

WATER PERMIT NO. 5789-3

Phone: 605-692-8323

Name of Applicant: Brookings Fertilizer & Propane, Inc.

Post Office Address: 1907 Hwy 14 Bypass, Brookings SD 57006-4240

Amount of Water Claimed: 0.17 cfs--80 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Brookings

About _____ miles _____ of _____

PRIORITY Date Received: 9-9-93 Fee: \$225.00 Remarks: _____

Corrected Application Received: _____ Period of Annual Use: April 1 - June 30

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

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

Diversion Point: SE 1/4 SE 1/4 Sec 13-T110N-R50W

Land to be Irrigated: _____

			13		
				Q	

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

Depth of Well: 250 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Karen Cameron-Howell-SCS Reviewed and the Number

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

No. 5789-3 Hydrologic Unit 10170202
 Map No. _____ Basin Big Sioux River
 Newspaper Daily Register, Box 177, Brookings

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

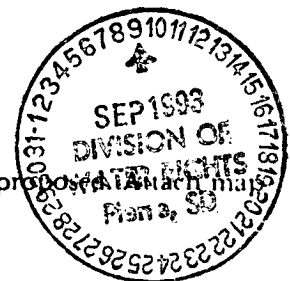
Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Brookings Fertilizer & Propane, Inc. Phone No. 605-692-8323Post Office Address 1907 Hwy 14 ByPass Brookings State SD 57006-4240
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 80 gals per minute (0.18 cfs)3. Source of water supply ground4. Location of point of diversion Same SE 1/4 SE 1/4 Sec 13-T110N-R50WCounty Brookings5. Counties where water will be used Brookings6. Annual period during which water is to be used April through June 30

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)

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 Brookings) ss1. Brookings Fert + Propane Inc. Joel Bierman Mgr 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 [Signature]Subscribed and sworn to before me this 30th day of August 1993My Commission Expires 08-17-94 Heraldis E. Dills
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 5" 0-220 8" 220-229 Depth 250
- b) Casing Type Plastic Diameter 5 Thickness .025
- c) Screen Type Manuf. PVC Sided Diameter 5 Thickness .025
- d) Gravel Pack Thickness 1 7/8 Length of Gravel Pack 40
- e) Depth to Top of Water Bearing Material 220
- f) Depth to Water (ground surface to water level) 45
- g) Distance to nearest existing domestic well:
- On applicants property 400 Ft On property owned by others 250 Ft

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

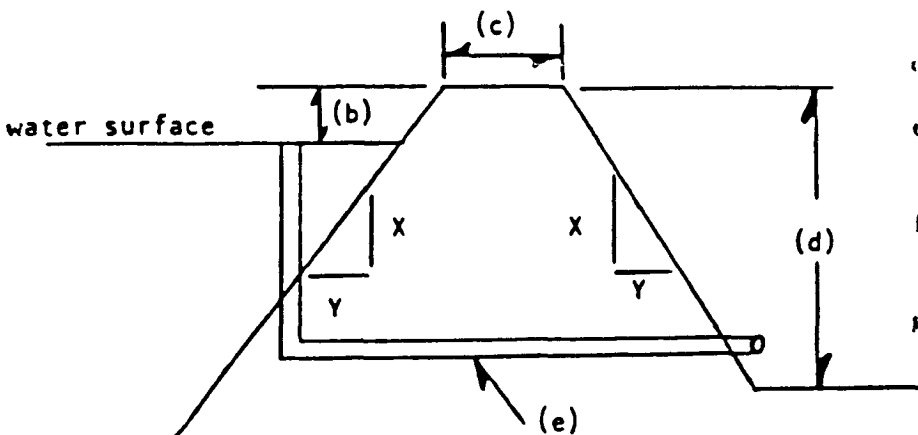
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT NO. 5789-3**

Date of first receipt of application September 9, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5789-3 to Brookings Fertilizer & Propane, Inc., 1907 Hwy 14 Bypass, Brookings SD 57006-4240 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. appropriates 80 gallons per minute (0.18 cubic feet of water per second) from one well (Howard Aquifer) 250 feet deep located in the SE 1/4 SE 1/4 Section 13-T110N-R50W.
2. The water appropriated shall be used for the purpose of supplying water for the 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: April 1 - June 30.
4. The date of approval of Permit No. 5789-3 is November 15, 1993.
5. The date from which applicant may claim right is September 9, 1993.
6. One-fifth of the construction is to be completed on or before May 15, 1996.
7. All construction is to be completed on or before November 15, 1998.
8. Water is to be put to beneficial use on or before November 15, 2002.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

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

DEC 20 1993
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 19, 1993

See Application Form

Joel Beerman
Brookings Fertilizer & Propane
1907 Hwy. 14 By Pass
Brookings, SD 57001

Dear Mr. Beerman:

A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you. Based on the information in the report, you may need a permit to appropriate water for use in your business.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.
2. 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 ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by September 17, 1993. You may contact Barry McLaury at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

Sincerely,

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

enclosures

SOIL CONSERVATION SERVICE
205 Sixth Street
Brookings, SD 57006
(605)692-8464

September 3, 1993

Dear Sirs;

On September 3, 1993 we field checked the location of the well located in SE 1/4 13-110-50. The well is located in the position indicated on the attached map.

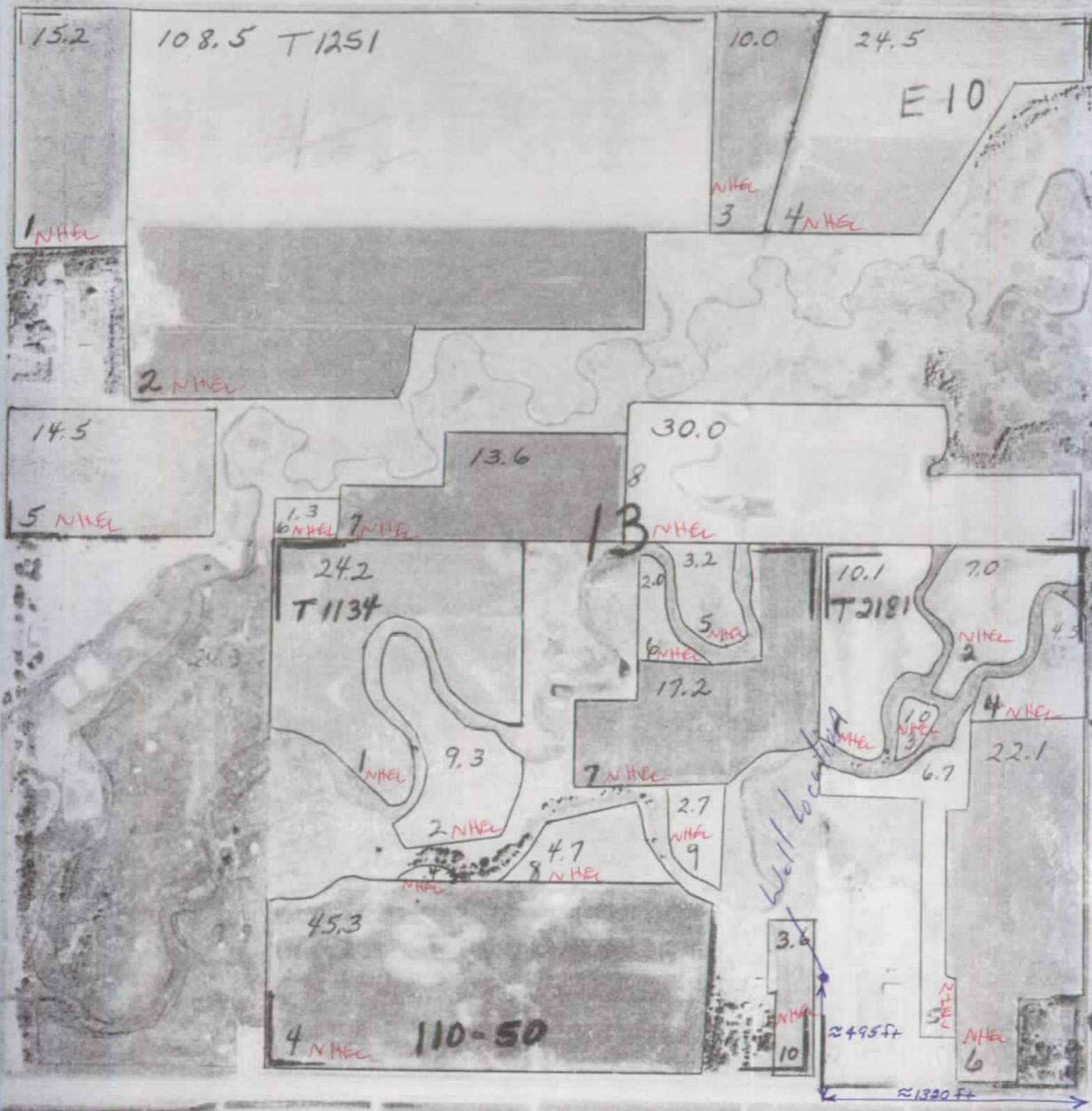
Sincerely,

Karen Cameron-Howell

Karen Cameron-Howell
District Conservationist



NOT TO SCALE



field verified
Sub M. Selkirk

5789-3

DATE OF WELL: 1993/4/3 TYPE: SHALLOW
COUNTY: BROOKINGS TWP: 110-N RG: 50-51-W
SEC: 13 LOCATION:
WELL OWNER LAST NAME: BROOKINGS FERTILIZER FIRST NAME:
ADDRESS: 1907 HWY 14 BY-PASS
CITY: BROOKINGS ST: SD ZIP: 57001
CASING DATA (STEEL, PLASTIC, OTHER): PLASTIC
SCREEN(PERF/MANUF): MANUF DIA(in): 5 LGTH(ft): 20
PIPE DIA FROM TO HOLE DIA
5.....0.....220.....8 7/8.....

MATERIAL: PVC
SLOT SIZE FROM TO
.016.....220.....240.....

FORMATION	FROM	TO
YELLOW CLAY.....	0.....	15
YELLOW SAND.....	15.....	17
YELLOW CLAY.....	17.....	30
BLUE CLAY.....	30.....	83
GRAY SAND.....	83.....	86
BLUE CLAY.....	86.....	220
MEDIUM-COARSE SAND.....	220.....	240
COARSE SAND.....	240.....	246
BLUE CLAY.....	246.....	250
TD 240 FT.....		



PROPOSED USE (DOM, IRR, MUN, IND, TEST, STOCK): BUSINESS

GROUT(YES/NO): YES

DEPTH(ft): 200

GROUTING MATERIAL: CEMENT

PACKER or SEAL USED(YES/NO): NO

MATERIAL USED: GRAVEL PACKED

WELL DISINFECTED(YES/NO): YES

EXPLAIN: PELLETS

BACTERIOLOGICAL ANALYSIS(YES/NO):

LABORATORY SENT TO:

STATIC WATER LEVEL(ft): 45...PUMPED 80 GPM.

07-92

Date:

7-20-92

RECEIPT

413890

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, September 9, 19 93

RECEIVED OF Brookings Fertilizer & Propane, 1907 Hwy 14 By-pass, Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5789-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John H. H. H.
Chief Engineer

REPORT ON APPLICATION NO. 5789-3
for Brookings Fertilizer & Propane, Inc.
October 8, 1993

Application No. 5789-3 proposes to appropriate 80 gpm (0.18 cfs) from one well approximately 250 feet deep located in the SE 1/4 SE 1/4 of section 13, T110N R50W in Brookings County. The water is for commercial use.

AQUIFER - HOWARD (HO)

The Howard is a buried glacial outwash (sand and gravel) under confined or artesian conditions. The aquifer underlies 835 square miles and contains an estimated 3 million acre feet of water in storage in Kingsbury and Brookings Counties (Hamilton, 1989). The aquifer extends to the north into Hamlin and Clark Counties and to the south into Lake and Moody Counties. The well log submitted with the application indicates that the top of the aquifer was encountered at a depth of 220 feet below land surface. The well was completed to a depth of about 240 feet. The completed well was capable of producing 80 gpm and had a static water level of 45 feet below land surface. The well is completed in accordance with SD Well Construction Standards.

The Division of Water Rights does not monitor any observation wells completed into the Howard Aquifer in Brookings County. In the Hamilton report water levels are mentioned but not discussed much. In general water levels respond seasonally but not as much as the shallow aquifers.

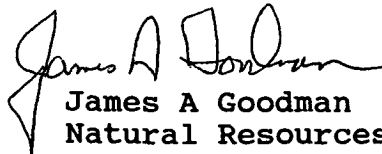
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights for water from the Howard aquifer in Brookings County. The Howard aquifer is little used in Brookings County.

CONCLUSIONS

1. Water is available from the Howard aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown can be expected as a result of pumping. This should not be significant nor adversely affect any other user. Interference is not expected to be a concern.
3. This well has been completed in accordance with SD Well Construction Standards.

4. The Department of Agriculture needs to be notified of this application.

A handwritten signature in dark ink, appearing to read "James A. Goodman". The signature is fluid and cursive, with the first name "James" and last name "Goodman" clearly distinguishable.

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, WRI 88-4185, USGS, Huron, SD, 57350.

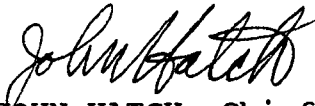
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5789-3, Brookings Fertilizer and Propane, Inc.

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. 5789-3, Brookings Fertilizer and Propane, Inc., c/o Joel Bierman, 1907 Hwy 14 Bypass, Brookings, SD 57006-4240.

The Chief Engineer is recommending APPROVAL of Application No. 5789-3 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.


JOHN HATCH, Chief Engineer
October 14, 1993



**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.

October 15, 1993

Joel Bierman
Brookings Fertilizer and Propane, Inc.
1907 Hwy 14 Bypass
Brookings, SD 57006-4240

Dear Mr. Bierman:

Water Permit Application No. 5789-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Register printed at Brookings, SD (Ph # 692-6271). 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

October 15, 1993

Daily Register
Box 177
Brookings, SD 57006

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5789-3 to be published twice. Please publish the first notice on October 27, 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 Brookings Fertilizer and Propane, Inc., 1907 Hwy 14 Bypass, Brookings, SD 57006-4240 (Ph # 692-8323).

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 October 27, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5789-3 to Appropriate Water

Notice is given that Brookings Fertilizer & Propane, Inc., 1907 Hwy 14 Bypass, Brookings, SD 57006-4240 has filed an application for a water permit to appropriate 80 gallons per minute (0.18 cubic feet of water per second) from one well (Howard Aquifer) 250 feet deep located in the SE 1/4 SE 1/4 Section 13-T110N-R50W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5789-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 15, 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brookings) ss

I, Mary Schulte

certify that the attached printed Notice was

taken from the Brookings
Register

printed and published in Brookings

County of Brookings and State of

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

October 27th, 1993
November 3rd, 1993

Cost of Printing: \$ 32.81

Mary Schulte
(Signature)

Administrative Assistant
(Title)

11-3-93
(Date Signed)

Legal 490, 2x, Oct. 27, Nov. 3
NOTICE OF APPLICATION NO.
5789-3 to Appropriate Water

Notice is given that Brookings Fertilizer & Propane, Inc., 1907 Hwy 14 Bypass, Brookings, SD 57006-4240 has filed an application for a water permit to appropriate 80 gallons per minute (0.18 cubic feet of water per second) from one well (Howard Aquifer) 250 feet deep located in the SE 1/4 SE 1/4 Section 13-T110N-R50W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5789-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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DEC 20 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Joel Bierman
Brookings Fertilizer & Propane, Inc.
1907 Hwy 14 Bypass
Brookings, SD 57006-4240

Dear Mr. Bierman:

Enclosed is Water Permit No. 5789-3 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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 12/22/93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Brookings Fert. + Propane Inc. 1907 Hwy 14 Bypass
(name) (address)
Brookings SD 57006 (605) 692-8323
(city) (state) (zip) (phone)

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. 5789-3.

Water Permit No. 5789-3 states that the diversion system is to be constructed by 12/22/93, and that the water is put to beneficial use by 4/1/94.
(date) (date)

The diversion system was completed on _____.
(date)

Applying the water to beneficial use was completed on _____.
(date)

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

[Signature]
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 1996

5789-3

Joel Bierman, Manager
Brookings Fertilizer and Propane, Inc.
1907 Hwy. 14 Bypass
Brookings, SD 57006-4240

Dear Mr. Bierman:

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. 5789-3, 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

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414995

Pierre, _____ July 3 _____, 19 96

RECEIVED OF Ramsdell's Fertilizer & Propane, Inc., 1929 Hwy. 14 By-Pass, Brookings, SD 57006
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>5789-3</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 (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 3, 1996

5789-3

Joel Bierman, Manager
Ramsdell's Fertilizer & Propane Inc
1929 Hwy 14 Bypass
Brookings, SD 57006

Dear Mr. Bierman:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form use in transferring Water Permit No. 5789-3. The water permit is currently listed in the name of Brookings Fertilizer and Propane, Inc.

You indicated ownership of the company had not changed, however the name had been changed sometime after the original permit was filed. Please review the form for accuracy and make any necessary corrections. Upon completion, please return the form to us with a required filing fee of \$2.50.

Upon receipt of the form and filing fee in our office, the water permit will be transferred and the water license will be processed. If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415

Pierre, _____ July 12 _____, 19 96

RECEIVED OF Joel Bierman (Ramsdell's Fertilizer & Propane, Inc.), 1022 Circle Dr.,
the following amount in fees for services rendered as provided for by law: Brookings, SD 5700
6

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5789-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatten
Chief Engineer

NOTICE OF TRANSFER

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



No. 5789-3

Date: 7/8/96

I/We request that Water Permit No. 5789-3

formerly owned by: Brookings Fertilizer & Propane, Inc

be transferred to: (name & address) Ramsdell's Fertilizer & Propane, Inc., 1929 Hwy 14 ByPass, Brookings, SD 57006

Telephone No. (605) 692-8323

The following described land/property has been transferred as described above:

well location: SE¼ SE¼ Section 13, T110N, R50W

I/We understand that the validity of Water Permit No. 5789-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

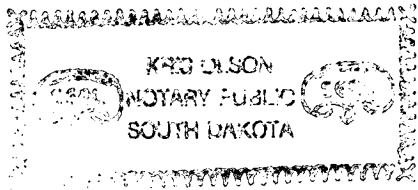
STATE OF SOUTH DAKOTA)

County of Brookings)

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

[Signature]
(Signed) Mr.

Subscribed and sworn to before me this 8th day of July, 19 96.



Kris Olson
(Notary Public)

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

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

Permit No. 5789-3
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, 6 May 1996, made a thorough examination of the water use system constructed by Brookings Fertilizer and Propane Inc (Ramsdell's) of 196th Hwy 14 Bypass, Brookings SD 57006 holder of Permit No. 6789-3, bearing the priority of 9 September 1993 authorizing the diversion of 0.18 cu. ft. per second of the waters of Howard Aquifer for commerical purposes, in Brookings County.

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

A. Works used to divert the water:

240 foot well constructed by Pullman Well Drilling

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

pipeline to hydrant

C. Works used to apply water to beneficial use:

water trucks

The system is in the following condition excellent. The point of diversion is located SE1/4SE1/4 section 13 T110N R50W or approximately 1320 feet west and 495 feet north of SE1/4 section 13 T110NR50W. The works are capable of diverting and conveying to the place of use 0.18 cu. ft. per second of water which is to be used for commerical use. Water has been put to beneficial use to the maximum extent as follows:
water is pumped to equipment on trucks.

Map in permit file is accurate.

the license should be issued for 0.18 cfs.

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

Date Report Completed: 6 May 1996

Gale N. Selken

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

REPORT ON INSPECTION OF PERMIT NO. 5789-3

Other permit(s) associated with the project:

DATE OF INSPECTION: 6 May 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Joel L. Bierman, manager Rapsdell's Fertilizer and Propane Inc. 1907 Hwy 14 ByPass, Brookings SD 57006 ^m ^{Fertilizer} ^{pro}

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE:

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: SE1/4SE1/4 section 13 T110N R50W or approximately 1320 feet west and 495 feet north of the SE1/4 section 13 T110NR50W. Distances are from a not to scale aerial photograph and the actual section corner was not physically located.

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Drilling
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available yes
- 5) Comment: well was located using GPS equipment measurement was Lat 44-19-38.399N and Long 96-46-24.080 W.

Casing:

- 1) Diameter 5 inches
- 2) Length 220 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 20 feet
- 3) Static water level 45 reported on log feet

Pump:

- 1) Make submersible
- 2) Model unknown
- 3) Size unknown
- 4) Capacity 0.18cfs as reported by owner

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **N/A**
- 2) Special qualifications to permit being abided by **yes**
- 3) All structures, wells and lands on map **n/a**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **XXX**



Gale N. Selken, P.E.

Natural Resources Engineer IV

Water Rights Program.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5789-3

(1) Brookings Fertilizer and Propane, Inc., Brookings SD made Application No. 5789-3, September 9, 1993 for a water permit to divert 0.18 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for commercial purposes. Permit No. 5789-3, with a priority date of September 9, 1993 was approved November 15, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 15, 1998 and for the application to beneficial use of said water on or before November 15, 2002.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 27, 1993. The *Notice* stated the diversion system was completed on December 22, 1993 and the water placed to beneficial use on April 1, 1994.

On July 12, 1996, Water Permit No. 5789-3 was transferred to Ramsdell's Fertilizer and Propane, Inc.

(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 0.18 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet west and 495 feet north of the southeast corner of Section 13-T110N-R50W (SE 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.

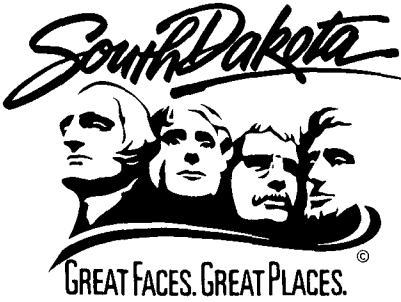
(4) Pursuant to South Dakota Water Law 46-5-30.1 Ramsdell's Fertilizer and Propane, Inc., 1929 Hwy 14 ByPass, Brookings SD 57006 the holder and/or owner of Water Permit No. 5789-3 is issued a license to appropriate water, the right to use 0.18 cubic feet of water per second from groundwater (one well) with a priority date of September 9, 1993 from the location specified in (2) of this license, for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5789-3 and subject to South Dakota State Law.


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

OCT 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

5789-3

Joel Bierman, Manager
Ramsdell's Fertilizer and Propane, Inc.
1929 Hwy. 14 Bypass
Brookings, SD 57006

Dear Mr. Bierman:

Enclosed is Water License No. 5789-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414995 in the amount of \$50.00 and Receipt No. 415004 in the amount of \$2.50 which you paid for the transfer, investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5789-3, 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