

WATER PERMIT NO. 8027-3

Name of Applicant: Wilber^u Ellis

Address: 45149 152nd St, Summit SD 57266

Phone: 605 265-0454

Amount of Water Claimed: 0.09 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Grant

Type of Waste Disposal System:

Location: 25 miles southwest of Milbank

PRIORITY

Date Received: 6-13-14

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Water will be used in Day, Grant and Roberts counties

Diversion Point: NE 1/4 NW 1/4 Sec 16-T120N-
R52W

Land to be Irrigated: NA

Depth of Well: 60 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

		⊗			
			16		

Reviewed and the Number Assigned on: 6-16-14

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	No. <u>8027-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Lion River</u>
	Newspaper <u>See list</u>

RECEIVED
JUN 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.)

- Name to Appear on Water Permit Wilbur Ellis
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 45149 152nd St Summit SD 57
(Address) (City) (State) (Zip Code)
Home Phone 605-947-4800 Cell 605-265-0454 Email SZubke@co.lburellis.com
- Amount of water claimed 0.09 *CFS or 40 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground
- Location of point of diversion NE 1/4 NW 1/4 Sec 16 - T120N - R 52W County Grant
(example - 3 wells in SW1/4 NE1/4 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? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Day, Grant, Roberts
- Annual period during which water is to be used yearly Jan 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
drill a new well to replace our existing well as it no longer supplies our needs. water will be to fill our sprayer to apply agricultural products on crop land.

I, Steve Zubke, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 8027-3**

Date of first receipt of application June 13, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8027-3 to Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 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. 8027-3 appropriates 0.09 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 16-T120N-R52W. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.
2. The water appropriated shall be used for the purpose of commercial use 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. 8027-3 is September 2, 2014.
5. The date from which applicant may claim right is June 13, 2014.
6. One-fifth of the construction is to be completed on or before March 2, 2017.
7. All construction is to be completed on or before September 2, 2019.
8. Water is to be put to beneficial use on or before September 2, 2023.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

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

SEP 22 2014

date



Supplemental Information

(type or print)

1. Well Information

(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 _____
(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 App 60' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property NA On property owned by others 1 mile

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)

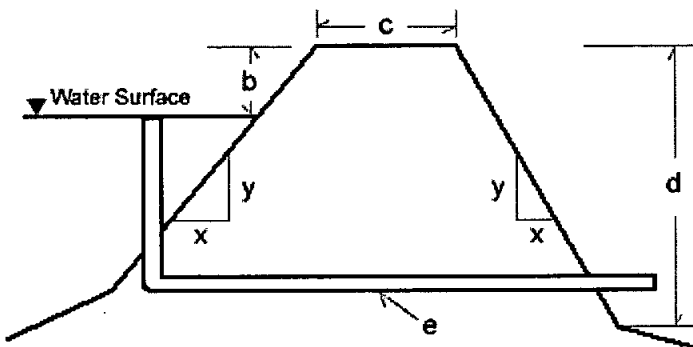
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Aerial Map



map center: 45° 10.4208', 97° 10.487
scale: 9551

Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2014 www.AgriDataInc.com

16-120N-52W
Grant County
South Dakota

RECEIVED
JUN 13 2014
WATER RIGHTS
PROGRAM



Field borders provided by Farm Service Agency as of 5/14/2008. Aerial photography provided by Aerial Photography Field Office

Aerial Map



map center: 45° 10.7644', 97° 10.551
scale: 2476

Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2014 www.AgriDataInc.com

16-120N-52W
Grant County
South Dakota



6/11/2014

Field borders provided by Farm Service Agency as of 5/24/2009. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/16, 20 14

RECEIVED OF P Stricherz Wilbur Ellis 45149 152nd St Summit SD 57266

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

Fee for Application for Permit No. <u>8027-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>8027-3</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	300 00

No. **06885**

By Jaime Goodman
Chief Engineer

Gronlund, Eric

From: Steve Zubke <SZUBKE@wilburellis.com>
Sent: Wednesday, June 11, 2014 12:27 PM
To: Gronlund, Eric
Subject: Re: water permit application form

Eric,

I have filled out the application to appropriate water within SD. I will forward it on to you through the mail.

At this time I am also requesting permission to complete a test well.

The test well should be approximately 60 feet.

Legal description is sec 16 120N-52W NE1/4 NE1/4 NW1/4.

I acknowledge permission for a test well does not guarantee a water permit approval. I understand there is a DENR review and a public notice process.

Thank you for your help in this process.

Steve Zubke
Wilbur Ellis
605-265-0454
szubke@wilburellis.com

On Jun 11, 2014, at 11:19 AM, "Gronlund, Eric" <Eric.Gronlund@state.sd.us> wrote:

Steve

Attached is a water permit application to apply for a commercial use of water.

You may also request to complete a test well which would become the production well once a permit is in place. A request for a test well can be emailed back to me but must include the following.

- Proposed depth
- Location by legal description
- Statement that a water permit is to be applied for
- Acknowledgement that authorization of the test well does constitute a guarantee that a water permit will be approved. That you recognize that there is a process, including DENR review and public notice that must followed.

Let me know if you have questions.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us
<E1585LDV4-NONIRRIG.pdf>



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov



June 11, 2014

Steve Zubke
45149 152nd Street
Summit, SD 57266

Dear Mr. Zubke:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a test well constructed prior to approval of a water permit. The test well is to be located in the NW ¼ Sec. 16, T120N-R52W in Grant County. The test well must be constructed in accordance with the SD Well Construction Standards by a Licensed Well Driller. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Sincerely,

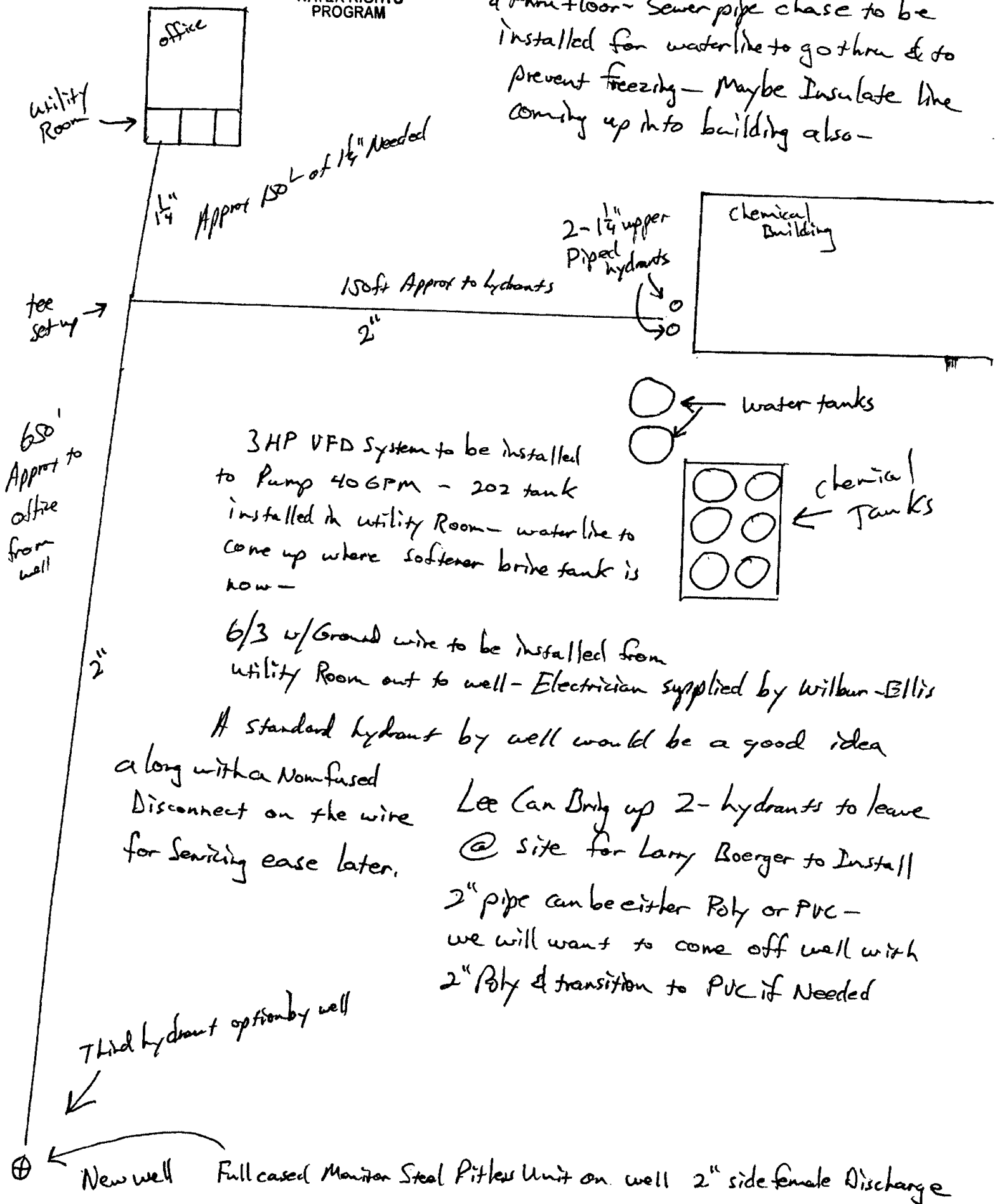
Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

RECEIVED

JUL 22 2014

WATER RIGHTS
PROGRAM

Run 1 1/4" Poly into Building underfootings
& thru floor - Sewer pipe chase to be
installed for water line to go thru & to
prevent freezing - Maybe Insulate line
coming up into building also -

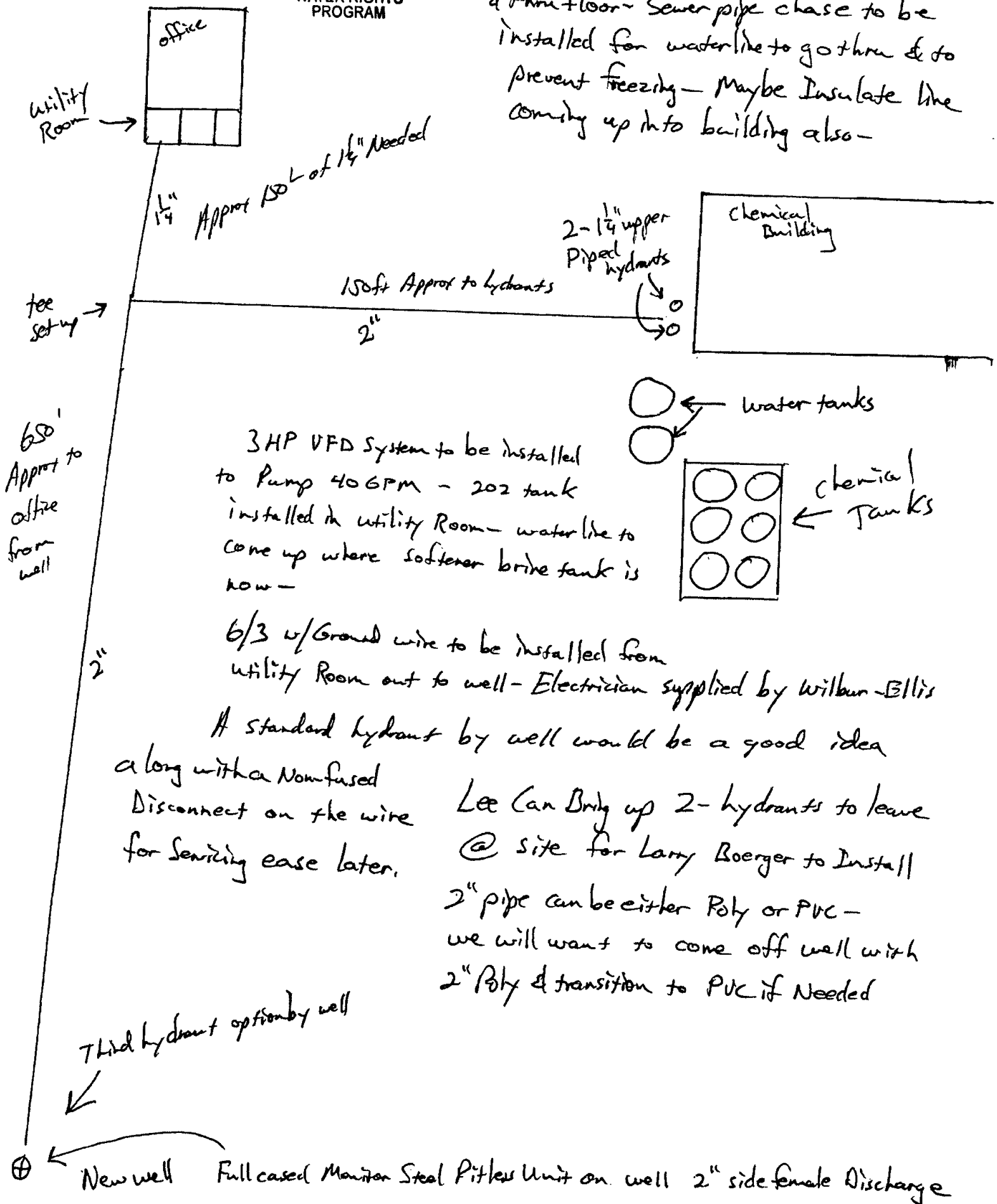


RECEIVED

JUL 22 2014

WATER RIGHTS
PROGRAM

Run 1 1/4" Poly into Building underfootings
& thru floor - Sewer pipe chase to be
installed for water line to go thru & to
prevent freezing - Maybe Insulate line
coming up into building also -





**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. 8027-3, Wilbur Ellis**

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. 8027-3, Wilbur Ellis, c/o Steve Zubke, 45149 152nd Street, Summit SD 57266.

The Chief Engineer is recommending APPROVAL of Application No. 8027-3 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.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
August 6, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8027-3
WILBUR ELLIS
C/O STEVE ZUBKE
AUGUST 7, 2014

Water Permit Application No. 8027-3 proposes to appropriate water at a maximum diversion rate of 1.73 cubic feet of water per second (cfs) from a well to be completed into the Big Sioux: North aquifer for commercial purposes in filling agricultural chemical sprayers. The well is expected to be approximately 60 feet deep and is to be located in the NE ¼ NW ¼ Section 16; all in T120N-R52W within the former boundaries of the Sisseton-Wahpeton Reservation in Grant County. The water will be used in Day, Grant, and Roberts Counties.

AQUIFER: North management unit of the Big Sioux aquifer (BS: N)

Area Hydrogeology:

The Big Sioux aquifer is composed of “poorly to well-sorted surficial outwash that ranges from medium sand to medium gravel; it generally is less than 10 feet below land surface” (Hansen, 1990). The aquifer materials generally become more sorted with depth (Hansen, 1994). Alluvium is also present along and in stream beds (Jensen, 2004). The aquifer is generally found in the flood plain of the Big Sioux River and its tributaries (Hansen, 1990). The aquifer is hydraulically connected to area lakes, such as Lake Kampeska, Pelican Lake, and Still Lake, and the Big Sioux River and its tributaries (Putnam and Thompson, 1996). The Big Sioux: North is estimated to underlie 83,500 acres and contain approximately 187,800 acre-feet (ac-ft) of recoverable water in storage in portions of Codington, Grant, Hamlin, and Roberts Counties (Hedges et. al, 1982). The aquifer is generally under unconfined conditions, except near Lake Pelican where it is confined by three to five feet of till (Hansen, 1990). The Big Sioux: North aquifer has a thickness that ranges from two to 54 feet thick with an average of 22 feet (Hansen, 1994). Hansen (1994) reported that wells completed into the aquifer could range from 50 to 1,100 gallons per minute (gpm) discharge.

The applicant previously asked for permission to drill a test well. The Chief Engineer granted the request. The test well log submitted with the application identified yellow sand and gravel from two feet to 14 feet below ground surface and “darker” sand and gravel from 14 feet below land surface to 47 feet below grade. The test well had a static water level of seven feet below ground surface in June 2014. The test well is more than 2,000 feet from the Big Sioux River. The test well site is approximately 10 miles north of the fully appropriated portion of the Big Sioux: North aquifer.

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.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court’s rulings ultimately stated that data must be present to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l Resources*) (Memorandum Decision, May 17, 2012).

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). A map of the area including observation wells and water rights/permits authorized to withdraw water from the Big Sioux: North aquifer are shown in Figure 1. Figure 2 is the hydrograph for the nearest observation well, GT-76A, to the test well site.

The hydrograph for observation well GT-76A is typical and representative of the hydrographs of other observation wells completed into the aquifer. 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 climatic effects on water level mask the temporal impacts of well withdrawals. 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.

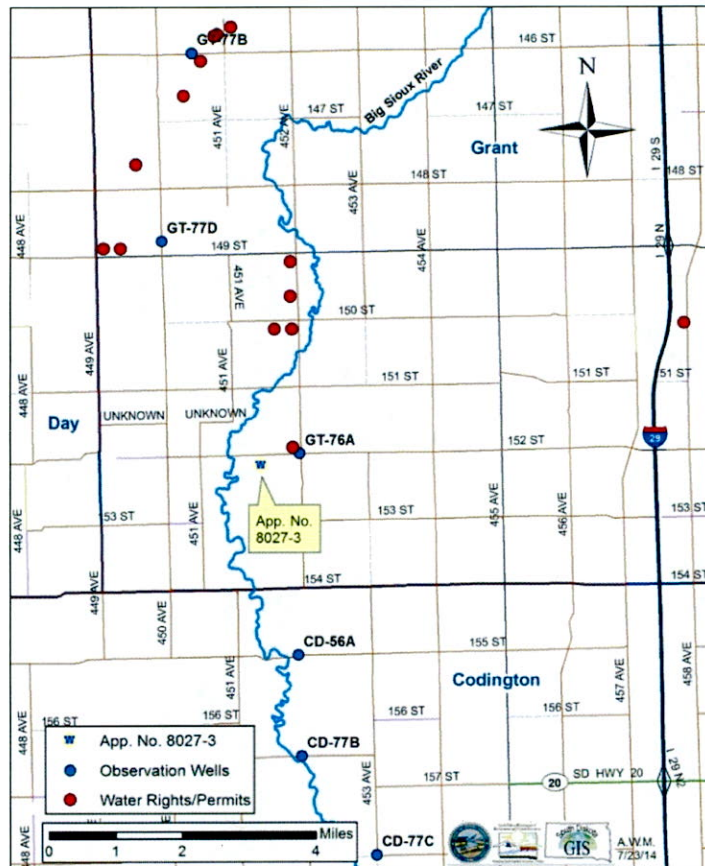


Figure 1- Map of the area of App. No. 8027-3 including observation wells and water rights/permits (Water Rights, 2014a and 2014b)

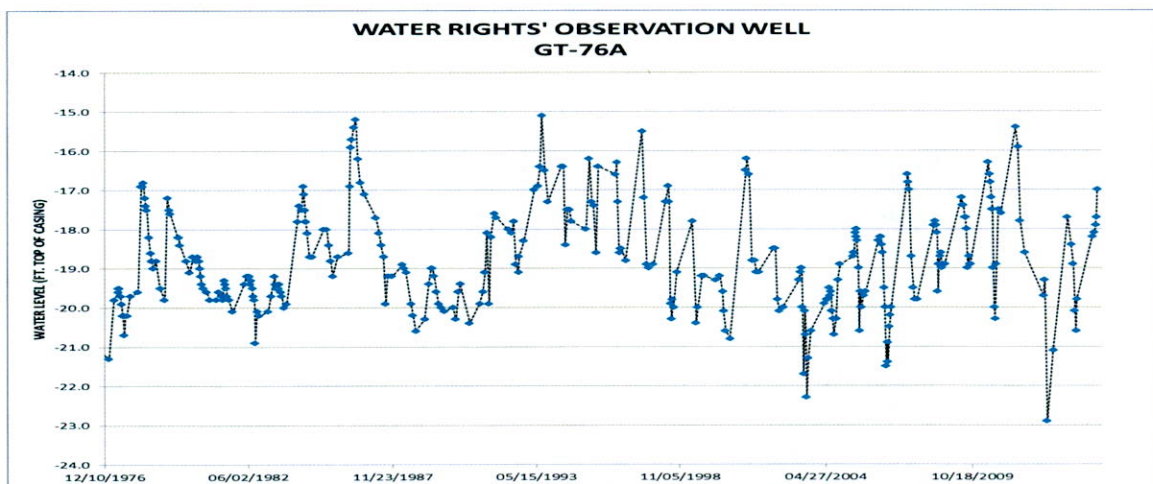


Figure 2- Hydrograph for observation well GT-76A (Water Rights, 2014a)

Recharge and Discharge:

Recharge:

Recharge to the Big Sioux: North aquifer occurs through infiltration and subsequent percolation of precipitation where the aquifer is near land surface (Hansen, 1990). Since the aquifer is hydraulically connected to some area lakes and the Big Sioux River, recharge is provided to the aquifer during periods of high runoff when surface water levels are higher than groundwater levels.

Several estimates for recharge rates to the Big Sioux: North aquifer have been made. 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. Hansen (1990) estimated recharge to be between 4 and 10 in/yr. Putnam and Thompson (1996) estimated the average annual recharge rate to the Big Sioux: North to be in the approximate range of 2.9 to 5.8 in/yr. Putnam and Thompson (1996) estimated a rate of 5.53 in/yr for the purpose of computer modeling the Big Sioux: North aquifer under steady state conditions. Using Putnam and Thompson's (1996) recharge rate range and Hedges and others (1982) approximate area, the estimated range of recharge to the Big Sioux: North is 20,180 to 40,360 ac-ft/yr.

This is not to suggest that the entire volume of annual recharge to or that all of the recoverable water in storage in the Big Sioux: North aquifer is available for use everywhere in the aquifer. In fact, Putman and Thompson's (1996) computer model for the aquifer suggested that during dry conditions the ability of some high capacity wells to produce would be seriously impacted. They stated, "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:

The Big Sioux: North aquifer naturally discharges to area lakes, rivers, and streams when groundwater levels are higher than surface water levels, and discharges through evapotranspiration and groundwater outflow. There are 96 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 18 for municipal purposes, 10 for commercial purposes, five for industrial purposes, two for livestock confinement operations, two for rural water system purposes, and one for a suburban housing development (Water Rights, 2014b). Water Right No. 5158-3, Sioux Rural Water System, has not been used since 1998; however it was a backup source during much of that time. The well field has "basically been abandoned" because of water quality issues (Buhler, 2012).

The future use permits are all for the City of Watertown and reserve 3,469 ac-ft/yr. The expected maximum water use by non-irrigation appropriations, not including the City of Watertown, Sioux Rural Water System (as previously discussed), and Clark Rural Water System, is 2,686 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 expected 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 expected use is estimated to be 12,247 ac-

ft/yr. The maximum expected use for Clark Rural Water System is assumed to be 100 percent of its appropriated volume, 404 ac-ft/yr.

Current usage by both the City of Watertown and Clark Rural Water System is a fraction of the maximum expected use by either (see Table 2). Annual irrigation withdrawals from the aquifer as reported to the DENR-Water Rights Program through irrigation questionnaires are shown in Table 1, and reported water use from the Big Sioux: North aquifer for the City of Watertown and Clark Rural Water System is shown in Table 2.

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 water use from the Big Sioux: North aquifer in South Dakota (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 by the City of Watertown and Clark RWS (Mathiowetz, 2014)

Hydrologic Budget:

Estimated annual recharge to the Big Sioux: North aquifer ranges from 20,180 to 40,360 ac-ft/yr. The expected maximum use from the Big Sioux: North aquifer is 20,928 ac-ft/yr. Average annual use is much less at 12,224 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The only water right/permit that authorizes a well within approximately one mile of the test well is Water Right No. 5377-3 for Endres Family Trust (Water Rights, 2014b). The well authorized by Water Right No. 5377-3 is approximately one-half mile northwest of the test well site. There are no domestic wells on file with the DENR-Water Rights Program within approximately one mile of the test well site (Water Rights, 2014c).

The hydrograph GT-76A (see Figure 2) documents that there is minimal drawdown created by pumping a nearby high capacity well. Observation well GT-76A is approximately 450 feet away from a high capacity well. The minimal drawdown is also illustrated by other hydrographs from observation wells completed into the aquifer. Therefore due to the distance between wells, the low drawdown created by pumping high capacity wells completed into the Big Sioux: North aquifer, and the small diversion rate proposed by this application, 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.

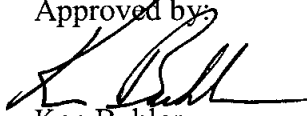
CONCLUSIONS:

1. This application proposes to appropriate water from the Big Sioux: North aquifer at a maximum diversion rate of 0.09 cfs for commercial purposes in filling agricultural chemical sprayers.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: North aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impact existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



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.

Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.

Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.

Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.

Hansen, D.S. 1994. Major Aquifers of Codington and Grant Counties, South Dakota. SD DENR-Geological Survey Information Pamphlet No. 47. SD DENR-Geological Survey. Vermillion, 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.
- Jensen, A.R. 2004. First Occurrence of Aquifer Materials in Grant County, South Dakota. SD DENR-Geological Survey Aquifer Materials Map 17. SD DENR-Geological Survey, Vermillion, South Dakota.
- Mathiowetz, A.W. 2014. Report on Water Permit Application No. 7969-3 Bronson Custom Farms Inc. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Putnam, L.D. and R.C. Thompson. 1996. Appraisal of the Water Resources of the Big Sioux aquifer, Codington and Grant Counties, South Dakota: U.S. Geological Survey Water Resources Investigations No. 96-4275. U.S. Geological Survey. Huron, South Dakota.
- SDGS. Lithologic Logs Database Search. <<http://www.sddenr.net/publist>>. Accessed: July 22, 2014. SD DENR-Geological Survey. Vermillion, South Dakota
- Water Rights. 1980-2013. "1979-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Printer's Affidavit of Publication RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

AUG 25 2014

Ann Tuchscherer

WATER RIGHTS
PROGRAM

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 Grant County Review, Inc., 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 accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application NO. 8027-3 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:

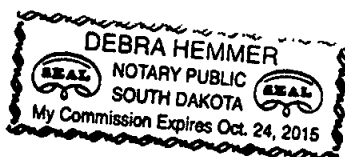
<u>August 20</u> 20 <u>14</u>	<u>20</u>
<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 23.89, 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 21st day of Aug 20 14

Debra Hemmer
Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 8027-3 to Appropriate Water

Notice is given that Wilbur Ellis, c/o Steve Zubke, 45149 152nd St., Summit, SD, 57266, has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well to be completed into the Big Sioux: North Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 16-T120N-R52W for commercial use purposes. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8027-3 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 the 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 September 2, 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.

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

Published once at an approximate cost of \$23.89.

Publication Fee \$ 23.89

AFFIDAVIT OF PUBLICATION

RECEIVED

County of Day }
State of South Dakota, } ss.

AUG 20 2014
WATER RIGHTS
PROGRAM

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Water Appropriation, a printed copy of which is hereunto attached, was printed and published in the said newspaper successive and complete issues as follows:

First Publication	August 18;
Second Publication	:
Third Publication	:
Fourth Publication	:
Fifth Publication	:

That the full amount of fees for publication of the annexed notice is \$26.80 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 18th day of August, 2014.

Ellen L. Ellis
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires
April 14, 2017
Notary Public, Day County, South Dakota

Application for water

NOTICE OF APPLICATION NO. 8027-3

to Appropriate Water

Notice is given that Wilbur Ellis, c/o Steve Zubke, 45149 152nd St., Summit, SD 57266 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well to be completed into the Big Sioux: North Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 16-T120N-R52W for commercial use purposes. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8027-3 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 September 2, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.80.

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Roberts

} ss.

Kevin H. Deutsch of said county, being first duly sworn, on oath says, that he is Editor of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Application No.8027-3 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 in each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

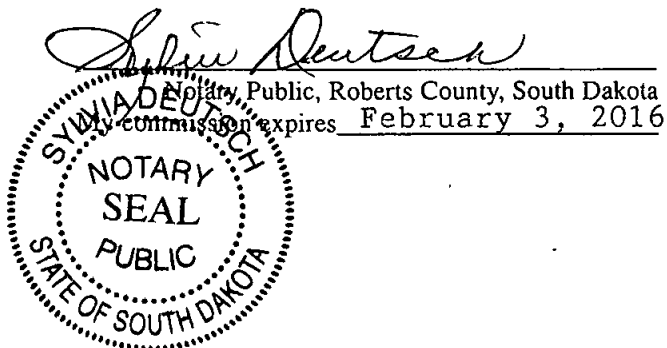
Aug. 19, 2014; _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 22.00

Kevin H. Deutsch

Subscribed and sworn to before me this 19th day of

August, A.D., 2014



RECEIVED

SEP 03 2014

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8027-3 TO APPROPRIATE WATER

Notice is given that Wilbur Ellis, c/o Steve Zubke, 45149 152nd St., Summit, SD 57266 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well to be completed into the Big Sioux: North Aquifer (60 feet deep) located in the NE1/4NW1/4 Section 16-T120N-R52W for commercial use purposes. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8027-3 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 September 2, 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.

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

Published once at the total
approximate cost of \$22.00.

RECEIVED

AUG 26 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

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:

August 20th, 2014

Cost of Printing 57.29 ;

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

August 20th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION NO. 8027-3 to Appropriate Water

Notice is given that Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well to be completed into the Big Sioux North Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 16-T120N-R52W for commercial use purposes. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.

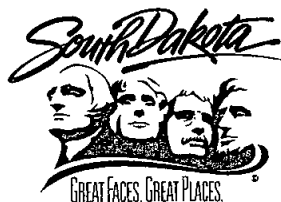
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8027-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief 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 September 2, 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. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(August 20, 2014)

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 7, 2014

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8027-3 to Appropriate Water. Please publish the notice once on August 20, 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 Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 (Ph # 605-947-4800).

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



August 7, 2014

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8027-3 to Appropriate Water. Please publish the notice once on August 18, 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 Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 (Ph # 605-947-4800).

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



August 7, 2014

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8027-3 to Appropriate Water. Please publish the notice once on August 19, 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 Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 (Ph # 605-947-4800).

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



August 7, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8027-3 to Appropriate Water. Please publish the notice once on August 20, 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 Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 (Ph # 605-947-4800).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



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

August 7, 2014

Wilbur Ellis
Steve Zubke
45149 152nd St
Summit SD 57266

Dear Mr. Zubke:

Water Permit Application No. 8027-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Grant County Review printed at Milbank SD (Ph # 605-432-4516)
Reporter & Farmer printed at Webster SD (Ph # 605-345-3356)
Sisseton Courier printed at Sisseton SD (Ph # 605-698-7642)
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 August 18, 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. 8027-3 to Appropriate Water

Notice is given that Wilbur Ellis, c/o Steve Zubke, 45149 152nd St, Summit SD 57266 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 16-T120N-R52W for commercial use purposes. The water will be used in Day, Grant and Roberts Counties within the boundaries of the Sisseton-Wahpeton Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8027-3 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 September 2, 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. 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



SEP 22 2014

Wilbur Ellis
Steve Zubke
45149 152nd St
Summit SD 57266

Dear Mr. Zubke:

Enclosed is Water Permit No. 8027-3 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

RECEIVED

OCT 20 2014

WATER RIGHTS
PROGRAM

Date

10-13-14

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

FROM:

Wilbur Ellis Co

(name)

45149 152nd St

(address)

Summit SD 57266

(city, state, zip)

605-947-4800

(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. 8027-3 states that the water use system is to be constructed by

9-2-19

(date)

, and water is to be put to beneficial use by

9-2-23

(date)

The water use system was completed on

10-1-14

(date)

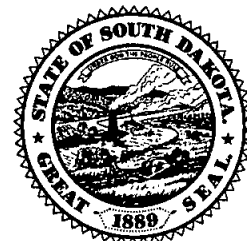
Applying the water to beneficial use was completed on

10-1-14

(date)

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

Steven Zultke
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 20, 2014

8027-3

Steven Zubke
Wilbur Ellis Co
45149 152nd St
Summit SD 57266

Dear Mr. Zubke:

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 the water use system authorized under Water Permit No. 8027-3.

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 completion of the project and the staff inspection has no bearing on the water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Permit No. 8027-3
Big Sioux River - Water District

Contact Person & Address: **Seth Tackett, 45149 152nd St, Summit SD 57266**

Report of Examination of Works

On, **May 16, 2017**, I made a thorough examination of the water use system constructed by **Wilbur Ellis** holder of Permit No. **8027-3**, bearing the priority of **June 13, 2014** authorizing the diversion of **0.09** cu. ft. per second of the waters of **ground water (Big Sioux:North)** for **commercial use** purposes, in **Grant** County.

The system is in the following condition **good**. The point of diversion is located **from the NW corner of Sec 16 T120N R52W (res); 2085 feet east and 815 feet south** with latitude of **45.17863** and a longitude of **-97.17685** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.09** cu. ft. per second of water which is to be used for **commercial use**. Water has been put to beneficial use and the license should be issued for **0.09** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Lee Well Drilling** 2) No. of Wells **1** 3) Depth(s) **47** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **5** inches 2) Length **37** feet 3) Type **PVC**

Screen:

- 1) Type **stainless steel** 2) Length **10** feet 3) Static water level **7** feet

Pump:

- 1) Make **Monitor** 2) Model **submersible** 3) Size **4** 4) Capacity **40** GPM

Motor:

- 1) Make **Monitor** 2) Model No. **submersible** 3) Horsepower rating **?** hp

DISTRIBUTION LINES OR CANALS:

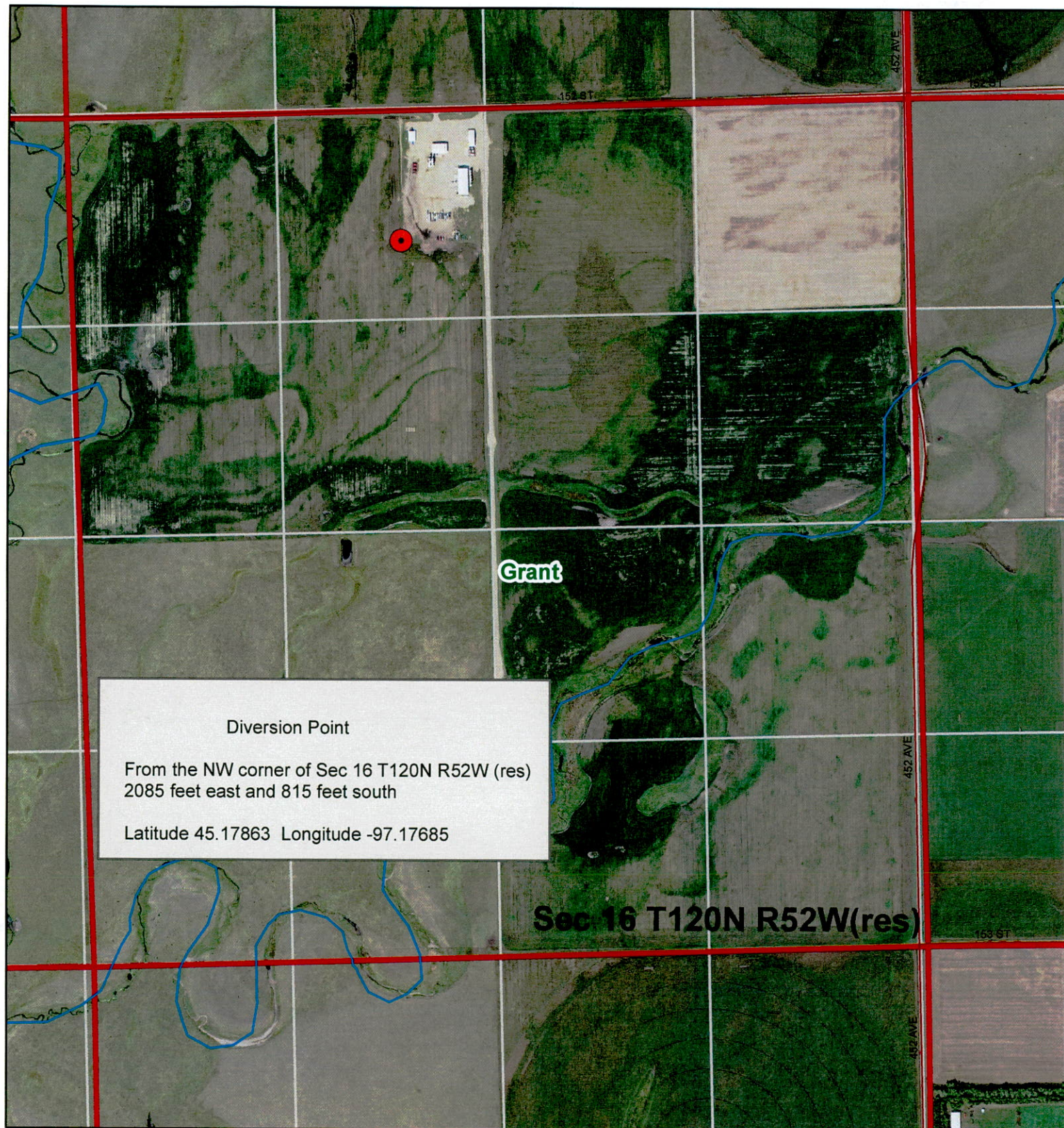
- 1) Type **polyplastic** 2) Size **1** inches 3) Length **1000** feet

Comments: **none**



June 2, 2017

Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program



0 290 580 1,160 1,740 2,320 2,900 Feet

Mark D. Kath
Mark D. Kath
Natural Resources Engineer
SD DENR -Water Rights Program
June 2, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 29 2017

8027-3

Seth Tackett
Wilbur Ellis Company
45149 152nd St
Summit SD 57266

Dear Mr. Tackett:

Enclosed is Water License No. 8027-3. 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, 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. 8027-3

(1) Wilbur Ellis, 45149 152nd St, Summit, SD 57266 made Application No. 8027-3, June 13, 2014 for a water permit to divert 0.09 cubic feet of water per second from ground water, one well (Big Sioux North Aquifer), Grant County, South Dakota for commercial purposes. Permit No. 8027-3, with a priority date of June 13, 2014 was approved September 2, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 2, 2019 and for the application to beneficial use of said water on or before September 2, 2023.

Wilbur Ellis Company submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on October 20, 2014. The *"Notice"* stated the water use system was completed and the water placed to beneficial use on October 1, 2014.

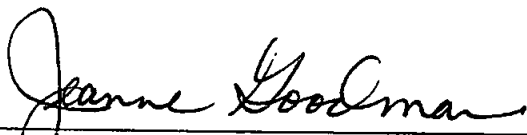
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is 2,085'E and 815'S of the NW corner of Section 16, T120N, R52W (NE ¼ NW ¼) within the boundaries of the Sisseton-Wahpeton 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 Wilbur Ellis, 45149 152nd St, Summit, SD 57266 the holder and/or owner of Water Right No. 8027-3 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from ground water, one well (Big Sioux North Aquifer) with a priority date of June 13, 2014 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8027-3 and subject to the following qualification:

- 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.



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

JUN 29 2017

date

