

WATER PERMIT NO. 7320-3

Name of Applicant: Bret Fliehs

Address: 39865 137th St, Groton SD 57445 Phone: 605 397-8299

Amount of Water Claimed: 4.0 cfs Total Acres: 320

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Faulk

Type of Waste Disposal System:

Location: 7 miles east of Faulkton

PRIORITY Date Received: 2-8-12 Application/License Fee: \$ 1,350.00

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: center of SW ¼ Sec 14-T118N-
R68W

Land to be Irrigated: S ½ Sec 14-T118N-R68W

Depth of Well: 175 feet deep

Well Driller: Manikowski Drilling Inc.

Remarks:

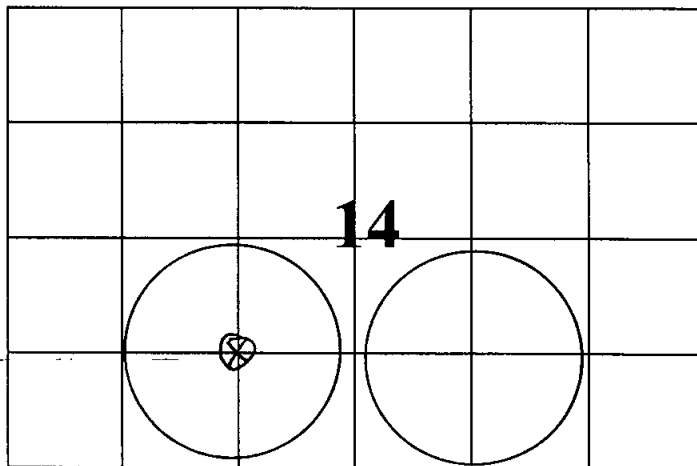
Type of Map: aerial

Prepared by: Grady Heitman, Faulk Co NRCS

Reviewed and the Number Assigned on: 2-8-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7320-3</u> (office use only) Hydrologic Unit <u>10160008</u>
	Basin <u>James River</u> <u>605-598-6525</u>
	Newspaper <u>Faulk Co. Record Box 68 Faulkton SD 57438</u>
	<u>Aberdeen American News Aberdeen 57402</u>

RECEIVED
FEB - 8 2012
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 BRET FLIEHS Phone 605-397-8299
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39865 137TH STREET GADSDON State SD 57445
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 4.0 *CFS or 1800 **GPM ***AF Total Acreage 320
(*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 FAULK
1 WELL SW 1/4 SECTION 14 T118N R68W (approximate center)
- County or counties where water will be used FAULK
- Annual period during which water is to be used MAY - SEPTEMBER
- 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
NE 1/4 SW 1/4 14 118 68	40	NE 1/4 SE 1/4 14 118 68	40
NW 1/4 SW 1/4 14 118 68	40	NW 1/4 SE 1/4 14 118 68	40
SE 1/4 SW 1/4 14 118 68	40	SE 1/4 SE 1/4 14 118 68	40
SW 1/4 SW 1/4 14 118 68	40	SW 1/4 SE 1/4 14 118 68	40

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

1 WELL AT CENTER OF SW QUARTER USING PUMP THROUGH PIPE
TO 2 CENTER PILOTS

STATE OF SOUTH DAKOTA) SS
County of Faulk

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, Bret Fliehs, 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

Bret Fliehs

Subscribed and sworn to before me this 6th day of February 20 12

Sean Cotton

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7320-3

Date of first receipt of application February 8, 2012.

Date applicant requested to put application on hold March 6, 2012.

Date applicant requested to proceed with application January 22, 2014.

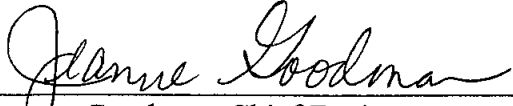
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7320-3 to Bret Fliehs, 39865 137th St, Groton SD 57445 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7320-3 appropriates 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (175 feet deep) located in the approximate center of the SW 1/4 Section 14 for irrigation of 320 acres located in the S 1/2 Section 14; all in T118N-R68W.
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 22, 2014.
4. The date of approval of Permit No. 7320-3 is February 17, 2014.
5. One-fifth of the construction is to be completed on or before August 17, 2016.
6. All construction is to be completed on or before February 17, 2019.
7. Water is to be put to beneficial use on or before February 17, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7320-3 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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

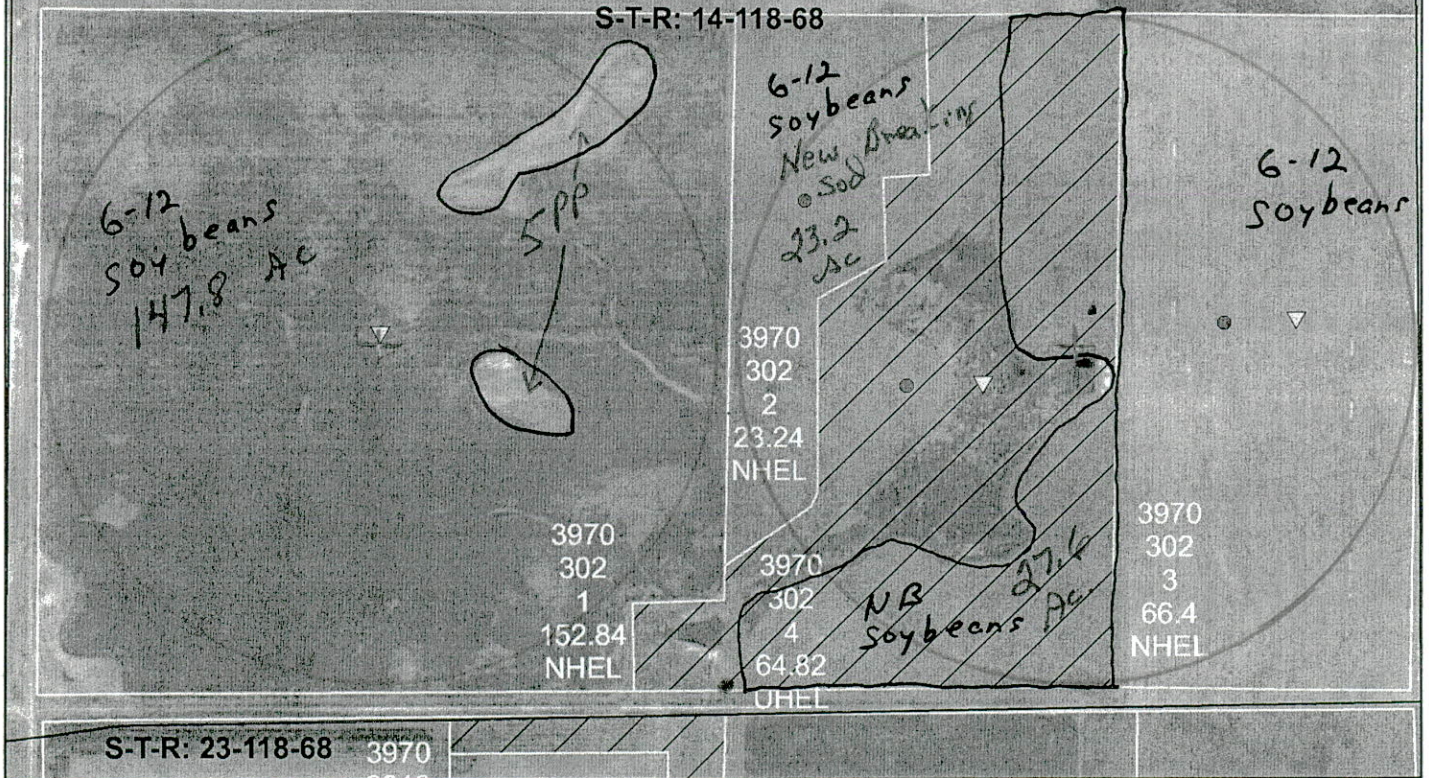
FEB 27 2014

date



S-T-R: 11-118-68

S-T-R: 14-118-68



United States Department of Agriculture
Farm Service Agency

PLSS: 14_118_68
Farm: 3970

Faulk County

1:8,234

Ready Det
DC Faulk Co
2/6/12



RECEIVED
April 08, 2011
FEB - 8 2012

WATER RIGHTS PROGRAM

- Wetland Determination Identifiers
- Restricted Use
 - ▽ Limited Restrictions
 - Exempt from Conservation Compliance Provisions

Common Land Units

/// Non Cropland

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

2010 Ortho-Photography - Not to Scale

F11

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

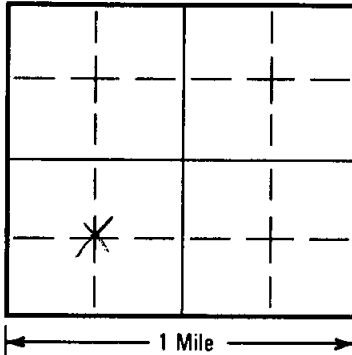
Location center 1/4 SW 14 Twp 118 Rg 68
 County Faulk North

Please mark well location with an "X"

W

E

Well Completion Date

1-27-12

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 2000 ft. from Feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING 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 Bentonite No. of Sacks 7 Grout Weight 9.5 lb./gal From 0 ft. To 180 ft.
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure Pumped through Tremie
Pipe from Bottom UP

SCREEN: ☐ 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 analysis _____

Well Owner: Bret Fliche

Business Name: _____

Address: 39865 137thGrout SD 57445

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow clay</u>	<u>1</u>	<u>21</u>
<u>Blue clay</u>	<u>21</u>	<u>38</u>
<u>Med Sand</u>	<u>38</u>	<u>43</u>
<u>Blue clay fill</u>	<u>43</u>	<u>120</u>
<u>Med to coarse sand</u>	<u>120</u>	<u>140</u>
<u>Medium sand</u>	<u>140</u>	<u>160</u>
<u>Coarse sand & Gravel</u>	<u>160</u>	<u>175</u>

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 Test Hole at center of1/4

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm Man-Kowski Well Drilling Inc

Signature of License Representative:

Bret Fliche

Signature of Well Owner or Equitable Property Holder:

Date: 1-31-12

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FEB - 8 2012

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/8, 20 12

RECEIVED OF Bret R Fliehs 39865 137th St Groton SD 57445

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

Fee for Application for Permit No. <u>7320-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>7320-3</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	1350 00

No. 05347

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

November 25, 2013

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

Water Permit Application No. 7537-3 (S 1/2 Section 21 & NW 1/4 Section 28-T126N-R60W) and No. 7610-3 (portions Section 11-T122N-R62W) to appropriate water from several wells for irrigation use were deferred by the Water Management Board on March 7, 2013. The applications were deferred pending aquifer pump tests.

Is it your intent to proceed with pursuing deferred Application Nos. 7537-3 and 7610-3? If so, the aquifer pump tests are required. Once we know your intent regarding these applications, we can determine how to proceed.

In addition to the above applications, Water Permit Application Nos. 7320-3 and 7321-3 were submitted on February 8, 2012. Application No. 7320-3 proposed to irrigate the S 1/2 Section 14-T118N-R68W. Application No. 7321-3 proposed to irrigate the NE 1/4 and SW 1/4 Section 23-T118N-R68W. Prior to publication of the Notice in the Faulkton Record, you requested the two applications be put on hold until further water quality analysis could be completed. What is your intent regarding these applications?

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 31, 2013

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

On December 26, 2013, we received the test hole log from Lenius Well Drilling for the proposed well under Application No. 7537-3 located in SW 1/4 Section 21-T126N-R60W. However, we have not received the aquifer pump test results. Will that be forthcoming? Please contact Ken Buhler, with this office, if you have questions regarding the specific requirements of an aquifer pump test.

It is our understanding that you did not find suitable water for Application No. 7610-3 located in Section 11-T122N-R62W, Application No. 7320-3 located in Section 24-T118N-R68W and Application No. 7321-3 located in Section 23-T118N-R68W. Are you requesting to withdraw these applications? If so, please send us written confirmation either by letter or email.

Application No. 7610-3 has been public noticed, so it will be necessary to bring the application before the Water Management Board with a denial recommendation. At that time, 75% of the application will be refunded. The other two application fees will be refunded entirely upon confirmation from you.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, January 22, 2014 2:41 PM
To: Schlaak, Karen; Buhler, Ken
Subject: Brett Fliehs' applications

Deferred Application No. 7537-3 - Mr. Fliehs called for Ken. In his absence he was transferred to me. He wanted to know if we'd heard from Lenius drilling regarding the aquifer pump test. I said I know Walt Lenius called and talked with Ken but I'm not sure of what was discussed. He just wanted to know if we needed anything else and his understanding is that Lenius was supposed to get a hold of a Mitch. I said I presume that was Mitch Kannenberg with LBG to conduct an analysis. He wanted to know if that analysis was done. I said to my knowledge we have not received anything. After our conversation, I saw Ken's Jan. 7th file documentation of his conversation with Mr. Lenius.

Application Nos. 7320-3 and 7321-3 are application in Faulk County that we recommended approval but he put on hold due to water quality (salt) concerns. He said through a consultant he thinks he can treat / manage the salts and wants to proceed with the applications. These application were recommended for approval by Garland. Told him that I needed to run the recommendations through Jeanne since Garland is retired.

As for Application No. 7610-3, it is still his intent to email Karen or myself to withdraw the application.

Eric



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



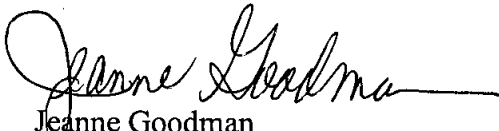
**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER RIGHT
PERMIT APPLICATION NO. 7320-3**

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. 7320-3, Bret Flichs, 39865 137th Street, Groton SD 57445.

The Chief Engineer is recommending APPROVAL of Application No. 7320-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7320-3 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.


Jeanne Goodman
January 29, 2014

ADDENDUM REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7320-3 AND 7321-3
BRET FLIEHS
JANUARY 29, 2014

The standard of review for water permit applications has changed since the Chief Engineer's recommendation was originally made due to the First Judicial Circuit Court's interpretation of SDCL 46-6-3.1. The First Judicial Circuit Court ruled in *Hanson County Dairy v. Bender* that evidence needs to show that water is available for proposed appropriations. In other words, data must be presented to show the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 11, 2012). This could be interpreted as necessitating the identification and quantification of recharge and discharge of an individual aquifer material deposit from which the applicant proposes to withdraw water.

Recharge to the Grand aquifer has not been directly quantified. Hedges and others (1985) quantified the recharge rate to the unconfined portion of the Grand aquifer as 4.0 inches per year (in/yr). However, Hedges and others (1985) stated that for management and development programs the recharge rate to confined aquifers is estimated to range from 0.15 to 0.60 inches per year. The Grand aquifer is under confined conditions in Faulk County and Hamilton (1982) stated the Grand aquifer underlies 120 square miles of the County. Using the estimates from Hedges and other and Hamilton, the estimated annual recharge rate to the Grand aquifer in Faulk County is between 960 and 3,840 acre-feet per year (ac-ft/yr).

The original reports estimated water use from the Grand aquifer in Faulk County at less than 500 ac-ft/yr. Since then, two new permits have been approved for withdrawal of water from the Grand aquifer in Faulk County. Water Permits Nos. 7604-3 and 7605-3 authorize the irrigation of 267 and 148 acres respectively. Even assuming Permit Nos. 7604-3 and 7605-3 pump the maximum permitted amount annual water use is expected to be less than 1,350 ac-ft/yr.

Based on the recharge and discharge data, there is a reasonable probability that unappropriated water is available for these proposed appropriations

The observation wells completed into the Grand aquifer in Faulk County all show rising water levels over the period of record. The hydrograph for the observation well nearest to the proposed well sites, FA-71B, is shown in Figure 1. Based on the hydrographs of the observation wells completed into the Grand aquifer in Faulk County, there is a reasonable probability that unappropriated water is available for these proposed appropriations.

CONCLUSIONS:

1. The standard of review on water permit applications has changed since the Chief Engineer's original recommendation.
2. Based on recharge and discharge data, and observation well hydrographs, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

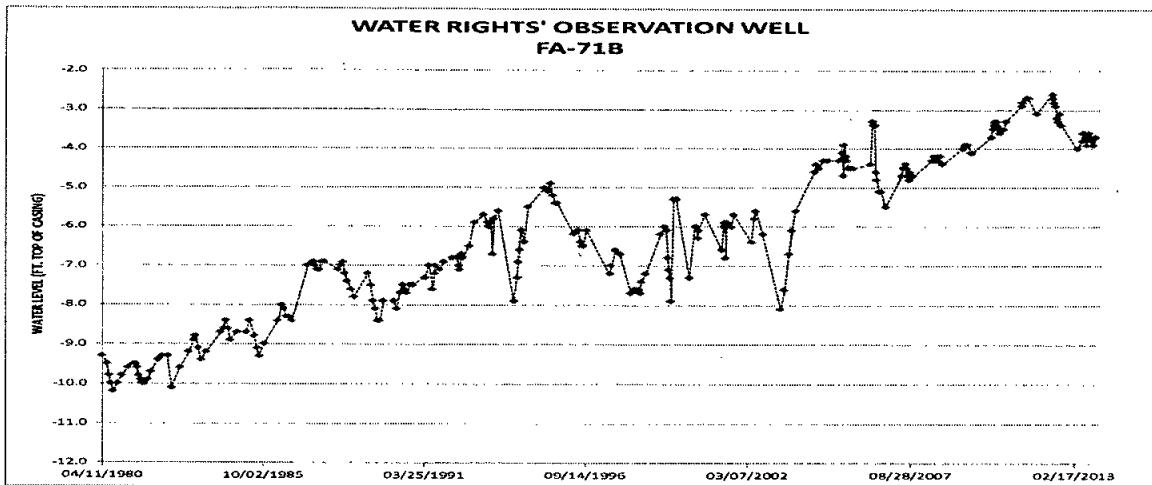


Figure 1- Hydrograph for observation well FA-71B (Water Rights, 2014)

Adam Mathiowetz
Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:

Ken Buhler
Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Hamilton, L.J. 1982. Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota: Part II: Water Resources. SD DENR-Geological Survey Bulletin 26, 60p.

Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54. (Memorandum Decision, April 11, 2012)

Water Rights. 2014. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7320-3
BRET FLIEHS
FEBRUARY 22, 2012

Water Permit Application No. 7320-3 proposes to appropriate 4.0 cubic feet of water per second from one well approximately 175 feet deep to be completed into the Grand aquifer. The well site proposed by this application is the approximate center of SW¼ Section 14, T118N-R68W. Water is to be used to irrigate 320 acres located in the S ½ Section 14, T118N-R68W.

AQUIFER: Grand (G)

GENERAL:

The Grand aquifer is a buried glacial meltwater deposit consisting of fine to very coarse sand and silty gravel with thin beds of silty clay. The outwash was deposited on the shale bedrock from Campbell County to Spink County. The outwash is buried by glacial till and the aquifer is generally under confined condition. The Grand aquifer underlies 120 square miles and contains an estimated 800,000 acre-ft of water in storage in Faulk County alone (Hamilton, 1982), see figure 1. Hedges and others, (1982) estimate the Grand aquifer contains an estimated 556,000 acre-feet of recoverable water in storage in Faulk County. The maximum thickness of the Grand aquifer is 175 feet and the aquifer thickness exceeds 50 feet in the thickest part of the channel along its entire length. The log of the test hole submitted with this application reports medium to coarse sand and gravel from 120 to 175 feet below land surface. Test holes drilled by the SD Geological Survey in this area indicate this well site is within one to one and one-half miles of the east edge of the aquifer. The water level of a well completed into the Grand aquifer at this location should be less than ten feet below land surface.

An aquifer test was conducted of the Grand aquifer about two miles southeast of the well site proposed by this application (NE¼ Sec. 25, T118N-R68W) and the aquifer transmissivity was calculated to be 100,000 (gal/day)/ft (Hamilton, 1982). The specific capacity of a test well completed into the Grand aquifer in the SE¼ Sec.23, T118N-R68W was reported to be 35 gallons per minute per foot of drawdown. Based on a specific capacity of 35 gal/min/ft the transmissivity for the aquifer would be around 70,000 (gal/day)/ft ("Transmissivity from Specific Capacity").

Potential well yields can exceed 500 gallons per minute where the thickness of the Grand aquifer exceeds 50 feet (Hamilton, 1982). Assuming a transmissivity of 70,000-100,000 (gal/day)/ft, the aquifer can be expected to yield 3.85-5.5 million gallons per day to a well with 55 feet of aquifer material. Depending on the composition of the aquifer at this well site, a yield of 4.0 cfs (2.585 million gallons per day) may be overly optimistic if the aquifer material is poorly permeable because of high clay or silt content.

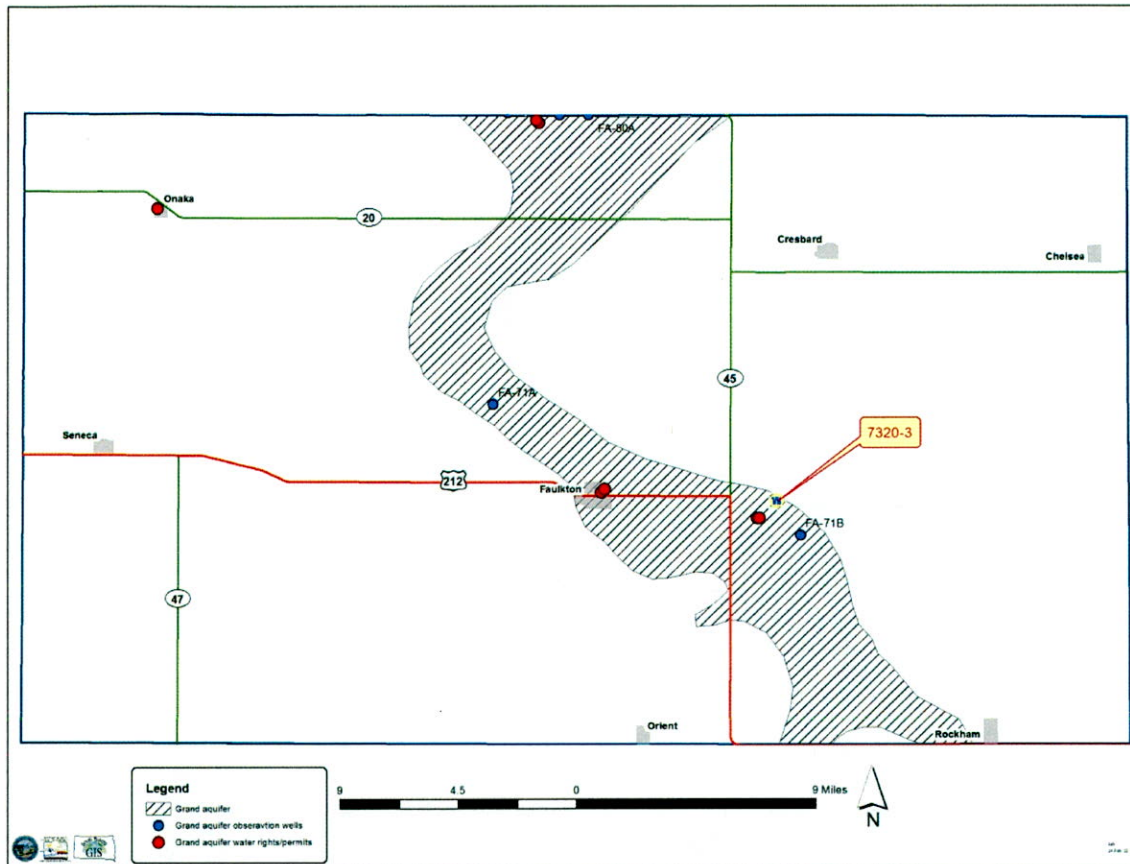


Figure 1. The Grand aquifer in Faulk County, location of 7320-3 Grand aquifer appropriations and observation wells (Modified from Hedges and others, 1982)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

This application proposes to appropriate 640 acre-feet annually from the Grand aquifer although the amount of water that will actually be used is less than 640 acre-feet per year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:**Recharge:**

Recharge to the Grand aquifer occurs through infiltration of precipitation where permeable layers overlie the aquifer in Campbell County and from leakage through glacial till. The average annual recharge rate estimated for the unconfined portion of the Grand aquifer is 4.0 inches per year based on observation well data (Hedges and others, 1985). However, the total average annual recharge to the Grand aquifer has not been quantified.

Withdrawals:

Discharge (withdrawals) from the Grand aquifer occurs mainly through well withdrawals although the aquifer is relatively unused. There are some domestic wells completed into the Grand aquifer (Water Rights, 2012c) and a total of 37 water rights/permits appropriating water from the aquifer in South Dakota (Water Rights, 2012b). There are only six appropriations from the Grand aquifer from Faulk County. They are shown in figure 1 and table 2.

PERMIT NO	NAME	USE	CFS
2769-3	TOWN OF ONAKA	MUN	0.13
3947A-3	CITY OF FAULKTON	MUN	0.27
3947B-3	CITY OF FAULKTON	MUN	0.73
6111-3	BLUMENGARD COLONY	COM	0.45
6185-3	BLUMENGARD COLONY	COM	0.667
6629-3	BRET & RAECHEL FLIEHS	COM	0.40

Table 1. Appropriations from the Grand aquifer in Faulk County

A 2000 South Dakota Water Use Questionnaire completed by the City of Faulkton reported using 4,775,000 gallons in 2000 and indicated “We are on WEB water-we only use our well in high demand summer months.” The Town of Onaka is also currently supplied by WEB.

Total water use from Grand aquifer in Faulk County is likely to be less than 500 acre-feet annually. It is probable that the average annual recharge to the Grand aquifer in Faulk County will not be exceeded if the appropriation proposed by this application is approved.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors a total of 37 observation wells completed into the Grand aquifer, with three of these observation wells located in Faulk County. Observation well FA-71B is located approximately one and one-half miles south east of the well site proposed by this application. A hydrograph for the observation well is shown in figure 2. The data shows that the water levels for the Grand aquifer respond well to climatic conditions and to recharge and that in general there is more water in storage at this time than for the entire period of record for the observation well.

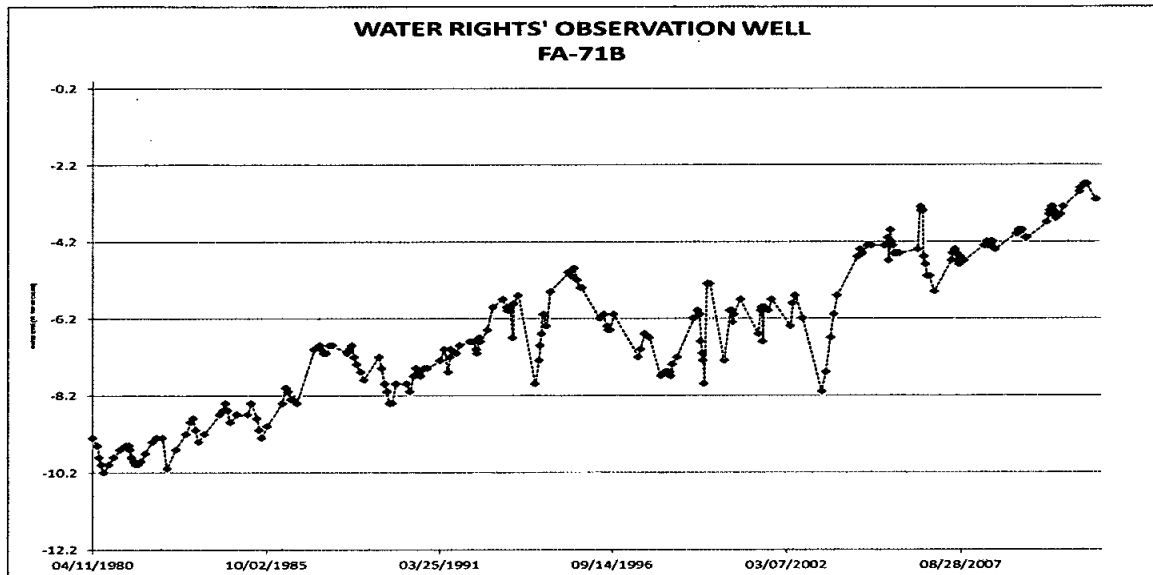


Figure 2. Hydrograph for DENR-Water Rights Program observation well completed into the Grand aquifer approximately one and one-half miles south east of the well site proposed by this application

AFFECTS ON EXISTING RIGHTS:

The nearest water right/permit appropriating water from the Grand aquifer is Water Right No. 6629-3, Bret & Raechel Flihs, located approximately one mile southwest of this proposed well site. The next nearest water right/permit (City of Faulkton) is six and one-half miles west of this well site. The DENR-Water Rights Program has record of a domestic well located approximately three-fourths of a mile southwest of this well site. The domestic well log identifies the top of the Grand aquifer at 130 feet and a static water level of 50 feet (i.e. 80 feet of artesian head pressure).

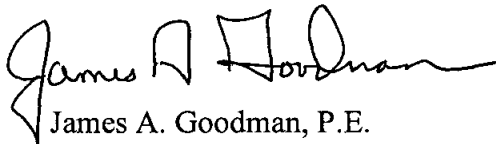
Analysis of the aquifer test data indicates that drawdown in the aquifer should be less than three feet after one year at distances over 10 feet from a well pumping 114 gallons per minute (Hamilton, 1982). Assuming a similar transmissivity at the well site proposed by this application, the proposed diversion rate of 4.0 cfs should create a drawdown of less than 48 feet greater than 10 feet from the production well. Well interference given the distances to other users' wells is not expected to be significant.

CONCLUSIONS:

1. Water Permit Application No. 7320-3 proposes to appropriate up to 640 acre-feet annually at a maxim diversion rate of 4.0 cfs, from a well to be completed into the Grand aquifer.
2. The amount of water that will be used if this application is approved is less than the 640 acre-feet per year appropriation.
3. The Grand aquifer is a viable aquifer in this area.
4. There is a reasonable probability that unappropriated water is available from the Grand aquifer for this proposed appropriation.
5. There is a reasonable probability that this appropriation can be developed without an adverse impact on existing users.



Ken Buhler
SD DENR-Water Rights Program
Approved by



James A. Goodman, P.E.
SD DENR-Water Rights Program

REFERENCES:

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk counties, South Dakota: Part II: Water Resources: South Dakota DENR-Geological Survey Bulletin 26, 60 p.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1-4, South Dakota DENR-Geological Survey, Vermillion, SD

Hedges, L.S., Allen, J., and Holly, D.E, 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, South Dakota DENR-Geological Survey, Vermillion, SD

Lindgren, R.J., and Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100 p.

“Transmissivity from Specific Capacity.” Aquifer Test Forum sponsored by HydroSOLVE, Inc. 24 February 2012< <http://www.aqtesolv.com/forum/transcap.asp>

Water Rights, 1981-2011, “Irrigation Questioner Summaries”, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2012

Faulk County Record
PO Box 68
Faulkton SD 57438

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7320-3 and 7321-3 to Appropriate Water to be published twice. Please publish the first notice on March 14, 2012 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 Bret Fliehs 39865 137th St. Groton SD 57445 (Ph # 605-397-8299).

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-----

Nos. 7320-3 & 7321-3

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

Date _____

We are in receipt of your letter of March 6, 2012 enclosing Notice to Appropriate Water by Application Nos. 7320-3 & 7321-3 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 6, 2012

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

Water Permit Application Nos. 7320-3 & 7321-3 for irrigation use have 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 Faulk County Record printed at Faulkton SD (Ph # 605-598-6525). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on March 14, 2012 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 NOS. 7320-3 AND 7321-3

Notice is given that Bret Fliehs, 39865 137th St, Groton SD 57445 has filed the following applications for a water permit.

Application No. 7320-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (175 feet deep) located in the approximate center of the SW ¼ Section 14 for irrigation of 320 acres located in the S ½ Section 14; all in T118N-R68W.

Application No. 7321-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (180 feet deep) located in the NW ¼ SE ¼ Section 23 to irrigate 320 acres located in the NE ¼ and the SW ¼ Section 23; all in T118 N-R68W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7320-3 and 7321-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 2, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

March 6, 2012

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

Pursuant to our phone conversation this morning, we have contacted the Faulk County Record and informed them not to publish the Notice of Application Nos. 7320-3 & 7321-3 to Appropriate Water at this time.

You indicated one of the proposed wells yielded water quality unsuitable for irrigation use. At your request, both applications will be put on hold until further water quality analysis is completed. Please contact us, when you determine if you wish to proceed with or withdraw one or both of the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

RECEIVED

FEB 14 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

§

County of Faulk

No. 19, Feb. 5, 2014

**NOTICE OF
APPLICATION
NOS. 7320-3 and 7321-3 to
Appropriate Water**

Notice is given that Bret Fliehs, 39865 137th St, Groton SD 57445 has filed the following applications for a water permit.

Application No. 7320-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (175 feet deep) located in the approximate center of the SW 1/4 Section 14 for irrigation of 320 acres located in the S 1/2 Section 14; all in T118N-R68W.

Application No. 7321-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (180 feet deep) located in the NW 1/4 SE 1/4 Section 23 to irrigate 320 acres located in the NE 1/4 and the SW 1/4 Section 23; all in T118N-R68W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7320-3 and 7321-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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

February 17, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published one time at the total approximate cost of \$27.20.

James B. Moritz of said county, being first duly sworn, on oath says that he is the publisher of the **Faulk County Record**, a weekly newspaper printed and published in Faulkton in said County of Faulk 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 a 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

**Notice of Application
Appropriate Water
Bret Fliehs**

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 (2)

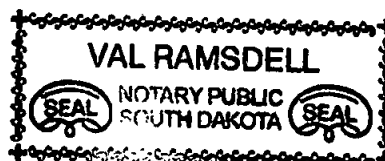
week(s), on the day of each week on which said newspaper was regularly published, to-wit:

Wednesday, February 5, 2014

that the full amount of the fees for the publication of the annexed notice is **\$27.20**

James B. Moritz

Subscribed and sworn to before me this

6th day of February, 2014

Val Ramsdell

Notary Public
Faulk County, South Dakota

**My Commission Expires
Jan. 17, 2017**

RECEIVED

FEB - 7 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, May Bester

certify that the attached printed Notice was
taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

February 5, 2014

Cost of Printing 49.56

May Bester
(Signature)

Adv. Billing Specialist
(Title)

February 5, 2014
(Date Signed)

(No. 1720768)
(Feb. 5, 2014 - 1T)

NOTICE OF APPLICATION NOS. 7320-3
and 7321-3 to Appropriate Water

Notice is given that Bret Filehs, 39865
137th St, Groton SD 57445 has filed the
following applications for a water permit.

Application No. 7320-3 proposes to ap-
propriate 4.0 cubic feet of water per sec-
ond from one well to be completed into
the Grand Aquifer (175 feet deep) lo-
cated in the approximate center of the SW
1/4 Section 14 for irrigation of 320 acres
located in the S 1/2 Section 14; all in
T118N-R68W.

Application No. 7321-3 proposes to ap-
propriate 4.0 cubic feet of water per sec-
ond from one well to be completed into
the Grand Aquifer (180 feet deep) lo-
cated in the NW 1/4 SE 1/4 Section 23
to irrigate 320 acres located in the NE
1/4 and the SW 1/4 Section 23; all in
T118N-R68W.

Pursuant to SDCL 46-2A-2, the Chief En-
gineer recommends APPROVAL of Appli-
cation Nos. 7320-3 and 7321-3 because
1) unappropriated water is available, 2)
existing rights will not be unlawfully im-
paired, 3) it is a beneficial use of water,
and 4) it is in the public interest. In ac-
cordance with SDCL 46-2A-23, the Chief
Engineer will act on these applications, as
recommended, unless a petition is filed
opposing the applications or the appli-
cant files a petition contesting the Chief
Engineer's recommendations. If a peti-
tion opposing the applications or con-
testing the recommendations is filed, then
a hearing will be scheduled and the Wa-
ter Management Board will consider these
applications. Notice of the hearing will be
given to the applicant and any person fil-
ing a petition.

Any person interested in opposing or sup-
porting these applications or recommen-
dations must file a written petition with
BOTH the applicant and Chief Engineer.
The applicant must file a petition if con-
testing the Chief Engineer's recommenda-
tions. 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 appli-
cant must be filed by February 17, 2014.

The petition may be informal, but must in-
clude a statement describing the petition-
er's interest in the applications, the peti-
tioner's reasons for opposing or
supporting the applications, and the sig-
nature and mailing address of the peti-
tioner or the petitioner's legal counsel, if
legal counsel is obtained. Contact Eric
Gronlund at the above Water Rights Pro-
gram address to request copies of infor-
mation pertaining to these applications.
Steven M. Pirner, Secretary, Department
of Environment and Natural Resources.
Published once at the total approximate
cost of \$49.56



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 30, 2014

Faulk County Record
PO Box 68
Faulkton SD 57438

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7320-3 and 7321-3 to Appropriate Water. Please publish the notice once on February 5, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bret Fliehs, 39865 137th St, Groton SD 57445 (Ph # 605-397-8299).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 30, 2014

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7320-3 and 7321-3 to Appropriate Water. Please publish the notice once on February 5, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bret Flihs, 39865 137th St, Groton SD 57445 (Ph # 605-397-8299).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 30, 2014

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

Water Permit Application Nos. 7320-3 and 7321-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faulk County Record printed at Faulkton SD (Ph # 605-598-6525) and the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on February 5, 2014. 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 NOS. 7320-3 and 7321-3 to Appropriate Water

Notice is given that Bret Fliehs, 39865 137th St, Groton SD 57445 has filed the following applications for a water permit.

Application No. 7320-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (175 feet deep) located in the approximate center of the SW 1/4 Section 14 for irrigation of 320 acres located in the S 1/2 Section 14; all in T118N-R68W.

Application No. 7321-3 proposes to appropriate 4.0 cubic feet of water per second from one well to be completed into the Grand Aquifer (180 feet deep) located in the NW 1/4 SE 1/4 Section 23 to irrigate 320 acres located in the NE 1/4 and the SW 1/4 Section 23; all in T118N-R68W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7320-3 and 7321-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 February 17, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



FEB 27 2014

Bret Fliehs
39865 137th St
Groton SD 57445

Dear Mr. Fliehs:

Enclosed are Water Permit Nos. 7320-3 and 7321-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 26, 2017

7320-3
7321-3

Raechel Otter
PO Box 283
Aberdeen SD 57402

Dear Ms. Otter:

Enclosed for your records are copies of Water Permit Nos. 7320-3 and 7321-3, listed in the name of Bret Fliehs. The permits authorize irrigation of land in Faulk County, SD.

Enclosed as we discussed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

enclosures

RECEIVED
JUL 05 2017
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 7320-3

Date: 6-24-17

I/We request that Water Permit No. 7320-3

formerly owned by: Bret Flihs

be transferred to: (name & address) Raechel Otter, PO Box 283, Aberdeen SD 57402

Telephone No. 605 380-8419

Title to the following described land(s)/property has been transferred as described above:

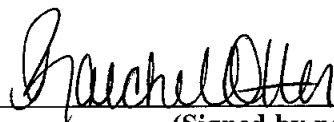
320 acres - S 1/2 Section 14, T118N, R68W

I/We understand that the validity of Water Permit No. 7320-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Raechel Otter, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 5, 20 17

RECEIVED OF Raechel Otter, PO Box 283, Aberdeen SD 57401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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>7320-3</u>		
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. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08287**

By Jeanine Goodman
Chief Engineer
(KS)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2017

6629-3
7320-3
7321-3

Raechel Otter
PO Box 283
Aberdeen SD 57402 0283

Dear Ms. Otter:

The transfer forms and filing fees have been received for filing ownership changes on Water Right No. 6629-3 (covering the feedlot) and Water Permit Nos. 7320-3 and 7321-3 (irrigation permits).

The ownership changes have been completed. Water Right No. 6629-3 and Water Permit Nos. 7320-3 and 7321-3 are now listed in your name.

For informational purposes, annual irrigation questionnaires are required for both Water Permit Nos. 7320-3 and 7321-3. Please keep track of how much water is being applied throughout the irrigation season. The questionnaires will be mailed out around the 3rd week in October and are due back by December 1st.

The receipts for the filing fees you paid are enclosed. If you have any questions, please contact me.

Sincerely,

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

enclosures