

Considered: _____

WATER PERMIT NO. 5046-3

MAP No. same

Name of Applicant Energy Industries Inc.

Post Office Address 3200 9th Ave. S.E. Watertown

Amount of Water Claimed 0.10 cfs Total Acres _____

Source of Water Supply Groundwater Big Sioux-North

Water to be used for IND County Codington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received LET 4-10-85 Not Received _____

APPLICATION: Approved 5-15-85 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 2-7-85 Fee \$50.00 Remarks _____

2-7-85

Corrected Application Received _____ Period of Annual Use Jan. 1 to Dec. 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point NW⁴ sec. 3 T116N-R52W

Land to be Irrigated _____

x					
3					

Well Log: Driller Staudheim Drilling Licensed YES X NO _____

Depth of Well 560 Feet REMARKS _____

Type of Map Plat PREPARED BY G.V.O. Evercept Inc. Reviewed and the Number

assigned on 3-14-85 By Kevin C. Janson

No. <u>5046-3</u>	Hydrologic Unit <u>10170202</u>
Map No. <u>same</u>	Basin <u>Sioux River</u>
Newspaper <u>Public Opinion Box 10, Watertown</u>	

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

Check use of water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Energy Industries, Inc. Phone No. 882-2222Post Office Address 3200 9th Ave. S.E., Watertown State SD 57201
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) Less than .10 c.f.s.3. Source of water supply Well4. Location of point of diversion NW 1/4, Section 3, Township 116, Range 52County Codington5. Counties where water will be used Codington6. Annual period during which water is to be used 12 months/year

7. Give a brief description of proposed 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 pumped into 15,000 gallon capacity storage tank. Tank is constructed of galvanized steel, located underground.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

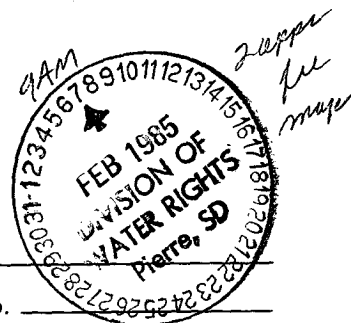
STATE OF SOUTH DAKOTA)
County of Codington)^{ss}

I, Harold B. Henley, President the applicant, certify that I have read the foregoing application, 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

Subscribed and sworn to before me this 6th day of February 19 85Rochelle Q. Rudebusch

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5046-3
Energy Industries Inc. 3200 9th Ave. S.E. Watertown
(Applicant) (Post Office Address)
South Dakota 57201 With the following qualifications.
(State) (Zip Code)

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 adequate domestic wells.

Date of first receipt of application February 7, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved May 15, 1985.

The Water Management Board hereby approves this Water Permit No. 5046-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 7, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before November 15, 1987.
3. The whole of said work is to be completed on or before May 15, 1990.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 15, 1994.
5. The water appropriated shall be used for the purpose of Industrial use
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.10 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 served and to which water is actually and beneficially applied for Industrial use on or before May 15, 1994; said water to be used during the following described annual period: January 1 To December 31

WATER MANAGEMENT BOARD
 By: John Hatch Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
JOHN HATCH
JUN 24 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 10" Depth 560'
- b) Casing Type Plastic Diameter 5" Thickness 250#
- c) Screen Type Plastic Diameter 5" Thickness 250# Slot size 18
- d) Gravel Pack Thickness 2 1/2" Length of Gravel Pack 80'
- e) Depth to Top of Water Bearing Material 437'
- f) Depth of Water (ground surface to water level) 31'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1 mile

2. Dugout Information Estimates - N/A

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams - N/A

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

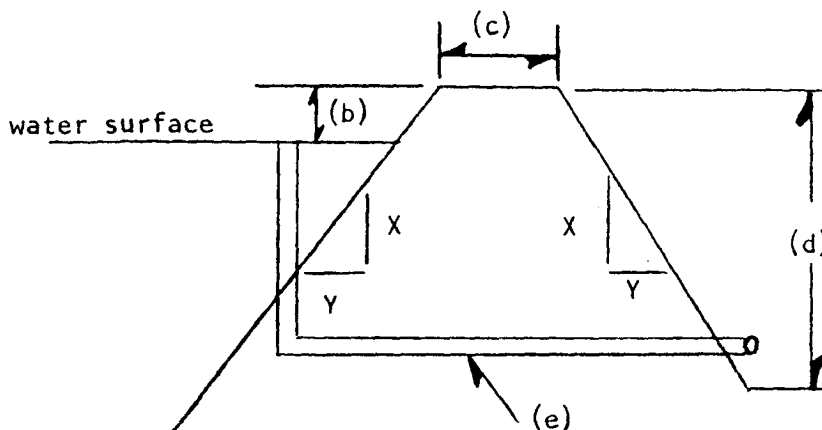
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

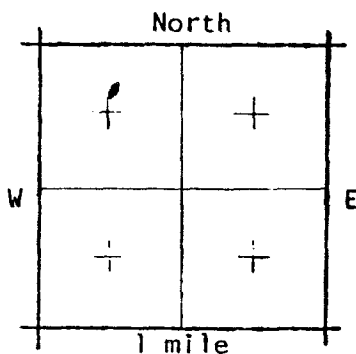


[Signature]
Signature of Applicant

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/4 NW Sec 3 Twp 116 Rg 52County Codington

Please mark well location with an "X"

Well Completion Date June 5-1984

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 9.3/4 inches Depth 470 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____
 Pipe Weight 50 lb/ft Diameter 5 inches From 0 feet To 430 feet
 _____ lb/ft _____ inches _____ feet _____ feet
Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Plastic Slot Size 1/8Length 40 FT Diameter 5 inWas Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? BentoneWas well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure Blue ClayTo what depth? TO TOP FEET Screen

What was grouting material? _____

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe 430-470
 WAS WELL PLUGGED OR ABANDONED 1 / Yes ☒ / No
 If so how and with what material? _____

Well Owner:

Name Entercept Building SystemsAddress East 212 Waterman, S.D.

Well Log:

Depth

Formation	From	To
FILL	0	2
Yellow Clay	2	10
Gravel	10	32
Yellow Clay	32	50
Blue Clay	50	95
SAND Tuck water	95	98
Yel Clay	98	153
Blue II	153	439
Fine Black sand	439	470
Blue Clay	470	570

STATIC WATER LEVEL 31 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: Air

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped 200-300 GPM1/2 ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

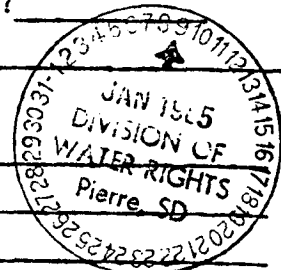
Remarks:

This well was drilled under license # 414

and this report is true and accurate

Stefan - [Signature]

Drilling Firm _____ Signed by _____

Date 12-2-84



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 23, 1985

Entertert Building Systems
East Hwy 212
Watertown, SD 57201

Dear Sir:

A well drillers report filed with this office by Stadheim Irri. & Well Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter is to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

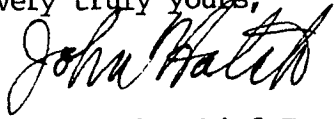
General Information. The following is being provided to all new well owners for information purposes and may not apply to you.

1. If a well will be allowed to flow or will be pumped more than 18 gallons per minute (gpm) or if a person intends to use more than 18 gpm or more than 26,000 gallons per day (average of 18 gpm) for domestic use, a water permit is required pursuant to SDCL 46-1-6(4) and (6), 46-1-15, 46-5-8 and Water Management Board Rules 74:02:01:01(1) and 74:02:01:03. A pump larger than 18 gpm may be used as long as the total daily domestic use does not exceed 26,000 gallons per day (gpd). Water for geothermal heating and/or cooling for a home is domestic use, and may be used without a water permit, if the use is no more than 18 gpm.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14 and 46-6-21.
3. Any common distribution system such as a city, town, subdivision or rural water system that pumps or diverts more than 18 gpm is required by SDCL 46-5-8.2 to have a water permit.

4. A water permit is required pursuant to SDCL 46-1-15 to use water for commercial business operations, industrial purposes, mining or irrigation of more than 1/2 acre.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Well Driller

S514.wr

RECEIPT

Division of Water Rights

No 4 9928

South Dakota Department of Water and Natural Resources

Pierre, February 7, 1985

RECEIVED OF Energy Industries, Inc., 3200 9th Ave., SE Watertown, SD 57201

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

Fee for Application for Permit No. 5046-3 to Appropriate Water, to construct works 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.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

REPORT ON APPLICATION NO. 5046-3

ENERGY INDUSTRIES, INC.

March 25, 1985

Application No. 5046-3 is for the industrial use of 0.10 cubic feet per second of groundwater. The water will be withdrawn from one 470 foot well located in the SE 1/4 NW 1/4 Section 3, T116N, R52W in Codington County.

The aquifer Application No. 5046-3 proposes to utilize it a basal formation of glacial origin consisting of fine black sand. The boundary of the aquifer and the amount of water in storage have not been determined. There are no permits in Water Rights Division files that withdraw water from this formation.

The well log submitted with the application indicates that the well penetrates 33 feet of fine sand, from 437 feet to 470 feet, has a static water level of 31 feet and produces 300 gallons per minute using air.

With the small amount of water requested (45 gpm) the thickness of the aquifer and no other permits from the aquifer there should not be a problem with interference.

Conclusions

1. The aquifer has not been delineated.
2. The amount of water in storage has not been determined.
3. No observation wells exist to monitor this aquifer in Codington County.
4. The well has been utilized since June 1984 and the Water Rights Division has not received any complaints.

Gale N. Selken P.E.

GALE N SELKEN, PE
Hydrologist III

References

Department of Water and Natural Resources, Water Rights Division, Observation well records (microfiche and computerized) and Water Rights Division records (unpublished).

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5046-3, Energy Industries, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5046-3, Energy Industries, Inc, 3200 9th Avenue SE, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5046-3 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) in the public interest 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 adequate domestic wells.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 28, 1985

No. 5046-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5046-3 to Appropriate Water and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Energy Industries, Inc. whose mailing address is 3200 9th Ave., S.E., Watertown, South Dakota has made an application for a permit

to appropriate 0.10 cfs from one well 470 feet deep for industrial purposes. The well is located in the SE¼NW¼ Section 3, T116N-R52W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5046-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, in the basement of Capitol Building, Pierre, SD, May 15 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

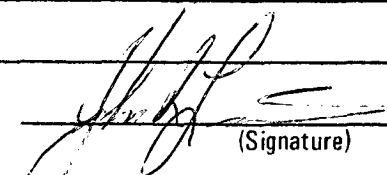
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of Watertown

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

April 2nd, 1985

April 9th, 1985


(Signature)

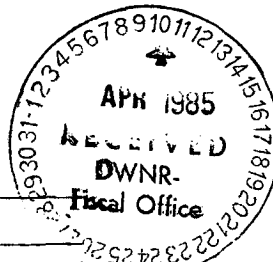
Publisher

(Title)

April 9th, 1985

(Date Signed)

Cost of Printing: 62.70



hearing date. The time of the
hearing will be automatically ex-
tended for at least twenty days
upon written request of the ap-
plicant or any person who has
filed a petition to oppose or sup-
port the application. The request
for extension must be filed with
the Chief Engineer by May 3,
1985.

(April 2, 9, 1985)

APPLICATION

NOTICE OF HEARING

On Application No. 5046-3 to Ap-
propriate Water

Notice is hereby given that
Energy Industries, Inc. whose
mailing address is 3200 9th Ave.
S.E., Watertown, South Dakota
has made an application for a
permit to appropriate 0.10 cfs
from one well 470 feet deep for
industrial purposes. The well is
located in the SE 1/4 NW 1/4 Section
3, T116N-R52W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5046-3 because 1) unappropriated
water is available, 2) will be no
unlawful impairment of existing
rights, 3) is beneficial use of
water and 4) is in the public in-
terest.

This application will be con-
sidered by the Water Manage-
ment Board at Civil Defense
Room, in the basement of Capitol
Building, Pierre, SD, May 15,
1985 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this application
after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends
to participate in the hearing be-
fore the Board and present
evidence or cross-examine
witnesses according to SDCL 1-
26, must file a written petition
with BOTH the Applicant and the
Chief Engineer by May 3, 1985.
The petition may be informal,
but it must include a statement
describing the petitioner's inter-
est in the application, the reason
for the petitioner's opposition to
or support of the application, and
the signature and mailing ad-
dress of the petitioner or his legal
counsel if legal counsel is obtain-
ed. The applicant need not file a
petition.

This application is made pur-
suant to the provisions of SDCL
46-1-1 thru 46-1-9, 46-1-12 thru 46-
1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-
13, 46-2-17, 46-5-1 thru 46-5-16, 46-
5-24, 46-5-25, 46-5-30.2, 46-5-31;
46-2A-1 thru 46-2A-10, 46-2A-12;
46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10,
46-6-13, 46-6-14; and Board Rules
ARSD 74:02:01:01 thru
74:02:01:15.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, has
the right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not exer-
cised. Decisions of the Board
may be appealed to the Circuit
Court and the State Supreme
Court as provided by law.

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further information on
this application or to assure ac-
cess to the hearing by the handi-
capped can contact the Water
Rights Division, DWRN, Joe
Foss Bldg, Pierre, SD (605 773-
3352) for assistance prior to the



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5046-3

JUN 24 1985

Energy Industries, Inc.
3200 9th Ave., S.W.
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5046-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5046-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

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

Post Office Watertown

Date June 26, 1985

TO: Water Rights
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 maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 5046-3.

Water Right Permit No. 5046-3 states that the diversion system is to be constructed by November 15, 1987, and that the water is put to beneficial use by May 15, 1994.

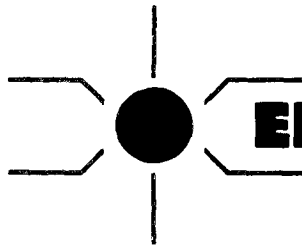
The diversion system was completed on 1985. Applying the water to beneficial use was completed on 1985.

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)

Energy Industries
PL 4 Box 12 - Watertown SD
WNR-810-7/79
Notice of Completion of Works and/or
Application of Water to Beneficial Use





ENERGY INDUSTRIES, INC.

East Hiway 212 Route #4 — Box 12 Watertown, South Dakota 57201
Phone 605/882-2222

August 27, 1985

Water Rights
Joe Foss Building
Pierre, SD 57501

Gentlemen:

In the early part of July, 1985, we returned to your office the Notice of Completion of Works And/Or Application of Water to Beneficial Use form.

This form authorized your department to schedule an inspection so the Water License could be issued.

As of this date, we have not been contacted by your department for scheduling. Would you please check into this and let us know when we might expect to finalize the water rights paperwork.

Your cooperation is greatly appreciated.

Sincerely,

HAROLD B. HENLEY
President

HBH:wh



Manufacturers of: EPS Insulation • Perma-Foam Products



WATER RIGHTS DIVISION
(605) 773-3352

August 30, 1985

Energy Industries, Inc.
Harold B. Henley, President
Route 3 Box 12
Watertown, South Dakota 57201

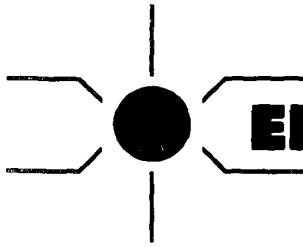
Dear Mr. Henley:

Thank you for your letter concerning inspection of your water use system. There has not been anyone in your area this summer doing inspections. Due to the nature of our workload and limited staff I do not know when an inspection of your system will take place. I can assure you that it will be done as soon as we have someone in the area. If you have any further questions please contact this office.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms



ENERGY INDUSTRIES, INC.

East Hiway 212 Route #4 — Box 12 Watertown, South Dakota 57201
Phone 605/882-2222

July 21, 1986



Department of Water & Natural Resources
Water Rights Division
ATTN: Ron Duvall
Joe Foss Building
523 EAST Capitol
Pierre, SD 57501-3181

RE: Water Right Permit No. 5046-3

Dear Mr. Duvall,

Please schedule Energy Industries for a final inspection of the water system when you have someone scheduled to be in this area.

We would like to receive the License as soon as possible in order to clear our records.

Thank you for your cooperation. Please let us know when the inspection will be scheduled.

Sincerely,

Wendy Hartley
Secretary



Manufacturers of: EPS Insulation • Perma-Foam Products



Permit No. 5046-3Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by _____

Energy Industries, Inc of Route #4, Box 12, Watertown holder of
Permit No. 5046-3, bearing the priority of February 7 19 85 authorizing
the diversion of 0.10 cu. ft. per second of the waters of ground water (1 well)
for industrial purposes, in Codington County.

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

A. Works used to divert the water:

submersible pump:
horsepower - 1 1/2
capacity - 30 gpm

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

Water is distributed by numerous
pipelines for boiler purposes and for
cooling of equipment.

C. Works used to apply water to beneficial use:

The system is in the following condition excellent

The point of diversion is located well: 740 feet S and 1,222 feet E from the NW
corner of section 3-T116N-R52W (well is located 600 feet from advertised area)

The works are capable of diverting and conveying to the place of use 0.067cu. ft. per second of water which is to be used for industrial purposes

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

Used for equipment cooling and the plant boiler.

comprising a total of NA acres of land and the license should be issued for 0.067 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date August 20, 1986

Ron Duwall
(signature)

LICENSE FOR PERMIT NUMBER 5046-3

1. Legal location of wells: 1 well: 740 Ft S and 1,222 Ft E From
the NW corner of section 3-T116N-R52W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

dams & structures: _____

2. Well Information: Well Drilling Firm Stadheim

No. of wells 1 Depth 470 feet

Casing a) diameter 5 inch Screen a) type Plastic
b) length 430 feet b) length 40 ft, 5 in.
c) type Plastic Static Water Level 31 feet

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating 1 1/2
d) capacity 30 GPM d) motor efficiency rating _____
e) turbine pump _____
no. of stages _____

3. Distribution lines: Water is used to cool equipment and is used
for the plant boiler
a) size of lines _____
b) type _____
c) length _____

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

- h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

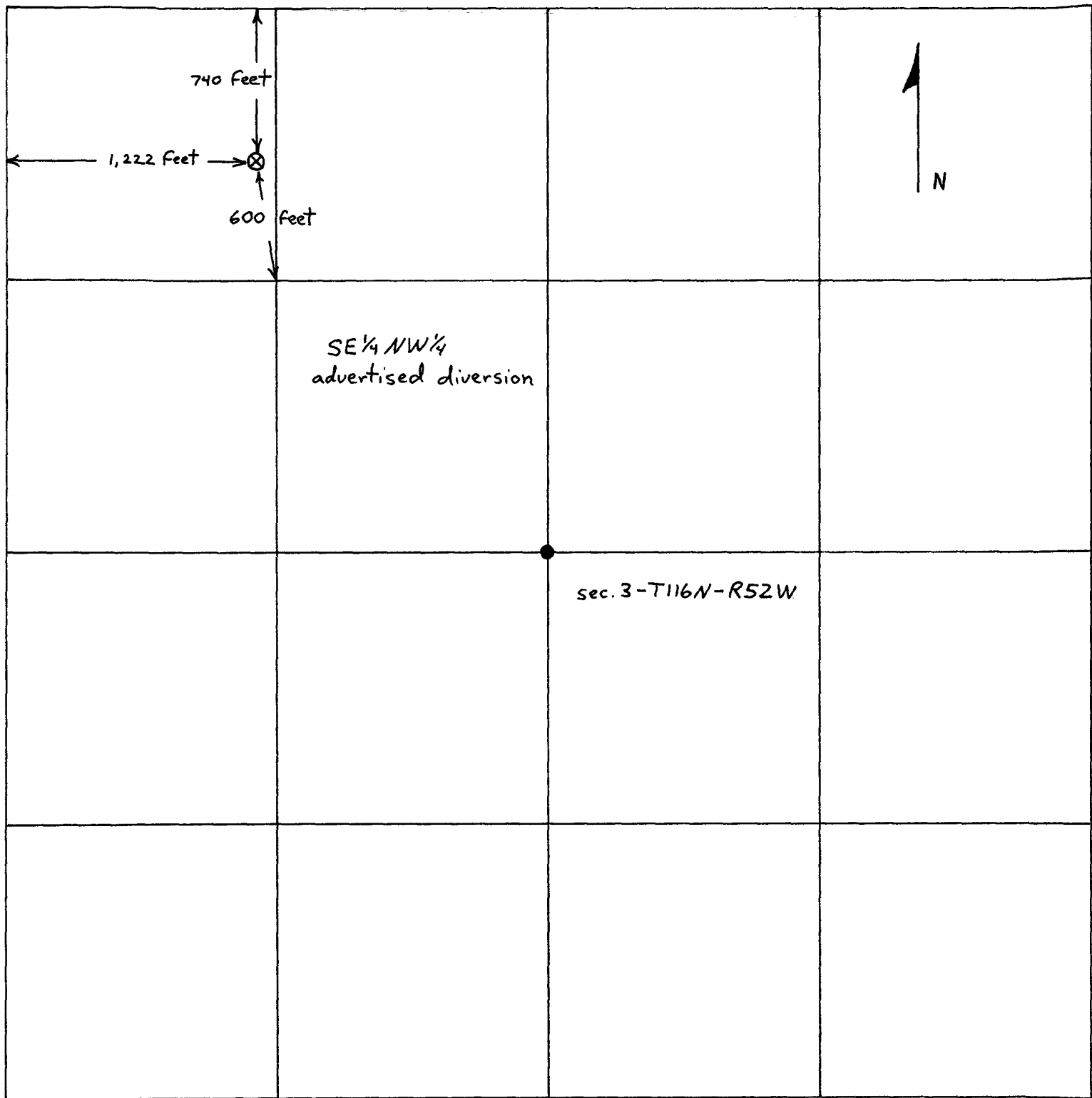
YES

NO

Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:



The well is located within 660 Feet of
the authorized diversion point pur-
suant to SDCL 46-5-13.1

Ron Duwall
Natural Resources Engineer
8/4/87



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 5046-3

August 7, 1987

Energy Industries, Inc.
Route 4, Box 12
Watertown, South Dakota 57201

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 5046-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410968

Pierre, August 17, 1987

RECEIVED OF Energy Industries, Inc., Route 4, Box 12, Watertown, SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>5046-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By

John Hatch

Chief Engineer

JOHN HATCH

(MS)



No. 5046-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

SEP 14 1987

Energy Industries, Inc.
RR#4, Box 12
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is, Water License No. 5046-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

State of South Dakota
Water License No. 5046-3

(1) Energy Industries, Inc.
of RR#4, Box 12, Watertown, South Dakota 57201
made Application No. 5046-3, February 7, 1985 for a water permit to appropriate
0.10 cubic feet per second of water from groundwater (one well),
Codington County, South Dakota for industrial purposes.
Permit No. 5046-3, with a priority date of February 7, 1985
was approved May 15, 1985 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 15, 1990 and for the application to beneficial use of said
water on or before May 15, 1994.

and

(2) It is certified that the application 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 0.067 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 740 feet South and 1.222 feet East of
the NW Corner of Section 3, T116N, R52W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is distributed through pipelines for
boiler purposes and for cooling of the equipment.

(4) Pursuant to §46-5-30.1 Energy Industries, Inc.
of RR#4, Box 12, Watertown, South Dakota 57201
the holder(s) and/or owner(s) of Water Permit No. 5046-3 is issued a license to appropriate water, the right to use
0.067 cubic feet per second of water from groundwater (one well) with a priority date
of February 7, 1985 from the location specified in (2) of this license. The water to be
~~conducted to and upon lands specified in (3) of this license~~ ^{used} for the purpose of industrial use

This license is subject to any limitations or qualifications listed in Water Permit No. 5046-3 and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources JOHN HATCH
SEP 14 1987

WATER USE FOR 1990



5046-3

* ENERGY INDUSTRIES INC.
3200 9TH AVE SE
WATERTOWN, SD 57201

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER None, NUMBER AND DEPTH OF WELLS NA

Facility has for some time
now been used by Benchmark
Foam Inc.

SURFACE WATER 0, NAME OF STREAM OR LAKE NA

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL ☒ COMMERCIAL _____ INSTITUTIONAL _____
GEOTHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE Refer to Benchmark GALLONS

NAME OF CONTACT PERSON Harold Henley

TELEPHONE NO. 605-882-2222

ADDRESS CORRECTION Benchmark Foam Inc

3200 9th S.E.
Watertown, S. Dak

Contact - John Devine



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 21, 1991

5046-3

John Devine
Benchmark Foam Inc
3200 9th SE
Watertown, SD 57201

Dear Mr. Devine:

Enclosed is a "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5046-3. The water right is currently listed in the name of Energy Industries Inc. Harold Henley indicated to our office that the facility has been used for sometime by Benchmark Foam Inc.

The transfer form should be signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

Also enclosed is a request for "1990 water use". Please complete the form and return it along with the "Notice of Transfer" and filing fee. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

File No. 5046-3

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: John Devine, Benchmark Foam Inc

ADDRESS: 3200 9th St SE

COUNTY: Codington

DATE: March 22, 1991

TELEPHONE: 886-8084

RE: ownership of water right

COMMENTS:

In response to a "Notice of Transfer" I mailed to Benchmark Foam Inc., Mr. Devine called to inform us that they leased the property from Harold Henley (dba Energy Industries). I told Mr. Devine to throw the transfer form away since it did not pertain to them.

He indicated he would, however, complete the request form for 1990 water use information and return it to our office.



Genny McMath
Natural Resources Analyst

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

ENERGY INDUSTRIES INC.
3200 9TH AVE SE
WATERTOWN SD 57201

Address correction requested:

Benchmark Team
3200 9th Ave SE
Watertown SD 57201

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5046-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: PLEISTOCENE SERIES
Management Unit: UNNAMED CREEK

County: CODINGTON
Pumping Pt. Legal: SEC 03-T116N-R52W
Type of Water Use: INDUSTRIAL

1) Please estimate your year 2000 water use from the above water source: 1 million gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: We will be changing our system
in March & then won't be using
any water from this well.
Thank you.

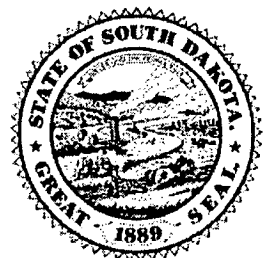
Contact Person: Brenda Hansen

Telephone No: 605-886-8084

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2001

5046-3

Brenda Hansen
Benchmark Foam
3200 9th Ave SE
Watertown, SD 57201

Dear Ms. Hansen:

Thank you for contacting us with regard to the ownership change for Water Right No. 5046-3, Energy Industries.

Enclosed, as you discussed with Ron Duvall, is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please complete as needed and then sign it in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5046-3

Date: 2-12-01



I/We request that Water Right No. 5046-3

formerly owned by: Energy Industries Inc

be transferred to: (name & address) Benchmark Foam Inc
3200 9th Ave SE Watertown SD 57201 Telephone No. 605-886-8084

Title to the following described land(s)/property has been transferred as described above:

diversion point location: NW 1/4 NW 1/4 Section 3, T116N, R52W

I/We understand that the validity of Water Right No. 5046-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Codington)

Benchmark Foam Inc.

I/We Wendy Fransen, Sec-Treas being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Benchmark Foam Inc.

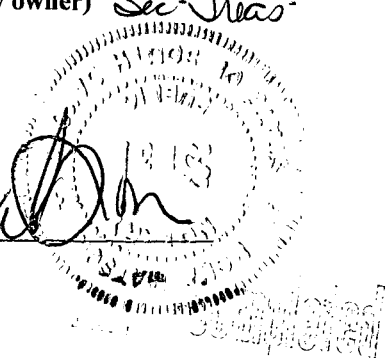
Wendy Fransen

(Signature of new owner) Sec-Treas

Subscribed and sworn to before me this 12th day of February, 2001.

Mona Matheson

(Notary Public)



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2001

5046-3

Wendy Fransen
Benchmark Foam, Inc
3200 9th Ave SE
Watertown, SD 57201

Dear Ms. Fransen:

Thank you for following up on the ownership change for Water Right No. 5046-3. The transfer has been completed. The water right formerly listed in the name of Energy Industries, Inc., is now listed in the name of Benchmark Foam, Inc.

Enclosed is your Receipt No. 416781 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416781

Pierre, February 22, _____, 2001

RECEIVED OF Benchmark Foam Inc, 3200 9th Ave SE, Watertown SD 57201
the following amount in fees for services rendered as provided for by law: (Energy Industries Inc.)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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. _____

Fee for Filing Transfer Form 5046-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbe

Chief Engineer

gm

Water Rights Program - File Documentation

NAME: Benchmark Foam

ADDRESS: 3200 9th Ave SE, Watertown SD 57201

DATE: 5-9-2001 **COUNTY:** CD **TELEPHONE:** 605 886-8084

RE: 2000 SD Water Use Questionnaire

COMMENTS:

I spoke with Brenda Hansen regarding her comment on the questionnaire that they were changing their system and wouldn't be using any water from the well. Ms. Hansen stated they are now using city water and recycling the water for their industrial use. The well is maintained as a stand-by supply for immediate use if necessary.



Karen Schlaak
Environmental Scientist