

WATER PERMIT NO. 7080-3

Name of Applicant: **Bottum Brothers Partnership**

Address: **37350 188th St, Tulare SD 57476** Phone: **605 596-4297**

Amount of Water Claimed: **69.4 gpm (0.154 cfs)** Total Acres: **NA**

Source of Water Supply: **2 existing wells**

Water to be used for: **commercial** County: **Hand**

Type of Waste Disposal System:

Location: **20 miles northeast of Miller**

PRIORITY Date Received: **11-6-08** Application/License Fee: **\$200**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **cattle feedlot operation**

Diversion Point: **SE ¼ SE ¼ Sec 14-T114N-R66W**

Land to be Irrigated: **NA**

Depth of Well: **1095 & 1220 feet deep**

Well Driller: : **Huron Drilling & Norbeck Co.**

Remarks:

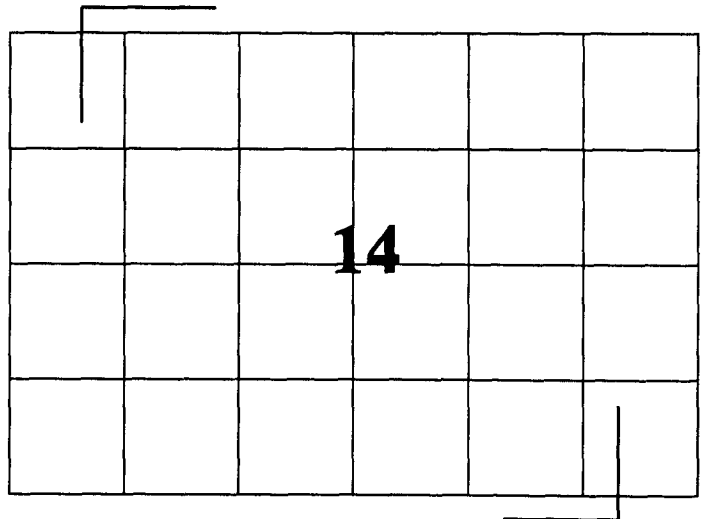
Type of Map: **topo**

Prepared by: **Gregory G Grabs, PE**

Reviewed and the Number Assigned on: **11-6-08**

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: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7080-3</u> (office use only) Hydrologic Unit <u>10160009</u>
	Basin <u>James River</u>
	Newspaper <u>Miller Press PO Box 196</u>
	<u>605-853-3575 (wed)</u> <u>57362</u>

RECEIVED
NOV - 6 2008
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other <u>Livestock</u> | |

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

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

- Name of Applicant Bottom Brothers Partnership Phone (605) 596-4297
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 37350 188th Street, Tulare State SD 57476
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.154 *CFS or 69.4 **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 groundwater (2 existing wells)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hand
2 wells in SE 1/4, SE 1/4, Section 14, T 114 N, R 66 W
- County or counties where water will be used Hand
- Annual period during which water is to be used Year round Jan 1 - Dec 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)
Application for two existing wells to serve a 5,000 head beef feedlot

STATE OF SOUTH DAKOTA)

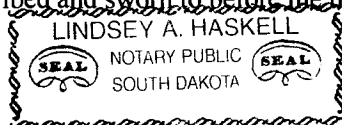
County of Hand

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, Bottom Brothers Partnership 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 Jeremy Bottom

Subscribed and sworn to before me this 5th day of November 20 08



Lindsey A. Haskell
Notary Public signature
My Commission Expires 9-21-2012

**SOUTH DAKOTA
WATER PERMIT NO. 7080-3**

Date of first receipt of application November 6, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7080-3 to Bottum Brothers Partnership, 37350 188th St, Tulare SD 57476 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. 7080-3 appropriates 0.154 cubic feet of water per second from two existing wells completed into the Dakota Aquifer (1,220 and 1,095 feet deep) located in SE 1/4 SE 1/4 Section 14-T114N-R66W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is November 6, 2008.
5. The date of approval of Permit No. 7080-3 is January 26, 2009.
6. One-fifth of the construction is to be completed on or before July 26, 2011.
7. All construction is to be completed on or before January 26, 2014.
8. Water is to be put to beneficial use on or before January 26, 2018.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 7080-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 7080-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

By: Garland Erbe

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

JUN 15 2009
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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 _____

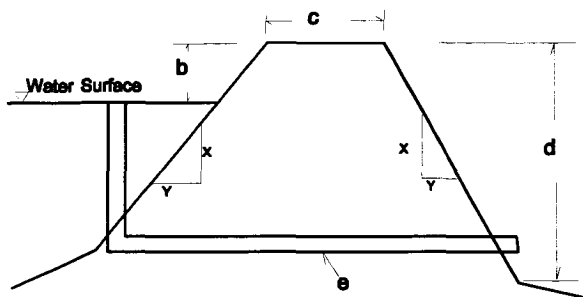
3. Dugout Information

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

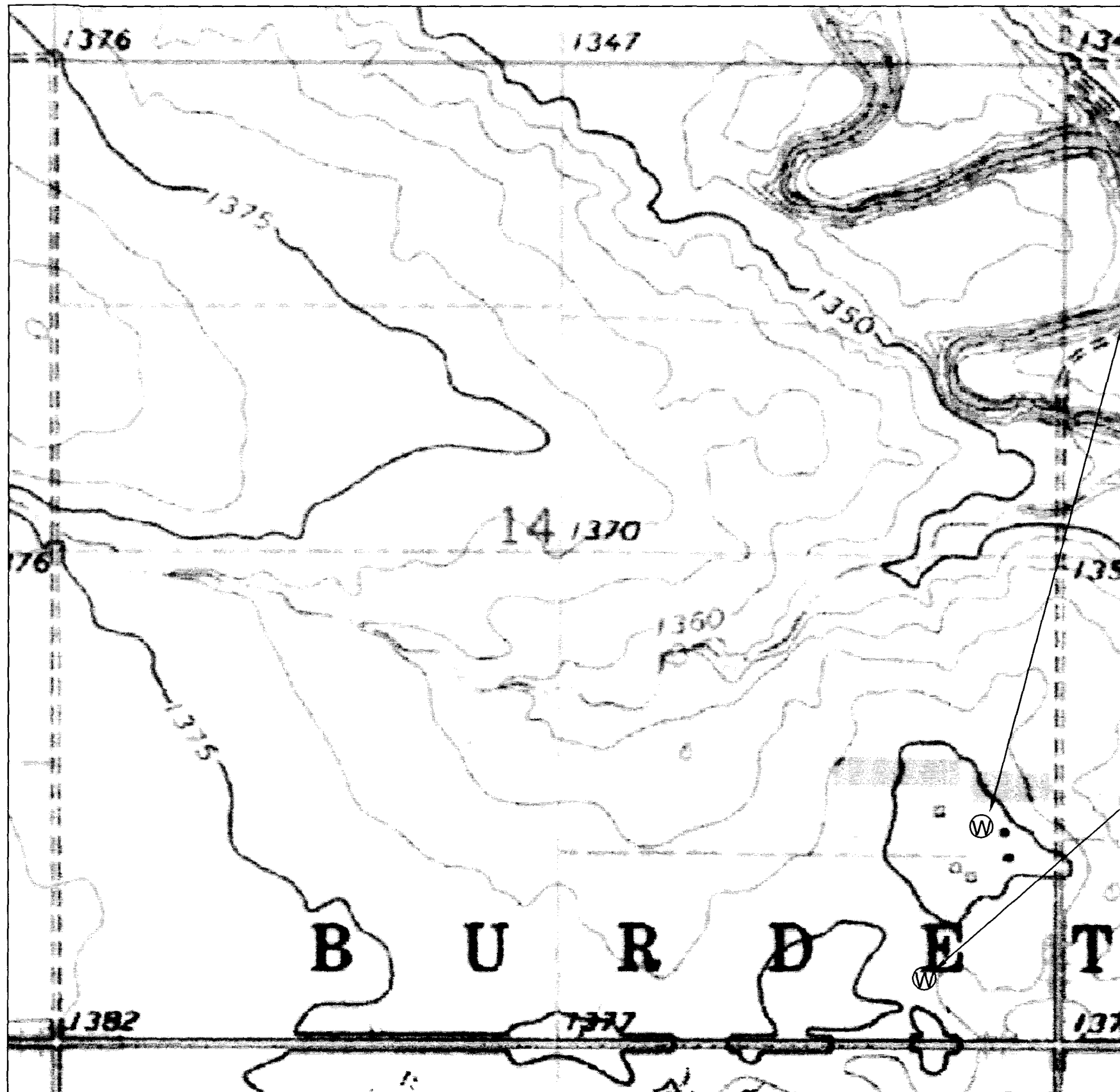
4. Water Storage Dams

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



WELL LOCATED APPROXIMATELY
1,200' NORTH & 425' WEST OF
THE SE SECTION CORNER OF
SECTION 14, T 114 N, R 66 W,
HAND COUNTY, SOUTH DAKOTA

WELL LOCATED APPROXIMATELY
310' NORTH & 720' WEST OF
THE SE SECTION CORNER OF
SECTION 14, T 114 N, R 66 W,
HAND COUNTY, SOUTH DAKOTA

GENERAL NOTES

Ⓢ WELL

RECEIVED

NOV - 6 2008

WATER RIGHTS
PROGRAM



No.	Revision/Issue	Date

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

**BOTTUM BROTHERS
PARTNERSHIP**

SE 1/4, SEC 14, T 114 N, R 66 W
HAND COUNTY, SOUTH DAKOTA

WELL LOCATION USGS MAP

DATE:
OCT 31, 2008

SCALE:
NTS

DRAWN BY:
CAS

CHECKED BY:
DLD

SHEET:

7

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/6, 20 08

RECEIVED OF Jeremy Bottum 37306 187th St Tulare SD 57476

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

Fee for Application for Permit No. <u>7080-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7080-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200 00

No.

03789

By

Richard Erskine
Chief Engineer



**DeHaan, Grabs
& Associates, LLC**

Consulting Engineers

www.dgaengineering.com

RECEIVED

NOV - 6 2008

WATER RIGHTS
PROGRAM

SD Dept. of Natural Resources
Water Rights Program
523 East Capital
Pierre, SD 57501-3181
Attention Eric Gronlund

October 31, 2008

Dear Eric:

I have enclosed one copy of the *Application For Permit To Appropriate Water Within The State Of South Dakota*. The application is for Bottom Brothers Partnership Operation located in Hand County, SD.

This Application is for Section 14, T 114 N, R 66 W, Hand County, SD.

Please review and process the enclosed documents accordingly.

Sincerely,

Greg Grabs, PE
Vice-President

Enclosures

cc: Jeremy Bottom

North Dakota Office

P.O. Box 522
Mandan, ND 58554-0522
(701) 663-1116
Fax (701) 667-1356

Nebraska Office

4727 N. 26th St. Suite A
Lincoln, NE 68521-4706
(402) 742-4976
Fax (402) 742-4977



**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. 7080-3, Bottum Brothers Partnership**

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. 7080-3, Bottum Brothers Partnership, c/o Jeremy Bottum, 37350 188th Street, Tulare SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 7080-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 7080-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 7080-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
December 23, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7080-3
For Bottum Brothers Partnership
November 19, 2008

Application No. 7080-3 proposes to appropriate 0.154 cfs (70 gpm) from two existing wells approximately 1,095 and 1,220 feet deep located in the SE ¼ SE ¼ of section 14, T114N R66W in Hand County. The water is for commercial use in a cattle feedlot facility.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried bedrock formation made up of sand, sandstone and shale that is under artesian conditions in this area. The aquifer underlies 1,426 square miles and contains an estimated 22.3 million acre-feet of recoverable water in storage in Hand County (Hedges, 1982). The aquifer extends into Hyde County to the west, Faulk County to the north, Spink and Beadle Counties to the east and Buffalo and Jerauld Counties to the south. The aquifer is under artesian conditions in the area and does free flow at the land surface. Ground water movement is from west to east across this area of Hand County (Koch, 1980).

Two well reports provided with the application indicate the top of the Dakota Formation was encountered at about 1025 feet below land surface. The two wells are reported to be 1,095 and 1,220 feet deep and when drilled were capable of producing (free flowing) 50 and 60 gpm. The shallower well was reworked in 1945 and was not cased large enough to allow installation of a pump. The only way this well could be used is if it free flows and more than likely the well was replaced and is not in use at this time. The 1220 feet deep well was drilled in 1979 and only has 4 inch surface casing to a depth of 90 feet. This is also a limiting factor if flow rates diminish. There is only a limited amount of room to lower a pump into this well. Neither of these wells would be completed in accordance with present day well construction standards.

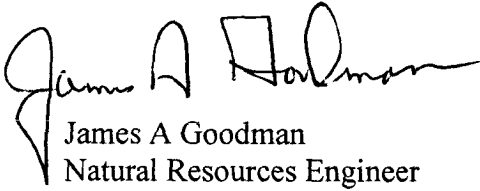
The Water Rights Program monitors two observation wells completed into the Dakota Formation one named ED-85A located about 52 miles north of this proposed site in Edmunds County, the other named HD-87A located about 24 miles south of the proposed site. Water levels for these observation wells show basically little change for the Edmunds County well to a decline of just over one-half foot per year for the Hand County well. A hydrograph for each observation well is included with this report (Water Rights, 2008). In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals. Historically water levels had declined as much as 308 feet in the Miller area from 1906 to 1976 and Koch also reported a rate of about one foot per year decline for the last 14 years in Hand County (Koch, 1980). This was largely due to the large number of wells drilled into the formation that were allowed to flow to waste but also in Redfield and Miller Dakota wells were pumped to produce municipal water supplies. Now that the towns have switched to WEB Rural Water and Mid Dakota Rural Water respectively water levels are recovering and the Dakota wells in Redfield reportedly have begun to free flow again. The water from the Dakota has never been utilized to its potential. Water levels now appear to be headed towards equilibrium. That is, the withdrawal from the aquifer (mostly free flowing wells in this area) is balancing with the natural recharge to the aquifer. This is shown by the hydrographs for ED-85A and HD-87A.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest permitted right from the Dakota Formation is located about ten miles to the east in the Town of Tulare. This is Water Right No. 1085-3 (municipal use, 1 well, 0.33 cfs) for the town of Tulare. The town of Tulare is presently connected to Mid Dakota Rural Water System. The well reportedly has been abandoned but the water right is still active. At the distance between permitted users and with the relative small diversion rate drawdown created by diversions should not be significant. Interference is not expected to be a problem. Because these well may flow an unpredictable amount at the surface it may be necessary to install pumps to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions at this site. The wells in this area do free flow at the land surface. It is necessary to valve and control this well in order to regulate the flow and limit the waste of water.
3. Interference is not expected to be adverse.
4. Any new wells drilled at this site would have to be constructed in accordance with SD Well Construction Standards.
5. This facility has been permitted by the department as a 5,000 head beef feedlot.

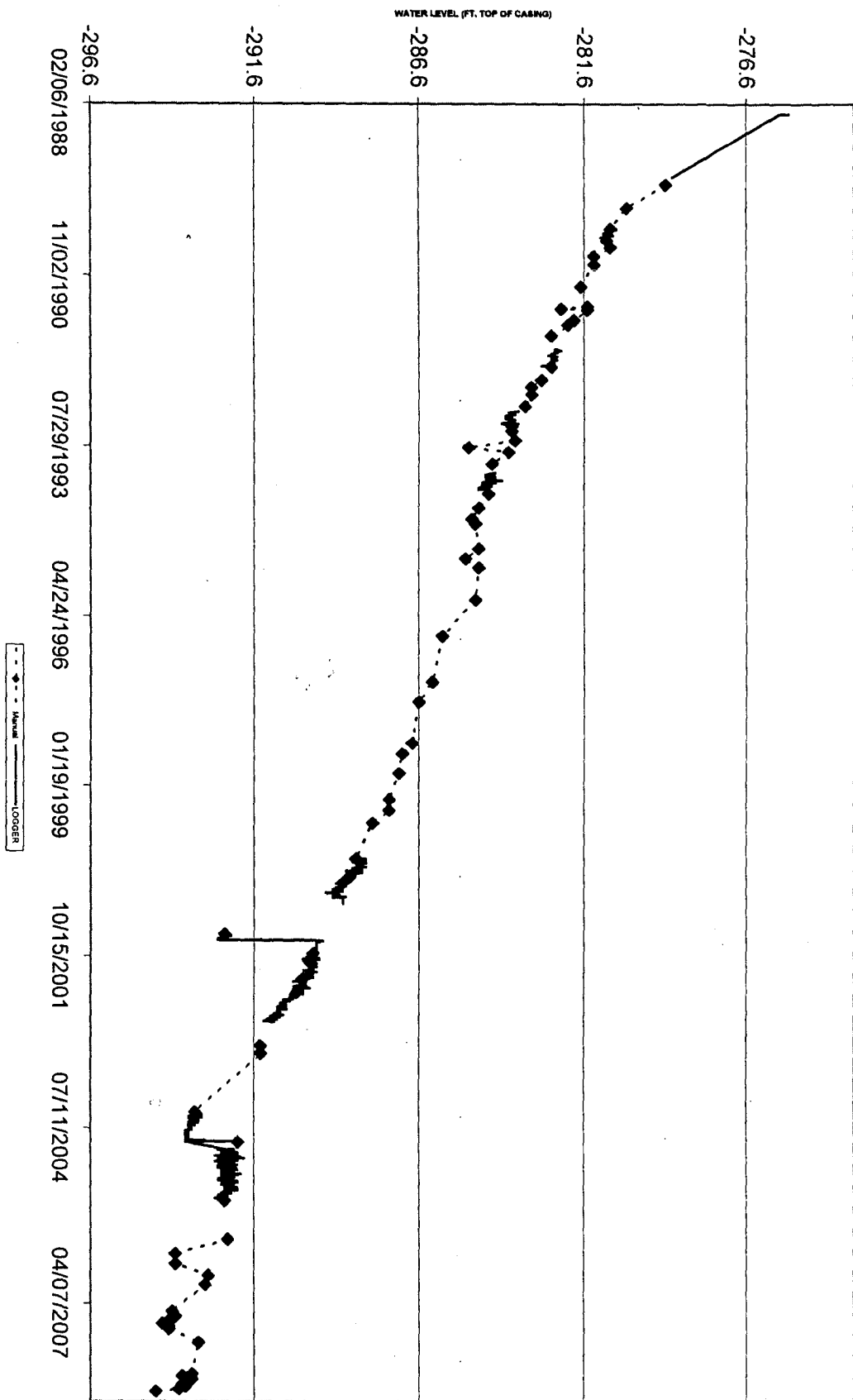


James A Goodman
Natural Resources Engineer

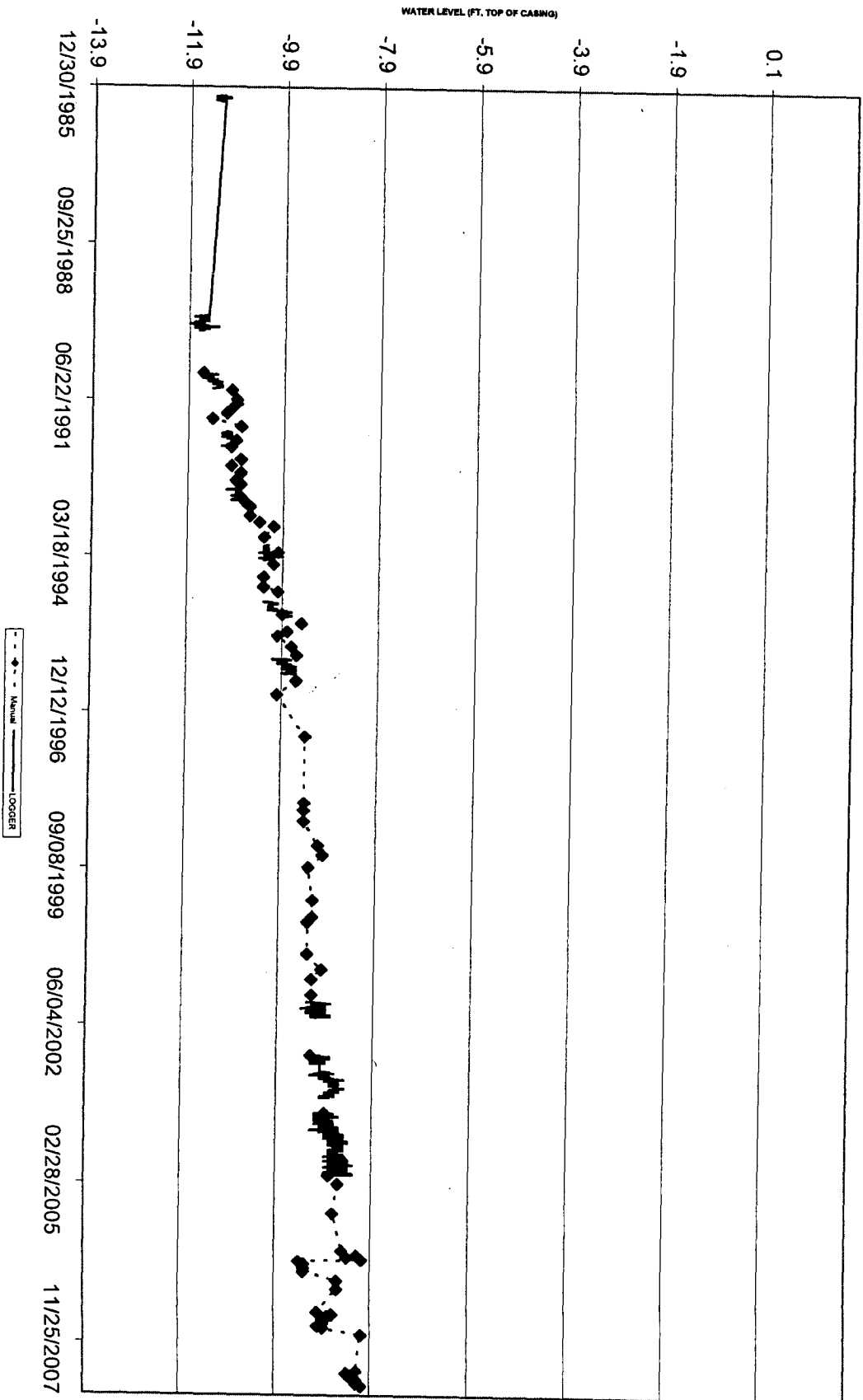
BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Koch, N.C., 1980, Geology and Water Resources of Hand and Hyde Counties, South Dakota, Part II Water Resources, Bulletin 28, SDGS, Vermillion, SD, 57069.
- Water Rights, 2008, Unpublished Observation Well Data for the Dakota Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL HD-87A



WATER RIGHTS' OBSERVATION WELL
ED-85A





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 24, 2008

Miller Press
PO Box 196
Miller SD 57362

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7080-3 to Appropriate Water to be published twice. Please publish the first notice on January 7, 2009 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 Bottum Brothers Partnership, c/o Jeremy Bottum, 37350 188th St., Tulare SD 57476 (Ph # 605-596-4297).

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. 7080-3

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

Date _____

We are in receipt of your letter of December 24, 2008 enclosing Notice to Appropriate Water by Application No. 7080-3 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.**

December 24, 2008

Bottum Brothers Partnership
c/o Jeremy Bottum
37350 188th St
Tulare SD 57476

Dear Mr. Bottum:

Water Permit Application No. 7090-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Miller Press printed at Miller SD (Ph # 605-853-3575). 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 January 7, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7080-3 to Appropriate Water

Notice is given that Bottum Brothers Partnership, 37350 188th St, Tulare SD 57476 has filed an application for a water permit to appropriate 0.154 cubic feet of water per second from two existing wells completed into the Dakota Aquifer (1,220 and 1,095 feet deep) located in SE ¼ SE ¼ Section 14-T114N-R66W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7080-3 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 January 26, 2009.

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

JUN 15 2009

Bottum Brothers Partnership
c/o Jeremy Bottum
37350 188th St
Tulare SD 57476

Dear Mr. Bottum:

Enclosed is Water Permit No. 7080-3 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

-----Original Message-----

From: Duvall, Ron
Sent: Wednesday, June 17, 2009 8:10 AM
To: McMath, Genny
Cc: Smith, Kim; Witt, Dustin
Subject: FW: Address Change

[Address change for permit no.7080-3](#)

-----Original Message-----

From: Jeremy and Amy [mailto:jeremybottum@nrctv.com]
Sent: Tuesday, June 16, 2009 6:58 PM
To: DENR INTERNET INFORMATION
Subject: Address Change

[Please note in your system, an address change for:](#)

[Jeremy Bottum](#)
[Bottum Brothers Partnership](#)

[New Address:](#)
[37306 187th St](#)
[Tulare, SD 57476](#)

[Old Address:](#)
[37350 188th St](#)
[Tulare, SD 57476](#)

[Thank you for your attention to this matter.](#)
[Jeremy Bottum](#)

Water Permit No. 7080-3
James 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, **September 3, 2015**, made a thorough examination of the water use system constructed by **Bottum Brothers Partnership** of **37306 187th St., Tulare, SD 57476** holder of Permit No. **7080-3**, bearing the priority of **November 6, 2008** authorizing the diversion of **0.154** cu. ft. per second (cfs) of water from the **Dakota Aquifer** for **Commercial use** purposes, in **Hand** County.

Inspection contact & relationship to permit holder, if applicable: **Jeremy Bottum (472-0629, 450-0265 (cell))**

A. Works used to divert the water:

Well One:

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **1,280** feet
- 4) Well log is available **Y**
- 5) Comment: **Constructed in 2008**

Casing:

- 1) Diameter **5 and 2** inches
- 2) Length **1,040** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **240** feet
- 3) Static water level **Flowing**

Well Two:

- 1) Well Drilling Firm: **Huron Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **1,220** feet
- 4) Well log is available **Y**
- Comm **Constructed in 1979**

Casing:

- 1) Diameter **4 and 2** inches
- 2) Length **1,220** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Perforated Plastic**
- 2) Length **200** feet
- 3) Static water level **Flowing**

Well Three:

Well Drilling Firm: Independent Drilling

- 1) No. of Wells 1
- 2) Depth(s) 1,095 feet
- 3) Well log is available Y
- 4) Comment: Constructed in 1944 and reworked in 1945

Casing:

- 1) Diameter 2 ½, 1 ½, and 1 inches
- 2) Length 1,095 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated Plastic
- 2) Length 49 feet
- 3) Static water level Flowing

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

- 1) Type Buried Pipe

C. Compliance with Permit Requirements:

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

The point(s) of diversion located as follows:

Well 1: Approximately 290 feet north and 750 feet west of the SE corner of Section 14-T114N-R66W (N 44.67860, W -98.72895) (SE ¼ SE ¼)

Well 2: Approximately 670 feet north and 420 feet west of the SE corner of Section 14-T114N-R66W (N 44.67967, W -98.72765) (SE ¼ SE ¼)

Well 3: Approximately 1,120 feet north and 415 feet west of the SE corner of Section 14-T114N-R66W (N 44.68088, W -98.72766) (SE ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 0.154 cfs of water which is to be used for Commercial use in a cattle feedlot operation.

The license should be issued for 0.154 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 7080-3 authorizes the diversion of 0.154 cfs from two flowing wells, 1,095 and 1,220 feet deep, completed into the Dakota Aquifer located in the SE ¼ SE ¼ Section 14-T114N-R66W for commercial use at a cattle feedlot operation. These two wells are identified as Well 2 and Well 3 in the inspection report.

At the time of the inspection, three wells identified as Well 1, Well 2 and Well 3 in the inspection report were used as part of the feedlot facility.

The permit holder states that Well 3 is a very old well and the flow from the well had diminished to the extent that very little water would flow from the well. Well 1 was constructed as a replacement well for Well 3 which now has very limited use at the feedlot for stock watering. Well 1 was also developed into the Dakota Aquifer located in the SE ¼ SE ¼ Section 14-T114N-R66W and the well completion report indicates this well is a 70 gpm free flowing well.

Wells 1 and Well 2 are now the primary wells used in the feedlot operation. The wells are used to supply water to several stock watering tanks. The mechanism used to supply water to the individual tanks is a "float system" which allows valves to open and close allowing water from the wells to enter each tank, as needed, when the water level in the tank drops to a certain level due to stock watering use, evaporation etc...

This facility has been permitted by the department as a 5,000 head feedlot.



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: September 15, 2015

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14 Twp 114 Rg 66

County

Hand

North

Please mark well location with an "X"

W

E

Well Completion Date

11/21/2007

1 Mile

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

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	5.00 IN	0.0 FT	126.0 FT	7.88 IN
80.0 LB/FT	2.00 IN	126.0 FT	1,040.0 FT	4.50 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
 Diameter 2.50 Inches Length 234.0 FeetMaterial PVCSlot Size .025 Set From 1,040.0 Feet to 1,280.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes
 ☐ No
 If so, what material? Rubber Shale cup

Describe packer(s) and location

@1040

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner: Jeremy Bottom

Business Name: _____

Address: 37350 188 StCity, State, Zip: Tulare SD 57476

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	25
Blue Clay	25	130
Shale	130	1040
Shale w/sand strks	1040	1060
Sand	1060	1100
Shale W open strks	1100	1200
Sand	1200	1217
Shale w/ open strks	1217	1260
Sand few shale brks	1260	1280

STATIC WATER LEVEL

FEET

If flowing: closed in pressure 2.00 PSIGPM flow 70.0 through 2.00 Inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherReduced flow rate 3.0 GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped

_____ Ft. After _____ Hrs. pumped

If pump installed, pump rate:

_____ GPM

REMARKS

This well was drilled under license #

440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Ken Palmer

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIVED

JAN - 2 2008

WATER RIGHTS PROGRAM

GPM

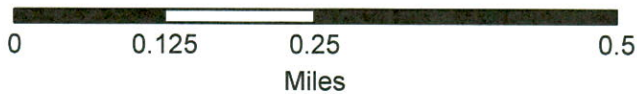
GPM

GPM

1,75,008

Bottum Brothers Partnership

Water Permit No. 7080-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
September 15, 2015



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

NAME: Bottum Brothers Partnership

ADDRESS: 37306 187th St., Tulare, SD 57476

COUNTY: Hand

TELEPHONE: 472-0629 (Home) 950-0265 (cell)

DATE: September 15, 2015

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The additional diversion point is located in the SE ¼ SE ¼ Section 14-T114N-R66W and the water source is the Dakota Aquifer which is the same as permitted and no increase in volume or diversion rate.

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

Water Permit No. 7080-3 is for commercial use in a cattle feedlot facility

- **Review of Existing Diversions**

The nearest permitted right from the Dakota Formation is Water Right No. 1085-3 for the City of Tulare which is located approx. ten miles east. This water right authorizes 0.33 cfs for municipal use. At this distance, interference would not be expected to be a problem.

RECOMMENDED ACTION

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



Mike DeFea, Natural Resources Engineer II
DENR, Water Rights Program

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

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 29 2015

7080-3

Jeremy Bottum
Bottum Brothers Partnership
37306 187th St
Tulare SD 57476

Dear Mr. Bottum:

Enclosed is Water License No. 7080-3. 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 wells authorized by Water Right No. 7080-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7080-3

(1) Bottum Brothers Partnership, 37306 187th St, Tulare SD 57476 made Application No. 7080-3, November 6, 2008 for a water permit to divert 0.154 cubic feet of water per second from ground water – two wells (Dakota Formation), Hand County, South Dakota for commercial purposes. Permit No. 7080-3, with a priority date of November 6, 2008 was approved January 26, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 26, 2014 and for the application to beneficial use of said water on or before January 26, 2018.

The original water permit authorized use of water from two flowing wells for the feedlot facility. An investigation of the water use system found an additional well had been constructed as a replacement well due to the age and diminished flow of one of the wells (well #3). Wells 1 and 2 are the primary wells used for the feedlot. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional well did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.154 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- Well #1: 290 feet north & 750 feet west of the SE corner of Section 14, T114N, R66W (SE ¼ SE ¼)
- Well #2: 670 feet north & 420 feet west of the SE corner of Section 14, T114N, R66W (SE ¼ SE ¼)
- Well #3: 1,120 feet north & 415 feet west of the SE corner of Section 14, T114N, R66W (SE ¼ SE ¼)

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

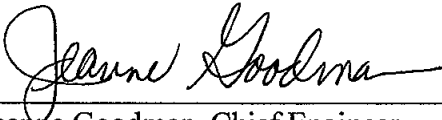
(4) Pursuant to South Dakota Water Law 46-5-30.1 Bottum Brothers Partnership, 37306 187th St, Tulare SD 57476 the holder and/or owner of Water Right No. 7080-3 is issued a license to appropriate water, the right to use 0.154 cubic feet of water per second from ground water – three wells (Dakota Formation) with a priority date of November 6, 2008 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7080-3 and subject to the following qualifications:

- The wells 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 wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

continued

- Permit No. 7080-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 7080-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

SEP 29 2015
date

