

WATER PERMIT NO. 8681-3

Name of Applicant: Leber Bros LLC

Address: 27677 452nd Ave, Parker SD 57053 Phone: 605 941-4983

Amount of Water Claimed: 1.78 cfs Total Acres: 125.26

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Turner

Type of Waste Disposal System:

Location: 5 miles south of Parker

PRIORITY Date Received: 12-7-22 Application/License Fee: \$850

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

Remarks: Same lands as authorized by Water Permit No. 7821-3 which was not constructed

Diversion Point: SW 1/4 NE 1/4 Sec 9-T98N-
R53W

Land to be Irrigated: NE 1/4, NW 1/4 SE 1/4 Sec
9-T98N-R53W

Depth of Well: 50 feet

Well Driller:

Remarks:

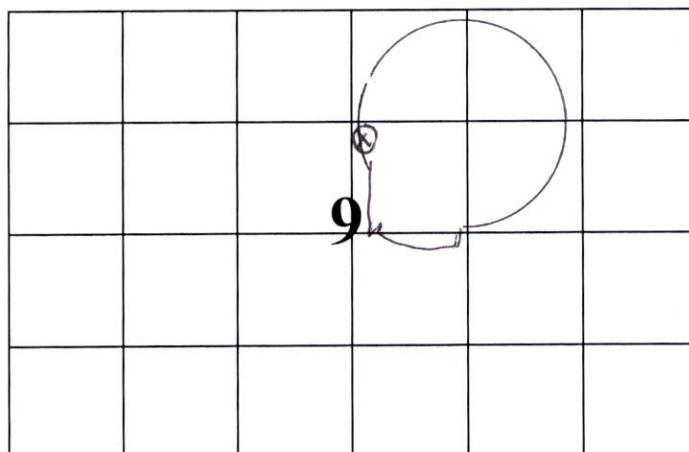
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 12-8-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8681-3**

Date of first receipt of application December 7, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8681-3 to Leber Bros, LLC., Rich Leber, 27677 452nd Ave, Parker SD 57053 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8681-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SW 1/4 NE 1/4 Section 9 for irrigation of 125.26 acres located in the NE 1/4, NW 1/4 SE 1/4 Section 9; all in T98N-R53W. This site is located approximately 5 miles south of Parker SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is December 7, 2022.
4. The date of approval of Permit No. 8681-3 is February 27, 2023.
5. One-fifth of the construction is to be completed on or before August 27, 2025.
6. All construction is to be completed on or before February 27, 2028.
7. Water is to be put to beneficial use on or before February 27, 2032.
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. 8681-3 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. 8681-3 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

MAR 27 2023

date



PAID

DEC 7 2022

Ck# 7160

RECEIVED

DEC 07 2022

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8681-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion River</u> Newspaper <u>Turner Co. New Era 297-4419</u> <u>Argus Leader</u> (office use only)
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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 Lebar Bros LLC

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

Mailing Address 27677 452 Ave Parker SD 57053
(Address) (City) (State) (Zip Code)

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

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 125.26
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1300ft South and 1300ft North on West Side
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NE1/4 Sec 9 T98N-R53W 43 19' 31" NW 92-06-43W County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used May 1 - Sep 30

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
SW 1/4 of the NE 1/4 Sec 9 T98N-R53W	35	NW 1/4 of the SE 1/4 Sec 9 T98N-R53W	1.26
SE 1/4 of the NE 1/4 Sec 9 T98N-R53W	35		
NE 1/4 of the NE 1/4 Sec 9 T98N-R53W	19		
NW 1/4 of the NE 1/4 Sec 9 T98N-R53W	35		

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

Want To Construct Permit 7821-3
It Was Never Completed
See Permit 7821-3 For More Details

I, Rich Lebar Manager, the applicant, certify under
Name of Person Title (if applicable)

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

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 steffl Drilling
(if yes, please provide copies of logs)

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

c) Well Depth 50 Depth to Top of Water Bearing Material 48 Depth to Water from Surface 2

d) Distance to nearest existing domestic well:

On applicant's property None

On property owned by others 1300ft

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)

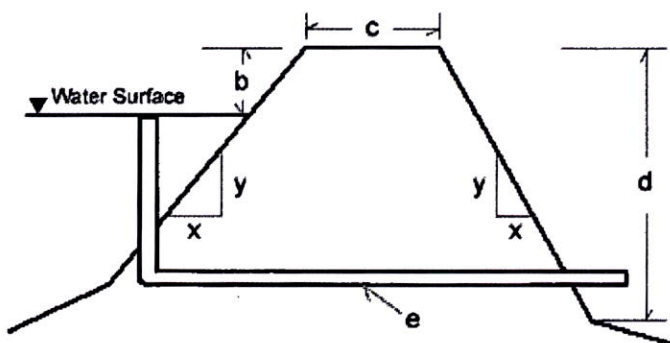
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





PPLS: 9_T98_53

Data use subject to license.

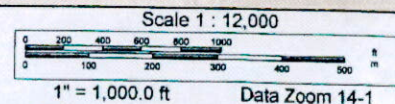
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APR - 8 2013

WATER RIGHTS

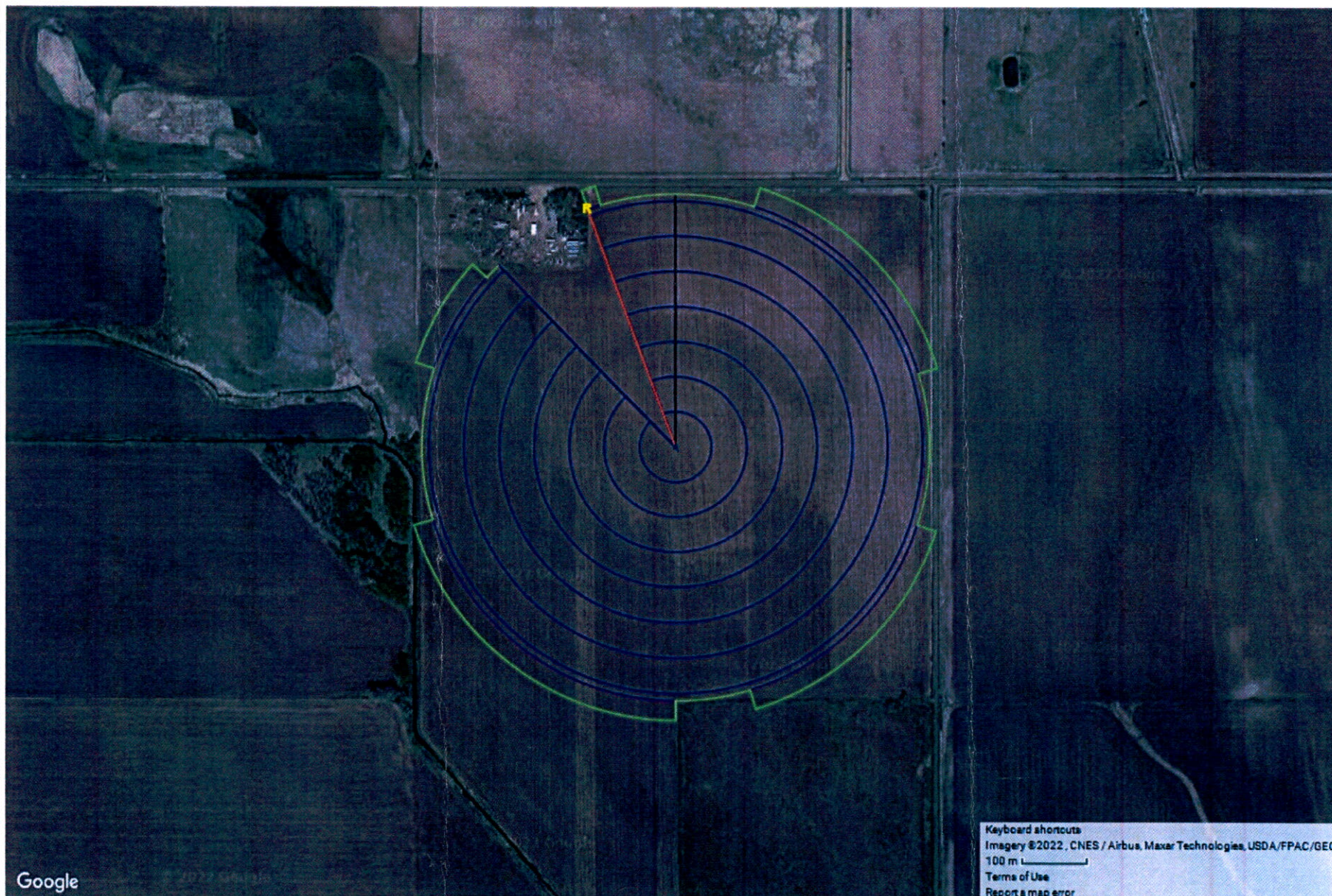




Project Name - Rich Leber - Pallet farm

Version Name - Rich Leber - Pallet farm_Version

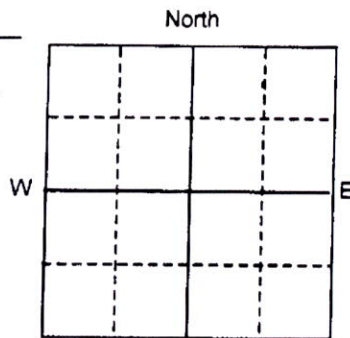
Map Summary Report - Pallet Farm WW



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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 9 Twp 98 Rg 53County TurnerPlease mark well
location with an "X"

Well Completion Date

January 2, 2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel
 ☐ Plastic
 ☐ Other

 If other describe _____

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	3	Lb/gal	0.0 Ft	50.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremmie

SCREEN:

☐ Perforated pipe
 ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes. How? _____☐ No. Why Not? _____Lab to which water
quality sample sent for analysis _____Well Owner: Rich Leber

Business Name: _____

Address: 28081 451st AveCity, State, Zip: Parker SD 57053

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
Top Soil	Blk	M	0	2
Sand	Red	F	2	20
Sand	Blu	M-Coarse	20	50
Clay	Blu	M	50	55

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test Hole #2

43 19' 31.1"N

97 06' 43.0"W

RECEIVED

APR - 8 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 7, 2022

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

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

Fee for Application for Permit No. <u>8681-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</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>8681-3</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>850.00</u>

By Eric Gronlund
Chief Engineer
EM



OFFICE OF THE SECRETARY OF STATE

MONAE L. JOHNSON, SECRETARY OF STATE
THOMAS J. DEADRICK, DEPUTY SECRETARY OF STATE

Filing Information

Name: **LEBER BROS. LLC**

General Information

SOS Business ID **DA026774**
Filing Type: Limited Liability Company - Domestic
 01/05/2012
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm
Managed By: Manager-Managed

Registered Agent Address

RICHARD LEBER
27677 452 AVE
PARKER, SD 57053

Principal Address

27677 452 AVE
PARKER, SD 57053

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
01/12/2022	2022 Annual Report	B0205-2703
01/08/2021	2021 Annual Report	B0165-6220
12/29/2019	2020 Annual Report	B0123-5119
01/07/2019	Statement of Change	B0085-4128
12/26/2018	2019 Annual Report	B0086-0324
01/31/2018	2018 Annual Report	B0052-0079
02/03/2017	2017 Annual Report	B0024-0668
01/22/2016	2016 Annual Report	
01/27/2015	2015 Annual Report	
01/28/2014	2014 Annual Report	
07/29/2013	Farm Qualification	
12/13/2012	2013 Annual Report	
01/05/2012	Initial Filing	DA026774



**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. 8681-3, Leber Bros LLC.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8681-3, Leber Bros LLC, 27677 452nd Avenue, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 8681-3 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. 8681-3 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. 8681-3 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 6, 2023

Report to the Chief Engineer

On Water Permit Application No. 8681-3

Leber Bros LLC

January 27th, 2023

Water Permit Application No. 8681-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville aquifer (50 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 for irrigation of 125.26 acres located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; all in T98N-R53W. The site of interest is located in Turner County approximately 5 miles south of Parker, SD.

AQUIFER: Parker Centerville Aquifer (PAC)

HYDROGEOLOGY:

The Parker Centerville aquifer is a predominantly unconfined glacial outwash aquifer, composed of unconsolidated sand and gravel (Holmes and Filipovic, 2015). The north end of the Parker Centerville aquifer is a seven-mile-wide flat depression that narrows down into a mile wide valley train between Davis and Centerville (Tipton, 1957). Based on mapping completed by Holmes and Filipovic (2015) the Parker Centerville aquifer underlies the Vermillion River with an approximate areal extent of 40,270 acres in Clay, Lincoln, and Turner Counties. In the past Lindgren and Hansen (1990) found the Parker Centerville aquifer to be separated from the underlying Upper and Lower Vermillion Missouri aquifers by a layer of till ranging from 7 to 97 feet thick; however recently Homes and Filipovic (2015) found some locations where there is no till layer and the Parker Centerville aquifer is hydraulically connected to the Upper Vermillion Missouri aquifer. The Parker Centerville aquifer is also hydraulically connected to the Vermillion River, Vermillion East Fork aquifer, and Vermillion West Fork aquifer (Lindgren and Hansen, 1990; Holmes and Filipovic, 2015). Lindgren and Hansen (1990) also found, in Turner County, the depth to the top of the Parker Centerville aquifer ranges from the ground surface in the Vermillion River flood plain to 50 feet below grade outside of the flood plain, the static water level ranges from 0 to 20 feet below grade, and the average thickness of the aquifer is approximately 34 feet with a max thickness of 74 feet.

A test hole completion report was submitted with this application, the geology on the test hole completion report lists "Topsoil" 0 to 2 feet below ground surface, "Red Fine Sand" 2 to 20 feet, "Blue Coarse Sand" 20 to 50 feet, and "Blue Clay" 50 to 55 feet (Water Right, 2023e). A nearby irrigation well completion report, located 0.6 miles south of the test hole (shown Figure 5), lists a static water level of 8 feet below ground surface at the time of well completion, September 5th, 2000 (Water Right, 2023e). Based on the geology of the test hole, static water level of a nearby irrigation well, and lithologic logs near the proposed diversion point, the Parker Centerville aquifer is expected to be unconfined near the diversion point.

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 unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by §§ 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 uses and water rights within the Parker Centerville aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8681-3 proposes to appropriate water from the Parker Centerville aquifer. 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. 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 Parker Centerville aquifer is not older than or stratigraphically lower than the Greenhorn Formation, 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 Parker Centerville aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Parker Centerville aquifer is received primarily through direct infiltration of precipitation where the aquifer is at or near the ground surface, inflow from the East and West Fork Vermillion aquifers, and seepage from the Vermillion River when the water level in the river is higher than the aquifer (Lindgren and Hansen, 1990). Hedges et al (1985) estimated a recharge rate of 4.9 inches per year for this unconfined aquifer. The Parker Centerville aquifer has an estimated areal extent of approximately 40,270 acres (Holmes and Filipovic, 2015). Therefore, the estimated average annual recharge rate (based on Hedges et al, 1985; Holmes and Filipovic, 2015) is approximately 16,444 acre-feet/year.

Discharge

Discharge from the Parker Centerville aquifer in South Dakota primarily occurs through well withdrawals, outflow to the Vermillion River, leakage to the Upper Vermillion Missouri aquifer, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren and

Hansen, 1990; Holmes and Filipovic, 2015). Currently, there are 152 water rights/permits authorized to appropriate water and five pending water applications, including this one, for the Parker Centerville aquifer (Water Rights, 2023c). There is one future use permit for the Parker Centerville aquifer, which is Future Use Permit No. 4798-3 held by City of Parker, with a total reservation of 340 acre-feet per year (Water Rights, 2023c).

Table 1 summarizes the 4 non-irrigation water rights/permits authorized to appropriate water from the Parker Centerville aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. The municipal water systems obtaining water from a rural water system are assumed to withdraw a negligible amount of water. Overall, the estimated average annual withdrawal rate for the Parker Centerville aquifer non-irrigation water rights/permits is approximately 1,018 acre-feet/year (Table 1) (Water Rights, 2023c).

Table 1. Summary of non-irrigation water rights/permits authorized to appropriate from the Parker Centerville aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Use	Diversion Rate (cfs)	Annual Volume (acre-feet/year)	Estimated Use (acre-feet/year)
517A-3	City of Hurley	LC	MUN	0.400	0	0*
517B-3	City of Hurley	LC	MUN	0.380	0	0*
8358-3	Sonstegard Food Company	PE	COM	1.110	222.2	222.2
8428-3	Knodel Contractors	PE	IND	3.340	795.46	795.46
*Identified as being connected to a rural water system					TOTAL:	1,018
LC Licensed Water Right, PE Water Permit, MUN Municipal, COM Commercial, IND Industrial						

There are 148 irrigation water rights/permits appropriating water from the Parker Centerville aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. However, due to changes in farming practices and an increase in the number of permits from 123 in 2012 to 139 in 2016, the average over the entire period of record may not be an accurate reflection of average annual withdrawal at the present time. The average annual withdrawal rate from the Parker Centerville aquifer for irrigation that have reported over the past ten years of record (2012 to 2021) is approximately 10,772 acre-feet per year (Table 2) (Water Rights, 2023a).

Table 2. Historical reported irrigation use from the Parker Centerville aquifer (Water Rights, 2023a)

Year	Number of Permits Reporting	Reported Pumpage (acre-feet/year)
1979	114	7,481
1980	110	7,675
1981	121	9,321
1982	111	6,494
1983	110	5,523
1984	111	5,152
1985	112	6,515
1986	113	6,120
1987	111	8,620
1988	108	13,558
1989	110	13,959
1990	110	12,201
1991	110	11,186
1992	111	3,909
1993	110	1,919
1994	111	10,724
1995	108	9,664
1996	107	10,897
1997	110	11,585
1998	108	10,072
1999	112	11,027
2000	113	12,955
2001	113	12,238
2002	114	13,865
2003	116	12,471
2004	117	14,668
2005	119	13,450
2006	117	15,304
2007	120	11,995
2008	123	13,224
2009	125	7,260
2010	123	392
2011	123	11,315
2012	123	19,045
2013	134	15,083
2014	136	11,269
2015	137	9,606
2016	139	11,934
2017	139	11,430
2018	138	3,808
2019	138	1,842
2020	138	10,554
2021	144	13,153
	Average (1979-2021)	10,011
	Average (2012-2021)	10,772

There are four water permits approved in 2022 and at the end of 2021 that are not accounted for in Table 2, these are Permit Nos. 8558-3, 8557-3, 8663-3, and 8677-3 (Water Rights, 2023c). There are also five pending applications including this one (8681-3, 8687-3, 8688-3, 8689-3, and 8690-3) (Water Rights, 2023c). The new permits are authorized irrigate 440 acres, while the pending applications, including this application, propose to irrigate 511 acres, all together a total of 951 acres is planned to be irrigated (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water permits and pending applications. Therefore, the estimated average annual withdrawal rate for water permits approved in 2022 and at the end of 2021 and pending applications, including this application, is approximately 951 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (10,772 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2022, pending applications and this application (951 acre-feet/year), is approximately 11,723 acre-feet per year.

There are domestic wells completed into the Parker Centerville aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Parker Centerville 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 Parker Centerville aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Parker Centerville aquifer is approximately 16,444 acre-feet/year (based on Hedges et al, 1985; Holmes and Filipovic, 2015). The average withdrawal rate from the Parker Centerville aquifer totals to approximately 13,081 acre-feet/year; (average annual withdrawal rate for non-irrigation water rights/permits is approximately: 1,018 acre-feet/year; average annual withdrawal rate for the irrigation appropriations from 2012 to 2021: 10,772 acre-feet/year; the water permits approved at the start of 2022, end of 2021, pending applications and this application: 951 acre-feet/year; total future use reservation of 340 acre-feet per year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Parker Centerville aquifer for the proposed appropriation.

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 22 observation wells, shown on Figure 4, completed into the Parker Centerville aquifer (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the diversion point are TU-80E (approximately 0.5 miles northeast), TU-56F (approximately 0.7 miles southeast), and TU-79C (approximately 1.4 miles northwest) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 1 to 3 respectively (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurement of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on hydrographs.

The majority of the observation wells in the Parker Centerville aquifer have stable water levels over their periods of record, with a few observation wells showing a slight decline in recent years (Water Rights, 2023b). Observation well TU-56F appears to not function properly based on the slow recovery following the air development in 2012 and 2014. As a result, the observation well may not be representative of the aquifer at this time. The hydrographs for the Parker Centerville 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. Aquifer recovery 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 Parker Centerville 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 appropriation.

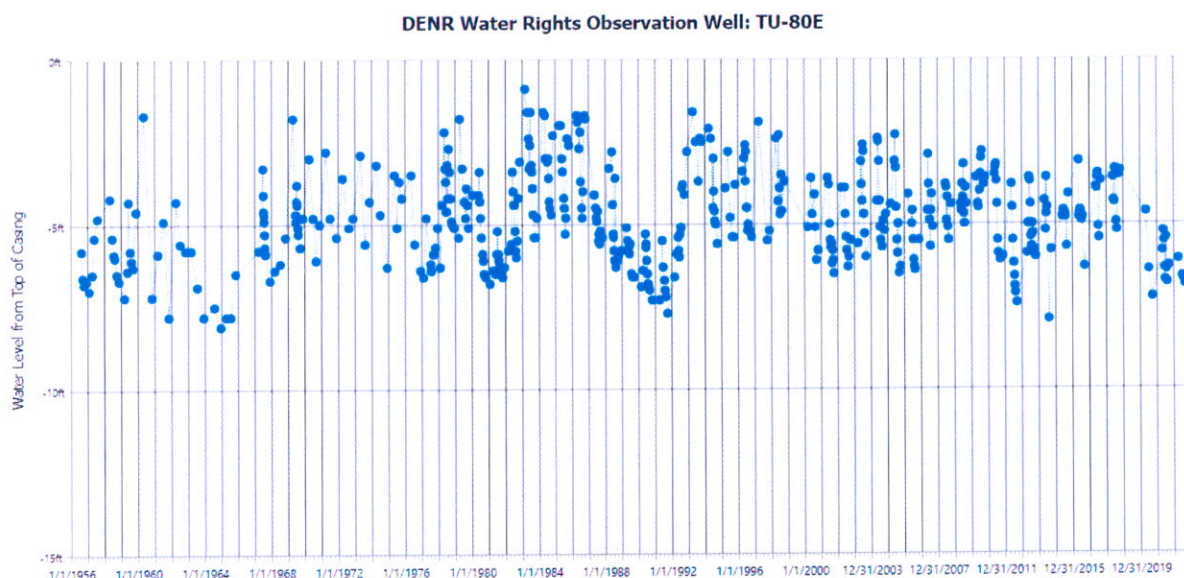


Figure 1. Hydrograph for observation well TU-80E (Water Rights, 2023b)

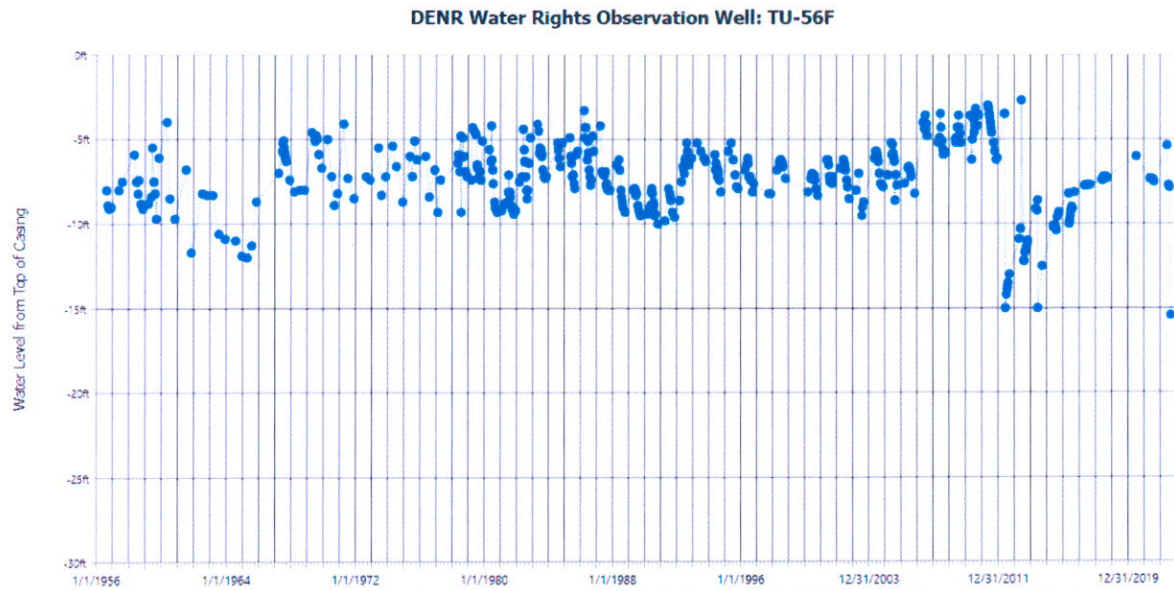


Figure 2. Hydrograph for observation well TU-56F (Water Rights, 2023b)

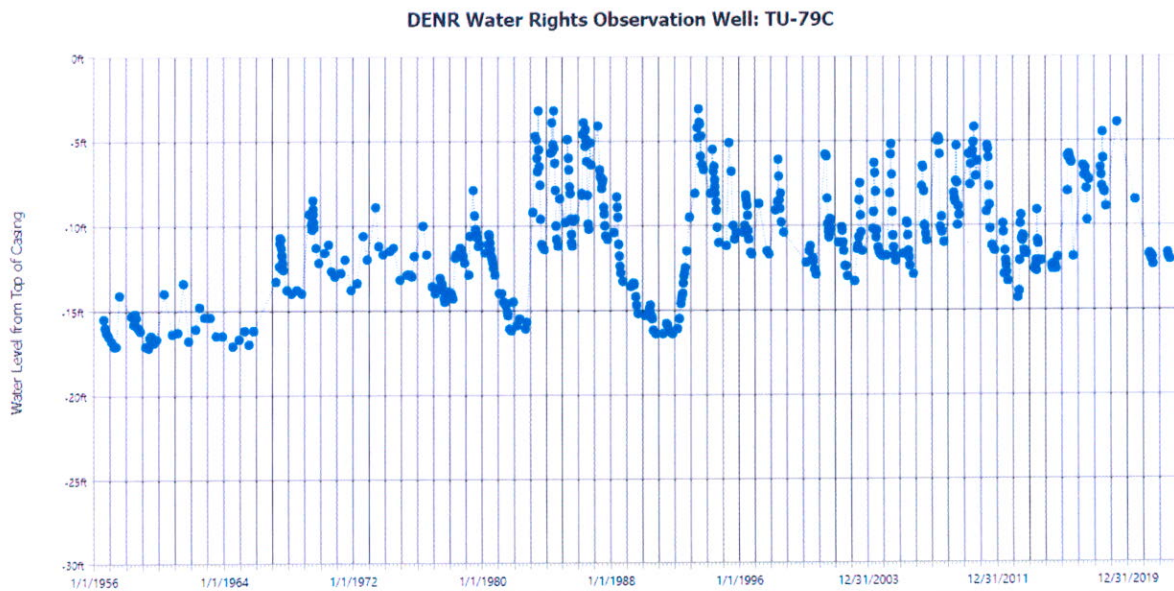


Figure 3. Hydrograph for observation well TU-79C (Water Rights, 2023b)

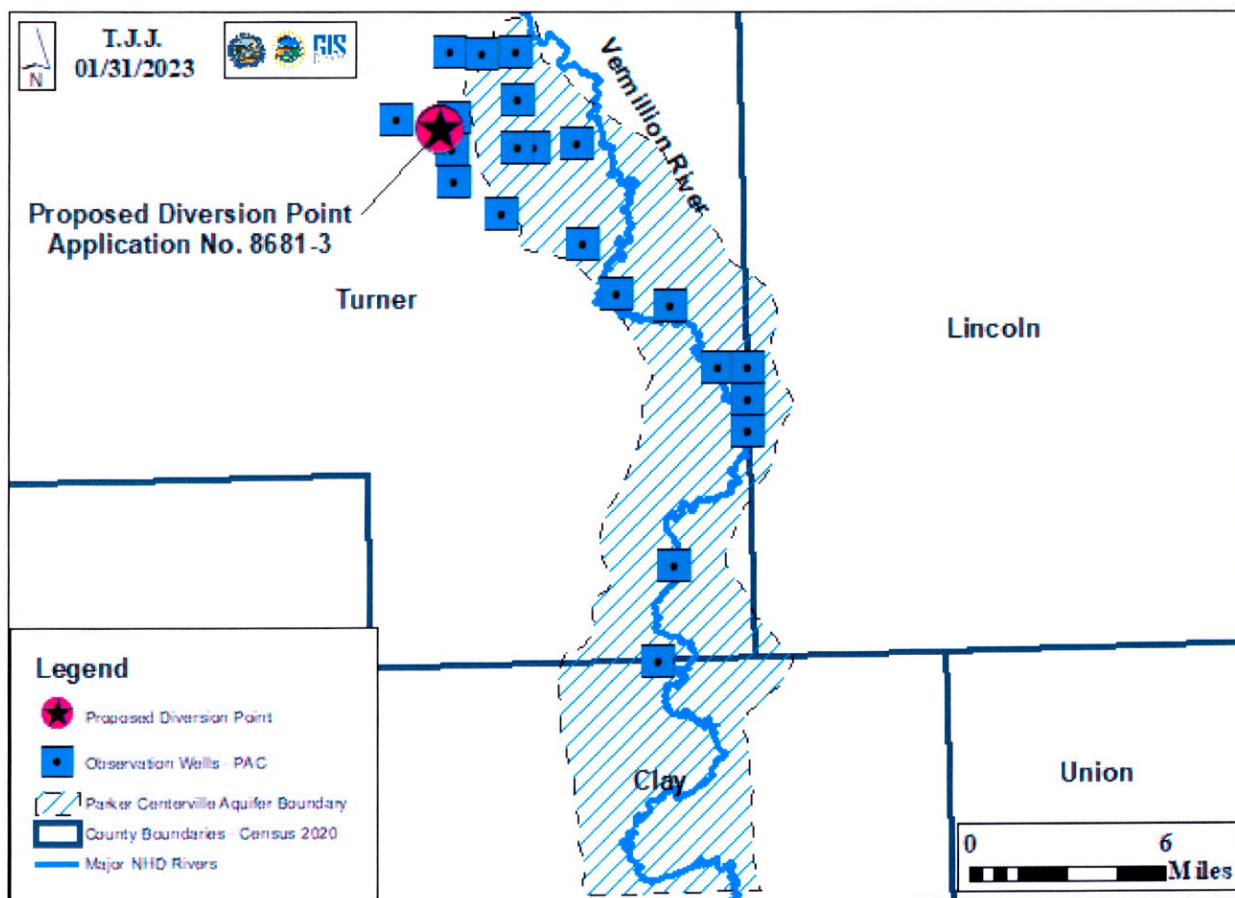


Figure 4. Map of observation wells in the Parker Centerville aquifer and the location of proposed diversion point for Water Permit Application No. 8681-3, modified Parker Centerville aquifer boundary drawn by Holmes and Filipovic (2015) (Water Rights, 2023b).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 152 water rights/permits authorized to appropriate water and five pending applications for the Parker Centerville aquifer (Water Rights, 2023c). The closest water right/permit to the proposed diversion point is Water Right No. 6221-3, shown on Figure 5, which is held by Nicolai Reuben for irrigation. The diversion point for Water Right No. 6221-3 is located approximately 0.6 miles south of the diversion point for this application (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Parker Centerville aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.51 miles northwest of the proposed diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Parker Centerville aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

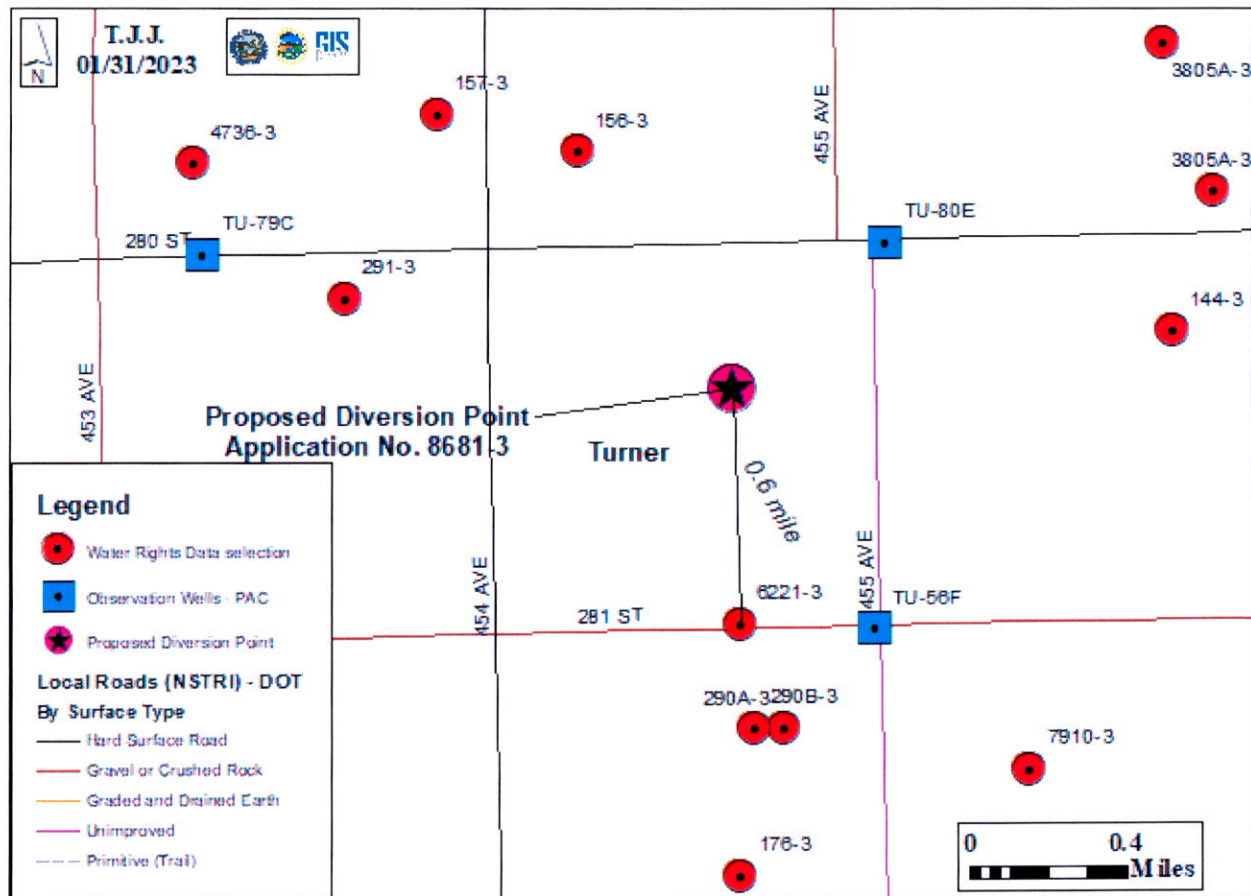


Figure 5. Map of the Parker Centerville aquifer water rights/permits within approximately 1.25 miles of the proposed diversion point, observation wells (Water Rights, 2023b and 2023c), and the location of proposed diversion point for Water Permit Application No. 8681-3.

In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped well. 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 while still protecting domestic users. 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.”

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the proposed diversion point, the lack of well interference complaints for adequate wells completed into the Parker Centerville aquifer in Turner County (Water Rights, 2023e), any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with

adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8681-3 proposes to irrigate 125.26 acres from one proposed well to be completed into the Parker Centerville aquifer at a diversion rate of 1.78 cfs. The site of interest is located approximately 5 miles south of Parker, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Parker Centerville aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8681-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.


Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program


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

References

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<<https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx>>
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
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- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed January 19, 2023. <http://cf.sddanr.net/lithdb/>.
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- Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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 6, 2023

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

Dear Mr. Leber:

Water Permit Application No. 8681-3 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 Turner County New Era printed at Parker SD (Ph # 605 941-4983) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The 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. 8681-3 to Appropriate Water

Notice is given that Leber Bros LLC c/o Rich Leber, 27677 452nd Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SW 1/4 NE 1/4 Section 9 for irrigation of 125.26 acres located in the NE 1/4, NW 1/4 SE 1/4 Section 9; all in T98N-R53W. This site is located approximately 5 miles south of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8681-3 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 this application or recommendation shall allege that the application, 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 application, or other matter concerning the application 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 application 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 recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by February 27, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, 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 February 27, 2023.

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_

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 6, 2023 10:54 AM
To: legals@argusleader.com
Subject: 8681-3, Leber Bros LLC
Attachments: 8681-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 16, 2023.

Leber Bros LLC, c/o Rich Leber, 27677 452nd Ave, Parker SD 57053 (605 941-4983) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 6, 2023 10:54 AM
To: New Era
Subject: 8681-3, Leber Bros LLC
Attachments: 8681-3public.short_final.docx; FORM8.FRM.doc

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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>



RECEIVED

MAR 06 2023

OFFICE OF
WATER

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

Affidavit of Publication

I, Jessica Kleinsasser, of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times here in after mentioned: that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0216-1-8685-3 Water

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 16th day of February 2023

That \$48.82 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

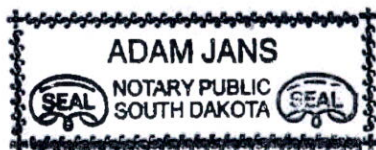
Jessica Kleinsasser

Subscribed and sworn to before me this 3rd

Day of March 2023

Adam Jans
Notary Public, Turner County, South Dakota

My Commission Expires: 5.22.27



NOTICE OF APPLICATION NO.

8681-3 to Appropriate Water

Notice is given that Leber Bros LLC c/o Rich Leber, 27677 452nd Ave, Parker, S.D. 57053 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (50 feet deep) located in the SW 1/4 NE 1/4 Section 9 for irrigation of 125.26 acres located in the NE 1/4, NW 1/4 SE 1/4 Section 9; all in T98N-R53W. This site is located approximately 5 miles south of Parker S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8681-3 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 this application or recommendation shall allege that the application, 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 application, or other matter concerning the application 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 application 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 recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by February 27, 2023.

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Published once at the total approximate cost of \$47.99 (N0216-3)

..... \$48.82
..... \$
..... \$48.82

Argus Leader

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

RECEIVED

FEB 27 2023

OFFICE OF
WATER

Account No.: 6059414983

Ad No.: 0005586336

PO #: 8681-3

Lines : 148

Ad Total: \$48.38

LEBER BROS LLC
27677 452ND AVE
PARKER, SD 57053

This is not an invoice

of Affidavits: 1

Account No.: 6059414983

Ad No.: 0005586336

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper 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 issue(s) :

Thursday, February 16, 2023

Sworn to and subscribed before me this 22 day of February, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires

8-21-26

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8681-3
to Appropriate Water

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Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 6, 2023 12:43 PM
To: leberbros@gmail.com
Subject: Water Permit Application No. 8681-3
Attachments: 4844.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>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 27 2023

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

Dear Mr. Leber:

Enclosed is Water Permit No. 8681-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

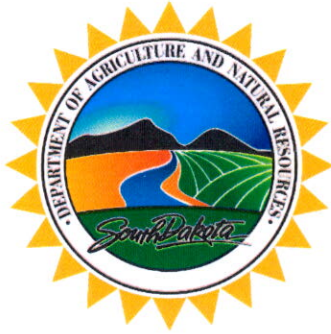
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the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

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

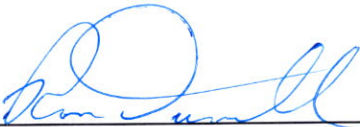
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8681-3

Name of Applicant: Leber Bros LLC, Rich Leber

Date of Posting: 2/13/2023

Date of Removal: 3/27/2023



Ron Duvall, Water Rights Permitting Administrator

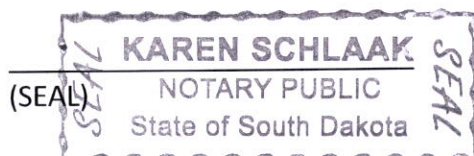
3/27/23

Date

Subscribed and sworn to before me, a notary public, this 27th day of March, 2023.



Notary Public - South Dakota
My commission expires: 4/1/2025

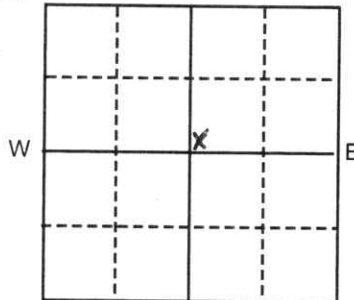


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 Twp 98 Rg 53County Turner

North

Please mark well
location with an "X"

Well Completion Date

June 6, 2023

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

62 ft. from Creek (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>29</u> FT	<u>17.75</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>8</u>	Lb/gal	<u>0</u> Ft	<u>25</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 FeetMaterial Stainless steelSlot Size .080 Set From 29 Feet to 49 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not?Lab to which water
quality sample sent for analysis

Irrigation well

Well Owner: Richard LeberBusiness Name: Leber Bros LLCAddress: 27677 452nd AveCity, State, Zip: Parker ☒ SD ☒ 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	4
Gravel	4	49
Clay-grey-sand	49	55

STATIC WATER LEVEL 4.42 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

25 Ft. After 3 Hrs. pumped 780 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N43 19.542 W97 6.7330

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

RECEIVED

NOV 06 2023

OFFICE OF
WATER

Date: _____

Richard Leber

Hurley SD
49' Irrigation well

Legend

 12" Irrigation well

280th St

32

12" Irrigation well

454th Ave

455th Ave

454th Ave

455th Ave

Google Earth

2000 ft



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8681-3

I have this day, October 29, 2024, made a thorough examination of the water use system constructed by Leber Bros LLC, 27677 452nd Ave, Parker, SD 57053 of Permit No. 8681-3, bearing the priority of December 7, 2022 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Parker:Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells 1
- 3) Depth(s) 49 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 29 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless
- 2) Length 20 feet
- 3) Static water level 5 feet

Pump:

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

Motor:

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

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1320 feet

Comments: **xx**

C. Works used to apply water to beneficial use:

Center pivot:

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

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N / Diversion point in the SE ¼ NW ¼
- 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 NE corner Sec 9 T98N R53W, 1590 ft S & 2650 ft W, Lat 43.32557 Long -97.11218 (SE ¼
NW ¼).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 9 T98N R53W

NW ¼ NE ¼ - 30 acres

NE ¼ NE ¼ - 31 acres

SE ¼ NE ¼ - 31 acres

SW ¼ NE ¼ - 32 acres

legal description/acreage

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

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

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

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

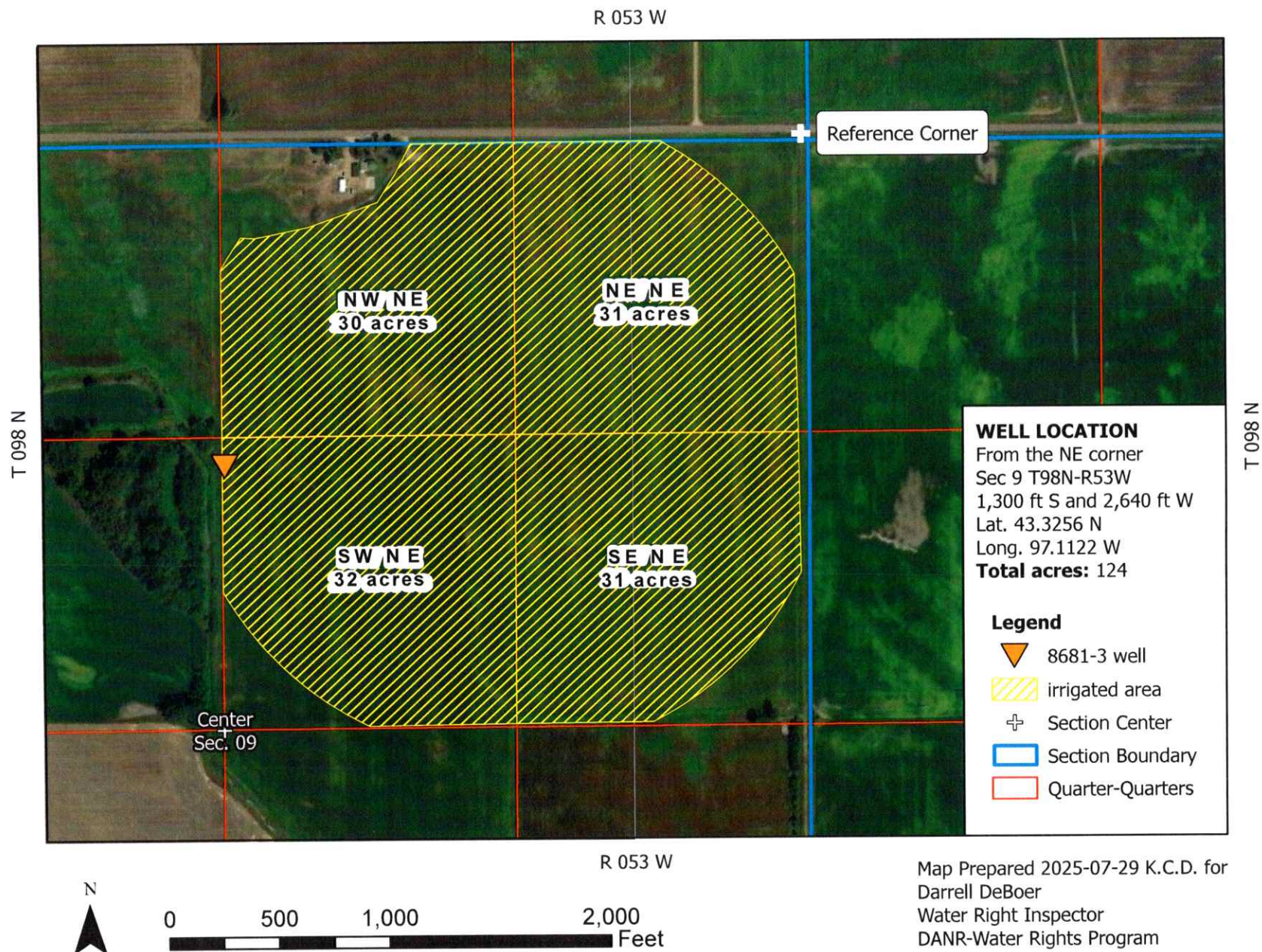
The address **MUST BE** corrected to 27677 452nd Ave, Parker, SD 57053 at Mr. Leber's request. The phone number in the permit application is current.

I talked to Mr. Richard Leber during the field visit regarding Permit details.

A handwritten signature in black ink, appearing to read 'Darrell DeBoer', written over a horizontal line.

Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 31, 2024

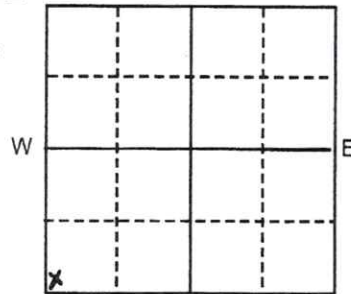


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13 Twp 99 Rg 54County Turner ☒

North

Please mark well
location with an "X"

Well Completion Date

August 18, 2023

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>51</u> FT	<u>17.5</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>14</u>	<u>Lb/gal</u>	<u>0</u> Ft	<u>47</u> Ft
		<u>Lb/gal</u>	<u></u> Ft	<u></u> Ft

Describe grouting procedure

Tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 20 Feet
 Material Stainless steel
 Slot Size .080 Set From 51 Feet to 71 Feet
 Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not?
Lab to which water quality sample sent for analysis Irrigation wellWell Owner: Richard LeberBusiness Name: Leber Bros LLCAddress: 27677 452nd AveCity, State, Zip: Parker ☒ SD ☒ 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
Clay-brown	3	29
Clay-blue	29	52
Gravel	52	71
Clay-blue	71	81

STATIC WATER LEVEL 31 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

62.17 Ft. After 5 Hrs. pumped 400 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N43 23.2220 W97 10.8770

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

JUN 10 2025

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

6-7-2025

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

FROM:

Heber Bros LLC

(name)

27677 457 Ave

(address)

Parker SD 57053

(city, state, zip)

605-941-4983

(phone)

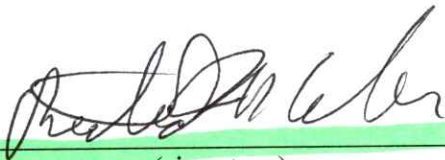
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8681-3 states that the water use system is to be constructed by
February 27, 2028 , and water is to be put to beneficial use by February 27, 2032 .
(date) (date)

The water use system was completed on 7-15-2023 .
(date)

Applying the water to beneficial use was completed on 7-15-2023 .
(date)

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



(signature)



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Leber Bros LLC COUNTY: TurnerADDRESS: 27677 452 Ave, Parker, SD 57053 DATE: June 11, 2025**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Permit No. 8681-3 authorizes diversion of 1.78 cfs from one well (Parker Centerville Aquifer) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T98N, R53W for irrigation of 125.26 acres.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Developed water source same as permitted source and no additional water appropriated,

The well authorized under Permit No. 8681-3 was completed into the Parker Centerville Aquifer, in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T98N, R53W. The developed rate of diversion was 1.78 cfs, which is the originally permitted amount.

If irrigation, no new land is irrigated,

124 acres of the 125.26 acres were developed.

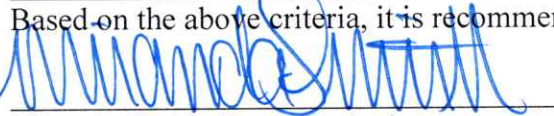
Review of Existing Diversions

There are twenty-three existing water permits/rights within a 2 mile radius of where the diversion point was developed, also authorizing diversion from the Parker Centerville Aquifer (PAC). The nearest permit authorized for diversion from the PAC is approximately 0.18 miles southeast of the well in question, 7821-3 also held by Leber Bros LLC. The next nearest permit/right would be 291-3, held by the Craig Flyger, located approximately 0.88 miles northwest. It was determined in the review of the application of Water Permit 8681-3 that there was reasonable probability any interference due to pumping from the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

The closest domestic well (completed into the PAC) is approximately 2.34 miles to the southeast, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T98N, R53W, on property owned by Petersen Robert J Family Trust, according to Regrid. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

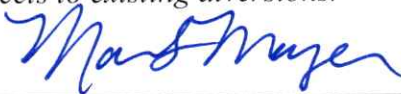
Based on the above criteria, it is recommended that the change in diversion point location be approved.



Miranda Smith, Program Assistant
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Mark Mayer, PE
Director of Office of Water



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

AUG 04 2025

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

No. 8681-3

Dear Mr. Leber:

Enclosed is Water License No. 8681-3. 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.

So 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 regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or Amanda.Dewell@state.sd.us.

Sincerely,

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

Note: Water Permit No. 8681-3 was obtained to replace Permit No. 7821-3, which was not constructed within the permitted time frame.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8681-3

(1) Leber Bros LLC, 27677 452nd Ave, Parker, SD 57053, made Application No. 8681-3, December 7, 2022, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 8681-3, with a priority date of December 7, 2022, was approved February 27, 2023, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 27, 2028, and for the application to beneficial use of water on or before February 27, 2032.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on June 10, 2025. The Notice stated the diversion system was completed on July 15, 2023 and the water was placed to beneficial use on July 15, 2023.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

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

- 1,590 feet S and 2,650 feet W from the NE corner of Section 9, T98N, R53W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.32557 and Longitude -97.11218)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 9, T98N, R53W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 31 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 31 acres
Total – 124 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Leber Bros LLC, the holder and/or owner of Water Right No. 8681-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of December 7, 2022, 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. 8681-3 and subject to the following qualifications:

continued

1. The well approved under Water Permit No. 8681-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8681-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2023 by Thein Well Company Inc. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Mark Mayer

Mark Mayer, PE
Director of Office of Water

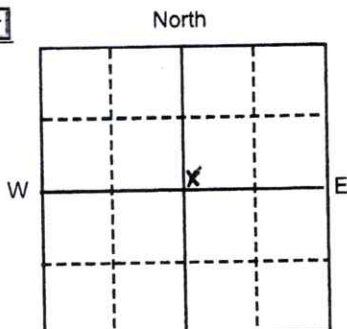
8/4/25

date



8681-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SW 1/4 NE 1/4 Sec 9 Twp 98 Rg 53County Turner ☒Please mark well
location with an "X"

Well Completion Date

June 6, 2023

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

62 ft. from Creek (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>29</u> FT	<u>17.75</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>8</u>	<u>Lb/gal</u>	<u>0</u> Ft	<u>25</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure

Tremie piped

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 12 inches Length 20 FeetMaterial Stainless steelSlot Size .080 Set From 29 Feet to 49 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not?Lab to which water quality sample sent for analysis Irrigation wellWell Owner: Richard LeberBusiness Name: Leber Bros LLCAddress: 27677 452nd AveCity, State, Zip: Parker ☒ SD ☒ 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	4
Gravel	4	49
Clay-grey-sand	49	55

STATIC WATER LEVEL 4.42 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

25 Ft. After 3 Hrs. pumped 780 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N43 19.542 W97 6.7330

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

Date: _____