

Considered: _____

WATER PERMIT NO. 5129-3

MAP No. same

Name of Applicant Norman and Ann Hoffman

Post Office Address 654 Industrial Blvd., Waconia, MN 55387

Amount of Water Claimed 0.10 cfs Total Acres NA

Source of Water Supply Big Sioux Aquifer - 1 well

Water to be used for industrial purposes County Deuel

About 1 1/2 miles N of Clear Lake.

PROOF OF PUBLICATION: Received ☒ Not Received ☐

APPLICATION: Approved 5/6/87 Subject to _____

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

PRIORITY _____ Date Received March 23, 1987 Fee \$50.00 Remarks water supply
3/23/87 for Technical Ordinance, Inc.

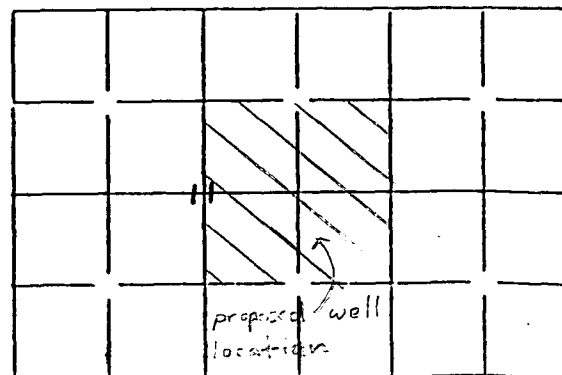
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point well: S 1/2 NE 1/4, N 1/2 SE 1/4 section 11 -
T115N-R49W

Land to be Irrigated NA



Well Log: Driller _____ Licensed YES ☐ NO ☐

Depth of Well approx 50 feet REMARKS _____

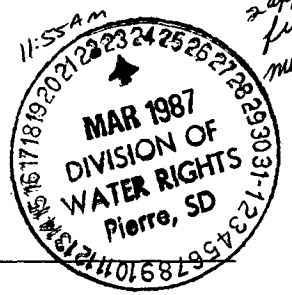
Type of Map Topo PREPARED BY Dan Björke Reviewed and the Number
assigned on March 23, 1987 By Ron Davall

No. 5129-3 Hydrologic Unit 10170202
 Map No. same Basin Big Sioux River
 Newspaper Clear Lake Courier, Box 277 (Thurs)

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 Norman and Ann Hoffman Phone No. 612-442-5104Post Office Address 654 Industrial Blvd. Waconia State Minn. 55387
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 0.103. Source of water supply Big Sioux Aquifer4. Location of point of diversion S $\frac{1}{2}$, NE $\frac{1}{4}$, and N $\frac{1}{2}$, SE $\frac{1}{4}$, Section 11, T115N, R49W, 5th PM.
Exact location within area described above to be determined by exploratorydrilling. County Deuel5. Counties where water will be used Deuel6. Annual period during which water is to be used Continuous January 1 - December 31

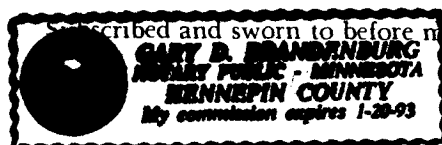
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water supply for Technical Ordnance, Inc. manufacturing facility.

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 Deuel)^{ss}* I, Norman Hoffman

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 Norman Hoffman20 day of March 1987Gary D. Brandenburg
 (Notary Public (or other qualified officer))

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5129-3

Norman and Ann Hoffman 654 Industrial Blvd., Waconia
(Applicant) (Post Office Address)

MN 55387 With the following qualifications.

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well constructed pursuant to this Permit shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

Date of first receipt of application March 23, 1987.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved May 6, 1987.

The Water Management Board hereby approves this Water Permit No. 5129-3 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 March 23, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before October 6, 1989.
3. The whole of said work is to be completed on or before May 6, 1992.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 6, 1996.
5. The water appropriated shall be used for the purpose of industrial use by Technical Ordinance, Incorporated
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 6, 1996; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

 RECEIVED MAY 11 1987
 DEPT. OF WATER RESOURCES

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4 inch Depth 50 feet
- b) Casing Type steel Diameter 6 5/8 inch Thickness 1/4 inch
- c) Screen Type stainless steel Diameter 6 inch Thickness 1/4 inch
- d) Gravel Pack Thickness not known Length of Gravel Pack not known
- e) Depth to Top of Water Bearing Material not known
- f) Depth of Water (ground surface to water level) not known
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 1/2 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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 _____

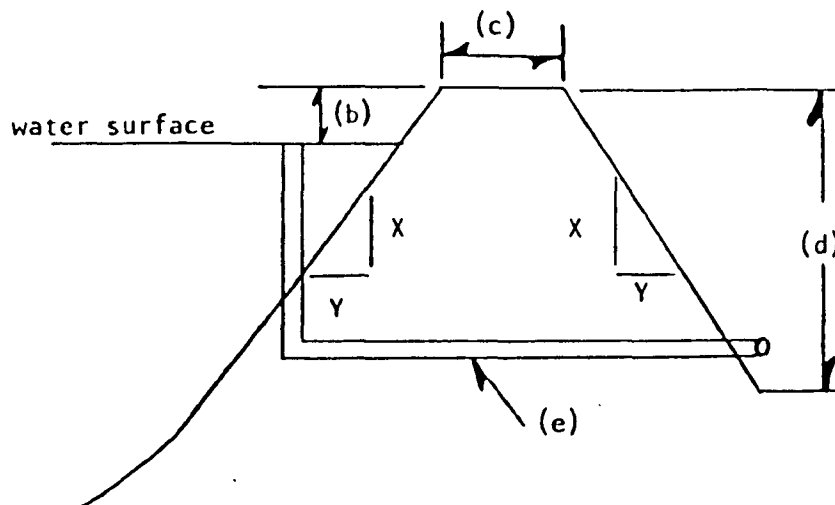
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



X

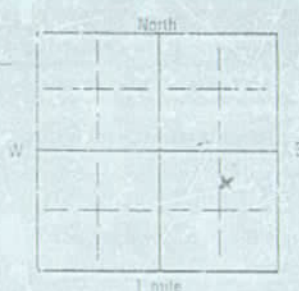
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE SE Sec 11 Twp 115N Rg 49WCounty Dakota

Please mark well location with "X"

Well Completion Date 4-11-87

PROPOSED USE

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

Method of Drilling:

CASING DATA

☒ Steel ☐ Plastic ☐ Other

Other describe:

PIPE/WT	DIAMETER	FROM	TO	HOLE DIAMETER
19.45 LB/FT	6 IN	0 FT	3 1/2 FT	8 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

Top 20 FT Reamed to 10"

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 19 1/2 FEETWhat is grouting material? CementIf cement, number of sacks? 10Describe grouting procedure: Pressure Grout Through Tremie Pipe down outside of casing

What was grout weight? _____ LB/GAL

Casing ☐ Perforated pipe ☒ ManufacturedDiameter 6" IN Length 10 FEETMaterial Stainless SteelSlot Size .025" Set from 3 1/2 Feet To 4 1/2 Feet

Slot Size _____ Set from _____ Feet To _____ Feet

Slot Size _____ Set from _____ Feet To _____ Feet

Other information:

Was a packer or seal used? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location:

Was well disinfected upon completion? ☒ YES ☐ NOExplain Injection of Chlorine before groutingBacteriological analysis ☒ YES ☐ NOLaboratory sent to State Health Lab

Well Owner

Name Technical OrdinanceAddress Clear Lake, S.D.

Well Log _____ Depth _____

Formation:

Formation	From	To
Yellow Gravel	0	15
Blue Clay	15	20
Coarse Gray Sand	20	34
Fine To medium sand	34	39
Coarse Gray Sand	39	41
Blue Clay	41	46

STATIC WATER LEVEL 5' 3" 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 in? _____

WELL TEST DATA

☒ Pumped☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

13' 9" ft. After 3 Hrs. pumped 60 GPM18 1/2" ft. After 29 Hrs. pumped 75 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS

This well was drilled under license # 4

And this report is true and accurate.

Drilling firm Bullis Bros

Signature of License Representative:

Se Roy Bullis

Signature of Well Owner:

James J. BullisDate 4-25-87

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICATION

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRESENTATION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

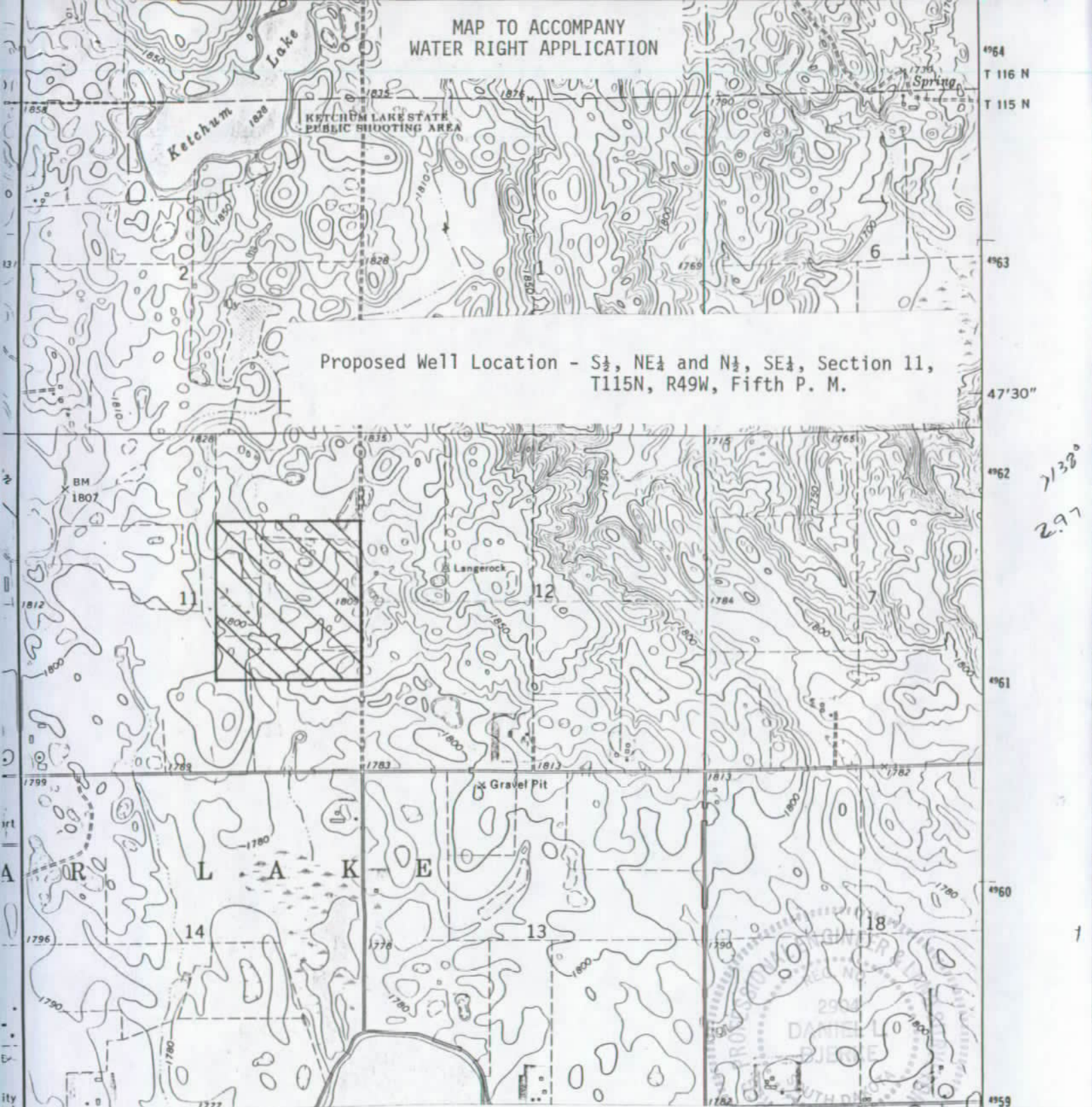
REDUCTION 20:1 ROLL NO 4-3

DATE MICROFILMED 4-25-87

CAMERA OPERATOR James J. Bullis



MAP TO ACCOMPANY WATER RIGHT APPLICATION



Proposed Well Location - $S\frac{1}{2}$, $NE\frac{1}{4}$ and $N\frac{1}{2}$, $SE\frac{1}{4}$, Section 11,
T115N, R49W, Fifth P. M.

SURVEYOR'S CERTIFICATION

I, Daniel L. Bjerke, Registered Professional Engineer and Land Surveyor in the State of South Dakota hereby certify that at the request of the Owner I have shown the proposed location of the water well on the map shown above and that the map is a true and correct representation of the location of the water well.

Daniel L. Bjerke
SD Registration No. 2904

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410793

Pierre, March 23, 1987, 19

RECEIVED OF Norman & Ann Hoffman, 654 Industrial Blvd., Waconia, MN 55387

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

Fee for Application for Permit No. <u>5129-3</u> 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

Chief Engineer

JOHN HATCH

ms

WATER RIGHTS DIVISION
(605) 773-3352

March 9, 1987

Troy Green
The Alliance of Architects & Engineers
Box 1385
Watertown, South Dakota 57201

Dear Mr. Green:

This letter is in response to our phone conversation on March 6, 1987 regarding the proposed water supply for Dela Tek.

A permit is required to appropriate water in South Dakota pursuant to SDCL 46-1-15, 46-5-9 and 46-5-10. Development of a private water supply for Dela Tek, outside of an existing permitted rural water system or municipal water supply, will require obtaining a water permit. Enclosed are permit application forms with an instruction sheet. Please follow the instructions carefully and contact us if you have any questions. The application needs to be completed and returned by March 18, 1987 to be on the agenda for the May 6 Board Meeting.

When completing question No. 2 (Amount of Water Claimed) specify the pump capacity, not the average daily use. The expected annual volume of water to be appropriated may also be specified because of the fee structure (instruction sheet). For example:

The application fee for 400 gpm with no annual amount of acre-feet or gallons specified is \$325.00.

The application fee for 400 gpm and an annual use of 120 acre-feet or less is \$150.00.

Please be sure to contact me if you have any questions to avoid delays in processing the permit application.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



THE ALLIANCE OF ARCHITECTS & ENGINEERS
P.O. Box 1385, Watertown, SD 57201
605/886-7922

Offices in Rapid City, SD/Spearfish, SD/Gillette, WY

March 17, 1987

W87-27

Mr. Ron Duvall
Natural Resources Engineer
SD Dept. of Water & Natural Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501



Re: Permit to Appropriate Water
Norman And Ann Hoffman
Technical Ordnance Site
Clear Lake, South Dakota

Dear Mr. Duvall:

Enclosed herewith are two signed applications for a water right for the above referenced facility. Enclosed also is a check in the amount of \$ 50.00 for the filing fee in accordance to your schedule for 0.10 cfs or less of water.

Once the well site has been exactly located and the well completed, a copy of the well driller's log will be sent to you for your records.

If you have any questions, please call me..

Very truly yours,

Alliance of Architects & Engineers, Inc.

Daniel L. Bjerke, PE/LS
Vice-President

REPORT ON APPLICATION NO. 5129-3
for Norman and Ann Hoffman
March 24, 1987

This application proposes to appropriate 0.10 cfs from one approximately 50 feet deep well to be located in either the S 1/2 NE 1/4 or N 1/2 SE 1/4 of Section 11, T115N-R49W. The water is to be used for industrial purposes by the Technical Ordnance, Incorporated Manufacturing Facility.

Aquifer - Big Sioux - Brookings (BS-B)

The Big Sioux Brookings (BS-B) is a Pliestocene aged outwash (sand and gravel) Alluvium mantled aquifer which underlies 26,400 acres and contains 59,400 acre-feet of recoverable water in Deuel County (Hedges, 1982). The BS-B is generally under water table conditions in this area and using a minimum rate the recharge to the aquifer has been estimated to be 7920 acre-feet (Hedges, 1983). Ground water in the BS-B slopes from NW to SE towards Clear Lake (Kume, 1985). Clear Lake is a discharge-recharge area for ground water.

The consulting engineer for the applicant (Dan Bjerke) reported by telephone on March 24, 1987 that six test holes had been drilled on the property by Twin City Testing. One test had yielded 25 gpm from a test hole and sand and gravel was encountered from about 20 feet to 42 feet below land surface.

The Division of Water Rights monitors 4 observation wells (DU-78A, DU-71B, DU-73B and DU-71A) in this area and water level records reflect seasonal changes due to precipitation. Fluctuations due to pumping from the BS-B are not evident in the hydrographs (Water Rights Division, 1987).

Review of Existing Water Rights

The City of Clear Lake holds two permits (Nos. 534-3 and 5071-3) for wells into the BS-B about 1 1/2 miles south of this application. Also the Brookings-Deuel Rural Water System (Permit Nos. 5108-3, 4830-3 and 2416-3) and an irrigation permit for Atyeo Brothers (Permit No. 2245-3) are located about 2 miles east and southeast of this application. There are other irrigation permits in this area, but they are obtaining water from a buried glacial outwash which may not be in hydraulic communication with the BS-B Aquifer.

Interference should not be a problem, this is in a water table aquifer and the diversion rate is quite small.

Conclusions

1. Water is available from the BS-B Aquifer.
2. Interference will not be a problem.
3. The applicant should consider drilling a backup well or at least obtaining water from another source (City of Rural Water System) in case of problems with proposed well.
4. The production well must be completed in accordance with South Dakota Well Constsruction Standards.


James A. Goodman
Hydrologist

Bibliography

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa for US Army Corps of Engineers, DWNR, SDGS, Vermillion, SD 57069.
- Hedges, L.S., J.A. Allen, D.E. Holly, 1983, Task 7. Ground Water Recharge, for US Army Corps of Engineers, DWNR, SDGS, Vermillion, SD 57069.
- Kume, J., 1985, Water Resources of Deuel and Hamlin County, Water-Resources Investigation Report 84-4069, USGS, Huron, SD 57350.
- Water Rights Division, 1987, Observation Well Records for DU-78A, DU-71B, DU-71A and DU-73B, DWNR, Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5129-3

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. 5129-3, Norman and Ann Hoffman, 654 Industrial Blvd, Wacoia MN.

The Chief Engineer is recommending APPROVAL of Application No. 5129-3 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:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well constructed pursuant to this Permit shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 31, 1987

No. 5129-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5129-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Norman and Ann Hoffman whose mailing address is 654 Industrial Blvd., Waconia, Minnesota, ~~South Dakota~~ has made an application for a permit

to appropriate 0.10 cubic feet of water per second from one well (Big Sioux Aquifer) approximately 50 feet deep to be located in the ~~S-NE4, N-SE4~~ Section 11-T115N-R49W. Water is to be used for industrial purposes by the Technical Ordnance, Incorporated manufacturing facility.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5129-3 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 6 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(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 April 24, 1987.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Gary DeJong

The undersigned being first duly sworn, on oath deposes and says That he is in charge of the advertising department of the Clear Lake Courier; which newspaper is published by Gary DeJong; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication that the

NOTICE OF HEARING

NORMAN AND ANN HOFFMAN

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of the Affidavit, was published in said newspaper at least once in each week

for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

On Thursday April 8, 1987

On Thursday April 15, 1987

On Thursday 19

On Thursday 19

On Thursday 19

On Thursday 19

On Thursday 19

On Thursday 19

On Thursday 19

that the full amount of the fees for the publication

of the annexed notice is \$ 39.96

Subscribed and sworn to before me this 28th day of April, 1987

Notary Public, South Dakota

My Commission Expires



NOTICE OF HEARING ON APPLICATION NO. 5129-3 TO APPROPRIATE WATER

Notice is hereby given that Norman and Ann Hoffman whose mailing address is 654 Industrial Blvd., Waconia, Minnesota, has made an application for a permit to appropriate 0.10 cubic feet of water per second from one well (Big Sioux Aquifer) approximately 50 feet deep to be located in the S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11-T115N-R49W. Water is to be used for industrial purposes by the Technical Ordinance, Incorporated manufacturing facility.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5129-3 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 6, 1987 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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 application 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; 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 exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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Apr. 8, 15



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUL 17 1987

Norman and Ann Hoffman
654 Industrial Blvd.
Waconia, Minnesota

Dear Mr. & Mrs. Hoffman:

Enclosed herewith is your Water Permit No. 5129-3 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. 5129-3.

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 black 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

Permit No. 5129-3
Big Sioux River - Water District

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, **June 27, 2001**, made a thorough examination of the water use system constructed by **Norman and Ann Hoffman** of **9200 Nike Rd, PO Box 800, St. Bonifacius MN 55375-0800** holder of Permit No. **5129-3**, bearing the priority of **March 23, 1987** authorizing the diversion of **0.10** cu. ft. per second of the waters of **ground water (Big Sioux – Brookings aquifer)** for **industrial** purposes, in **Deuel** County.

Inspection contact & relationship to permit holder, if applicable: **David Zinter**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Bullis Bros.**
- 2) No. of Wells **1**
- 3) Depth(s) **41.5** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **6** inches
- 2) Length **31.5** feet
- 3) Type **steel**

Screen:

- 1) Type **stainless steel**
- 2) Length **10** feet
- 3) Static water level **5.25** feet

Pump/Motor:

- 1) Make **submersible**
- 2) Size **½ hp**
- 3) Capacity **45** GPM

B. Works used to transport\apply water to beneficial use:

- 1) Type **PVC**
- 2) Size **1¼** inches
- 3) Length **≈ 350** feet

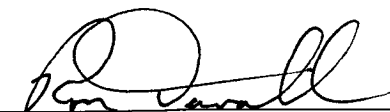
Water is used in a shop area for cooling in an air compressor and is used in two ovens.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Exceptions to compliance are: **none**

The system is in **good** condition with the point of diversion located as follows: **Well: ≈ 1,250 feet W and ≈ 1,875 feet N from the SE corner section 11-T115N-R49W (NE¼SE¼).** The works are capable of diverting and conveying to the place of use **0.10** cu. ft. per second of water which is to be used for **industrial purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.10** cfs.

Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map **Y**



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: **August 14, 2001**

600 0 600 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 14, 2001

No. 5129-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 17, 2001

5129-3

Norman & Ann Hoffman
PO Box 800
St Bonifacius, MN 55375-0800

Dear Mr. & Mrs. Hoffman:

On June 27, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5129-3, was completed by Ron Duvall, a staff engineer with our program. Ron visited with David Zinter during the investigation. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416904

Pierre, AUGUST 27, 20 01

RECEIVED OF TECHNICAL ORNANCE INC, PO BOX 800, ST. BONIFACE, MN 55375-0800
the following amount in fees for services rendered as provided for by law: (Norman & Ann Hoffman)

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. 5129-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Darlene Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 24 2001

5129-3

Norman & Ann Hoffman
9200 Nike Rd.
PO Box 800
St. Bonifacius, MN 55375-0800

Dear Mr. & Ms. Hoffman:

Enclosed is Water License No. 5129-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416904 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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. 5129-3, 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,

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

enclosures

STATE OF SOUTH DAKOTA

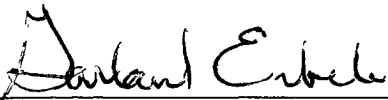
WATER LICENSE NO. 5129-3

(1) Norman & Ann Hoffman, 9200 Nike Rd, PO Box 800, St. Bonifacius, MN 55375-0800 made Application No. 5129-3, March 23, 1987 for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer), Deuel County, South Dakota for industrial purposes. Permit No. 5129-3, with a priority date of March 23, 1987 was approved May 6, 1987 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 6, 1992 and for the application to beneficial use of said water on or before May 6, 1996.

(2) It is certified that the permit holders have 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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is ≈ 1,250'W and ≈ 1,875'N of the SE corner of Section 11, T115N, R49W (NE ¼ SE ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial. The water is used in a shop area for cooling in an air compressor and is used in two ovens.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Norman and Ann Hoffman, 9200 Nike Rd, PO Box 800, St. Bonifacius, MN 55375-0800 the holders and/or owners of Water Right No. 5129-3 are issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer) with a priority date of March 23, 1987 from the location specified in (2) of this license. The water is used for industrial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5129-3 and subject to South Dakota State Law.

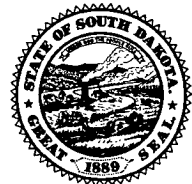


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 24 2001

date



February 2, 2006

2005 South Dakota Water Use Questionnaire

5129-3

To:

NORMAN & ANN HOFFMAN
9200 NIKE RD, PO BOX 800
ST. BONIFACIUS MN 55387 0800

Address correction requested:

Technical Ordinance, Inc
c/o Lisa Simpson
47600 180th St
Clear Lake SD 57226

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5129-3. 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

County: DEUEL

Aquifer: BIG SIOUX

Pumping Pt. Legal: SEC 11-T115N-R49W

Management Unit: BROOKINGS

Type of Water Use: INDUSTRIAL

- 1) Please estimate your year 2005 water use from the above water source: 716,000 gallons
- 2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: _____

Contact Person: Lisa Simpson

Telephone No: 605-874-2631

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

Thank you for completing the 2005 water use questionnaire.

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



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APR 14 2006
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 17, 2006

No. 5129-3

Technical Ordinance, Inc.
c/o Lisa Simpson
47600 180th St
Clear Lake SD 57226

Dear Ms. Simpson:

Thank you for returning the 2005 SD Water Use Questionnaire. Based on the return of the form, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5129-3. The water right is currently listed in the name of Norman and Ann Hoffman.

The transfer form should be checked over for accuracy and signed by the new owner. 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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5129-3

Date: 4-18-06

I/We request that Water Right No. 5129-3

formerly owned by: Norman & Ann Hoffman

be transferred to: (name & address) Technical Ordinance, Inc
47600 180th Street
Clear Lake SD 57226 Telephone No. 605-874-2631

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

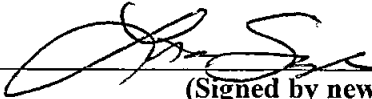
1 well - NE 1/4 SE 1/4 Section 11-T115N-R49W for industrial use

I/We understand that the validity of Water Right No. 5129-3 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.

I/We LISA Simpson, the new owner, certify that the above information is true and correct.
TekOrd Safety Officer
For Technical Ordinance, Inc


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED
APR 21 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 21, 20 06

RECEIVED OF Technical Ordnance Inc. 17965 477th Ave., Clear Lake SD 57226

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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 <u>5129-3</u>		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02408

By Darland Eide
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

April 25, 2006

5129-3

Lisa Simpson
Technical Ordnance Inc
47600 180th St
Clear Lake SD 57226

Dear Ms. Simpson:

Thank you for following up on the ownership change for Water Right No. 5129-3. The transfer has been completed. The water right formerly listed in the name of Norman and Ann Hoffman is now listed in the name of Technical Ordnance.

Enclosed is your Receipt No. 02403 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