

WATER PERMIT NO. 8228-3

Name of Applicant: **B & B Washout**

Address: **c/o Robert Blom, 27545 388th Ave, Corsica SD 57328** Phone: **605 999-0944**

Amount of Water Claimed: **12 AF** Total Acres: **NA**

Source of Water Supply: **groundwater – 1 existing well**

Water to be used for: **commercial use – cattle feedlot** County: **Douglas**

Type of Waste Disposal System:

Location: **3 miles southwest of Corsica**

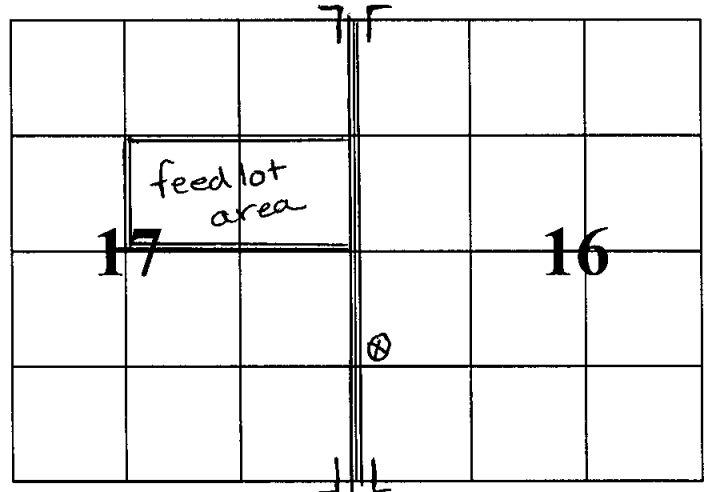
PRIORITY Date Received: **5-27-16** Application/License Fee: **\$ 300**

Corrected Application Received: **6-8-16** Period of Annual Use: **January 1 – December 31**

Remarks: **Utilizing well authorized by Water Right No. 6186-3**

Diversion Point: **NW 1/4 SW 1/4 Sec 16-T99N-R64W**

Feedlot located: **S 1/2 NE 1/4 Sec 17-T99N-R64W**



Depth of Well: **810 feet deep**

Well Driller: **Huron Drilling Inc**

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **6-8-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8228-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Corsica Globe</u> <u>605-946-5489</u>
	<u>Daily Republic - Mitchell</u> <u>605-996-5514</u>

RECEIVED

MAY 27 2016

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:

(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>6186-3</u>		

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

Add supplying the feedlot

1. Name to Appear on Water Permit B & B Washout c/o Robert BlomMailing Address 27545 388th Avenue Corsica SD 57328
(Address) (City) (State) (Zip Code)Phone 605-999-0944 Mobile 605-777-0944 Email _____2. Amount of water claimed _____ *CFS or no add'l **GPM and 18.5 ***AF or 6 mil. Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity or dam/dugout or annual use)3. Source of water supply Dakota aquifer4. Location of point of diversion NW 1/4 SW 1/4 Section 16, T99N, R64W County Douglas
(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 ☐ NoIf "Yes," where will water be used? S 1/2 NE 1/4 Section 17, T99N, R64W

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Douglas6. Annual period during which water is to be used January 1 - December 31

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

See map on file for location of well. The existing well which was obtained to supply the semi-truck wash facility now also provides water to feedlot located in the S 1/2 NE 1/4 Section 17, T99N, R64W. Form 2A is on file with Water Right No. 6186-3

I, Robert E Blom, the applicant, certify under
Name of Person Title (if applicable)

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

**SOUTH DAKOTA
WATER PERMIT NO. 8228-3**

Date of first receipt of application May 27, 2016.

Date of return to applicant for corrections, amendments or changes June 1, 2016.

Date of receipt of corrected application June 8, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8228-3 to B & B Washout, c/o Robert Blom, 27545 388th Ave, Corsica SD 57328, 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. 8228-3 authorizes the commercial use at a livestock confinement facility from an existing well authorized by Water Right No. 6186-3. Water Right No. 6186-3 authorizes 0.111 cubic feet of water per second from one well completed into the Dakota Aquifer (810 feet deep) located in the NW 1/4 SW 1/4 Section 16-T99N-R64W for commercial use in a truck wash facility. This permit authorizes the additional commercial use at a livestock facility located in the S 1/2 NE 1/4 Section 17-T99N-R64W. The total water use for both commercial uses will be 18.5 acre-feet of water annually from the existing well. There is no increase in the authorized diversion rate.
2. The water appropriated shall be used for the purpose of commercial use (livestock confinement facility) 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. 8228-3 is August 26, 2016.
5. The date from which applicant may claim right is March 7, 2000 (established by Water Right No. 6186-3).
6. One-fifth of the construction is to be completed on or before February 26, 2019.
7. All construction is to be completed on or before August 26, 2021.
8. Water is to be put to beneficial use on or before August 26, 2025.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Right No. 6186-3 and Water Permit No. 8228-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
3. Water Right No. 6186-3 and Water Permit No. 8228-3 authorize a total annual diversion of 18.5 acre feet of water.
4. Water Permit No. 8228-3 incorporates Water Right No. 6186-3.

WATER MANAGEMENT BOARD

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

SEP 19 2016

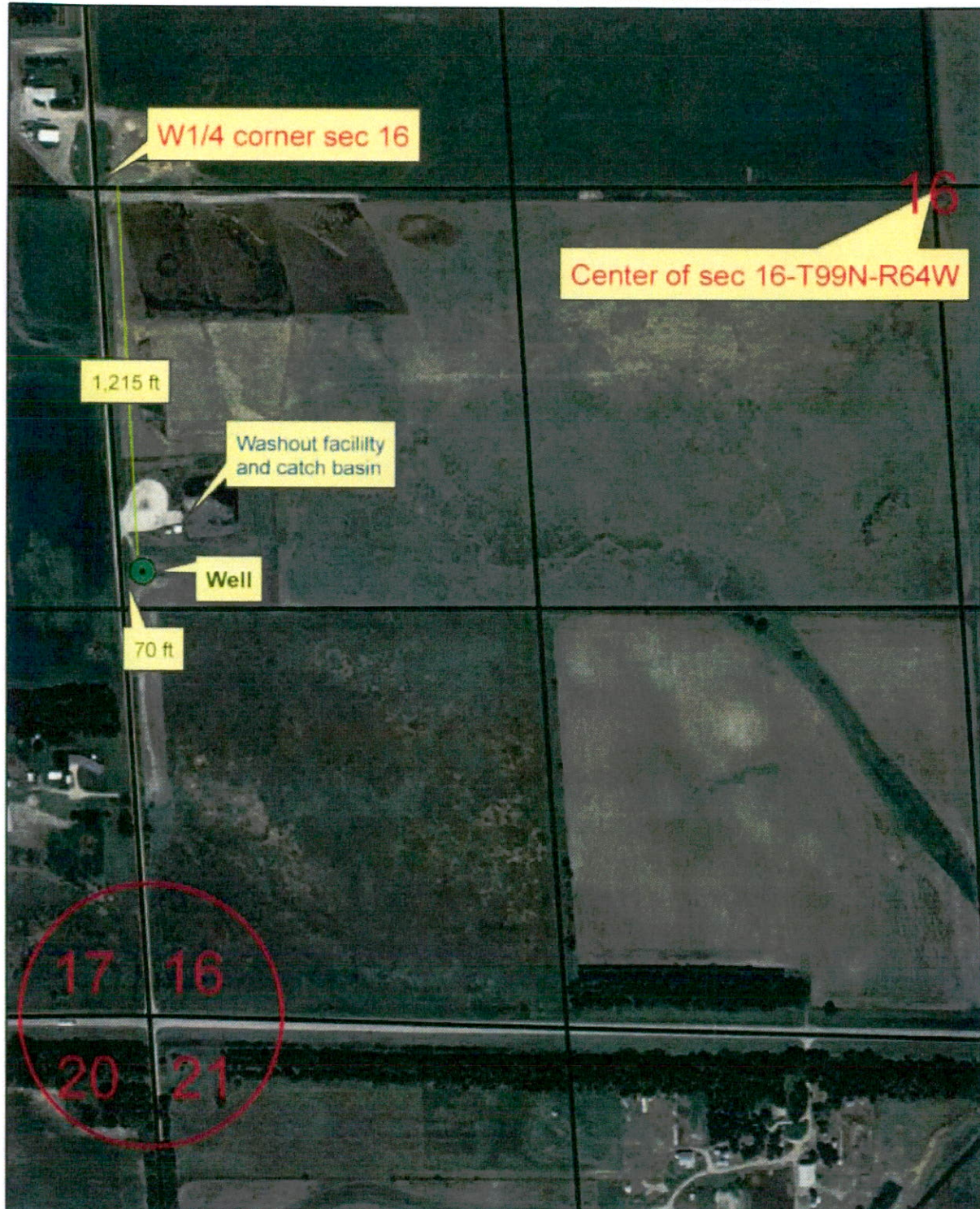
date



Scale: 1 inch equals 469 feet

660

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sep 17, 2004

Water Right No. 6186-3

Sec 7
T099N
R64W

Sec 8
T099N
R64W

Sec 9
T099N
R64W

Sec 18
T099N
R64W

Sec 17
T099N
R64W

Sec 16
T099N
R64W

Sec 19
T099N
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Sec 20
T099N
R64W

Sec 21
T099N
R64W

Sec 30

Sec 29

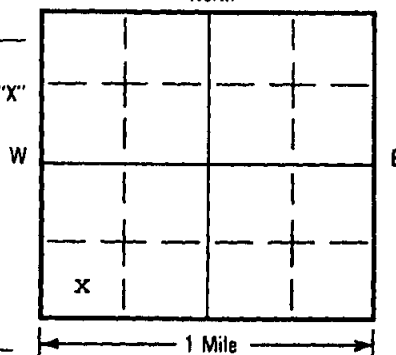
Sec 28

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SW 1/4 Sec 16 Twp 39 Rg 64
County Douglas

Please mark well location with an "X"



Well Completion Date

1-13-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from septic (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>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>720</u> FT	<u>7 7/8</u> IN
<u>#80</u> LB/FT	<u>2</u> IN	<u>720</u> FT	<u>810</u> FT	<u>5</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>75</u>	_____ lb./gal	<u>0</u> ft.	<u>720</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pressure plugSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 IN Length 90 FEETMaterial PVCSlot Size 25 Set From 720 Feet to 810 FeetOther information No. 60-65 gravelEau ClaireWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis _____

Pierre, SD

Well Owner: _____

Business Name: B and B Wash OutAddress: 27545 388th Ave.
Corsica, SD 57328

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	5
Yellow clay	5	15
Blue clay	15	180
Chalk	180	270
Blue clay	270	300
Codell	300	410
Shale	410	720
Dakota sand	720	810

STATIC WATER LEVEL 90 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: compressed air☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

150 ft. After 12 Hrs. pumped 50 GPM

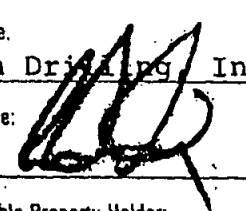
_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

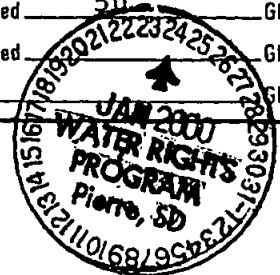
REMARKS

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling, Inc.Signature of License Representative: 

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-13-00

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/8, 20 16

RECEIVED OF Robert L Blom 27545 388th Ave Corsica SD 57328

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

Fee for Application for Permit No. <u>8228-3</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>8228-3</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. **07852**

By James Goodman Jr
Chief Engineer

6186-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 16, 2016

Robert Blom
27545 388th Avenue
Corsica SD 57328

Dear Mr. Blom:

Please find a partially complete application form to amend Water Right No. 6186-3 to add supplying water to the feedlot located in the S ½ NE ¼ Section 17, T99N, R64W. Please review the application and make any necessary correction and sign the application form. I am assuming the maximum diversion rate is still 50 gallons per minute. If that is not the case, please specify the correct diversion rate from the well.

The one item that needs to be completed under Item No. 2 on the application is an estimate of the annual volume of water used. You will want to be reasonable but estimate on the high side of the what the combined annual use of water will be to serve the wash-out and feedlot. The rest of the inform necessary should already be on file.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure



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JUN 08 2016
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 1, 2016

Robert Blom
27545 388th Avenue
Corsica SD 57328

Dear Mr. Blom:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a feedlot utilizing the well authorized by Water Right No. 6186-3.

The application/license filing fee will be \$300.00.

Also, do you want the name B & B Washout on the new application or just your name?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Leave it in B & B Washout

Thanks you

Bob Blom

999-0944

Application No. 8228-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8228-3, B & B Washout

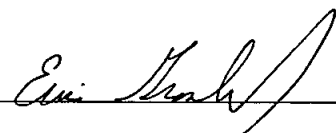
ADDRESS: COUNTY: Douglas County

DATE: July 19, 2016 TELEPHONE: 605 999-0944

RE: annual volume

I contact Robert Blom regarding the annual volume to be used for both the feedlot and truck washout. I said his application to include use at the feedlot states 4 million gallons of water annually. I asked if this was in addition to the water use at the truck washout or the combined use for both the feedlot and truck washout. Mr. Blom indicated this was an estimate of the total annual combined use from the well.

NAME:

_____

Application No. 8228-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8228-3, B & B Washout

ADDRESS: COUNTY: Douglas County

DATE: July 19, 2016 TELEPHONE: 605 999-0944

RE: annual volume

I again contact Mr. Blom regarding the annual volume requested, specifically whether the 12 ac-ft/yr of water under estimates water use given that the feedlot is permitted for 2700 hd. Mr. Blom indicated the feedlot portion is supplied by two RWS taps and he is just supplementing the RWS water with water from the truck wash well. He did agree that 4 million gallons per year may be a little low and asked for it to be bumped up to 6 million gallons per year with equates to just shy of 18.5 ac-ft/year.

NAME: Eric Truelsen



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. 8228-3, B & B Washout**

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. 8228-3, B & B Washout, c/o Robert Blom, 27545 388th Avenue, Corisca SD 57328.

The Chief Engineer is recommending APPROVAL of Application No. 8228-3 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 Water Right No. 6186-3 and Water Permit No. 8228-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
3. Water Right No. 6186-3 and Water Permit No. 8228-3 authorize a total annual diversion of 18.5 acre feet of water.
4. Water Permit No. 8228-3 incorporates Water Right No. 6186-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 8, 2016

Report of the Chief Engineer
Water Permit Application No. 8228-3
B & B Washout
July 19th, 2016

Water Permit Application No. 8228-3 is for commercial water use at a livestock facility located in the S ½ NE ¼ Section 17-T99N-R64W in Douglas County. The proposed diversion point is one existing well (810 feet deep) completed into the Dakota aquifer located in the NW1/4 SW1/4 Section 16-T99N-R64W. This well is currently authorized by Water Right No. 6186-3 for a maximum diversion rate of 0.111 cubic feet per second (cfs) for commercial use at a truck wash out facility. Water Permit Application No. 8228-3 would limit the combined use of Water Right No. 6186-3 and this permit, if approved, to a maximum annual rate of 18.5 acre-feet per year with a maximum instantaneous diversion rate of 0.111 cfs.

Aquifer: Dakota (DKOT)

Hydrogeology and Aquifer Characteristics

The Dakota Formation is a Cretaceous age formation that underlies approximately 66,500 square miles of the 77,047 square miles that make up of the state of South Dakota (Schoon, 1971). The Dakota Formation is made up of yellowish, reddish, and sometimes whitish sandstone with local occurrences of shales and lignite beds, with lithology that can vary both vertically and laterally (Schoon, 1971). Over much of the eastern part of the state the Dakota Formation can be subdivided into three units: an upper layer of fine- to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark gray shale layers; a middle unit of a silty gray clay interbedded with minor sandstone layers; and a lower unit of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer exists within the porous, permeable portions of the Dakota Formation and is a bedrock aquifer under artesian conditions. Schoon (1971) estimated the volume of water stored in the South Dakota portion of the Dakota aquifer at 1.1 billion acre-feet. Hedges et al. (1982) estimates that in the Eastern portion of the state the Dakota aquifer contains 381,104,000 acre-feet of recoverable water.

Based on the well completion report for the well for this application, the top of the Dakota was reported at about 720 feet below grade. At the time of completion (1/13/2000) the static water level was about 90 feet below grade.

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. 8228-3 proposes to appropriate water from the Dakota aquifer for commercial use. The probability of unappropriated water being 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 the application is for a water distribution system defined pursuant to SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. Here, the Dakota is older or lower than the Greenhorn Formation, however a water distribution system is not involved, therefore the withdrawal/recharge issue must be considered.

Dakota Declining Artesian Head Pressure

The decline of artesian head pressure in the Dakota aquifer has been a standing point of concern since the early 1900's. Some investigators of the Dakota have concluded that this decrease in artesian head pressure is an indication of withdrawals exceeding recharge in the Dakota. The issue of declining artesian head pressure in the Dakota aquifer has been considered by the Water Management Board several times. In Water Rights (2010) the Water Management Board found that declines in artesian head pressure do not automatically indicate that withdrawals have exceeded recharge in the aquifer. In Water Rights (1987) the Board has concluded that whether withdrawals have exceeded recharge cannot be determined based solely on a decline in artesian head pressure, and in theory head pressure in the Dakota aquifer is stabilizing in relation to discharges and withdrawals. In the Finding of Facts and Conclusions of Law of Application No. 5136-3 the Water Management Board concluded that, "The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells" (Water Rights, 1987). The Board further concluded that:

"When defining withdrawal for the purpose of interpreting the meaning of withdrawal pursuant to SDCL 46-6-3.1, there is a difference between withdrawal of water for beneficial use and water discharged without beneficial use through

uncontrolled flowing wells. Water discharged from uncontrolled flowing does not constitute withdrawal (appropriation) pursuant to SDCL 46-6-3.1.”

The position of the Water Management Board has ultimately been to optimize development of the Dakota aquifer for beneficial use.

Hydraulic Budget

There is insufficient data available to estimate recharge to the Dakota aquifer. Therefore, there is insufficient data available to compare average annual withdrawals to average annual recharge. As previously noted, water being discharged without beneficial use from uncontrolled flowing wells is not considered by the Water Management Board to be an appropriation pursuant to SDCL 46-6-3.1. However, data is available to estimate appropriative water use for the Dakota aquifer.

The Water Rights Program collects and maintains reported irrigation water use information from across the state. Water use for irrigation makes up a very small portion of the appropriative water use from the Dakota aquifer. There are 19 water rights/permits for the Dakota aquifer with irrigation as a water use. Of these, Water Right No. 394-3 and Water Right No. 762-3 appear to no longer use the irrigation portion of the water right based (Water Rights, 1980-2015 and McMath, 2016). The remaining 17 irrigation water rights/permits authorize the irrigation of 1,166.24 acres. The historic irrigation data for the Dakota aquifer is shown in Figure 1. The average annual reported pumpage over the period of record is 144 acre-feet per year. Of the water rights/permits for irrigation purposes two systems were not constructed as of the submittal of the 2015 Irrigation Questionnaires, thus would not be reflected in the period of record. The two water permits with no irrigation reflected in the period of record authorize the irrigation of a total of 544 acres. Due to the statewide geographic dispersion of the irrigation water rights/permits for the Dakota aquifer, differing hydrologic conditions (i.e. east river vs. west river) do not allow for a blanket calculation and application of an application rate to estimated irrigation water use from the Dakota aquifer. However, the two water permits not reflected in the period of record are in Clay and Yankton. Aquifers and management units in the eastern portion of the state, for which the application rate per irrigated acre has been quantified, have yielded application rates of less than ten inches per acre. Combining this application rate for the three permits not reflected in the period of record and the average annual reported pumpage over the period of record, average annual irrigation use for the Dakota aquifer is estimated to be less than 600 acre-feet per year.

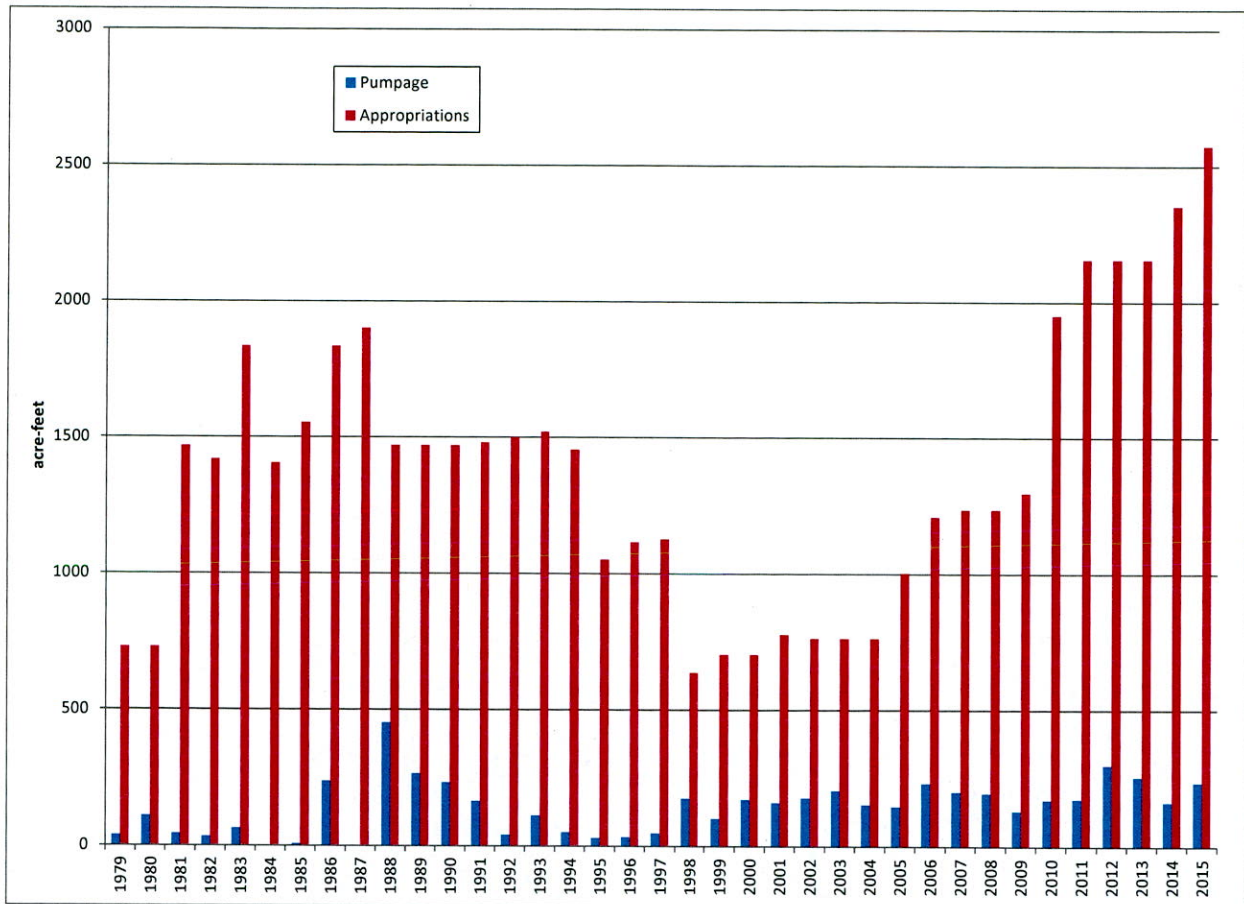


Figure 1: Reported irrigation pumpage and irrigation appropriations from the Dakota aquifer (Water Rights, 1980-2016)

The majority of appropriative use from the Dakota aquifer is for non-irrigation purposes. There are six future use permits for the Dakota aquifer. In estimating appropriative user from an aquifer is assumed that future use permits will be fully developed. The future use permits for the Dakota aquifer reserve a total of 3,737 acre-feet per year. For water rights/permits limited to an annual diversion rate, full use of that volume is assumed for estimation of average annual withdrawal. Of the municipalities that have water rights/permits for the Dakota aquifer the majority have connected to rural water systems (Drinking Water, 2016 and Friedeman, 2016) and do not use much or any water from their wells. Of the Dakota aquifer water right/permits limited by an annual diversion rate, Water Permit No. 8199-3 for Donahue Farms is for 72.6 acre-feet per year, however only one of this permits four wells is completed into the Dakota aquifer (the other three wells are completed into the East James management unit of the Floyd aquifer) (Water Rights, 2016b). Based on the information of Water Permit No. 8199-3 the maximum potential annual diversion from the Dakota well under Water Permit No. 8199-3 will likely not exceed 21 acre-feet per year (Water Rights, 2016b). The estimated annual use by non-irrigation water right/permits (excluding water rights/permits utilizing rural water) limited to an annual volume is 7,391 acre-feet per year. Historically, average water use by non-irrigation

appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. The estimated annual water usage for water rights/permits that are limited by diversion rate (excluding water rights/permits utilizing rural water) is estimated to be 15,996 acre-feet per year. The major non-irrigation appropriations are for rural water systems and municipalities located in the southeastern portion of the state. This is a total estimated average annual appropriative non-irrigation use of 27,124 acre-feet per year.

This results in a total estimated average annual appropriative water use from the Dakota aquifer of less than 27,724 acre-feet per year.

There are a large number of completion reports for domestic wells completed into the Dakota aquifer that are on file with the Water Rights Program (Water Rights Program, 2016). The current status of these domestic wells is unknown and could range anywhere from controlled and in use to uncontrolled with some beneficial use. There are also a number of uncontrolled flowing Dakota wells that flow to waste. Additionally, water can also flow to waste from the deterioration of or the poor construction of flowing wells. However as previously noted, water being discharged without beneficial use from uncontrolled flowing wells is not considered by the Water Management Board to be an appropriation pursuant to SDCL 46-6-3.1. Therefore, water flowing from uncontrolled flowing wells should be available for capture and use by appropriative users.

Observation Wells

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program monitors 43 observation wells in the Dakota aquifer. Of these the majority (32 observation wells) are located in Lincoln County and the remainder are spread over the state. Of the 43 Dakota observation wells, 33 show declining artesian head pressure over the period of record. In some of these observation wells the declining head pressure appears to be stabilizing, which would support the theory that the Dakota aquifer is in the process of stabilizing in relation to discharges and withdrawals.

The DENR-Water Rights Program does not monitor any observation wells completed into the Dakota aquifer in the immediate vicinity of the well site that this application proposes to utilize. The nearest Dakota observation well to the location of the well that this application proposes to use is observation well AU-89A, which is located approximately 16.2 miles north northwest. The hydrograph for AU-89A is shown in Figure 2. Observation HT-80B is located about 42.5 miles to the east southeast, hydrograph shown in Figure 3. Shown in Figure 4 is the hydrograph for observation well BL-83A located about 51.4 miles to the northwest, and Figure 5 is the hydrograph for observation well GY-89A located about 53.5 miles to the west. These observation wells may be influenced by the amount of recharge to the aquifer and the total

withdrawals of all the wells completed into the aquifer, however they are likely more reflective on local conditions of the aquifer.

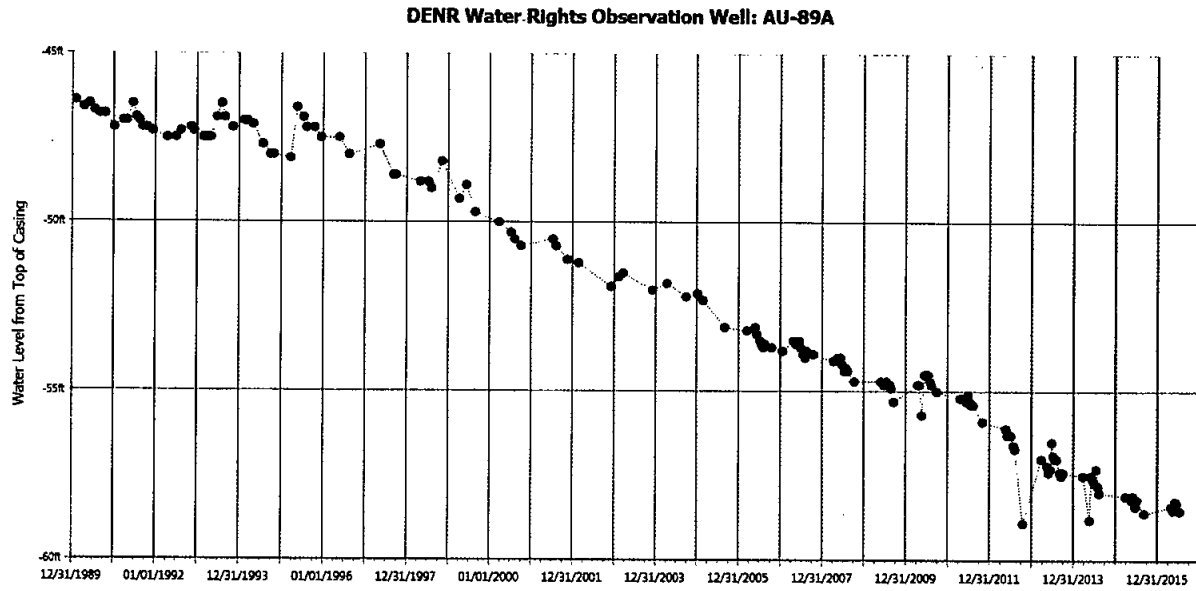


Figure 2: Hydrograph of observation well AU-89A (Water Rights, 2016a)

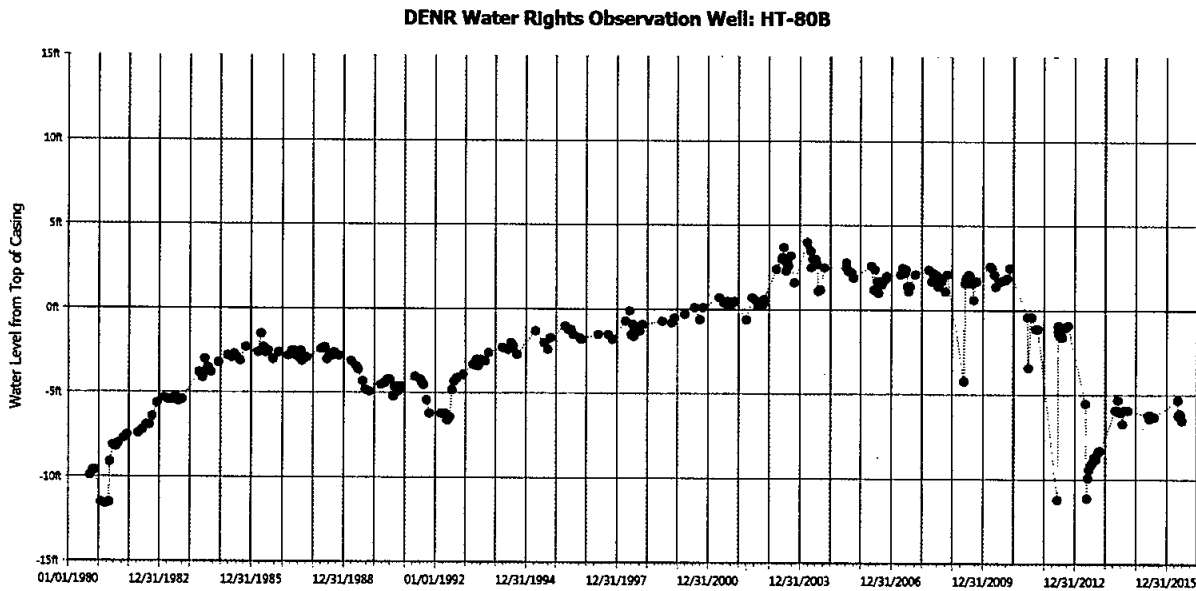
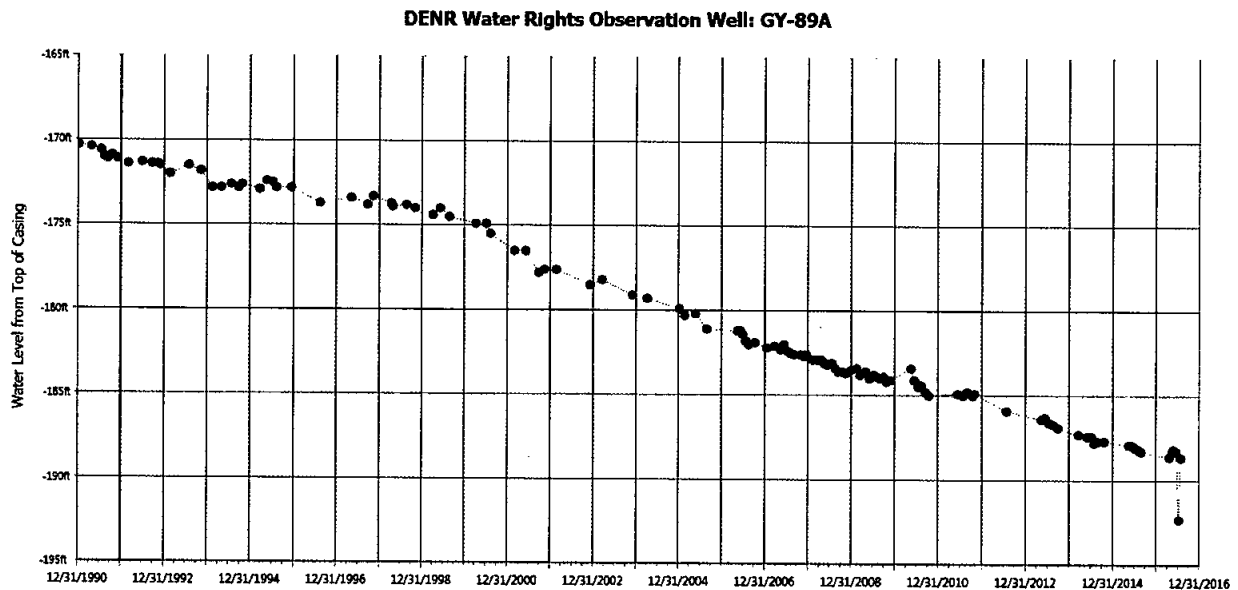
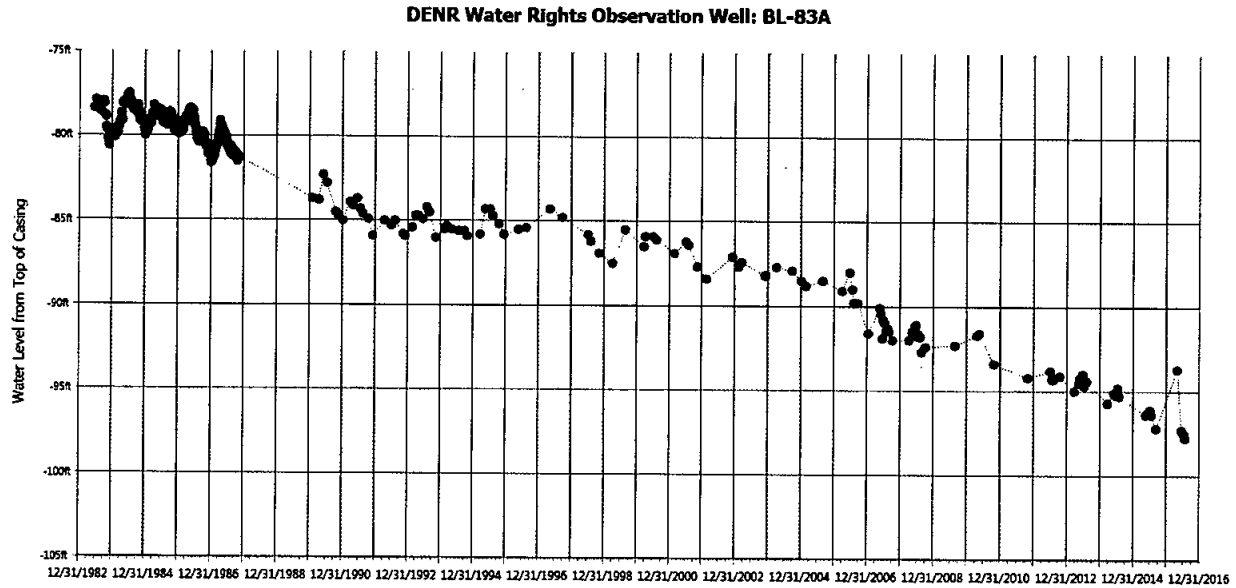


Figure 3: Hydrograph of observation well HT-80B (Water Rights, 2016a)



Potentiometric data for the Dakota aquifer from different time periods was utilized to estimate the potentiometric surface of the Dakota aquifer in the vicinity of the well location that this application proposes to use. The approximate elevations of the potentiometric surface in the vicinity of the well site that this application proposes to use are shown in Table 1. Estimates were based on the statewide potentiometric surface maps of Schoon (1971), the Charles Mix and Douglas County map by Kume (1972), and the well completion report for the well that this application proposes to utilize (Water Rights Program, 2016).

Table 1: Potentiometric Surface of the Dakota Aquifer in the Vicinity of the Well
the Water Permit Application No. 8228-3 Proposes to Utilize

Date	Approximate Potentiometric Surface (feet mean sea level)	Source
1909	1650	Schoon, 1971
1914-1915	1600	Schoon, 1971
1936-53	1575	Schoon, 1971
1971	1550	Kume, 1972
2000	1470	Water Rights Program, 2016

In examining the estimated potentiometric surface in the vicinity of the well site for this application, it appears that the Dakota aquifer in this area is still in the process of equilibrating. From 1909 to 1915 water levels dropped 50 feet (about 8.3 feet per year). From 1915 to 2000 water levels dropped 130 feet (about 1.5 feet per year). Kume (1977) noted of the Dakota aquifer in Charles Mix and Douglas Counties that artesian pressure in the Dakota could yield flowing wells in topographically low areas and that uncontrolled flowing wells in these areas are the major cause for the lowering potentiometric surface. As previously noted, water being discharged without beneficial use from uncontrolled flowing wells is not considered by the Water Management Board to be an appropriation pursuant to SDCL 46-6-3.1. The water flowing from uncontrolled flowing wells should be available for capture and use by appropriate users. Therefore, there is a reasonable probability that unappropriated water is available for additional appropriations from the Dakota aquifer.

Additionally, Kume (1977) presented hydrographs for five observation wells in Charles Mix County; more recent water levels for the approximate locations of the presented wells were examined by Buhler (2016). Buhler (2016) concluded that artesian pressure in the Dakota in neighboring Charles Mix County appears to be stabilizing.

Existing Water Rights

Figure 6 shows area water rights/permits currently authorized to appropriate water from the Dakota aquifer, and these Water Rights are summarized in Table 2. The nearest water right/permit, not belonging to the applicant, to the well that this application proposes to utilize is Water Right No. 6150-3 located about 8.5 miles to the southwest. There are several domestic wells on file with the SDDENR-Water Rights Program within two miles of the well location for this application, some of which are likely completed into this aquifer (Water Rights Program, 2016). However, the majority of well completion reports on file with the SDDENR-Water Rights Program within two miles of the well that this application proposes to utilize are likely completed in to the overlying Codell aquifer and would not be affected by pumping in the Dakota aquifer (Water Rights Program, 2016).

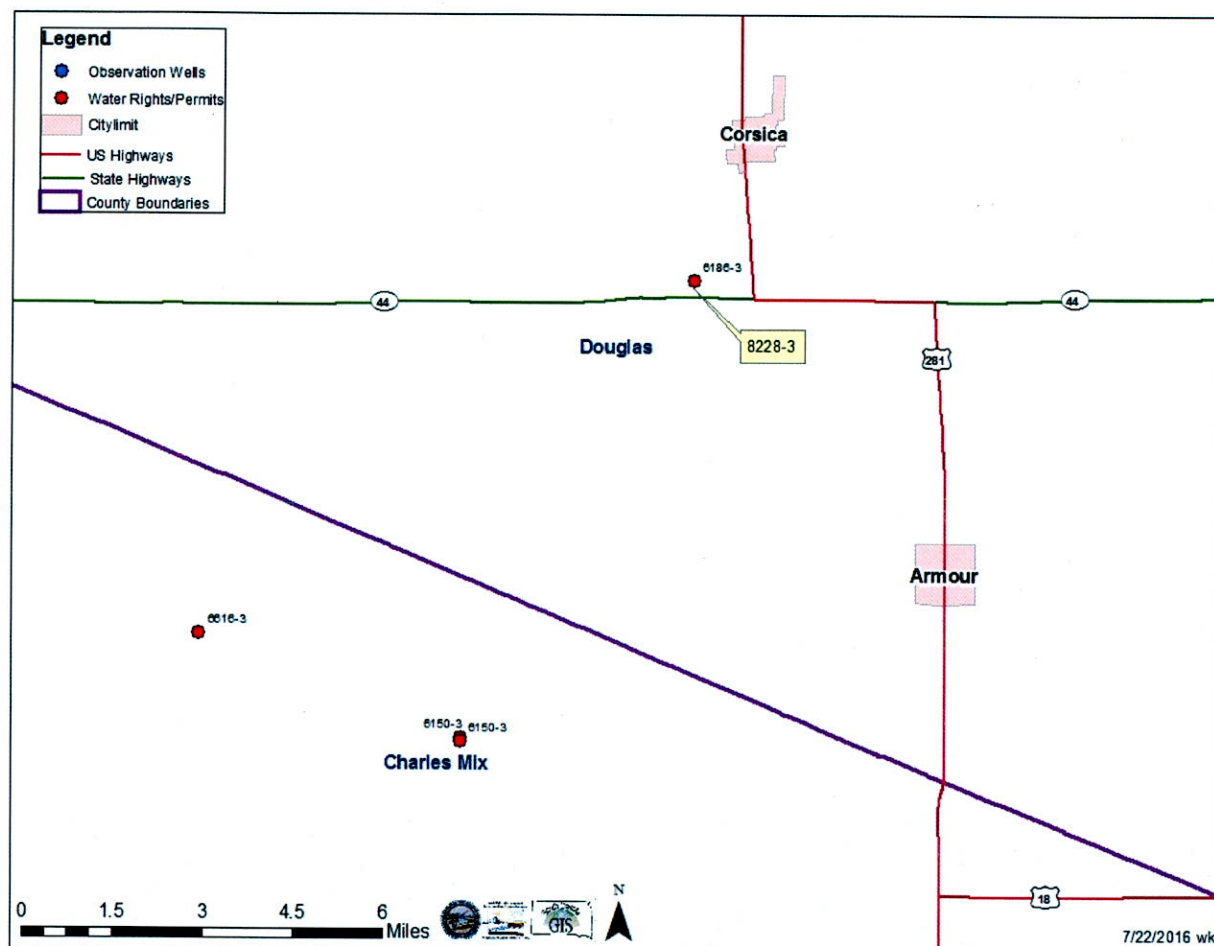


Figure 6: Area water rights/permits with wells currently authorized to appropriate water from the Dakota aquifer (Water Rights, 2016b)

Table 2: Summary of Water Rights Shown in Figure 6 (Water Rights, 2016)

Permit No.	Name	Status	Use	Rate (cfs)
6150-3	RED ROCK COOP ASSOC	LC	COM/LCO	0.333
6186-3	B & B WASHOUT	LC	COM	0.111
6616-3	ARMOUR HUNTERS HAVEN LLP	LC	FWP/Rec	0.123

LC-Water Right, COM-commercial, LCO-livestock confinement operation, FWP-fish & wildlife production, REC-recreation

The exact amount of drawdown as the result of pumping due to this proposed diversion cannot be quantified without aquifer testing. However, given the amount of artesian head pressure in the Dakota aquifer at this well location (approximately 630 feet) the diversion under this permit, if approved, would not be expected to adversely impact adequate wells in the area.

The Water Management Board has promulgated rules that allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Board has defined an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the

water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs." In the case of Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users on artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995).

Conclusions

1. Water Permit Application No. 8228-3 is for commercial water use at a livestock facility located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 17-T99N-R64W from one existing well completed into the Dakota aquifer located in the NW1/4 SW1/4 Section 16-T99N-R64W. This well is currently authorized by Water Right No. 6186-3 for a maximum diversion rate of 0.111 cfs for commercial use at a truck wash out facility.
2. Water Permit Application No. 8228-3 would limit the combined use of Water Right No. 6186-3 and this permit, if approved, to a maximum annual rate of 18.5 acre-feet per year with a maximum instantaneous diversion rate of 0.111 cfs.
3. There is a reasonable probability that water is available to meet the proposed diversion of this application.
4. There is a reasonable probability that this application will not adversely impact existing water rights/permit or adequate domestic wells in the area.



Whitney Kilts

SDDENR-Water Rights Program

Approved by



Ken Buhler

SDDENR-Water Rights Program

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Affidavit Of Publication

STATE OF SOUTH DAKOTA

County of Douglas

RECEIVED

SEP - 2 2016

WATER RIGHTS
PROGRAM

GERRI K. OLSON of said County and State, being first duly sworn, on her oath says: **THE CORSICA GLOBE** is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Notice of Application No. 8228-3

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on Aug. 16, 2016.

the second publication being made on _____, 20____.

the third publication being made on _____, 20____.

the fourth publication being made on _____, 20____.

the fifth publication being made on _____, 20____.

the sixth publication being made on _____, 20____.

the seventh publication being made on _____, 20____.

the eighth publication being made on _____, 20____.

that \$ 28.83 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Gerri K. Olson

Gerri K. Olson

Subscribed and sworn to before me this 31 day of Aug., 2016

Gerri K. Olson

Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 2020

Notice of Application No. 8228-3 to Appropriate Water

Notice is given that B & B Washout, c/o Robert Blom, 27545 388th Ave, Corsica, SD 57328 has filed an application for a water permit for an additional commercial use at a livestock confinement facility from an existing well authorized by Water Right No. 6186-3. Water Right No. 6186-3 authorizes 0.111 cubic feet of water per second from one well completed into the Dakota Aquifer (810 feet deep) located in the NW 1/4 SW 1/4 Section 16-T99N-R64W for commercial use in a truck wash facility. Application No. 8228-3 requests the additional commercial use at a livestock facility located in the S 1/2 NE 1/4 Section 17-T99N-R64W. If approved, total water use for both commercial uses will be 18.5 acre-feet of water annually from the existing well. There is no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8228-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://den.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 August 26, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the total approximate cost of \$28.83.

71c8/16c

RECEIVED

AUG 19 2016

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 8228-3 to
Appropriate Water**

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Steven M. Pirner,
Secretary,
Department of
Environment and
Natural Resources.
Published once at the total approximate cost of \$75.61

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Tuesday, August 16, 2016

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$75.61

Signed: Penny Hohbach

Subscribed and sworn to before me this 16th day of August, 2016.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 09, 2016 7:58 AM
To: globe@siouxvalley.net
Subject: 8228-3, B & B Washout
Attachments: 8228-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 16, 2016.

B & B Washout, c/o Robert Blom, 27545 388th Ave, Corsica SD 57328 (605 999-0944) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 09, 2016 7:59 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 8228-3, B & B Washout
Attachments: 8228-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 16, 2016.

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



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 8, 2016

B & B Washout
Robert Blom
27545 388th Ave
Corsica SD 57328

Dear Mr. Blom:

Water Permit Application No. 8228-3 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 Corsica Globe printed at Corsica SD (Ph # 605-946-5489) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). 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.

NOTICE OF APPLICATION NO. 8228-3 to Appropriate Water

Notice is given that B & B Washout, c/o Robert Blom, 27545 388th Ave, Corsica SD 57328 has filed an application for a water permit for an additional commercial use at a livestock confinement facility from an existing well authorized by Water Right No. 6186-3. Water Right No. 6186-3 authorizes 0.111 cubic feet of water per second from one well completed into the Dakota Aquifer (810 feet deep) located in the NW 1/4 SW 1/4 Section 16-T99N-R64W for commercial use in a truck wash facility. Application No. 8228-3 requests the additional commercial use at a livestock facility located in the S 1/2 NE 1/4 Section 17-T99N-R64W. If approved, total water use for both commercial uses will be 18.5 acre-feet of water annually from the existing well. There is no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8228-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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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 19 2016

B & B Washout
Robert Blom
27545 388th Ave
Corsica SD 57328

Dear Mr. Blom:

Enclosed is Water Permit No. 8228-3 authorizing construction of the 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