

Considered: _____

WATER PERMIT NO. **5461-3**

~~398-7700~~
Phone: **(402) 633-6400**

Name of Applicant: **Northern Border Pipeline Company**

Post Office Address: **2223 Dodge St., Omaha, NE 68102**

Amount of Water Claimed: **0.056 cfs** Total Acres: **N/A**

Source of Water Supply: **groundwater**

Water to be used for: **industrial** County: **Clark**

About **12** miles **N** of **Clark**

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: **6/21/90** Fee: **\$50.00** Remarks **Water to be**

used for potable water supply and other station uses by a natural gas compressor station

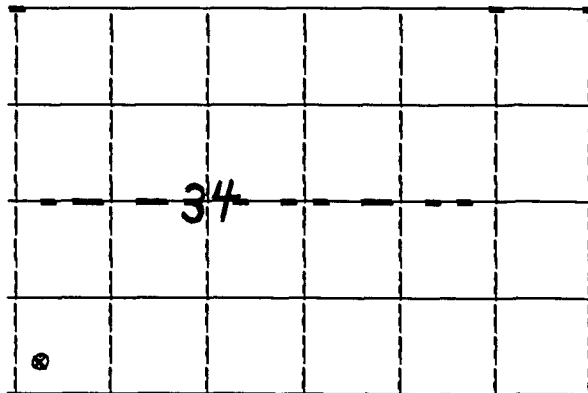
Corrected Application Received _____ Period of Annual Use **Jan. 1 - Dec. 31**

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

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

Diversion Point: **SW1/4 SW1/4 Sect. 34 T119N-R58W**

Land to be Irrigated: _____



Well Log: Driller: **Huron Drilling** Licensed YES ☒ NO _____

Depth of Well: **450'** REMARKS _____

Type of Map: **Plat** PREPARED BY: **James Edwards** Reviewed and the Number

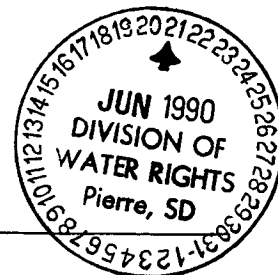
Assigned on **6/25/90** By **Eric Gronlund**

No. 5461-3 Hydrologic Unit 10160010
Map No. _____ Basin James River
Newspaper Clark County Courier, Box 189 Clark

57225

Application For Permit To Appropriate Water Within The State Of South DakotaCheck 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 Northern Border Pipeline Company Phone No. (402) 633-6400Post Office Address 2223 Dodge St. Omaha State NE 68102
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) .056 (25 gal/min)3. Source of water supply Underground4. Location of point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34 T119N R58W (See Attached Map)County Clark5. Counties where water will be used Clark County6. Annual period during which water is to be used Year-Round 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)

This water well is for a 20,000-horsepower natural gas compressor station.

Water will be used for a potable water supply and other station uses.

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~~ NEBRASKA
County of Douglas)^{ss}I, C. D. Schulz, for Northern Border Pipeline Company 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 *C. D. Schulz*Subscribed and sworn to before me this 20th day of June 19 90
GENERAL NOTARY-State of Nebraska
SUZANNE R. FRANCO
My Comm. Exp. Sept. 27, 1990*Suzanne R. Franco*
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5461-3**

Date of first receipt of application June 21, 1990.

The Water Management Board approved Water Permit Application No. 5461-3 on October 3, 1990 for Northern Border Pipeline Company, 2223 Dodge St., Omaha NE 68102 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. 5461-3 appropriates 0.056 cubic feet of water per second from one existing well (Altamont Aquifer) 450 feet deep located in the SW1/4 SW1/4 Section 34 T119N-R58W.
2. The water appropriated shall be used for the purpose of supplying water for a natural gas compressor station 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 - December 31.
4. The date from which applicant may claim right is June 21, 1990.
5. One-fifth of the construction is to be completed on or before April 3, 1993.
6. All construction is to be completed on or before October 3, 1995.
7. Water is to be put to beneficial use on or before October 3, 1999.
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.

WATER MANAGEMENT BOARD

By: _____

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

DEC 19 1990
(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12 1/4" Depth 450'
- b) Casing Type PVC Diameter 5" Thickness SDR 17 Class 250
- c) Screen Type PVC Diameter 5" Thickness SDR 17 Class 250
- d) Gravel Pack Thickness 3" Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 375'
- f) Depth to Water (ground surface to water level) 170'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 3/4 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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

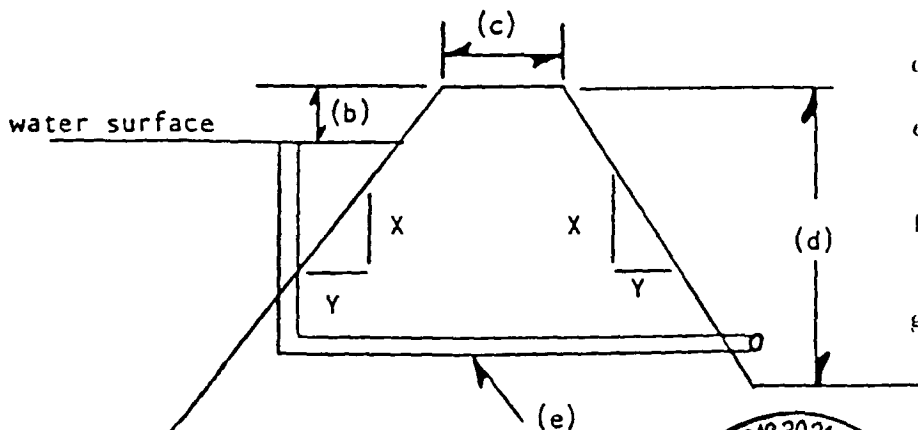
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



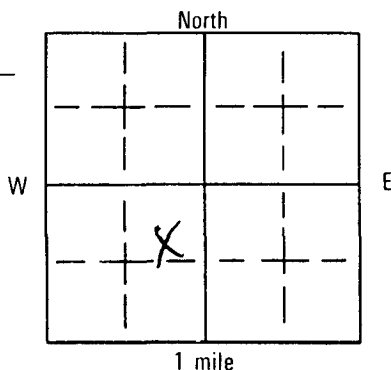
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 34 Twp 119 Rg 58County Clark

Please mark well location with an "X"



Well Completion Date _____

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock
Method of Drilling: Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>210</u> FT	<u>12 1/4</u> IN
<u>250</u> LB/FT	<u>5</u> IN	<u>210</u> FT	<u>450</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 320' to Surface FEETWhat is grouting material? Portland Cement - BenoniteIf cement, number of sacks? 25Describe grouting procedure TRIMMIS Pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 60 FEETMaterial PVCSlot Size .18 Set From 380 Feet To 450 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information 10' Blank From 400' - 410'Was a packer or seal used? ☒ YES ☐ NOIf so, what material? BenoniteDescribe packer(s) and location? 320' to 30'Was well disinfected upon completion? ☒ YES ☐ NOExplain HTHBacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre, S. Dak.

Well Owner:

Name Northern Border Pipe LineAddress RR #3 Box 140Well Log: Clark, S.D. 57225 Depth

Formation	From	To
<u>Yellow Clay</u>	<u>2</u>	<u>38</u>
<u>Yellow Gravel</u>	<u>38</u>	<u>50</u>
<u>Yellow Clay</u>	<u>50</u>	<u>55</u>
<u>Yellow Clay - Gravel</u>	<u>55</u>	<u>70</u>
<u>Blue Clay</u>	<u>70</u>	<u>105</u>
<u>Gravel</u>	<u>105</u>	<u>220</u>
<u>Blue Clay</u>	<u>220</u>	<u>225</u>
<u>Gravel</u>	<u>225</u>	<u>227</u>
<u>Blue Clay</u>	<u>227</u>	<u>330</u>
<u>Sandy Blue Clay</u>	<u>330</u>	<u>370</u>
<u>Good Sand</u>	<u>370</u>	<u>400</u>
<u>No Good</u>	<u>400</u>	<u>410</u>
<u>Good Sand</u>	<u>410</u>	<u>450</u>

STATIC WATER LEVEL 170 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: Surf Pump

Pumping Level Below Land Surface

183 ft. After 4 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

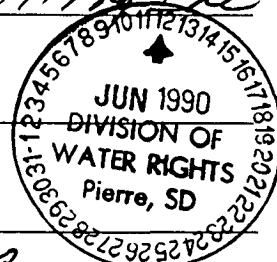
And this report is true and accurate.

Drilling firm Clayton Drilling IncSignature of License Representative: [Signature]

Signature of Well Owner: _____

Date May 29, 1990

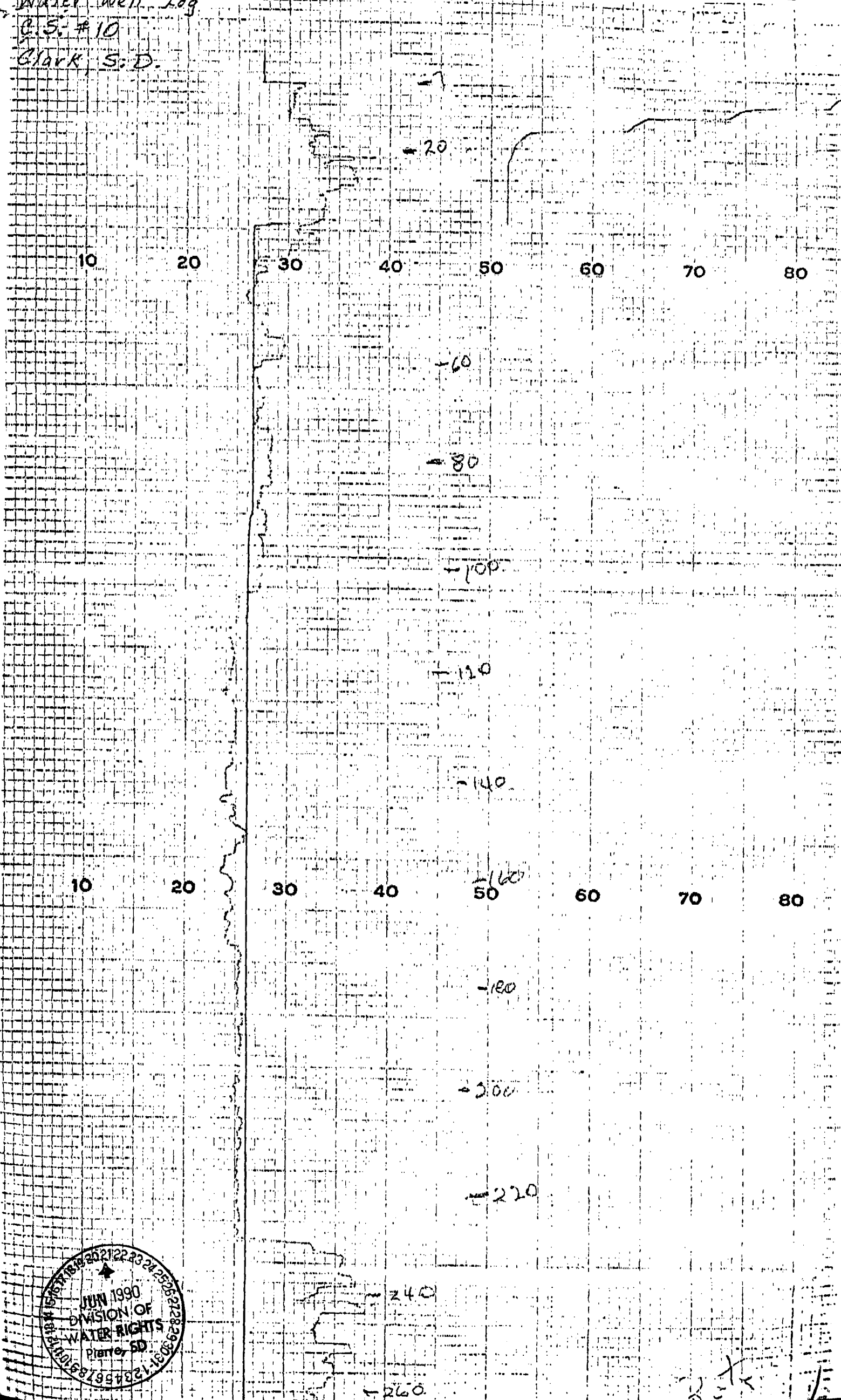
6/14/90

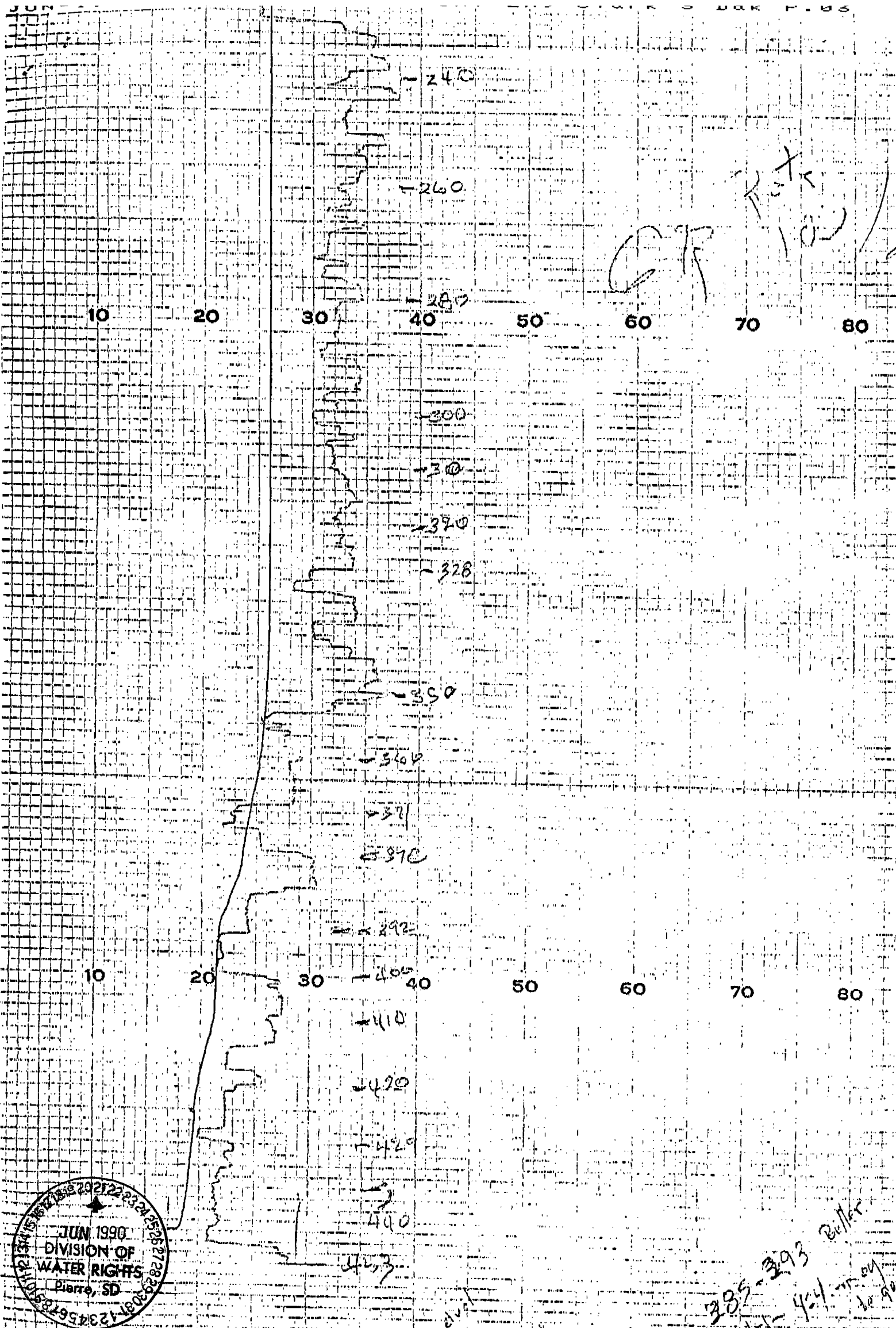


Water Well Log

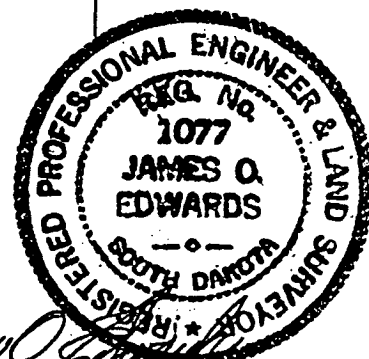
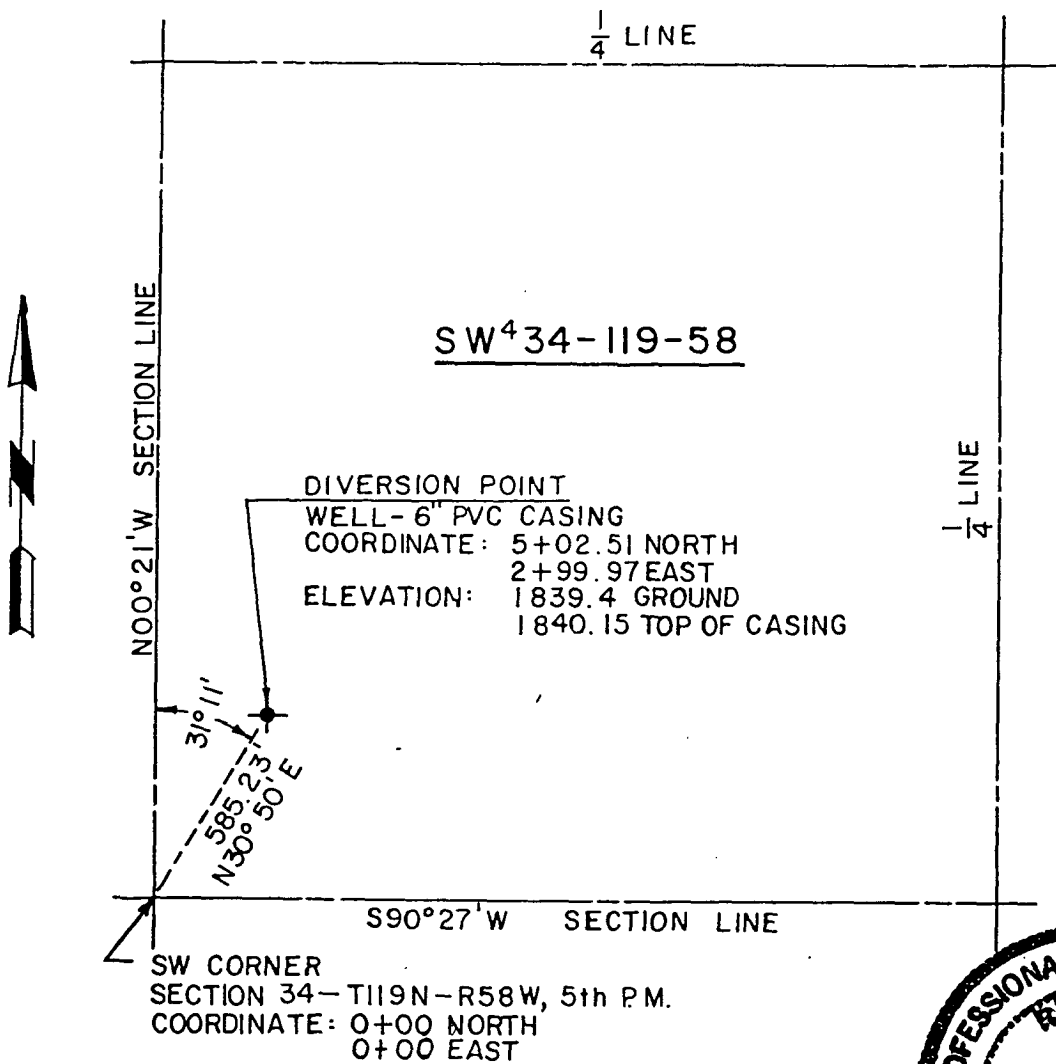
C.S. #10

Clark S.D.





WATER DIVERSION POINT MAP
SW⁴ SW⁴ SECTION 34-T119N-R58W, 5th P.M
CLARK COUNTY, SOUTH DAKOTA



JAMES O. EDWARDS, P.E. & L.S.
REGISTERED LAND SURVEYOR
STATE OF SOUTH DAKOTA
LICENSE NO. 1077

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412277

Pierre, June 21, 1990

RECEIVED OF Northern Border Pipeline, 2223 Dodge Street, Omaha, NE 68102

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

Fee for Application for Permit No. <u>5461-3</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 (new)
Chief Engineer

2223 Dodge Street
Omaha, Nebraska 68102
(402) 633-6400



Northern Border Pipeline Company



June 20, 1990

Water Rights Division, DWNR
Joe Foss Building
Pierre, South Dakota 57501

Gentlemen:

An Application for Permit to Appropriate Water Within the State of South Dakota is attached. A copy of the driller's test log is included, however it may be hard to read. Huron Drilling sent the test log to your office upon completion of the test well. That copy may be easier to read.

Please call Ruth Jensen (402) 633-6431 if you have any questions. Your timely consideration of this application will be appreciated.

Sincerely,

C. D. Schultz
Vice President, Project Management
Northern Plains Natural Gas Company
Managing Partner

Attachments

REPORT ON APPLICATION NO. 5461-3
FOR NORTHERN BORDER PIPELINE COMPANY
July 19, 1990

This application proposes to appropriate 0.056 cfs from an existing well 450 feet deep located in the SW 1/4 SW 1/4 of section 34, T119N R58W in Clark County. The water is to be used for industrial purposes and potable water by the natural gas compressor station.

AQUIFER - ALTAMONT (A)

The Altamont (A) aquifer is a buried outwash (sand and gravel) under artesian conditions. The Altamont underlies 537,200 acres and contains an estimated 3.3 million acre feet of recoverable water in Clark County (Hedges, 1982). The location and depth of this well corresponds with the Altamont Aquifer 2 discussed in the Clark County Study (Hamilton, 1986). The Hedges estimates are representative of the summation of the three units cited in the Hamilton report.

The Division of Water Rights measures 22 observation wells completed in the Altamont aquifer in Clark County. Water level records for these wells respond to climatic conditions, that is, rising during wet years and declining during dry years (Water Rights, 1990). Also these wells do fluctuate due to pumping which is typical of an artesian system. There are no observation wells within 6 miles of this site.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no existing permitted diversions within 6 miles of this site. The aquifer is used for domestic purposes in this area. Interference is not expected to be a problem. The diversion rate is relatively small and test results indicate the completed well produced 30 gpm with a drawdown of 13 feet. Any drawdown caused by pumping will not adversely affect the water supply from the aquifer.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions and pumping will create drawdowns. These should not be significant and will not affect water availability from the aquifer.
3. The well is completed in accordance with SD Well Construction Standard 74:02:04:29. The well is to be used for industrial and domestic purposes and is not a public water supply.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1986, GEOLOGY AND WATER RESOURCES OF CLARK COUNTY, SOUTH DAKOTA, Bulletin 29, Water Resources, SD DWR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR THE ALTAMONT AQUIFER IN CLARK COUNTY, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5461-3, Northern Border Pipeline Company

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. 5461-3, Northern Border Pipeline Company, 223 Dodge St., Omaha NE.

The Chief Engineer is recommending APPROVAL of Application No. 5461-3 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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
August 10, 1990



Department of Water & Natural Resources

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

August 23, 1990

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

Ruth Jensen
Northern Border Pipeline Co.
2223 Dodge St
Omaha NE 68102

Dear Ms. Jensen:

Water Permit Application No. 5461-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Clark County Courier printed at Clark SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

August 23, 1990

Clark County Courier
Box 189
Clark SD 57225

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5461-3 to be published twice. Please publish the first notice on or before August 30, 1990 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 Northern Border Pipeline Company, 2223 Dodge St., Omaha NE 68102.

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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 _____

Instruction to Newspaper - Publish first Notice on or before August 30, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5461-3 to Appropriate Water

Notice is given that Northern Border Pipeline Company, 2223 Dodge St., Omaha, NE 68102 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second from one existing well (Altamont Aquifer) 450 feet deep located in the SW1/4 SW1/4 Section 34-T119N-R58W. The water is to be used for industrial purposes by the natural gas compressor station.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5461-3 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 the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 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 September 21, 1990. 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 September 21, 1990.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Clark) ss.

I, Bert Moritz

certify that the attached printed Notice was taken
 from the Clark County Courier

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

State _____ of South Dakota

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

August 29, 1990

September 5, 1990

(Signature)

(Title)

(Date Signed)

Subscribed and sworn to before me this 5th day of September, 1990.

JEANEEN W. BINGNER
 Notary Public, South Dakota
 Clark County

My Commission Expires 7/9/1996

Cost of Printing: 81 lines, 2 times
\$37.33



Notice of Hearing
 on Application No. 5461-3 to
 Appropriate Water

Notice is given that Northern Border Pipeline Company, 2223 Dodge St., Omaha, NE 68102 has filed an application for a water permit to appropriate 0.5 cubic feet of water per second from one existing well, (Altamont Aquifer) 450 feet deep located in the SW 1/4 Section 34-T119N-R58W. The water is to be used for industrial purposes by the natural gas compressor station.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5461-3 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 the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 a.m. 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 September 21, 1990. 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.

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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, 46-2-12, 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. 8-29-91



Department of Water & Natural Resources

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

DEC 19 1990

C.D. Schulz, Vice President, Project Management
Northern Border Pipeline Company
2223 Dodge Street
Omaha, Nebraska 68102

Dear Mr. Shulz:

Enclosed is Water Permit No. 5461-3 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,

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
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.

Permit No. 5461-3
James 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

On, September 17, 1996, I made a thorough examination of the water use system constructed by Northern Border Pipeline Company of RR 3 Box 140, Clark, SD holder of Permit No. 5461-3, bearing the priority of June 21, 1990, authorizing the diversion of 0.056 cu. ft. per second of the waters of groundwater, Altamont Aquifer for industrial purposes purposes, in Clark County.

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

- A. Works used to divert the water:
A monitor submersible pump with a 30 gpm capacity.
- B. Works used to transport water to place of use:
300 ft of 1" PVC
- C. Works used to apply water to beneficial use:
Gas pipeline compressor booster plant.

The system is in the following condition good. The point of diversion is located from the SW corner of Section 34 T119N-R58W: 300 ft north and 200 ft east. The works are capable of diverting and conveying to the place of use 0.067 cu. ft. per second of water which is to be used for industrial purposes. Water has been put to beneficial use and the license should be issued for 0.056 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

9/29/96

Date

REPORT ON INSPECTION OF PERMIT NO. 5461-3

DATE OF INSPECTION: 9/17/1996

Contact Person & Address: Tony Twedt, RR 3 Box 140, Clark SD

DIVERSION POINT LEGAL LOCATION: from the SW corner of Section 34 T119N-R58W:
300 ft north and 200 ft east

WATER SUPPLY Source: groundwater, Altamont Aquifer

Well Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>450</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|---------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>320</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|---------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>70</u> feet |
| 3) Static water level <u>170</u> feet | |

Pump:

- | | |
|------------------------|-----------------------------|
| 1) Make <u>Monitor</u> | 2) Model <u>submersible</u> |
| 3) Size <u>4</u> | 4) Capacity <u>30</u> GPM |

Motor:

- | | |
|----------------------------------|-----------------------|
| 1) Make <u>unknown</u> | 2) Model No. <u>?</u> |
| 3) Horsepower rating <u>?</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>1</u> inches | 3) Length <u>300</u> feet |
|--------------------|-------------------------|---------------------------|

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|--|
| 1) Special qualifications to permit being abided by <u>yes</u> |
| 2) All structures, wells and lands on map <u>yes</u> |
| 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period <u>NA</u> |



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 1996

5461-3

C. D. Schulz, Vice President
Northern Border Pipeline Company
RR 3, Box 140
Clark, SD 57225

Dear Mr. Schulz:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5461-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

415163

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 18, 19 96

RECEIVED OF Northern Border Pipeline Company, P.O. Box 3330, Omaha, NE 68103-0330

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 _____		
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>5461-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5461-3

(1) Northern Border Pipeline Company, RR 3 Box 140, Clark SD 57225 made Application No. 5461-3, June 21, 1990 for a water permit to divert 0.056 cubic feet of water per second from groundwater (one well), Clark County, South Dakota for industrial use purposes. Permit No. 5461-3, with a priority date of June 21, 1990 was approved October 3, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 3, 1995 and for the application to beneficial use of said water on or before October 3, 1999.

(2) It is certified that the applicant 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 0.056 cubic feet of water per second for beneficial use. The location of the diversion point is 300 feet north and 200 feet east of the southwest corner of Section 34-T119N-R58W (SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Northern Border Pipeline Company, RR 3, Box 140, Clark SD 57225 the holder and/or owner of Water Permit No. 5461-3 is issued a license to appropriate water, the right to use 0.056 cubic feet of water per second from groundwater (one well) with a priority date of June 21, 1990 from the location specified in (2) of this license, for industrial use purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5461-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

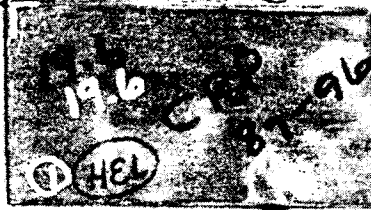
DEC 26 1996

date



NOT TO SCALE

119-58

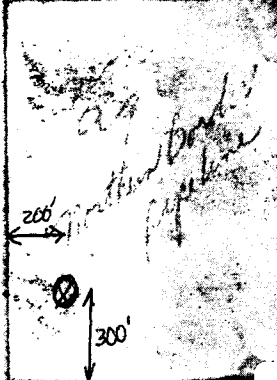
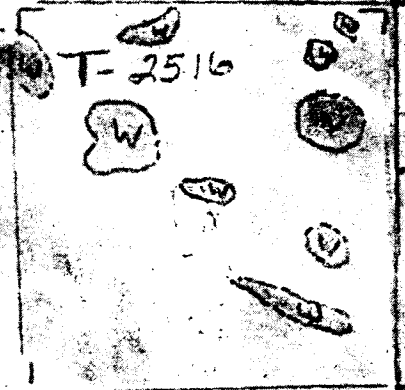


College Land

T-2518

579-1234

34



5-6
119-58

Mark D Rath
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 9/24/96

5461-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

5461-3

C. D. Schulz, Vice President
Northern Border Pipeline Company
RR 3, Box 140
Clark, SD 57225

Dear Mr. Schulz:

Enclosed is Water License No. 5461-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415163 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. 5461-3, 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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

c: Northern Border Pipeline Company, P.O. Box 3330, Omaha, NE 68103-0330