

WATER PERMIT NO. 7969-3

Name of Applicant: **Bronson Custom Farms Inc.**

Address: **14873 450th Ave, Ortley SD 57256** Phone: **605 947-4276**

Amount of Water Claimed: **0.67 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (two wells)**

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

Type of Waste Disposal System:

Location: **27 miles west of Milbank**

PRIORITY Date Received: **2-13-14** Application/License Fee: **\$ 1150**

Corrected Application Received: Period of Annual Use: **Jan 1- Dec 31**

Remarks: **for a dairy operation**

Diversion Point: **NW 1/4 SW 1/4 Sec 29-T121N-R52W**

Land to be Irrigated: **NA**

Depth of Well: **40 feet deep**

Well Driller: **Empire Irrigation**

Remarks:

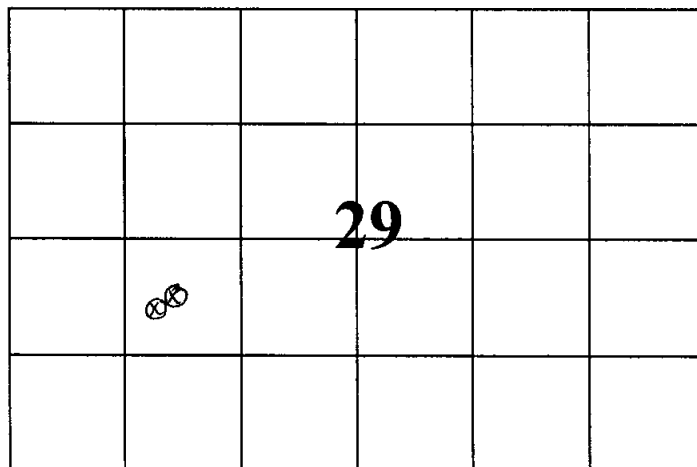
Type of Map: **plat**

Prepared by:

Reviewed and the Number Assigned on: **2-13-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

(office use only)
No. 2969-3 Hydrologic Unit 10170202
Basin Sioux River 605-432-4516
Newspaper Grant Co. Review P.O. Box 390 Millbank 57252
Public Opinion Box 10 Watertown 57201 605-886-6901

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FEB 13 2014

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant BRONSON CUSTOM FARMS INC. Phone (605) 947-4276(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 14873 450TH AVENUE ORTLEY SD 57256
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.67 *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply BIG SIOUX AQUIFER4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County GRANT

2 WELLS IN THE SW 1/4 OF SECTION 29, T12N R52W
(NW 1/4 SW 1/4)

5. County or counties where water will be used GRANT6. Annual period during which water is to be used JANUARY 1 - DECEMBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WELLS TO BE USED TO SUPPLY STOCK WATER FOR PROPOSED CONCENTRATED
ANIMAL FEEDING OPERATION (DAIRY)

STATE OF SOUTH DAKOTA)
County of GRANT) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, KRIS BRONSON, 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 Kris BronsonSubscribed and sworn to before me this 11 day of February 20 14

Edmund White
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7969-3**

Date of first receipt of application February 13, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7969-3 to Bronson Custom Farms Inc., c/o Kris Bronson, 14873 450th Ave, Ortleby SD 57256 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. 7969-3 appropriates 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (40 feet deep) located in the NW 1/4 SW 1/4 Section 29-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation.
2. The water appropriated shall be used for the purpose of commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7969-3 is April 28, 2014.
5. The date from which applicant may claim right is February 13, 2014.
6. One-fifth of the construction is to be completed on or before October 28, 2016.
7. All construction is to be completed on or before April 28, 2019.
8. Water is to be put to beneficial use on or before April 28, 2023.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

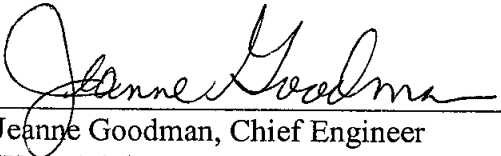
QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7969-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 7969-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

4. Permit No. 7969-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:North Aquifer.

WATER MANAGEMENT BOARD

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

MAY 02 2014

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 40'
- b) Casing Type FIBERGLASS Diameter 16" Thickness 3/8"
- c) Screen Type FIBERGLASS Diameter 16" Thickness 3/8"
- d) Gravel Pack 7" Length of Gravel Pack ≥16'
- e) Depth to Top of Water Bearing Material 4'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicant's property 720' On property owned by others 4530'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

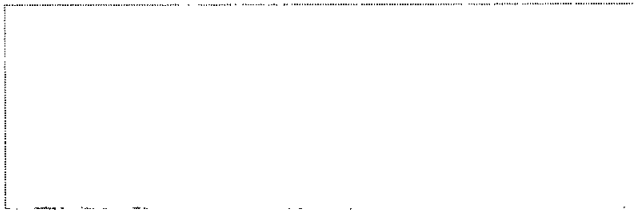
3. Dugout Information

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

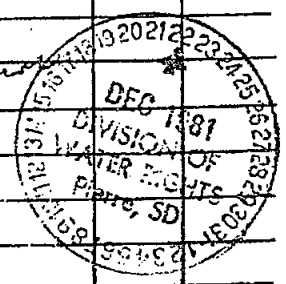
4. Water Storage Dams

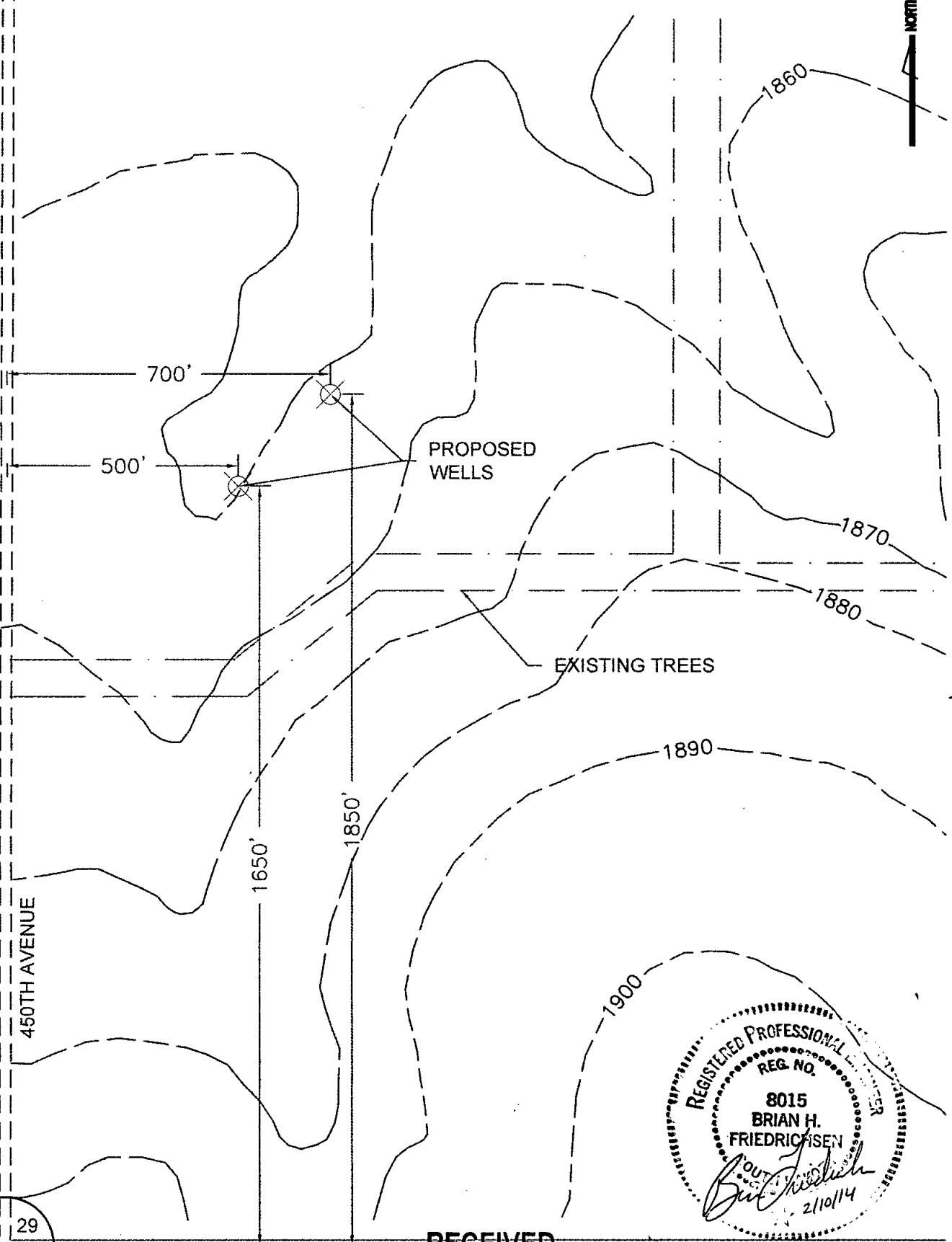
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres





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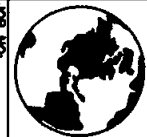
**WATER RIGHTS
PROGRAM**

**PROPOSED WELL LOCATIONS
BRONSON CUSTOM FARMS**

DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED

REV.	DATE	DESCRIPTION	BY	CHKD
DATE:	2/10/14	DRAWN: TB	CHECKED: BF	

P.O. BOX 636 HURON, SD 57350 605-352-5610



JOB NO: 1329
SCALE: 1" = 300'
DATE: 1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/13, 20 14

RECEIVED OF Bronson Custom Farms Inc 14873 450th Ave Ortley SD 57256

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

Fee for Application for Permit No. <u>2969-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>2969-3</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	1150 00

No. **06750**

By J. M. M. Hodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



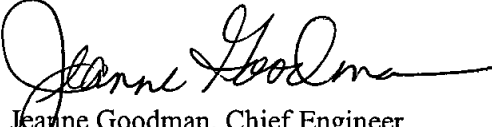
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7969-3, Bronson Custom Farms, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7969-3, Bronson Custom Farms, Inc., c/o Kris Bronson, 14873 450th Avenue, Ortle SD 57256.

The Chief Engineer is recommending APPROVAL of Application No. 7969-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7969-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 7969-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 7969-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:North Aquifer.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
April 8, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7969-3
BRONSON CUSTOM FARMS INC.
APRIL 8, 2014

Water Permit Application No. 7969-3 proposes to appropriate water at a maximum diversion rate of 0.67 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux: North aquifer for use in a dairy operation. The wells are expected to be approximately 40 feet deep and are to be located in the NW ¼ SW ¼ Section 29; all in T121N-R52W in Grant County within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER: Big Sioux: North (BS: N)

Aquifer Characteristics:

The North management unit of the Big Sioux aquifer is an alluvium mantled, surficial outwash deposit located primarily in the flood plain of the Big Sioux River (Hansen, 1990). The Big Sioux: North aquifer is generally under unconfined conditions with water movement to the south and toward the Big Sioux River. The aquifer is hydraulically connected to Lake Kampeska, Pelican Lake, Still Lake and the Big Sioux River (Putnam and Thompson, 1996). The aquifer underlies approximately 83,500 acres of Codington, Grant, Hamlin, and Roberts Counties and contains approximately 187,880 ac-ft of recoverable water in storage (Hedges et. al, 1982). The Big Sioux: North can range from 2-54 feet thick and is generally encountered less than 50 feet below ground surface (Putnam and Thompson, 1996).

A test hole log was not submitted with this application. However, there is sufficient information available from SD DENR-Geological Survey lithologic logs, and DENR-Water Rights Program observation well and well completion report databases to evaluate this application (SDGS, 2014; Water Rights, 2014a and 2014c). Lithologic logs and well completion reports in the area of this application indicate that the top of the sand and gravel is generally between ground surface and 10 feet below grade, and the bottom of the aquifer can range from 40 to 60 feet below grade with a static water level from three to 20 feet below grade (SDGS, 2014; Water Rights, 2014a and 2014c).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Big Sioux: North aquifer. The probability of unappropriated water available from the 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.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

Hydrologic Budget:

Recharge:

Recharge to the Big Sioux: North aquifer occurs through infiltration and subsequent percolation of precipitation where the aquifer is near land surface. Since the aquifer is hydraulically connected to some area lakes and the Big Sioux River, recharge is provided to the aquifer during times of high runoff when surface water levels are higher than groundwater levels.

There are several estimates for recharge rates to the Big Sioux: North aquifer. Hansen (1990) estimated recharge to be between 4 and 10 in/yr. Hedges and others (1985) calculated recharge rates for the various management units of the Big Sioux aquifer to range from 2.7 to 6.9 in/yr if flow-net analysis is ignored. Putnam and Thompson (1996) estimate the average annual recharge to the Big Sioux: North to be in the approximate range of 2.9 to 5.8 in/yr. Average annual recharge to the Big Sioux: North was estimated to be 5.53 in/yr for the purpose of computer modeling under steady state conditions (Putnam and Thompson, 1996). Using the average annual recharge rate from the computer model and the given area of the aquifer, average annual recharge to the aquifer is estimated to be 38,480 ac-ft/yr.

This is not to suggest that the entire volume of annual recharge or that all of the recoverable water in storage is available for use everywhere in the aquifer. In fact, Putnam and Thompson’s (1996) computer model for the aquifer suggests that during dry conditions the ability of some high capacity wells to produce would be seriously impacted. The model suggests “The Big Sioux aquifer probably is unable to support extensive irrigation during dry periods such as those that occurred during 1980 and 1981 or in 1976.”

Discharge:

Natural discharge does occur from the Big Sioux: North aquifer to the lakes and rivers when groundwater levels are higher than surface water levels. There are 94 water rights/permits appropriating water and three future use permits reserving water from the Big Sioux: North aquifer (Water Rights, 2014b). The non-irrigation appropriations include 16 for municipal use, 11 for commercial use, five for industrial use, two for rural water system use, and one for use by a suburban housing development (Water Rights, 2014b). Water Right No. 5158-3, Sioux Rural Water System, has not been used since 1998. The well field has “basically been abandoned” because of water quality issues (Buhler, 2012). The future use permits are all for municipal use and reserve a total of 3,469 ac-ft of water annually for the City of Watertown. The estimated annual water use by the non-irrigation appropriations, not including Clark Rural Water System, Sioux Rural Water System, and the City of Watertown is 2,482 ac-ft/yr (Water Rights, 2014b). This estimate is based on pumping at the maximum allowed diversion rate for 60 percent of the time. The maximum annual use by the City of Watertown through current appropriations from the Big Sioux: North aquifer is calculated from 60 percent assumed use for permits limited only

by diversion rate and 100 percent use for permits limited by annual volume. This maximum annual use is estimated to be 12,247 ac-ft/yr. The maximum annual use for Clark Rural Water System is assumed to be 100 percent of its appropriation (404 ac-ft/yr). Current usage by both the City of Watertown and Clark Rural Water System is a fraction of the maximum annual estimated use (see Table 2). Reported water use from the Big Sioux: North for the City of Watertown and the Clark Rural Water System is shown in Table 2, and annual withdrawals for irrigation as reported to the DENR-Water Rights Program through irrigation questionnaires are shown in Table 1.

Year	Number of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2012	50	17732	4970.47
2011	46	16208.5	2147.88
2010	46	16208.5	2421.27
2009	45	15948.5	1773.51
2008	41	15498.5	2743.94
2007	38	14584.5	3308.79
2006	38	15134.5	4285.97
2005	40	15250.5	2886.7
2004	38	14673.5	2448.79
2003	37	14113.5	3662.11
2002	37	14129.5	2835.49
2001	36	14116	2558.91
2000	36	14116	3013.88
1999	35	14047.6	2593.1
1998	35	14117.8	1702.52
1997	31	13612.8	1656
1996	30	13472.8	1497.96
1995	32	14136.8	1186.68
1994	33	14151.8	1192.95
1993	34	14445.8	865.5
1992	33	14311.8	1325.7
1991	38	17240	1659
1990	44	22492.8	2520.1
1989	40	21096.8	2686.6
1988	35	19564.8	2740.4
1987	35	19564.8	1929.4
1986	35	19564.8	1079.1
1985	36	19659	1419.7
1984	36	21936.3	1684.5
1983	34	21141	1110.45
1982	32	20187	1384.05
1981	37	20814	1067
1980	39	20598	888
1979	39	20598	912
Min	30	13472.8	865.5
Max	50	22492.8	4970.47
Avg	37.4	16896.1	2122.3

Table 1- Irrigation withdrawal from the Big Sioux: North aquifer (Water Rights, 1980-2013)

Reported Pumpage From the BS:N for Municipal and RWS Use (ac-ft/yr)		
	Watertown	Clark RWS
2013	4095	127
2012	4259.65	108
2011	3864.04	143
2010	3947.15	143
2009	3735.26	164
2008	3984.15	127
2007	4062.46	44
2006	2960.86	N/A
2005	2391.83	N/A
2004	2125.66	N/A
Avg.	3543	122

Table 2- Reported water use from the Big Sioux: North aquifer (modified from Mathiowetz, 2013)

Hydrologic Budget:

The estimated maximum average annual withdrawal from the Big Sioux: North aquifer, including the water reserved by future use permits, is 20,724 ac-ft/yr. Comparing the estimated average annual withdrawal plus water reserved by future use permits to the estimated average annual recharge, 38,480 ac-ft/yr, there is a reasonable probability that there is unappropriated water available from the North management unit of the Big Sioux aquifer for this proposed appropriation.

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 27 observation wells completed into the Big Sioux: North aquifer (Water Rights, 2014a). The nearest observation well (GT-77D) is approximately 700 feet and 1,050 feet southwest of the proposed well sites (Water Rights, 2014a). The water level in the observation well shows good response to climatic conditions. The water level rises (recharge) during wet years and gradually declines during dry years. The observation well hydrograph shows minimal effects from pumping. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Big Sioux: North aquifer significantly exceeds pumping. Recognizing that natural discharge can be captured for pumping, the hydrograph documents that unappropriated water is available for this proposed appropriation. The hydrograph for GT-77D are similar to the hydrographs for other observation wells in the aquifer and are representative of the aquifer. Figure 1 shows the hydrographs for GT-77D.

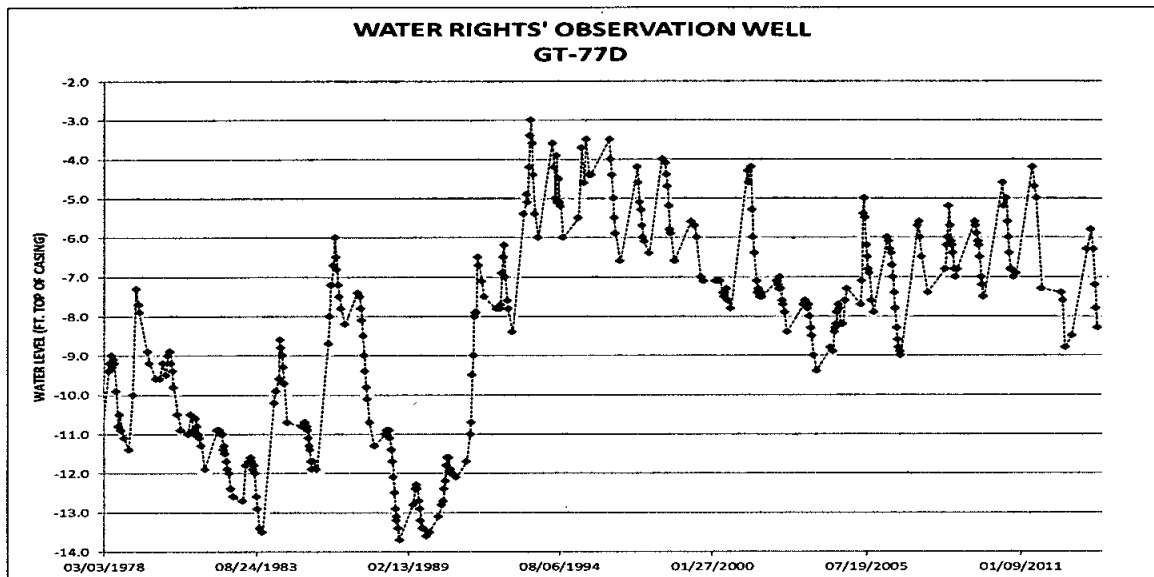


Figure 1- Hydrograph for observation well GT-77D (Water Rights, 2014a)

EXISTING WATER RIGHTS:

Water Right No. 2717-3A for Kristopher Bronson and Water Permit No, 7453-3 for Berger Farms both authorize wells within approximately one mile of the proposed well sites (Water Rights, 2014b). The nearest well, authorized by Water Right No. 2717-3A, is approximately 0.6 miles west of the proposed well sites. There are no domestic wells on file with the SD DENR-Water Rights Program within approximately one mile that appear to be completed into the Big Sioux: North aquifer (Water Rights, 2014c).

Since the Big Sioux: North is under unconfined conditions, drawdown created from pumping the wells for this application is not likely to be significant far from the pumped well. The observation well hydrograph documents the minimal effects from pumping on the water level in the observation well. Observation well GT-77D is within one-half mile of a large capacity well completed into the Big Sioux: North aquifer. Therefore due to the distance between wells, and the low drawdown created by pumping high capacity wells completed into the North management unit of the Big Sioux aquifer, there is a reasonable probability that this proposed diversion can be made without adversely impacting existing appropriative or domestic users.

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under unconfined conditions drawdown due to pumping would not be significant far from the well site. There has also been a history of large capacity wells in the area and from this aquifer. Therefore, nearby adequate wells are not expected to be adversely or unlawfully impaired by the proposed diversion.

The Big Sioux: North aquifer is a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at

their developed or "historically established" diversion rates, this may be considered an adverse impact. If approved, the water permit should include a qualification that the well owner should 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.

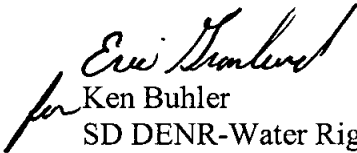
CONCLUSIONS:

1. This application proposes to appropriate water from the Big Sioux: North aquifer at a maximum diversion rate of 0.67 cfs for the irrigation for use in a dairy operation.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: North aquifer for this proposed appropriation.
3. The Big Sioux: North aquifer is under unconfined conditions in this area and drawdown from pumping is not expected to be significant very far from the production well.
4. There is a reasonable probability that the diversion proposed by this application will not adversely impact existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:


for Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A. 2012. Report on Water Permit Application No. 7328-3, Marvin Amdahl. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota. U.S. Geological Survey Water-Supply Paper 2254. U.S. Geological Survey. Huron, SD.
- 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.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in 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.
- Mathiowetz, A.W. 2013. Report on Water Permit Application No. 7846-3, Richard E. Schmit. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
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- Water Rights. 1980-2013. "1979-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Printer's Affidavit of Publication RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

APR 21 2014

WATER RIGHTS
PROGRAM

Ann Tuchscherer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in

charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 7969-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one ~~successive~~ weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>April 16</u>	<u>2014</u>	<u>20</u>
<u>20</u>		<u>20</u>
<u>20</u>		<u>20</u>

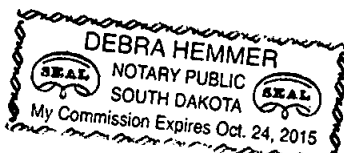
That \$ 23.54, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ann Tuchscherer

Subscribed and sworn to before me this 17th day of April 20 14

Debra Hemmer

Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 7969-3 to Appropriate Water

Notice is given that Bronson Custom Farms, Inc., 14873 450th Ave., Ortley, SD, 57256, has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux: North Aquifer (40 feet deep) located in the NW 1/4 SW 1/4 Section 29-T121N-R52W for commercial use in a dairy operation within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7969-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD, 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2014.

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.

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

Published once at an approximate cost of \$23.54.

Publication Fee \$ 23.54
Notarial Fee \$
Total \$ 23.54

RECEIVED

APR 18 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

April 16th, 2014

Cost of Printing \$8.74

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

April 16th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION
NO. 7969-3 to Appropriate
Water

Notice is given that Bronson Custom Farms Inc., 14873 450th Ave, Ortle SD 57256 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux North Aquifer (40 feet deep) located in the NW 1/4 SW 1/4 Section 29-T121N-R52W for commercial use in a dairy operation within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7969-3 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.

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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 \$53.74 (April 16, 2014)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 9, 2014

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7969-3 to Appropriate Water. Please publish the notice once on April 16, 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 Bronson Custom Farms Inc, c/o Kris Bronson, 14873 450th Ave, Ortle SD 57256 (Ph # 605-947-4276).

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



April 9, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7969-3 to Appropriate Water. Please publish the notice once on April 16, 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 Bronson Custom Farms Inc, c/o Kris Bronson, 14873 450th Ave, Ortle SD 57256 (Ph # 605-947-4276).

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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 DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

April 9, 2014

Bronson Custom Farms Inc
Kris Bronson
14873 450th Ave
Ortley SD 57256

Dear Mr. Bronson:

Water Permit Application No. 7969-3 for commercial livestock use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605-432-4516) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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 April 16, 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 NO. 7969-3 to Appropriate Water

Notice is given that Bronson Custom Farms Inc., 14873 450th Ave, Ortleby SD 57256 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (40 feet deep) located in the NW 1/4 SW 1/4 Section 29-T121N-R52W for commercial use in a dairy operation within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7969-3 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.

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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 _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



MAY 02 2014

Bronson Custom Farms, Inc
Kris Bronson
14873 450th Ave
Ortley SD 57256

Dear Mr. Bronson:

Enclosed is Water Permit No. 7969-3 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,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2016

7969-3

Bronson Custom Farms Inc.
c/o Kris Bronson
14873 450th Ave.
Ortley, SD 57256

Dear Mr. Bronson:

Water Permit No. 7969-3 appropriates 0.67 cubic foot per second (cfs) from two wells completed into the North Management Unit of the Big Sioux aquifer to supply water for commercial purposes in a concentrated animal feeding operation in Grant County. These two wells were both constructed in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T121N-R52W to depths of approximately 40 feet below ground surface. The original permit was conditioned with the standard well interference, well completion, compliance with Water Pollution Control Permit, compliance with applicable rules, and annual reporting of water use qualifications.

You submitted a request to the South Dakota DENR Water Rights Program (received on January 8, 2016) for an additional well, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T121N-R52W. According to the request, this additional well would be used as backup for the two existing wells described above. The new well will be completed to a similar depth as the existing wells and is expected to divert water from the same formation, the North Management Unit of the Big Sioux aquifer.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional diversion point location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 0.67 cfs under Water Permit No. 7969-3 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman
Chief Engineer
Water Rights Program

File No. 7969-3

Approval of Additional Diversion Point

NAME: Bronson Custom Farms Inc. **ADDRESS:** 14873 450th Ave., Ortle, SD 57256

DATE: January 11, 2016 **COUNTY:** Grant **TELEPHONE:** (605) 947-4276

Water Permit No. 7969-3 appropriates 0.67 cubic foot per second (cfs) from two wells completed into the North Management Unit of the Big Sioux aquifer to supply water for commercial purposes in a concentrated animal feeding operation in Grant County. These two wells were both constructed in the NW ¼ SW ¼ of Section 29, T121N-R52W to depths of approximately 40 feet below ground surface. The original permit was conditioned with the standard well interference, well completion, compliance with Water Pollution Control Permit, compliance with applicable rules, and annual reporting of water use qualifications.

Kris Bronson, President of Bronson Custom Farms Inc. submitted a request to the South Dakota DENR Water Rights Program (received on January 8, 2016) for an additional well, located in the SE ¼ SE ¼ Section 30, T121N-R52W. According to the request, this additional well would be used as backup for the two existing wells described above. The new well will be completed to a similar depth as the existing wells and is expected to divert water from the same formation, the North Management Unit of the Big Sioux aquifer.

AUTHORITY:

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

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Permit No. 7969-3 is the Big Sioux: North aquifer. The depth of the proposed well as well as the depth of the existing wells is consistent with the known depth of the Big Sioux: North aquifer.

No additional appropriation of water is authorized. Water Permit No. 7969-3 appropriates 0.67 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest production wells to the proposed well site which are completed into the same aquifer. The nearest well to the newly proposed diversion point which is not controlled by Kris Bronson was constructed under Water Permit No. 7453-3 and is located approximately 1.2 miles to the northwest. This distance is expected to be sufficient in order to minimize potential impairment of this existing well as a result of constructing the new well. In addition, since the new well site is not appreciably closer to existing wells and does not authorize additional diversion rate authority, the setting in which the new well will be constructed is functionally the same as that in which the

original wells were constructed. Therefore, the new well is not expected to fundamentally alter the existing system or increase the potential for impairment in nearby existing wells, including the well authorized under Water Permit No. 7453-3.

Observation Well Data

The Water Rights Program monitors a series of observation wells completed into the Big Sioux: North aquifer. The closest of these observation wells completed into the Big Sioux: North aquifer (GT-77D) is located between the existing wells and the newly proposed well site at approximately 600 feet to the east of the proposed well site. This well has been in place since 1977 and shows static water level fluctuations of three to 14 feet below the top of the casing. Historic water levels in GT-77D appear to be primarily climatically controlled with visible seasonal drawdown. Approval of an additional diversion point under Water Permit No. 7969-3 is not expected to increase the volume of water withdrawn from the aquifer annually and is therefore not expected to affect overall water levels in the aquifer.

CONCLUSION:

- The new diversion point does not propose to appropriate additional water.
- The wells in the original application proposed to pump water from the same source as the newly proposed well, the Big Sioux: North aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur as a result of the construction of the proposed well.

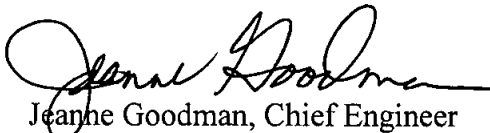
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for an additional diversion point in the form of a well completed into the Big Sioux: North aquifer, located in the SE ¼ SE ¼ of Section 30, T121N-R52W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

FORM 2: Application for uses other than irrigation

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

JAN - 8 2016

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>7969-3</u>		

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

ADD DIVERSION POINT. (ADDN. WELL) WITH NO INCREASE IN AMOUNT OF WATER
CLAIMED, LOCATED IN SE 1/4 OF SE 1/4 OF SECTION 30, T12N R52W

1. Name to Appear on Water Permit BRONSON CUSTOM FARMS INC.

Mailing Address 14873 450TH AVENUE ORTLEY SD 57256
 (Address) (City) (State) (Zip Code)

Phone (605) 947-4276 Mobile _____ Email _____

2. Amount of water claimed 0.67 *CFS or _____ **GPM and _____ ***AF or _____ Gallons
 Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use

3. Source of water supply BIG SIOUX AQUIFER

4. Location of point of diversion 2 EXISTING WELLS IN NW 1/4 OF SW 1/4 SECTION 29 T12N R52W
1 PROPOSED WELL IN SE 1/4 OF SE 1/4 SECTION 30 T12N R52W County GRANT
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No

If "Yes," where will water be used? SOUTH 1/2 SECTION 29, T12N R52W
 (example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used GRANT6. Annual period during which water is to be used JANUARY 1 - DECEMBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

PROPOSED WELL TO SERVE AS BACKUP FOR EXISTING WELLS SUPPLYING
EXISTING CONCENTRATED ANIMAL FEEDING OPERATION

By: K. J. Bronson

I, Bronson Custom Farms President, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 29 Twp 12/N Rg 52W

County Grant

North

Please mark well location with an "X"

Well completion Date 5-20-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 2900 ft from Septic Tank (identify source)

PROPOSED USE:

☐ Domestic Stock ☐ Municipal ☐ Business ☐ Test Holes

☐ Irrigation ☒ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING: Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR21 LB/FT</u>	<u>8 IN</u>	<u>12 FT</u>	<u>20 FT</u>	<u>12 1/4 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Pentamite No. of Sacks 2 Grout Weight 9.8 Lb/gal 8 R 12 R

Describe grouting procedure Tremie line

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8 inches Length 12 Feet

Material PVC

Slot Size 10/40 Set From 20 Feet to 32 Feet

Other information Red Flint Pack

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? Chlorine

☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Chris Bronson

Business Name: _____

Address1: 14873 450th Ave

Address2: _____

City, State, Zip: Orthey, SD 57254

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>3</u>
<u>Gravel</u>	<u>3</u>	<u>32</u>
<u>Yellow clay</u>	<u>32</u>	

STATIC WATER LEVEL 7 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: Submersible Pump

☐ Bailed

☐ Other

Pumping Level Below Land Surface

15 Ft. After 3 Hrs. pumped 90 GPM

15 Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN - 8 2016

WATER RIGHTS PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: Manikowski Well Drilling, Inc

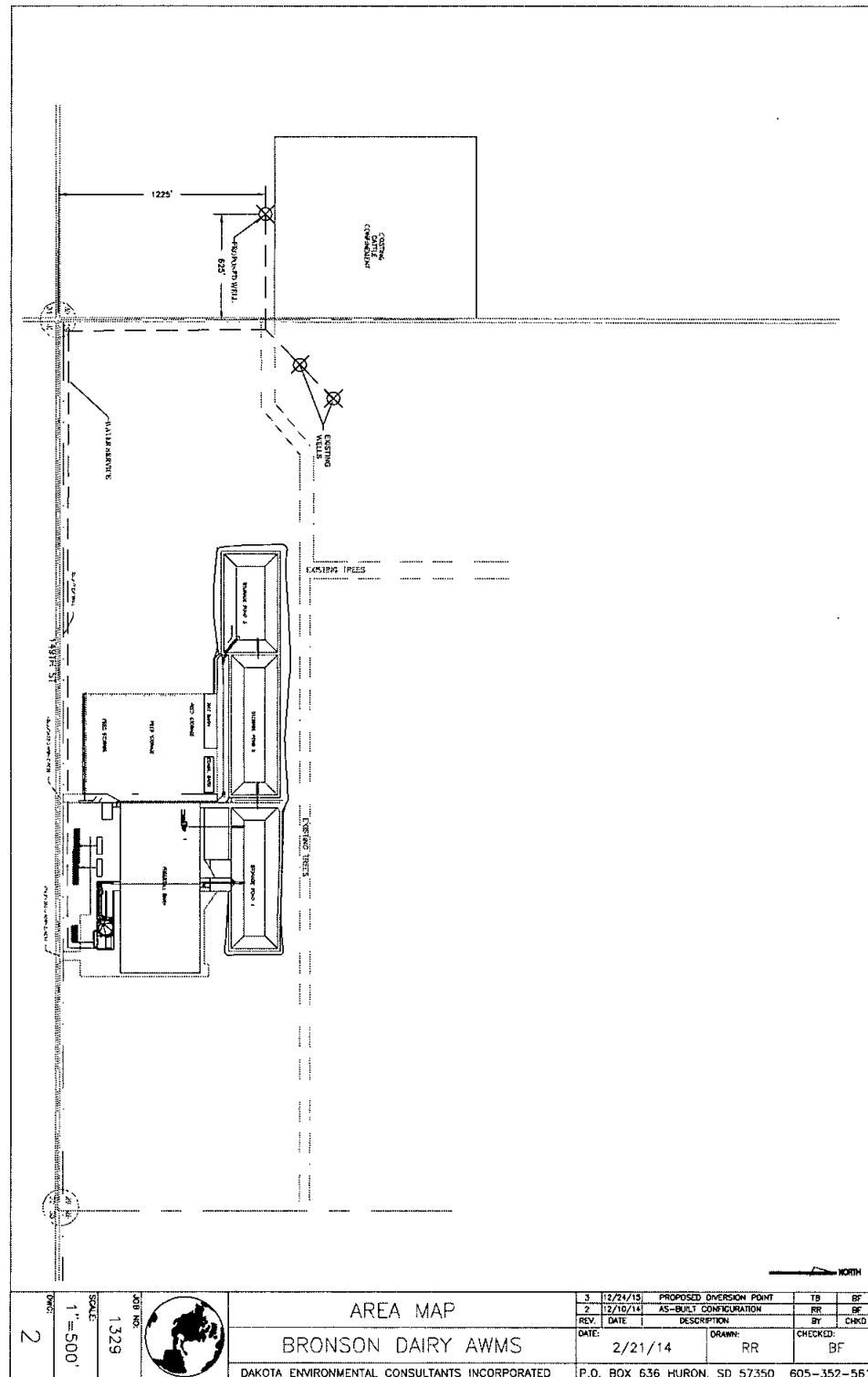
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights



RECEIVED
JAN - 8 2016
WATER RIGHTS
PROGRAM

DRAWN: 2	SCALE: 1" = 500'	JOB NO. 1329		AREA MAP				3	12/24/15	PROPOSED DIVERSION POINT	TB	BF
				BRONSON DAIRY AWMS				2	12/10/14	AS-BUILT CONFIGURATION	RR	BF
				DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED				REV.	DATE	DESCRIPTION	BY	CHKD
				P.O. BOX 636 HURON, SD 57350 605-352-5610				DATE:	2/21/14	DRAWN: RR	CHECKED: BF	

SOUTH DAKOTA WATER WELL COMPLETION REPORT

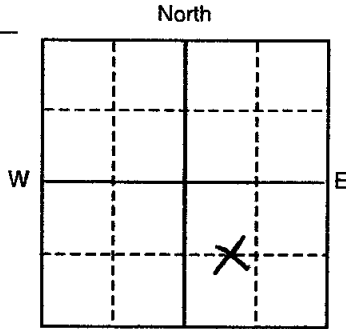
11-02

Location SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 30 Twp 121R Rg 52

Well Owner:

Business Name: Lake side Dairy LLCAddress: 45078 149 StCity, State, Zip: Ortleby SD 57256County Grant

Please mark well location with an "X"



Well Completion Date

3-1-16 $\longleftrightarrow$ 1 Mile $\longleftrightarrow$

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

700 ft. from Feedlot (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
<u>200</u> LB/FT	<u>8</u> IN	<u>11</u> FT	<u>27</u> FT	<u>12 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bestonite</u>	<u>4</u>	<u>9.5</u> Lb/gal	<u>0</u> Ft	<u>25</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pumped through 1" Tronic PipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 Inches Length 5 FeetMaterial Stainless SteelSlot Size .090 Set From 27 Feet to 32 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? 100 PPM Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Sand and Gravel</u>	<u>1</u>	<u>27</u>
<u>Gravel</u>	<u>27</u>	<u>32</u>

STATIC WATER LEVEL 8.75 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 - 6 2017

WATER RIGHTS PROGRAM

BIG SIOUX: NORTH KBThis well was drilled under license # 285 and this report is true and accurate.Drilling firm: Manikowski Well Drilling, Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 3-1-17

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7969-3

I have this day, July 27, 2021, made a thorough examination of the water use system constructed by Bronson Custom Farms, Inc, c/o Kris Bronson, 14873 450th Ave, Ortleve, SD 57256 of Permit No. 7969-3, bearing the priority of February 13, 2014 authorizing the diversion of 0.67 cu. ft. per second of the waters of the Big Sioux: North Aquifer for commercial dairy use purposes, in Grant County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Drilling
- 2) No. of Wells 1
- 3) Depth 32 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 8 inches
- 2) Length 22 feet
- 3) Type Plastic

Screen:

- 1) Type Slotted PVC
- 2) Length 12 feet
- 3) Static water level 7 feet

Pump:

- 1) Make unknown
- 2) Model Submersible
- 3) Capacity 90 GPM

Motor information: unknown

B. Works used to transport water to place of use: Buried pipe line

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

D. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL #3: 1325 ft N & 75 ft E of the SW corner of Section 29, T121N, R52W (NW ¼ SW ¼ Sec 29) Latitude 45.22818 Longitude -97.20564
2. The works are capable of diverting and conveying to the place of use 0.20 cu. ft. per second of water which is to be used for commercial (dairy) use.
3. The license should be issued for 0.20 cfs
4. All structures, wells and lands on map Y

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

The map which shows all of the four (4) wells supplying water to the Dairy was produced with the aid of FSA maps and the ArcMAP Software.

WELL #3 on the permit map is the well associated with this permit. See the Permit 8194-3 (Lakeside Dairy) for more details regarding the water supply. Originally requested the authorization for two (2) wells in the NW ¼ SW ¼ Section 29 but only one (1) well was constructed.

The permit is for 0.67 cfs (300 gpm) but the well did not produce as expected and is rated at 0.20 cfs (90 gpm).

The contact folks for the Dairy are Ricky Hesser (661/333-1423) and Matt Zurbel (605/949-0980). The Dairy mailing address on the review materials is current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 10, 2021



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

7969-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 29 Twp 21N Rg 52W

County Grant

Please mark well location with an "X"

Well completion Date 5-20-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 2900 ft from Septic Tank (identify source)

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR21 LB/FT	8 IN	12 FT	20 FT	12 1/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:
 Grout Type Bentone No. of Sacks 2 Grout Weight 9.8 Lb/cyl From 8 R To 12 R
 Describe grouting procedure Trémie line

SCREEN: ☐ Perforated pipe ☒ Manufactured
 Diameter 8 Inches Length 12 Feet
 Material PVC
 Slot Size 10/40 Set From 20 Feet to 32 Feet
 Other information Reddirt pack

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? Chlorine
☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Chris Branson

Business Name: _____

Address1: 14873 450th AVE

Address2: _____

City, State, Zip: Ortle, SD 57254

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>3</u>
<u>Gravel</u>	<u>3</u>	<u>32</u>
<u>Yellow clay</u>	<u>32</u>	

STATIC WATER LEVEL 7 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: Submersible Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface
1.5 Ft. After 3 Hrs. pumped 90 GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
 JAN - 8 2016
 WATER RIGHTS PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Dating firm: Manikowski Well Drilling, Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 11 2022

7969-3

Kris Bronson
Bronson Custom Farms Inc
14873 450th Ave
Ortley SD 57256

Dear Mr. Bronson:

Enclosed is Water License No. 7969-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7969-3

(1) Bronson Custom Farms Inc., 14873 450th Ave., Ortle SD 57256 made Application No. 7969-3, February 13, 2014, for a water permit to divert 0.67 cubic feet of water per second from ground water, two wells (Big Sioux North Aquifer), Grant County, South Dakota for commercial use in a dairy operation. Permit No. 7969-3, with a priority date of February 13, 2014, was approved April 28, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2019, and for the application to beneficial use of water on or before April 28, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to construction of the water supply system and is entitled to divert 0.20 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1325 ft N & 75 ft E of the SW corner of Section 29, T121N, R52W (NW ¼ SW ¼ Sec 29)
Latitude 45.22818, Longitude -97.20564

The diversion point is within the former boundaries of the Sisseton Wahpeton Indian Reservation.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bronson Custom Farms Inc., 14873 450th Ave, Ortle SD 57256 the holder and/or owner of Water Right No. 7969-3 is issued a license to appropriate water, the right to use 0.20 cubic feet of water per second from ground water, one well (Big Sioux North Aquifer) with a priority date of February 13, 2014, 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. 7969-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this 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. 7969-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled by Manikowski Well Drilling. A copy of the well completion report is on file with the Water Rights Program.***
- Water Right No. 7969-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-1 12 for concentrated animal feeding operations.

continued



Water License No. 7969-3

Page 2

- Water Right No. 7969-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
- The Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: North Aquifer.

Eric Gronlund

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

AUG 11 2022

date





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

May 23, 2025

NOTICE OF HEARING

TO: Bronson Custom Farms, 14873 450th Avenue, Ortleigh SD 57256
FROM: Ron Duvall, Engineer III
for Mark Mayer, PE
Director of Office of Water

SUBJECT: Violation of Permit Qualification to Report Annual Water Use

Our records indicate your 2024 annual water use has not been submitted for Permit No. 7969-3. The request to report water use for 2024 was dated January 3, 2025. Two follow-up attempts to get the required water use report have gone unanswered. The Water Management Board has directed owners of water permits who have not submitted the 2024 water use reporting be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 7969-3 qualification:

"The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: North Aquifer."

The hearing will be held on **Wednesday, July 9, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 7969-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the water use report(s) is (are) received in this office before the **July 9, 2025**, hearing, you will no longer be in violation of your permit and your name will be removed from the Board agenda. You may submit your water use report by providing the information to Rachel Rodriguez at (605) 773-3352 or via email at rachel.rodriguez@state.sd.us. You may also submit the water use report via mail using the address in the NOTE at the bottom of this Notice.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD 57501 or call (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 11, 2025

NOTICE OF ENTRY OF ORDER REGARDING ONE YEAR SUSPENSION OF WATER RIGHT

TO: Bronson Custom Farms Inc., c/o Kris Bronson, 14873 450th Ave, Ortleby SD 57256

FROM: Mark Mayer, Acting Chief Engineer
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 7969-3

Pursuant to the Notice of Hearing dated and mailed to you on May 23, 2025, the Water Management Board took action on July 9, 2025, and ordered the following:

Effective August 1, 2025, Water Right No. 7969-3 is suspended for one year for failure to report your 2024 water use. If your 2024 water use is reported prior to August 1, 2025, the suspension will not take effect.

A one-year suspension of Water Right No. 7969-3 means water may not be pumped for one year beginning on the effective date of suspension which is August 1, 2025. If your 2024 water use is reported prior to August 1, 2025, the one-year suspension will not go into effect. You may report your use via phone by contacting Rachel Rodriguez at 605-773-3352 or by email at Rachel.Rodriguez@state.sd.us.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights. Pursuant to South Dakota Codified Law 46-1-11, violation of this suspension will be a Class 2 misdemeanor, subject to a civil fine of up to \$500.00. Each day of noncompliance is deemed a separate violation meaning up to \$500.00 for each day of violation.

If you fail to report prior to August 1, 2025, you may petition the Board to rescind the suspension. To do so, you will need to submit to the Water Rights Program your 2024 water use, a letter including your reason for not reporting within the allotted time, and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for October 1-2, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Rachel Rodriguez at 605-773-3352 with any questions.

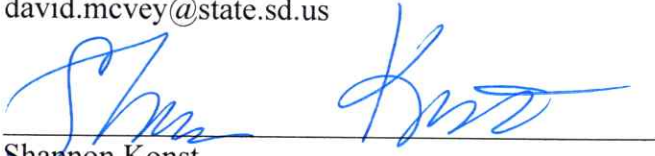
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order, concerning a one-year suspension of Water Right No. 7969-3, dated July 11, 2025, in the matter of violating the annual water use reporting requirement, was served by U.S. certified mail, upon the following on this 11th day of July 2025.

Bronson Custom Farms Inc.
c/o Kris Bronson
14873 450th Ave
Ortley SD 57256

Above sent inter-office to:

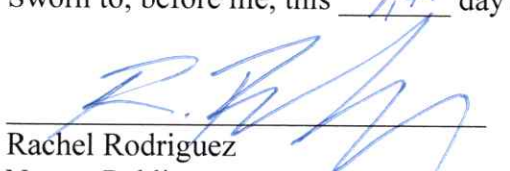
David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501
david.mcvey@state.sd.us



Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of July, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



Water Rights Program - File Documentation

NAME: Bronson Custom Farms Inc., c/o Kris Bronson

ADDRESS: 14873 450th Avenue, Ortley SD 57256

DATE: July 15, 2025

RE: Notice of Entry of Order Regarding One Year Suspension of Water Right

COMMENTS:

I received a call from Kris Bronson today regarding the one-year suspension on Water Right No. 7969-3. He reported an annual use of 92,000,000 gallons for the year 2024.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

Converted to AF 282.33



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 16, 2025

Bronson Custom Farms
c/o Kris Bronson
14873 450th Avenue
Ortley SD 57256

Dear Mr. Bronson,

Thank you for calling to report your annual water use for the year 2024. This letter is to inform you that Water Right No. 7969-3 is now in compliance and the one-year suspension will not go into effect.

Sincerely,

Ron Duvall, Natural Resources Engineer
for Mark Mayer, PE
Director of Office of Water

7021 1970 0000 9489 7929

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| ☐ Adult Signature Restricted Delivery | \$ _____ |



Postmark
Here

BRONSON CUSTOM FARMS INC
C/O KRIS BRONSON
14873 450TH AVE
ORTLEY SD 57256