

WATER PERMIT NO. 8934-3

Name of Applicant: Bluegill Inc.

Address: 611 6th Street, Brookings SD 57006

Phone: 605-690-0618

Amount of Water Claimed: 48 AF

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Commercial

County: Brookings

Type of Waste Disposal System:

Location: Approx. 2 miles south of Brookings

PRIORITY Date Received: 02-28-25

Application/License Fee: \$300.00

Corrected Application Received: 03-04-25

Period of Annual Use: February 1 – September 30

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 14-T109N-
R50W

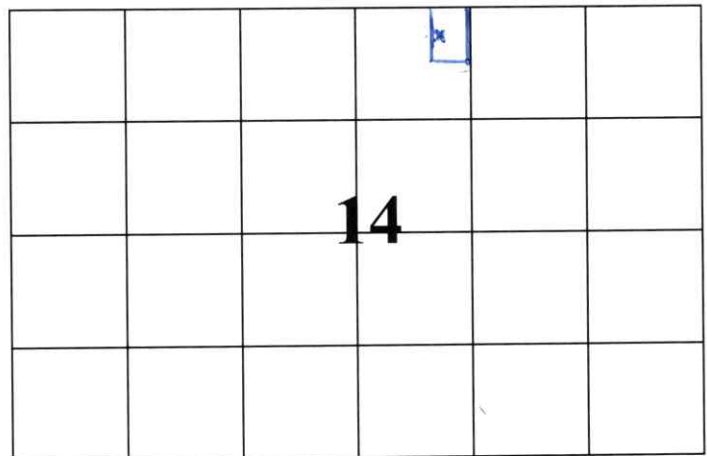
Land to be Irrigated: N/A

Depth of Well: 50

Well Driller:

Remarks:

Type of Map: topo



Reviewed and the Number Assigned on: 03-04-25

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8934-3**

Date of first receipt of application February 28, 2025.

Date of return to applicant for corrections, amendments or changes March 3, 2025.

Date of receipt of corrected application March 4, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8934-3 to Bluegill Inc., 611 6th Street, Brookings SD 57006, 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. 8934-3 appropriates up to 48 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux: Aurora Aquifer (approximately 50 feet deep) located in the NW 1/4 NE 1/4 Section 14-T109N-R50W. The water will be used for commercial purposes in a greenhouse facility located in NW 1/4 NE 1/4 Section 14-T109N-R50W, Aldrich Addition. This site is located approximately two miles south of Brookings SD.
2. The water appropriated shall be used for commercial purposes 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: February 1 – September 30.
4. The date of approval of Permit No. 8934-3 is May 27, 2025.
5. The date from which applicant may claim right is February 28, 2025.
6. One-fifth of the construction is to be completed on or before November 27, 2027.
7. All construction is to be completed on or before May 27, 2030.
8. Water is to be put to beneficial use on or before May 27, 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 well approved under Water Permit No. 8934-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8934-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Northern Sub-Unit of the Big Sioux: Aurora Aquifer.
4. Water Permit No. 8934-3 authorizes a total annual diversion of up to 48 acre-feet of water.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

6/11/25
date



RECEIVED

PAID

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8934-3</u>	(office use only) Hydrologic Unit <u>10170202</u>	FEB 28 2025
	Basin <u>Big Sioux - Middle</u>	OFFICE OF WATER	
	Newspaper <u>Brookings Register</u>		

FEB 28 2025
Ck# 2379
Rec't# _____

Application For Permit To Appropriate Water Within The State Of 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 <u>Green House</u>	

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.)

- Name to Appear on Water Permit Bluegill Inc
Mailing Address 611 6th St (Address) Brookings (City) SD (State) 57006 (Zip Code)
Phone _____ Mobile 605-690-0618 Email wade@brookingshomes.com
2. Amount of water claimed 0.10 *CFS or 45 **GPM and 120 ***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 Well
4. Location of point of diversion 1 well Aldrich Addn in NW 1/4 of NE 1/4 14-109-50 County Brookings
(example - 3 wells in SW 1/4 NE 1/4 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 - NW 1/4 section 12-T104N-R53W)
5. County or counties where water will be used Brookings
6. Annual period during which water is to be used Feb - Aug Every year maybe Sept
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)

I well to irrigate green house or Houses Located in Brookings SD

I, Paul A. Wade Name of Person President Title (if applicable), the applicant, certify under

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

Supplemental Information

(type or print)

RECEIVED

FEB 28 2025

OFFICE OF
WATER

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(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) 50' Depth to Top of Water Bearing Material 10' Depth to Water from Surface 10'

d) Distance to nearest domestic well on applicant's property 500' Property owned by others yes

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) NONE

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

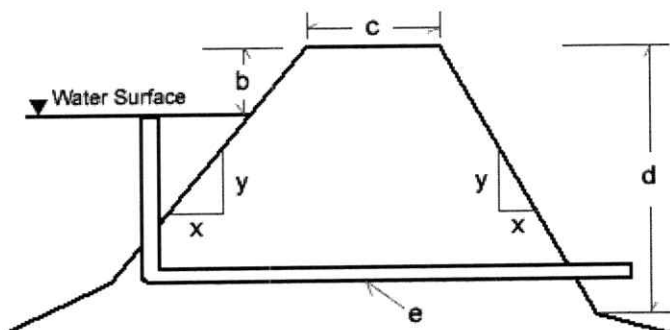
Upstream _____

Downstream _____

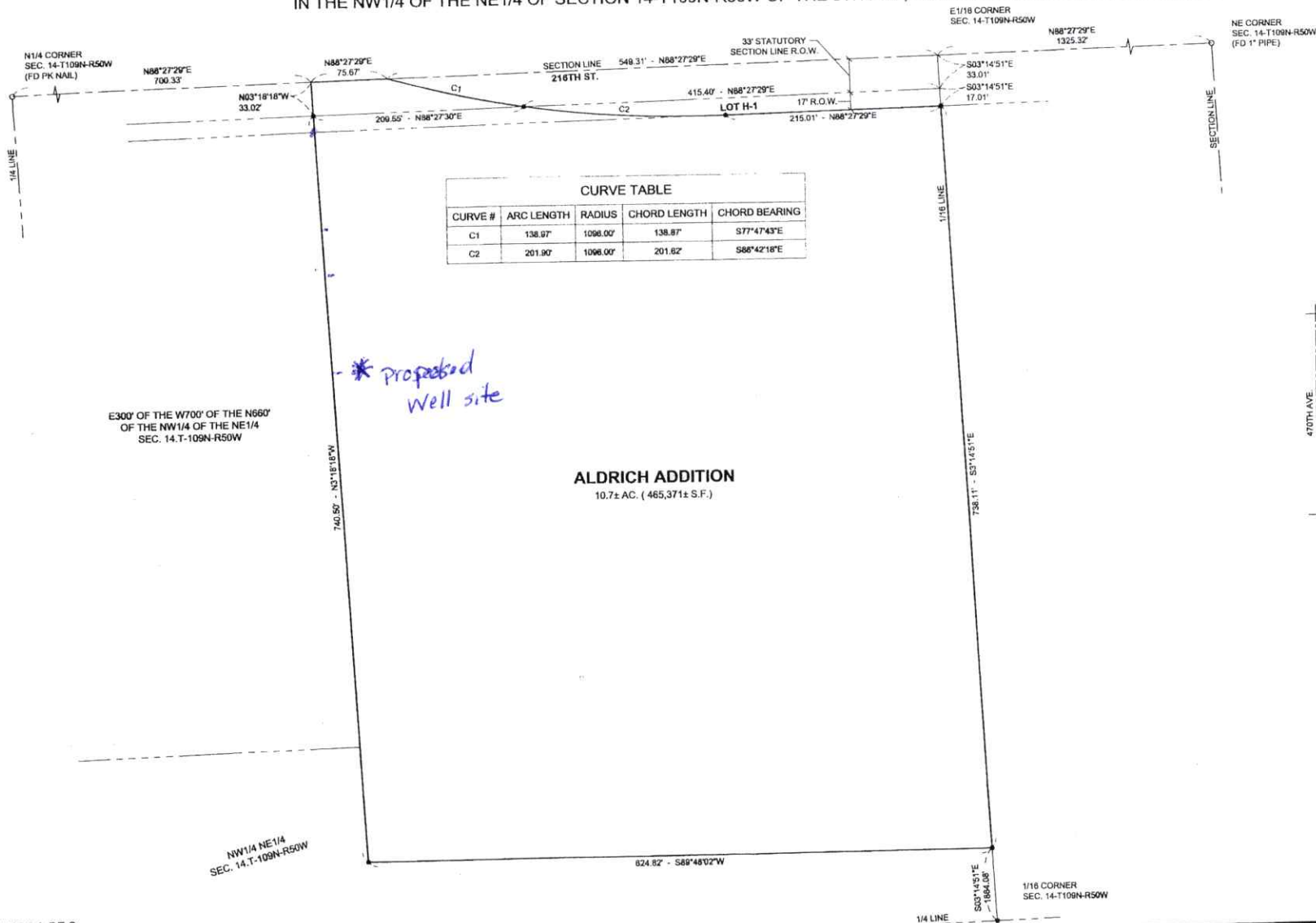
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**PLAT OF
ALDRICH ADDITION**
IN THE NW1/4 OF THE NE1/4 OF SECTION 14-T109N-R50W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA



GEODETIC BEARING
0 50' 100'
SCALE: 1" = 100'

LEGEND

- MONUMENT FOUND
- MONUMENT SET THIS SURVEY
(5/8" REBAR WITH STAMPED
PLASTIC CAP #10957)



VICINITY MAP
SECTION 14-109-50



2-12-18

PREPARED BY:
BANNER ASSOCIATES, INC.
409 22nd AVE. S.
BROOKINGS, SD 57006
(605) 692-6342
JANUARY 2018

RECEIVED

FEB 28 2025

OFFICE OF
WATER

109N 50W
Section: 03

109N 50W
Section: 02

109N 50W
Section: 01

109N 50W
Section: 10

109N 50W
Section: 11

109N 50W
Section: 12

109N 50W
Section: 15

10170202 Middle Big Sioux

Big Sioux

109N 50W
Section: 14

109N 50W
Section: 13

109N 50W
Section: 22

109N 50W
Section: 23

109N 50W
Section: 24

32ND ST S

470 AVE

470 AVE

216 ST

217 ST

217 ST

471 AVE

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 3rd, 2025

RECEIVED OF Bluegill Inc 611 6th Street Brookings SD 57006

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

Fee for Application for Permit No. <u>8934-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>\$750.00</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>8934-3</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>\$950.00</u>

By

Eric Gronlund
Chief Engineer

SK

June 12, 2025

REFUND REQUEST FORM

PAYEE:

Bluegill Inc.
C/O Wade Price
611 6th Street
Brookings SD 57006

FROM: DANR-Water Rights Program

523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment of Application/license filing fee

AMOUNT: \$650.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:  6/12/25

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



532466373

B0320-5156 07/17/2024 9:39AM Rec'd by SD SOS

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2024
FILING YEAR

ANNUAL REPORT

Domestic Business Corporation
SDCL 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DB047298
BUSINESS ID

BLUEGILL, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

2326 22ND AVE S.
BROOKINGS, SD 57006-4507

Mailing Address

2326 22ND AVE S.
BROOKINGS, SD 57006-4507

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **WADE A PRICE**

Actual Street Address in this State

1620 24TH ST S
BROOKINGS, SD 57006

Mailing Address in this State

1620 24TH ST S
BROOKINGS, SD 57006

5. The names and business addresses of its principal officers.

Title	Name	Address
Secretary	Janice Minder	1205 Woodriver Dr, Pierre, SD 57501
President	Wade Price	6970 Sunset Rd, Brookings, SD 57006

6. The names and business addresses of its directors (governors).

Name	Address
------	---------

7. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

Yes

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who



is not a United States Citizen or a resident.

Does the entity have any foreign beneficial owners/interests?

No

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

8. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

07/17/2024

Dated

Email (Optional)

Wade Price

Signature of an Authorized Person

Wade Price

Printed Name

Rodriguez, Rachel

From: Wade Price <wade@brookingshomes.com>
Sent: Tuesday, March 4, 2025 10:29 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Sounds good to me!
Wade A. Price
Best Choice Real Estate

On Mar 4, 2025, at 10:17 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning,

I spoke with our senior engineer, and he stated that if you go with 45 GPM, of continuous use from February thru September, that would equate to 48 AF per year and we would refund \$400.00. Do you agree?

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

From: Wade Price <wade@brookingshomes.com>
Sent: Tuesday, March 4, 2025 8:15 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hey Rachel,

My bad we actually will only have a sand point that will run about 40-50 GPM at most.
Yes February 1st - September 30th would work great!

Thanks,
Wade

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, March 3, 2025 3:27 PM
To: Wade Price <wade@brookingshomes.com>
Subject: Water Permit Application

Good afternoon,

I received your application for commercial use. To complete the application, the following are required:

1. The 1st page of the application appears to have 1 cfs and 90 or 96 GPM. However, 450 GPM equals 1 cfs. Please confirm the total GPM.
2. For annual period of use, you wrote February – August and maybe September. How about February 1 – September 30 would that cover it?

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8934-3, Bluegill Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8934-3, Bluegill Inc., 611 6th Street, Brookings SD 57006.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8934-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8934-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8934-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the North Management Unit of the Big Sioux Aurora Aquifer.
4. Water Permit No. 8934-3 authorizes a total annual diversion of up to 48 acre-feet of water.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
May 08, 2025

Report to the Chief Engineer

On Water Permit Application No. 8934-3

Bluegill Inc.

05/08/2025

Water Permit Application No. 8934-3 proposes to appropriate up to 48 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Aurora aquifer (approximately 50 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14-T109N-R50W. The water will be used for commercial purposes in a greenhouse facility located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14-T109N-R50W, Aldrich Addition. This site is located in Brookings County approximately two miles south of Brookings, SD.

AQUIFER: Big Sioux: Aurora (BS:A)

HYDROGEOLOGY:

The Big Sioux aquifer is primarily composed of Quaternary-aged meltwater stream and glacial outwash deposits that range from fine to medium, poorly sorted sand to a well-sorted sand and medium gravel and occurs mostly in the floodplains of the Big Sioux River and its major tributaries (Hamilton, 1989). The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DANR-Water Rights Program and SD Water Management Board (Water Rights, 2025c). The water to be appropriated by this application is from the Aurora management unit of the Big Sioux aquifer.

In Brookings County, Hedges and others (1982) estimated the Big Sioux: Aurora aquifer to underly 39,300 acres. More recent mapping estimates completed by Buhler (2012) estimated the Big Sioux: Aurora aquifer to underly approximately 83,000 acres in Brookings and Moody Counties in South Dakota, and Pipestone and Lincoln Counties in Minnesota. Farmer (2017) made additional revisions to the mapping completed by Buhler (2012) and estimated the Big Sioux: Aurora aquifer to underly approximately 72,485 acres in Brookings and Moody Counties in South Dakota, and Pipestone and Lincoln Counties in Minnesota. The areal extent of the Aurora management unit of the Big Sioux aquifer is likely in the range of the estimates calculated by Buhler (2012) and Farmer (2017). However, there are portions of the Big Sioux: Aurora aquifer mapped by Hamilton (1989) not included in either Buhler (2012) or Farmer's (2017) areal extent estimates. Hamilton's (1989) mapping estimates of the Big Sioux aquifer in Brookings and Kingsbury Counties indicated sections of the aquifer are buried under glacial till, particularly in the northeastern extreme of the Big Sioux: Aurora aquifer. The available lithologic evidence indicates that the Big Sioux: Aurora aquifer does exist in portions of Hamilton's delineation of the aquifer (Hamilton, 1989; SDGS; 2025; Water Rights, 2025d).

There is a groundwater divide in the Big Sioux: Aurora aquifer that exists near Elkton, South Dakota (near the approximate center of T109N-R47W) that can be seen on the potentiometric surface map for the Big Sioux: Aurora aquifer (Hamilton, 1989). The direction of groundwater movement north of the divide flows to the west, and groundwater south of the divide flows to the

southwest (Hamilton, 1989). As such, the groundwater divide isolates the flow of the northern portion of the aquifer from the southern portion, essentially creating two sub-units in the Aurora management unit as shown in Figure 1. The proposed diversion point for this application (if approved) is to be located in the northern sub-unit of the Big Sioux: Aurora aquifer. For the remainder of this report, the term “Big Sioux: Aurora aquifer” will be referencing the northern sub-unit of the Big Sioux: Aurora aquifer. Farmer (2017) estimated the areal extent of the northern sub-unit of the Big Sioux: Aurora aquifer to be approximately 54,245 acres.

No water well or test hole completion report was submitted with Water Permit Application No. 8934-3. Water well completion reports on file with the DNR-Water Rights Program for wells completed into the Big Sioux: Aurora aquifer within approximately one mile of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 30 to 90 feet, with the depth to the top of aquifer materials ranging from approximately 5 to 20 feet below the ground surface, and static water levels at well completion varying from approximately 5 to 20 feet below the ground surface (Water Rights, 2025d). The Big Sioux: Aurora aquifer at the proposed diversion point is expected to be under unconfined aquifer conditions based on the well completion reports on file for nearby wells (Water Rights, 2025c and 2025d).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Aurora aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8934-3 proposes to appropriate water from the Big Sioux: Aurora 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 Big Sioux: Aurora aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Aurora aquifer must be considered.

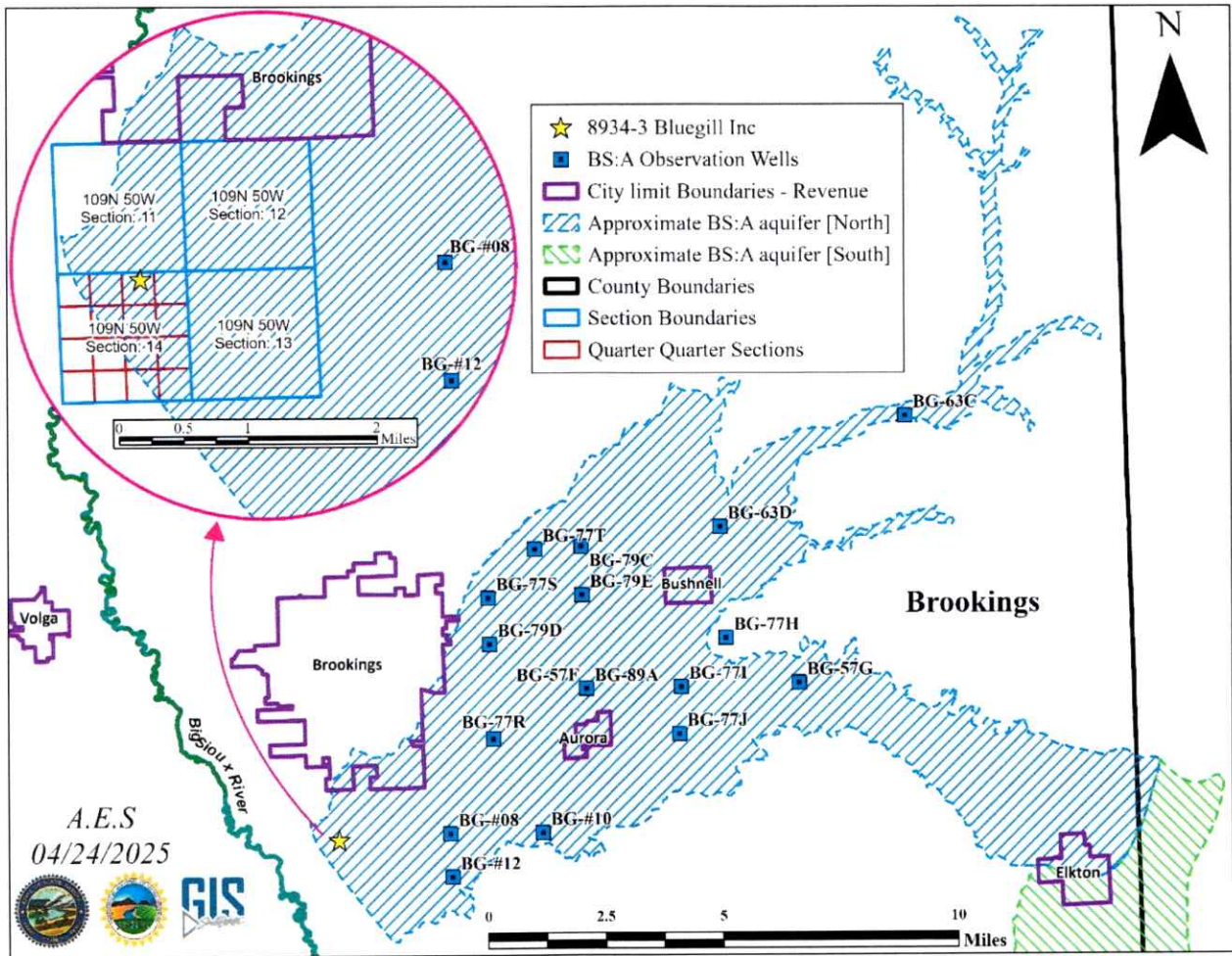


Figure 1. Map of the approximate northern portion of the Big Sioux: Aurora aquifer, the observation wells, and the location of the proposed diversion point for Water Permit Application No. 8934-3 (Water Rights, 2025b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Aurora aquifer is primarily through infiltration of precipitation and by slow seepage through till, lake deposits and underlying aquifers when the potentiometric surface of the underlying aquifer is higher than the potentiometric surface of the Big Sioux: Aurora aquifer (Hamilton, 1989).

Using observation well analysis, Hedges and others (1985) estimated a recharge rate of 5.0 inches per year to the Big Sioux: Aurora aquifer. Farmer (2017) estimated the areal extent of the northern sub-unit of the Big Sioux: Aurora aquifer to be approximately 54,245 acres. Therefore, the average annual recharge rate to the northern sub-unit of the Big Sioux: Aurora aquifer is estimated at approximately 22,602 acre-feet per year.

Discharge

Discharge from the Big Sioux: Aurora aquifer is through evapotranspiration where the aquifer is at or near the land surface, leakage to underlying aquifers and surface water sources when the potentiometric surface of the aquifer is above the potentiometric surface of the surface water source, and well withdrawals (Hamilton, 1989; Water Rights, 2025d). Currently, there are 84 water rights/permits authorized to appropriate water from the Big Sioux: Aurora aquifer and three future use permits reserving water (Water Rights, 2025c). Of those, 62 water rights/permits are located in the northern sub-unit of the Big Sioux: Aurora aquifer. There are two future use permits reserving water in the northern sub-unit of the aquifer: Future Use Permit No. 1598-3 has zero acre-feet of water left in reservation and Future Use Permit Application No. 8793-3 reserves 4,500 acre-feet of water.

Table 1 summarizes the 19 non-irrigation water rights/permits authorized to appropriate water from the northern sub-unit of the Big Sioux: Aurora aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. For water rights/permits required to report annual pumpage, the average across their period of record is used to estimate average annual withdrawals if there has been reported pumpage for at least 10 years after completing initial construction and there is no evidence of continual and significant increase in annual pumping. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025c). Two municipal water rights (Nos. 1952-3 and 4038-3) were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2025; Water Rights, 2025c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 1. Overall, the estimated average annual withdrawal rate from the northern sub-unit of the Big Sioux: Aurora aquifer by the non-irrigation water rights/permits is approximately 13,508 acre-feet per year (Table 1) (Water Rights, 2025c).

Table 1. Summary of the limiting diversion rate or appropriation and estimated use for the non-irrigation water rights/permits for the northern sub-unit of the Big Sioux: Aurora aquifer (Drinking Water Program, 2025; Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (ac-ft/yr)	Estimation Method	Estimated Use (acre-feet/year)
1952-3	CITY OF AURORA	LC	MUN	0.2		Connected to RWS	0
3979-3	CITY OF BROOKINGS	LC	MUN	6.69		60% Pumping	2906.1
4038-3	CITY OF ELKTON	LC	MUN	0.72		Connected to RWS	0.0
4980-3	BROOKINGS-DEUEL RWS	LC	RWS	0.89		60% Pumping	386.6
5433-3	BROOKINGS-DEUEL RWS	LC	RWS	0.44		60% Pumping	191.1
6048-3	CITY OF BROOKINGS	LC	MUN	2.9	2,100	Avg. Pumping (23 years)	1,906
6325-3	VALERO RENEWABLE FUELS COMPANY LLC	LC	IND	2.67	1,935	Avg. Pumping (20 years)	1,155
6437-3	CROSSWIND JERSEYS INC	LC	COM	0.056		60% Pumping	24.3
7167-3	BASIN ELECTRIC POWER COOPERATIVE	LC	IND	0.22		Avg. Pumping (13 years)	18.4
7182-3	AGFIRST FARMERS COOPERATIVE	LC	COM	0.35	10	Volume	10
7887-3	NOVITA AURORA LLC	LC	IND	0.67		60% Pumping	291
8146-3	BROOKINGS ECONOMIC DEV AG TECHNOLOGY CENTER	LC	IND	0.033	23.9	Volume	23.9
8285-3	NORM'S GREENHOUSE & NURSERY LLC	LC	COM	0.1	9.2	Volume	9.2
8379-3	BOBCAT FARMS RE LLC	LC	COM, LCO	0.1	62	Volume	62
8401-3	LG EVERIST INC	LC	IND	11.1	2,210	Volume	2,210
8443-3	LINDE DAIRY LLC	PE	COM, LCO	0.67	323	Volume	323
8511-3	BOWES CONSTRUCTION INC	PE	IND	1.67	405	Volume	405
8794-3	BROOKINGS MUNICIPAL UTILITIES	PE	MUN	2.67	1,160	Volume	1,160
8795-3	BROOKINGS MUNICIPAL UTILITIES	PE	MUN	5.57	2,426	Volume	2,426
LC: Licensed Water Right; PE: Water Permit; MUN: Municipal; RWS: Rural Water System; IND: Industrial; COM: Commercial; LCO: Livestock Confinement Facility						TOTAL:	13,508

There are 10 non-irrigation water rights/permits required to report their annual water usage from the Big Sioux: Aurora aquifer each year (Water Rights, 2025c and 2025f). The reported values averaged on Table 2 are for comparison purposes only to show historically the average annual use has been less than the volume that is estimated on Table 1 (Water Rights, 2025c and 2025f). The estimated use for these non-irrigation water rights/permits calculated on Table 1 will be used in the analysis. Water Permit Nos. 8794-3 and 8795-3 were approved late in 2023 and did not report pumping in 2023.

Table 2. Non-irrigation water rights/permits required to report their respective annual use from the Big Sioux: Aurora aquifer (Water Rights, 2025c and 2025f)

Permit No.	Name	Status	Use Type	Priority Date	Authorized Diversion Rate (cfs)	Authorized Annual Volume (ac-ft/yr)	Years of Reported Use	Avg of Reported Use (ac-ft/yr)
6048-3	City of Brookings	LC	MUN	06/28/1968	2.9	2,100	23	1,906.2
6325-3	Valero Renewable Fuels Company LLC	LC	IND	05/21/2002	2.67	1,935	21	1,155.2
7167-3	Basin Electric Power Cooperative	LC	IND	11/02/2009	0.22		14	17.05
7887-3	Novita Aurora LLC	LC	IND	08/21/2013	0.67		10	100.8
8146-3	Brookings Economic Dev Ag Tech Center	LC	IND	03/26/2015	0.033	23.9	9	13.5
8285-3	Norm's Greenhouse & Nursery LLC	LC	COM	05/15/2017	0.1	9.2	7	9.2
8379-3	Bobcat Farms RE LLC	LC	COM, LCO	11/01/2018	0.1	62	5	25.5
8443-3	Linde Dairy LLC	PE	COM, LCO	08/31/2020	0.67	323	3	62.4
8794-3	Brookings Municipal Utilities	PE	MUN	08/03/2023	2.67	1,160	N/A	N/A
8795-3	Brookings Municipal Utilities	PE	MUN	08/03/2023	5.57	2,426	N/A	N/A
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; IND: Industrial; MUN: Municipal; LCO: Livestock Confinement Operation								

There are 43 water rights/permits authorizing irrigation from the northern sub-unit of the Big Sioux: Aurora aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate from the northern sub-unit of the Big Sioux: Aurora aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 1,987 acre-feet per year (Table 3) (Water Rights, 2025a). To be more reflective of the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations that have reported from 2014 through 2023 is approximately 1,647 acre-feet per year (Table 3) (Water Rights, 2025a). The average annual withdrawal rate over the entire period of record (1979 to 2023) will be used in this analysis because the number of permits reporting irrigation has been relatively stable and to provide somewhat of an overestimate. Table 3 lists 42 water rights/permits as reporting in 2023. Water Permit No. 8879-3 for the City of Elkton was issued in 2024 for the irrigation of 3 acres of a baseball field. Typically, irrigation application rates in eastern South Dakota range from 12 to 24 inches. For this report, it will be estimated the applicant will apply 24 inches of water over the 3 acres. That is an estimated annual volume of 6 ac-ft.

Water Right Nos. 4112-3 and 4241-3 held by Western Trust Company authorize the irrigation of 243 acres and 235 acres, respectively. Review of their reported irrigation pumpage data indicates they had been reporting accurately up to 2018. But in 2019 the irrigation report, the format of the form changed to exclude the number of days irrigated and used total hours irrigated per month which seemingly resulted in a statistically significant difference in reporting from historical reported pumpage. This issue occurred through 2022. For this report, Water Right Nos. 4112-3 and 4241-3 will be included in the reported irrigation pumpage shown in Table 3. It should be noted their reported irrigation could be underreported as much as 150 ac-ft based on historically reported irrigation pumpage data over the 2019 to 2022 time period (Mathiowetz, 2025). As such, the reported values would have a low statistical weight on the calculated averages causing somewhat of an underestimate for the average reported irrigation pumpage. However, this slight under reporting is countered by the somewhat overestimate that is a result of how the non-irrigation pumpage is estimated. Therefore, the reported irrigation pumpage by these two water rights will be used for the annual total reported pumpage and used to calculate the average annual irrigation pumpage found in Table 3.

Table 3. Reported historic irrigation use from the northern sub-unit of the Big Sioux: Aurora aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	20	798.1
1980	22	635.75
1981	25	1,948.6
1982	28	1,237.62
1983	28	1,396.96
1984	28	1,783.8
1985	28	2,524.44
1986	29	745.8
1987	29	2,214.2
1988	29	3,773.9
1989	30	2,436.13
1990	30	1,941.6
1991	31	1,003.54
1992	31	465.13
1993	31	205.5
1994	31	1,575.33
1995	31	221.59
1996	31	1,730.36
1997	31	2,767
1998	31	3,003.13
1999	31	2,234.81
2000	31	2,611.28
2001	31	2,416.12
2002	32	2,718.48
2003	32	3,034.55
2004	32	2,593.04
2005	32	2,153.41
2006	32	2,667.32
2007	32	3,022.51
2008	34	3,566.61
2009	34	3,120.58
2010	35	452.12
2011	35	2,285.02
2012	35	3,994
2013	38	3,673.41
2014	39	1,923.38
2015	40	1,364.49
2016	42	1,228.86
2017	42	1,375.7
2018	42	828.08
2019	42	118.01
2020	42	1175.18
2021	42	2836.90
2022	42	2037.66
2023	42	3,585.57
Max	42	3,994
Min	20	205.5
Avg (1979-2023)	33	1,987.0
Avg (2014-2023)	42	1,647.0

There are domestic wells completed into the Big Sioux: Aurora aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: Aurora 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 Big Sioux: Aurora aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Big Sioux: Aurora aquifer is approximately 22,602 acre-feet per year. The estimated average annual withdrawal rate from the Big Sioux: Aurora aquifer is approximately 20,049 acre-feet per year (non-irrigation: 13,508 acre-feet/year; irrigation (including Water Permit No. 8879-3): 1,993 acre-feet/year; Future Use reservations: 4,500 acre-feet/year; Water Permit Application No. 8934-3 (if approved, assuming full volume): 48 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Aurora aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 15 observation wells completed into the Big Sioux: Aurora aquifer, with 14 completed into the northern sub-unit of the Big Sioux: Aurora aquifer (Water Rights, 2025b). The three closest observation wells to the proposed diversion point are BG-#08 (approximately 2.4 miles east), BG-#12 (approximately 2.5 miles southeast), and BG-77R (approximately 3.9 miles northeast) (Water Rights, 2025b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2025b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet from the NGVD29 datum.

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Big Sioux: Aurora aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The hydrographs for the observation wells display stable water levels over their respective periods of record. The hydrographs for the Big Sioux: Aurora aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Big Sioux: Aurora. By recognizing that both recharge to the natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

DANR-Water Rights Observation Wells: BG-#08, BG-#12 & BG-77R

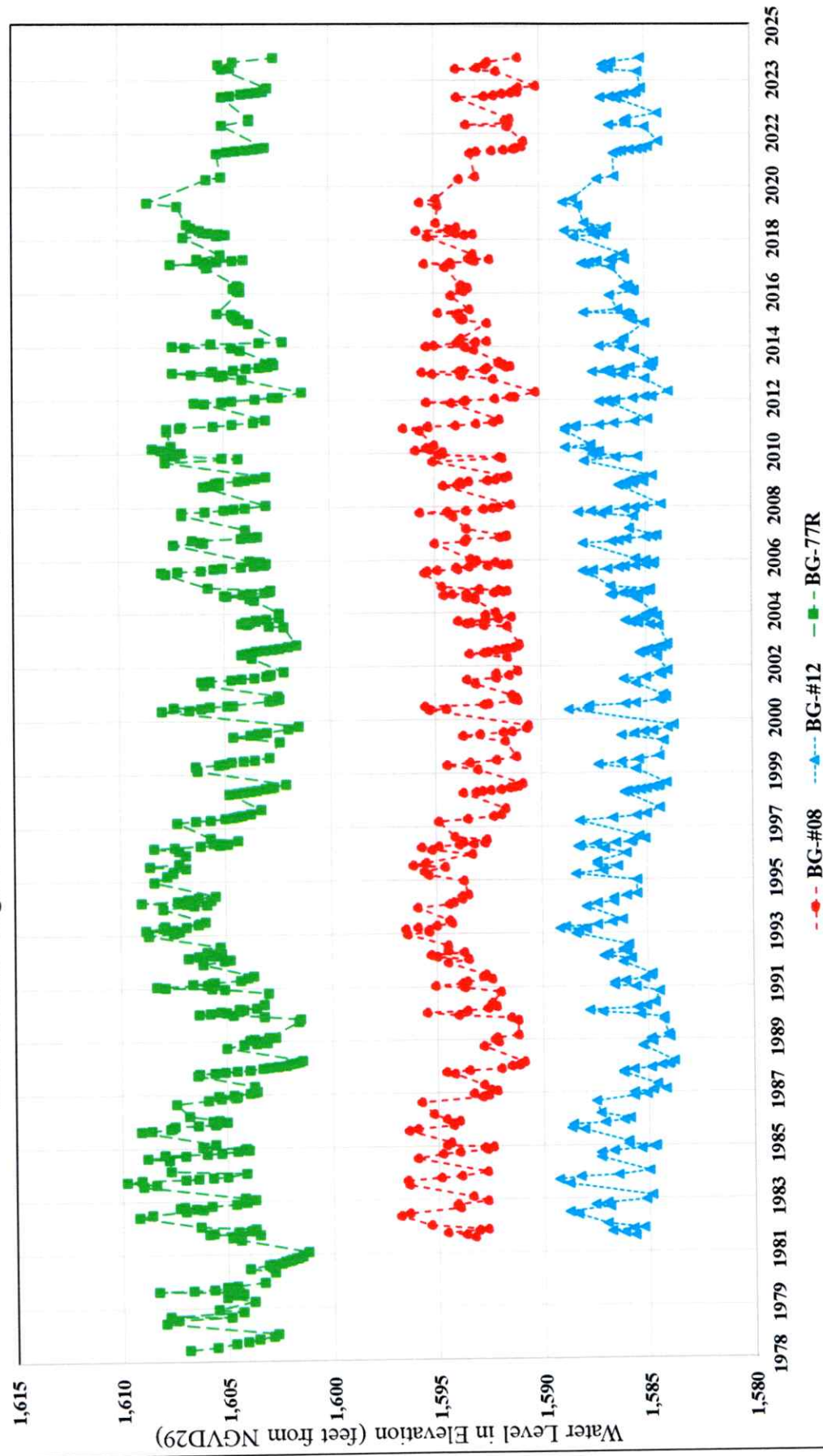


Figure 2. A graph showing the elevation of water levels for observation wells: BD-#08, BG-#12 & BG-77R (Water Rights, 2025b)

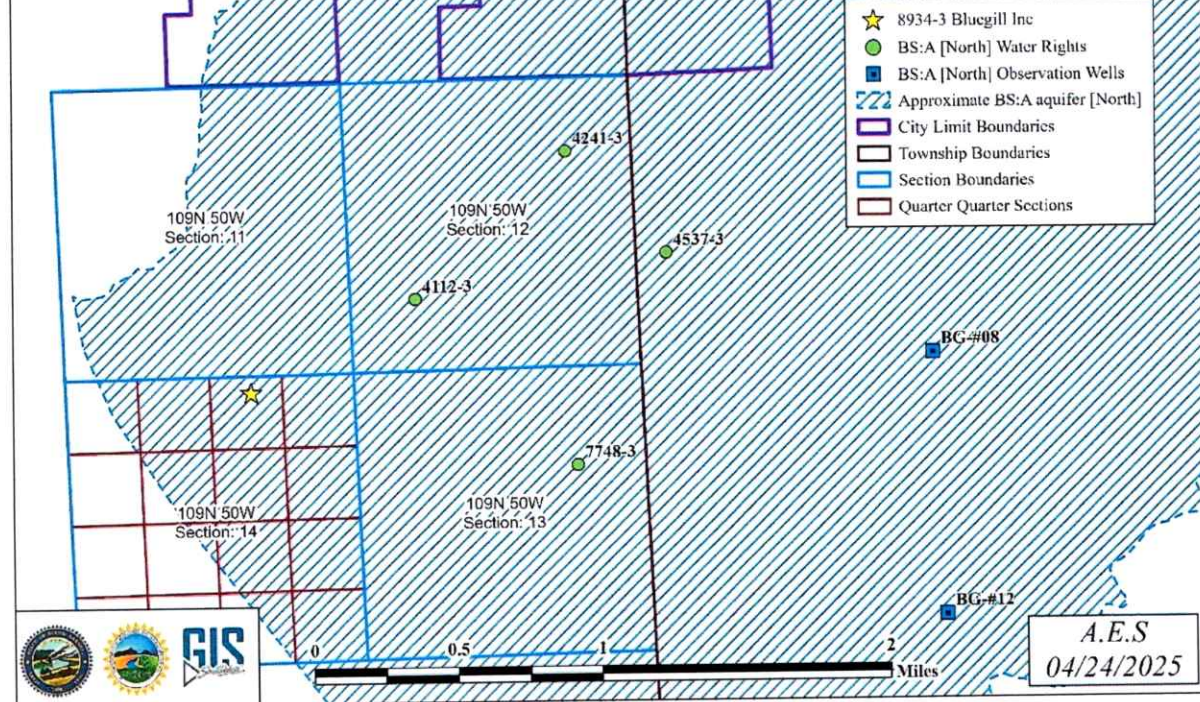
Currently, there are 84 water rights/permits authorized to appropriate water from the Big Sioux: Aurora aquifer (Water Rights, 2025c). The closest water right/permit to the proposed diversion point is Water Right No. 4112-3, which is held by Western Trust Company. The diversion point for Water Right No. 4112-3 is located approximately 0.65 miles northeast of the proposed diversion point for this application (Table 4) (Figure 3) (Water Rights, 2025c).

Brookings

6322-3

4773-3

8511-3



Page 10

Table 4. Water rights/permits authorized to withdraw or reserve water from the Big Sioux: Aurora aquifer as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres
4112-3	WESTERN TRUST COMPANY	LC	IRR	3.47	243
4241-3	WESTERN TRUST COMPANY	LC	IRR	3.35	235
4537-3	DOUGLAS VOCKRODT	LC	IRR	1.67	120
4773-3	CITY OF BROOKINGS	LC	IRR	0.23	25
6322-3	CITY OF BROOKINGS	LC	IRR	1.66	43
7748-3	DOUGLAS VOCKRODT	LC	IRR	1.11	73
8511-3	BOWES CONSTRUCTION INC	PE	IND	1.67	

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 while protecting 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 Big Sioux: Aurora aquifer is generally unconfined near the Big Sioux River and along major tributary valleys, but elsewhere may be confined beneath till (Hamilton, 1989; Water Rights, 2025d). Based on the water well completion reports on file, and the lithologic logs on file for nearby observation wells, the Big Sioux: Aurora aquifer is expected to be unconfined near the proposed diversion point (SDGS, 2025; Water Rights, 2025b and 2025d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

In Brookings County, the Big Sioux aquifer has an average saturated aquifer thickness of approximately 30 feet and a documented maximum thickness of 93 feet (Hamilton, 1989). Within approximately one mile of the proposed diversion point, water well completion reports on file for wells completed into the Big Sioux: Aurora aquifer have saturated thicknesses ranging from approximately 30 to 90 feet (Water Rights, 2025b and 2025d). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. An adequate well is defined by ARSD 74:02:04:20(6) as

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

There are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Big Sioux: Aurora aquifer (Water Rights, 2025e). In places the Big Sioux: Aurora aquifer can be a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage; consequently, reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or “historically established” diversion rates, this may be considered an adverse impact. If approved, the water permit should include a qualification that the well owner should control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

The proximity of the nearest domestic well on file with the Water Rights Program could be up to 0.25 miles away, or somewhat closer. If this application is approved, the applicant should be made aware they may need to limit pumping to protect nearby adequate domestic wells. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the generally unconfined nature of the aquifer near the proposed diversion point, and the proliferation of water rights/permits in the vicinity of the applicant’s proposed diversion point without complaints regarding well interference, any drawdown created from the proposed 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.

CONCLUSIONS:

1. Water Permit Application No. 8934-3 proposes to appropriate up to 48 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Aurora aquifer (approximately 50 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14-T109N-R50W. The water will be used for commercial purposes in a greenhouse facility located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14-T109N-R50W, Aldrich Addition. This site is located in Brooking County approximately two miles south of Brookings, SD.
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Aurora aquifer to supply the proposed appropriation.
3. There is reasonable probability that the proposed diversion by Water Permit Application No. 8934-3 will not unlawfully impair adequate wells for existing water rights/permits holders and domestic users.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program



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

References

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- Water Rights, 2025f. "2003-2022 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 9, 2025

Bluegill Inc.
c/o Wade Price
611 6th Street
Brookings SD 57006

Dear Mr. Price:

Water Permit Application No. 8934-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed in Brookings SD (Ph # 605 692-6271). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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 Acting 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. 8934-3 to Appropriate Water

Notice is given that Bluegill Inc., 611 6th Street, Brookings SD 57006, has filed an application for a water permit to appropriate up to 48 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux: Aurora Aquifer (approximately 50 feet deep) located in the NW 1/4 NE 1/4 Section 14-T109N-R50W. The water will be used for commercial purposes in a greenhouse facility located in NW 1/4 NE 1/4 Section 14-T109N-R50W, Aldrich Addition. This site is located approximately two miles south of Brookings SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8934-3 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. The Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 May 27, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 May 27, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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, May 9, 2025 8:18 AM
To: registerclassifieds@brookingsregister.com
Subject: 8934-3 Bluegill - Public Notice
Attachments: 8934-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 15, 2025.

Bluegill Inc., 611 6th Street, Brookings SD 57006, 605-690-0618, 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



RECEIVED

JUN 04 2025

Exhibit "A"

Affidavit of Publication

State of South Dakota

ss

County of Brookings

OFFICE OF
WATER

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

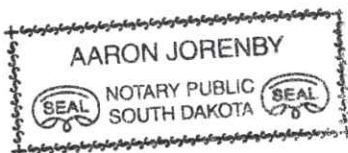
L61190 Notice of Application

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

May 15, 2025

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-Seven Dollars and Ninety-One Cents \$47.91



KMFoiles

30 day of

May

2025

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Ag

Legal 61190 1X
5/15
**NOTICE OF APPLICATION
NO. 8934-3 TO
APPROPRIATE WATER**
Notice is given that Bluegill Inc., 611 6th Street, Brookings SD 57006, has filed an application for a water permit to appropriate up to 48 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux: Aurora Aquifer (approximately 50 feet deep) located in the NW 1/4 NE 1/4 Section 14-T109N-R50W. The water will be used for commercial purposes in a greenhouse facility located in NW 1/4 NE 1/4 Section 14-T109N-R50W, Aldrich Addition. This site is located approximately two miles south of Brookings SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recom-

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mends APPROVAL of Application No. 8934-3 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. The Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 May 27, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 May 27, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 1X at the total approximate cost of \$47.91 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 9, 2025 9:46 AM
To: Wade Price
Subject: 8934-3 Bluegill - Public Notice
Attachments: 8934-3 Rec.pdf; 8934-3 Ltr.pdf; 8934-3 PubNotice.pdf

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

JUN 11 2025

Bluegill Inc.
c/o Wade Price
611 6th Street
Brookings SD 57006

Dear Mr. Price:

Enclosed is Water Permit No. 8934-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$950.00 was submitted with the inspection. The correct fee for this permit is \$300.00. Therefore, \$650.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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,

Mark Mayer, PE
Director of Office of Water

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.: 8934-3

Name of Applicant: Bluegill Inc., c/o Wade Price

Date of Posting: 5/12/2025

Date of Removal: 6/11/2025

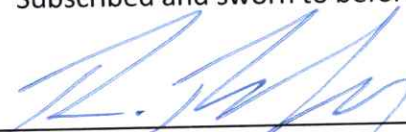


Ron Duvall, Engineer III

6/11/2025

Date

Subscribed and sworn to before me, a notary public, this 11th day of June, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

