

WATER PERMIT NO. 8381-3

Name of Applicant: R P Constructors

Address: 1270 S Derby Ln, North Sioux City SD 57049

Phone: 605 321-2160

Amount of Water Claimed: 0.04 cfs (20 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Union

Type of Waste Disposal System:

Location: 1/2 mile west of North Sioux City

PRIORITY

Date Received: 11-19-18

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 22-T89N-
R48W

Land to be Irrigated: NA

Depth of Well: 50

Well Driller: Christensen Well & Irrigation

Remarks:

Type of Map: plat

Prepared by:

Reviewed and the Number Assigned on: 11-19-18

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

			⊗		
			22		

RECEIVED

NOV 19 2018

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8381-3</u> (office use only)	WATER RIGHTS PROGRAM	
	Basin <u>Sioux River</u>		Hydrologic Unit <u>10170203</u>
	Newspaper <u>Leader-Courier, Elk Point</u>		
	<u>Press & Dakotan, Jankton</u>		

PAID

NOV 19 2018

Ck# 10302

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. _____		

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

- Name to Appear on Water Permit RP Constructors
Mailing Address 1270 S. Derby Ln North Sioux City SD 57049
(Address) (City) (State) (Zip Code)
Phone 605-321-2160 Mobile 605-321-2160 Email travis@rpconstructors.com
- Amount of water claimed 0.04 *CFS or 20 **GPM and 41.0 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Well (NW 1/4 NE 1/4 Sec 22 - T89N - R48W)
- Location of point of diversion North-east section of Lot 5 Oaktree Addition County Union County
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Union County
- Annual period during which water is to be used 365 days a year January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well for new office building

I, Travis Thom Program Mgr, 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. 8381-3**

Date of first receipt of application November 19, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8381-3 to R P Constructors, c/o Travis Thom, 1270 S Derby Ln, North Sioux City SD 57049 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. 8381-3 appropriates up to 1.0 acre-feet of water annually at a maximum diversion rate of 0.04 cubic feet of water per second (20 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (50 feet deep) located in the NW 1/4 NE 1/4 (Lot 5 of Oaktree Addition) Section 22-T89N-R48W for commercial use including a lawn sprinkler system. This site is just outside southeast edge of city limits of North Sioux City SD.
2. The water appropriated shall be used for the purpose of commercial 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. 8381-3 is February 11, 2019.
5. The date from which applicant may claim right is November 19, 2018.
6. One-fifth of the construction is to be completed on or before August 11, 2021.
7. All construction is to be completed on or before February 11, 2024.
8. Water is to be put to beneficial use on or before February 11, 2028.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.
3. Water Permit No. 8381-3 authorizes a total annual diversion of 1.0 acre foot of water.

WATER MANAGEMENT BOARD

By: _____

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

MAR 13 2019

date



Supplemental Information

(type or print)

See Well Log Information.

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☐ No Drilled by Christensen Well Company
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

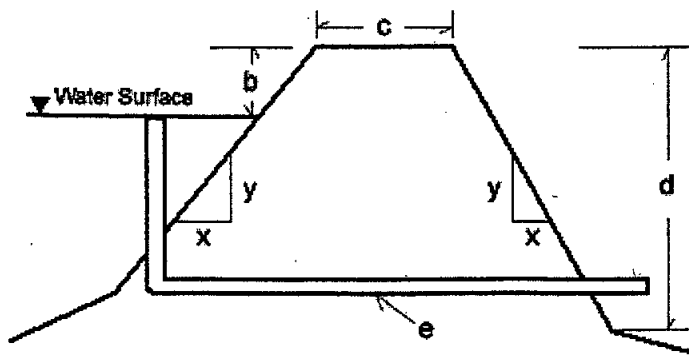
Upstream _____

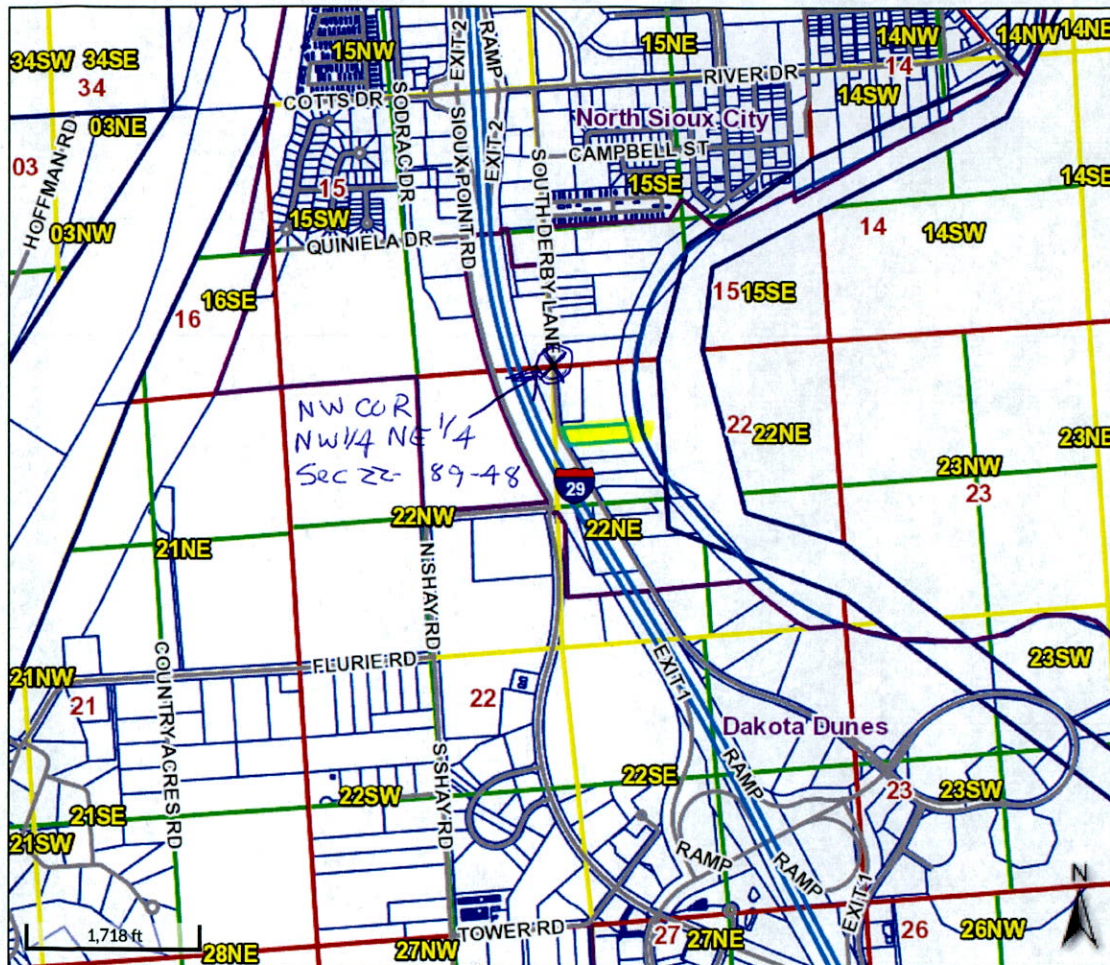
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Overview



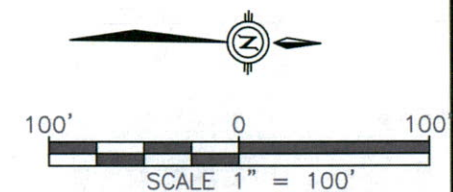
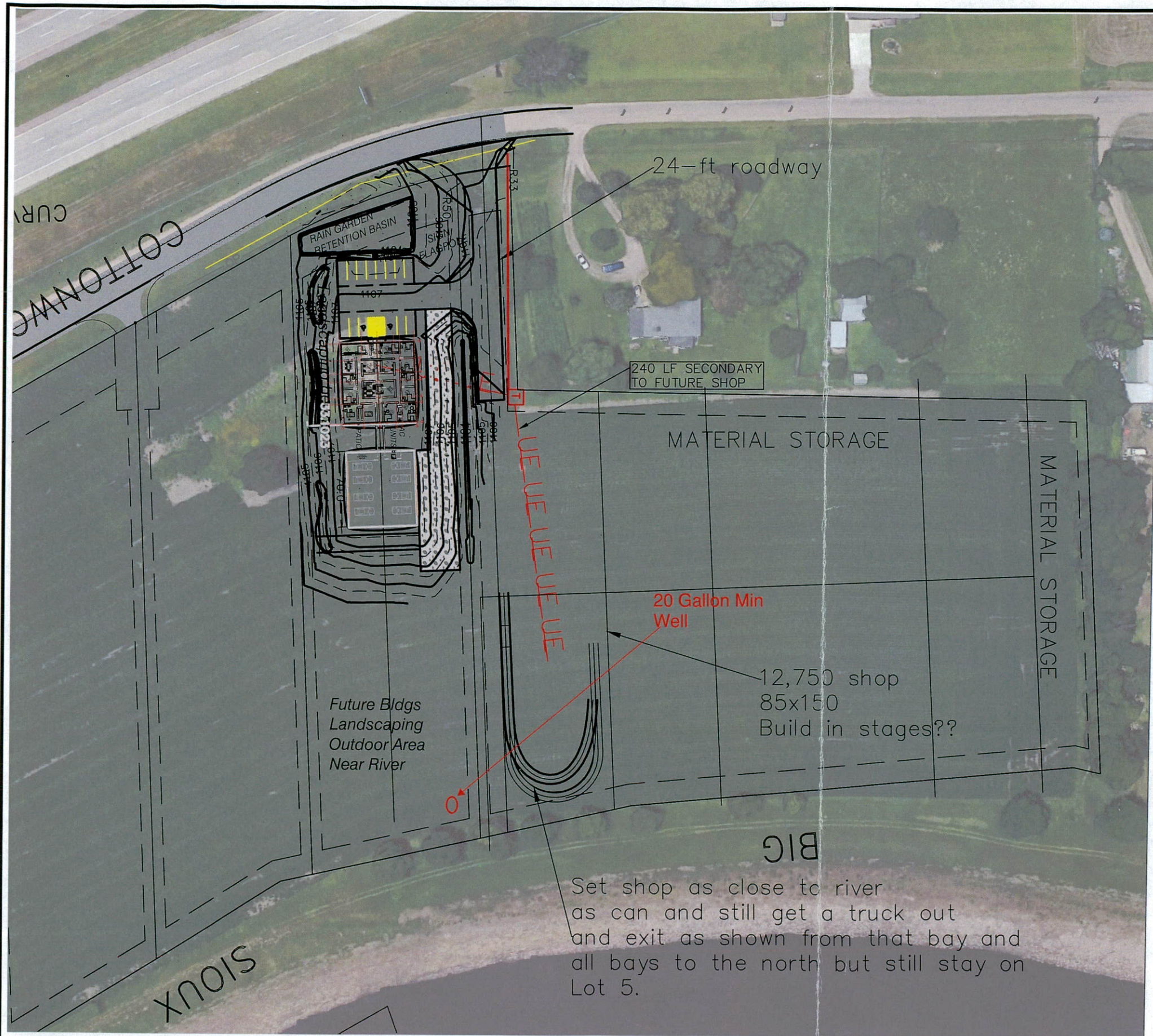
Legend

-  Corporate Limits
-  Political Township
-  Survey Townships
-  Sections
-  Quarter Sections
-  Quarter Quarters
-  Lots
-  Parcels
- Roads**
 -  Road
 -  CO RD
 -  State Highway
 -  Interstate

Parcel ID	11.00.22.3505	Alternate ID	n/a	Owner Address	PURPLE ICEBERG LLC
Sec/Twp/Rng	22-89-48	Class	NACC		PO BOX 195
Property Address	1270 S DERBY LN	Acreage	n/a		NORTH SIOUX CITY SD 57049
District	11618				
Brief Tax Description	LOT 5 OAK TREE LANE ADD PART OF LOT A GOV'T LOT 1 NW 1/4 NE 1/4 (2.212A)				
	(Note: Not to be used on legal documents)				

Date created: 11/13/2018
Last Data Uploaded: 11/13/2018 1:12:39 AM

Developed by  **Schneider**
GEOSPATIAL



		CIVIL ENGINEERS & CONSTRUCTORS, LLC DAKOTA DUNES SOUTH DAKOTA www.ceconstructors.com	
PROJECT RP-VILLE DERBY LANE FACILITY			
TITLE 100 SCALE SITE PLAN			
DESIGN	RC	----	FILE No. --
CADD	BL	----	SCALE AS SHOWN
REVIEW			REV. 0
PROJECT No.		###	
DRAWING: ####			

Sec.16
T089N
R48W

Sec 15
T089N
R48W

Sec 14
T089N
R48W

Sec 21
T089N
R48W

Sec 22
T089N
R48W

Sec 23
T089N
R48W

Sec 28
T089N
R48W

Sec 27
T089N
R48W

Sec 26
T089N
R48W



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

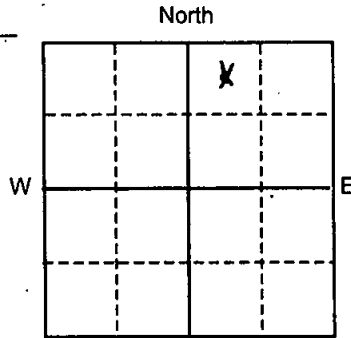
Location NW 1/4 NE 1/4 Sec 22 Twp 89N Rg 48WWell Owner: RP ConstructorsCounty Union

Business Name:

Address:

City, State, Zip:

Please mark well location with an "X"



Well Completion Date

4-26-18

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Straight Rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>40</u> FT	<u>9</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>10</u>	<u>Lb/gal</u>	<u>5</u> Ft	<u>25</u> Ft
		<u>Lb/gal</u>	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
 Diameter 4 Inches Length 10 FeetMaterial PVCSlot Size 10/10 Set From 40 Feet to 50 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? Chlorine
☐ No, Why Not?

Lab to which water quality sample sent for analysis

NE Public Health
Environ. Lab Lincoln
NE

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Brown top soil</u>	<u>0</u>	<u>6</u>
<u>Coarse sand</u>	<u>6</u>	<u>25</u>
<u>Coarse gravel</u>	<u>25</u>	<u>50</u>

STATIC WATER LEVEL

16

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

17 Ft. After 2 Hrs. pumped 25 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 20 GPM

REMARKS

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Christensen Well & InjectionSignature of License Representative: Cody W. ChristensenSignature of Well Owner or Equitable Property Holder: [Signature]

RECEIVED

SEP 04 2018

Date: 8-29-18

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 19, 2018

RECEIVED OF RPCConstructors LLC 310 N Derby Lane #195 North Sioux City SD 57049

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

Fee for Application for Permit No. <u>8381-3</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>8381-3</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. **08813**

By

Jeannie Goodman
Chief Engineer
1411

Gronlund, Eric

From: Travis Thom <travist@rpconstructors.com>
Sent: Monday, November 19, 2018 4:51 PM
To: Gronlund, Eric
Subject: RE: [EXT] Water permit application received

Hi Eric,

I would guess we are using about 50 gallons a work day. 50 gallons x 130 work days a year= 6500 gallons a year. Next year we are adding a lawn sprinkler system and a shop so I would increase to 10000 gallons next year.

*Travis Thom
Project Manager*

RP Constructors, LLC
1270 S. Derby Lane
PO Box 195
North Sioux City, SD 57049
Office: 712.222.1452
Fax: 855.492.9920
Mobile: 605.321.2160
travist@rpconstructors.com
www.rpconstructors.com

*Heavy Civil Constructors
Underground – Concrete – Ground Improvement – Industrial Process Specialists*



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Monday, November 19, 2018 4:47 PM
To: Travis Thom <travist@rpconstructors.com>
Subject: Water permit application received

Travis – the SD Department of Environment and Natural Resources received R P Constructors water permit application to appropriate 20 gallons per minute from a well at North Sioux City.

Do you have any estimate of how many gallons will be diverted annually from the well? In addition to quantifying on a pump rate basis, the water permit is also limited to an annual volume to be diverted. Be reasonable but estimate on the high side when estimating the annual volume.

Thanks

Eric Gronlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 8, 2018

RP Constructors
PO Box 195
N Sioux City SD 57049

Dear Sir:

I am writing in regard to a well completion report filed by Christensen Well & Irrigation. The report shows a new well was completed for RP Construction on April 26, 2018. Based on the information on the report, a water permit may be needed for this water use.

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

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by December 1, 2018.

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

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8381-3, R P Constructors**

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. 8381-3, R P Constructors, c/o Travis Thom, 1270 S Derby Lane, North Sioux City SD 57019.

The Chief Engineer is recommending APPROVAL of Application No. 8381-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.
3. Water Permit No. 8381-3 authorizes a total annual diversion of 1.0 acre foot of water.

See report on application for additional information.


Jeanne Goodman, Chief Engineer

January 22, 2019

REPORT ON PERMIT APPLICATION NO. 8381-3

For R P Constructors, c/o Travis Thom

January 22, 2019

R P Constructors has filed an application for a water permit to appropriate up to 1.0 acre-feet of water annually at a maximum diversion rate of 0.04 cubic feet per second (cfs) from one well completed into the Missouri: Elk Point aquifer (50 feet deep) located in the NW¼ NE¼ (Lot 5 of Oaktree Addition) Section 22, T89N-R48W for commercial use including a lawn sprinkler system. This site is located 520 feet southeast of the city limits boundary of North Sioux City in Union County, South Dakota.

AQUIFER – MISSOURI: ELK POINT (M: EP)

The Missouri: Elk Point aquifer consists of unconsolidated glacial outwash deposits composed of fine sand to very coarse gravel that is generally restricted to the Missouri River floodplain and is often overlain by permeable alluvial deposits. The permeable alluvium and outwash form a single aquifer (Stephens, 1967). Near the edge of the floodplain, the Elk Point management unit is overlain by relatively impermeable glacial till (Niehus, 1994; Stephens, 1967). Hydrologically, the Elk Point management unit can be found under both confined and unconfined conditions (Stephens, 1967). The Elk Point management unit is hydraulically connected to the Lower-Vermillion-Missouri aquifer and the Lower James-Missouri aquifer, the Missouri River, the Vermillion River, and the Big Sioux River (Niehus, 1994; Stephens, 1967). The Elk Point management unit of the Missouri aquifer underlies an estimated 219,100 acres of Yankton, Clay, and Union Counties, and contains an estimated 3.2 million acre feet of recoverable water in storage (Hedges and others, 1982). The general direction of water movement in the aquifer is from the northwest to the southeast, and toward the Missouri River (Stephens, 1967).

The South Dakota Water Well Completion Report on file for this irrigation well identifies 6 feet of top soil overlying 44 feet of sand and gravel (outwash) of the Missouri: Elk Point aquifer (Water Rights, 2019c). At the time of well completion (April 26, 2018), the static water level was 16 feet below ground surface, which indicates that the aquifer is under unconfined conditions at this location. According to the well test data listed on the report, the well was pumped at a rate of 25 gallons per minute for two hours creating just one foot of drawdown.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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.

WATER AVAILABILITY

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater cannot 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 average estimated annual recharge. 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. In this case, a water distribution system is not involved and the Missouri: Elk Point aquifer is not older or lower than the Greenhorn Formation. Therefore, withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Recharge

Recharge to the Missouri: Elk Point aquifer occurs through infiltration of precipitation, groundwater inflow or leakage from other aquifers, and inflow of surface water from rivers and streams (Bugliosi, 1986; Niehus, 1994; Stephens, 1967). Hedges and others (1985) estimated the rate of recharge to the Missouri: Elk Point aquifer to be approximately 3.8 inches per year, based on observation well analysis. Hedges and others (1982) estimated the areal extent of the Missouri: Elk Point aquifer to be approximately 219,100 acres, resulting in an estimated average annual recharge of approximately 69,382 acre-feet per year. Pumping from the aquifer will induce recharge supplied by the Missouri River or capture discharge before outflowing to the river (Stephens, 1967). Stonesifer (2013) estimated the induced recharge to the aquifer, due to the pumping of Lewis and Clark Rural Water System wells near the Missouri River, to be approximately 22,582 acre-feet per year. Other water rights/permits within the Missouri: Elk Point aquifer may also induce recharge from the Missouri, Vermillion, James, or Big Sioux Rivers, although this amount has not been quantified. Combining these recharge estimates for the Missouri: Elk Point aquifer results in an estimated average annual recharge amount of approximately 91,964 acre-feet per year.

Discharge

Discharge from the Missouri: Elk Point aquifer occurs through: (1) well withdrawals; (2) evapotranspiration where the aquifer is near land surface; and (3) outflow to the Big Sioux, Vermillion, and Missouri Rivers when the river stage is lower than the water table of the aquifer (Bugliosi, 1986; Niehus, 1994; Stephens, 1967).

Currently, there are 618 water rights/permits including three future use permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2019a). The three future use permits assuming full appropriation total 14,900 acre-feet per year. For non-irrigation water rights/permits, the amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits will be fully developed. Given these assumptions, the expected use from non-irrigation water rights/permits is 66,821.04 acre-feet per year. Several of the non-irrigation water rights/permits are required to report their annual water use from the Missouri: Elk Point aquifer. Clay Rural Water and Lewis & Clark Rural Water Systems are still undergoing development, and as a result, their full

appropriation amount is the estimated withdrawal. The City of Vermillion has steady pumping rates and is not undergoing development. Therefore, the average actual reported use from the City of Vermillion should be considered instead of the appropriated amount, which reduced the expected use from non-irrigation water rights/permits by 1,125 acre-feet per year resulting in an expected use from non-irrigation water rights/permits of 65,696.84 acre-feet per year.

There are a number of domestic wells on file that withdraw water from the Missouri: Elk Point aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2019c). The annual quantity of water withdrawn for domestic uses is considered to not be significant to the hydrologic budget of the aquifer.

Current irrigation questionnaire data shows that there are 576 water rights/permits that are permitted for irrigation of 81,365.54 acres (Water Rights, 2019d). Of these permitted acres, there are 14 water rights/permits that are irrigating a total of 754.1 acres of turf, and due to the water requirements of turf, the estimated usage should be determined separately from crop irrigation. For the purposes of estimation, it is assumed that turf irrigation will use their full appropriation, resulting in an estimated average annual use of 1,925.2 ac-ft per year. Farmer (2018) developed a method to estimate crop irrigation withdrawals using the permitted acreage instead of the appropriated volume. This method estimated an average application rate of 0.35 feet per acre per year. Applying this rate to the remaining 80,881.44 acres of crop irrigation, results in an estimated average annual use of 28,308.50 acre-feet per year. The total estimated average annual use for both types of irrigation is 30,233.70 acre-feet per year.

Hydrologic Budget

The estimated annual withdrawal from the Missouri: Elk Point aquifer is 65,696.84 acre-feet per year from non-irrigation users, and 30,233.70 acre-feet per year from irrigation use. Including an estimated 1.0 acre-feet per year from this application (if approved), the estimated average annual withdrawal from the Missouri: Elk Point aquifer is 95,931.54 acre-feet per year.

The estimated average annual recharge to the Missouri: Elk Point aquifer is approximately 91,964 acre-feet per year. This amount does not include the recharge induced by well withdrawals aside from Lewis and Clark Rural Water System; the actual average annual recharge is likely to be more than 91,964 acre-feet per year. The estimated average annual withdrawals equate to roughly three percent of the recoverable water in storage in the Missouri: Elk Point aquifer. Due to the relatively small development of this large resource and the ability to induce recharge to the aquifer from nearby bodies of surface water, there is a reasonable probability there is unappropriated water available from the Missouri: Elk Point aquifer for the proposed appropriation.

OBSERVATION WELL DATA

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to

determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2019b). As seen in Figure 1, four of these observation wells (UN-78C, UN-77U, UN-77V and UN-78D) are located within approximately three miles of this proposed application.

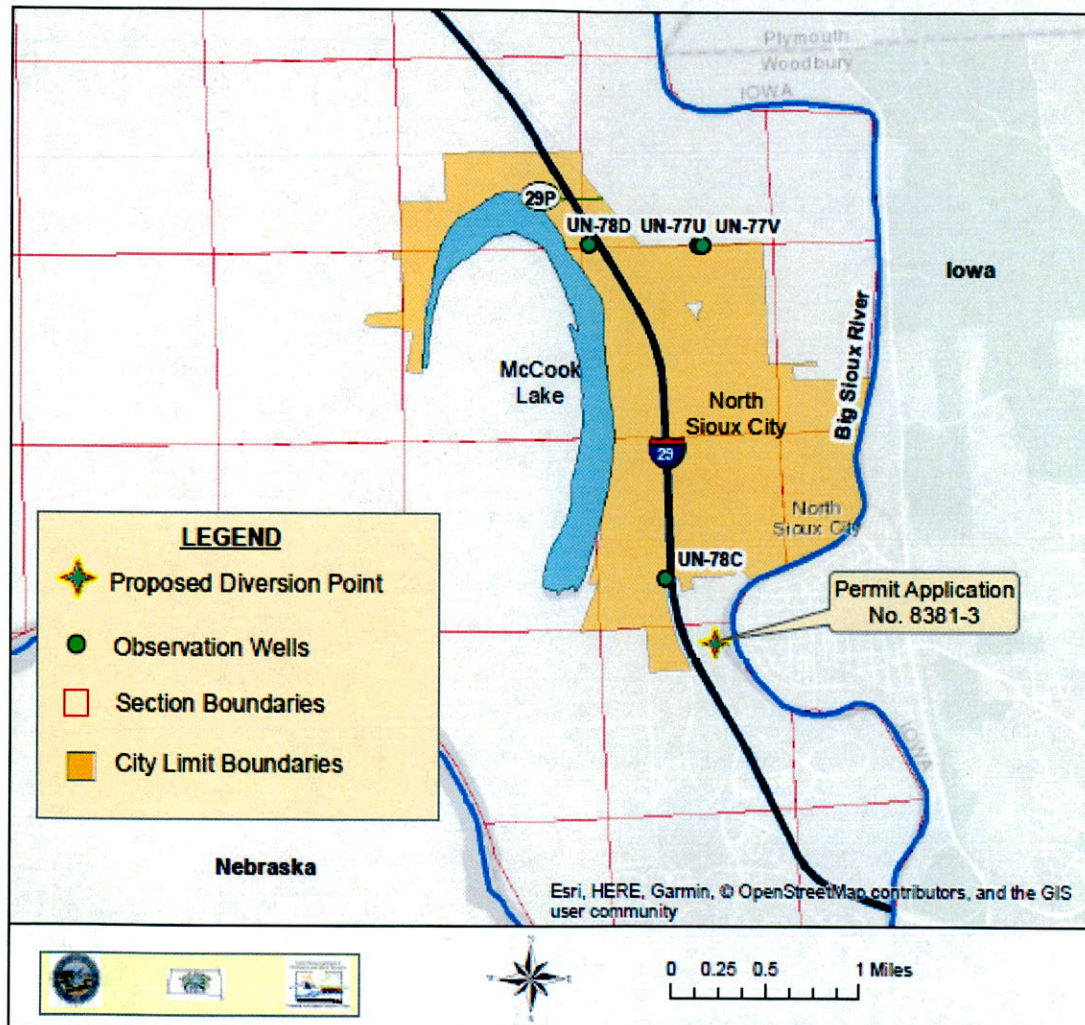


Figure 1: Approximate location of observation wells completed into the Missouri: Elk Point aquifer in the vicinity of Water Permit Application No.8381-3 (Water Rights, 2019b).

The hydrographs of these observation wells are shown in Figures 2 through 5. The observation well hydrographs are representative of the Missouri: Elk Point aquifer and aid in understanding how the aquifer reacts to local pumping and regional climatic conditions. The hydrographs show a cyclic pattern of the water level fluctuation based on the effect of climatic conditions, recharging during wet years and declining during dry years. It was noted that the hydrographs in Figures 2, 3 and 4 show a slight decline of the aquifer's water levels. The declining water levels

have been attributed to entrenching of the Missouri River (Goodman, 2007). This decline also demonstrates the hydraulic connection between the aquifer and the Missouri River.

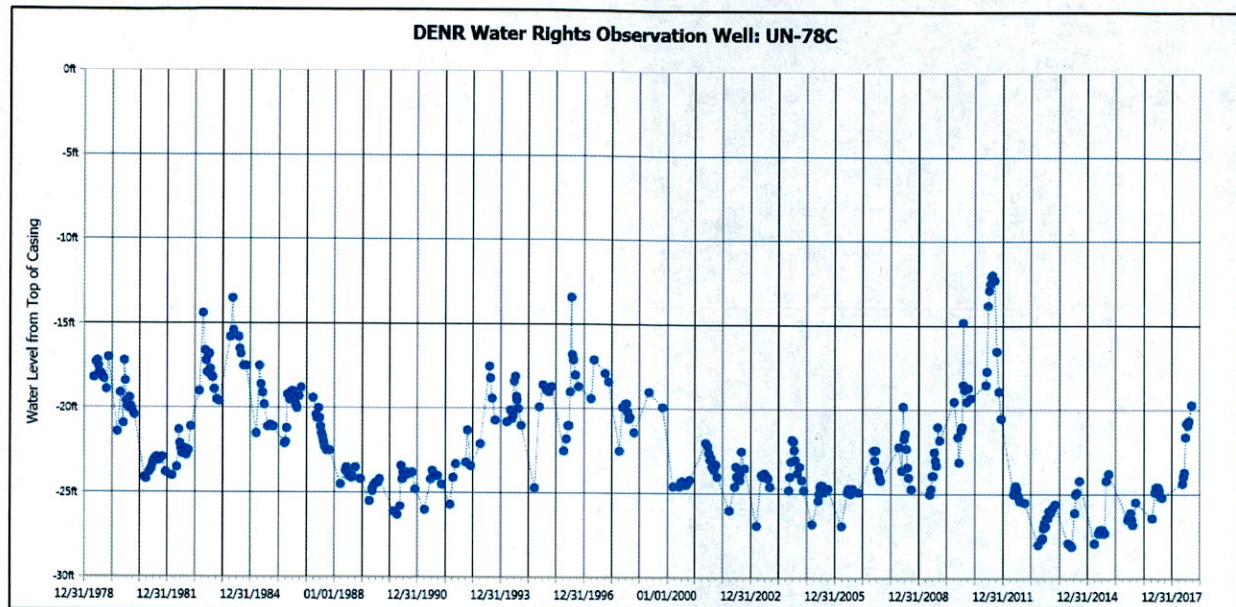


Figure 2: Hydrograph of observation well UN-78C located approximately ½ mile northwest of Water Permit Application No. 8381-3 (Water Rights, 2019b).

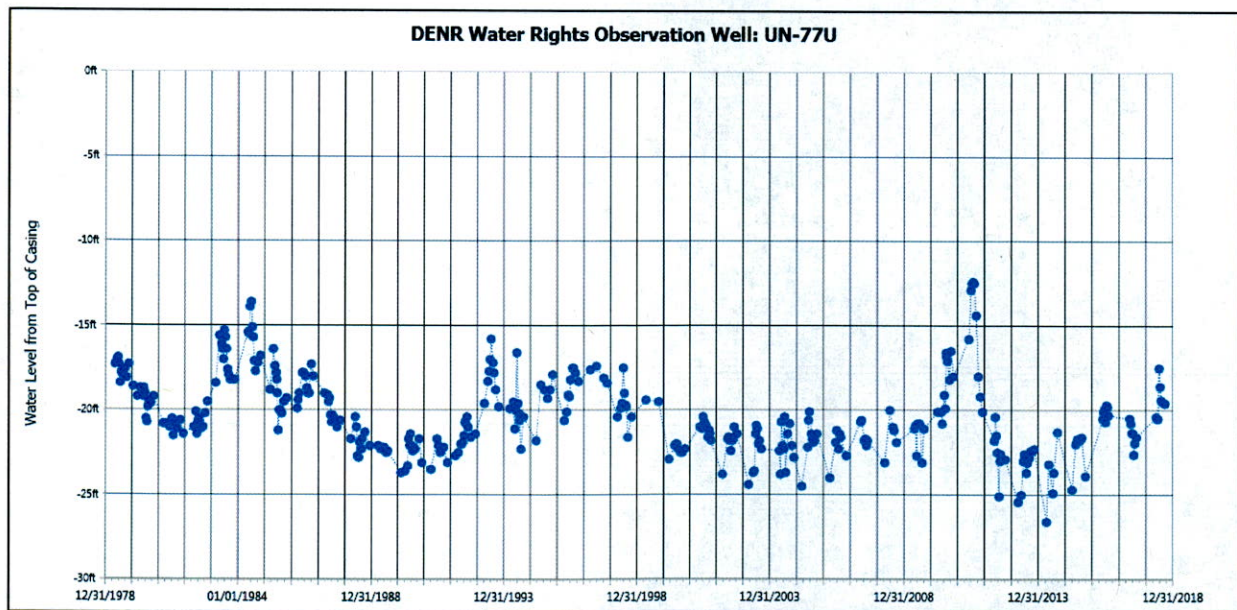


Figure 3: Hydrograph of observation well UN-77U located approximately 2 miles north of Water Permit Application No. 8381-3 (Water Rights, 2019b).

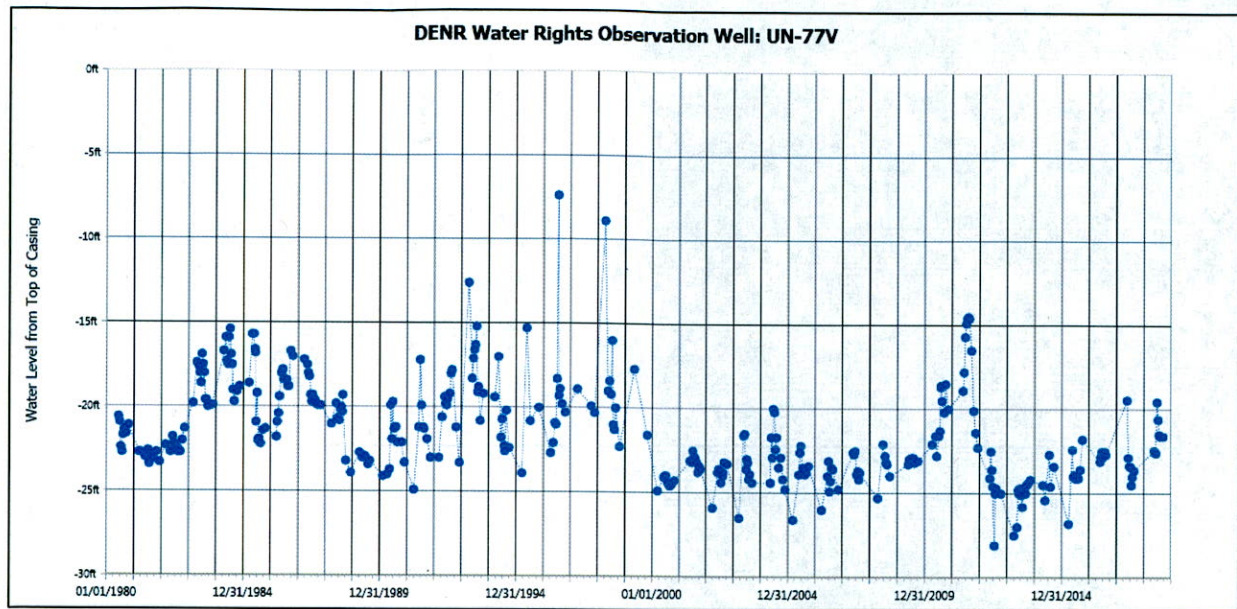


Figure 4: Hydrograph of observation well UN-77V located approximately 2 miles north of Water Permit Application No. 8381-3 (Water Rights, 2019b).

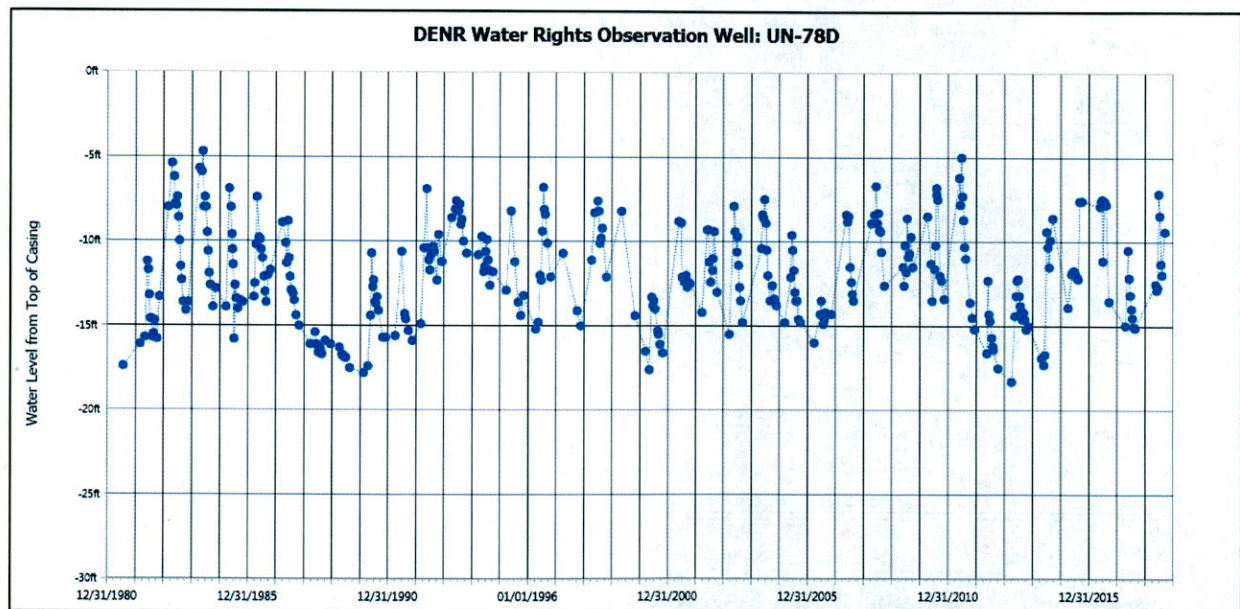


Figure 5: Hydrograph of observation well UN-78D located approximately 2¼ miles northwest of Water Permit Application No. 8381-3 (Water Rights, 2019b).

Additional evidence of the hydraulic connection between the aquifer and the river can be observed on two nearby Missouri River hydrographs (Figures 6 and 7) that, in general, show the same peaks and declining periods as observed on the Missouri: Elk Point aquifer hydrographs (USGS, 2019).

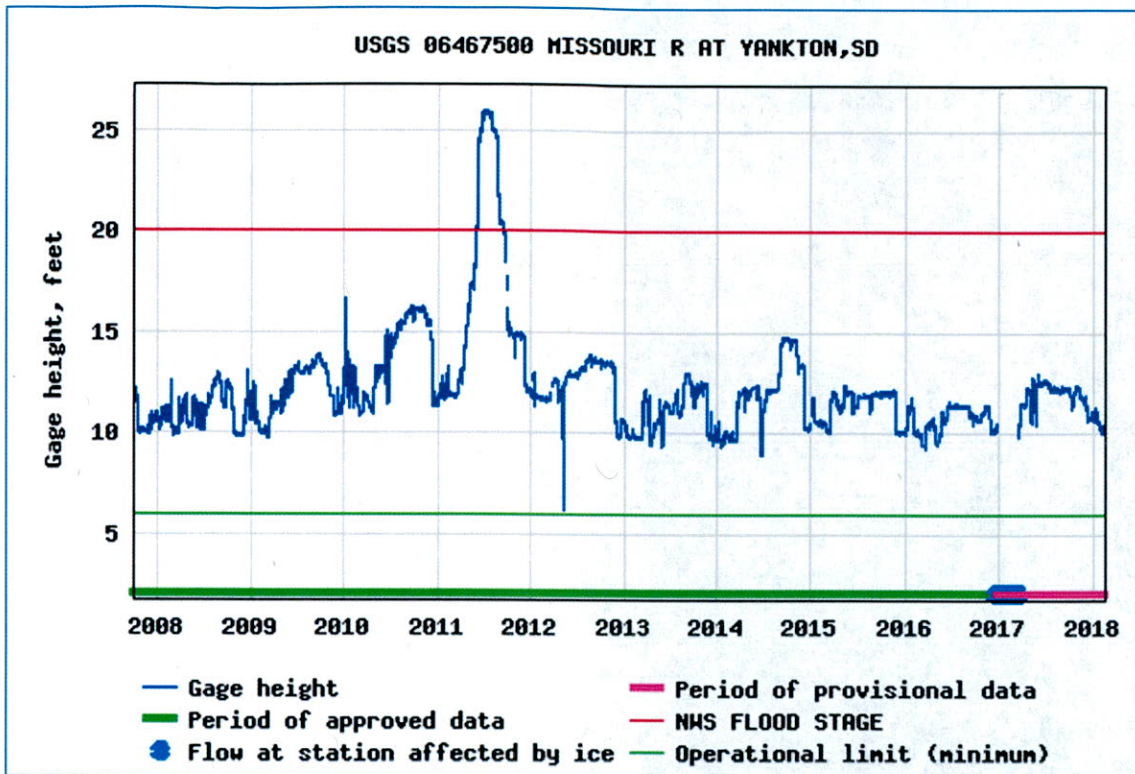


Figure 6: Hydrograph for USGS Stream Gage 06467500 Missouri River at Yankton, SD (USGS, 2019).

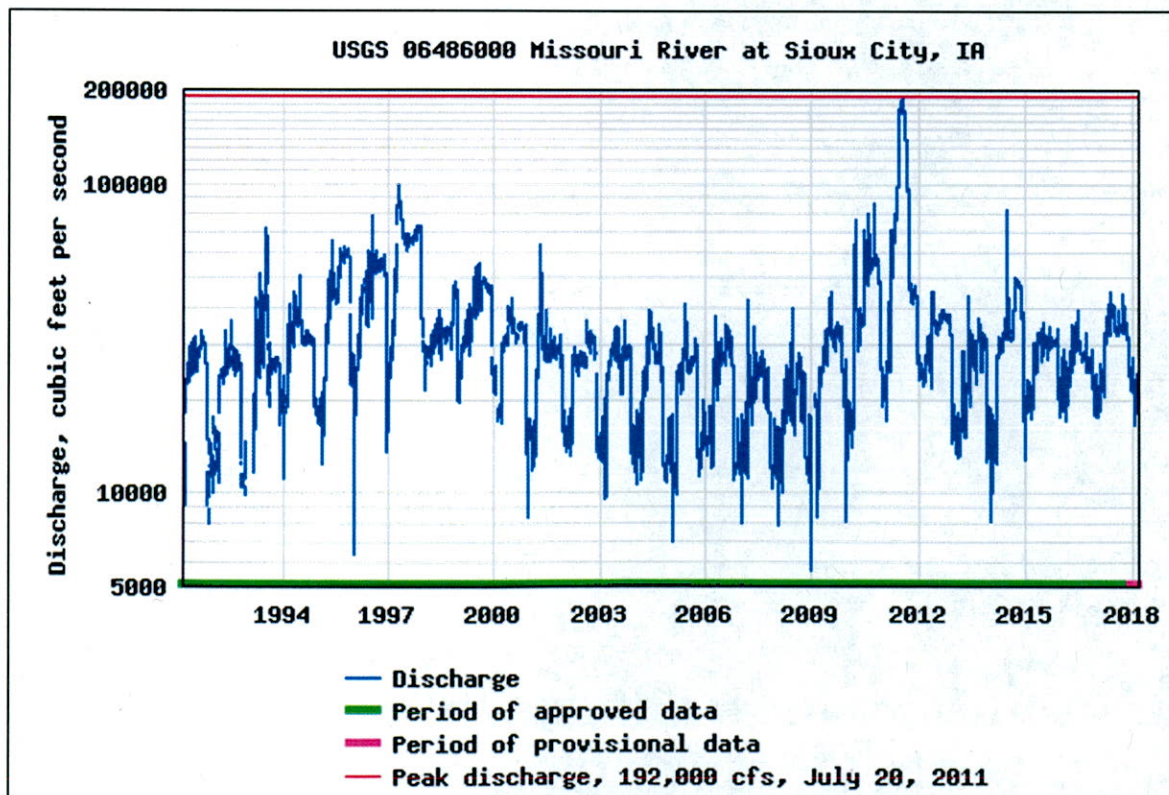


Figure 7: Hydrograph for USGS Stream Gage 06486000 Missouri River at Sioux City, IA (USGS, 2019).

At the current level of development, the temporal effects of well withdrawals from the aquifer are masked by the effects of climatic conditions on the aquifer and the hydraulic connection between the aquifer and the Missouri River. Since recharge to the aquifer and natural discharge from the aquifer dominates the system, water is available to capture for additional well withdrawals. Therefore there is a reasonable probability that unappropriated water is available for this appropriation.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Currently, there are 618 water permits/rights appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2019a). The water rights/permits in the vicinity of this proposed application are shown in Figure 8. The closest water right/permit appropriating water from the Missouri: Elk Point aquifer is located approximately one mile northwest of this proposed application (Water Rights, 2019b). In addition to wells supplying appropriative rights, there are a number of domestic use wells on file with the DENR-Water Rights Program in the vicinity of this proposed well site (Water Rights, 2019c).

Drawdown from pumping wells completed into the Missouri: Elk Point aquifer is typically not significant very far from the pumping well. Examination of the hydrographs of observation wells completed into the Missouri: Elk Point aquifer shows no signs of being significantly impacted by drawdown despite being located in the proximity of a number of irrigation wells. Although precise drawdown cannot be quantified without aquifer testing this application, if approved, is not expected to adversely impact nearby adequate wells.

An adequate well is defined by South Dakota Administrative Rules as:

“a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

There has not been a history of well interference issues with the Missouri: Elk Point aquifer. At the distances involved between this well site and wells of existing water rights/permits and domestic users with adequate wells, interference is not expected to be a concern.

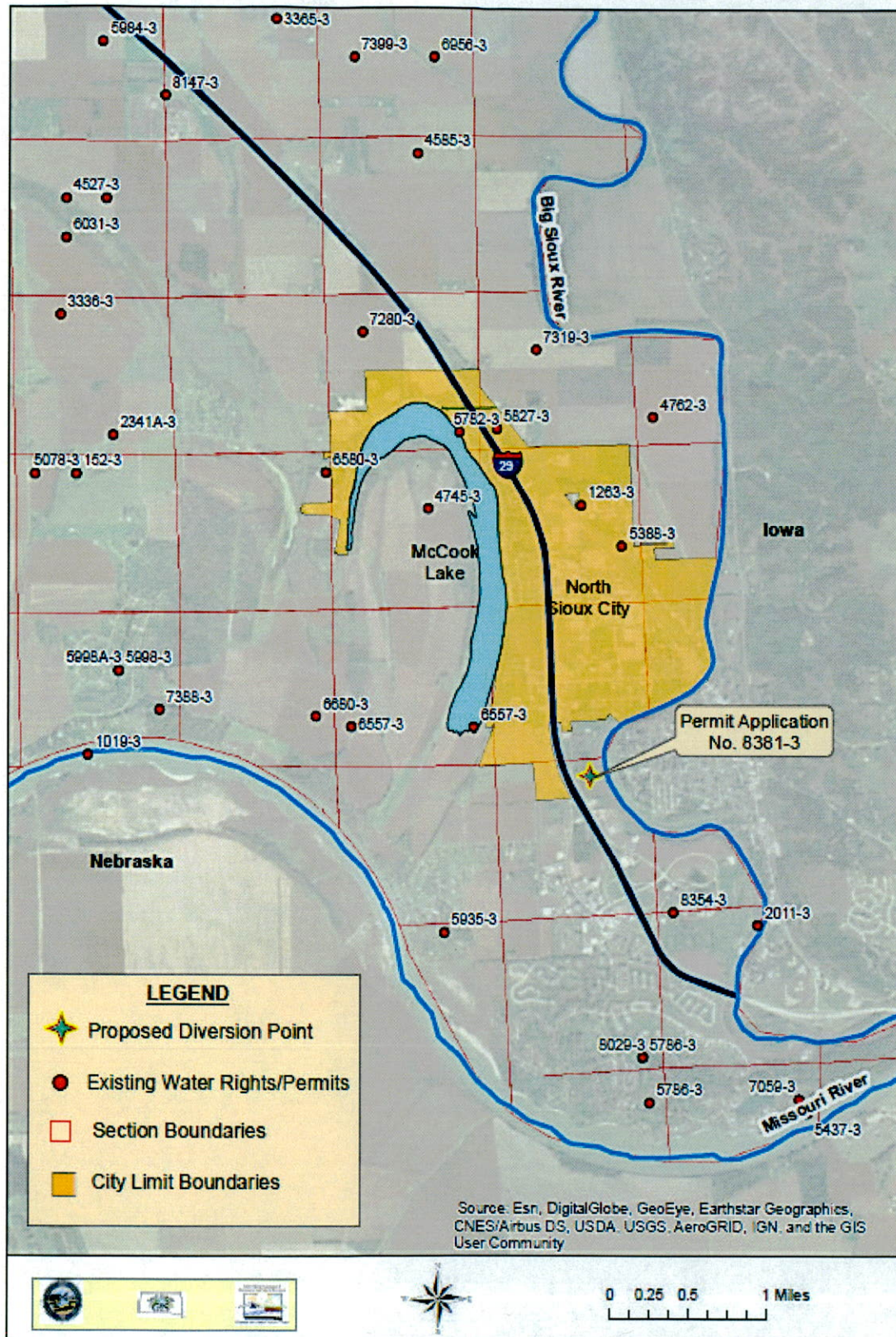


Figure 8: Approximate location of diversion points for water rights/permits appropriating water from the Missouri: Elk Point aquifer in the vicinity of Water Permit Application No. 8381-3.

CONCLUSIONS

1. Water Permit Application No. 8381-3 proposes to appropriate up to 1.0 acre-feet of water annually at a maximum diversion rate of 0.04 cubic feet per second (cfs) from one well completed into the Missouri: Elk Point aquifer (50 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T89N-R48W for commercial use including a lawn sprinkler system.
2. Based on observation well data and hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the application.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact existing users with adequate wells (appropriative or domestic).

Aaron Tieman

Aaron Tieman

SD DENR-Water Rights Program

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- Water Rights, 2019d, Irrigation Questionnaire Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,
the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 8381-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 31 day of January, 2019

and that the succeeding publications were

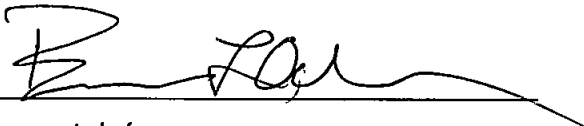
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 27.35, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, 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 other person whomsoever.



Subscribed and sworn to before me

this 31 day of January, 2019

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 8381-3 TO APPROPRIATE WATER

Notice is given that R P Constructors, c/o Travis Thom, 1270 S Derby Ln, North Sioux City SD 57049 has filed an application for a water permit to appropriate up to 1.0 acre-feet of water annually at a maximum diversion rate of 0.04 cubic feet of water per second (20 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (50 feet deep) located in the NW 1/4 NE 1/4 (Lot 5 of Oaktree Addition) Section 22-T89N-R48W for commercial use including a lawn sprinkler system. This site is just outside southeast edge of city limits of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8381-3 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 February 11, 2019.

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.

Publish Jan. 31, 2019
Published once at the total approximate cost of \$27.35
5-2-89

RECEIVED

FEB 04 2019

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

FEB 04 2019

WATER RIGHTS
PROGRAM

R P CONSTRUCTORS
C/O TRAVIS THOM
1270 S DERBY LN
NORTH SIOUX CITY SD 57049

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

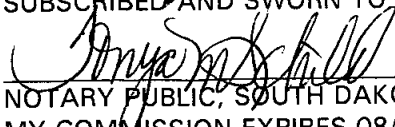
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1 + 31 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 31st DAY OF January, 2019
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.21 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 01/31/2019

FILED ON: 01/31/2019


SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF January, 2019


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

Ad text : 1 + 31

NOTICE OF APPLICATION

NO. 8381-3 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 \$27.21

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 22, 2019 1:27 PM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8381-3, R P Constructors
Attachments: 8381-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 31, 2019.

R P Constructors, c/o Travis Thom, 1270 S Derby Ln, North Sioux City SD 57049 (605 321-2160) 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: Tuesday, January 22, 2019 1:26 PM
To: G5 (leader1@iw.net)
Subject: 8381-3, R P Constructors
Attachments: 8381-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 31, 2019.

R P Constructors, c/o Travis Thom, 1270 S Derby Ln, North Sioux City SD 57049 (605 321-2160) has been notified to contact you to authorize publication and arrange for payment.

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

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.**

January 22, 2019

R P Constructors
c/o Travis Thom
1270 S Derby Ln
North Sioux City SD 57049

Dear Mr. Thom:

Water Permit Application No. 8381-3 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 Leader Courier printed at Elk Point SD (Ph # 605 662-7201) and the Press & Dakotan printed at Yankton SD (Ph # 605 665-0288). 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.

NOTICE OF APPLICATION NO. 8381-3 to Appropriate Water

Notice is given that R P Constructors, c/o Travis Thom, 1270 S Derby Ln, North Sioux City SD 57049 has filed an application for a water permit to appropriate up to 1.0 acre-feet of water annually at a maximum diversion rate of 0.04 cubic feet of water per second (20 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (50 feet deep) located in the NW 1/4 NE 1/4 (Lot 5 of Oaktree Addition) Section 22-T89N-R48W for commercial use including a lawn sprinkler system. This site is just outside southeast edge of city limits of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8381-3 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 February 11, 2019.

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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 13 2019

R P Constructors
c/o Travis Thom
1270 S Derby Lane
North Sioux City SD 57049

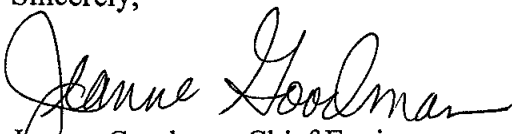
Dear Mr. Thom:

Enclosed is Water Permit No. 8381-3 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

RECEIVED

APR 08 2019

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate April 4, 2019TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: R. P. Constructors
(name)
1270 S Derby Lane
(address)
North Sioux City, SD 57049
(city, state, zip) 605-321-2160
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

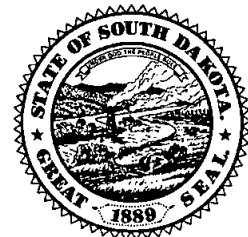
Water Permit No. 8381-3 states that the water use system is to be constructed by April 4th 2019 and water is to be put to beneficial use by April 4th 2019
(date) (date)

The water use system was completed on July 1 2018
(date)

Applying the water to beneficial use was completed on July 4th 2018
(date)

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

[Signature]
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2019

8381-3

Travis Thom
R P Constructors
1270 S Derby Lane
North Sioux City SD 57049

Dear Mr. Thom:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the water use system authorized under Water Permit No. 8381-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

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

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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