

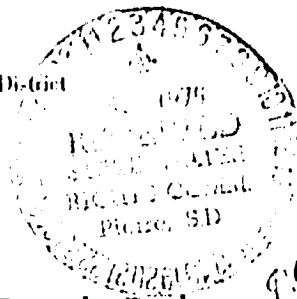
Water Right Number 2972-3

1. Considered 9.29, 1970
2. Name of Applicant BASIN ELECTRIC POWER CORP.
3. Post Office Address BISMARCK, N.D.
4. Amount of water claimed .18
5. Source of water supply 400' WELL (DAKOTA)
6. Water to be used for DOMESTIC & FIRE PROTECTION
Acres to be irrigated _____
7. Water to be diverted and used in CLAY County
about 9N 3W Miles _____ of VERMILLION
8. Proof of Publication Received 9-24-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2972-3Map No. 2302-3Water Division No. 3VERMILLION RIVER

District

(Blank to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Basin Electric Power Cooperative
 Postoffice address 316 North Fifth St., Bismarck State North Dakota
 If a corporation show date and place of incorporation May 5, 1961; Bismarck, North Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Spirit Mound Power Plant
4. Amount of water claimed (cubic feet per second) 0.18 cubic feet per second (80 gallons/min.)
5. Source of water supply Dakota sandstone
6. Location of point of diversion See Attached Map

County Clay

7. Annual period or periods during which water is to be used January 1 through December 31
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Domestic use and replenishment of fire protection supply.
9. For irrigation use, Total number of acres to be irrigated

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1/2 years. Additional time required to complete application of water to the proposed beneficial use N/A years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Vermillion Plain Talk
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

One ground water well with a submersible pump.

B. Works proposed to transport water to place of use.

On-site piping and pressure system.

C. Works proposed to apply water to beneficial use.

Two 75,000 gallon capacity storage reservoirs, yard hydrants, and appurtenances.

Estimated Total Cost \$ N/A

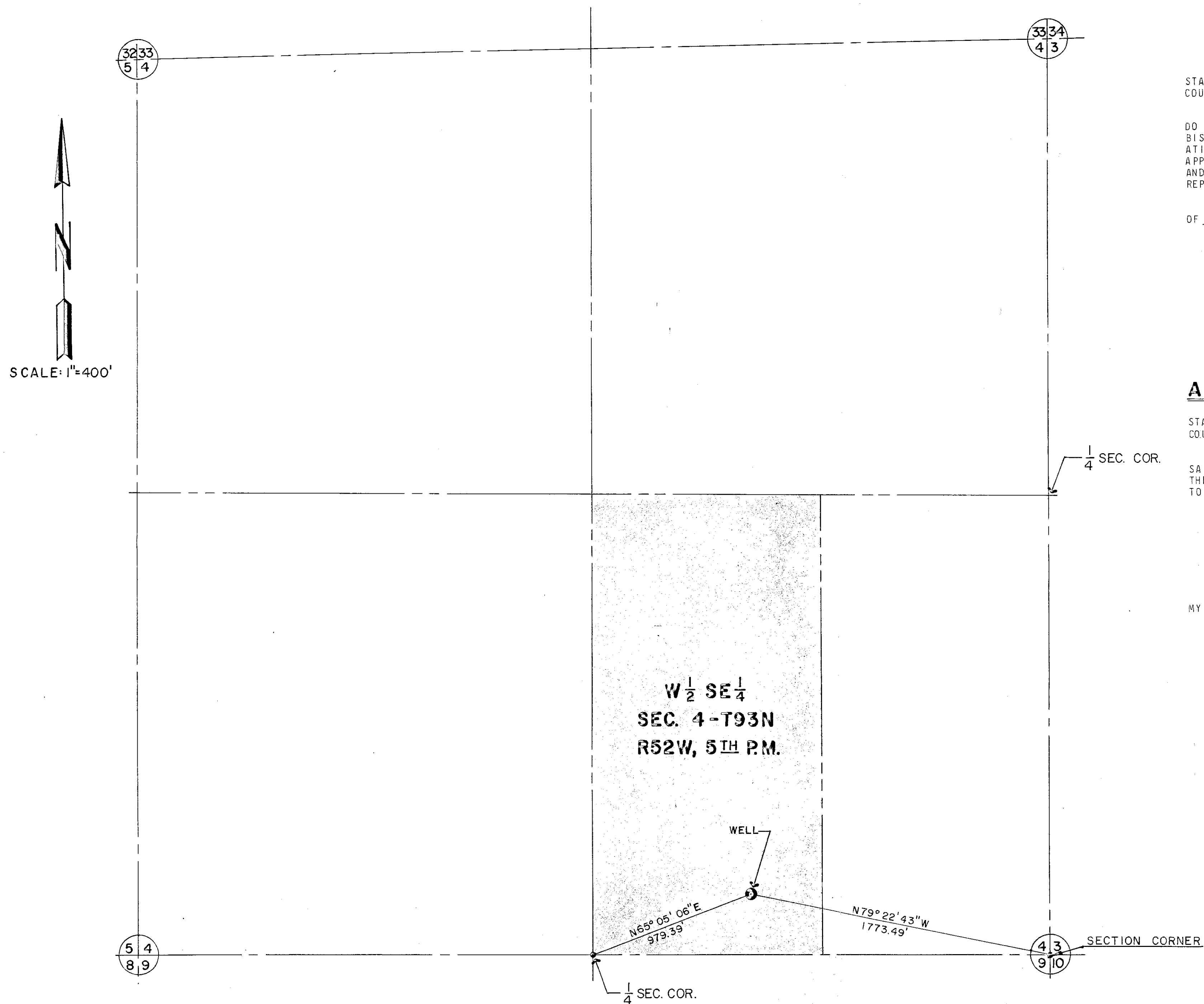
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF North DakotaCounty of Burleigh

I, James L. Grahl, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed James L. GrahlSubscribed and sworn to before me this 1st day of September, 1976

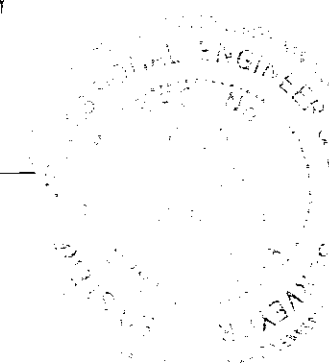
Notary Public (or other qualified officer)

SURVEYOR'S CERTIFICATESTATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF BASIN ELECTRIC POWER COOPERATIVE OF BISMARCK, NORTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT I DID SURVEY AND LOCATE THE SITE FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHT TO WITHDRAW UNDERGROUND WATERS FOR DOMESTIC PURPOSES AND REPLENISHMENT OF FIRE PROTECTION SUPPLY IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 13TH DAY OF AUGUST, A.D. 1976.

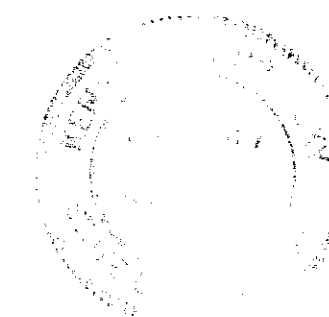
Calvin Vaudrey
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYORSTATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 13TH DAY OF AUGUST, A.D. 1976.

Kenneth B. Borchert
NOTARY PUBLIC



MY COMMISSION EXPIRES _____

Drawn By: D. G. K	APPROVED: _____ DATE _____
Checked By: R. L. B.	APPROVED: _____ DATE _____ FOR J. T. BANNER & ASSOC., INC.

J.T. Banner & Associates, Inc.
1024 South Street, Brookings, South Dakota 57006 (605) 632-6342

REVISION	DATE	DESCRIPTION	MADE	APPR.

BASIN ELECTRIC WATER SUPPLY

R. W. BECK & CO., DENVER, COLORADO

WATER RIGHTS MAP

Scale: 1" = 400'	Project No. 6635
Date: 5 AUGUST 1976	Sheet No. 1 OF 1

MAP NO. 2302-3 APP. NO. 2912-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2972-3
Basin Electric Power Cooperative, -316 N-Fifth St, Bismarck
 (Applicant) (Post Office Address)
NORTH DAKOTA 58501 With the following modifications: 1717 E. Tarkenton Avenue
 (State)

The ~~irrigation~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application SEPTEMBER 3 19 76
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved SEPTEMBER 29 19 76, Recorded in Book 16 Page 111

WATER RIGHT PERMIT NO. 2972-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2972-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 3 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before DECEMBER 29 19 76
3. The whole of said work is to be completed on or before MARCH 29 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 29 19 77
5. The water appropriated shall be used for the purpose of DOMESTIC & FIRE PROTECTION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed .18 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses~~ ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one percent (1%) of one cubic foot of water per second of time for each acre of land to which water is used for domestic & fire protection purposes~~ actually and beneficially ~~applied for irrigation~~ used on or before MARCH 29 19 77; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 30TH day of NOVEMBER 19 76

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued June 13 19 80

Water License Issued June 13 19 80

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 8-inch, Depth 400 Ft.
- (2) Casing, Type Steel Diameter 6-inch I.D. Thickness 0.280-inches
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Wire-Wrapped
Type Stainless Steel, Diameter 6-inch O.D., Length 20 Feet
- (4) Gravel Pack, Thickness None, Length of gravel pack None

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Dakota sandstone
(No test well log is available.)

Depth to top of water bearing material Approx. 350'

Depth to bottom of water bearing material Approx. 750'

Thickness of water bearing material Approx. 400'

Depth to water (ground surface to water level) Approx. Elev. 1160 (150 feet)

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 10 rds. On property owned by others 80 rds.
NOTE: This well to be abandoned. Northeast

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2972-3

(1) WHEREAS, On the 3rd day of September A. D. 1976
Basin Electric Power Corp.
made Water Right Application No. 2972-3 for a permit to use .13 cubic feet per second of the waters
of groundwater (one well)
County of Clay, State of South Dakota, for domestic and fire protection
purpose and
(2) WHEREAS, On the 29th day of September A. D. 1976
Permit No. 2972-3, with a date of priority of September 3, 1976
was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 29th day of March A. D. 1977 and for the
application to beneficial use of said water on or before the 29th day of March A. D. 1977

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .066 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

For fire protection and sanitary purposes

NOTE:

* Potable water is now provided by Clay Rural Water System.

System is maintained for fire protection and sanitary use.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Basin Electric Power Corp.

_____ of Bismarck ND

the holder S and owner S of and permit No. 2972-3 a water right, dating from September 3, 1976

_____ to use of 066 _____ cubic feet per second of the waters

of groundwater (one well)

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point N65° 05'06"E, 979.39 feet from the

S.E. corner, Section 4, T93N, R52W

and conducted XXXXXXXXXXXX through the plant distribution system

for the purpose of domestic and fire protection

Subject to any limitations listed in Water Right Permit No. 2972-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 13th day of June A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

Permit No. 2972-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Basin Electric Power Corp.

_____ the holder _____ of
Permit No. 2972-3, issued upon Application No. 2972-3, bearing date of priority of _____
September 3, 1976 authorizing the diversion of .18 cu. ft. per second of the waters of _____
groundwater (onw well) County of Clay, State of South Dakota at _____
a point N65° 05' 06" E, 979.39 feet from the SE corner, Section 11,
T93N, R52W
_____, for domestic and fire protection

_____ purposes, has ve complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .066 cu. ft. per second of water.

Date June 13, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

No. 2972-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.

I, Sam Jettstad hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Vermillion Plain Talk

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

city of Vermillion

County of Clay and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Sept 16, 1976
Sept 23, 1976

Margaret H. Jones
(Signature)

B. Jones
(Title)

Sept. 24, 1976
(Date Signed)

**Notice
Intent To
Appropriate Water**

Notice is hereby given that
Basin Electric Power Cooperative
whose post office address is
Bismarck, ND, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use .18
cubic feet of water per second of
time from the ground water through
the Spirit Mound Well, the point of
diversion of which is to be located
in the SW 1/4 SE 1/4 of Section 4,
Twp. 93N, Range 52W. Said water
to be used for the purpose of
providing portions of domestic use
in Spirit Mound Power Plant and for
fire protection.

This application No. 2972-3 will
be considered by the Water Rights
Commission at their office at Pierre
upon the 29th day of September,
1976, at 10 a.m. All interested per-
sons may appear and be heard.

Water Rights Commission
By: Burton F. Jones
Water Rights Specialist
Pub.: Sept. 16, 23, 1976.



J. 2972-3

Publish first publication, on or before September 16, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 10, 1976

Notice is hereby given that Basin Electric Power Cooperative
whose post office address is Bismarck, N. D., South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

.18 cubic feet of water per second of time from the ground water through the

Spirit Mound Well, the point of diversion of which is to be located in the

SW 1/4 SE 1/4

of Section 4, Twp. 93N, Range 52W. Said water to be used for the purpose
of providing portions of ~~domestic use in Spirit Mound Power Plant and for fire protection~~

DOMESTIC USE IN SPIRIT MOUND POWER PLANT AND FOR FIRE PROTECTION

This application No. 2972-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1976, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Basin Electric Power cooperative, 316 N. 5th St. Bismarck, N. D.
58501

BASIN ELECTRIC POWER COOPERATIVE

1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58501
PHONE 701-223-0441 TWX 910-677 2342

President
Arthur
Jones

September 2, 1976

Vice
President
C. R.
Thiessen

Secretary-
Treasurer
Dennis
Lindberg

Assistant
Secretary
Herbert
Weber

Directors
Marvin
Beyers
Holland,
Minn.

Wayne
Bond
Fodgepole,
Neb.

Arthur
Jones
Britton
S.D.

Dennis
Lindberg
Osceola,
Iowa

Quentin
Louden
Martin
S.D.

Andrew C.
York
Marion,
N.D.

C. R.
Thiessen
Lambert,
Mont.

Herbert
Weber
Hartman
N.D.

Clarence
Wolander
Fulton,
S.D.

Manager
James L.
Grah

Mr. John Hatch
SD Department of Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Hatch:

Spirit Mound Power Plant Water Application

We are sending you enclosed completed application forms for a water permit for water from a new well to be located in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec.4, Twp.93N, Rge.52W, 5th P.M., in Spirit Mound township, Clay County, South Dakota. Also enclosed is a check for \$8.00 for the examination fee.

Basin Electric Power Cooperative is planning to construct a combustion turbine power plant at this location. The use of the water is for domestic supply and for filling and replenishing our fire protection supply. We have purchased a 160 acre farm at this site with an existing well. However, the existing well is inadequate. The casing is of a small diameter and the resulting output is adequate to meet the needs of the small cattle operation presently on the site. We plan to abandon the existing well and drill a new well shown on the enclosed map.

If you require any further information, please advise.

Also, please advise what further action is required on the part of Basin Electric to complete the permit requirements prior to starting to use the water.

Sincerely yours,

Elvin Quiring

Elvin Quiring
Project Manager

bbb
Enclosures

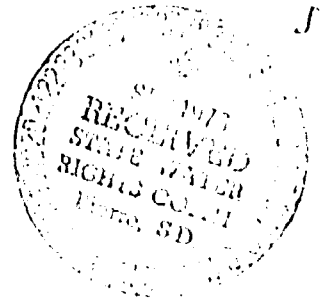


OFFICE OF
COUNTY COMMISSIONERS

CLAY COUNTY

Vermillion, South Dakota 57069

September 25, 1976



Water Rights Commission
Joe Foss Building
Pierre, SD 57501

Dear Sirs:

In reading application No. 2972-3 Notice Intent to Appropriate Water filed by Basin Electric Power Cooperative of Bismark, ND, I note that a permit is sought for use of .18 cubic feet of water per second of time from a well to be located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 T93N R52W.

Both the Environmental Impact Report prepared by R. W. Beck and Associates and the Draft Environmental Impact Statement prepared by the Rural Electrification Administration indicate the intent of Basin Electric to use 5 Gallons per minute from the existing well or another in the Dakota Sandstone. If more were required it would be sought in Vermillion-Missouri Aquifer. Copies of pages 7 and 19 of the Draft Environmental Impact Statement are enclosed.

One of the objections to rezoning and granting special exceptions was that Basin Electric would use water to the detriment of nearby farm wells. Basin's reply was that Basin Electric would use about five gallons per minute approximately the same as the average farm operation. Neighboring farmers were satisfied with the reply.

Now we learn the Basin Electric intends to pump 21 gallons per minute. Basin Electric is violating their assurances and the Impact Statement and personally I protest granting the permit as I have told neighboring objectors that Basin Electric had indicated both verbally and by the Impact Statement that they would pump no more than five gallons per minute at the site.

Yours,

Daniel Bylander

Daniel Bylander, Chmn
Clay County Commission

cc. SEDEP
Art Jones

enc. 2

The design of the fuel-burning equipment is based on the use of No. 2 distillate fuel oil, with provisions for future modifications of the system if necessary.

Fuel deliveries will be via a connection to the Kaneb Pipeline, which crosses the proposed site. For emergency fuel delivery, provisions for tanker truck deliveries of Grade X will be made. Four above-grade standard welded steel-cone-roof storage tanks, each having a 2,100,000 gallon (50,000 barrel) capacity, will be built to store fuel oil.

The proposed project will require a source of water capable of supplying 5 gallons per minute. Development of the existing on-site well is planned. Hydrologic data indicate that the existing farm well should be adequate to supply the plant water requirements if water injection is not required. This well will be tested at the required pumping rate for an extended period prior to plant operation to ensure that it can produce a reliable supply of water with no significant effect on the water table.

Should water injection for NO_x control become necessary, approximately 300 gallons per minute would be required. An adequate ground water supply source near the Vermillion River (within 4 miles, generally to the east of the plant site) could be developed, and water could then be pumped to the plant through an underground pipeline.

The proposed site is accessible by road from South Dakota State Highways 50 and 46, followed by several miles of light-duty state road. Access by rail is available from a branch of the Chicago, Milwaukee, St. Paul and Pacific Railroad. There are rail sidings located in

	<u>Back ground</u>	<u>Dearborn Asphalt</u>	<u>Proposed Units</u>	<u>Total</u>
Annual Maximum	93	1.0	.01	94
24-hour Maximum	126	1	1	128

The estimated maximum 24-hour levels are below both the Federal and State ambient air quality standards. The estimated annual levels do not comply with either the Federal or State ambient air quality standards since background concentrations exceed these limits.

2.2 Impact on Water

Hydrologic data indicate that the existing farm well (which taps the Niobrara marl) should be adequate to supply the plant water requirements (5 gallons per minute) if water injection is not required. A working farm at the same location would require approximately the same quantity of water. This well will be tested at the required pumping rate for an extended period prior to plant operation to ensure that it can produce a reliable supply of water with no significant effect on the water table. Two 75,000 gallon capacity water storage tanks will enable pumping at off-peak usage hours if short-term local drawdown of the water table occurs during water-short periods. The required 5 gallons per minute would amount to approximately 1.2 acre-feet of water annually based on 1,300 hours of plant operation. Comparatively the estimated yield of wells in the Niobrara marl in 1964 was 70 acre-feet.

Should the pumping characteristics of the existing farm well prove to be unsatisfactory, the deep aquifer in the Dakota Group may be tapped for the required 5 gallons per minute. The estimated yield of wells in the Dakota group in 1964 was 1,180 acre-feet. In view of the size of the aquifer and the small quantity of water required, it is not expected that tapping this aquifer will have a significant effect on the water surface elevation or availability of water in this aquifer.

Box 204 Vermillion, S.D. 57069
September 28, 1976

Mr. Durton F. Jones, Water Rights Specialist
Water Rights Commission
Dept. of Natural Resource Development
Joe Foss Building
Pierre, S.D. 57501

RECEIVED

SEP 30 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Dear Mr. Durton Jones:

This letter is pursuant of my telephone call to you this morning re the Basin Electric Power Cooperative's APPLICATION #2572-3, due to come up for a hearing in Pierre on September 29. I represent the Sill-Beebe owners of the farm neighboring the site of their proposed Electric Plant in Spirit Mound Twp., Clay County, S.D. They are asking for .18 cu.ft. per sec. or 81.8 gal. per minute. This is 16 times the water originally asked for for "Domestic and Fire Protection." In hearings that went on in Vermillion from October 1975 to April 6, 1976, they assured us that they intended to pump not more than 5 gal. per min. out of a well already at that site. How is this large discrepancy to be accounted for? In the Environmental Impact Statement provided prior to the rezoning of this land from A-1 Agricultural to General Industrial, the Geological Survey (pp. 4-9) states that 50 gal/min could be produced. They are asking for 81.8 gal/min. There is fear for the farmers' water supply if they pump the amount being applied for. The matter of good faith is also involved. We look to you to protect our rights and our resources and appreciate whatever you are able to do in our behalf.

Sincerely yours,

Grace L. Beede
Dr. Grace L. Beede

P.S. My sister and I have owned this farm since 1951 and it was in the family possession long before that, being carefully farmed that whole time with every precaution for the improvement of the land and shepherding of its resources being observed.

September 29, 1976

Daniel Bylander, Chairman
Clay County Commissioners
Vermillion, South Dakota 57069

Dear Mr. Bylander:

In response to your letter of September 25, 1976, the Department of Environmental Protection (DEP) offers the following comments:

- (1) DEP concurs with you that a 5 gallon per minute water requirement was the intent of Basin Electric unless water injection for NO_x was required in which 300 gallons per minute would be needed. DEP knows of no intent to employ water injection at this time.
- (2) DEP believes Basin Electric should assume the responsibility of insuring that no infringement of nearby farm wells will result if a greater than 5 gallon per minute water requirement is needed for plant operation.
- (3) DEP supports your position on this issue if Basin Electric cannot fully document that no infringement on nearby farm wells will result from the use of 0.18 cfs (81 gallons per minute) of water for their plant operation.

If you have any further questions, please contact DEP.

Sincerely,

Harold F. Lenhart
Environmental Policy Analyst
Department of Environmental Protection

C2/18

 Department of
Environmental Protection

Pierre, South Dakota 57501
Phone (605) 224-3351

September 30, 1976

Dr. Grace L. Beede
Box 204
Vermillion, South Dakota 57069

Dear Dr. Beede:

In response to your letter of September 28, 1976, the Department of Environmental Protection (DEP) offers the following comments:

- (1) DEP concurs with you that a 5 gallon per minute water requirement was the intent of Basin Electric unless water injection for NO_x was required in which 300 gallons per minute would be needed. DEP knows of no intent to employ water injection at this time.
- (2) DEP believes Basin Electric should assume the responsibility of insuring that no infringement of nearby farm wells will result if a greater than 5 gallon per minute water requirement is needed for plant operation.
- (3) DEP supports your position on this issue if Basin Electric cannot fully document that no infringement on nearby farm wells will result from the use of 0.18 CFS (81.78 gallon per minute) of water for this plant operation.

DEP will forward your letter and our comments to the Department of Natural Resources (DNR). If you have any further questions, please feel to contact DEP.

Sincerely,

Harold Lenhart
Environmental Policy Analyst
Department of Environmental Protection

C3/25



Equal Opportunity Employer

2972-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Ross Building, Pierre, South Dakota 57501
Phone 605/224-3151

October 4, 1976

Daniel Bylander, Chairman
Clay County Commission
Courthouse
Vermillion, South Dakota 57069

Dear Mr. Bylander:

This will acknowledge your letter concerning Basin Electric Power Cooperative Water Right Application No. 2972-3 for .18 cubic feet per second.

Testimony presented at the hearing in Pierre, September 29, 1976 was that .18 c.f.s. would be used infrequently (hopefully only once) to fill large storage tanks used to provide water for fire protection. Normal use is expected to be 5 G.P.M.

Based upon testimony presented, the Water Rights Commission approved the application for .18 c.f.s. with the following qualifications:

The well approved under this Permit is located near domestic 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 existing domestic wells.

The above qualification is in accordance with State Law requiring protection of domestic wells. If anyone should experience problems, please advise and an investigation will be made.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Dr. Grace L. Beede, Box 204, Vermillion, S.D. 57069
Wesley Christenson, R.R. 2, Vermillion, S.D. 57069

Astley Christenson

120' Rte 2
Vermillion, SD

Land is just adjacent to where
Sagin Electric proposes
their well -- is concerned
about his 120' well and
a drought -- Told him
there would be no
interference with either
but would bring his
points to the attention
of the Commission.

WV

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE



Post Office Bismarck, North Dakota

Date January 16, 1978

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2972-3.

Water Right Permit No. 2972-3 states that the diversion system is to be constructed by March 29, 1977 and that the water is to be put to beneficial use by March 29, 1977.

The diversion* system was completed on November 10, 1976.
Applying the water to**beneficial use was completed on January 16, 1978.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.


(Signature)

*All completed and tested by November 10, 1976.

**Fire Protection System and domestic water system put into operation
January 16, 1978.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7531

PIERRE, June 9, 1930

RECEIVED OF James Grahl, BASIN ELECTRIC, 1717 E. Interstate Ave.
the following amount in fees for services rendered as provided for by law: Bismarck, ND 58501

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2972-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2972-7		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / [Signature]

Permit No. 2972-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by BASIN ELECTRIC
POWER CORP. of BISMARCK, ND (MAY E. GUTHRIE (holder))of Permit No. 2972-3, bearing date of priority of SEPTEMBER 3, 1976authorizing the diversion of .18 cu. ft. per second of the waters of GROUNDWATERfor DOMESTIC & FIRE PROTECTION purposes, in CLAY County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

366' DEEP WELL WITH 6" STEEL CASING - 20' OF WIRE-WRAP SCREEN
GOULD PUMP - MODEL 25EL50434 - 5HP SUBMERSIBLE - PUMP
IS SET AT 292 FEET: (PUMP RATED @ 296 PM @ 360' SETTING)

B. Works used to transport water to place of use,

6" MAINLINE TO 2-75,000 GALLON STORAGE TANKS

C. Works used to apply water to beneficial use.

YARD HYDRANTS AND LINES TO OUTBUILDINGS.

The system is in the following condition: GOODThe point of diversion is located N 65° 05' 06" E, 979.39 FEET FROM THE
S 1/4 CORNER, SECTION 4, T 93N, R 52WThe works are capable of diverting and conveying to the place of use .066cu. ft. per second of water which is to be used for DOMESTIC & FIRE PROTECTION

Water has been put to beneficial use to the maximum extent as follows:

USED FOR FIRE PROTECTION & SANITARY PURPOSES.

comprising a total of _____ acres of land.

* POTABLE WATER IS NOW PROVIDED BY CLAY RURAL WATER
SYSTEM. SYSTEM IS MAINTAINED FOR FIRE PROTECTION
& SANITARY USES.Date MAY 7, 1980Dustin Jones
(Signature)