

WATER PERMIT NO. 7472-3

Name of Applicant: **Paul Bremer**

Address: **31244 Bluff Road, Vermillion SD 57069**

Phone: **605 624-4752**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **136**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **5 miles north of Vermillion**

PRIORITY

Date Received: **10-22-12**

Application/License Fee: **\$ 1050**

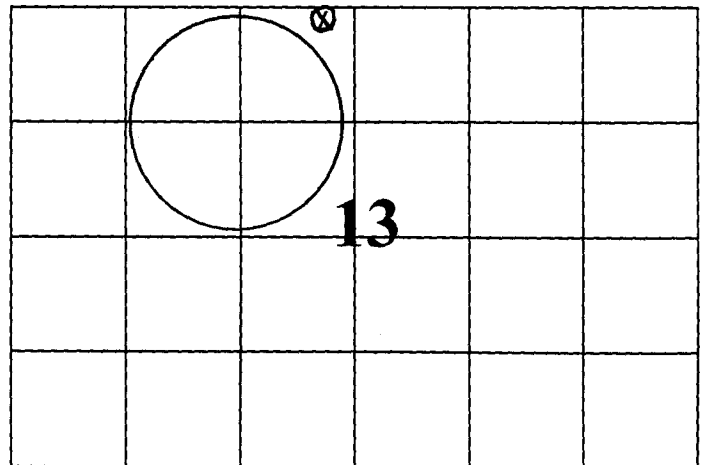
Corrected Application Received:

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

Remarks:

Diversion Point: **NE 1/4 NW 1/4 Sec 13-T93N-R52W**

Land to be Irrigated: **NW 1/4 Sec 13-T93N-R52W**



Depth of Well: **150 feet**

Well Driller: **Hammond Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Sheree Christensen, Clay Co FSA**

Reviewed and the Number Assigned on: **10-23-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7472-3 (office use only)
Hydrologic Unit 10170102
Basin Vermillion River 605-624-2695
Newspaper Plain Talk 201 W Cherry Vermillion 57062
Press & Dakotan 319 Walnut Yankton 57028 605-665-7811

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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.)

1. Name to Appear on Irrigation Permit Paul Bremer

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 31244 Bluff Road Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Home Phone 605-624-4752 Cell _____ Email _____

2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well completed to the lower Missouri aquifer

4. Location of point of diversion 1 well in the NE NW Section 13, T93n R52W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April - September 30

7. 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
NW NW Section 13, T93n R52w	34		
NE NW Section 13, T93n R52w	34		
SE NW Section 13, T93n R52w	34		
SW NW Section 13, T93n R52w	34		

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

Center pivot irrigation to improve crop production on above listed property

I, Paul A. Bremer, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Paul A. Bremer

**SOUTH DAKOTA
WATER PERMIT NO. 7472-3**

Date of first receipt of application October 22, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7472-3 to Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 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. 7472-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (150 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 136 acres located in the NW 1/4 Section 13; all in T93N-R52W.
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: April 1 – September 30.
3. The date from which applicant may claim right is October 22, 2012.
4. The date of approval of Permit No. 7472-3 is January 22, 2013.
5. One-fifth of the construction is to be completed on or before July 22, 2015.
6. All construction is to be completed on or before January 22, 2018.
7. Water is to be put to beneficial use on or before January 22, 2022.
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. 7472-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 18 2013

date



(type or print)

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Richard Hammond
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 150 Depth to Top of Water Bearing Material 75 Depth to Water from Surface 85

d) Distance to nearest existing domestic well:

On applicant's property	NA	On property owned by others	> 2500'
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a) Type of System (i.e. septic tank, drain field)

b) System Capacity (gallons)		Year Constructed	
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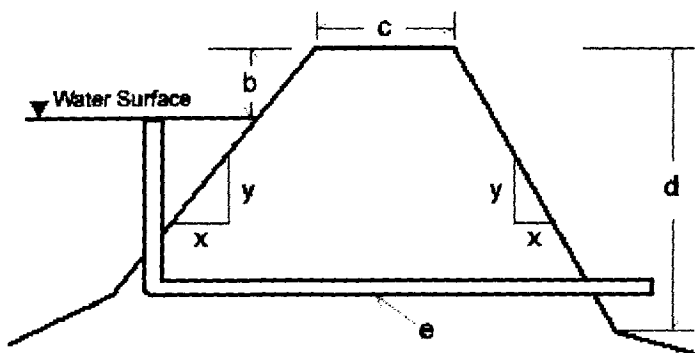
c) Connected to the City of Sanitary System

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

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 (e.g. 3 to 1 is a typical slope)

Upstream

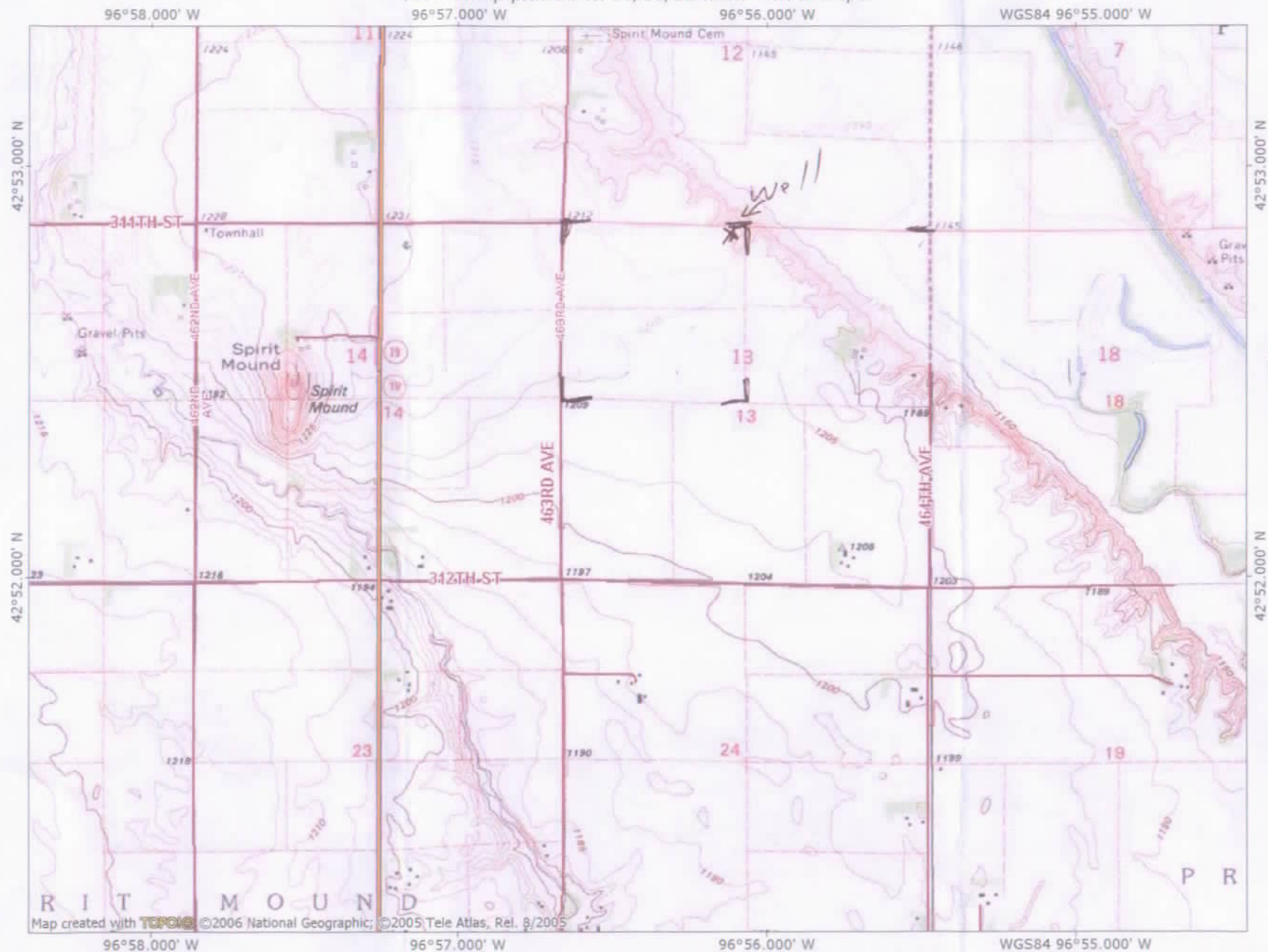
Downstream

h) Surface Area of Impoundment

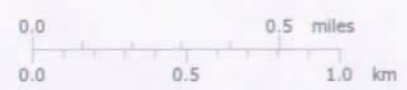
i) Storage	Acre Feet
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j) Drainage Area Above Dam	Acres
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TOPO! map printed on 10/11/12 from "Untitled.tpo"



Map created with TOPO! ©2006 National Geographic; ©2005 Tele Atlas, Rel. 9/2005



TN* MN
3 1/2°
10/11/12

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United States Department of Agriculture
Farm Service Agency

PLSS: 13_93N_52W
Farm: 4825

Clay County, SD

1:8,340

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Wetland Determination Identifiers

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

Common Land Units

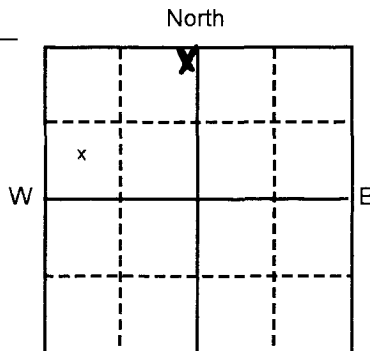
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2008 Ortho-Photography - Not to Scale

Sheree Christensen
March 21, 2011 *Prog. Tech.*

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 13 Twp 93n Rg 52wCounty ClayPlease mark well
location with an "X"

Well Completion Date

October 3, 2012

1 Mile

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

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

GROUTING DATA:

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

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches 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? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Paul BremerBusiness Name: XAddress: 31244 Bluff RoadCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, yellow brown, pebbly (Till)	0	31
Clay, gray-brown, pebbly, (Till)	31	74
Sand, green, coarse to med grained	74	149
Siltstone, gray, calcareous (Niobrara)	149	165

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond Wetmore Drilling, LLC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 10/14/2012

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/23, 20 12

RECEIVED OF Paul A Bremer 31244 Bluff Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7472-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7472-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **05631**

By Garland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7472-3, Paul Bremer**

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. 7472-3, Paul Bremer, 31244 Bluff Road, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7472-3 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. 7472-3 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.

Garland Erbele, Chief Engineer
December 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7472-3
PAUL BREMER
JANUARY 02, 2013

Water Permit Application No. 7472-3 proposes to appropriate 272 acre-feet annually at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion Missouri aquifer. The well is expected to be approximately 150 feet deep and is to be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T95N-R52W. This permit application proposes to irrigate 135 acres located in the NW $\frac{1}{4}$ Section 13, T93N-R52W in Clay County.

AQUIFER: Lower Vermillion Missouri (LVM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower Vermillion Missouri aquifer is a buried outwash (sand and gravel) aquifer that is under confined conditions in the area of this application, but also has portions under unconfined conditions (Stephens and Christensen, 1967). The aquifer underlies approximately 100,800 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Clay County (Hedges et al., 1982). The aquifer blends into the Missouri: Elk Point aquifer to the south and into the Upper Vermillion Missouri aquifer to the north. This aquifer is also hydraulically connected to the Vermillion River and the Parker-Centerville aquifer. The test hole log submitted with this application shows till from ground surface to 74 feet below grade, sand (Lower Vermillion Missouri aquifer) from 74 feet to 149 feet below grade and the Niobrara below the Lower Vermillion Missouri.

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 the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 272 acre-feet annually from the Lower Vermillion Missouri aquifer. Although the actual water use if this application is approved will most likely be less than 272 acre-feet/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.

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 of the aquifer.”

The DENR-Water Rights Program monitors 12 observation wells completed into the Lower Vermillion Missouri aquifer (Water Rights, 2012a). The nearest observation wells are CL-80G, CL-80H, and CL-80IR. The observation wells are 3.3, 3.4, and 3.6 miles away from the proposed well site, respectively. The water levels rise (recharge) during wet years and gradually decline during dry years. The effect of well withdrawals does not appear to be significant over the period of record. The climatic effects on the water level greatly mask the temporal impacts of well withdrawal. The hydrographs show that over the period of record water levels have held fairly constant. Therefore, recharge to and natural discharge from the Lower Vermillion Missouri aquifer significantly exceeds pumping. Considering the observation well data, there is a reasonable probability that there is unappropriated water available from the Lower Vermillion Missouri aquifer. Figures 1, 2, and 3 are the hydrographs for observation wells CL-80G, CL-80H, and CL-80IR, respectively.

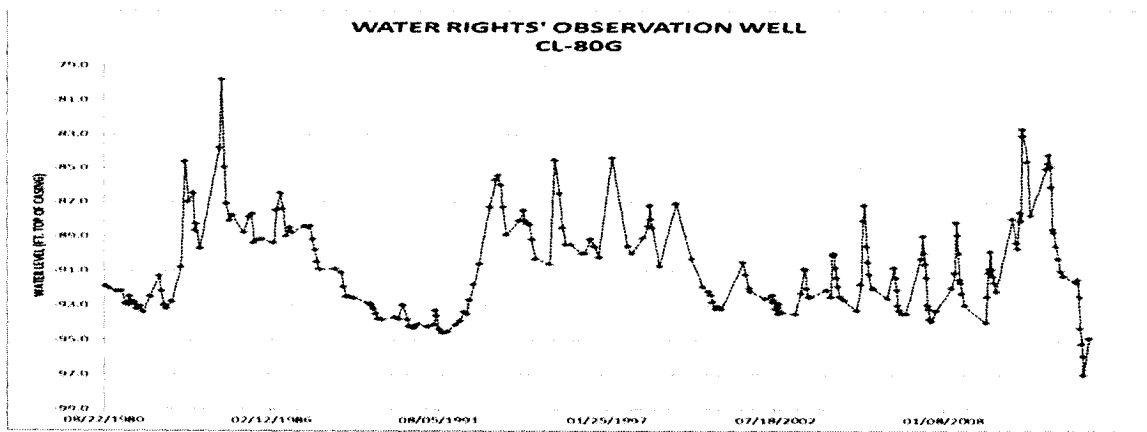


Figure 1- Hydrograph of DENR-Water Rights' observation well CL-80G, located approximately 3.3 miles southwest of the proposed well location (Water Rights, 2012a)

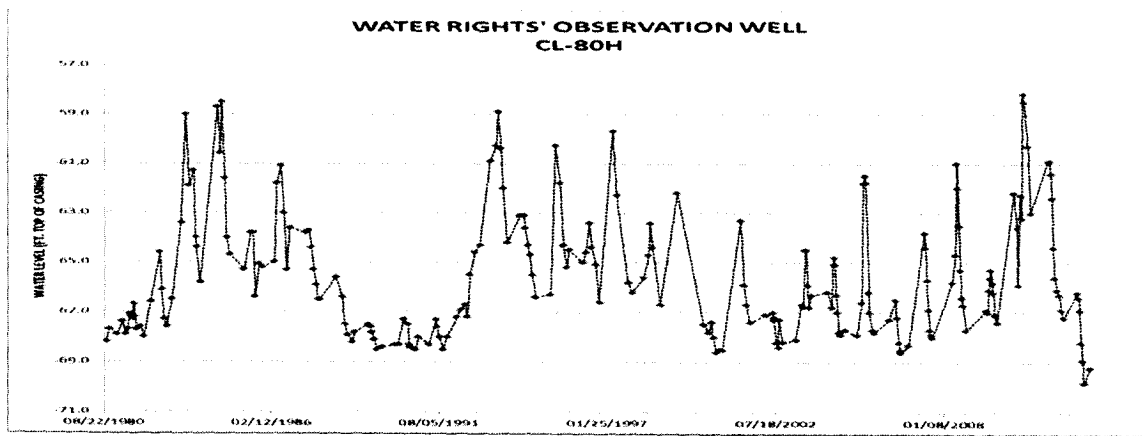


Figure 2- Hydrograph of DENR-Water Rights' observation well CL-80H, located approximately 3.4 miles northeast of the proposed well location (Water Rights, 2012a)

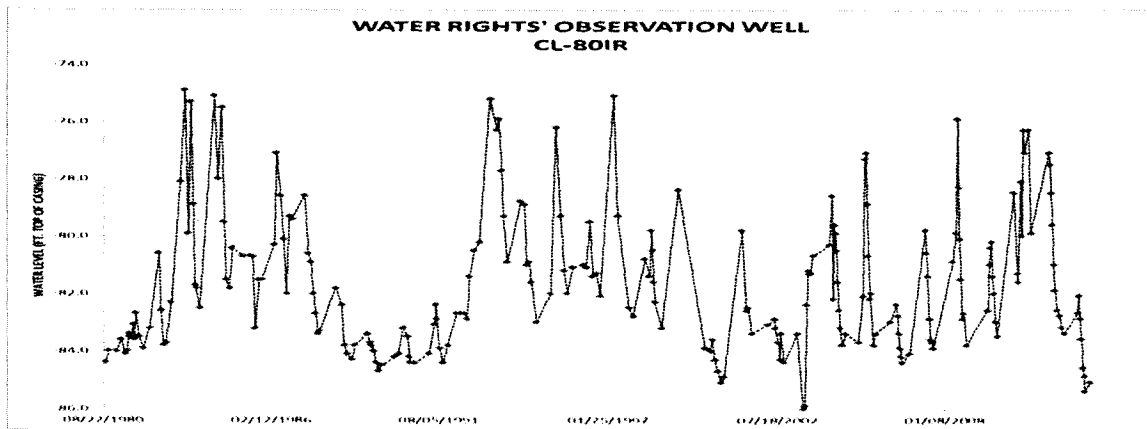


Figure 3- Hydrograph of DENR-Water Rights' observation well CL-80IR, located approximately 3.6 miles northwest of the proposed well location (Water Rights, 2012a)

Recharge versus Withdrawals:

Recharge:

Recharge to the Lower Vermillion Missouri is from infiltration of precipitation, influent seepage from streams, and subsurface inflow from adjacent areas (Stephens and Christensen, 1967). The aquifer also receives recharge from the Vermillion River during periods of high flow (Stephens and Christensen, 1967), and from the Niobrara aquifer where the two aquifers come in contact with each other (Water Rights, 2012c). Hedges and others (1985) estimated the recharge rate to the unconfined portion of the aquifer to be 3.8 in/yr. Total recharge has not been estimated for the aquifer. However, Hedges and others (1985) stated, "for management and development programs the minimum recharge rate to confined aquifers is estimated to be 0.15 inches per year and the maximum rate is 0.60 inches per year."

Withdrawals:

There are 66 water rights/permits appropriating water from the Lower Vermillion Missouri aquifer on record with the SD-DENR Water Rights Program. The non-irrigation appropriations consist of two rural water system appropriations and two appropriations for institutional use. The estimated annual withdrawal by institutional appropriations is 27.4 acre-feet. This estimation assumes water is being withdrawn from the aquifer 60 percent of time at maximum diversion rate. The average annual withdrawal from the aquifer as reported to the SD DENR-Water Rights Program (1998-2011) by Clay Rural Water System Inc., the two rural water system appropriations, is 569.9 ac-ft. Water withdrawal from the Lower Vermillion Missouri aquifer for irrigation, as reported to the DENR- Water Rights Program through annual irrigation questionnaires, is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	62	19987.00	2195.06
2010	59	19561.70	144.56
2009	58	18961.70	482.64
2008	55	17587.45	4301.25
2007	50	16655.45	2909.12
2006	43	15254.45	2674.51
2005	45	15844.45	1410.24
2004	39	15013.45	1747.48
2003	40	15199.45	1800.56
2002	40	15199.45	1762.32
2001	38	14879.45	2036.96
2000	38	14879.45	2041.72
1999	38	14879.45	900.63
1998	36	14150.45	1032.91
1997	36	13656.14	1085.00
1996	36	14096.04	997.60
1995	37	14309.24	506.61
1994	39	14673.74	517.28
1993	39	15308.00	0.00
1992	39	15308.24	168.80
1991	39	15308.24	1670.10
1990	38	15657.34	2113.20
1989	38	15657.34	2301.20
1988	38	15657.34	2083.80
1987	37	15435.34	1115.40
1986	45	20477.34	1047.50
1985	46	20661.34	1328.20
1984	47	20754.30	691.00
1983	38	15480.34	716.30
1982	37	15862.84	870.04
1981	49	23003	1543
1980	47	22683	2417
1979	49	22683	1163
Min	36	13656.14	0
Max	62	23003	4301.25
Avg.	42.88	16809.86	1447.73

Table 1- Irrigation water use from the Lower Vermillion Missouri aquifer (Water Rights 1990-2011).

Total average annual withdrawal, including non-irrigation use, is 2,045.03 acre-feet per year from the Lower Vermillion Missouri aquifer. The observation well hydrograph shows that the water level in the aquifer has remained relatively constant despite changes in annual water use and appropriations. The recharge required to have recharge equal withdrawal is 0.24 inches per year. If this application is approved, the additional withdrawal will not significantly increase the recharge required to push it out of the range suggested by Hedges and others (1985). Therefore, there is a reasonable probability that unappropriated water is available from in the Upper Vermillion Missouri aquifer.

EXISTING WATER RIGHTS:

There are three water rights/permits authorizing wells and five domestic wells within three miles of the proposed well site on file with the SD-DENR Water Rights Program (Water Rights, 2012b and 2012c). Table 2 shows the water rights/permits within three miles of the proposed well site.

None of the water rights/permits are within two miles and there are no domestic wells within one mile.

Permit No.	Name	Status	Type	CFS	Acres
2966-3	Harold/Beverly Fischer	LC	IRR	1.05	74
3039-3	Virginia R. Johnson	LC	IRR	2	140
7230-3	Paul Bremer	PE	IRR	1.33	77
LC= Water Right, PE= Water Permit, IRR= Irrigation					

Table 2- Water rights/permits within three miles of proposed well site (Water Rights, 2012b)

Well interference may occur but it is not expected to be significant due to the distance between the wells. Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection for existing wells only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Hence, the pump placement in a prior appropriator's well is not necessarily protected. The Water Management Board, in the past, has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4. South Dakota Codified Law 46-1-4 requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable. In the area of this application the Lower Vermillion Missouri aquifer has between 40 and 70 feet of artesian head pressure. Therefore, well interference is not likely to adversely impact existing appropriative or domestic users.

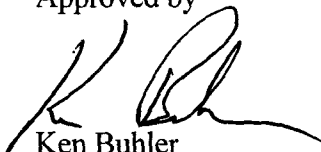
CONCLUSIONS:

1. This application proposes to appropriate 272 acre-feet annually for the irrigation of 136 acres, but the amount of water that actually will be used is expected to be less than 272 acre-feet annually.
2. There is a reasonable probability that unappropriated water is available from the Lower Vermillion Missouri aquifer to supply this proposed diversion
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely affecting existing water rights.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, Final Report. U.S. Army Corps of Engineers. Omaha, Nebraska. Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Stephens, J.C. and C.M. Christensen. 1967. Geology and Water Resources of Clay County, South Dakota Part II. Bulletin 19. SD-DENR Geological Survey. Vermillion, South Dakota
- Water Rights. 1991-2011. "1990-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 1998-2011. Non-irrigation Yearly Reports. SD DENR-Water Rights Program. Joe Foss Building, 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 Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services

Air Quality Program

Joe Foss Building, 523 East Capitol

Pierre, SD 57501

STATE OF SOUTH DAKOTA

COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE **CLASSIFIED MANAGER** OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION FOR AIR QUALITY CONSTRUCTION PERMIT

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 11 DAY OF JANUARY 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$26.98** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/13

FILED ON: 1/11/13

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

11th DAY OF

January

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

**NOTICE OF APPLICATION
NO. 7472-3 to Appropriate
Water**

Notice is given, that Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (150 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 136 acres located in the NW 1/4 Section 13; all in T93N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7472-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 22, 2013.

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 once at the total approximate cost of \$26.98.

Published January 11, 2013

RECEIVED

JAN 14 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

1+11

NOTICE OF APPLICATION
NO. 7472-3 to Appropriate Water

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Published once at the total approximate cost of \$25.48.

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED **Notice of Application No. 7472-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 11th DAY OF January 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID **NOTICE** TO WIT \$25.48 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11/2013

FILED ON: 1/11/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF January

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 3, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7472-3 to Appropriate Water. Please publish the notice once on January 11, 2013. 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 Paul Bremer, 31244 Bluff Rd., Vermillion SD 57069 (Ph # 605-624-4752).

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

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

denr.sd.gov

January 3, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 3, 2013

Paul Bremer
31244 Bluff Rd
Vermillion SD 57069

Dear Bremer:

Water Permit Application No. 7472-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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 has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on January 11, 2013. 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. 7472-3 to Appropriate Water

Notice is given that Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (150 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 136 acres located in the NW 1/4 Section 13; all in T93N-R52W.

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Published once 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

FEB 18 2013

Paul Bremer
31244 Bluff Rd
Vermillion SD 57069

Dear Mr. Bremer:

Enclosed is Water Permit No. 7472-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Garland Erbele".

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

enclosures

JUL 26 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-22-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Paul A. Bremer
(name)31244 Bluff Rd
(address)Vermillion SD 57069
(city, state, zip)605-624-4752
(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.

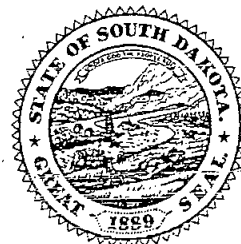
Water Permit No. 7472-3 states that the water use system is to be constructed by
January 22 2018, and water is to be put to beneficial use by January 22 2022
(date) (date)

The water use system was completed on 6-15-2013
(date)

Applying the water to beneficial use was completed on 7-3-2013
(date)

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

Paul A. Bremer
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2013

7472-3

Paul A Bremer
31244 Bluff Rd
Vermillion SD 57069

Dear Mr. Bremer:

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 irrigation 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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
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. 7472-3**

I have this day, January 27, 2016, made a thorough examination of the water use system constructed by Paul Bremer, 31244 Bluff Road, Vermillion, SD 57069 of Permit No. 7472-3, bearing the priority of October 22, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of Lower Vermillion:Missouri Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship **Paul Bremer, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 135 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 50 feet
- 3) Static water level Unknown

Pump:

- 1) Make Grundfos
- 2) Model 625S 400-2
- 3) Capacity 800 GPM

Motor:

- 1) Make Grundfos Submersible
- 2) Model No. 17BG002D1306W03
- 3) Horsepower rating 40 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 1690 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
2) Overall length 1280 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 800 GPM

Comments: System is driven by a 70 KW Diesel Generator Set Model 70GF-LDE with 500 gallon above ground diesel fuel tank.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
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: East 2480', South 30' from NW Corner of Sec 13-T93N-R52W; Lat 42.88089/Long -96.93505; NE ¼ NW ¼ Sec 13-T93N-R52W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 13-T93N-R52W.

NW ¼ NW ¼ - 34 ac

SW ¼ NW ¼ - 34 ac

NE ¼ NW ¼ - 34 ac

SE ¼ NW ¼ - 32 ac

comprising a total of 134 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

3. All structures, wells and lands on map **Yes**

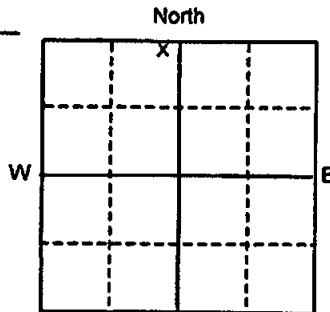
Harold Holoch

Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

Date report completed: **February 8, 2016**

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13 Twp 93 Rg 52WCounty ClayPlease mark well
location with an "X"

Well Completion Date

January 30, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
2,330.0 ft. from Septic Tank (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	85.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	21	9.5 Lb/gal	0.0 Ft	80.0 Ft
Gravel		30,000 Lb/gal	80.0 Ft	135.0 Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 50.0 Feet
Material PVCSlot Size .060 Set From 85.0 Feet to 135.0 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? Not Required
 Lab to which water quality sample sent for analysis
Well Owner: Paul Bremer

Business Name:

Address: 31244 Bluff RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Lime Nodule	2	22
Glacial Till	22	77
Tan Sand	77	87
Sand & Pebble Green Gravel	87	122
Gravel	122	135

STATIC WATER LEVEL _____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ 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

RECEIVED**JAN 21 2014****WATER RIGHTS
PROGRAM**This well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond Wetmore Drilling

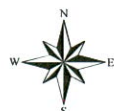
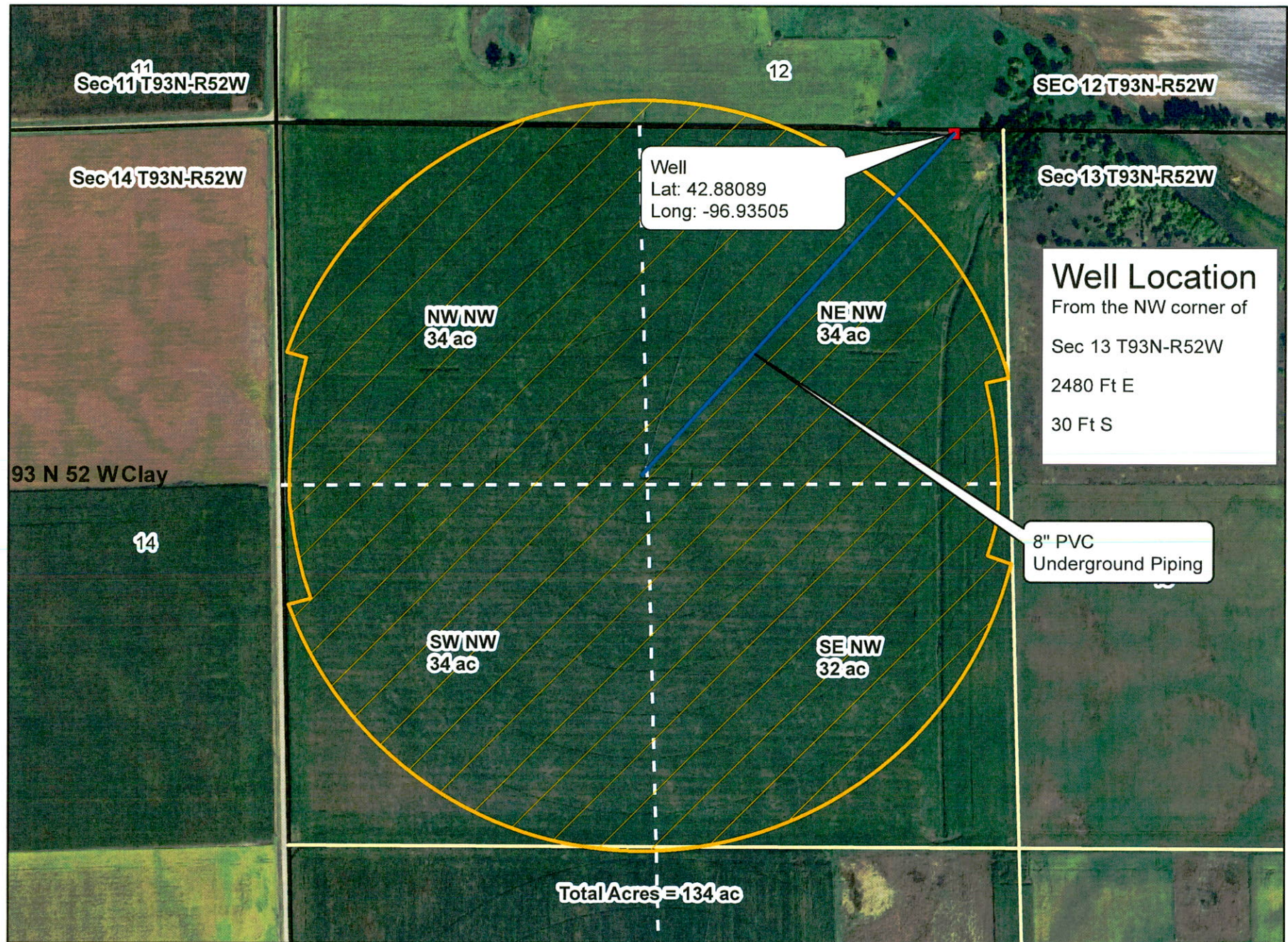
Signature of License Representative:

Rickel A. Brown

Signature of Well Owner or Equitable Property Holder:

Date: 3/13/2013

7472-3



Harold Holoch
Harold Holoch, PE
Water Rights Inspector
February 4, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2016

7472-3

Paul Bremer
31244 Bluff Rd
Vermillion SD 57069

Dear Mr. Bremer:

Enclosed is Water License No. 7472-3. 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. 7472-3, 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. 7472-3**

(1) Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 made Application No. 7472-3, October 22, 2012 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower Vermillion Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7472-3, with a priority date of October 22, 2012 was approved January 22, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 22, 2018 and for the application to beneficial use of said water on or before January 22, 2022.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on July 26, 2013. The "Notice" stated the water use system was completed on June 15, 2013 and the water placed to beneficial use on July 3, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 2,480 feet east and 30 feet south of the NW corner of Section 13, T93N, R52W (NE ¼ NW ¼).

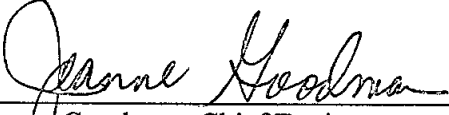
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T93N, R52W Section 13	NW ¼ NW ¼	34 acres
	SW ¼ NW ¼	34 acres
	NE ¼ NW ¼	34 acres
	SE ¼ NW ¼	32 acres
	Total	134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 the holder and/or owner of Water Right No. 7472-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Lower Vermillion Missouri Aquifer) with a priority date of October 22, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7472-3 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 well authorized by Permit No. 7472-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Hammond Wetmore Drilling in January, 2013. A copy of the well log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

FEB 24 2016
date

