

Considered: _____

WATER PERMIT NO. 5532-3

Phone: 605 987-2701

Name of Applicant: McCord Heat Transfer

Post Office Address: RR 1, Box 10, Canton SD 57013

Amount of Water Claimed: 0.01 cfs 5 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: groundwater remediation County: Lincoln

About 1 miles East of Canton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-7-89 Fee: \$50 Remarks _____

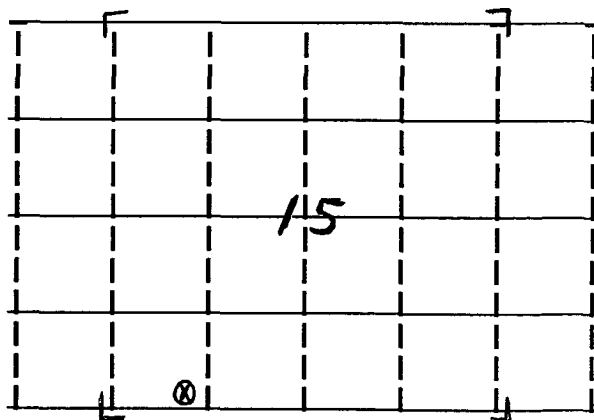
Corrected Application Received 4-1-91 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 SW 1/4 Sec 15-T98N-R49W

Land to be Irrigated: _____



Well Log: Driller: Groundwater Technology Licensed YES X NO _____

Depth of Well: 16' REMARKS _____

Type of Map: topo PREPARED BY: Bruce Jennings Reviewed and the Number

Assigned on 4-2-91 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 5532-3 Hydrologic Unit 10170203
Map No. _____ Basin Big Sioux River
Newspaper Canton Sioux Valley News, Box 255

Canton

(Thurs)

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☒

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant McCord Heat Transfer Phone No. 605-987-2701
 Post Office Address R.R.#1 Box 10 Canton State South Dakota, 57013
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.01 cfs = 5 gpm 25 gpm3. Source of water supply 7 Shallow ground water aquifer wells

4. Location of point of diversion 50 feet south of south east corner of McCord Heat Transfer Building.
 (IN THE SW 1/4 OF THE SW 1/4, SECTION 15, T98N, R49W.)

5. Counties where water will be used Lincoln County Lincoln

6. Annual period during which water is to be used Annually Jan 1-Dec 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)
Withdrawal of ground water for above ground treatment. Treated water to be discharged into sanitary sewer.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of LINCOLN)^{ss}

JACKIE J. GLENN
 NOTARY PUBLIC
 SOUTH DAKOTA
 My Commission Expires Nov. 20, 1992

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

Signed Jackie J. Glenn
 Subscribed and sworn to before me this 6th day of November 19 89
Jackie J. Glenn
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5532-3**

Date of first receipt of application November 7, 1989.
Date of return to applicant for corrections, amendments or changes
January 8, 1990.
Date of receipt of corrected application August 2, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5532-3 to McCord Heat Transfer, RR 1, Box 10, Canton SD 57013 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. 5532-3 appropriates 25 gallons per minute 0.01 cubic feet of water per second from seven wells (Pleistocene Unknown) 33-35 feet deep located in the SW 1/4 SW 1/4 Section 15-T98N-R49W.
2. The water appropriated shall be used for the purpose of removing petroleum hydrocarbon contamination and may not exceed the amount of water needed for beneficial use for groundwater remediation.
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. 5532-3 is October 2, 1991.
5. The date from which applicant may claim right is November 7, 1989.
6. One-fifth of the construction is to be completed on or before April 2, 1994.
7. All construction is to be completed on or before October 2, 1996.
8. Water is to be put to beneficial use on or before October 2, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

FEB 26 1992

date

Form 2A

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 16 feet
- b) Casing Type PVC Diameter 6" Thickness Schedule 40, Length 9'
- c) Screen Type Stainless Steel Diameter 6" Thickness Schedule 40, Length 8'
- d) Gravel Pack Thickness 12 feet Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 6 feet
- f) Depth to Water (ground surface to water level) 7 feet
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others 1/4 mile

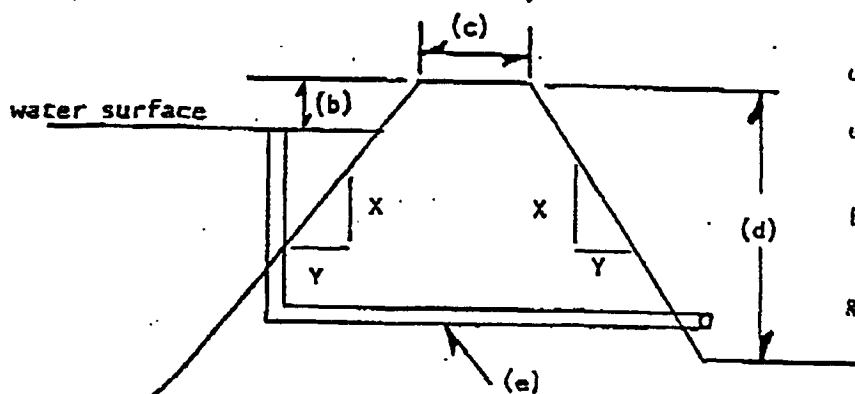
2. Dugout Information Estimates

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

3. Water Storage Dams

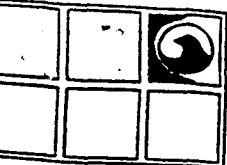
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- 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



GROUNDWATER TECHNOLOGY, INC.

OIL RECOVERY SYSTEMS

Well Number RW-1

Drilling Log

Project McCord Heat Transfer Owner McCord Heat Transfer

Location Canton, South Dakota Project Number 421-145-9560

Installed 10/14/89 Date 10/14/89 Total Depth of Hole 16' Diameter

Surface Elevation Water Level, Initial 7' 24-hrs. 7'

Screen: Dia. 6" Length 8' Slot Size 0.020

Casing: Dia. 6" Length 9' Type PVC/Stainless

Drilling Company Rasch Construction Drilling Method Trenching

Driller Log by Norm Kenney

Sketch Map

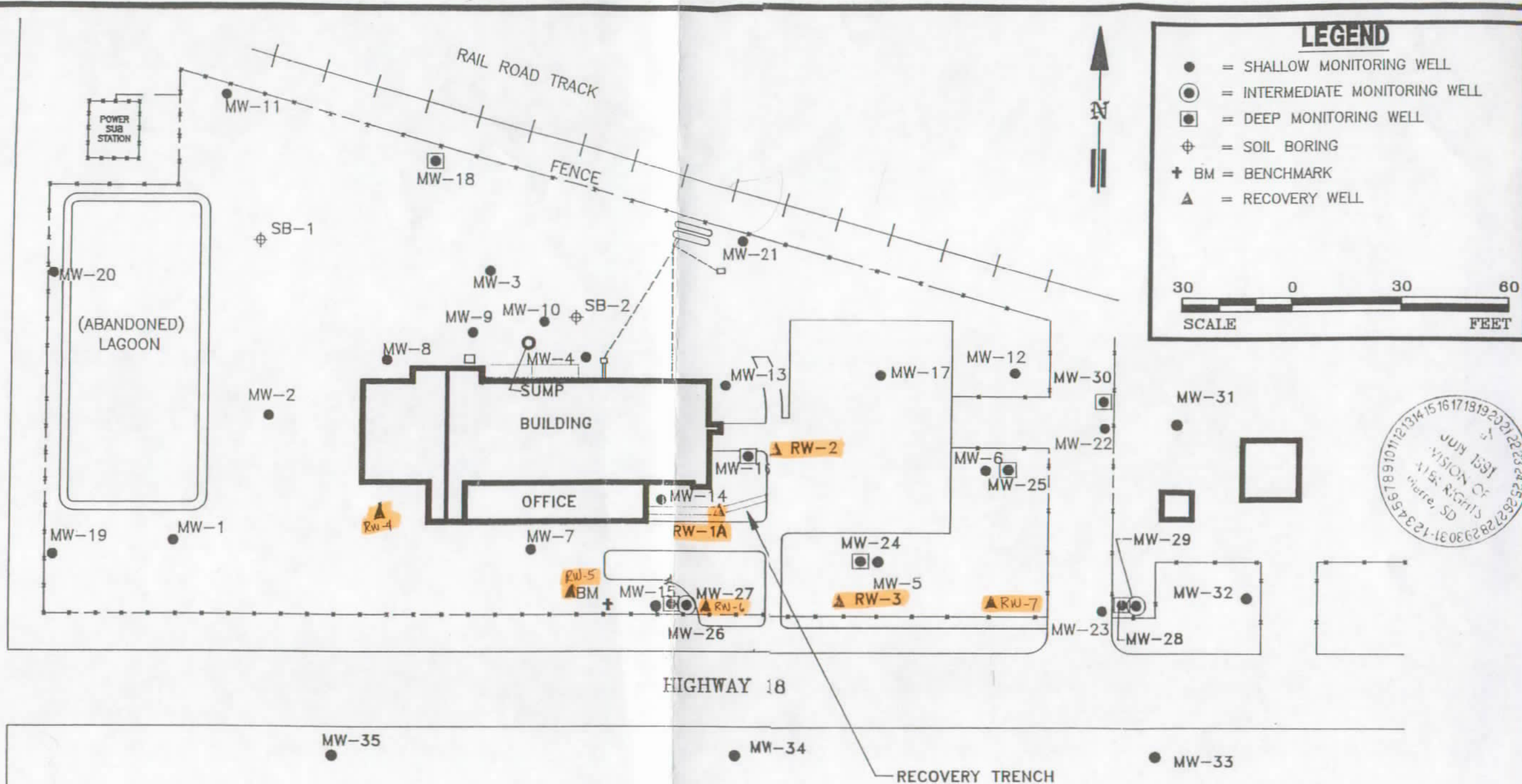
Notes 12" PVC perforated sleeve installed in trench backfill.
6" well installed through sleeve.

Depth (Feet)	Well Construction	Notes	Sample Number	Graphic Log	Description/Soil Classification (Color, Texture, Structures)
0		Sanitary well Seal			
1		0-3' Grout			Sand, gravel, soil (fill).
2					
3		Concrete Casing			
4		3-6' Grout			Black, slightly moist, Clay, little silt, little sand.
5					
6		Riser			
7		Sand back			
8					
9		12" Perforated Pipe			Light brown, slightly moist to moist, tight, plastic Clay, little silt.
10		6'-13'			
11					
12		Coarse backfill Gravel			Olive brown, slightly moist, tight, plastic Clay, little silt, little sand.
13		13'-16'			
14					
15		Screen			
16					

AGRICULTURAL FIELD

DIRT ROAD

PAVED ROAD



LEGEND

- = SHALLOW MONITORING WELL
- ⊙ = INTERMEDIATE MONITORING WELL
- ◼ = DEEP MONITORING WELL
- ⊕ = SOIL BORING
- + BM = BENCHMARK
- ▲ = RECOVERY WELL



		5158 PARK AVE. DES MOINES, IOWA 50321	
PROJECT No: 042109821		DATE: 1/03/91	
DETAILED TITLE:		SITE MAP	
CLIENT: McCORD HEAT TRANSFER DIVISION		LOCATION: CANTON SOUTH DAKOTA	
APPROVED:		CAS DIV. FILE No. 9821-SGB	

By Bruce Jennings Date 3-18-91



Date _____
 Drawn By _____
 Approved _____
 Revised _____

McCORD HEAT TRANSFER
CANTON, SD

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411968

Pierre, November 7, 1989

RECEIVED OF McCord Heat Transfer Corp. RR #1 Box 10, Canton SD 57013

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

Fee for Application for Permit No. <u>5532-3</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
Chief Engineer

[Signature]

SOUTH Dakota Department of
Water & Natural Resources

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



October 31, 1989

Joseph C. Thornton
Cummins Engine Company, Inc.
Mail Code 20650, Box 3005
Columbus, Indiana 47202-3005

CERTIFIED MAIL

Dear Mr. Thornton:

The Department of Water and Natural Resources (DWNR) has completed a review of Groundwater Technology's (GTI) Hydrogeological Assessment Report for the McCord Heat Transfer Corporation Facility, Canton, South Dakota. Based on the information supplied in the report, McCord is required to do the following.

1. In DWNR's July 11, 1989, letter to Sheryl Kappel, McCord was required to completely define the vertical and horizontal extent of the contamination. The report addressed the vertical and horizontal extent of soils contamination, however, the vertical and horizontal extent of the ground-water contamination has not been completely defined. According to the dissolved volatile organic contaminant (VOC) plume map, the horizontal extent of the ground-water contamination investigation has been confined to the property boundaries. McCord is required to completely define the horizontal extent of the ground-water contamination off-site. This must include further investigation to the west of MW-1, to the east of MW-12 and MW-6, to the south of the property, and to the north of the property. There is no basis to infer that contamination does not exist north of the property without the existence of monitoring data to conclude this. Please note, South Dakota has established ground-water quality standards (enclosed), and the plume, as defined, indicates the standards have been exceeded at the property boundaries. The standards are cleanup goals for ground-water contamination situations.

The vertical extent of the contamination in the ground water also needs to be addressed. By-products from this type of contamination, such as vinyl chloride, are more dense than water, and therefore sink in the saturated zone. The monitoring wells installed to date are water table monitoring wells, and therefore may not be adequate to determine the vertical extent of the "sinkers".

2. DWNR previously reviewed and concurred with an initial assessment that was conducted by Twin City Testing (TCT). The initial requirements of DWNR were to determine the integrity of the degreaser pit and its plumbing, construct a proper solvent storage area, and sample and analyze the monitoring wells for volatile organic contaminants, acid and base/neutral compounds, and dissolved metals, with the exception of mercury, which is measured as "total", on a quarterly basis. To date, McCord has provided data regarding VOC's and acid and base/neutral compounds, however, the other requirements have not been adequately addressed. McCord is required to provide information regarding the degreaser pit and the solvent storage area. McCord is also required to sample the monitoring wells and analyze the groundwater quarterly for VOC's, acid and base/neutral compounds, and metals, measured as "total dissolved" with the exception of mercury, which is measured as "total". McCord is also required to measure water levels monthly. After one year of quarterly monitoring and monthly water level measurements, the frequency and the parameters analyzed can be adjusted accordingly, with DWNR approval. The starting date for quarterly monitoring schedule must be approved by DWNR.
3. McCord is required to conduct a soils remediation feasibility study. The feasibility study should include remediation options, associated costs, and the remediation method preferred by McCord, including a justification for the preferred method. DWNR is recommending that McCord conduct additional soils testing using the Toxic Chemical Leachate Procedure (TCLP) method for metals and VOC's in conjunction with the feasibility study. DWNR is recommending this because McCord has been listed on the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) list. The TCLP method is the recommended hazardous waste testing procedure to be adopted for programs such as CERCLA, RCRA, and UIC. The United States Environmental Protection Agency (EPA) has developed hazardous waste guidelines for maximum concentration levels for the TCLP method (enclosed).

Currently, the DWNR Division of Air Quality and Solid Waste (AQSW) is preparing a revised preliminary assessment (PA) for the CERCLIS. Based on the work you have completed and will complete, AQSW will recommend this site for no further action under CERCLA. However, when EPA adopts the recommended levels for the TCLP test, the State of South Dakota will also adopt the same levels. At this time, AQSW will be required to do another revised PA. Since there is documented evidence of soil contamination at this site, AQSW will require you to test the soil in accordance with the TCLP method. Therefore, DWNR is recommending that McCord do soils testing in accordance with the TCLP method, to determine if the soils could potentially be considered a

hazardous waste under the TCLP rule, when adopted.

4. McCord is required to conduct a physical well search within a one mile radius of the property. GTI conducted a well log records search, however, DWNR does not have all the records on wells constructed prior to 1976. DWNR is also requiring that a VOC scan be performed on all shallow wells (less than 100 feet deep) inventoried within the one mile radius. DWNR has received a call of concern from Sharon Johnson regarding her well. She had no information regarding the well, other than the well is located approximately 2 blocks east of the site.

DWNR has also reviewed the plans and specifications for the Ground Water Remediation System. It has been determined, based on the information contained in the report, that the design of the remediation system should be adequate. Since no detailed information on the pump was provided, the review process did not include an assessment of the pump capacity and efficiency. The plans were approved by Jeanne Goodman, P.E., of this Department.

The plans indicate that you will discharge treated groundwater to the sanitary sewer system, as was discussed and approved by the Canton City Council. DWNR recommended approval of the discharge to the sanitary sewer system and recommended to the council the following:

1. The discharge water should be contained on site until testing indicates that the discharge water has met the standards established by the city council. The standards to be met are the drinking water standards or the ground water quality standards, whichever is the better water quality.
2. McCord must sample the discharge stream for:
 - a. trichloroethene,
 - b. tetrachloroethene,
 - c. 1,1 dichloroethane,
 - d. trans 1,2 dichloroethene,
 - e. 1,1,1 trichloroethane,
 - f. vinyl chloride,
 - g. chloroform, and
 - h. methylene chloride.Possible sampling frequencies for start-up may include, once a week for two months or two times a week for one month to make sure the system is working correctly. Once the system is proven to be working, McCord could be allowed to go to a quarterly monitoring schedule. DWNR also recommended that the council leave enough flexibility to allow for changes in the monitoring frequency and parameters (to possibly include metals) as needed.
3. McCord must monitor the amount of groundwater

recovered, treated, and discharged to the sanitary sewer system.

DWNR concurs with GTI that the proposed remediation system is probably the best for this type of contamination, at this type of location, and is appropriately located to contain and recover the most contaminated ground water. However, this system does not allow for recovery and treatment of the ground water that has exceeded the ground-water quality standards to the east, south, and west of the interceptor trench. Ground-water remediation in these areas is also required.

McCord may also be required to obtain a water right permit for the ground-water remediation system. McCord is required to contact Ron Duvall of DWNR Division of Water Rights at (605) 773-3352 and provide documentation to the same. McCord may also be required to obtain an air quality permit or conduct ambient air quality monitoring of the site and for the air stripper. You are required to contact Scott Fichtner of DWNR AQSW at (605) 773-3153 and provide documentation to the same.

Please note that there is a discrepancy in the ground-water analysis laboratory reporting forms. All of the analyses, with the exception of MW-13, show consistent detection limits (ie chloromethane < .08 ug/L). The MW-13 analysis sheet indicates a detection limit of 40 ug/L. Is this correct, or has the contamination for MW-13 been recorded two orders of magnitude greater than need be? If this is the case, please submit an updated data sheet for MW-13 and an updated plume map.

McCord is required to respond within 30 days of receipt of this letter with a time schedule, to be approved by DWNR, outlining when the additional work required is expected to be performed. McCord is required to supply DWNR with bi-annual reports, which must include:

1. Quarterly monitoring results, analytical and water level measurements,
2. The amount of ground water recovered, treated, and discharged,
3. The quality of the discharge, and
4. The expected work schedule or activities for the following reporting period, and any changes in the work schedule.

The bi-annual reports are due to DWNR by the first of March and August of each year. If you have any questions, please contact me at the number below.

Sincerely,

A handwritten signature in cursive script that reads "Barbara K. Nielsen". The signature is written in dark ink and is positioned above the typed name.

Barbara K. Nielsen
Hydrologist
Ground-Water Quality Program
Phone: (605) 773-3296

Enclosures

cc: Brad Schultz, AQSW
Scott Fichtner, AQSW
Ron Duvall, WR ✓
Curt Hansen, SFRO
Robert McIntosh, McCord
Canton City Council

MAXIMUM CONCENTRATION LEVELS
OF CONTAMINANTS FOR CHARACTERISTICS OF

	HAZ WASTE NO	CONTAMINANT	TCLP (MG/L)	EP TOX (MG/L)
METALS		D004 Arsenic	5.0	5.0
		D005 Barium	100.0	100.0
	8	D006 Cadmium	1.0	1.0
		D007 Chromium	5.0	5.0
		D008 Lead	5.0	5.0
		D009 Mercury	0.2	0.2
		D010 Selenium	1.0	1.0
		D011 Silver	5.0	5.0
PESTICIDES		D012 Endrin	0.003	0.02
		D013 Lindane	0.06	0.4
	8	D014 Methoxychlor	1.4	10.0
		D015 Toxaphene	0.07	0.5
		D016 2, 4-D	1.4	10.0
		D017 2, 4, 5-TP	0.14	1.0
		D023 Chlordane	0.03	
		D034 Heptachlor (And Hydroxide)	0.001	
VOLATILES		D018 Acrylonitrile®	5.0	
		D019 Benzene	0.07	
	19	D021 Carbon Disulfide	14.4	
		D022 Carbon Tetrachloride	0.07	
		D024 Chlorobenzene	1.4	
		D025 Chloroform	0.07	
		D031 1, 2-Dichloroethane	0.40	
		D032 1, 1-Dichloroethylene	0.1	
		D038 Isobutanol	25.0	
		D039 Methylene Chloride	8.6	
		D040 Methyl Ethyl Ketone	7.2	
		D045 1, 1, 1, 2-Tetrachloroethane	10.0	
		D046 1, 1, 2, 3-Tetrachloroethane	1.3	
		D047 Tetrachloroethylene	0.1	
		D049 Toluene	14.4	
		D050 1, 1, 1-Trichloroethane	25.0	
		D051 1, 1, 2-Trichloroethane	1.2	
		D052 Trichloroethylene	0.07	
		D055 Vinyl Chloride	0.05	
NEUTRALS		D020 BIS (2-Chloroethyl) Ether	0.05	
		D029 1, 2-Dichlorobenzene	4.3	
		D030 1, 4-Dichlorobenzene	10.8	
	9	D033 2, 4-Dinitrotoluene	0.13	
		D035 Hexachlorobenzene	0.13	
		D036 Hexachlorobutadiene	0.72	
		D037 Hexachloroethane	4.3	
		D041 Nitrobenzene	0.13	
ACID EXTRACT		D044 Pyridine	5.0	
		D026 O-Cresol	10.0	
		D027 M-Cresol	10.0	
		D028 P-Cresol	10.0	
	2	D042 Pentachlorophenol	3.6	
		D043 Phenol	14.4	
		D048 2, 3, 4, 6-Tetrachlorophenol	1.5	
		D053 2, 4, 5-Trichlorophenol	5.8	
		D054 2, 4, 6-Trichlorophenol	0.30	

SOUTH Dakota Department of
Water & Natural Resources

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

January 8, 1990

Robert G McIntosh
McCord Heat Transfer
RR 1, Box 10
Canton SD 57013

Dear Mr. McIntosh:

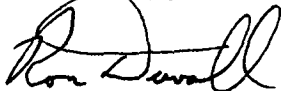
This letter is in response to your water permit application for treatment of ground water. The following information is needed to complete the application:

- 1) The enclosed applications need to include the legal description of the project (No. 4) in reference to a government section corner. For example, the SE1/4 SW1/4 section 15-T98N-R49W. This appears to be the approximate location based on the map submitted with the application. Please place the correct description on the enclosed applications.
- 2) The enclosed map submitted with the applications needs to be prepared and signed by one of the following persons: 1) A South Dakota registered professional engineer, 2) A South Dakota licensed land surveyor or 3) A government employee that regularly prepares maps as part of his or her duties. If Norman Kennel qualifies for one of these positions, then please have his title placed on the application or someone else will need to prepare and sign the map as outlined on the enclosed instruction sheet.
- 3) The application specifies 5 gpm. If actual operations have shown this diversion rate is not sufficient, then the 5 gpm should be increased to the maximum diversion rate expected.

The Water Management Board can not consider your application until the application is complete. Please complete the above information and return the application and map to the Water Rights Division.

If you have any questions, please contact me.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

January 10, 1991

Robert G. McIntoch
McCord Heat Transfer
RR 1, Box 10
Canton SD 57013

Dear Mr. McIntoch:

On November 7, 1989, you submitted an application (copy enclosed) for a permit to appropriate water. You were notified on January 8, 1990 that the application was incomplete and were instructed what additional information was necessary in order to complete the application (copy enclosed). To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. Currently, a water permit for McCord Heat Transfer has not been found on file with the Division of Water Rights. If you believe you already have the required water permit, no longer use water or have no plans to develop your proposed project, please inform us.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by submitting the additional information or contacting me by March 15, 1991.

Sincerely,

Eric Gronlund

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures

March 28, 1991

MR. ERIC GRONLUND
WATER RIGHTS DIVISION
DEPT OF WATER AND NATURAL RESOURCES
JOE FOSS BUILDING
532 E. CAPITAL
PIERRE, S.D. 57501-3181

Dear Mr. Gronlund:

This letter is a follow up to both your letter dated January 10, 1991 requesting a more complete application to appropriate water and also of our phone conversation the week of March 11, 1991 in obtaining additional time to obtain the required information.

McCord Heat Transfer, Canton, S.D. does wish to obtain a water permit from the Division of Water Rights. Enclosed please find the requested information that was deficient on the first application. The additional information requested in the letter from Mr. Ron Duvall is added to a copy of the original application or attached to the copy.

The items listed in Mr. Duvalls' letter are summarized on the next page, with the location of the required information noted:



1. Legal description (Item 4 on permit application):

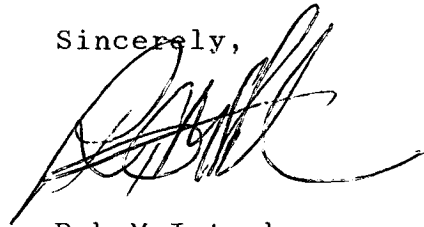
The description has been added to the original description in item 4 (copy attached).

2. The location map requires a qualified individuals' signature: A new map is enclosed with the signature of a Registered Professional Engineer. The original map was not signed by a person with the required qualification.

3. Diversion rate of 5 GPM: Actual operations have shown the requested diversion (5 GPM) to be sufficient. The rate requested is expected to be sufficient for the near future, also.

I believe the information enclosed completes the application, but if any further clarification is required, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob McIntosh', with a large, sweeping flourish at the end.

Rob McIntosh
Plant Manager

cc: Ron Duvall
Natural Resources Engineer

RM: jm

REPORT ON APPLICATION NO. 5532-3
for McCord Heat Transfer
June 3, 1991

This application proposes to appropriate 25 gpm (0.056 cfs) from seven wells approximately 33-35 feet deep located in the SW 1/4 SW 1/4 of section 15, T98N R49W in Lincoln County. The water will be produced and treated for a Ground Water Remediation System.

AQUIFER - PLIESTOCENE UNKNOWN (PS-U)

Ground water will be produced from Pliestocene sediments called glacial till. Till consists of mostly clay with silt, sand and rocks. The drill logs submitted with the application indicate a static water level of 4.5 to 12 feet below land surface with ground water in the weathered till. It is doubtful that a well completed into the till will produce even 5 gpm on a sustained basis. Ground water movement is probably dominated by fractures in the weathered till and is under water table conditions.

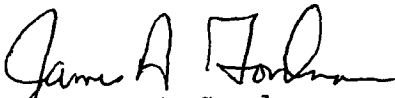
The Division of Water Rights does not monitor any observation wells completed into the till in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permits/rights for water from the till in this area.

CONCLUSIONS

1. Water is available from the till. Production rates are variable and generally very low. It may not be possible to continuously produce 25 gpm from this source.
2. The till is under water table conditions and interference will not be a concern.
3. This is a beneficial use of water. Ground water will be pumped to recover contamination at this site. The water will be treated on site and discharged into the sanitary sewer system for the City of Canton.
4. This system will consist of seven wells from 33-35 feet in depth. A variance from the SD Well Construction Standards is required to complete these wells in the manner described.

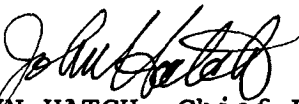

James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5532-3, McCord Heat Transfer

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. 5532-3, McCord Heat Transfer, RR 1 Box 10, Canton, SD 57013.

The Chief Engineer is recommending APPROVAL of Application No. 5532-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use; groundwater at these diversion points is contaminated, 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 because failure to pump groundwater at these points of diversion may result in additional pollution.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 27, 1991

NAME OF PERSON OR FILE: McCord Heat Transfer

ADDRESS: _____ COUNTY _____

DATE: 6/7/91 TELEPHONE _____

RE: Conversation w/ Jim Marek (Groundwater Technology) 515 282-9132

COMMENTS:

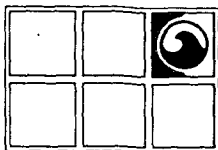
Mr. Marek called regarding the status on McCord's water permit application. In discussing the application it became evident that there have been changes in the application. Currently they are now planning on 7 recovery wells diverting a combined total of 2.5 gpm. The wells are also going to be 33-35 ft deep.

Mr. Marek said he was going to send well logs and a letter to amend the application.

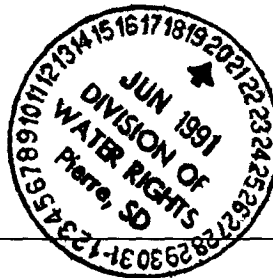
Called 6/18/91 - ~~Call~~ Jim Marek said letter was on its way.

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 Thorslund



GROUNDWATER TECHNOLOGY



Groundwater Technology, Inc.

5158 Park Avenue, Des Moines, IA 50321 USA
Tel: (515) 282-9132

June 13, 1991

Mr. Eric Gronlund
South Dakota Department of Environment
and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: McCord Heat Transfer Corporation, A Division of Cummins Engine Company, Facility, Canton,
South Dakota.

Dear Mr. Gronlund:

Pursuant to your request, and on behalf of Cummins Engine Company, Groundwater Technology, Inc. submits the following information regarding the above referenced facility.

Find enclosed well logs illustrating construction details and stratigraphy encountered in the vicinity of each well. The well logs enclosed are for the wells installed on the McCord facility property and are referenced as RW-1A through RW-7. A generalized site map has also been enclosed illustrating the approximate location of each well about the site.

It is Groundwater Technology's understanding that the SDDENR Water Rights Division will permit these wells for a total composited (RW-1A through RW-7) flow rate of 25 gallons per minute.

Should you have any questions concerning this matter, or should you require additional information, don't hesitate to contact me at 515-282-9132.

Sincerely,
GROUNDWATER TECHNOLOGY, INC.

Doug Trail
Project Geologist

cc: Scott Keen - Cummins
Rob McIntosh - McCord
Jim Marek - GTI

dt\gronlund.611

Well No. RW-1A

DRILLING LOG

Project MCCORD HEAT TRANSFER Owner CUMMINS ENGINE COMPANYLocation CANTON SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 5/30/91 Total Depth 33.0' Diameter 10 1/4"Surface Elevation _____ Water depth (init.) 4.5' 24-hrs. _____Screen: Dia. 5.0" Length 20.0' Slot Size 0.020"Casing: Dia. 5.0" Length 15.0' Type PVCDrilling Company REWERTS WELL Drilling Method HOLLOW STEM AUGERDriller TADD Log by JOHN H. Sampling Method CONTINUOUS

Sketch Map

BUILDING

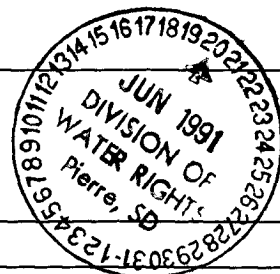
RW-1A RW-1

DRIVEWAY

Notes +=RECOVERY WELLS

stainless steel screen used

Depth (ft)	Well Construction	Notes	Sample No. & Blow Count	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0	casing				
2	grout				
4	bentonite		0.5-4.5		TOPSOIL AND GRASS (0-0.5) BLACK/BROWN silty CLAY (backfill)
6					
8			4.5-17		GRAVEL (RECOVERY TRENCH)
10					
12					
14					
16	screen		17-19.5		BROWN medium to high plastic CLAY with sand
18	sand pack		19.5-21		TAN, medium to high plastic CLAY with pebbles and sand
20					
22			21-31		BROWN/GRAY, high plastic CLAY with sand and pebbles
24					
26					
28			31-33		weathered SHALE
30					
32					
34					BOH = 33.0'
36					
38					
40					

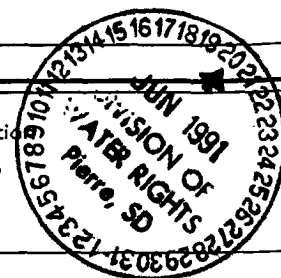


Page ____ of ____

DRILLING LOG

Driller GLENN Log by DOUG Sampling Method 5' CONTINUOUS

Notes



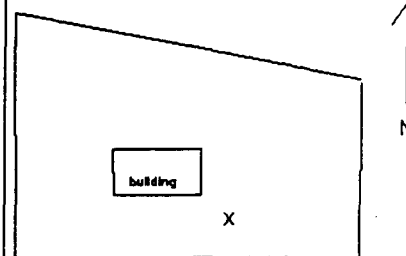
Depth (ft)	Well Construction	Notes	Depth Interval	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0		roadbox	0-.5		concrete
2		concrete grout	.5-5.0		Brown/rust med. to coarse SAND with silt, trace of pebbles.
4					
6		bentonite			Tan/Brown, moist, high plastic CLAY with silt; some med to fine sand and pebbles.
8		fiberglass riser	5-10		
10					
12					Tan/Brown, moist, high plastic CLAY and SILT; little med. to coarse sand with trace pebbles.
14					
16					
18			10-23		
20					
22					
24		sand pack	23-27		Tan/Brown, moist, SILT; some fine sand and clay.
26					
28					
30		Stainless steel screen	27-35		Tan/Brown/gray, moist, SILT with some fine sand.
32					
34					
36					BOH =35.0'
38					
40					
42					
44					
46					
48					
50					

Well No. RW-3

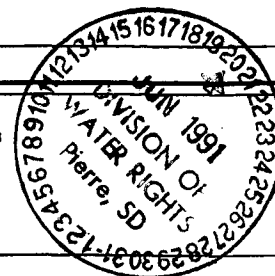
DRILLING LOG

Project MCCORD HEAT TRANSFER Owner MCCORD HEAT TRANSFERLocation CANTON, SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 11-13-90 Total Depth 35.0 ft Diameter 12.0"Surface Elevation _____ Water depth (init.) 11.50' 24-hrs. 6.50'Screen: Dia. 4" Length 25.0' Slot Size .020"Casing: Dia. 4" Length 13.0' Type FIBERGLASSDrilling Company GTL DRILLING Drilling Method HOLLOW STEM AUGERSDriller GLENN Log by DOUG Sampling Method 5' CONTINUOUS

Sketch Map



Notes



Depth (ft)	Well Construction	Notes	Depth Interval	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0			0-.5		Tan silty SAND with grass
2		concrete	.5-3		Black, med. moist, plastic SILT with clay
4		grout	3-7		Brown, moist, high plastic CLAY and SILT; med. sand
6		bentonite casing	7-20		Tan/Gray, moist, high plastic CLAY; some silt with med sand, trace pebbles and cobbles. * good show of water at 15-20' *silty Clay layer with trace of med to coarse sand at 16-17'
8			20-35		Gray, moist, high plastic CLAY; some silt with fine sand, and pebbles.
10					
12					
14					
16					
18					
20					
22					
24					
26		sand pack			
28					
30		stainless steel			
32		screen			
34					
36					BOH = 35.0'
38					
40					
42					
44					
46					
48					
50					

Page ____ of ____

GROUNDWATER
TECHNOLOGY, INC.

Well No. RW-4

DRILLING LOG

Project MCCORD HEAT TRANSFER Owner CUMMINS ENGINE COMPANYLocation CANTON SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 5/31/91 Total Depth 35.0' Diameter 10 1/4"Surface Elevation _____ Water depth (init.) 7.0' 24-hrs. _____Screen: Dia. 4.0" Length 25.0' Slot Size 0.020"Casing: Dia. 4.0" Length 16.0' Type FIBERGLASSDrilling Company REWERTS WELL Drilling Method HOLLOW STEM AUGERDriller TADD Log by JOHN H. Sampling Method CONTINUOUS

Sketch Map

BUILDING

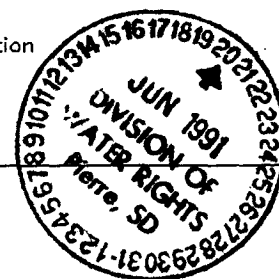
N

RW-4

MW-7

Notes *--Monitor well location
 +-recovery well location
 stainless steel screen used

Depth (ft)	Well Construction	Notes	Sample No. & Blow Count	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0	roadbox				
2	grout		0-1.5		asphalt and gravel subgrade
4	bentonite		1.5-5		BROWN, low plastic silty CLAY with pebbles
6			5-7		TAN/BROWN, clayey SILT with sand and pebbles
8	casing		7-13		BROWN, medium to high plastic silty CLAY with sand and pebbles
10					
12	screen				
14					
16					
18					
20	sand pack		13-29		BROWN, high plastic silty CLAY with pebbles
22					
24					
26					
28					
30			29-33		GRAY/GREEN, high plastic CLAY with pebbles
32			33-35		weathered SHALE
34					
36					
38					
40					BOH - 35.0'



Page ____ of ____

GROUNDWATER
TECHNOLOGY

Well No. RW-5

DRILLING LOG

Project MCCORD HEAT TRANSFER Owner CUMMINS ENGINE COMPANYLocation CANTON SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 5/30/91 Total Depth 35.0' Diameter 10 1/4"Surface Elevation _____ Water depth (init.) 4.5' 24-hrs. _____Screen: Dia. 4.0" Length 25.0' Slot Size 0.020"Casing: Dia. 4.0" Length 16.0' Type FIBERGLASSDrilling Company REWERTS WELL Drilling Method HOLLOW STEM AUGERDriller TADD Log by JOHN H. Sampling Method CONTINUOUSSketch Map BUILDING

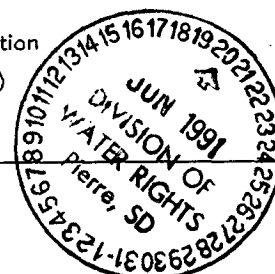
PARKING LOT/DRIVEWAY

N
 + — RW-5
 O — POTW MH

Notes += RECOVERY WELL

stainless steel screen used

Depth (ft)	Well Construction	Notes	Sample No. & Blow Count	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0	casing				
2	grout				
4	bentonite		0.5-4.5		TOPSOIL AND GRASS (0-0.5')
6					BROWN/TAN, low plastic silty CLAY with sand
8			4.5-13		TAN/GRAY, low plastic silty CLAY with sand and pebbles
10					
12	screen				
14			13-20		TAN/BROWN, high plastic CLAY with pebbles
16					
18	sand pack				
20					
22			20-33		BROWN/GRAY, high plastic sandy CLAY with pebbles
24					
26					
28					
30					
32					
34			33-35		weathered SHALE
36					
38					BOH = 35.0'
40					



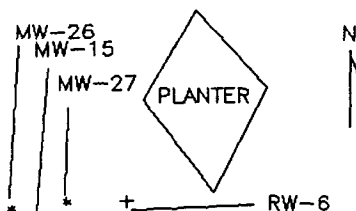
Page ____ of ____

Well No. RW-6

DRILLING LOG

Project MCCORD HEAT TRANSFER Owner CUMMINS ENGINE COMPANYLocation CANTON SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 5/30/91 Total Depth 35.0' Diameter 10 1/4"Surface Elevation _____ Water depth (init.) 7.0' 24-hrs. _____Screen: Dia. 4.0" Length 25.0' Slot Size 0.020"Casing: Dia. 4.0" Length 16.0' Type FIBERGLASSDrilling Company REWERTS WELL Drilling Method HOLLOW STEM AUGERDriller TADD Log by JOHN H. Sampling Method CONTINUOUS

Sketch Map



Notes +--recovery well location
 *- monitor well location
 stainless steel screen used

Depth (ft)	Well Construction	Notes	Sample No. & Blow Count	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0	casing				
2	grout				
4	bentonite		0.5-4		TOPSOIL AND GRASS (0-0.5')
6			4-7		BROWN, low plastic silty CLAY with sand and pebbles
8					TAN/BROWN, low plastic silty CLAY with sand
10			7-12		TAN, low plastic clayey SILT with pebbles
12	screen				TAN, medium plastic silty CLAY with sand and pebbles
14			12-20		
16	sand pack				
18					
20					
22					
24			20.5-35		TAN/brown, high plastic CLAY with weathered shale pebbles and sand
26					
28					
30					
32					
34			33-35		weathered SHALE
36					
38					BOH = 35.0'
40					

Page ____ of ____

Well No. RW-7

DRILLING LOG

Project MCCORD HEAT TRANSFER Owner CUMMINS ENGINE COMPANYLocation CANTON SOUTH DAKOTA Project Number 04210-9821-0401Date Drilled 5/29/91 Total Depth 35.0' Diameter 10 1/4"Surface Elevation _____ Water depth (init.) 4.5' 24-hrs. _____Screen: Dia. 4.0" Length 25.0' Slot Size 0.020"Casing: Dia. 4.0" Length 16.0' Type FIBERGLASSDrilling Company REWERTS WELL Drilling Method HOLLOW STEM AUGERDriller TADD Log by JOHN H. Sampling Method CONTINUOUS

Sketch Map

PARKING LOT

FENCE

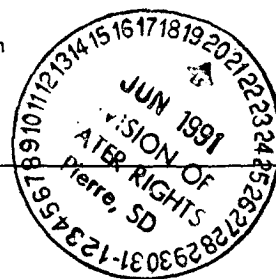
RW-3

RW-7

Notes +-recovery well

stainless steel screen used

Depth (ft)	Well Construction	Notes	Sample No. & Blow Count	Graphic Log	Description/Soil Classification (Color, Texture, Structure)
0	casing		0-1		TOPSOIL AND GRASS
2	grout		1-7		TAN/GRAY, silty CLAY with sand and pebbles
4	bentonite		7-13		TAN/pink/gray medium to high plastic silty CLAY with fragments of weathered shale
6			13-21		BROWN/tan/black, high plastic CLAY with pebbles, sand, and limonite
8			21-27		BROWN/GRAY, high plastic CLAY with weathered shale partings; some sand with pebbles and cobbles
10	screen		27-35		GRAY/BLACK, high plastic CLAY with sand and silt; fragments of weathered shale are more evident
12					
14					
16					
18					
20	sand pack				
22					
24					
26					
28					
30					
32					
34					
36					BOH = 35.0'
38					
40					



Page ____ of ____



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 21, 1991

COPY

Doug Trail
Groundwater Technology, Inc.
5158 Park Avenue
Des Moines, IA 50321

Dear Mr. Trail:

I am writing in response to the additional water permit application information you submitted on behalf of McCord Heat Transfer. I have amended the permit application to reflect the changes I discussed during a phone conversation with Jim Marek on June 7th and to incorporate the contents of your letter. Currently, the water permit application proposes to appropriate 25 gallons per minute from seven wells. Prior to processing the application the following issues must be addressed:

1. The new map showing the location of the wells must be signed by one of the following: 1) South Dakota Registered Land Surveyor; South Dakota Registered Professional Engineer; or by any government employee who normally prepares maps as part of his assigned duties.
2. The legal description of the location of the wells to the nearest quarter-quarter. The original application stated the one well is to be located in the SW1/4 SW1/4 Section 15, T98N, R49W. Are the additional wells also located within the SW1/4 SW1/4 of Section 15.

I will await a signed map prior to continuing the processing of this application. Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

cc: Rob McIntosh, McCord

enclosure

ERIK GRUNLAND
TO SDDENR WATER RIGHTS DIV.
Joe Foss Bldg:
523 East Capitol
Pierre, S.D. 57501-3181

SUBJECT

Certified Map

DATE 7-31-91

MESSAGE

Per your recent request, enclosed is the survey map exhibiting well locations. Specifically recovery wells 1, 2, 3, 4, 5, 6, 7 will be used in remediation. If you have questions please call me at 515-282-9132.

CC. Scott Keen - Cummins

SIGNED

Regards

James March

DATE

REPLY



SIGNED



**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.

August 30, 1991

Robert G. McIntosh
McCord Heat Transfer
RR 1 Box 10
Canton, SD 57013

Dear Mr. McIntosh:

Water Permit Application No. 5532-3 for groundwater remediation 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 Canton Sioux Valley News printed at Canton, 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

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.



August 30, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Canton Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5532-3 to be published twice. Please publish the first notice on September 5, 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 McCord Heat Transfer, RR 1 Box 10, Canton, SD 57013.

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
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 September 5, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5532-3 to Appropriate Water

Notice is given that McCord Heat Transfer, RR 1 Box 10, Canton, SD 57013 has filed an application for a water permit to appropriate 25 gallons per minute from seven wells (Pleistocene Unknown) 33-35 feet deep located in the SW 1/4 SW 1/4 Section 15-T98N-R49W. The water is to be used in a groundwater extraction system to remove petroleum hydrocarbon contamination.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5532-3 because 1) unappropriated water is available for the applicant's proposed use and because groundwater at the diversion points is contaminated, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest because failure to pump water at these points of diversion may result in additional pollution. 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 September 23, 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. 5532-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 2, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the October 2, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 October 2, 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 September 23, 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.

Affidavit of Publication

OK



NOTICE OF HEARING on Application no. 5532-3 to Appropriate Water

Notice is given that McCord Heat Transfer, RR 1 Box 10, Canton, SD 57013 has filed an application for a water permit to appropriate 25 gallons per minute from seven wells (Pleistocene Unknown) 33-35 feet deep located in the SW 1/4 SW 1/4 Section 15-T98N-R49W. The water is to be used in a groundwater extraction system to remove petroleum hydrocarbon contamination.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5532-3 because 1) unappropriated water is available for the applicant's proposed use and because groundwater at the diversion points is contaminated, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest because failure to pump water at these points of diversion may result in additional pollution. 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 September 23, 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. 5532-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 2, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E. Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the October 2, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and per-

sons 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 October 2, 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 September 23, 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.
9-5, 12

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ss:

Sandra Lundstrom

being first duly sworn on her oath says: that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF HEARING on Application No.
5532-3 to Appropriate Water

a printed copy of which is hereto attached, was printed
and published in said newspaper fortwo

successive weeks upon the following dates, to-wit:

September 5, 1991

that the full amount of the fees charged for publishing the same to-wit: the sum of \$.54.47 (2 times) inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Sandra Lundstrom

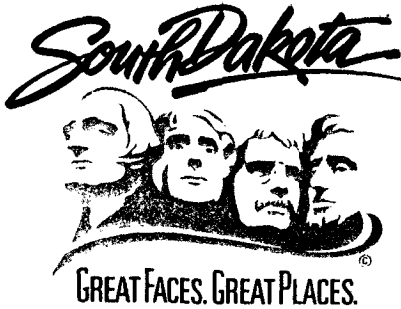
Subscribed and sworn to before me this 5th

day of September, 1991

Vernon R. Thorson
Notary Public, South Dakota

(Seal)

VERNON R. THORSON
My commission expires
January 20, 1995.



FEB 26 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Robert G McIntosh
McCord Heat Transfer
RR 1 Box 10
Canton, SD 57013.

Dear Mr. McIntosh:

Enclosed is Water Permit No. 5532-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

REPORT ON INSPECTION OF PERMIT NO. 5532-3

DATE OF INSPECTION: 9-11-97

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Brian G. Bossman

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Chemical/Facilities Engineer

NAME & ADDRESS OF PERMIT HOLDER: Behr Heat Transfer Systems, Inc. 47920 5th Street,
Canton SD 57013-5802; Main (605) 987-2701 Direct (605) 987-6118 Fax (605) 987-2266.

DIVERSION POINT LEGAL LOCATION: All from the SW corner Section 15-T98N-R49W:

<u>RW-1A 1075' E and 195' N</u>	<u>RW-5 825' E and 87' N</u>
<u>RW-2 1158' E and 265' N</u>	<u>RW-6 1050' E and 55' N</u>
<u>RW-3 1275' E and 82' N</u>	<u>RW-7 1462' E and 88' N</u>
<u>RW-4 647' E and 160' N</u>	

WELL INFORMATION:

- 1) Well Drilling Firm: RW-1A, RW-4, RW-5, RW-6, RW-7 Rewerts Well; RW-2 and RW-3 GTI Drilling.
- 2) No. of Wells 7
- 3) Depth(s) RW-1A is 33 feet; RW-2 thru RW-7 are 35 feet
- 4) Well log is available yes

Casing:

- 1) Diameter RW-1A is 5 inched; RW-2 thru RW-7 are 4 inches
- 2) Length RW-1A is 15 feet; RW-2 is 10 feet; RW-3 is 13 feet; RW-4 thru RW-7 are 16 feet
- 3) Type all fiberglass

Screen:

- 1) Type all fiberglass
- 2) Length RW-1A is 20 feet; RW-2 thru RW-7 are 25 feet
- 3) Static water level WR-1A is 4.5'; RW-2 is 7'; RW-3 is 6.5'; RW-4 is 7'; RW-5 is 4.5'; RW-6 is 7'; RW-7 is 4.5 feet

Pump:

- 1) Make all Grundfos
- 2) Model RW-1A model no. SP-10; RW-2 model no. JS10-05; RW-3 thru RW-7 model no. SP-4
- 3) Size RW-1A and RW-3 thru RW-7 are 4"; RW-2 is 3"
- 4) Capacity RW-1A is 6.5 gpm; RW-2 is 10 gpm; and RW-3 thru RW-7 are 5 GPM

Motor:

- 1) Make #
- 2) Model No. #
- 3) Horsepower rating RW-1A and RW-2 are ½ hp; RW-3 thru RW-7 are 1/3 hp

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 5532-3
Big Sioux River - Water District

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

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

I have this day, September 11, 1997 made a thorough examination of the water use system constructed by McCord Heat Transfer of RR1 Box 10, Canton SD 57013 holder of Permit No. 5532-2-3, bearing the priority of November 7, 1989 authorizing the diversion of .01 cu. ft. per second of the waters of Pleistocene Unknown aquifer for removing petroleum hydrocarbon contamination purposes, in Lincoln County.

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

A. Works used to divert the water:

Well RW-1A is 33' deep with 15' of 5" PVC casing and 20' of PVC screen; Grundfos model no. SP-10 pump, 4", 6.5 gpm and a 1/2 hp motor.

Well RW-2 is 35' deep with 10' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. JS10-05 pump, 3", 10 gpm and a 1/2 hp motor.

Well RW-3 is 35' deep with 13' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. SP-4 pump, 4", 5 gpm and a 1/3 hp motor.

Well RW-4 is 35' deep with 16' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. SP-4 pump, 4", 5 gpm and a 1/3 hp motor.

Well RW-5 is 35' deep with 16' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. SP-4 pump, 4", 5 gpm and a 1/3 hp motor.

Well RW-6 is 35' deep with 16' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. SP-4 pump, 4", 5 gpm and a 1/3 hp motor.

Well RW-7 is 35' deep with 16' of 4" fiberglass casing and 25' of fiberglass screen; Grundfos model no. SP-4 pump, 4", 5 gpm and a 1/3 hp motor.

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

Pumping for removal of petroleum hydrocarbon contamination.

C. Works used to apply water to beneficial use:

Pumping for removal of petroleum hydrocarbon contamination.

The system is in the following condition good. The point of diversion is located:

All from the SW corner Section 15-T98N-R49W:

<u>RW-1A 1075' E and 195' N</u>	<u>RW-5 825' E and 87' N</u>
<u>RW-2 1158' E and 265' N</u>	<u>RW-6 1050' E and 55' N</u>
<u>RW-3 1275' E and 82' N</u>	<u>RW-7 1462' E and 88' N</u>
<u>RW-4 647' E and 160' N</u>	

The works are capable of diverting and conveying to the place of use 0.092 cu. ft. per second (41.5 gpm) of water which is to be used for removal of petroleum hydrocarbon contamination. Water has been put to beneficial use to the maximum extent as follows:

Removal of petroleum hydrocarbon contamination.

The license should be issued for 0.056 cfs (25 gpm).

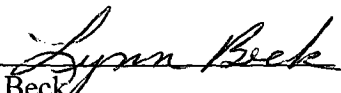
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

COMMENTS:

The 41.5 gpm is the combined maximum capacity of the pumps. The wells are pumped from 1 to 5 gpm and not all at the same time. 25 gpm would be the maximum pumped at any one time.

The owner of Permit No. 5532-3 is now Behr Heat Transfer Systems, Inc., 47920 5th Street, Canton SD 57013-5802. Send correspondence % Brian G. Bossman, Chemical/Facilities Engineer.

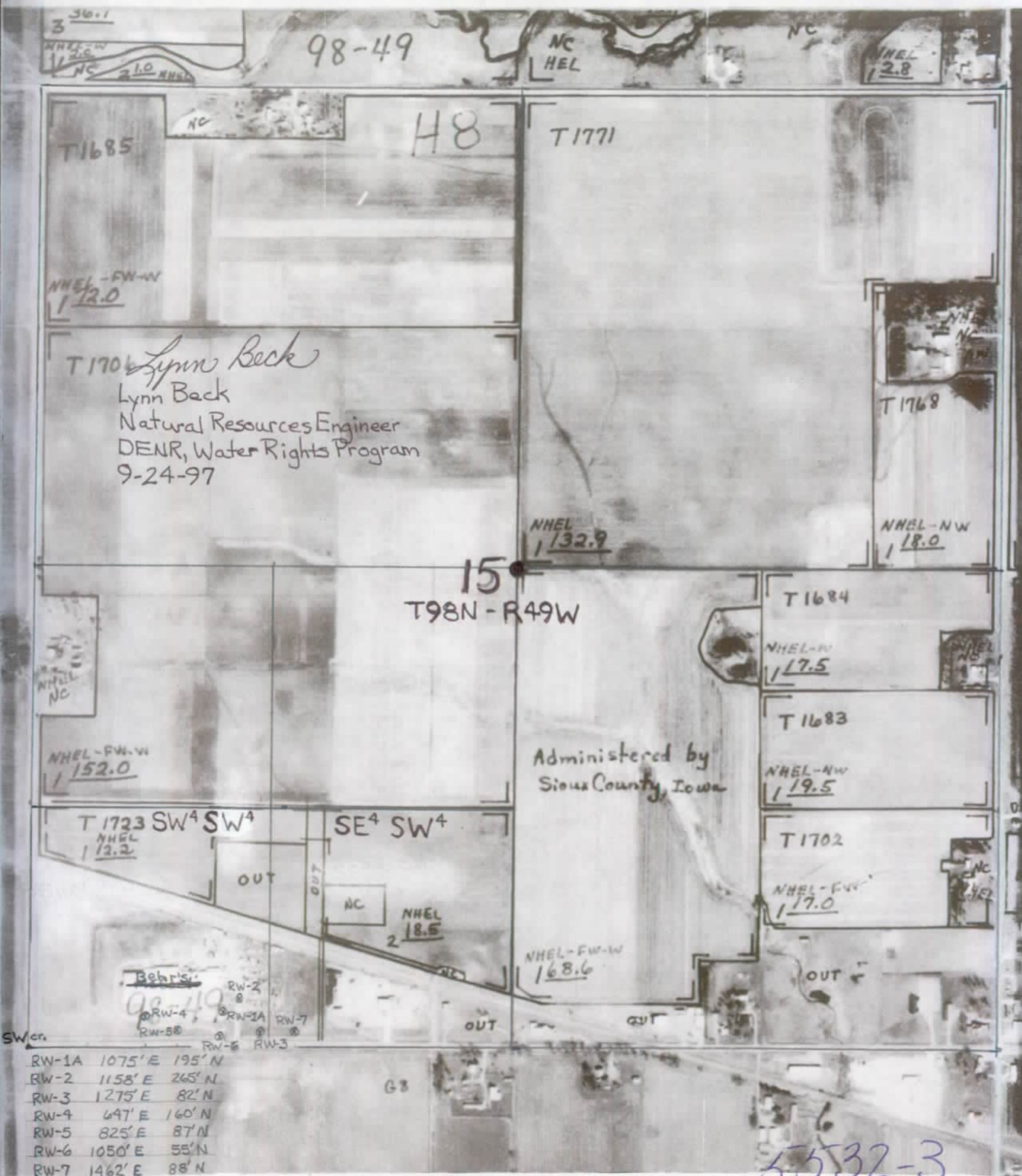

Lynn Beck

9-24-97
Date

Natural Resources Engineer
DENR, Water Rights Program

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP.



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Behr Transfer Systems, Inc.

ADDRESS: 47920 5th St., Canton SD 57013-5802

DATE: 10-2-97 COUNTY: Lincoln TELEPHONE: (605) 987-2701

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

YES

- **If irrigation, no new land is irrigated**

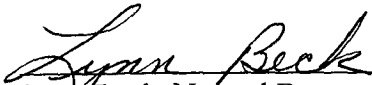
NA

- **Review of Existing Diversions**

Permit No. 5532-3 authorizes seven wells (33-35 feet deep) in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T98N-R49W and appropriates 25 gpm. One of the seven wells is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T98N-R49W. There are no other permits within one mile of Permit No. 5532-3 from the same source of water. There are no domestic wells on file, however it is likely that domestic wells exist in the area. Though the permit does not contain the domestic well interference qualification it only appropriates 25 gpm and should not interfere with other wells.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point be licensed as developed.


Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 that:

This change in location does not increase the potential for interference with existing diversions. In making this finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference.

 10-7-97
John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1997

5532-3

Brian G Bossman
Behr Heat Transfer Systems, Inc.
47920 5th St
Canton, SD 57013-5802

Dear Mr. Bossman:

On September 11, 1997, Lynn Beck, a staff engineer with our program conducted a field investigation of the water use system developed under Water Permit No. 5532-3. The water permit, currently listed in the name of McCord Heat Transfer, authorizes use of water from seven wells for ground water remediation.

It is our understanding that the water permit should be transferred to Behr Heat Transfer Systems, Inc. Enclosed is a partially completed "Notice of Transfer of Ownership" form. The form will need to be completed and then signed in the presence of a notary. A \$2.50 fee is required for filing a transfer of ownership.

The investigation of the water use system, including the extent of application of water to beneficial use has been completed. The final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee, we will begin processing the Water License.

A total of \$52.50 and the completed transfer form should be forwarded to our office as soon as possible. **Please remit to: Department of Environment & Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.**

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
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.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5532-3

Date: 10/13/97



I/We request that Water Permit No. 5532-3

formerly owned by: McCord Heat Transfer

be transferred to: (name & address) Behr Heat Transfer Systems Inc.

47920 5th street Canton, SD 57013

Telephone No. 605-987-2701

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

diversion points: seven recovery wells located in S½ SW¼ Section 15, T98N, R49W

I/We understand that the validity of Water Permit No. 5532-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lincoln)

I/We Adel Zaidi 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 16th day of October, 19 97.

[Signature]
(Notary Public)

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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5532-3

(1) McCord Heat Transfer made Application No. 5532-3, November 7, 1989 for a water permit to divert 25 gallons of water per minute from ground water (seven wells), Lincoln County, South Dakota for ground water remediation purposes. Permit No. 5532-3, with a priority date of November 7, 1989 was approved October 2, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 2, 1996 and for the application to beneficial use of said water on or before October 2, 2000.

A September 11, 1997, investigation of the water use system found one of the seven wells authorized under Water Permit No. 5532-3 had been developed outside of the permitted area. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of the diversion point does not increase the potential for interference with or impair existing diversions. The overall project is consistent with the original application.

On October 20, 1997, Water Permit No. 5532-3 was transferred to Behr Heat Transfer Systems, Inc.

(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 0.056 cubic feet of water per second (25 gallons per minute) for beneficial use. The location of the diversion points are as follows:

• **all from the SW corner of Section 15, T98N, R49W:**

RW1-A	1075'E and 195'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	RW-5	825'E and 87'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
RW-2	1158'E and 265'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	RW-6	1050'E and 55'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
RW-3	1275'E and 82'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	RW-7	1462'E and 88'N (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
RW-4	647'E and 160'N (SW $\frac{1}{4}$ SW $\frac{1}{4}$)		

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in removal of petroleum hydrocarbon contamination.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Behr Heat Transfer Systems, Inc., 47920 5th St., Canton, SD 57013 the holder and/or owner of Water Permit No. 5532-3 is issued a license to appropriate water, the right to use 0.056 cubic feet of water per second (25 gallons per minute) from ground water (seven wells) with a priority date of November 7, 1989 from the locations specified in (2) of this license, for ground water remediation purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5532-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 12 1997

date



RECEIPT

Division of Water Rights

415498

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 20, 19 97

RECEIVED OF Behr Heat Transfer Systems, Inc., 47920 5th St., Canon, SD 57013

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>5532-3</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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415497

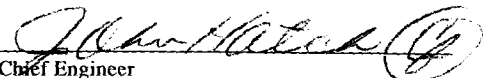
Pierre, _____ October 20, 19 97

RECEIVED OF Behr Heat Transfer Systems, Inc., 47920 5th St., Canton, SD 57013

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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5532-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5532-3

Behr Heat Transfer Systems, Inc.
%Brian G. Bossman
Chemical/Facilities Engineer
47920 5th St.
Canton, SD 57013

Dear Mr. Bossman:

Enclosed is Water License No. 5532-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415497 and 415498 in the amount of \$2.50 and \$50.00 which you paid for the transfer, 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. 5532-3, 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

gm
enclosures

Adams Thermal Systems, Inc.
47920 5th Street
Canton, SD 57013

November 12, 2003

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

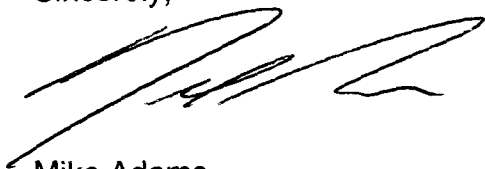
Re: Water Rights Notice of Transfer of Ownership

Dear Sir or Madam:

This letter is being submitted as a written notification of a change in ownership in the Behr Heat Transfer Systems facility in Canton. Effective January 1, 2004 ownership of the Behr facility will be transferred to Adams Thermal Systems, Inc. Please see the enclosed copy of the sale agreement. As of this date Adams Thermal Systems, Inc. will assume responsibility for coverage and liability for water right permit number 5532-3. Please find enclosed a Notice of Transfer of Ownership for transferring the water rights.

Please contact Mike Adams at 605-764-2347 ext. 134 with any questions or additional requirements you may have.

Sincerely,



Mike Adams
Chief Executive Officer
Adams Thermal Systems, Inc.

RECEIVED

DEC - 1 2003

WATER RIGHTS
PROGRAM

Encl. Behr Heat Transfer Systems - Adams Thermal Systems, Inc. Sale Agreement
Notice of Transfer of Ownership

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 5532-3

Date: 11/12/2003

I/We request that Water Right/Permit No. 5532-3 formerly owned by:
Behr Heat Transfer Systems, Inc. be transferred to:

New Owner Name: Adams Thermal Systems

Address: 47920 5th Street

City, State, Zip Canton SD 57013 Telephone No. (605) 764-2347

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

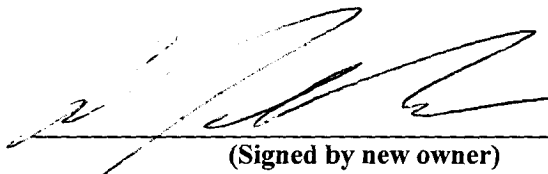
SW Quarter, Section 15, T98N, R49W, Lincoln County

☒ I understand that the validity of Water Right/Permit No. 5532-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Adams Thermal Systems, Inc., the new owner, certify that the above information is true and correct.


(Signed by new owner) 11-25-03

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

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

55323

BEHR®

Behr America, Inc.
2700 Daley Drive
Troy, MI 48083

November 26, 2003

Asset Purchase of Behr's Canton and Cedar Falls facilities by Adams Thermal Systems, Inc.

To whom it may concern:

On October 30, 2003, Behr Heat Transfer Systems, Inc., and Adams Thermal Systems, Inc, signed an Asset Purchase Agreement regarding the sale of Behr's Canton, SD and Cedar Falls, IA facilities. The closing date of the sale will be effective on December 31, 2003.

Sincerely,



Katja Krupfer
Corporate Legal Counsel and Attorney

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 2003

RECEIVED OF Scams Thermal Systems, 47920 5th Street, Canton SD 57013

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5532-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000929

By

Stanley Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2003

5532-3

Mike Adams
Adams Thermal Systems Inc
47920 5th St
Canton SD 57013

Dear Mr. Adams:

The "Notice of Transfer of Ownership" and filing fee for Water Right No. 5532-3 have been received. The transfer has been completed. The water right formerly listed in the name of Behr Heat Transfer Systems, Inc., is now listed in the name of Adams Thermal Systems.

Enclosed is your Receipt No. 000929 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