

WATER PERMIT NO. 8446-3

Name of Applicant: **Blue Barn LLC**

Address: **46594 268th St, Sioux Falls SD 57106**

Phone: **605 630-1795**

Amount of Water Claimed: **0.089 cfs**

Total Acres: **3.5 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **3 miles west of Sioux Falls**

PRIORITY

Date Received: **9-21-20**

Application/License Fee: **\$ 300**

Corrected Application Received:

Period of Annual Use: **April 1 – November 31**

Remarks: **Backup water supply to Water Permit No. 8206-3**

Diversion Point: **SE 1/4 SE 1/4 Sec 36-T101N-
R51W**

Land to be Irrigated: **SE 1/4 SE 1/4 Sec 36-
T101N-R51W**

			36		
				x	

Depth of Well: **700 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-21-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8446-3**

Date of first receipt of application September 21, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8446-3 to Blue Barn LLC, c/o Josh Nelson, 46594 268th St, Sioux Falls SD 57106 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. 8446-3 serves as a back-up water supply to Water Permit No. 8206-3. Water Permit No. 8206-3 authorizes 0.078 cubic feet of water per second (cfs) from a pond (approximately 3 acre feet storage capacity) constructed into Quaternary age alluvium located in the SE 1/4 SE 1/4 (Tract 3 Krell's Addition) Section 36 for irrigation of 3.5 acres located in the SE 1/4 SE 1/4 Section 36; all in T101N-R51W. This permit authorizes the appropriation of 0.089 cfs from one well to be completed into the Sioux Quartzite Aquifer (700 feet deep). The permit holder is authorized to pump water from the well to the pond when the water supply in the pond is low and insufficient for irrigation of the area described above. This site is located approximately 3 miles west of Sioux Falls 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 – November 30.
3. The date from which applicant may claim right is September 21, 2020.
4. The date of approval of Permit No. 8446-3 is December 11, 2020.
5. One-fifth of the construction is to be completed on or before June 11, 2023.
6. All construction is to be completed on or before December 11, 2025.
7. Water is to be put to beneficial use on or before December 11, 2029.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

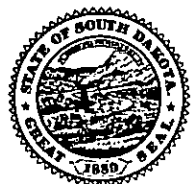
QUALIFICATIONS

1. The well approved under Water Permit No. 8446-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8446-3 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. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 2021
date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8446-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader</u>	

PAID
SEP 21 2020
Ck# 5130

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.)

Add back up irrigation well authorized by 8206-3

1. Name to Appear on Irrigation Permit Blue Barn LLC

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

Mailing Address 46594 268th St Sioux Falls ☒ SD ☒ 57106
(Address) (City) (State) (Zip Code)

Phone 6056301795 Mobile _____ Email josh@bluehavenbarn.com

2. Amount of water claimed 0.089 *CFS or 40 **GPM 3.5 ***AF Total Acreage 2 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Sioux Quartzite

4. Location of point of diversion 1 well in TRACT 3 (EX H-1) KRELL'S ADDITION SE1/4 SE1/4 36 101 51

(example -- 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Minnehaha ☒

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used April-November

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
46594 268th St Sioux Falls, SD 57106	<u>2</u>		
<u>SE 1/4 SE 1/4 Sec 36 - T101N-R51W</u>	<u>3.5</u>		

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

Back up irrigation to water 2 acres of lawn

3.5

RECEIVED

SEP 21 2020

WATER RIGHTS
PROGRAM

I, [Signature] Owner, 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 1 Have test holes been drilled ☐ Yes ☐ No Drilled by Putzke Well Drilling
(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:

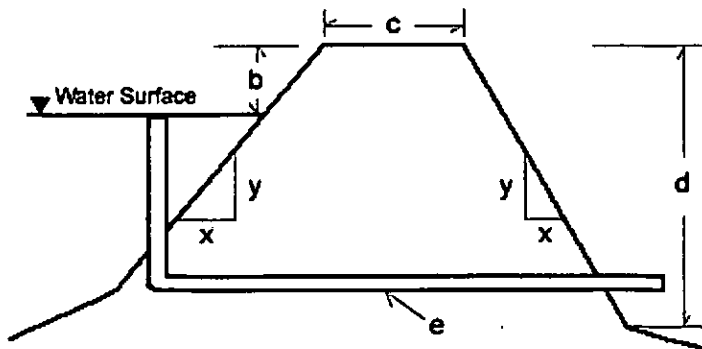
c) Well Depth (required) 700 Depth to Top of Water Bearing Material Depth to Water from Surface d) Distance to nearest domestic well on applicant's property NA Property owned by others 500**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) b) System Capacity (gallons) Year Constructed c) Connected to the City of Sanitary System **3. Dugout Information**a) Surface Dimensions Depth b) Depth to water (ground surface to water level) **4. Water Storage Dams**

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

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

b) Freeboard c) Crest Width Crest Length d) Height e) Primary Outlet Capacity If pipe, diameter f) Secondary Spillway Capacity Spillway Width

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

Upstream Downstream h) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres

Map





530879490

ANNUAL REPORT

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

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2019
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL127988
BUSINESS ID

Blue Barn, LLC
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

46594 268TH STREET
SIOUX FALLS, SD 57106

Mailing Address

204 PARK DRIVE
LENNOX, SD 57039

4. The South Dakota Registered Agent's Name:

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

(a) The South Dakota Noncommercial Registered Agent's name

Name **AMANDA NELSON**

Actual Street Address in this State

204 PARK DRIVE
LENNOX, SD 57039

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name	Address
Amanda Nelson	204 Park Drive, Lennox SD 57039
Joshua Nelson	204 Park Dr, Lennox, SD 57039

6. 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.

Name	Address
Amanda Nelson	204 Park Dr, Lennox, SD 57039
Josh Nelson	204 Park DR Lennox, SD 57039

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).



10/21/2019

Dated

Email (Optional)

Amanda Nelson

Signature of an Authorized Person

Amanda Nelson

Printed Name

B0117-8077 10/21/2019 9:30AM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date September 21, 2020

RECEIVED OF Blue Haven Barn 46594 268th St. Sioux Falls SD 57106

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

Fee for Application for Permit No. <u>8446-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$100.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8446-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$300.00

By Eric Gronlund
Chief Engineer
em

Schlaak, Karen

From: Mathiowetz, Adam (DENR)
Sent: Wednesday, September 2, 2020 1:56 PM
To: Amanda Masterson
Cc: Schlaak, Karen
Subject: RE: [EXT] New Water Well Construction

Chris,

Below is a link to our forms web page. The form you want is the "PDF" version of the "Application for a Water Right Permit for Irrigation water use" so you can type in the form. If you have questions on filling the form out, please ask Karen Schlaak whom is CC'ed on this email.

As I said on the phone, you can finish drilling the well to verify there is water on site, but you can not start using the well for irrigation without having the permit in place.

Water Rights Program Forms
<https://denr.sd.gov/des/wr/watrightsapps.aspx>

Adam Mathiowetz
SD DENR-Water Rights Program
605-773-4061

From: Amanda Masterson <info@bluehavenbarn.com>
Sent: Wednesday, September 2, 2020 1:46 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Re: [EXT] New Water Well Construction

Left a message. Call Josh at 605-630-1795.

Amanda Nelson
Blue Haven Barn /The Atrium at Blue Haven

On Sep 2, 2020, at 11:19 AM, Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us> wrote:

Josh Nelson, Owner/Operator of Blue Haven Barn and Gardens, Inc:

The Water Rights Program of the South Dakota Department of Environment and Natural Resources received a call regarding a new water well being drilled at Blue Haven Barn and Gardens. The water right permit for this facility, Water Permit No. 8206-3, does not currently authorize a well just irrigation from a pond. Please contact us regarding this well as soon as possible. The information we would like is whom is drilling the well, what aquifer is the well going to be completed into (the driller may be the person who knows that), and what will the water be used for. Thank you.

Adam Mathiowetz
SD DENR-Water Rights Program
605-773-4061

Water Rights Program - File Documentation

NAME: Josh Nelson, Blue Barn LLC

ADDRESS:

DATE: 9-21-20

RE: Pending application

COMMENTS:

Spoke with Josh Nelson who indicated they are proposing to pump from the well into the pond authorized by Water Permit No. 8206-3. This application will be a back-up water supply when the water level is low in the pond.

I explained that the existing permit was for 3.5 acres. At the time the permits are inspected they would be reduced to that actual number of acres that are being irrigated. Mr. Nelson thought it would be more like 2 acres but said to change the application to 3.5 acres to be consistent. The area is outlined in blue on the map.



Karen Schlaak
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8446-3, Blue Barn LLC**

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. 8446-3, Blue Barn LLC, 46594 268th St, Sioux Falls SD 57106.

The Chief Engineer is recommending APPROVAL of Application No. 8446-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8446-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8446-3 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. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 20, 2020

REPORT ON WATER PERMIT APPLICATION NO. 8446-3

Blue Barn LLC

NOV 19, 2020

Water Permit Application No. 8446-3 requests the appropriation of 0.089 cubic feet per second (cfs) (40 gallons per minute) from one well to be completed into the Sioux Quartzite aquifer (700 feet deep) located in the SE ¼ SE ¼ Section 36 in Minnehaha County for backup irrigation of 3.5 acres of lawn (authorized by Water Permit No. 8206-3) located in SE ¼ SE ¼ Section 36; all in T101N-R51W. The site is located approximately 3 miles west of Sioux Falls, SD.

Water Permit No. 8206-3 authorizes 0.078 cubic feet of water per second (cfs) from a pond (approximately 3 acre foot storage capacity) constructed into Quaternary age alluvium located in the SE ¼ SE ¼ (Tract 3 Krell's Addition) Section 36 for irrigation of 3.5 acres located in the SE ¼ SE ¼ section 36; all in T101N-R51W.

Water Permit Application No. 8446-3 proposes to pump water from the well to the pond when the water supply in the pond is insufficient for irrigation of the area described above.

Aquifer: Sioux Quartzite (SOUX)

Hydrogeology

The Sioux Quartzite consists of pink and reddish to tan, siliceous, fine- to coarse-grained, iron-stained orthoquartzite with minor metamorphosed conglomerate and mudstone layers (Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004). The Sioux Quartzite underlies portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa with an estimated thickness greater than 1,000 ft (Southwick, 1984; Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004).

The Sioux Quartzite aquifer occurs in areas of the Sioux Quartzite, where extensive fractures and weathering zones allow for the transmission of water. The Sioux Quartzite aquifer has very low primary porosity, so water movement in the aquifer is through secondary porosity (fractures, joints, and faults). Secondary porosity for the Sioux Quartzite aquifer is highly variable and uneven and therefore is site-specific.

Water Right 5659-3 is approximately 0.2 miles to the northwest and included a well completion report that indicated topsoil from ground surface to 2 feet below grade, yellow clay from 2 to 66 feet below grade, blue clay from 66 to 141 feet below grade, sand-blue clay from 141 to 160 feet below grade, and granite (Sioux Quartzite) from 160 to 670 feet below grade with a static water level of 175 feet below grade at the time of completion (April 30, 1990) indicating the well was unconfined at the time of completion (Water Rights, 2020b).

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed

use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest.” This report will address the availability of unappropriated water and potential impacts to existing rights within the Sioux Quartzite aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states, “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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Sioux Quartzite aquifer is older and lower than the Greenhorn Formation; however, there is no water distribution system involved. Therefore, the balance of aquifer recharge and withdrawal must be taken into consideration.

Hydrologic Budget

Recharge

The Sioux Quartzite aquifer receives recharge from the infiltration of precipitation, flow between aquifers, and streamflow on the outcrop area (Niehus, 1997). There are no average annual recharge estimates available for the Sioux Quartzite aquifer. Therefore, data is not available to quantitatively compare the estimated average annual recharge to the estimated average annual withdrawal in the Sioux Quartzite aquifer.

Withdrawals

Withdrawals from the Sioux Quartzite aquifer occur through evapotranspiration in areas where the aquifer is near land surface, leakage to other aquifers, and through well withdrawals. Currently, there are 66 water rights/permits appropriating water from the Sioux Quartzite aquifer with two pending applications (Water Permit Application No. 8437-3 for United Concrete Inc. and Water Permit Application No. 8445-3 for G L Management) for 18.4 ac-ft/yr at a maximum instantaneous diversion rate of 0.24 cfs and 71 acres for irrigation at a maximum instantaneous diversion rate of 0.44 cfs, respectively (Water Rights, 2020a).

All current non-irrigation water rights/permits not required to report usage and appropriating water from the Sioux Quartzite aquifer are summarized in Table 1. The amount of water that can be expected to be withdrawn by non-irrigation water rights/permits not required to report usage can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time and those limited by an annual volume will use the entire permitted volume annually.

There are some municipalities that are served by rural water systems as such, the wells for these municipal water rights/permits are maintained for standby use only (DENR, 2020). Therefore, the

water use for these rights/permits is estimated to be zero in Table 1 as the usage for them is reflected in the rural water systems rights/permits they are served by.

Table 1: Summary of expected use of non-irrigation water rights/permits not required to report usage from the Sioux Quartzite aquifer (Water Rights, 2020a)

Use Type	No. of Water Rights/Permits	Permitted Diversion Rate (cfs)	Permitted Volume (ac-ft)	Expected Annual Use (ac-ft)
REC	2	0.156	N/A	68
MUN	17	0.47	N/A	204
IND	3	2.121	N/A	922
INS	1	0.070	N/A	30
DOM	1	0.180	N/A	78
COM	19	2.544	671	1,777
SHD	2	0.253	N/A	110
GEO	7	1.850	39	843
Total	52	7.644	710	4,032
REC = Recreation, MUN = Municipal, IND = Industrial, INS = Institutional, DOM = Domestic, COM = Commercial, SHD = Suburban Housing Development, GEO = Geothermal				

non-irrigation water rights/permits that are required to report their annual usage are summarized in Table 2, and their usage is calculated using the average of the reported pumpage for the years 2003 to 2019 (Water Rights, 2020f).

There are five non-irrigation water rights/permits for quarry dewatering (Water rights/permits 4493-3, 5400-3, 5784-3, 6070-3, and 8345-3) that would use a maximum of 13,521 ac-ft/yr assuming they pumped their authorized diversion rate full time or if limited by an annual volume used their entire volume annually (Water Rights, 2020a). However, four of the five permits are required to report their usage and, on average, use far less than their full appropriation, as seen in table 2, resulting in a reported pumping average of 4,015 ac-ft/yr.

Table 2: Non-irrigation water rights/permits that are required to report their annual usage from the Sioux Quartzite and their reported usage for the year 2003 to 2019 (Water Rights, 2020f).

Year	5400-3 (IND)	5784-3 (COM) 8345-3 (IND)	6070-3 (COM)	6552A-3 (SHD)	8344-3 (IND)
2003	1,984	3	2,240		
2004	1,801	640	2,190		
2005	1,790	28	2,240		
2006	2,101	0	2,190		
2007	2,100	66	1,680		
2008	2,115	70	1,680		
2009	2,355	63	1,680		
2010	2,752	132	1,690		
2011	2,692	113	1,680		
2012	2,309	10	1,111		
2013	2,027	10	1,120		
2014	2,222	0	1,120	9	
2015	2,114	0	1,248	13	
2016	2,557	1	1,120	10	
2017	2,664	0	1,120	8.5	
2018	2,767	513	1,120	7.7	1.1
2019	3,463	423	1,135	6.1	1.04
average (ac-ft/yr)	2,342	122	1,551	9.05	1.07
IND = Industrial, COM = Commercial, SHD = Suburban Housing Development					

There are 8 water rights/permits for irrigation currently authorized to appropriate water from the Sioux Quartzite aquifer. Of these irrigation water rights/permits, 6 are required to report their annual usage, as shown in Table 3. The average annual usage for irrigation water rights/permits required to report are calculated using the average of the reported usage over the period of record (Water Rights, 2020d).

Table 3: Irrigation water rights/permits authorized to withdraw water from the Sioux Quartzite and required to report their annual usage (Water Rights, 2020d).

Permit No.	Status	Years Reporting Usage	Authorized Acres	Average Reported Usage (acre-feet)
5365-3	LC	9	1.5	0.75
6195-3	LC	20	61	89.45
6618-3	LC	14	71	76.71
6910-3	LC	10	80	5.79
7415-3	PE	7	34	94.66
7805-3	LC	7	8	4.10
Total			255.5	271.46
LC = Water Right, PE = Water Permit				

Water Right Nos. 6451-3 (Bluffs Townhomes Association, 3 acres) and 6653-3 (Prairie Hills Covenant Church, 4 acres) are authorized for irrigation use and are not required to report their

annual usage. The estimated average annual usage for these rights can be calculated assuming full appropriation for both (14 ac-ft/yr).

There are a number of well completion reports on file with the DENR-Water Rights Program for domestic wells that appear to be completed into the Sioux Quartzite aquifer in the area of the proposed diversion point (Water Rights, 2020b). It is also likely there are other domestic wells completed into the Sioux Quartzite aquifer in this area that are not on file with the Water Rights Program. In general, the volume of water pumped by domestic users is not a significant amount of the hydrologic budget due to limited diversion rate (less than 18 gpm) and the availability of rural water systems in the area.

Hydrologic budget summary

Without a recharge rate estimate, there is no way to compare the average annual recharge and average annual withdrawal rates directly. The estimated average annual withdrawals from the Sioux Quartzite aquifer are 160.4 ac-ft/yr from pending applications assuming full appropriation, 8,057 ac-ft/yr from non-irrigation users, and 286 ac-ft/yr from irrigation. Therefore the total estimated average annual withdrawal from the Sioux Quartzite aquifer is 8,503.4 ac-ft/yr

Aquifer Water Levels

The DENR-Water Rights Program maintains no observation wells completed into the Sioux Quartzite aquifer in South Dakota (Water Rights, 2020c). However, Lindgren & Niehus (1992) stated, "Water-level fluctuations in observation wells completed in the Sioux Quartzite aquifer show a close correlation with long-term trends in precipitation," implying that water levels in the Sioux Quartzite aquifer follow climatic conditions (rising during wet years and declining during dry years). By evaluating the static water levels of well logs in the area of the proposed diversion point at the time of completion (Table 4), an estimation of aquifer water levels from the Sioux Quartzite aquifer in the area of the application can be made (Water Rights, 2020b).

Table 4: Well logs completed into the Sioux Quartzite aquifer with recorded static water levels within approximately 5 miles of the proposed diversion point (Water Rights, 2020a; Water Rights, 2020b).

Name	Date Drilled	Direction from proposed diversion point	Approximate Distance from proposed diversion point (mi)	Approximate Ground Elevation (ft)	Approximate Static Water Level Elevation (ft)	Approximate Elevation to top of Sioux Quartzite (ft)
Roger Brandt	7/10/1973	NE	3.30	1516	1426	1391
William Roemling	1/18/1979	NW	3.05	1575	1542	1515
Lynwood Ellens	4/10/1981	NW	3.67	1574	1414	1375
Wild Water West Waterpark	4/30/1990	NW	0.20	1496	1321	1336
Dennis Hostetler	8/20/1993	SW	3.62	1449	1409	1294
Williams Pipeline Company	10/21/1994	NE	5.11	1430	1388	1362
City Of Sioux Falls	6/1/1998	NE	3.53	1459	1441	1444
Karen Halbeck	7/8/1998	NW	3.41	1553	1396	1354
Bill, Sr. Hinks	10/28/1998	NE	5.11	1432	1383	1383

The majority of wells in this area are confined with hydraulic head ranging from unconfined (15 feet below the top of formation) to 115 feet above the top of the formation and averaging 30 feet above the top of formation at time of completion. Given the commentary from Lindgren & Niehus (1992), estimated thickness of the Sioux Quartzite (1,000 feet), and the lowest recorded static water

level indicated in well logs around the proposed diversion point being 15 feet below the top of the Sioux Quartzite formation, there is a reasonable probability that unappropriated water is available for this proposed diversion.

Potential For Unlawful Impairment Of Existing Water Rights

Currently, there are 66 water rights/permits appropriating water from the Sioux Quartzite (Water Rights, 2020a). The nearest water right/permit completed into the Sioux Quartzite is Water Right 5659-3 held by Wild Water West Waterpark for commercial use located approximately 0.2 miles to the northwest of the proposed diversion point and the next nearest water right/permit being 4.8 miles to the southeast (Figure 1). The nearest well completion report on file with SD DENR-Water Rights Program is approximately 1 mile to the north of the proposed diversion point for this application (Water Rights, 2020b). The majority of wells on file with SD DENR -Water Rights Program in this area (approximately within 5 miles of proposed diversion point) are for geothermal use. It is possible that other wells completed into the Sioux Quartzite aquifer within 5 miles of the proposed diversion point for this application are not on file with the SD DENR-Water Rights Program.

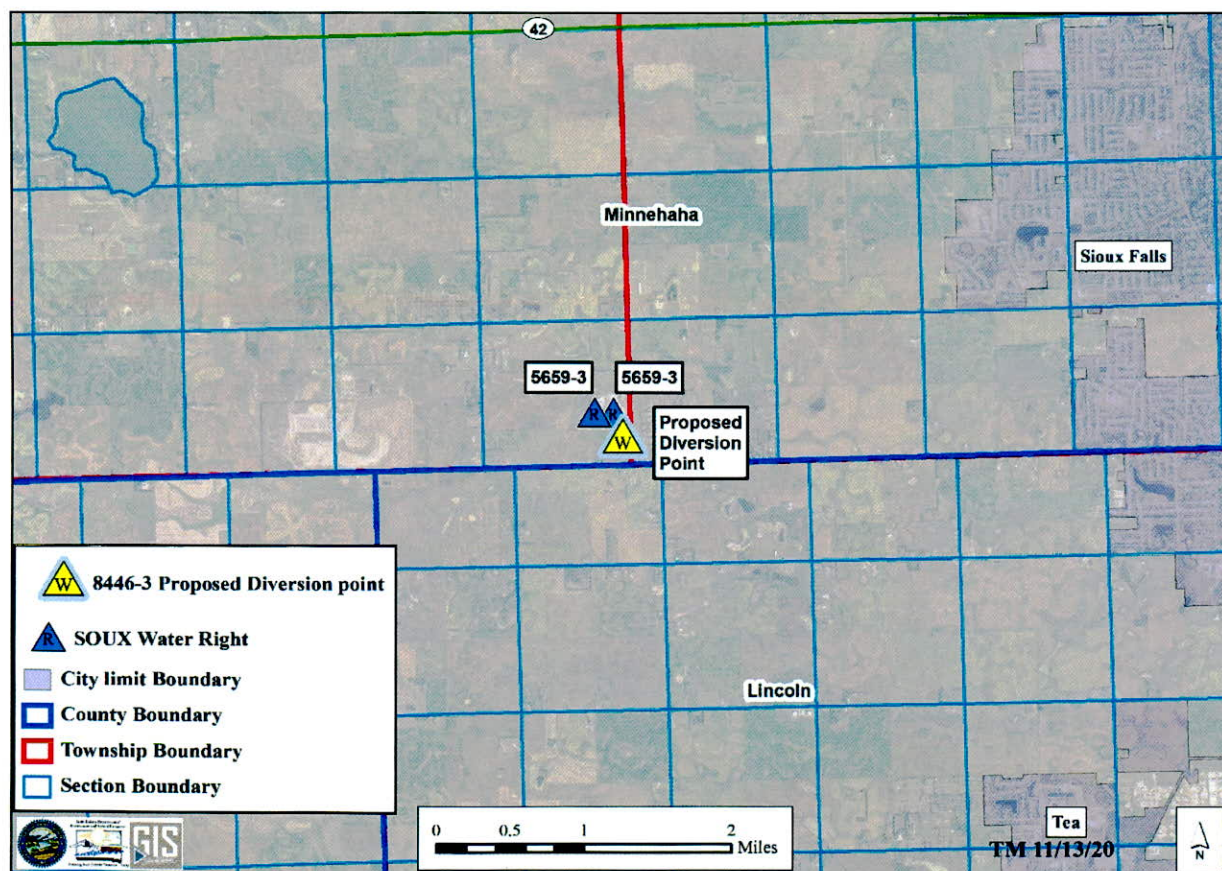


Figure 1: Map showing the proposed diversion point and nearby water rights/permits completed into the Sioux Quartzite aquifer (SOUX) (Water Rights, 2020a; Water Rights, 2020c).

The Sioux Quartzite aquifer in this area switches between confined and unconfined, so drawdown from pumping the aquifer can vary over a fairly large area when confined and a smaller area when

unconfined. The Sioux Quartzite has an estimated thickness greater than 1000 feet, and nearby well completion reports indicate the Sioux Quartzite from 160 to 670 feet (did not drill through the entire Sioux Quartzite) with a static water level at 175 feet below ground surface. Adequate wells for the majority of aquifers would be sufficient, however for bedrock aquifers such as the Sioux Quartzite they may not be.

An adequate well as defined in ARSD 74:02:04:20(6):

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

Due to the very low primary porosity of the Sioux Quartzite aquifer, the highly variable and uneven nature of secondary porosity and the natural climactic fluctuations in bedrock aquifers, 20 feet of saturated thickness may not be sufficient for a dependable water supply. Without conducting an aquifer performance test, the precise drawdown effects caused by pumping a well cannot be determined. The lowest recorded static water level indicated in well logs around the proposed diversion point was 15 feet below the top of the Sioux Quartzite. Pump depth requirements are detailed in ARSD 74:02:04:60(2), which states, “The depth of the pump setting shall be determined by dividing the specific capacity into the required yield and adding at least 10 additional feet to maintain pump inlet submergence below the maximum anticipated drawdown, where possible.” This rule can help provide guidance for well depth in bedrock aquifers such as the Sioux Quartzite where due to the highly variable nature of the aquifer, 20 feet of saturated thickness may not be enough for a dependable water supply and accounting for long term precipitation and drawdown trends is necessary when installing pumps. The drawdown created by this proposed appropriation should not unlawfully impair wells that are constructed in such a way as to account for the highly variable and uneven nature of secondary porosity and the natural climatic fluctuations in bedrock aquifers and also meet the definition of an adequate well.

SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery. In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). Given the commentary from Lindgren & Niehus (1992), estimated thickness of the Sioux Quartzite (1,000 feet), the lowest recorded water level of wells in the area being 15 feet below the top of the Sioux Quartzite aquifer at the time of completion, and the lack of well interference complaints in the area, well interference from this proposed diversion is not expected to unlawfully impair nearby wells that are constructed in such a way as to account for the highly variable and uneven nature of secondary porosity and the natural climatic fluctuations in bedrock aquifers.

Conclusions

1. Water Permit Application No. 8446-3 requests the appropriation of 0.089 cubic feet per second (cfs) (40 gallons per minute) from one well to be completed into the Sioux Quartzite aquifer (700 feet deep) located in the SE ¼ SE ¼ Section 36 in Minnehaha County for backup irrigation of 3.5 acres of lawn (authorized by Water Permit No. 8206-3) located in

SE ¼ SE ¼ Section 36; all in T101N-R51W. The site is located approximately 3 miles west of Sioux Falls, SD.

2. There is a reasonable probability unappropriated water is available for this proposed appropriation.
3. Well interference from this proposed diversion is not expected to unlawfully impair nearby wells that are constructed in such a way as to account for the highly variable and uneven nature of secondary porosity and the natural climatic fluctuations in bedrock aquifers.



Timothy Magstadt
Natural Resources Engineer II
SD DENR – Water Rights Program

References

- DENR. (2020, February 3). *Drinking Water System Information*. Retrieved from South Dakota DENR: <https://denr.sd.gov/des/dw/sysinfo.aspx#C>
- Lindgren, R. J., & Niehus, C. A. (1992). *Water Resources of Minnehaha County, South Dakota: Water Resources Investigations Report 91-4101*. Huron: U.S. Geological Survey.
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- Southwick, D. L. (1984). *Shorter Contributions to the Sioux Quartzite (Early Proterozoic), Southwestern Minnesota: Report of Investigations 32*. Saint Paul: University of Minnesota.
- Water Rights. (1995). *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. (2020a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020d). *Irrigation Questionnaire database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020f). *2003-2019 Non-Irrigation Water Use Data*. SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 19, 2020 3:42 PM
To: josh@bluehavenbarn.com
Subject: Water Permit Application No. 8446-3
Attachments: 0140.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you also.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Argus Leader

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

RECEIVED

DEC 14 2020

WATER RIGHTS
PROGRAM

Account No: 6056301795BLUE

Ad No: 0004489261

PO #: AD#4478352

Lines : 118

Ad Total \$86.84

This is not an invoice

of Affidavits: 2

BLUE BARN LLC
46594 268TH STREET
SIOUX FALLS, SD 57106

Account No.: 6056301795BLUE
Ad No.: 0004489261

Argus Leader AFFIDAVIT OF PUBLICATION

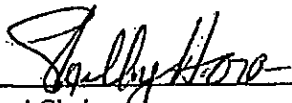
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

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, December 2, 2020

Sworn to and subscribed before me this 14 day of December, 2020.



Legal Clerk



Notary Public, State of Wisconsin, County of Brown

9-19-21

My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8446-3 to Appropriate Water

Notice is given that Blue Barn LLC, c/o Josh Nelson, 46594 268th St., Sioux Falls SD 57106 has filed an application for a water permit to serve as a back-up water supply to Water Permit No. 8206-3. Water Permit No. 8206-3 authorizes 0.078 cubic feet of water per second (cfs) from a pond (approximately 3 acre feet storage capacity) constructed into Quaternary age alluvium located in the SE 1/4 SE 1/4 (Tract 3 Kretz's Addition) Section 36 for irrigation of 3.5 acres located in the SE 1/4 SE 1/4 Section 36; all in T101N-R51W. This application requests to appropriate 0.099 cfs from one well to be completed into the Sioux Quartzite Aquifer (700 feet deep). The applicant proposes to pump water from the well to the pond when the water supply in the pond is low and insufficient for irrigation of the area described above. This site is located approximately 3 miles west of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8446-3 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 Ron Duvall 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 December 11, 2020.

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 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 \$86.84
4478352 Dec. 1, 2020

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 19, 2020 3:37 PM
To: 'legals@argusleader.com'
Subject: 8446-3, Blue Barn LLC
Attachments: 8446-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 1, 2020.

Blue Barn LLC, c/o Josh Nelson, 46594 268th St, Sioux Falls SD 57106 (605 630-1795) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

November 20, 2020

Blue Barn LLC
c/o Josh Nelson
46594 268th St
Sioux Falls SD 57106

Dear Mr. Nelson:

Water Permit Application No. 8446-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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. 8446-3 to Appropriate Water

Notice is given that Blue Barn LLC, c/o Josh Nelson, 46594 268th St, Sioux Falls SD 57106 has filed an application for a water permit to serve as a back-up water supply to Water Permit No. 8206-3. Water Permit No. 8206-3 authorizes 0.078 cubic feet of water per second (cfs) from a pond (approximately 3 acre feet storage capacity) constructed into Quaternary age alluvium located in the SE 1/4 SE 1/4 (Tract 3 Krell's Addition) Section 36 for irrigation of 3.5 acres located in the SE 1/4 SE 1/4 Section 36; all in T101N-R51W. This application requests to appropriate 0.089 cfs from one well to be completed into the Sioux Quartzite Aquifer (700 feet deep). The applicant proposes to pump water from the well to the pond when the water supply in the pond is low and insufficient for irrigation of the area described above. This site is located approximately 3 miles west of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8446-3 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 Ron Duvall 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 December 11, 2020.

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_



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JAN 19 2021

Blue Barn LLC
c/o Josh Nelson
46594 268th St
Sioux Falls SD 57106

Dear Mr. Nelson:

Enclosed is Water Permit No. 8446-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Tract 3 (EX-41)

8446-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

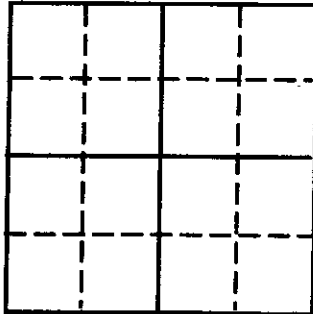
Location SE 1/4 SE 1/4 Sec 36 Twp 101 Rg 51

County

Minnehaha

North

Please mark well location with an "X"



1 Mile

Well completion Date

9-16-20

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

? 250 ft. from Septic tank (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
19.18 LB/FT	6 IN	0 FT	177 FT	10 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>Portland</u>		Lb/gal	ft	ft
		Lb/gal	ft	ft
Describe grouting procedure <u>3 1/2 yds. of Sherry Pumped w/ Drilling Rig</u>				

SCREEN:

- ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

- ☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

- ☒ Yes, How? 5 gallons of chlorine

- ☐ No, Why Not? Pumped

Lab sample sent to for water quality analysis

Well Owner:

Business Name: Blue Haven Barn

Address: 46594 - 268th St

City, State, Zip: Sioux Falls S.D 57106

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>62</u>
<u>Blue clay</u>	<u>62</u>	<u>177</u>
<u>Granite</u>	<u>177</u>	<u>685</u>

STATIC WATER LEVEL

92

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: AIR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After

Hrs. pumped

GPM

ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

AT 300' 18 gpm.

This well was drilled under license #

439

And this report is true and accurate.

Drilling firm: Dave Putzke Well Drilling & Repair, Inc.

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Equitable Property Holder:

RECEIVED

OCT 26 2020

Date:

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights

523 E Capitol Ave.

Pierre SD 57501

8446-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: BLUE HAVEN BARN & GARDENS INC, JOSH NELSON, 46594 268th ST, SIOUX FALLS, SD 57106 6901

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8206-3 & 8446-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8206-3 & 8446-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8206-3 & 8446-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LKLQHU**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

8446-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

8206-3
8446-3

Josh Nelson
Blue Haven Barn & Gardens
45594 268th St
Sioux Falls SD 57106-6901

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 8206-3 & 8446-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Dewell, Amanda

From: Dewell, Amanda
Sent: Friday, October 25, 2024 8:37 AM
To: info@bluehavenbarn.com
Subject: Attn: Leah Vail (Water Rights)
Attachments: Notice of Transfer of Ownership_8206-3.pdf; Notice of Transfer of Ownership_8446-3.pdf

Dear Ms. Vail:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigator's that Permit Nos. [8206-3](#) & [8446-3](#), they'd previously reported, on had been sold to you. For your convenience I have attached partially completed "Transfer of Ownership" forms for you to complete and return via email. You may notice that the irrigated area is listed the same on both permits. This is due to the fact that the permits are from different water sources and one permit operates as a backup for the other.

Please call our Fiscal Office at 605.773.4216 to submit the transfer fee of \$100.00 (\$50/transfer).

Should you decide you wish to discontinue the irrigation, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



8446-3

PAID

NOV 01 2024

Ck# 20105

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8446-3

Rec't#

Date: 10-29-24

I/We request that Water Right/Permit No. 8446-3 formerly owned by:

Blue Barn LLC, c/o Josh Nelson - Sioux Falls SD

be transferred to:

New Owner Name:

BH b.a.r. LLC (Lean Vail)

Address:

46594 268th St

mobile: 605-241-6275

City, State, Zip

Sioux Falls SD 57106

email: leanevail@yahoo.com

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

3.5 acres - SE 1/4 SE 1/4 Section 6, T101N, R51W

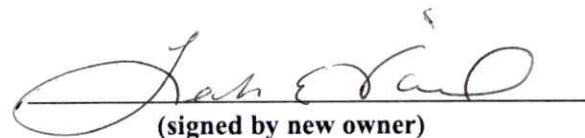


I understand that the validity of Water Right/Permit No. 8446-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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, Lean Vail, the new owner, certify that the above information is true and correct.


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 5th, 2024

RECEIVED OF BH b.a.r. LLC 46594 268th St Sioux Falls SD 57106

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>8446-3</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 Groeland
Chief Engineer

SV



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 5, 2024

8206-3

8446-3

BH b.a.r. LLC
c/o Leah Vail
46594 268th St
Sioux Falls SD 57106

Dear Ms. Vail:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are copies of the original permits and receipts of payment for your records.

Water Permit No. 8206-3 previously held by Blue Haven Barn & Garden Inc, and Water Permit No. 8446-3 previously held by Blue Barn LLC, are now both listed under BH b.a.r. LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water permits, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the permits will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Permit Nos. 8206-3 & 8446-3 have not been determined by these transfer actions. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures