

WATER PERMIT NO. 8387-3

Name of Applicant: Big Sioux Community Water System Inc.

Address: 23343 479th Ave, Egan SD 57024 Phone: 605 864-1417

Amount of Water Claimed: 300 AF Total Acres: NA

Source of Water Supply: Big Sioux:Northern Skunk Creek Aquifer

Water to be used for: rural water system use County: Lake

Type of Waste Disposal System:

Location: 8 miles southeast of Madison

PRIORITY Date Received: 12-26-18 Application/License Fee: \$ 1050

Corrected Application Received: Period of Annual Use: Jan 1- Dec 31

Remarks: Withdrawal from Future Use Permit No. 6834A-3

Diversion Point: NE 1/4 SE 1/4 Sec 6-T105N-
R51W

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

			6		

Reviewed and the Number Assigned on: 12-26-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

PAID
DEC 26 2018
Ck# 25778

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8387-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>see list</u>

RECEIVED
DEC 26 2018

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

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. <u>6834-3, 16834A-3</u>		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit Big Sioux Community water system, Inc.

Mailing Address 23343 479th Ave, Egan SD 57024
(Address) (City) (State) (Zip Code)
Phone 605-997-2098 Mobile 605-864-1417 Email bscws@bigsiouxscws.com

2. Amount of water claimed 0.67 *CFS or 300 **GPM and 300 ***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)

3. Source of water supply Ground Water - skunk Creek 5

4. Location of point of diversion NE 1/4 SE 1/4, Sec. 6, T106N, R51W. County Lake
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No

If "Yes," where will water be used? Dakota Ethanol - NE 1/4, Sec. 21, T106N, R51W.
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lake

6. Annual period during which water is to be used Year Round

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

Supplemental supply to Dakota Ethanol - 300gpm well running 60% of time to produce 300 acre feet or 97 million gallons annually. This well will run in conjunction with 9 other wells spread out over 2.5 miles to produce 300 million gallons annually. This well is located 700 feet from domestic well on property owned by others, but this well will have a pumping elevation of 1598 while the domestic well has a pumping elevation of 1561. No interference expected.

I, Martin Jarrett for Big sioux Community Water. General 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. 8387-3**

Date of first receipt of application January 22, 2019.

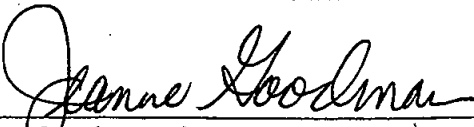
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8387-3 to Big Sioux Community Water System, Inc., 23343 479th Ave, Egan SD 57024 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8387-3 authorizes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (36 feet deep) located in the NE 1/4 SE 1/4 Section 6-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE 1/4 Section 21-T106N-R51W. The site of the new well is approximately 7 miles east southeast of Madison SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8387-3 is April 22, 2019.
5. The date from which applicant may claim right is March 19, 2007 (established by No. 6834-3).
6. One-fifth of the construction is to be completed on or before October 22, 2021.
7. All construction is to be completed on or before April 22, 2024.
8. Water is to be put to beneficial use on or before April 22, 2029.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

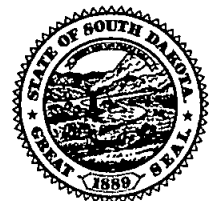
QUALIFICATIONS

1. The wells 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 Big Sioux:Northern Skunk Creek aquifer.
3. Water Permit No. 8387-3 authorizes a total annual diversion of 300 acre foot of water.

WATER MANAGEMENT BOARD

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

MAY 03 2019
date



Well Location

NE 1/4 of the SE 1/4
Sec 6, T105N, R51W

 New Well Location

SECTION 6

SECTION 5

21

Google earth

© 2018 Google

SE SECTION 6
T105N R51W



1000 ft

DE SOUTH DAKOTA WATER WELL COMPLETION REPORT

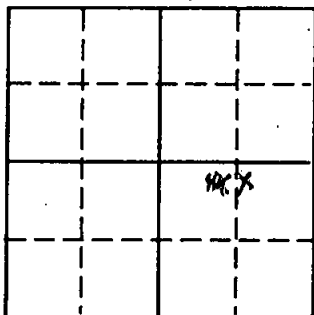
11-02

Location DE 1/4 SE 1/4 Sec 6 Twp 105-N Rg 54W

County Lake

North

Please mark well location with an "X"



Well completion Date

10-20-18

1 Mile

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

? 1000' ft. from Lake (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket-False Casing

CASING DATA:

- ☒ Steel
☐ Plastic
☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>+1 FT</u>	<u>216 FT</u>	<u>20 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Pentonite</u>	<u>4</u>	<u>Lb/gal</u>	<u>7 FT</u>	<u>8 FT</u>
		Lb/gal	FT	FT

Describe grouting procedure

SCREEN:

- ☐ Perforated pipe
☒ Manufactured

Diameter 12 Inches Length 10' Feet
 Material Stainless Steel
 Slot Size #80 Set From 216 Feet to 34 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 bleach

- ☐ No, Why Not?

Lab sample sent to for water quality analysis

Big Sioux

Well Owner:

Business Name:

Big Sioux Plc

Address:

Box 158

City, State, Zip:

Egan, South Dakota

WELL LOG:

DEPTH

FORMATION

FROM

TO

Sandy Black Topsoil

0

4

Clean Brown Sand

4

18

Coarse Gray Gravel

18

36

STATIC WATER LEVEL

8'

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:

Sub

- ☐ Bailed

- ☐ Other

Pumping Level Below Land Surface

25'

Feet After

12

Hrs. pumped

400

GPM

Feet After

Hrs. pumped

GPM

If pump installed, pump rate:

385

GPM

REMARKS

This well was drilled under license #

111

And this report is true and accurate.

Drilling firm:

Lacey Well Drilling, Inc.

Signature of License Representative:

Juan Rodriguez

Signature of Well Owner or Equitable Property Holder:

Victoria Jones for Big Sioux Plc

Date:

10/31/2018

Please return WHITE COPY to:

DENR Water Rights

523 E Capitol Ave.

Pierre SD 57501

In Water Since 1946

Wells — Pumps
Dewatering Work
Test Drilling

LACEY WELL DRILLING, INC.
47582 - 240th St.
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Down-Hole Camera
Water Specialists
Irrigation Supplies

Drilled
9-5-18

Test holes
Big Sioux RW

Chester site

0-4 Black Topsoil

4-10 Clayey Gravel

10-25 Coarse & small Rock

25-37 Medium Grey Gravel

SWL = 6'8"

Drilled by: Lacey Well Drilling Inc.

Driller Jim Fung

LN: 111

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Dec 26, 2018

RECEIVED OF Big Sioux Community Water System, 23343 479th Ave, Egan SD

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

Fee for Application for Permit No. <u>8387-3</u> to Appropriate Water, to construct and to put water to beneficial use	880	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>8387-3</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	1080.00

No. **08871**

By

John ne Goodman
Chief Engineer 1/LS

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8387-3, Big Sioux Community Water

ADDRESS: 33343 479th Avenue, Egan SD 57024 COUNTY: Lake County

DATE: January 7, 2019 TELEPHONE: 605 997-2098

RE: conversation with Martin Jarrett on water use

I contacted Mr. Jarrett to find out if this well will be tied into the general distribution system for Big Sioux Community Water System or if use of the well will be solely dedicated to Dakota Ethanol. Mr. Jarrett indicated water use from this well will supply only Dakota Ethanol.

NAME: Eric J. Jarrett



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 2018

Big Sioux Community Water System Inc.
c/o Martin Jarrett, Manager
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

Well completion reports submitted by Lacey Well Drilling Inc. indicate they completed three wells for the system in October. Enclosed are copies of the reports.

Big Sioux Community Water System Inc. holds several water rights. Are these replacement wells or additional wells? The legal descriptions listed on the reports do not appear to match any of the descriptions on existing water rights. Possibly the legal descriptions are not correct.

Once we know this information we can determine what additional action, if any, needs to be taken to ensure your water rights accurately reflect the system's water supply.

If you have any questions, 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

*Martin called
11/29/18
said apps will be
forth coming.*

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 11:05 AM
To: Big Sioux Community Water System (bscws@bigsiouxcws.com)
Subject: Water Permit Applications
Attachments: Big Sioux applications.pdf

Martin Jarrett,

Attached is the letter and the two public notices regarding your 4 water permit applications. I have emailed each of the papers the two notices to be published on March 6, 2019. This is just a heads up to contact the papers ASAP to authorize publication and arrange for payment.

The reports and recommendations for each of the applications and the above are being mailed to you today.

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
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8387-3, Big Sioux Community Water System, 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. 8387-3, Big Sioux Community Water System, Inc., c/o Martin Jarrett, General Manager, 23343 479th Avenue, Egan SD 57024

The Chief Engineer is recommending APPROVAL of Application No. 8387-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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 Big Sioux:Northern Skunk Creek aquifer.
3. Water Permit No. 8387-3 authorizes a total annual diversion of 300 acre foot of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
February 26, 2019

**Report to the Chief Engineer
Water Permit Application No. 8387-3**

Big Sioux Community Water System
February 7, 2019

Water Permit Application No. 8387-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum instantaneous pump rate of 0.67 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Northern Skunk Creek aquifer (36 feet deep) located in the NE ¼ SE ¼ Section 6-T105N-R51W. Construction of the project is subject to approval of Application No. 6834A-3 to expand the future use area. The 300 acre-feet of water per year will be taken from the amount reserved by Future Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE ¼ Section 21-T106-R51W.

Applicable South Dakota Codified Law

Pursuant to SDCL 46-5-38.1 the owner of a future use permit must apply for a water permit when they decide to place the future use permit to beneficial use.

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 examines the availability of water without unlawful impairment of existing rights only.

Aquifer: Big Sioux: Northern Skunk Creek (BS-NSC)

Hydrogeologic Information and Aquifer Characteristics

The Big Sioux: Northern Skunk Creek aquifer management unit is a surficial outwash of sand and gravel (Hansen, 1986). The aquifer underlies 48 square miles and contains an estimated 196,000 acre-feet (ac-ft) of water in storage in Lake and Moody Counties, has a maximum thickness of 73 feet, an average thickness of 39 feet, and can be found between 0 and 60 feet below land surface (Hansen, 1986). Ground water movement is generally from northwest to southeast in the area of this application and the aquifer is primarily unconfined, with confined portions near the edge of the aquifer and in the south-central part of T105N-R51W (Hansen, 1986). The aquifer is hydrologically connected to area surface water sources including Lake Madison, Brant Lake, and Skunk Creek (Hansen, 1986).

For this permit application, one well was completed about 1,000 feet southeast of the end of Long Lake, to the depth of 36 feet, by Lacey Well Drilling. The well completion report indicates top soil from 0 to 4 feet, sand from 4 to 18 feet, and gravel from 18 to 36 feet below land surface. The static water level was reported to be 8 feet below land surface at the time of completion on October 20, 2018.

Water Availability

South Dakota Codified Law states that for aquifers stratigraphically higher than the Greenhorn Formation, an application to appropriate water may not be approved unless it is probable that the annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer (SDCL 46-6-3.1).

In July of 2009, Buhler (2009) found that withdrawals plus expected future use development exceeded estimated recharge from the Big Sioux: Northern Skunk Creek aquifer, indicating that unappropriated water was not available for a future use permit application submitted by Big Sioux Community Water System. This analysis was based primarily on a hydrologic budget considering expected average annual withdrawal versus estimated average annual recharge. Since then, five water permit applications have been filed proposing new appropriations from this aquifer. In each case, the appropriations were made as temporary water use permits pursuant to SDCL 46-5-39 and borrow appropriations from the amount allotted to future use permits. Temporary water use permits may be cancelled if the amount reserved for future use falls below the average annual usage of the temporary water use permits. Recharge and discharge estimates are described in greater detail below.

Observation Well Data

South Dakota Administrative Rule 74:02:05:07 requires that “the 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 to the aquifer.”

There are 8 observation wells monitored by the SD DENR Water Rights Program in the BS-NSC management unit, the closest one to the well this application proposes to use, LK-79A, is 1.2 miles to the southeast (Figure 1). LK-79A might not be representative of the majority of the aquifer, because it is partially confined, unlike the other observation wells for this aquifer (SD Water Rights, 2019a). Data from the observation well network show that the aquifer management unit continues to react to wet and dry periods (Figure 2). The 18 foot drop in water level between April of 2001 and September of 2003 in LK-79A corresponds to other smaller water level drops seen at other observation wells, and is likely caused by wells for Water Right 6152-3 (about 560 feet east of and 1,890 feet southeast of LK-79A), owned by Big Sioux Community Water System (BSCWS), coming online (SD Water Rights, 2019b). Subsequent years of data indicate the aquifer stabilized after the sudden rise in usage and still responds to climactic conditions.

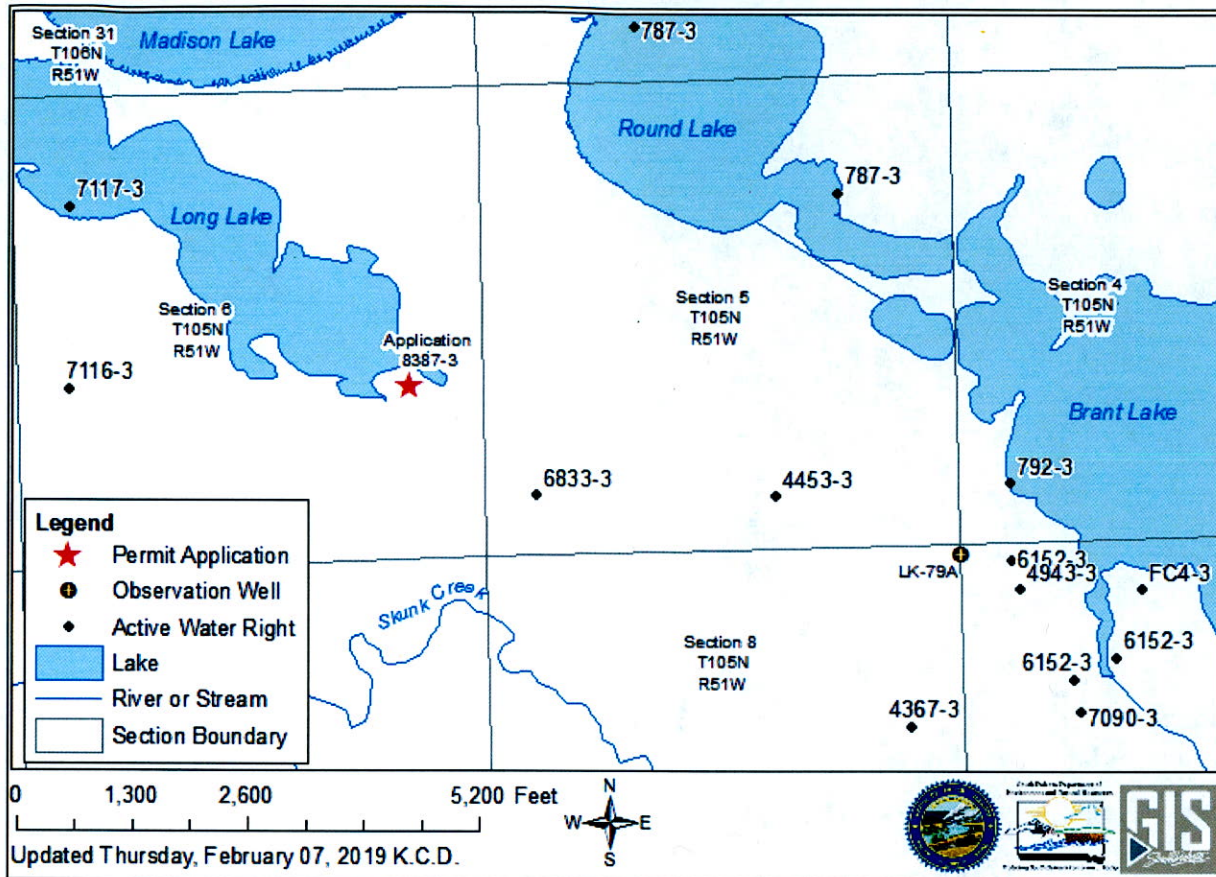


Figure 1: Observation well LK-79A (SD Water Rights, 2019a), nearby water rights (SD Water Rights, 2019c), and location of well for this application.

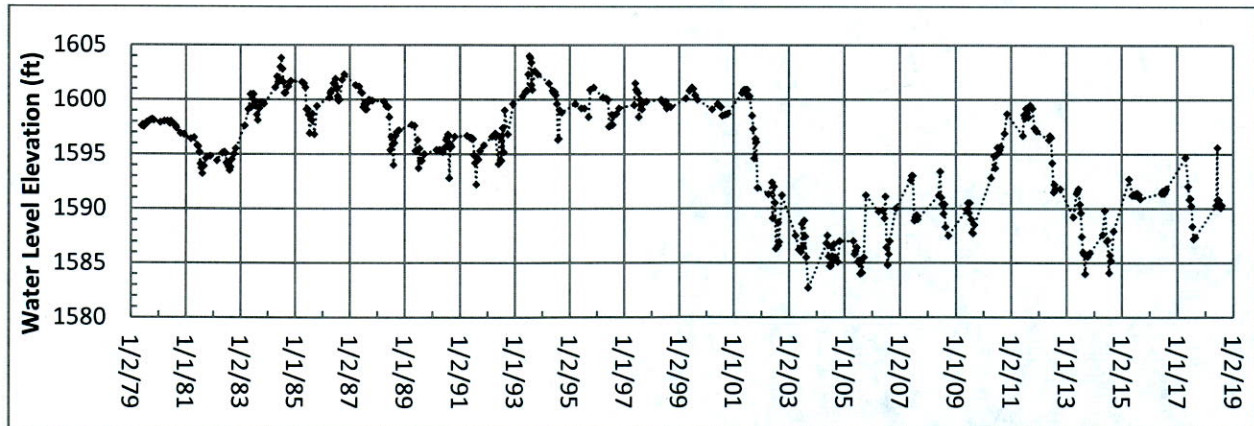


Figure 2: Observation well hydrograph for LK-79A. Land surface elevation is 1,608 feet above m.s.l. (SD Water Rights, 2019a)

The next nearest observation wells are LK-79C (80 feet deep) and LK-79D (30 feet deep), which are 2.4 miles southeast of the well for this application and about 13 feet apart from each other. Because both wells show similar behavior other than the maximum depth measurable by LK-79D, only the hydrograph for LK-79C is shown (Figure 3). LK-79C is more characteristic of the

aquifer than LK-79A and demonstrates a response to climactic conditions. The data from LK-79A and LK-79C indicate the aquifer is not being depleted.

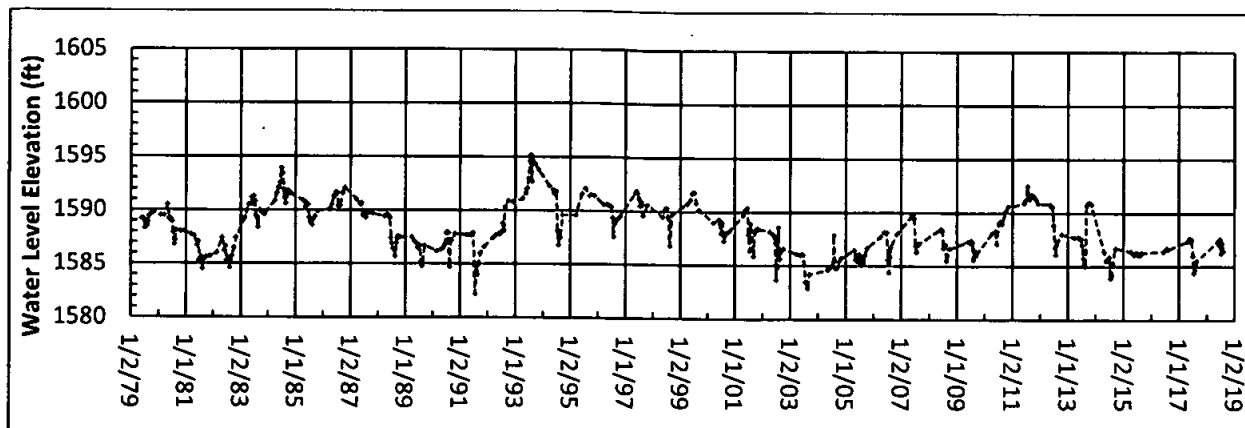


Figure 3: Observation well hydrograph for LK-79C. Land surface elevation is 1,611 feet above m. s. l. (SD Water Rights, 2019a)

Hydrologic Budget

Recharge:

Recharge to the aquifer occurs through infiltration of precipitation and from the surface water features above it when the surface water features have a higher potentiometric surface than the aquifer (Hansen, 1986).

Average annual recharge has been estimated by observation well analysis to be 3.1 inches per year (about 7,900 ac-ft/yr) and ranges from 2.0 to 5.6 inches per year (Hedges, Allen, & Holly, 1985). A more recent analysis, using approximately three times the data available to Hedges, Allen, & Holly (1985), of the BS-NSC management unit found the average annual recharge to be 3.82 inches per year, or 9,779 ac-ft/yr (Buhler, 2009).

Withdrawals:

Natural discharge from the aquifer occurs when the aquifer has a higher potentiometric surface than the surface water features above it (Hansen, 1986). The aquifer also flows to the southeast, discharging into the southern portions of the Big Sioux aquifer (Hansen, 1986). Some discharge also occurs via evapotranspiration when the aquifer's water table is near land surface (Hansen, 1986).

Human-made withdrawals are taken from wells for many uses. Domestic withdrawals are not tracked by the Water Rights Program and are not considered a significant portion of the withdrawals due to their low pumping rate and the prevalence of rural water systems.

Withdrawals for irrigation are reported each year by questionnaires. The average annual withdrawal for the entire period of record for irrigation water right/permit holders is 851.2 ac-ft/yr excluding temporary use permits (Table 1).

Report for Water Permit Application No. 8387-3

Table 1: Irrigation water right/permit appropriations excluding temporary use permits and reported pumping modified from Buhler (2009) to incorporate more recent data (SD Water Rights, 2017a).

Year	Number of Rights/Permits	Appropriation (ac-ft/yr)	Reported Pumping (ac-ft/yr)
1979	14	7753	393
1980	15	5818	233
1981	15	8041	941
1982	13	7513	432
1983	14	7913	764
1984	15	8185	912
1985	14	7945	941
1986	15	8345	723
1987	14	7913	870
1988	15	8133	1908
1989	15	8133	1129
1990	15	8897	565
1991	18	8873	1199
1992	17	8243	12
1993	18	7971	86
1994	18	7261	906
1995	18	7261	347
1996	18	6260	1060
1997	18	6184	574
1998	19	6364	429
1999	19	6364	964
2000	19	6364	1007
2001	19	6364	1476
2002	19	6364	1462
2003	19	6364	1117
2004	18	6132	284
2005	18	6184	826
2006	15	5043	1037
2007	16	5119	1338
2008	16	5119	1361
2009	16	5073	700
2010	18	5389	238
2011	18	5389	541
2012	18	5389	1685
2013	18	5389	1199
2014	18	5389	1022
2015	17	5149	491
2016	17	5149	970
2017	17	5149	1053
Minimum	13	5043	12
Maximum	19	8897	1908
Average	17	6664	851

1992 through 2008 appropriations adjusted by 80 ac-ft/yr to correct for clerical error involving Water Right No. 4133A-3 (it was issued for 2 ac-ft/acre but the irrigation questionnaire summary incorrectly reflected a 3 ac-ft/acre appropriation)

2009 - 2017 data adjusted to remove permits, appropriations, and reported pumping from temporary use irrigation permits.

Report for Water Permit Application No. 8387-3

The owner of Temporary Water Use Permit 7131-3 (Priority date May 1, 2009) has never reported any usage, and the latest questionnaire indicated the irrigation system has not been constructed (SD Water Rights, 2018). An average reported pumping was found for 2012 through 2017 in addition to the average for the entire period of temporary water use permits being issued to more accurately estimate the average annual withdrawal due to temporary irrigation permits (Table 2).

Table 2: Temporary irrigation permit appropriations and reported pumping (SD Water Rights, 2017a)

Year	No. of Temp. Permits	Appropriation (ac-ft/yr)	Reported Pumping (ac-ft/yr)
2009	1	136	0
2010	1	136	0
2011	1	136	0
2012	2	256	70
2013	2	256	35
2014	4	636	103
2015	4	636	43
2016	4	636	49
2017	4	636	135
Minimum	1	136	0
Maximum	4	636	135
Average	2.6	384.9	48.5
Average 2012-2017	3.3	509.3	72.7

If an average over the period of record was used to estimate the current withdrawal rate due to irrigation, it would not account for the current amount of rights/permits issued, since the average would include years when only 13 irrigation rights/permits were issued in the Big Sioux: Northern Skunk Creek aquifer. However currently there are 21 irrigation rights/permits including 4 temporary irrigation permits.

To account for the difference in irrigation rights/permits issued, Buhler (2009) found the percentage of acreage that was irrigated every year from 1998 to 2008 and also found the average water application rate on actually developed acres from 1998 to 2008. The water usage Buhler (2009) estimated assumed Water Right No. 1268-3 and 4361A-3 would be forfeited due to non-use (SDCL 46-5-37) and therefore did not account for all the acreage permitted in the study. However, Water Right No. 1268-3 remains active while Water Right No. 4361A-3 was cancelled (SD Water Rights, 2019c). From 2009 through 2017, Water Right No. 1268-3 and Temporary Water Use Permit No. 7131-3 did not report any water use (SD Water Rights, 2017a). Water right holders may report no usage and keep their water right if there is sufficient moisture, legal proceedings have prevented the use of water, or water is unavailable to satisfy a permit/right (ARSD 74:02:01:37.01).

In the following statistical analysis (Table 3), water permit/right holders that have not reported any water use will not be removed from the acreage permitted, as that would be modifying data and not result in a significantly more precise estimate of average annual withdrawals with the current number of irrigation rights/permits.

Table 3: Statistical analysis of all acres developed and water application rate, modified from Buhler (2009). Data from 2009 through 2017 from Irrigation Questionnaires (SD Water Rights, 2017a).

Year	Acres Permitted	Acres Irrigated	Pumping (ac-ft)	Acres Irrigated	Application Rate on Irrigated Acreage (in/yr)
1998	2369	1605	429	68%	3.2
1999	2369	1534	964	65%	7.5
2000	2369	1504	1007	63%	8.0
2001	2369	1448	1476	61%	12.2
2002	2369	1718	1462	73%	10.2
2003	2369	1487	1117	63%	9.0
2004	2236	1529	284	68%	2.2
2005	2236	1602	826	72%	6.2
2006	2156	1690	1037	78%	7.4
2007	2156	1690	1338	78%	9.5
2008	2104	1695	1361	81%	9.6
2009	2562	1747	700	68%	4.8
2010	2562	1355	238	53%	2.1
2011	2562	1829	541	71%	3.5
2012	2622	1885	1755	72%	11.2
2013	2622	1905	1234	73%	7.8
2014	2812	2125	1126	76%	6.4
2015	2812	1964	534	70%	3.3
2016	2812	2098	1020	75%	5.8
2017	2812	2091	1188	74%	6.8
Average	2464	1725	982	70%	6.8
Sample Standard Deviation	234	228	419	7%	3.0

Withdrawals by non-irrigation users are reported by annual questionnaires for water right holders that are required to report and estimated for water right holders that are not required to report their usage (Table 4). Data from 1998 through 2008 was copied from Buhler's (2009) report. Data from 2009 through 2013 was copied from another water permit application report (Capen, 2014). Data for 2014 to 2017 comes from multiple sources. The Kingbrook RWS, Inc, City of Madison, and BSCWS are required to report their water use annually so data for their water use can be found in annual reports (SD Water Rights, 2017b). The Chester Sanitary District is not required to report its usage, but usage was reported via a phone call (Jarrett, 2019). Jarrett (2019) also mentioned that near the end of 2017, the Chester Sanitary District stopped pumping and connected to the BSCWS, although the Water Right for the Chester Sanitary District (No. 6046-3) is still on file as active. Water use reported for BSCWS also includes reported usage for Water Permit No. 7117-3, which lists David and Chrysella Daniel as the permit holders (SD Water Rights, 2017b). Total appropriations were calculated by adding the annual allowable water usage for each water right/permit that listed it and for water rights where only a maximum pump rate is specified, adding the amount of water used if the maximum allowable pump rate was withdrawn 60% of the time and no water was withdrawn the other 40% of the time (SD Water Rights, 2019c).

Table 4: Reported pumping for municipal and rural water system water right holders compared to appropriated water rights (SD Water Rights, 2017b; Buhler, 2009; Capen, 2014; Jarrett, 2019)

Year	Actual Pumping (ac-ft/yr)					Total Appropriations (ac-ft/yr)	Percent Used
	Chester San. Dist.	Kingbrook RWS, Inc.	City of Madison	BSCWS	Total Reported		
1998	N/A	592	882	0	1475	5575	26%
1999	N/A	591	845	0	1437	5935	24%
2000	52	655	849	0	1556	5935	26%
2001	65	601	886	117	1669	5935	28%
2002	61	610	745	598	2013	5935	34%
2003	63	648	625	747	2083	5935	35%
2004	56	640	673	711	2080	5935	35%
2005	66	654	596	748	2064	5935	35%
2006	51	664	714	777	2205	6226	35%
2007	49	696	623	741	2109	6226	34%
2008	42	647	614	690	1993	6226	32%
2009	31	606	601	699	1937	6826	28%
2010	31	621	766	728	2146	6826	31%
2011	30	662	684	694	2070	6826	30%
2012	37	677	630	752	2096	6826	31%
2013	36	620	491	903	2050	6826	30%
2014	35	648	473	805	1961	6826	29%
2015	35	640	588	764	2027	6826	30%
2016	36	663	626	742	2067	6826	30%
2017	15	728	510	587	1840	6826	27%
Minimum	15	591	473	0	1437	5575	24%
Maximum	66	728	886	903	2205	6826	35%
Average	44	643	671	590	1944	6362	31%
2002 - 2017 Average	42	651	622	730	2046	6491	32%
2002 - 2017 Standard Deviation	14	32	84	74	86	405	3%

Following Buhler's (2009) example, an average was taken of pumping reported from 2002 to present because BSCWS did not pump until sometime during 2001 due to nitrate issues in the groundwater (Buhler, 2009). Nitrate issues are not expected to influence future pumping behavior.

The water usage of non-irrigation right/permit holders who do not report is estimated in the same manner as the total appropriations for reporting non-irrigation right/permit holders. This is likely a conservative approach. Water Right No. 5688-3, owned by Shipwreck Inn, pumps at a maximum rate of 0.022 cfs, or approximately 10 ac-ft/yr. Water Right No. 5168-3, owned by Hilde Pipe and Gravel, pumps at a maximum rate of 0.91 cfs, or approximately 395 ac-ft/yr. These two non-reporting water rights sum to 405 ac-ft/yr of estimated use (SD Water Rights, 2019c).

Report for Water Permit Application No. 8387-3

One temporary non-irrigation permit is held by East River Electric Power (No. 7829-3) with a peak pumping rate of 0.133 cfs. This is estimated by the same method as the non-temporary non-reporting water right holders to withdraw 58 ac-ft/yr from the BS-NSC aquifer.

Withdrawals are allocated for future use permits assuming they will be fully used, including Future Use Permit 6834-3 (Table 5). If this application is approved 300 ac-ft/yr would be taken from Future Use Permit No. 6834-3. The new total of water reserved across all future use permits would be 2,118 ac-ft/yr.

Table 5: Future Use Permits in BS-NSC (SD Water Rights, 2019c)

Permit No.	Holder	Priority Date	Reserved (ac-ft/yr)
5643-3	Kingbrook RWS Inc.	03/19/1992	425
5689-3	Big Sioux Community Water System	05/18/1992	360
747-3	City of Madison	11/10/1960	1033
6834-3	Big Sioux Community Water System	03/19/2007	600
Current Total			2418

The estimated average annual withdrawal for existing water rights/permits is summarized in Table 6. While both irrigation and non-irrigation reporting water right/permit holders shows a history of not using all available appropriations (Table 1 and Table 4), the possibility exists that existing water rights/permits might be more completely used, especially for municipal and rural water systems as populations change. However, under current use, the average annual withdrawal from the BS-NSC aquifer including future use (assuming it is fully used) is 5,865 ac-ft/yr. If current non-irrigation water rights/permits limited by an annual volume were to use their full annual volume, average annual water usage including future use allocation would be closer to 10,645 ac-ft/yr. Since this application proposes to construct and place to beneficial use 300 ac-ft/yr from the 600 ac-ft/yr reserved by Future Use Permit No. 6834-3 (which is included in this hydrologic budget), there is a reasonable probability that water is available for Water Permit Application 8387-3 to place 300 ac-ft/yr of water to beneficial use from Future Use Permit No. 6834-3.

Table 6: Summary of withdrawals and appropriations from water rights/permits excluding temporary use permits

Use type	Average Use (ac-ft/yr)	Appropriated (ac-ft/yr)	Percent Used
Irrigation	996	5149	19%
Non-irrigation, reporting	2046	6826	30%
Non-irrigation, non-reporting	405	675	60%
Future use	2418	2418	100%
Total usage	5865	15068	39%

Temporary water use permits borrow from water reserved from future use permits. There are currently five temporary water use permits from the aquifer, summarized in Table 7. Estimated average annual water use from these temporary permits is 185 ac-ft/yr. If this application is approved, 2,118 ac-ft/yr of water would remain reserved for future use across all future use

permits for the aquifer. Therefore, this indicates the current temporary water use permits from the aquifer can remain in use.

Table 7: Summary of withdrawals and appropriations from temporary water use permits

Use type	Average Use (ac-ft/yr)	Appropriated (ac-ft/yr)	Percent Used
Irrigation	127	636	20%
Non-irrigation, non-reporting	58	96	60%
Total usage	185	732	25%

Existing Users

The applicant reported on the application “This well is located 700 feet from a domestic well on property owned by others, but this well will have a pumping elevation of 1598 while the domestic well has a pumping elevation of 1561.” The SD DENR does not have a well completion report matching the description of the domestic well the applicant described (SD Water Rights, 2019d).

The nearest appropriative water right or permit is 6833-3 Longacre Farms, Inc. (owned by David Daniel) with a priority date of March 19, 2007. That water permit is about 2,100 feet from the well for this application. David and Chrysella Daniel also own Water Permits 7116-3 and 7117-3, which have a priority date of February 19, 2009. The wells for those water permits are between a half mile and one mile away from the well for this application. Finally Water Right 4453-3, owned by Alan Brown, also has a well between a half mile and one mile away from the well for this application. There are no complaints on record in Lake County with respect to groundwater in general or the BS-NSC aquifer (SD Water Rights, 2019e).

The Big Sioux: Northern Skunk Creek aquifer is under unconfined conditions in the location of this well. Although precise drawdown behavior cannot be determined without performing a pumping test on-site, drawdown due to pumping in unconfined aquifers is not significant far from a production well, so interference due to drawdown is not expected to be a concern.

Conditions can occur where withdrawal exceeds recharge to the aquifer. A decline in water levels during an extended drought in addition to the cumulative impact of well withdrawals may result in reduced yields of wells completed into thinner portions of the BS-NSC aquifer, such as near the edges of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or historically established diversion rates, that may be considered an adverse impact and could require this application, if approved, and other water rights/permits with newer priority dates to cease pumping in favor of water rights/permits with older priority dates.

To protect domestic well users, the Water Management Board defined an “adversely impacted adequate well” in ARSD 74:02:04:20(7) 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.”

Nearby adequate wells, as defined in ARSD 74:02:04:20(7), are not expected to be adversely impacted. However, out of an abundance of caution if this application is approved, the water permit should include a qualification that states the well owner should control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights/permits. When all of the above factors are considered, there is a reasonable probability the proposed diversion can be made without adversely impacting existing appropriative or domestic users with adequate wells.

Conclusions

1. Future Use Permit No. 6834-3 reserves 600 ac-ft/yr from the Big Sioux: Northern Skunk Creek aquifer.
2. This application proposes to place to beneficial use 300 ac-ft/yr of water that is reserved by Future Use Permit No. 6834-3.
3. Construction of this project is subject to approval of Application No. 6834A-3, which would expand the future use area authorized by Future Use Permit 6834-3.
4. Based on observation well data and a hydrologic budget, there is a reasonable probability water is available to put to beneficial use from Future Use Permit No. 6834-3.
5. There is a reasonable probability the proposed diversion can be made without unlawfully impairing existing appropriative users with prior water rights and domestic users with adequate wells.
6. Approval of this application is not likely to affect those holding temporary use permits.



Kimberly C. Drennon
Natural Resources Engineer I

References

- Buhler, K. (2009). *Report for Future Use Permit Application No. 7136-3*. Pierre, SD: SD DENR Water Rights Program.
- Capen, B. (2014). *Report on Water Permit Application No. 7956-3*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- Hansen, D. S. (1986). *Water resources of Lake and Moody Counties South Dakota (Water Resources Investigations 84-4209)*. Huron, SD: U.S. Geological Survey.
- Hedges, L. S., Allen, J., & Holly, D. E. (1985). *Evaluation of ground-water resources: eastern South Dakota and upper Big Sioux River - South Dakota and Iowa Task 7*. Omaha, NE: U.S. Army Corps of Engineers.
- Jarrett, M. (2019, January 29). *Personal communication*.
- SD Water Rights. (2017a). *Irrigation Questionnaire Summaries*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2017b). *Non-Irrigation Questionnaire Summaries*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2018). *Irrigation Questionnaire for Permit No. 7131-3*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2019a). *Observation well data*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2019b). *Water Right 6152-3 master file*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2019c). *Water Right/Permit File Database*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2019d). *Well Completion Reports Database*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights. (2019e). *County Files*. Joe Foss Bldg. Pierre, South Dakota: SD DENR Water Rights Program.

Lake Co

Madison Daily Leader

605 256-4555

Moody Co

Moody Co. Enterprise (Wed)

605 997-3725

Minnnehaha

Argus Leader

605 331-2200

Brookings

Brookings Register

605 692-6271



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.**

February 27, 2019

Big Sioux Community Water System Inc.
c/o Martin Jarrett
23343 479 Ave
Egan SD 57024

Dear Mr. Jarrett:

Water Permit Application Nos. 3984B-3, 8391-3, 6834A-3 and 8387-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Two separate notices have been sent to the following papers:

* Madison Daily Leader 605 256-4555
Argus Leader 605 331-2200

* Moody County Enterprise 605 997-3725
* Brookings Register 605 692-6271

You will need to contact the newspapers and authorize publication of each of the notices. For your information, copies of the notices, the recommendations of the Chief Engineer and reports on each application are enclosed. Please review the notices 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 Notices 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 notices. The newspapers have 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 recommendations, 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 applications.

Instruction to Newspaper - Publish the Notice on March 6, 2019. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6834A-3
to Amend Future Use Area of Future Use Permit No. 6834-3
and No. 8387-3 to Construct and Place to Beneficial Use Reserved Water

Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties.

Application No. 6834A-3 proposes to amend Future Use Permit No. 6834-3 by expanding the area reserved for future use. Permit No. 6834-3 reserves 600 acre-feet of water annually from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. This application requests including the NE 1/4 SE 1/4 Section 6-T105N-R51W to the future use area with no increase in the amount of water reserved for future use by No. 6834-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6834A-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8387-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (36 feet deep) located in the NE 1/4 SE 1/4 Section 6-T105N-R51W. Construction of the project is subject to approval of Application No. 6834A-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE 1/4 Section 21-T106N-R51W. The site of the new well is approximately 7 miles east southeast of Madison SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8387-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. 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 _____.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: 6059972098

Ad No: 0003491030

PO #: 6834A-3

Lines : 152

Ad Total \$0.00

BIG SIOUX COMMUNITY WATER SYSTEM INC
23343 479TH AVE
EGAN, SD 57024

of Affidavits: 1

Account No.: 6059972098

Ad No.: 0003491030

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

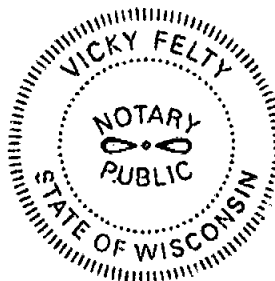
Wednesday, April 10, 2019

Sworn to and subscribed before me this 10 day of April, 2019.

Legal Clerk

Notary Public, State of Wisconsin. County of Brown

My Commission expires



RECEIVED

APR 23 2019

WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION NO. 6834A-3
to Amend Future Use Area
of Future Use
Permit No. 6834-3

and No. 8387-3 to Construct
and Place to Beneficial Use
Reserved Water

Notice is given that Big
Sioux Community Water
System Inc., c/o Martin Jar-
rett, 23343 479th Ave, Egan
SD 57024 has filed the fol-
lowing applications for
water permits. The Big
Sioux Community Water
System serves users in
Lake, Moody, Minnehaha
and Brookings Counties.

Application No. 6834A-3 pro-
poses to amend Future Use
Permit No. 6834-3 by ex-
panding the area reserved
for future use. Permit No.
6834-3 reserves 600 acre-feet
of water annually from the
Big Sioux/Northern Skunk
Creek Aquifer located in the
SW 1/4 Section
16-T105N-R51W. This appli-
cation requests including
the NE 1/4 SE 1/4 Section
6-T105N-R51W to the future
use area with no increase in
the amount of water re-
served for future use by No.
6834-3.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of Ap-
plication No. 6834A-3 be-
cause 1) the applicant has
demonstrated a reasonable
need for the water reserved,
2) it is a beneficial use of
water, and 3) it is in the
public interest.

Application No. 8387-3 pro-
poses to construct and place
to beneficial use 300 acre-
feet of water annually at a
maximum pump rate of 0.67
cubic feet of water per
second from one well to be
completed into the Big
Sioux/Northern Skunk
Creek Aquifer (36 feet deep)
located in the NE 1/4 SE 1/4
Section 6-T105N-R51W. Con-
struction of the project is
subject to approval of Ap-
plication No. 6834A-3 to expand
the future use area. The
water was appropriated and
reserved by Future Use
Permit No. 6834-3. The
water will be used to supply
Dakota Ethanol located in
the NE 1/4 Section
21-T106N-R51W. The site of
the new well is approxi-
mately 7 miles east south-
east of Madison SD.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of Ap-
plication No. 8387-3 because
1) existing rights will not be
unlawfully impaired, 2) it is
a beneficial use of water,
and 3) it is in the public in-
terest.

The Chief Engineer's rec-
ommendations with qualifi-
cations, the applications,
and staff reports are availa-
ble at <http://denr.sd.gov/pub>
lic or contact Eric Gronlund
for this information, or oth-
er information, at the Water
Rights Program address
provided below.

Any person interested in op-
posing or supporting these
applications or recommen-
dations must file a written

petition with BOTH the ap-
plicant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendations. The Chief En-
gineer'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 April 22, 2019.

The petition may be infor-
mal, but must include a
statement describing the pe-
titioner's interest in the ap-
plications, the petitioner's
reasons for opposing or sup-
porting the applications,
and the signature and mail-
ing address of the petitioner
or the petitioner's legal
counsel, if legal counsel is
obtained.

If the applicant does not
contest the recommenda-
tions of the Chief Engineer
and no petition to oppose
the applications are re-
ceived, the Chief Engineer
shall act on the applications
pursuant to the recommen-
dations with no hearing held
before the Water Manage-
ment Board. If a petition
opposing the applications or
contest the recommenda-
tions is filed, then a hearing
will be scheduled and the
Water Management Board
will consider the applica-
tions. Notice of the hearing
will be given to the appli-
cant and any person filing a
petition.

Steven M. Pirner, Secreta-
ry, Department of Environ-
ment and Natural Resour-
ces. Published once at the
total approximate cost of
\$0.

3491030

Apr. 10, 2019

RECEIVED

APR 04 2019

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#088 Notice of Application

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

March 6, 2019

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

Forty-One Dollars and Fifty-Nine Cents \$41.59

AARON JORENBY



NOTARY PUBLIC
SOUTH DAKOTA



March

29 day of

2019

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 088, 1x, 3/6
NOTICE OF APPLICATION NO. 6834A-3 to Amend Future Use Area of Future Use Permit No. 6834-3 and No. 8387-3 to Construct and Place to Beneficial Use Reserved Water
Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties. Application No. 6834A-3 proposes to amend Future Use Permit No. 6834-3 by expanding the area reserved for future use. Permit No. 6834-3 reserves 600 acre-feet of water annually from the Big Sioux Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. This application requests including the NE 1/4 SE 1/4 Section 6-T105N-R51W to the future use area with no increase in the amount of water reserved for future use by No. 6834-3. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6834A-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) it is a beneficial use of water, and 3) it is in the public interest. Application No. 8387-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Big Sioux Northern Skunk Creek Aquifer (36 feet deep) located in the NE 1/4 SE 1/4 Section 6-T105N-R51W. Construction of the project is subject to approval of Application No. 6834A-3 to expand the future use area. The water was appropriated and reserved by Future

Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE 1/4 Section 21-T106N-R51W. The site of the new well is approximately 7 miles east southeast of Madison SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8387-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501-605 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. 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
\$41.59.

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application Nos.
6834A-3 to Amend Future Use
Area of Future Use Permit No.
6834-3 and No. 8387-3

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

3-6-19

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

\$ 38³⁸

Mary Lynn Headrick bookkeeper

subscribed and sworn to before me this

14 day of March AD 2019

Roger W Janssen
Notary Public, County Moody, South Dakota

ROGER W JANSSEN

NOTARY PUBLIC
SOUTH DAKOTA

Commission expires 2/14/24

**NOTICE OF APPLICATION
NO. 6834A-3 to Amend Future Use
Area of Future Use Permit No.
6834-3 and No. 8387-3 to Construct
and Place to Beneficial Use
Reserved Water**

Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties.

Application No. 6834A-3 proposes to amend Future Use Permit No. 6834-3 by expanding the area reserved for future use. Permit No. 6834-3 reserves 600 acre-feet of water annually from the Big Sioux Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. This application requests including the NE 1/4 SE 1/4 Section 6-T105N-R51W to the future use area with no increase in the amount of water reserved for future use by No. 6834-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6834A-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8387-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Big Sioux Northern Skunk Creek Aquifer (36 feet deep) located in the NE 1/4 SE 1/4 Section 6-T105N-R51W. Construction of the project is subject to approval of Application No. 6834A-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE 1/4 Section 21-T106N-R51W. The site of the new well is approximately 7 miles east southeast of Madison SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8387-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

RECEIVED

MAR 11 2019

WATER RIGHTS
PROGRAM

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. 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 cost of \$38.38

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Lake } ss.
}

Aubrey Larsen of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Big Sioux Community Water System, Inc.

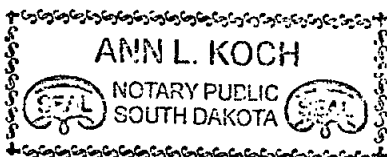
App. 6834A-3 to Amend Future Use Water Permit No 6834-3

printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 6th day of March, 2019;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;

That \$ 42.50 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Aubrey Larsen
Subscribed and sworn to before me this 7th day of March, 2019



Ann L. Koch
Notary Public, Lake County, South Dakota
Exp. 11-14-19

Wednesday, March 6

NOTICE OF APPLICATION

NO. 6834A-3
to Amend Future Use Area of
Future Use Permit No. 6834-3
and No. 8387-3 to Construct and
Place to Beneficial Use
Reserved Water

Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties.

Application No. 6834A-3 proposes to amend Future Use Permit No. 6834-3 by expanding the area reserved for future use. Permit No. 6834-3 reserves 600 acre-feet of water annually from the Big Sioux: Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. This application requests including the NE 1/4 SE 1/4 Section 6-T105N-R51W to the future use area with no increase in the amount of water reserved for future use by No. 6834-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6834A-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8387-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (36 feet deep) located in the NE 1/4 SE 1/4 Section 6-T105N-R51W. Construction of the project is subject to approval of Application No. 6834A-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 6834-3. The water will be used to supply Dakota Ethanol located in the NE 1/4 Section 21-T106N-R51W. The site of the new well is approximately 7 miles east southeast of Madison SD.

RECEIVED
MAR 11 2019
WATER RIGHTS
PROGRAM

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of on the
..... day of

20

Attorneys for

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8387-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

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STEVEN M. PIRNER,
Secretary

Department of Environment
and Natural Resources

Published once at the total
approximate cost of \$42.50

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 18, 2019 9:52 AM
To: 'GRSC-West-Legals mbx'
Subject: RE: [EXT] 3413889 3413905 - 3984B-3 and 6834A-3, Big Sioux Community Water System

Please send me affidavits for this two publications. Send to: Water Rights Program, 523 E Capitol, Pierre SD 57501

Thanks,
Karen

From: GRSC-West-Legals mbx [<mailto:GRSC-West-Legals@gannett.com>]
Sent: Wednesday, February 27, 2019 11:42 AM
To: Schlaak, Karen
Subject: RE: [EXT] 3413889 3413905 - 3984B-3 and 6834A-3, Big Sioux Community Water System

Hi Karen,

I will contact Martin for payment.

Please find attached your order confirmation and proof of the ad.

Your ad is set to run in:

- Argus Leader on Mar 6 \$95.53
- Argus Leader on Mar 6 \$96.09

The total cost is \$XX.XX, which includes an affidavit which will be mailed to you after the ad publishes. Please reply by Mar 4 at 12 noon with changes and payment of the ad. You will be able to receive an affidavit 7-10 business days after the last day of printing.

Thanks,

Kia Thor
Public Notice Representative

Sioux Falls Argus Leader | LOCALiQ
PART OF THE USA TODAY NETWORK

Office: 605-331-2345 option 4
legals@argusleader.com

argusleader.com

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Wednesday, February 27, 2019 10:14 AM

To: SFA-Legals mbx <allegals@gannett.com>

Subject: 3413889 3413905 - 3984B-3 and 6834A-3, Big Sioux Community Water System

Attached are TWO notices to be published on March 6, 2019.

Big Sioux Community Water System Inc, c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 (605 997-2098 or 605 864-1417) has been notified to contact you to authorize publication and arrange for payment.

Please send an affidavit for each publication 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, February 27, 2019 10:13 AM
To: ads@madisondailyleader.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

Attached are TWO notices to be published on March 6, 2019.

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:14 AM
To: mce6@mcisweb.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

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



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From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:14 AM
To: allegals@argusleader.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

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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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:15 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

Attached are TWO notices to be published on March 6, 2019.

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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
<http://denr.sd.gov>

MAY 03 2019

Big Sioux Community Water System, Inc.
c/o Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

Enclosed are Future Use Permit Nos. 3984B-3 and 6834A-3 authorizing expanding the area reserved for future use and Water Permit Nos. 8391-3 and 8387-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8387-3

I have this day, October 29, 2021, made a thorough examination of the water use system constructed by Big Sioux Community Water System, Inc, 23343 479th Ave, Egan, SD 57024 of Permit No. 8387-3, bearing the priority of March 19, 2007 (established under Future Use Permit No. 6834-3) authorizing the diversion 0.67 cfs with an annual volume of 300 acre-feet of the waters of the Big Sioux: North Skunk Creek Aquifer for rural water system purposes, in Lake County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm Lacey Well Drilling Inc
- 2) No. of wells – one well, drilled in October 2018

3) Depth 36 feet

4) Well log is available

Screen

1) Type stainless steel – manufactured

2) Length 10 feet

3) Static Water Level 8 feet

Casing

1) Diameter 12 inches

2) Length 26 feet

3) Type steel

B. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the SE corner Sec 6 T105N R51W, 2135 ft N & 30 ft W, Lat 43.92594 Long -96.98940 (NE ¼ SE ¼ Sec 6)

The works are capable of diverting and conveying to the place of use 0.67 cu. ft. per second of water which is to be used for rural water system use. Water diverted from the above well supplies the Dakota Ethanol Plant located in the NE ¼ Section 21, T106N, R51W.

2. All structures, wells and lands on map No, only well location

C. Comments or other permit(s) associated with the project:

The mailing address is current, but the telephone number has changed to 605/997-2098.

Mr. Jeff Carruthers of the Big Sioux Community Water Systems (Rural Water System) told this inspector on November 3, 2021 the one (1) well can deliver 300 gpm. He can be contacted at 605 270-2189.

Report of Examination of Works

Permit No. 8387-3

Big Sioux Community Water System holds Future Use Permit Nos. 6834-3 and 6834A-3. No. 6834A-3 expanded the future use area described in No. 6834-3. Water Permit No. 8387-3 authorized construction and placement to beneficial use, 300 acre feet of water annually reserved by No. 6834-3. Since the entire diversion authority and acre feet limitation authorized under Water Permit No. 8387-3 was developed, nothing reverts back to future use.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 18, 2021**



0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer
Water Right Inspector
DNR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 23 2021

8387-3

Jodi Johanson, Mgr
Big Sioux Community Water System Inc
23343 479th Ave
Egan SD 57024

Dear Ms. Johanson:

Enclosed is Water License No. 8387-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8387-3**

(1) Big Sioux Community Water System Inc., 23343 479th Ave., Egan SD 57024 made Application No. 8387-3, January 22, 2019 for a water permit to divert 0.67 cubic feet of water per second (300 acre-feet annually) from ground water, one well (Big Sioux Northern Skunk Creek Aquifer), Lake County, South Dakota for rural water system purposes. Permit No. 8387-3, with a priority date of March 19, 2007 (established under Future Use Permit No. 6834-3) was approved April 22, 2019 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 22, 2024 and for the application to beneficial use of said water on or before April 22, 2029.

The water authorized under Water Permit No. 8387-3 was appropriated and reserved by Future Use Permit No. 6834-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to construction of the water supply system and is entitled to divert 0.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,135'N and 30'W of the SE corner of Section 6, T105N, R51W (NE ¼ SE ¼ Section 6)
Latitude 43.92594, Longitude -96.98940

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The above well supplies water to the Dakota Ethanol Plant located in the NE ¼ Section 21, T106N, R51W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Big Sioux Community Water System Inc., 23343 479th Ave., Egan SD 57024 the holder and/or owner of Water Right No. 8387-3 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from ground water, one well (Big Sioux Northern Skunk Creek Aquifer) with a priority date of March 19, 2007 (established under Future Use Permit No. 6834-3) from the location specified in (2) of this license for rural water system purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8387-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.
- The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux Northern Skunk Creek aquifer.
- Water Right No. 8387-3 authorizes a total annual diversion of 300 acre feet of water.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

NOV 23 2021
date



8382-3

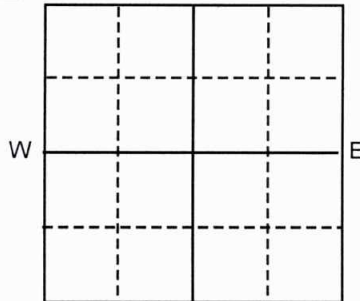
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 6 Twp 105 Rg 51

County LAKE

North

Please mark well
location with an "X"

Well Completion Date

October 14, 2021

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
300.0 ft. from EAST OF LAKE (identify source)

PROPOSED USE:

☐ Domestic/Stock
☐ Irrigation
☒ Municipal
☐ Industrial
☐ Business
☐ Institutional
☐ Test holes
☐ Monitoring well
METHOD OF DRILLING:
MUD ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	57.0 FT	17.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	25	Lb/gal	0.0 Ft	50.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches Length 20.0 Feet

Material STAINLESS STEEL

Slot Size .080 Set From 57.0 Feet to 77.0 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? CHLORINATED

☐ No, Why Not?
Lab to which water
quality sample sent for analysis

* pump not installed

Well Owner: C/O JODI JOHANSON

Business Name: BIG SIOUX RURAL WATER

Address: 23343 479TH AVE

City, State, Zip: EGAN SD 57024

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	.5
CLAY BROWN SANDY	.5	3
GRAVEL	3	26
CLAY GRAY SANDY	26	51
GRAVEL	51	77
CLAY	77	

STATIC WATER LEVEL 27.0 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

43.0 Ft. After 5.0 Hrs. pumped 500.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

GPS 43 55.5560 W 96 59.3660

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12-3-21

RECEIVED

DEC 10 2021

WATER RIGHTS
PROGRAM

Big Sioux Rural Water 12" Production Well

Legend

n 43 55.5560 w 96 59.3660 Big Sioux Rural Water 12" 77' Production well

Round Lake Hills Dr

239th St

Leah's kids

21

239th St

48

21

Google Earth



3000 ft

8387-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate June 2, 2022RECEIVED OF Big Sioux Community Water Inc. 23343 479th Ave., Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>8387-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineervm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUN 2 2022

Ck#

260517

Rec't#

Mail to: PMB 2020

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

RECEIVED

JUN 02 2022

OFFICE OF
WATER

Water Right/Permit No. 8387-3

Date: March 28, 2022

I/We request that Water Right/Permit No. 8387-3 formerly owned by:

Big Sioux Community Water System, Inc.

be transferred to:

New Owner Name: Chrysella Daniel, David Daniel, and Julie Hansen

Address: 23853 461st Ave.

City, State, Zip

Wentworth

SD

57075

Telephone No. 605-270-9564

Title to the following described land(s)/property has been transferred as described above:

Transfer of water rights only to current landowners.

- ☒ I understand that the validity of Water Right/Permit No. 8387-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Chrysella Daniel, Dave Daniel, and Julie Hansen, the new owner, certify that the above information is true and correct.

Julie Hansen
Dave Daniel
Chrysella Daniel
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 3, 2022

8387-3

Chrysella & David Daniel
& Julie Hansen
23853 461st Ave
Wentworth SD 57075

Dear Mr. & Mrs. Daniel and Ms. Hansen:

I am writing in follow-up to the ownership change filed for Water Right No. 8387-3. The ownership change has been completed.

Water Right No. 8387-3, formerly held by Big Sioux Community Water System Inc., is now listed under "Chrysella Daniel, David Daniel and Julie Hansen".

The receipt for the filing fee is being forwarded to Big Sioux Community Water System Inc. If you have any questions, please give us a call.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us