

WATER PERMIT NO. 5757-3

Phone: 605-352-4782

Name of Applicant: Richard H. Rink

Post Office Address: PO Box 1296, Huron SD 57350

Amount of Water Claimed: 0.022 cfs - 10 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Beadle

About _____ miles _____ of _____

PRIORITY Date Received: 3-8-93 Fee: \$50 Remarks: _____

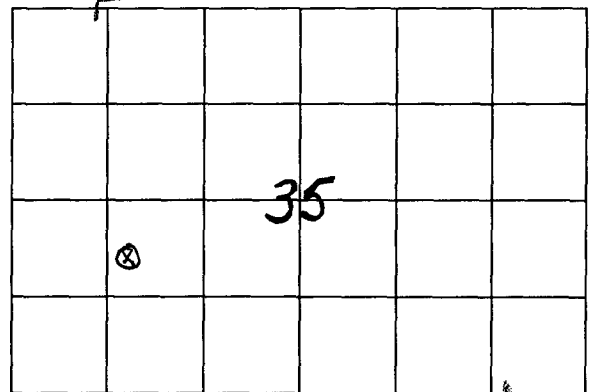
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SW 1/4 Sec 35-T111N-R62W

Land to be Irrigated: _____



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

Depth of Well: 123' REMARKS: _____

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

Assigned on: 3-9-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

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

No. 5757-3 Hydrologic Unit 10160006
Basin James River
Newspaper The Plainsman, Box 1278, Huron 57350
(office use only)



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

Check use of water:

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

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

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

- Name of Applicant Richard H RINK Phone 605-352-4762
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 1296 Huron SD State 57350
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.022 *CFS or 10 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground WATER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in outlet "A", PART of outlet "D" of outlets "D" AND "A" of Griffiths Subdivision of A Part of the SW Quarter (SW1/4) of Section 35 Township #111, Range 62 Beadle Co.
- County or counties where water will be used Beadle LNW1/4 SW1/4
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

well is for Bathrooms and Drinking in a Commercial Building

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

STATE OF SOUTH DAKOTA)

County of Beadle)^{SS}

I, Richard H. RINK, 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 Richard H Rink

Subscribed and sworn to before me this 4th day of March 19 93

Mary Ann Hagelin
Notary Public 4395

**SOUTH DAKOTA
WATER PERMIT NO. 5757-3**

Date of first receipt of application March 5, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5757-3 to Richard H. Rink, PO Box 1296, Huron SD 57350 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. 5757-3 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Niobrara Formation) 123 feet deep located in the NW 1/4 SW 1/4 Section 35-T111N-R62W.
2. The water appropriated shall be used for the purpose of supplying water to a 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. 5757-3 is June 3, 1993.
5. The date from which applicant may claim right is March 5, 1993.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

SEP 17 1993
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- Drill Hole Diameter 8 7/8 Depth 123
- Casing Type PVC Diameter 5" Thickness 1/4"
- Screen Type PVC Diameter 5" Thickness 1/4
- Gravel Pack Thickness 20' Length of Gravel Pack _____
- Depth to Top of Water Bearing Material 103
- Depth to Water (ground surface to water level) 103
- Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 350'

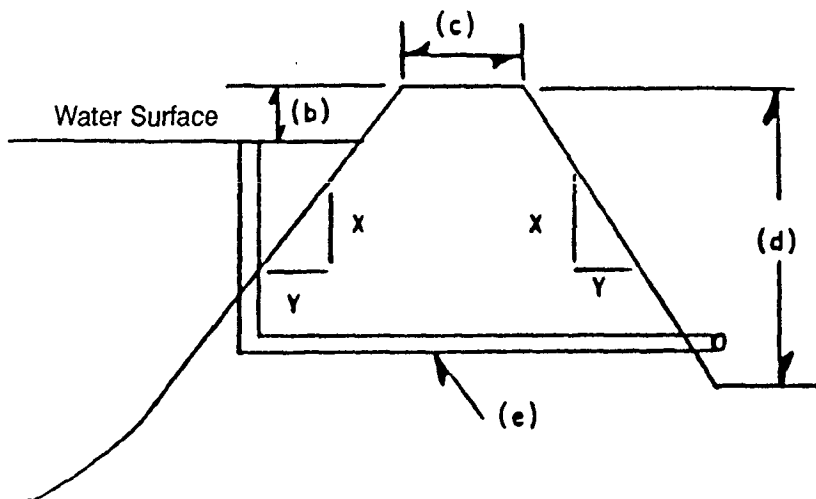
2. Dugout Information

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

3. Water Storage Dams

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

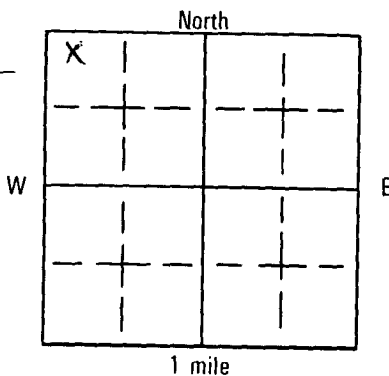
- If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- Freeboard _____
- Crest Width _____
Crest Length _____
- Height _____
- Primary Outlet Capacity _____
If pipe, diameter _____
- Secondary Spillway Capacity _____
Spillway Width _____
- X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ Acre Feet
- Drainage Area above Dam _____ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location Nw 1/4 Nw 1/4 Sec 35 Twp 111 Rg 62County Beadle

Please mark well location with an "X"

Well Completion Date 9-23-92

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>123</u> FT	<u>8 3/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 80 FEETWhat is grouting material? Cement + Grout.If cement, number of sacks? 8

Describe grouting procedure

line to 80 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial B.V.C.Slot Size 016 Set From 103 Feet To 123 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location?

Gravel packed.Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Richard RinkAddress 1808 McClellan Dr. Huron, SD 57350

Well Log:

Depth

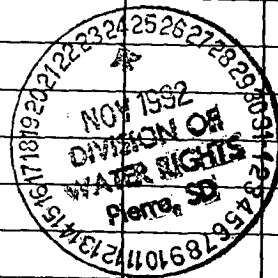
Formation

From

To

<u>Yellow Clay</u>	<u>0</u>	<u>18</u>
<u>Blue Clay</u>	<u>18</u>	<u>20</u>
<u>Blue Clay w/ sand streaks</u>	<u>20</u>	<u>100</u>
<u>gray Sand w/ b.c. breaks</u>	<u>100</u>	<u>120</u>
<u>Blue Clay</u>	<u>120</u>	<u>130</u>
<u>Chalk</u>	<u>130</u>	<u>140</u>

TD 123'

STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped100 gpm☐ BailedDescribe: air compressor☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

The well install small submergibleThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

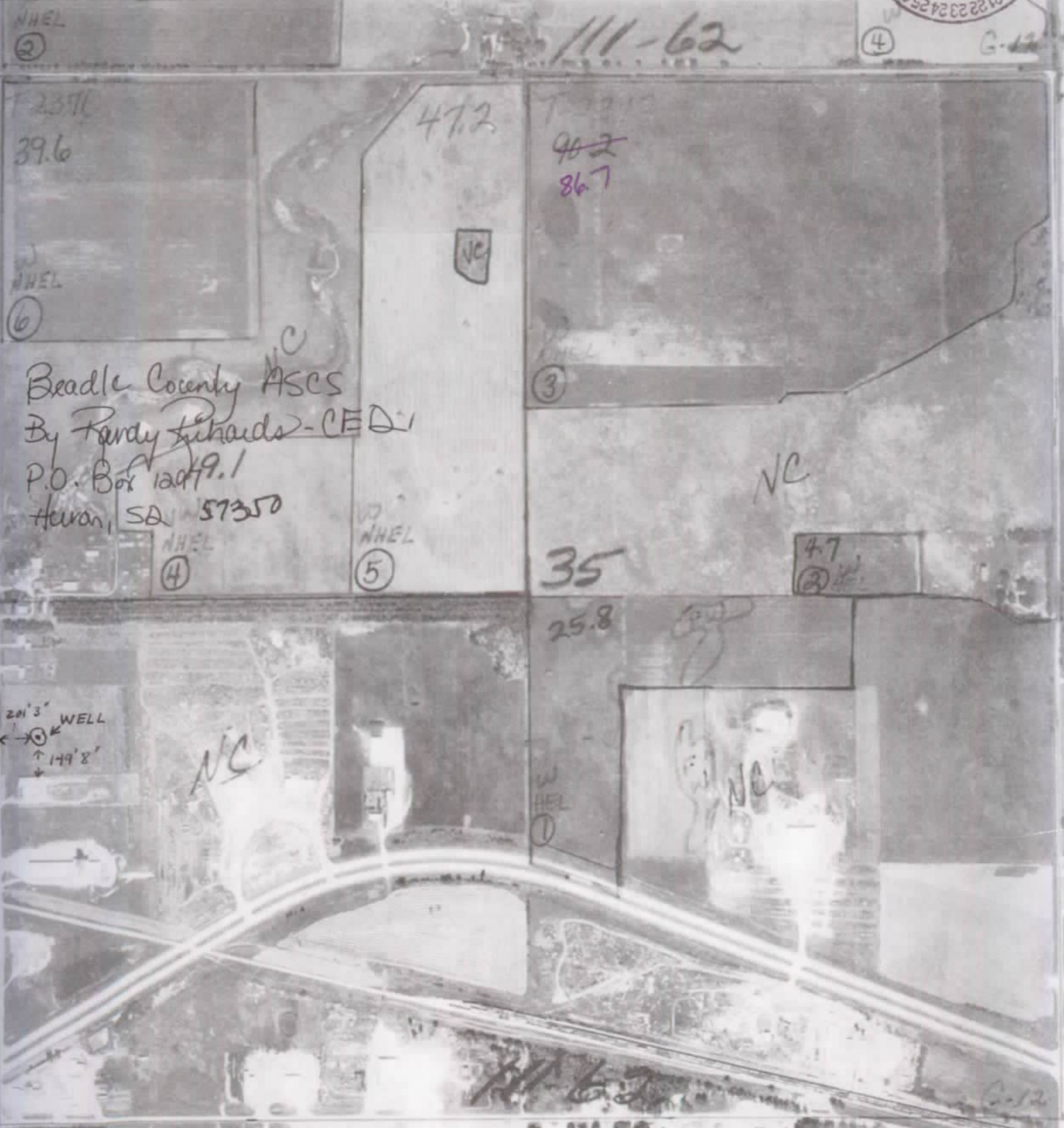
RE Rink

Signature of Well Owner:

Date

11-23-92

NOT TO SCALE



Beadle County ASCS
By Randy Richards - CED
P.O. Box 1297
Huron, SD 57350

Appl No. 57573

RECEIPT

413664

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, March 8, 19 95

RECEIVED OF R. H. Rink, 1808 Mc Clellan Drive, Huron, SD 57350

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

Fee for Application for Permit No. <u>5757-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. H. H. H.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1992

Richard Rink
1808 McClellan Drive
Huron, SD 57350

Dear Mr. Rink:

A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you which supplies water for industrial purposes. Based on the type of water use, you may need to apply for a permit.

1. A water permit must be obtained for any water use (including industrial uses) except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 Gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities." Please review these responsibilities to insure you are complying with all of the requirements.

Please complete and return the enclosed water permit application forms by January 15, 1993 or contact Barry McLaury at 605-773-3352 if you do not believe a permit is needed for your water use.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1993

Richard Rink
1808 McClellan Drive
Huron, SD 57350

Dear Mr. Rink:

This is a follow up to my December 15, 1992 letter concerning the possibility that you may need a water permit for your water use. No response has been received.

The well driller's report filed by Pullman Well Drilling indicates the new well is capable of producing 100 Gallons Per Minute (GPM). A water permit is needed if you are using the amount of water identified on the well completion report. If you are using less water than identified on the well completion report, then the following information will tell you whether or not you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. You don't need to apply for a water permit, unless your water use exceeds reasonable domestic use. However, WE NEED TO HEAR FROM YOU concerning how much water you are using. Please identify either the pump rate (GPM) or flow rate (GPM) if you have a flowing well. If your water use exceeds reasonable domestic use, you will need to apply for a water permit.

Please use the enclosed postage free envelope to send us the information on your pump rate/flow by February 12, 1993, or contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1993

Richard Rink
1808 McClellan Drive
Huron, SD 57350

Dear Mr. Rink:

I am contacting you regarding the need for a water permit to appropriate water for use in your facility. On January 25, 1993, you were sent an application for a water permit for you to complete; however, we have not received the completed application. A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you in September of 1992.

Enclosed are water permit application forms and an instruction sheet in case you misplaced the previous forms sent January 25, 1993. Please complete and return the application with the required fee to the Water Rights Division, 523 E. Capitol, Pierre, SD 57501 by March 5, 1993.

If you have any questions or need assistance, please contact Barry McLaury, Natural Resources Analyst at 605-773-3352.

Very Truly Yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosures

REPORT ON APPLICATION NO. 5757-3
Richard H. Rink
April 23, 1993

Application No. 5757-3 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 123 feet deep located in the NW 1/4 SW 1/4 of section 35, T111N R62W in Beadle County. The water is for commercial use.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation is a dark-blue, tan or light gray calcareous marl or shale which commonly contains abundant microfossils which gives the formation the characteristic speckled appearance (Howells, 1969). The Niobrara Formation can be as much as 120 feet thick in Beadle County. Ground water is obtained from solution openings and fractures within the rock. Typically the formation where it was exposed and weathered at some earlier time can be a excellent water supply in terms of quantity. Also the Niobrara is commonly the bedrock which lies directly below and is in hydraulic communication with glacial aquifers. The Niobrara Formation underlies 1249 square miles of Beadle County and there is no estimate available for the amount of water in storage (Hedges, 1982).

The well completion report filed with the application indicates the top of the Niobrara was encountered at a depth of 130 feet and that 10 feet of formation was penetrated. The well was capable of producing 100 gpm using air to develop and had a static water level of 10 feet below land surface.

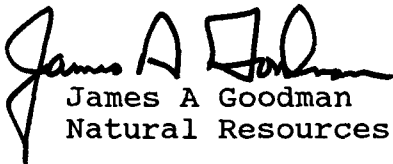
The Division of Water Rights does not monitor any observation wells completed into the Niobrara in this immediate area. The nearest Niobrara Formation observation is too far away from this application to be representative of the water levels in this area. There is an observation well BD-79C which is completed into the Warren West James located about 2 miles west of this application. There is hydraulic connection between the Niobrara Formation and the Warren West James, however, the extent of interconnection is not known at this site. The observation well data indicates that the Warren aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights for water from the Niobrara Formation in this area. There is one permit No. 5718-3 for Kasperson Oil for water from the Warren West James aquifer and located about 1/4 mile south of this application. Interference is not expected to be a concern. Even if the formations are hydraulically connected the diversion rates are small and any drawdown created by pumping would not be adverse.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is confined and under artesian conditions.
3. Interference is not a concern.
4. This well completion report filed with this application indicates that the well was completed in accordance with SD Well Construction Standards.
5. The wastewater disposal system consists of a 750 gallon septic tank with a drainfield.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Howells, L.W., J.C. Stephens, 1968, Geology and Water Resources of Beadle County South Dakota, Bulletin 18, Part II:Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1993, Unpublished Observation Well Data for Beadle County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5757-3, Richard Rink

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. 5757-3, Richard Rink, PO Box 1296, Huron, SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 5757-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Eric Hatch
for JOHN HATCH, Chief Engineer
April 27, 1993

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Richard Rink - WP Application No. 5757-3

ADDRESS: P.O. Box 1296, Huron, SD COUNTY: Beadle

DATE: 4/27/93 TELEPHONE: 352-4762

RE: Wastewater disposal system

COMMENTS:

I contacted one of the gentlemen that works for Mr. Rink to find out about the wastewater disposal system utilized. I was told this is a manufacturing plant and that the only water supplied to the plant is for two bathroom and a drinking fountain and thus this only water that is disposed of. There are no drains in the plants working area. The plant utilizes a 750 gallon septic tank that leads to a drainfield. The septic tank will also have the capability to be pumped when and if the need arises. The system was constructed last fall and supposedly has not been put into use at this time.

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 Hornlund



**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 30, 1993

Richard H. Rink
PO Box 1296
Huron, SD 57350

Dear Mr. Rink:

Water Permit Application No. 5757-3 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 Plainsman printed at Huron, SD (Ph # 352-6401). 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
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 30, 1993

The Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5757-3 to be published twice. Please publish the first notice on May 7, 1993, 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 Richard H. Rink, PO Box 1296, Huron, SD 57350 (Ph # 352-4782).

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 May 7, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5757-3 to Appropriate Water

Notice is given that Richard H. Rink, PO Box 1296, Huron, SD 57350 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Niobrara Formation) 123 feet deep located in the NW 1/4 SW 1/4 Section 35-T111N-R62W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5757-3 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 24, 1993. 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. 5757-3 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, 1993, 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, 1993, 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, 1993, 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 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, Mary Walz

certify that the attached printed Notice was

taken from the Huron Plainsman

printed and published in Huron

County of Beadle and State of

South Dakota. The notice was published in the newspaper on the following two dates:

May 7, 1993

May 14, 1993

Cost of Printing: \$134.28

Mary B. Walz
(Signature)

Business Manager
(Title)

May 14, 1993
(Date Signed)

F.P. 5-7-93

L.P. 5-14-93

NOTICE OF HEARING ON APPLICATION NO. 5757-3

TO APPROPRIATE WATER

Notice is given that Richard H. Rink, PO Box 1296, Huron, SD 57350 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Niobrara Formation) 123 feet deep located in the NW 1/4 SW 1/4 Section 35-T111N-R62W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5757-3 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 24, 1993. 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. 5757-3 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, 1993, 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, 1993, 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, 1993, 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 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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.

Robert E. Roberts
Secretary
Department of Environment and
Natural Resources.

146" x 2" x
4.63" x 134.28 No. 221 (adv.)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Richard H. Rink
PO Box 1296
Huron, SD 57350

Dear Mr. Rink:

Enclosed is Water Permit No. 5757-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

REPORT ON INSPECTION OF PERMIT NO. 5757-3

DATE OF INSPECTION: 9-25-95

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: 201 feet east and 1889 feet north of the SW corner of Section 35 in the NW 1/4 SW 1/4, T111N, R62W.

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 123 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5 inches
- 2) Length 103 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 20 feet
- 3) Static water level 10 feet

Pump:

- 1) Make submersible
- 2) Model #
- 3) Size #
- 4) Capacity 10 GPM

Motor:

- 1) Make submersible
- 2) Model No. #
- 3) Horsepower rating 0.75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 0.75 and 0.5 inches 3) Length 50 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 5757-3
James River - Water District

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

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

I have this day, September 25, 1995 made a thorough examination of the water use system constructed by Richard H. Rink of P.O. Box 1296, Huron, SD 57350 holder of Permit No. 5757-3, bearing the priority of March 5, 1993 authorizing the diversion of 0.022 cu. ft. per second of the waters of Niobrara Formation for commercial purposes, in Beadle County.

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

A. Works used to divert the water:

One well 123 feet deep with 103 feet of 5 inch pvc casing and 20 feet of pvc screen; submersible pump and motor 10 gpm capacity and 0.75 hp.

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

50 feet of 0.75 to 0.5 inch pvc pipe.

C. Works used to apply water to beneficial use:

Supplies the office and shop of a manufacturing business.

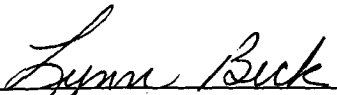
The system is in the following condition good. The point of diversion is located 201 feet east and 1889 feet north of the SW corner Section 35 in the NW 1/4 SW 1/4, T111N, R62W. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Supplies the office and shop of a manufacturing business.

The license should be issued for 0.022 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

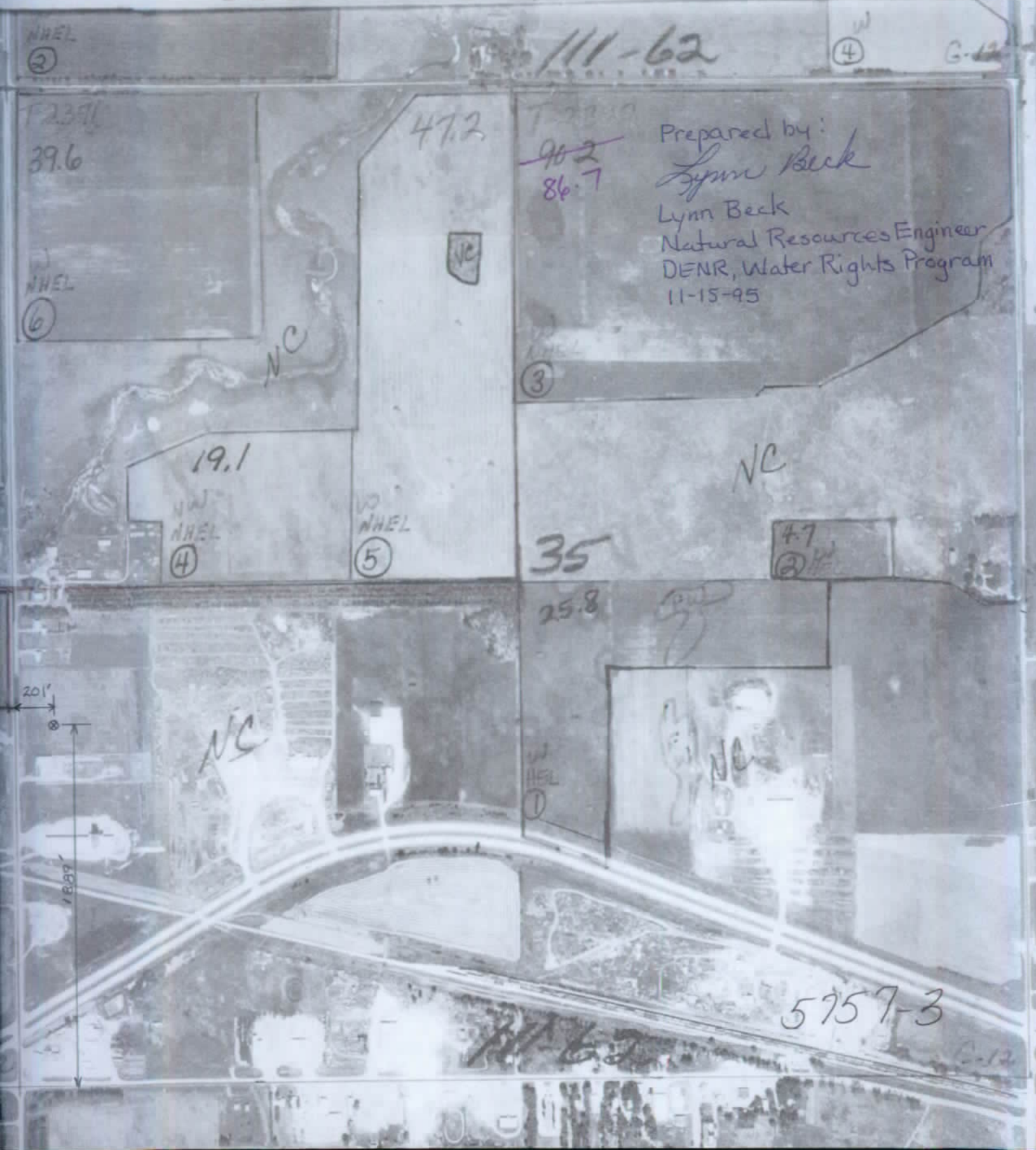


Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

11-15-95

Date

NOT TO SCALE



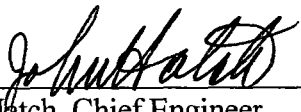
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5757-3

(1) Richard H Rink of PO Box 1296, Huron, SD 57350 made Application No. 5757-3, March 5, 1993 for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from groundwater (one well), Beadle County, South Dakota for commercial purposes. Permit No. 5757-3, with a priority date of March 5, 1993 was approved June 3, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 201 feet east and 1889 feet north of the SW corner of Section 35, T111N, R62W (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in an office and shop of a manufacturing business.

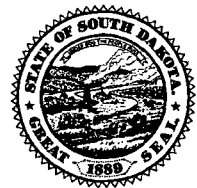
(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Rink of PO Box 1296, Huron, SD 57350 the holder and/or owner of Water Permit No. 5757-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second (10 gallons per minute) from groundwater (one well) with a priority date of March 5, 1993 from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5757-3 and subject to South Dakota State Law.

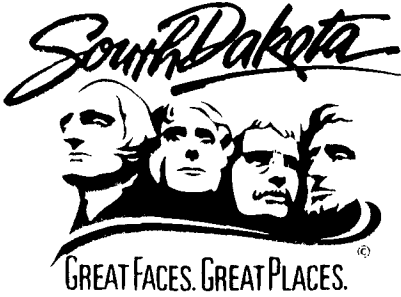


John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1995

5757-3

Richard H. Rink
P.O. Box 1296
Huron, SD 57350

Dear Mr. Rink:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5757-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

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

Sincerely,

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

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

RECEIPT

414690

Division of Water Rights

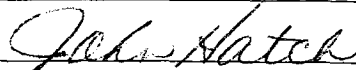
South Dakota Department of Environment and Natural Resources

Pierre, _____ November 29, 19 95

RECEIVED OF Dakota Reclamation, Inc., P.O. Box 1296, Huron, SD 57350 (Richard Rink)
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>5757-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch  
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

5757-3

Richard Rink
P.O. Box 1296
Huron, SD 57350

Dear Mr. Rink:

Enclosed is Water License No. 5757-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414690 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5757-3, 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

February 2, 2006

5757-3

2005 South Dakota Water Use Questionnaire

To:

RICHARD H RINK
780 WEST PARK AVE
HURON SD 57350

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5757-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: BEADLE

Aquifer: NIOBRARA FORMATION

Pumping Pt. Legal: SEC 35-T111N-R62W

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2005 water use from the above water source: 50,000 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

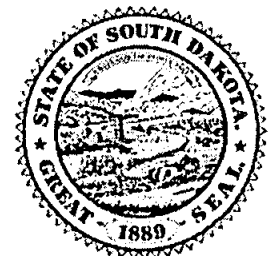
Comments: We are now on Web Water and use the well
to water Trees in Summer only.
Richard Rink has retired Please Send Future
Questionnaire's to Scott Rink at Same Address
Thank You

Contact Person:

SCOTT RINK

Telephone No:

605 352 6469



Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

RECEIVED

FEB 06 2006

WATER RIGHTS
DIVISION

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Scott Rink, 780 W Park Ave, Huron SD 57350

DATE: June 5, 2006

TELEPHONE: 605 352-6469

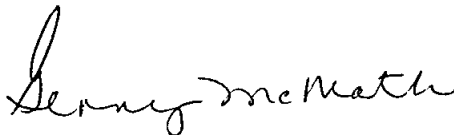
RE: Water Right No. 5757-3

COMMENTS:

The 2005 SD Water Use Questionnaire submitted for Water Right No. 5757-3 showed the company was now hooked to WEB and the well was only used to water trees in the summer.

I called and spoke with Mr. Rink. He confirmed they are on WEB but indicated they may need the well as a backup source. They have been using the well water for irrigation of trees around the property.

Since the well is being maintained and can be used as a backup source if rural water went down, the only thing needed to update the water right at this time would be to transfer ownership from Richard Rink to Scott Rink.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 2006

5757-3

Scott Rink
780 W Park Ave
Huron SD 57350

Dear Mr. Rink:

Thank you for visiting with me regarding use of water as described in Water Right No. 5757-3.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change on the water right. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your help.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 7, 2006

RECEIVED OF Overbuilt Inc, 780 Westpark Ave NW, Huron SD 57350

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 _____		
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. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 02484

By Darland Eibek
Chief Engineer gjm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
JUN - 7 2006
WATER RIGHTS
PROGRAM

No. 5757-3
Date: 6-7-06

I/We request that Water Right No. 5757-3

formerly owned by: Richard H Rink

be transferred to: (name & address) SCOTT R RINK
780 West Park Ave
Huron SD 57350 Telephone No. 605 352 6489

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

Well location: NW ¼ SW ¼ Section 35, T111N, R62W

I/We understand that the validity of Water Right No. 5757-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Scott Rink, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 8, 2006

5757-3

Scott R Rink
780 West Park Ave
Huron SD 57350

Dear Mr. Rink:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 5757-3. The transfer has been completed. The water right, formerly held by Richard H Rink is now listed in your name.

Enclosed is your Receipt No. 02482 in the amount of \$2.50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosures