

WATER PERMIT NO. 8075-3

Name of Applicant: **LaBolt Farmers Grain Co.**

Address: **PO Box 515, Waubay SD 57273** Phone: **605 947-4711**

Amount of Water Claimed: **0.022 cfs (10 gpm)** Total Acres: **NA**

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

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

Type of Waste Disposal System:

Location: **1/2 mile northeast of Waubay**

PRIORITY Date Received: **1-6-15** Application/License Fee: **\$ 300**

Corrected Application Received: **1-12-15** Period of Annual Use: **April 1 – Sept 30**

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

Diversion Point: **NW 1/4 Sec 21-T122R-R53W**

Land to be Irrigated: **NA**

Depth of Well: **84 feet deep**

Well Driller: **Kranz Well & Excavation**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-13-15**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			⊗		
			21		

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

No. 8075-3 (office use only)
Hydrologic Unit 1016001D
Basin James River
Newspaper See list

RECEIVED
JAN 06 2015
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 to Appear on Water Permit La Belt Farmers Grain Co.

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

(name and complete address if different than above name)

Mailing Address 633 US 12 PO Box 515 Waukey SD 57273
(Address) (City) (State) (Zip Code)

Home Phone 605-947-4711 Cell _____ Email _____

2. Amount of water claimed 0.022 *CFS or 109 gpm **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 Well Lot 1

4. Location of point of diversion Location
N 45 20.446 W 9717.561 Section 21
T122-123N R53 W County Day
(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? Spraying Crops
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Day, Grant, Roberts

6. Annual period during which water is to be used Spraying Season April 1 - Sept. 30

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)

I, John - La Belt Farmers Grain Co., 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. 8075-3

Date of first receipt of application January 6, 2015.

Date of return to applicant for corrections, amendments or changes January 6, 2015.

Date of receipt of corrected application January 12, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8075-3 to LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 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. 8075-3 appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec 21-T122N-R53W 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 crop spraying operation with potential customers located in Day, Grant and Roberts Counties 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: April 1 – September 30.
4. The date of approval of Permit No. 8075-3 is March 30, 2015.
5. The date from which applicant may claim right is January 6, 2015.
6. One-fifth of the construction is to be completed on or before September 30, 2017.
7. All construction is to be completed on or before March 30, 2020.
8. Water is to be put to beneficial use on or before March 30, 2014.
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

APR 23 2015

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 Kranz Well Drilling
(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 Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

On applicant's property

On property owned by others 250 Yards North
Sumner Auto

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic tank

b) System Capacity (gallons) 1000 2 Compartment Year Constructed Sept 2014

c) Connected to the City of Sanitary System

3. Dugout Information

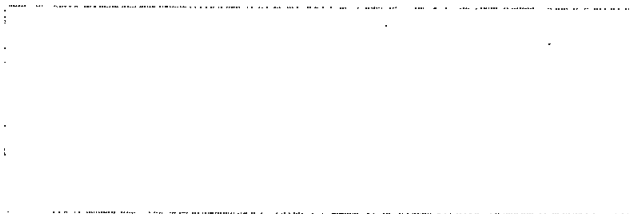
a) Surface Dimensions Depth

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)

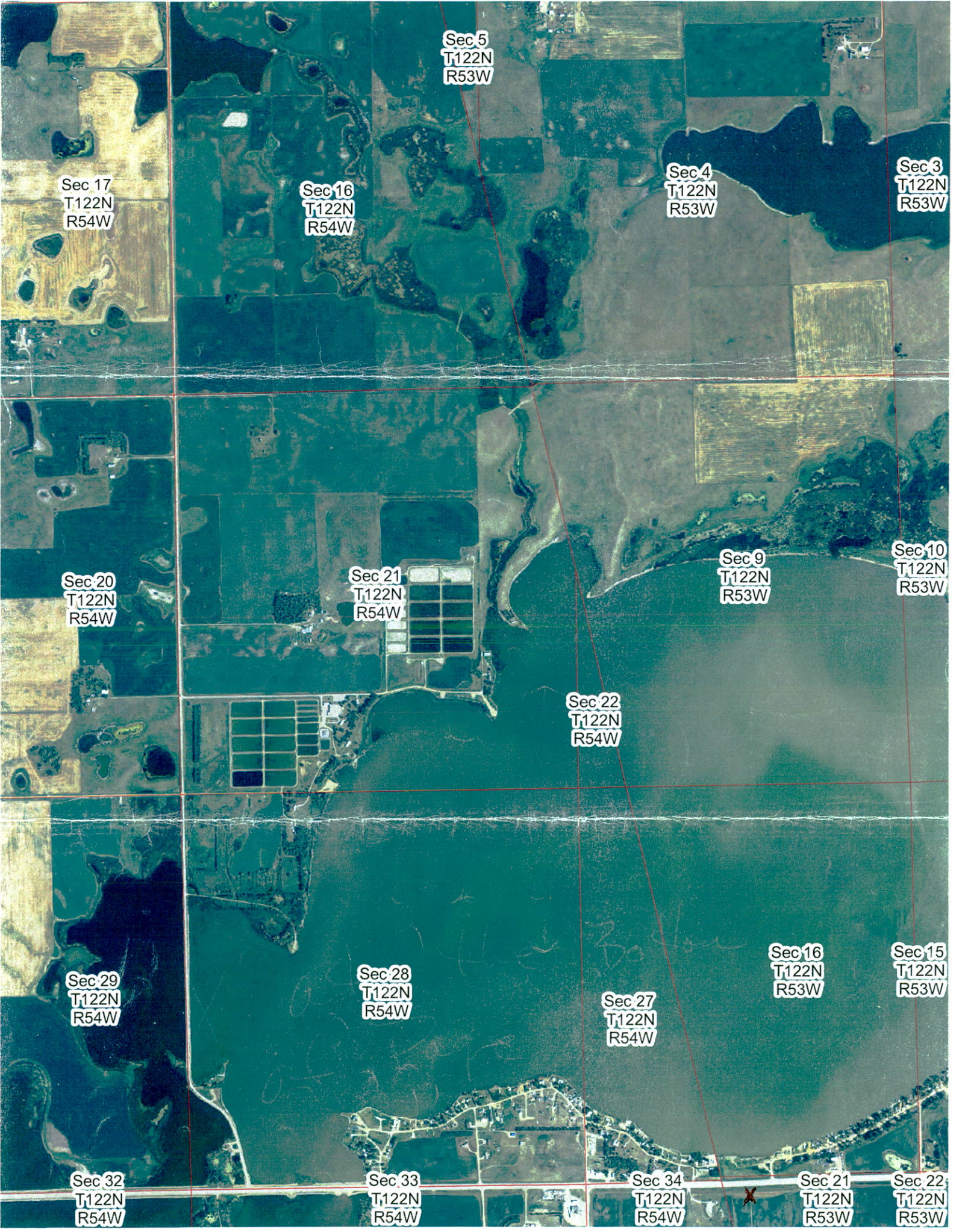
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Sec 5
T122N
R53W

Sec 4
T122N
R53W

Sec 3
T122N
R53W

Sec 16
T122N
R54W

Sec 17
T122N
R54W

Sec 10
T122N
R53W

Sec 9
T122N
R53W

Sec 21
T122N
R54W

Sec 20
T122N
R54W

Sec 22
T122N
R54W

Sec 16
T122N
R53W

Sec 15
T122N
R53W

Sec 28
T122N
R54W

Sec 29
T122N
R54W

Sec 27
T122N
R54W

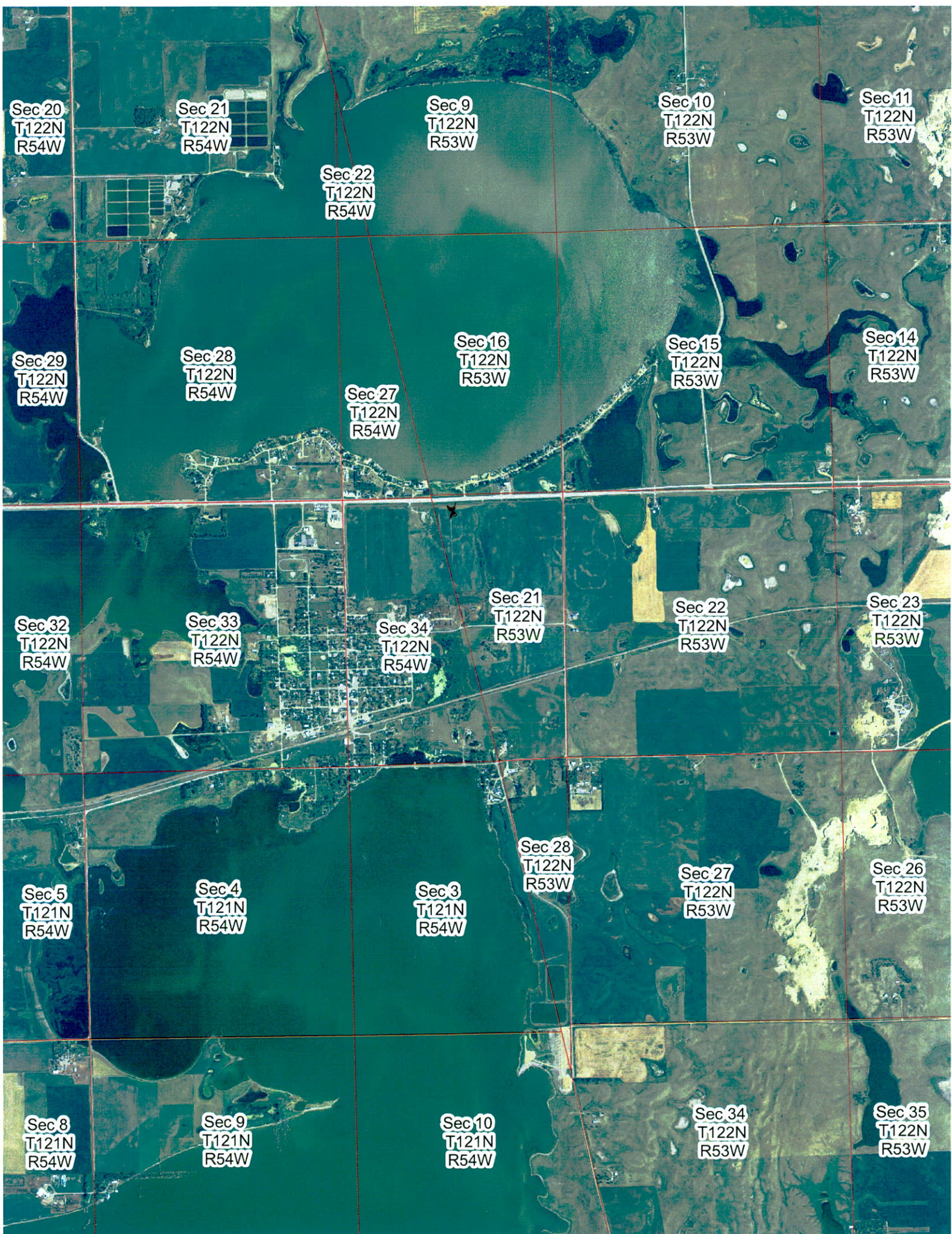
Sec 21
T122N
R53W

Sec 22
T122N
R53W

Sec 34
T122N
R54W

Sec 33
T122N
R54W

Sec 32
T122N
R54W



Sec 20
T122N
R54W

Sec 21
T122N
R54W

Sec 9
T122N
R53W

Sec 10
T122N
R53W

Sec 11
T122N
R53W

Sec 22
T122N
R54W

Sec 29
T122N
R54W

Sec 28
T122N
R54W

Sec 16
T122N
R53W

Sec 15
T122N
R53W

Sec 14
T122N
R53W

Sec 27
T122N
R54W

Sec 32
T122N
R54W

Sec 33
T122N
R54W

Sec 34
T122N
R54W

Sec 21
T122N
R53W

Sec 22
T122N
R53W

Sec 23
T122N
R53W

Sec 5
T121N
R54W

Sec 4
T121N
R54W

Sec 3
T121N
R54W

Sec 28
T122N
R53W

Sec 27
T122N
R53W

Sec 26
T122N
R53W

Sec 8
T121N
R54W

Sec 9
T121N
R54W

Sec 10
T121N
R54W

Sec 34
T122N
R53W

Sec 35
T122N
R53W

Zoom view

SOUTH DAKOTA WATER WELL COMPLETION REPORT

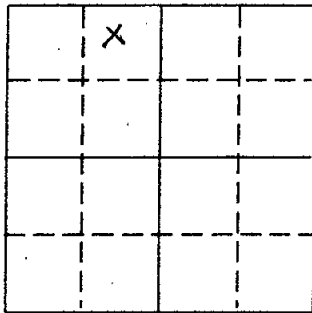
11-02

Location NE 1/4 NW 1/4 Sec 21 Twp 122 N Rg 54

County

DayWaubay
North

Please mark well location with an "X"



Well completion Date

9-18-14

1 Mile

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

? 150 ft. from drain field (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>59</u> FT	<u>9 1/4</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>Bentonite</u>	<u>5</u>	Lb/gal	<u>20</u> Ft	<u>59</u> Ft
<u>Cement</u>	<u>2</u>	Lb/gal	<u>0</u> Ft	<u>20</u> Ft

Describe grouting procedure tremmie line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial pvcSlot Size .015 Set From 59 Feet to 79 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

pvc capDescribe packer(s) and location bottom of screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?

☐ No, Why Not?

Lab sample sent to for water quality analysis

SD Health

Well Owner:

Labolt Farmers Grain

Business Name:

Waubay Farmers Grain

Address1:

633 E US Hwy 12

Address2:

City, State, Zip: Waubay SD 57273

WELL LOG:

DEPTH

FORMATION

FROM

TO

Top Soil02Sand218Yellow clay1823Blue clay2348Sand4884

STATIC WATER LEVEL

6

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?

Yes

WELL TEST DATA:

☐ Pumped

Describe:

Air lifted
☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

25

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

26 grains hard

RECEIVED

DEC 15 2014

WATER RIGHTS PROGRAM

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excavation

Signature of License Representative:

Charles King

Signature of Well Owner or Equitable Property Holder:

Labolt Farmers Grain

Date:

8-18-14

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/6, 20 15

RECEIVED OF LaBolt Farmer's Grain Co

Waubay SD 57273

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

Fee for Application for Permit No. <u>8075-3</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>8075-3</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.

07090

By

Jeanne Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



December 23, 2014

Labolt Farmers Grain
Waubay Farmers Grain
633 E US Hwy 12
Waubay SD 57273

Dear Sir:

I am writing regarding a well driller's report filed by Kranz Well & Excavation. The report shows a new well was completed for Labolt Farmers Grain on September 18, 2014. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by February 1, 2015.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



January 6, 2015

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

LaBolt Farmers Grain Co.
PO Box 515
Waubay SD 57273

Dear Sir:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. In order to complete the application, the following is required.

- Enclosed is the aerial photo map that I previously sent to you. Please mark the well location with an "X".

If you have any questions, please contact me.

Sincerely,

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

enclosure

X at the Bottom
of Page



**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. 8075-3, LaBolt Farmers Grain Co.**

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. 8075-3, LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8075-3 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 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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 6, 2015

Report to the Chief Engineer

**Application No. 8075-3
LaBolt Farmers Grain Co.
February 18, 2015**

Water Permit Application Number 8075-3 proposes to appropriate water from the Coteau Lakes aquifer at a maximum diversion rate of 0.022 cfs. The well is located in Lot 1 of Section 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation and is 84 feet deep. The water is for commercial use in a crop spraying operation.

Aquifer: Coteau Lakes (COL)

Background and Previous Investigations

On the county scale, water resources in Day County were first investigated by Rothrock (1935), and were further examined in Leap (1988). In the area of this application Beffort and Hedges (1967) conducted a groundwater supply study for the city of Waubay, South Dakota. Rothrock (1935) makes note of the presence of shallow groundwater supplies in glacial sands occurring within the county and gravels connecting Blue Dog Lake and Bitter Lake.

Beffort and Hedges (1967) noted four glacial aquifers in the area of Waubay identified in their report by the terms: surface outwash, upper buried outwash, lower buried outwash, and basal sand and gravel. Of these four aquifers the surface outwash and the upper buried outwash are of note in regards to this application. The authors comment that the surface outwash, upper buried outwash, and lower buried outwash probably are the product of Pleistocene Epoch cut and fill episodes (Beffort and Hedges, 1967).

The general occurrence of surface outwash in the study area of Beffort and Hedges (1967) is shown in Figure 1. In the area noted by Beffort and Hedges (1967) in Figure 1 as the best area for development the saturated thickness ranges from 0 to 126 feet. Along the edges of the surface outwash body it may be covered with up to 25 feet of glacial till and locally throughout its extent with small patches of overburden. Additionally the authors note that the surface outwash probably has a hydraulic connection to Blue Dog Lake.

The approximate extent of Beffort and Hedges' (1967) upper buried outwash is shown in Figure 1. This outwash body was found at depths ranging from 20 to 190 feet, but primarily occurred at depths of 100 to 180 feet (Beffort and Hedges, 1967). The authors note the high likelihood of some degree of "hydraulic continuity" existing between the surface and upper buried outwash and illustrated this with a specific example of where this is probable and note that more examples of this probability exist within the study area.

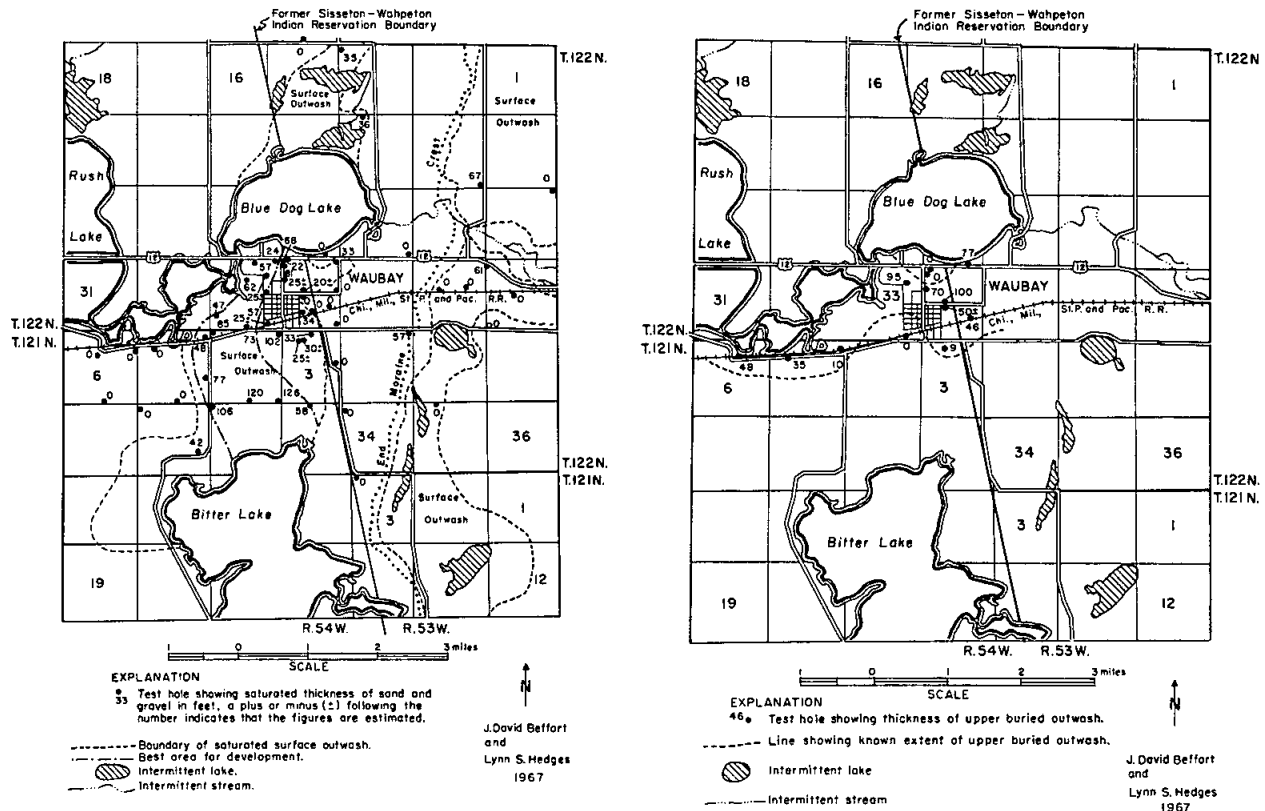


Figure 1: General Occurrence of Surface Outwash in the Beffort and Hedges (1967) Study Area (left) and Approximate Extent of the Beffort and Hedges (1967) Upper Buried Outwash (right) (modified from of Beffort and Hedges, 1967)

Leap (1988) categorizes the aquifers present in Day County into four systems: bedrock, basal, intermediate, and surface. Of pertinence to this application is Leap's (1988) Eastern Lake's Subsystem which is a subgroup of the author's surface system, specifically what the author refers to as the Waubay aquifer. Leap's (1988) Waubay aquifer is shown in Figure 2. At the time of Leap (1988) two wells for the City of Waubay were completed into the Waubay aquifer. A 1970 pump test of a well belonging the City of Waubay resulted in an estimated transmissivity in the aquifer of 3,000 gallons per day per foot, the relatively low value of this number was attributed to silt and clay mixed with the sand in the aquifer (Leap, 1988). Leap (1988) also mentions the possibility of groundwater flow from Blue Dog Lake into Bitter Lake through the Waubay aquifer. In comparing Leap (1988) to Beffort and Hedges (1967), the upper buried outwash of Beffort and Hedges (1967) corresponds, at least in part, to the Waubay aquifer of Leap (1988).

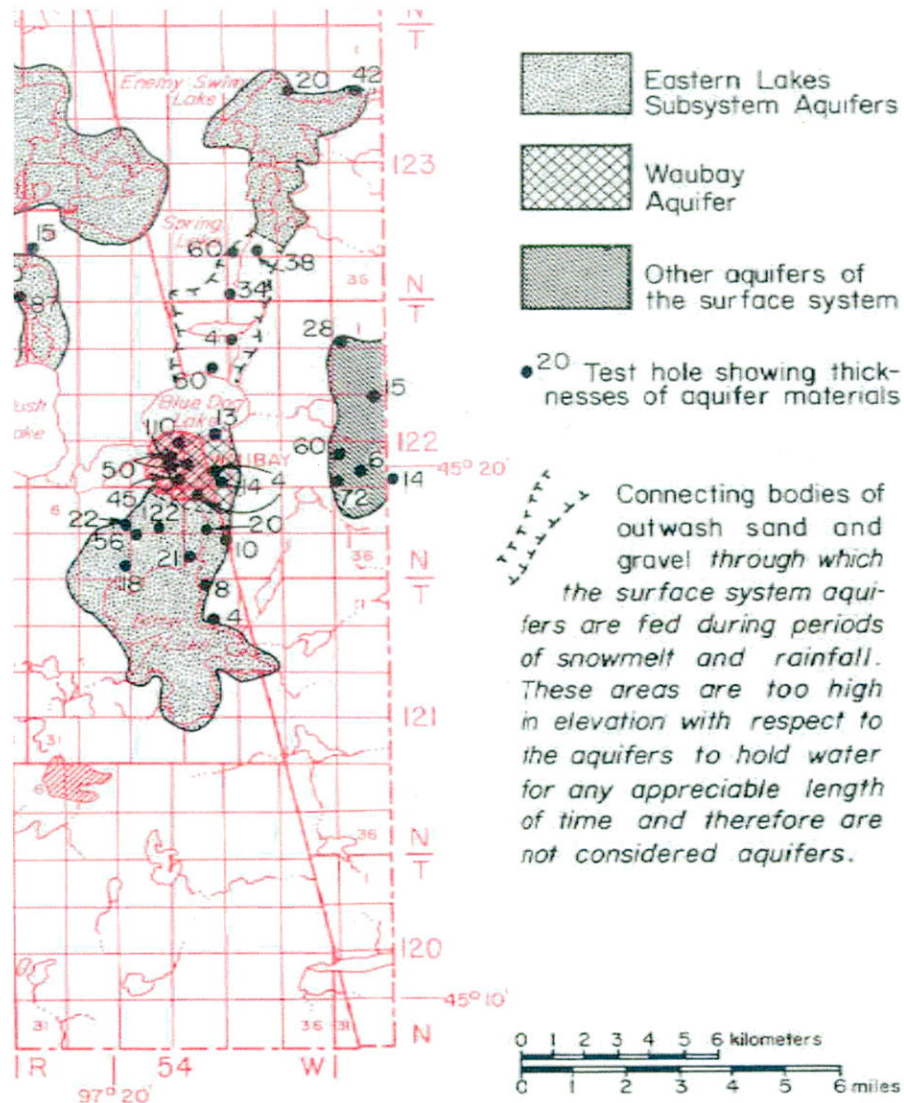


Figure 2: Leap's (1988) Waubay aquifer (modified from Leap, 1988)

In the area of this application Hedges et al. (1982) divides glacial aquifers into three classifications. The surface system aquifers are grouped under the name Coteau Lakes, the intermediate system aquifers under the name Prairie Coteau, and the basal system aquifers under the name Altamont (Hedges et al., 1985). In Day County, Hedges et al. (1982) estimates about 58,200 acres of Coteau Lakes aquifer are present. In Day County, Hedges et al. (1982) estimates that the portions of the Coteau Lakes aquifer contain recoverable water in excess of 130,910 acre-feet.

The majority of the lithological information for the area of this aquifer is the result of the study for the City of Waubay by Beffort and Hedges (1967). Some additional drilling was done in the area of this application for the study by Leap (1988). Any more recent lithological data is the result of well completion reports (Water Rights, 2015c). Utilizing this data, an effort was made to further delineate the aquifer that the well for this application is completed into. The

delineation for the aquifer is shown in Figure 3. Aquifer delineation was based on interpretation of data including South Dakota Geologic Survey lithological logs, well completion reports, and previous investigations of the area (Beffort and Hedges, 1967; SDGS, 2014; and Water Rights, 2015c). Select cross sections and further analysis are presented in the Appendix for this report.

As delineated, the surface outwash and the upper buried outwash of Beffort and Hedges (1967) can be considered a single aquifer in the surface system and can be classified under the name Coteau Lakes aquifer. It would then follow that the lower buried outwash in Beffort and Hedges (1967) would be considered the intermediate system and classified as the Prairie Coteau aquifer, and the basal sand and gravel would be considered the Altamont aquifer.

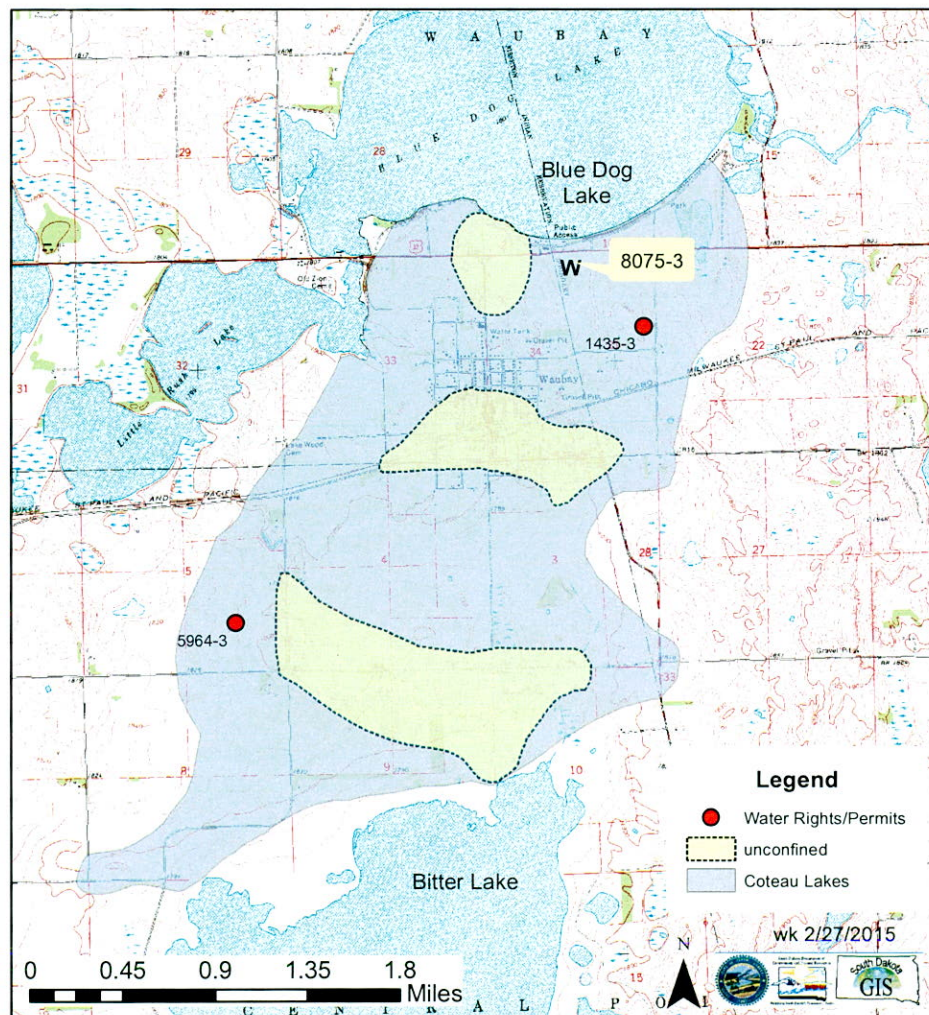


Figure 3: Delineated Area of this Portion of the Coteau Lake Aquifer (additionally indicated are the approximate areas where the aquifer is unconfined although the actual unconfined area is likely larger). Also shown are water rights completed into this aquifer (Water Rights, 2015b).

Based on this delineation, shown in Figure 3, the area of this portion of the Coteau Lakes aquifer is at least 3,600 acres. Of this area an estimated 777 acres are unconfined, however it is likely that the actual unconfined area of this aquifer is larger. Due to the rise in lake water levels in the area, based on the 2014 FSA satellite imagery, Bitter Lake overlies about 1,368 acres of this aquifer of which about 445 acres are unconfined. This would indicate a hydraulic connection between Bitter Lake and the aquifer.

In delineating the aquifer in this manner there are two existing water rights in the aquifer. Water Right No. 5964-3 is classified as being completed into the Coteau Lakes aquifer (Water Rights, 2015b). Water Right No. 1435-3 is classified as being completed into the Prairie Coteau aquifer (Water Rights, 2015b).

Based on the well completion report submitted by the applicant, the well for this application is 84 feet deep. The static water level at the time of completion (9/18/2014) was six feet below grade. The aquifer is under confined conditions at this location.

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 the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

Water Availability

Water Permit Application No. 8075-3 proposes to appropriate water from the Coteau Lakes aquifer. Approval of this application is likely to result in an average annual water use of less than 9.6 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." 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. Here, a public water system is not involved and the Coteau Lakes aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

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 basically stated that data must be presented 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).

Hydraulic Budget

Recharge

Recharge to the aquifer occurs by infiltration of precipitation, and seepage from surface water bodies (Beffort and Hedges, 1967). Based on observation well analysis, Hedges et al. (1985) estimates recharge to the Coteau Lakes aquifer at 4.5 inches per year. The combination of this recharge information with the aquifer delineation done for this application results in at least an estimated 291 acre-feet per year of recharge from the unconfined portion of the aquifer. Additionally the aquifer has a hydraulic connection to Bitter Lake, which would also serve as a source of recharge for the aquifer.

Withdrawals

Withdrawals from the aquifer are the result of evapotranspiration, seepage into surface water, and pumping by wells (Beffort and Hedges, 1967). This aquifer has two water rights/permits. Water Right No. 1435-3 belongs to the City of Waubay for a maximum diversion rate of 0.46 cfs for municipal use. Water Right No. 5964-3 belongs to Maurice S. Dorsett for a maximum diversion rate of 1.78 cfs for the irrigation of 133 acres. Withdrawals from domestic wells are not considered a significant portion of the hydraulic budget for the aquifer.

The irrigation information for Water Right No. 5964-3 is shown in Table 1. From 2012-2014 the holder of Water Right No. 5964-3 was unable to irrigate due to the high water levels of Bitter Lake. Based on the file for Water Right No. 5964-3, the low usage in 1997 is attributed to the system being constructed in fall of 1997 (Water Rights, 2015b). Therefore by utilizing the irrigation data for 1998-2011 for Water Right No. 5964-3 the average annual withdrawal due to irrigation from this aquifer is estimated to be 80 acre-feet.

Table 1: Water Use for Water Right No. 5964-3
(Water Rights, 1979-2014)

Year	Pumpage (acre-feet)
1997	7
1998	91.48
1999	139.2
2000	151.91
2001	103.11
2002	139.2
2003	77.34
2004	89.49
2005	14.44
2006	103.11
2007	21.91
2008	29.83
2009	26.29
2010	106.06
2011	17.68
2012	0
2013	0
2014	0
1998-2011 Average	79.4

For non-irrigation use, average annual use can be estimated by assuming that pumping will occur at the maximum diversion rate 60% of the time for water rights/permits limited by rate only. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. Water Right No. 1435-3 and this application, if approved, would result in an estimated maximum average annual non-irrigation withdrawal of 209 acre-feet. Although the City of Waubay also holds Water Right No. 3101-3 for the Altamont aquifer, the appropriation authorized by Water Right No. 1435-3 from two wells completed into this aquifer serves as the primary source water for the water supply for the City of Waubay. Water use data for the City of Waubay is shown in Table 2 (Drinking Water, 2005-2014).

Table 2: City of Waubay Water Use (Drinking Water, 2005-2014)

Survey Year	Water Use (gal)	Water Use (cfs)	Acre-feet
2006	30,277,200	0.128	92.9
2008	30,214,800	0.128	92.7
2011	19,379,000	0.082	59.5
2014	17,231,000	0.073	52.9
Average	24,275,500		75

Combining withdrawals for irrigation and non-irrigation uses results in an estimated maximum annual withdrawal of less than 290 acre-feet for the aquifer for irrigation and non-irrigation use. When evaluating withdrawals considering the average water use by the City of Waubay, the average annual withdrawal from the aquifer can be estimated at 165 acre-feet. When comparing estimated average annual recharge and estimated annual withdrawals, estimated annual recharge exceeds estimated annual withdrawal by 1 to 126 acre-feet per year, with the inclusion of the expected annual water use of this application, if approved.

Observation Wells

There are no observation wells completed into this portion of the Coteau Lakes aquifer.

Existing Water Rights/Permits

There are two existing Water Rights in this aquifer. The approximate locations of the diversion points for these water rights are shown in Figure 3. The nearest to the well this application proposes to use is Water Right No. 1435-3 which is about 0.5 miles to the southeast of the well location for this application. There are several domestic wells on file with the SDDENR-Water Rights Program within one mile of the well location for this application that are completed into this aquifer.

Theoretical drawdown due to this application can be estimated utilizing the Theis equation and the information on the nearby aquifer pump test documented in Leap (1988) and the estimate by Leap (1988) that the storage coefficient is between 0.001 and 0.0001. This theoretical drawdown curve is shown in Figure 5. Due to the relatively low diversion rate (0.022 cfs) requested by this application and the calculation of theoretical drawdown using conservative values for this application, this application, if approved, is not expected to adversely impact nearby adequate wells. An adequate well as defined by South Dakota Administrative Rules is “a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.” In the past the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur.

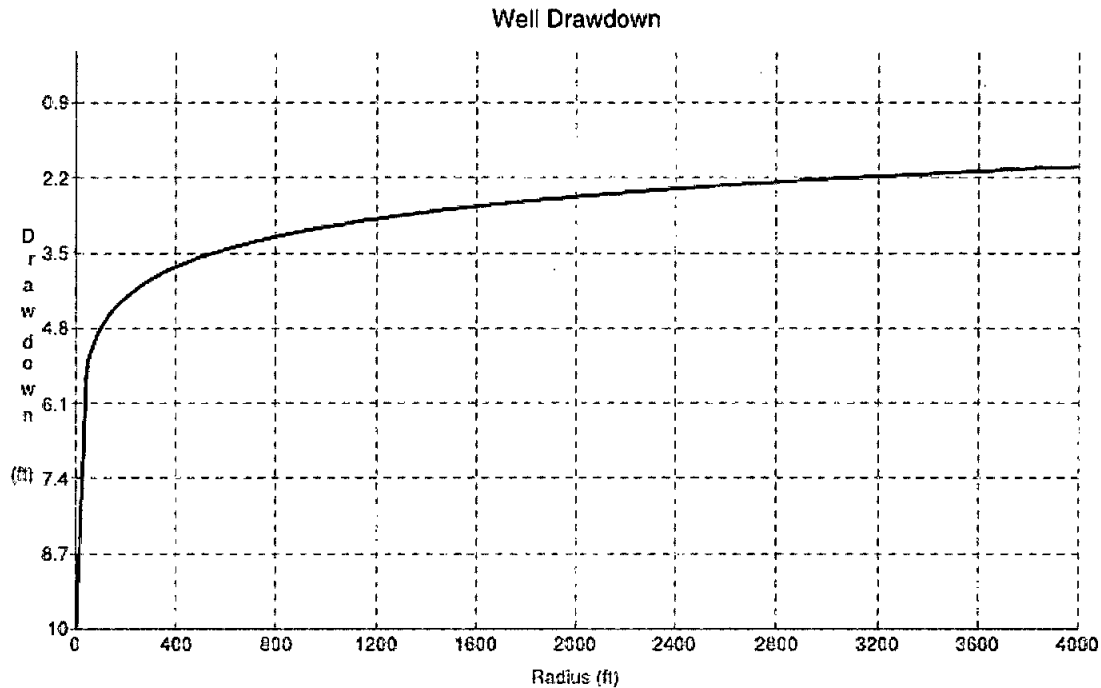


Figure 5: Theoretical Drawdown for Application No. 8075-3 Curve (i•calcul⁸, 2015)
transmissivity (T)= 3,000 GPD/ft, storage coefficient(S)=0.0001, time(t)= 365 days,
discharge(Q)= 0.022 cfs

Conclusions

1. Water Permit Application Number 8075-3 proposes to appropriate water from the Coteau Lakes aquifer at a maximum diversion rate of 0.022 cfs for commercial use.
2. There is a reasonable probability that there is unappropriated water available to meet the needs of this application.
3. There is a reasonable probability that this application will not adversely impact nearby adequate wells.

Whitney Kilts

Whitney Kilts

SDDENR-Water Rights Program

Approved by

Ken Buhler

Ken Buhler

SDDENR-Water Rights Program

References

- Beffort, J. D. and Hedges, L. S. 1967. Ground-water Supply for the City of Waubay, South Dakota. Special Report 40. SDGS. Vermillion, SD.
- Drinking Water. 2005-2014. Drinking Water Surveys for the City of Waubay. SD DENR-Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: 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.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- icalcul⁸. Theis Equation Calculator. Retrieved Feb 2015. <http://www.icalcul8.com/theis.php>.
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- In the Matter of Water Permit Application 7209-3, Longview Farms, LLP v. South Dakota Dept. of Environment and Natural Resources, South Dakota First Judicial Court Civ. No. 11-146 (Memorandum Decision, May 17, 2012)
- Leap, D. 1988. Geology and Hydrology of Day County, South Dakota. Bulletin 24. SDGS. Vermillion, SD.
- Rothrock, E.P. 1935. Geology and Water Resources of Day County, South Dakota. Report of Investigations No. 25. SDGS. Vermillion, SD.
- SD Geological Survey. 2014. Lithological Logs Database, SD DENR-Geological Survey Program, Vermillion, SD.
- Wagers, Bob. 2015. City of Waubay. Personal Communication. February 26, 2015.
- Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015a Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2015b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Appendix

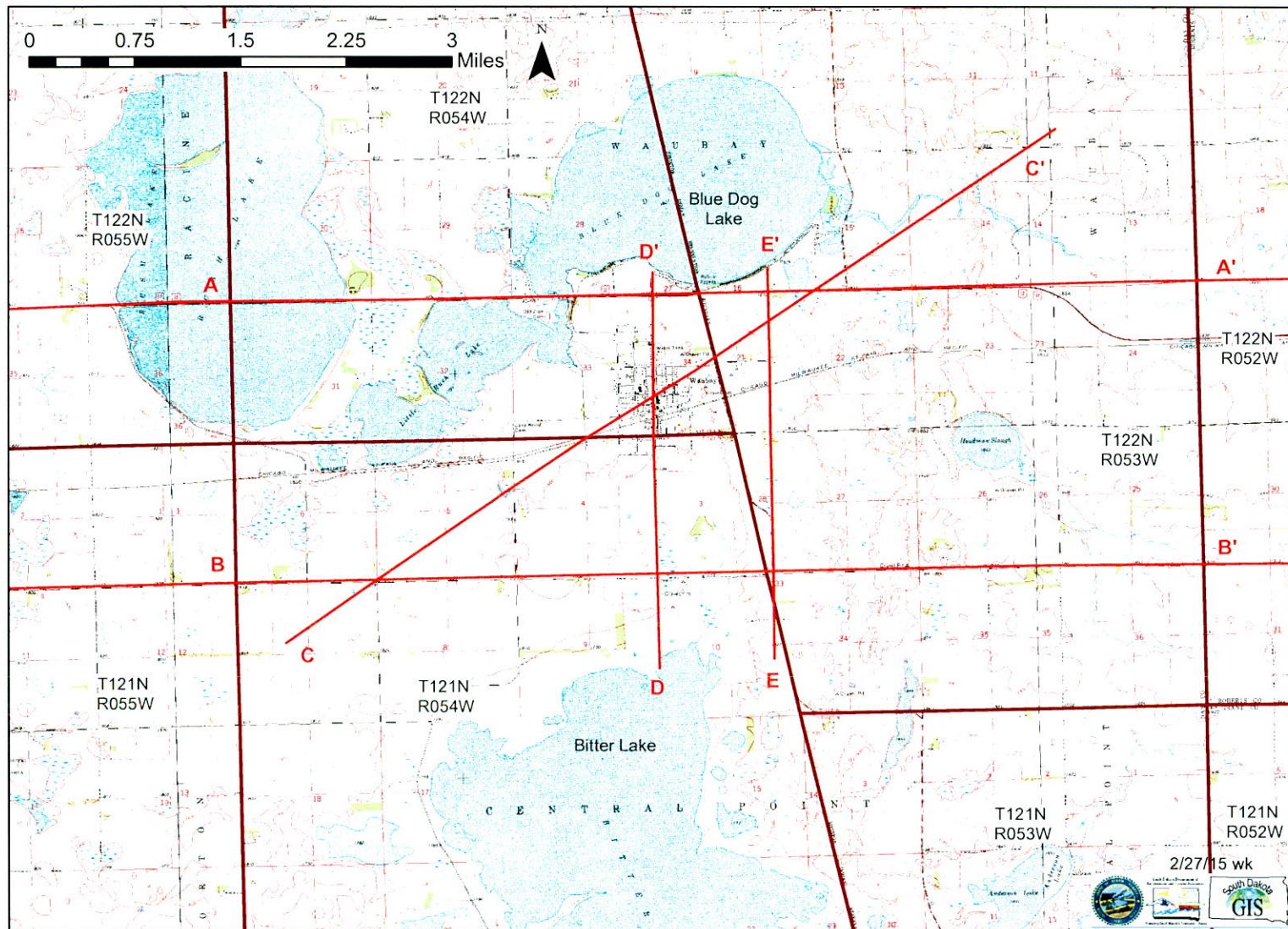


Figure A-1: Map of cross sectioned locations (brown lines indicate township and range lines, red lines indicate cross sections). Portions of this map are featured in Figures A-2 through A-5 to location reference presented selected portions of cross sectioning done for this application.

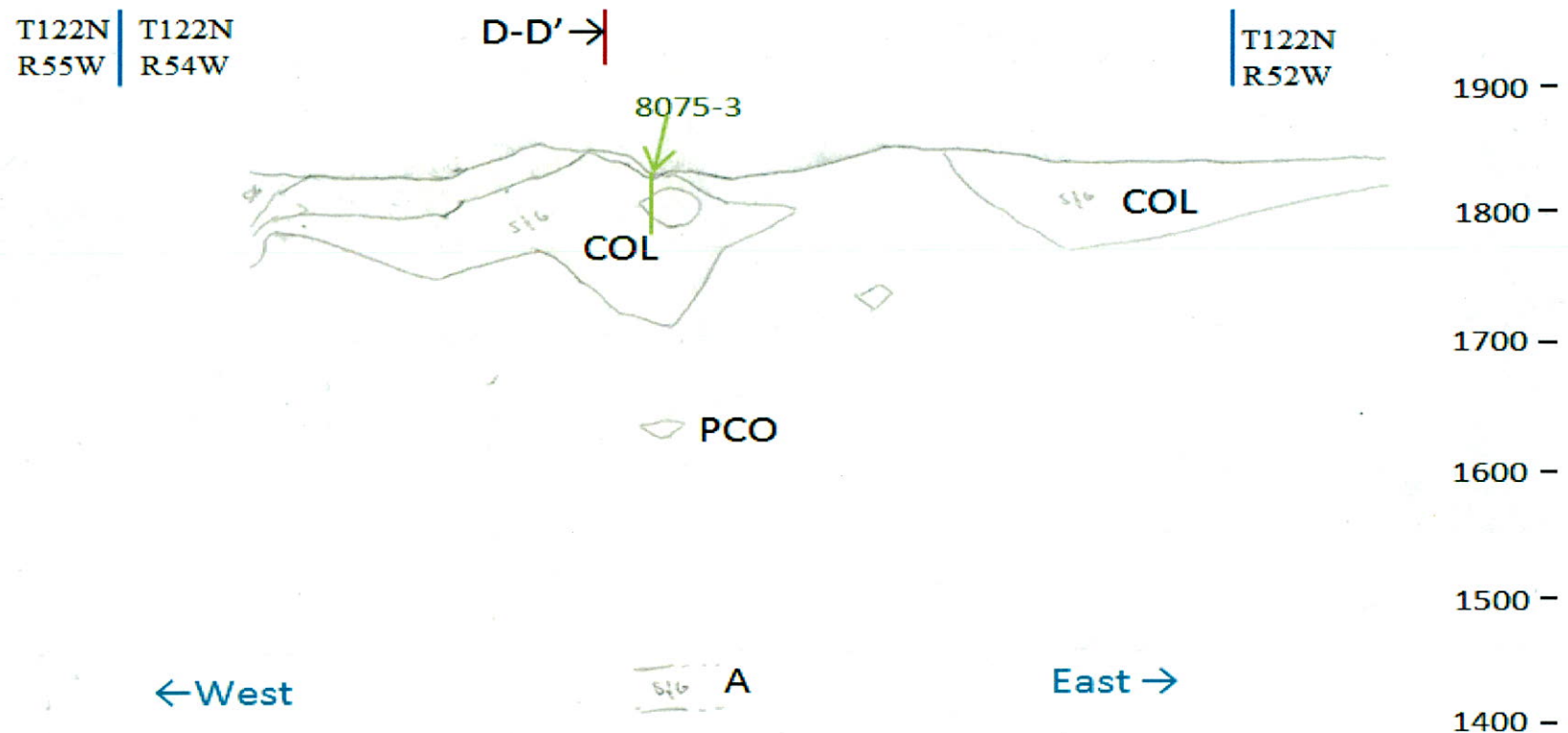


Figure A-2: Select portion of the trace of cross section A to A'. Indicated is the well for Application No. 8075-3. Under Beffort and Hedges (1967) the well for this application would be in what was termed the upper buried outwash by the authors and the upper portion of this area was termed surface outwash under Beffort and Hedges (1967). The cross sectioning done for this report which includes additional drilling done for the study by Leap (1988) and area well completion reports support the existence of hydraulic continuity between the surface and upper buried outwash discussed by Beffort and Hedges (1967). This cross section and cross section D-D' presented in Figure A-3 demonstrate the case for these outwash bodies actually being one aquifer in the surface system. Abbreviations consist of COL = Coteau Lakes, PCO= Prairie Coteau, and A=Altamont.

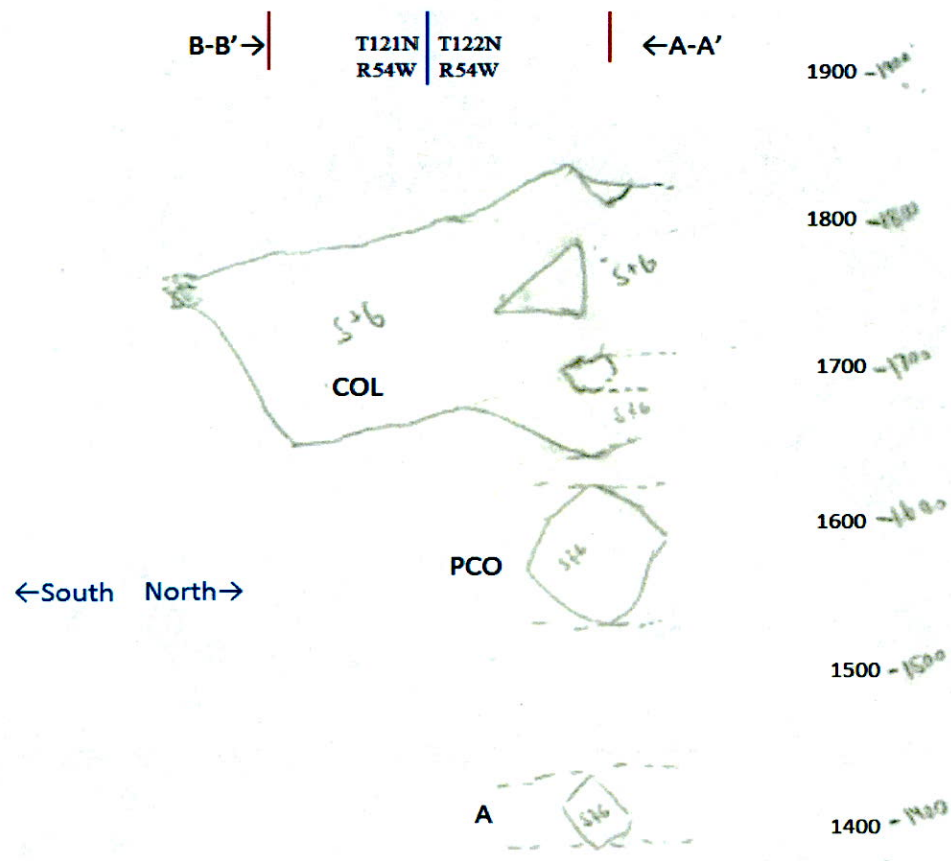


Figure A-3: Select portion of the trace of the cross section D to D' a cross section that runs south to north. Not shown in this cross section are areas where the topsoil less than three feet thick.

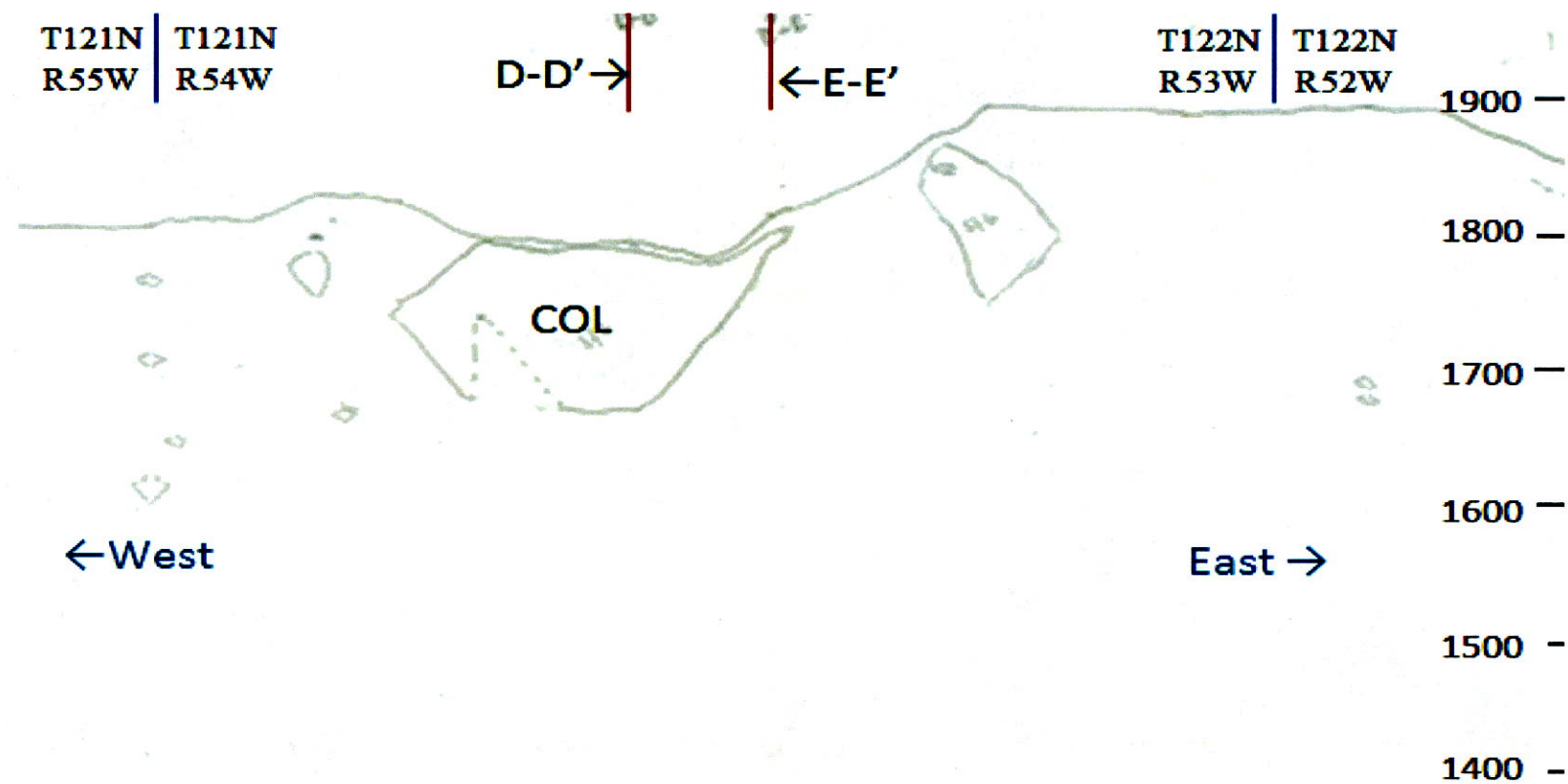


Figure A-4: Select portion of the trace of the cross section B to B'. Most of the aquifer shown in this cross section now underlies Bitter Lake.

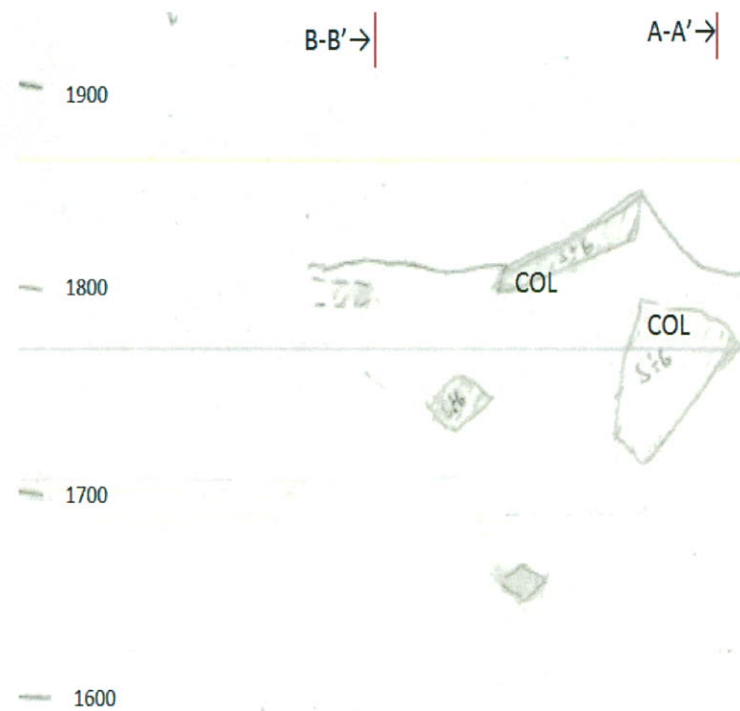


Figure A-5: Select portion of the trace of the cross section E to E'.

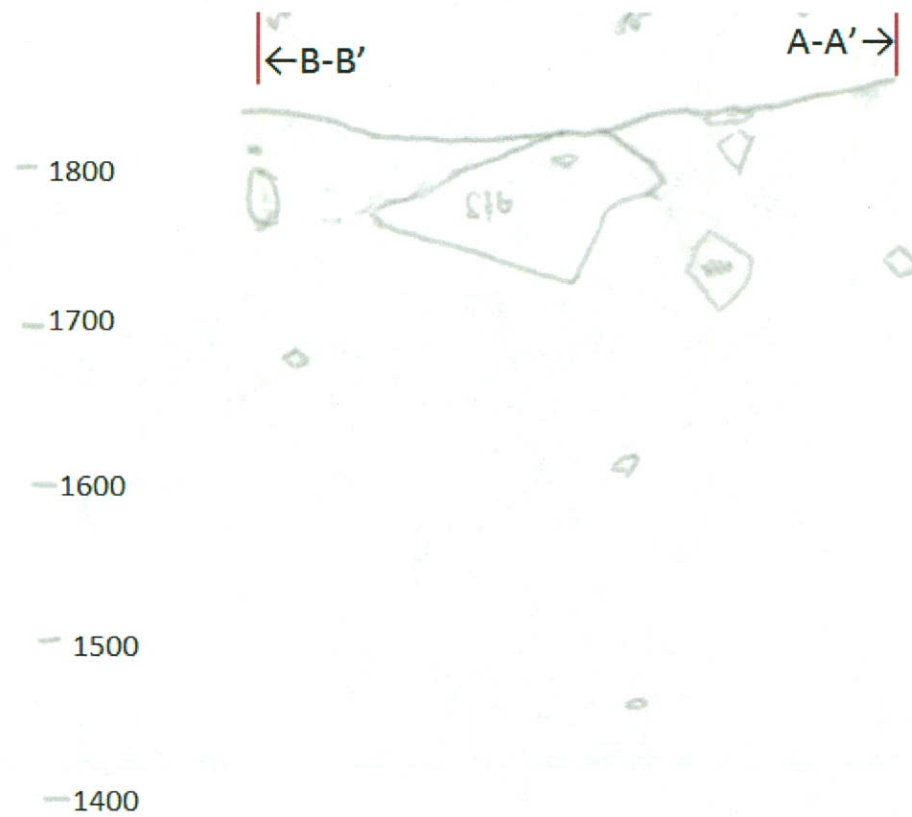


Figure A-5: Select portion of the trace of the cross section C to C'.

RECEIVED

APR - 2 2015

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

County of Day

State of South Dakota,

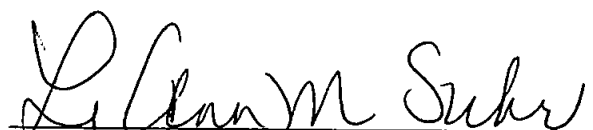
SS.

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, #8075-3 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	March 16;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$28.88 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 16th day of March, 2015.


Notary Public, Day County, South Dakota

LeAnn M. Suhr
Day County South Dakota
My Commission Expires November 2, 2017

Applica

NOTICE OF APPLICATION NO. 8075-3 TO APPROPRIATE WATER

Notice is given that LaBolt Farmers Grain Co., PO Box 515, Waubay, SD 57273 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec. 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use in a crop spraying operation with potential customers located in Day, Grant and Roberts Counties.

Pursuant to SDCL 46-2A-2, The Chief Engineer recommends APPROVAL of Application No. 8075-3 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 Engi-

ation for water

neer 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 March 30, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$28.88.

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

MAR 23 2015

WATER RIGHTS
PROGRAM

Ashlie Bublitz

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 8075-3 to Appropriate Water-Labolt Farmers Grain Co.

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

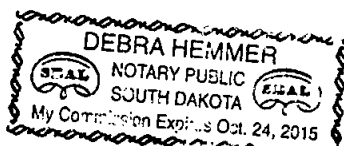
<u>march 18</u>	<u>20 15</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That \$ 24.58, 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.

Ashlee Bublitz

Subscribed and sworn to before me this 18th day of Mar 20 15

Debra Hemmer
Notary Public, Grant County, South Dakota



Publication Fee \$ 24.58
Notarial Fee \$
Total \$ 24.58

NOTICE OF APPLICATION

NO. 8075-3 to Appropriate Water

Notice is given that LaBolt Farmers Grain Co., PO Box 515, Waubay, SD, 57273, has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use in a crop spraying operation with potential customers located in Day, Grant and Roberts Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8075-3 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 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 March 30, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$24.58.

RECEIVED

MAR 20 2015

WATER RIGHTS
PROGRAM

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. 8075-3, 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:

Mar. 17, 2015, _____, _____;
_____, _____, _____;
_____, _____, _____;
_____, _____, _____;
_____, _____, _____;

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 \$ 22.56

Kevin H. Deutsch

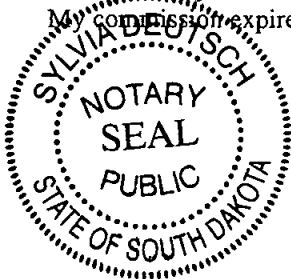
Subscribed and sworn to before me this 17th day of

March, A.D., 2015

Sylvia Deutsch

Notary Public, Roberts County, South Dakota

My commission expires February 3, 2016



NOTICE OF APPLICATION NO. 8075-3 TO APPROPRIATE WATER

Notice is given that LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use in a crop spraying operation with potential customers located in Day, Grant and Roberts Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8075-3 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 March 30, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$22.56.

RECEIVED

MAR 23 2015

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:

March 16th, 2015

Cost of Printing 58.74

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

March 16th, 2015

(Date Signed)

SOUTH DAKOTA

NOTICE OF APPLICATION

NO. 8075-3 to
Appropriate Water

Notice is given that LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water

is for commercial use in a crop spraying operation with potential customers located in Day, Grant and Roberts Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8075-3 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 March 30, 2015. 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. Information concerning this application is available at <http://denvr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.
(March 16, 2015)

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

March 9, 2015

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8075-3 to Appropriate Water. Please publish the notice once on March 16, 2015. 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 LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 (Ph # 605-947-4711).

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

March 9, 2015

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8075-3 to Appropriate Water. Please publish the notice once on March 18, 2015. 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 LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 (Ph # 605-947-4711).

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

March 9, 2015

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8075-3 to Appropriate Water. Please publish the notice once on March 17, 2015. 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 LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 (Ph # 605-947-4711).

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

March 9, 2015

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8075-3 to Appropriate Water. Please publish the notice once on March 16, 2015. 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 LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 (Ph # 605-947-4711).

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.**

March 9, 2015

LaBolt Farmers Grain Co
PO Box 515
Waubay SD 57273

Dear Sir:

Water Permit Application No. 8075-3 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 newspapers:

Reporter & Farmer – Webster SD #605-345-3356 Grant County Review – Milbank SD #605-432-4516

Sisseton Courier - Sisseton SD #605-698-7642 Public Opinion – Watertown SD #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 March 16, 2015. 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. 8075-3 to Appropriate Water

Notice is given that LaBolt Farmers Grain Co., PO Box 515, Waubay SD 57273 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Coteau Aquifer (84 feet deep) located in Lot 1 Sec 21-T122N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use in a crop spraying operation with potential customers located in Day, Grant and Roberts Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8075-3 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 March 30, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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

APR 23 2015

LaBolt Farmer's Grain Co
PO Box 515
Waubay SD 57273

Dear Sir:

Enclosed is Water Permit No. 8075-3 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

8075-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 4, 2023

LaBolt Farmers Grain Co.
c/o Mark Maag
633 E US HWY 12
Waubay SD 57273

Dear Mr. Maag:

LaBolt Farmers Grain Co. made a Water Permit application in January 2015 for a well to be completed into the Coteau Aquifer, located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T122N, R53W, for 0.022 cfs (roughly 10 gpm) to be used in a commercial crop spraying operation starting in April and ending in September, each year.

During a recent inspection conducted by staff engineer, Darrel DeBoer, it was found that the water is actually being used in a commercial office setting. While the use is still "commercial", our question is whether that water use is being limited to April 1 – September 30, or being used year round?

In the case that the water is, as we suspect, being used all year, I have enclosed a partially completed Water Permit Application to amend the annual period of use. The application fee to extend the period of use would be \$100.00. The licensing fee of \$200.00 would be waived as that has already been paid.

We can move forward with the licensing of your water use system once this information is returned.

Should you have any questions or concerns, I would be happy to help.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure