

Considered: _____

WATER PERMIT NO. 5276-3

HAP No. same 582-6200

Name of Applicant Brandon Wood Preserving Inc.

Post Office Address PO Box 34, Brandon SD 57005

Amount of Water Claimed 0.10 Total Acres NA

Source of Water Supply ground water - 1 well

Water to be used for industrial use County Minnehaha

About 3/4 miles N of Brandon.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Aug 30, 1988 Fee \$50 Remarks _____

Corrected Application Received 1/19/89 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: SE 1/4 SE 1/4 section 27 -
T102N-R48W

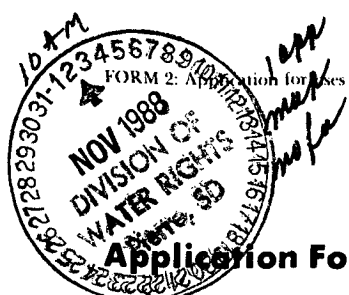
~~Land to be irrigated~~ Water is blended with
preservatives 90% to 1% ratio and used
as catalyst to drive the solution into the
wood.

		27			
			well		

Well Log: Driller Sioux Well Drilling Licensed YES ☒ NO _____

Depth of Well 140 feet REMARKS _____

Type of Map topo PREPARED BY Steve W Brockmuller Reviewed and the Number
assigned on February 6, 1989 By Ron Dussall



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

Mail to: Water Rights Div.
DWNr, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5276-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux River
Newspaper Argus Leader, P.O. Box 5034, 57117-5034
Attn: Legal Dept

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 retained
Change 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 Brandon Wood Preserving Inc. Phone No. (605) 582-6200
Post Office Address P. O. Box 34 Brandon, S. D. State 57005
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) --.01-- 0.10

3. Source of water supply Ground Water 1 well

4. Location of point of diversion None SE 1/4 SE 1/4 Sec 27-T102N-R48W

_____ County Minnehaha

5. Counties where water will be used Minnehaha

6. Annual period during which water is to be used Annually January 1 to 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 is blended with preservatives 90% to 1% ratio and used as a catalyst to drive the solution into the wood.

This is the only application this well is used for.

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 Minnehaha ss

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

Signed James Engelen

Subscribed and sworn to before me this 1st day of November 1988

Cleanor M. Henry
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5276-3

Date of first receipt of application August 30, 1988.

Date of return of applicant for correction, amendments or changes required October 13, 1988.

Date of receipt of corrected application January 19, 1989.

The Water Management Board approved Water Permit Application No. 5276-3 on May 10, 1989 for Brandon Wood Preserving, c/o James Engeliem, PO Box 34, Brandon, SD 57005 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5276-3 appropriates 0.10 cubic feet of water per second from one well (Split Rock Creek Formation) 140 feet deep located in the SE1/4 SE1/4 Section 27-T102N-R48W.
2. The water appropriated shall be used for the purpose of wood preservation and may not exceed the amount of water needed for beneficial use for industrial purposes.
3. The water is to be used during the following described annual period: January 1 to December 31.
4. The date from which applicant may claim right is January 19, 1989.
5. One-fifth of the construction is completed.
6. All construction is completed.
7. Water is put to beneficial use.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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) Approval of Permit No. 5276-3 is subject to compliance with the following then existing and applicable Water Management Board rules:
- a. Chapter 74:03:02 Surface Water Quality Standards,
 - b. Chapter 74:03:04 Uses Assigned to Streams,
 - c. Chapter 74:03:15 Ground Water Quality Standards
 - d. Chapter 74:03:16 Ground Water Discharge Permit,
 - e. Chapter 74:03:17 Surface Water Discharge Permit - General Provisions,
 - f. Chapter 74:03:18 Surface Water Discharge Permit Application Requirements,
 - g. Chapter 74:03:19 Surface Water Discharge Permit Conditions,
 - h. Chapter 74:03:20 Transfer Modification, Revocation and Reissuance and Termination of Surface Water Discharge Permits,
 - i. Chapter 74:03:21 Procedure For Permit Processing,
 - j. Chapter 74:03:22 Secondary Treatment Standards,
 - k. Chapter 74:03:23 Criteria and Standards for Surface Water Discharge Permit,
 - l. Chapter 74:03:24 Toxic Pollutant Effluent Standards for Surface Water Discharge Permits,
 - m. Chapter 74:03:25 Effluent Guidelines and Standards for Surface Water Discharge Permits, and
 - n. Chapter 74:03:26 Pretreatment Regulations for Surface Water Discharge Permits.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4" Depth 140 Feet
- b) Casing Type Plastic 200# Diameter 6" Thickness 3/8" Wall
- c) Screen Type Plastic 200# Diameter 6" Thickness 3/8" Wall
- d) Gravel Pack Thickness 1 1/2" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 112'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/2 Mile

2. Dugout Information Estimates (DNA)

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

3. Water Storage Dams (DNA)

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

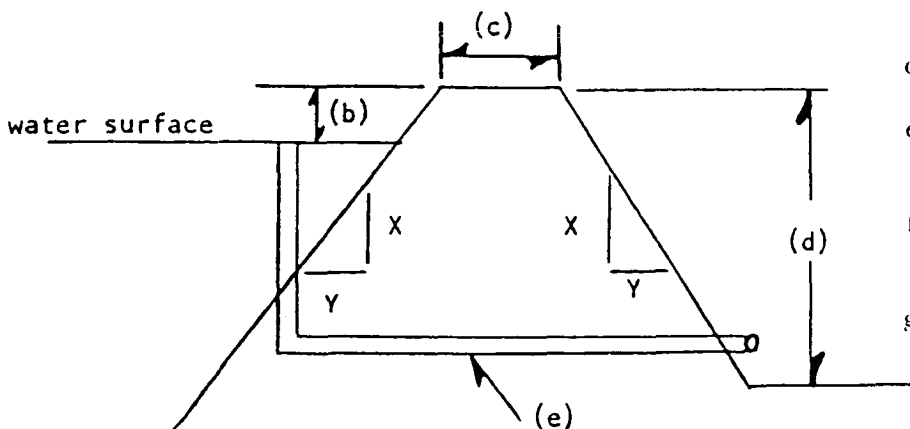
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



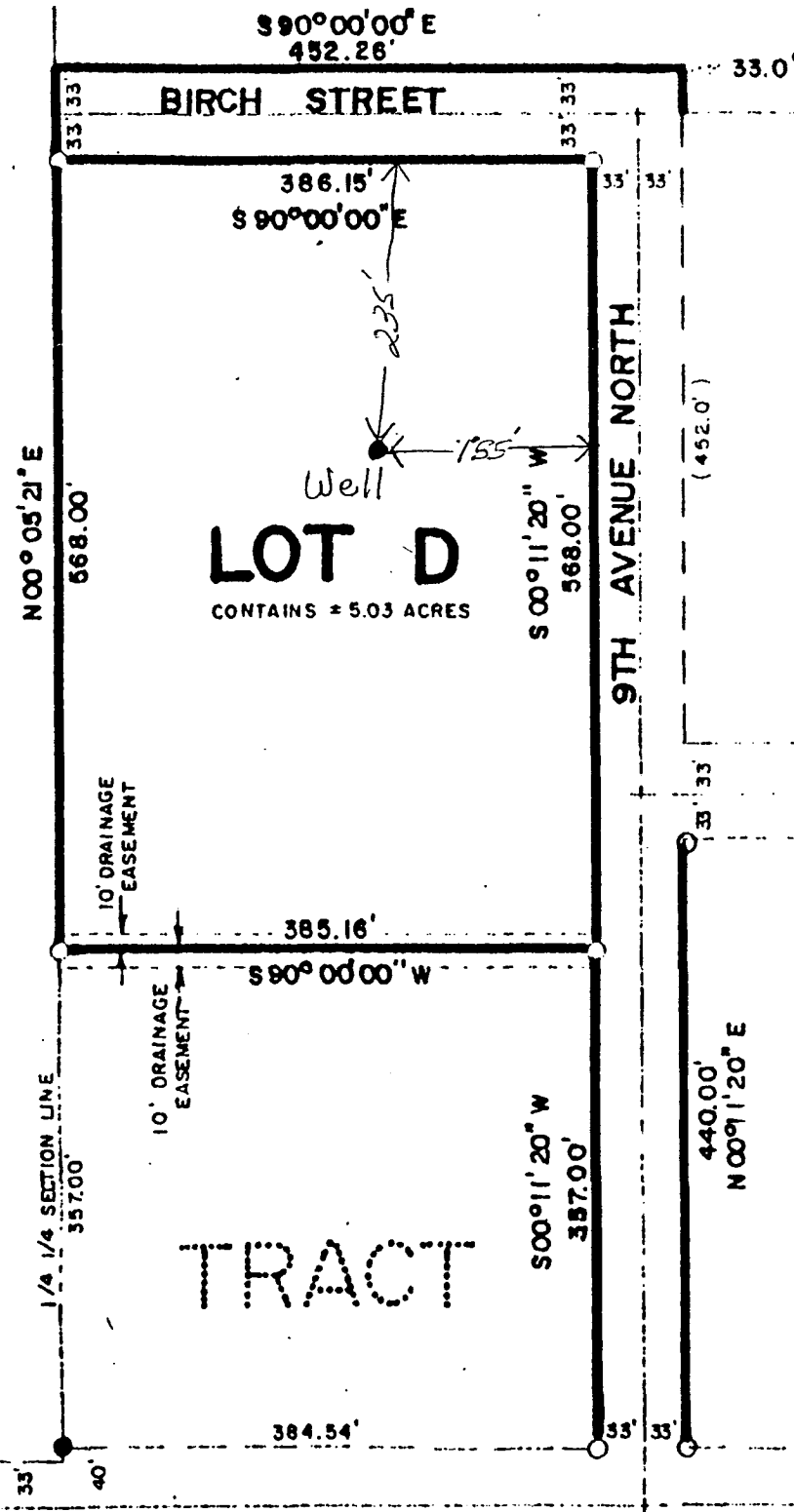
James Engelien

DBA

Signature of Applicant

Brandon Wood Preserving

TRACT 2



TRACT 1

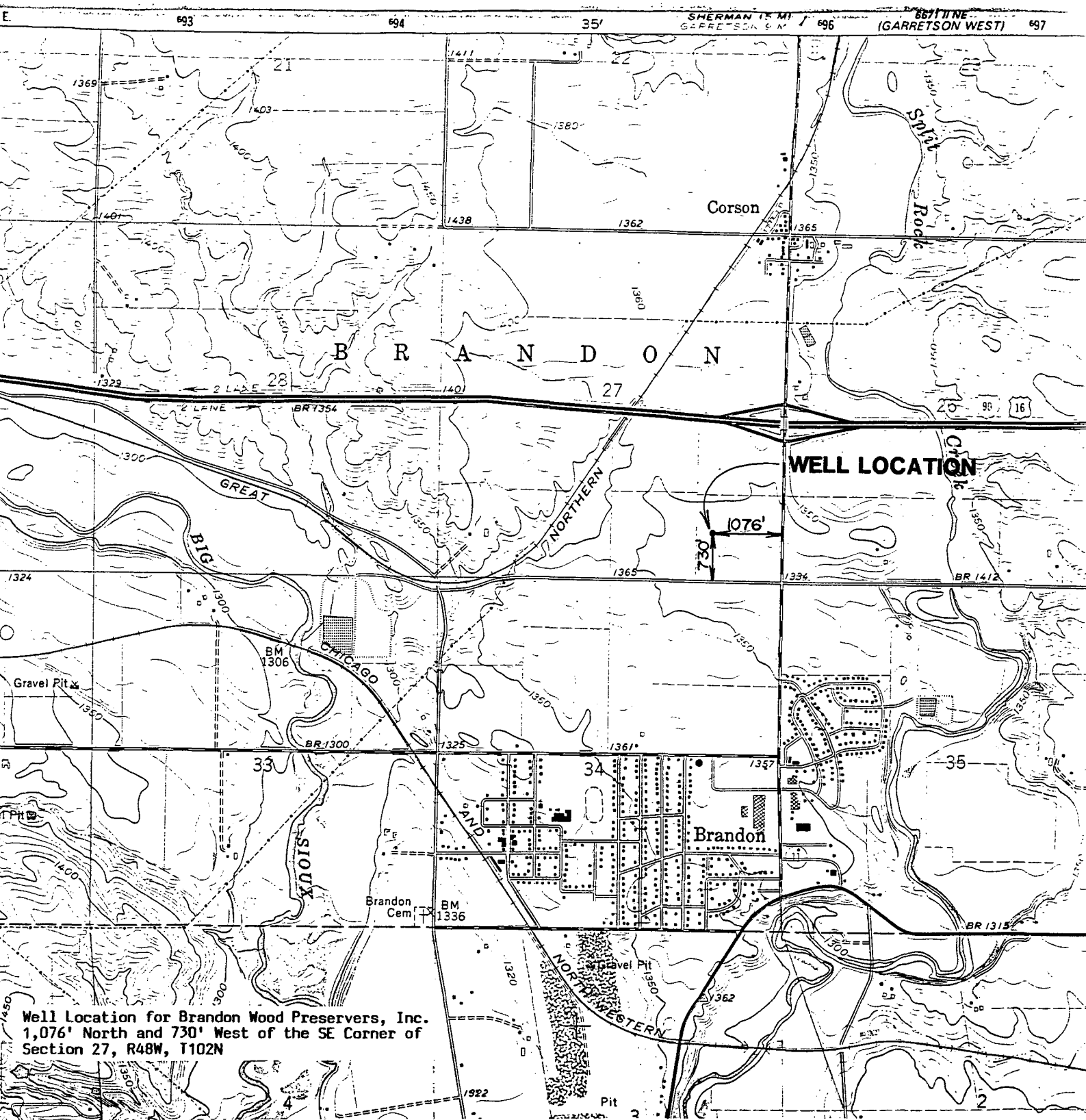
BIRCH STREET

Devin E. Allen
Finance Officer

REDWOOD BOULEVARD

SECTION LINE
N 90° 00' 00" W
(ASSUMED BEARING)

DI AT OF



Well Location for Brandon Wood Preservers, Inc.
1,076' North and 730' West of the SE Corner of
Section 27, R48W, T102N

I hereby certify that this map was prepared by me
or under my direct supervision and that I am a duly
Registered Professional Engineer under the laws of
the State of South Dakota.

Steve W. Brockmueller
Steve W. Brockmueller, P.E. Reg. No. 4170
Date: October 28, 1988

Appl. No. 5276-3

Well Location for Brandon Wood Preservers
in
SE1/4 Sec. 27 R48W T102N



Stockwell Engineers, Inc.
Sioux Falls, South Dakota



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

November 4, 1987

Brandon Wood Preservers
Box 34
Brandon, South Dakota 57005

Dear Company Representative:

This letter is in response to a written request from Dennis E. Olson, Municipal Finance Officer - City of Brandon, dated October 30, 1987 to contact you regarding water use by Brandon Wood Preservers. Mr. Olson stated that a well has been constructed to provide a water supply for Brandon Wood Preservers.

A water permit must be obtained to appropriate water in the State of South Dakota pursuant to South Dakota Codified Laws 46-1-15, 46-5-9 and 46-5-10. Domestic use of water as defined by SDCL 46-1-6.4 is exempt from needing a water permit. However, Brandon Wood Preservers does not qualify for exemption under the domestic use definition. Industrial or commercial use of water requires obtaining a water permit regardless of the amount of water used. Therefore, Brandon Wood Preservers needs to obtain a water permit to develop and use a private water supply. Enclosed are the necessary application forms and an instruction sheet. Please contact us if you have any questions regarding the need to obtain a permit or questions on completing the application forms.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

cc: ✓ Dennis E. Olson, Municipal Finance Officer

CITY OF BRANDON



FROM THE OFFICE OF:

Dennis E. Olson
Municipal Finance Officer

7-30-88

Ron Duvall, Natural Resources Engineer
SD Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall:

Enclosed is a letter sent to me on November 4, 1987 in response to questions about a well drilled by Brandon Wood Preservers for industrial use. Could you inform me if Brandon Wood Preservers have applied for this permit and if it was issued.

If the permit was issued I would like to have copies of the application and permit for by files. Thank you.

Sincerely,

Dennis E. Olson
Municipal Finance Officer



Department of Water & Natural Resources

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

August 19, 1988

Brandon Wood Preservers
Box 34
Brandon, South Dakota 57005

Dear Sirs:

This is a follow-up to my letter of November 4, 1987, a copy of which is enclosed, concerning a well that has been constructed to supply water to your operation.

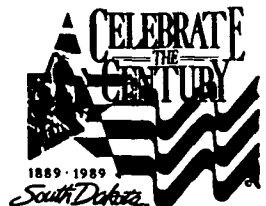
As stated in my earlier letter to you, a water permit must be obtained to appropriate water in the State of South Dakota pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, and 46-5-10. Industrial or commercial use of water requires obtaining a water permit regardless of the amount of water used. It is necessary for Brandon Wood Preservers to apply for and obtain a water permit. I am enclosing another set of application forms and an instruction sheet. Please submit the application to this office by September 19, 1988. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

cc: Dennis E. Olson, Municipal Finance Officer





Department of Water & Natural Resources

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

October 13, 1988

Brandon Wood Preservers, Inc.
Box 34
Brandon SD 57005

Dear Sir:

This letter is in response to the water permit application received on August 30, 1988 from Brandon Wood Preservers, Inc. The following information is needed to complete the water permit application:

- 1) The enclosed application needs to be signed in the presence of a notary public.
- 2) The amount of water claimed 10 cfs (4500 gallons per minute) is a large amount of water and may need to be clarified. Please indicate if 10 cfs is the correct pumping rate.
- 3) The description of the use of water (No. 7) needs to be explained more completely.
- 4) The enclosed map does not show the location of the well from the corner of a government surveyed section or quarter-section. The map also needs to be signed by one of the following persons: A South Dakota licensed land surveyor, A South Dakota registered professional engineer or a government employee that regularly prepares maps as part of his or her duties (ASCS or SCS offices).
- 5) A well log of the production well is also needed along with the approximate date of construction.

The water permit application can not be processed until the application is complete. Please complete the above information and return the application, map and well log. Contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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

December 1, 1988

James Engelien
Brandon Wood Preservers
PO Box 34
Brandon SD 57005

Dear Mr. Engelien:

I am writing in response to the water permit application received from you on November 2, 1988. Enclosed is a copy of my letter dated October 13, 1988. The questions with red check marks have been responded to and are complete. However, I still have questions regarding question Nos. 2 and 5.

- 1) Question No. 2 asked for a clarification of the amount of water claimed on the application. The amount was changed from 10 cfs (4500 gpm) to 0.01 cfs (4.5 gpm). The amount of water claimed should be the same as the pumping capacity of your well. Please verify that the pumping capacity of your well is only 4.5 gpm or indicate what the pumping capacity is if the rate is not 4.5 gpm.
- 2) No response was received regarding a well driller's log as requested in question No. 5 in the October 13, 1988 letter. Please indicate if a dated and signed well driller's log is available or if you do not have the log or can not obtain the log. Please state the name of the well driller if the log can not be located.

The water permit application will be complete upon receipt to answers to the above two questions. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Conversation or File Documentation

NAME OF PERSON OR FILE: James Engeliem - Brandon Wood PreserversADDRESS: PO Box 34, Brandon SD COUNTY MinnchahaDATE: Dec. 5, 1988 TELEPHONE _____RE: Well log for permit application and pumping rate

COMMENTS:

James Engeliem called regarding my letter dated Dec 1, 1988. Mr. Engeliem stated that the pumping rate should be 45 gpm and Sioux Well Drilling constructed the well on September 17, 1987. Mr. Engeliem stated that he did not have the well log.

Called Sioux Well Drilling
for well log - 1/2/89

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Cuvall



Department of Water & Natural Resources

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

February 7, 1989

James Engelian
Brandon Wood Preservers Inc.
PO Box 34
Brandon SD 57005

Dear Mr. Engelian:

I am writing to inform you that a partial refund of the \$150.00 application fee for your water permit application is being returned. Processing of the \$100.00 refund will take approximately 2 to 3 weeks.

A portion of the application fee is being returned due to the decrease in the requested water appropriation from 10 cubic feet of water per second (cfs) to 0.10 cfs. The application fee to appropriate 0.10 cfs or less is \$50.00.

The water permit application is complete and is to be scheduled for the May 10, 1989 Water Management Board meeting. Instructions for publishing the notice of hearing regarding your application will be sent in a few weeks.

Please contact me if you have any questions.

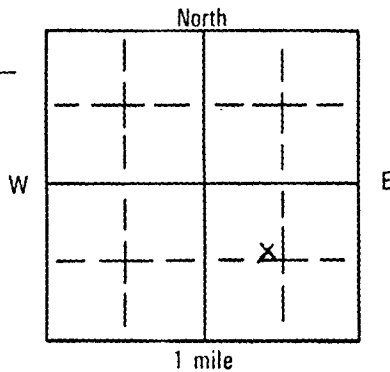
Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 1/4 SE 1/4 Sec 27 Twp 102N Rg 48WCounty
MinnehahaPlease mark well
location with
an "X"Well Completion Date Sept 87

PROPOSED USE:

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

Method of Drilling:

forward rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>6</u> IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☐ NOTo what depth? 30' FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure gravity feed with tremie pipeWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 5" IN Length 20 FEETMaterial plasticSlot Size .012 Set From 120 Feet To 140 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 50 PPMBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Brandon Wood PreseweeAddress 9th & Birch Brandon S.D.

Well Log:

Depth

Formation

From

To

top soil	0	2
clay brown	2	8
clay yellow	8	38
sand fine	38	42
clay grey	42	86
clay yellow	86	88
clay grey	88	111
sand fine	111	140

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 in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☒ OtherDescribe: air lift
100 GPM +

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 129

And this report is true and accurate.

Drilling firm Don's Well Drilling

Signature of License Representative:

Wayne H. Wagner

Signature of Well Owner:

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411624

Pierre, February 9, 19 89

RECEIVED OF Brandon Wood Preserving, Inc., PO Box 34, Brandon, SD 57005

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

Fee for Application for Permit No. <u>5276-3</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

John Hatch / msa
Chief Engineer

Report on Application No. 5276-3
Brandon Wood Preserving
March 13, 1989

This application proposes to appropriate 0.10 cfs from one existing well 140 feet deep located in the SE1/4 SE1/4 of Section 27, T102N-R48W in Minnehaha County. The water is used for industrial purposes in a wood preserving process operated by Brandon Wood Preserving Inc.

Aquifer - Split Rock Creek Formation (KRSC)

The Split Rock Creek Formation consists of a basal fine to medium grained sandstone overlain by claystones, opaline sediments, massive cherts and sands with a total known thickness of at least 300 feet (Hedges, 1982). The formation thickness is variable and thins or pinches out against the Sioux Quartzite surface. The Split Rock Creek Formation underlies approximately 69 square miles of Minnehaha County and contains approximately 99,400 acre-feet of recoverable water (Hedges, 1982). These are conservative estimates and recent drilling for the Minnehaha County study does evaluate the lateral extent and thickness of the aquifer in the Brandon area (Lindgren, unpublished, 1985). The Split Rock Creek Aquifer is under artesian conditions and may be hydraulically connected to an unnamed buried glacial outwash, the Big Sioux South and to the Sioux Quartzite.

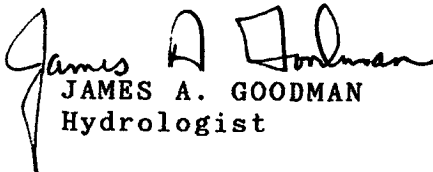
The Division of Water Rights is presently monitoring 11 observation wells in the area east of Sioux Falls completed into the Split Rock Creek Aquifer. Records for these wells indicate water levels respond to climatic changes and have been gradually declining since the high levels of 1984. The period of record is relatively short (2 years for all but 2 wells) and the records indicate there is little annual change in water levels in this area. This is expected as there is very little water development from the Split Rock Creek Aquifer. Water levels have risen during wet years indicating recharge and decline gradually during dry years (Water Rights, 1989).

Review of Existing Water Permits

The nearest water permits from the Split Rock Creek are permits No. 4928-3 and 4929-3 for the Town of Corson. These permits are about 1 mile north of this application. The City of Brandon also has a well (No. 3) covered by Permit No. 1804-3 which is located about 3/4 mile southeast of this application. Interference should not be a problem. The requested diversion rate is relatively small. Water level records for observation wells in the area indicate there is little if any affect caused by existing pumping.

Conclusions

1. Water is available from the Split Rock Creek Aquifer.
2. The aquifer is confined and under artesian conditions in this area. Fluctuations due to pumping are likely, however, the proposed diversion rate is small and adverse interference should not occur.
3. The Water Management Board denied permit application No. 5084-3 (Future-Use East Dakota Water Development District) for water from the Split Rock Creek Aquifer in this area.
4. Other Divisions within DWNr are checking this operation to determine if there is a waste or waste disposal problem for the operation.
5. The well was not completed in accordance with SD Well Construction Standards. The driller (Sioux Well Drilling) was notified of the problem and because of the possibility of confusion concerning proper completion, the well was accepted as built.


JAMES A. GOODMAN
Hydrologist

Bibliography

- Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DWNr, SDGS, Vermillion, SD 57069
- Lindgren, 1985, Unpublished Data in Permit File 5084-3 for East Dakota Water Development District, SD DWNr, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501
- Water Rights, 1989, Records for Observation Wells in Split Rock Creek Aquifer in Minnehaha County, SD DWNr, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

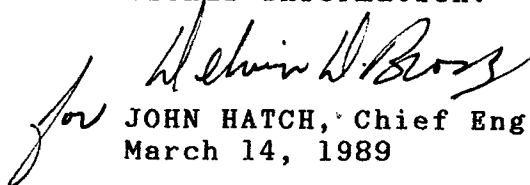
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5276-3, Brandon Wood Preserving

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. 5276-3, Brandon Wood Preserving, PO Box 34, Brandon SD.

The Chief Engineer is recommending APPROVAL of Application No. 5276-3 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. Approval of Permit No. 5276-3 is subject to compliance with the following then existing and applicable Water Management Board rules:
 - a. Chapter 74:03:02 Surface Water Quality Standards,
 - b. Chapter 74:03:04 Uses Assigned to Streams,
 - c. Chapter 74:03:15 Ground Water Quality Standards,
 - d. Chapter 74:03:16 Ground Water Discharge Permit,
 - e. Chapter 74:03:17 Surface Water Discharge Permit - General Provisions,
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 - l. Chapter 74:03:24 Toxic Pollutant Effluent Standards for Surface Water Discharge Permits,
 - m. Chapter 74:03:25 Effluent Guidelines and Standards for Surface Water Discharge Permits, and
 - n. Chapter 74:03:26 Pretreatment Regulations for Surface Water Discharge Permits.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 14, 1989



Department of Water & Natural Resources

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

March 28, 1989

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Dept.

Enclosed is a Notice of Hearing on Application No. 5276-3 to be published twice. Please publish the first notice on or before April 5, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Brandon Wood Preserving Inc., PO Box 34, Brandon SD 57005.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper





Department of Water & Natural Resources

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

March 28, 1989

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

Brandon Wood Preserving, Inc.
James Engeliem
PO Box 34
Brandon SD 57005

Dear Mr. Engeliem:

Your Application No. 5276-3 for a permit to appropriate water for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Argus Leader printed at Sioux Falls SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5276-3 to Appropriate Water

Notice is given that Brandon Wood Preserving Inc, PO Box 34, Brandon SD 57005 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Split Rock Creek Formation) 140 feet deep located in the SE 1/4 SE 1/4 Section 27-T102N-R48W. Water is used for industrial purposes in a wood preserving process operated by Brandon Wood Preserving Inc.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5276-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } ss.

..... M. Devish being duly sworn, says: That The Sioux Falls Argus-Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

..... Wednesday, the 5 day of April 19 89,

..... Wednesday, the 12 day of April 19 89,

....., the day of 19

....., the day of 19

....., the day of 19

....., the day of 19

....., the day of 19

and that \$ 72.53 was charged for publishing the same.

M. Devish

Subscribed and sworn to before me April 12, 19 89,

Nancy A. Beechley
Notary Public, South Dakota



NOTICE OF HEARING On Application No. 5276-3 to Appropriate Water

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This hearing is an adversarial proceeding. Any person filing petition and/or the applicant have the right to be represented by lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

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Department of Water & Natural Resources

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

JUN 13 1989

Brandon Wood Preserving
c/o James Engelen
PO Box 34
Brandon, SD 57005

Dear Mr. Engelen:

Enclosed is Water Permit No. 5276-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

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.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 16, 1992

Jim Engeliien
Brandon Wood Preserving
P.O. Box 34
Brandon, SD 57005

Dear Mr. Engeliien:

On May 13, I inspected your water system to license Water Permit No. 5276-3, which appropriates water from the well used by Brandon Wood Preserving for wood treatment. I need some information to complete the inspection report. Below is a list of the items I need:

Submersible Pump

- Make and Model No.
- No. of stages in pump
- Size of Pump inlet
- Maximum pumping rate (gpm), and normal rate of pumping from well
- Pump pressure (psi)

I would appreciate your immediate attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
605 773-3352



BRANDON WOOD PRESERVING, INC.

Ninth Ave. N. & Birch • P.O. Box 34
Brandon, South Dakota 57005
(605) 582-6200 • FAX (605) 582-3913

Great Lakes Regional Office

189 10th Street • Plainwell, MI 49080
(616) 685-9902 • FAX (616) 685-1555



JANUARY 21. 1993

GREGORY C. JOHNSTON
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE. SOUTH DAKOTA 57501-3181

DEAR MR. JOHNSTON

ON DECEMBER 16. 1992 YOU SENT A LETTER REQUESTING
INFORMATION ON A SUBMERSIBLE PUMP WE HAVE AT OUR LOCATION.
BELOW IS A LIST OF ITEMS NEEDED TO COMPLETE THE INSPECTION
REPORT:

SUBMERSIBLE PUMP

- MAKE AND MODEL NO. GRUNDFOS 80S-50-5
- NO. OF STAGES IN PUMP 5
- SIZE OF INLET 2" INLET
- MAXIMUM PUMPING RATE (GPM) *GCT 3/2/93* (GPM) 100
- PUMP PRESSURE (PSI) OPEN DISCHARGE 45#

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE FEEL FREE TO CALL
ME (605)-582-6200.

SINCERELY

JEFF TABBERT
BRANDON WOOD PRESERVING
P.O. BOX 34
BRANDON. SOUTH DAKOTA 57005

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Brandon Wood Preserving, Inc. (BWPI)** File No. **5276-3 and 5752-3**
Address: **P.O. Box 34, Brandon SD 57005** County: **Minnehaha**
Date: Telephone: **(307) 582-6200**
RE:

Comments: **9-23-97**

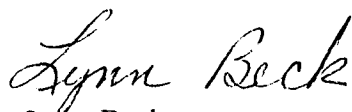
I spoke with Vonni Kallemeyn, Waste Management DENR, about BWPI's compliance with regulations. Vonni said that EPA conducted an RCRA Follow-up Inspection/RCRA Compliance Evaluation Inspection and produced a report dated September 2, 1997. The report states the violations most of which are administrative and Vonni said the violations should not be a problem with the Water Right.

The EPA report is in the Water Right file.

The inspection of Water Permit No. 5276-3 was done by Greg Johnston in 1992 as a result an application for additional water was made. Application No. 5752-3 was deferred pending the outcome in bankruptcy court and compliance with DENR Hazardous Waste Rules Chapter 74:28.

9-30-97

I spoke with Vonni Kallemeyn again and she said BWPI is not in compliance with 74:28 though the noncompliance's are not that bad and they will be put on a compliance schedule soon. I recommend waiting to go ahead with Application No. 5752-3 and licensing of 5752-3 and 5276-3 until they are on a compliance schedule and make a condition of the license and/or permit that they come into compliance according to the schedule.



Lynn Beck
Natural Resources Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5752-3

(1) Brandon Wood Preserving, Inc., 800 N 9th Ave, Brandon SD 57005 made Application No. 5752-3, March 1, 1993 for a water permit to divert an additional 0.09 cubic feet of water per second (cfs) from groundwater (one well), Minnehaha County, South Dakota for commercial purposes. Permit No. 5752-3, with a priority date of March 1, 1993 was approved March 25, 2002 and issued to the applicant for diversion of water with construction of the described water supply system completed the application to beneficial use of water completed.

Water Permit No. 5276-3 with a priority date of January 19, 1989 authorized 0.10 cfs from the same well. The applicable portions of No. 5276-3 are incorporated into No. 5752-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5752-3 is issued a license, bearing priority dates of January 19, 1989 (0.10 cfs) and March 1, 1993 (0.09 cfs) to appropriate 0.19 cfs from groundwater (one well) for commercial purposes.

The diversion point is located 745 feet north and 980 feet west of the southeast corner of Section 27-T102N-R48W (SE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 5752-3 including the following now applicable qualifications:

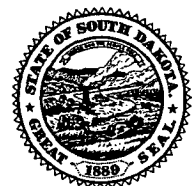
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 5752-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards
 - b. Chapter 74:54:02 Ground Water Quality Standards
 - c. Chapter 74:51:01 Surface Water Quality Standards
 - d. Chapter 74:51:02 Uses Assigned to Lakes
 - e. Chapter 74:51:03 Uses Assigned to Streams, and
 - f. Chapter 74:52:01 through 74:52: 11 Surface Water Discharge Provisions.



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

DEC 02 2002

date





DEC 02 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5752-3

Brandon Wood Preserving, Inc.
% Jim Engelen
800 N 9th Ave
Brandon SD 57005

Dear Mr. Engelen:

Enclosed is Water License No. 5752-3. This is the final water right document completing the process of obtaining a Water Right. The applicable portions of No. 5276-3 are incorporated into this water right.

In 1993, when the application was originally submitted, a \$150 application fee was also submitted. The correct application/license fee is \$100. Therefore, \$50 will be refunded to you. You should receive the refund check within the next couple of weeks.

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. 5752-3, 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