

WATER PERMIT NO. 8818-3

Name of Applicant: **BLT 1 Family Limited Partnership**

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

Amount of Water Claimed: **0.44 cfs** Total Acres: **30**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **Approx. 9 miles northwest of Pierre SD**

PRIORITY Date Received: **01-08-24**

Application/License Fee: **\$700.00**

Corrected Application Received: **01-18-24**

Period of Annual Use: **May 1 – September 30**

Remarks:

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

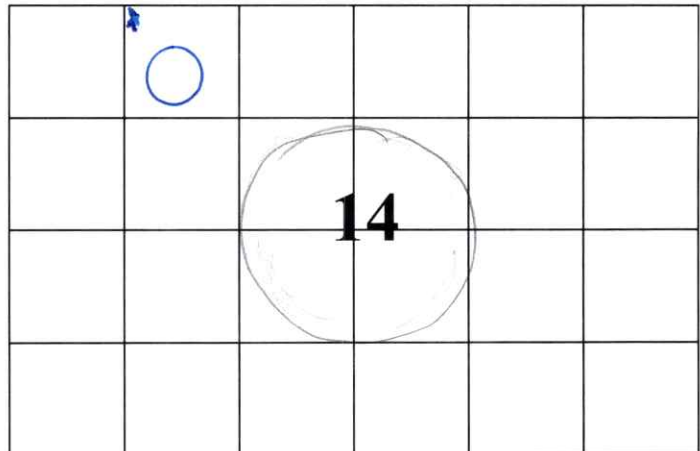
Land to be Irrigated: **NW 1/4 Sec 14 -T112-R80W**

Depth of Well: **102**

Well Driller: **Manikowski Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **01-19-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8818-3

Date of first receipt of application January 8, 2024.

Date of return to applicant for corrections, amendments, or changes January 9, 2024.

Date of receipt of corrected application January 18, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8818-3 to BLT I Family Limited Partnership, 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. 8818-3 appropriates 0.44 cubic feet of water per second (cfs) from one existing well completed into the Grey Goose Aquifer (approximately 102 feet deep) located in the NW 1/4 NW 1/4 Section 14 for irrigation of 30 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 14; 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 8, 2024.
4. The date of approval of Permit No. 8818-3 is April 9, 2024.
5. One-fifth of the construction is to be completed on or before October 9, 2026.
6. All construction is to be completed on or before April 9, 2029.
7. Water is to be put to beneficial use on or before April 9, 2033.
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. 8818-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8818-3 authorizes a maximum diversion rate of 0.44 cfs for the irrigation of 30 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

APR 24 2024

date



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

JAN 08 2024

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8818-3</u> (office use only)
	Hydrologic Unit <u>10130105</u>
	Basin <u>Lower Lake Oahe</u>
	Newspaper <u>Pierre Capital Journal</u> <u>Huron Plainsman</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application:

☐ Vested Right

(Use predates Mar 2, 1955)

☐ Amendment/Correction to Permit No. _____

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

1. Name to Appear on Irrigation Permit BLT 1 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 Warner SD 57479

(Address)

(City)

(State)

(Zip Code)

Phone 605-380-0166 Mobile _____ Email Samuel @ braunactive.com2. Amount of water claimed 0.44*CFS or 200**GPM ***AF Total Acreage 30

(*Cubic Feet per Second)

(**Gallons per Minute)

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

3. Source of water supply groundwater4. Location of point of diversion NWNW 14-112-80 - 1 well

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

County Hughes5. County or counties where water will be used Hughes6. Annual period during which water is to be used May- Sept³⁰

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
<u>SESE NW 14-112-80</u>	<u>7.5</u>		
<u>SWSW NE 14-112-80</u>	<u>7.5</u>		
<u>NENE SW 14-112-80</u>	<u>7.5</u>		
<u>NWNW SE 14-112-80</u>	<u>7.5</u>		

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

Install new mini pivot in center of sec 14-112-80
Requesting a diversion rate greater than statutory limit.

I, Sam T. Brown Pres SWS Mgmt, 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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
 (if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Manikowski Well Drilling

For either Existing or Proposed Wells:

- c) Well Depth (required) 102 Depth to Top of Water Bearing Material 79 Depth to Water from Surface 70
- d) Distance to nearest domestic well on applicant's property 1600 Property owned by others NO-BLT 1
owns

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



United States
Department of
Agriculture

Sully County, South Dakota

all crops are initial, for grain, corn-yel, sunflowers-gr,
soybeans-gr, NIRR, continuous cropped,
& share is 100% unless otherwise noted



Common Land Unit

- Non-Cropland
- Cropland

Wetland Determination Identifiers

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

- Tract Boundary
- PLSS

Unless otherwise noted, crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non-oil

Producer Initial _____
Date _____

2023 Program Year

Map Created October 19, 2022

Farm 5316

14-112N-80W-Hughes

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).

Operator - Long Range Farms LLC

2023

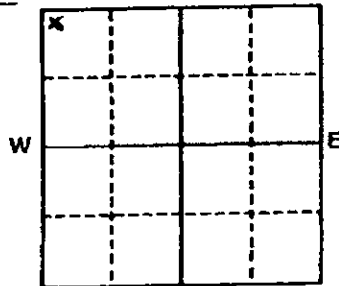
SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NW ¼ NW ¼ Sec Twp Rg

County Hughes

North

Please mark well location with an "X"



Well Completion Date

12-13-21

1 Mile

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

5000 ft. from septic system (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel
 ☐ Plastic
 ☐ Other

If other describe

none installed

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>300 lb. Grout</u>	<u>5</u>	<u>9.5</u> Lb/gal	<u>0</u> Ft	<u>160</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie line Bottom to Top

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: Sam Broun

Business Name:

Address:

City, State, Zip: Wauve, SD 57479

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Reddish medium sand</u>	<u>1</u>	<u>10</u>
<u>yellow clay</u>	<u>10</u>	<u>29</u>
<u>Blue clay</u>	<u>29</u>	<u>79</u>
<u>medium to coarse sand</u>	<u>79</u>	<u>102</u>
<u>clay</u>	<u>102</u>	<u>160</u>

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

This well was drilled under license # 285 and this report is true and accurate.Drilling firm: Manikowski 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 16, 2024

RECEIVED OF BLT 1 Family Limited Partnership PO Box 361 Winner SD 57479

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

Fee for Application for Permit No. <u>8818-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8818-3</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>700.00</u>

By Eric Gronlund
Chief Engineer
vm



South Dakota Secretary of State

Monae L. Johnson
Secretary of State

Thomas J. Deadrick
Deputy Secretary of State

Filing Information

Name: **BLT I Family Limited Partnership**

General Information

SOS Business ID **DP208535**
Filing Type: Limited Partnership - Domestic
 08/18/2021
Status: Good Standing
Duration Term: Expires: 08/18/2120

Registered Agent Address
SAMUAL J BRAUN
5 WEST MAIN STREET
WARNER, SD 57479

Principal Address
5 WEST MAIN STREET
WARNER, SD 57479

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

Date Filed	Filing Description	Image #
08/18/2021	Initial Filing	B0189-3652

Rodriguez, Rachel

From: Michelle Leach <michelle@braunactive.com>
Sent: Thursday, January 18, 2024 3:21 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Applications

Hi Rachel,

I am so sorry, I had started a response to you and then we lost electricity and have been out of the office since! I thought I had sent this!

8576-3

- Just changing the diversion point with no additional water
- X represents the location(the arrow was just showing water acres would be irrigated.
- Form 2A-included with check I mailed in

8577-3

- Just changing the diversion point with no additional water
- Form 2A-included with check I mailed in

New App

- Well is in corner of NW1/4 NW1/4
- Form 2A-included with check I mailed in

As far as acres question in another email- there will be a mini pivot in the center of Section 14-112-80 that will cover 30 acres.

If you have additional questions, give me a call!

Thanks!

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, January 9, 2024 3:12 PM
To: Michelle Leach <michelle@braunactive.com>
Subject: RE: Water Permit Applications

Good Afternoon Michelle,

For Amendment to Permit 8576-3 just need clarification on the map that was submitted with it, see attached.

- You are just changing the diversion point, with no additional water correct?
- Map has an X and then an arrow pointing to the inside of the irrigation area. My question is, does the X represent the location of the change in diversion or does the arrow represent the location change? It would be NW ¼ NW ¼ or NW ¼ NE ¼ and we need the correct location for the legal description.
- Form 2A – please answer the section I have highlighted in yellow, we are required to ask, so if you do not know the answer it is okay to say unknown.

For Amendment to Permit 8577-3

- You are just changing the diversion point, with no additional water correct?
- Form 2A – please answer the section I have highlighted in yellow.

New Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 17, 2024 9:55 AM
To: michelle@braunactive.com
Subject: New Application

Good Morning Michelle,

I received the fees for the new application. And was just wondering when you might have the other information, I requested clarification on. Also, for the land to be irrigated, I need clarification please. You have:

Land Description	Acres
SESE NW 14-112-80	7.5
SWSW NE 14-112-80	7.5
NENE SW 14-112-80	7.5
NW NW SE 14-112-80	7.5

Please clarify the area to be irrigated.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, January 9, 2024 3:12 PM
To: Michelle Leach
Subject: RE: [EXT] Water Permit Applications
Attachments: map8576-3.pdf; Form2A.pdf; Form2A 8577-3.pdf; Map_NewWell.pdf; Form2A New.pdf

Good Afternoon Michelle,

For Amendment to Permit 8576-3 just need clarification on the map that was submitted with it, see attached.

- You are just changing the diversion point, with no additional water correct?
- Map has an X and then an arrow pointing to the inside of the irrigation area. My question is, does the X represent the location of the change in diversion or does the arrow represent the location change? It would be NW $\frac{1}{4}$ NW $\frac{1}{4}$ or NW $\frac{1}{4}$ NE $\frac{1}{4}$ and we need the correct location for the legal description.
- Form 2A – please answer the section I have highlighted in yellow, we are required to ask, so if you do not know the answer it is okay to say unknown.

For Amendment to Permit 8577-3

- You are just changing the diversion point, with no additional water correct?
- Form 2A – please answer the section I have highlighted in yellow.

New Application

- Is the well in the center or in the corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$? See attached map, it has an arrow too.
- Form 2A – please answer the section I have highlighted in yellow.
-

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Michelle Leach <michelle@braunactive.com>
Sent: Tuesday, January 9, 2024 8:58 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Applications

Which # should I call?

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, January 9, 2024 8:07 AM



**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. 8818-3, 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 Agriculture and Natural Resources concerning Water Permit Application No. 8818-3, BLT I Family Limited Partnership, c/o Sam Braun, PO Box 361, Warner, SD 57479.

The Chief Engineer is recommending APPROVAL of Application No. 8818-3 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. 8818-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8818-3 authorizes a maximum diversion rate of 0.44 cfs for the irrigation of 30 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
March 19, 2024

Report to the Chief Engineer
On Water Permit Application No. 8818-3

BLT I Family Limited

March 19th, 2024

Water Permit Application No. 8818-3 proposes to appropriate 0.44 cubic feet per second (cfs) from one existing well completed into the Grey Goose aquifer (102 feet deep) located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14 for irrigation of 30 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; all in T112N-R80W. The existing well is authorized by Water Permit No. 8576-3. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located in Hughes County approximately 10 miles northwest of Pierre, SD.

AQUIFER: Grey Goose (GG)

HYDROGEOLOGY:

The Grey Goose aquifer is a buried outwash deposit of coarse sand and gravel (Hamilton, 1986b). The outwash deposit partly fills a broad and irregular river channel that carved into the Pierre Shale bedrock (Hamilton, 1986b). The aquifer extends 30 miles from the northwestern corner to the central portion of Hughes County (Hamilton, 1986b). The channel is generally 2 to 5 miles wide along the western extent and seems to narrow to about 1 mile wide as the channel approaches the central portion of the county (Hamilton, 1986b). The Grey Goose aquifer has historically been primarily unconfined but has had more recently some portions have changed to primarily confined conditions, with a depth to water ranging 15 feet to 250 feet from ground surface (Hamilton, 1986a). The total thickness of aquifer bearing material, sand and gravel, averages 40 feet, but can exceed 60 feet in some areas (Hamilton, 1986b). Water moves from the northwest to discharge areas in the south-central portion of the county (Hamilton, 1986b). The Grey Goose aquifer is hydrologically connected with Lake Oahe; as water moves from Lake Oahe to the Grey Goose aquifer at times when the lake water levels are higher than the potentiometric surface of the aquifer (Hamilton, 1986b).

Hedges and others (1982) estimates that the Grey Goose aquifer underlies 33,400 acres and contains approximately 200,400 acre-feet (ac-ft) of recoverable water in storage. Further studies by Hamilton (1986a) proposed that the Grey Goose aquifer covers approximately 120 square miles (76,800 acres) and contains approximately 610,000 ac-ft of water in storage. Hedges and others (1982) areal extent will be used for this report to avoid overestimating the recharge to the Grey Goose aquifer. Additionally, the Grey Goose aquifer extends into Sully County; since there are six Water Rights/Permits in Sully County that are completed into the Grey Goose aquifer (Cederberg, 2020).

A test hole report was submitted with this application. The test hole report is dated December 13th, 2021, and is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14-T112N-R80W (Water Rights 2024d). This test hole was drilled into the Grey Goose aquifer with the depth to the top of aquifer

material (sand) approximately 79 feet below the ground surface (SDGS, 2024; Water Rights, 2024b and 2024d). Based on other well completion reports near the diversion point, the Grey Goose aquifer is expected to be under confined conditions (SDGS, 2024; Water Rights, 2024b and 2024d).

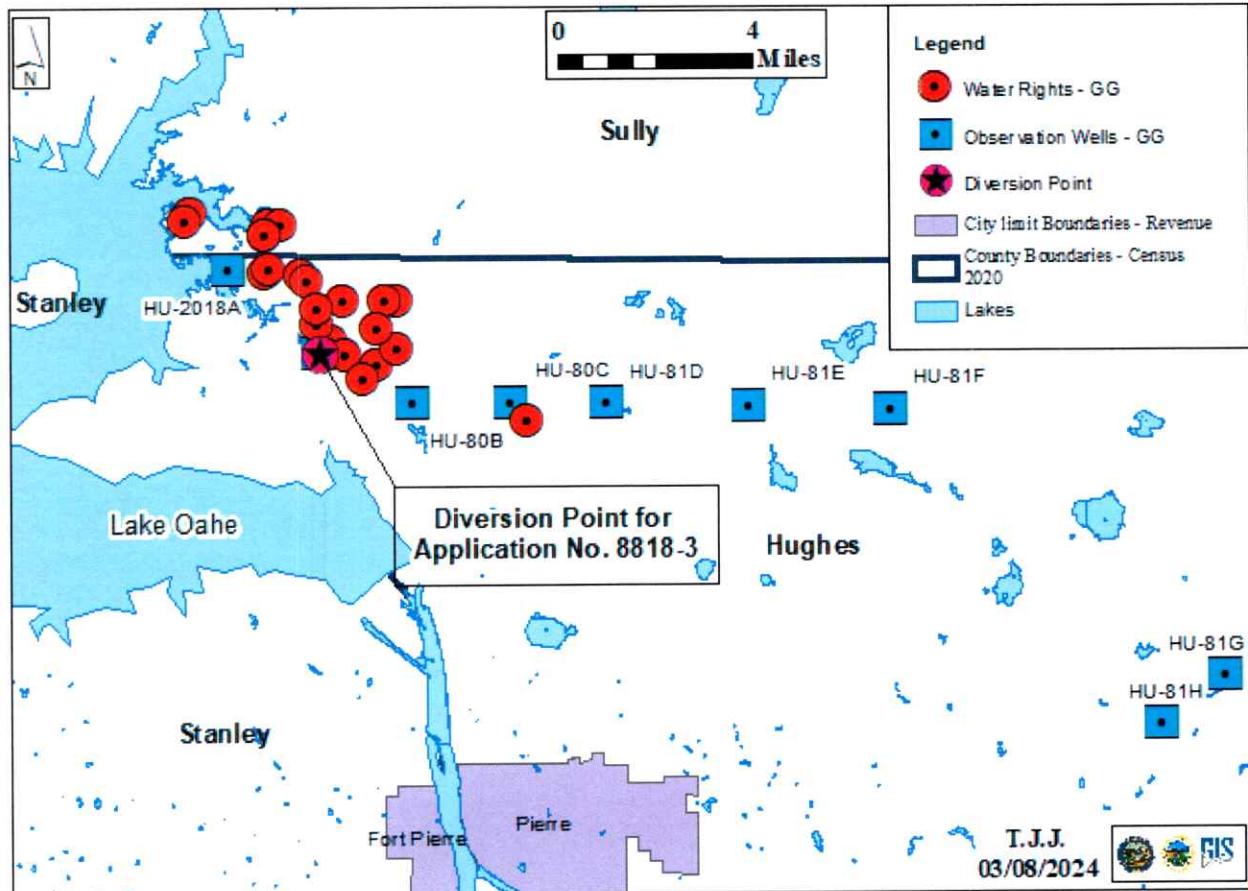


Figure 1. The Grey Goose aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) and the location of diversion point for Water Permit Application No. 8818-3.

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 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 uses and water rights within the Grey Goose aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8818-3 proposes to appropriate water from the Grey Goose aquifer for the purpose of 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. 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 Grey Goose 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 Grey Goose aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Grey Goose aquifer is mostly by 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, 1986b). Based on observation well analysis by Hedges et al (1985) a recharge rate of 3.2 inches per year was estimated for unconfined portions of the Grey Goose aquifer. The Grey Goose aquifer has an estimated areal extent of approximately 33,400 acres (Hedges et al, 1982). If the entire areal extent of the Grey Goose aquifer was unconfined, then the estimated average annual recharge rate would be approximately 8,907 acre-feet/year (Hedges et al, 1982 and 1985). The actual annual recharge to the Grey Goose aquifer is likely to be lower since the areal extent of the aquifer is under both unconfined and confined conditions.

Although, the Grey Goose aquifer has historically been primarily an unconfined aquifer, there are areas of a confined aquifer where recharge occurs. Hedges et al (1985) estimated a general recharge rate of South Dakota's confined glacial aquifers to be a range from 0.15 to 0.60 inches per year. Applying these recharge rates to the estimated areal extent of the Grey Goose aquifer (Hedges et al, 1982), the estimated annual recharge for confined areas ranges from 418 to 1,670 acre-feet/year. This actual annual recharge to the Grey Goose aquifer is likely to be on the higher range since the areal extent of the aquifer is under both unconfined and confined conditions.

Overall, the average annual recharge to the Grey Goose aquifer likely lies between the range of 1,670 to 8,907 acre-feet/year. This range is based on Hedges et al (1985) recharge rates of unconfined and confined portions of the Grey Goose aquifer and the estimated areal extent of the Grey Goose aquifer (Hedges et al, 1982). However, this range could be higher or lower due to the hydrological connection to Lake Oahe.

Discharge

Discharge from the Grey Goose aquifer primarily occurs through evapotranspiration in the valley of Medicine Knoll Creek, outflow to Lake Oahe when the water level is lower than the potentiometric surface of the aquifer, and well withdrawals (Hamilton, 1986b; Water Rights, 2024d). Currently, there are 23 water rights/permits authorized to appropriate water from the Grey Goose aquifer (Water Rights, 2024c).

There are 4 non-irrigation water rights/permits authorized to appropriate water from the Grey Goose aquifer. Table 1 lists the non-irrigation water rights/permits with the estimated average annual use for each water right/permit as determined by their limiting diversion rate or annual volume limit. The amount of water that can be withdrawn was estimated by assuming the water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals. It should be noted that Water Permit No. 8203-3 is estimated to use 482 acre-feet/year. However, based on non-irrigation annual reports from 2016 to 2022, Water Permit No. 8203-3 reports to use an average of approximately 14.7 acre-feet/year (Water Rights, 2024f). Overall, the total estimated annual non-irrigation withdrawal rate from the Grey Goose aquifer is approximately 129 acre-feet/year (Table 1) (Water Rights, 2024c).

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Grey Goose aquifer (Water Rights, 2024c)

Permit No:	Name/Business:	Status:	Type of Use:	Authorized Diversion Rate (cfs):	Authorized Annual Volume (ac-ft/yr):	Total Estimated Use (ac-ft/yr):
4580A-3	Platte Center West LLC	LC	COM	0.170	0	73.8
4917-3	Tom Olson	LC	COM	0.070	0	30.4
5943-3	Platte Center West LLC	LC	COM	0.022	0	9.6
8203-3	Milton Morris	PE	FWP, REC	1.110	0	14.7
LC License, PE Permit, COM Commercial, FWP Fish & Wildlife, REC Recreation					Total:	128.5

Currently, there are 19 irrigation water rights/permits appropriating water from the Grey Goose aquifer (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Grey Goose aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 1,461 acre-feet per year (Table 2) (Water Rights, 2024e). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2013 to 2022 is approximately 1,655 acre-feet per year (Table 2) (Water Rights, 2024e).

Report on Water Permit Application No. 8818-3

Table 2. Reported historic irrigation use from the Grey Goose aquifer (Water Rights, 2024e)

Year	Number of Permits	Reported Pumpage (ac-ft)
1979	7	606
1980	6	1,199
1981	9	1,127
1982	7	1,608
1983	7	1,650
1984	7	1,620
1985	7	1,792
1986	7	922
1987	7	1,868
1988	7	2,392
1989	7	2,132
1990	7	2,165
1991	8	2,281
1992	8	1,307
1993	8	1,585
1994	8	1,033
1995	8	2,172
1996	8	1,592
1997	8	1,610
1998	8	1,529
1999	8	1,026
2000	8	1,007
2001	8	886
2002	8	780
2003	8	1,101
2004	7	818
2005	7	676
2006	7	1,045
2007	9	1,112
2008	9	960
2009	9	1,393
2010	9	925
2011	11	1,863
2012	10	1,941
2013	13	1,408
2014	14	1,065
2015	14	1,698
2016	13	1,998
2017	14	2,269
2018	14	2,470
2019	14	565
2020	14	1,112
2021	15	1,627
2022	18	2,340
Max	18	2,470
Min	6	565
Average (1979-2022)	9	1,461
Average (2013-2022)	14	1,655

This application is requesting to irrigate 30 acres. Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for this application. Therefore, the estimated withdrawal rate for this application is approximately 30 acre-feet per year.

There are domestic wells completed into the Grey Goose aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). 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 Grey Goose aquifer is present; 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 Grey Goose aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Grey Goose aquifer ranges from approximately 1,670 to 8,907 acre-feet/year (Hedges et al, 1982 and 1985). The withdrawal rate from the Grey Goose aquifer, including this application, totals to approximately 1,814 acre-feet/year; (non-irrigation withdrawals: 129 acre-feet/year; irrigation withdrawals: 1,655 acre-feet/year; this application: 30 acre-feet/year). The estimated average annual withdrawals exceed the minimum of the range for estimated average annual recharge. Based on the observation well data discussed later in this report, the lower end of the recharge rate range is likely underestimating actual average annual recharge to the aquifer. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Grey Goose aquifer for the proposed appropriation especially with a hydrologic connection between the aquifer and Lake Oahe.

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 9 observation wells completed into the Grey Goose aquifer (Water Rights, 2024b). 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 HU-80A (less than 0.1 mile northwest), HU-80B (approximately 2.2 miles southeast), and HU-80C (approximately 4.0 miles southeast) (Water Rights, 2024b). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2024b). 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. The data from Figures 2 to 4 shows a rise in water level that is similar to other observation wells in Grey Goose aquifer (Water Rights, 2024b). It should be noted that a majority of the observation wells have recently transitioned to being under confined conditions (Water Rights, 2024b).

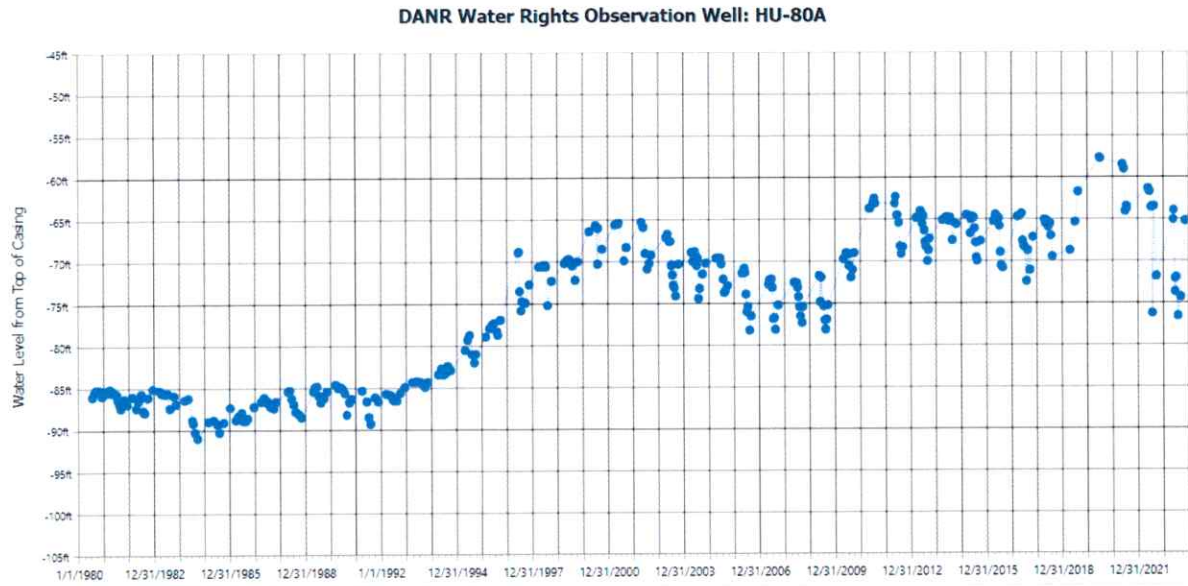


Figure 2. Hydrograph for observation well HU-80A (Water Rights, 2024b)

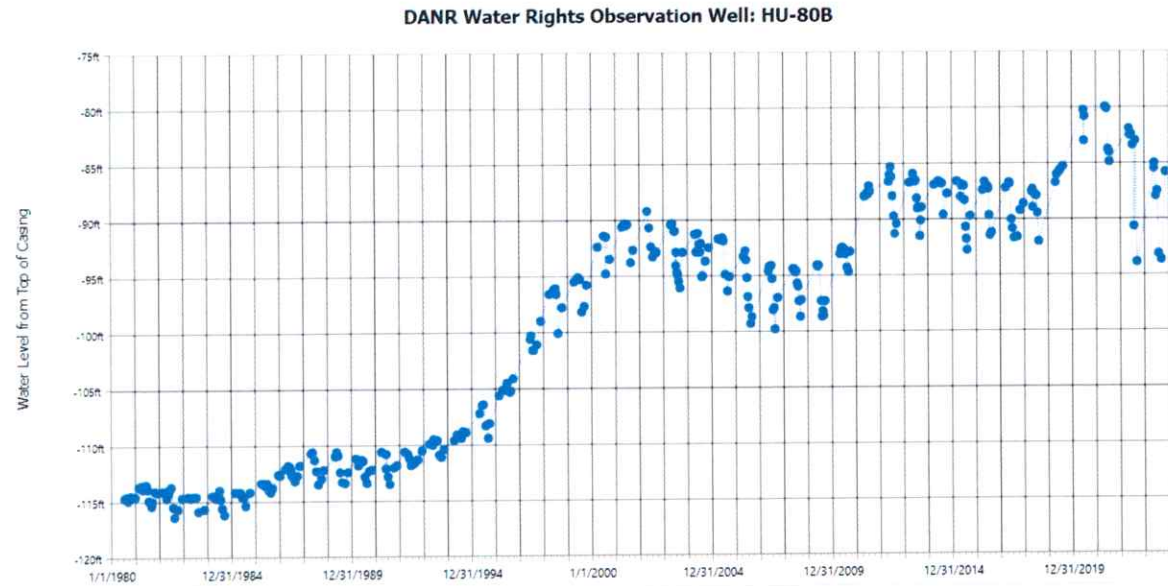


Figure 3. Hydrograph for observation well HU-80B (Water Rights, 2024b)

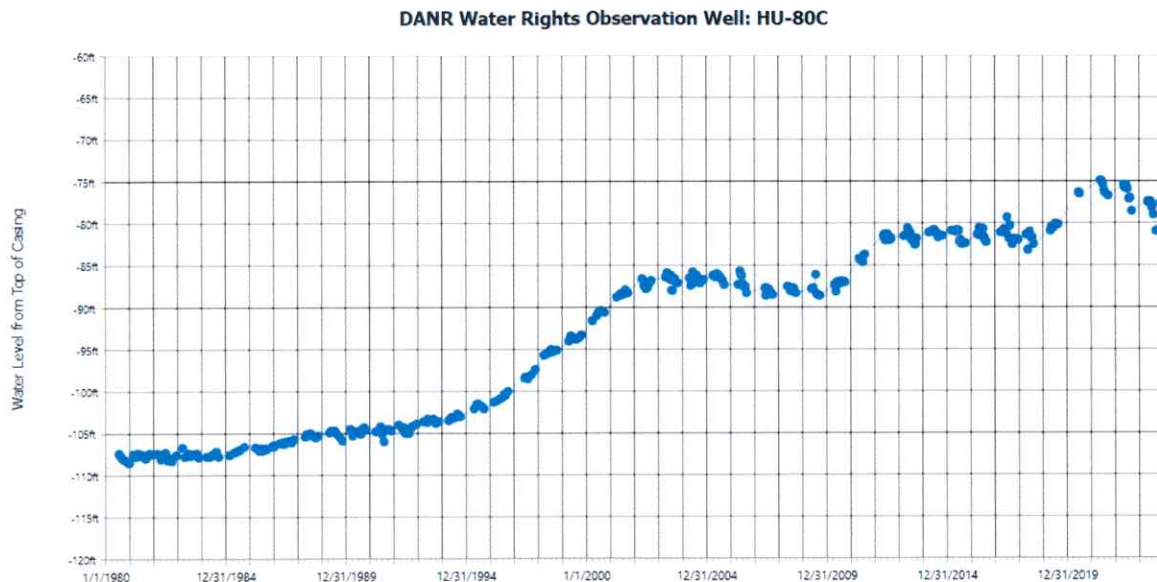


Figure 4. Hydrograph for observation well HU-80C (Water Rights, 2024b)

The hydrographs for the Grey 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. 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 water levels in the aquifer rather than the impacts of pumping from the Grey 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 appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the proposed well site for this application are shown in Figure 5 and summarized in Table 3 (Water Rights, 2024c). The closest water right/permit diversion point, not held by the applicant, is Water Permit No. 3354-3 held by James F Schumacher as shown on Figure 5. The diversion point for Water Permit No. 3354-3 is located approximately 0.3 miles northeast of the diversion point for this application (Water Rights, 2024c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Grey Goose aquifer, with the closest domestic well on file located approximately 0.1 miles northwest of the diversion point based on the well completion report submitted by the driller (Water Rights, 2024d). There could potentially be other domestic wells completed into the Grey Goose aquifer near the diversion point that are not on file with the DANR-Water Rights Program. 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.

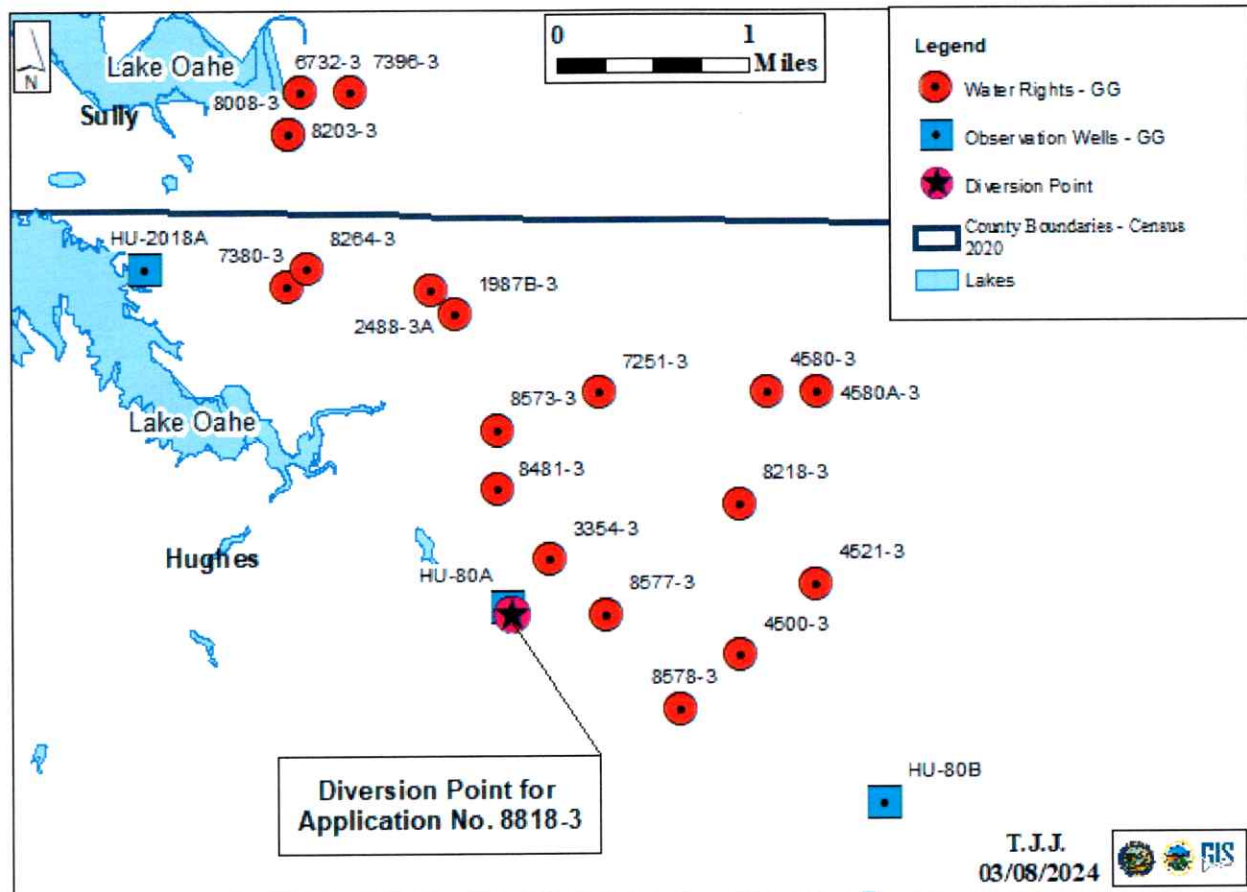


Figure 5. The Grey Goose aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) within 2 miles of the diversion point for Water Permit Application No. 8818-3.

Table 3. List of water rights/permits within 2 miles of the diversion point shown in Figure 5.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
1987B-3	Jim Schumacher	04/26/1973	License	Irrigation	2.11	148
2488-3A	Jim Schumacher	11/10/1975	License	Irrigation	1.56	127
3354-3	James F Schumacher	12/06/1976	License	Irrigation	1.78	136
4500-3	Jim Schumacher	01/24/1980	License	Irrigation	1.78	132
4521-3	MGJR LLC	04/17/1980	License	Irrigation	3.56	252
4580-3	Marvin Schumacher	11/11/1980	License	Irrigation	3.56	264
4580A-3	Platte Center West LLC	07/29/1986	License	Commercial	0.17	0
7251-3	Marvin Schumacher	05/12/2011	License	Irrigation	1.78	215
7380-3	Jonathon Hofer	06/29/2012	Permit	Irrigation	0.22	60
8218-3	Charlene Schumacher	04/12/2016	Permit	Irrigation	4	280
8264-3	Jonathon Hofer	01/30/2017	Permit	Irrigation	1.11	48
8481-3	MGJR LLC	01/27/2021	Permit	Irrigation	2.22	80
8573-3	MGJR LLC	01/03/2022	Permit	Irrigation	0	110
8576-3	BLT I Family Limited Partnership	01/06/2022	Permit	Irrigation	1.91	134
8577-3	BLT I Family Limited Partnership	01/06/2022	Permit	Irrigation	1.91	134
8578-3	BLT I Family Limited Partnership	01/06/2022	Permit	Irrigation	5.74	402

The Grey Goose aquifer has historically been primarily under unconfined conditions. In an unconfined aquifer, drawdown created by pumping generally does not extend far from the

pumped well. However, the Grey Goose aquifer is under confined conditions at the location of the diversion point (Water Rights, 2024d). In a confined aquifer, drawdown created by pumping can 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.”

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). In Hughes County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Grey Goose aquifer (Water Rights, 2024a).

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 diversion point, and the lack of well interference complaints for adequate wells completed into the Grey Goose aquifer in Hughes County, 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 (Water Rights, 2024a).

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...”

If approved, Water Permit Application No. 8818-3 would authorize a maximum instantaneous diversion rate of 0.44 cfs from one well for the irrigation of 30 acres or the equivalent of 1.03 cfs per 70 acres. The map and application submitted by the applicant indicates the mini pivot is likely doing a full rotation, located in the center of Section 14, T112N-R80W (Water Rights, 2024c). Center pivot irrigation systems require a certain diversion rate to operate properly. When a pivot has a shorter than the typical quarter section span the flow rate per acres can exceed 1.0

cfs per 70 acres to meet equipment operating requirements. This is an acceptable reason for the request, especially considering how little the equivalent flow rate exceeds the 1 cfs per 70 acres limit.

CONCLUSIONS:

1. Water Permit Application No. 8818-3 proposes to appropriate 0.44 cfs from one existing well completed into the Grey Goose aquifer (102 feet deep) for the irrigation of 30 acres. The existing well is authorized by Water Permit No. 8576-3. The site of interest is located approximately 10 miles northwest of Pierre, SD in Hughes County.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Grey Goose aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8818-3 will not unlawfully impair adequate wells for existing water rights/permits holders or domestic users with adequate wells.
4. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres to accommodate a mini pivot doing a full rotation, located in the center of Section 14, T112N-R80W. While no reason is provided, the apparent design for the system requires the flow rate and the equivalent flow rate per 70 acres is only slightly above the 1 cfs. These are acceptable reasons for the request.



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

Reviewed by:



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

References

- Cederberg L. 2020. Report to the Chief Engineer on Water Permit No. 8576-3, 8577-3, and 8578-3: BLT I Family Limited Partnership. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
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- 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.
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- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. "1979-2022 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2024f. "2016-2022 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Building, 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.**

March 20, 2024

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

Dear Mr. Braun:

Water Permit Application No. 8818-3 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 Capital Journal printed in Pierre SD (Ph # 605 224-7301) and the Plainsman printed in Huron SD (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 recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
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.

Instruction to Newspaper - Publish the Notice on March 27, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8818-3 to Appropriate Water

Notice is given that BLT I Family Limited Partnership, PO Box 361, Warner SD 57479 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second (cfs) from one existing 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 30 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 14; all in T112N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8818-3 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 April 9, 2024.

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 April 9, 2024.

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 _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 19, 2024 2:10 PM
To: legals@capjournal.com
Subject: 8818-3 BLT I Family Limited Partnership - Public Notice
Attachments: 8818-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 27, 2024.

BLT I Family Limited Partnership, c/o Samuel Braun, PO Box 361, Warner SD 57479, 605-380-0166 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 19, 2024 2:11 PM
To: rcrandall@plainsman.com
Subject: 8818-3 BLT I Family Limited Partnership - Public Notice
Attachments: 8818-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



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OFFICE OF
WATER

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 2490

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: BLT/ Family Limited Partnership – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 03/27/2024. That the full amount of the fee charged for the \$44.85 of Public Hearings 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.

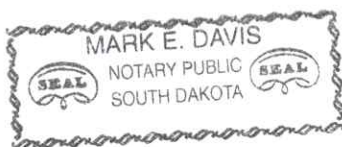


Subscribed and sworn to me before this date 3/26/24.



Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 03-27-24

**NOTICE OF
APPLICATION
NO. 8818-3 to**

Appropriate Water

Notice is given that BLT 1 Family Limited Partnership, PO Box 361, Warner SD 57479 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second (cfs) from one existing 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 30 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 14; all in T112N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

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Program, Foss Building, 523 E Capitol, Pierre SD 57501 or call (605) 773-3352. The applicant's mailing address is given above.

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No. 2490 (adv.)
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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

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within 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 NO. 8818-3 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:

Mar. 27, 2024

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of 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 whomever; that the fees charged for the publication thereof are: 55.74

Nichole Seitz

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 03/27/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 8818-3 to Appropriate Water

Notice is given that BLT I Family Limited Partnership, PO Box 361, Warner SD 57479 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second (cfs) from one existing 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 30 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 14; all in T112N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8818-3 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 April 9, 2024.

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 April 9, 2024.

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 con-

testing 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 Mar 27, 2024 at the total approximate cost of \$55.74 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 19, 2024 2:17 PM
To: 'samuel@braunactive.com'
Cc: Michelle Leach
Subject: 8818-3 BLT I Family Limited Partnership - Public Notice
Attachments: 8818-3 Rec.pdf; 8818-3 Ltr.pdf; 8818-3 PubNotice.pdf

Good afternoon,

Attached is a copy of the report, chief engineer's 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 also being mailed to you.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 24 2024

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

Dear Mr. Braun:

Enclosed is Water Permit No. 8818-3 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
Posting 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.: 8818-3

Name of Applicant: BLT I Family Limited Partnership, c/o Samuel Braun

Date of Posting: 3/25/2024

Date of Removal: 4/24/2024



Ron Duvall, Engineer III

4/24/2024

Date

Subscribed and sworn to before me, a notary public, this 24th day of April, 2024.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)



8818-3

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

Date 7-15-24

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

FROM: BLT 1 FUP
(name)
PO BOX 361
(address)
Warner SD 57479
(city, state, zip) 605-380-0166
(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. 8818-3 states that the water use system is to be constructed by
April 9, 2029 (date), and water is to be put to beneficial use by April 9, 2033 (date).

The water use system was completed on June 10, 2024 (date).

Applying the water to beneficial use was completed on June 10, 2024 (date).

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

Jul 2. R
(signature)

7-98

RECEIVED

JUL 18 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 18, 2024

8818-3

BLT 1 FLP
c/o Samuel Braun
PO Box 361
Warner SD 57479

Dear Mr. Braun:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Water Permit No. 8818-3.

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

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

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us