

**WATER PERMIT NO. 7031-3**

Name of Applicant: **Johnson Brothers Excavation, Inc.**

Address: **PO Box 185, Madison SD 57042** Phone: **605 256-3955**

Amount of Water Claimed: **1.11 cfs** Total Acres: **NA**

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

Water to be used for: **industrial** County: **Lake**

Type of Waste Disposal System:

Location: **8 miles northeast of Madison**

**PRIORITY** Date Received: **5-7-08** Application/License Fee: **\$400**

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

Remarks: **sand and gravel washing operation**

Diversion Point: **SE ¼ NW ¼ Sec 3-T107N-R51W**

Land to be Irrigated: **NA**

Depth of Well: **33 feet deep**

Well Driller: : **Lacey Well Drilling**

Remarks:

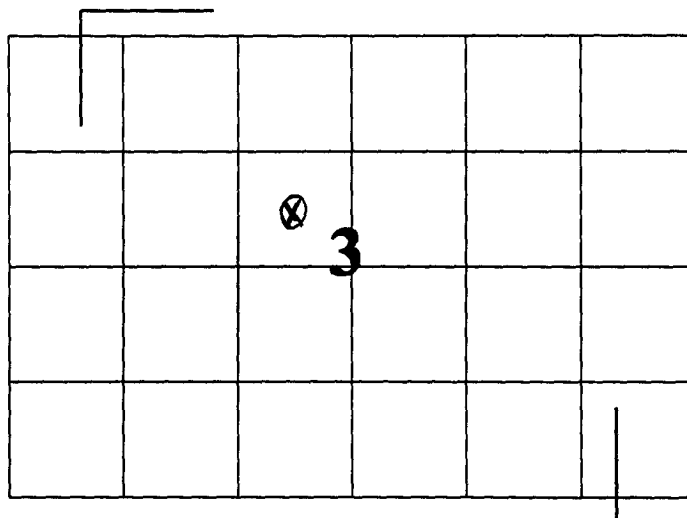
Type of Map: **aerial**

Prepared by: **Lynsee Planting, Madison Co. NRCS**

Reviewed and the Number Assigned on: **5-8-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



**SD EForm - 1585 V2**  
**FORM 2: Application for uses other than irrigation**  
(type or print)

|                                                                                                                    |                                                  |                                                      |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>7031-3</u>                                | (office use only)<br>Hydrologic Unit <u>10170202</u> |
|                                                                                                                    | Basin <u>Sioux River</u>                         |                                                      |
|                                                                                                                    | Newspaper <u>Daily Leader PO Box 348 Madison</u> |                                                      |
|                                                                                                                    | <u>605-256-4555</u>                              | <u>57042</u>                                         |

RECEIVED  
MAY - 7 2008  
WATER RIGHTS  
PROGRAM

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

**Check use(s) of water:**

- |                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input type="checkbox"/> Commercial            | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> Other _____     |                                          |

**Type of Application:** (check one)  
☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation  
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. \_\_\_\_\_  
☐ Amendment/Correction to Permit No. \_\_\_\_\_

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

- Name of Applicant Johnson Brothers Excavation, Inc. Phone 605-256-3955  
(check one) ☐ Owner ☒ Tenant/lessee  
Mailing Address PO Box 185 Madison State SD 57042  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.1 / \*CFS or 500 \*\*GPM \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lake  
One well in E1/2, NW1/4 section 3-T107N-R-51W  
SE1/4
- County or counties where water will be used Lake
- Annual period during which water is to be used Construction season April thru October 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)  
Sand and gravel washing operation

**STATE OF SOUTH DAKOTA)**  
County of Lake 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, Mark A. Johnson, 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 Mark A. Johnson

Subscribed and sworn to before me this 2nd day of May 20 08

RENEE GULLICKSON  
NOTARY PUBLIC  
SOUTH DAKOTA Seal

Renee L. Gullickson  
Notary Public signature

My Commission Exp. 2-11-2013

**SOUTH DAKOTA  
WATER PERMIT NO. 7031-3**

---

Date of first receipt of application May 7, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7031-3 to Johnson Brothers Excavation, Inc, Box 185, Madison SD 57042 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. 7031-3 appropriates 1.11 cubic feet of water per second from one well to be completed into the Battle Creek Aquifer (approximately 33 feet deep) located in SE ¼ NW ¼ Sec 3-T107N-R51W.
2. The water appropriated shall be used for the purpose of industrial use in a sand and gravel washing operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – October 31.
4. The date of approval of Permit No. 7031-3 is July 21, 2008.
5. The date from which applicant may claim right is May 7, 2008.
6. One-fifth of the construction is to be completed on or before January 21, 2011.
7. All construction is to be completed on or before July 21, 2013.
8. Water is to be put to beneficial use on or before July 21, 2017.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7031-3 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.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

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

JUL 28 2008  
date



(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter 20" Depth 33'
- b) Casing Type steel Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 12" Thickness 3/16"
- d) Gravel Pack 3.5" thick Length of Gravel Pack 12'
- e) Depth to Top of Water Bearing Material 7'
- f) Depth to Water (ground surface to water level) 7'
- g) Distance to nearest existing domestic well:
- On applicants property NA On property owned by others approx. 1/2 mile

**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

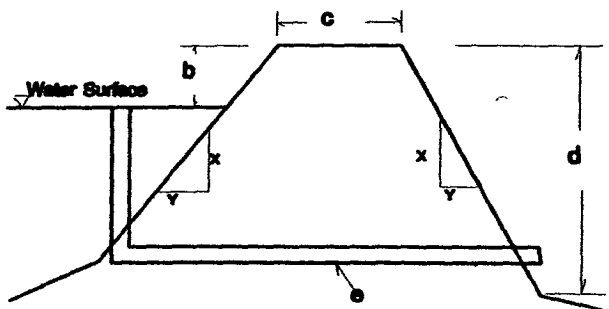
**3. Dugout Information**

- 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

NRCS-USDA  
123 SW 2nd St.  
Madison, SD 57042

# Aerial Map

*Lynsee M Planting*  
5/2/08

Field Office: Madison FO  
Certified By: Lynsee M. Planting  
Legal Desc: NW 1/4 3-107N-51W

Agency: USDA-NRCS  
Date: May 2, 2008  
Tract: 3521 & 3522



## Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NI/Ditch
- Tile

0 130 260 520 780 1,040 1,300 1,560 Feet

RECEIVED

MAY - 7 2008

WATER RIGHTS  
PROGRAM

W Wetland  
FW Farmed Wetland Drained or modified & cropped  
prior to 12-23-1985, but still meets wetland criteria  
PC Prior Converted  
NW Non Wetland  
NI Not Invenioried Potential Waters of the US  
See NRCS CPA-O26E for definitions and additional info.



In Water Since 1946

Wells — Pumps  
Dewatering Work  
Test Drilling

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

Down-Hole Camera  
Water Specialists  
Irrigation Supplies

5-1-08

Mark Johnson, TH in SEC 3  
Rutland Twp, LAKE Co SD.

0-57:11  
5-33' MEDIUM/COARSE GRAVEL  
SWL 7'

RECEIVED  
MAY - 7 2008  
WATER RIGHTS  
PROGRAM

Jim Lacey  
SD III, Driller

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/8, 20 08

RECEIVED OF Johnson Bous Excavating PO Box 185 Madison SD 57042

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

|                                                                                                                       |       |        |
|-----------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>70313</u> to Appropriate Water, to construct and to put water to beneficial use | 350   | 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>7031-3</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 | 400 00 |

No.

By

Donald E. Fiske  
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](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7031-3, Johnson Brothers Excavation, Inc.**

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. 7031-3, Johnson Brothers Excavation, Inc., c/o Mark Johnson, PO Box 185, Madison SD 57042.

The Chief Engineer is recommending APPROVAL of Application No. 7031-3 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. 7031-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer  
June 20, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7031-3  
Johnson Bros. Excavating, Inc.  
June 11, 2008

Application No. 7031-3 proposes to appropriate 1.11 cfs (500 gpm) from one well approximately 33 feet deep and located in the SE ¼ NW ¼ of section 3, T107N R51W in Lake County. The water will be used in a sand and gravel operation.

#### AQUIFER – BATTLE CREEK AQUIFER (BTC)

The Battle Creek aquifer is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 19 square miles and contains an estimated 34,000 acre-feet of water in storage in Lake and Moody Counties (Hansen, 1986). The aquifer extends into Brookings County to the north where the Battle Creek aquifer blends into the Big Sioux Brookings aquifer. Ground water movement appears to be from the southwest to the northeast or the same direction as the creek flow.

The test well report filed with the application by Lacey Drilling indicates medium to coarse gravel from 5 to 33 feet below land surface with a static water level of seven feet below land surface. This is a favorable appearing test well log and a completed well could be capable of producing the amount of water requested.

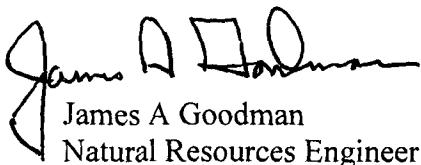
The Water Right Program does not monitor any observation wells completed into the aquifer. The nearest observation wells BG-15 and BG-21 are completed into the Big Sioux aquifer located about ten miles northeast of this application. Water levels for these wells respond to climatic conditions that is water levels rise during wet periods (recharge) and gradually decline during dry periods. In general the water level record indicates that aquifer is able to sustain additional withdrawals (Water Rights, 2008). Hydrographs for these two wells are included with this report.

#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby existing water permits/rights that obtain water from this source. There may be domestic wells in the area that use this aquifer for a water supply. Interference is not a concern. Drawdown created by pumping should not be significant.

#### CONCLUSIONS

1. Water is available from the Battle Creek aquifer.
2. The aquifer is under water table conditions at this site. Drawdown is not expected to be significant. Interference is not a concern.
3. The well authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.
4. The water will be used for commercial purposes in a sand and gravel washing operation. Depending upon the design of the operation some of the water will more than likely be reused during the process.

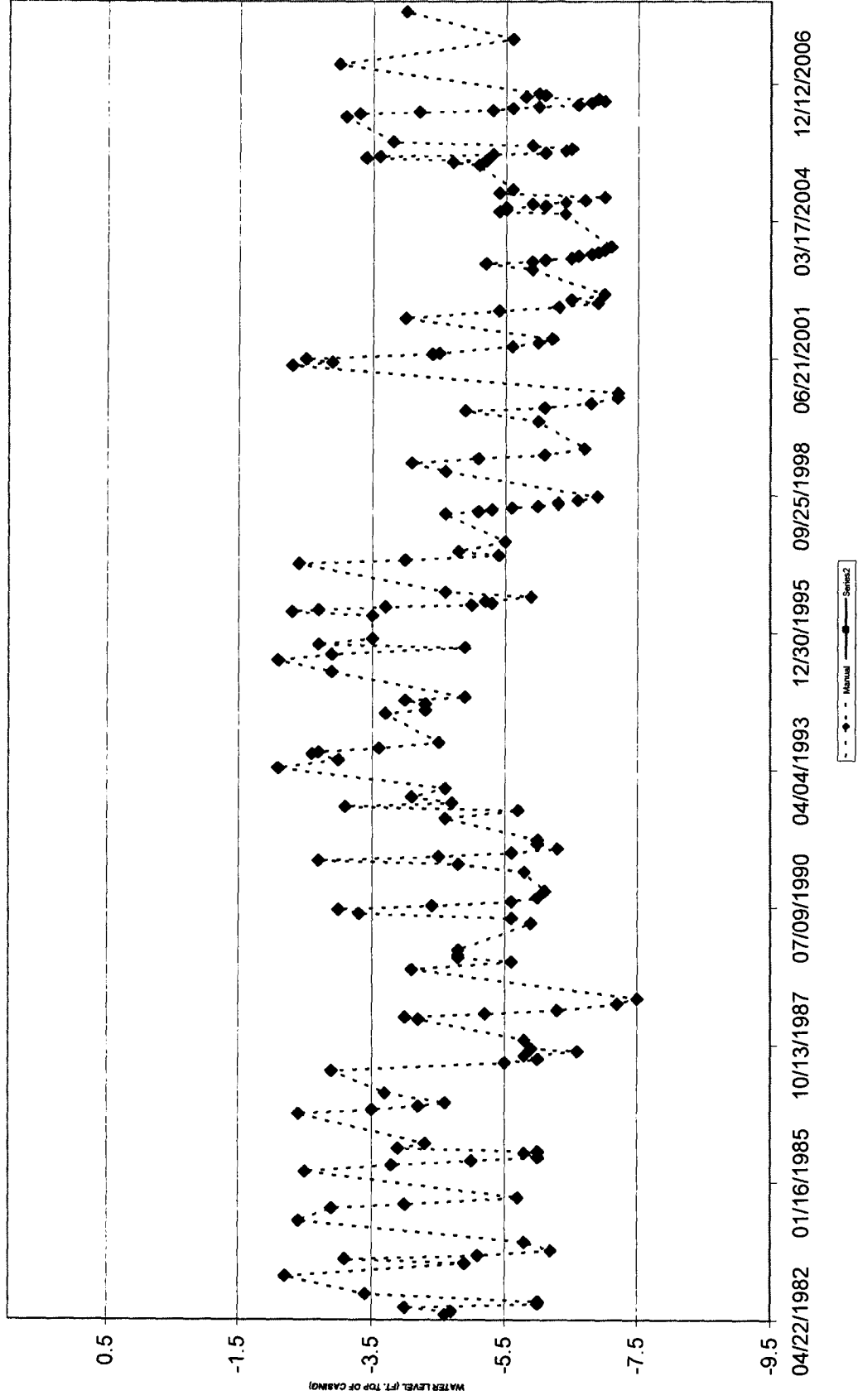
  
James A Goodman  
Natural Resources Engineer

## BIBLIOGRAPHY

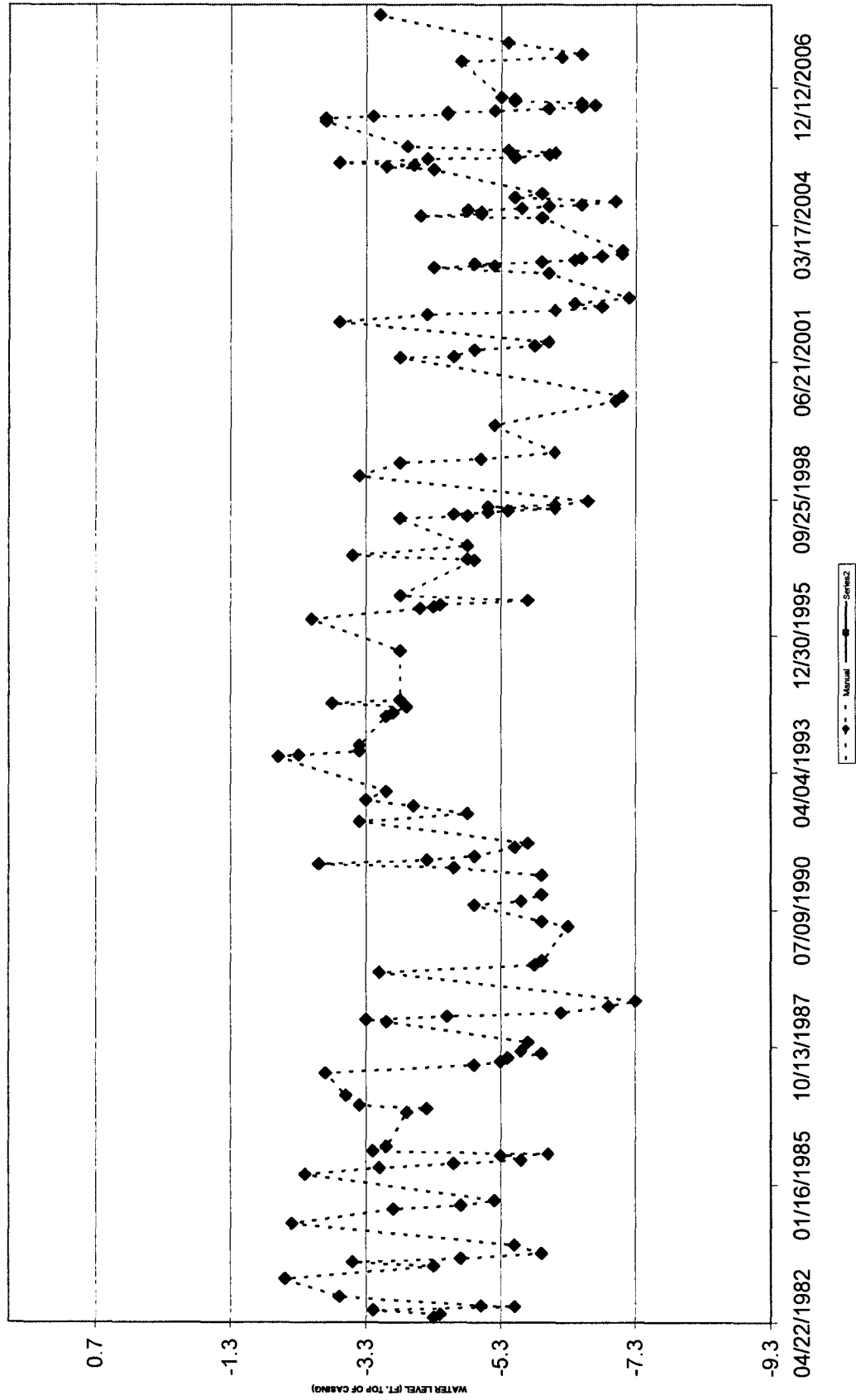
Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations Report 84-4209, USGS, Huron, SD, 57350.

Water Rights, 2008, Unpublished Observation Well Data for Lake, Moody and Brookings Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL  
BG-#15**



**WATER RIGHTS' OBSERVATION WELL  
BG-#21**



**AFFIDAVIT OF PUBLICATION  
RECEIVED**

STATE OF SOUTH DAKOTA }  
County of Lake } ss.

**JUL 14 2008**

**WATER RIGHTS  
PROGRAM**

Sue Anne Artko of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Johnson Brothers Excavation

**Notice of Application #7031-3 to Appropriate Water**

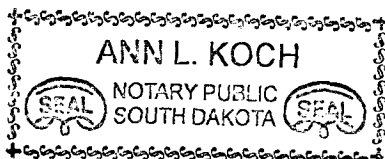
printed copy of which hereunto attached, was printed and published in the said newspaper for Two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 2nd day of July, 2008;  
On Wednesday, the 9th day of July, 2008;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

That \$ 45.75 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

*Sue Anne Artko*

Subscribed and sworn to before me this 10th day of July, 2008



*Ann L. Koch*  
Notary Public, Lake County, South Dakota

**NOTICE OF APPLICATION  
NO. 7031-3  
TO APPROPRIATE WATER**

Notice is given that Johnson Brothers Excavation, Inc. c/o Mark Johnson, PO Box 185, Madison, SD 57042 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Battle Creek Aquifer (approximately 33 feet deep) located in SE 1/4 NW 1/4 Sec 3-T107N-R51W for industrial use in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7031-3 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 July 21, 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.

Publica STEVEN M. PIRNER  
Secretary, Department of  
Environment  
Notary and Natural Resources

Total \$ \_\_\_\_\_

Received Payment,



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 23, 2008

Daily Leader  
PO Box 348  
Madison SD 57042

ATTENTION: Legal Public Notice

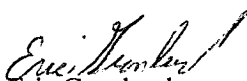
Enclosed is a Notice on Application No. 7031-3 to Appropriate Water to be published twice. Please publish the first notice on July 2, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Johnson Brothers Excavating Inc., c/o Mark Johnson, PO Box 185, Madison SD 57042 (Ph # 605-256-3955).

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

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

No. 7031-3

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

Date \_\_\_\_\_

We are in receipt of your letter of June 23, 2008 enclosing Notice to Appropriate Water by Application No. 7031-3 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](http://www.state.sd.us/denr)

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

June 23, 2008

Johnson Brothers Excavating Inc  
Mark Johnson  
PO Box 185  
Madison SD 57042

Dear Mr. Johnson:

Water Permit Application No. 7031-3 for industrial 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 Daily Leader printed at Madison SD (Ph: # 605-256-4555). 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 July 2, 2008 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 7031-3 to Appropriate Water

Notice is given that Johnson Brothers Excavation, Inc., c/o Mark Johnson, PO Box 185, Madison SD 57042 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second from one well to be completed into the Battle Creek Aquifer (approximately 33 feet deep) located in SE ¼ NW ¼ Sec 3-T107N-R51W for industrial use in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7031-3 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 July 21, 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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

JUL 28 2008

Johnson Brothers Excavating Inc  
Mark Johnson  
PO Box 185  
Madison SD 57042

Dear Mr. Johnson:

Enclosed is Water Permit No. 7031-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

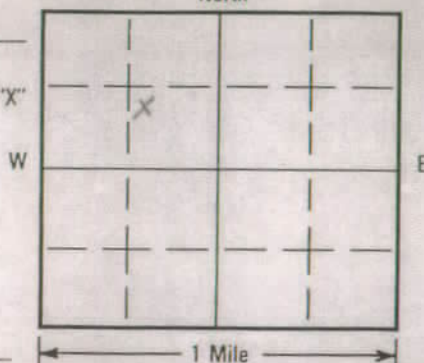
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

7031-3

07-92

Location SE 1/4 NW 1/4 Sec 3 Twp 107 Rg 51  
County Lake North

Please mark well location with an "X"



Well-Completion Date

6-24-08

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from OLD FARMSTEAD (identify source).

## PROPOSED USE:

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

## METHOD OF DRILLING:

FALSE CASING

## CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe \_\_\_\_\_

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER  
50 LB/FT 12 IN 4 1/2 FT 23 FT 20 IN  
 \_\_\_\_\_ LB/FT \_\_\_\_\_ IN \_\_\_\_\_ FT \_\_\_\_\_ FT \_\_\_\_\_ IN  
 \_\_\_\_\_ LB/FT \_\_\_\_\_ IN \_\_\_\_\_ FT \_\_\_\_\_ FT \_\_\_\_\_ IN

## GROUTING DATA

Grout Type No. of Sacks Grout Weight From To  
CEMENT 1 ydt \_\_\_\_\_ lb./gal 0 ft 6 ft  
 \_\_\_\_\_ lb./gal \_\_\_\_\_ ft \_\_\_\_\_ ft

Describe grouting procedure TRENCH IN CEMENT  
FROM SW1 TO SURFACESCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 8 FEETMaterial SSSlot Size 280 Set From 23 1/4" Feet to 31 1/6" Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

## DISINFECTION: Was well disinfected upon completion?

☒ YES, How: \_\_\_\_\_☐ NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis

NONECHLORINATED  
PACK + FILLWell Owner: Mark JohnsonBusiness Name: Johnson BrothersAddress: 507 N CATHERINE  
MADISON SD 57042

## WELL LOG:

| FORMATION            | DEPTH    |                 |
|----------------------|----------|-----------------|
|                      | FROM     | TO              |
| <u>SANDY topsoil</u> | <u>0</u> | <u>4</u>        |
| <u>GRAVEL</u>        | <u>4</u> | <u>8</u>        |
| <u>MUD LENS</u>      | <u>8</u> | <u>9</u>        |
| <u>GREY GRAVEL</u>   | <u>9</u> | <u>31 1/6</u> " |
|                      |          |                 |
|                      |          |                 |
|                      |          |                 |
|                      |          |                 |
|                      |          |                 |

## STATIC WATER LEVEL

6'

Feet

If flowing: closed in pressure \_\_\_\_\_

PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other \_\_\_\_\_

Reduced Flowrate \_\_\_\_\_

GPM

Can well be completely shut in? \_\_\_\_\_

## WELL TEST DATA:

☒ PumpedDescribe: Short test☐ Bailedpump clear☐ Other \_\_\_\_\_

Pumping Level Below Land Surface

23 ft. After 2 Hrs. pumped 400 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate \_\_\_\_\_

GPM

REMARKS - USED FOR WATER

RECEIVED  
 NOV 24 2008  
 WATER RIGHTS  
 PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well DrillingSignature of License Representative: James LaceySignature of Well Owner or Equitable Property Holder: Mark JohnsonDate: 11/15/08

8-24-08





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 26, 2009

7031-3

Mark Johnson  
Johnson Brothers Excavation Inc  
PO Box 185  
Madison SD 57042-0185

Dear Mr. Johnson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use project.

The 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7031-3

I have this day, 26 October 2015, made a thorough examination of the water use system constructed by Johnson Brothers Excavation, Inc., PO Box 185, Madison, SD 57042 of Permit No. 7031-3, bearing the priority of 7 May 2008 authorizing the diversion of 1.11 cu. ft. per second of the waters of the Battle Creek aquifer for industrial use in a sand and gravel washing operation purposes, in Lake County.

Inspection contact & relationship to permit holder, if applicable: **Rick Young**  
**Employee of Johnson Brothers Excavation, Inc.**

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

#### Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 31.5 feet
- 4) Well log is available Yes

#### Casing:

- 1) Diameter 12 inches
- 2) Length 23.5 feet
- 3) Type PVC

#### Screen:

- 1) Type Stainless Steel
- 2) Length 8 feet
- 3) Static water level 6 feet (24 June 2008)

#### Pump:

- 1) Make Western Land Roller
- 2) Model 410CM
- 3) Capacity 500 GPM

#### Motor:

- 1) Make Isuzu Diesel
- 2) Model No. not available (4 cylinder)

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

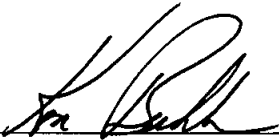
Comments: Water used in wash plant at well site\_

**C. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na
- 3) Exceptions to compliance are: na

**D. Condition and Location:**

1. The system is in good condition with the point of diversion located as follows: 1,960 feet south and 2,125 feet east of the north west corner of Sec. 3, T107N-R51W, (Lat/Lon, 44.10405/-96.94107).
2. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for industrial use in a sand and gravel washing operation.  
The license should be issued for 1.11 cfs.
3. All structures, wells and lands on map Yes



Ken Buhler

DENR, Water Rights Program

Date report completed: 3 January 2016

7031-3

NW corner  
Sec.3, T107N-R51W

1960'

2125'

# Legend

 7031-3 well



660 330 0 660 Feet

kb  
11 Nov. 2015





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

**7031-3**

**MAY 02 2016**

Johnson Brothers Excavation Inc  
PO Box 185  
Madison SD 57042

Dear Sir:

Enclosed is Water License No. 7031-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 7031-3

(1) Johnson Brothers Excavation Inc., PO Box 185, Madison SD 57042 made Application No. 7031-3, May 7, 2008 for a water permit to divert 1.11 cubic feet of water per second from one well – Battle Creek Aquifer, Lake County, South Dakota for industrial use purposes. Permit No. 7031-3, with a priority date of May 7, 2008 was approved July 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 21, 2013 and for the application to beneficial use of water on or before July 21, 2017.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7031-3 is issued a license, bearing a priority date of May 7, 2008 to appropriate 1.11 cubic feet of water per second from one well – Battle Creek Aquifer for industrial use purposes.

The diversion point is located: 1,960 feet south and 2,125 feet east of the NW corner of Section 3-T107N-R51W (SE 1/4 NW 1/4). The sand and gravel washing operation is located in portions of the E 1/2 NW 1/4 Section 3-T107N-R51W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7031-3 including 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. 7031-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Lacey Well Drilling in June, 2008. A copy of the log is on file with the Water Rights Program.*



Jeanne Goodman, Chief Engineer  
Water Rights Program

Department of Environment and Natural Resources

MAY 02 2016

date

