

WATER PERMIT NO. 8363-3

Name of Applicant: J D Bieber Enterprises Inc.

Address: PO Box 340, Eureka SD 57428 Phone: 605 281-1605

Amount of Water Claimed: 1.78 cfs Total Acres: 136

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: McPherson

Type of Waste Disposal System:

Location: 5 miles east of Eureka

PRIORITY Date Received: 7-5-18 Application/License Fee: \$ 1050

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SE 1/4 SW 1/4 Sec 24-T127N-
R72W

Land to be Irrigated: SW 1/4 Sec 34-T127N

Depth of Well: 140 feet deep

Well Driller: Manikowski Well Drilling

Remarks:

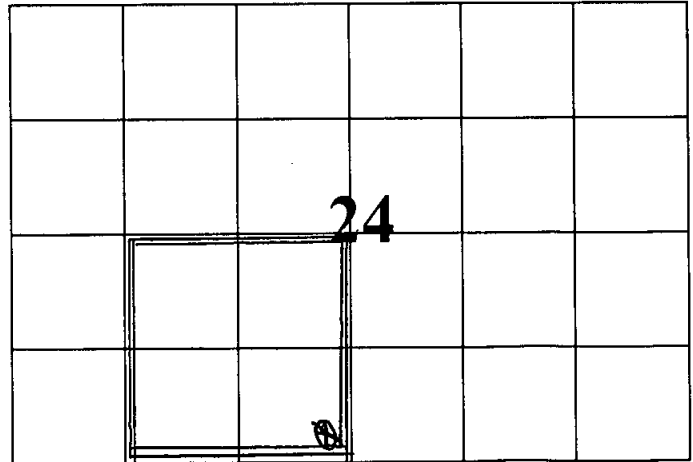
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-5-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8363-3**

Date of first receipt of application July 5, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8363-3 to JD Bieber Enterprises, Inc., PO Box 340, Bowdle SD 57428 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. 8363-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Hillsview Aquifer (140 feet deep) located in the SE 1/4 SW 1/4 Section 34 for irrigation of 136 acres located in the SW 1/4 Section 34; all in T127N-R72W which is approximately 4 miles east of Eureka SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is July 5, 2018.
4. The date of approval of Permit No. 8363-3 is September 24, 2018.
5. One-fifth of the construction is to be completed on or before March 24, 2021.
6. All construction is to be completed on or before September 24, 2023.
7. Water is to be put to beneficial use on or before September 24, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Permit No. 8363-3 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 well authorized by Permit No. 8363-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

OCT 01 2018
date



RECEIVED

JUL 05 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8363-3</u> (office use only) Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Northwest Blade, Eureka</u> <u>American News, Aberdeen</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit JD Bieber Enterprises, Inc
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address PO Box 340 Bondle SD 57428
(Address) (City) (State) (Zip Code)
- Phone _____ Mobile 605-281-1605 Email bieberjustin@yahoo.com
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground
4. Location of point of diversion 1 well in the Southeast corner of the
SW 1/4 section 34-T127N-R72W County McPherson
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
5. County or counties where water will be used McPherson
6. Annual period during which water is to be used April through October
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW 1/4 section 34-T127N-R72W</u>	<u>136</u>		

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

Pivot irrigation. The 4 corners consisting of 19.92 FSA acres will not be irrigated but will continue to be farmed. The state of South Dakota has an observation well 1/2 mile East of this land. It is well #MP-80F.

I, Sarah Bieber President, the applicant, certify under
Name of Person Title (if applicable)

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

(type or print)

(check one or both as applicable)

☐ Using existing well(s)

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

c) Well Depth (required) 140ft Depth to Top of Water Bearing Material 80ft Depth to Water from Surface 25ft

d) Distance to nearest domestic well on applicant's property NONE Property owned by others over a mile

a) Type of System (i.e. septic tank, drain field) N/A

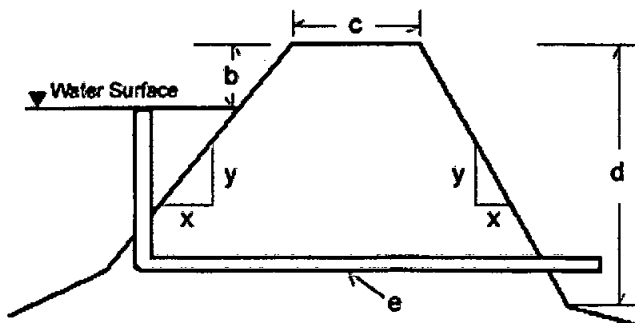
b) System Capacity (gallons) N/A Year Constructed N/A

c) Connected to the City of N/A Sanitary System

a) Surface Dimensions N/A Depth N/A

b) Depth to water (ground surface to water level) N/A

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.



j) Drainage Area Above Dam	Acres
----------------------------	-------

East of Gureha

Department of
Agriculture

McPherson County, South Dakota



Common Land Unit  Tract Boundary
 PLSS
 Non-Cropland
 Cropland

Wetland Determination Identifiers

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

2018 Program Year

Map Created March 13, 2018

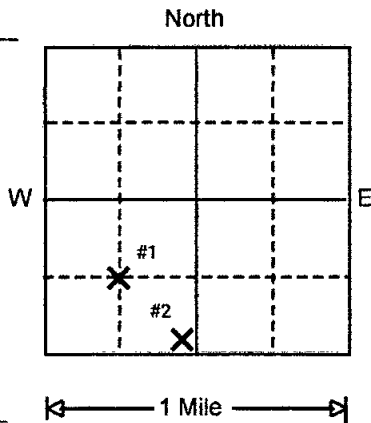
Farm 5083

34 -127N -72W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA FSA assumes no responsibility for third-party commercial damages issued as a result of any use of this data outside FSA.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SW ¼ Sec 34 Twp 127 Rg 72County McPhersonPlease mark well
location with an "X"

Well Completion Date

6-21-18Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Highsolids bentonitegrout	8	9.5 Lb/gal	0 Ft	140 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

Pumped through 1" tremie

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: JD Bieber Enterprises

Business Name: _____

Address: 1098 S 6th AveCity, State, Zip: Bowdle, SD 57428

WELL LOG:

	FORMATION	DEPTH	
		FROM	TO
#1	oxidized sand to gravel	0	12
	Yellow Clay Till	12	23
	Blue Clay	23	77
	Shale	77	85
#2	Oxidized sanc	0	15
	Yellow clay	15	21
	Blue Clay	21	80
	Sand and gravel	80	140
	Shale	140	145

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Good clean sand and gravel 80-140 in test hole #
2This well was drilled under license # 285 and this
report is true and accurate.Drilling firm: Manikowski Well Drilling Inc.

Signature of License Representative:

Byron Manikowski

Signature of Well Owner or Equitable Property Holder:

Date: 6-25-18

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 9

, 20 18

J.D Bieber Enterprises, Inc. Po Box 340 Bowdle, SD 57428

RECEIVED OF

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

Fee for Application for Permit No. <u>8363-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8363-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **08714**

By

Jeanne Goodman
Chief Engineer

vm



530414062

ANNUAL REPORT

South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Business Corporation
SDCL 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2017
FILING YEAR

1. Business ID and Name:

DB046036
BUSINESS ID

J. D. BIEBER ENTERPRISES, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

1085 N 4TH STREET
BOWDLE, SD 57428-2020

Mailing Address

PO BOX 340
BOWDLE, SD 57428-0340

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **INCORP SERVICES, INC. (0000010)**

Actual Street Address in this State

400 N MAIN AVE
STE 206
SIOUX FALLS, SD 57104-5979

Mailing Address in this State

5. The names and business addresses of its principal officers.

Title	Name	Address
President	SARAH BIEBER	3035 S BUTTERCUP CIR, FREDERICK, CO, 80516
Vice President	SARAH BIEBER	3035 S BUTTERCUP CIR, FREDERICK, CO, 80516
Secretary	SARAH BIEBER	3035 S BUTTERCUP CIR, FREDERICK, CO, 80516
Treasurer	SARAH BIEBER	3035 S BUTTERCUP CIR, FREDERICK, CO, 80516

6. The names and business addresses of its directors (governors).

Name	Address
Sarah Bieber	3035 S Buttercup Cir, Frederick, CO 80516

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

B0040-7521 09/27/2017 11:40AM Rec'd by SD SOS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

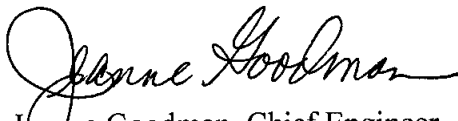
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8363-3, J D Bieber Enterprises, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8363-3, J D Bieber Enterprises, Inc., PO Box 340, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 8363-3 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 Permit No. 8363-3 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 well authorized by Permit No. 8363-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
September 5, 2018

Report to the Chief Engineer
Water Permit Application No. 8363-3
JD Bieber Enterprises
August 27, 2018

Water Permit Application No. 8363-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from the Hillsview aquifer for the irrigation of 136 acres located in the SW ¼ Section 34 in T127N-R72W. The proposed diversion point is one well to be located in the SE ¼ SW ¼ Section 34 in T127N-R72W in McPherson County located approximately four miles east of Eureka, SD.

Aquifer: Hillsview aquifer (HV)

Hydrogeologic Information and Aquifer Characteristics

The Hillsview aquifer is a predominantly buried glacial outwash (sand and gravel) aquifer. The aquifer underlies an estimated 51,200 acres of McPherson County and contains an estimated 230,000 acre-feet of recoverable water in storage (Hedges et al, 1982). The aquifer as delineated by Hedges et al (1982) is shown in Figure 1.

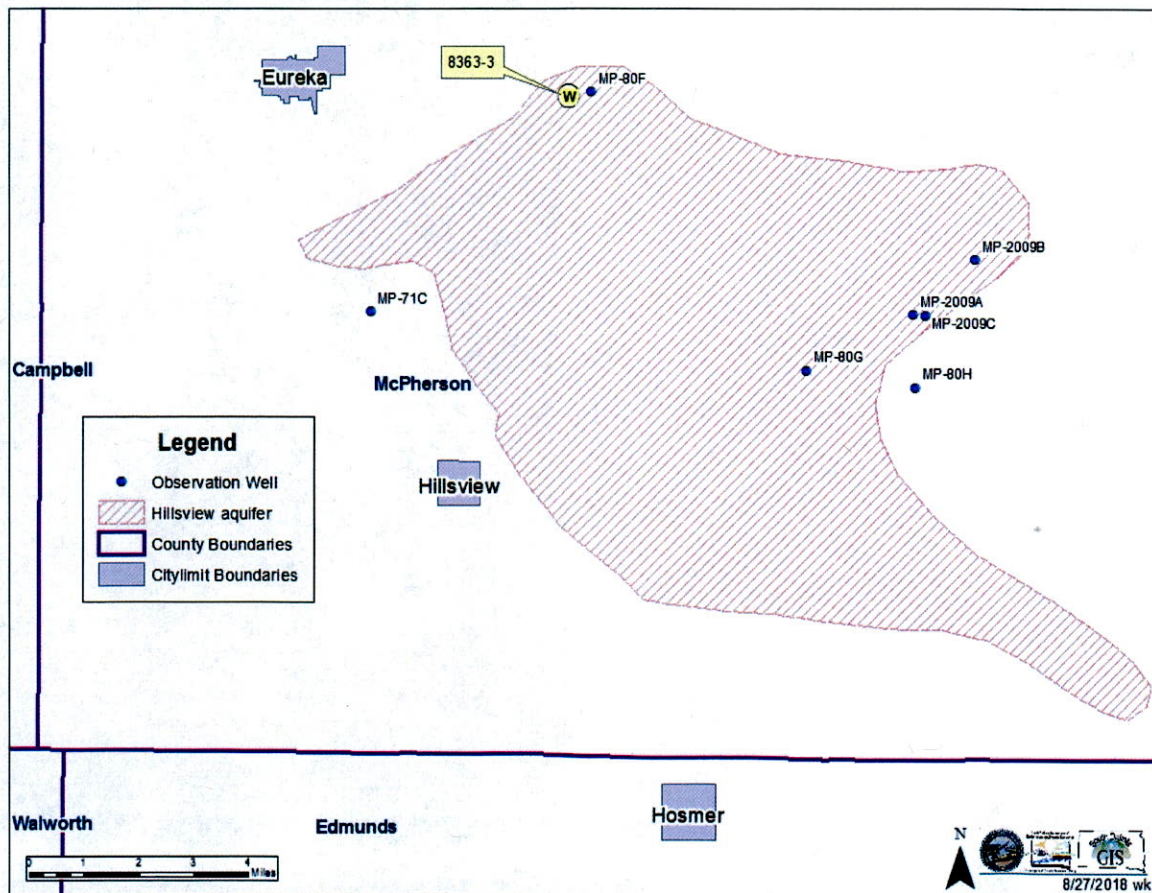


Figure 1: Approximate areal extent of the Hillsview aquifer (modified from Hedges et al., 1982)

Information for two test holes was submitted with this application. The test hole at the proposed well location for this application reported sand and gravel from 80 to 140 feet below grade. The approximate elevation of the reported sand and gravel correlates with the outwash body monitored by Water Rights Observation Well MP-80F, the Hillsview aquifer. The aquifer is likely under confined conditions in the vicinity of the proposed well location for this application (Water Rights, 2018a and SDGS, 2018).

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

Water Availability

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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the Hillsview aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

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 seven observations wells identified as being completed in the Hillsview aquifer. The location of these observation wells is shown in Figure 1. A review of the well construction for observation well MP-71C raised some question as to which outwash body the observation well is monitoring. The hydrographs for the remaining six observation wells are shown in Figures 2 through Figure 7.

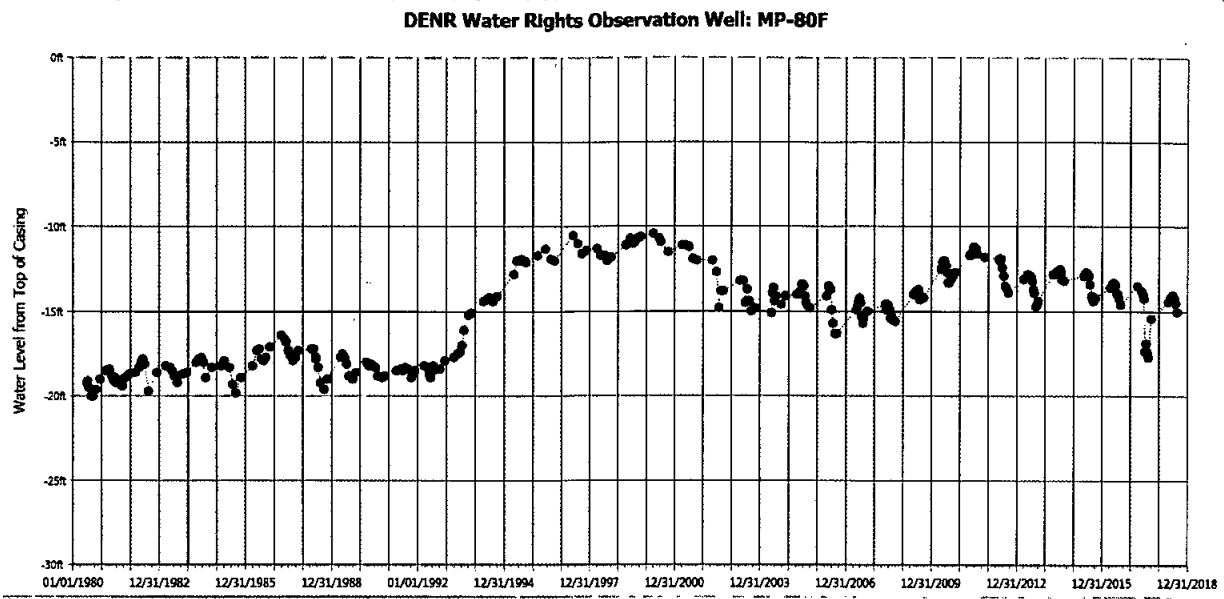


Figure 2: Observation well MP- 80F located about 0.5 miles east of the proposed well location for this application (Water Rights, 2018a)

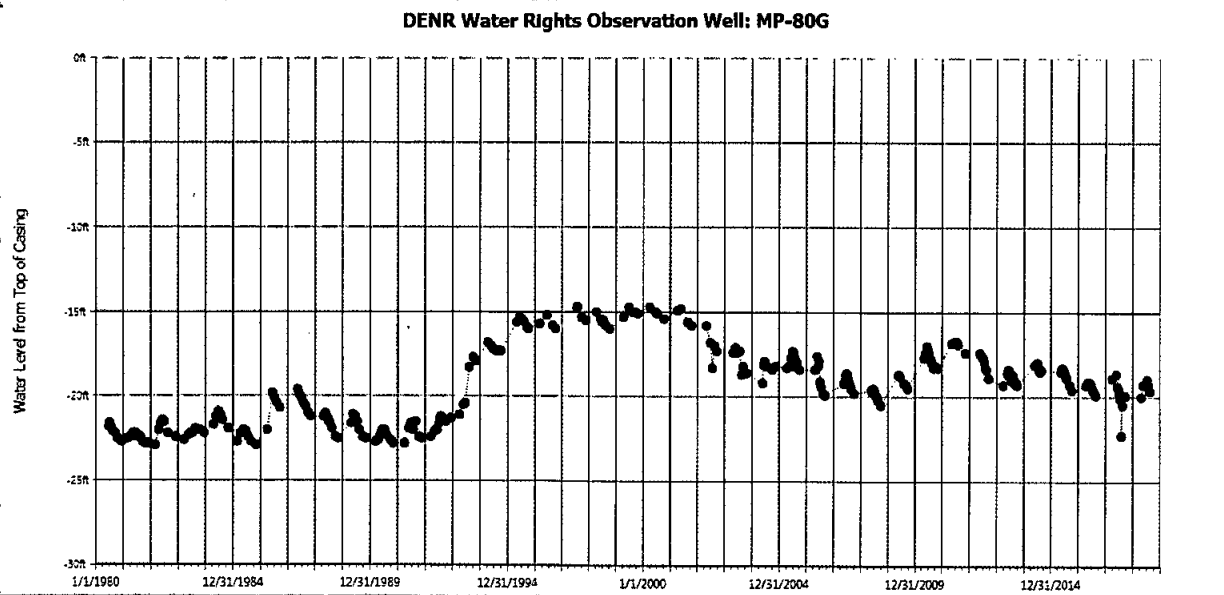


Figure 3: Observation well MP-80G located about 6.7 miles southeast of the proposed well location for this application (Water Rights, 2018a)

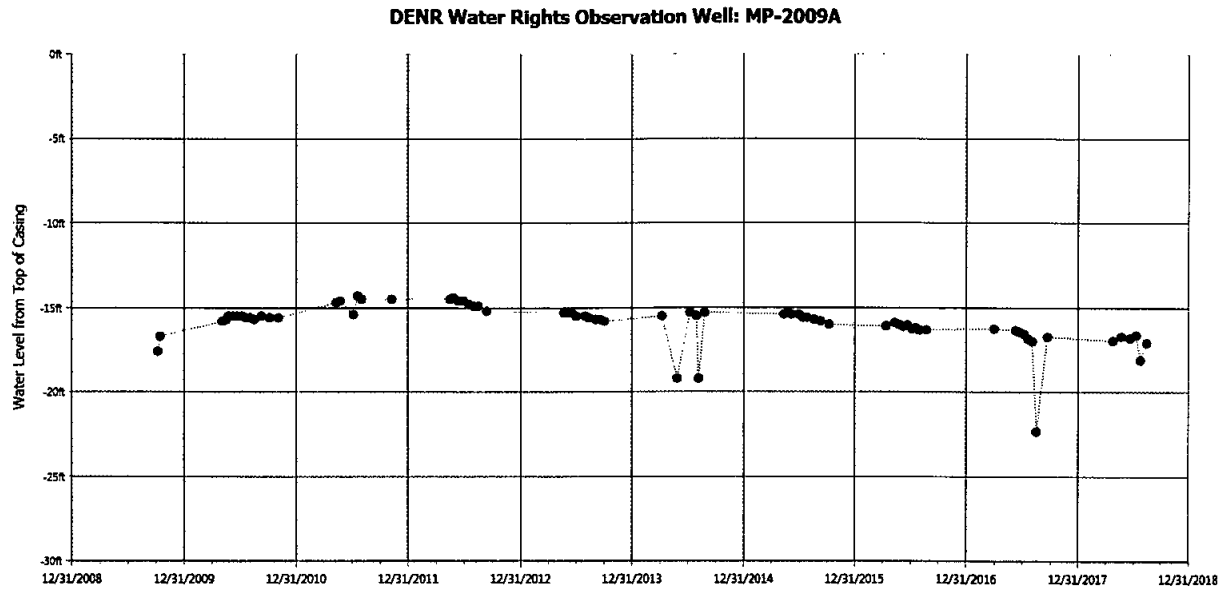


Figure 4: Observation well MP-2009A located about 7.5 miles southeast of the proposed well location for this application (Water Rights, 2018a)

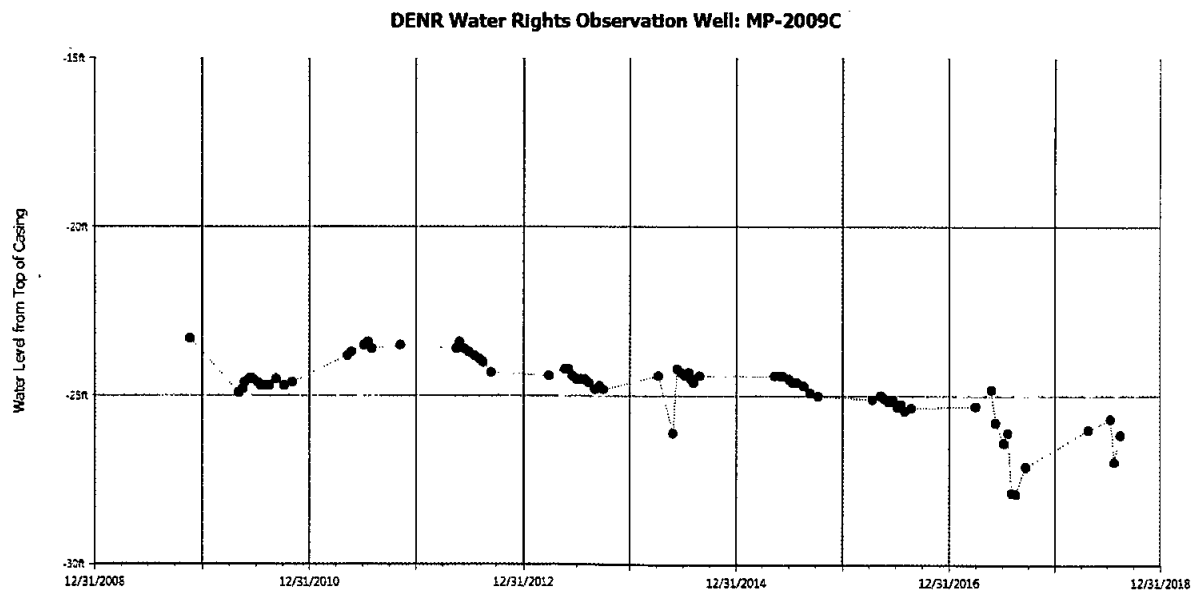


Figure 5: Observation well MP- 2009C located about 7.7 miles southeast of the proposed well location for this application (Water Rights, 2018a)

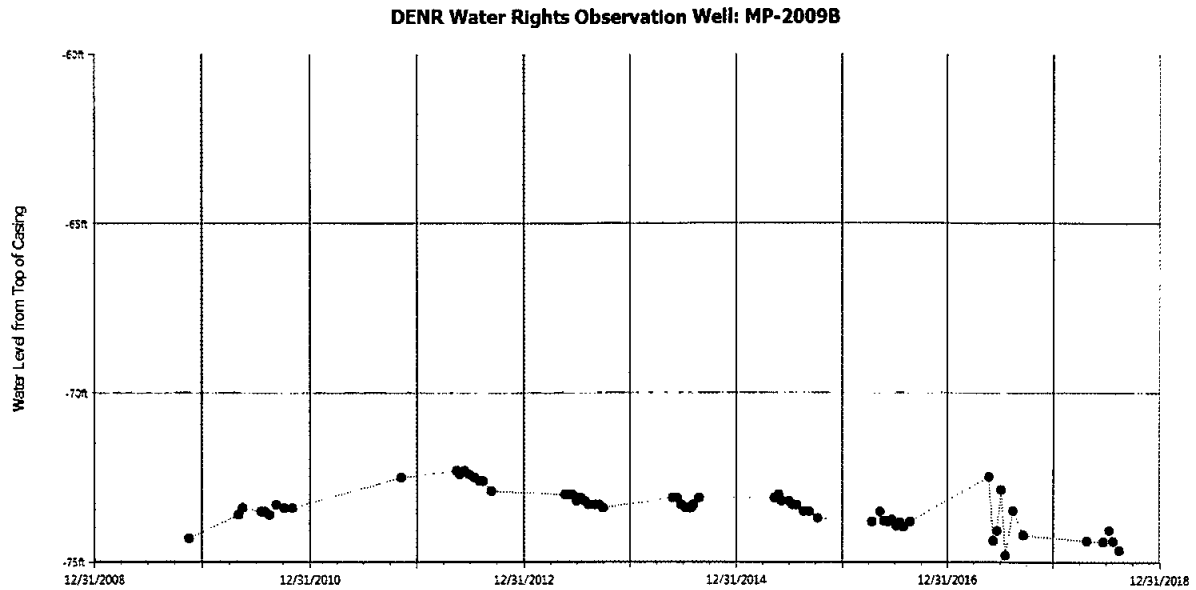


Figure 6: Observation well MP-2009B located about 8.1 miles southeast of the proposed well location for this application (Water Rights, 2018a)

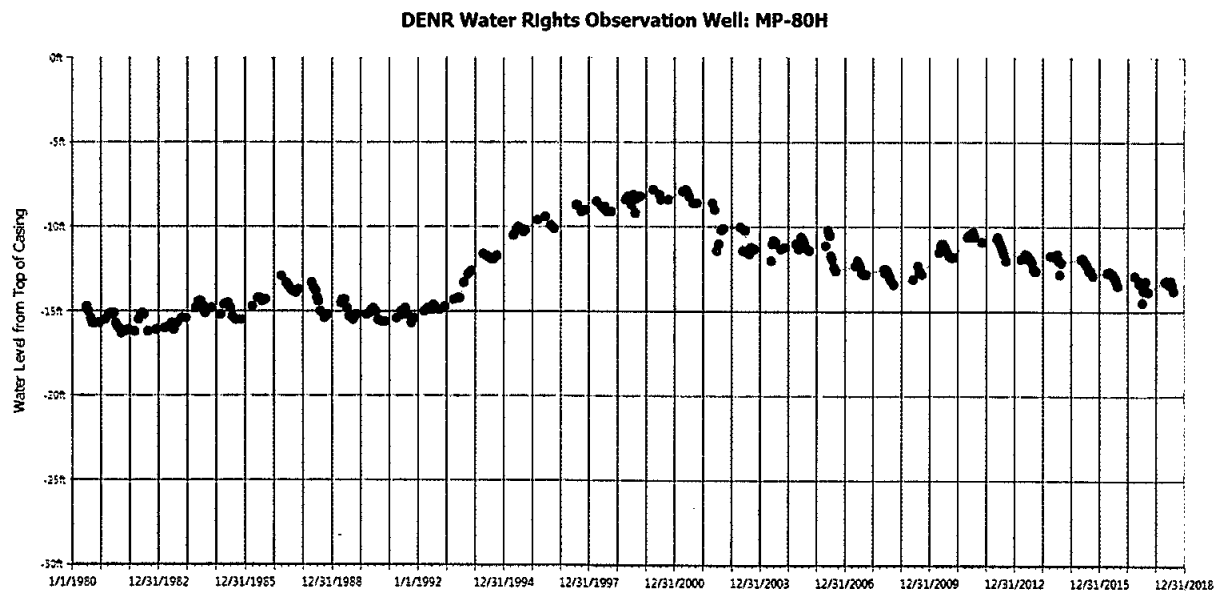


Figure 7: Observation well MP-80H located about 8.3 miles southeast of the proposed well location for this application (Water Rights, 2018a)

Water levels in the observation wells rise during wet periods and gradually decline during dry periods. Observation wells in the Hillview aquifer demonstrate that the aquifer responds well to climatic conditions, with the response of the aquifer to climatic conditions masking the effects of well withdrawals. This indicates that natural conditions dominate the aquifer, and that recharge to and natural discharge from the aquifer exceeds pumping. Since recharge to and

natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available.

Hydrologic Budget

Recharge

Glacial aquifers in McPherson County primarily recharge through the infiltration of precipitation (Hamilton, 1982). The average annual recharge rate for the Hillsvie aquifer has not been estimated. For confined aquifers in Eastern South Dakota, Hedges et al. (1985) concluded that for management and development purposes a range of 0.15 in/yr to 0.6 in/yr would be reasonable. For unconfined aquifers (water table aquifers) Hedges et al. (1985) estimated that recharge rates ranged from 2.0 in/yr to 5.6 in/yr. Although locally the Hillsvie aquifer can be found under unconfined conditions (Water Rights, 2018a and 2018b), the aquifer is predominantly under confined conditions. Since the unconfined portion of the aquifer has not been delineated, for the estimation of recharge to the aquifer the entire areal extent is conservatively considered to be under confined conditions. Using the confined aquifer recharge range from Hedges et al. (1985) and the estimated areal extent (51,200 acres) of the aquifer the average estimate recharge rate is estimated to be between 640 and 2,560 acre-feet per year.

Discharge

Discharge from the Hillsvie aquifer is from well withdraws and natural groundwater outflows. Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. There are six water rights/permit currently authorized to appropriate water from the Hillsvie aquifer. All six of these water rights/ permits are for irrigation use and in total authorize the irrigation of 772 acres. These water rights/permits are summarized in Table 1.

Table 1: Summary of Water Rights/Permits in the Hillsvie Aquifer (Water Rights, 2018b)

Permit No.	Name	Status	Use	Rate (cfs)	Acres
2893-3	LESTER & HARLAN AMAN	LC	IRR	2	202
2951-3	AMAN BROTHERS	LC	IRR	1.78	138
2951A-3	AMAN BROTHERS	PE	IRR	change of diversion point	
4129-3	JACOB/JANICE KIRSCHENMANN	LC	IRR	1.88	272
6908-3	HARLAN AMAN	PE	IRR	2	160
6908A-3	AMAN BROTHERS	PE	IRR	change of diversion point	

LC-water right, PE-water permit, IRR- irrigation

The Water Rights Program collects irrigation water usage data on an annual basis. Average annual estimated water use by individual water rights/permits currently authorized to appropriate water from the Hillsvie aquifer is shown in Table 2. The annual reported constructed system water usage for each water right/permit was used to estimate average annual use. The exception is for Water Right No. 2951-3. After a change of diversion point was approved (Water Permit No. 2951A-3) average annual water usage notably increased, and the

available information suggests this increased usage is the new average for this water right. Therefore, the average annual water usage from Water Right No. 2951-3 was estimated using data years representing this increased usage (irrigation seasons 2008-2017), and not the entire period of record for this water right. For reference the yearly reported totals for irrigation usage over the period of record (irrigation seasons 1979-2017) are shown in Figure 8.

Table 2: Hillsview Irrigation Water Rights/Permits Average Reported Pumping (Water Rights, 1980-2018)

Permit No.	Status	Acres	Average Reported Use (acre-feet)	Years of Constructed System Reporting Data
2893-3	LC	202	129	39
2951-3	LC	138	143	39 (average based on 2008-2017 data due to notable change in reported use)
2951A-3	PE	change of diversion point no additional water usage		
4129-3	LC	272	283	39
6908-3	PE	160	179	8
6908A-3	PE	change of diversion point no additional water usage		
Total		772	734	
LC-license, PE-permit				

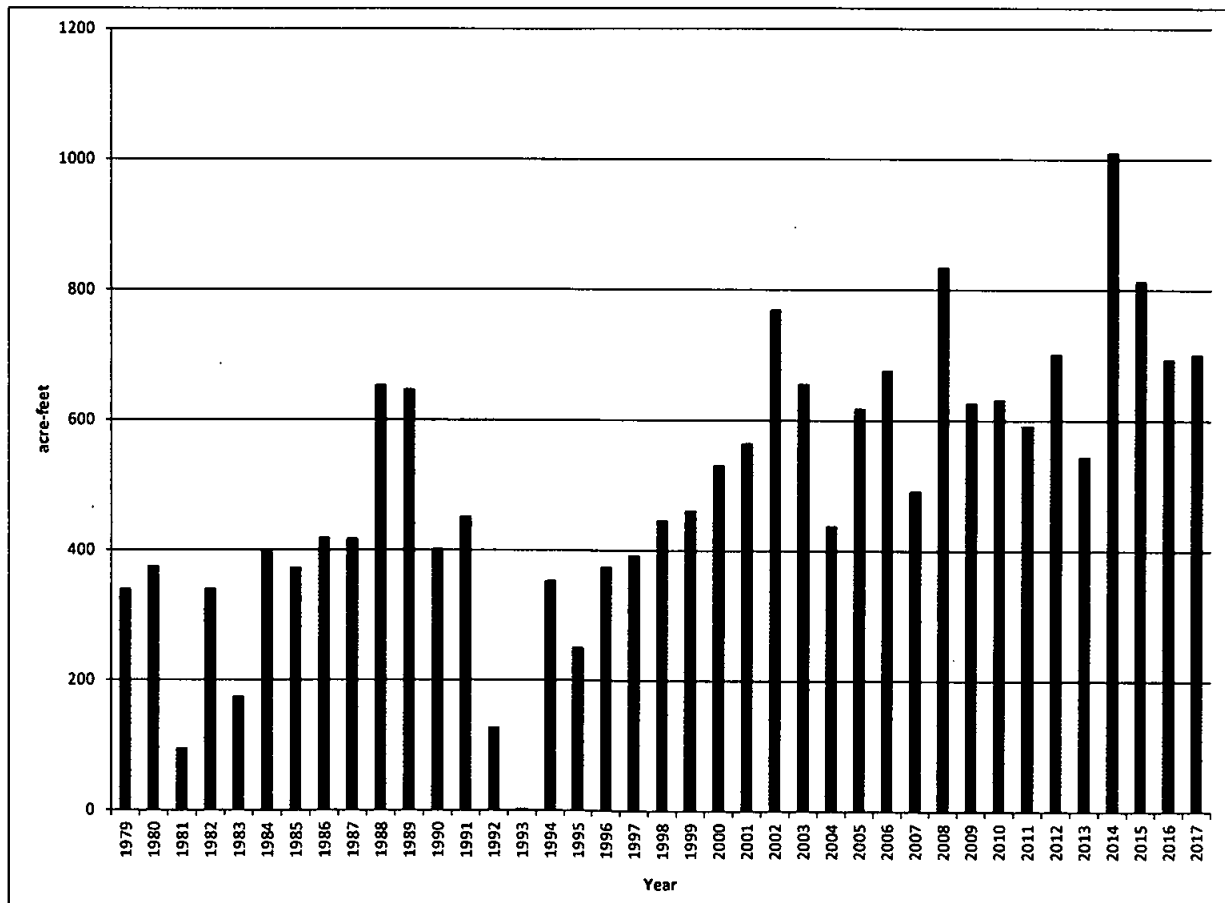


Figure 8: Reported irrigation pumpage over the period of record from the Hillsview aquifer (Water Rights, 1980-2018)

Balance

The average recharge rate is estimated to be between 640 and 2,560 acre-feet per year for the Hillsvew aquifer. Estimated average annual appropriative use is 734 acre-feet per year. Applying this average use over the number of permitted/licensed acres yields an estimate application rate per permitted/licensed acre of 11.4 inches per permitted/licensed acre. Utilizing one foot per acre per year as an estimate for average use under this application, if approved, yields an estimated average annual use of less than 136 acre-feet per year. Combined (870 acre-feet per year) this estimated appropriative water usage falls within the low end of the estimated average annual recharge range for this aquifer. Taking this into consideration alongside the observation well analysis for this aquifer, there is a reasonable probability that unappropriated water is available in the Hillsvew aquifer for the applicant's proposed use.

Existing Water Rights

Water rights/permits currently authorized to appropriate water from the Hillsvew aquifer are shown in Figure 9 and summarized in Table 1. The nearest water right/permit to the well site for this application is Water Right No. 4129-3 located about 7.4 miles to the southeast of the proposed well site for this application. Given the distance involved this application is not expected to adversely impact existing water rights/permits. There are several domestic well completion reports on file with the Water Rights Program within two miles of the proposed wellsite for this application, several of which are likely completed into the Hillsvew aquifer (Water Rights, 2018c).

Since the aquifer is under confined conditions in the area of the well, some amount of drawdown from pumping is expected. The exact amount of drawdown as the result of pumping due to this proposed diversion cannot be quantified without aquifer testing. However, several observation wells in the aquifer under confined conditions (MP-2009A and MP-2009C) are located within two miles of multiple high capacity irrigation wells, and the hydrographs for these wells show limited drawdown from pumping. In considering the hydrograph for observation well MP-80F (Figure 2, located 0.5 miles from the proposed well site) water level fluctuation due to climatic conditions over the period of record is approximately ten feet, and even at the lowest recorded water level over the period of record approximately 40 feet of artesian head pressure remained (Water Rights, 2018a).

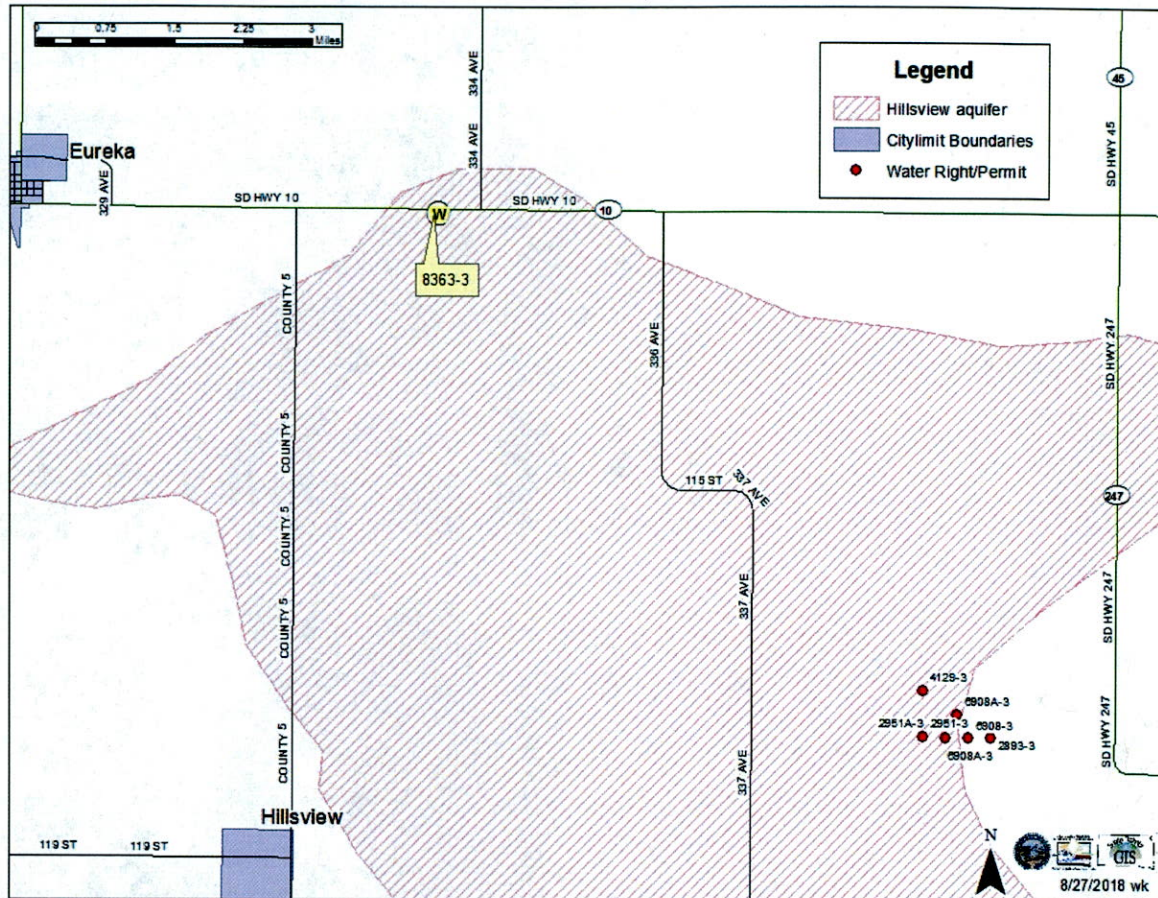


Figure 9: Water rights/permits currently authorized to appropriate water from the Hillsview aquifer (Water Rights, 2018b)

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). Ultimately considering the best available information, there is reasonable probability that this application, if approved, will not adversely impact existing water rights/permits or domestic users with adequate wells.

Historical Considerations

Water Permit Nos. 6908-3, 6908A-3, and 2951A-3 for irrigation use were all contested (Water Rights, 2018b). Water Permits Nos. 6908A-3 and 2951A-3 dealt with changes in well location and Water Permit No. 6908-3 is for a maximum 2.0 cfs for the irrigation of 160 acres (Water Rights, 2018b). The primary concern was the potential impact of the pumping under these permits on nearby domestic wells, but ultimately the Water Management Board approved these permits (Water Rights, 2018b). Observation wells MP-80G, MP-80H, MP-2009A, and MP-2009C are all located within two miles of the wells for these permits and several other high capacity irrigation wells (Water Rights, 2018a and 2018b). A review of the hydrographs for these observation wells indicate that area adequate domestic wells have likely not been adversely impacted by these permits.

Conclusions

1. Water Permit Application No. 8363-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from the Hillsvieview aquifer for the irrigation of 136 acres located in the SW ¼ Section 34 in T127N-R72W from one proposed well to be located in the SE ¼ SW ¼ Section 34 in T127N-R72W.
1. Based on a review of the hydrologic budget for the Hillsvieview aquifer and the observation well information for the aquifer, there is a reasonable probability that water is available in the Hillsvieview aquifer for the applicants proposed use as required by SDCL 46-2A-9.
2. There is a reasonable probability that this application if approved will not adversely impact existing water rights/permits or domestic users with adequate wells.


Whitney Kilts

SDDENR- Water Rights Program

References

- Hamilton, L. J. 1982. Geology and Water Resources of McPherson, Edmunds, and Faulk Counties Part II: Water Resources. Bulletin 26. SDGS. Vermillion, SD.
- 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.
- SDGS. 2018. South Dakota Geological Survey Lithologic Logs Database. Accessed August 31 2018. <<http://cf.sddenr.net/lithdb/>>.
- Water Rights. 1980-2018. “1979-2017 Irrigation Summaries by Aquifer”: SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 1995. Water Rights File No. 2313-2 Coca-Cola Bottling Company of the Black Hills. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2018b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 05, 2018 3:18 PM
To: 'bieberjustin@yahoo.com'
Subject: Wter Permit Application No. 8363-3
Attachments: 8363-3.pdf

Attached is the report, recommendation and information regarding the public notice for your Water Permit Application No. 8363-3. As stated in our letter, it is important that you contact the two newspapers ASAP to authorize publication and arrange for payment in order for the notice to be published September 13, 2018. Paper copies are being mailed.

Karen Schlaak

SD DENR, Water Rights Program
(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 NEWSPAPERS RIGHT AWAY.**

September 5, 2018

J D Bieber Enterprises Inc
c/o Sarah Bieber
PO Box 340
Bowdle SD 57428

Dear Ms. Bieber:

Water Permit Application No. 8363-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Northwest Blade printed at Eureka SD (Ph # 605 284-2631) and the American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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 September 13, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8363-3 to Appropriate Water

Notice is given that J D Bieber Enterprises, Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Hillsvieview Aquifer (140 feet deep) located in the SE 1/4 SW 1/4 Section 34 for irrigation of 136 acres located in the SW 1/4 Section 34; all in T127N-R72W which is approximately 4 miles east of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8363-3 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 2018.

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_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 05, 2018 2:53 PM
To: nwblade@valleytel.net
Subject: 8363-3, J D Bieber Enterprises Inc.
Attachments: 8363-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2018.

J D Bieber Enterprises Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 (605 281-1605) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 05, 2018 2:57 PM
To: 'americannews@americannew.com'
Subject: FW: 8363-3, J D Bieber Enterprises Inc.
Attachments: 8363-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2018.

J D Bieber Enterprises Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 (605 281-1605) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 01 2018
WATER RIGHTS
PROGRAM

The Northwest Blade

P.O. Box 797; Eureka, SD 57437
605-284-2631

STATE OF South Dakota: COUNTY OF McPherson

I, Makana Vocu, am authorized by the publisher as agent to make this affidavit of publication.
Under oath, I state that the following is true and correct.

The Northwest Blade is a newspaper which is published weekly and is of general circulation and is in compliance with South Dakota Newspaper Association legalized Statutes.

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

9/13 Bieber Water Permit

NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

TYPE OF DOCUMENT: legal

AUTHORIZED SIGNATURE: Makana Vocu

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

27 DAY OF September, 2018

NOTARY SIGNATURE: Kelly Eis

Kelly Eisemann
Notary Public South Dakota
My Commission Expires 4-2-2020

**NOTICE OF
APPLICATION**

NO. 8363-3 to

Appropriate Water

Notice is given that J D Bieber Enterprises, Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Hillview Aquifer (140 feet deep) located in the SE 1/4 SW 1/4 Section 34 for irrigation of 136 acres located in the SW 1/4 Section 34; all in T127N-R72W which is approximately 4 miles east of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8363-3 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 2018.

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 approximate cost of \$32.03 @.01 cents per reader.

RECEIVED

SEP 17 2018

WATER RIGHTS
PROGRAM

(No. 541241)

(September 13, 2018 - 17)

NOTICE OF APPLICATION
NO. 8363-3 to Appropriate Water

Notice is given that J D Bleber Enterprises, Inc., c/o Sarah Bleber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Hillsview Aquifer (140 feet deep) located in the SE 1/4 SW 1/4 Section 34 for irrigation of 135 acres located in the SW 1/4 Section 34; all in T127N-R72W which is approximately 4 miles east of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8363-3 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 2018.

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. Pinner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$49.30.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Carla Ronning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Regal #541241

NO 8363-3 to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day.

The first publication being made on the 13th day of Sept., 2018

The second publication being made on the _____ day of _____, 2018

The third publication being made on the _____ day of _____, 2018

The fourth publication being made on the _____ day of _____, 2018

The fifth publication being made on the _____ day of _____, 2018

The sixth publication being made on the _____ day of _____, 2018

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 49.30, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Ronning

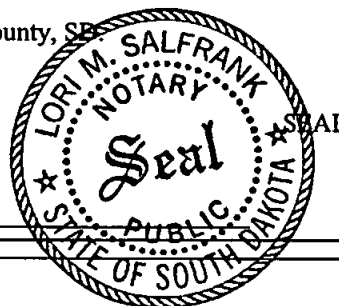
Subscribed and sworn to before me this 13th day of Sept., 2018

Daily Circulation 10,000

Michael

Notary Public, Brown County, SD

My commission expires March 20, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 01 2018

JD Bieber Enterprises Inc
c/o Sarah Bieber
PO Box 340
Bowdle SD 57428

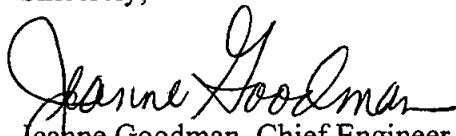
Dear Ms. Bieber:

Enclosed is Water Permit No. 8363-3 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

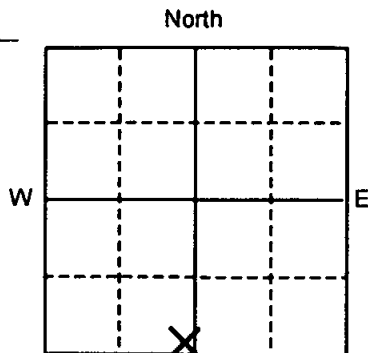
SOUTH DAKOTA WATER WELL COMPLETION REPORT

8363-3
11-02

Location SE ¼ SW¼ Sec 34 Twp 127N Rg 72W

County McPherson

Please mark well location with an "X"



Well Completion Date

10-5-18

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
5000 ft. from Septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
class 200 LB/FT	12 IN	+2 FT	80 FT	17.5 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
High solids bentonite	19	9.5 Lb/gal	5 Ft	75 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pumped through 1" tremie from bottom up

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 60 Feet

Material PVC

Slot Size .085 Set From 80 Feet to 100 Feet

Other information .050 PVC 100'-140'

#80 Redflint Gravel pack

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 150 ppm chlorine solution flushed into well

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: JD Bieber Enterprises

Business Name:

Address: P.O. Box 340

City, State, Zip: Bowdle SD 57428

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	1
Sandy yellow clay	1	15
Yellow clay	15	21
Blue Clay	21	80
Medium sand to coarse gravel	80	140
Shale	140	145

STATIC WATER LEVEL 28.32' FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Pumped with 800 GPM 30 HP submersible set on 80'

☐ Bailed

☐ Other

Pumping Level Below Land Surface

43.65 Ft. After 1 Hrs. pumped 1000 GPM

48.80 Ft. After 16 Hrs. pumped 950 GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 285 and this report is true and accurate.

Drilling firm: Manikowski Well Drilling Inc.

Signature of License Representative:

Byron Manikowski

Signature of Well Owner or Equitable Property Holder:

Date: 10-7-18

RECEIVED

OCT 15 2018

WATER RIGHTS PROGRAM