

WATER PERMIT NO. 8578-3

Name of Applicant: **BLT I Family Limited Partnership**

Address: **PO Box 361, Warner SD 57479** Phone: **605 380-0166**

Amount of Water Claimed: **2.0 cfs** Total Acres: **402**

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

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

Type of Waste Disposal System:

Location: **15 miles north of Pierre**

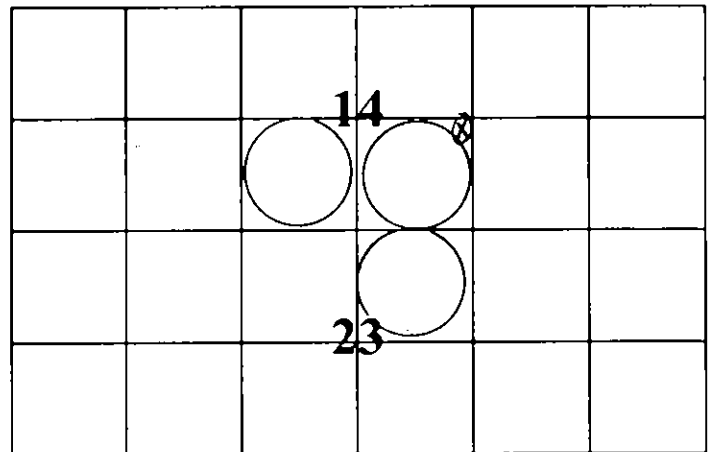
PRIORITY Date Received: **1-6-22** Application/License Fee: **\$ 1450**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

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

Diversion Point: **NE 1/4 SE 1/4 Sec 14-T112N-
R80W**

Land to be Irrigated: **S 1/2 Sec 14, NE 1/4 Sec 23;
all in T112N-R80W**



Depth of Well: **180 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-13-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8578-3**

Date of first receipt of application January 6, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8578-3 to BLT I Family Limited Partnership, c/o Samuel J Braun, PO Box 361, Warner SD 57479 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. 8578-3 appropriates 5.74 cubic feet of water per second from one well to be completed into the Grey Goose Aquifer (approximately 180 feet deep) located in the NE 1/4 SE 1/4 Section 14 for irrigation of 402 acres located in the S 1/2 Section 14 and the NE 1/4 Section 23; all in T112N-R80W. This site is located approximately 10 miles northwest of Pierre 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 – September 30.
3. The date from which applicant may claim right is January 6, 2022.
4. The date of approval of Permit No. 8578-3 is March 21, 2022.
5. One-fifth of the construction is to be completed on or before September 21, 2024.
6. All construction is to be completed on or before March 21, 2027.
7. Water is to be put to beneficial use on or before March 21, 2031.
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. 8578-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled 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. 8578-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



RECEIVED

JAN 06 2022

WATER RIGHTS
PROGRAM

PAID

JAN 6 2022

ck# 3222

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8578-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri R.</u>
	Newspaper <u>Capitol Journal</u>
	<u>Plainsman</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 BLT I FAMILY LIMITED PARTNERSHIP

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

Mailing Address PO BOX 361 (Address) WARNER (City) SD (State) 57479 (Zip Code)
Phone 605-225-5133 Mobile 605-380-0166 Email samuel@braunactive.com, michelle@braunactive.com

2. Amount of water claimed 5.74*CFS or 2700**GPM 7577***AF Total Acreage 402
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply aquifer

4. Location of point of diversion 1 well in NESE1/4 of Sec 14-112-80
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hughes

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used May-Sept

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
SW1/4 14-112-80	134		
SE 1/4 14-112-80	134		
NE1/4 23-112-80	134		

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

Install 2 new center pivot irrigation system.

I, Samuel B. GP, 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 Manikowski Drilling Inc
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

- c) Well Depth (required) 180 Depth to Top of Water Bearing Material 133 Depth to Water from Surface 99.5
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

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 _____

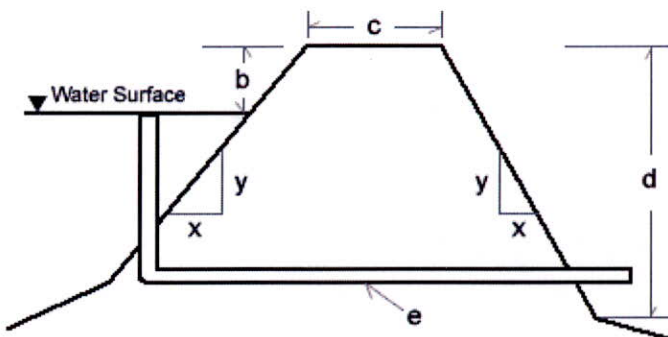
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

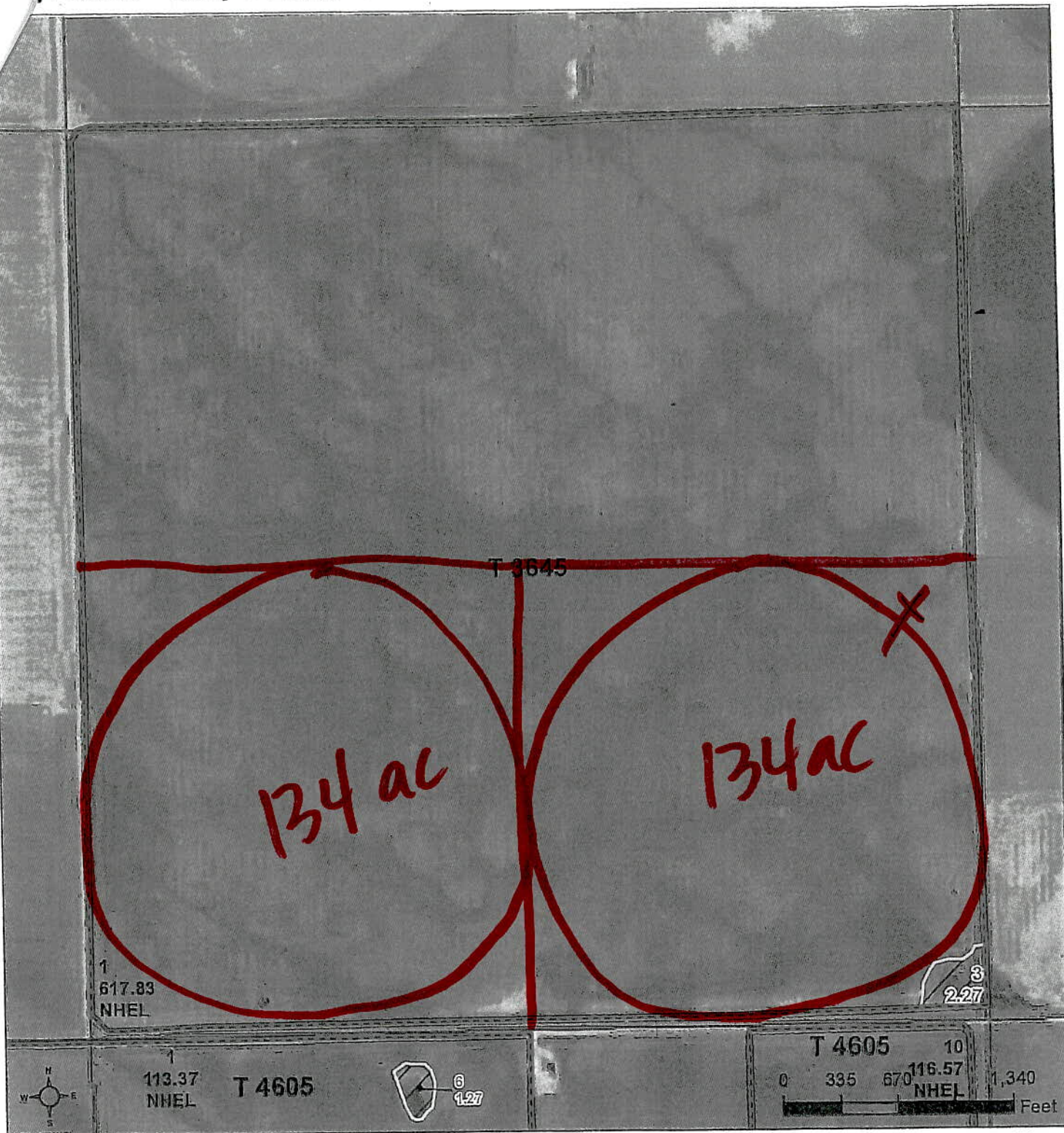
4. Water Storage Dams

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



Common Land Unit ☐ Tract Boundary
☐ PLSS
☒ Non-Cropland
☐ Cropland

Wetland Determination Identifiers

- ☒ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions

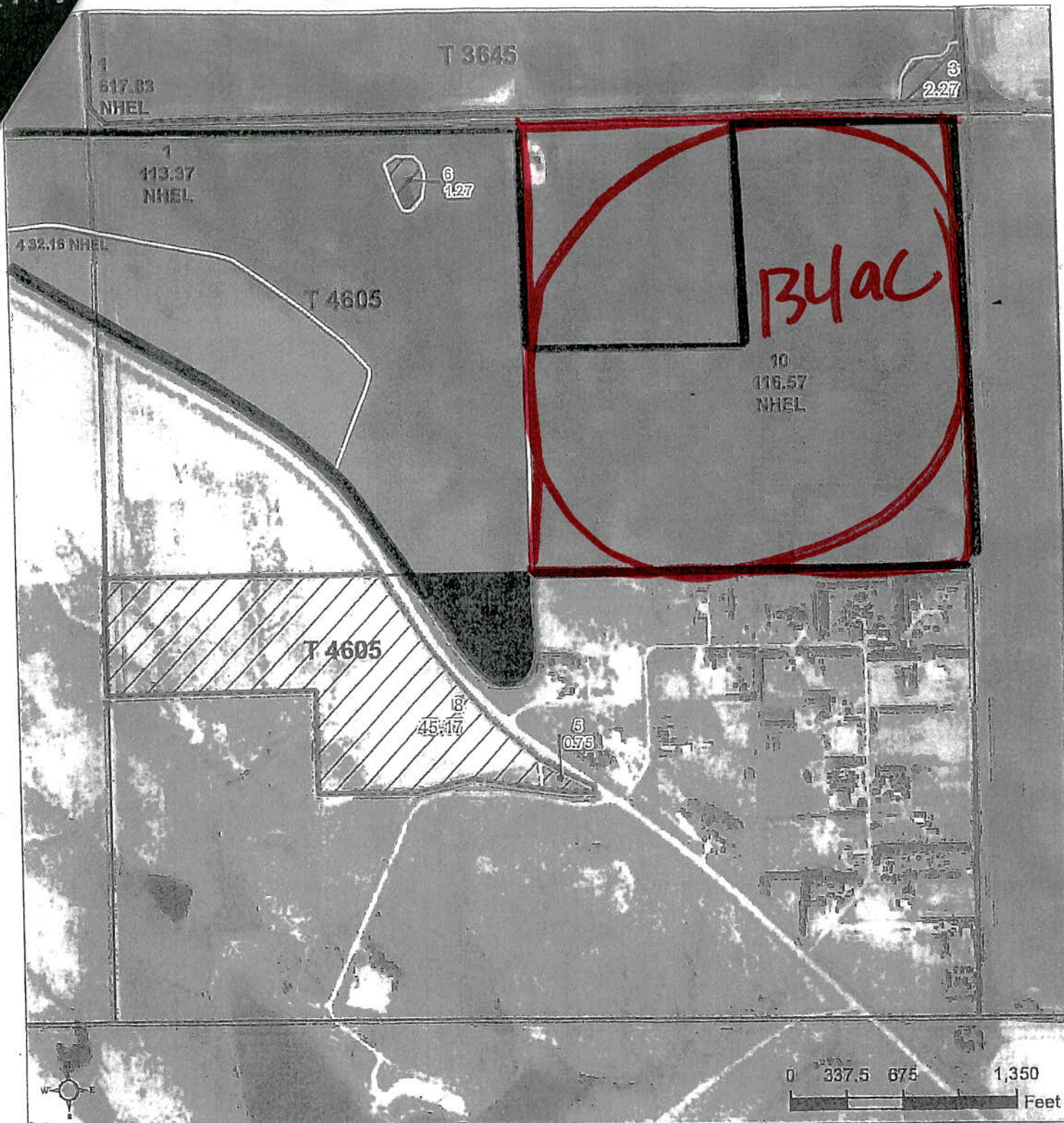
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program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

2021 Program Year

Map Created October 06, 2020

Farm 4445

14-112N-80W-Hughes



Common Land Unit
 / Non-Cropland
 Cropland
 Tract Boundary
 PLSS

Wetland Determination Identifiers
 ● Restricted Use
 ▽ Limited Restrictions
 ■ Exempt from Conservation
 Compliance Provisions

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

2021 Program Year

Map Created October 06, 2020

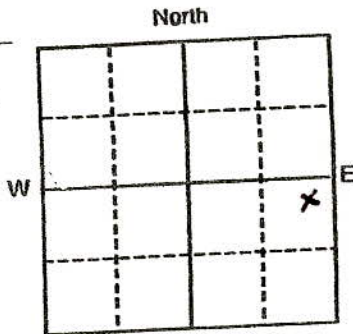
Farm 4445

23-112N-80W-Hughes

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 SE 1/4 Sec Twp Rg County Hughes

Please mark well location with an "X"



Well Completion Date

12-23-21

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
5,200 ft. from Septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>21</u> LB/FT	<u>5</u> IN	<u>12</u> FT	<u>160</u> FT	<u>8 3/4</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland Cement</u>	<u>7</u>	<u>9.3</u> Lb/gal	<u>0</u> Ft	<u>115</u> Ft

Describe grouting procedure

Tremie line bottom to top

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial PVCSlot Size .040 Set From 160 Feet to 180 FeetOther information #50 Reddint Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

Sam Braun

Business Name:

PO Box 361

Address:

Warren, SD 57479

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>43</u>
<u>Blue clay</u>	<u>43</u>	<u>70</u>
<u>Blue clay with sand</u>	<u>70</u>	<u>121</u>
<u>Blue clay</u>	<u>121</u>	<u>133</u>
<u>Medium to coarse clay</u>	<u>133</u>	<u>180</u>
	<u>180</u>	<u>190</u>

STATIC WATER LEVEL

99.5

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: submersible pump☐ Bailed☐ Other

Pumping Level Below Land Surface

101.5 Ft. After 16 Hrs. pumped 92 GPMFt. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 285 and this report is true and accurate.Drilling firm: Mani Kowski Well Drilling, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-24-21

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 6, 2022

RECEIVED OF BLT I Family Limited Partnership PO Box 361 Warner SD 57479

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

Fee for Application for Permit No. <u>8578-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1250.00</u>
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>8578-3</u>	\$ <u>200.00</u>
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	\$ <u>1450.00</u>

By Eric Gronlund
Chief Engineer
me

Duvall, Ron

From: Samuel Braun <samuel@braunactive.com>
Sent: Thursday, January 13, 2022 4:19 PM
To: Duvall, Ron; Michelle Leach
Cc: Schlaak, Karen
Subject: RE: [EXT] Irrigation Water Permit Applications

Ron,

As per our conversation Let's change the diversion rate to what you recommended on each of the permits....

Thanks,

Sam Braun

Sent from [Mail](#) for Windows

From: [Duvall, Ron](#)
Sent: Thursday, January 13, 2022 4:05 PM
To: [Michelle Leach](#); [Samuel Braun](#)
Cc: [Schlaak, Karen](#)
Subject: Irrigation Water Permit Applications

Hello,

I am a question concerning the three water permit applications you submitted for irrigation in Hughes county. For each application you requested a pump rate greater than the statutory limit of 1 cubic feet per second (cfs) per 70 acres. For the two applications, each for 134 acres, the statutory limit would be $134 \text{ acres} / 70 = 1.91 \text{ cfs}$ which equates to 860 gallons per minute (gpm) – you applied for 900 gpm so just over the limit. It is possible to apply for a greater rate than 1 cfs per 70 acres but I suspect a typical low pressure pivot can operate in the 700 to 800 gpm range so there is no need to justify a greater amount if you don't need that greater amount. If the systems you intent to install do require 900 gpm, please indicates so, so we have a basis for proceeding with that higher number.

The last application for 402 acres has the same issue. You applied for 6.0 cfs (2,694 gpm) and the statutory limit is $402 \text{ acres} / 70 = 5.74 \text{ cfs}$ which equates to 2,577 gpm. Also, you specified one well to supply those acres. If you believe you may need to drill more than one well to get 2,500 plus gallons per minute, then you can specify more than one well on your application. Please let me know what pump rates you want to proceed with and whether you want to include more than one well on the 402 acre application.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA



**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. 8578-3, BLT I Family Limited Partnership**

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. 8578-3, BLT I Family Limited Partnership, PO Box 361, Warner SD 57479.

The Chief Engineer is recommending APPROVAL of Application No. 8578-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8578-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled 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. 8578-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 22, 2022

Report to the Chief Engineer

On Water Permit Application Nos. 8576-3, 8577-3, and 8578-3

BLT I Family Limited Partnership c/o Samuel J Braun

January 31, 2022

Water Permit Application No. 8576-3 proposes to appropriate water at an instantaneous diversion rate of 1.91 cubic feet per second (cfs) from one well (approximately 102 feet deep) to be completed into the Gray Goose aquifer located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 for irrigation of 134 acres located in the NW $\frac{1}{4}$ of Section 14; all in T112N-R80W.

Water Permit Application No. 8577-3 proposes to appropriate water at an instantaneous diversion rate of 1.91 cfs from one well (approximately 149 feet deep) to be completed into the Gray Goose aquifer located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 for irrigation of 134 acres located in the NE $\frac{1}{4}$ of Section 14; all in T112N-R80W.

Water Permit Application No. 8578-3 proposes to appropriate water at an instantaneous diversion rate 5.74 cfs from one well (approximately 180 feet deep) to be completed into the Gray Goose aquifer located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 for irrigation of 402 acres located in the S $\frac{1}{2}$ of Section 14 and the NE $\frac{1}{4}$ of Section 23; all in T112N-R80W.

The site for the proposed diversion points is located in Hughes County approximately 10 miles northwest of Pierre.

AQUIFER: Gray Goose (GG)

HYDROGEOLOGY:

The Gray Goose aquifer is a buried outwash deposit of coarse sand and gravel (Hamilton, 1986). The outwash deposit partly fills a broad and irregular river channel that was carved into the Pierre Shale bedrock (Hamilton, 1986). The river channel can range up to five miles wide and extends 30 miles from the northwestern corner to the central part of Hughes County (Hamilton, 1986). The top of the Gray Goose aquifer material can range from just a few feet below land surface to 230 feet deep and buried by till (Hamilton, 1986). The Gray Goose aquifer generally has static water levels ranging from 15 feet to 250 feet below ground surface (Hamilton, 1986). The thickness of the Gray Goose aquifer materials is 40 feet on average but can exceed 60 feet along a meandering band of material with irregular width that extends eastward from Lake Oahe (Hamilton, 1986). The Gray Goose aquifer is hydrologically connected with Lake Oahe (Hamilton, 1986). Water moves from Lake Oahe into the Gray Goose aquifer at times when the lake level is higher than the potentiometric surface of the aquifer and vice versa (Hamilton, 1986). The direction of groundwater movement of the Gray Goose aquifer is commonly from the northwest to the southeast (Hamilton, 1986).

Hedges and others (1982) estimated that the Gray Goose aquifer underlies approximately 33,400 acres and contains approximately 200,400 acre-feet (ac-ft) of recoverable water in storage. Further studies by Hamilton (1986) proposed that the Gray Goose aquifer covers approximately

70,400 acres and contains approximately 560,000 ac-ft of water in storage. For this report, the areal extent estimated from Hedges and others (1982) will be used considering the similarity in shape to the first occurrence aquifer materials map of Hughes County delineated by Jensen in 2019. This areal extent will also restrict the overestimation of recharge to the Gray Goose aquifer. Furthermore, the Gray Goose aquifer potentially extends further into Sully County than what is currently mapped. There are currently six water rights/permits in Sully County that are completed into the Gray Goose aquifer (Water Rights, 2022c). However, the aquifer's overall extension into Sully County is unknown. The areal extent of the aquifer material that corresponds to the Gray Goose aquifer is shown in Figure 1 along with the location of the diversion point.

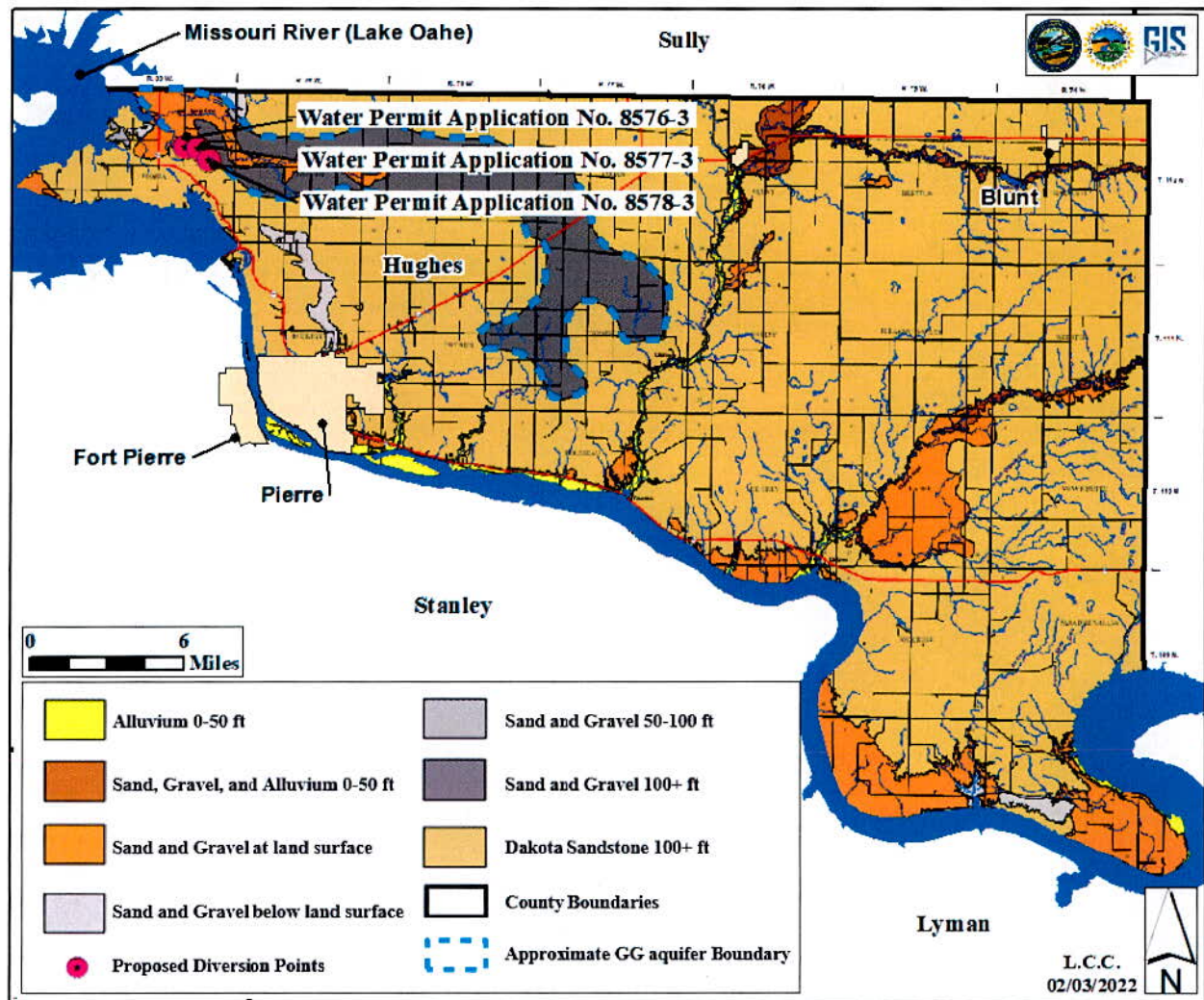


Figure 1: Map of the approximate areal extent of the Gray Goose aquifer including the proposed diversion points location of Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 (modified from Jensen, 2019; Water Rights, 2022b and 2022c).

Well completion reports were submitted with each application. The well completion reports submitted with Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 were recreated in Table 1, Table 2, and Table 3. The static water levels were not recorded at the time of well

completion for Water Permit Application Nos. 8576-3 and 8577-3 (December 2021). The static water level at the time of well completion (December 2021) for Water Permit Application No. 8578-3 was 99.5 feet below land surface. The Gray Goose aquifer is confined at the proposed diversion points based on the submitted well completion reports, water levels, and lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights 2022b and 2022d).

Table 1: Formation Log for Water Permit Application No. 8576-3.

Formation Log	Starting Depth (ft)	Ending Depth (ft)
Topsoil	0	1
Reddish Medium Sand	1	10
Yellow Clay	10	29
Blue Clay	29	79
Medium to Coarse Sand	79	102
Clay	102	160

Table 2: Formation Log for Water Permit Application No. 8577-3.

Formation Log	Starting Depth (ft)	Ending Depth (ft)
Topsoil	0	1
Yellow Clay	1	70
Blue Clay	70	120
Sand	120	121
Blue Clay	121	128
Coarse Sand and Gravel	128	149
Clay	149	151
Sand	151	152
Clay	152	154

Table 3: Formation Log for Water Permit Application No. 8578-3.

Formation Log	Starting Depth (ft)	Ending Depth (ft)
Topsoil	0	2
Yellow Clay	2	43
Blue Clay	43	70
Blue Clay with Sand	70	121
Blue Clay	121	133
Medium to Coarse Sand	133	180
Clay	180	190

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 the applicant’s proposed use, that the diversion points can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public

interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Gray Goose aquifer.

WATER AVAILABILITY:

Water Permit Application Nos. 8567-3, 8577-3, and 8578-3 propose to appropriate water from the Gray Goose aquifer for irrigation. The probability of unappropriated water being 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. However, an application may be approved for a water distribution system 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.” The Gray Goose aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Gray Goose aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Gray Goose aquifer is primarily through infiltration of precipitation and inflow from Lake Oahe when the water level in the lake is higher than the potentiometric surface of the aquifer (Hamilton, 1986). Hedges and others (1985) estimated the recharge rate to the Gray Goose aquifer by utilizing data collected from seven observation wells completed into the aquifer over the period of 16 years. The average annual recharge rate that was estimated for the unconfined portions Gray Goose aquifer was 3.2 inches per year (in/yr). If this recharge rate is applied to the entire areal extent that was estimated by Hedges and others (1985), the estimated average annual recharge to the Gray Goose aquifer is approximately 8,907 acre-feet per year (ac-ft/yr). This estimated annual recharge to the Gray Goose aquifer is likely a maximum because the recharge value is for the unconfined portions of the aquifer and the Gray Goose aquifer is under both confined and unconfined conditions.

The Gray Goose aquifer has historically been observed to be primarily under unconfined conditions, however, observation wells completed into the Gray Goose aquifer demonstrate that areas of the aquifer are now under confined conditions as a result of increased water levels in the aquifer (Water Rights, 2022b). Hedges and others (1985) estimated a general range of recharge rates to confined aquifers in South Dakota. The estimated recharge rate to confined aquifers range from 0.15 to 0.60 in/yr (Hedges and others, 1985). If these two recharge rates are applied to the areal extent estimated by Hedges and others (1985), the estimated annual recharge to confined areas of the Gray Goose aquifer range from 417.5 ac-ft/yr to 1,670 ac-ft/yr. Given the

mix of both unconfined and confined conditions area in the aquifer and the inflow contribution from Lake Oahe, minimum recharge to the Gray Goose aquifer is likely at the upper end of this range.

The recharge rate and annual recharge to the Gray Goose aquifer was also estimated from flow-net calculations by Hamilton (1986). The recharge rate was estimated to be 0.3 in/yr or 1,500 ac-ft/yr (Hamilton, 1986). It should be noted that this recharge value for the Gray Goose aquifer was estimated by utilizing only one year of data and it is likely that this recharge rate doesn't represent the average annual recharge to the aquifer as a result of yearly fluctuations of the water level of Lake Oahe.

Therefore, it is likely that the average annual recharge to the Gray Goose aquifer lies between the likely minimum recharge of 1,670 ac-ft/yr that was estimated by Hedges and others (1985) for confined aquifers and the likely maximum recharge of 8,907 ac-ft/yr that was estimated by Hedges and others (1985) for the unconfined areas of the Gray Goose aquifer. However, the average annual recharge to the aquifer could potentially be highly variable within that range and possibly be lower or exceed that range depending on the annual inflow from Lake Oahe.

Discharge

Discharge from the Gray Goose aquifer is primarily through evapotranspiration in the valley of Medicine Knoll Creek, outflow to Lake Oahe when the water level in the lake is lower than the potentiometric surface of the aquifer, and well withdrawals (Hamilton, 1986). Currently, there are 19 water rights/permits authorized to appropriate water from the Gray Goose aquifer, plus one pending application – Water Permit Application No. 8573-3 is estimated to use 110 ac-ft/yr for irrigation on average (assuming an application rate of 1 ft/ac) (Water Rights, 2022c). It should be noted that Water Permit Application No. 8573-3 has a senior priority date to Water Permit Application Nos. 8576-3, 8577-3, and 8578-3. There are no future use permits reserving water from the Gray Goose aquifer presently.

Table 4 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Gray Goose aquifer with the estimated annual use for each water right/permit as determined by their maximum permitted diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time.

Water Right No. 8203-3 appropriates water from the Gray Goose aquifer for the purpose of maintaining the water level in a dammed pond for fish and wildlife propagation. In return, the estimated annual use is likely to be less than 60 percent of the instantaneous diversion rate (482.2 ac-ft/yr). Buhler (2016) also noted that the annual use could increase due to any seepage from the dammed pond. The reported annual use of Water Permit No. 8203-3 from 2016 to 2020 was on average 10.8 ac-ft/yr (Water Rights, 2022f). For the estimation of withdrawals from the Gray Goose aquifer, Water Permit No. 8203-3 is assumed to use the 2016 to 2020 reported average of approximately 10.8 ac-ft/yr. Overall, the estimated average annual withdrawal rate for the Gray

Goose aquifer for non-irrigation water rights/permits is approximately 125 ac-ft/yr (Table 4) (Water Rights, 2022c).

Table 4: Estimated annual water use for non-irrigation water rights/permits authorized to appropriate water within the Gray Goose aquifer (Water Rights, 2022c).

Permit No.	Name	County	Status	Use	Div. Rate (cfs)	Estimated Volume (ac-ft/yr)
4580A-3	Platte Center West LLC	HU	LC	COM	0.17	73.8
4917-3	Tom Olson	SU	LC	COM	0.07	30.4
5943-3	Cow Creek Estates LLC	SU	LC	COM	0.022	9.6
8203-3	Milton Morris	SU	PE	FWP, REC	1.11	10.8
HU: Hughes County; SU: Sully County					TOTAL:	125
LC: Licenced Water Right; PE: Permitted Water Right						
COM: Commercial; FWP: Fish & Wildlife Propagation; REC: Recreation						

Currently, there are 15 irrigation water rights/permits appropriating water from the Gray Goose aquifer (Water Rights, 2022c). The reported annual irrigation withdrawals from the Gray Goose aquifer are shown in Table 5. The average annual withdrawal rate for the Gray Goose aquifer irrigation water rights/permits that have reported over the period of record is approximately 1,412 ac-ft/yr (Table 5) (Water Rights, 2022a).

Since the number of irrigation water rights/permits has continued to increase over the period of record, the estimated average annual withdrawal rate for irrigation appropriations for the entire period of record may not accurately reflect the current level of development. The average annual withdrawal rate for irrigation appropriations from 2011 to 2020 better represents the current level of irrigation developments in the Gray Goose aquifer. The average annual withdrawal rate for the Gray Goose aquifer from 2011 to 2020 is approximately 1,539 ac-ft/yr (Table 5) (Water Rights, 2022a).

Table 5: Reported historic irrigation use from the Gray Goose aquifer (Water Rights, 2022a).

Year	No. of Permits Reporting	Reported Pumpage (ac-ft)
1979	7	606
1980	6	1,199
1981	9	1,127
1982	7	1,608.4
1983	7	1,650.5
1984	7	1,620
1985	7	1,792
1986	7	922
1987	7	1,868
1988	7	2,392.1
1989	7	2,132
1990	7	2,165
1991	8	2,280.6
1992	8	1,307
1993	8	1,585
1994	8	1,033.1
1995	8	2,171.8
1996	8	1,591.6
1997	8	1,610
1998	8	1,528.8
1999	8	1,026.4
2000	8	1,006.9
2001	8	886
2002	8	779.7
2003	8	1,101
2004	7	818.1
2005	7	675.8
2006	7	1,044.6
2007	9	1,111.6
2008	9	960
2009	9	1,393.5
2010	9	924.8
2011	11	1,863.5
2012	10	1,941.3
2013	13	1,408.4
2014	14	1,064.6
2015	14	1,697.7
2016	13	1,998.3
2017	14	2,268.6
2018	14	2,470.2
2019	14	564.8
2020	14	111.6
MIN	6	112
MAX	14	2,470
AVG	9	1,412
AVG (2011-2020)	13	1,539

There are domestic wells completed into the Gray Goose aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems in areas where the Gray Goose aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Gray Goose aquifer.

Hydrologic Budget Summary

The average annual withdrawal rate from the Gray Goose aquifer totals approximately 2,524 ac-ft/yr (irrigation: 1,539 ac-ft/yr; non-irrigation: 125 ac-ft/yr; pending applications: 110 ac-ft/yr; Water Permit No. 8481-3: 80 ac-ft/yr; Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 (if approved) (assuming an application rate of 1 ft/ac): 670 ac-ft/yr) (Water Rights 2022a and 2022c). It should be noted that Water Permit No. 8481-3 was included in this estimation of withdrawals from the Gray Goose aquifer as a result of the permit being approved in 2021 and has not yet reported water usage from the aquifer. The average annual recharge rate to the Gray Goose aquifer is estimated to range from approximately 1,670 to 8,907 ac-ft/yr. Overall, the estimated average annual recharge to the Gray Goose aquifer is likely greater than the estimated average annual withdrawal rate from the aquifer which is supported by the observation well data. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by these permit applications.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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 DANR-Water Rights Program monitors nine observation wells completed into the Gray Goose aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are three observation wells within approximately three miles of the proposed diversion points. The closest observation well to the proposed diversion points is observation well HU-80A (approximately 80 feet northeast of Water Permit Application No. 8576-3). The hydrographs for these three observation wells are representative of other observation wells completed into the Gray Goose aquifer (Water Rights, 2021b). The hydrographs for these three observation wells are displayed in Figures 2 through 4 (Water Rights, 2022b).

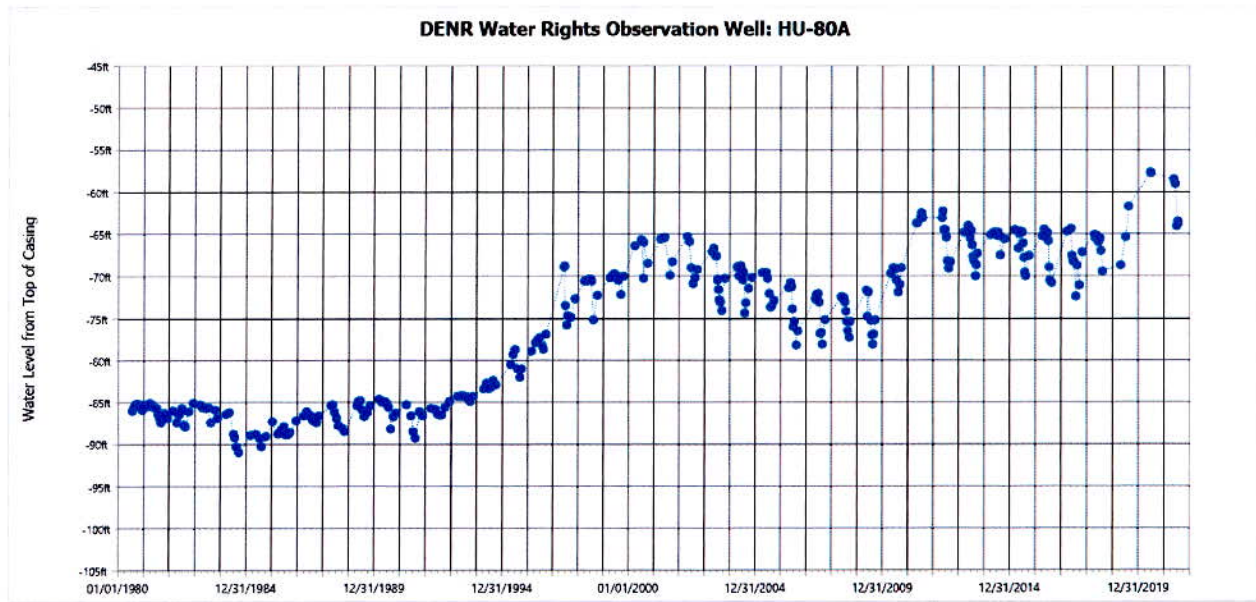


Figure 2: Hydrograph of the Gray Goose aquifer observation well HU-80A (Water Rights, 2022b).

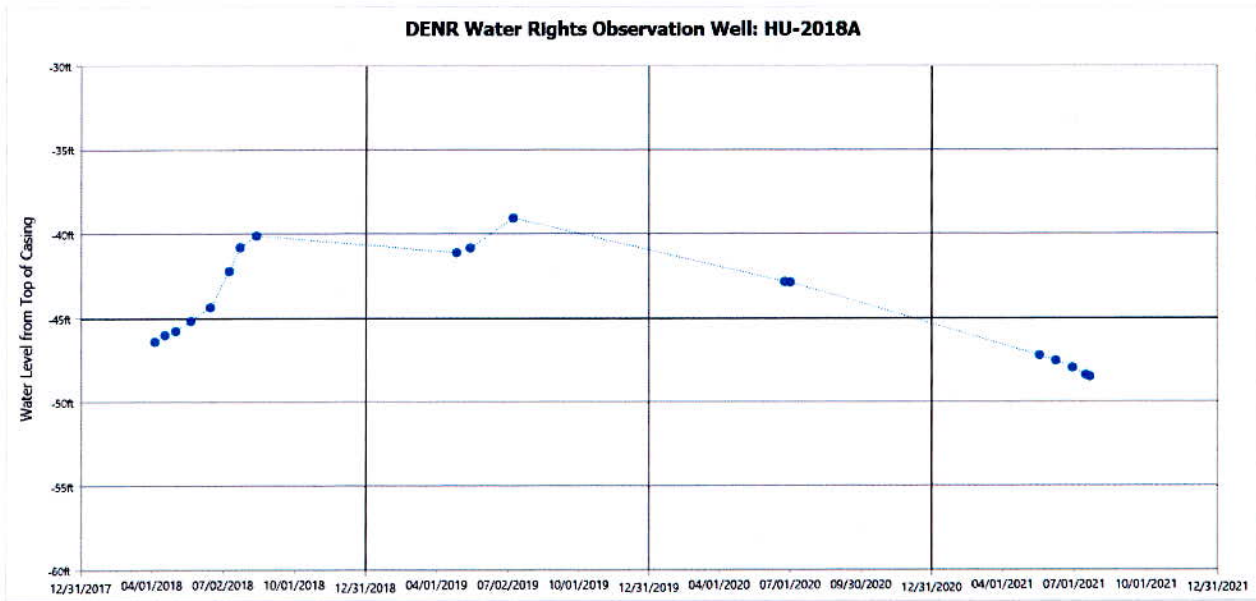


Figure 3: Hydrograph of the Gray Goose aquifer observation well HU-2018A (Water Rights, 2022b).

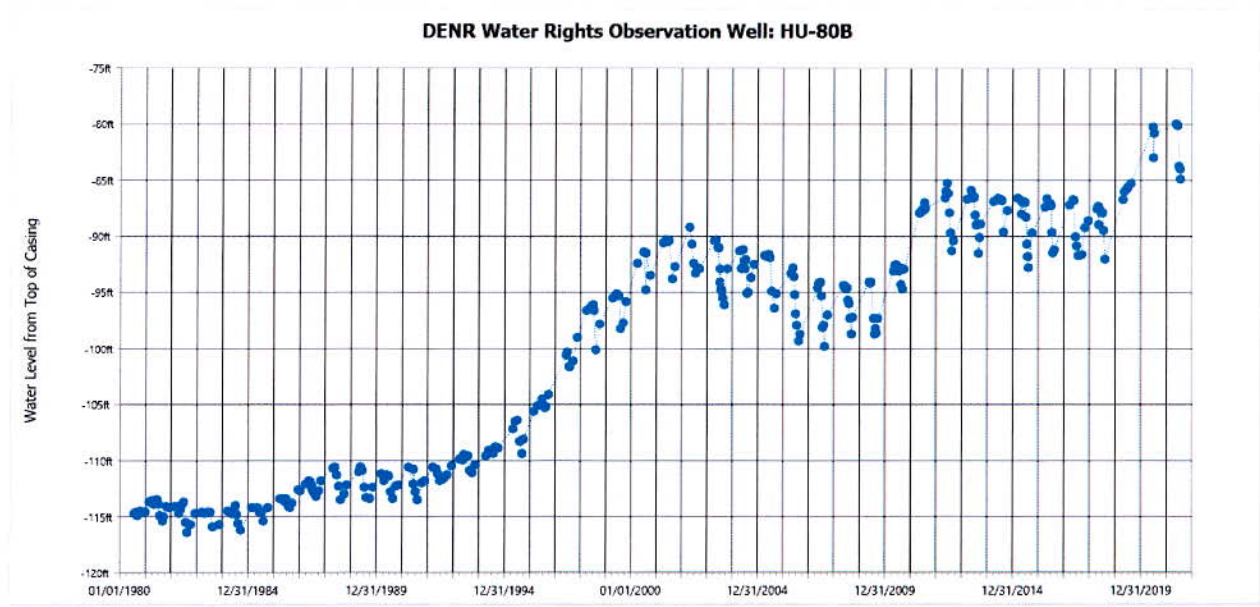


Figure 4: Hydrograph of the Gray Goose aquifer observation well HU-80B (Water Rights, 2022b).

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. It should be noted that the static water level for observation well HU-2018A began being recorded in 2018 and has yet to collect sufficient data on the overall behavior of the Gray Goose aquifer. The hydrographs for the Gray Goose aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Gray Goose aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriations.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 19 water rights/permits authorized to appropriate water from the Gray Goose aquifer, including one pending application – Water Permit Application No. 8573-3 (Water Rights, 2022c). Of the 19 water rights/permits, 12 water rights/permits are located within approximately two miles of the proposed diversion points (Water Rights, 2022c). The 12 water rights/permits are shown in Figure 5 and identified in Table 6. The nearest water right/permit (not held by the applicant) to the proposed diversion points completed into the Gray Goose aquifer is Water Right No. 3354-3 located approximately 0.3 miles northeast of the proposed diversion points.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Gray Goose aquifer, with the closest domestic well on file (not held by the applicant) approximately half a mile northeast of the proposed diversion points (Water Rights, 2022d). There could potentially be other domestic wells completed into the Gray Goose aquifer near the proposed diversion points that are not on file with the DANR-Water Rights Program.

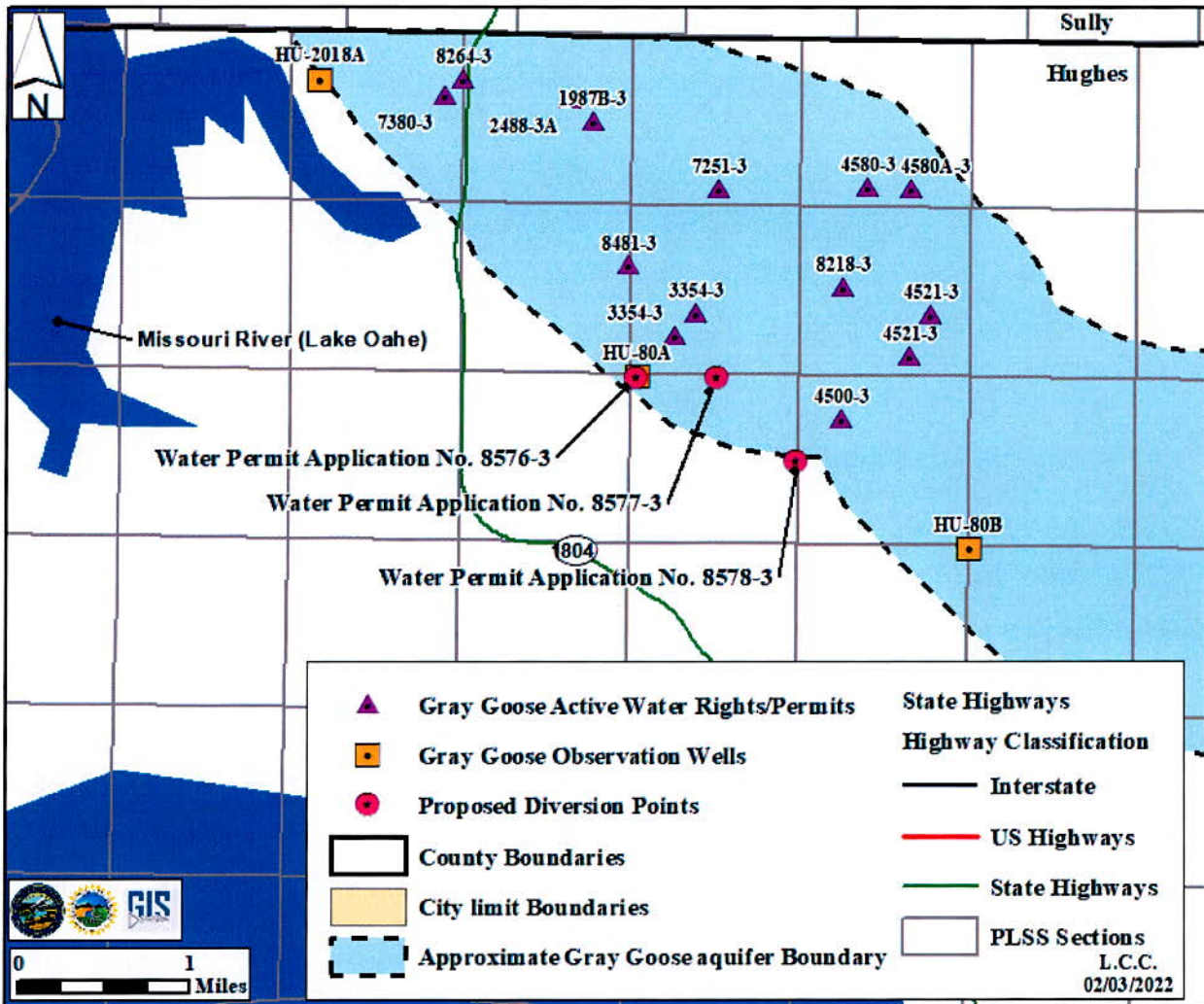


Figure 5: Map of the site location of Water Right Permit Application Nos. 8576-3, 8577-3, and 8578-3, nearby observation wells, and nearby water rights/permits completed into the Gray Goose aquifer (Water Rights, 2022b and 2022c).

Table 6: Water rights/permits from the Gray Goose aquifer within approximately two miles of the proposed diversion points (Water Rights, 2022c).

Permit No.	Name	Use	Status	Rate (cfs)	Acres
1987B-3	Jim Schumacher	IRR	LC	2.11	148
2488-3A	Jim Schumacher	IRR	LC	1.56	127
3354-3	James F Schumacher	IRR	LC	1.78	136
4500-3	Jim Schumacher	IRR	LC	1.78	132
4521-3	Lenny & Karen Peterson	IRR	LC	3.56	252
4580A-3	Platte Center West LLC	COM, LCO	LC	0.17	N/A
4580-3	Marvin Schumacher	IRR	LC	3.56	264
7251-3	Marvin Schumacher	IRR	LC	1.78	215
7380-3	Jonathon Hofer	IRR	PE	0.22	60
8218-3	Charlene Schumacher	IRR	PE	4	280
8264-3	Jonathon Hofer	IRR	PE	1.11	48
8481-3	Jonathon Hofer	IRR	PE	2.22	80
LC: Licenced Water Right; PE: Permitted Water Right					
COM: Commercial; Livestock Confinement Operations; IRR: Irrigation					

The Gray Goose aquifer has historically been under unconfined conditions in Hughes County (SDGS, 2022; Water Rights, 2022c and 2022d). The diversion point is expected to be under confined conditions based on the submitted well completion report, water levels, and lithologic logs on file for the nearby observation wells (Water Rights, 2022d). Observation well data (see Figures 2 through 4) documents minimal drawdown from withdrawals of existing wells near the diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior cannot be known without an aquifer performance test. In Hughes County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Gray Goose aquifer (Water Rights, 2022e).

Within approximately three miles of the proposed diversion points for this application, the Gray Goose aquifer has a saturated aquifer thickness ranging from approximately 15 to 50 feet, with the depth to the top of aquifer materials ranging from approximately 30 to 120 feet below land surface, and static water levels at well completion varying from approximately 40 to 125 feet below land surface (SDGS, 2022; Water Rights 2022b and 2022d). The Water Management Board recognizes that the saturated thickness of an aquifer may be less than optimal for the placement of the pump intake. The Water Management Board defined an “adequate well” in ARSD 74:02:04:20(6) as:

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

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

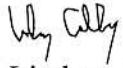
“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

The proposed diversion points for Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 are expected to be under confined conditions with approximalty 34 feet of aresian head pressure. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the 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 as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Gray Goose aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the aquifer, the amount of artesian head pressure in observation wells, and appropriative user’s wells completed into the Gray Goose aquifer, any drawdown created from the proposed diversions is not expected to cause an unlawful impairment on existing water right/permit holders with adequate wells or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriations will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8576-3 proposes to appropriate water at an instantaneous diversion rate of 1.91 cfs from one well (approximately 102 feet deep) to be completed into the Gray Goose aquifer for the irrigation of 134 acres.
2. Water Permit Application No. 8577-3 proposes to appropriate water at an instantaneous diversion rate of 1.91 cfs from one well (approximately 149 feet deep) to be completed into the Gray Goose aquifer for the irrigation of 134 acres.
3. Water Permit Application No. 8578-3 proposes to appropriate water at an instantaneous diversion rate 5.74 cfs from one well (approximately 180 feet deep) to be completed into the Gray Goose aquifer for the irrigation of 402 acres. The site for the proposed diversion points is located in Hughes County approximately 10 miles northwest of Pierre.

4. There is a reasonable probability that unappropriated water is available from the Gray Goose aquifer for this proposed appropriation based on the hydrologic budget and observation well data.
5. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.



Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights Program - File Documentation

NAME: BLT I Family Limited Partnership

ADDRESS: Warner SD

DATE: 3-3-22

RE: Publication Notice

COMMENTS:

On February 23, 2022, I emailed publication notices to the Capital Journal and the Plainsman to be published on March 3, 2022 which both papers published. On March 3rd, I realized the wrong publication notice form had been used.

I resent the papers the correct notice to be published on March 8th with instructions to bill us the cost of publication.



Karen Schlaak
Water Rights Program

RECEIVED

MAR 28 2022

WATER RIGHTS
PROGRAM
Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

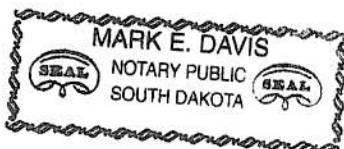
Legal Notice Number: 1279

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: SD Environmental & Natural Resources - Correction was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on - 3/8/2022. That the full amount of the fee charged for the publishing \$ 50.96 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.


Subscribed and sworn to me before this date 3/24/22.


Notary Public, South Dakota

My Term Expires 12/27/2024



2000 - Legals

F. P. 03-08-22

**Instruction to
Newspaper -****Publish the Notice
on March 8, 2022.****Water Rights Program
Is responsible for
payment.****NOTICE OF
APPLICATION****NOS. 8576-3, 8577-3
& 8578-3 to****Appropriate Water**

Notice is given that BLT I Family Limited Partnership, c/o Samuel J Braun, PO Box 361, Warner SD 57479 has filed the following applications for water permits. Application No. 8576-3 proposes to appropriate 1.91 cubic feet of water per second (cfs) from one well to be completed into the Grey Goose Aquifer (approximately 102 feet deep) located in the NW 1/4 NW 1/4 Section 14 for irrigation of 134 acres located in the NW 1/4 Section 14; all in T112N-R80W.

Application No. 8577-3 proposes to appropriate 1.91 cfs from one well to be completed into the Grey Goose Aquifer (approximately 149 feet deep) located in the NW 1/4 NE 1/4 Section 14 for irrigation of 134 acres located in the NE 1/4 Section 14; all in T112N-R80W.

Application No. 8578-3 proposes to appropriate 5.74 cfs from one well to be completed into the Grey Goose Aquifer (approximately 180 feet

deep) located in the NE 1/4 SE 1/4 Section 14 for irrigation of 402 acres located in the S 1/2 Section 14 and the NE 1/4 Section 23; all in T112N-R80W. All three applications are located approximately 10 north-west of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8576-3, 8577-3, 8578-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 these applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory

2000 - Legals**2000 - Legals****2000 - Legals**

authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing

address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 21, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is 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 these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

No. 1279 (adv.)

Published once at the total approximate cost of \$50.96.

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MAR 28 2022

WATER RIGHTS
PROGRAM

Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Jackie Odom of said county, being, first duly sworn, on oath says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Notice of Application 8576-3, 8577-3, 8578-3 a printed copy of which, taken from the paper in which the same was published, and which is here-to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

03/08/2022

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$64.68

Signed: Jackie Odom

subscribed and sworn to before me this 22nd day of March 2022

Mylin Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires February 19, 2027

SNAXLP 18945
11dy 3/8

NOTICE OF APPLICATION NOS. 8576-3, 8577-3 & 8578-3 to Appropriate Water
Notice is given that BLT I Family Limited Partnership, c/o Samuel J. Braun, PC Box 361, Warner SD 57479 has filed the following applications for water permits. Application No. 8576-3 proposes to appropriate 1.91 cubic feet of water per second (cfs) from one well to be completed into the Gray Goose Aquifer (approximately 102 feet deep) located in the NW 1/4 NW 1/4 Section 14 for irrigation of 134 acres located in the NW 1/4 Section 14; all in T112N-R80W.

Application No. 8577-3 proposes to appropriate 1.91 cfs from one well to be completed into the Gray Goose Aquifer (approximately 140 feet deep) located in the NW 1/4 NE 1/4 Section 14 for irrigation of 134 acres located in the NE 1/4 Section 14; all in

3/8/22

B4 CAPITAL JOURNAL, TUESDAY, MARCH 8, 2022

CLASSIFIEDS

Legal Notices

T112N-R80W.

Application No. 8578-3 proposes to appropriate 5.74 cfs from one well to be completed into the Gray Goose Aquifer (approximately 180 feet deep) located in the NE 1/4 SE 1/4 Section 14 for irrigation of 402 acres located in the S 1/2 Section 14 and the NE 1/4 Section 23; all in T112N-R80W. All three applications are located approximately 10 northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8576-3, 8577-3, 8578-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing these applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided

Legal Notices

by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 21, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is 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 these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$64.68.



**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.**

February 23, 2022

BLT I Family Limited Partnership
c/o Samuel J Braun
PO Box 361
Warner SD 57479

Dear Mr. Braun:

Water Permit Application Nos. 8576-3, 8577-3 and 8578-3 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 Capitol Journal printed at Pierre SD (Ph # 605 224-7301) and the Plainsman printed at Huron (Ph # 605 353-7414). 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 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 NOS. 8576-3, 8577-3 & 8578-3 to Appropriate Water

Notice is given that BLT I Family Limited Partnership, c/o Samuel J Braun, PO Box 361, Warner SD 57479 has filed the following applications for water permits. Application No. 8576-3 proposes to appropriate 1.91 cubic feet of water per second (cfs) from one well to be completed into the Grey Goose Aquifer (approximately 102 feet deep) located in the NW 1/4 NW 1/4 Section 14 for irrigation of 134 acres located in the NW 1/4 Section 14; all in T112N-R80W.

Application No. 8577-3 proposes to appropriate 1.91 cfs from one well to be completed into the Grey Goose Aquifer (approximately 149 feet deep) located in the NW 1/4 NE 1/4 Section 14 for irrigation of 134 acres located in the NE 1/4 Section 14; all in T112N-R80W.

Application No. 8578-3 proposes to appropriate 5.74 cfs from one well to be completed into the Grey Goose Aquifer (approximately 180 feet deep) located in the NE 1/4 SE 1/4 Section 14 for irrigation of 402 acres located in the S 1/2 Section 14 and the NE 1/4 Section 23; all in T112N-R80W. All three applications are located approximately 10 northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8576-3, 8577-3 and 8578-3 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 applications, and staff report are available at <https://danr.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 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 March 14, 2022.

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 is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_



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PIERRE SD 57501-3182
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JUN 01 2022

BLT I Family Limited Partnership
c/o Samuel J Braun
PO Box 361
Warner SD 57479

Dear Mr. Braun:

Enclosed are Water Permit Nos. 8576-3, 8577-3, 8578-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures

RECEIVED

JUL 25 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7/20/2022TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: BLT 1 Family Limited Partnership
(name)
PO Box 361
(address)
Warner SD 57479 605-380-0166
(city, state, zip) (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. 8578-3 states that the water use system is to be constructed by 03/21/2027, and water is to be put to beneficial use by 03/21/2031.
(date) (date)

The water use system was completed on 7/10/2022.
(date)

Applying the water to beneficial use was completed on 7/15/2002.
(date)

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

Paul R. R.
(signature)



8578-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 26, 2022

8576-3
8577-3
8578-3

Samuel Braun
BLT 1 Family Limited Partnership
PO Box 361
Warner SD 57479

Dear Mr. Braun:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent to us for Water Permit Nos. 8576-3, 8577-3 and 8578-3. The forms indicate the irrigation systems have been completed.

The systems are 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 the projects and the staff inspection has no bearing on the water permits.

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