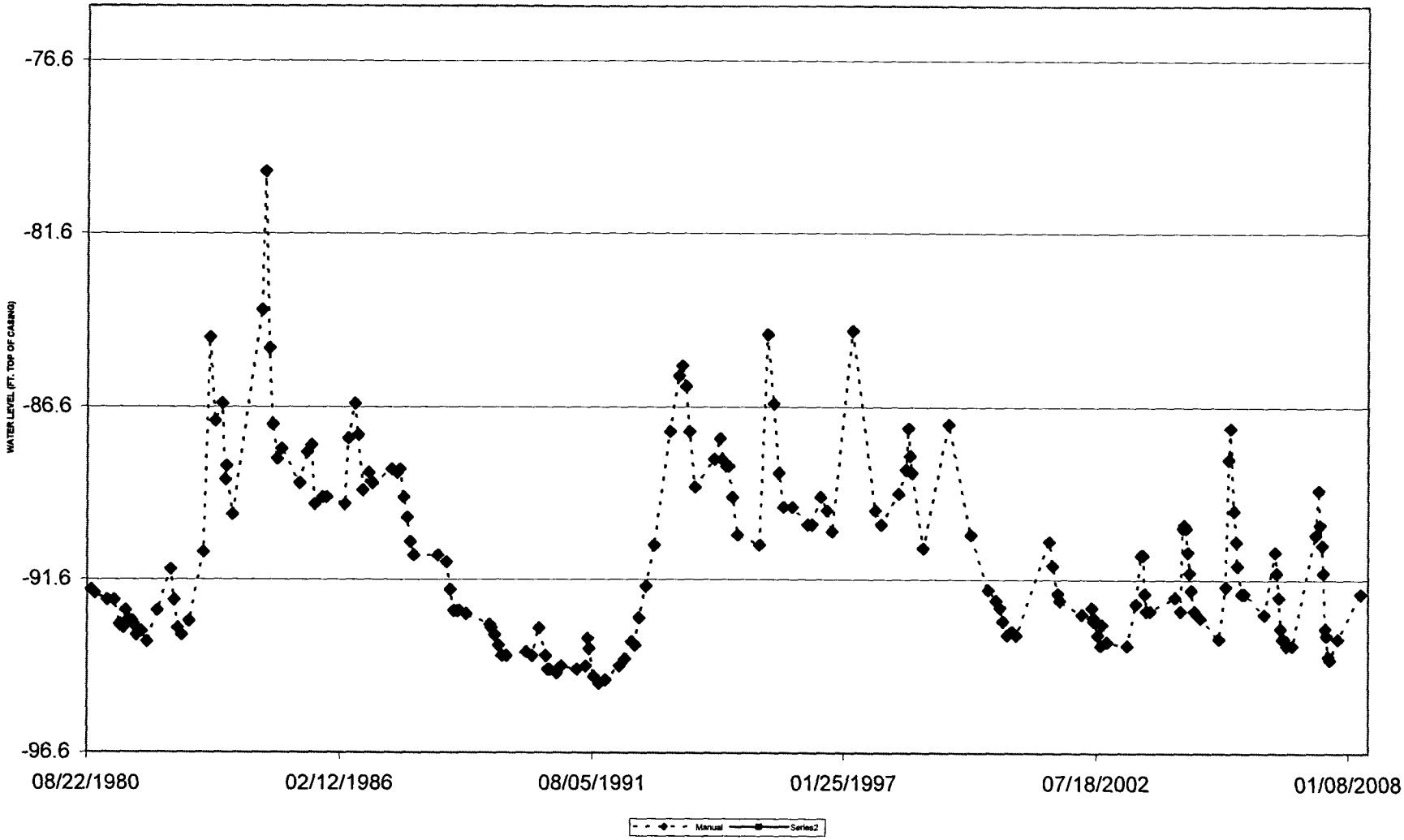
Hedges, L.S. and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River , South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

## WATER RIGHTS' OBSERVATION WELL
## CL-80B



## WATER RIGHTS' OBSERVATION WELL
## CL-80G



RECEIVED
JUN 23 2008
WATER RIGHTS
PROGRAM

# 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 NO. 7019-3

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 13th day of June 20 08,
and that the succeeding publications were severally

on Friday, the 20th day of June, 20 08,

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 dollars and 52 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 19th day of June, 20 08

Dixie J. Savoie

Exp 9-5-2013 **Notary Public**

**NOTICE OF APPLICATION NO. 7019-3 to Appropriate Water**

Notice is given that Brook Bye, 31472 458th Ave., Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.84 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of the NW 1/4 Section 6 to irrigate 160 acres located in the NW 1/4 Section 6; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7019-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 30, 2008.

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: June 13 & 20, 2008**

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 3, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7019-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2008 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 Brook Bye, 31472 458th Ave, Vermillion SD 57069 (Ph # 605-624-6571).

**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----------

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

No. 7019-3

Date_____

We are in receipt of your letter of June 3, 2008 enclosing Notice to Appropriate Water by Application No. 7019-3 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.

June 3, 2008

Brook Bye
31472 458th Ave
Vermillion SD 57069

Dear Mr. Bye:

Water Permit Application No. 7019-3 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 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.

Instruction to Newspaper - Publish first Notice on June 13, 2008 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 7019-3 to Appropriate Water

Notice is given that Brook Bye, 31472 458th Ave, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.84 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 115 feet deep) located in the approximate center of the NW ¼ Section 6 to irrigate 160 acres located in the NW ¼ Section 6; all in T92N-R52W.

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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 June 30, 2008.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 2 4 2008

Brook Bye
31472 458th Ave
Vermillion SD 57069

Dear Mr. Bye:

Enclosed is Water Permit No. 7019-3 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

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

enclosures

Form 10

RECEIVED 7019-3
JAN 12 2009
WATER RIGHTS PROGRAM

# NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date Jan 9 2009

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Brook Bye
(name)
31472 458th Ave.
(address)
Vermillion SD 57069 605 624-6571
(city, state, zip) (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. 7019-3 states that the water use system is to be constructed by June 2008 (date), and water is to be put to beneficial use by June 2008 (date).

The water use system was completed on June 2008 (date).

Applying the water to beneficial use was completed on June 2008 (date).

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

Brook Bye
(signature)

7-98

**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 13, 2009

7019-3

Brook Bye
31472 458th Ave
Vermillion SD 57069

Dear Mr. Bye:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form and your 2008 irrigation questionnaire.

The completion of works form notifies us that your irrigation system is 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 permit.

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,

Genny McMath

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

SD EForm - 1621 V1

7019-3

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se ¼ nw ¼ Sec 6 Twp 92n Rg 52w

County: Clay

North

Please mark well location with an "X"

W E

1 Mile

Well Completion Date: 5/25/2008

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,600.0 ft. from septic tank (identify source)

**PROPOSED USE:**
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☑ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

**METHOD OF DRILLING:** Direct rotary

**CASING DATA:** ☐ Steel ☑ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM | TO | HOLE DIAMETER |
|---|---|---|---|---|
| LB/FT | 16.00 IN | 0.0 FT | 72.0 FT | 22.00 IN |
| LB/FT | IN | FT | FT | IN |
| LB/FT | IN | FT | FT | IN |

**GROUTING DATA:**

| Grout Type | No. of Sacks | Grout Weight | From | To |
|---|---|---|---|---|
| bent grout | 21 | 9.5 Lb/gal | 0.0 Ft | 67.0 Ft |
| | | Lb/gal | Ft | Ft |

Describe grouting procedure: tremie

**SCREEN:** ☐ Perforated pipe ☑ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size 0.80 Set From 72.0 Feet to 112.0 Feet

Other information

**WAS A PACKER OR SEAL USED?** ☐ Yes ☑ No

If so, what material?

Describe packer(s) and location

**DISINFECTION:** Was well disinfected upon completion?

☑ Yes, How? hth tablets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Brook Bye

Business Name:

Address: 31504 458th Ave

City, State, Zip: Vermillion SD 57069

**WELL LOG:**

| FORMATION | DEPTH FROM | DEPTH TO |
|---|---|---|
| clay, dk brown, silty | 0 | 25 |
| Sand, fine, silty | 25 | 44 |
| clay, dk gray, silty | 44 | 69 |
| gravel, coarse | 69 | 114 |
| | | |
| | | |
| | | |
| | | |
| | | |

**STATIC WATER LEVEL** 21.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

**WELL TEST DATA:**

☑ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

32.0 Ft. After 1.0 Hrs. pumped 750.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

**REMARKS**

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/10/08

Form 12

# Permit No. 7019-3

**Missouri River** - Water District

## 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, **9/1/2009**, made a thorough examination of the water use system constructed by **Brook Bye** of **31472 458th Ave, Vermillion SD 57069-6009** holder of Permit No. **7019-3**, bearing the priority of **4/21/2008** authorizing the diversion of **1.83** cu. ft. per second of the waters of the **Missouri Elk Point aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship to permit holder, if applicable: **Brook Bye—Permit Holder**

**A. Works used to divert the water:**

**Well Information:**

1) Well Drilling Firm: Hammond-Wetmore Drilling
2) No. of Wells **1**
3) Depth(s) **114** feet
4) Well log is available **Yes**
5) Comment: **appears to be an adequate well—log on file**

**Casing:**

1) Diameter **16** inches
2) Length **72** feet
3) Type **Plastic**

**Screen:**

1) Type **Manufactured**
2) Length **40** feet
3) Static water level **21** feet

**Pump:**

1) Make **American Marsh**
2) Model **Submersible**
3) Size **30 hp**
4) Capacity **700** GPM

**Motor:**

1) Make **Grundfos**
2) Model No. **78355518**
3) Horsepower rating **30** hp

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

1) Type **cast iron** 2) Size **10** inches 3) Length **~30** feet

**C. Works used to apply water to beneficial use:**

**Center pivot:**

1) Make **Valley 8000**
2) Overall length **1,280** feet
3) Number of towers **6**
4) Distance between towers **~185** feet
5) End gun **Yes**
6) High or low pressure **Low**
7) Capacity **700** GPM

**Chemigation Equipment:**

1) Does chemigate **No**

**D. 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 **Yes**
3) Exceptions to compliance are: **list**

The system is in **good** condition with the point of diversion located as follows: **1,285 feet east and 1,290 feet south of the NW corner of Section 6, Township 92 North, Range 52 West, lat/long N 42.81905 W -97.03737**. The works are capable of diverting and conveying to the place of use **1.56** cu. ft. per second of water of the Missouri Elk Point aquifer which is to be used for **crop irrigation**. Water has been put to beneficial use to the maximum extent as follows:

| | | |
|---|---|---|
| **NW ¼ NW ¼** | **33 acres** | |
| **NE ¼ NW ¼** | **33 acres** | **All in Section 6, Township 92 North, Range 52 West** |
| **SE ¼ NW ¼** | **33 acres** | |
| **SW ¼ NW ¼** | **33 acres** | |

comprising a total of **132** acres of land and the license should be issued for **1.56** cfs.

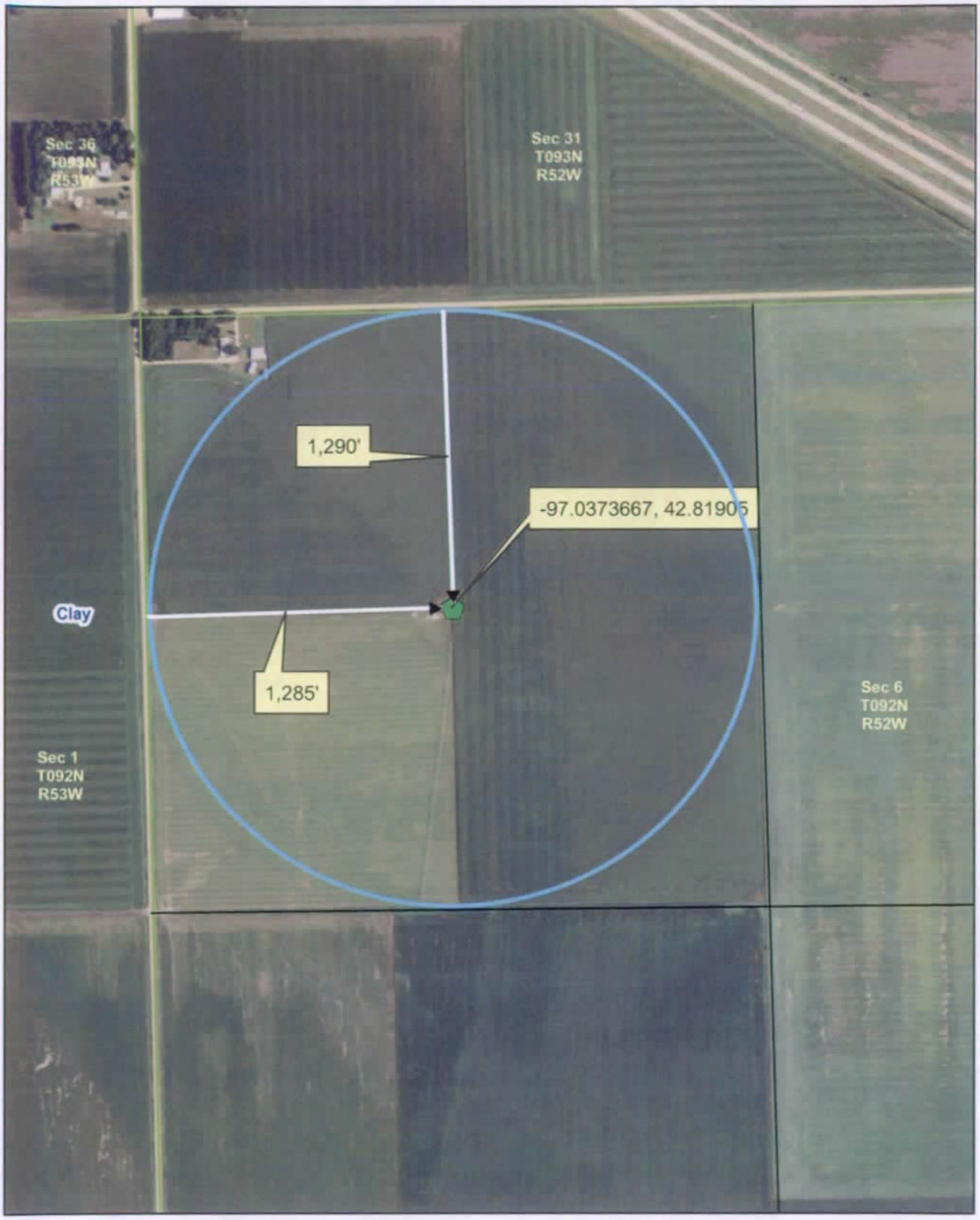
All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **None**

Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **3/15/2010**

# Permit No. 7019-3
# Brook Bye




0.25 Miles

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
September 2009

South Dakota Department of Environment and Natural Resources

*Protecting South Dakota's Tomorrow ... Today*

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 2 3 2010

7019-3

Brook Bye
31472 458th Ave
Vermillion SD 57069

Dear Mr. Bye:

Enclosed is Water License No. 7019-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7019-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele

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

enclosures

# STATE OF SOUTH DAKOTA
# WATER LICENSE NO. 7019-3

**(1)** Brook Bye, 31472 458th Ave, Vermillion SD 57069 made Application No. 7019-3, April 21, 2008 for a water permit to divert 1.84 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7019-3, with a priority date of April 21, 2008 was approved June 30, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 30, 2013 and for the application to beneficial use of said water on or before June 30, 2017.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on January 12, 2009. The *"Notice"* stated the water use system was completed and the water placed to beneficial use in June, 2008.

**(2)** It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,285 feet east and 1,290 feet south of the NW corner of Section 6, T92N, R52W (NW ¼ NW ¼)

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

| | | |
|---|---|---|
| T92N, R52W Section 6 | NW ¼ NW ¼ | 33 acres |
| | NE ¼ NW ¼ | 33 acres |
| | SE ¼ NW ¼ | 33 acres |
| | SW ¼ NW ¼ | 33 acres |
| | Total | 132 acres |

**(4)** Pursuant to South Dakota Water Law 46-5-30.1 Brook Bye, 31472 458th Ave, Vermillion SD 57069 the holder and/or owner of Water Right No. 7019-3 is 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 April 21, 2008 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7019-3 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. 7019-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28 ***(Well drilled by Hammond-Wetmore Drilling – log on file with the Water Rights Program).***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

APR 2 3 2010

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

date

7019-3

**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 24, 2013

**NOTICE**

TO: BROOK BYE, 31472 458TH AVE, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826B-3 & 7019-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2826B-3 & 7019-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2826B-3 & 7019-3 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed 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: http://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.

7019-3

**DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES**

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

January 25, 2013

2826B-3
7019-3

Brook Bye
31472 458th Ave
Vermillion SD 57069

Dear Mr. Bye:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2826B-3 and 7019-3. 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,

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