

WATER PERMIT NO. 5465A-3

Phone: 605 847-4126

Name of Applicant: Brandon Karban

Post Office Address: Box 302, Lake Preston SD 57249

Amount of Water Claimed: 0.11 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic & fire suppression County: Kingsbury

Location: southeast of Lake Preston

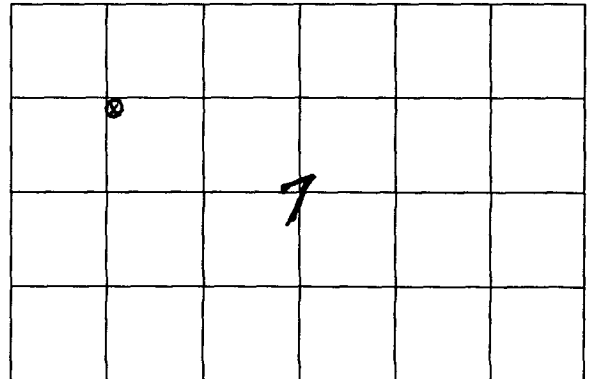
PRIORITY Date Received: 3-1-95 Fee: \$50.00

Corrected Application Received: 3-22-95 Period of Annual Use: Jan 1 - Dec 31

Remarks: change the water use from municipal (City of Lake Preston) to domestic and
fire suppression

Diversion Point: SW 1/4 NW 1/4 Sec 7-T110N-R54W

Land to be Irrigated: _____



Well Log: Driller: Huron Drilling Licensed: YES X NO _____

Depth of Well: 315 feet REMARKS: _____

Type of Map: aerial Prepared By: Susanne Oden, ASCS Reviewed and the Number

Assigned on: 3-23-95 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

CITY

No. 5465A-3 Hydrologic Unit 10170103
Basin Vermillion River
Newspaper Lake Preston Times, Box 368
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic ☐ Industrial ☒ Other Fire Protection
(over 18 gpm)

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 5465-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Amend the city's Water Right No. 5465-3 to change water uses
Permit

- *1. Name of Applicant Brandon Karban Phone 605-847-4126
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address Box 302 Lake Preston State SD 57249
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.11 cfs (509 gpm) *CFS for stock watering, 240 GPM *CFS for fire protection
(*Cubic Feet per Second)
3. Source of water supply One well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1 QUARTER
NW 1 QUARTER SECT. SEVEN TOWNSHIP SECT 7 - 4T
D 110 N - R 54 & W County Kingsbury
5. County or counties where water will be used Kingsbury
6. Annual period during which water is to be used Jan 1 - Dec 31
7. Give a description of the 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 application is to change the water use authorized by Water Right No. 5465-3 from municipal use to domestic use (stock watering) with the city retaining the option to use the well on an emergency basis for fire suppression. The city has hooked up to rural water and no longer wants the responsibility of maintaining the well.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Kingsbury ^{SS}

I, Brandon Karban, 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 Brandon Karban

Subscribed and sworn to before me this 28 day of Feb 1995

James Jansson
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5465A-3**

Date of first receipt of application March 1, 1995.

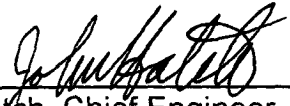
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5465A-3 to Brandon Karban, Box 302, Lake Preston SD 57249 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5465A-3 allows an additional use to Water Permit No. 5465-3. Water Permit No. 5465-3 appropriates 0.11 cubic feet of water per second from one well 315 feet deep (Howard Aquifer) located in the SW 1/4 NW 1/4 Section 7-T110N-R54W for municipal use by the City of Lake Preston. The City has connected to the Kingbrook Rural Water System. This permit allows the additional use of domestic use for stockwatering at Mr. Karban's livestock facility. Also, the well will be used as a backup water supply for the City primarily for fire protection purposes. No additional appropriation of water is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and for fire protection and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5465A-3 is June 5, 1995.
5. The date from which applicant may claim right is June 9, 1990.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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 Environment and Natural Resources

date

JUN 13 1995

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

SEE WELL
CONPL. REPORT1. Well Information - ~~Proposed Construction~~

As constructed

- a) Drill Hole Diameter 10" Depth 325'
- b) Casing Type STEEL Diameter 10" Thickness 3/8"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 130'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

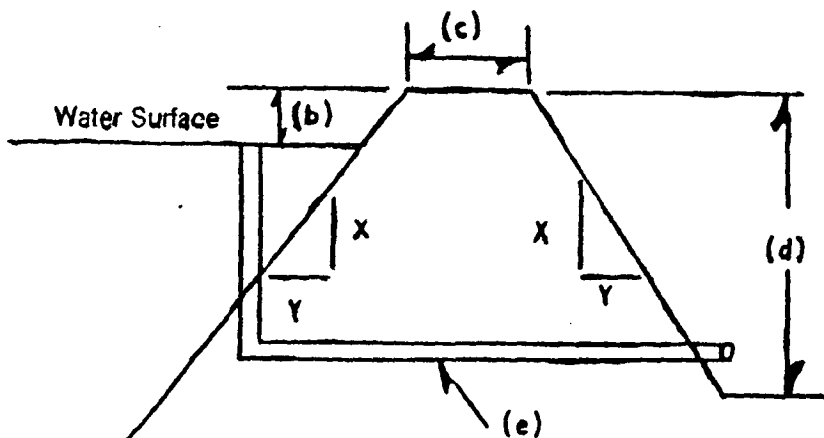
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



REF. ~~MAP~~ DESCRIBE LOCATION
OF FEEDLOT. 8 x 11

The Property line is about 800 Feet From well
and the feedlot is about 1000 Feet. The feedlot
is ~~located~~ located west of well as shown
a the Map in which I have enclosed.



RECEIPT

414423

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 1, 19 95

RECEIVED OF Brandon Karhan Livestock, PO Box 302, Lake Preston SD 57249-0302

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

Fee for Application for Permit No. <u>5465A-3</u> to Appropriate Water, to construct 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 _____		

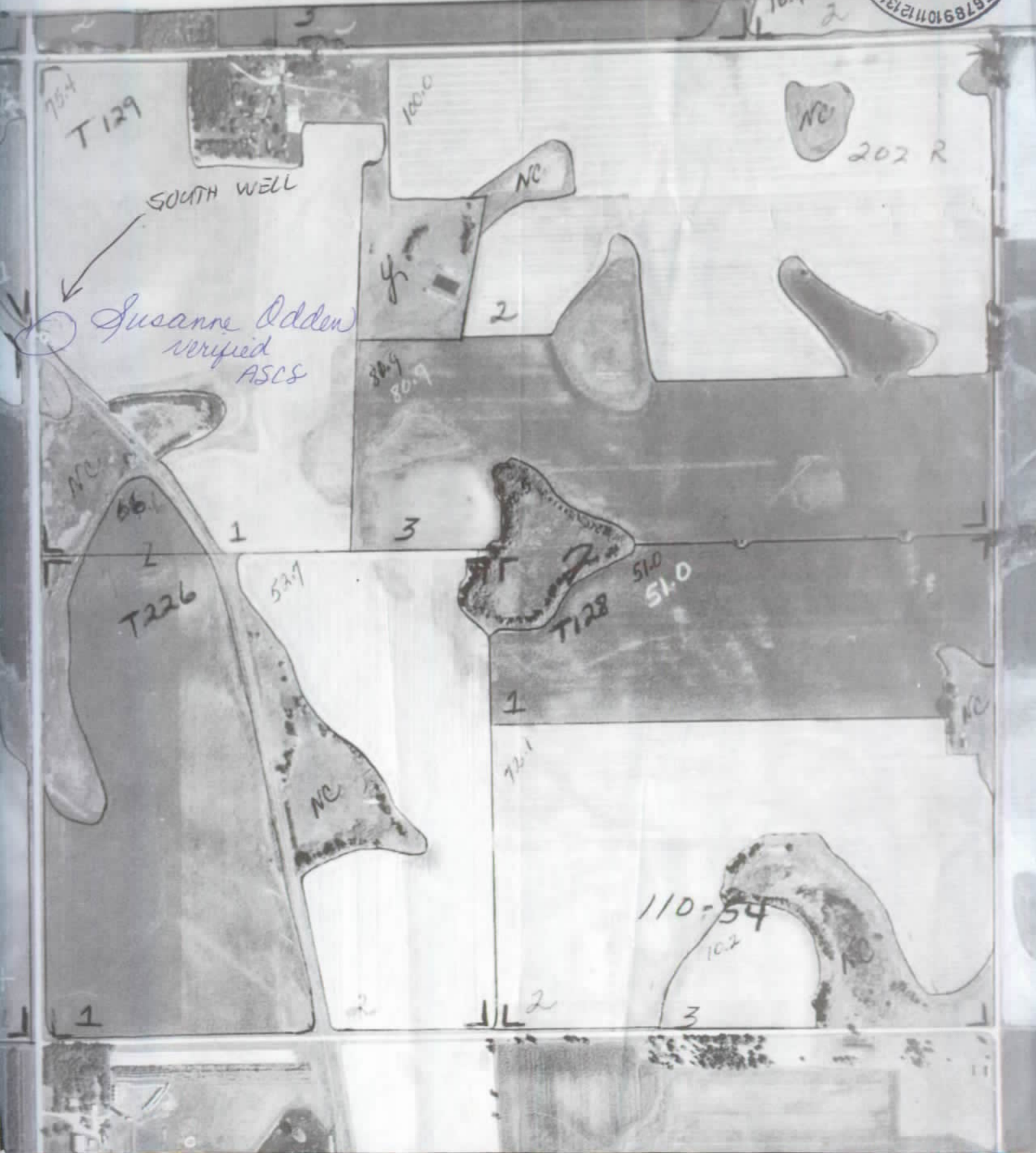
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer

(K5)

Appl. No. 5465-3

NOT TO SCALE



Range

12-110-55

FEEDLOT

202-1

location of well

110-455

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Doug Osberg, Huron Drilling

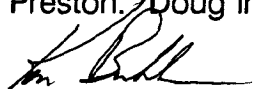
ADDRESS: Huron, SD COUNTY:

DATE: February 1995 TELEPHONE: (605) 352-8538

RE: Well Log for latest Lake Preston City Well

COMMENTS:

I contacted Doug Osberg about the well Huron Drilling completed for the City of Lake Preston. Doug informed me that Pullman Drilling installed the latest well for the city.



Ken Buhler
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 1995

Bob Bode
City of Lake Preston
Box 397
Lake Preston SD 57249

Dear Mr. Bode:

I am writing in response to our phone conversation on February 21, 1995, concerning one of your municipal wells.

You indicated that the city has hooked to rural water and no longer wants the responsibility of maintaining the well. An option being considered by the city is to transfer the well to private ownership to supply a feedlot with the city retaining the right to access to the well for fire protection purposes. I am enclosing two separate applications. The partially-completed application is to change the water use from municipal use to stock watering and fire protection use. The second application is for the other well which is currently being used to supply the feedlot.

As noted during our conversation, a water permit is not needed for stock watering unless more than 18 gallons per minute (gpm) on an average daily basis is used (26,000 gallons per day) or the peak pump rate exceeds 25 gpm. Please note, these water use rates are not on a "per well basis." In other words, the combined water use from both wells (the former city well and existing well for the feedlot) may not exceed 18 gpm on an average daily basis or a peak rate of 25 gpm to supply a feedlot without a water permit.

Please complete the applications, with the needed attachments as identified on the instruction sheet, and return the applications with the application fees. The application fee to change the water use for the city well is \$50.00 and the application fee for the existing livestock well is dependent upon the pump rate from the well. A pump rate of 45 gpm or less is \$50.00 and between 46 and 75 gpm is \$150.00. The entire fee structure is specified on the instruction sheet. If you have any questions on the applications, please contact me. I will try to assist in any way possible.

(continued)

February 22, 1995

Bob Bode

Page 2 of 2

I also encourage you to have the feedlot owner contact me if there are any questions concerning the need for a water permit for the feedlot. Enclosed for your review is a summary of the South Dakota water rights laws with applicable sections highlighted.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", with a stylized, cursive script.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

The feedlot is being supplied by rural water so there isn't another well being used. Also the feedlot will not be exceeding the 26,000 gallons of water per day. The feedlot currently is running 70,000 to 80,000 gallons of water per month. The map in which I have enclosed is in ~~Baker~~ Baker township, Kingsbury county located by Lake Preston SO.



**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Helen Pullman, Pullman Well Drilling

ADDRESS: Wolsey, SD COUNTY:

DATE: March 6, 1995 TELEPHONE: (605) 883-4532

RE: Well Log for latest Lake Preston City Well

COMMENTS:

I contacted Helen Pullman again today to ask again for a copy of the City of Lake Preston Well Log. Ms. Pullman informed me that she has been unable to find the well log but would continue to look for it. Ms. Pullman informed me she would send a copy in if she could find one.

A handwritten signature in black ink, appearing to read 'Ken Buhler', with a long horizontal stroke extending to the right.

Ken Buhler
Natural Resources Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Brandon Karban

ADDRESS: COUNTY: Kingsbury

DATE: 3/6/95 TELEPHONE: 847-4126

RE: Water Permit Application

COMMENTS:

Mr. Karban had called regarding his water permit application last week. I called him back and discussed the following:

1. Permit No. 5465-3 was never issued pursuant to the qualification that required a well completion report to be submitted. Mr. Karban was going to track down the well driller and get a copy of the well report submitted.
2. Mr. Karban stated that he would not use greater than 50 gpm for his feedlot operation.
3. I told him that we could use the map submitted with the original permit No. 5465-3.
4. Mr. Karban explained that the note he included in the application was just intended to show that he would not exceed water use of 26,000 gpd.

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:

Eric S. Henland

March 23 1995

To Ron DuVall.



This letter is to inform you of the attempts that have been made on locating the well drilling plan for the well of the city of Lake Preston SO. The company that ~~contacted~~ drilled the well was contacted and they said that they ~~had~~ have sent information to Pierre 3 times. This was Pullman drilling in Wasly SO. It was also thought that Huron Drilling in Huron SO. drilled the well so the city ~~lawyer~~ lawyer sent letters to them twice once about a month ago and some where around the time span of 1990. The plans of the drilling of this well seem to have been misplaced by someone and haven't been able to be located for a number of years. Eric who works in the water rights division has been working on this with us and was also involved in the search for the plans with in the last few years. This letter is to inform you that there has been quite a process in trying to locate the drilling log of the well and that we can't locate it. The reason in trying to locate the drill log is because the water rights are being changed from the City of Lake Preston to ~~Pierre~~ Brandon Karlan.

Sincerely
Brandon Karlan

REPORT ON WATER PERMIT APPLICATION NO. 5465A-3
for Brandon Karban
May 11, 1995

Application No. 5465A-3 proposes to amend water permit application No. 5465-3 to allow an additional use of the water. Water Permit No. 5465-3 appropriates 0.11 cfs (50 gpm) from one well approximately 315 feet deep located in the SW 1/4 NW 1/4 of section 7, T110N R54W for municipal purposes for the City of Lake Preston. The City is now supplied by Kingbrook Rural Water System. This application proposes to allow the additional use of domestic use for stockwatering at Karban's livestock facility. The well also will be used as a backup water supply for the City of Lake Preston primarily for fire protection. No additional appropriation of water is authorized by this application.

AQUIFER - HOWARD (HO)

The Howard is a buried glacial outwash (sand and gravel) under confined or artesian conditions. The Howard underlies 835 square miles of eastern Kingsbury and western Brookings Counties and contains an estimated 3 million acre feet of water in storage in that area (Hamilton, 1989). The aquifer is areally extensive into Lake and Miner counties to the south and into Clark and Hamlin counties to the north.

The Division of Water Rights does not monitor any observation wells completed into the Howard in Kingsbury or Brookings counties. The nearest Water Rights Division observation well completed into the Howard is over 20 miles south of this application. Historical water level records for the Howard for the Lake Preston area are not sufficient to make any determinations. In general, the Howard is a large aquifer system which has very little development. The water level record which is available from other sites indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

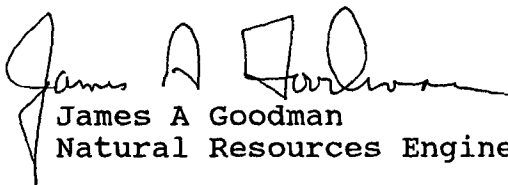
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only existing water right from the Howard aquifer in this area is No. 1981-3 for the City of Lake Preston. This water right was supposed to be incorporated into water permit No. 5465-3 but that permit has not been issued yet because of failure to meet a condition (submittal of the well completion report) placed upon that permit. This application is to use water from the same well authorized by 5465-3. Interference is not a concern. Drawdown created by this application should not be significant. There may be other domestic wells in the area which obtain water from the Howard aquifer.

CONCLUSIONS

1. Water is available from the Howard aquifer.

2. The aquifer is under artesian conditions. Drawdown will result from pumping, but this should not be significant. Interference is not expected to be a concern.
3. This well is completed in accordance with SD Well Construction Standards.
4. Apparently the City of Lake Preston wants to retain water rights for this well for fire protection purposes, but to transfer the well to the applicant because the city does not want to maintain the well. The applicant is requesting 50 gpm and the City has permits for 250 gpm. The pump size in the well will determine if the well can be used for fire protection. The applicant does not need a pump that large.
5. Although the applicant indicates he will not need more than 26,000 gpd for domestic use, the pump size will be larger than 25 gpm. A water permit is required for domestic use when the pump size is larger than 25 gpm.
6. A well completion report is now on file for water permit application No. 5465-3. This permit can now be issued.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.
- Water Rights, 1995, Unpublished Observation Wells for the Howard Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5465A-3, Brandon Karban**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5465A-3, Brandon Karban, Box 302, Lake Preston, SD 57249.

The Chief Engineer is recommending APPROVAL of Application No. 5465A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

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 black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
May 12, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 15, 1995

Brandon Karban
Box 302
Lake Preston, SD 57249

Dear Mr. Karban:

Water Permit Application No. 5465A-3 for domestic and fire suppression 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 Lake Preston Times printed at Lake Preston, SD (Ph # 605-847-4421). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

c: Bob Bode, City of Lake Preston, Box 397, Lake Preston, SD 57249



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 15, 1995

Lake Preston Times
Box 368
Lake Preston, SD 57249-0368

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5465A-3 to be published twice. Please publish the first notice on May 18, 1995, 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 Karban, Box 302, Lake Preston, SD 57249 (Ph # 605-847-4126).

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. No action may be taken on the permit application 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 May 18, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5465A-3 to Appropriate Water

Notice is given that Brandon Karban, Box 302, Lake Preston, SD 57249 has filed an application for a water permit to allow an additional use to Water Permit No. 5465-3. Water Permit No. 5465-3 appropriates 0.11 cubic feet of water per second from one well 315 feet deep (Howard Aquifer) located in the SW 1/4 NW 1/4 Section 7-T110N-R54W for municipal use by the City of Lake Preston. The city has connected to Kingbrook Rural Water System. This application proposes to allow the additional use of domestic use for stockwatering at Mr. Karban's livestock facility. Also, the well will be used as a backup water supply for the city primarily for fire protection purposes. No additional appropriation of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5465A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 5, 1995.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF KINGSBURY

SS.

Public notice

NOTICE OF APPLICATION

NO. 5465A-3 to Appropriate Water

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recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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5-18, 25

70 x 30.7 = 21.49
80% = 17.19
38.68



Shelley R. Knight, of said County being sworn

on oath says, that he is editor of the Lake Preston Times, a weekly newspaper printed and published in Lake Preston, in said County of Kingsbury, South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has bona-fide circulation of at least two hundred copies weekly, for fifty-two successive weeks 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 advertisement headed.....

Notice of Application

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper once each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

May 18, 1995

May 25, 1995

that the full amount of the fee charged for the publication of said Notice accrues to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication

thereof are \$ 38.68

Shelley R. Knight

Subscribed and sworn to before me, this 2nd

day of June, A.D., 1995

Linda M. Laber

Notary Public

Kingsbury County, South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1995

Brandon Karban
Box 302
Lake Preston, SD 57249

Dear Mr. Karban:

Enclosed for your information is the report and recommendation for Water Permit Application No. 5465A-3.

If you have any questions, please feel free to contact Eric Gronlund at (605)773-3352.

Sincerely,

Jaci R. Konop
Senior Secretary
Water Rights Division

Enclosures

c: Bob Bode, City of Lake Preston, Box 397, Lake Preston, SD 57249



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 1995

Brandon Karban
Box 302
Lake Preston, SD 57249

Dear Mr. Karban:

Enclosed is Water Permit No. 5465A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

Permit No. 5465A-3
Vermillion River - Water District

Report Of Examination Of Works

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, August 10, 1998, I made a thorough examination of the water use system constructed by Brandon Karban of Box 302, Lake Preston SD holder of Permit No. 5465A-3, bearing the priority of June 9, 1990 authorizing the diversion of 0.11 cu. ft. per second of the waters of groundwater, Howard aquifer for domestic use and fire protection purposes, in Kingsbury County.

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

A. Works used to divert the water:

A submersible pump

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

1 inch PVC

The system is in the following condition good. The point of diversion is located from the NW corner of Section 7 T110N-R54W: 100 ft E and 1500 ft S. The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for domestic and fire protection. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.11 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



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

10/30/98

Date

REPORT ON INSPECTION OF PERMIT NO. 5465A-3

DATE OF INSPECTION: August 10, 1998

Contact Person & Address: Rodney Karban, Box 302 Lake Preston SD

DIVERSION POINT LEGAL LOCATION: from the NW corner of Section 7 T110N-R54W: 100ft E and 1500 ft S

WATER SUPPLY Source: groundwater Howard aquifer

Well Information:

- | | |
|-------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Huron</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>315</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|---------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>280</u> feet |
| 3) Type <u>stainless</u> | |

Screen:

- | | |
|---------------------------------------|--------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>35</u> feet |
| 3) Static water level <u>170</u> feet | |

Pump\ Motor:

- | | |
|---------------------------------|-----------------------------------|
| 1) Pump Make <u>submersible</u> | 2) Pump Model <u>?</u> |
| 3) Capacity <u>200</u> GPM | 4) Motor Make <u>?</u> |
| 5) Motor Model No. <u>?</u> | 6) Horsepower rating <u>25</u> hp |

This well is also used as backup water supply to the City of Lake Preston. So, pump capacity greater than authorized.

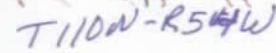
DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 1 inches 3) Length 1000 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

COMMENTS: #



No 5464A-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5465A-3

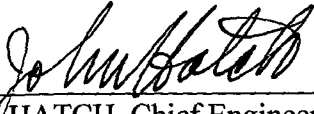
(1) Brandon Karban, Box 302, Lake Preston SD 57249 made Application No. 5465A-3, March 1, 1995 for a water permit to divert 0.11 cubic feet of water per second (cfs) from groundwater (one well), Kingsbury County, South Dakota for domestic and fire protection purposes. Permit No. 5465A-3, with a priority date of July 9, 1990 was approved June 5, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

* Water Permit No. 5465A-3 allows an additional use to Water Permit No. 5465-3. The additional use is domestic use for stockwatering at a livestock facility. No. 5465-3 appropriates water for municipal purposes by the City of Lake Preston.

(2) It is certified that the permit holder 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 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is 100 feet east and 1,500 feet south of the northwest corner of Section 7-T110N-R54W (SW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. This well is also used as a standby well for emergency use by the City of Lake Preston.

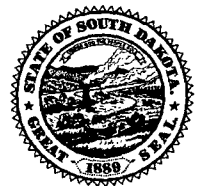
(4) Pursuant to South Dakota Water Law 46-5-30.1 Brandon Karban, Box 302, Lake Preston SD 57249 the holder and/or owner of Water Right No. 5465A-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from groundwater (one well) with a priority date of June 9, 1990 from the location specified in (2) of this license for domestic and fire protection purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5465A-3 and subject to South Dakota State Law.



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

JAN 19 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 10, 1998

5465A-3

Brandon Karban
Box 302
Lake Preston, SD 57249

Dear Mr. Karban:

The investigation of your ~~was~~ water use system was conducted on August 10, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5465A-3. Your final water right document, the Water License, can now be issued.

Statutes require that we ~~charge~~ charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 ~~fee~~ 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~~ order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

5465A-3

Brandon Karban
Box 302
Lake Preston, SD 57249

Dear Mr. Karban:

Enclosed is Water License No. 5465A-3 and Receipt No. 415919 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5465A-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks
enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415919

Pierre, November 19, 1998

RECEIVED OF Brandon Karban Livestock, Box 302, Dale Preston, SD 57249-0302
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. 5465A-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch