

WATER PERMIT NO. 7276-3

Name of Applicant: Red & Lori Sparks

Address: 39261 284th St, Armour SD 57313

Phone: 605 724-2685

Amount of Water Claimed: 0.167 cfs

Total Acres:

Source of Water Supply: groundwater (one well)

Water to be used for: commercial feedlot

County: Douglas and Charles Mix

Type of Waste Disposal System:

Location: 3 miles south of Armour

PRIORITY

Date Received: 10-14-11

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ NE ¼ Sec 31-T98N-R63W

Land to be Irrigated:

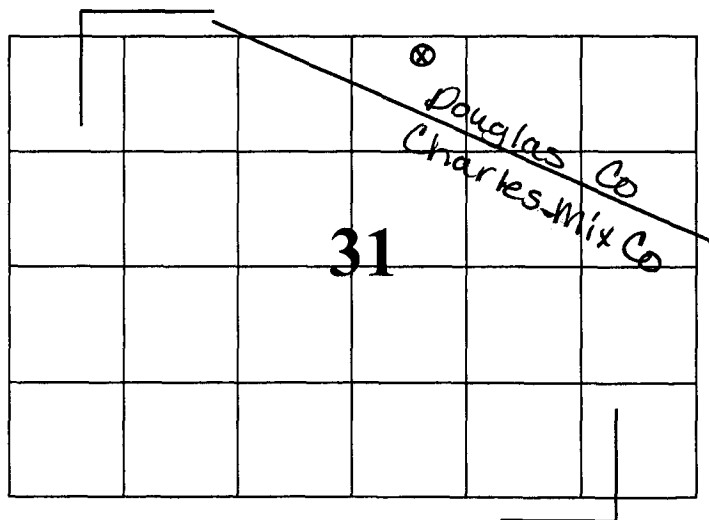
Depth of Well: 220 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Kelly ? NRCS



Reviewed and the Number Assigned on: 10-18-11

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	(office use only)	
	No. <u>7276-3</u>	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Armour Chronicle P.O. Box 129 Armour</u> <u>Wagner Post P.O. Box 187</u> <u>724-224752313</u> <u>384-5616</u> <u>57380</u>	

RECEIVED
OCT 14 2011
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>Feedlot Cattle use</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 Red + Lori Sparks Phone 605-724-2685 / 228-3240
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39261 284th ST Armour State SD 57313
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75 **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 Gravel out wash - chateau aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well section
NW1/4 of NE1/4 of section 31 98N 63W County _____
- County or counties where water will be used Douglas & Charles Mix
- Annual period during which water is to be used 365 Days per year 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)
well is to supply water for approved feedlot

STATE OF SOUTH DAKOTA)
County of DOUGLAS) 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, RED SPARKS, 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 Red Sparks

Subscribed and sworn to before me this 13 day of OCTOBER 20 11

Randall Larson
Notary Public signature
REGISTER OF DEEDS

SOUTH DAKOTA
WATER PERMIT NO. 7276-3

Date of first receipt of application October 14, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7276-3 to Red & Lori Sparks, 39261 284th St, Armour SD 57313 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. 7276-3 appropriates 0.167 cubic feet of water per second from one well completed into the Choteau West Aquifer (220 feet deep) located in NW ¼ NE ¼ Section 31-T98N-R63W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot 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 of approval of Permit No. 7276-3 is December 26, 2011.
5. The date from which applicant may claim right is October 14, 2011.
6. One-fifth of the construction is to be completed on or before June 26, 2014.
7. All construction is to be completed on or before December 26, 2016.
8. Water is to be put to beneficial use on or before December 26, 2020.
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 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 new well authorized by Permit No. 7276-3 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. Permit No. 7276-3 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. 7276-3 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 Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 24 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10" Depth Appx 220 FT
- b) Casing Type SDR 17 PVC 250 psi Diameter 5" Thickness 1/4"
- c) Screen Type SDR 17 PVC Diameter 5" Thickness 1/4"
- d) Gravel Pack medium To Fine Length of Gravel Pack Appx 30 FT
- e) Depth to Top of Water Bearing Material 190 FT
- f) Depth to Water (ground surface to water level) Appx 70 FT
- g) Distance to nearest existing domestic well:
- On applicants property Abandoned well Appx 300 FT On property owned by others 1/2 to 3/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic Tank + drain field for House 300 FT West of well
- b) System Capacity (gallons) 1000 Year Constructed 20 yrs
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

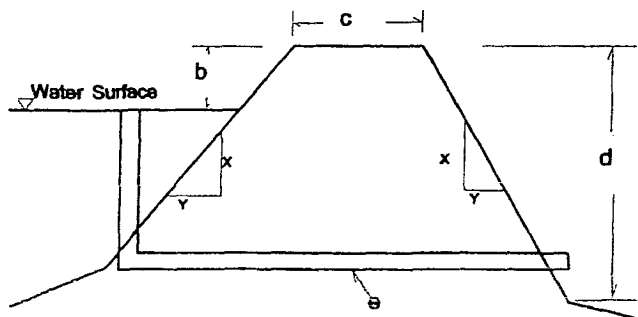
- a) Surface Dimensions NA Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

NA

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

RED SPARKS
DOUGLAS COUNTY

RECEIVED
OCT 14 2011
WATER RIGHTS
PROGRAM

*Proposed
well
Location*



31-98-63

Kellyn Tschy
Soil Conservationist



240 0 240 480 720 960
Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/14, 20 11

RECEIVED OF County Line Feeders R Sparks 39261 284th St Armour SD 573134

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

Fee for Application for Permit No. <u>7276-3</u> to Appropriate Water, to construct and to put water to beneficial use	550	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>7276-3</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	750 00

No. **05045**

By

Paul J. White
Chief Engineer

January 24, 2012

PAYMENT REQUEST FORM

PAYEE: Red Sparks
39261 284th St
Armour SD 57313

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit# 7276-3

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barclay Eber 1.24.12

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**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. 7276-3, Red and Lori Sparks**

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. 7276-3, Red and Lori Sparks, 39261 284th Street, Armour SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 7276-3 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, 4) it is in the public interest, with the following qualifications:

1. The well approved 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 new well authorized by Permit No. 7276-3 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. Permit No. 7276-3 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. 7276-3 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
November 22, 2011

REPORT ON WATER PERMIT APPLICATION NO. 7276-3

For Red and Lori Sparks

November 1, 2011

Application No. 7276-3 proposes to appropriate 0.167 cfs (75 gpm) from one well approximately 220 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 31, T98N R63W in Douglas County. The water is for commercial use in a cattle feedlot operation.

AQUIFER – CHOTEAU-WEST (CH-W)

The Choteau West is a buried outwash (sand and gravel) and western stream deposits (alluvium) (Kume, 1977). The aquifer is under artesian conditions at this site. The aquifer underlies 28,300 acres and contains an estimated 127,350 acre-feet of recoverable water in storage in Douglas County (Hedges, 1982). The aquifer extends into Charles Mix County to the south (where it is much larger) and into Hutchinson County to the east. In the subsurface the aquifer may be hydraulically connected to the Corsica aquifer to the north. Also the bedrock Niobrara aquifer appears to be hydraulically connected to the Choteau West aquifer in the immediate area of this application and possibly the bedrock Codell aquifer is hydraulically connected further to the south in Charles Mix County. Ground water movement appears to be from north to south in the area of this application and appears to be relatively flat (little gradient).

No test wells were drilled for this application however, there is an observation well located less than $\frac{3}{4}$ miles south of this application. The log for that well indicates sand and gravel (Choteau aquifer) from 176 to 225 feet below land surface. Based upon irrigation wells in the area this thickness of aquifer is more than sufficient to produce the 75 gpm requested.

The Water Rights Program monitors two observation wells in this immediate area completed into the Choteau West aquifer. Observation well DG-69B is located about one and one-half miles to the east and observation well CM-78B is located about three-fourths miles to the south both from this application. Water levels for these wells show good response to climatic conditions and to pumping. Pumping creates drawdown which is shown as the seasonal fluctuation on the hydrographs. Overall though the hydrographs also show that the aquifer does recharge and recover from the pumping. In general, the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2011). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 1557-3 (2.28 cfs, 255 acres) and is located about one and one half mile to the northeast of this application. There are no other nearby water permits that obtain water from the Choteau West aquifer. Interference will occur. That is there will be overlapping cones of depression created by the pumping. However the historical record clearly indicates this is not an unusual condition and does not adversely affect the ability of the aquifer

to produce water. Interference will not be adverse at this distance between wells and at this requested rate of withdrawal.

Historically this area was controversial because of the amount of fluctuation pumping caused in domestic wells. The original controversy is now clearly shown by the historical record. The controversy started with the first irrigation in the area in the late 1950's. The drawdown created was sufficient to lower the water levels sufficiently to stop some wells from free flowing at the land surface and cause other wells to have pumps lowered to maintain water production. At the time, the statutes basically protected artesian pressure as a means of delivery. That standard was changed in 1972 requiring a well to produce water independent of artesian pressure. What this eventually meant was that well owners (domestic or permitted) may be required to lower pumps rather than depend upon the maintenance of artesian head. Development of aquifers like the Choteau West probably would not have occurred without this change in statute.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown will occur as a result of pumping. At this rate of production and with the distance between wells drawdown is not expected to be significant or cause any adverse effects.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been approved by the Surface Water Quality Division of the Department.



James A Goodman

Natural Resources Engineer

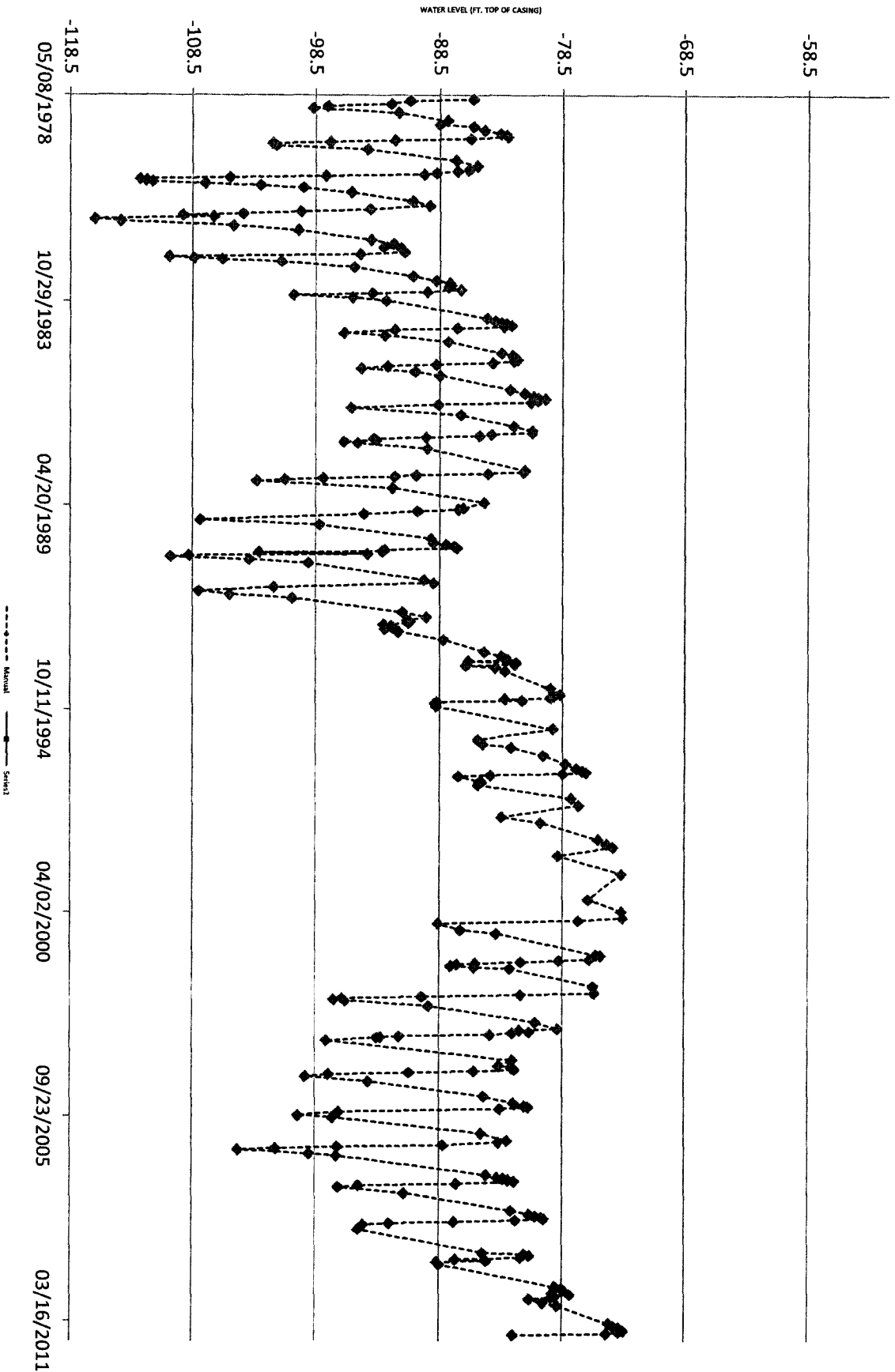
BIBLIOGRAPHY

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.

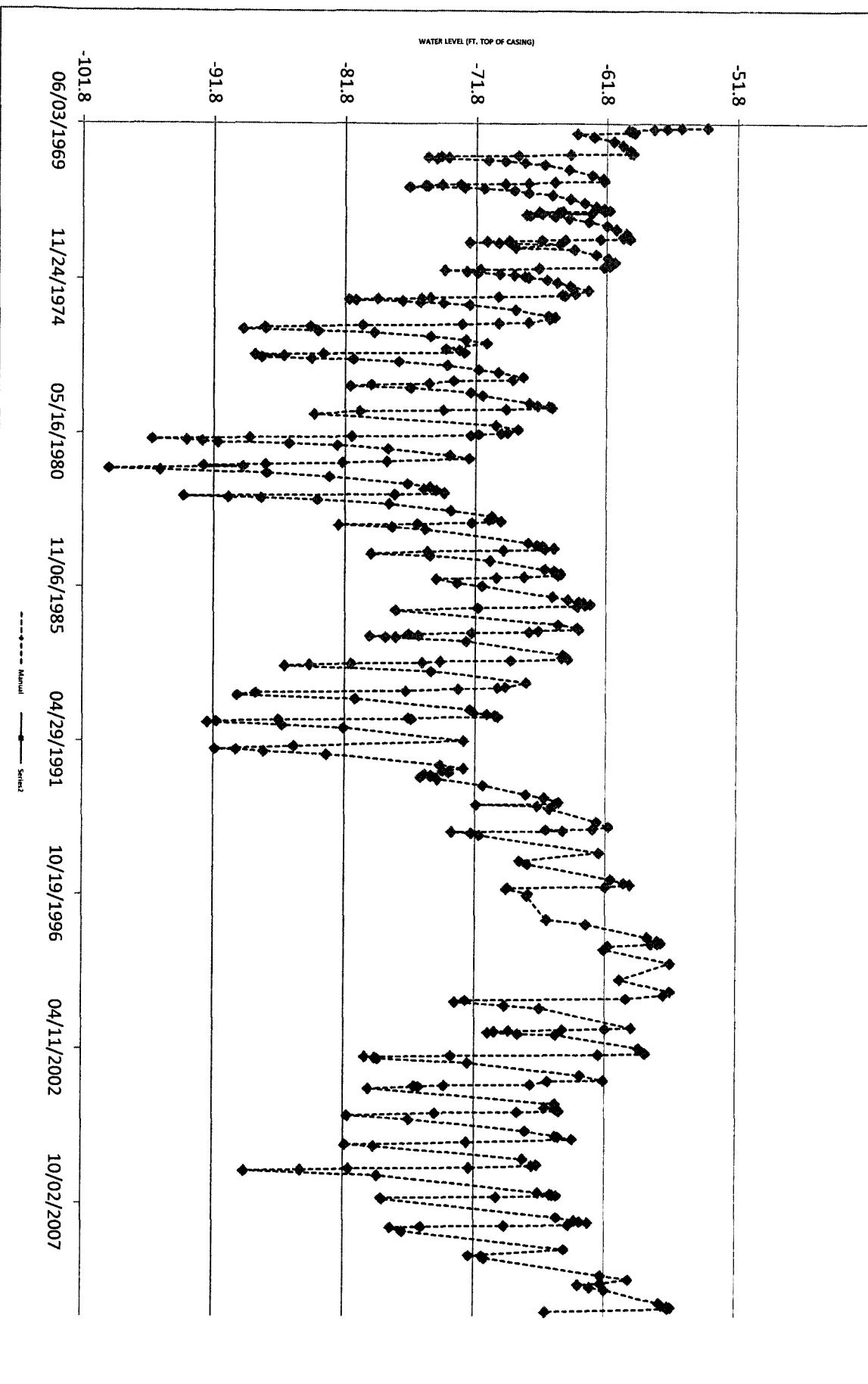
Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2011, Unpublished Observation Well Data for the Choteau Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CM-78B



WATER RIGHTS' OBSERVATION WELL DG-69B



Affidavit Of Publication

STATE OF SOUTH DAKOTA,

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

Notice of application to
Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper

for two successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 12-6, 20 11,

the second publication being made on 12-13, 20 11,

the third publication being made on _____, 20 _____,

the fourth publication being made on _____, 20 _____,

the fifth publication being made on _____, 20 _____,

the sixth publication being made on _____, 20 _____,

the seventh publication being made on _____, 20 _____,

and the eighth publication being made on _____, 20 _____,

that \$ 40.21 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 27 day of December, 20 11.

Rebecca Ross
Notary Public, Douglas County, South Dakota

My Commission Expires 5-25-17

Notice of application No. 7276-3 to Appropriate Water

Notice is given that Red and Lori Sparks, 39261 284th St., Armour, SD 57313, have filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well completed into the Chateau: West Aquifer (220 feet deep) located in NW1/4 NE1/4 Section 31 T98N R63W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 7276-3, because 1) inappropriate 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 Dec. 26, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason 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, Dept.
of Environment and Natural Resources.
Publication fee of the total application
cost of \$40.21.

55a12/6-13c

RECEIVED

DEC 30 2011

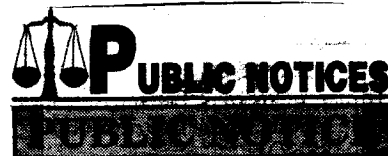
WATER RIGHTS
PROGRAM

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DEC 28 2011

WATER RIGHTS
PROGRAM

OK



**NOTICE OF APPLICATION
NO. 7276-3 TO APPROPRIATE
WATER**

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Steve M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published twice at the total approximate cost of \$39.06

Pub: December 7, 14, 2011

Affidavit of Publication

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CHARLES MIX)

Stacy Irwin, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Kim Johnson, and has been such newspaper during the time herein mentioned; and that I, Kim Johnson, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 7 day of Dec, 2011

2nd publication made on 14 day of Dec, 2011

3rd publication made on ____ day of ____, 2011

4th publication made on ____ day of ____, 2011

5th publication made on ____ day of ____, 2011

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 39.06
Stacy Irwin

Subscribed and sworn before me this 27th day
of December, 2011.

Bruce Johnson

Notary Public

My commission expires 10/22/16



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 28, 2011

Armour Chronicle
PO Box 129
Armour SD 57313

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7276-3 to Appropriate Water to be published twice. Please publish the first notice on December 6, 2011 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 Red & Lori Sparks 39261 284th St. Armour SD (Ph # 605-724-2685).

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. 7276-3

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

Date _____

We are in receipt of your letter of November 28, 2011 enclosing Notice to Appropriate Water by Application No. 7276-3 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

November 28, 2011

Wagner Post
PO Box 187
Wagner SD 57380

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7276-3 to Appropriate Water to be published twice. Please publish the first notice on December 7, 2011 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 Red & Lori Sparks 39261 284th St. Armour SD (Ph # 605-724-2685).

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

Date _____

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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 NEWSPAPERS RIGHT AWAY.

November 28, 2011

Red & Lori Sparks
39261 284th St
Armour SD 57313

Dear Mr. & Mrs. Sparks:

Water Permit Application No. 7276-3 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 following papers: Armour Chronicle printed at Armour SD (Ph: 605-724-2747)

Wagner Post printed at Wagner SD (Ph: 605-384-5616)

You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have 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

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 December 6, 2011 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. 7276-3 to Appropriate Water

Notice is given that Red & Lori Sparks, 39261 284th St, Armour SD 57313 have filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well completed into the Choteau:West Aquifer (220 feet deep) located in NW ¼ NE ¼ Section 31-T98N-R63W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7276-3 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 December 26, 2011.

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_____.

Instruction to Newspaper - Publish first Notice on December 7, 2011 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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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

January 23, 2012

Red & Lori Sparks
39261 284th St
Armour SD 57313

Dear Mr. & Mrs. Sparks:

Enclosed is Water Permit No. 7276-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This application was submitted with a \$750.00 fee. The correct fee is \$700.00. Therefore, \$50.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

RECEIVED

FEB 28 2012

WATER RIGHTS
PROGRAM

7276-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 2-24-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Red Sparks

(name)

39261 284th Street

(address)

Armour SD 57313

(city, state, zip)

724-2685

605-228-3240 cell

(phone)

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

Water Permit No. 7276-3 states that the water use system is to be constructed by12-26-16

(date)

, and water is to be put to beneficial use by 12-26-2020

(date)

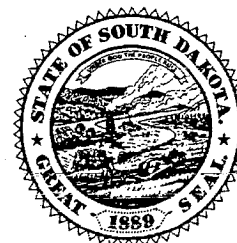
The water use system was completed on 2-12-12

(date)

Applying the water to beneficial use was completed on 2-22-12

(date)

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

Red Sparks
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 28, 2012

7276-3

Red Sparks
39261 284th St
Armour SD 57313

Dear Mr. Sparks:

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 system.

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,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7276-3

I have this day, May 19, 2015, made a thorough examination of the water use system constructed by Red & Lori Sparks of 39261 284th St., Armour, SD 57313 holder of Permit No. 7276-3, bearing the priority of October 14, 2011 authorizing the diversion of 0.167 cu. ft. per second of the waters of Choteau: West aquifer for commercial feedlot purposes, in Douglas and Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Spoke to Lori Sparks at permit site**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosz Drilling Company
- 2) No. of Wells One
- 3) Depth(s) 225 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 inches
- 2) Length 192 feet
- 3) Type plastic

Screen:

- 1) Type plastic
- 2) Length 33 feet
- 3) Static water level 87 feet

Motor/Pump:

- 1) Make submersible
- 2) Model/Size unknown
- 3) Capacity 60 GPM

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

- 1) Type Underground pipe

Comments: **Water goes to multiple cattle pens in feedlot**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

Report of Examination of Works

Permit No. 7276-3

Communication with the Feedlot Permit Program on June 30, 2015 indicated that, "County Line Feeders is currently permitted for a maximum of 4,500-head of beef cattle and is in compliance with the general permit."

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A
- 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: Approximately 1,750 feet west and 50 feet south of the NE corner of Section 31-T98N-R63W (NW ¼ NE ¼) (longitude - 98.33267 and latitude 43.26823)
2. The works are capable of diverting and conveying to the place of use 0.134 cu. ft. per second of water which is to be used for a commercial feedlot.

Water has been put to beneficial use to the maximum extent as follows:

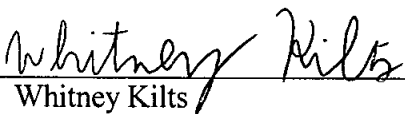
Water from well used in the operation of a commercial feedlot

The license should be issued for 0.134 cfs.

3. All structures, wells and lands on map Yes

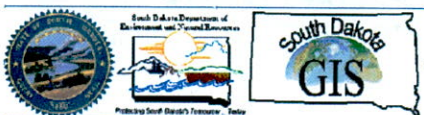
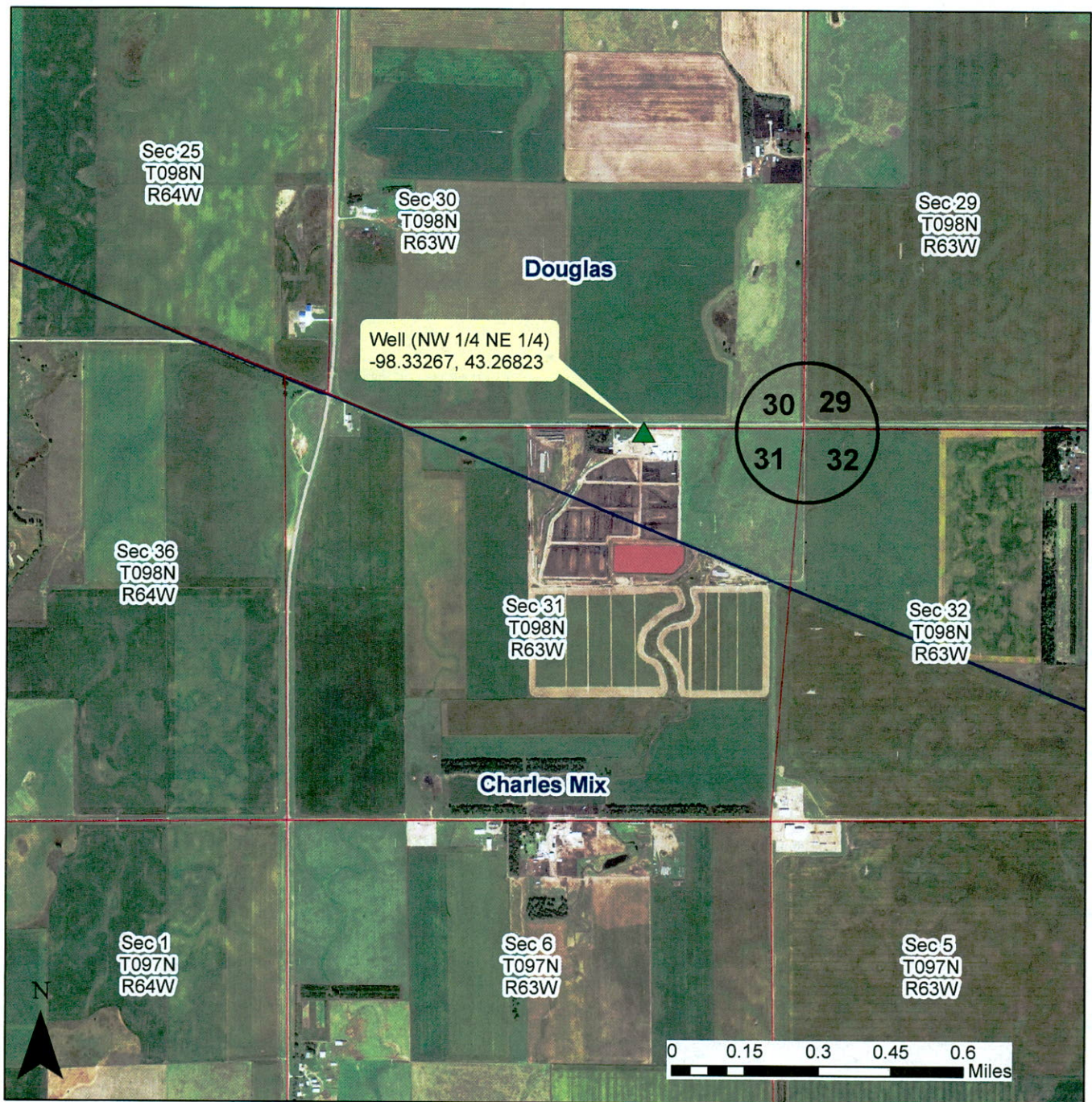
F. Comments or other permit(s) associated with the project:

have several water storage tanks in nearby shed for use in summer, will also sometimes use rural water in summer heat


Whitney Kilts

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 3, 2015



Date: June 30, 2015

Completed by: Whitney Kilts
Whitney Kilts, Natural Resources Engineer
SD DENR, Water Rights Program

Water Right No. 7276-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 08 2015

7276-3

Red & Lori Sparks
39261 284th St
Armour SD 57313

Dear Mr. & Mrs. Sparks:

Enclosed is Water License No. 7276-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7276-3, 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. 7276-3

(1) Red & Lori Sparks, 39261 284th St, Armour SD 57313 made Application No. 7276-3, October 14, 2011 for a water permit to divert 0.167 cubic feet of water per second from ground water - one well (Choteau West Aquifer), Douglas and Charles Mix Counties, South Dakota for commercial purposes. Permit No. 7276-3, with a priority date of October 14, 2011 was approved December 26, 2011 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 26, 2016 and for the application to beneficial use of said water on or before December 26, 2020.

The Permit holders submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on February 28, 2012. The *"Notice"* stated the water use system was completed on February 12, 2012 and the water placed to beneficial use on February 22, 2012.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.134 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 1,750 feet west and 50 feet south of the NE corner of Section 31, T98N, R63W (NW ¼ NE ¼) – Douglas County.

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The cattle feedlot is located in both Douglas and Charles Mix Counties.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Red & Lori Sparks, 39261 284th St, Armour SD 57313 the holders and/or owners of Water Right No. 7276-3 are issued a license to appropriate water, the right to use 0.134 cubic feet of water per second from ground water - one well (Choteau West Aquifer) with a priority date of October 14, 2011 from the location 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. 7276-3 and subject to the following qualifications:

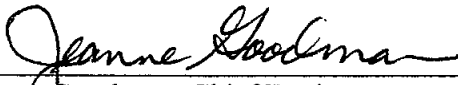
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The new well authorized by Permit No. 7276-3 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 completed in November, 2011 by Grosz Drilling. A copy of the log is on file with the Water Rights Program.***

Page 2

Water License No. 7276-3

Red & Lori Sparks

- Permit No. 7276-3 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. 7276-3 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 08 2015

date

