

Considered: _____

WATER PERMIT NO. 5497-3

Phone: 502-223-0694

Name of Applicant: Herman Waters

Post Office Address: #4 Valley Estates Drive, Little Rock AR 72212

Amount of Water Claimed: 0.11 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Beadle

About _____ miles _____ of Huron

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-24-90 Fee: \$150.00 Remarks _____

Corrected Application Received 1-16-91 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: NW 1/4 SE 1/4 35-111-62

Land to be Irrigated: _____

			35		
			⊗		

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

Depth of Well: 1000' REMARKS _____

Type of Map: aerial PREPARED BY: Randy Richards, CED Reviewed and the Number

Assigned on 1-16-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

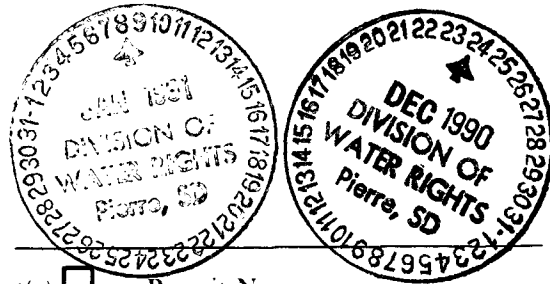
No. 5497-3 Hydrologic Unit 10160006
Map No. _____ Basin James River
Newspaper Daily Plainsman, Box 1278, Huron (Daily)

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. _____



- Name of Applicant Herman Waters Phone No. (501) 223-0694
Post Office Address #4 Valley Estates Drive Little Rock State AR Zip Code 72212
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s) 50 gpm 0.11 cfs
- Source of water supply Artesian well groundwater
- Location of point of diversion NW 1/4 of SE 1/4
Section 35 - 111 - 62 Beadle County
~~(NW 1/4 SE 1/4)~~ See enclosed aerial photograph
County Beadle
- Counties where water will be used Beadle
- Annual period during which water is to be used year round Jan 1 - Dec 31
- 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)

Completed in 1988, this facility is for farm equipment sales and service.

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 Arkansas
County of Pulaski ss

I, Herman Waters 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 Herman Waters

Subscribed and sworn to before me this 14 day of December 1990

Exp. Feb. 6, 2000 Dana Kinney
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5497-3**

Date of first receipt of application December 24, 1990.

Date of return to applicant for corrections, amendments or changes
December 27, 1990.

Date of receipt of corrected application January 15, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5497-3 to Herman Waters, #4 Valley Estates Drive, Little Rock AR 72212 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. 5497-3 appropriates 0.11 cubic feet of water per second from one well (Dakota Formation) 1000 feet deep located in the NW 1/4 SE 1/4 Section 35-T111N-R62W.
2. The water appropriated shall be used for the purpose of supplying water at the farm equipment sales and service facility and may not exceed the amount of water needed for beneficial use for commercial purposes.
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. 5497-3 is May 1, 1991.
5. The date from which applicant may claim right is December 24, 1990.
6. 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with the Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 4 1991
(date)

10-85

7-8-88

6038

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.RUSSELL WATERS
OWNERSE 35-111-62 BEADLE CO. ----- SEPT. 25, 1987
DESCRIPTION DATE

CASING LOG

Depth	1000	ft.
Flows	50	gpm
Pumps		gpm
Head		ft.
120 ft.		
Perforations		
20 lbs.		
Pressure		
4 Days		
Drilling Time		

REMARKS

100	ft.	5" Plastic	pipe to	100	ft.
780	ft.	2" Plastic	pipe to	880	ft.
120	ft.	3" Plastic	pipe to	1000	ft.
	ft.		pipe to		ft.
	ft.		pipe to		ft.

5" Retip drag bit 7 7/8"

Retip Roller bit-new 4 1/2"

V-35 Roller bit

Foreman

App/ No 5497-3

ASCS Map

by: Randy Richards C.E.D.

NOT TO SCALE



111-62

39.6 T-2370

47.2

90.2
T-2372

278-55-L

19.1

Black Salmon Agency

40.4

35

47

Case
Imp.
X

Well
Location

Black
Salmon
New
Sewer

Leisure-
Tech

Bonack

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412467

Pierre, December 26, 19 90

RECEIVED OF Herman Waters, PO Box 457, Carson City NV 89702

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

Fee for Application for Permit No. <u>5497-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By John Waters
Chief Engineer /KS



Department of Water & Natural Resources

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

November 6, 1990

CASE POWER BUILDING
KENT LARSON, ENGINEER
405 DAKOTA S
HURON SD 57350

Dear MR. LARSON, ENGINEER:

A well drillers report filed with this office by HURON DRILLING INC. indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosure



GREAT FACES. GREAT PLACES.

December 27, 1990

DEPARTMENT OF WATER & NATURAL RESOURCES

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



Herman Waters
#4 Valley Estates Drive
Little Rock AR 72212

Dear Mr. Waters:

In regard to your water permit application received on December 24, 1990, the following information needs to be submitted and clarified in order to process your application.

- 1) On the aerial photo, please mark the location of the diversion point (place where the well is located). The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
- 2) On Item No. 4 of the application, please indicate the quarter-quarter (40 acre parcel) of Section 35 where the well is located.

The water permit application can not be considered until the application is complete. Upon receipt of the above, further processing of your application will continue.

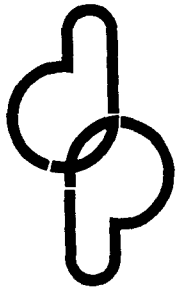
If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



Design Partners
Architects



January 7, 1991

Ms. Karen Schlaak
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Water Permit Application
Herman Waters

Dear Ms. Schlaak:

Enclosed please find the revised application as requested in your letter of December 27, 1990 (copy enclosed).

Our office has been assisting Mr. Waters in completing this application.

Please contact me if we need to provide any additional information.

Sincerely,

Kert E. Larsen

P.O. Box 1412
Suite 224 Norwest Building
Huron, S.D. 57350
605-352-3770



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 8, 1991

Kent E Larsen
Design Partners
PO Box 1412
Huron SD 57350

Dear Mr. Larsen:

Enclosed is the map which you submitted for the Herman Waters application. The map is being returned because as stated in ARSD 74:02:01:07 the map must be signed by a South Dakota licensed land surveyor, a South Dakota registered professional engineer, or by a government employee who regularly prepares such maps as a part of his employment. Based on the above rule, a Registered Architect, does not meet the qualifications to sign the map.

As stated in the letter dated December 27, 1990, possibly someone from the SCS or ASCS office could sign the map.

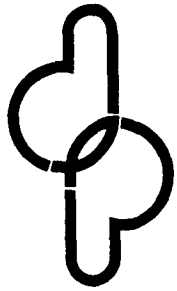
Upon receipt of the signed map, further processing of the application will proceed.

Sincerely,

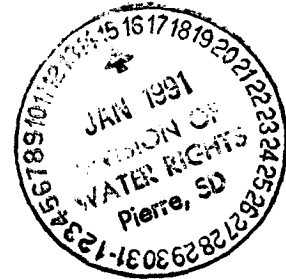
Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



Design Partners
Architects



January 14, 1991

Ms. Karen Schlaak
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Water Permit Application
Herman Waters

Dear Ms. Schlaak:

Enclosed please find the revised map as requested in your letter of January 8, 1991 (copy enclosed).

Note that the map was signed by Randy Richards, the county supervisor of ASCS.

Please contact me if we need to provide any additional information.

Sincerely,

Kent E. Larsen

P.O. Box 1412
Suite 224 Norwest Building
Huron, S.D. 57350
605-352-3770

REPORT ON APPLICATION NO. 5497-3
for Herman Waters
February 4, 1991

Application No. 5497-3 proposes to appropriate 0.11 cfs from one well approximately 1000 feet deep located in the NW 1/4 SE 1/4 of section 35, T111N R62W in Beadle County. The water is being used for commercial purposes at a farm equipment sales and service facility.

AQUIFER - DAKOTA FORMATION (DK⁰DT)

The Dakota Formation consists of interbedded sandstone and shales under artesian conditions. The Dakota Formation is approximately 320 feet thick in this area (Schoon, 1971). The driller's log submitted with the application indicates the top of the Dakota was at 760 feet below land surface and continued to a depth of 1000 feet. The completed well reportedly flows 50 gpm with a shut in pressure of 20 psi.

The Dakota Formation underlies 1250 square miles and contains an estimated 18 million acre feet of recoverable water in Beadle County (Hedges, 1982). Water levels for the Dakota Formation have declined as much as 300 feet in this area (Schoon, 1971). The Division of Water Rights monitors Dakota Formation wells in Eastern South Dakota. The nearest is HD-87A which is about 25 miles southwest of this application. Water level records for this well have not changed much since the well was completed. This correlates with data from other Dakota Formation observation wells (Water Rights, 1991). Most of the water level decline occurred during initial development of the Dakota Formation. The decline has continued primarily due to the large number of uncontrolled flowing wells. Apparently the decline has begun to level off as the water levels in the formation adjust to the discharges from the formation. In theory, this is what should be happening.

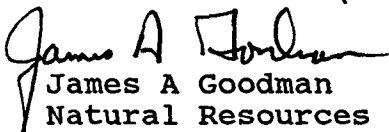
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing permits/rights within 1 mile of this application which obtain water from the Dakota Formation. Interference is not expected to be a problem. These are all flowing wells and have been in use without any apparent problem. The Dakota Formation is also widely used for domestic purposes in this area.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota Formation is under artesian conditions. Any withdrawals from this formation will cause drawdowns on other wells in the same formation. This affect should not adversely affect water availability from the aquifer.

3. This well was constructed in accordance with SD Well Construction Standard 74:02:04:35. However, the well as built does not comply the proper standard. This well should have been constructed to comply with 74:02:04:30 which would require neat cement grout from the top of the Dakota Formation to the land surface. The water from this well is being used for commercial purposes and to supply the public and the well was completed in December of 1987 which was two years after the standards were adopted.
4. This is a flowing well and must be valved and controlled to prevent the waste of water.
5. The Water Management Board has determined that permits can be issued from the Dakota Formation even though water levels (head pressure) are declining. The Board has determined that the major reason for declining water levels is the large number of uncontrolled wells flowing to waste. The Board determined that it would not be in the public interest to deny a permit when the effects of the withdrawal will not be measurable and will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Formation (see Farmland Industries Permit No. 5136-3).


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

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 DWRN, SDGS, Vermillion, SD. 57069.

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, R.I. # 104, SD DWRN, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Dakota Formation Observation Wells, SD DWRN, Div. of Water Rights, Pierre, SD, 57501.

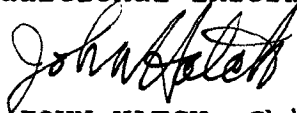
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5497-3, Herman Waters

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. 5497-3, Herman Waters, #4, Valley Estates Drive, Little Rock AR.

The Chief Engineer is recommending APPROVAL of Application No. 5497-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 8, 1991



DEPARTMENT OF WATER & 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.

March 21, 1991

Herman Waters
#4 Valley Estates Drive
Little Rock, AR 72212

Dear Mr. Waters:

Water Permit Application No. 5497-3 for commercial 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 Daily Plainsman printed at Huron, SD. 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

cc: Kent Larsen, Design Partners

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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 21, 1991

Daily Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5497-3 to be published twice. Please publish the first notice on March 28, 1991, 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 Herman Waters, #4 Valley Estates Drive, Little Rock AR 72212.

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 March 28, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5497-3 to Appropriate Water

Notice is given that Herman Waters, #4 Valley Estates Drive, Little Rock AR 72212 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well (Dakota Formation) 1000 feet deep located in the NW 1/4 SE 1/4 Section 35-T111N-R62W for commercial use at a farm equipment sales and service facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5497-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 April 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5497-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Beadle) ss.

I, Mary B. Walz

certify that the attached printed Notice was taken
 from the Huron Daily Plainsman

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

City _____ of Huron

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

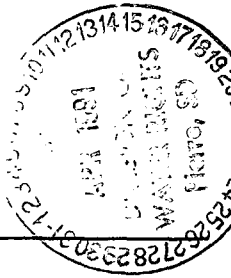
March 28, 1991

April 4, 1991

Mary B. Walz
 (Signature)

Business Manager
 (Title)

April 4, 1991
 (Date Signed)



F.P. 3-28-91 L.P. 4-4-91
NOTICE OF HEARING
on Application
No. 5497-3 to
Appropriate Water

Notice is given that Herman Waters, 4 Valley Estates Drive, Little Rock, AR 72212, has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well (Dakota Formation) 1000 feet deep located in the NW 1/4 SE 1/4 Section 35-T111N-R62W for commercial use at a farm equipment sales and service facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5497-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitioners filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 April 22, 1991. The petitioner 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.

For purposes of publishing (1) the notice of hearing on Application No. 5497-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 A.M. in the meeting room at Chief Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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) deny, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 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, 46-6-26; and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

No. 174 (adv.)
 14 x 2 1/2 x 3 1/2 = 107.80

Cost of Printing: \$107.80



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

SEP 4 1991

Herman Waters
#4 Valley Estates Dr
Little Rock AR 72212

Dear Mr. Waters:

Enclosed is Water Permit No. 5497-3 authorizing construction of the water system and the application of water beneficial use, 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,

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

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

enclosures

File No. 5497-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: **Dean Toman Manager of Case Implement**
(Herman Waters, owner)

ADDRESS: **P.O. Box 840, Huron SD 57350** COUNTY: **Beadle**

DATE: **4-28-92** TELEPHONE: **(605) 352-8554**

RE:

COMMENTS:

Mr. Toman would like a copy of the license for their files at Case Implement.

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.

A handwritten signature in cursive script, reading "Lynn Beck", written over a horizontal line.

Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

Permit No. 5497-3

James River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Herman Waters of #4 Valley Estates Drive, Little Rock AR 72212 holder of Permit No. 5497-3, bearing the priority of December 24, 1990 authorizing the diversion of 0.11 cu. ft. per second of the waters of the Dakota Formation for commercial purposes, in Beadle County. I have to report on the conditions of the same as follows:

A. Works used to divert the water:

1000' artesian well which flows at 50 gpm; 100' of 5" pvc, 780' of 2" pvc and 120' of 3" pvc casing; 120' of 3" pvc screen; Burnister booster pump, 1 hp.

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

150' of 2" pvc.

C. Works used to apply water to beneficial use:

Commercial use.

The system is in the following condition good. The point of diversion is located 733' E and 1025' S of the center of Section 35, T111N, R62W. 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 commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Commercial use.

The license should be issued for 0.11 cfs.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none Date 4-28-92


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5497-3

1. Legal location of wells: NW1/4 SE1/4 Section 35, T111N, R62W

Dams and Structures N/A

2. Well Information: Well Drilling Firm Huron Drilling Co.

Completion Report? Yes X No No. of Wells 1 Depth(s) 1000 feet

Casing a) diameter 5, 2, 3 inches Screen a) type 3" PVC

b) length 100, 780, 120 feet b) length 120 feet

c) type PVC Static Water Level N/A feet

Pump a) make Burnison (booster pump) Motor a) make

b) model 4103032413 b) model no.

c) size c) horsepower rating 1

d) capacity 50 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI 20

3. Distribution lines or canals

a) size 2 inches

b) type PVC

c) length 150 feet

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u>N/A</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>N/A</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>N/A</u>		5. Is chemigation used?
		6. If yes, does equipment comply with chemigation rules?

REMARKS: The well is an artesian well flowing at 50 gpm.

STATE OF SOUTH DAKOTA

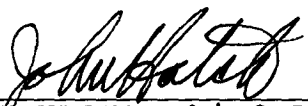
WATER LICENSE NO. 5497-3

(1) Herman Waters of P.O. Box 457, Carson City, NV 89702 made Application No. 5497-3, December 24, 1990 for a water permit to appropriate 0.11 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial purposes. Permit No. 5497-3 with a priority date of December 24, 1990 was approved May 1, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 733'E and 1025'S of the center of Section 35, T111N, R62W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The artesian well supplies water to a farm equipment sales and service facility.

(4) Pursuant to Section 46-5-30.1 Herman Waters of P.O. Box 457, Carson City, NV 89702 the holder(s) and/or owner(s) of Water Permit No. 5497-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from groundwater with a priority date of December 24, 1990 from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5497-3 and subject to South Dakota State Law.

 NOV 24 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

NOT TO SCALE

NHEL
②

11-62

④

G-12

2376
39.6

47.2

90.2

Prepared By:

Lynn Beck

Lynn Beck
Natural Resource Engineer
DENR, Water Rights Division
③ 6-1-92

NHEL
⑥

VC

NC

19.1

NW
NHEL
④

VO
NHEL
⑤

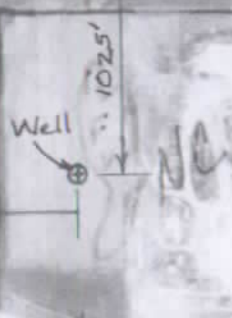
NC

35

47
②

25.8

NC



11-62

5497-3



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 1992

5497-3

Herman Waters
#4 Valley Estates Drive
Little Rock, AR 72212

Dear Mr. Waters:

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. 5497-3, 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.

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

Sincerely,

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

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

RECEIPT

413415

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 11, 19 92

RECEIVED OF Herman Waters, PO Box 457, Carson City, NV 89702

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>5497-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 1992

5497-3

Herman Waters
P.O. Box 457
Carson City, NV 89702

Dear Mr. Waters:

Enclosed is Water License No. 5497-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413415 in the amount of \$50.00 which you paid for the inspection 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. 5497-3, 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 Division
(605) 773-3352

enclosures

cc: Dean Toman, P.O. Box 840, Huron, SD 57350



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2001

5497-3

Bush Fullerton
Huron Equipment Company
PO Box 1425
Huron, SD 57350

Dear Mr. Fullerton:

Thank you for calling with regard to the ownership change on Water Right No. 5497-3.
Enclosed is a copy of the water right. You may keep this for your records.

Also enclosed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5497-3

Date: February 16, 2001

I/We request that Water Right No. 5497-3

formerly owned by: Herman Waters

be transferred to: (name & address) Huron Equipment Company C/O Bush Fullerton 1701 US Highway 14 West-Huron,

South Dakota 57350

Telephone No. 605-352-8554

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

diversion point location: NW 1/4 SE 1/4 Section 35, T111N, R62W

I/We understand that the validity of Water Right No. 5497-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

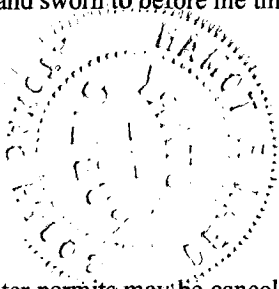
County of Beadle)

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

Bush Fullerton

(Signature of new owner)

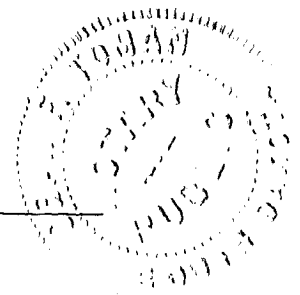
Subscribed and sworn to before me this 16 day of February, 2000.



Dean F. Toman

(Notary Public)

exp. 3-22-03



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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416779

Pierre, February 21, 2001

RECEIVED OF Huron Equipment Company, %Bush Fullerton, 1701 US Highway 14 West, Huron, SD 57350
the following amount in fees for services rendered as provided for by law: (Hermar Waters)

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5497-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Darland Erbele
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2001

5497-3

Bush Fullerton
Huron Equipment Company
1701 US Hwy 14 W
Huron, SD 57350

Dear Mr. Fullerton:

Thank you for following up on the ownership change for Water Right No. 5497-3. The transfer has been completed. The water right formerly listed in the name of Herman Waters is now listed in the name of Huron Equipment Company.

Enclosed is your Receipt No. 416779 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure