

WATER PERMIT NO. 8908-3

Name of Applicant: **Bon Homme HBI**

Address: **31232 Colony Road, Tabor SD 57063** Phone: **605-975-8235**

Amount of Water Claimed: **0.155 cfs** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial** County: **Bon Homme**

Type of Waste Disposal System:

Location: **Approx. 6 miles southwest of Tabor**

PRIORITY Date Received: **10-18-24** Application/License Fee: **\$700.00**

Corrected Application Received: **10-28-24** Period of Annual Use: **January 1 – December 31**

Remarks: **See letter from Dakota Environmental, Inc.**

Diversion Point: **SW 1/4 Sec 16, NE 1/4 Sec 21; all
in T93N-R58W**

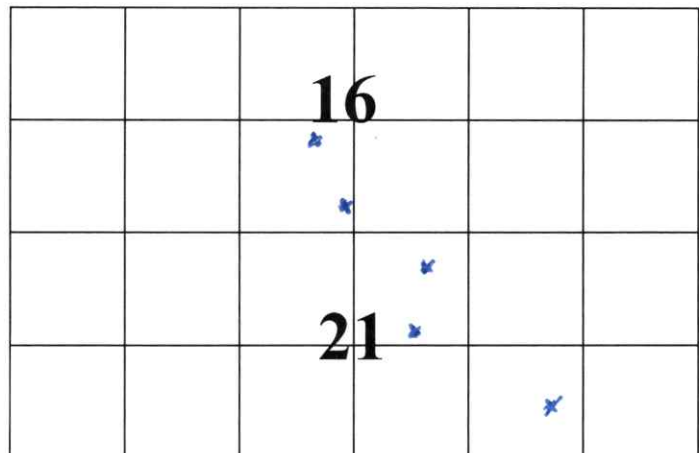
Land to be Irrigated: **N/A**

Depth of Well: **920**

Well Driller: **Stretch's & Huron Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **10-30-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8908-3

Date of first receipt of application October 18, 2024.

Date of return to applicant for corrections, amendments or changes October 22, 2024.

Date of receipt of corrected application October 25, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8908-3 to Bon Homme HBI, 31232 Colony Road, Tabor SD 57063, 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. 8908-3 appropriates up to 105 acre-feet of water annually at a maximum pump rate of 0.156 cubic feet of water per second from five existing wells completed into the Dakota Aquifer (up to 920 feet deep) located in the SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 16 and NW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 21; all in T93N-R58W. Water is used within the SW 1/4 Section 16 and N 1/2 Section 21; all in T93N-R58W for commercial purposes in supplying livestock confinement facilities and for watering pastured livestock. This site is located approximately six miles southwest of Tabor SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8908-3 is January 10, 2025.
5. The date from which applicant may claim right is October 18, 2024.
6. One-fifth of the construction is to be completed on or before July 10, 2027.
7. All construction is to be completed on or before January 10, 2030.
8. Water is to be put to beneficial use on or before January 10, 2034.
9. 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 wells approved under Water Permit No. 8908-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit must be valved and the flow reduced to the amount needed or to a minimum when not being used. If these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

3. Any future replacement wells must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20 and may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
4. Water Permit No. 8908-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
5. Water Permit No. 8908-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
6. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
7. Water Permit No. 8908-3 authorizes a total annual diversion of up to 105 acre-feet of water from the Dakota Aquifer.

WATER MANAGEMENT BOARD

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

JAN 30 2025
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8908-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Tyndall Tribune & Register</u> <u>Daily Press & Dakotan</u> (office use only)

PAID
OCT 25 2024
Ck# 42683
Rec't# _____

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ 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 Water Permit BON HOMME HBI

Mailing Address 31232 COLONY ROAD TABOR SD 57063
(Address) (City) (State) (Zip Code)
Phone 605-975-8235 Mobile _____ Email bh.secretary@sdcolony.com

2. Amount of water claimed 0.156 *CFS or 70 **GPM and 105 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply DAKOTA AQUIFER SE 1/4 NW 1/4

4. Location of point of diversion 2 WELLS IN THE SW 16 & 3 WELLS IN THE NE 21-T93N-R58W County BON HOMME
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used BON HOMME

6. Annual period during which water is to be used JANUARY 1-DECEMBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

SEE ATTACHED

RECEIVED

OCT 28 2024

OFFICE OF
WATER

I, Samuel J. Waldner Secretary Treasurer, 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.

2021-08

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)

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 5 Provide copy of log(s), if available. Drilled by SEE WELL LOGS

For either existing or proposed wells:

c) Well Depth (required) 920 Depth to Top of Water Bearing Material 540 Depth to Water from Surface 0

d) Distance to nearest domestic well on applicant's property NA Property owned by others 4000'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) UNDOCUMENTED Year Constructed EST. 1980

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)

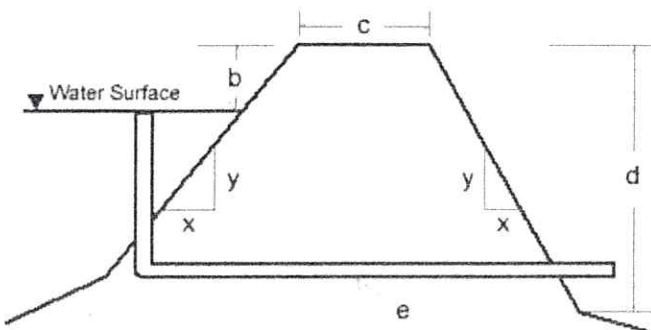
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIVED

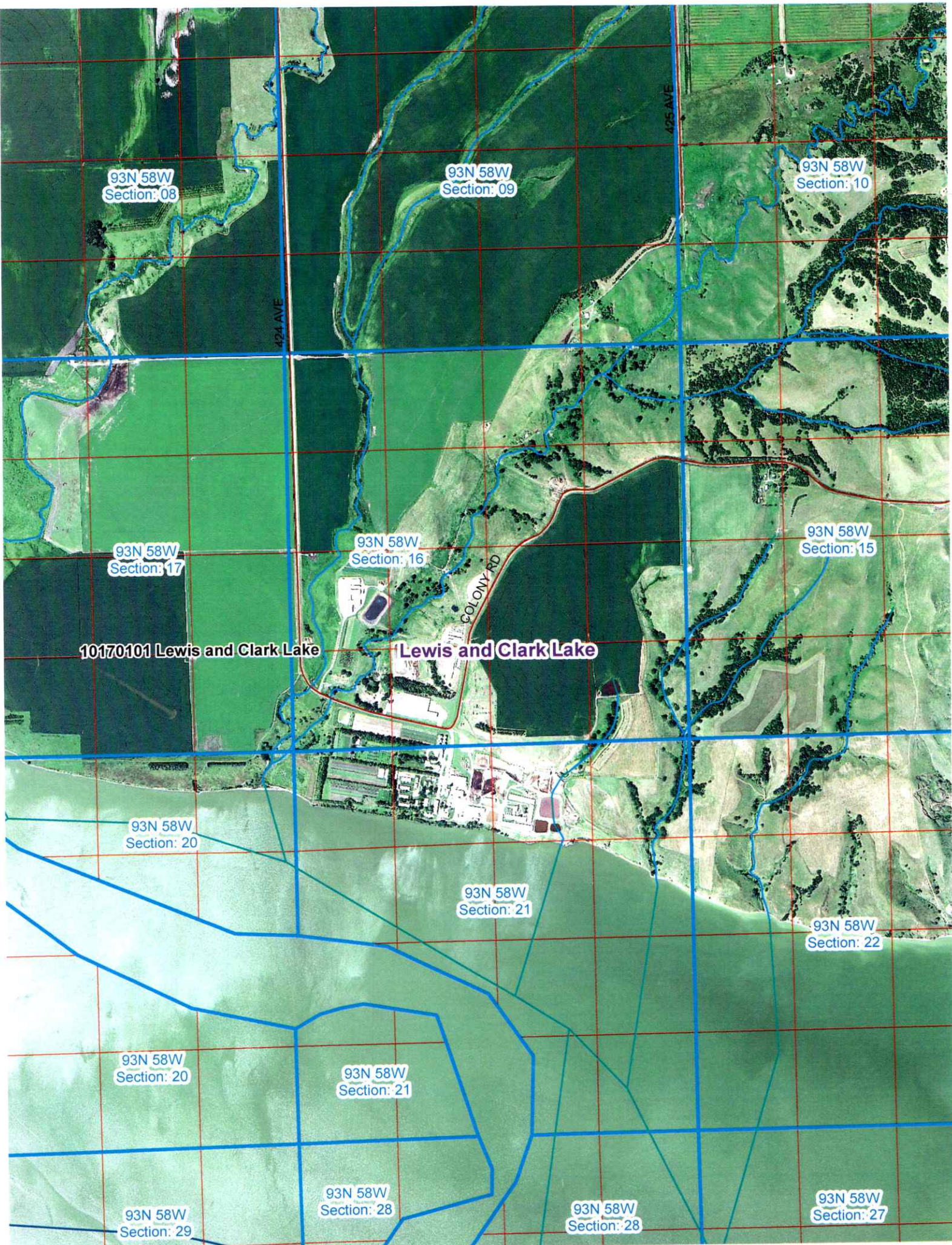
OCT 28 2024

OFFICE OF
WATER

BON HOMME HBI DIVERSION POINT WELLS



1" = 800'



DIVERSION POINT 3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section 21 Township 93 Range 58
 Well owner Born Horvath Colony Lakota S. Rd
 (Name) (Address)
 Date well drilling completed 11-12-76 Purpose of well Domestic
 (for: domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0 - 20	Clay
20 - 60	Chalk
60 - 110	Blue clay
110 - 160	Chalk
160 - 460	Bk. Sp. ls.
460 - 490	Int. clay
540 - 580	2nd floor

Depth to top of water producing aquifer 540 ft.
 Depth to static water level _____ ft.
 Name of producing aquifer (if known) Lakota Sand
 Total depth of drill hole 580 ft.
 Depth to bottom of casing 580 ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

315 ft. 4 in 5 1/2 Bk
 580 ft. 2 in plastic

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

If a flowing well, flow of completed well 80 G.P.M.

Horvath Well Co
 Name of Drilling Contractor

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

 Name of Pump Installation Contractor

RECEIVED

OCT 28 2024

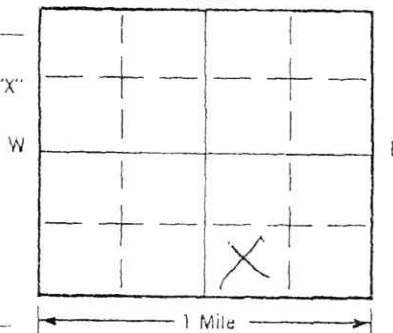
OFFICE OF
 WATER

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Dairy
DIVERSION POINT 2
07-92

Location S-W 1/4 S-E 1/4 Sec 16 Twp 93 Rg 58
County Ben Homme

Please mark well location with an "X"



Well Completion Date

10-7-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? NONE ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250 LB/FT</u>	<u>5" IN</u>	<u>0 FT</u>	<u>300 FT</u>	<u>7 7/8 IN</u>
<u>54 800 LB/FT</u>	<u>2" IN</u>	<u>300 FT</u>	<u>920 FT</u>	<u>4 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft	_____ ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 2 IN Length 140 FEET

Material PVC

Slot Size 116 Set From 280 Feet to 920 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Rubber

Describe packer(s) and location? Above Perf.

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

Flushed with Chlorinated Water

Well Owner: Bon Homme Colony

Business Name: _____

Address: 31232 Colony Rd
Tabor SD 57063

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow Clay</u>	<u>5</u>	<u>20</u>
<u>Shale</u>	<u>20</u>	<u>280</u>
<u>Dakota</u>	<u>280</u>	<u>920</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 12 PSI

GPM flow 15 through 2 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? yes

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

RECEIVED

NOV 18 2008

WATER RIGHTS
PROGRAM

This well was drilled under license # 722

And this report is true and accurate.

Drilling firm Stretch's Well Service Inc.

Signature of License Representative:

Tom Galt

Signature of Well Owner or Equitable Property Holder:

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

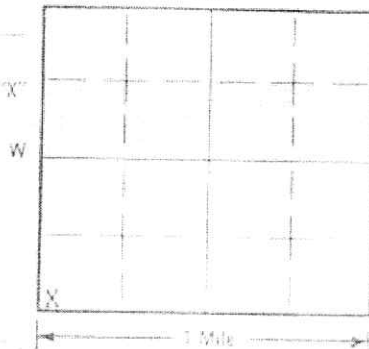
Location SW 1/4 SW Sec 16 Twp 93 Rg 58
County North

Bon Homme

Please mark well location with an "X"

Well Completion Date

1-18-97



Well Owner Bon Homme Colony

Business Name RR #1 Box 57

Address Tabor, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	5
Yellow Clay	5	20
Blue Clay	20	80
Shale	80	450
Greenhorn	450	470
Shale	470	600
Dakota Sand	Good	880

LOCATION

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 250 ft. from Septic (Identify source)

PROPOSED USE

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

METHOD OF DRILLING

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
250 LB/FT 5 IN 0 FT 300 FT 7 7/8 IN
#30 LB/FT 2 IN 300 FT 880 FT 4 1/2 IN
LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Portland 30 lb/gal 0 ft 300 ft
lb/gal ft ft ft

Describe grouting procedure

SCREEN ☒ Perforated pipe ☐ Manufactured

Diameter 2 IN Length 100 FEET

Material PVC

Slot Size 3/8 Set From 780 Feet to 880 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Rubber

Describe packer(s) and location? Above Perforated

DISINFECTION: Was well disinfected upon completion?

YES, How

Laboratory sent to for water quality analysis

X NO, Why Not?

Flowing Well

Pierre, SD

STATIC WATER LEVEL

if flowing closed in pressure 25 PSI

GPM flow 60 through 2 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

Reduced flow rate 15 GPM

Can well be completely shut off? Yes

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 # 94

And this report is true and accurate

Grading firm Haron Drilling Inc.

Signature of License Representative

Signature of Well Owner or Equitable Property Holder

Date 12-30-97



RECEIVED

OCT 28 2024

OFFICE OF WATER

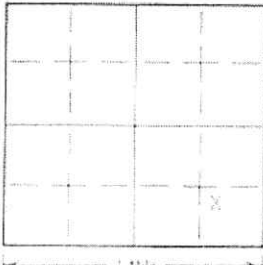
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S22 W SW N Sec 16 Twp 93 Rg 58

County Bon Homme

Please mark well location with an "X"



Well Completion Date 1-15-97

Well Owner Bon Homme Colony

Business Name _____

Address RR 1, Box 50
Tabor, SD 57063

WELL LOG

FORMATION	DEPTH	
	FROM	TO
top soil	0	1
yellow clay	1	10
black clay	20	40
shale	40	410
crackhorn	410	430
shale	430	540
Dakota sand	540	800

LOCATION

Distance from nearest potential pollution source (septic tank, abandoned well, land lot, etc.) 2500 ft. from SEPTIC (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>2</u> IN	<u>0</u> FT	<u>100</u> FT	<u>7 7/8</u> IN
<u>480</u> LB/FT	<u>2</u> IN	<u>300</u> FT	<u>800</u> FT	<u>4 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	Fppm	ft	ft
<u>Port Land</u>	<u>50</u>	_____ lb/gal	_____ ft	_____ ft	_____ ft
_____	_____	_____ lb/gal	_____ ft	_____ ft	_____ ft

Describe grouting procedure pressure pipe

SCREEN ☒ Perforated pipe ☐ Manufactured

Quantity 2 IN Length 100 FEET

Material PVC

Slot Size 3/8 Set From 200 Feet to 800 Feet

Other information _____

WELL TEST DATA

☐ Pumped Describe _____

☐ Bailed _____

☐ Open _____

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 # 94

And this report is true and accurate

Drilling firm Baron Drilling, Inc.

Signature of License Representative _____

Signature of Well Owner or Equitable Property Holder _____

Date 12-30-97

Was a packer or seal used? ☒ YES ☐ NO

If so, what material? rubber

Describe packer(s) and location? above perf.

DISINFECTION

Was well disinfected upon completion? ☐ YES How _____

☒ NO Why not? flowing well

Laboratory sent to for water quality analysis Pierre, SD



SOUTH DAKOTA WATER WELL COMPLETION REPORT

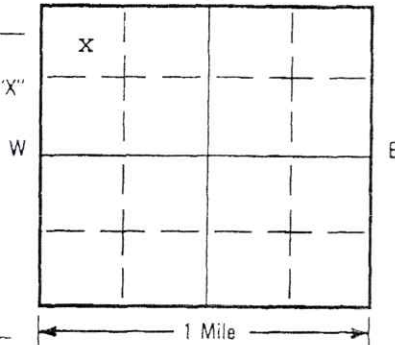
07-92

Location NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 21 Twp 93 Rg 58
County Bon Homme

Please mark well location with an "X"

Well Completion Date

3-28-00



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 250 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>300</u> FT	<u>8</u> IN
<u>#80</u> LB/FT	<u>2</u> IN	<u>300</u> FT	<u>920</u> FT	<u>4 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>35</u>	_____ lb./gal	<u>0</u> ft	<u>300</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 80 FEETMaterial PVCSlot Size 3/8 Set From 820 Feet to 920 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? rubberDescribe packer(s) and location? above perforation

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

Laboratory sent to for water quality analysis

Pierre SDX NO, Why Not? flowing wellWell Owner: Bon Homme Colony

Business Name: _____

Address: 31232 Colony RdTabor SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	5
yellow clay	5	10
Sand gravel	10	55
shale	55	80
chalk	80	120
shale	120	480
greenhorn	480	495
shale	495	620
Dakota sand	620	920

STATIC WATER LEVEL _____ Feet

☒ flowing: closed in pressure 35 PSIGPM flow 50 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 15 GPMCan well be completely shut in? yes

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 # 94

And this report is true and accurate.

Drilling firm Huron Drilling Inc.

Signature of License Representative _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-29-01

RECEIVED

OCT 28 2024

OFFICE OF
WATER



DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

October 21, 2024

Eric Gronlund
South Dakota DENR Water Rights
523 East Capitol
Pierre, SD 57501

Re: Bon Homme HBI, Bon Homme County, SD
DEC Project No. 21029

Dear Mr. Gronlund:

The following is provided as a description of the proposed application.

Bon Homme HBI proposes to obtain a Water Rights Permit for five existing wells used to supply various existing uses on their property, at the locations described on the application form.

All wells are utilized for livestock watering, as the domestic water source is a rural water system. The wells are completed into the Dakota Aquifer at varying depths as noted on the included well logs. The legal descriptions on the logs are not believed to be entirely accurate, probably due to the confusing section boundaries surrounding the site. Consultation with the owner regarding the construction dates of each well versus its use has allowed us to believe we have identified the correct location of each log, as noted on the logs.

All wells are free flowing. The total flow rate requested was calculated by adding the controlled flow rates of the wells. The annual use was estimated by estimating the usage of the livestock facilities served by each well.

The wastewater disposal systems for water utilized from the wells are numerous. Water used from well #1 reports to an earthen holding pond in the southeast quarter of section 16. Water used from well #2 reports to a separate earthen holding pond, also in the southeast quarter of section 16. Water used by well #3 and #4 reports to a multi-stage earthen holding pond system in the northeast quarter of section 21. Well #5 supplies only seasonal pasture water tanks. All animal confinement containments served by wells 1-4 are covered under the General CAFO Permit.

We hope you will find the enclosed information adequate for review of this application. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

P.O. Box 636, Huron, SD 57350
605-352-5610 1-800-888-0423 Fax 605-352-0951

RECEIVED

OCT 28 2024

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 22, 2024 3:43 PM
To: Samuel Waldner
Subject: RE: Water Permit Application

Good afternoon,

In looking over your water permit application for irrigation, there are a few items needed:

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Enclosed is a map with those designations. Please mark the 5 proposed well locations with an "X" and outline the stabilization pond.
- The application needs to be signed by the applicant.
- The application fees (\$500.00 application + \$200.00 inspection) = \$700.00

Once I receive the items above, I can begin processing your application.

Thank you,

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



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 25th, 2024

RECEIVED OF Bon Homme HBI 31232 Colony Road Tabor SD 57063

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

Fee for Application for Permit No. <u>8908-3</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>8908-3</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 Grodzinski
Chief Engineer

SW

Duvall, Ron

From: Brian Friedrichsen <brian@dakotaenv.com>
Sent: Monday, November 25, 2024 12:46 PM
To: Duvall, Ron
Subject: Re: [EXT] bon homme water rights

Ron,

go ahead and proceed with the 70 GPM. I spoke to BH and they are not able to bypass or increase the restricted flow on the wells, and have not needed to.

thanks,

Brian

On Wed, Nov 20, 2024 at 10:34 AM Brian Friedrichsen <brian@dakotaenv.com> wrote:
Ron,

will check with the owner once more and let you know, thanks.

BF

On Wed, Nov 20, 2024 at 10:13 AM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Brian,

My concern is to make sure it is understood that the amounts (gpm and acre-feet) on the permit application should be maximum, not average values. Based on your response, it sounds like 105 acre-feet represents a maximum value. As long as a restricted flow of 70 gpm meets peak demands, then that is also a good number. However, if there are times when the restricted flow rate is increased to meet demand, then that higher flow rate number should be used on the application. Please let me know if you want to proceed with 70 gpm.

Thank you,

Ron

From: Brian Friedrichsen <brian@dakotaenv.com>
Sent: Tuesday, November 19, 2024 5:39 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: [EXT] bon homme water rights

Ron,

sorry for the delay, again.

I took a look back at the application. All of the 5 wells involved are artesian, so we didn't have a pump capacity to work from. Most of the drillers logs list the flow and the restricted flow, so for the gpm maximum figure we totalled up the restricted flows to get the 70 gpm.

When we went through the systems served by each well and estimated the annual usage for each, we were below the restricted capacity in each case. So we added up those estimates, increased it by a factor of safety, and arrived at the 105 acre feet.

I suppose we could have used what the drillers logs indicate as the unrestricted capacity in each well as the maximum flow rate, which would add up to 265 gpm, much larger than the estimated annual use.

Anyway, thats how we arrived at the application numbers as submitted. I'm open to input.

thanks,

--

Brian Friedrichsen

Dakota Environmental

--

Brian Friedrichsen
Dakota Environmental

--

Brian Friedrichsen



**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. 8908-3, Bon Homme HBI**

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. 8908-3, Bon Homme HBI, 31232 Colony Road, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 8908-3 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 wells approved under Water Permit No. 8908-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit must be valved and the flow reduced to the amount needed or to a minimum when not being used. If these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Any future replacement wells must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20 and may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
4. Water Permit No. 8908-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
5. Water Permit No. 8908-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
6. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
7. Water Permit No. 8908-3 authorizes a total annual diversion of up to 105 acre-feet of water from the Dakota Aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 19, 2024

Report to the Chief Engineer
On Water Permit Application No. 8908-3

Bon Homme HBI

December 18th, 2024

Water Permit Application No. 8908-3 proposes to appropriate up to 105 acre-feet of water annually at a maximum, combined, pump rate of 0.156 cubic feet of water per second (cfs) from five existing wells all in the Dakota aquifer (up to 920 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21; all in T93N-R58W. Water is used for commercial use in supplying various livestock confinement facilities and watering pastured livestock all located in the SW $\frac{1}{4}$ Section 16 and N $\frac{1}{2}$ Section 21; all in T93N-R58W. This site is located approximately 6 miles southwest of Tabor, SD in Bon Homme County.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, extending downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which outcrops in the Black Hills (Bredehoeft and others, 1983). In eastern South Dakota the Dakota Formation can be separated into three layers: 1) upper layer of fine to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark grey shale layers; 2) a middle layer of silty gray clay interbedded with minor sandstone layers; and 3) a lower layer of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2024b and 2024d). The Dakota Formation underlies approximately 66,500 square miles of South Dakota and has an average thickness of 150 feet (Schoon, 1971). Using Schoon (1971) estimates of average thickness (150 feet) and areal extent (66,500 square miles or 42.5 million acres) of the Dakota aquifer, and assuming 15% porosity for the Dakota Formation to calculate an approximate 960 million acre-feet of stored water within the Dakota aquifer in South Dakota.

Five water well completion reports were submitted with Water Permit Application No. 8908-3. The wells are located in Sections 16 and 21, all in T93N-R58W (Water Rights, 2024d). The water well completion reports show a similar trend indicating the top of aquifer material ranging from 460 to 780 feet below ground surface with an average of approximately 600 feet below the ground surface. This range is due to different land surface elevations and erosion in the floodplain of the Missouri River. The static water level of these water well completion reports

indicate the wells are free flowing (Water Rights, 2024b). The saturated thickness of the aquifer for the five well completion reports ranges from 120 to 300 feet (Water Rights, 2024d). Considering all the information listed above, the aquifer at the diversion points for this application is confined.

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 Dakota aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8908-3 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

“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 Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation; however, 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 Dakota aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with a higher artesian pressure than the Dakota aquifer, downward seepage through overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation that outcrops in the Black Hills (Bredehoeft and others, 1983; Water Rights, 2024b). Using computer modeling, Bredehoeft and others (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer and developed a recharge estimate of approximately 79.4 cfs (57,500 acre-feet/year) prior to well development. However, assumptions used in Bredehoeft and other's (1983) recharge estimate are now outdated. For example, the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft and other's (1983) analysis are much lower than estimates calculated by the more recent research of Carter and others (2002). While outdated, the Bredehoeft and other's (1983) estimate is the best information available to give a sense of scale of the recharge to the Dakota aquifer in South Dakota, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft and other's (1983) estimates.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying or adjacent aquifers due to higher artesian pressure in the Dakota aquifer (Bredehoeft and others, 1983; Water Rights, 2024a and 2024c). Currently, there are 261 water rights/permits authorized to appropriate water from the Dakota aquifer (Water Rights, 2024c). There are 7 future use permits reserving 4,287 acre-feet/year of water from the Dakota aquifer, shown on Table 1 (Water Rights, 2024c).

Table 1. Future Use Permit reserved water for the Dakota aquifer (Water Rights, 2024c)

Future Use Permit Holder	Amount of Reserved Water (acre-feet)
South Lincoln Rural Water System (No. 4817-3)	1,448
City of Lennox (Nos. 5101-3, 5101A-3)	0*
Lincoln County Rural Water System (No. 5155-3)	440
City of Canton (Nos. 5219-3, 1262C-3)	1,849
City of Harrisburg (No. 8400-3)	550
Total:	4,287
*City of Lennox has allocated all the water they had reserved	

Table 2 summarizes the 241 non-irrigation water rights/permits authorized to appropriate water from the Dakota aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation

water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe overestimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. There are also some water permits/rights that divert their water from more than one aquifer, only the diversion from the Dakota aquifer will be accounted for in Table 2 (Water Rights, 2024c). It should be noted that some of the water permits/rights on Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes water rights for the City of Canton which purchases 30% of their water from South Lincoln Water System but pumps the other 70% of their water from local wells (Drinking Water, 2024). Overall, the estimated average annual withdrawal rate for the Dakota aquifer non-irrigation water rights/permits is 22,246 acre-feet/year (Table 2) (Water Rights, 2024c). This application proposes to appropriate up to 105 acre-feet of water annually from the Dakota aquifer for commercial use. Collectively, the average annual withdrawal rate for the non-irrigation appropriations (22,246 acre-feet/year), plus this application's proposed annual withdrawal rate (105 acre-feet/year), is approximately 22,351 acre-feet per year.

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Dakota aquifer (Water Rights, 2024c)

Type of Use	No. of Water Rights/Permits	Authorized Annual Volume (acre-feet)	Authorized Diversion Rate for Diversion Rate Limited Permits (cfs)	Estimated Annual Use (acre-feet/year)
COM	110	2,266	11.48	7,251
DOM	11	0	1.75	762
FWP	4	0	2.73	1,187
GEO	2	0	2.33	1,012
IND	7	167	0.84	534
INS	2	0	1.34	582
MUN	89	3,274	6.99	6,312
REC	3	3	0.45	199
RWS	6	2,005	2.20	2,961
SHD	7	0	3.33	1,447
Total:	241	7,472	33.78	22,246
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, IND: Industrial, INS: Institutional, MUN: Municipal, REC: Recreation, RWS: Rural Water System, SHD: Suburban Housing Development				

Currently, there are 20 irrigation water rights/permits appropriating water from the Dakota 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 Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 164 acre-feet per year (Table 3) (Water Rights, 2024a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is

approximately 245 acre-feet per year (Table 3) (Water Rights, 2024a). Water Permit No. 8842-3 was recently approved in 2024, so they have not reported an annual usage yet and will need to be accounted for. Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. Regardless, one foot of water per acre per year application rate will be used, as an overestimate, to estimate the annual withdrawal rate for Water Permit No. 8842-3. Water Permit No. 8842-3 is permitted to irrigate 120 acres. Therefore, Water Permit No. 8842-3 will have an estimated annual use of 120 acre-feet per year. Combining this estimate with the reported annual average, results in an estimated annual irrigation withdrawal rate of 365 acre-feet per year.

There are domestic wells completed into the Dakota 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 Dakota aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Dakota aquifer.

Table 3. Reported historic irrigation use from the Dakota aquifer (Water Rights, 2024a)

Year	No. of Permits	Reported Use (acre-feet)
1979	2	38
1980	2	110
1981	4	45
1982	5	33
1983	5	64
1984	4	0
1985	5	8
1986	5	239
1987	5	1
1988	4	453
1989	4	265
1990	4	234
1991	5	165
1992	5	40
1993	7	112
1994	7	52
1995	8	31
1996	8	34
1997	9	48
1998	9	176
1999	10	102
2000	10	173
2001	11	161
2002	10	179
2003	10	205
2004	10	154
2005	12	147
2006	13	232
2007	14	200
2008	14	196
2009	15	131
2010	17	172
2011	18	175
2012	18	298
2013	18	257
2014	17	163
2015	17	236
2016	16	196
2017	16	229
2018	16	157
2019	15	108
2020	16	246
2021	16	256
2022	17	483
2023	19	376
Max.	18	483
Min.	2	0
Average (1979-2023)	10	164
Average (2014-2023)	17	245

Hydrologic Budget Summary

The average annual recharge rate to the Dakota aquifer has not been accurately quantified. Bredehoeft and others (1983) estimated the recharge rate to be approximately 57,500 acre-feet/year. However, the Bredehoeft and others (1983) recharge estimate is dated and the actual recharge rate of the Dakota aquifer could be higher or lower than previously estimated. The estimated average withdrawal rate from the Dakota aquifer totals to approximately 27,003 acre-feet/year; (future use: 4,287 acre-feet/year; non-irrigation, including this application: 22,351 acre-feet/year; and irrigation (avg 2014 to 2023): 365 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The four closest observation wells to the proposed diversion points are HT-80B (approximately 21.5 miles northeast), YA-2017A (approximately 28.3 miles northeast), YA-80PR (approximately 28.3 miles northeast), and YA-80P (approximately 28.3 miles northeast) (Water Rights, 2024b). The water level elevations for these observation wells are displayed in Figure 1 (Water Rights, 2024b). The majority of observation wells in the Dakota aquifer have a declining water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize and a couple that have stable water levels over their period of record. The data shown on Figure 1 share a similar stable trend with most of the southeastern South Dakota observation wells in the Dakota aquifer. It should be noted that YA-80PR is a replacement well, constructed in 2017, for YA-80P. There are concerns YA-80P wasn't displaying accurate water levels of the Dakota aquifer due to improper grouting. Monitoring of both observation wells will continue for that purpose.

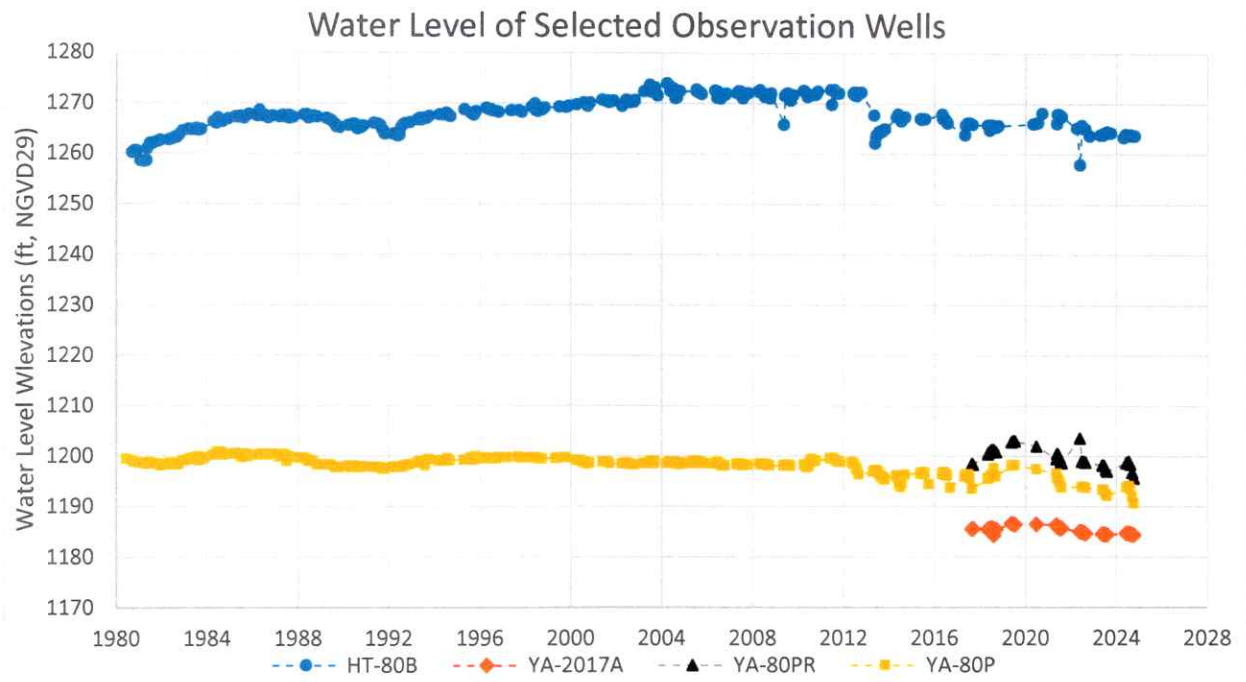


Figure 1. A hydrograph showing the elevation of water levels of observation wells HT-80B, YA-2017A, YA-80PR, and YA-80P (Water Rights, 2024b)

The hydrographs in Figure 1 display stable water levels. However, the majority of observation wells in the Dakota aquifer have a declining water level, several observation wells do show water levels that stabilize or have started stabilizing. The observation wells under influence of heavy and continuous pumping quickly stabilize after the pumping starts. In confined aquifers, a decline in observation well water levels do not necessarily indicate a significant decrease in water stored in the confined aquifer, since measured water levels are a reflecting artesian head pressure. Additionally, there are uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure. Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon decline in head pressure, and in theory the Dakota aquifer head is stabilizing relative to withdrawals and discharges (Water Rights, 1987 and 2010). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below the ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. The Water Management Board's decision to optimize development of the Dakota aquifer is favorable to issuance of permits. There is a reasonable probability 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 existing well sites for this application are shown in Figure 2 and summarized in Table 4 (Water Rights, 2024c). The closest water right/permit (not held by the applicant) to the diversion points is Water Right No. 6541-3 which is held by the Wesley Kloucek. The diversion point for Water Right No. 6541-3 is located approximately 4.6 miles northwest from this application (Water Rights, 2024c). There are domestic wells on file with the DNR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file (not held by the applicant) approximately 2.2 miles north of the diversion points based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2024d). There could potentially be other domestic wells completed into the Dakota aquifer near the diversion point that are not on file with the DNR-Water Rights Program.

Table 4. List of water rights/permits shown in Figure 2.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
540-3	City of Tyndall	01/01/1930	License	Municipal	1.02	0
614-3	City of Tyndall	05/13/1959	License	Municipal	0.7	0
750-3	City of Viborg	01/01/1937	License	Municipal	0.39	0
1974-3	Town of Volin	01/01/1927	License	Municipal	0.22	0
5642-3	City of Yankton	01/01/1923	License	Recreation	0.28	0
6038-3	Schwartz Farms Inc	01/16/1998	License	Commercial	0.07	0
6129-3	JDP LLC	02/23/1999	License	Commercial	0.067	0
6541-3	Wesley Kloucek	09/24/2004	License	Fish & Wildlife Propagation	0.17	0
6734-3	Avera Sacred Health Services	06/14/2006	License	Irrigation	0.73	11.9
6973-3	Jamesville Colony	02/18/2008	License	Commercial	0.167	0
8249-3	Schwartz Farms Inc	11/17/2016	Permit	Commercial	0.07	0
8410-3	Jason Harmelink	07/28/2005	License	Commercial	0.42	0

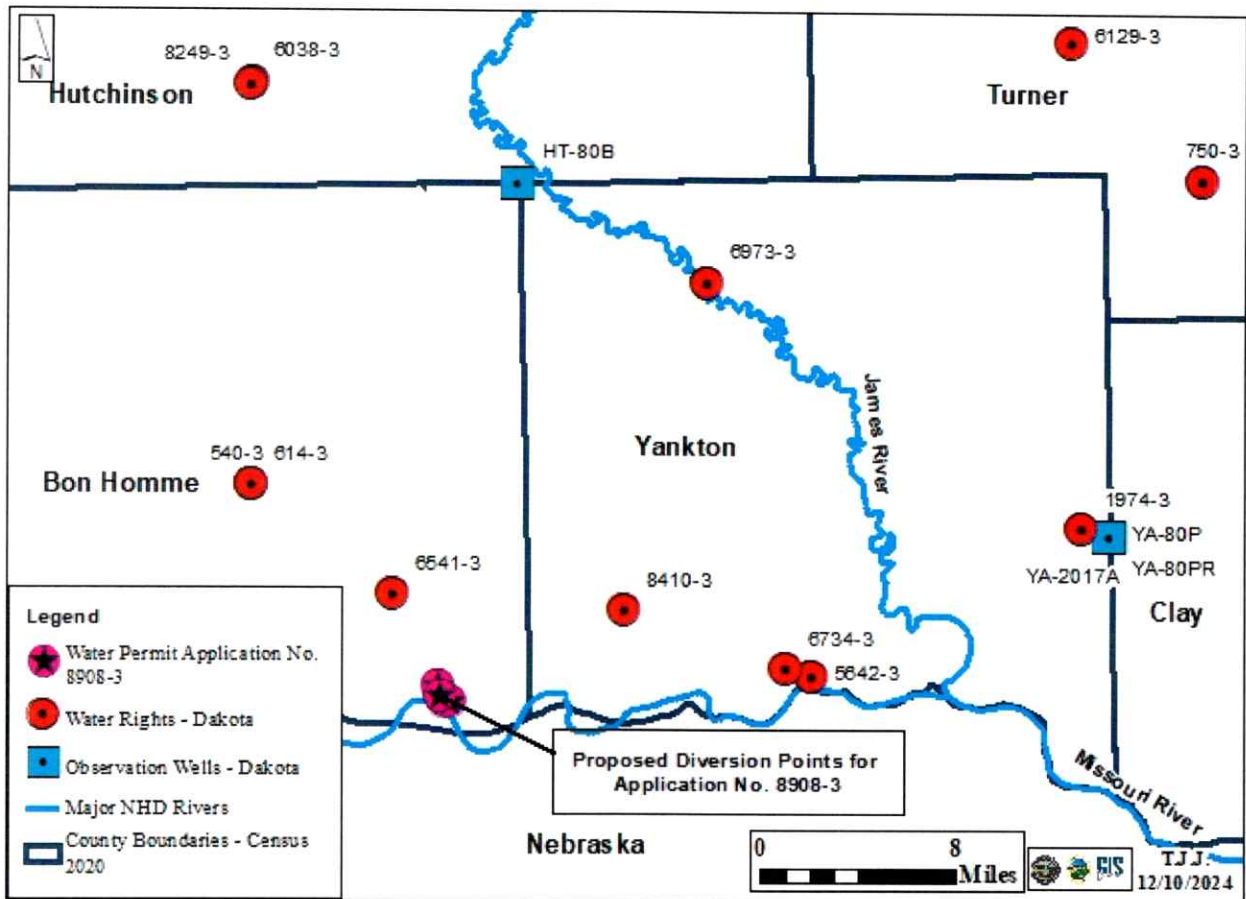


Figure 2. Map of the Dakota aquifer water rights/permits within Bon Homme, Yankton, and portions of Hutchinson, Turner Counties (Water Rights, 2024b and 2024c).

The Dakota aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the 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 without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The 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). It should be noted that these 5 existing wells have been in operation since 2008 without complaints or incident with the oldest well having been drilled in 1976. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated thickness of the Dakota aquifer in Bon Homme County, the lack of recent well interference complaints for adequate wells completed into the Dakota aquifer in Bon Homme County (Water Rights, 2024e), any drawdown created from the diversion is not expected to cause an unlawful impairment to 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 to existing users with adequate wells.

Special Consideration: Well Construction

These existing wells do not meet the adequate well construction standards as defined in ARSD 74:02:04:20. The existing wells are all flowing “slim hole” wells constructed prior to many well construction standards or per the alternative Dakota aquifer well construction rule (74:0204:35), are not fully grouted, and do not have the ability to have a pump installed 20 feet into the saturated aquifer as required in ARSD 74:02:04:20(6).

An adequate well has been defined in ARSD 74:02:04:20 (6) as:

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

The alternative well construction standard for certain Dakota aquifer wells (74:02:04:35) are not permitted for appropriative uses when a new well is constructed. These are existing wells that have been used for a number of years. Any future replacement wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20(6). Replacement wells for this application may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

CONCLUSIONS:

1. Water Permit Application No. 8908-3 proposes to appropriate up to 105 acre-feet of water annually at a maximum combined, controlled pump rate of 0.156 cfs from five existing wells all in the Dakota aquifer (up to 920 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21; all in T93N-R58W. Water is used for commercial use in supplying various livestock confinement facilities and watering pastured livestock all located in the SW $\frac{1}{4}$ Section 16 and N $\frac{1}{2}$ Section 21; all in T93N-

R58W. This site is located approximately 6 miles southwest of Tabor, SD in Bon Homme County.

2. The Water Management Board concluded that in reference to SDCL 46-6-3.1, “withdrawals” applies only to water placed to beneficial use via appropriations or domestic use.
3. The Water Management Board’s position has been to optimize development of water for beneficial use from the Dakota aquifer.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.
5. There is a reasonable probability that the diversion by Water Permit Application No. 8908-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
6. Any future replacement wells must meet the adequate well construction standards and may not be constructed using the alternative well construction method defined in ARSD 74:02:04:35.



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

- Bredehoeft, J.D., Neuzil, C.E., and Milly, P.C., 1983. Regional Flow in the Dakota Aquifer: A Study of the Role of Confining Layers. Alexandria, Virginia: U.S. Geological Survey, 1983. Water- Supply Paper 2237.
- Carter, J.M., Driscoll, D.G., Williamson, J.E., and Lindquist, V.A., 2002. Atlas of Water Resources in the Black Hills area, South Dakota. Rapid City South Dakota: U.S. Geological Survey, 2002. Hydrologic Investigations Atlas HA-747.
- Darton, H.H., 1909. Geology and Underground Waters of South Dakota. Water Supply Paper 227. Y.S. Geological Survey, Washington D.C.
- Drinking Water, 2024. Drinking Water Reports, SD DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Schoon, R.A., 1971. Geology and Hydrogeology of the Dakota Formation in South Dakota. South Dakota Geological Survey Report of Investigations No. 104. Vermillion, SD.
- Water Rights, 1987. Finding of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 5136-3, Farmland Industries Inc of Huron, SD DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2010. Finding of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Applicaiton No. 7165-3, Paul Buckneberg. SD DANR-Water Rights Program file for Cancelled Water Permit No. 7165-3. Pierre, SD.
- Water Rights, 2024a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2024b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

December 26, 2024

Bon Homme HBI
31232 Colony Road
Tabor SD 57063

Dear Mr. Waldner:

Water Permit Application No. 8908-3 for commercial use and supplying water to pastured livestock has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Yankton Daily Press and Dakotan printed in Yankton SD (Ph # 605 665-7811 ext 116) and the Tyndall Tribune and Register printed in Tyndall SD (605 589-3242). 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. 8908-3 to Appropriate Water

Notice is given that Bon Homme HBI, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate up to 105 acre-feet of water annually at a maximum pump rate of 0.156 cubic feet of water per second from five existing wells completed into the Dakota Aquifer (up to 920 feet deep) located in the SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 16 and NW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 21; all in T93N-R58W. Water is used within the SW 1/4 Section 16 and N 1/2 Section 21; all in T93N-R58W for commercial purposes in supplying livestock confinement facilities and for watering pastured livestock. This site is located approximately six miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8908-3 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 January 10, 2025.

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 January 10, 2025.

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 _

Duvall, Ron

From: Duvall, Ron
Sent: Thursday, December 26, 2024 10:08 AM
To: kelly.kronaizl@plaintalk.net
Cc: Rodriguez, Rachel
Subject: 8908-3 Bon Homme HBI - Public Notice
Attachments: FORM8.FRM.doc; 8908-3 public.short_final.docx

Attached is a notice to be published in the Yankton Daily Press and Dakotan on December 31, 2024.

Bon Homme HBI, c/o Samuel Waldner, 31232 Colony Road, Tabor SD 57063 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,

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



DANR
SOUTH DAKOTA

Duvall, Ron

From: Duvall, Ron
Sent: Thursday, December 26, 2024 9:56 AM
To: tyndalltribune@gmail.com
Cc: Rodriguez, Rachel
Subject: 8908-3 Bon Homme HBI - Public Notice
Attachments: FORM8.FRM.doc; 8908-3 public.short_final.docx

Attached is a notice to be published in the Tyndall Tribune and Register on December 31, 2024.

Bon Homme HBI, c/o Samuel Waldner, 31232 Colony Road, Tabor SD 57063 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,

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



DANR
SOUTH DAKOTA

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tipton Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

*Notice of Application
8908-3 to Appropriate Water
111 @ 399*

a printed copy of which is hereto attached, was printed and published in said newspaper for *21* successive weeks, upon the following dates:

<i>Jan 1 2025</i>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, *\$44.29*, inures 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 has been agreed to be paid to any person whomsoever.

Rebecca Tipton Publisher
Subscribed and sworn to before me this

Jan 1 2025

Rebecca Tipton
Notary Public, South Dakota

My Commission expires: 10-24-2021

NOTICE OF APPLICATION

NO. 8908-3 to Appropriate Water

Notice is given that Bon Homme HBI, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate up to 105 acre-feet of water annually at a maximum pump rate of 0.156 cubic feet of water per second from five existing wells completed into the Dakota Aquifer (up to 920 feet deep) located in the SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 16 and NW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 21; all in T93N-R58W. Water is used within the SW 1/4 Section 16 and N 1/2 Section 21; all in T93N-R58W for commercial purposes in supplying livestock confinement facilities and for watering pastured livestock. This site is located approximately six miles south-west of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8908-3 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 January 10, 2025.

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 comment on the application. The comment form is available on a form provided by the Chief Engineer and is available at danr.sd.gov/public or 773-3352 or writing them at the address provided. The comment does not make a party of record or a hearing that may be held must be filed by January 10, 2025.

If the applicant does not receive a recommendation of the Chief Engineer and no petition to oppose is received, the Chief Engineer will schedule a hearing on the application pursuant to the recommendation with no hearing. The Water Management Board will schedule a hearing on the application opposing the recommendation. Notice of the hearing will be scheduled by the Water Management Board and will be given to the applicant and the public.

Published once an issue of the South Dakota Public Notices at \$44.29 and can be viewed at www.sdpublicnotices.com (Jan. 1, 2025)

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tye
.....Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

BH Colony
Notice of Application
8908-3 to Appropriate Water
111 @ 399

a printed copy of which is hereto attached, was printed and published in said newspaper for *20* successive weeks, upon the following dates:

<i>Jan 1 2025</i>20.....	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, *\$44.29*, inures 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 has been agreed

NOTICE OF APPLICATION

NO. 8908-3 to Appropriate Water

Notice is given that Bon Homme HBI, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate up to 105 acre-feet of water annually at a maximum pump rate of 0.156 cubic feet of water per second from five existing wells completed into the Dakota Aquifer (up to 920 feet deep) located in the SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 16 and NW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 21; all in T93N-R58W. Water is used within the SW 1/4 Section 16 and N 1/2 Section 21; all in T93N-R58W for commercial purposes in supplying livestock confinement facilities and for watering pastured livestock. This site is located approximately six miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8908-3 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

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 January 10, 2025.

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 an approximate cost of \$44.29 and can be viewed free of charge at www.sdpublicnotices.com

(Jan. 1)

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

BON HOMME COLONY
31232 COLONY RD
TABOR SD 57063

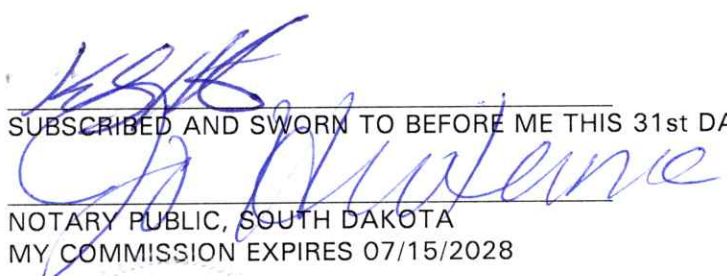
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

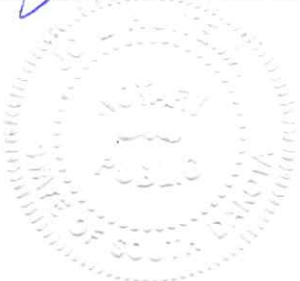
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 31st DAY OF December, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.16 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 12/31/2024

FILED ON: 12/31/24


SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF December, 2024

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED

JAN 06 2025

OFFICE OF
WATER

Ad text :

NOTICE OF APPLICATION NO. 8908-3 to Appropriate Water

Notice is given that Bon Homme HBI, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate up to 105 acre-feet of water annually at a maximum pump rate of 0.156 cubic feet of water per second from five existing wells completed into the Dakota Aquifer (up to 920 feet deep) located in the SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 16 and NW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 21; all in T93N-R58W. Water is used within the SW 1/4 Section 16 and N 1/2 Section 21; all in T93N-R58W for commercial purposes in supplying livestock confinement facilities and for watering pastured livestock. This site is located approximately six miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8908-3 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 January 10, 2025.

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 January 10, 2025.

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 \$44.16 and can be viewed free of charge at www.sdpublicnotices.com

Published December 31, 2024.

RECEIVED

JAN 06 2025

OFFICE OF
WATER

Duvall, Ron

From: Duvall, Ron
Sent: Thursday, December 26, 2024 10:10 AM
To: 'bh.secretary@sdcolony.com'
Cc: Rodriguez, Rachel; 'brian@dakotaenv.com'
Subject: 8908-3 Bon Homme HBI - Public Notice
Attachments: 8908-3 APPL2.pdf; 8908-3 public.short_final.pdf; 8908-3_rec.pdf

Mr. Waldner:

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 papers 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,

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



DANR
SOUTH DAKOTA



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 3 0 2025

Bon Homme HBI
c/o Samuel J. Waldner
31232 Colony Road
Tabor SD 57063

Dear Mr. Waldner:

Enclosed is Water Permit No. 8908-3 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.: 8908-3

Name of Applicant: Bon Homme HBI

Date of Posting: 12/30/2024

Date of Removal: 1/30/2025

Ron Duvall, Engineer III

1/30/2025

Date

Subscribed and sworn to before me, a notary public, this 30th day of Jan, 2025.

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



(SEAL)