

WATER PERMIT NO. 8405-3

Name of Applicant: **JD Bieber Enterprises Inc.**

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

Amount of Water Claimed: **1.78 cfs** Total Acres: **136**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation** County: **McPherson**

Type of Waste Disposal System:

Location: **approximately 6 miles southwest of Eureka**

PRIORITY Date Received: **7-29-19** Application/License Fee: **\$ 1050**

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

Remarks:

Diversion Point: **approximate center SE 1/4, SW**
1/4 SE 1/4 Sec 29-T126N-R73W

Land to be Irrigated: **SE 1/4 Sec 29-T126N-R73W**

Depth of Well: **209 feet deep**

Well Driller:

Remarks:

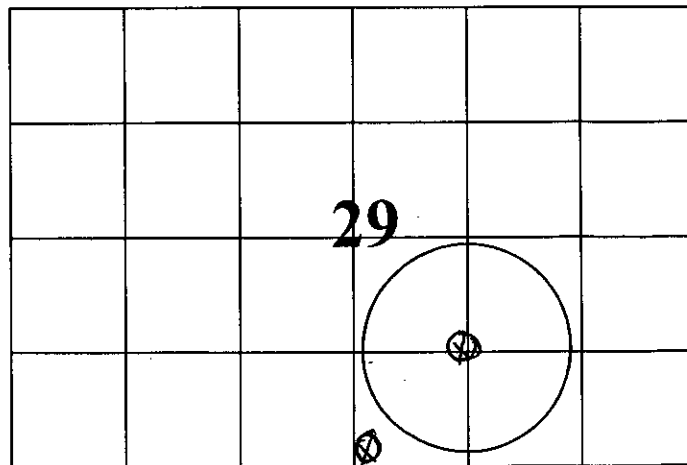
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **7-29-19**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8405-3

Date of first receipt of application July 29, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8405-3 to JD Bieber Enterprises Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8405-3 appropriates 1.78 cubic feet of water per second from two wells to be completed into the Grand Aquifer (209 feet deep) located in the approximate center of the SE 1/4 and the SW 1/4 SE 1/4 Section 29 to irrigate 136 acres located in the SE 1/4 Section 29; all in T126N-R73W which is located approximately 6 miles southwest of Eureka SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is July 29, 2019.
4. The date of approval of Permit No. 8405-3 is October 21, 2019.
5. One-fifth of the construction is to be completed on or before April 21, 2022.
6. All construction is to be completed on or before October 21, 2024.
7. Water is to be put to beneficial use on or before October 21, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Permit No. 8405-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8405-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

NOV 07 2019

date



RECEIVED
JUL 29 2019

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8405-3</u>	(office use only) Hydrologic Unit <u>10130106</u>	WATER RIGHTS PROGRAM PAID JUL 29 2019 Ck# <u>3085</u>
	Basin <u>Missouri River</u>		
	Newspaper <u>Northwest Blade</u>		
	<u>American News</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit JD Bieber Enterprises, Inc.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address PO Box 340 Bowdle SD 57428
(Address) (City) (State) (Zip Code)

Phone _____ Mobile (605) 281-1605 Email bieberjustin@yahoo.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground

4. Location of point of diversion 2 wells in SE1/4-section 29-T126N-R73W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
of 5th pm County McPherson

5. County or counties where water will be used McPherson

6. Annual period during which water is to be used April through October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE1/4-section 29-T126N-R73W</u>	<u>136</u>		

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

Pivot Irrigation. The 4 corners consisting of 22.38 FSA acres will not be irrigated but will be continued to farmed. The state of South Dakota has an observation well 3 miles to the northwest in the same aquaphor that we will be in which is the grand. It is well CA-80C.
aquaphor

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

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

Supplemental Information

(type or print)

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

a) If new wells, how many 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Manikowski Well Drilling Inc
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 209 ft Depth to Top of Water Bearing Material 190 ft Depth to Water from Surface 25 ft

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

2. Wastewater Disposal System Information

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

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

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

3. Dugout Information

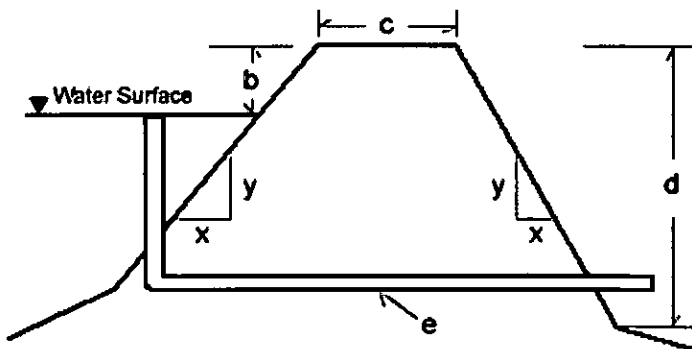
a) Surface Dimensions N/A Depth N/A

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

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

shares



Common Land Unit
Cropland Non-cropland CRP

Farm 3603
Tract 1823

Wetland Determination Identifiers

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

2019 Crop Year

SE 1/4 - Section 29 -
Township 126N of
Range 73W of 5th PM
McPherson County

W N
S E

Tract 1 of 1

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

SOUTH DAKOTA WATER WELL COMPLETION REPORT

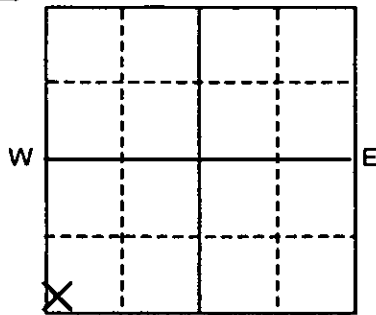
11-02

Location SW ¼ SW ¼ Sec 29 Twp 126N Rg 73W

County McPherson

North

Please mark well location with an "X"



Well Completion Date

7-03-19

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from none nearby (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>11-21</u> LB/FT	<u>5</u> IN	<u>+1</u> FT	<u>190</u> FT	<u>8.75</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>montone</u>	<u>15</u>	<u>9.7</u> Lb/gal	<u>0</u> Ft	<u>190</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Grout placed thru 1" tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 20 Feet

Material PVC

Slot Size .050 Set From 190 Feet to 210 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? 500 gal. 100ppm chlorine solution flushed into well

☒ No, Why Not?

Lab to which water quality sample sent for analysis

irrigation
test well

Well Owner: Justin Bieber

Business Name: JD Bieber Enterprises Inc.

Address: P.O. Box 340

City, State, Zip: Bowdle SD 57428

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	1
Yellow Clay	1	25
Blue Clay	25	154
Gravel	154	156
Blue Clay	156	190
Coarse Sand to Gravel	190	209
Shale	209	240

STATIC WATER LEVEL 25 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: pumped with submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

55.2 Ft. After 42 Hrs. pumped 100 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Stabilized at 3.3 Gal/ ft

This well was drilled under license # 251 and this report is true and accurate.

Drilling firm: Manikowsk Well Drilling Inc.

Signature of License Representative:

By Rod Manikowski

Signature of Well Owner or Equitable Property Holder:

Date: 7-14-19



530646036

ANNUAL REPORT

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

Domestic Business Corporation
SDCL 59-11-24, 24.1

Filing Fee: \$50

2018
FILING YEAR

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

Total Fee: \$50

1. Business ID and Name:

DB046036
BUSINESS ID

J. D. BIEBER ENTERPRISES, INC.
BUSINESS NAME

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

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

Actual Street Address

1085 N 4TH STREET
BOWDLE, SD 57428-2020

Mailing Address

PO BOX 340
BOWDLE, SD 57428-0340

4. The South Dakota Registered Agent's Name:

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

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

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

Actual Street Address in this State

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

Mailing Address in this State

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

Title	Name	Address
President	Sarah Bieber	4785 County Road 24 3/4, Longmont CO 80504
Vice President	SARAH BIEBER	4785 County Road 24 3/4, Longmont CO 80504
Secretary	SARAH BIEBER	4785 County Road 24 3/4, Longmont CO 80504
Treasurer	SARAH BIEBER	4785 County Road 24 3/4, Longmont CO 80504

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

Name	Address
Sarah Bieber	4785 County Road 24 3/4, Longmont CO 80504

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



No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

09/20/2018

Dated

Email (Optional)

Sarah Bieber

Signature of an Authorized Person

Sarah Bieber

Printed Name

B0073-9745 09/20/2018 9:03AM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 29

, 2019

JD Bieber Enterprises, Inc. PO Box 340 Bowdle SD 57428

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8405-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8405-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **09175**

By

Jeanne Goodman
Chief Engineer
Jm

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 30, 2019 11:23 AM
To: 'bieberjustin@yahoo.com'
Subject: Water Permit Application Nos. 8405-3 and 8406-3
Attachments: 8405-3.pdf; 8406-3.pdf

Attached are the reports, recommendations and information regarding the public notices for your two water permit applications. As stated in the letter, you need to contact the newspapers to authorize publication and arrange for payment as soon as possible.

Please note that 8405-3 (McPherson County) is to be published in the Northwest Blade and 8406-3 (Walworth County) is to be published in the Selby Record. Both notices to be published in the Aberdeen American News. Paper copies 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. 8405-3, J D Bieber Enterprises, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8405-3, J D Bieber Enterprises, Inc., Sarah Bieber, PO Box 340, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 8405-3 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 wells approved under Permit No. 8405-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8405-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
September 30, 2019

Report to the Chief Engineer
Water Permit Application No. 8405-3
JD Bieber Enterprises Inc.
September 26, 2019

Water Permit Application No. 8405-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from the Grand aquifer for the irrigation of 136 acres located in the SE ¼ Section 29 in T126N-R73W. The proposed diversion points are two wells to be located in the SE ¼ and the SW ¼ SE ¼ Section 29 in T126N-R73W in McPherson County located approximately six miles southwest of Eureka, SD.

Aquifer: Grand Aquifer (G)

Hydrogeologic Information and Aquifer Characteristics

The Grand aquifer lies in a bedrock valley formed by erosion caused by the preglacial ancient Grand River (Christensen, 1977 and Hamilton, 1982). The aquifer is composed of stratified sand, gravel, and silt from the outwash and alluvium of the preglacial Grand River and can contain thin beds of silty clay (Hamilton, 1982 and Koch, 1970). The Grand aquifer sharply increases in thickness from its margins to the deepest part of the bedrock channel in which it lies, with its greatest thicknesses occurring in the deepest areas of the bedrock channel (Hamilton, 1982). Hamilton (1982) documents an average thickness for the aquifer of 50 feet in McPherson, Edmunds, and Faulk counties with a maximum thickness of 175 feet occurring in southwestern McPherson county near the deepest area of the bedrock channel in which the aquifer lies.

Hedges et al. (1982) estimated the Grand aquifer underlies approximately 405,100 acres of Campbell, Edmunds, Faulk, Hand, McPherson, and Walworth Counties and contains about 3,637,000 acre-feet of recoverable water. Approximately 44,200 acres of that area underlies McPherson County. The delineation of the Grand aquifer by Hedges et al. (1982) is shown in Figure 1. Water movement varies locally within the aquifer (Hamilton, 1982). This aquifer is primarily under artesian conditions (Water Rights, 2019a). Water in some areas of the Grand aquifer has medium sodium hazard and a high salinity, which would indicate the potential need for special management when utilizing the Grand for irrigation purposes (Koch, 1970; Hamilton, 1982; and Water Rights, 2019b).

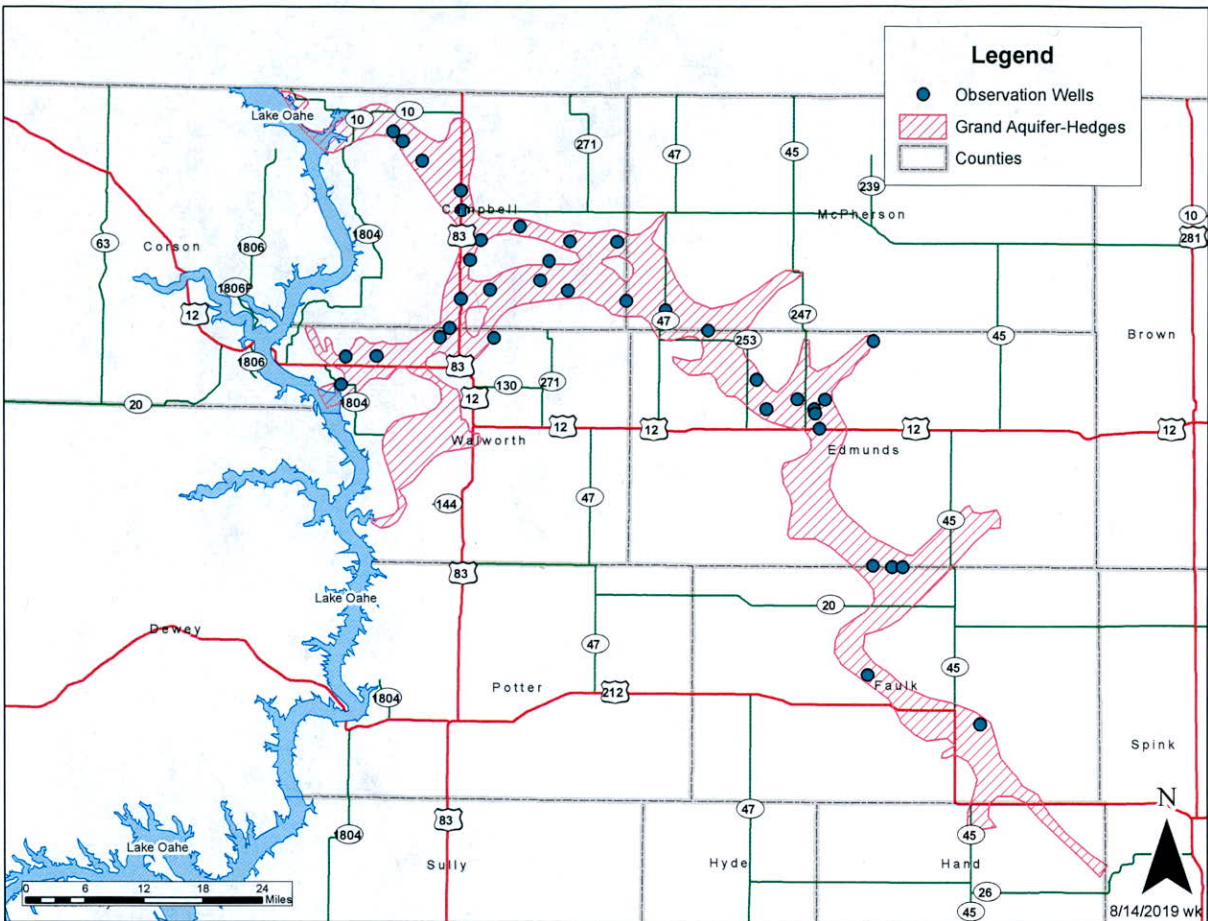


Figure 1: Approximate areal extent of the Grand aquifer based on the aquifer delineation of Hedges et al. (1982) and the location of currently monitored Water Rights observation wells in the aquifer (Water Rights, 2019a)

The South Dakota Geological Survey (SDGS) as part of the preparation of the First Occurrence of Aquifer Materials maps for Edmunds, Faulk, and Hand Counties has completed additional drilling in these counties since the publication of the Grand aquifer delineation by Hedges et al. (1982)(SDGS, 2019a). A first occurrence of aquifer materials map is typically not a map that identifies individual glacial aquifers. Rather, it is a map with a range of depths to geologic materials of a mappable extent that have the potential to produce water and in the case of the First Occurrence of Aquifer Materials Map in Edmunds County some of the mapped aquifer materials included notations on which aquifer's extent they contributed to (Rich, 2010). Since multiple aquifers separated by confining layers can be present vertically at a single location, first occurrence maps only yield information that can potentially contribute to refining aquifer delineation for the upper most aquifer in the sequence, therefore depending on location first occurrence maps typically do not offer much insight into the extent of basal aquifers (glacial aquifers typically directly overlying the bedrock). However, in Edmunds and northern Faulk Counties the Grand aquifer, where present, is generally the uppermost mappable occurrence of aquifer material (Hedges et al., 1982; Rich, 2008; and Rich, 2010).

A review of the First Occurrence of Aquifer Materials maps for Edmunds and Faulk Counties (Rich, 2008 and Rich, 2010) indicates two locations where the Grand aquifer as mapped by Hedges et al. (1982) is likely not present. This creates portions of the aquifer that have some degree of hydrologic separation between them indicating they should have separate evaluations of water availability. This is indicated by the aquifer material of first occurrence being a bedrock aquifer, which would underlie the Grand aquifer thereby indicating the Grand aquifer is not present in those areas. The first location is an arm extending from the main body of the aquifer near the Faulk-Edmunds County line (Rich, 2008 and Rich, 2010). This is shown in Figure 2.

This separation is further supported by three observation wells in the area monitored by the Water Rights Program. The two observation wells (FA-80A and FA-2000A) completed into the eastern arm have a significant (approximately 165 feet) difference in water levels when compared to the nearest observation well completed into the main body of the aquifer (ED-2000A). The hydrographs of the water level data for these observation wells are shown in Figure 3. Observation well ED-2000A and FA-2000A are located approximately two miles apart and while a significant variation in water levels over such a short distance in the same aquifer is possible, it is much greater than would be expected of a single connected aquifer. Therefore, FA-2000A and ED-2000A are completed into separate portions of the Grand aquifer. A review of the available lithologic information also suggests potential for vertical separation in the two outwash bodies (SDGS, 2019a and Water Rights, 2019a). These factors indicate that water availability in the two outwash bodies should potentially be evaluated separately.

The second area is in north central Faulk County (Rich, 2008). This area is also shown in Figure 2. A review of the available lithologic data for the area which includes drilling done by the SDGS after the publication of Hedges et al. (1982) supports the Grand aquifer not being present in this area (SDGS, 2019a). The distance between the two outwash bodies is approximately four miles, which indicates some degree of hydrologic separation between the outwash bodies. This indicates water availability in the outwash bodies should be evaluated separately.

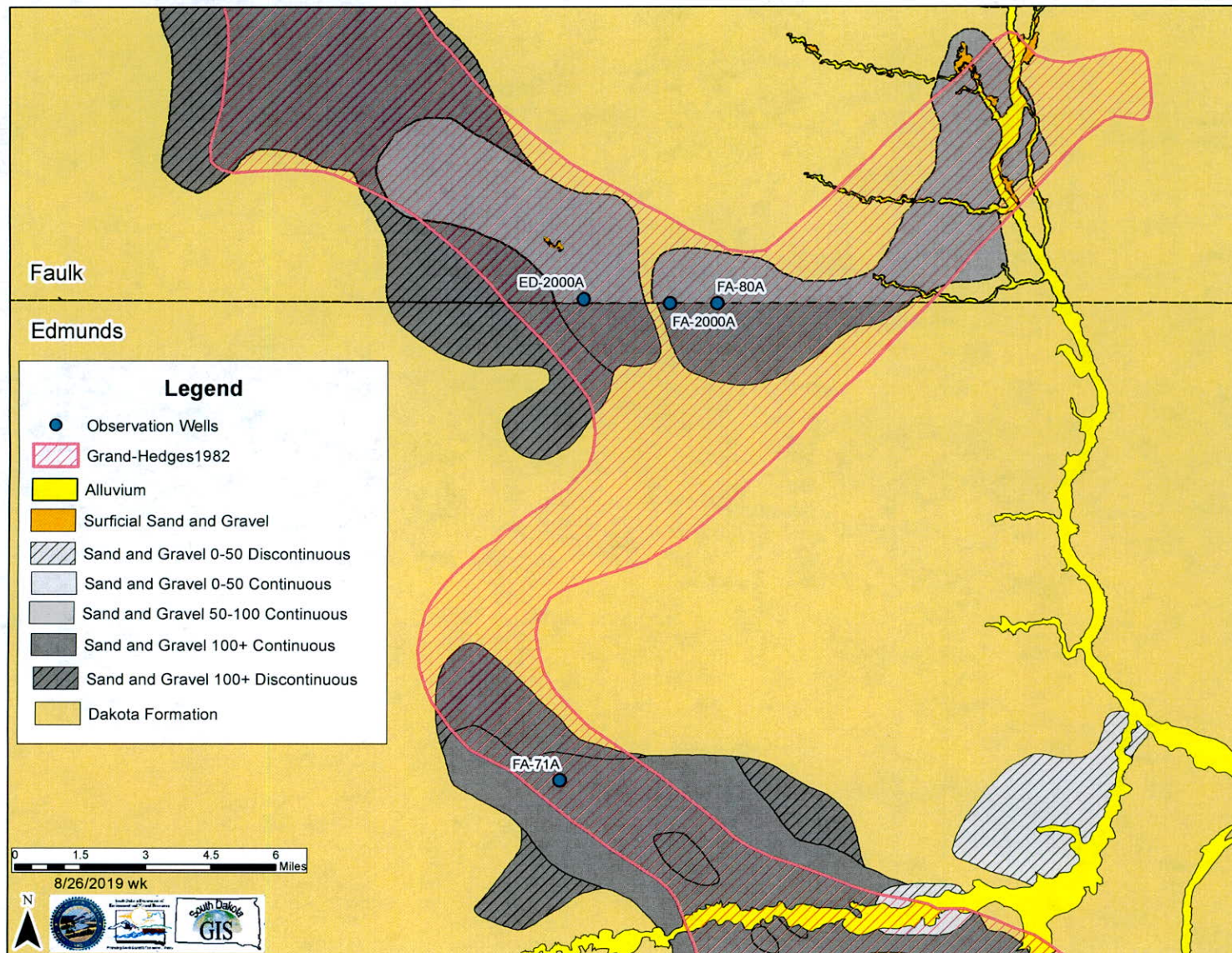


Figure 2: Locations of areas where the work of Rich (2008 and 2010) indicates the Grand aquifer is not present within the delineation of the Grand aquifer by Hedges et al. (1982)

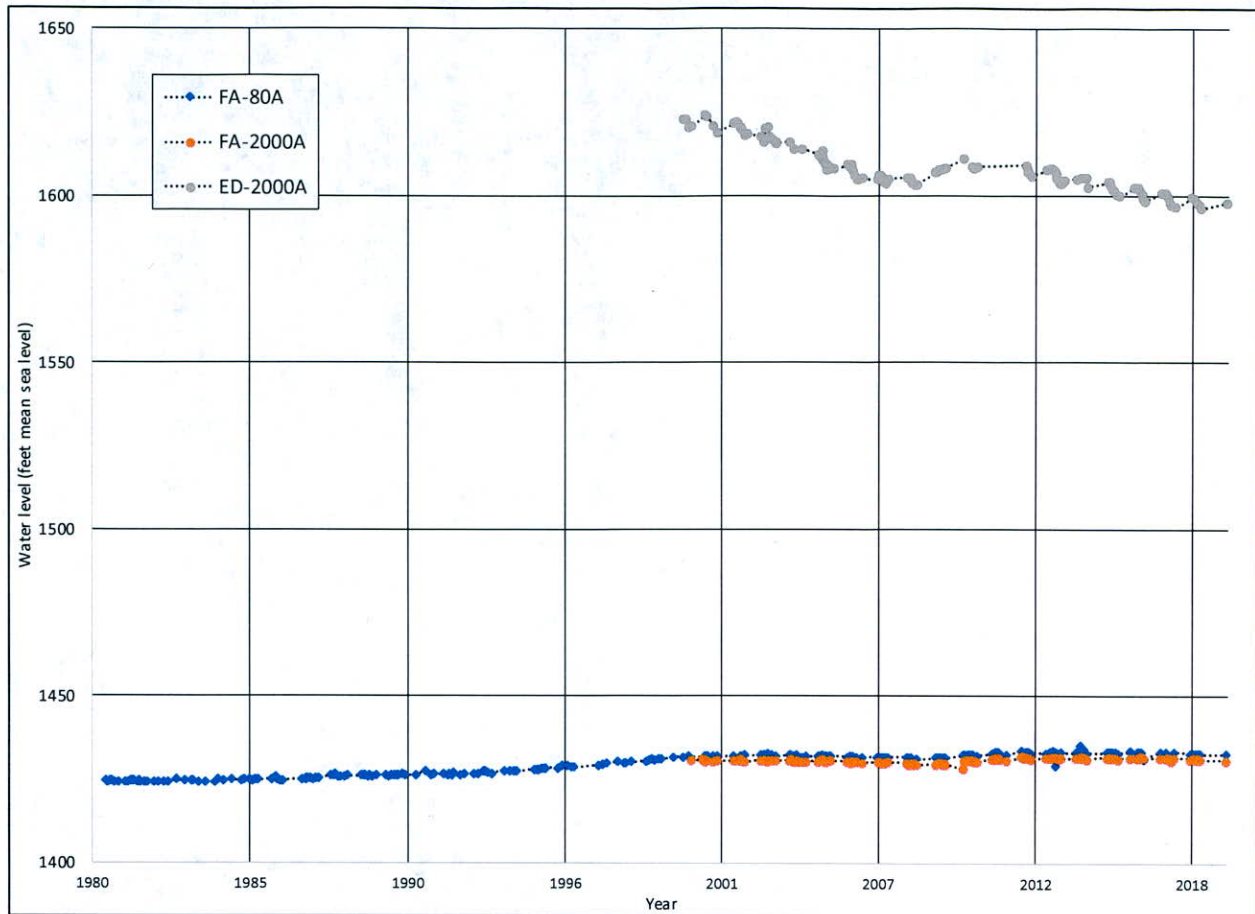


Figure 3: Hydrographs for observation wells FA-80A, FA-200A, and ED-2000A (Water Right, 2019a)

The proposed diversion points for this application are located in the northern portion of the Grand aquifer located in Campbell, Walworth, McPherson, Edmunds, and northern Faulk Counties. The areal extent of the northern portion of the Grand aquifer was determined by utilizing the delineation of Hedges et al. (1982) for Campbell, Walworth, and McPherson Counties. Hedges et al. (1982) is the best currently available delineation of the aquifer for these counties, since significant additional drilling and study has not been done in these counties since Hedges et al. (1982). The SDGS project page for the First Occurrence of Aquifer Materials mapping work lists additional work in Campbell and McPherson Counties as in progress and Walworth County as planned (SDGS, 2019b). Since the additional drilling and study needed to produce these maps are multi-year projects and in these counties there is a greater presence of shallow aquifers overlying the Grand, which would be mapped as the first occurrence of aquifer material rather than the Grand aquifer, it will likely be many years until sufficient additional data is available to further refine the extent of the Grand aquifer in these counties. Since in the First Occurrence of Aquifer Materials Map in Edmunds County specifically identifies aquifer materials as being part of the Grand aquifer, the Grand aquifer as identified by Rich (2010), excluding the previously noted hydraulically separate arm of the aquifer, was used in determining the areal extent of the northern

portion of the Grand aquifer. Although the First Occurrence of Aquifer Materials Map in Faulk County does not attribute aquifer materials of glacial origin to a specific aquifer, a general lack of overlying aquifers in the north central part of the county allows for matching of mapped aquifer materials to the Grand aquifer. So, for the limited extent of the northern portion of the Grand aquifer in Faulk County, the First Occurrence of Aquifer Materials Map was used to determine the areal extent of the northern portion (again excluding the previously noted hydrologically separate arm of the aquifer). The resulting areal extent of the northern portion of the Grand aquifer is estimated to be approximately 360,600 acres and is shown in Figure 4. The estimated extent by county is shown in Table 1. For the remainder of this report aquifer or Grand aquifer will refer to the northern portion of the Grand aquifer as shown in Figure 4.

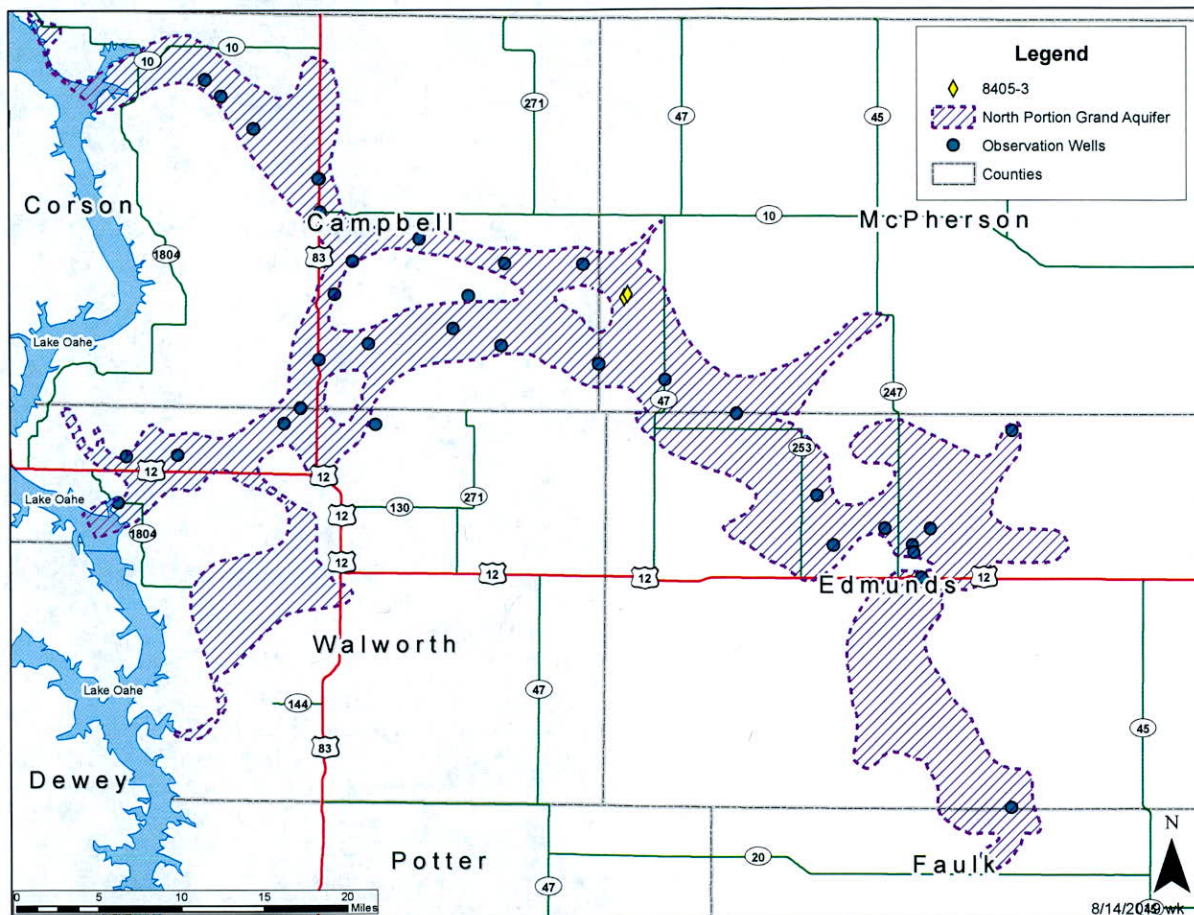


Figure 4: Delineation of the northern portion of the Grand aquifer based on Hedges et al. (1982), Rich (2008), and Rich (2010), the well sites for this application, and the location of currently monitored Water Rights observation wells completed into the northern portion of the Grand aquifer (Water Rights, 2019a)

Table 1: Estimated Area of the Northern Portion of the Grand aquifer as shown in Figure 4

County	Acres	Source
Campbell	97,900	(Hedges et al., 1982) -report text
McPherson	44,200	(Hedges et al., 1982) -report text
Walworth	67,200	(Hedges et al., 1982) -report text
Edmunds	144,039	estimated from (Rich, 2010)
Faulk	7,282	estimated from (Rich, 2008)
Total	360,621	

The test well information submitted for this application indicated the test well was screened in coarse sand and gravel from 190 to 209 feet below ground surface. The well driller reported encountering shale from 209 to 240 feet below ground surface. The static water level at the time of completion (July 3, 2019) was reported as 25 feet below ground surface. This indicates the aquifer is under confined conditions in the vicinity of the proposed well locations for this application.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights, and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and potential effects on existing rights from the aquifer that are pertinent to this application.

Water Availability

The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved, and the Grand aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal versus recharge issue must be considered.

Observation Wells

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

The Water Rights Program currently monitors 37 observations wells identified as being completed in the Grand aquifer, of which 33 are completed into the same portion of the Grand aquifer that this application proposes to appropriate water from. In general, water levels in the

observation wells for the aquifer rise during wet periods and gradually decline during dry periods demonstrating the aquifer responds well to climatic conditions. Some of observation wells in the aquifer show localized seasonal fluctuations in water level. The magnitude of seasonal fluctuations varies based on proximity to high capacity irrigation wells in the aquifer. However, all the observation wells in the aquifer with seasonal fluctuations show recovery after the end of the irrigation season. The exception is ED-2000A which shows a declining water level over its period of record, which is likely due to localized conditions in the aquifer potentially due to pumping from two nearby water rights and area aquifer boundaries. However, in general the observation wells in the aquifer indicate that natural conditions dominate the aquifer, and that recharge to and natural discharge from the aquifer exceeds pumping. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available.

The hydrographs for the nearest observation wells to the proposed well location for this application are shown in Figures 5, 6, and 7. The nearest is observation well CA-80C located approximately 3.2 miles northwest of the proposed well locations for this application. Several of the water level readings for 2017 are inconsistent with the rest of the period of record for these observation wells, so while included in the hydrograph for these observation wells the readings are considered suspect.

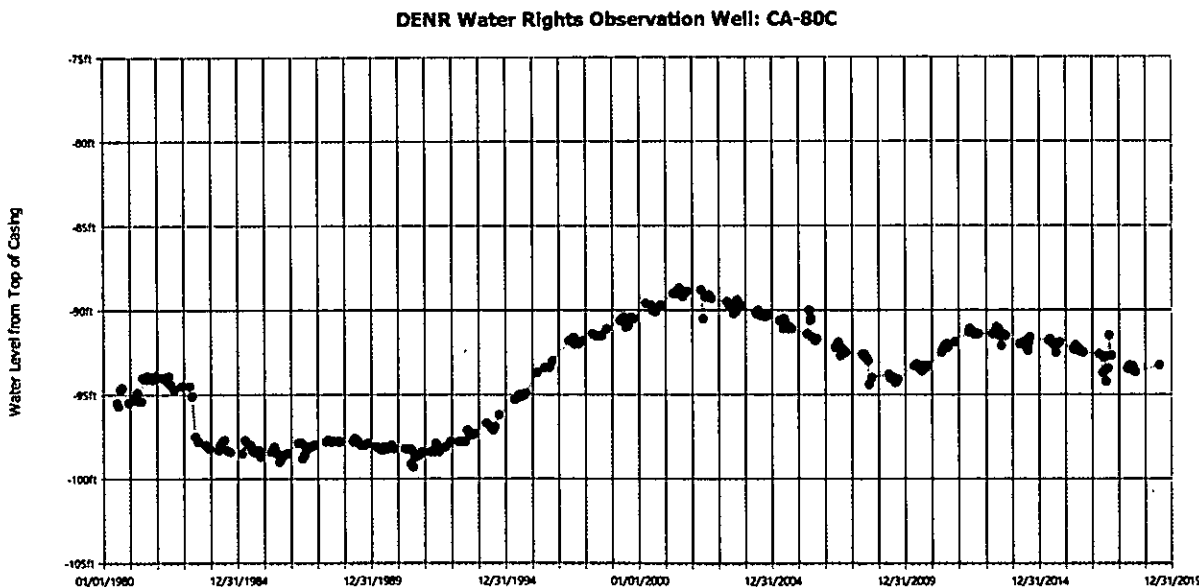


Figure 5: Hydrograph for Observation Well CA-80C located 3.2 miles to the northwest of the well locations for this application (Water Right, 2019a)

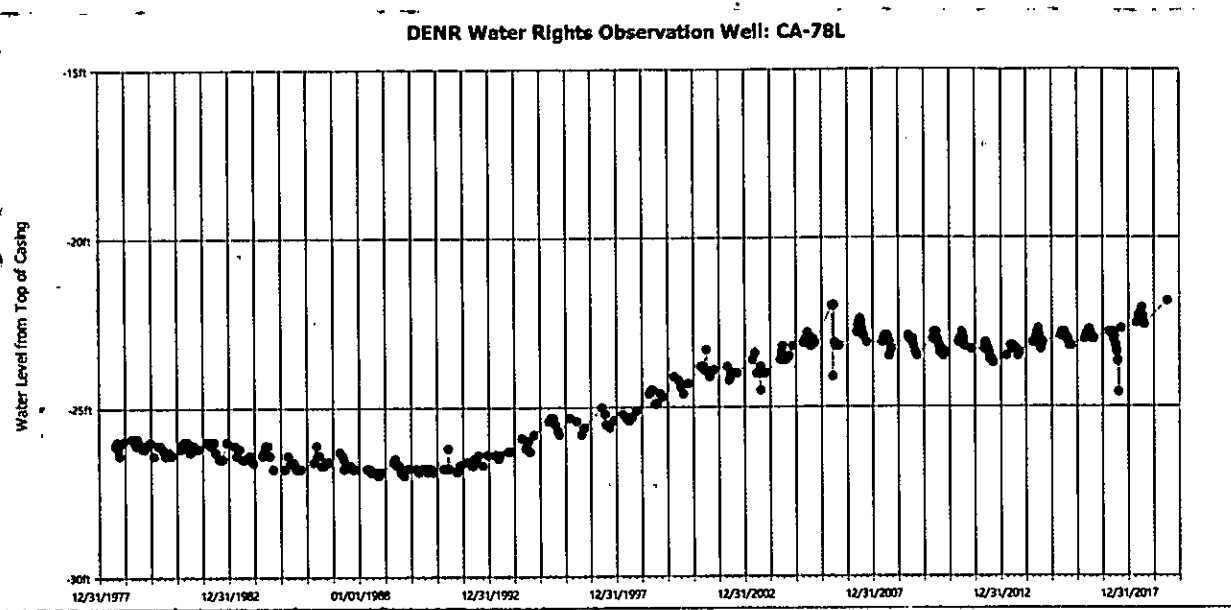


Figure 6: Hydrograph for Observation Well CA-78L located 4.3 miles to the south southwest of the well locations for this application (Water Right, 2019a)

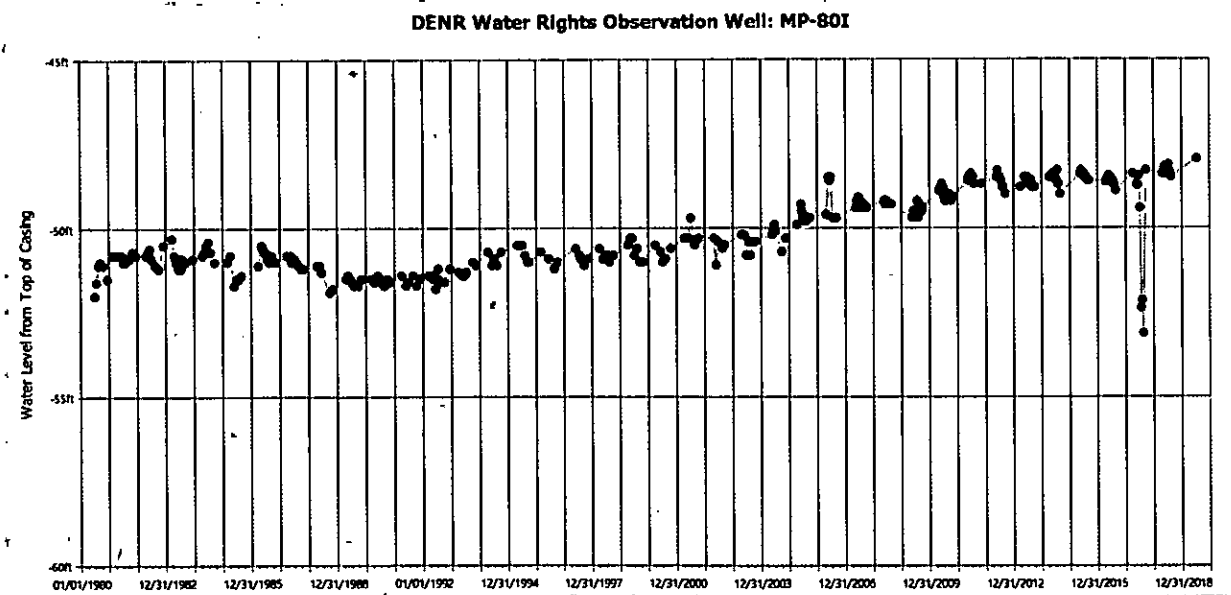


Figure 7: Hydrograph for Observation Well MP-80I located 5.2 miles to the southeast of the well locations for this application (Water Right, 2019a)

Hydrologic Budget

Recharge

Recharge to the aquifer is from infiltration of water through overlying sediments, and the aquifer can receive recharge from the Oahe Reservoir when the water level in the reservoir is above the potentiometric surface of the aquifer (Koch, 1970). Based on observation well analysis, Hedges et al. (1985) estimated recharge to unconfined portions of the Grand aquifer at approximately 4.0

inches per year. However, there is not enough data to estimate the unconfined area of the aquifer, and the data that is available indicates the aquifer is primarily under confined conditions over most of its extent. For confined aquifers, Hedges et al. (1985) recommends utilizing a range of recharge rates from 0.15 to 0.60 inches per year for management and development programs to estimate recharge. By applying the general recharge range for a confined aquifer to the area of the northern portion of the aquifer (360,600 acres), recharge is estimated to be between approximately 4,508 to 18,030 acre-feet per year.

Withdrawal

Discharges from the aquifer are the result of natural discharge and withdrawals from wells (Hamilton, 1982). Withdrawals due to wells can be split into irrigation and non-irrigation uses. Withdrawals for domestic wells are not considered a significant portion of the hydrologic budget for the aquifer. In the northern portion of the Grand aquifer, there are currently 12 water rights/permit for non-irrigation use, 32 water rights/permit for irrigation, and one pending water permit application for the reinstatement of a water permit for irrigation use in Campbell County.

Water Right No. 2769-3 for the City of Onaka is unlikely to be completed into any portion of the Grand aquifer. The wells for Water Right No. 2769-3 are located about eight miles outside the area of the Grand aquifer as mapped by Hedges et al. (1982) and are not located in the area of the bedrock channel in which the aquifer lies (Christensen, 1977), therefore estimated average annual water use for Water Right No. 2769-3 will not be included in the hydrologic budget for the northern portion of the Grand aquifer.

Non-irrigation water rights/permits and their estimated average annual water use are summarized in Table 1. Historically, average water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal, and it is assumed that future use permits will be fully developed. The municipalities of Pollock, Herreid, Mound City, and Glenham are all connected to rural water (Friedeman, 2019 and Drinking Water Program, 2019). Water use by these municipalities is accounted for under the rural water system's usage, and the wells for these municipalities are maintained for emergency use (e.g. backup or fire protection). The City of Roscoe only obtains approximately 75 percent of its water from a rural water system (Friedeman, 2019). The City of Hosmer obtains approximately 90 percent of its water from a rural water system (Friedeman, 2019). Average annual water use for the Cities of Roscoe and Hosmer from the Grand aquifer was estimated by using 60% of full time pumping at the permitted diversion rate, however actual use by these municipalities from the Grand aquifer is likely much less due to their connection to a rural water system. Water Right No. 7841-3 is required to report annual water use to the Water Rights Program, and average annual reported water use for Water Right No. 7841-3 from 2013 to 2018 is 16.4 acre-feet per year (Water Rights, 2014-2019). This indicates that average annual water use from the Grand aquifer by Water Right No. 7841-3 is likely less than the annual limit on the water right. Therefore, estimated average annual use by non-irrigation permits in the northern portion of the Grand aquifer is estimated to be less than 1,137 acre-feet per year.

Table 2: Estimated Average Annual Water Use From Non-irrigation Water Rights in the Northern Portion of the Grand Aquifer (Water Rights, 2019b; Friedeman, 2019; and Drinking Water Program, 2019)

Permit No.	Name	Use	Status	Rate (cfs)	Annual Limit (acre-feet)	Estimated Average Annual Use (acre-feet)
6012-3	WEST POLLOCK ASSOCIATION	COM	LC	0.035		15.2
6111-3	BLUMENGARD COLONY	COM & LCO	LC	0.45		195.5
6185-3	BLUMENGARD COLONY	COM&DOM&LCO	LC	0.667		289.7
7184-3	JENSEN ROCK & SAND INC	IND	LC	0.67	20	
7841-3	HERREID CONCRETE INC	IND	LC	1.39	282	
778-3*	TOWN OF POLLOCK	MUN	LC	0.56		0.0
1705-3	HOSMER	MUN	LC	0.27		117.2
3998-3*	TOWN OF GLENHAM	MUN	LC	0.12		0.0
4144-3*	MOUND CITY	MUN	LC	0.22		0.0
4914-3*	ROSCOE	MUN	LC	0.5		217.2
5366-3*	POLLOCK	MUN	LC	0.78		0.0
5417-3*	HERREID	MUN	LC	1.17		0.0
Total						1136.8

LC- water right, COM-commercial, LCO-livestock confinement operation, IND- Industrial, DOM- domestic, MUN- municipal
 *Connected to rural water

The Water Rights Program collects and maintains irrigation data from across the state. Reported irrigation pumping from the northern portion of the Grand aquifer from 1979 to 2018 is shown in Figure 8. The average reported irrigation pumping for this time period is approximately 2,428 acre-feet per year. However, there are several water permits with constructed usage not reflected in the long-term average. As of the submission of their 2018 Irrigation Questionnaires Water Permit Nos. 8091-3, 8092-3, 8096-3, and 8097-3 authorizing the irrigation of a total of 920 acres have not been constructed but are still within their five-year construction period (Water Rights, 2019b). These four water permits are all not to exceed two acre-feet of water annually for each acre of land to which water is beneficial applied. However, average application rates for aquifers in the eastern part of the state are typically less than 10 inches per year (Water Rights, 2019b). Therefore, estimated average annual use for these four permits is estimated to be much less than 1,840 acre-feet per year. Average annual use for Water Permit Application No. 8402-3 was estimated to be 200 acre-feet per year (Magstadt, 2019). Water Permit No. 7616-3 and Water Permit No. 7813-3 both reported non-construction of their systems on their 2018 Irrigation Questionnaires and the deadline for system construction on their permits has past (Water Rights, 2018-2019 and Water Rights, 2019b). This indicates Water Permit Nos. 7616-3 and 7813-3 are potentially both subject to cancellation due to non-construction so estimated average annual use for these permits is zero acre-feet per year. Therefore, estimated average annual irrigation usage for the northern portion of the Grand aquifer is less than 4,468 acre-feet per year.

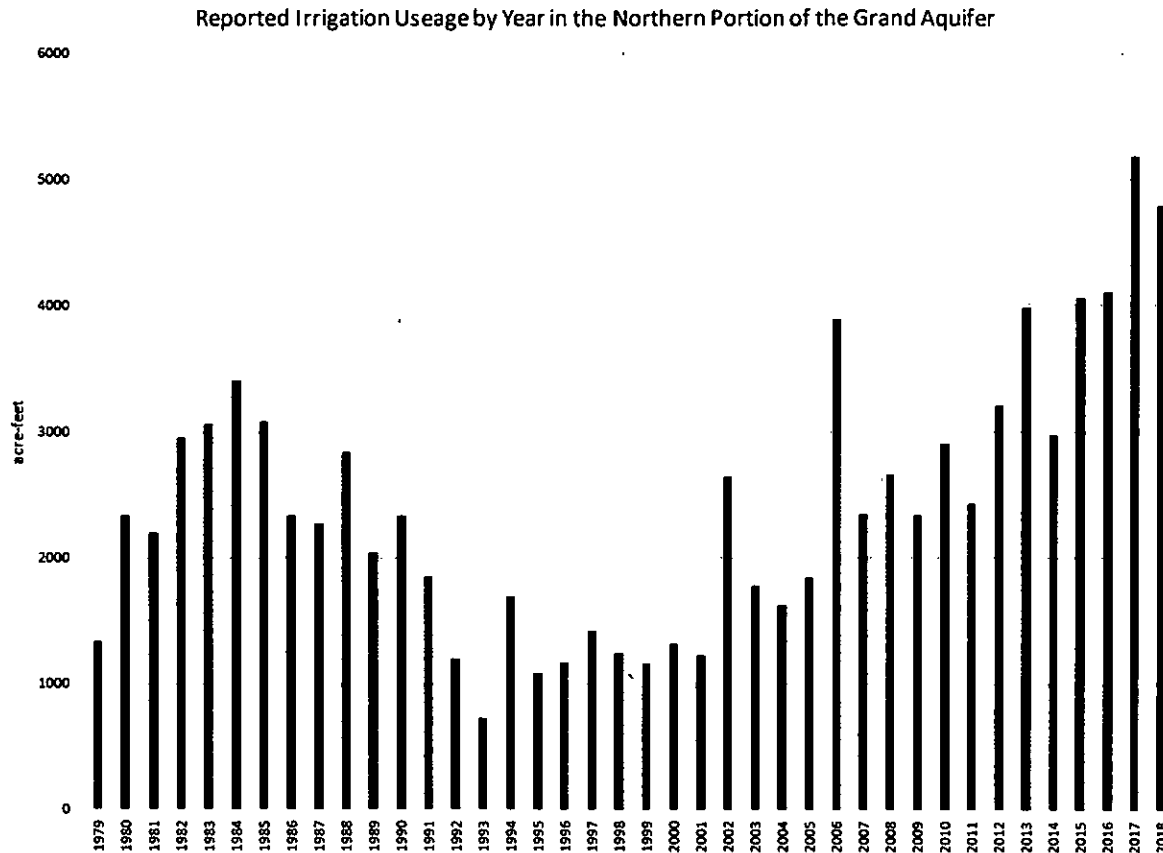


Figure 8: Reported irrigation usage by year for the northern portion of the Grand aquifer (Water Rights, 1980-2019)

Balance

The estimated average annual non-irrigation use from the northern portion of the Grand aquifer is estimated to be less than 1,137 acre-feet per year and the estimated average annual irrigation use from the northern portion of the Grand aquifer is estimated to be less than 4,468 acre-feet per year. This results in a total estimated average annual appropriative use of less than 5,605 acre-feet per year. The estimated average annual recharge to the aquifer is between 4,508 to 18,030 acre-feet per year. Estimated average annual used associated with this application is less than 272 acre-feet per year. Considering the observation well data indicates water is available and that estimated average annual withdrawals is toward the low end of the range of estimated average annual recharge, there is a reasonable probability that unappropriated water is available in the aquifer for the appropriation requested by this application.

Existing Users

Water rights/permits appropriating water from the Grand aquifer in the area of the proposed well locations for this application are shown in Figure 9 and summarized in Table 3. The nearest water right/permit to the proposed well location for this application is Water Permit No. 8092-3 for irrigation held by Roy Grismer located approximately 5.3 miles to the southeast. Given the distance between the proposed well locations for this application and the other existing water

rights/permits appropriating water from the aquifer pumping under this application is not expected to unlawfully impact existing water right/permit holders.

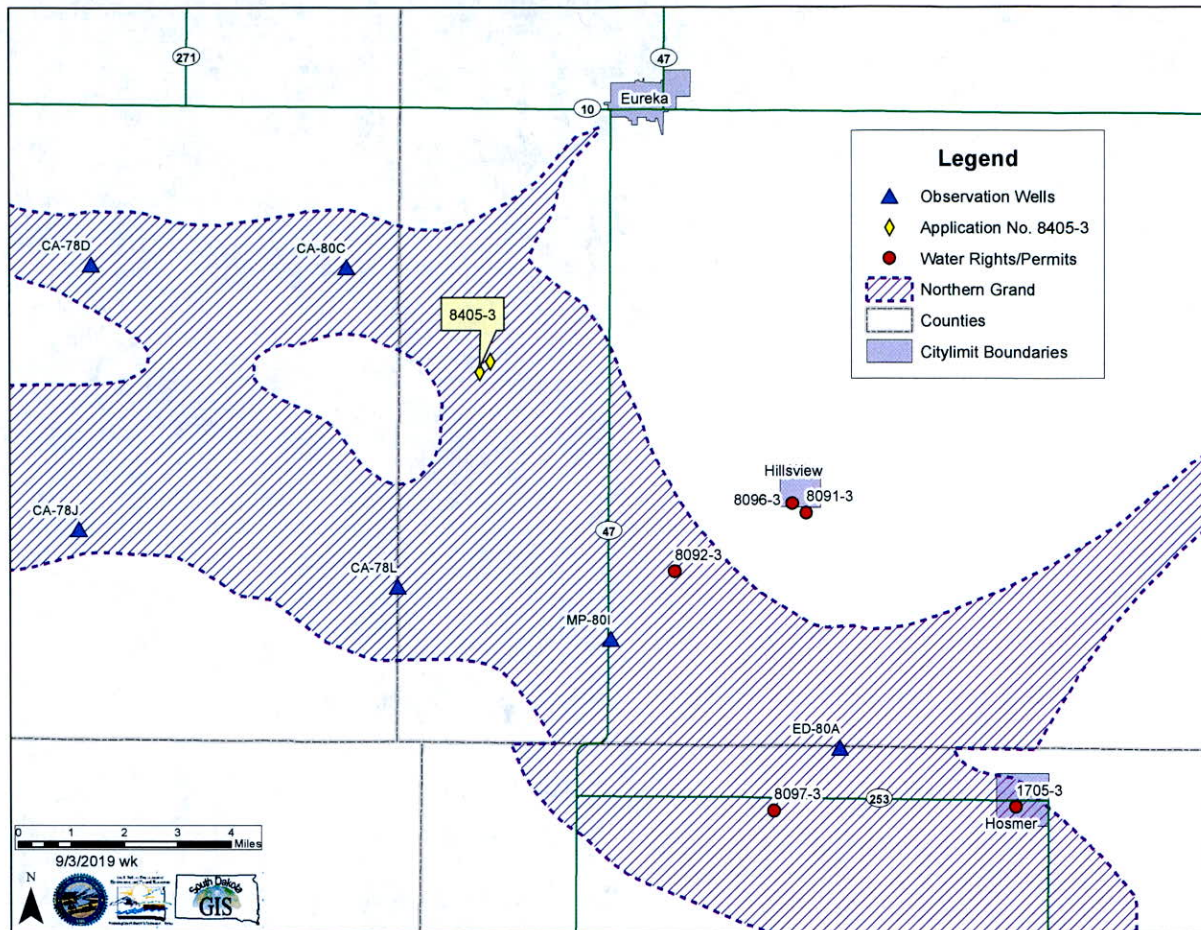


Figure 9: Existing water rights/permits currently authorized to appropriate water from the Grand aquifer (Water Rights, 2019b) (Note: lack of alignment in the estimated aquifer boundary at the McPherson-Edmonds County Line due to change in source of aquifer delineation) (modified from Hedges et al., 1982 and Rich, 2010)

Permit No.	Name	Status	Use	Rate (cfs)	Acres
1705-3	CITY OF HOSMER	LC	MUN	0.27	n/a
8091-3	ROY GRISMER	PE	IRR	2.67	240
8092-3	ROY GRISMER	PE	IRR	2.67	240
8096-3	JEFFREY AMAN	PE	IRR	2.28	160
8097-3	JEFFREY AMAN	PE	IRR	2.67	280

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

A review of well completion reports on file with the Water Rights Program indicates there are domestic wells completed into the Grand aquifer within one mile of the proposed well locations for this application (Water Rights, 2019c). Since the aquifer is under confined conditions in the

area of the proposed well locations, some amount of drawdown from pumping is expected. The exact amount of drawdown as the result of pumping due to this proposed diversion cannot be quantified without aquifer testing. The test well for this application indicates 165 feet of artesian head pressure in the vicinity of the proposed well locations for this application. Since this application is for irrigation use, any drawdown is expected to be seasonal in nature. While the observation wells closest to the proposed well location do not show seasonal water level fluctuations in relation to irrigation pumping over their periods of record, observation well CA-78I demonstrates the impacts of seasonal irrigation pumping elsewhere in the Grand aquifer. Observation well CA-78I is located within one mile of the wells for five water rights for irrigation authorizing the irrigation of a total of 928 acres. The hydrograph for observation well CA-78I is shown in Figure 10. While the hydrograph for the observation well is shown as an example of seasonal fluctuations due to irrigation pumping, any fluctuations as a result of pumping by this application are not expected to reach the magnitude of those shown in the hydrograph for observation well CA-78I.

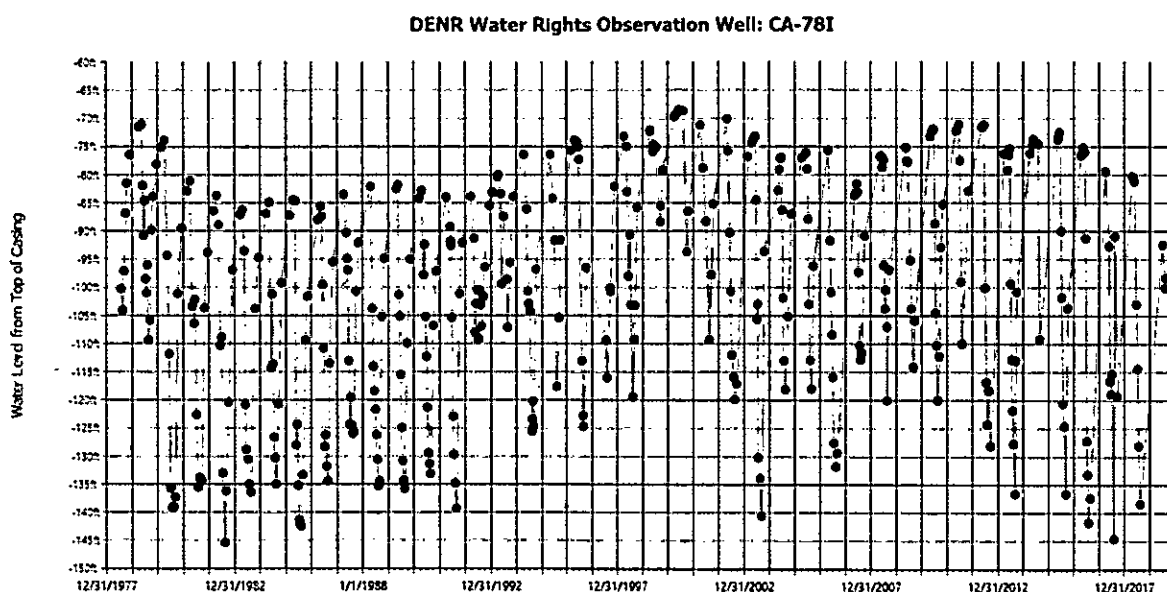


Figure 10: Hydrograph of observation well CA-78I located approximately 15 miles east southeast of the proposed well location for this application (Water Rights, 2019c)

In the past, the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The Water Management Board has promulgated rules that allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Board has defined an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.” In the case of Water

Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills, the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users of artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995). While some domestic well owners may need to lower their pumps to account for seasonal fluctuations in artesian head pressure, given the amount of artesian head pressure in the aquifer in the area of the well location for this application it is not expected to be to the point that domestic wells could be adversely impacted. Ultimately considering the best available information, there is reasonable probability that this application, if approved, will not adversely impact existing water rights/permits or domestic users with adequate wells.

History of Water Permits for the Grand Aquifer in McPherson County

In 2015, Water Permit Nos. 8091-3, 8092-2, and 8096-3 for irrigation from the Grand aquifer in McPherson County were all contested during the permitting process (Water Rights, 2019b). The petitioner's main concern was the potential for these irrigation wells to affect their domestic wells, several of which were flowing wells. Ultimately, the Water Management Board approved these water permits with a qualification that the well owner shall 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. As of the submittal of their 2018 Irrigation Questionnaires, the systems for these water permits have not been constructed.

Conclusions

1. Water Permit Application No. 8405-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from the Grand aquifer for the irrigation of 136 acres located in the SE ¼ Section 29 in T126N-R73W from two wells to be located in the SE ¼ and the SW ¼ SE ¼ Section 29 in T126N-R73W in McPherson County.
2. Based on a review of the hydrologic budget for the northern portion of the Grand aquifer and the observation well information for the aquifer, there is a reasonable probability that water is available in the northern portion of the Grand aquifer for the applicants proposed use as required by SDCL 46-2A-9.
3. There is a reasonable probability that these applications if approved will not adversely impact existing water rights/permits or domestic users with adequate wells.


Whitney Kiltz

SD DENR-Water Rights Program

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Water Rights. 2019c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

The Northwest Blade

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

STATE OF South Dakota: COUNTY OF McPherson

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

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

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

10/10 Notice of Application / JD Bieber Enterprises

NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

TYPE OF DOCUMENT: legal

AUTHORIZED SIGNATURE: Makina Vou

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

1st DAY OF OCTOBER, 2019.

NOTARY SIGNATURE: Cheryl McCullum

RECEIVED

OCT 24 2019

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION**

NO. 8405-3 to

Appropriate Water

Notice is given that J D Bieber Enterprises, Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Grand Aquifer (209 feet deep) located in the approximate center of the SE 1/4 and the SW 1/4 SE 1/4 Section 29 to irrigate 136 acres located in the SE 1/4 Section 29; all in T126N-R73W which is located approximately 6 miles southwest of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No: 8405-3 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 October 21, 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.

Published once at an approximate cost of \$32.03 @ .01 cents per reader.

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OCT 15 2019

WATER RIGHTS
PROGRAM(No. 746059)
(October 10, 2019 - 1T)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

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

Legal # 746059
Notice of Application No. 8405-3

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

day for 1 successive day
The first publication being made on the 10th day of Oct., 2019.
The second publication being made on the _____ day of _____, 2019.
The third publication being made on the _____ day of _____, 2019.
The fourth publication being made on the _____ day of _____, 2019.
The fifth publication being made on the _____ day of _____, 2019.
The sixth publication being made on the _____ day of _____, 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 48.23, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Renning
Subscribed and sworn to before me this 10th day of Oct., 2019.

Daily Circulation 10,000

Michael

Notary Public, Brown County, SD.

My commission expires March 20, 2025NOTICE OF APPLICATION NO.
8405-3 to Appropriate Water

Notice is given that J D Bieber Enterprises, Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Grand Aquifer (209 feet deep) located in the approximate center of the SE 1/4 and the SW 1/4 SE 1/4 Section 29 to irrigate 136 acres located in the SE 1/4 Section 29; all in T126N-R73W which is located approximately 6 miles southwest of Eureka SD.

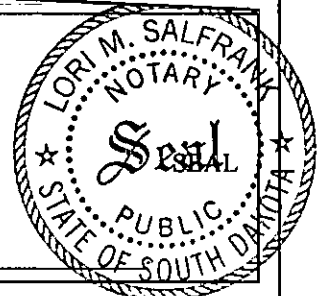
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Published once at the total approximate cost of \$48.23.



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 30, 2019 10:31 AM
To: Aberdeen News Legals (aan-legals@aberndeennews.com)
Subject: 8405-3 and 8406-3, JD Bieber Enterprises Inc
Attachments: 8405-3public.short.docx; 8406-3public.short.docx; FORM8.FRM.doc

Attached are two notices to be published on October 10, 2019.

JD Bieber Enterprises Inc., c/o Sara Bieber, PO Box 340, Bowdle SD 57428 (605 281-1605) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavits 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: Monday, September 30, 2019 10:18 AM
To: 'nwblade@valleytel.net'
Subject: 8405-3, JD Bieber Enterprises Inc
Attachments: 8405-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 10, 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

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THE NEWSPAPERS RIGHT AWAY.**

September 30, 2019

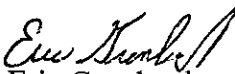
JD Bieber Enterprises Inc.
c/o Sara Bieber
PO Box 340
Bowdle SD 57428

Dear Ms. Bieber:

Water Permit Application No. 8405-3 located in McPherson County for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Northwest Blade printed at Eureka SD (Ph # 605 284-2631) and the American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8405-3 to Appropriate Water

Notice is given that J D Bieber Enterprises, Inc., c/o Sarah Bieber, PO Box 340, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Grand Aquifer (209 feet deep) located in the approximate center of the SE 1/4 and the SW 1/4 SE 1/4 Section 29 to irrigate 136 acres located in the SE 1/4 Section 29; all in T126N-R73W which is located approximately 6 miles southwest of Eureka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8405-3 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 October 21, 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.

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

NOV 07 2019

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

Dear Ms. Bieber:

Enclosed are Water Permit Nos. 8405-3 and 8406-3 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, *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 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