

WATER PERMIT NO. 2602-2

Name of Applicant: West Plains Grain

Address: PO Box 390, Hay Springs NE 69337

Phone: 605 638-4432

Amount of Water Claimed: 10 gpm

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Shannon

Type of Waste Disposal System:

Location: 2 miles southwest of Batesland

PRIORITY

Date Received: 9-11-06

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: for use in office of a grain elevator

Diversion Point: NE ¼ SW ¼ Sec 9-T36N-R41W

Land to be Irrigated: NA

Depth of Well: 170 feet deep

Well Driller: : Forster Well Drilling

Remarks:

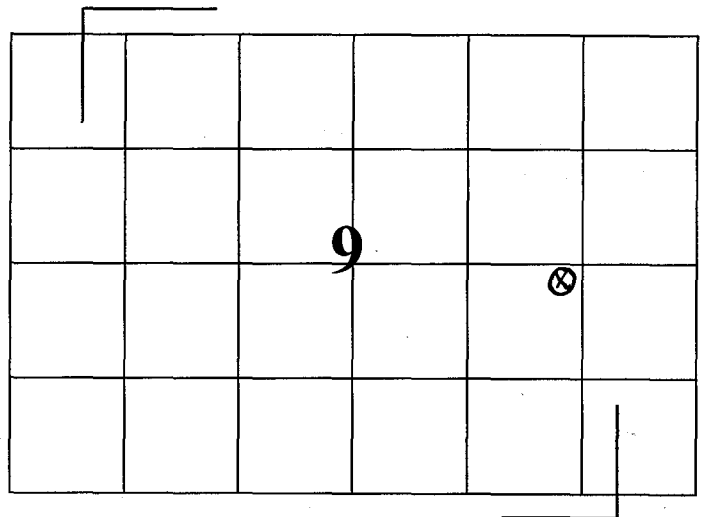
Type of Map: aerial

Prepared by: Mike Schmidt, NRCS

Reviewed and the Number Assigned on: 9-11-06

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>2602-2</u> Hydrologic Unit <u>10140208</u>
	Basin <u>White River</u>
	Newspaper <u>Bennett Co Booster II</u>
	<u>Martin</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ 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 of Applicant West Plains Grain Phone 308-638-4432
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 390 Hay Springs State NE 69337
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.022 *CFS or 10 **GPM NE 1/4 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 of Sec 9, T 36 N, R 41 W
SE
County Shannon
- County or counties where water will be used Shannon
- Annual period during which water is to be used 2006 to forever Jan 1 to Dec 31
- 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)
Water is used for office of a grain elevator.

Nebraska
STATE OF SOUTH DAKOTA)

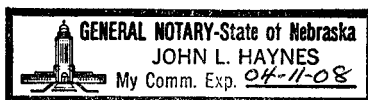
County of Shenandoah SS

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

I, Paul Yekei, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Paul Yekei

Subscribed and sworn to before me this 29 day of August 20 06



[Signature]
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2602-2

Date of first receipt of application September 11, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2602-2 to West Plains Grain, PO Box 390, Hay Springs NE 69337 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. 2602-2 appropriates 10 gallons per minute from one well completed into the Arikaree Formation of the High Plains Aquifer (170 feet deep) located in the NE ¼ SE ¼ Section 9-T36N-R41W.
2. The water appropriated shall be used for the purpose of commercial use at the grain elevator office and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2602-2 is January 2, 2007.
5. The date from which applicant may claim right is September 11, 2006.
6. One-fifth of the construction is to be completed on or before June 2, 2009.
7. All construction is to be completed on or before January 2, 2012.
8. Water is to be put to beneficial use on or before January 2, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

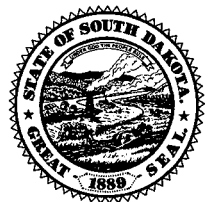
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 14 2007

date



4

8/25/06

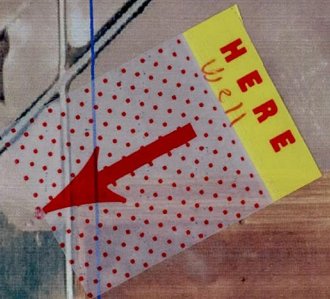
Mike Schmidt

USDA-NRCS, Martin F.O.

T.36.N.

R.41 W.

9



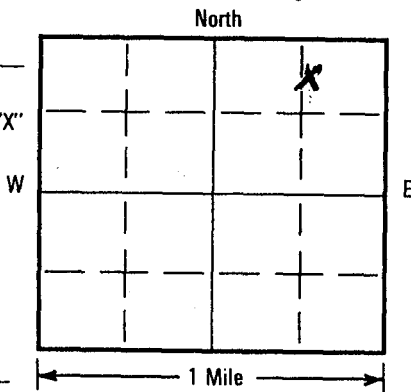
16

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE 1/4 Sec 9 Twp 36 N Rg 41 WCounty Shannon

Please mark well location with an "X"



Well Completion Date

6-19-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from SEPTIC TANK (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1.90</u> LB/FT	<u>4</u> IN	<u>156</u> FT	<u>110</u> FT	<u>9</u> IN
<u>1.90</u> LB/FT	<u>4</u> IN	<u>100</u> FT	<u>40</u> FT	<u>9</u> IN
<u>1.90</u> LB/FT	<u>4</u> IN	<u>54</u> FT	<u>0</u> FT	<u>9</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>2</u>	<u>20</u> lb./gal	<u>20</u> ft	<u>9 1/2</u> ft

Describe grouting procedure Pumped down annularSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 4 IN Length 26 FEETMaterial SOR21 PVCSlot Size 0.020 Set From 166 Feet to 156 FeetOther information 110' 100' 60' 54'WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Drill + washLaboratory sent to for water quality analysis NO, Why Not? waterMAXIM Mid-ContinentWell Owner: West Plains GrainBusiness Name: West Plains GrainAddress: P.O. Box 390Hay Springs, NE 68343

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>LOAM</u>	<u>0</u>	<u>3</u>
<u>SILT / CLAY</u>	<u>3</u>	<u>8</u>
<u>SILT / LIMESTONE</u>	<u>8</u>	<u>15</u>
<u>SILT / Finesand / clay</u>	<u>15</u>	<u>42</u>
<u>BRULE / CLAY / L-S.</u>	<u>42</u>	<u>70</u>
<u>RED BUTTE</u>	<u>70</u>	<u>89</u>
<u>Finesand / clay</u>	<u>89</u>	<u>96</u>
<u>RED BUTTE</u>	<u>96</u>	<u>130</u>
<u>SILTSTONE / SILT / CLAY</u>	<u>130</u>	<u>170</u>

STATIC WATER LEVEL

32

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: W/ TEST PUMP☐ Bailed☐ Other

Pumping Level Below Land Surface

74 ft. After 3/4 Hrs. pumped 15 GPM8.3 ft. After 1 1/4 Hrs. pumped 15 GPM100 FT 12 HRS 100 12 GPM

If pump installed, pump rate _____

REMARKS

PAT 60-4 whitewater over well3/4 1065 could installThis well was drilled under license # 427

And this report is true and accurate.

Drilling firm Forster Well Drilling JUL - 3 2006

Signature of License Representative:

Larry L. Forster

WATER RIGHTS PROGRAM

Signature of Well Owner or Equitable Property Holder:

West Plains Grain by Terese McChildDate: 6-19-06

RECEIVED

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 11, 20 06

RECEIVED OF West Plains Co., 2809 S 160th St Suite 309, Omaha NE 68130

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

Fee for Application for Permit No. <u>2602-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2602-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

02580

By

Darland Elbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 5, 2006

John Mousseaux
Oglala Sioux Tribe
Box 320
Pine Ridge SD 57770

Dear Mr. Mousseaux:

West Plains Grain has applied for a South Dakota water right for one well to supply their office needs at a grain elevator. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

This information is being sent to the Oglala Sioux Tribe to keep the tribe informed of water right permitting in the area. If you are not the correct tribal contact, I ask that you forward this information to the proper person. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2602-2, West Plains Grain**

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. 2602-2, West Plains Grain, c/o Paul Yekel, PO Box 390, Hay Springs NE 69337

The Chief Engineer is recommending APPROVAL of Application No. 2602-2 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 4, 2006

WATER PERMIT APPLICATION NO. 2602-2
WEST PLAINS GRAIN
NOVEMBER 20, 2006

Water Permit Application No. 2602-2 proposes to appropriate 10 gallons per minute from one well completed into the Arikaree Formation (170 feet deep) located in the NE¼ SE¼ Sec.9, T36N-R41W, Shannon County. The water is for commercial use in an office of a grain elevator.

AQUIFER: Arikaree (ARKR)

The High Plains Aquifer consists of the upper sandstone units of the Arikaree Formation, the Ogallala Formation, and the Sand Hills Formation, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm, 1983). The High Plains aquifer underlies 4,750 square miles of South Dakota and contains an estimated 700 million acre feet of water in the state (Gutentag and others, 1984). The upper members of the High Plains aquifer have been almost entirely eroded away in this area, leaving only the Arikaree Formation. The Arikaree Formation consists mainly of clayey siltstones and sandstones. The Arikaree Formation underlies approximately 607,360 acres of Shannon County and contains an estimated 1,822,080 acre-feet of recoverable water in storage in the county (Allen and others, 1985). The saturated thickness of the aquifer is estimated to be 200-400 feet in this area. (Kolm and Case, 1983). The aquifer is under unconfined conditions with the water table controlled locally by topography. Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be 8 percent of the precipitation rate, or about 1.3 in./yr to 1.8 in./yr (Kolm and Case, 1983). Natural discharge occurs to streams and springs, and directly to the atmosphere by evapotranspiration.

WATER AVAILABILITY:

Water Rights Program monitors 38 observation wells completed into the Arikaree Formation, of which seven are located within 15 miles of this well site. Water Rights' Observation Wells SN-79C, SN-80A and BT-78B are located within approximately eight miles of the well used for this application. These observation wells are read monthly and hydrographs of the water levels are shown in figures 1-3. The hydrographs show the climatic and seasonal effects on the water levels. In additions, the hydrograph for BT-78B shows the affect of nearby pumping (Water Rights, 2006b). The hydrographs show the aquifer can sustain additional withdrawals in this area.

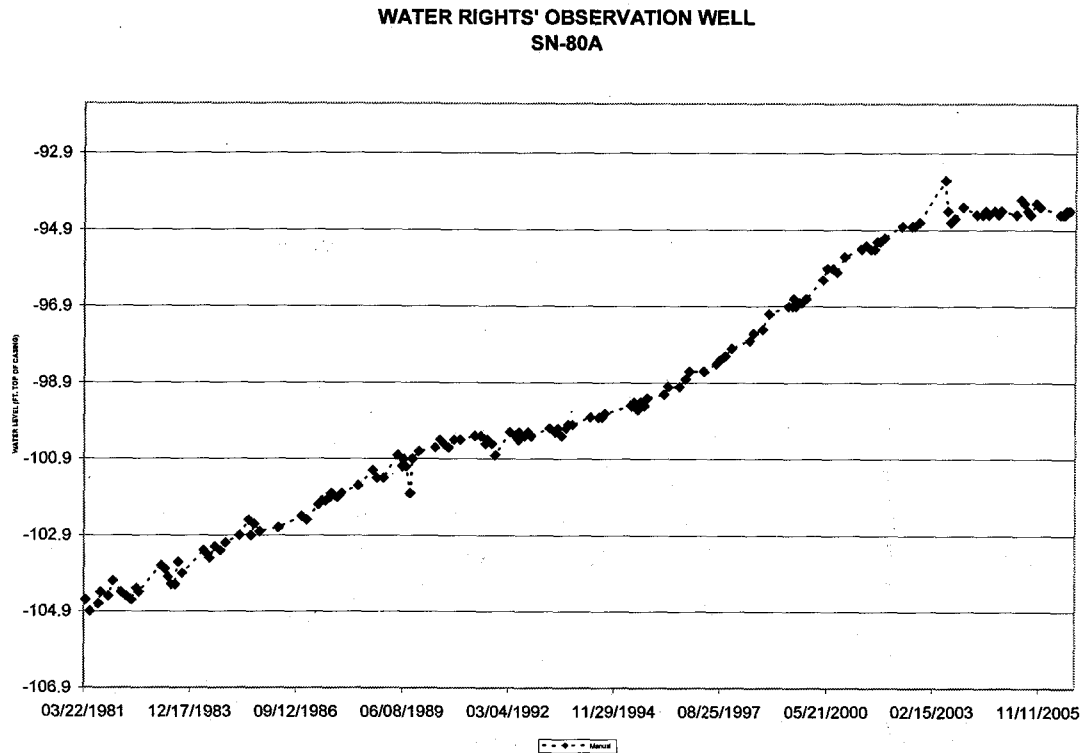


Figure 1. Water Rights' Observation well located approximately six and three-fourths miles northwest of the well proposed to supply this application.

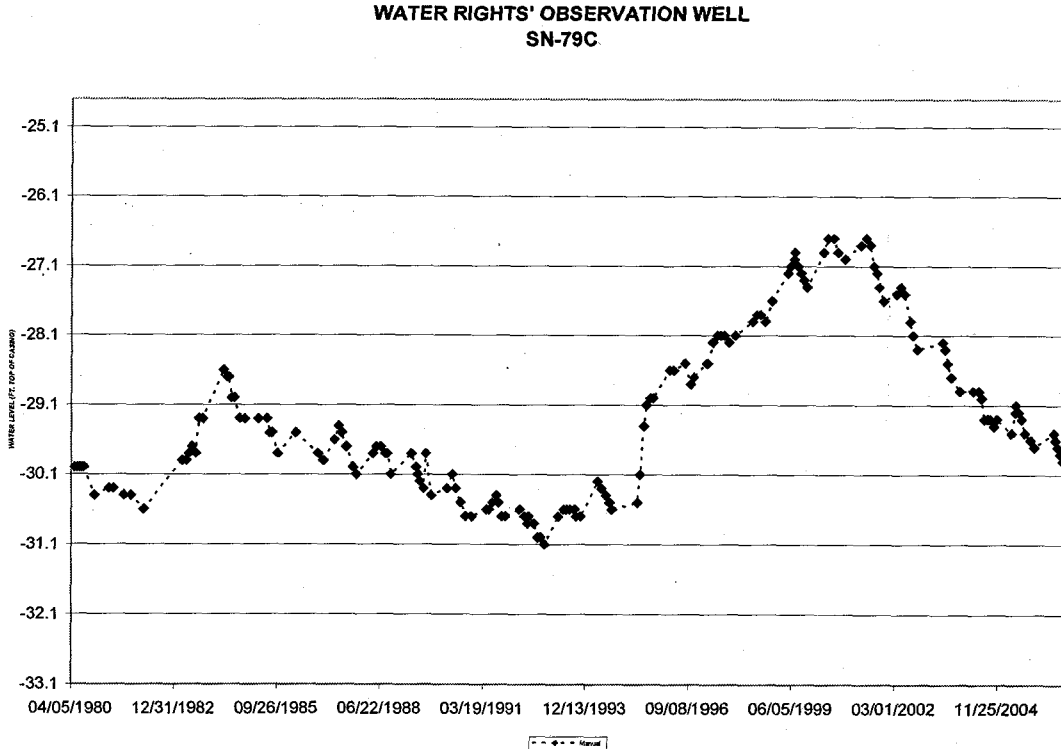


Figure 2. Water Rights' Observation well located approximately six and one half miles southwest of the well proposed to supply this application.

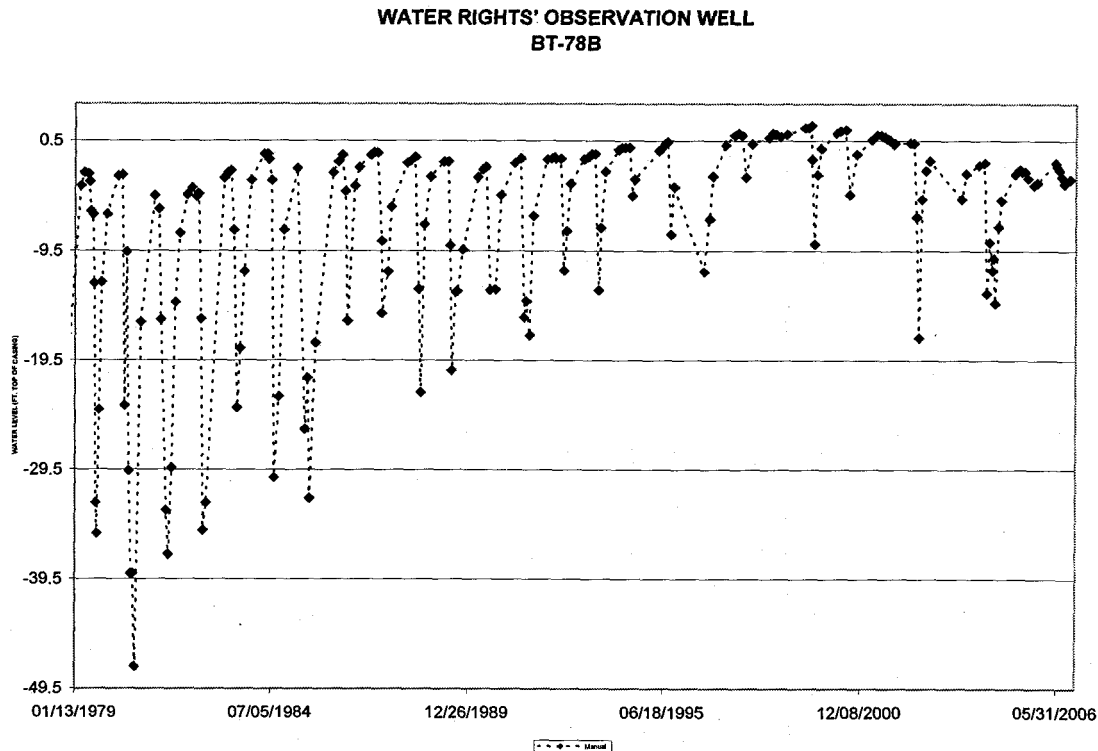


Figure 3. Water Rights' Observation well located approximately eight miles east of the well proposed to supply this application.

AFFECTS ON EXISTING RIGHTS:

There are 30 permits/rights which appropriate water from the Arikaree aquifer in South Dakota (Water Rights, 2006c). The nearest well supplying an existing Water Right/Permit is the well supplying Water Right No. 1612-2, Town of Batesland; located about two and one-half miles northeast of this well site. Since the Arikaree aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well. Interference at this distance is not expected to be a concern.

ADDITIONAL CONSIDERATIONS:

This application proposes to appropriate water from a well located within the boundary of the Pine Ridge Indian Reservation. In the past, the tribal government has contested South Dakota's jurisdiction on the Reservation.

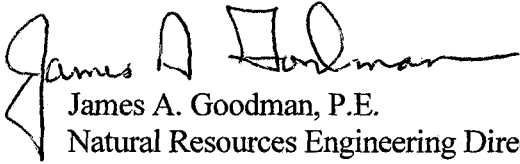
CONCLUSIONS:

1. The Arikaree aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.



Ken Buhler

Natural Resources Engineering Specialist



James A. Goodman, P.E.

Natural Resources Engineering Director

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.:Groundwter Resource Inventory: Final Report, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD

Gutentag,E.D., Heimes,F.J., Krothe,N.C., Luckey,R.R., and Weeks,J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.

Kolm, K.E., and Case, H.L.III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota, Water-Resources Investigations Report 83-4175, 39 p.

Water Rights Program, 2006a, Domestic Well Log Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006b, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006c, Water Permit/Right Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Affidavit of Publication

State of South Dakota
County of Bennett

Manou K Scherer

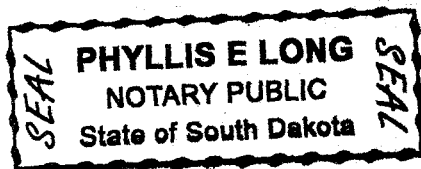
being duly sworn, says: the Bennett County Booster is, and during all the time hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

December 13th, 2006

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$44.10, inures solely to the benefit of the publisher of said newspaper, that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Manou K Scherer
Bookkeeper

Subscribed and sworn to before me this 8th day
of January, 2007.



My Commission Expires
August 30, 2012

RECEIVED
JAN - 9 2007
WATER RIGHTS
PROGRAM

Notice of Application

No. 2602-2

To Appropriate Water

Notice is given that West Plains Grain, c/o Paul Yekel, PO Box 390, Hay Springs, NE 69337 has filed an application for a water permit to appropriate 10 gallons per minute from one well completed into the Arikaree Formation of the High Plains Aquifer (170 feet deep) located in the NE1/4SE1/4 Section 9-T36N-R41W. The water is for commercial use in an office of a grain elevator.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2602-2 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 the 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 the 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 January 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 2/6-12/20



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 4, 2006

Bennett Co. Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2602-2 to Appropriate Water to be published twice. Please publish the first notice on December 13, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is West Plains Grain, % Paul Yekel, PO Box 390, Hay Springs NE 69337 (Ph # 308-638-4432).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2602-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of December 4, 2006 enclosing Notice to Appropriate Water by Application No. 2602-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

December 4, 2006

West Plains Grain
%Paul Yekel
PO Box 390
Hay Springs NE 69337

Dear Mr. Yekel:

Water Permit Application No. 2602-2 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 Publisher of the Bennett Co. Booster II printed at Martin, SD (Ph # 605-685-6866). 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 Chief Engineer and a 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, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on December 13, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2602-2 to Appropriate Water

Notice is given that West Plains Grain, c/o Paul Yekel, PO Box 390, Hay Springs NE 69337 has filed an application for a water permit to appropriate 10 gallons per minute from one well completed into the Arikaree Formation of the High Plains Aquifer (170 feet deep) located in the NE ¼ SE ¼ Section 9-T36N-R41W. The water is for commercial use in an office of a grain elevator.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2602-2 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 the 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 14 2007

West Plains Grain
c/o Paul Yekel
PO Box 390
Hay Springs NE 69337

Dear Mr. Yekel:

Enclosed is Water Permit No. 2602-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

2602-2
RECEIVED

MAR 29 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 03-23-07

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

FROM: West Plains Grain

(name)

P.O. Box 390

(address)

Hay Springs, NE 69337

(city, state, zip)

308-638-4432

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2602-2 states that the water use system is to be constructed by

09-11-06

(date)

, and water is to be put to beneficial use by 09-11-06

(date)

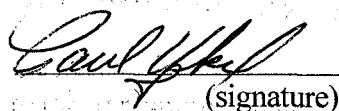
The water use system was completed on 09-11-06

(date)

Applying the water to beneficial use was completed on 09-11-06

(date)

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


(signature)

Report of Examination of Works and/or Application of Water to Beneficial Use

To: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 29, 2015 made a thorough examination of the water system used by West Plains Grain, PO Box 390, Hay Springs, NE 69337, holder of Water Permit No. 2902-2, bearing the priority date of September 11, 2006. Water Permit No. 2602-2 authorizes the diversion of 0.022 cubic feet per second (cfs) from one well completed into the Arikaree aquifer at approximately 170 feet below ground surface for the purposes of supplying a sink and toilet at a grain elevator facility.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One pump, manufacturer unknown.
- 2) Works used to transport water to a place of use:
Underground pipe.
- 3) Works used to apply water to beneficial use:
Sink, toilet.

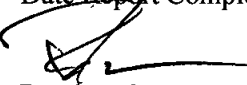
The system is in the following condition: well maintained. The well is in the following location:
**2,700 feet south and 400 feet west of the northeast corner of Section 9, T36N-R41W. Lat 43.11177N
Lon 102.14213N. NE ¼ SE ¼ of Section 9, T36N-R41W.**

License should be issued for the diversion rate of: **0.022 cfs or 10 gpm.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **August 25, 2015**


Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2602-2

DATE OF INVESTIGATION:	July 29, 2015
NAME & ADDRESS OF PERMIT HOLDER	West Plains Grain PO Box 390 Hay Springs, NE 69337
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jeremy Yonker, Manager
DIVERSION POINT LEGAL LOCATIONS	2,700 feet south and 400 feet west of the northeast corner of Section 9, T36N-R41W. Lat 43.11177N Lon 102.14213N. NE ¼ SE ¼ of Section 9, T36N-R41W.

WELL INFORMATION:

- 1) Well Drilling Firm: **Foster Well Drilling**
- 2) Number of Wells: **1**
- 3) Depth: **166**
- 4) Well Log Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Unknown**
- 2) Model:
- 3) Size:
- 4) Capacity: **10 gpm**

Casing

- 1) Diameter: **4 inches**
- 2) Length: **54 feet, 40 feet, 46 feet (total of 140 feet)**
- 3) Type: **Plastic**

Screen

- 1) Type: **Perforated PVC**
- 2) Length: **10 feet, 10 feet, 6 feet (total of 26 feet).**
- 3) Static Water Level: **32 feet**

Motor

- 1) Make: **Franklin Electric**
- 2) Model No: **2801074915**
- 3) Power: **3/4 hp**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **No irrigation.**



Legend

-  Structure
-  Section Boundaries - PLSS
-  Well Location

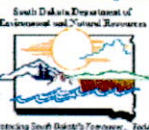
N



0 0.05 0.1 0.2 Miles



Bracken Capen
Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 27 2015

2602-2

Jeremy Yonker, Mgr
West Plains Grain
PO Box 390
Hay Springs NE 69337 0390

Dear Mr. Yonker:

Enclosed is Water License No. 2602-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2602-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2602-2

(1) West Plains Grain, PO Box 390, Hay Springs NE 69337 made Application No. 2602-2, September 11, 2006 for a water permit to divert 0.022 cubic feet of water per second (10 gallons per minute) from ground water (one well – Arikaree Formation), Oglala Lakota County, South Dakota for commercial purposes. Permit No. 2602-2, with a priority date of September 11, 2006 was approved January 2, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2012 and for the application to beneficial use of said water on or before January 2, 2016.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use.

The location of the diversion point is 2,700 feet south and 400 feet west of the NE corner of Section 9, T36N, R41W (NE ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in the restroom facilities at the grain elevator office.

(4) Pursuant to South Dakota Water Law 46-5-30.1 West Plains Grain, PO Box 390, Hay Springs NE 69337 the holder and/or owner of Water Right No. 2602-2 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second (10 gallons per minute) from ground water (one well – Arikaree Formation) with a priority date of September 11, 2006 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2602-2 and subject to the following qualification:

- 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.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015

date

