

WATER PERMIT NO. 7180-3

Name of Applicant: **Bratland Seed, Inc.**

Address: **222 Logan Ave, Willow Lake SD 57225**

Phone: **605 881-7842**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **160 acres**

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

Water to be used for: **irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **3 miles northwest of Willow Lake**

PRIORITY

Date Received: **1-19-10**

Application/License Fee: **\$1,050**

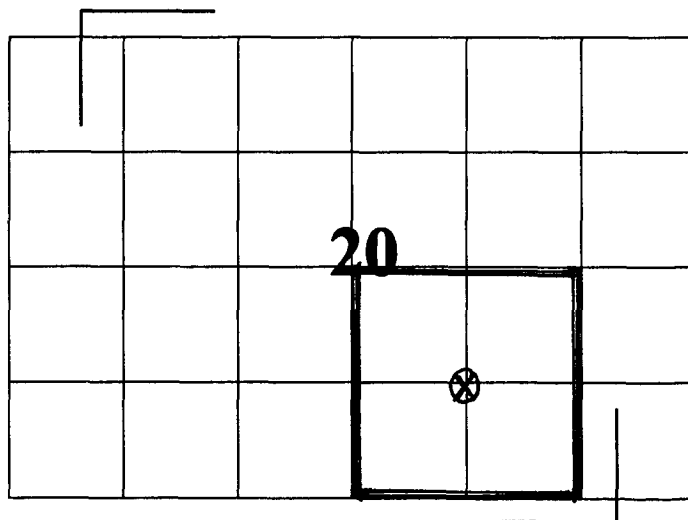
Corrected Application Received:

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

Remarks:

Diversion Point: **center of SE ¼ Sec 20-T114N-R57W**

Land to be Irrigated: **SE ¼ Sec 20-T114N-R57W**



Depth of Well: **68 feet deep**

Well Driller: **Steffl Drilling & Pump Inc.**

Remarks:

Type of Map: **aerial**

Prepared by: **Jim Dylla, Clark Co NRCS**

Reviewed and the Number Assigned on: **1-19-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7180-3</u>	(office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Clark Co. Courier</u>	<u>119 1st Ave E</u>
	<u>605-532-5424</u>	<u>Clark 57225</u>

RECEIVED
JAN 19 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Bratland Seed, Inc Phone 605 881-7841 or 881 7841
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 222 Logan ave Willow Lake 57228 State SD 57228
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56*CFS or 200**GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clark
center of SE 1/4 of section 20 114N-57W
- County or counties where water will be used Clark
- Annual period during which water is to be used May 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 of the SE 1/4 20 - 114N57W</u>	<u>40</u>		
<u>SW 1/4 of the SE 1/4 sec 20 114N 57W</u>	<u>40</u>		
<u>NE 1/4 of the SE 1/4 sec 20 114N 57W</u>	<u>40</u>		
<u>SE 1/4 of the SE 1/4 sec 20 114N 57W</u>	<u>40</u>		

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

center pivot Irrigation

STATE OF SOUTH DAKOTA) SS
County of Clark

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)

- Bratland Seed, Inc., 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 Devin Bratland / Sec.

Subscribed and sworn to before me this 14 day of January 20 10

Jo Laine L Symons

Notary Public signature 2-27-2013

SOUTH DAKOTA
WATER PERMIT NO. 7180-3

Date of first receipt of application January 19, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7180-3 to Bratland Seed, Inc., 222 Logan Ave, Willow Lake SD 57278 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. 7180-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Vermillion East Fork Willow Lake Aquifer (approximately 68 feet deep) located in the approximate center of the SE ¼ Section 20 to irrigate 160 acres located in the SE ¼ Section 20; all in T114N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 19, 2010.
4. The date of approval of Permit No. 7180-3 is April 12, 2010.
5. One-fifth of the construction is to be completed on or before October 12, 2012.
6. All construction is to be completed on or before April 12, 2015.
7. Water is to be put to beneficial use on or before April 12, 2019.
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 Permit No. 7180-3 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. 7180-3 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

APR 26 2010

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 Depth 68ft
- b) Casing Type steel Diameter 12" Thickness _____
- c) Screen Type 55 Slat-screen Diameter 12" Thickness _____
- d) Gravel Pack 3/8 Length of Gravel Pack 25ft
- e) Depth to Top of Water Bearing Material 39ft
- f) Depth to Water (ground surface to water level) 39ft
- g) Distance to nearest existing domestic well:

On applicants property none On property owned by others 1450ft

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 _____

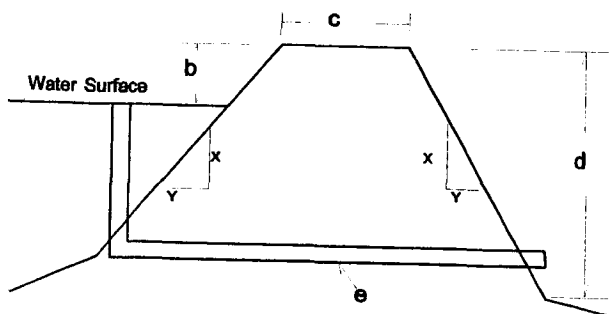
3. Dugout Information

- 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



United States Department of Agriculture Farm Service Agency



South Dakota
Clark County

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JAN 19 2010

WATER RIGHTS
PROGRAM

Farm Number
621

Township-Range-Section
114N57W20

Legend

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

CLU Field Boundary

Tract Boundary



1:8,185

USDA FSA maps are for FSA Program administration only. This map does not constitute a warranty or guarantee of accuracy, and it does not reflect actual ownership, rather it depicts the information provided directly from the producer and/or the 2008 certified imagery for South Dakota. FSA accepts the data "as is" and assumes all risks associated with its use. 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 outside of FSA Programs. 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.

Apr 02, 2009

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 SE 1/4 Sec 20 Twp 114N Rg 57WCounty Clark North

Please mark well location with an "X"

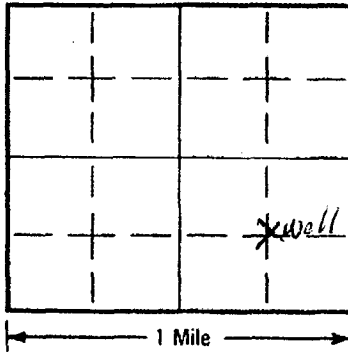
44 39 48 .9
W097 42 01 .8

W

E

Well Completion Date

12/18/09



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 600 ft. from slough (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
____ LB/FT	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN
____ LB/FT	____ IN	____ FT	____ FT	____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	3	____ lb./gal	0 ft.	73 ft.

Describe grouting procedure tremmie lineSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ 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 analysisWell Owner: Bratland Seed, Inc

Business Name: _____

Address: 222 Logan AVEWillow Lake SD 57278

WELL LOG:

FORMATION		DEPTH	
		FROM	TO
topsoil	blk	0	2
gravel	yell	2	38
clay	gray	38	39
sand/gravel	blu	39	68
clay	blu	68	73

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

____ ft. After _____ Hrs. pumped _____ GPM

____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc

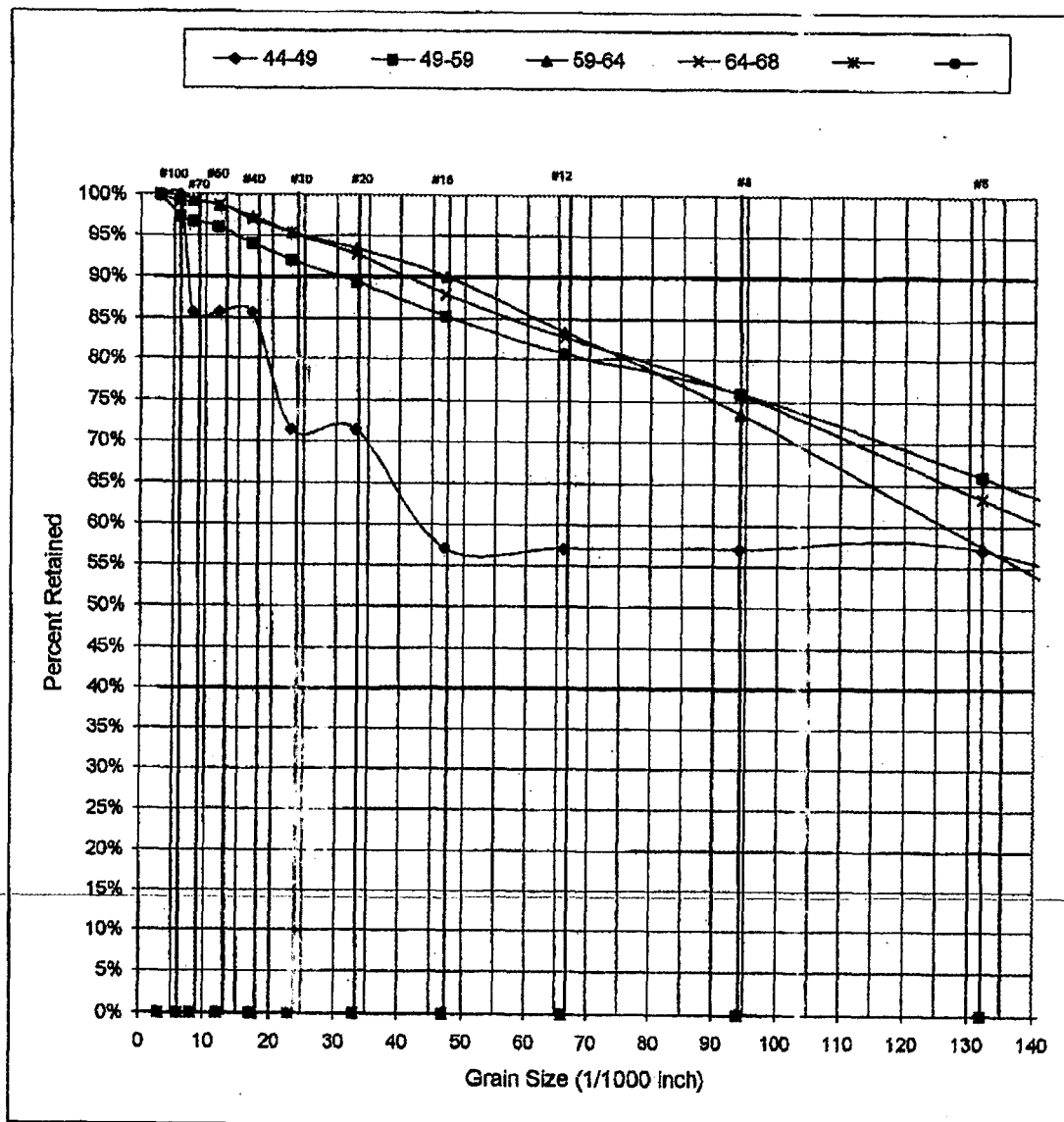
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

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JAN 19 2010

WATER RIGHTS
SAND AND GRAVEL PROGRAMJohnson Screens
651-636-3900

Job Name Bratland Seed, Inc.
Location Willow Lake, SD
Driller Steffi Drilling
Engineer

Screen ϕ 12" Pipe Size
Depth
Method
Fluid

Sample ID 122209-1
Analyzed by: Al Smith, 651-638-3160
Date: 12/28/2009

3/8" & Larger Removed - 44' - 49' Sample is 97% > 3/8"

Casing ϕ 12" Pipe Size
Yield 700 GPM

SWL (ft) 10'

Recommended Slot Size: 100 slot From 53' - 68'
Recommended Gravel Pack: #120 Well Slot Red Flint

Prepared by: Al Smith, 651-638-3160

Send Samples to 1950 Oak Highway E, New Brighton, MN 55112

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/19, 20 10

RECEIVED OF Bratland Seed, 222 Logan Ave, Willow Lake SD 57278

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

Fee for Application for Permit No. <u>71180-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7180-3</u>	200	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	1050 00

No. 04385

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7180-3, Bratland Seed, 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. 7180-3, Bratland Seed, Inc., c/o Delwin Bratland, Secretary, 222 Logan Avenue, Willow Lake SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 7180-3 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 Permit No. 7180-3 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. 7180-3 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.

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
March 12, 2010

REPORT ON WATER PERMIT APPLICATION NO. 7180-3
For Bratland Seed
February 16, 2010

Application No. 7180-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 68 feet deep located in the approximate center of the SE ¼ of section 20 to irrigate 160 acres located in the SE ¼ of section 20; all in T114N R57W in Clark County.

AQUIFER – VERMILLION EAST FORK-WILLOW LAKE (VEF-WL)

The Vermillion East Fork Willow Lake is a surficial outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 13,100 acres and contains an estimated 29,480 acre-feet of recoverable water in storage in Clark County (Hedges, 1982). The aquifer extends to north where it blends into the Vermillion East Fork Antelope Lake aquifer and to the south where it blends into Vermillion East Fork Spirit Lake aquifer. The Vermillion East Fork Willow Lake aquifer described by Hedges is only a small portion of the Prairie Coteau #1 aquifer as described by Hamilton in the Clark County Study (Hamilton, 1986). Hamilton estimated that the Prairie Coteau #1 aquifer underlies 80 square miles and contains an estimated 200,000 acre feet of water in storage in Clark County. That study also estimated a recharge rate of 3.8 inches per year (Hamilton, 1986). The USGS county study is from more recent work and would be more accurate but the Hedges nomenclature is still used for purposes of identifying management units with the aquifer.

Test well drilling by the applicant indicates gravel from 2 to 38 feet, clay from 38 to 39 feet and sand and gravel from 39 to 68 feet all below land surface. No static water level or pumping information was filed with the application. This log combined with nearby well data and observation well information all indicate good potential for irrigation at this site.

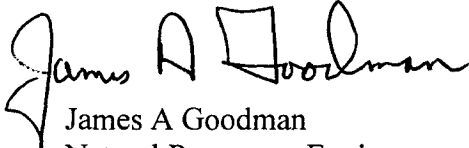
The Water Rights Program monitors an observation well CK-78L located about one quarter mile southeast of this proposed well site. Water levels for this observation well indicate the aquifer does respond slightly to pumping in this area. In general, the water levels rise during wet periods (recharge) and gradually decline during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing irrigation wells located within a one-half mile radius of the well for this application. Water Right No. 3146-3 (1 well, 1.78 cfs, irrigation of 132 acres) is located about 2,370 feet northwest, Water Right No. 3827-3 (1 well, 1.78 cfs, 132 irrigation of acres) is located about 1,550 feet southeast and Water Right No. 5857A-3 and Water Permit No. 7115-3 (2 wells, 1.31 cfs, irrigation of 112 acres) are located about 1,700 feet southeast and 2,370 feet southeast all from this proposed well site. The nearest existing well is for Water Right No. 3827-3 and at this distance interference is not expected to be a concern. The observation well record indicates drawdown created by this pumping is not significant in this area. Interference is not expected to cause adverse effects nor adversely impact the aquifer.

CONCLUSIONS

1. Water is available from the Vermillion East Fork Willow Lake aquifer.
2. The aquifer is under water table conditions at this site. Drawdown caused by pumping is not expected to be significant nor cause any adverse effects on existing water permits/right or domestic users. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

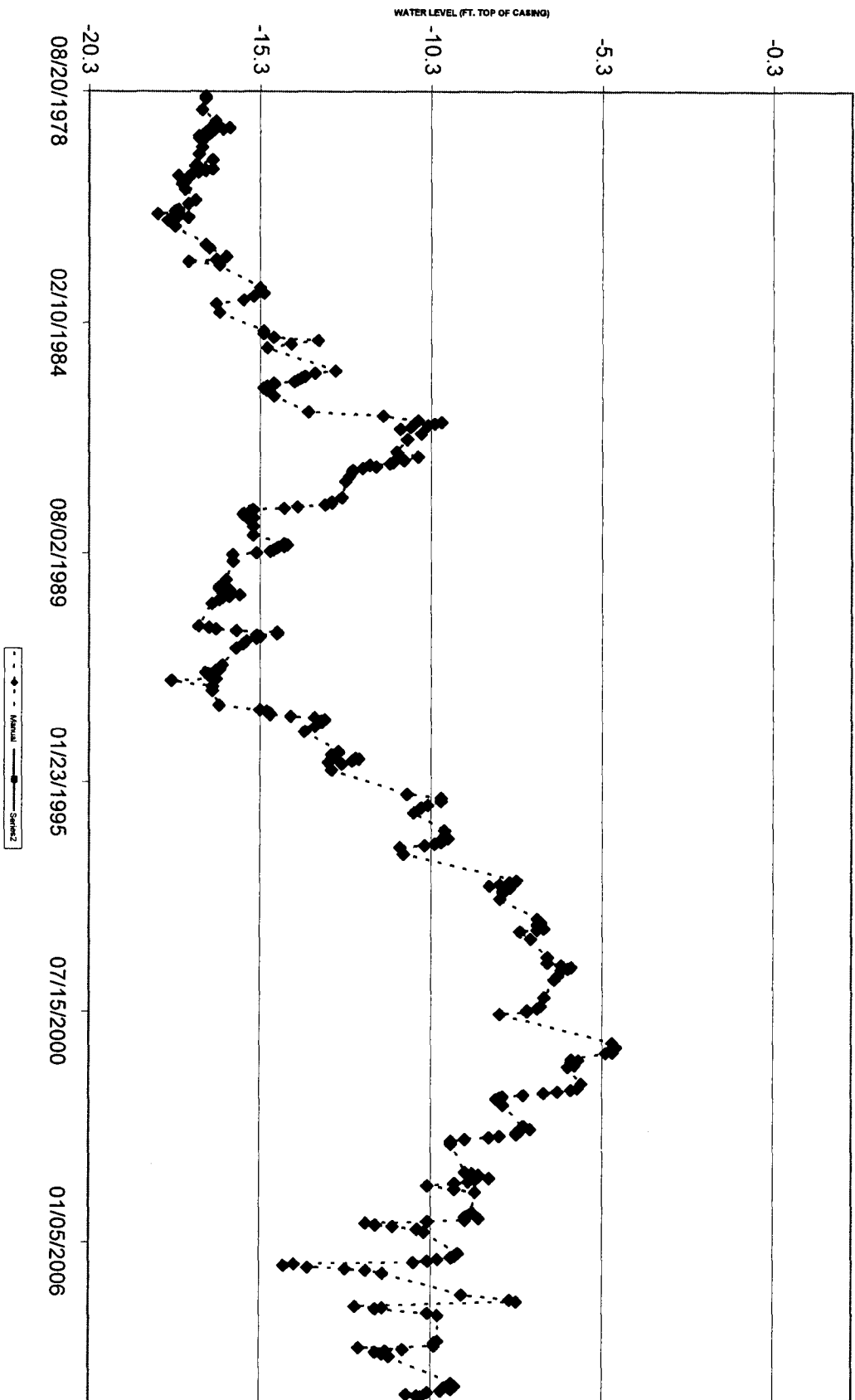
BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, 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, 2009, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
CK-78L**



RECEIVED

APR - 5 2010

Affidavit of Publication
WATER RIGHTS PROGRAM

State of South Dakota

§

County of Clark

**NOTICE OF APPLICATION
NO. 7180-3 to Appropriate Water**

Notice is given that Bratland Seed, Inc., 222 Logan Ave, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Vermillion East Fork: Willow Lake Aquifer (approximately 68 feet deep) located in the approximate center of the SE 1/4 Section 20 to irrigate 160 acres located in the SE 1/4 Section 20; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7180-3 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 of 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 April 12, 2010.

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

Published twice at the total approximate cost of \$42.99.

3-24-2t

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

BRATLAND SEED, INC.

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

**MARCH 24, 2010
MARCH 31, 2010**

that the full amount of the fees for the publication of the annexed notice is

42.99

William J. Krikac

Subscribed and sworn to before me this

31ST DAY OF MARCH, 2010

Anne D. Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 2010

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

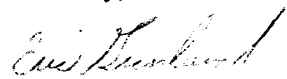
Enclosed is a Notice on Application No. 7180-3 to Appropriate Water to be published twice. Please publish the first notice on March 24, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Bratland Seed Inc., 222 Logan Ave., Willow Lake SD 57278 (Ph # 605-881-7841).

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. 7180-3

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

Date _____

We are in receipt of your letter of March 15, 2010 enclosing Notice to Appropriate Water by Application No. 7180-3 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
denr.sd.gov

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

March 15, 2010

Bratland Seed Inc
222 Logan Ave
Willow Lake SD 57278

Dear Sir:

Water Permit Application No. 7180-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-5424). 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
eric.gronlund@state.sd.us

enclosures

cc: Dave Gullickson, Farmers Implement, Po Box 29, Brookings SD 57006

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 March 24, 2010 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.

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Notice is given that Bratland Seed, Inc., 222 Logan Ave, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Vermillion East Fork: Willow Lake Aquifer (approximately 68 feet deep) located in the approximate center of the SE ¼ Section 20 to irrigate 160 acres located in the SE ¼ Section 20; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7180-3 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 April 12, 2010.

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.

Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 26 2010

Bratland Seed Inc
222 Logan Ave
Willow Lake SD 57278

Dear Sir:

Enclosed is Water Permit No. 7180-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 28, 2021

7180-3

Delwin Bratland
Bratland Seed Inc
102 Logan Ave
Willow Lake SD 57278-2307

Dear Mr. Bratland:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaire.

The notice was originally mailed to 222 Logan Ave., Willow Lake SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



7180-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 21 2023

Bratland Seed Inc.
102 Logan Ave
Willow Lake SD 57278

7180-3

Dear Mr. Bratland:

Enclosed is Water License No. 7180-3. 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 in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The investigation found your irrigation system is capable of diverting 2.22 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute. The limit authorized under your permit was 1.56 cfs (equivalent to 700 gpm). Diversion of water under this water license is limited to 1.56 cfs.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7180-3

(1) Bratland Seed Inc.; 102 Logan Ave, Willow Lake, SD 57278, made Application No. 7180-3, January 19, 2010, for a water permit to divert 1.56 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 7180-3, with a priority date of January 19, 2010, was approved April 12, 2010, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 12, 2015, and for the application to beneficial use of water on or before April 12, 2019.

(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:

- 1,360 ft N & 1,330 ft W of the SE corner of Section 20, T114N, R57W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Longitude -97.70036 Latitude 44.66373)

(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:

Section 20, T114N, R57W	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.5 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.0 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0 acres
TOTAL: 137.5 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bratland Seed Inc., the holder and/or owner of Water Right No. 7180-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake Aquifer) with a priority date of January 19, 2023, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7180-3 and subject to the following qualifications:

1. The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control their 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. 7180-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

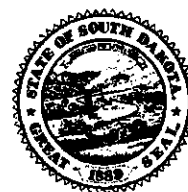
continued

3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 21 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7180-3

I have this day, June 8, 2023, made a thorough examination of the water use system constructed by Bratland Seed Inc., 102 Logan Ave, Willow Lake, SD 57278 of Permit No. 7180-3, bearing the priority of April 12, 2010 authorizing the diversion of 1.56 cu. ft. per second of the waters of the Vermillion East Fork: Willow Lake Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump Inc.
- 2) No. of Wells 1
- 3) Depth(s) 73 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 52 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 1000 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 1000 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: Pumping rate greater than authorized by the permit

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the SE corner Sec 20, T114N, R57W, 1360 ft N & 1330 ft W, Lat 44.66373 Long -97.70036
(NW ¼ SE ¼).

2. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All of the land is in Sec 20, T114N, R57W

NW ¼ SE ¼ – 36.5 acres

NE ¼ SE ¼ – 32.0 acres

SE ¼ SE ¼ – 27.0 acres

SW ¼ SE ¼ – 35.0 acres

comprising a total of 130.5 acres of land and the license should be issued for 1.56 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current

I talked to Tim Bratland (son) on the phone during the field inspection visit.

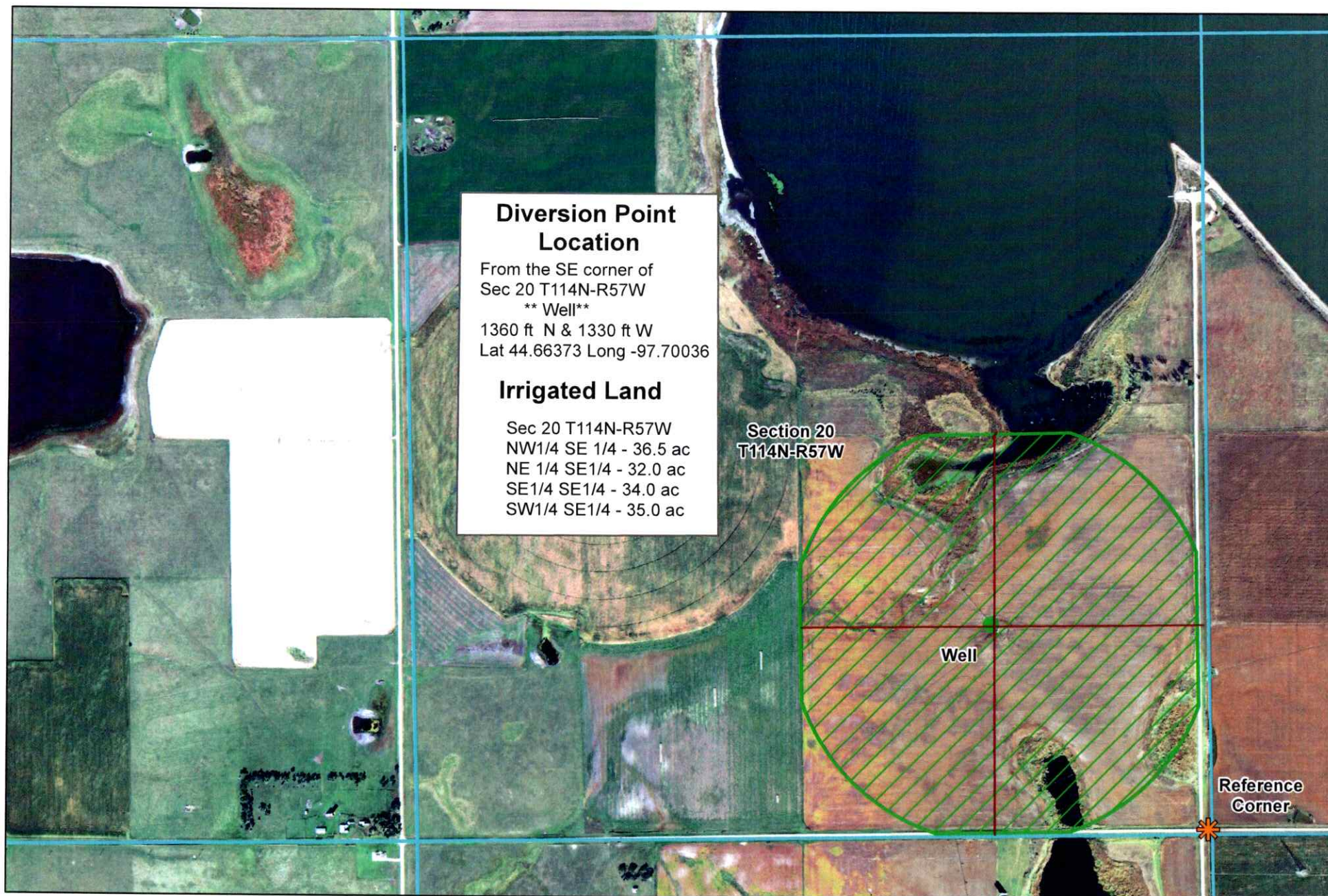


Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 19, 2023**

6/20/23 Eric Gronlund looked into the matter of potentially excluding acres that show standing water in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T114N, R57W. From review of FSA aerial imagery from 2012, 2016 and 2018 it is evident the center pivot ran through this area when water was present. Therefore, those acres (estimated to be 7 acres) should be included making for 34 acres being irrigated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20. Coverage of the entire center pivot is 137.5 acres if full rotation is achieved.

The FSA aerial indicates that for many years full pivot rotation could not be achieved due to water being present in the north portion of SE $\frac{1}{4}$ of Section 20. However, this would constitute a legal excuse for the nonuse of water pursuant to ARSD 74:02:01:37.01. Therefore, the water license should be issued for the entire 137.5 acres so that if drier conditions return the center pivot is licensed to make full rotation.



0 625 1,250 2,500 3,750 5,000 Feet