

WATER PERMIT NO. 8877-3

Name of Applicant: **Nick and Scott Bebo**

Address: **17061 390th Avenue, Redfield SD 57469**

Phone: **605-460-0302**

Amount of Water Claimed: **200 AF**

Total Acres: **206**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **Approx. 7 miles northwest of Redfield SD**

PRIORITY Date Received: **06-14-24**

Application/License Fee: **\$1,150.00**

Corrected Application Received: **06-18-24**

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

Remarks:

Diversion Point: **NE 1/4 SE 1/4, SW 1/4 SE 1/4 Sec
33-T117N-R65W**

Land to be Irrigated: **W 1/2 Sec 33-T117N-R65W**

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**

			33	x dugout	
				x Dam	

Reviewed and the Number Assigned on: **06-18-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8877-3

Date of first receipt of application June 14, 2024.

Date of return to applicant for corrections, amendments or changes June 14, 2024.

Date of receipt of corrected application June 18, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8877-3 to Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469, 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. 8877-3 authorizes surface runoff from Dove Creek and ground water from the Quaternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 Section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quaternary aged Alluvium Aquifer, and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. This site is located approximately 7 miles west northwest of Redfield 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 1.
3. The date from which applicant may claim right is June 14, 2024.
4. The date of approval of Permit No. 8877-3 is September 9, 2024.
5. One-fifth of the construction is to be completed on or before March 9, 2027.
6. All construction is to be completed on or before September 9, 2029.
7. Water is to be put to beneficial use on or before September 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. Low flows as needed for downstream domestic use, including livestock water must be bypassed. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. The irrigation intake(s) for this project must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.

(continued)

3. Water Permit No. 8877-3 authorizes construction of a dam capable of impounding 150 acre-feet of water at the normal pool elevation. Construction of a dam as defined by Administrative Rules of South Dakota (ARSD) 74:02:08:01(7) will need to comply with ARSD Chapter 74:02:08, Safety of Dams rules including approval of plans and specifications by the Chief Engineer prior to constructing the dam.
4. Water Permit No. 8877-3 does not authorize inundation of a public right-of-way without approval from the pertinent governmental entity or inundation of private property without securing an easement or permission from the property owner.
5. 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

SEP 27 2024
date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8877-3</u> (office use only) Hydrologic Unit <u>10160008</u>
	Basin <u>James R</u>
	Newspaper <u>Redfield Press</u>
	<u>Aberdeen American News</u>

PAID

JUN 14 2024

Ck# 1275

Rec't# _____

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 Nick Bebo and Scott Bebo

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

Mailing Address 17061 390th Ave Redfield SD 57469
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-460-0302 Email farnipad2022@gmail.com

2. Amount of water claimed 1.78*CFS or 800 **GPM 200 ¹⁵⁰***AF Total Acreage 208
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dam or Dugout NE 1/4 SE 1/4

4. Location of point of diversion 10 acre dugout on SW 1/4 of NE 1/4 Sec 33-T117N-R6SW or
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Dam up SW 1/4 of SE 1/4 Sec 33-T117N-R6SW County Spink

5. County or counties where water will be used Spink

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

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 NW 1/4~~ <u>NE 1/4 of NW 1/4 Sec 33-T117N-R6SW</u>	<u>40</u>	<u>NW 1/4 of SW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>
<u>SE 1/4 of NW 1/4 Sec 33-T117N-R6SW</u>	<u>40</u>	<u>NE 1/4 of SW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>
<u>NW 1/4 of NW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>	<u>SW 1/4 of SW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>
<u>SW 1/4 of NW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>	<u>SE 1/4 of SW 1/4 Sec 33-T117N-R6SW</u>	<u>21</u>

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

See Attached map with Rough drawing and layout. Comments or questions
Contact Irrigation Agent, Taylor Zeltwanger 320-344-1301

I, Nick Bebo Scott Bebo, 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, acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

RECEIVED
JUN 14 2024
OFFICE OF
WATER

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 ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions 10 acres Depth 20 feetb) Depth to water (ground surface to water level) 2-4 feet

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:

Depending on what happens, we may want to construct a dam if feasible.

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)

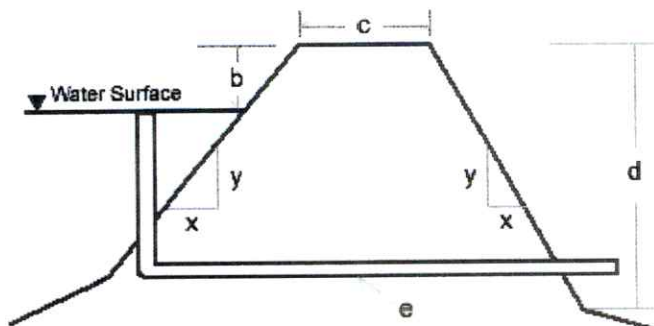
Upstream ____

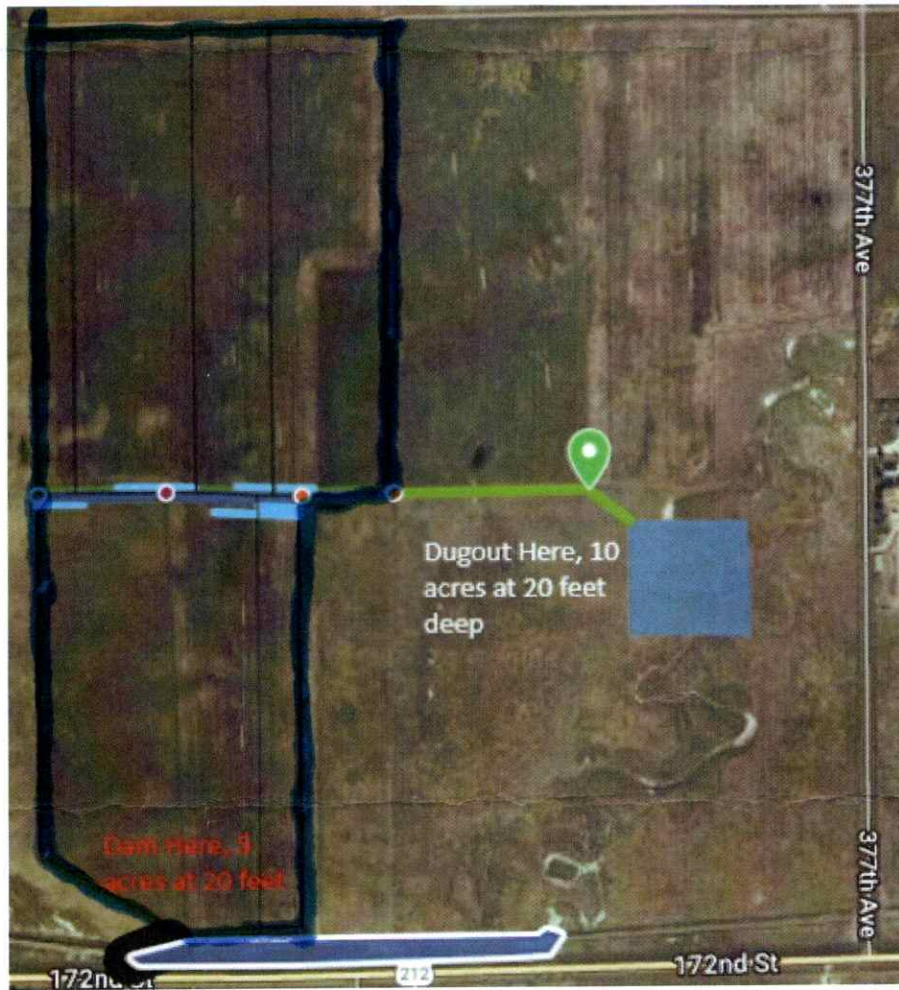
Downstream ____

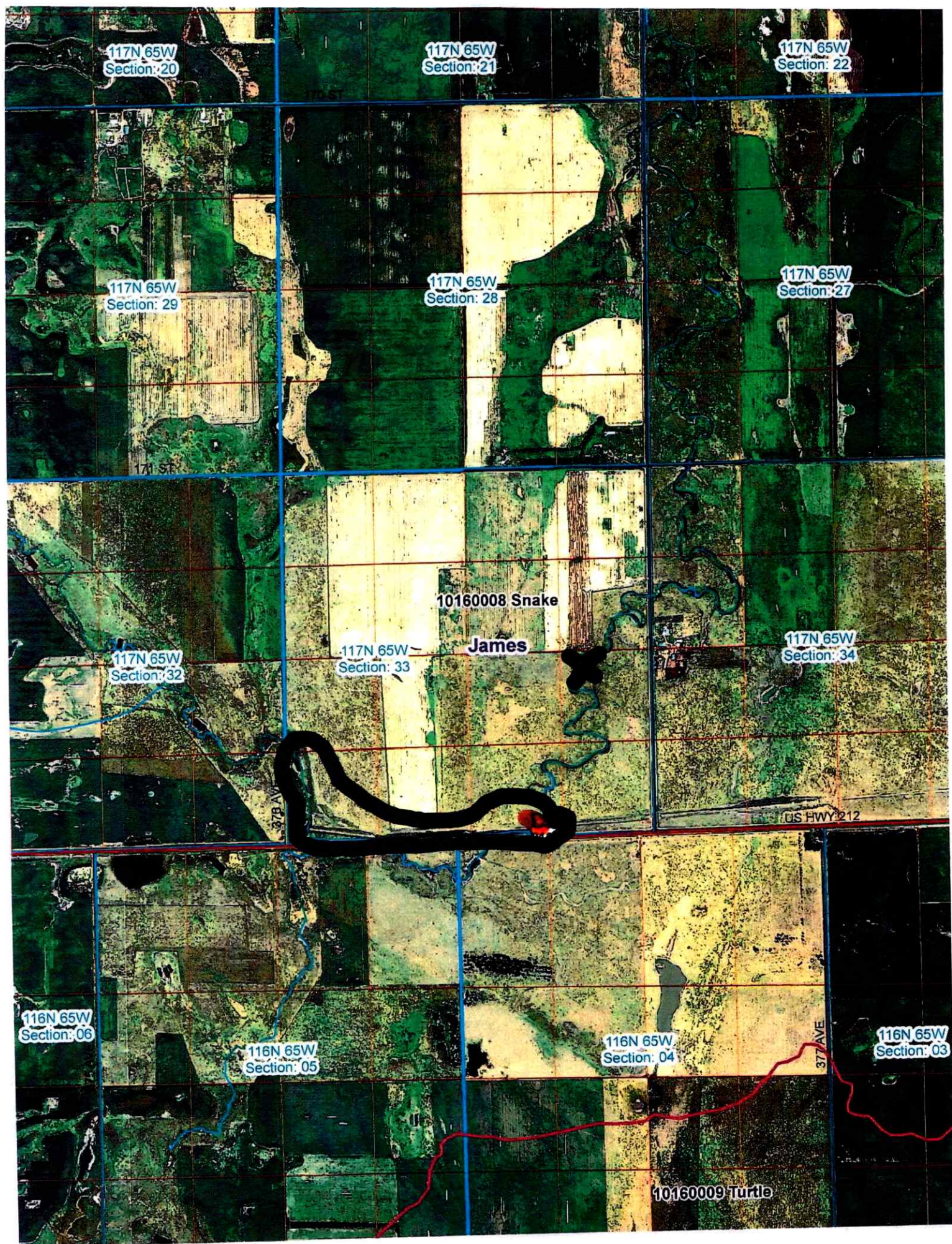
h) Surface Area of Impoundment ____

i) Storage 150 Acre Feet

j) Drainage Area Above Dam ____ Acres







117N 65W
Section: 20

117N 65W
Section: 21

117N 65W
Section: 22

117N 65W
Section: 29

117N 65W
Section: 28

117N 65W
Section: 27

117N 65W
Section: 32

117N 65W
Section: 33

10160008 Snake

James

117N 65W
Section: 34

US HWY 212

116N 65W
Section: 06

116N 65W
Section: 05

116N 65W
Section: 04

116N 65W
Section: 03

37B AVE

10160009 Turtle

117N 65W
Section: 20

117N 65W
Section: 21

117N 65W
Section: 22

170 ST

117N 65W
Section: 29

117N 65W
Section: 28

117N 65W
Section: 27

171 ST

10160008 Snake

117N 65W
Section: 32

117N 65W
Section: 33

James

117N 65W
Section: 34

378 AVE

212

US HWY 212

116N 65W
Section: 06

116N 65W
Section: 05

116N 65W
Section: 04

116N 65W
Section: 03

377 AVE

10160009 Turtle

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 14th, 2024

RECEIVED OF Scott or Rachelle Bebo 17061 390th Avenue Redfield SD 57469

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

Fee for Application for Permit No. <u>8877-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$950.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$200.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8877-3</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	\$1150.00

By Eric Nordlund
Chief Engineer

SK



**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. 8877-3, Nick Bebo and Scott Bebo**

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. 8877-3, Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469

The Chief Engineer is recommending APPROVAL of Application No. 8877-3 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. Low flows as needed for downstream domestic use, including livestock water must be bypassed. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. The irrigation intake(s) for this project must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
3. Water Permit No. 8877-3 authorizes construction of a dugout capable of impounding 150 acre-feet of water at the normal pool elevation. Construction of a dam as defined by Administrative Rules of South Dakota (ARSD) 74:02:08:01(7) will need to comply with ARSD Chapter 74:02:08, Safety of Dams rules including approval of plans and specifications by the Chief Engineer prior to constructing the dam.
4. Water Permit No. 8877-3 does not authorize inundation of a public right-of-way without approval from the pertinent governmental entity or inundation of private property without securing an easement or permission from the property owner.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund

Eric Gronlund, Chief Engineer
August 14, 2024

Report to the Chief Engineer
Water Permit Application No. 8877-3

Nick & Scott Bebo

August 9th, 2024

Water Permit Application No. 8877-3 proposes to appropriate surface runoff from Dove Creek and ground water from the Quaternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quaternary aged Alluvium Aquifer and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. This site is located in Spink County, approximately 7 miles northwest of Redfield, South Dakota.

This report is split into two sections, the first to evaluate the groundwater contribution to the dugout, and the second to evaluate the surface water contribution to the dam.

GROUNDWATER FOR THE DUGOUT

AQUIFER: Quaternary aged Alluvium (ALQ)

Aquifer Characteristics

The proposed dugout will have an approximate surface area of 10 acres and an average depth of 20 feet. Information submitted with the application noted that depth to groundwater at the dugout is approximately 2-4 feet, so the water in the dugout will be approximately 16 to 18 feet deep. The normal storage capacity of the dugout is estimated to be approximately 64 to 72 acre-feet. The primary source of water for the dugout is through groundwater infiltration and direct precipitation with some incidental surface water runoff. At the location of the proposed dugout, no major surficial aquifers have been identified (Hamilton, 1974; Benson, 1997; Water Rights, 2024a, 2024b, and 2024c). The first occurrence of aquifer material map for Spink and Faulk Counties (Schulz, 2001; Rich, 2008), lithologic logs (SDGS, 2024), and nearby well completion reports (Water Rights, 2024c) show that the dugout will be connected to the Quaternary Alluvium adjacent to Dove Creek. The Quaternary Alluvium aquifer is a general name for aquifers that occur in the material deposited by streams, alluvium, and is not considered contiguous with a larger named aquifer (Water Rights, 2024a and 2024b). Furthermore, the various deposits of the Quaternary Alluvium aquifer may not be hydrologically connected to each other depending primarily on geographic location and geologic discontinuities. The alluvium that comprises this aquifer underlies and is adjacent to Dove Creek and the tributaries

to Dove Creek (Schulz, 2001; Rich, 2008). Figure 1 shows the portion of the alluvium in Faulk & Spink Counties from which a dugout can obtain water and is not considered a portion of another aquifer. The areal extent is based on the mapped alluvium in Spink and Faulk Counties first occurrence of aquifer materials maps (Schulz, 2001; Rich, 2008). The mapped alluvium and surficial outwash that is considered as a portion of this Quaternary Alluvium aquifer starts at Zell Lake follows Dove Creek, until a deposit constriction within a quarter mile downgradient of the dugout location (Schulz, 2001; Rich, 2008).

The areal extent of the Quaternary Alluvium aquifer shown in Figure 1 is approximately 2,681 acres (870 acres in Faulk County & 1,811 acres in Spink County) (modified from: Schulz, 2001 & Rich, 2008). The Quaternary-aged alluvium is primarily comprised of clay and silt with some sand and gravel. In general, the direction of water movement in alluvium is the same as Dove Creek, in the direction of the surface water flow and the surface water body. The geology of lithologic logs near the proposed dugout location is described as: clay till 0-9 feet, gravel 9-15 feet, sand 15-20 feet, clay till 20-28 feet below ground surface (SDGS, 2024). The proposed location of the dam and dugout are along Dove Creek, the static water level should be at or near land surface. Water downgradient of the proposed location is not contributing as much as water upgradient due to, the direction of groundwater flow, which is the same as Dove Creek, to the north.

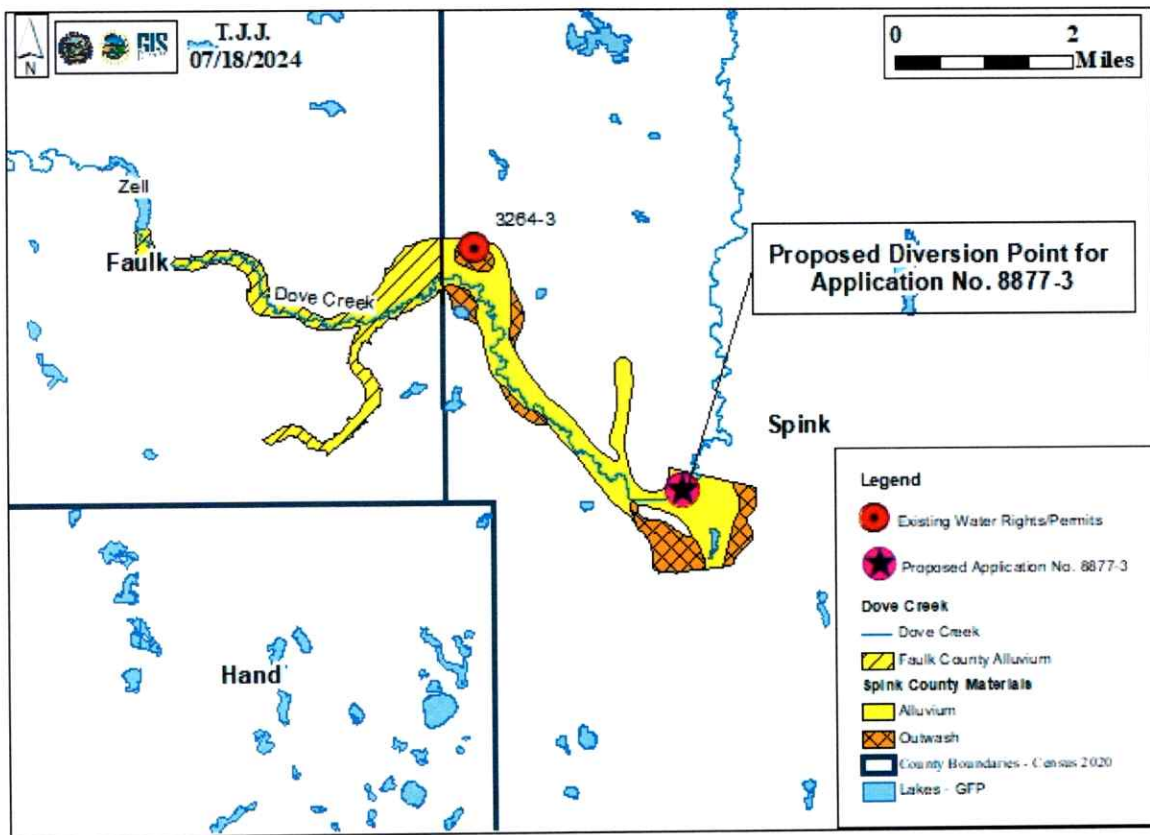


Figure 1. Approximate areal extent of the Quaternary Alluvium aquifer available to Application No. 8877-3 and the other surficial aquifer water right in the area of Dove Creek (Water Rights, 2024b; modified from: Schulz, 2001 & Rich, 2008)

Table 1. Nearby surficial aquifer Dove Creek water rights/permits shown in Figure 1 (Water Rights, 2024b)

Permit No.	Name	Aquifer	Priority Date	Status	Use	CFS	Acres
3264-3	John J Heber	Pleistocene Series: Unknown	10/19/1976	License	Irrigation	1.22	98.3

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 Quaternary Alluvium aquifer.

SDCL 46-2A-2:

“Within sixty days of receipt of a completed application, the chief engineer shall recommend in writing approval, disapproval or deferral until further notice and shall schedule the application for hearing by the Water Management Board. The recommendation shall include any terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity which are consistent with this chapter, necessary to protect the public interest and related to matters within the jurisdiction of the chief engineer or the board.”

WATER AVAILABILITY

Water Permit Application No. 8877-3 proposes to appropriate water from the Quaternary Alluvium 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 Quaternary Alluvium 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 Quaternary Alluvium aquifer must be considered.

HYDROLOGIC BUDGET

Recharge

This portion of the Quaternary Alluvium aquifer likely receives recharge from direct infiltration of precipitation and snowmelt, infiltration of runoff from the watershed that supplies Dove Creek, inflow from upgradient alluvium, and leakage from Dove Creek & Zell Lake. There has been no direct estimation of recharge to this portion of the Quaternary Alluvium aquifer. However, Hedges and others (1985) estimated a range of recharge rates to non-buried, unconfined glacial aquifers from 2.0 to 5.6 inches/year. That is a recharge range of 447 to 1,251 acre-feet per year to this portion of the Quaternary Alluvium aquifer. The annual 1991-2020 normal precipitation at Redfield, South Dakota is 22.76 inches/year (NCDC, 2024). The recharge rate estimated from Hedges and others (1985) would require an infiltration rate of 9.1 to 25.5 percent of the precipitation that falls directly on the surface of the aquifer. That does not account for any inflow from upgradient alluvium or infiltration of surface runoff from the watershed that feeds the alluvium or leakage from Dove Creek. Therefore, it is reasonable to assume there is at least 2 inches/year of recharge to this portion of the Quaternary Alluvium aquifer.

Discharge

Discharge from this portion of the Quaternary Alluvium aquifer is likely through outflow to downgradient alluvium, baseflow to Dove Creek, evapotranspiration where the aquifer is at or near land surface, and well withdrawals (Water Rights, 2024d). There is one water right nearby that can withdraw water from this portion of the Quaternary Alluvium aquifer (Figure 1) (Water Rights, 2024b). Water Right No. 3264-3 is a 14-foot-deep dugout located 3.5 miles northwest of this application and is currently listed as completed into the Pleistocene Series: Unknown aquifer (Table 1) (Water Rights, 2024b). Even though, Water Right No. 3264-3 is licensed, they reportedly haven't irrigated since 1987, having reported excess moisture (Water Rights, 2024e). Considering how long it has been since Water Right No. 3264-3 has irrigated, it is reasonable to assume no irrigation under the water right. Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. If Water Right No. 3264-3 were to irrigate, on average, their annual pumpage would be expected to be less than one foot of water per acre based on the general reported irrigation application rates in eastern South Dakota. Thus, the annual pumpage would be expected to be less than 98.3 ac-ft/yr. This application proposes to irrigate 206 acres. Following the same method as above, this application would be expected to pump less than 206 ac-ft/year on average.

There is one domestic well on file with DANR Water Rights Program that appears to be completed into the portion of the Quaternary Alluvium aquifer the applicant intends to use (Water Rights 2024b). Carter & Neitzert (2008) estimated water use in South Dakota for 2005. The average self-supplied water use per capita for the State of South Dakota was 70 gallons per

day (Carter & Neitzert, 2008). Assuming a population of 2.5 people per residence for the domestic well on file, the domestic well is estimated to pump 0.2 acre-feet per year. There may be other domestic wells completed into this portion of the Quaternary Alluvium aquifer. However, with the development of rural water systems in areas where the Quaternary Alluvium aquifer is the uppermost aquifer available; some domestic users may have transitioned to rural water.

Balance of Hydrologic Budget

The best information available indicates the recharge rate to this portion of the Quaternary Alluvium aquifer is likely at least 2 inches/year for an estimated average annual recharge of at least 447 acre-feet per year. This application, if approved, is expected to pump less than 206 acre-feet per year. Water Right No. 3264-3, if it resumed pumping, would be expected to pump less than 93.8 ac-ft/yr. The domestic well on file is assumed to pump 0.2 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

OBSERVATION WELL DATA

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

There are no observation wells completed into this portion of the Quaternary Alluvium aquifer (Water Rights, 2024a). Currently, all observation wells for Quaternary Alluvium aquifer are located in western South Dakota (Water Rights, 2024a). Due to the significant distance and different hydrologic conditions, the observation wells for the Quaternary Alluvium aquifer in western South Dakota are not relevant to this application.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

As shown in Figure 1, there are no other water rights/permits listed as authorized to withdraw water from this portion of the Quaternary Alluvium aquifer (Water Rights, 2024b). However, Water Right No. 3264-3 is listed as completed into the Pleistocene Series: Unknown aquifer. Water Right No. 3264-3 is a gravel pit that is located 3.5 miles northwest and upgradient of this application's proposed location (Water Rights, 2024b). Since Water Right No. 3264-3's gravel pit is connected to an outwash along Dove Creek, it seems likely that Water Right No. 3264-3 is part of the Quaternary Alluvium aquifer rather than Pleistocene Series: Unknown aquifer. Despite possibly being connected to the same aquifer, this application's proposed diversion will have little effect on Water Right No. 3264-3 due to this application being several miles downgradient. The domestic well on file which is completed into this portion of the Quaternary Alluvium aquifer is located 4 miles northwest, upgradient, of this application's proposed location (Water Rights, 2024c). In general, the Quaternary Alluvium aquifer is under unconfined conditions and drawdown from pumping does not extend far from pumped wells or dugouts in unconfined

aquifers. Therefore, this application's proposed dugout would have negligible effects on existing surficial groundwater water rights or domestic wells.

The Quaternary Alluvium aquifer is primarily under unconfined conditions. In an unconfined aquifer, drawdown typically does not extend far from a pumping well. South Dakota Codified Law (SDCL) 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and the Water Management Board has recognized in the past to place water to maximum beneficial use, a certain amount of drawdown may occur. In order to balance interests between appropriative use and delivery of water by artesian head pressure, the Water Management Board defined an "adversely impacted domestic well" in administrative Rule of South Dakota (ARSD) 74:02:04:20(7) as:

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

A dugout is not considered an adequate well per ARSD 74:02:04:20(6) because it does not meet the definition of a well set forth in ARSD 74:02:04:20(64). Therefore, a dugout does not receive the protections against adverse impacts by drawdown from pumping other nearby wells. While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of the aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions, an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. While there are no nearby senior water rights/permits, there may be nearby adequate domestic wells. With that in mind, some existing well owners may need to lower pumps depending on the specific characteristics of the Quaternary Alluvium aquifer at their location. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), and no history of any complaints concerning well interference (Water Rights, 2024d), and the saturated aquifer thickness near the diversion point, 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.

SURFACE WATER FOR THE DAM AND DUGOUT

Water Permit No. 8877-3 also proposes to appropriate surface runoff from Dove Creek for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33-T117N-R65W and in the dugout listed in the previous section of this report. Water impounded by the proposed dam may also be supplemented by ground water baseflow. The impounded water will inundate portions of

the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. Water appropriated from the dam will be in conjunction with water appropriated from the dugout in the previous section of this report.

WATER SOURCE: Dove Creek

Description of Water Source:

Dove Creek is an intermittent ungaged small prairie stream that headwaters in Faulk County and flows generally northeast where it confluences with South Fork Snake Creek, then Snake Creek, and eventually to the James River.

ADMINISTRATIVE RULES OF SOUTH DAKOTA (ARSD) 74:02:08:

ARSD Chapter 74:02:08 provides the minimum design standards for dams that meet the definition of ARSD 74:02:08:01(7). ARSD 74:02:08:01(7) defines a dam as,

“for the purpose of this chapter an artificial barrier, including appurtenant works, which impounds or diverts water and which is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or has an impounding capacity at maximum water storage elevation of 50 acre-feet or more. A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity or if the storage capacity at maximum water storage elevation does not exceed 15 acre-feet regardless of height;”

Construction of a dam that meets this definition cannot begin until plans and specifications have been approved by the Chief Engineer of the Water Rights Program as in compliance with the South Dakota Safety of Dams Rules and a water permit application, if needed, has been approved.

Based on this information submitted with this application, the requested amount of storage for the dam structure (150 acre-feet normal pool capacity) could result in a structure that meets the definition of a dam pursuant to ARSD 74:02:08:01(7). If this occurs, the dam structure will need to comply with ARSD Chapter 74:02:08 Safety of Dams.

WATER AVAILABILITY

The contributing drainage area of the proposed dam is 61,625 acres, or approximately 96.3 square miles (USGS, 2019). The U.S. Fish and Wildlife Service holds Vested Water Right No. 6052-3 for a 300 acre-feet impoundment known as Zell Lake, and up to 267 acre-feet of water annually. Zell Lake is located approximately seven miles upstream of the proposed dam location for this application (Water Rights, 2024b). The contributing drainage for Zell Lake is 44,365 acres, or approximately 69.3 square miles (USGS, 2019). Zell Lake will capture the upstream drainage to maintain a 300 acre-feet volume at the spillway elevation year-round. The watershed

downstream of Zell Lake and upstream of the proposed dam is 17,260 acres or approximately 27 square miles. Figure 2 shows the location of the proposed dam and the three watersheds mentioned previously.

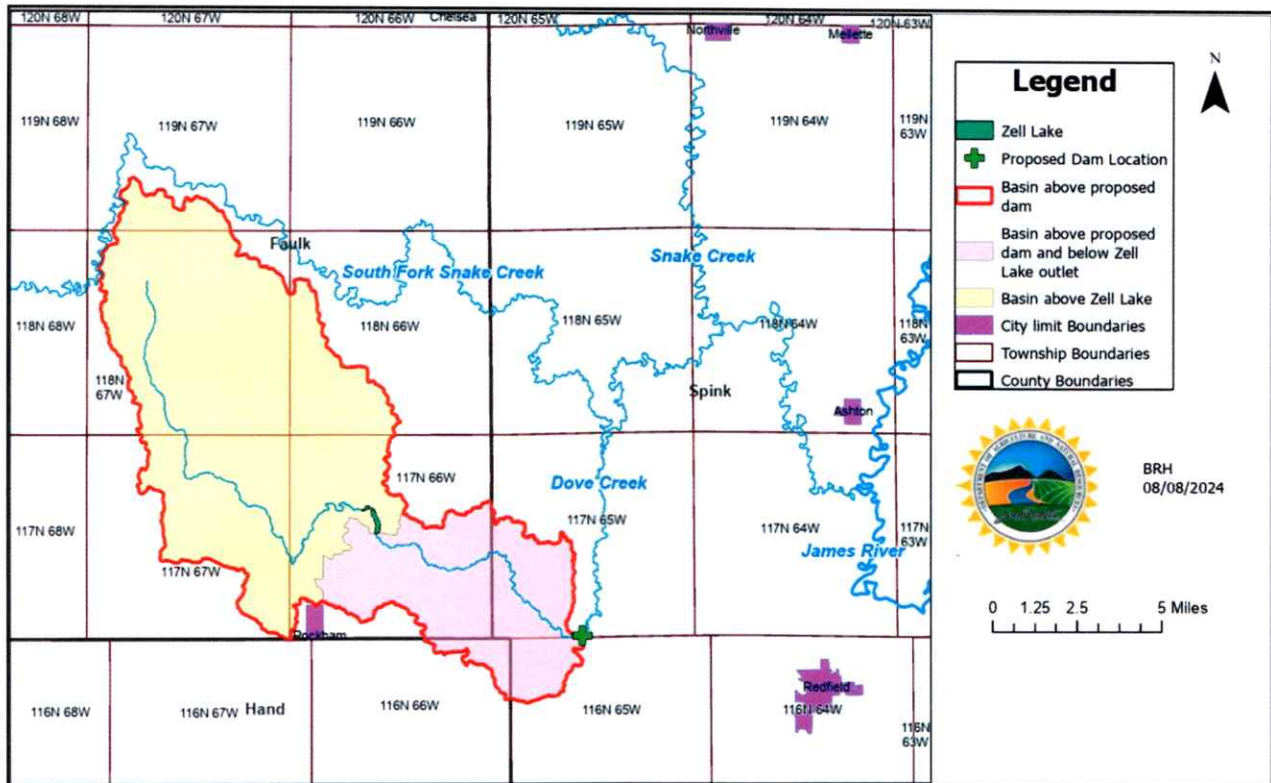


Figure 2. Map showing the proposed dam location, and three watersheds: the entire basin above the proposed dam, the basin above Zell Lake, and the contributing basin to the proposed dam below the outlet of Zell Lake.

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield for the location of the dam on Dove Creek for the upstream contributing drainage area that is below the outlet at Zell Lake, and the annual surface yield for the drainage area above Zell Lake. Depending on the estimated annual surface yield for the watershed above Zell Lake, the likelihood of Zell Lake spilling water to the proposed dam can be determined.

The NRCS method estimates the volume of runoff which can be expected for a twelve-month period at certain annual exceedance probabilities using contributing drainage area, soil cover complex number (runoff curve number, or CN) determined from hydrologic soil groups, and watershed location on an isogram map. Assumptions made for this report using this method are that any soil that is split between hydrologic soil groups take the larger group category (Where A's generally have the smallest runoff potential and D's the greatest), that the land for both watersheds is categorized as "pastureland, poor to fair condition" and that the isogram used was no. 2. The same land categorization has been used in a previous Dove Creek application to determine water availability. The isogram number represents the acre inches per acre of runoff to be expected from that location (USDA-NRCS, 1984 and 1986).

Zell Lake has an 80% probability of exceeding a yield of approximately 1,480 acre-feet of water annually. This means that most years there will be enough spillage from Zell Lake which will contribute to the annual yield of the drainage area above the proposed dam. The contributing drainage area above the proposed dam, and downstream of the outlet at Zell Lake has an estimated annual surface yield of approximately 662 acre-feet to be exceeded 80% of the time.

The NRCS method does not account for groundwater baseflow. The dam is located just southwest of the dugout, and is still contained within the Quaternary Alluvium boundary (Figures 1 and 2). The impoundment will likely receive inflow from the alluvium in addition to the surface runoff caught by the dam. This additional baseflow will help sustain the normal storage of the dam during dry years, even though 8 out of 10 years the dam is expected to receive in excess of 662 acre-feet of runoff per year not including spillage from Zell Lake.

EXISTING WATER RIGHTS/PERMITS

The U.S. Fish and Wildlife Service hold Vested Water Right No. 6052-3 for a 300 acre-foot impoundment known as Zell Lake (Water Rights, 2024b). Zell Lake is located approximately seven miles upstream of the proposed dam location for this application, and would not be adversely impacted. There are some location notices downstream of the proposed dam, but considering the expected annual surface yield for the proposed dam along with any releases from Zell Lake, and groundwater inflow, any downstream users would not be adversely impacted.

The proposed dam for this application has a normal pool capacity of 150 acre-feet. Irrigators in South Dakota cannot apply more than 2 acre-feet of water per acre per year. The application proposes to irrigate 206 acres, which would be a maximum of 412 acre-feet of water per year. That is approximately 2.7 fills of the dam. The proposed dugout from the earlier section of this report is adjacent to Dove Creek, approximately 0.4 miles downstream. Since the applicant is also proposing to use a maximum of 412 acre-feet of water per year from the dam and the nearby dugout, it is likely that the applicant will have adequate water most years without impairing existing rights and domestic use.

CONCLUSIONS

1. Water Permit Application No. 8877-3 proposes to appropriate surface runoff from Dove Creek and ground water from the Quaternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quaternary aged Alluvium Aquifer and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate

of 1.78 cubic feet of water per second. This site is located in Spink County, approximately 7 miles northwest of Redfield, South Dakota.

2. There is a reasonable probability unappropriated water is available from the Quaternary Alluvium aquifer and from surface runoff for this proposed appropriation.
3. If final layout for the dam will result in a structure of sufficient height and storage to meet the definition of a dam under ARSD 74:02:08:01(7), the final plans and specifications for the dam will need to be reviewed for compliance with South Dakota's Safety of Dams Rules and approved by the Chief Engineer prior to construction.
4. There is a reasonable probability that diversion of water from the dugout by Water Permit Application No. 8877-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
5. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.


Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program


for 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

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Rodriguez, Rachel

From: Taylor Zeltwanger <taylor@nutradrip.com>
Sent: Tuesday, June 18, 2024 11:27 AM
To: Rodriguez, Rachel
Cc: Nick Bebo
Subject: Re: [EXT] Water Permit Application for Irrigation
Attachments: map Bebo Outwest.pdf

Good Morning Rachel,

Please see attached Map for locations of dugout and dam. The Dam area is circled in black and the location of the dam is in red. Hopefully this helps.

The dam storage would be 150 ac-feet worth of storage.

Thanks!
Taylor Zeltwanger,

Sales/Service for MN, SD, ND
413 Birch Ave, Morris, MN 56267
Cell: 320-349-1301
www.nutradrip.com

From: Nick Bebo <farmipad2022@gmail.com>
Sent: Friday, June 14, 2024 5:58 PM
To: Taylor Zeltwanger <taylor@nutradrip.com>
Subject: Fwd: Water Permit Application for Irrigation

----- Forwarded message -----

From: **Rodriguez, Rachel** <Rachel.Rodriguez@state.sd.us>
Date: Fri, Jun 14, 2024, 2:07 PM
Subject: Water Permit Application for Irrigation
To: Nick Bebo <farmipad2022@gmail.com>

Good afternoon,

In looking over your application, there are a few items that need clarification:

- Based on the map submitted, it appears that the dugout is in the NE ¼ SE ¼ Sec 33-T117N-R65W, correct? Not in the SW ¼ NE ¼ as indicated on your application. If not, please mark the location of the dugout with an "X" on the attached map.
- The dam appears to be in the SW ¼ SW ¼ Sec 33-T117N-R65W, correct? Not in the SW ¼ SE ¼ as you indicated on your application. If not, please mark the location of the dam with a circle on the attached map.
- Will the dam have a 24-acre feet storage capacity?

Once I receive the information requested, I can begin processing your application.

Thank you,

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, June 14, 2024 2:08 PM
To: Nick Bebo
Subject: Water Permit Application for Irrigation
Attachments: map.pdf

Good afternoon,

In looking over your application, there are a few items that need clarification:

- Based on the map submitted, it appears that the dugout is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33-T117N-R65W, correct? Not in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ as indicated on your application. If not, please mark the location of the dugout with an "X" on the attached map.
- The dam appears to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 33-T117N-R65W, correct? Not in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ as you indicated on your application. If not, please mark the location of the dam with a circle on the attached map.
- Will the dam have a 24-acre feet storage capacity?

Once I receive the information requested, I can begin processing your application.

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

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

August 16, 2024

Nick Bebo and Scott Bebo
17061 390th Avenue
Redfield SD 57469

Dear Sirs:

Water Permit Application No. 8877-3 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 Redfield Press printed in Redfield SD (Ph # 605 721-1266) and the American News printed in Aberdeen 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 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.

NOTICE OF APPLICATION NO. 8877-3 to Appropriate Water

Notice is given that Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469 has filed an application for a water permit to appropriate surface runoff from Dove Creek and ground water from the Quarternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quarternary aged Alluvium Aquifer, and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. This site is located approximately 7 miles west northwest of Redfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8877-3 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 September 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 September 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: Friday, August 16, 2024 11:49 AM
To: aan-legals@aberndeennews.com
Subject: 8877-3 Nick Bebo and Scott Bebo - Public Notice
Attachments: 8877-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469, 605-460-0302, farmipad2022@gmail.com 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: Friday, August 16, 2024 11:50 AM
To: Redfield Office
Subject: 8877-3 Nick Bebo and Scott Bebo - Public Notice
Attachments: 8877-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

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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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, August 16, 2024 12:38 PM
To: Rodriguez, Rachel
Cc: farmipad2022@gmail.com
Subject: [EXT] 10488450 RE: 8877-3 Nick Bebo and Scott Bebo - Public Notice
Attachments: Order_Confirmation_Liners (73).pdf

Hello!

Please find your order confirmation and proof of ad attached. Please note that prepayment is required.

Your ad is set to run in the Aberdeen American on 8/28. The total cost is \$54.23. Please email before 8/26 @ 8am with any changes.

Please call 844-254-5287 by 8/26 @ 8am **for PAYMENT of the ad in order to run.** Anyone who answers can help you. Please reference ad# 10488450.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final order cost provided at time of payment and via a receipt.

Thank you!

Kerri Furnace

Public Notice Representative



Office: 844-254-5287

*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, August 16, 2024 12:49 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 8877-3 Nick Bebo and Scott Bebo - Public Notice

Attached is a notice to be published on August 28, 2024.

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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

Order Confirmation

Not an Invoice

Account Number:	1478241
Customer Name:	Nick Bebo and Scott Bebo
Customer Address:	Nick Bebo and Scott Bebo 17061 390Th AVE Redfield SD 57469-6710
Contact Name:	Bebo
Contact Phone:	
Contact Email:	farmipad2022@gmail.com
PO Number:	

Date:	08/16/2024
Order Number:	10488450
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	187.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	08/28/2024 - 08/28/2024	Public Notices
ABD aberdeennews.com	1	08/28/2024 - 08/28/2024	Public Notices

Order Confirmation Amount

\$54.23

Notice of Application

#7539

NOTICE OF APPLICATION NO. 8877-3

to Appropriate Water

Notice is given that Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469 has filed an application for a water permit to appropriate surface runoff from Dove Creek and ground water from the Quarternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quarternary aged Alluvium Aquifer, and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. This site is located approximately 7 miles west northwest of Redfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8877-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing 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 September 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 September 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 \$44.15 and may be viewed free of charge at www.sdpublicnotices.com. (Aug. 28)

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#7539 NOTICE OF APPLICATION

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on August 28th. That Forty-Four and 15/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cindy Crook

Subscribed and sworn to before me this 28th day of August, 2024

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2024



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E. Capitol Ave
Pierre South Dakota 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

08/28/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 08/28/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$54.23	
Tax Amount:	\$0.00	
Payment Cost:	\$54.23	
Order No:	10488450	# of Copies:
Customer No:	1478241	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8877-3
to Appropriate Water

Notice is given that Nick Bebo and Scott Bebo, 17061 390th Avenue, Redfield SD 57469 has filed an application for a water permit to appropriate surface runoff from Dove Creek and ground water from the Quarternary aged Alluvium Aquifer for irrigation of 206 acres located in the W 1/2 Section 33-T117N-R65W. Sufficient runoff from Dove Creek will be captured in a proposed dam with up to 150 acre-feet of storage capacity at normal pool elevation to be located in the SW 1/4 SE 1/4 section 33 and also captured by a proposed dugout with up to 72 acre-feet normal pool storage capacity to be located in the NE 1/4 SE 1/4 Section 33; all in T117N-R65W. The proposed dugout will also intercept the ground water table and contain water from the Quarternary aged Alluvium Aquifer, and the proposed dam may also be supplemented by ground water baseflow. Water impounded by the proposed dam will inundate portions of the S 1/2 Section 33-T117N-R65W; N 1/2 NW 1/4 Section 4; N 1/2 NE 1/4 Section 5; both in T116N-R65W. Water will be diverted from the proposed dam and dugout to the acreage to be irrigated at a rate of 1.78 cubic feet of water per second. This site is located approximately 7 miles west northwest of Redfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8877-3 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 September 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 September 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 on August 28, 2024 at the total approximate cost of \$54.23 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, August 16, 2024 1:44 PM
To: Nick Bebo
Subject: 8877-3 Nick Bebo and Scott Bebo - Public Notice
Attachments: 8877-3 Rec.pdf; 8877-3 Ltr.pdf; 8877-3 Invoice.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 today.

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

SEP 27 2024

Nick Bebo and Scott Bebo
17061 390th Avenue
Redfield SD 57469

Dear Sirs:

Enclosed is Water Permit No. 8877-3 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.: 8877-3

Name of Applicant: Nick Bebo and Scott Bebo

Date of Posting: 8/26/2024

Date of Removal: 9/27/2024



Ron Duvall, Engineer III

9/27/2024

Date

Subscribed and sworn to before me, a notary public, this 27 day of Sept, 2024.



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

(SEAL)

