

WATER PERMIT NO. 8466-3

Name of Applicant: **Leber Bros LLC**

Address: **27677 ⁴⁵²542nd Ave, Parker SD 57053**

Phone: **605 941-4983**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **120**

Source of Water Supply: **groundwater - 1 well**

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **1 miles south of Parker**

PRIORITY

Date Received: **12-23-20**

Application/License Fee: **\$ 950**

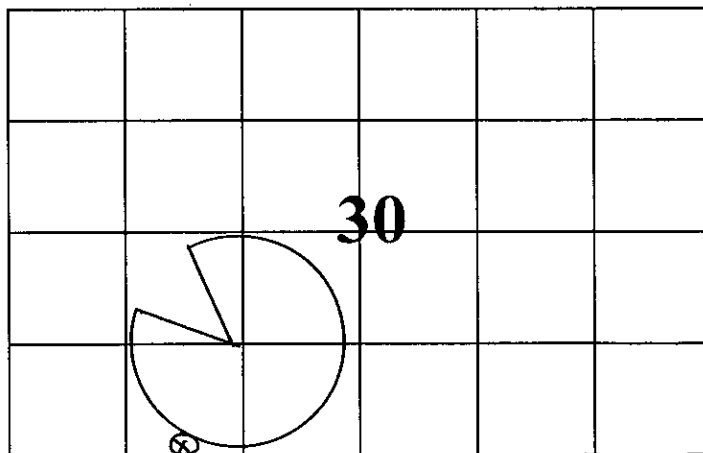
Corrected Application Received:

Period of Annual Use: **April 1 – Sept 30**

Remarks: **Requesting a diversion rate greater than statutory limit**

Diversion Point: **SW 1/4 SW 1/4 Sec 30-T99N-R53W**

Land to be Irrigated: **SW 1/4 Sec 30-T99N-R53W**



Depth of Well: **160 feet deep**

Well Driller:

Remarks: *

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-28-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8466-3**

Date of first receipt of application December 23, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8466-3 to Leber Bros LLC, c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 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. 8466-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (approximately 160 feet deep) located in the SW 1/4 SW 1/4 Section 30 to irrigate 120 acres located in the SW 1/4 Section 30; all in T99N-R53W. This site is located approximately 2 miles south of Parker 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 – September 30.
3. The date from which applicant may claim right is December 23, 2020.
4. The date of approval of Permit No. 8466-3 is April 5, 2021.
5. One-fifth of the construction is to be completed on or before October 5, 2023.
6. All construction is to be completed on or before April 5, 2026.
7. Water is to be put to beneficial use on or before April 5, 2030.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

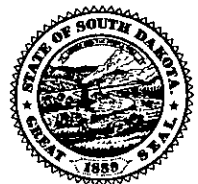
QUALIFICATIONS

1. The well approved under Water Permit No. 8466-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8466-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8466-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 13 2021
date



RECEIVED
DEC 23 2020WATER RIGHTS
PROGRAMPAID
DEC 23 2020
Ck# 017060

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8466-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>New Era, Parker</u> <u>Argus Leader</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 Leber Bros 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 27677 452nd Ave Parker SD 57053
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-941-4983 Email leberbros@gmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply one well on southern border in SW 1/4 SW 1/4 30-99-53

4. Location of point of diversion one well on southern border in SW 1/4 SW 1/4 30-99-53
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used April 1st - September 30th

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
NW 1/4 SW 1/4 30-99-53	15		
NE 1/4 SW 1/4 30-99-53	35		
SW 1/4 SW 1/4 30-99-53	35		
SE 1/4 SW 1/4 30-99-53	35		

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

Center pivot with well on southern border of SW 1/4 SW 1/4 30-99-53

Requesting diversion rate greater than statutory limit.

I, Richard Leber Manager, the applicant, certify under
Name of Person Title (if applicable)

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

(type or print)

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

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

c) Well Depth (required) 160 Depth to Top of Water Bearing Material 66 Depth to Water from Surface 70 ft

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

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of Sanitary System

a) Surface Dimensions _____ Depth _____

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

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.

[illegible]

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)

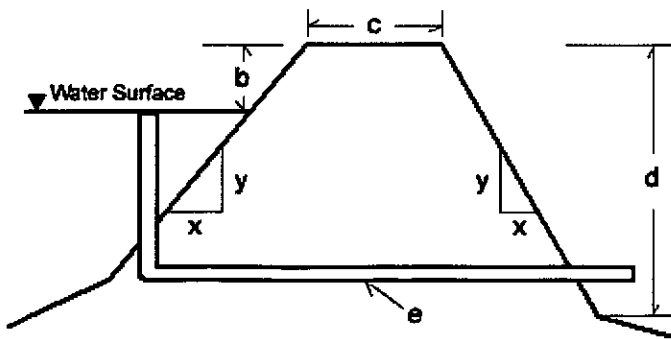
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage	Acre Feet
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j) Drainage Area Above Dam Acres



PARKER, SD



Project Name - Rich Leber - WW

Version Name - Rich Leber - WW_Version

Map Summary Report - Rich Leber - WW

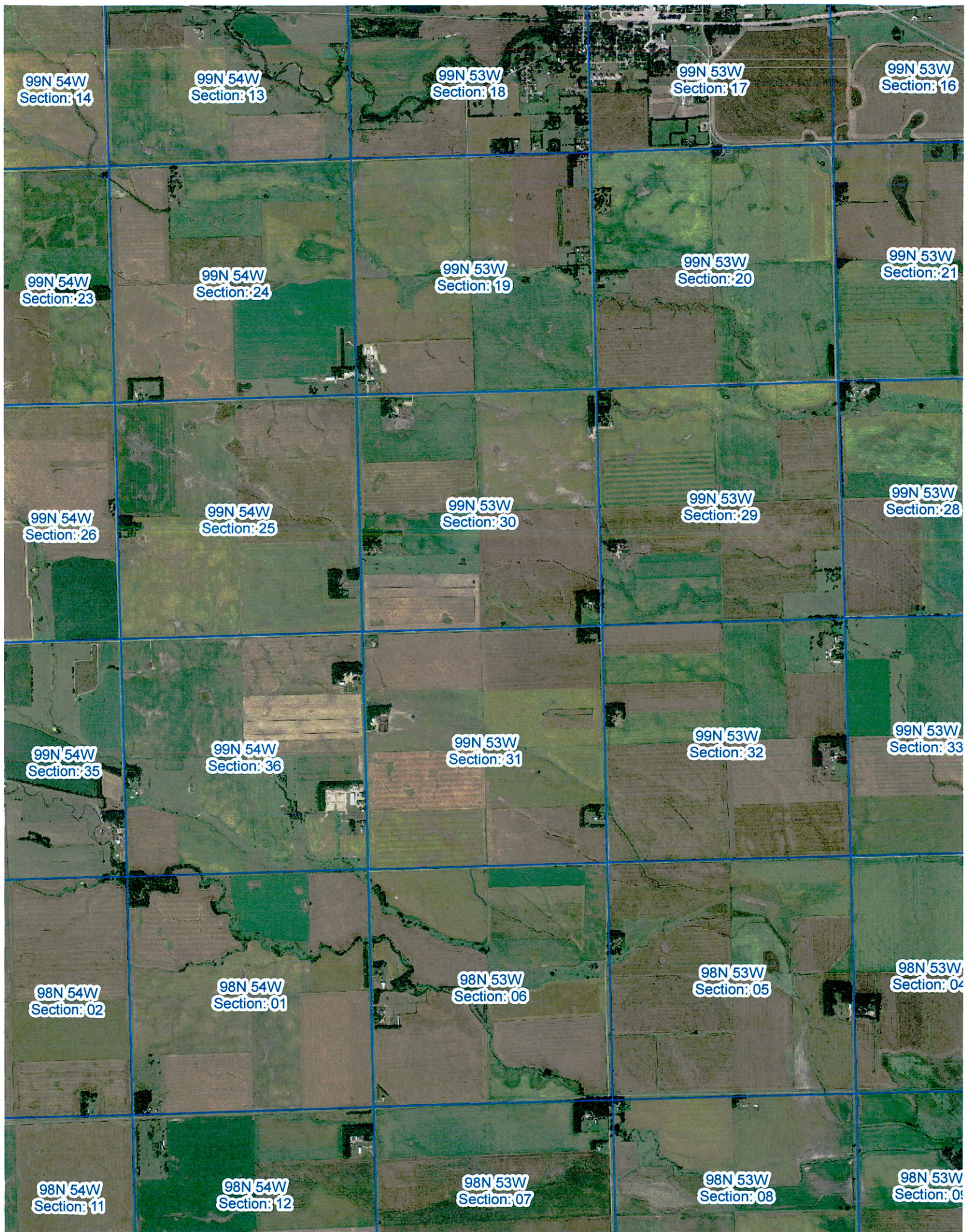


Google

Imagery ©2020, Maxar Technologies, USDA Farm Service Agency | Terms of Use

DRIVE UNITS LARGEST POTENTIAL MACHINE GUIDANCE PATH END OF MACHINE ENDGUN FIELD BOUNDARY

Heine Electric & Irrigation - 307 S Robinson Ave, Hartington, NE, 68739, UNITED STATES



8467-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

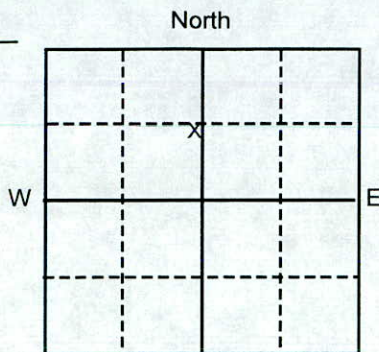
SD EForm - 1621LD V1

11-02

Location NW 1/4 SW 1/4 Sec 30 Twp 99N Rg 53W

County TURNER

Please mark well location with an "X"



Well Completion Date

12-07-2020

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>GROUT WEL</u>	<u>4</u>	<u>9.5 Lb/gal</u>	<u>0.0 Ft</u>	<u>100.0 Ft</u>
		Lb/gal	Ft	Ft

Describe grouting procedure
TREMIE METHOD

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____
☐ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

Well Owner: RICHARD LEBER

Business Name: _____

Address: 27677 452 AVE

City, State, Zip: PARKER SD 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
TAN CLAY	3	23
FINE SAND	23	24
GRAY CLAY	24	75
DARK GRAY CHALK	75	97
LIGHT GRAY CHALK	97	100

STATIC WATER LEVEL

_____ FEET
If flowing: closed in pressure _____ PSI
GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

LATITUDE: 43.361647
LONGITUDE: -97.156628
ELEVATION: 1376

This well was drilled under license # 810 and this report is true and accurate.

Drilling firm: HEINE ELECTRIC & IRRIGATION, INC.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-18-2020

RECEIVED
DEC 21 2020
WATER RIGHTS PROGRAM



Location Information

Legal Location:	SW SW SW SW SEC. 30, T. 099 N., R. 53 W.		
County:	TURNER	Location:	099N53W30CCCC
		Latitude:	43.358099
Hydrologic Unit Code:	10170102	Longitude:	- 97.159579
Land Owner:		Ground Surface Elev. (ft.):	1385 T

Test Hole Information

Project:	AQUIFER MAPPING		
Drill Date:	06/07/2015	Geologist:	M. NOONAN
Company:	SDGS	Geologist's Log:	X
Drilling Method:	ROTARY	Driller:	S. JENSEN
Test Hole Number:	M51-2015-06	Driller's Log:	
Geophysical Log:	YES	Total Drill Hole Depth (ft.):	163.0

Well Information

SDGS Well Name:	M51-2015-06	Aquifer:	PLEISTOCENE SERIES
Water Rights Well:		Management Unit:	
Other Well Name:		Casing Top Elev. (ft.):	1387 T
Casing Type:	PVC, SCH. 80	Casing Diameter (in.):	2.0
Screen Type:	PVC, SCH. 80	Screen Length (ft.):	10.0
Total Casing and Screen (ft.):	155.5	Casing Stick-up (ft.):	2.00

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1385.0 - 1345.0	0.0 - 40.0	CLAY, TAN, SILTY, SANDY, PEBBLY (TILL)
1345.0 - 1310.0	40.0 - 75.0	CLAY, GRAY, SILTY, SANDY, PEBBLY (TILL)
1310.0 - 1292.0	75.0 - 93.0	CLAY WITH SAND AND GRAVEL MIX, GRAY, FINE SAND TO MEDIUM GRAVEL (TILL)
1292.0 - 1251.0	93.0 - 134.0	GRAVEL AND SAND, FINE SAND TO MEDIUM GRAVEL, WELL-SORTED; ABUNDANT LIMESTONE AND SHALE PEBBLES
1251.0 - 1235.0	134.0 - 150.0	GRAVEL AND SAND, FINE SAND TO COARSE GRAVEL, WELL-SORTED
1235.0 - 1222.5	150.0 - 162.5	GRAVEL AND SAND, FINE SAND TO FINE GRAVEL; SOME FINE QUARTZ GRAVEL
1222.5 - 1222.0	162.5 - 163.0	ROCK; VERY HARD, DRILLS LIKE QUARTZITE

OBSERVATION POINT WORK SHEET

WELL I.D.

TU-2016 D

DATE TESTED

4-6-16

STATIC WATER
LEVEL

97.03

CASING SIZE

2"

CASING TYPE

PVC

STICKUP

1.9

TRANSMISSIBILITY TEST

Water Added _____

	1 Minute	2 Minutes	3 Minutes	5 Minutes	15 Minutes	30 Minutes
Water Level						

Did you chlorinate well ☐

PUMPING DATA:

Time Started

10:10 Am

Blow Off Pressure 55 psi

Time Stopped

10:40 Am

Pumping Pressure 50 psi

Well Yield (gpm)

12

Well Depth

149.3

Water Level

After Pumping

Tape Sticking

ADDITIONAL WORK:

Back Pressure ☐

Acidized ☐

Washed ☐

Did well appear open ☒

Water Sample ☐

Water Sample Appearance

Cloudy ☐

Clear ☒

Sandy ☐

Muddy ☐

Water Sample Data:

Filtered ☐

Acidized ☐

Formalin ☐

Field Measurements:

PH _____

Alkalinity _____

Conductivity _____

Temperature _____

Other

GPS #035
N-43.35813°
W-097.15918°
Elevation 1390'

REMARKS

Painted ☒

Posts 2

Labeled ☒

Padlocked ☒

Charged ☐

Other

Bill

To Whom it may concern,

I Regina McKenney am the co - owner of The southwest Quarter of section Thirty, Township Ninety-nine North, Range Fifty-three West, Turner County, South Dakota. I hereby consent for my brother Richard Leber to drill a well on said property.

A handwritten signature in black ink that reads "Regina McKenney". The script is cursive and fluid, with the first name "Regina" and last name "McKenney" clearly legible.

Regina McKenney

Box 242

Parker, SD 57053

605-360-4074



rich leber <leberbros@gmail.com>

Water permit

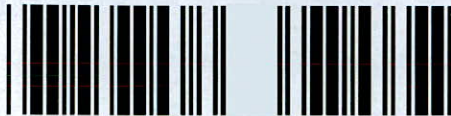
1 message

Karmen Schneider <ksjavajean@yahoo.com>
To: leberbros@gmail.com

Wed, Dec 16, 2020 at 2:21 PM

To whom it may concern,
I Karmen Schneider am co-owner of the property SW1/4 Sec 30 T99N R53W. It is in my understanding that Rich Leber would like to have a well drilled on this property and I consent to the same.
Karmen Schneider
31374 124th St
Java SD 57452
605-848-9118

Sent from my iPhone



530919216

B0123-5119 12/29/2019 2:15PM Rec'd by SD SOS

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

2020
FILING YEAR

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

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DA026774
BUSINESS ID

LEBER BROS. 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

27677 452 AVE
PARKER, SD 57053

Mailing Address

27677 452 AVE
PARKER, SD 57053

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 **RICHARD LEBER**

Actual Street Address in this State

27677 452 AVE
PARKER, SD 57053

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

Richard M Leber

27677 452ave Parker SD 57053

Brian Leber

P O box 653 Parker SD 57053

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

Richard M Leber

27677 452ave Parker SD 57053

Brian Leber

P O box 653 Parker SD 57053

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).

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 23, 2020

RECEIVED OF Leber Bros. LLC 27677 452nd Ave Parker SD 57053

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

Fee for Application for Permit No. <u>8466-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>8466-3</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	\$950.00

By Eric Gronlund
Chief Engineer vm



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. 8466-3, Leber Bros 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. 8466-3, Leber Bros LLC, 27677 452nd Ave, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 8466-3 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. 8466-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8466-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8466-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 15, 2021

REPORT TO THE CHIEF ENGINEER
Water Permit Application Nos. 8466-3 and 8467-3
Leber Bros LLC
March 15, 2021

Water Permit Application No. 8466-3 proposes to appropriate water for the irrigation of 120 acres at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well. The proposed well is to be completed into the Parker-Centerville aquifer with an approximate depth of 160 feet and located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 T099N-R53W. The acres to be irrigated are located in the SW $\frac{1}{4}$ Section 30 T099N-R53W. The proposed well location is approximately 2 miles south of Parker SD in Turner County.

Water Permit Application No. 8467-3 proposes to appropriate water for the irrigation of 140 acres at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well. The proposed well is to be completed into the Parker-Centerville aquifer with an approximate depth of 160 feet and located in the approximate center of NE $\frac{1}{4}$ Section 31 T099N-R53W. The acres to be irrigated are located in the NE $\frac{1}{4}$ Section 31 T099N-R53W. The proposed well location is approximately 2.25 miles south of Parker SD in Turner County.

AQUIFER: Parker-Centerville (PAC)

Hydrogeology

The Parker-Centerville aquifer is a predominately unconfined surficial glacial outwash aquifer that is composed of unconsolidated sand and gravel (Holmes and Filipovic, 2015). The outwash that makes up the Parker-Centerville aquifer was deposited in an area between Parker SD and Centerville SD. Between Parker SD and Davis SD, the outwash was deposited into an irregularly shaped flat depression approximately seven miles in width and eleven miles long (Tipton, 1957). Between Davis SD and Centerville SD, the outwash was deposited into the narrow, 1-mile wide valley that carries the Vermillion River (Tipton, 1957). Tipton (1957) noted that there were "islands of boulder clay" that were surrounded by glacial outwash, indicating that the outwash that makes up the Parker-Centerville aquifer was deposited onto an already existing uneven glacial terrain. Mapping by Tipton (1957) and Holly, Iles, and Barari (1993) show areas south of Parker SD that have the outwash deposit of the Parker-Centerville aquifer as being overlain by till. The direction of groundwater flow within the Parker-Centerville aquifer is generally from northwest to southeast and towards the Vermillion River (Holmes and Filipovic, 2015).

The extent of the Parker-Centerville aquifer has been revised several times over the years as additional information on the geology of the area has been gleaned from decades of well drilling and subsurface exploration. The most recent comprehensive review of the Parker-Centerville aquifer was conducted by Holmes and Filipovic (2015) as part of their review of the UpperVermillion-Missouri aquifer. The areal extent of the Parker-Centerville aquifer was identified as covering approximately 56 square miles (approximately 35,840 acres) by Holmes and Filipovic

(2015), a reduction from the approximate 67,060 acres that had been previously identified by Stonesifer (2013) using Hedges et al. (1982), Lindgren and Hansen (1990), and Niehus (1994). For water management purposes, Mathiowetz (2018) revised the Parker-Centerville aquifer boundaries to exclude an area immediately southeast of Parker SD that has water rights/permits identified as being completed into the Vermillion-West-Fork aquifer, and to include the water rights/permits identified as being completed into the Parker-Centerville aquifer that are located south of Centerville SD. The areal extent of the Parker-Centerville aquifer as identified by Mathiowetz (2018) is approximately 40,270 acres.

The Parker-Centerville aquifer is bounded by several other glacial aquifers. Near the confluence of the East Fork and the West Fork of the Vermillion River, the Vermillion-West-Fork (VWF) and the Vermillion-East-Fork (VEF) aquifers become hydrologically connected. This area is also the northern boundary of the Parker-Centerville aquifer, which is also hydrologically connected to the Vermillion-East-Fork and Vermillion-West-Fork aquifers. The VermillionWest-Fork aquifer is located at or near land surface in the flood plain of the West Fork Vermillion River and is under water-table conditions (Lindgren and Hansen, 1990). Lindgren and Hansen (1990) also identified that an area exists north of the West Fork Vermillion River where the Vermillion-West-Fork aquifer is overlain by up to 45 feet of till and under confined conditions. The Vermillion-East-Fork aquifer is located at or near land surface in the flood plain of the East Fork Vermillion River and is under water-table conditions (Lindgren and Hansen, 1990).

A large portion of the Parker-Centerville aquifer is underlain by the Upper-Vermillion-Missouri aquifer (Hedges et al., 1982). The southern extent of the Parker-Centerville aquifer was identified as being the same as the southern extent of the Upper-Vermillion-Missouri aquifer by Hedges et al. (1982). Within the study area of the Upper-Vermillion-Missouri aquifer by Holmes and Filipovic (2015), there was no significant difference found between the UpperVermillion-Missouri and Lower-Vermillion-Missouri aquifers and the study merged the two aquifers into a single aquifer, the Vermillion-Missouri aquifer. The SD DENR Water Rights Program currently manages water use in the Upper-Vermillion-Missouri aquifer through the use of three aquifer management units (Buhler, 2014). There are areas where the Upper-VermillionMissouri aquifer is in hydrologic connection with the overlying Parker-Centerville aquifer and the known areas were identified by Holmes and Filipovic (2015). In areas where the overlying and underlying aquifers are not in hydrologic connection, there is a layer of glacial till that restricts the vertical movement of water. In the area of these applications, the Upper-VermillionMissouri aquifer is absent, and the Parker-Centerville aquifer is underlain by glacial till, the Niobrara Formation, or the Carlile Shale (Holmes and Filipovic, 2015; SD Geological Survey, 2021; Water Rights, 2021b).

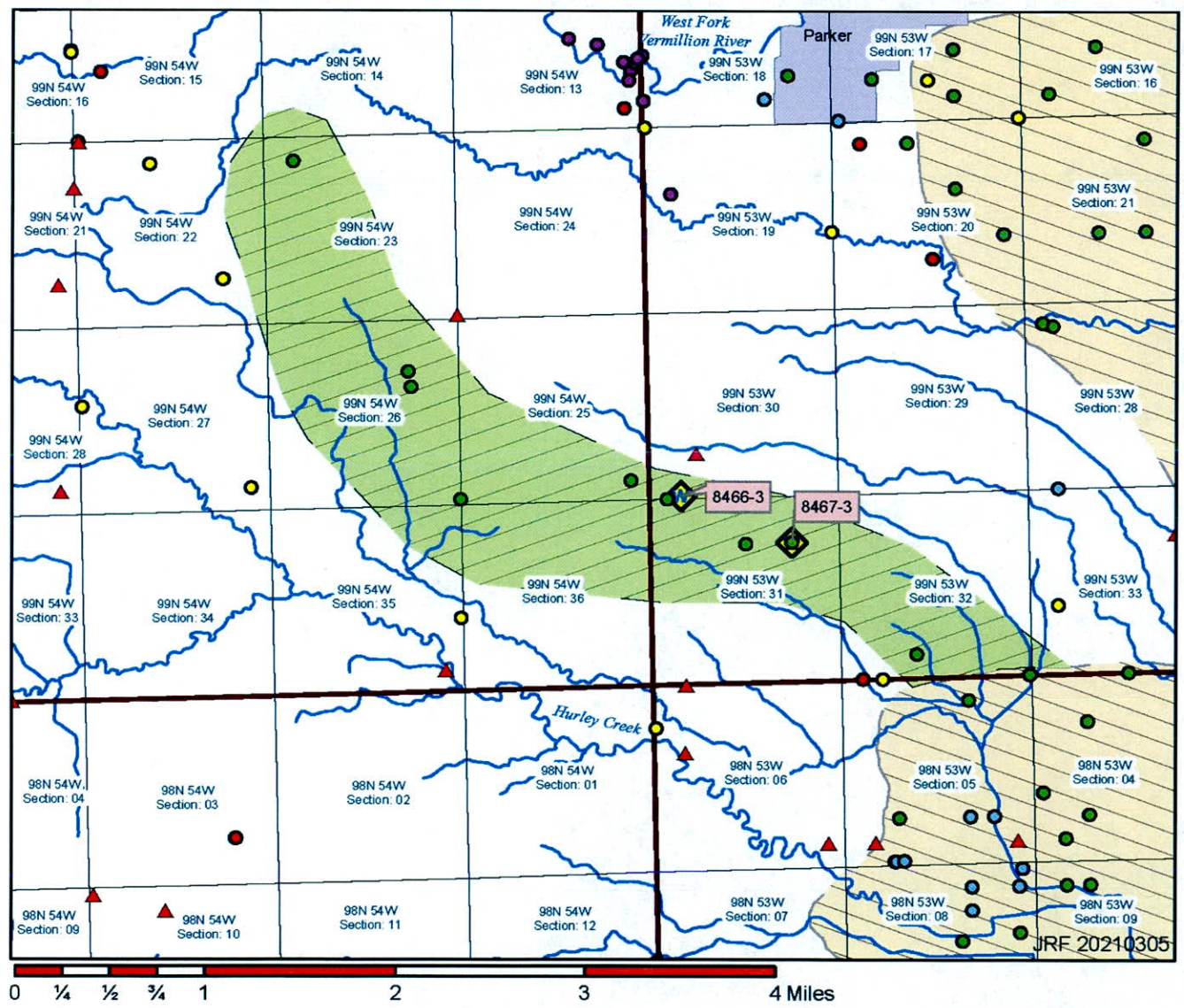
This application currently lies outside of any of the previously mapped aquifer boundaries. From Tipton (1957) through Holmes and Filipovic (2015) and Mathiowetz (2018), the identified boundary of the Parker-Centerville aquifer has stopped a little more than one mile southeast of the proposed diversion location for Water Permit Application No. 8467-3 due to a lack of data in the area. Test holes drilled by the applicant show sand and gravel of sufficient thickness and at a similar elevation as the aquifer material that comprises the Parker-Centerville aquifer to the

southeast. Wells and lithologic logs in the area were analyzed to determine the possible areal extent of this portion of outwash that had not been previously mapped. The wells and lithologic logs indicate that outwash may extend to the northwest approximately 4 and a half miles from the boundary identified by Holmes and Filipovic (2015). From the best available information, this finger of unmapped outwash appears to be less than a mile wide and encompass an area of approximately 2,400 acres. Figure 1 shows the available geologic information in the area along with a proposed extension of the Parker-Centerville aquifer. At the same elevation and adjacent to this finger of outwash, there is chalk rock (Niobrara Formation) identified on the few nearby well logs and lithologic logs. The presence of a bedrock formation being present on the northeast and southwest sides and at the same elevation of this finger of outwash would suggest that the outwash was deposited into an already existing channel in the bedrock. Mapping of the Niobrara aquifer in Hutchinson and Turner counties by Lindgren and Hansen (1990) shows the edge of a block of Niobrara aquifer being located approximately two miles southwest of Parker SD. Additional drilling would be required to better define the geology south and southwest of Parker SD.

Water Right Permit Nos. 7495-3 and 7930-3 both appear to be completed into the same unit of glacial outwash as these two applications, appearing at a similar elevation and being of sufficient thickness. The locations of Water Right Permit Nos. 7495-3 and 7930-3 are shown in Figure 2, along with other permitted/licensed water rights located near the proposed applications. At the time of the application for Water Right Permit No. 7495-3, the best reasonably available information indicated that the sand unit occurring 180 feet below ground was the Niobrara Aquifer (NBRR) (Mathiowetz, 2013). The well for Water Right Permit No. 7495-3 had a static water level of 150 feet below ground surface at the time the well was completed (November 13, 2013), indicating that this part of the aquifer is under confined conditions. The application for Water Right Permit No. 7930-3 was received a year later and located approximately 1.3 miles to the south-southeast of Water Right Permit No. 7495-3. The source for the application was not able to be definitively identified and the application was processed as Pleistocene Series: Unknown (PS:U) (Mathiowetz, 2014a). The two wells drilled for Application No. 7930-3 show the top of the aquifer material 145 to 150 feet below ground surface. The well completed for Water Right Permit No. 7930-3 had a static water level of 112 feet below ground surface at the time the well was completed (November 18, 2013), indicating that this part of the aquifer is under confined conditions.

The approximate elevation (bottom of unit and top of unit) of the outwash deposits for Water Right Permit Nos. 7495-3 and 7930-3 is 1,240 to 1,270 feet. From Water Right Permit No. 7930-3, Application No. 8466-3 is located approximately 1.5 miles southeast and Application No. 8467-3 is located approximately 2.2 miles southeast. The approximate elevation (bottom of unit and top of unit) of the aquifer for these two applications is 1,220 to 1,300 feet. The nearest water right currently identified as using water from the Parker-Centerville aquifer is Water Right Permit No. 7599-3 for Jim Rand, located approximately 0.9 miles southeast of the proposed diversion point for Application No. 8467-3. The Parker-Centerville aquifer at the location of Water Right Permit No. 7599-3 is found between the approximate elevations of 1,220 and 1,290 feet. The well completed for Water Right Permit No. 7599-3 shows that the aquifer is under confined conditions at this location, with the static water level being located 3 feet above the top

of the aquifer material at the time the well was completed (April 26, 2013). There was no static water level information submitted with the test holes that were drilled for these applications. Observation Well TU-2016D is located approximately 400 feet west of the proposed location for Water Right Permit Application No. 8466-3 and shows that the aquifer in this area is under confined conditions with the static water level occurring 0 to 10 feet above the aquifer material (Water Rights, 2021c). The aquifer for these two applications is identified as a confined and buried portion of the Parker-Centerville aquifer.



- Proposed Applications**
- Lithologic Data**
- Sand/Gravel Present
 - Sand/Gravel Present - Thin
 - Sand/Gravel - Vermillion West Fork Aquifer
 - Chalk Present
 - Not Present
 - Too Shallow
 - Parker-Centerville Aquifer (Holmes and Filipovic, 2015)
 - Parker-Centerville Aquifer Extension
 - PLSS Sections
 - City Limits



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Figure 1. Map showing the location of the proposed diversions, the currently identified approximate extents of the Parker-Centerville aquifer, and all nearby lithologic logs and well completion reports (Holmes and Filipovic, 2015; SD Geological Survey, 2021; Water Rights, 2021b)

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 a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing water rights within the Parker-Centerville aquifer.

Water Availability

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system as defined by SDCL 46-1-6(17) has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of aquifer recharge and withdrawal must be taken into consideration.

Hydrologic Budget

Recharge

Recharge to the Parker-Centerville aquifer occurs through infiltration of precipitation, seepage from surface water features when the surface water level is higher than the potentiometric surface of the aquifer, and by groundwater inflow from adjacent aquifers when the potentiometric surface of those aquifers is higher than that of the Parker-Centerville aquifer (Tipton, 1957; Holmes and Filipovic, 2015). Using data from the available observation wells, Hedges et al. (1985) estimated the average annual recharge rate to the Parker-Centerville aquifer is 4.9 inches per year. Using the 56 square mile areal extent of the aquifer as estimated by Holmes and Filipovic (2015), the estimated average annual recharge to the Parker-Centerville aquifer is 14,635 acre-feet per year.

The estimated average annual recharge to this proposed finger of Parker-Centerville aquifer that these proposed diversion points are located in is currently unknown. One estimate is to use the range of recharge rates for buried and confined aquifers proposed by Hedges et al. (1982) for water management purposes. This range is 0.15 to 0.6 inches per year, resulting in an estimated average annual recharge to this 2,400 acre finger of Parker-Centerville aquifer of 30 to 120 acrefeet per year. An aquifer test conducted for Water Right Permit No. 7930-3 resulted in an estimation that the aquifer for Water Right Permit No. 7930-3 had an areal extent of 6,377 to 7,060 acres (Mathiowetz, 2014b), suggesting that this finger may have a larger extent than identified in this report. The estimated average annual recharge estimated for Water Right Permit No. 7930-3 was 80 to 353 acre-feet per year (Mathiowetz, 2014b). The estimated average annual recharge to the Parker-Centerville aquifer is likely to exceed the 14,635 acre-feet per year using the areal extent from Holmes and Filipovic (2015). Within the boundaries from Mathiowetz (2018), the estimated average annual recharge would be 16,444 acre-feet per year.

In total, the estimated average annual recharge is 16,444 acre-feet plus an additional 30 to 120 acre-feet from the newly identified buried and confined acres in the area of this application.

Discharge

Discharge from the Parker-Centerville aquifer occurs through evapotranspiration where the aquifer is at or near the land surface, seepage to the Vermillion River when the river stage is lower than the water table, outflow to the Upper- and Lower-Vermillion-Missouri aquifers, and by well withdrawals (Lindgren and Niehus, 1992). Currently, there are 145 water rights/permits identified as appropriating water from the Parker-Centerville aquifer and 1 future use permit (Water Rights, 2021a). Of the 145 licensed or permitted water rights, 4 are for non-irrigation use and 141 are for irrigation use.

Due to the redefinition of aquifer boundaries over the years, there are water rights within the established boundaries that are likely to be withdrawing water from the Parker-Centerville aquifer even though they are not identified as using the Parker-Centerville aquifer. There are also water rights outside of the Parker-Centerville aquifer boundaries that are identified as withdrawing water from the Parker-Centerville aquifer. Drennon (2020) identified 4 water rights for irrigation use that lie within the boundaries of Mathiowetz (2018), these are Water Right License No. 6491-3 (VEF), and Permit Nos. 7312-3 (VWF), 7596-3 (VEF), and 7597-3 (VEF). The additional area identified in this report also results in the addition of two other water rights to the Parker-Centerville aquifer for irrigation use, Water Right Permit Nos. 7495-3 (NBRR) and 7930-3 (PS:U). Using the currently available information, there are 151 water rights/permits and 1 future use permit that can be considered as appropriating water from the Parker-Centerville aquifer.

Future Use Permit No. 4798-3 held by the City of Parker SD currently reserves 340 acre-feet per year of water from groundwater “less than 100 ft deep”. The area of this future use permit encompasses parts of Sections 7, 8, 9, 15, 16, 17, and 18 in T99N-R53W. Depending upon where the well(s) are placed, the well(s) could be completed into either the Vermillion-WestFork aquifer or the Parker-Centerville aquifer.

Table 1 shows a summary of non-irrigation water rights/permits with their appropriation and estimated annual use. The amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and any future use permits will be fully developed.

The City of Hurley holds two water rights that are limited by their diversion rates. However, their estimated use has been estimated as a negligible amount due to the city being connected to a rural water system (SD Drinking Water Program, 2021). The City of Parker maintains their future use in case their allocation from the rural water system they are connected to is no longer sufficient (Water Rights, 2021a). Sonstegard Food Company and Knodel Contractors LLC are both limited by an annual volume and are required to report their annual usage to the Chief

Engineer. However, they are both recently approved permits and it is unknown what their estimated average annual use is, so they are assumed to withdraw their full appropriation.

Table 1: Summary and estimated use of non-irrigation water rights/permits (Water Rights, 2021a)

Water Right Holder		Water Right Number	Water Right Status	Use Type	Annual Volume Limit [acre-feet]	Diversion Rate Limit [cfs]	Estimated Use [acre-feet]
City of Hurley		517A-3	LC	MUN	N/A	0.400	0*
City of Hurley		517B-3	LC	MUN	N/A	0.380	0*
City of Parker		4798-3	FU	MUN	340	N/A	340 ^{av}
Sonstegard Food Company		8358-3	PE	COM/LCO	222.20	1.110	222.20 ^{av}
Knodel Contractors LLC		8428-3	PE	IND	795.46	3.340	795.46 ^{av}
Summary							
5	No. of Non-Irrigation Water Rights/Permits	Non-Irrigation Estimated Annual Use					1,357.66
LC = License, PE = Permit, FU = Future Use							
COM = Commercial; IND = Industrial; LCO = Livestock Confinement Operation; MUN = Municipal							
^{av} = Limited to an annual volume, * = Connected to a Rural Water System full time, N/A = Not Applicable							

There are a number of domestic wells on file that withdraw water from the Parker-Centerville aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2021b). The annual quantity of water withdrawn for domestic use is considered to be negligible to the hydrologic budget of the aquifer.

Currently, there are 147 water rights/permits authorized for irrigation of 18,230.34 acres (Water Rights, 2021a). Estimation of the average annual use from irrigation is typically calculated by summing the reported usage from the annual irrigation questionnaires and then averaging the yearly usage over the period of record (Table 2). The average annual use from calculating the average yearly use over the period of 1979 through 2019 is 9,947 acre-feet per year (Water Rights, 2021e). Several factors came together in 2012 and increased the number of irrigation permit applications above the long-term average and, as such, the average over the period of record no longer reflects the current level of acres permitted for irrigation. For this analysis, the reported average annual irrigation use from 1979-2012 will establish the estimated average annual use for the number of acres in use prior to 2013. The estimated average annual use for the period of 1979-2012 is 10,067 acre-feet per year. From the beginning of 2013, there have been 2,152.5 acres approved for irrigation, and 293 acres that are no longer approved for irrigation due to cancellations or permit inspections. Due to the relatively short period of record and the time involved to construct and put water to beneficial use, the increase in acres approved from the beginning of 2013 will be conservatively estimated as applying 12 inches of water onto the acres. Taking the 2,152.5 acres approved, subtracting the 293 acres that were undeveloped or forfeited,

and including the 260 acres proposed by these applications, results in an increase in the estimated average annual use of 2,119.5 acre-feet per year. The total estimated average annual withdrawals from irrigation is 12,186.5 acre-feet per year.

Table 2: Reported irrigation use from the Parker-Centerville aquifer (modified from Drennon, 2020; Water Rights, 2021d; Water Rights, 2021e)

Year	Parker-Centerville Aquifer		Newly Identified Within Boundaries		Total	
	No. Permits	Irrigation Reported (ac-ft/yr)	No. Permits	Irrigation Reported (ac-ft/yr)	No. Permits	Irrigation Reported (ac-ft/yr)
1979	114	7,481	0	0	114	7,481
1980	110	7,675	0	0	110	7,675
1981	121	9,321	0	0	121	9,321
1982	111	6,494	0	0	111	6,494
1983	110	5,523	0	0	110	5,523
1984	111	5,152	0	0	111	5,152
1985	112	6,515	0	0	112	6,515
1986	113	6,120	0	0	113	6,120
1987	111	8,620	0	0	111	8,620
1988	108	13,558	0	0	108	13,558
1989	110	13,959	0	0	110	13,959
1990	110	12,201	0	0	110	12,201
1991	110	11,186	0	0	110	11,186
1992	111	3,909	0	0	111	3,909
1993	110	1,919	0	0	110	1,919
1994	111	10,724	0	0	111	10,724
1995	108	9,664	0	0	108	9,664
1996	107	10,897	0	0	107	10,897
1997	110	11,585	0	0	110	11,585
1998	108	10,072	0	0	108	10,072
1999	112	11,027	0	0	112	11,027
2000	113	12,955	0	0	113	12,955
2001	113	12,238	0	0	113	12,238
2002	114	13,865	0	0	114	13,865
2003	116	12,471	0	0	116	12,471
2004	117	14,668	1	44	118	14,712
2005	119	13,450	1	99	120	13,549
2006	117	15,304	1	33	118	15,337
2007	120	11,995	1	53	121	12,048

2008	123	13,224	1	71	124	13,294
2009	125	7,260	1	23	126	7,283
2010	123	392	1	0	124	392
2011	123	11,315	1	42	124	11,357
2012	123	19,045	2	122	125	19,168
2013	134	15,083	4	127	138	15,210
2014	136	11,269	4	66	140	11,336
2015	137	9,606	4	102	141	9,707
2016	139	11,934	4	135	143	12,069
2017	139	11,430	4	117	143	11,548
2018	138	3,808	4	15	142	3,823
2019	138	1,842	4	11	142	1,852
Average 1979-2019						9,947
Average 1979-2012						10,067

Hydrologic Budget

The estimated withdrawals from the Parker-Centerville aquifer are 1,357.66 ac-ft/yr from nonirrigation users, and 12,186.5 ac-ft/yr from irrigation, including the 260 acres proposed by these two applications. The estimated average annual withdrawal from the Parker-Centerville aquifer is 13,544.16 ac-ft/yr. The estimated average annual recharge to the Parker-Centerville aquifer is 16,444 ac-ft/yr. Therefore, based upon the estimated average annual recharge being greater than the estimated average annual withdrawals, there is a reasonable probability there is unappropriated water available from the Parker-Centerville aquifer for these applications.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule of South Dakota 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 maintains 24 observation wells completed in the ParkerCenterville aquifer (Water Rights, 2021c). The nearest observation well is TU-2016D, located approximately 400 feet west of the proposed well location for Application No. 8466-3. However, the period of record of this observation well is too short to determine if the quantity of water being withdrawn is exceeding the recharge or not. Observation Well TU-79C, located 1.7 miles south-southeast of the proposed diversion point of Application No. 8467-3 has a period of record from 1956 through 2020.

The observation well hydrographs shown in Figure 3 are representative of the Parker-Centerville aquifer. The hydrographs show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The observation well measurements show that the effects from seasonal changes in hydrologic conditions and pumping are temporal, and that the aquifer has remained relatively stable over the period of record. The

observation well data indicates that there is a reasonable probability unappropriated water is available from the Parker-Centerville aquifer.

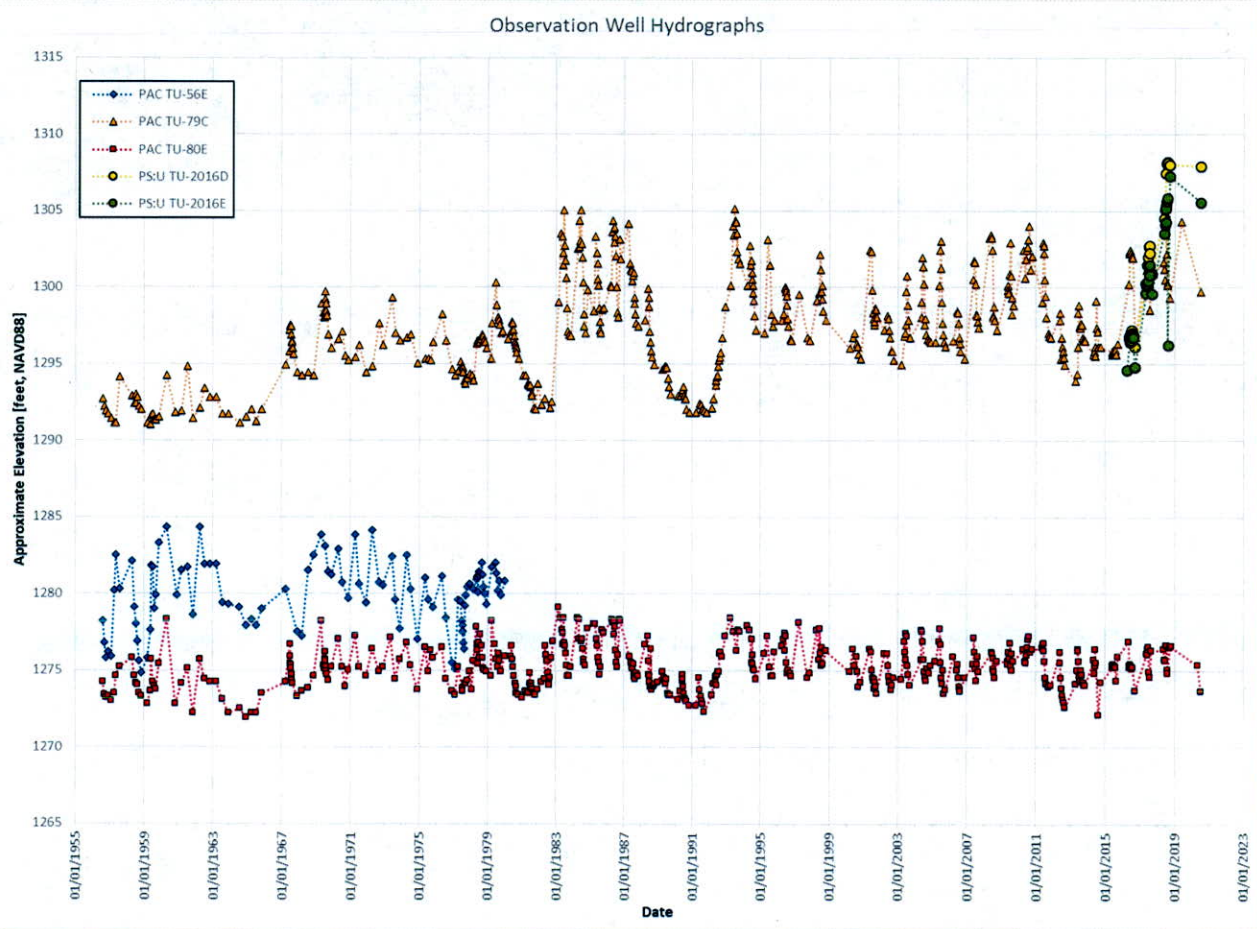


Figure 4: Hydrographs for Observation Wells completed into the Parker-Centerville (PAC) and Pleistocene Series: Unknown (PS:U) aquifers near Water Right Application Nos. 8466-3 and 8467-3 (Water Rights, 2021c)

Potential for unlawful impairment of existing water rights

There are 151 water rights/permits appropriating water plus 1 future use permit reserving water from the Parker-Centerville aquifer (Water Rights, 2021a). The location of the diversion points for water rights/permits authorized to withdraw water in the vicinity of this application are shown in Figure 2. The nearest existing water right/permit is held by James Rand and is located 0.9 miles to the southeast of the applicant's proposed diversion location for Application No. 8467-3 and 1.5 miles southeast of the applicant's proposed diversion location for Application No. 8466-3. The nearest domestic well on file with the SD DENR is located approximately ¼ mile west of the proposed diversion location for Application No. 8466-3, this well is also the closest domestic well to the proposed diversion location for Application No. 8467-3, being located 0.9 miles west-northwest.

The Parker-Centerville aquifer is primarily under unconfined conditions and due to the behavior of unconfined aquifers, drawdown from well withdrawals within unconfined aquifers is generally not significant at distances far from the pumping well. Examination of the hydrographs of observation wells completed into the Parker-Centerville aquifer show no signs of being significantly impacted by drawdown caused by pumping. Even though there are many high capacity wells in the Parker-Centerville aquifer, there has not been a history of well interference.

However, short-term conditions can occur where withdrawal exceeds recharge to the aquifer. A decline of water levels during an extended drought in addition to the cumulative impact of well withdrawals may result in reduced yields of wells completed into thinner portions of the Parker-Centerville aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or historically established diversion rates, this may be considered an unlawful impairment and could require these applications, if approved, and other water rights/permits with junior priority dates to cease pumping in favor of water rights/permits with senior priority dates.

This application is in an area of the Parker-Centerville aquifer that is under confined conditions. Due to the physics of confined aquifers, the observed drawdown from withdrawals may extend quite far from the pumping well. At the proposed well sites, there is approximately 0 to 10 feet of artesian head pressure above the top of the aquifer. South Dakota Codified Law (SDCL) 46-66.1 does not necessarily protect artesian head pressure as a means of delivery, and 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 considered the delivery of water by artesian head pressure versus maximum beneficial use of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Water Management Board adopted Findings of Facts and Conclusions of Law that noted reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, "general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...". Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). To balance interests between appropriative and domestic uses, the Water Management Board defined an "adversely impacted domestic well" in Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs".

In the past, the Water Management Board has recognized that to place water to the maximum beneficial use, a certain amount of drawdown may occur. With no history of well interference

complaints from users in the Parker-Centerville aquifer, adequate wells are not expected to be unlawfully impaired if these proposed appropriations are approved.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.” Water Permit Application No. 8466-3 proposes to divert water at a maximum rate of 1.78 cfs for the irrigation of 120 acres or at a rate of 1.038 cfs per 70 acres. The application is for a center pivot irrigation system; however, the pivot does not make a full rotation. Due to the operational requirements of the irrigation system, a certain amount of diversion rate is required, independent of the number of acres the system covers. The reason for this request is reasonable and has been accepted by the Water Management Board in the past.

Conclusions

1. Water Permit Application No. 8466-3 proposes to appropriate water at a maximum diversion of 1.78 cfs from the Parker-Centerville aquifer for the irrigation of 120 acres in Turner County.
2. Water Permit Application No. 8466-3 has requested a diversion rate exceeding the statutory limit of one cfs per 70 acres. It is a reasonable request and similar requests have been accepted by the Water Management Board in the past.
3. Water Permit Application No. 8467-3 proposes to appropriate water at a maximum diversion of 1.78 cfs from the Parker-Centerville aquifer for the irrigation of 140 acres in Turner County.
4. These two applications are proposing to use a previously unidentified portion of the Parker-Centerville aquifer.
5. The previously unidentified portion of the Parker-Centerville aquifer consists of buried sand and gravel that has consistent elevation and thickness with the portions of the aquifer that are surficial.
6. Observation Wells TU-2016D and TU-2016E are completed into this buried portion of the Parker-Centerville aquifer.
7. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Parker-Centerville aquifer.

8. There is a reasonable probability that the diversion proposed by these two applications will not unlawfully impair adequate wells for existing water rights and domestic uses.



John Farmer
SD DENR – Water Rights Program

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- Water Rights. 2021b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021c. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021d. Irrigation Questionnaire Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021e. Irrigation Questionnaire Summaries. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 16, 2021 3:39 PM
To: leberbros@gmail.com
Subject: Water Permit Application Nos. 8466-3 and 8467-3
Attachments: 0913.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 papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

Water Rights Program
(605) 773-3352



RECEIVED

APR 08 2021

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SS

I, Julie Norvell

certify that the attached printed Notice was taken

from the New Era

printed and published in Parker

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

3/25

Cost of Printing \$39.72

Julie Norvell
(Signature)

Office Manager
(Title)

April 5, 2021
(Date Signed)

Notice of Application Nos.

**8466-3 and 8467-3 to
Appropriate Water**

Notice is given that Leber Bros LLC c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 has filed the following applications for a water permit.

Application No. 8466-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (approximately 160 feet deep) located in the SW 1/4 SW 1/4 Section 30 to irrigate 120 acres located in the SW 1/4 Section 30; all in T99N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately two miles south of Parker SD.

Application No. 8467-3 proposed to appropriate 1.78 cfs from one well to be completed into the Parker-Centerville Aquifer (approximately 160 feet deep) located in the center of the NE 1/4 Section 31 to irrigate 140 acres located in the NE 1/4 Section 31; all in T99N-R53W. This site is located approximately 2.5 miles south of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8466-3 and 8467-3 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 recommendations with qualifications, the applications, 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 the applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by Monday, April 5.

The petition may be informal but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's

legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the 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 \$39.72 (N0325-2)

Argus Leader

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

RECEIVED

APR 07 2021

WATER RIGHTS
PROGRAM

Account No: 6059414983

Ad No: 0004648715

PO #:

Lines : 117

Ad Total \$76.27

This is not an invoice

of Affidavits: 1

LEBER BROS LLC
27677 452ND AVE
PARKER, SD 57053

Account No.: 6059414983
Ad No.: 0004648715

Argus Leader AFFIDAVIT OF PUBLICATION

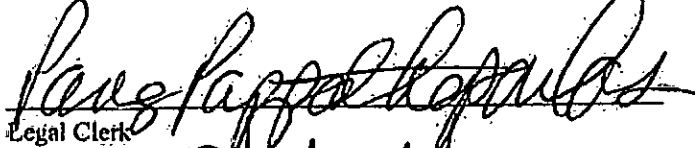
STATE OF SOUTH DAKOTA

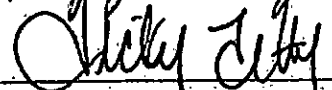
COUNTY OF MINNEHAHA

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

Thursday, March 25, 2021

Sworn to and subscribed before me this 6 day of April, 2021.


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 NOS. 8466-3
and 8467-3 to Appropriate
Water

Notice is given that Leber Bros. LLC c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 has filed the following applications for a water permit.

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Application No. 8467-3 proposed to appropriate 1.78 cfs from one well to be completed into the Parker-Centerville Aquifer (approximately 160 feet deep) located in the center of the NE 1/4 Section 31 to irrigate 140 acres located in the NE 1/4 Section 31; all in T99N-R53W. This site is located approximately 2.5 miles south of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8466-3 and 8467-3 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 recommendations with qualifications, the applications, and staff report are available at <http://denr.sd.gov/pub> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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The petition may be informal but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications,

and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the 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 \$74.37
4645715 Mar 25, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 16, 2021 1:01 PM
To: New Era
Subject: 8466-3 and 8467-3, Leber Bros LLC
Attachments: 8466-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 25, 2021.

Leber Bros LLC, c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 (605 941-4983) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 16, 2021 1:01 PM
To: 'legals@argusleader.com'
Subject: 8466-3 and 8467-3, Leber Bros LLC
Attachments: 8466-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 25, 2021.

Leber Bros LLC, c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 (605 941-4983) 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 NEWSPAPERS RIGHT AWAY.**

March 16, 2021

Leber Bros LLC
c/o Richard Leber
27677 452nd Ave
Parker SD 57053

Dear Mr. Leber:

Water Permit Application Nos. 8466-3 and 8467-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the New Era printed at Parker SD (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and report on the applications 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 publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NOS. 8466-3 and 8467-3 to Appropriate Water

Notice is given that Leber Bros LLC c/o Richard Leber, 27677 452nd Ave, Parker SD 57053 has filed the following applications for a water permit.

Application No. 8466-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker-Centerville Aquifer (approximately 160 feet deep) located in the SW 1/4 SW 1/4 Section 30 to irrigate 120 acres located in the SW 1/4 Section 30; all in T99N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 2 miles south of Parker SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8466-3 and 8467-3 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 recommendations with qualifications, the applications, 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 the applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 5, 2021.

The petition may be informal but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the 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 AGRICULTURE
and NATURAL RESOURCES**

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

APR 19 2021

Leber Bros LLC
c/o Richard Leber
27677 452nd Ave
Parker SD 57053

Dear Mr. Leber:

Enclosed are Water Permit Nos. 8466-3 and 8467-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

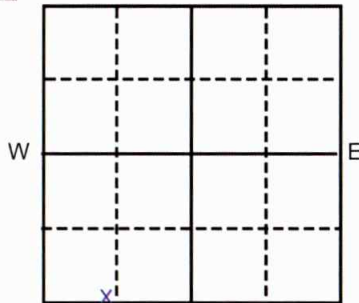
enclosures

8466-3
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30 Twp 99N Rg 53WCounty TURNER ☒

North

Please mark well
location with an "X"

Well Completion Date

6/15/2021

1 Mile

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

470 ft. from SEPTIC SYSTEM (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>100</u> FT	<u>22</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>GROUT DF</u>	<u>22</u>	Lb/gal	<u>0</u> Ft	<u>70</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMMIE

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16 InchesLength 60 FeetMaterial SDR26 PVCSlot Size .060 Set From 100 Feet to 160 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? HTH TABLETS☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: RICH LEBER

Business Name:

Address: 27677 452 AVECity, State, Zip: PARKER ☒ SD ☒ 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
TAN SANDY CLAY	3	40
GREY SANDY CLAY	40	75
SAND GRAVEL MIX W/CLAY	75	93
FINE-MED SAND W/COARSE GRAV	93	160

STATIC WATER LEVEL

If flowing: closed in pressure _____ FEET

GPM flow _____ through _____ PSI

Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Inch pipe

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: N/A☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

43.358147*-97.158789*This well was drilled under license # 810 and this
report is true and accurate.Drilling firm: HEINE ELECTRIC AND IRRIGATION

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

SEP 27 2021

Date: 9-24-21WATER RIGHTS
PROGRAM

**Water Rights Program
File Documentation**

File: Water Permit Nos. 8466-3 and 8467-3, Leber Bros LLC

Date: 2024 June 24

County: Turner

RE: Aquifer designation

COMMENTS:

Water Permit Nos. 8466-3 and 8467-3 were originally categorized as appropriating water from the Parker-Centerville aquifer [1]. In her review for Water Permit No. 8742-3, Kilts [2] delineated the Parker-Centerville aquifer based on best information available and this delineation did not include the above-mentioned permit numbers. Subsequently, the Water Rights Program is administratively changing the aquifer designation for the above water right permit numbers from the Parker-Centerville aquifer to the Pleistocene Series: Unknown aquifer. This change of aquifer designation, to the Pleistocene Series: Unknown aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by these water right permit numbers, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.



Kim Drennon
Natural Resources Engineer



Eric Gronlund
Chief Engineer

References

- [1] Water Rights Program, "Water Right Permit Files," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [2] W. Kilts, "Report to the Chief Engineer on Water Permit Application No. 8742-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2023.

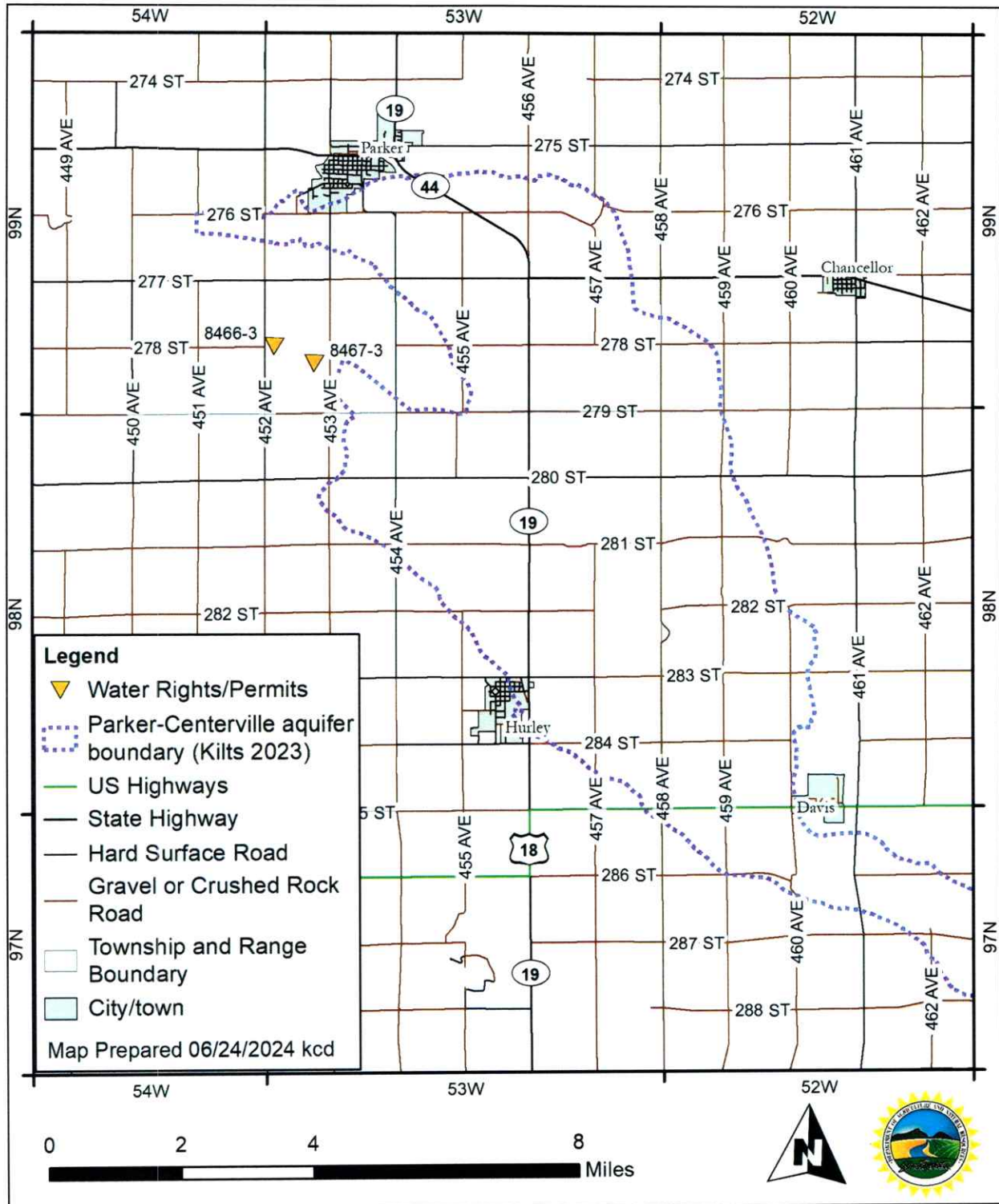


Figure 1: Water right permits previously categorized as Vermillion: West Fork which will now be categorized as Parker-Centerville.

Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8466-3

I have this day, October 18, 2024, made a thorough examination of the water use system constructed by Leber Bros LLC, 27677 452nd Ave, Parker, SD 57053 of Permit No. 8466-3, bearing the priority of December 23, 2020 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Parker-Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Heine Electric & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 160 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 100 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 60 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

B. Works used to transport water to place of use:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1430 feet

Comments: **xx**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION From the SW corner Sec 30 T99N R53W, 30 ft N & 720 ft E' Lat 43.35814 Long -97.15880 (SW 1/4 SW 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 30 T99N R53W

NW 1/4 SW 1/4 - 12 acres

NE 1/4 NW 1/4 - 33 acres

SE 1/4 NW 1/4 - 34 acres

SW 1/4 SW 1/4 - 33 acres

legal description/acreage

comprising a total of 112 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

The address and phone number in the permit application are current.

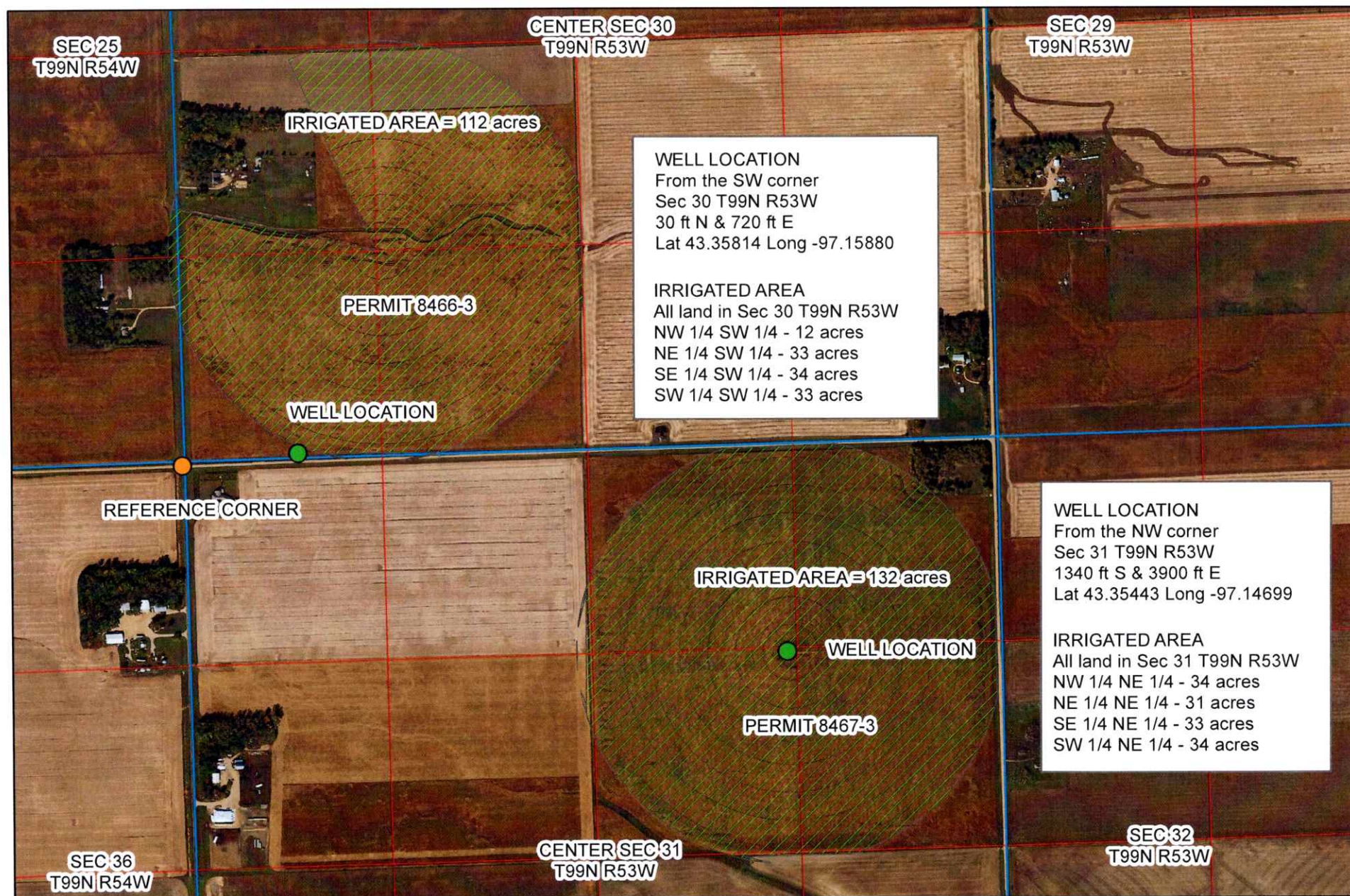
I talked to Mr. Richard Leber (605/941-4983) on the phone regarding Permit details.

A handwritten signature in black ink, appearing to read "Darrell DeBoer", written in a cursive style.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **October 21, 2024**

No. 8466-3 & 8467-3



0 700 1,400 2,800 4,200 5,600 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

RECEIVED

APR 01 2025

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date

3-29-2025

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Leber Bros LLC

(name)

27677 452 Ave

(address)

Parker SD 57053

(city, state, zip)

605-941-4983

(phone)

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

Water Permit No. 8466-3 states that the water use system is to be constructed by

April 5, 2026

(date)

, and water is to be put to beneficial use by April 5, 2030

(date)

The water use system was completed on

July 2023

(date)

Applying the water to beneficial use was completed on

July 2023

(date)

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



(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 28 2025

Leber Bros LLC
c/o Richard Leber
27677 452nd Ave
Parker, SD 57053

Nos. 8466-3 & 8467-3

Dear Mr. Leber:

Enclosed is Water License Nos. 8466-3 and 8467-3. These are the final water right documents completing your process of obtaining the Water Rights. Included with your licenses is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: While the original permits were issued for appropriations from the Parker Centerville Aquifer, the aquifer designation has been changed to the Pleistocene Series: Unknown Aquifer, based on the best information available. Redesignation of the appropriated aquifer does not represent a physical change in water source.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8466-3

(1) Leber Bros LLC, 27677 452nd Ave, Parker, SD 57053, made Application No. 8466-3, December 23, 2020, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Pleistocene Series: Unknown Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 8466-3, with a priority date of December 23, 2020, was approved April 5, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 5, 2026, and for the application to beneficial use of water on or before April 5, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on April 1, 2025. The Notice stated the diversion system was completed in July 2023, and the water was placed to beneficial use in July 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 30 feet N and 720 feet E from the SW corner Section 30, T99N, R53W (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 43.35814 & Longitude -97.15880)

(3) The amount of 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 – September 30.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 30, T99N, R53W
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 12 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 34 acres
Total – 112 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Leber Bros LLC, the holder and/or owner of Water Right No. 8466-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Pleistocene Series: Unknown Aquifer), with a priority date of December 23, 2020, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8466-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8466-3 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.

continued

2. The well authorized by Permit No. 8466-3 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. *(The well was drilled by Heine Electric & Irrigation Inc in 2021. A copy of the well completion report is on file with the Water Rights Program.)*

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires. Permit No. 8466-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acres feet of water per acre per year. *(The number of irrigated acres has been reduced to 112, based on the system as constructed.)*

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

