

WATER PERMIT NO. 8496-3

Name of Applicant: **John Bovill**

Address: **47270 294th St, Beresford SD 57004**

Phone: **605 214-6500**

Amount of Water Claimed: **1.33 cfs**

Total Acres: **80 acres**

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

Water to be used for: **irrigation**

County: **Lincoln**

Type of Waste Disposal System:

Location: **2 miles north of Beresford**

PRIORITY

Date Received: **3-4-21**

Application/License Fee: **\$ 1,050**

Corrected Application Received:

Period of Annual Use: **May 1 – October 31**

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

Diversion Point: **SE 1/4 SE 1/4 Sec 21-T96N-
R50W**

Land to be Irrigated: **SE 1/4 Sec 21-T96N-R50W**

Depth of Well: **175 feet deep**

Well Driller:

Remarks:

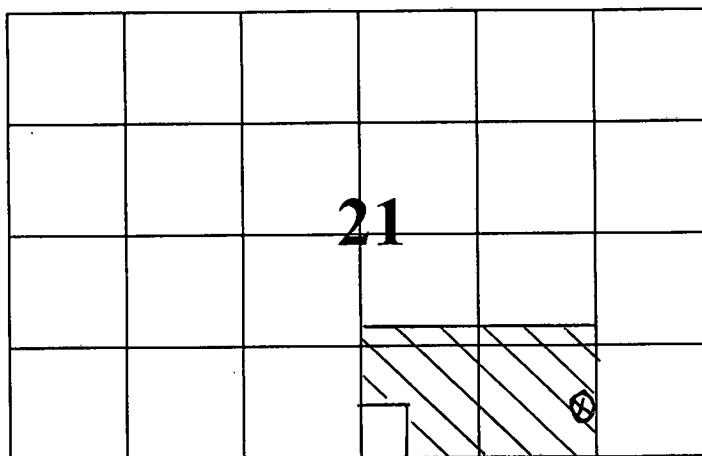
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-4-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8496-3**

Date of first receipt of application March 4, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8496-3 to John Bovill, 47270 294th St, Beresford SD 57004 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. 8496-3 appropriates 1.00 cubic feet of water per second from one well completed into the Brule Creek Aquifer (171 feet deep) located in the SE 1/4 SE 1/4 Section 21 for irrigation of 80 acres located in portions of the SE 1/4 Section 21; all in T96N-R50W. This site is located approximately 2 miles north of Beresford 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: May 1 – October 31.
3. The date from which applicant may claim right is March 4, 2021.
4. The date of approval of Permit No. 8496-3 is May 17, 2021.
5. One-fifth of the construction is to be completed on or before November 17, 2023.
6. All construction is to be completed on or before May 17, 2026.
7. Water is to be put to beneficial use on or before May 17, 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. 8496-3 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. 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

MAY 20 2021

date



FORM 2: Application for irrigation in South Dakota

(type or print)

PAID

MAR 04 2021

Ck# 5881

3-2-21

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8496-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Sioux Valley News, Canton</u>
	<u>Argus Leader</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application:

☒ New☐ Vested Right

(Use predates Mar 2, 1955)

☐ Amendment/Correction to Permit No. _____

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

1. Name to Appear on Irrigation Permit John Bovill

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

Mailing Address 47270 294th St Beresford SD 57004

(Address)

(City)

(State)

(Zip Code)

Phone 605 214-6500 Mobile _____ Email John.Bovill@RCIS.com 80

488.8

2. Amount of water claimed 1.00 *CFS or 600 **GPM ***AF Total Acreage 80 A

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion 1 well in 3 1/2 SE 1/4 (SE 1/4 SE 1/4)
of 21-96-50 County Lincoln

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lincoln6. Annual period during which water is to be used Summer Irrigation May 1-Oct 317. 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
SE 1/4 of SE 1/4	40	SW 1/4 of SE 1/4	40
SW 1/4 of SE 1/4	40	NE 1/4 of SE 1/4	40
NE 1/4 of SE 1/4	40	NW 1/4 of SE 1/4	40
NW 1/4 of SE 1/4	40	All of 21-96-50	80
		Pleasant Township	
		Lincoln Co. SD	

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

I, John Bovill 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 To be done by Thcin
 (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: not yet Drilled hope it will be less than

* c) Well Depth (required) Approx. 175 Depth to Top of Water Bearing Material Depth to Water from Surface 200 feet

d) Distance to nearest domestic well on applicant's property none Property owned by others none

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

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

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

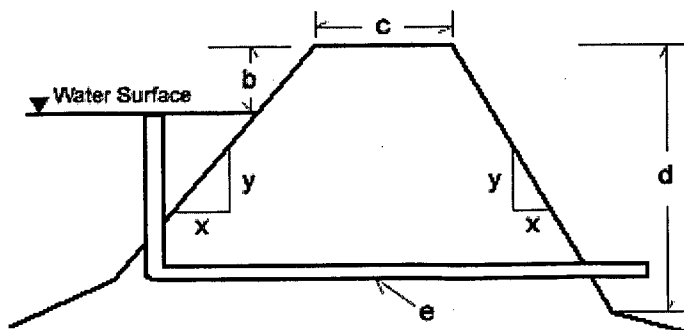
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres

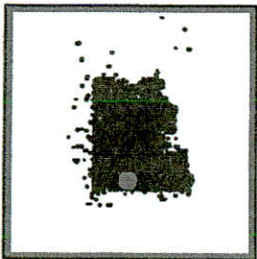




Leica Geosystems



Program
Year 2020



United States Department of Agriculture
Lincoln County, SD
PLSS: 21_96N_50W
Farm: 6136

1 inch equals 700 feet

Wetland Determination Identifiers

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

Common Land Units

/// Non Cropland

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

2018 Ortho-Photography - Not to Scale

November 19, 2019

John Bovill

Legend

- Feature 1
- John Bovil

RECEIVED

APR 15 2021

WATER RIGHTS
PROGRAM

n 43 6.8840 w 96 44.8100

John Bovill 170' 12" well

473rd Ave

295th St

Google Earth

© 2021 Google



1000 ft

**WATER RIGHTS
PROGRAM**

RECEIVED

APR 15 2021

WATER RIGHTS
PROGRAM

Well Formation Log - John Bovill 12" Irrigation Well - March 2020

<i>Formation</i>	<i>From</i>	<i>To</i>
Top Soil	0	3
Clay Brown	3	5
Clay tan Brown	5	84
Clay Blue	84	106
Sand and Gravel	106	110
Clay Blue	110	118
Sand	118	119
Clay Gray	119	143
Sand and Gravel	143	171
Clay Tan	171	175
Shale Blue Gray	175	180



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2021

John Bovill
47270 294th St
Beresford, SD 57004

Dear Mr. Bovill:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a South Dakota Licensed Well Driller construct a test well between approximately 150 and 200 feet deep prior to approval of a water permit. The test well will be located in the SE ¼ Section 21-T96N-R50W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7). Approval of this test well does not assure issuance of a new water permit or approval of a change in diversion point for an existing water permit. Following review of a new Water Permit Application or the change in diversion point request assessing, when applicable, the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions, call Eric Gronlund at (605) 773-3352.

Sincerely,


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

CC: Aaron Butler, Thein Well Drilling

Water Rights Program - File Documentation

NAME: John Bovill

ADDRESS: Beresford SD

DATE: 3-4-21

RE: Pending application

COMMENTS:

I called John Bovill about the acreage amount on his application not matching what was outlined on the map. He stated he just thought he would apply for the entire SE 1/4. He further indicated he did not own the entire N 1/2 SE 1/4. He does own 93 feet into the N 1/2 SE 1/4 so he wanted that included on the application as shown on the map.

Mr. Bovill agreed that he would not be irrigating where the farmstead was located, so in total he would like to request irrigation of 80 acres located in portions the SE 1/4 Section 21-T96N-R50W. He would be using a drip irrigation system.

Karen Schlaak

Karen Schlaak
Water Rights Program

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: John Bovill

DATE: April 15, 2021

TELEPHONE: 605-214-6500

RE: Water source for irrigation application

COMMENTS:

I called Mr. Bovill to discuss the desired water source for his irrigation project. Mr. Bovill stated he was looking for a glacial sand aquifer material and not the Niobrara Chalk or the Codell Sandstone, also aquifers in his area. Mr. Bovill also stated that Thein Well Drilling had completed his test hole and that he would email me a copy of the test hole log, map of the test hole location, and the driller's log.



Adam Mathiowetz

Natural Resources Engineer

DENR-Water Rights Program

Appl No. 8496-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: John Bovill

ADDRESS: 47270 294th Street, Beresford COUNTY: Lincoln

DATE: April 26, 2021 TELEPHONE: 605 214-6500

RE: diversion rate for Application No. 8496-3

I contacted Mr. Bovill regarding the diversion rate proposed in his application. Originally, he application for 600 gpm (1.33 cfs) for irrigation of 160 acres. He amended the application but initially maintained the 600 gpm diversion rate which is greater than the statutory limit.

Mr. Bovill stated the diversion rate is now planned for 385 gpm and irrigation of 74 acres. I indicated he may want to estimate a little on the high side. Mr. Bovill asked his application be amended to 1.0 cfs (448.8 gpm) for irrigation of 80 acres. He understood that at the time of licensing he would be reduced the diversion and acreage developed.

NAME: Eric Lund

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date March 4, 2021

RECEIVED OF John/Sara MN Bovill 47270 294th St beresford SD 57004

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

Fee for Application for Permit No. <u>8496-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$850.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8496-3</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	\$1050.00

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8496-3, John Bovill**

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. 8496-3, John Bovill, 47270 294th St, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 8496-3 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. 8496-3 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. 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
April 26, 2021

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8496-3
JOHN BOVILL
APRIL 26, 2021

Water Permit Application No. 8496-3 proposes to irrigate 80 acres at a maximum instantaneous diversion rate of 1.0 cubic feet of water per second (cfs) from one well completed into the Brule Creek aquifer (approximately 175 feet deep) located in the SE ¼ SE ¼ Sec. 21-T96N-R50W. The acres proposed for irrigation are located in portions of the SE ¼ Section 21. The project site is located approximately 2 miles north of Beresford, SD.

AQUIFER: Brule Creek (BRC)

Aquifer Characteristics:

The Brule Creek aquifer is comprised of glacial and nonglacial origin medium sands to coarse gravels (Niehus, 1994). The Brule Creek aquifer underlies portions of Clay (1,800 acres), Lincoln (33,200 acres), and Union (43,400 acres) Counties (Hedges et al, 1982; Niehus, 1994). Niehus (1994) estimated the Brule Creek aquifer underlies 180 square miles (115,200 acres) of Union and Lincoln Counties. Hedges and others (1982) estimated there was 298,950 acre-feet (ac-ft) of recoverable water in storage. Niehus (1994) estimated 570,000 ac-ft of water in storage in the aquifer in Lincoln and Union Counties.

The Brule Creek aquifer is hydrologically connected with the Newton Hills aquifer in its northern extent and possibly the Lower Vermillion Missouri aquifer at its southern extent (Niehus, 1994). Where the Brule Creek aquifer is near land surface, it may be hydrologically connected to the local surface waters, especially Brule Creek (Niehus, 1994). The aquifer is generally under confined conditions except in the few areas where the aquifer is near land surface (Niehus, 1994). The Brule Creek aquifer is generally overlain by till with an average till thickness of 46 feet but can be overlain by virtually none and up to 176 feet of till (Niehus, 1994). Water movement in the aquifer is generally to the south except in the northern most portion where water moves to the northeast toward the hydrologically connected Newton Hills aquifer (Niehus, 1994). The average thickness of aquifer materials in the Brule Creek is 33 feet with an approximate maximum of 88 feet (Niehus, 1994).

The test well completion report in the application file indicates "Sand and Gravel" was encountered from 143 to 171 feet below ground surface. The well is screened from 140 to 171 feet below grade. The static water level was 109 feet below land surface at the time of well completion in March 2021. The Brule Creek aquifer is under confined conditions at the applicant's well location.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this 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 the potential for unlawful impairment on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Brule Creek aquifer. The probability of unappropriated water available from the 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. 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 Brule Creek aquifer is not stratigraphically lower/older than the Greenhorn Formation, and the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, a comparison of average annual recharge and average annual withdrawals from the Brule Creek aquifer is required for this application.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The Water Rights Program maintains 10 observation wells completed into the Brule Creek aquifer (Water Rights, 2021c). Observation wells LN-80A, LN-80B, and UN-80B are approximately 2 miles west, 3.2 miles southeast, and 4.4 miles south-southeast of the applicant's well location (Water Rights, 2021c). The hydrographs for LN-80A, LN-80B, and UN-80B are shown in Figures 1 to 3, respectively. The three hydrographs are representative of the other hydrographs for observation wells completed into the Brule Creek aquifer. In general, the observation well hydrographs show water levels are stable to slightly rising over the period of record. Observation well LN-80A is showing a much greater rise in water level over its period of record than the other observation wells. The most likely reason is LN-80A is more isolated from other observation wells and water rights/permits, and from potential connection to surface water sources which may have some effect on the water level in the observation wells near surface water connections.

The hydrographs show the water level in the aquifer rises during wetter periods and slowly declines during drier periods. Furthermore, the effects of local pumping on the water level in the observations wells is temporary. Once the irrigation season ends, the water levels in the observation wells recover to pre-pumping season levels. This means natural conditions, recharge to and natural discharge from an aquifer, govern the long term changes of water level in the aquifer. Recognizing that recharge to and natural discharge from an aquifer can be captured for pumping,

the observation well data demonstrates there is unappropriated water available for this proposed appropriation.

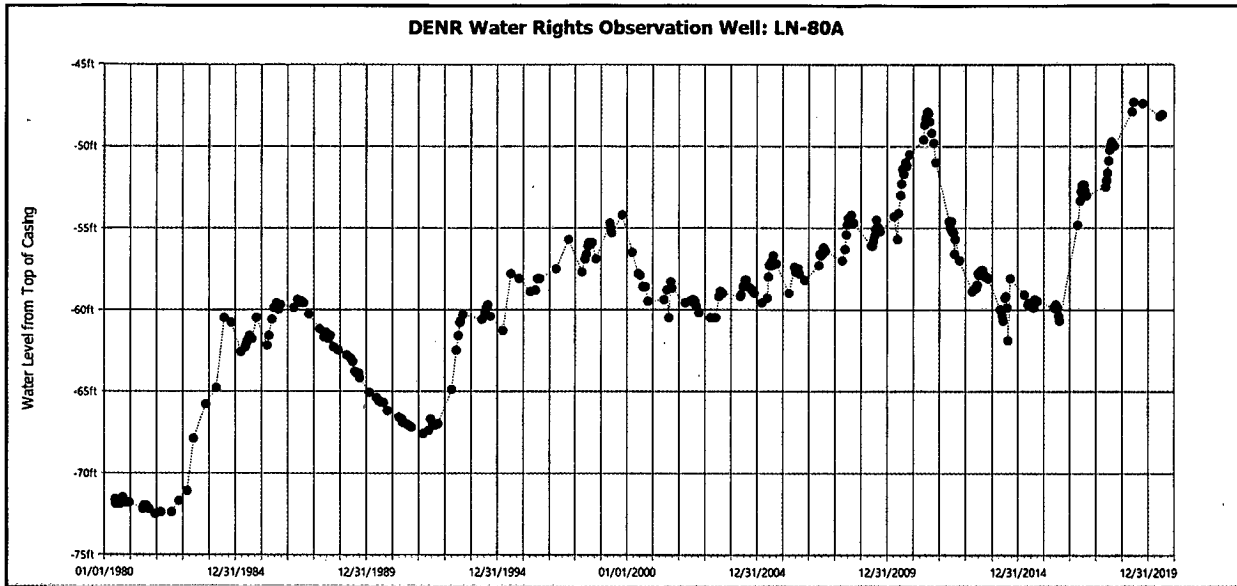


Figure 1- Hydrograph for observation well LN-80A (Water Rights, 2021c)

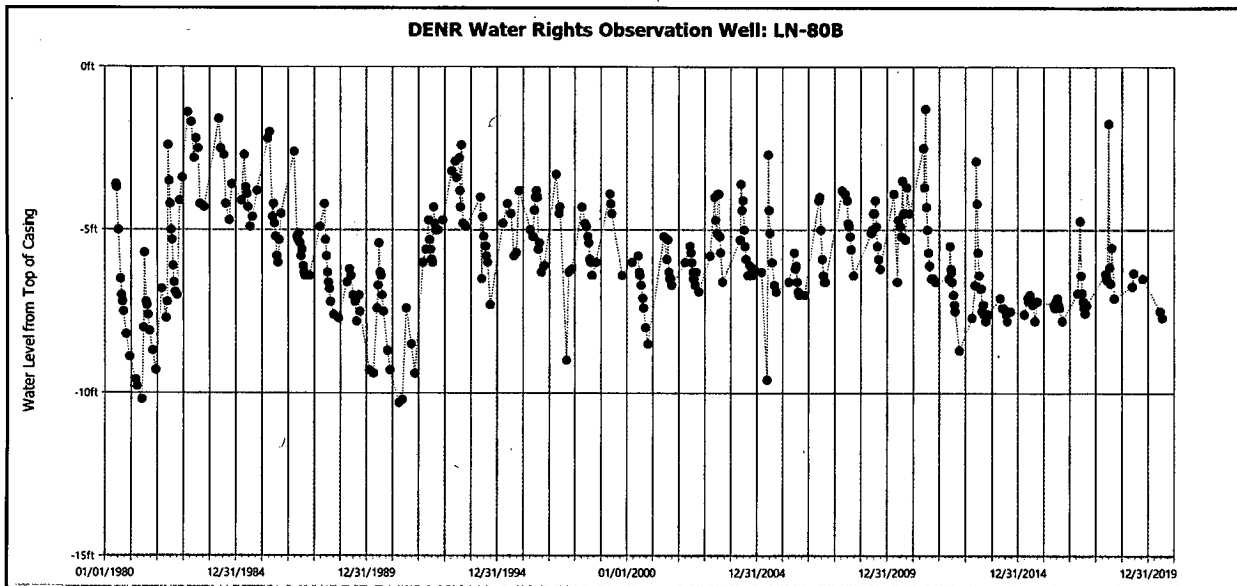


Figure 2- Hydrograph for observation well LN-80B (Water Rights, 2021c)

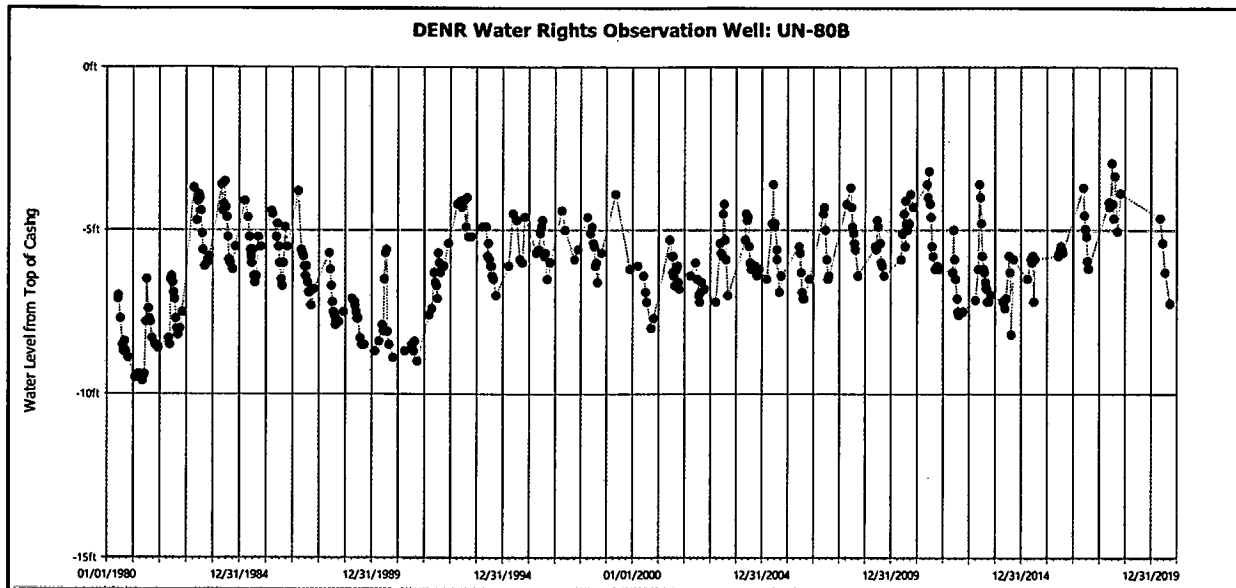


Figure 3- Hydrograph for observation well UN-80A (Water Rights, 2021c)

Hydrologic Budget

Recharge

The Brule Creek aquifer is primarily recharged through the infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Buhler (2009) estimated an average recharge rate of 4.5 inches per year (in/yr) to the unconfined portions of the Brule Creek aquifer using observation well analysis. Buhler (2009) estimated at least $\frac{1}{4}$ of the area of the aquifer was unconfined. That is an average annual recharge rate range of 7,350 to 10,800 ac-ft/yr using Hedges and others (1982) and Niehus's (1994) estimated areal extents.

Discharge:

Discharge from the Brule Creek aquifer occurs through evapotranspiration where the aquifer is near land surface, groundwater outflow to the Newton Hills aquifer, and well withdrawals (Niehus, 1994). Currently, there are 22 water rights/permits authorized to withdraw water from the Brule Creek aquifer (Water Rights, 2021d). Figure 4 shows the historically reported irrigation pumpage and the number of permits reporting. Table 1 shows the period of record, 1979-2020, average annual irrigation pumpage along with average annual pumpage for more recent periods of time. As there has been more development of irrigation permits in the aquifer, there has been an increase in average annual irrigation pumpage. The average annual irrigation pumpage across the period of record is 601.4 ac-ft/yr. After a jump in irrigation permits in 2013, the 2014 through 2020 average annual irrigation pumpage is 730.7 ac-ft/yr. The time periods were chosen based on when there were notable increases in the number of irrigation permits issued.

Table 1- Historic and recent time period average annual irrigation pumpage (Water Rights, 2021b)

Time Period	Years of Data	Avg. Permits Reporting	Avg. Annual Pumpage (ac-ft/yr)
1979-2020	42	10.7	601.4
2008-2020	13	15.1	742.4
2014-2020	7	18	730.7

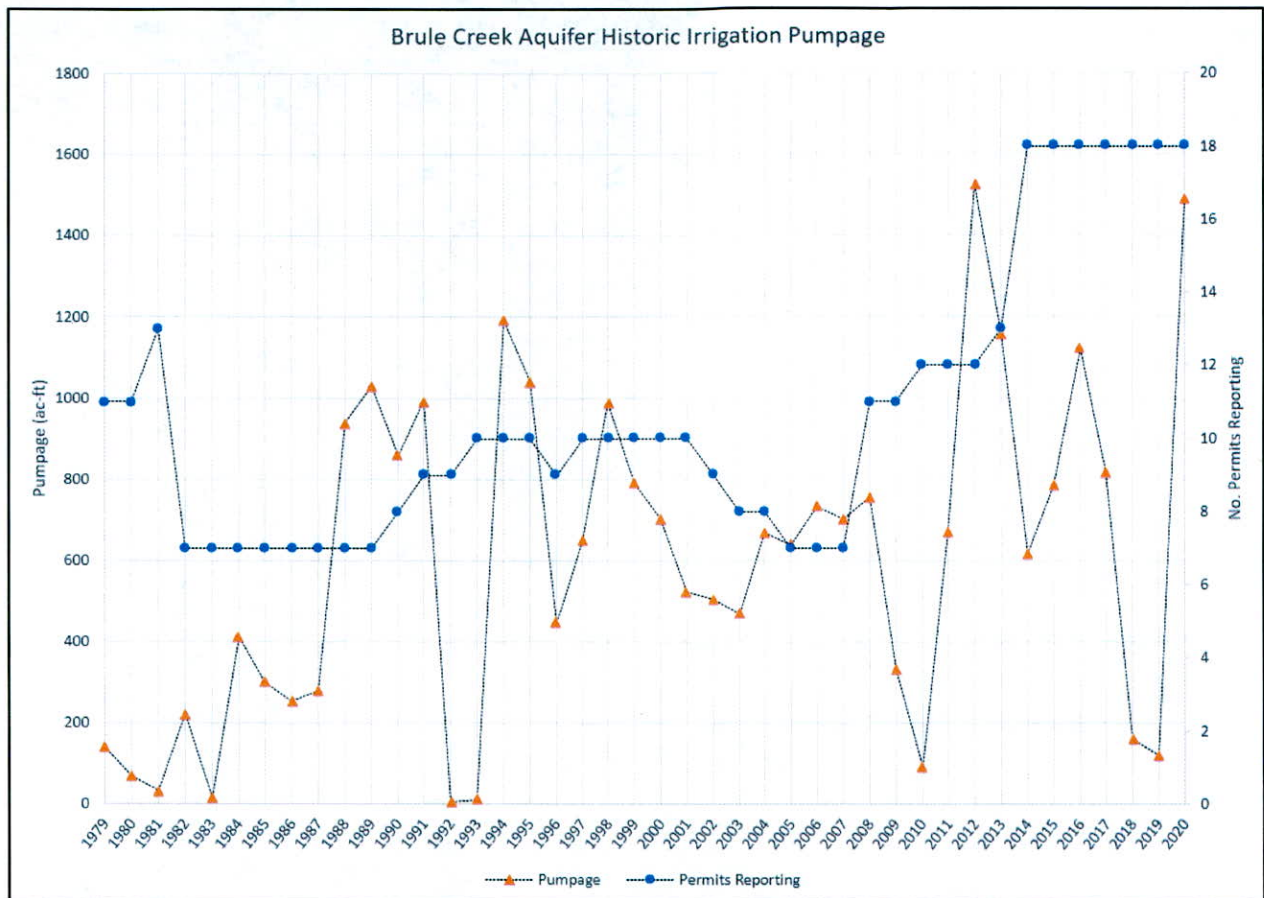


Figure 4- Historic reported irrigation pumpage (Water Rights, 2021b)

There are four non-irrigation water rights that are authorized to withdraw water from the Brule Creek aquifer (Water Rights, 2021d). The estimated annual pumping was estimated by assuming pumping at the maximum permitted diversion rate for 60 percent of the time. Using this method, the total estimated average annual non-irrigation pumpage is 1,118.9 ac-ft/yr. Both the City of Beresford and the City of Alcester are connected to rural water systems (Friedeman, 2021). Drinking Water Program files indicate the City of Beresford maintains their wells by “exercising” the wells every two weeks. There is no indication of how much water is actually being pumped. The City of Alcester only maintains one well that is used for irrigating the football field and the golf course during the summer. There is no indication of how much water is pumped for this. The annual water pumped under Water Right Nos. 4909-3, 672-3, and 758-3 is likely much less than the 60 percent pumping estimate and could possibly be near 0 ac-ft/yr pumped. However, there is no way to estimate the actual use. Therefore, to be conservative, it is assumed both the City of Beresford and the City of Alcester are pumping water at the 60 percent estimation rate discussed previously.

Table 2- Estimated average annual use by non-irrigation water rights

PERMIT NO.	NAME	COUNTY	STATUS	USE	CFS	ESTIMATED PUMPING (ac-ft/yr)
4909-3	CITY OF BERESFORD	UN	LC	MUN	1.92	Less than 834.6
6558-3	MARLOW CHRISTENSEN	UN	LC	COM/LCO	0.044	19.1
672-3	CITY OF ALCESTER	UN	LC	MUN	0.44	Less than 191.3
758-3	CITY OF ALCESTER	UN	LC	MUN	0.17	Less than 73.9
UN= Union County, LC= Water Right, MUN= Municipal, REC= Recreation, COM= Commercial, LCO= Livestock Confinement					Total	Less than 1,118.9

There are a number of domestic wells on file with the Water Rights Program that appear to be completed into the Brule Creek aquifer (Water Rights, 2021e). It is likely there are other domestic wells completed into the Brule Creek aquifer that are not on file with the Water Rights Program. In general, the annual pumpage by domestic users is considered insignificant to the hydrologic budget. This is due to the relatively limited diversion rate for domestic wells and the availability of rural water systems where the Brule Creek aquifer is the first available aquifer

Balance of Hydrologic Budget

The estimated average annual recharge to the Brule Creek aquifer is 7,350 to 18,000 ac-ft/yr. The estimated average annual appropriative pumping is expected to be much less than 1,720.3 ac-ft/yr (non-irrigation: much less than 1,118.9 ac-ft/yr; irrigation: 601.4 ac-ft/yr). Therefore, the hydrologic budget data demonstrates there is a reasonable probability unappropriated water is available for this proposed appropriation. The hydrologic budget is supported by the observation well data.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The nearest Brule Creek aquifer appropriative well, authorized by Water Permit No. 7901-3, is approximately 2.6 miles to the northeast of the applicant's well site (Water Rights, 2021d). The nearest domestic well on file with the Water Rights Program that appears to be completed into the Brule Creek aquifer is approximately 0.7 miles to the southeast of the applicant's well location (Water Rights, 2021e). Based on 2020 Farm Service Agency aerial imagery, there appears to be four rural dwellings within approximately 0.5 miles of the applicant's well location with the nearest rural dwelling approximately 0.15 miles southeast of the applicant's well.

There are no complaints on file with the Water Rights Program regarding well interference issues between wells completed into the Brule Creek aquifer. Observation wells UN-77A and UN-77C are with 1.5 miles of at least three high capacity appropriative wells. The hydrographs for UN-77A and UN-77C are shown in Figures 5 and 6, respectively. Observation well UN-77A is under unconfined conditions and UN-77C is under confined conditions.

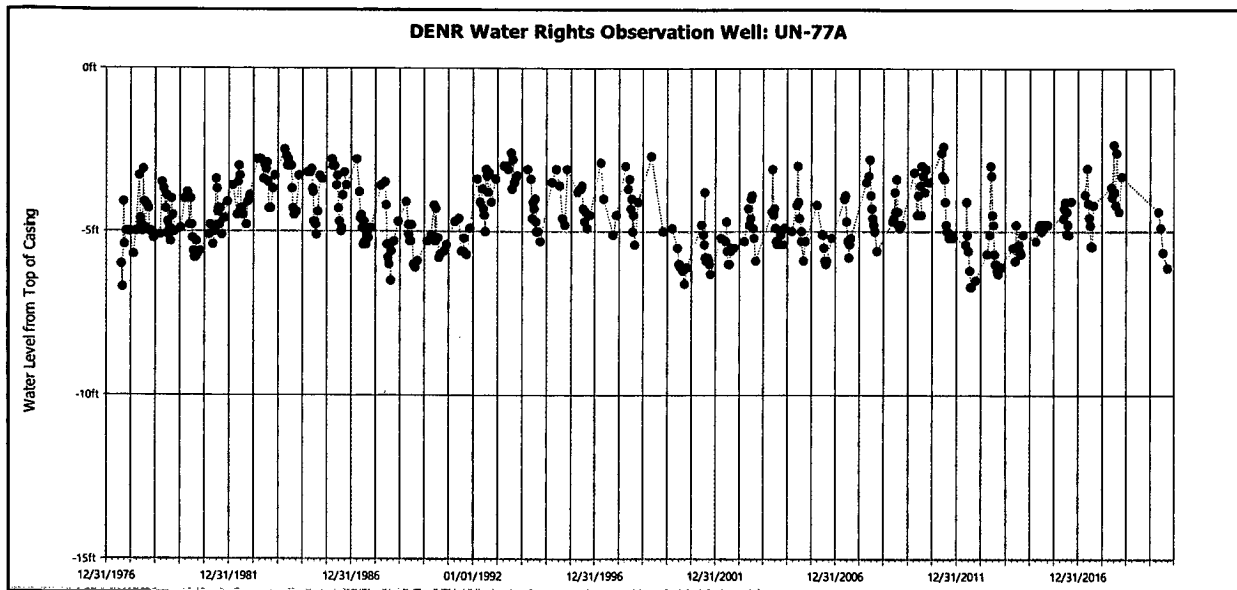


Figure 5- Hydrograph for observation well UN-77A (Water Rights, 2021c)

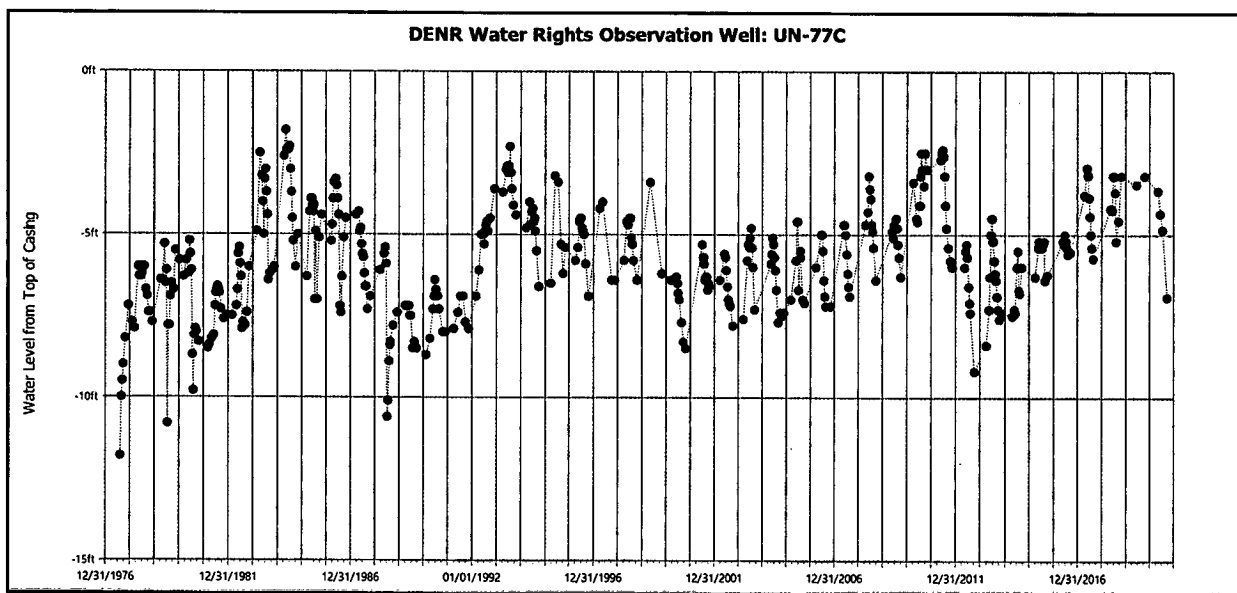


Figure 6- Hydrograph for observation well UN-77C (Water Rights, 2021c)

Observation well UN-77C shows some seasonal drawdown from pumping nearby irrigation wells, but UN-77A, the unconfined observation well shows almost no seasonal drawdown from pumping nearby irrigation wells. The minimal decline in water level over the course of the year in UN-77A is caused by the fact recharge to the aquifer is seasonal and occurs in late Autumn, and Spring to early Summer. At the lowest recorded water level in UN-77C, there is still more than 90 feet of artesian head pressure above the top of the easily identifiable aquifer and more than 70 feet of artesian head pressure above a section of material that is intermixed layers of clay and sand that may be the top of the aquifer (Water Rights, 2021c).

South Dakota Codified Law (SDCL) 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and the Water Management Board has recognized in the past to place water

to maximum beneficial use, a certain amount of drawdown may occur. In order to balance interests between appropriative use and delivery of water by artesian head pressure, 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".

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 (Water Rights, 1995). 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..." (Water Rights, 1995). 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). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels. There are no complaints on file with the DANR-Water Rights Program regarding well interference issues from the Brule Creek aquifer (Water Rights, 2021a). However, when considering the statute (SDCL 46-6-6.1), rule (ARSD 74:02:04:20(7)), the artesian head pressure, and the potential connection to nearby surface water sources, there is a reasonable probability that any drawdown created by pumping this proposed diversion will not unlawfully impair existing users with adequate wells. Therefore, there is a reasonable probability this application will not unlawfully impair existing surface water appropriators.

CONCLUSIONS:

1. Application No. 8496-3 proposes to irrigate 80 acres at a maximum instantaneous diversion rate of 1.0 cfs from one well to be completed into the Brule Creek aquifer in Lincoln County.
2. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability that pumping this proposed diversion will not unlawfully impair existing users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

- Buhler, K.A. Water Permit Application No. 7166-3 Steve Andrews. DANR-Water Rights Program Water Right No. 7166-3 file. Pierre, South Dakota.
- Friedeman, B.A. *Personal Communication*. DANR-Drinking Water Program Environmental Scientist II. April 16, 2021. Pierre, South Dakota.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, SD
- Water Rights. 2021a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021b. Irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021d. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021e. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- 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. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 27, 2021 8:56 AM
To: john.bovill@RCIS.com
Subject: Water Permit Application No. 8496-3
Attachments: 1107.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(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

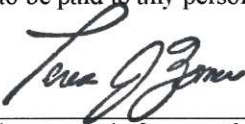
DANR

Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

May 6, 2021

that the full amount of the fees charged for publishing the same to-wit: the sum of \$25.25 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 6th day of May, 2021



Notary Public, South Dakota

(Seal)



My Commission Expires
January 12, 2024

NOTICE OF APPLICATION NO. 8496-3 to Appropriate Water

Notice is given that John Bovill, 47270 294th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.00 cubic feet of water per second from one well completed into the Brule Creek Aquifer (171 feet deep) located in the SE 1/4 SE 1/4 Section 21 for irrigation of 80 acres located in portions of the SE 1/4 Section 21; all in T96N-R50W. This site is located approximately 2 miles north of Beresford SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8496-3 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 May 17, 2021.

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 in the Sioux Valley News on May 6, 2021 at the total approximate cost of \$25.25.

Argus Leader

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

RECEIVED

MAY 18 2021

WATER RIGHTS
PROGRAM

Account No: 6052146500

Ad No: 0004709830

PO #: NO. 8496-3

Lines : 101

Ad Total: \$67.21

This is not an invoice

of Affidavits: 1

BOVILL
47270 294TH ST
BERESFORD, SD 57004

Account No.: 6052146500

Ad No.: 0004709830

Argus Leader AFFIDAVIT OF PUBLICATION

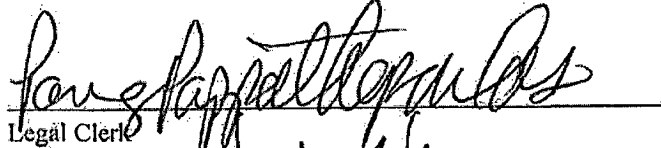
STATE OF SOUTH DAKOTA

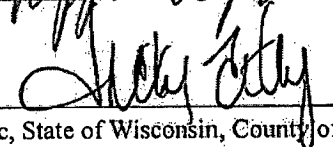
COUNTY OF MINNEHAHA

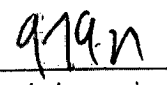
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher 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, May 6, 2021

Sworn to and subscribed before me this 18 day of May, 2021.


Legal Clerk


Notary Public, State of Wisconsin, County of Brown


My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF APPLICA-
TION NO. 8496-3 to Appro-
priate Water

Notice is given that John Bovill, 47270 294th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.00 cubic feet of water per second from one well completed in to the Brule Creek Aquifer (171 feet deep) located in the SE 1/4 SE 1/4 Section 21 for irrigation of 80 acres located in portions of the SE 1/4 Section 21; all in T96N-R50W. This site is located approximately 2 miles north of Beresford SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8496-3 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 May 17, 2021.

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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 \$67.21.
4709830 May 6, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 27, 2021 8:16 AM
To: 'svn@siouxvalleynewsonline.com'
Subject: 8496-3, John Bovill
Attachments: 8496-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 6, 2021.

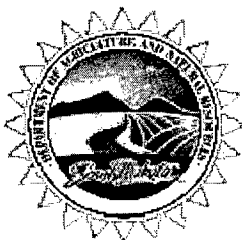
John Bovill, 47270 294th St, Beresford SD 57004 (605 214-6500) has been notified to contact you to authorize publication and arrange for payment.

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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 27, 2021 8:17 AM
To: 'legals@argusleader.com'
Subject: 8496-3, John Bovill
Attachments: 8496-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 6, 2021.

John Bovill, 47270 294th St, Beresford SD 57004 (605 214-6500) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 27, 2021

John Bovill
47270 294th St
Beresford SD 57004

Dear Mr. Bovill:

Water Permit Application No. 8496-3 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 Sioux Valley News printed at Canton SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls SD (Ph # 605 311-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the 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 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. 8496-3 to Appropriate Water

Notice is given that John Bovill, 47270 294th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.00 cubic feet of water per second from one well completed into the Brule Creek Aquifer (171 feet deep) located in the SE 1/4 SE 1/4 Section 21 for irrigation of 80 acres located in portions of the SE 1/4 Section 21; all in T96N-R50W. This site is located approximately 2 miles north of Beresford SD.

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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 May 17, 2021.

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_

May 20, 2021

PAYMENT REQUEST FORM

PAYEE: John Bovill
47270 294th St
Beresford SD 57004

FROM: DANR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over Payment of Application/License Fee

AMOUNT: \$100.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Hurlund*

MAY 20 2021

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 20 2021

John Bovill
47270 294th St
Beresford SD 57004

Dear Mr. Bovill:

Enclosed is Water Permit No. 8496-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,050.00 was submitted with the application. Based on the number of acres irrigated, the fee for this permit should be \$950.00. \$100.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

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

enclosures

8496-3

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

Date 2-2-22

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

RECEIVED

FEB 07 2022

PETROLEUM RELEASE FUND

FROM: John Bori II
(name)
47270 294th ST
(address)
Berestard SD 57004
(city, state, zip)

605-214-6500
(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. 8496-3 states that the water use system is to be constructed by May 17 2026, and water is to be put to beneficial use by May 17 2030.
(date) (date)

The water use system was completed on July 2021.
(date)

Applying the water to beneficial use was completed on July 2021.
(date)

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

[Signature]
(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2022

8496-3

John Bovill
47270 294th St
Beresford SD 57004

Dear Mr. Bovill:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

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

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

Sincerely,

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

8496-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8496-3

I have this day, July 19, 2023, made a thorough examination of the water use system constructed by John Bovill, 47270 294th St, Beresford, SD 57004 of Permit No. 8496-3, bearing the priority of March 4, 2021 authorizing the diversion of 1.00 cu. ft. per second of the waters of the Brule Creek Aquifer for irrigation purposes, in Lincoln County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 171 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 140 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 31 feet
- 3) Static water level 109 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 290 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 NA 2) Size NA inches 3) Length NA feet

Comments: Well at water treatment site (see photo).

C. Works used to apply water to beneficial use:

The field is irrigated with a subsurface drip irrigation system

Chemigation Equipment:

- 1) Does chemigate Y

Comments: A commercially available injection system is used.

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 SE corner Sec 21 T96N R50W, 740 ft N & 35 ft W, Lat 43.11475 Long -96.74683 (SE ¼ SE
¼)

The works are capable of diverting and conveying to the place of use 0.65 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 21 T96N R50W

SW SE – 19 acres

SE SE – 40 acres

NW SE – 1 acre

NE SE – 2 acres

legal description/acreage

comprising a total of 62 acres of land and the license should be issued for 0.65 cfs

2. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity. The water meter reading during the field visit verified the flow rate.

The mailing address and the telephone number in the permit materials are current

I talked to John Bovill on the phone during the field inspection visit.

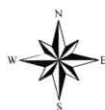


Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 21, 2023



Sand filters used to treat well water for the subsurface drip irrigation system. The well is located to the left of the white box.



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 25 2023

John Bovill
47270 294th Street
Beresford SD 57004

8496-3

Dear Mr. Bovill:

Enclosed is Water License No. 8496-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,


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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8496-3**

(1) John Bovill, 47270 294th St, Beresford SD 57004, made Application No. 8496-3, March 4, 2021, for a water permit to divert 1.0 cubic feet of water per second from groundwater, one well (Brule Creek Aquifer), Lincoln County, South Dakota for irrigation purposes. Permit No. 8496-3, with a priority date of March 4, 2021, was approved May 17, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 17, 2026, and for the application to beneficial use of water on or before May 17, 2030.

(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 0.65 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 740 ft N & 35 ft W of the SE corner of Section 21, T96N, R50W (SE ¼ SE ¼)
(Latitude 43.11475 Longitude -96.74683)

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

Section 21, T96N, R50W			
SW ¼ SE ¼	19.0 acres	NW ¼ SE ¼	1.0 acres
SE ¼ SE ¼	40.0 acres	NE ¼ SE ¼	2.0 acres
TOTAL: 62.0 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Bovill, the holder and/or owner of Water Right No. 8496-3 is issued a license to appropriate water, the right to use 0.65 cubic feet of water per second from groundwater, one well (Brule Creek Aquifer), with a priority date of March 4, 2021, 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. 8496-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8496-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under this Permit shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

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