

Considered: _____

WATER PERMIT NO. 5631-3

Phone: 225-3280

Name of Applicant: South Dakota Wheat Growers

Post Office Address: Fertilizer Plant, Bath SD 57427

Amount of Water Claimed: 0.16 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Brown

About 1 miles East of Aberdeen

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-24-92 Fee: \$150.00 Remarks _____

Corrected Application Received 3-6-92 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 Sec 14-T123N-R63W

Land to be Irrigated: _____

			14		

Well Log: Driller: Independent Drilling Co. Licensed YES X NO _____

Depth of Well: 1090' REMARKS _____

Type of Map: aerial PREPARED BY: Doug Farrand, SCS Reviewed and the Number

Assigned on 3-6-92 By Karen Schlaak

No. 5631-3 Hydrologic Unit 10160003
 Map No. _____ Basin James River
 Newspaper Aberdeen American News

PO Box 4430, 57402-4430 (Daily) 225-4100

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

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

Type of Application: Check one or more of the following

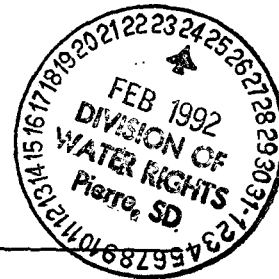
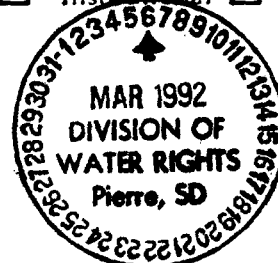
New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant South Dakota Wheat Growers Phone No. 225-3280

Post Office Address Fertilizer Plant, Bath, State SD 57427
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 75 Gpm BG 0.16 cfs

3. Source of water supply Water Well in Artesian Aquifer

4. Location of point of diversion ~~East of Aberdeen St~~ Sec 14 T123N R63W

NW 1/4 of SE 1/4 of Sec 14 - T123N - R-63-W

County Brown

5. Counties where water will be used Brown

6. Annual period during which water is to be used Year around 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)

Water Supply For a Fertilizer and ag chemical
Sales Business Like we currently operate in
Bath S.D.

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 Brown) ss

I, Ben Grismen Equip. Supt. S.D.W.G. 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

Ben Grismen

Subscribed and sworn to before me this 21 day of February 1992

Joyce A. Fluhre

Notary Public My Commission Expires May 6, 1993

SOUTH DAKOTA
WATER PERMIT No. 5631-3

Date of first receipt of application February 24, 1992.

Date of return to applicant for corrections, amendments or changes
February 24, 1992.

Date of receipt of corrected application March 6, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5631-3 to South Dakota Wheat Growers, Fertilizer Plant, Bath SD 57427 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. 5631-3 appropriates 0.16 cubic feet of water per second (75 gallons per minute) from one well (Dakota Sandstone) 1090 feet deep located in the NW 1/4 SE 1/4 Section 14-T123N-R63W.
2. The water appropriated shall be used for the purpose of supplying water at a fertilizer and ag chemical sales business 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. 5631-3 is June 3, 1992.
5. The date from which applicant may claim right is February 24, 1992.
6. One-fifth of the construction is to be completed on or before December 3, 1994.
7. All construction is to be completed on or before June 3, 1997.
8. Water is to be put to beneficial use on or before June 3, 2001.
9. 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 authorized by Permit No. 5631-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.

(continued)

Water Permit No. 5631-3
Page 2

3. The well approved under this Permit shall be valved and the flow reduced to the amount of needed or to a minimum when not being used.

WATER MANAGEMENT BOARD

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

JUN 26 1992
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" - 5" Depth 1220'
- b) Casing Type PVC Diameter 5" - 2" Thickness 200LB - #80
- c) Screen Type PVC Diameter 2" Thickness Sch #80
- d) Gravel Pack Thickness NONE Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 1100'
- f) Depth to Water (ground surface to water level) Surface
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others 1/2 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 _____

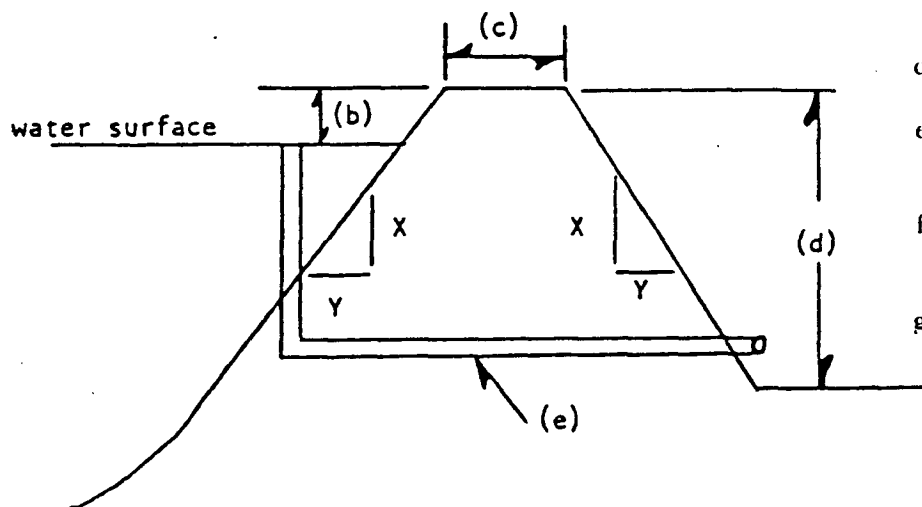
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Ben Dismore Equip Super
Signature of Applicant *S.D.W.B. Bath*

WELL REPORT

Completed well for Aberdeen, S. D., 12-2 1984
South Dakota Wheat Growers
P. O. Aberdeen Depth 1110 ft. { 3 Gallons per minute
Pumped _____ gals. per min. for _____ hrs. { Clear
Water stands _____ feet from top. Is the water hard or soft? _____ Well is located on
Pumped _____ gals. per min. for _____ hrs. { Sandy
Muddy
Cloudy
_____ quarter Sec. _____ T. _____ R. _____ Moved to this place on 11-16 1984
Started work on well 11-19 1984 Well completed on 11-28 1984
Left this place on 11-30 1984
196 ft. 5" SDR-17 Plastic pipe extending to a total depth of 196 feet
854 ft. 2" sch 80 Plastic pipe extending to a total depth of 1050 feet
40 ft. 2 1/2" M copper pipe extending to a total depth of 1090 feet
20 ft. 2 1/2" Black pipe extending to a total depth of 1110 feet
_____ ft. _____ pipe extending to a total depth of _____ feet
Cap Rock 515 ft. _____ Rock at from _____ feet to _____ feet
Rock from _____ feet to _____ Rock from _____ feet to _____
Tubular sand from 40 to 200 feet _____ to _____ feet
perforated 40 ft. at bottom. Also _____ from _____ to _____ and from _____ to _____
For whom was the last well completed by this machine? _____
What was the date of its completion? _____ Explain loss of time, if any, between
completion of last well and commencement of this one _____
What extra charges are there against this well for pipe, fittings and supplies (please itemize)?
1- 2 1/2" male copper adt
1- 2 1/2" X 2 copper reducing coupling
1- 2" female copper adt
1'- 2" K copper
1- 5" plastic coupling
1- 5 X 3 S X S plastic Bushing 1- 3 X 2 S X T plastic B.
At whose request and by whose authority was this furnished? _____
Please state what casing and gasoline you have on hand after completion of this well _____
How much gasoline did you have on hand at commencement of this well? _____
How much gasoline have you received while on this well (give date and number of gallons)? _____
Date _____ Amount _____ gals. Date _____ Amount _____ gals.
Date _____ Amount _____ gals. Date _____ Amount _____ gals.
How much gasoline had you on hand at the completion of this well? _____ How much
gasoline did you use on this job? _____ How many days did engine
run on this job? _____

Thud K Zimmerman
Foreman Rig. No. G. S.

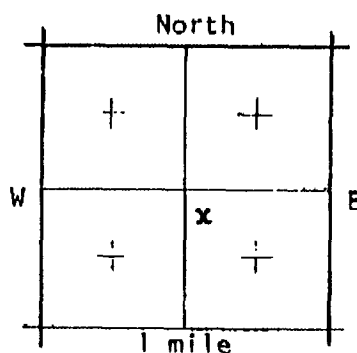
Western Pkg. Co., Aberdeen, S. D.

-Copy of Original
Well drilling report - Ben G

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 4 SE 14 Sec 14 Twp 123 Rg 63County Brown

Please mark well location with an "X"

Well Completion Date 11-28-84

PROPOSED USE:

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

WELL CONSTRUCTION:

Diameter of hole 4 1/2 inches Depth 1110 feetCasing: ☐ Steel ☒ Plastic ☐ Other

Specify _____

Pipe Weight	Diameter	From	To
<u>3.43</u> lb/ft	<u>5</u> inches	<u>0</u> feet	<u>196</u> feet
<u>.97</u> lb/ft	<u>2</u> inches	<u>196</u> feet	<u>1090</u> feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☒ NoWas well grouted? ☐ Yes ☒ No

Describe grouting procedure _____

To what depth? _____ Feet

What was grouting material? _____

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe 10'-3/8" perforations 1050'-1090'WAS WELL PLUGGED OR ABANDONED ☐ Yes ☐ No

If so how and with what material? _____

Well Owner:

Name South Dakota Wheat Growers Ass'n.Address Aberdeen, South Dakota 57401

Well Log:

Depth

Formation

From

To

Top soil

0

2

Sandy yellow clay

2

39

Sandy blue clay

39

75

Sand, medium to fine

75

135

Sand, coarse, boulders 75-195

75

195

Pierre shale

195

Greenhorn

11

Newcastle

110

Dakota

1010

1090

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 3 through 2 inch pipeControlled by ☒ Valve ☒ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other _____

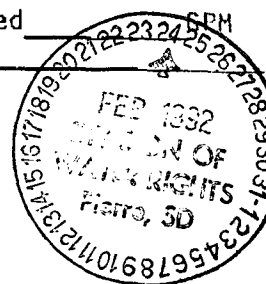
Pumping Level Below Land Surface

2 ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:



SD Wheatgrowers

NOT TO SCALE



T-1700
T-10777

144.4

I-17

- Well Site plotted for SD Wheatgrowers
- 1145' West + 100' South from NE corner
of property

Doug Farnoud 3/3/92
District Conservationist

USDA - Soil Cons. Service

14

106.0

T-1629
M

24.8

3.0
2

2

Non-Crop Land

Grain
Storage

Well
Site

Fertilizer
Storage

T-1608

65.2

T-1735

123.63

168.0

5.6

9.4 T-1662

100.3

5631-3

T-1679

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413115

Pierre, March 6, 19 92

South Dakota Wheat Growers, Bath Fertilizer

RECEIVED OF

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

Fee for Application for Permit No. <u>5631-3</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 Hatch
Chief Engineer

JOHN HATCH

(KS)



January 21, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Doug Osberg
Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Dear Mr. Osberg:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Huron Drilling is authorized to pump the test well for SD Wheat Growers which is located in the SE 1/4 Sec.14, T123N-R63W, prior to approval of a water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Hydrologist
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1992

Ben Grismen
South Dakota Wheat Growers
Fertilizer Plant
Bath SD 57427

Dear Mr. Grismen:

In regard to the water permit application received on February 24, 1992, the following information needs to be submitted in order to process the application.

1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. 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 Type of Application you have checked vested right. In order to qualify for a vested right, the water must have been applied to beneficial use prior to 1955. The well completion report submitted with the application states the well was drilled in 1984. Therefore, this application would not qualify for a vested right.
3. Item No. 4, "location of point of diversion" needs to be listed by the quarter-quarter (40 acre parcel) of Section 14.
4. Item No. 6, please list each month you will be using the water.
5. Enclosed is your check for \$150.00. The filing fee for this application will be \$225.00.

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

WATER PERMIT APPLICATION NO. 5631-3
SOUTH DAKOTA WHEAT GROWERS
APRIL 15, 1992

✓ Water permit application No. 5⁶31-3 proposes to appropriate 0.16 cubic feet of water per second (75 gallons per minute) from one well 1090 feet deep located in the NW 1/4 SE 1/4 Sec.14, T123N-R63W. The water is for commercial use at a fertilizer and ag chemical sales business.

AQUIFER: Dakota Sandstone

AQUIFER CHARACTERISTICS:

The Dakota Formation consists of interbedded sand, sandstone, clay, and sandy clay, approximately 300 feet thick in this area (Schoon, 1971). The Dakota underlies approximately 1,750 square miles of Brown county and contains an estimated 25.2 million acre-feet of recoverable water in storage in the county (Hedges, 1982). The lithology of the Dakota is quite variable both laterally and vertically, and it has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The Dakota aquifer is under artesian conditions and according to the well log submitted with this application, the well at this site will flow 3 gallons per minute with a shut in pressure of approximately 5 psi.

The Division of Water Rights does not monitor any observation wells completed into the Dakota in Brown county. The nearest Water Rights' observation well which is completed into the Dakota Aquifer is located approximately 18 miles west of the diversion point proposed by this application.

DISCUSSION:

SDCL 46-6-3.1 requires that an application to appropriate groundwater may not be approved if, "according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source". Average annual recharge to the Dakota Formation has not been quantified and it is not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from a confined aquifer such as the Dakota, affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals for an unknown amount of time, before a dynamic equilibrium is established and water levels stabilize.

Since the first wells were completed into the Dakota Formation there has been a pronounced decline in the artesian head. The first Dakota well was probably drilled in 1882 or 1881, either in Aberdeen or

Andover (approximately 30 miles east of Aberdeen). The "approximate hydrostatic level of the Dakota Formation at Aberdeen and Andover, South Dakota was 1716 and 1708 feet, respectively, in the early 1880's and had decreased approximately 50 feet prior to...1909" (Schoon, 1971). Based on the information provided with this application, the water level in this area was approximately 1310 feet msl in 1984, therefore, the water level has declined approximately 405 feet since the early 1880's.

The Division of Water Rights monitors a number of observation wells that are completed into the Dakota Aquifer. An observation well in Hand County identifies an average decline of head pressure between 1988 and 1992 of approximately 2.3 feet per year. An observation well in Gregory County identifies an average decline of head pressure of approximately 1 foot per year between 1990 and 1992. Measurements taken at a Water Rights Division observation well in Brule County indicate a decline of approximately 0.9 feet per year average between 1983 and 1991.

The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. Discharges from these wells are to either groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified, and most can not be controlled. The Water Management Board and the Division of Water Rights are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

In theory, the Dakota Formation head pressure is stabilizing relative to withdrawals and discharges. In fact, water level measurements taken from the Water Rights Division observation well in Edmunds County, (approximately 18 miles from this well site), suggest that the head pressure may have stabilized in this area, (see enclosed hydrograph).

Although SDCL 46-6-3.1 does not allow "mining" of an aquifer, which would be evidenced by declining water levels; SDCL 46-6-6.1 does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider and balance the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.

The quantity or volume of water in the Dakota Formation that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Formation Water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

REVIEW OF EXISTING WATER RIGHTS:

There are a number of wells completed into the Dakota Formation in this area. There are six water permits/rights appropriating water from the Dakota Aquifer within approximately 10 miles of this well site. The nearest appropriation from the Dakota is approximately 2.5 miles east of this well, where permit No. 2761-3 appropriates water to the SD Wheat Growers Association.

CONCLUSIONS:

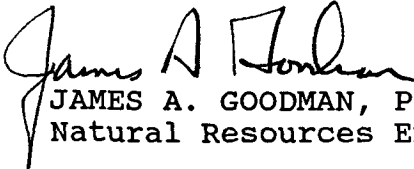
1. The Dakota formation is a viable aquifer in this area.
2. The average annual recharge to the Dakota Formation has not been quantified and it is not expected to be ascertained in the near future. The best information available to determine the availability of unappropriated water is historical data and observation well records.
3. Water levels (head pressure) have declined in the Dakota Formation. However, whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.
4. In theory, the Dakota Formation head pressure is stabilizing relative to withdrawals and recharge. Water level measurements taken from a Water Rights Observation Well approximately 18 miles west of the diversion point proposed by this application, suggest that the head pressure may have stabilized in this area.
5. Each new diversion from the Dakota will theoretically cause an additional effect on the head pressure of the aquifer. The effects of the withdrawal proposed by this application upon the Dakota Formation head pressure will not have a significant effect upon the decline or stabilization of head pressure in the Dakota Formation.
6. The Water Management Board is not required to protect artesian head pressure as a means of diversion. However, the Board must consider and balance the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
7. The principal reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. Denial of this application

will not preserve the head pressure. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges from the aquifer.



KEN BUHLER
Natural Resources Engineer

Approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Division of Water Rights, 1992, "Observation Well Files", SD
DENR-Division of Water Rights, Joe Foss Building, Pierre, SD,
57501

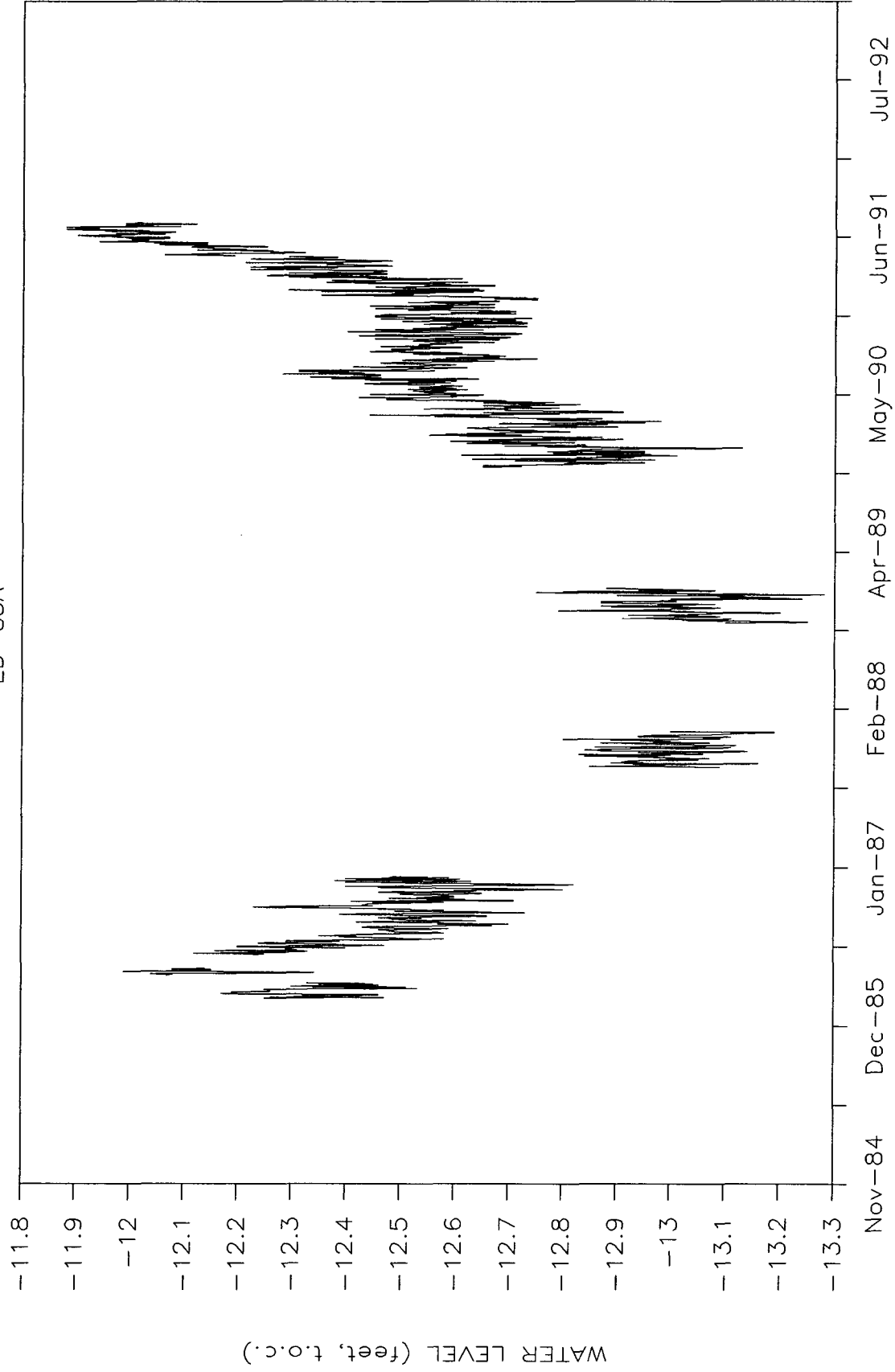
Division of Water Rights, 1992, "Water Permit Files", SD DENR-Division
of Water Rights, Joe Foss Building, Pierre, SD, 57501

Hedges, L.S., S.Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation of
Ground-Water Resources Eastern South Dakota and Upper Big Sioux
River, South Dakota and Iowa, prepared for US Army corps of
Engineers, Contract DACW 45-80-C-0185, SD DENR- Division of
Geological Survey, Vermillion SD

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in
South Dakota, Report of Investigations No. 104, DENR-Division of
Geological Survey, Vermillion, SD

WATER RIGHTS OBSERVATION WELL

ED-85A



(updated 4 92 RLA)

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5631-3, South Dakota Wheat Growers

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. 5631-3, South Dakota Wheat Growers, c/o Ben Grismen, Fertilizer Plant, Bath, SD 57427.

The Chief Engineer is recommending APPROVAL of Application No. 5631-3 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) it is 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 authorized by Permit No. 5631-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
3. 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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 20, 1992



**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.

April 29, 1992

Ben Grismen
South Dakota Wheat Growers
Fertilizer Plant
Bath, SD 57427

Dear Mr. Grismen:

Water Permit Application No. 5631-3 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 Aberdeen American News printed at Aberdeen, SD (Ph # 225-4100). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 1992

Aberdeen American News
PO Box 4430
Aberdeen, SD 57402-4430

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5631-3 to be published twice. Please publish the first notice on May 7, 1992, 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 the South Dakota Wheat Growers, Fertilizer Plant, Bath, SD 57427 (Ph # 225-3280).

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 7, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5631-3 to Appropriate Water

Notice is given that the South Dakota Wheat Growers, Fertilizer Plant, Bath SD 57427 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second (75 gallons per minute) from one well (Dakota Sandstone) 1090 feet deep located in the NW 1/4 SE 1/4 Section 14-T123N-R63W. The water is for commercial use at a fertilizer and ag chemical sales business.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5631-3 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 May 26, 1992. 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. 5631-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, 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 June 3, 1992, 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 June 3, 1992, 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 May 26, 1992.

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

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

ss.

Karie Pauley BEING DULY SWORN, ON HIS OATH SAYS:

That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned, that affiant is an employee and principal clerk of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Application #5631-3

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

week for 2 successive weeks

The first publication being made on the 7th day of May

The second publication being made on the 14th day of May

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$ 75.65, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Karie Pauley

Subscribed and sworn to before me this 14th day of

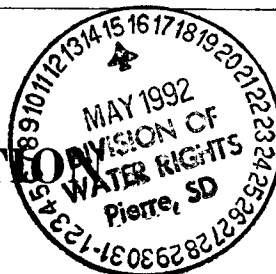
May 1992

Ella Juaska

Notary Public, Brown County, S. D.

My commission expires 7-17-95

Daily circulation of 19,930.



(No. 920 - May 7, 14 - 2T)
NOTICE OF HEARING on Application No. 5631-3 to Appropriate Water
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 5631-3 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 May 26, 1992. 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. 5631-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, 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 June 3, 1992 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 June 3, 1992 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 May 26, 1992.

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.

Public

Receive

A

By



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 26 1992

Ben Grismen
South Dakota Wheat Growers
Fertilizer Plant
Bath, SD 57427

Dear Mr. Grismen:

Enclosed is Water Permit No. 5631-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1995

Ben Grismer
SD Wheat Growers Association
PO Box 1460
Aberdeen, SD 57401

Dear Mr. Grismer:

Enclosed, as you requested, are copies of Water Permit Nos. 2761-3, 5550-3 and 5631-3. These permits are currently listed under the SD Wheat Growers.

Water Permit No 2761-3 authorizes use of two wells and Permit Nos. 5550-3 and 5631-3 are for one well each.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



WHEAT GROWERS

Grain Feed Seed Chemicals Fertilizer
Petroleum Farm Services

September 12, 1997



Mr. John Hatch
Chief Engineer
Water Rights Division, DENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

We are enclosing FORM 10 for the completion of construction and application to beneficial use of Water Permit No. 5631-3.

We look forward to receiving the Water License for this Permit after the inspection has been scheduled.

I may be reached at 605-225-5500, extension 201, or by mail at P.O. Box 1460, Aberdeen, South Dakota 57401.

If any additional information is required, please let us know.

Sincerely,

SOUTH DAKOTA WHEAT GROWERS ASSN.

Ben Grismer

Ben Grismer
Fixed Asset Manager

BG:rm
Enclosure



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date September 12, 1997

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: SOUTH DAKOTA WHEAT GROWERS - P.O. Box 1460, Aberdeen, SD 57401
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5631-3.

Water Permit No. 5631-3 states that the diversion system is to be constructed by South Dakota Wheat Growers, and that the water it put to beneficial use by South Dakota Wheat Growers

The diversion system was completed on March 31, 1992.

Applying the water to beneficial use was completed on 3/31/92.

You may schedule an inspection so that the Water License may be issued.

signature Ben Grismer
FIXED ASSET MANAGER

Permit No. 5631-3
X 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, **23 October 1997**, made a thorough examination of the water use system constructed by **South Dakota Wheat Growers of P.O. Box 1460, Aberdeen, Bath SD holder of Permit No. 5631-3**, bearing the priority of **24 February 1992** authorizing the diversion of **0.16 cu. ft. per second from the Dakota sandstone aquifer for commercial purposes, in Brown County.**

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

A. Works used to divert the water:

One 1090 foot deep well utilizing a submersible pump. The well has 5 inch diameter pvc surface casing, 854 feet of 2 inch pvc well casing, and 40 feet of perforated 2.5 inch M-copper screen.

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

1 inch piping to various buildings on site.

C. Works used to apply water to beneficial use:

hydrants and plumbing

The system is in the following condition **good**. The point of diversion is **located approximately 2835 feet east and 150 feet south of the west quarter corner of section 14 T123N R63W**. The works are capable of diverting and conveying to the place of use **0.16 cu. ft. per second of water to be used for commercial purposes at the fertilizer plant.**

The license should be issued for **0.16 cfs.**

Applicable permit qualifications have been complied with: Yes **X**

Comment: The map included in the permit is accurate, a new map was not constructed by this inspector.

Date Report Completed: 17 November 1997.



Gale N. Selken, P.E.
Natural Resources Engineer
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5631-3

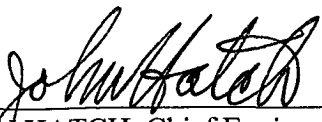
(1) South Dakota Wheat Growers, PO Box 1460, Aberdeen SD 57402-1460 made Application No. 5631-3, February 24, 1992 for a water permit to divert 0.16 cubic feet of water per second from groundwater (one well), Brown County, South Dakota for commercial use purposes. Permit No. 5631-3, with a priority date of February 24, 1992 was approved June 3, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 3, 1997 and for the application to beneficial use of said water on or before June 3, 2001.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 23, 1997. The *Notice* stated the diversion system was completed on March 31, 1992 and the water placed to beneficial use on March 31, 1992.

(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 0.16 cubic feet of water per second for beneficial use. The location of the diversion point is 2,835 feet east and 105 feet south of the west quarter corner of Section 14-T123N-R63W (NW 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to at a fertilizer and ag chemical sales business.

(4) Pursuant to South Dakota Water Law 46-5-30.1 South Dakota Wheat Growers, PO Box 1460, Aberdeen SD 57402-1460 the holder and/or owner of Water Permit No. 5631-3 is issued a license to appropriate water, the right to use 0.16 cubic feet of water per second from groundwater (one well) with a priority date of February 24, 1992 from the location specified in (2) of this license for commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5631-3 and subject to South Dakota State Law.



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

JAN 07 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1997

5631-3

Ben Grismer
South Dakota Wheat Growers
P.O. Box 1460
Aberdeen, SD 57401

Dear Mr. Grismer:

The investigation of your water use system was conducted on October 23, 1997, by Gale N. Selken, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5631-3. Your 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 from you, we will begin processing your Water License.

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 07 1998

5631-3

South Dakota Wheat Growers
%Ben Grismer
P.O. Box 1460
Aberdeen, SD 57402-1460

Dear Mr. Grismer:

Enclosed is Water License No. 5631-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415544 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5631-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

RECEIPT

415544

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 4, 19 97

RECEIVED OF SD Wheat Growers Association, P.O. Box 1460, Aberdeen, SD 57402-1460

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>563163</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