DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 23, 2015

NOTICE OF HEARING

TO: Roy Grismer
12525 328th Avenue
Bowdle SD 57428

Rudolph O Aman
12020 333rd Avenue
Eureka SD 57437

Cletus Imberi
33030 119th Street
Eureka SD 57537

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application Nos. 8091-3 and 8092-3, Roy Grismer

A petition opposing approval of Water Permit Application Nos. 8091-3 and 8092-3 has been filed in response to the Notice of Application published in the Aberdeen American News and Northwest Blade. This notice schedules a hearing on these applications before the South Dakota Water Management Board.

Water Permit Application No. 8091-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Grand Aquifer (280 feet deep) located in the NE 1/4 SE 1/4 Section 8 for irrigation of 240 acres located in the SE 1/4, S 1/2 NE 1/4 Section 8; all in T125N-R72W.

Water Permit Application No. 8092-3 proposes to appropriate 2.67 cfs from one well to be completed into the Grand Aquifer (330 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 240 acres located in the S 1/2, S 1/2 NE 1/4 Section 13; all in T125N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8091-3 and 8092-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will consider Application Nos. 8091-3 and 8092-3 at 10:30 AM on Wednesday, July 8, 2015, in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date. The hearing will be held in conjunction with Water Permit Application No. 8096-3 filed by Jeffrey Aman since it is in the same area and the petition opposed all three applications.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications after it reaches a conclusion based on the facts presented at the public hearing.

The July 8, 2015, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 29, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Contact Eric Gronlund at the above Chief Engineer's address to request copies of the staff report, recommendations, applications or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendations, affidavits of publication and petition in the matter of Water Permit Application Nos. 8091-3and 8092-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds $2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is May 3, 2015. However, since this particular matter are water permit applications and not a monetary controversy in excess of $2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines-Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 23, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated April 23, 2015, regarding scheduling the hearing for Water Right Permit Application Nos. 8091-3 and 8092-3, as addressed below:

Roy Grismer
12525 328th Avenue
Bowdle SD 57428

Rudolph O Aman
12020 333rd Avenue
Eureka SD 57437

Cletus Imberi
33030 119th Street
Eureka SD 57437

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Gail Jacobson

Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of April, 2015

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2019

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL

Report to the Chief Engineer

Application No. 8091-3 and No. 8092-3
Roy Grismer
March 6, 2015

Water Permit Application Number 8091-3 proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.67 cfs. The water is to be used for the irrigation of 240 acres located in the SE ¼, S ½ NE ¼ Section 8 in T125N-R72W. The proposed well location is the NE ¼ SE ¼ Section 8 in T125N-R72W and estimated depth is to be about 280 feet deep.

Water Permit Application Number 8092-3 proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.67 cfs. The water is to be used for the irrigation of 240 acres located in the S ½, S ½ NE ¼ Section 13 in T125N-R73W. The proposed well location is the NW ¼ SW ¼ Section 13 in T125N-R73W and estimated depth is to be about 330 feet deep.

Aquifer: Grand aquifer (G)

Aquifer Characteristics and Hydrogeology

The Grand aquifer underlies approximately 405,100 acres of Campbell, Edmunds, Faulk, Hand, McPherson, and Walworth counties and contains about 3,637,000 acre-feet of recoverable water (Hedges, 1982). Approximately 44,200 acres of that area underlies McPherson county. The Grand aquifer lies in a bedrock valley formed by erosion caused by the preglacial ancient Grand River (Christensen, 1977 and Hamilton, 1982). The aquifer is composed of stratified sand, gravel, and silt from the outwash and alluvium of the preglacial Grand River and can contain thin beds of silty clay (Hamilton, 1982 and Koch, 1970). The Grand aquifer sharply increases in thickness from its margins to the deepest part of the bedrock channel in which it lies, with its greatest thicknesses occurring in the deepest areas of the bedrock channel (Hamilton, 1982). Hamilton (1982) documents an average thickness for the aquifer of 50 feet in McPherson, Edmunds, and Faulk counties with a maximum thickness of 175 feet occurring in southwestern McPherson county near the deepest area of the bedrock channel in which the aquifer lies.

Water movement varies locally within the aquifer (Hamilton, 1982). Major discharge areas for the aquifer are southeastern and northeastern Faulk county, southeastern Edmunds county, and areas where the aquifer underlies the Missouri River (Hamilton, 1982 and Koch, 1970). This aquifer is primarily under artesian conditions (Water Rights, 2015a). Water in some areas of the Grand aquifer has medium sodium hazard and a high salinity, which would indicate the potential need for special management when utilizing the Grand for irrigation purposes (Koch, 1970; Hamilton, 1982; and Water Rights, 2015b).

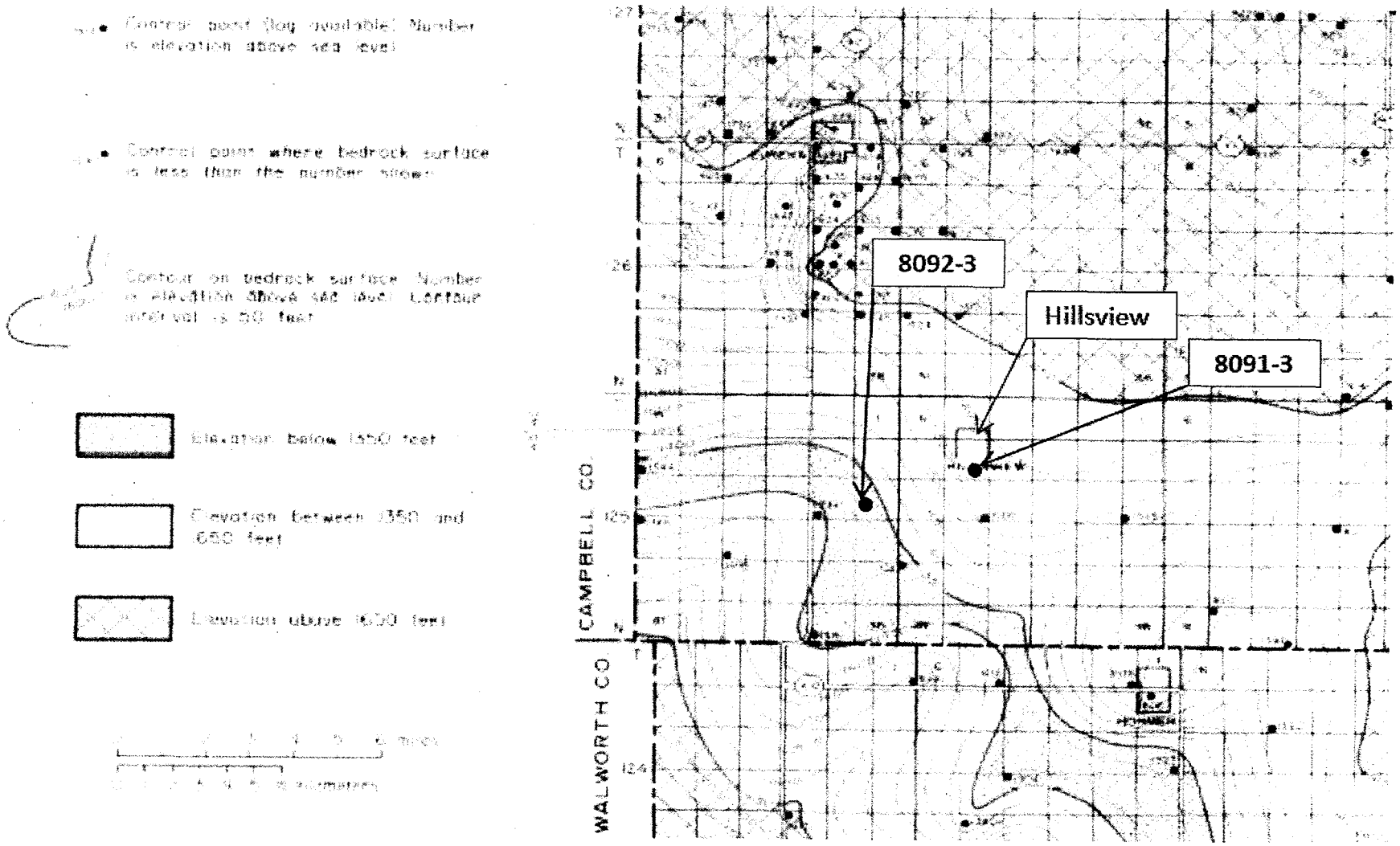

Figure 1: Approximate well locations of Application No. 8091-3 and 8092-3 in relation to area bedrock surface elevations. Areas with elevations below 1350 feet would indicate the deepest part of the bedrock channel (modified from Christensen, 1971).

Based on the test hole information submitted with Application No. 8091-3, the expected well depth of this application is 280 feet below grade. The static water level at the time of test hole drilling (12/17/2014) was 46 feet below grade. Aquifer materials were from 30 to 275 feet below grade, with a layer of sandy clay at 175 to 185 feet below grade. Shale was encountered at 278 feet below grade.

Based on the test hole information submitted with Application No. 8092-3, the expected well depth of this application is 330 feet below grade. The static water level at the time of test hole drilling (12/17/2014) was 56 feet below grade. Aquifer materials were from 137 to 330 feet below grade. The test hole information indicates that the aquifer is under artesian conditions at this location.

The proposed well location of Application No. 8092-3 is approximately 2.7 miles southwest of the proposed well location for Application No. 8091-3. Comparison of the proposed well depths of these applications to bedrock elevations and area aquifers indicates that the applicant is requesting to divert water from the Grand aquifer (Christensen, 1977 and Hedges et al, 1982). In considering the test hole information for Application No. 8091-3 in relation to the test hole information provided for the nearby Application No. 8096-3, it is thought the aquifer materials reported in the data for Application No. 8091-3 are from two different aquifers: the basal Grand aquifer and potentially the surface system Selby aquifer, or some of the area well completion reports suggest that there is possibly a thin layer of intermediate sand and gravel that if present in the area of Application No. 8091-3 that could be contributing to the reported thickness of aquifer materials (Hamilton, 1982 and Water Rights, 2015c). Care will need to be taken in the construction of the well for Application No. 8091-3 to ensure that Administrative Rules of South Dakota (ARSD) 74:02:04:34.01 is complied with. ARSD 74:02:04:34.01 states that, "No well may be constructed to allow production from more than one aquifer unless approved by the chief engineer or the water management board."

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 proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

Water Availability

Water Permit Applications No. 8091-3 and No. 8092-3 propose to appropriate water from the Grand aquifer. The probability of unappropriated water available from an 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." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the Grand aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources*) (Memorandum Decision, May 17, 2012).

Hydraulic Budget

Recharge

Recharge to the aquifer is from infiltration of water through overlying sediments (Koch, 1970). Based on observation well analysis Hedges et al. (1985) estimated recharge to unconfined portions of the Grand aquifer at approximately 4.0 inches per year, however there is not enough data to estimate the area for which this aquifer is unconfined. For confined aquifers, Hedges et al. (1985) recommends utilizing a range of recharge rate from 0.15 to 0.60 inches per year for management and development programs to estimate recharge. By applying this rate to the area of the aquifer, recharge to the aquifer can be estimated to be between 5,064 to 20,255 acre feet per year of which about 552 to 2,210 acre feet per year is in McPherson county. However, due to the general nature of this estimate, the importance of utilizing the observation well data in considering water availability for this application is emphasized.

Withdrawal

Withdrawals from the aquifer are the result of natural discharge and pumping from wells (Hamilton, 1982). Withdrawals due to wells can be split into irrigation and non-irrigation uses. Withdrawals from domestic wells are not considered a significant portion of the hydraulic budget for the aquifer. Currently there are 49 water rights/permits authorizing wells to withdraw water from the Grand aquifer; of these none are located in McPherson county (Water Rights, 2015b). Of those 16 water rights/permits are for non-irrigation use, and 33 are for irrigation.

Non-irrigation uses in the Grand aquifer include commercial (4), industrial (2), and municipal (10). For non-irrigation use, average annual use can be estimated by assuming that pumping will occur at the maximum diversion rate 60% of the time for water rights/permits limited by rate only. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. The municipalities of Hosmer, Onaka, Faulkton, Glenham, Mound City, Pollock, and Herreid are connected to WEB Rural Water and maintain their own systems for emergency use (Friedeman, 2015). The City of Roscoe obtains their water from both WEB Rural Water and a Grand aquifer well with the majority of their water coming from WEB Rural Water. Annual water use estimated by user is shown in Table 1. Water use for Herreid Concrete Inc. for 2013 was seven acre-feet and for 2014 was 27 acre-feet, indicating that average annual use for this Permit No. 7841-3 will likely be less than the annual limit (Water Rights, 2014-2015). Taking this into consideration average annual withdrawal due to non-irrigation use can be estimated at less than 985 acre-feet per year.

Table 1: Non-irrigation Use for the Grand Aquifer (Water Rights, 2015b and Friedeman, 2015)

Permit No.	Name	Use	Status	Rate (cfs)	Annual Limit (acre-feet)	Estimated Average Annual Use (acre-feet)
6012-3	Jensen's W. Pollock Resort	COM	LC	0.035		15.2
6111-3	Blumengard Colony	COM/DOM/LCO	LC	0.45		195.5
6185-3	Blumengard Colony	COM/DOM/LCO	LC	0.667		289.7
6629-3	Bret & Raechel Fliehs	COM/LCO	LC	0.4		173.8
7184-3	Jensen Rock & Sand Inc.	IND	PE	0.67	20	20.0
7841-3	Herreid Concrete Inc.	IND	PE	1.56	282	282.0
1705-3*	City of Hosmer	MUN	LC	0.27		
2769-3*	Town of Onaka	MUN	LC	0.13		
3947A-3*	City of Faulkton	MUN	LC	0.27		
3947B-3*	City of Faulkton	MUN	LC	0.73		
3998-3*	Town of Glenham	MUN	LC	0.12		
4144-3*	Town of Mound City	MUN	LC	0.22		
4914-3*	City of Roscoe	MUN	LC	0.5		9.2
5366-3*	Town of Pollock	MUN	LC	0.78		
5417-3*	City of Herreid	MUN	LC	1.17		
778-3*	Town of Pollock	MUN	LC	0.56		
Total						**985**

*Connected to WEB Rural Water

COM=commercial, DOM=domestic, LCO=livestock confinement operation IND=industrial, MUN=municipal, LC=license, PE=permit

Information for water rights/permits for irrigation use in the aquifer over the period of record (1979-2013) is summarized in Table 2. The average number of water rights/permits over the period of record is 20, the minimum is 15, and the maximum is 30 (Water Rights, 1980-2014). The average reported pumping rate over the period of record is approximately 2,171 acre-feet per year (Water Rights, 1980-2014). During the period of record the maximum reported pumpage was in 2013 at about 3,983 acre-feet, and the minimum occurred in 1993 at about 727 acre-feet (Water Rights, 1980-2014). In examining Table 2, it can be observed that the number of irrigation water rights/permits has been increasing in recent years for the Grand aquifer, therefore using average reported pumpage to estimate irrigation water use would not be reflective of average annual water use due to irrigation. To account for this, the average ratio of pumpage to

appropriation over the period of record can be applied to the current level of appropriations. The average ratio of pumpage to appropriation over the period of record is 15.3%, with values ranging from 5.3% in 1993 to 33.4% in 2006. In considering the period of record both wet and dry years as well as both high and low economic conditions are present with in the period of record, thus the average ratio of pumpage to appropriation is reflective of these different conditions. When this percentage is applied to the current level of appropriation (18,927.4 acre-feet which includes the addition of the appropriations for Water Permit Nos. 7320-3, 7321-3, and 7924-3), average annual water use due to irrigation can be estimated at 2,896 acre-feet.

Table 2: Irrigation Water Right/Permit Data for the Grand Aquifer (Water Rights, 1979-2014)

Year	Permit	Pumpage (acre-feet)	Appropriation (acre-feet)	Percentage of Appropriation Pumped
1979	22	1339.0	18382.0	7.3%
1980	21	2334.0	17902.0	13.0%
1981	28	2204.0	20782.0	10.6%
1982	22	2956.4	16223.6	18.2%
1983	22	3067.6	17681.6	17.3%
1984	25	3407.0	19401.6	17.6%
1985	23	3082.0	18441.6	16.7%
1986	22	2333.0	18121.6	12.9%
1987	22	2272.0	18121.6	12.5%
1988	20	2845.9	16645.6	17.1%
1989	20	2042.1	16645.6	12.3%
1990	20	2335.0	16645.6	14.0%
1991	20	1853.0	16645.6	11.1%
1992	19	1205.0	15632.6	7.7%
1993	18	727.0	13760.6	5.3%
1994	17	1695.4	13370.6	12.7%
1995	16	1092.6	12890.6	8.5%
1996	15	1172.6	11394.6	10.3%
1997	15	1422.0	11394.6	12.5%
1998	15	1245.1	11394.6	10.9%
1999	15	1162.7	11394.6	10.2%
2000	16	1317.8	10797.6	12.2%
2001	16	1220.1	10797.6	11.3%
2002	17	2646.0	11061.6	23.9%
2003	17	1784.7	11061.6	16.1%
2004	17	1621.8	11061.6	14.7%
2005	18	1842.9	11701.6	15.7%
2006	18	3892.6	11653.6	33.4%
2007	19	2352.0	12163.4	19.3%
2008	19	2660.4	12163.4	21.9%
2009	19	2334.9	12163.4	19.2%
2010	19	2903.8	12163.4	23.9%
2011	21	2428.5	13219.4	18.4%
2012	23	3206.3	13755.4	23.3%
2013	30	3983.2	17107.4	23.3%
Average	**20**	**2171.1**	**14392.7**	**15.3%**
Minimum	**15**	**727.0**	**10797.6**	**5.3%**
Maximum	**30**	**3983.2**	**20782.0**	**33.4%**
Standard Deviation	**3.5**	**833.4**	**3053.1**	**5.84%**

Combining irrigation and non-irrigation uses results in an estimated average annual withdrawal of 3,881 acre-feet. Applying average ratio of pumpage to appropriation of 15.3% to the appropriations that would be associated with these permits, if approved, would result in an average annual water use of 147 acre-feet for a total estimated average annual withdrawal of 4,028 acre-feet. This estimate falls below the range of estimated recharge (5,064 to 20,255 acre feet per year) for the aquifer. Therefore there is a reasonable probability that there is water available to support these applications.

Observation Wells

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that average annual withdrawals from the aquifer do not exceed the estimated annual recharge. Observation well data offers a picture of conditions in the aquifer over the period of record.

The Water Rights Program monitors 36 observation wells in the Grand aquifer. These observation wells generally show steady of increasing water levels in the aquifer (Water Rights, 2015a). Some observation wells near irrigation water rights/permits can show the effects of pumping; however water levels recover after irrigation has ceased. The exception to this is observation well CA-80A in western Campbell county and ED-2000A in southern Edmonds county, which show declining water levels (Water Rights, 2015a). For CA-80A this appears to be due to localized pumping. In the case of ED-2000A water levels decreased from 2000 to 2008 and have been relatively stable since 2008. In comparing ED-2000A with the nearby observation wells of FA-80A and FA-2000A, a notable difference in the potentiometric surface occurs (Water Rights, 2015a). This is due to FA-80A and FA-2000A being completed into a small discontinuous portion of the Grand aquifer separate from the portion of the aquifer into which ED-2000A is completed (Rich, 2008; Rich, 2010; and Rich, 2015). MP-80I is located about 1.7 miles southwest of the location of Application No. 8092-3 and 4.4 miles southwest of the location of Application No. 8091-3. The hydrograph for observation well MP-80I is shown in Figure 2, and the hydrograph for observation well ED-80A is shown in Figure 3. These observation wells are under artesian conditions.

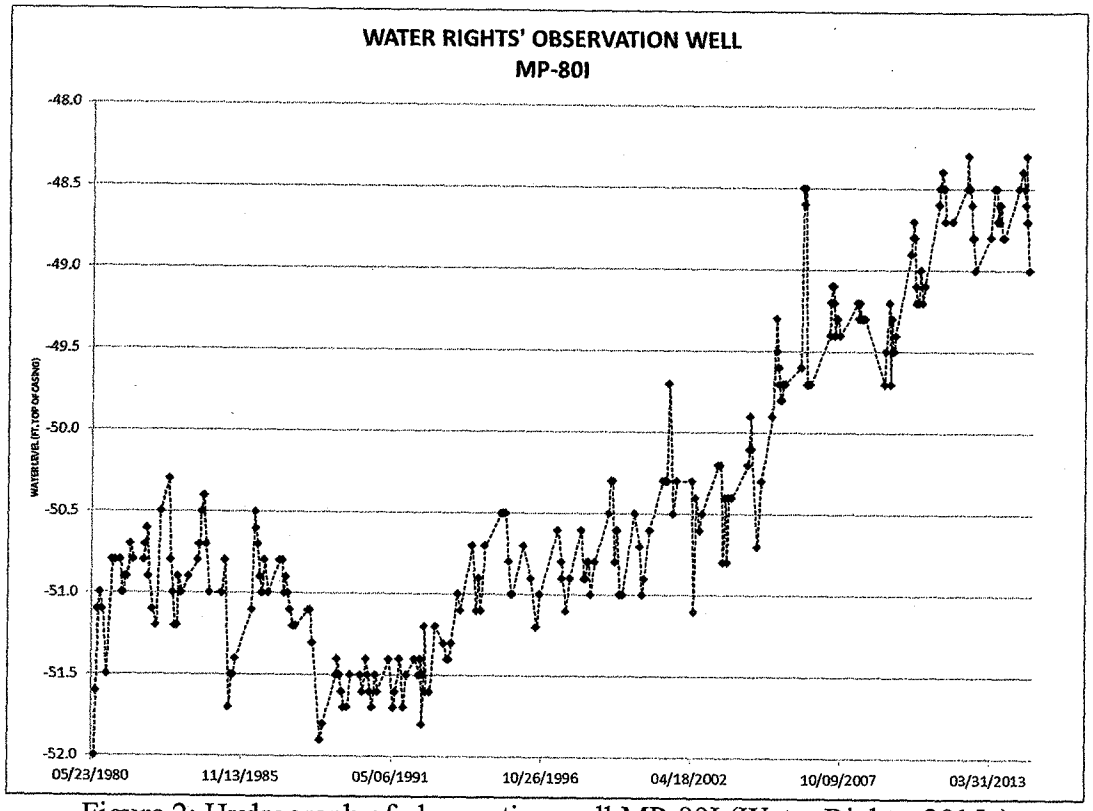

Figure 2: Hydrograph of observation well MP-80I (Water Rights. 2015a)

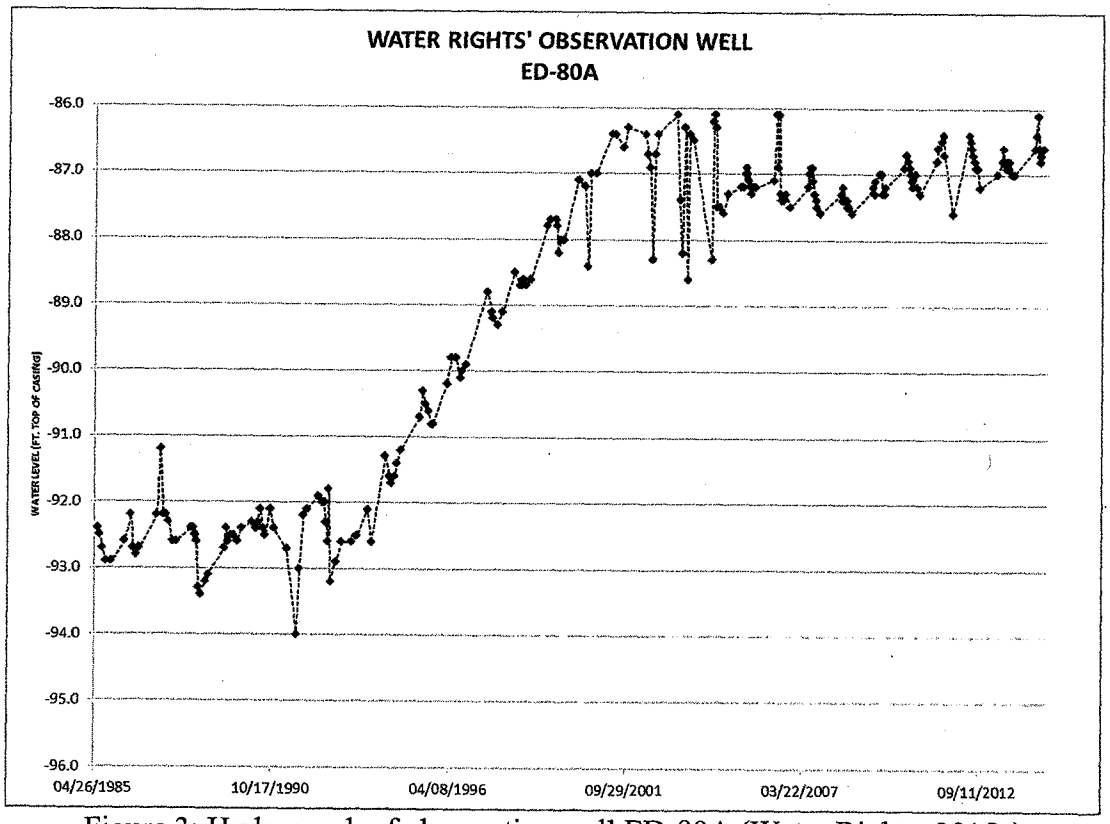

Figure 3: Hydrograph of observation well ED-80A (Water Rights. 2015a)

The observation well hydrographs show cyclic patterns based on the effect of climatic conditions on the aquifer. Increases in water levels occur during wetter periods (recharge), and decreases in water levels occur during drier periods. In examining the hydrographs for these observation wells it is evident that natural conditions dominate, indicating that there is a reasonable probability that water is available for capture. As a result there is a reasonable probability that water is available to support the needs of this application.

Existing Water Rights

There are currently no water rights/permits for the Grand aquifer in McPherson county. The nearest water right/permit completed into the Grand aquifer is Water Right No. 1705-3 shown in Figure 4. Water Right No. 1705-3 is held by the City of Hosmer located 6.6 miles southeast from the proposed well location of Application No. 8091-3 and 7.7 miles southeast from the proposed well location of Application No. 8092-3. Due to the distances involved these applications are not expected to impact existing water rights/permits. Additionally of note in the area of Application No. 8091-3 is a pending application for the Grand aquifer, Water Permit Application No. 8096-3, with a proposed well location of the SE ¼ NW ¼ Section 8 of T125N-R72W.

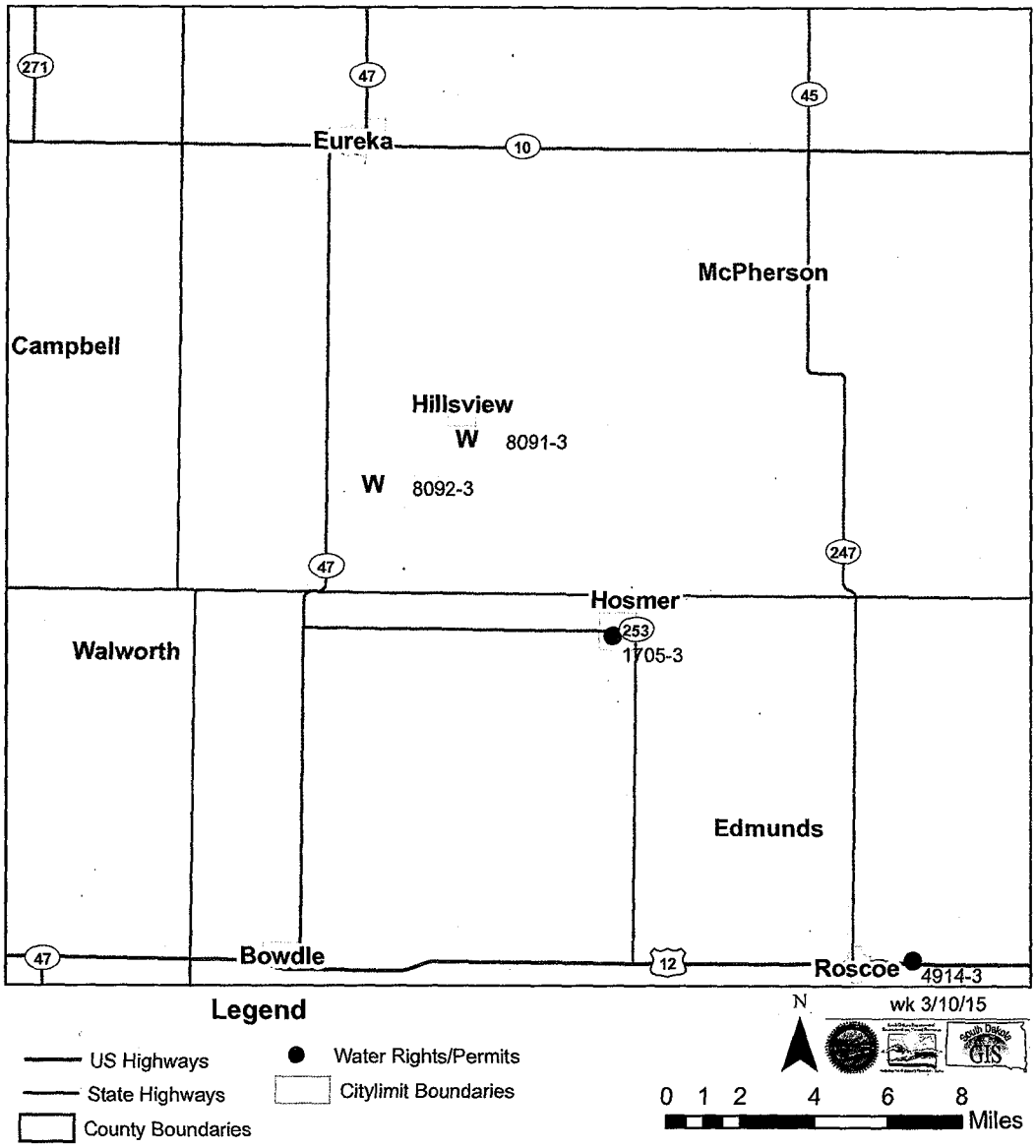

Figure 4: Approximate diversion point locations for water rights/permits in the area of Application No. 8091-3 and No. 8092-3 (Water Rights, 2015b)

There are several domestic wells on file with the SDDENR-Water Rights Program within two miles of the proposed well locations for these applications that could be completed into this aquifer. Since the aquifer is under confined conditions, drawdown as a result of pumping is likely. However, the precise amount and radius of drawdown cannot be quantified without aquifer testing. Based on the available data (Hamilton, 1982 and Koch, 1970) these applications, if approved, would not be expected to adversely impact nearby adequate wells. An adequate well as defined by South Dakota Administrative Rules is "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 as possible to the bottom of the aquifer as is practical if the aquifer

thickness is less than 20 feet." In the past the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In the case Water Permit Application No. 2313-2 Coke Cola Bottling Company of the Black Hills the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users on artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995). Additionally pursuant to SDCL 46-6-6.1 artesian head pressure is not protected as a means of groundwater delivery. However, in the case of irrigation since reasonable domestic use must be insured first, the Water Management Board does need to give consideration to artesian head pressure.

Conclusions

1. Water Permit Application Number 8091-3 proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.67 cfs for the irrigation of 240 acres located in the SE ¼, S ½ NE ¼ Section 8 in T125N-R72W.

2. Water Permit Application Number 8092-3 proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.67 cfs for the irrigation of 240 acres located in the S ½, S ½ NE ¼ Section 13 in T125N-R73W.

3. The is a reasonable probability that water is available to meet the request of these applications.

4. The is a reasonable probability that these application will not significantly impact nearby adequate wells.

Whitney Kilts

Whitney Kilts
SDDENR-Water Rights Program

Approved by

Ken Buhler
SDDENR-Water Rights Program

References

Christensen, C. M. 1971. Geology and Water Resources of McPherson, Edmunds, and Faulk Counties Part I: Geology Plate 4: Bedrock Map of McPherson, Edmunds, and Faulk Counties Showing Contours on the Bedrock Surface. Bulletin 26. SDGS. Vermillion, SD.

Christensen, C. M. 1977. Geology and Water Resources of McPherson, Edmunds, and Faulk Counties Part I: Geology. Bulletin 26. SDGS. Vermillion, SD.

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DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 8091-3, Roy Grismer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8091-3, Roy Grismer, 12525 328th Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 8091-3 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 rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The well authorized by Permit No. 8091-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman

Jeanne Goodman, Chief Engineer
March 27, 2015

NOTE: The Grand Aquifer may have a high salinity hazard and a medium sodium hazard. DENR encourages you to have a soil water compatibility analysis performed to insure the water is suitable for irrigation. The Water Resources Institute at SDSU or other qualified soil scientist can assist you in making a soil water compatibility determination and recommend if there are water management techniques to implement to optimize crop production and protect the soil structure.

The well driller must take care constructing the well to insure that the well is completed to allow production from only the Grand aquifer.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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RECEIVED
APR 14 2015
WATER RIGHTS
PROGRAM

Rudolph O Aman
12020 333rd ave.
Eureka SD 5743
April 15, 2015

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501
Atten. Chief Engineer

Dear sir:

I am writing to oppose Application numbers 8091-3 and 8092-3 to appropriate water by Roy Grismer and Application number 8096-3 by Jeffery Aman. Our wells are about the same depth as the proposed wells. We are dependent on our wells for watering our livestock. Web water lines are too far away for us to utilize them. I feel that if this amount of water is pumped out of the ground we won't be able to water our livestock.

Thankyou

Rudolph O Aman

RECEIVED
APR 20 2015
WATER RIGHTS
PROGRAM

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501
Attn: Chief Engineer

April 18, 2015

Dear Sir:

I am writing to oppose Application Number 8091-3 & 8092-3 to appropriate water by Roy Griesner and Application number 8096-3 by Jeffery Amann. Our wells are about the same depth as the proposed wells.

I am dependent on my wells for livestock & household needs. I have no other water source available that is feasible. If this amount of water is taken out I feel I won't be able to have enough water for my livestock & household needs

Thank You

Clotess Imber

I have sent a letter to Roy Griesner & Jeffery Amann as per request in the Northwest Blade article

AFFIDAVIT OF PUBLICATION

The Northwest Blade
P.O. Box 797; Eureka, SD 57437
605-284-2631

STATE OF South Dakota: COUNTY OF McPherson

I, Karen Walz, am authorized by the publisher as agent to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Northwest Blade is a newspaper which is published weekly and is of general circulation and is in compliance with South Dakota Newspaper Association legalized Statutes.

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

April 9th - Notice of Application - Ray Grismer,
Notice of Application - Jeffrey Aman

NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

TYPE OF DOCUMENT:

AUTHORIZED SIGNATURE: Karen Walz

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

22 DAY OF APRIL, 2015.

NOTARY SIGNATURE: Cheryl McCarlan

NOTICE OF APPLICATION NOS. 8091-3 and 8092-3 to Appropriate Water

Notice is given that Roy Grismer, 12525 328th Ave, Bowdle SD 57428 has filed the following applications for a water permit.

Application No. 8091-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Grand Aquifer (280 feet deep) located in the NE 1/4 SE 1/4 Section 8 for irrigation of 240 acres located in the SE 1/4, S 1/2 NE 1/4 Section 8; all in T125N-R72W.

Application No. 8092-3 proposes to appropriate 2.67 cfs from one well to be completed into the Grand Aquifer (330 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 240 acres located in the S 1/2, S 1/2 NE 1/4 Section 13; all in T125N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8091-3 and 8092-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of $23.04 at .01 cents per reader.

NOTICE OF APPLICATION NO. 8096-3 to Appropriate Water

Notice is given that Jeffrey Aman, 33723 125th St, Hosmer SD 57448 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Grand Aquifer (270 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 160 acres located in the NW 1/4 Section 8; all in T125N-R72W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8096-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 2015.

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Published once at the total approximate cost of $20.51 at .01 cents per reader.

RECEIVED
APR 13 2015
WATER RIGHTS PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Brown)

I, Mary Bastian

certify that the attached printed Notice was taken

from the American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following date:

4-9-15

Cost of Printing $49.56

Mary Bastian
(Signature)

Adv. Billing Sec
(Title)

4-9-15
(Date Signed)

(No. 1939024)
(April 9, 2015 - 1T)

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LORI M. SALFRANK NOTARY Seal PUBLIC STATE OF SOUTH DAKOTA