

WATER PERMIT NO. 5791-3

Phone: 356-3325

Name of Applicant: AaLadin Industries, Inc.

Post Office Address: RR 1, Box 2B, Elk Point SD 57025

Amount of Water Claimed: 0.10 45 gpm
0.04 cfs - 18 gpm Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: industrial purposes County: Union

About 1 miles SE of Elk Point

PRIORITY Date Received: 6-14-93 Fee: \$50 Remarks: _____

Corrected Application Received: 9-23-93 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 SW 1/4 Sec 29-T91N-R49W

Land to be Irrigated: _____

			29		
	2				

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

Depth of Well: 300' REMARKS: _____

Type of Map: plat PREPARED BY: Gregg A. Stroschein, PE Reviewed and the Number

Assigned on: 10-4-93 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. 5791-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper The Leader-Courier, Box 310 57025
(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 AaLadin Industries Inc Phone 605/356-3325
Mailing Address RR 1, Box 2B Elk Point State SD 57025
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed ~~18~~ 0.04 *CFS or ~~18~~ **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____ Legal Desc. _____
Lot 102-A SW⁴, S29, T91N, R49W, 5TH P.M. (SW1/4 SW1/4)
County Union
- County or counties where water will be used Union
- Annual period during which water is to be used 12 Months 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 to supply water to a pressurized system contained within a manufacturing facility for potable, sanitary, and processing use.

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 Union)^{ss}

I, AaLadin Industries Inc, 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 _____
Subscribed and sworn to before me this 11 day of June 19 93

**MY COMMISSION EXPIRES
JULY 12, 1998**

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5791-3**

Date of first receipt of application June 14, 1993.

Date of return to applicant for corrections, amendments or changes June 14, 1993.

Date of receipt of corrected application September 23, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5791-3 to AaLadin Industries Inc., RR 1, Box 2B, Elk Point SD 57025 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. 5791-3 appropriates 0.04 cubic feet of water per second (18 gallons per minute) from one well (Dakota Formation) 300 feet deep located in the SW 1/4 SW 1/4 Section 29-T91N-R49W.
2. The water appropriated shall be used for the purpose of supplying water to AaLadin Industries, Inc. and may not exceed the amount of water needed for beneficial use for industrial 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. 5791-3 is November 22, 1993.
5. The date from which applicant may claim right is September 23, 1993.
6. One-fifth of the construction is to be completed on or before May 22, 1996.
7. All construction is to be completed on or before November 22, 1998.
8. ~~Water is to be put to beneficial use on or before November 22, 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

**REISSUED SOUTH DAKOTA
WATER PERMIT NO. 5791-3**

Date of first receipt of application June 14, 1993.

Date of return to applicant for corrections, amendments or changes June 14, 1993.

Date of receipt of corrected application September 23, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5791-3 to AaLadin Industries Inc., RR 1, Box 2B, Elk Point SD 57025 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. 5791-3 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Dakota Formation) 300 feet deep located in the SW 1/4 SW 1/4 Section 29-T91N-R49W.
2. The water appropriated shall be used for the purpose of supplying water to AaLadin Industries, Inc. and may not exceed the amount of water needed for beneficial use for industrial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of readvertised Permit No. 5791-3 is February 28, 1994. (This permit was readvertised to correct an error in the diversion rate.)
5. The date from which applicant may claim right is September 23, 1993.
6. One-fifth of the construction is to be completed on or before May 22, 1996.
7. All construction is to be completed on or before November 22, 1998.
8. Water is to be put to beneficial use on or before November 22, 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
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAY 18 1994
date

Form 2A
 (Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 300
- b) Casing Type PVC Diameter 5 Thickness 250 psi
- c) Screen Type PVC Diameter 5 Thickness 200 psi
- d) Gravel Pack Thickness 1.875 Length of Gravel Pack 50
- e) Depth to Top of Water Bearing Material 200
- f) Depth to Water (ground surface to water level) 20
- g) Distance to nearest existing domestic well:
 On applicants property 150 On property owned by others 1320

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

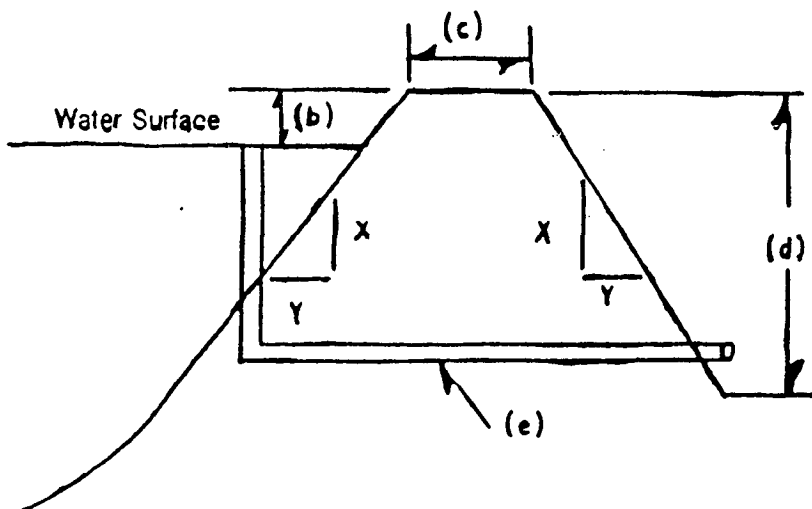
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

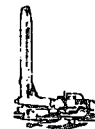
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



WETMORE DRILLING

Mike Wetmore
Geologist



Office: (605) 232-4747
208 Suncoast Drive
McCook Lake, SD 57038

Mobile Phone: (712) 258-0005 *1222

Shop: (605) 356-2248
I-29 Exit 15
Elk Point, SD 57025

FORMATION LOG: TEST HOLE DRILLING

Well Owner: Aaladin Industries

Address: Elk Point, SD 57025

Well Location: SW/SW, Sec 29, T⁹¹20N, R49W
Union County, South Dakota

Date: 6-20-93



<u>DEPTH</u>	<u>LITHOLOGY</u>
000-001	Top soil
001-068	Fine sand
068-139	Sand & gravel
139-202	Shale
202-215	Sandstone
215-219	Shale
219-273	Intlamated sandstone & shale
273-300	Sandstone

Reported by:

Mike Wetmore

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 29 Twp 90N Rg 49WCounty Chadron

North

Please mark well location with an "X"

W

E

1 mile

Well Completion Date 6-24-93

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>290 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>280 FT</u>	<u>8 3/4 IN</u>
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? 30 FEETWhat is grouting material? CementIf cement, number of sacks? 15Describe grouting procedure pumped w/ tremie270-300 LBWhat was grout weight? 15.5 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVCSlot Size 5/16 Set From 280 Feet To 300 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? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine solutionBacteriological analysis ☒ YES ☐ NOLaboratory sent to Sent by owner

Well Owner:

Name Aladin IndustriesAddress Eik Point, SD 57025

Well Log:

Depth

Formation

From

To

Top Soil01Fine Sand168Sand & Gravel68131Shale131202Sandstone202215Shale215219Int. SS & sh219273Sandstone273300STATIC WATER LEVEL 18 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:

☒ Pumped☐ Bailed

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

23 ft. After 5 Hrs. pumped 45 GPM

ft. After _____ Hrs. pumped _____ GPM

ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Wichita Drilling

Signature of License Representative: _____

Signature of Well Owner:

Aladin Industries Inc.Date 9-20-93



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 14, 1993

AaLadin Industries, Inc.
RR 1, Box 2B
Elk Point SD 57025

Dear Sir:

In regard to your water permit application received on June 14, 1993, the following information needs to be submitted in order to process the application.

1. Please complete Item No. 1, Well Information, on the enclosed Form 2A.
2. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: AaLadin Industries, Inc.

ADDRESS: RR 1, Box 2B, Elk Point SD 57025 COUNTY: Union

DATE: June 17, 1993 TELEPHONE:

RE: Pending Application

COMMENTS:

Joe Ryan with AaLadin Industries, Inc. called and stated an error was made on the application for a permit. The amount of water claimed should be 18 gpm instead of 45 gpm. I explained to Mr. Ryan that if the diversion rate exceeded 18 gpm, they would need to file an application to increase the diversion rate. Mr. Ryan stated he was aware of this, but did not foresee that they would need more than 18 gpm. He further stated that the test well was to be drilled next week and he would send the log as soon as possible.



Karen Schlaak

Natural Resources Analyst



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 1993

AaLadin Industries
RR 1, Box 2B
Elk Point SD 57025

Dear Sir:

On June 14, 1993, you submitted an application (copy enclosed) for a permit to appropriate water for industrial use. You were notified on June 14, 1993 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. On July 8, 1993 we received the completed Form 2A. To date, we have not received the well log or driller's test log.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

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

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Joel Ryan - AaLadin Industries, Inc.

ADDRESS: Elk Point SD COUNTY: Union

DATE: 10-4-93 TELEPHONE: 356-3325

RE: Legal Description on application

COMMENTS:

Mr. Ryan stated the legal description for the location of the well was Sec 29-T91N-R49W as stated on the application and shown on the map. The legal description on the logs was incorrect and should be changed.



Karen Schlaak
Natural Resources Analyst

REPORT ON APPLICATION NO. 5791-3
for AaLadin Industries, Inc.
October 14, 1993

Application No. 5791-3 proposes to appropriate 0.04 cfs (18 gpm) from one well approximately 300 feet deep located in the SW 1/4 SW 1/4 of section 29, T91N R49W in Union County. The water is for industrial use at AaLadin Industries.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded shales, sand and sandstone and reportedly attains a thickness of about 400 feet in this area (Schoon, 1971). The aquifer is confined and under artesian conditions. The aquifer underlies 452 square miles and contains an estimated 7.8 million acre feet of recoverable water in storage in Union County (Hedges, 1982). The aquifer is areally extensive into Nebraska, Iowa and into the counties to the north and west in South Dakota. The driller's log submitted with the application indicates the top of the aquifer was at 202 feet and extended to a depth of 300 feet below land surface. The completed well had a static water level 18 feet below land surface and was capable of producing 45 gpm.

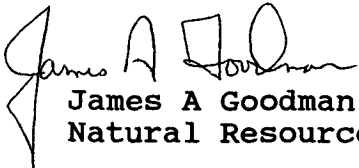
The Division of Water Rights does not monitor any observation wells completed into the Dakota formation in this area. The closest Dakota Formation observation well is located about 12 miles northwest of this application. Water levels for the Dakota Formation appear to mimic the water levels for the overlying Missouri Elk Point aquifer. In areas of Union County the Dakota Formation and the Missouri Elk Point are in direct hydraulic communication. Water levels for the Missouri Elk Point aquifer and the one Dakota Formation observation well fluctuate with climatic conditions, that is, rising water levels during wet years and gradually declining water during dry years. The water level record indicates that either the Dakota Formation or the Missouri Elk Point aquifer are capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted diversion is located about 300 feet north of this application. This is Water Permit No. 5453-3 also issued to AaLadin Industries. This permit is for a 100 feet deep well completed into the Missouri Elk Point aquifer. Interference is not expected to be a concern. There is 64 feet of shale between the bottom of the Missouri Elk Point aquifer and the top of the Dakota Formation at this site. Even though the two aquifers appear to be hydraulically connected elsewhere in the county at this site they appear separated. In any event the pumping rate is so small and the amount of water in storage is so large that significant drawdown will not occur. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. Interference is not expected to be a concern.
3. The completed well is constructed in accordance with SD Well Construction Standards. The well is grouted with bentonite grout from 270 to 30 feet below land surface and from 30 feet up with cement grout.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 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.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, RI No. 104, SDGS, Vermillion, SD, 57069.
- Water Rights, 1993, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501.
-

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5791-3, AaLadin Industries, 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. 5791-3, Aaladin Industries, Inc., c/o Joel Ryan, RR 1 Box 2B, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 5791-3 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.



for JOHN HATCH, Chief Engineer
October 15, 1993

REPORT ON WATER PERMIT NO. 5791-3
AALADIN INDUSTRIES, INC.
DECEMBER 27, 1993

Water Permit No. 5791-3 appropriated 0.04 cubic feet of water per second (cfs) (18 gallons per minute) from one well (Dakota Formation) 300 feet deep located in the SW 1/4 SW 1/4 Section 29-T91N-R49W. Readvertisement of the notice of hearing for Water Permit No. 5791-3 published on November 4 and 11, 1993 is needed to correct the diversion rate. The correct diversion rate is 0.10 cfs (45 gallons per minute). This readvertisement serves only to identify the correct diversion rate.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 5791-3.
2. This readvertisement is necessary to correct the diversion rate. The application originally stated the amount of water claimed to be 0.10 cfs. Based on a June 17, 1993 conversation with the applicant, the amount of water claimed was reduced to 0.04 cfs. When the applicant received the issued water permit, they contacted the Water Rights Division stating there must have been miscommunication and they wanted to appropriate 0.10 cfs.
3. The correct diversion rate is 0.10 cfs (45 gallons per minute).



Eric Gronlund
Natural Resources Engineer



Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 5791-3, AaLadin Industries, 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 readvertised Water Permit Application No. 5791-3, AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 5791-3 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
January 31, 1994



**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 28, 1993

Joel Ryan
AaLadin Industries, Inc.
RR 1 Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

Water Permit Application No. 5791-3 for industrial purposes 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 Leader-Courier printed at Elk Point, SD (Ph # 356-2632). 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 28, 1993

The Leader-Courier
Box 310
Elk Point, SD 57025

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5791-3 to be published twice. Please publish the first notice on November 4, 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 AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025 (Ph # 356-3325).

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 November 4, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5791-3 to Appropriate Water

Notice is given that AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well (Dakota Formation) 300 feet deep located in the SW 1/4 SW 1/4 Section 29-T91N-R49W. The water is for industrial use at AaLadin Industries.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5791-3 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 22, 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 Union) ss



I, Lester E. Emerson

certify that the attached printed Notice was

taken from the The Leader-Courier

printed and published in Elk Point, S.D.

County of Union and State of

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

November 4, 1993
November 11, 1993

Cost of Printing: 33.48

Lester E. Emerson
 (Signature)

Publisher - Editor
 (Title)

November 12, 1993
 (Date Signed)

NOTICE OF APPLICATION NO. 5791-3 TO APPROPRIATE WATER

Notice is given that AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well (Dakota Formation) 300 feet deep located in the SW ¼ SW ¼ Section 29-T91N-R49W. The water is for industrial use at AaLadin Industries.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application NO. 5791-3 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 22, 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.

Pub. Nov. 4 and 11



**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.**

February 2, 1994

Joel Ryan
AaLadin Industries, Inc.
RR 1 Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

Water Permit Application No. 5791-3 for industrial 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 Elk Point Leader-Courier printed at Elk Point, SD (Ph # 356-2632). 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.

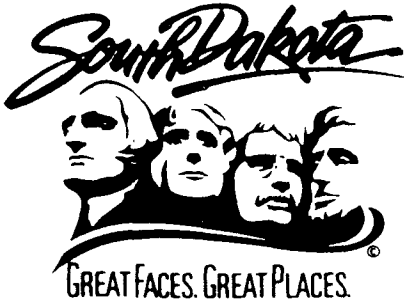
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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

February 2, 1994

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

ATTENTION: Legal Department

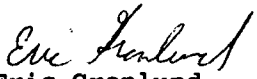
Enclosed is a Notice of Hearing on Application No. 5791-3 to be published twice. Please publish the first notice on February 10, 1994, with the second publication 7 days later.

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 AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025 (Ph # 356-3325).

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 February 10, 1994, with the second publication 7 days later.

NOTICE OF APPLICATION NO. 5791-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 5791-3 held by AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025. The water permit was originally applied for June 14, 1993. Water Permit No. 5791-3 was issued appropriating 0.04 cubic feet of water per second (cfs) [18 gallons per minute] from one well (Dakota Formation) 300 feet deep located in the SW 1/4 SW 1/4 Section 29-T91N-R49W. Readvertisement of the notice of hearing for Water Permit No. 5791-3, published on November 4 and 11, 1993, is needed to correct the diversion rate. The correct diversion rate is 0.10 cfs (45 gallons per minute). This readvertisement serves only to identify the correct diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5791-3 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 February 28, 1994.

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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA)
 County of Union) ss

I, Lester E. Emerson

certify that the attached printed Notice was

taken from the The Leader-Courier

printed and published in Elk Point,

County of Union and State of

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

February 10, 1994

February 17, 1994

Cost of Printing: \$36.34

Lester E. Emerson
 (Signature)

Editor
 (Title)

February 17, 1994
 (Date Signed)

NOTICE OF APPLICATION NO. 5791-3 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 5791-3 held by AaLadin Industries, Inc., RR 1 Box 2B, Elk Point, SD 57025. The water permit was originally applied for June 14, 1993. Water Permit No. 5791-3 was issued appropriating 0.04 cubic feet of water per second (cfs) [18 gallons per minute] from one well (Dakota Formation) 300 feet deep located in the SW¹/₄ SW¹/₄ Section 29-T91N-R49W. Readvertisement of the notice of hearing for Water Permit No. 5791-3, published on November 4 and 11, 1993, is needed to correct the diversion rate. The correct diversion rate is 0.10 cfs (4¹/₂ gallons per minute). This readvertisement serves only to identify the correct diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5791-3 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 February 28, 1994.

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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.
Pub. Feb. 10, 17, 1994.

PAYMENT REQUEST FORM

PAYEE: The Léader-Courier
Box 310
Elk Point, SD 57025-0310

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

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Publication of Notice of Application No. 5791-3
to Appropriate Water.

AMOUNT: \$36.34

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION:

John H. H. H.

3-2-94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 20 1993

Joel Ryan
AaLadin Industries, Inc.
RR 1 Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

Enclosed is Water Permit No. 5791-3 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.

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Aaladin Industries, Inc. -- WP Appl. No. 5791-3

ADDRESS: COUNTY: Union

DATE: 12/23/93 TELEPHONE:

RE: Call from Joe Ryan on Permit No. 5791-3 which was just issued

COMMENTS:

Mr. Ryan called regarding Permit No. 5791-3 for Aaladin Industries which was issued on December 20, 1993. He wondered why the amount of water claimed on the original application of 45 gpm was reduced to 18 gpm. He stated that the industry will likely need more than the 18 gpm.

I found file documentation of a June 17, 1993 conversation between Mr. Ryan and Karen Schlaak in which he stated that the 45 gpm was in error and the amount of water claimed should be 18 gpm. Based on this information the application was amended and processed for 18 gpm.

At this time neither Mr. Ryan or myself could speculate reasoning for this discrepancy other than to say that there was some miscommunication that was no one's fault. Mr. Ryan asked what they would have to do to increase the appropriation and I said normally they'd have to apply for a new water permit for additional appropriation of water. However, I suggested that we might be able to readvertise the original application so they wouldn't have to pay the application filing fee if they would still be agreeable to paying the cost of readvertised notice of hearing. Mr. Ryan was in agreement with this approach.

I checked with Ron Duvall and he agree that we could readvertise application.

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 Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 18 1994

Joel Ryan
AaLadin Industries, Inc.
RR 1 Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

Enclosed is reissued Water Permit No. 5791-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. This permit was readvertised to correct an error in the diversion rate.

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 May 23, 1994

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

FROM: Arahadin Industries RR1, Box 2B
(name) (address)
Elk Point S.D. 57025 605 356-3325
(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. 5791-3.

Water Permit No. 5791-3 states that the diversion system is to be constructed by Nov. 22, 1998, and that the water is put to beneficial use by Nov. 22, 2002.
(date) (date)

The diversion system was completed on May 18, 1994.
(date)

Applying the water to beneficial use was completed on May 23, 1994.
(date)

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

Joel A. Ryan Plant Engineer
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1995

5453-3
5791-3

Joel A. Ryan, Plant Engineer
AaLadin Industries, Inc.
RR 1, Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

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 Nos. 5453-3 and 5791-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

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 numbers. This will insure proper handling of the fee.

RECEIPT

413802

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 14, 19 93

RECEIVED OF AaLadin Industries Inc., RR 1 Box 2B, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5791-3</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 Hatch
Chief Engineer

RECEIPT

414765

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 25, 19 96

RECEIVED OF Aaladin Industires, Inc., RK 1 Box 23, Elk Point, SD 57025

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>5791-3</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

REPORT ON INSPECTION OF PERMIT NO. 5791-3

DATE OF INSPECTION: 11/6/1995

**DIVERSION POINT LEGAL LOCATION: FROM THE SW CORNER OF SECTION 29 T91N-R49W:
570 FT NORTH AND 190 FEET EAST**

WELL INFORMATION:

- 1) Well Drilling Firm: WETMORE DRILLING
- 2) No. of Wells 1
- 3) Depth(s) 300 feet
- 4) Well log is available YES

Casing:

- 1) Diameter 5 inches
- 2) Length 280 feet
- 3) Type PLASTIC

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 18 feet

Pump:

- 1) Make GOULD
- 2) Model 25EL15412
- 3) Capacity 45 GPM

Motor:

- 1) Make GOULD
- 2) Model No. SUBMERSIBLE

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 1.25 inches

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by **YES**
- 2) All structures, wells and lands on map **YES**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

Permit No. 5791-3
MISSOURI 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, NOVEMBER 11, 1995, made a thorough examination of the water use system constructed by AALADIN INDUSTRIES of RR 1 BOX 2B, ELK POINT SD holder of Permit No. 5791-3, bearing the priority of SEPTEMBER 23, 1993 authorizing the diversion of 0.10 cu. ft. per second of the waters of GROUNDWATER (DAKOTA FORMATION) for INDUSTRIAL purposes, in UNION County.

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

A. Works used to divert the water:

A GOULD SUBMERSIBLE PUMP WITH A 45 gpm CAPACITY

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

1.25 INCH PVC PIPE

The system is in the following condition GOOD. The point of diversion is located FROM THE SW CORNER OF SECTION 29 T91N-R49W: 570 FT NORTH AND 190 FEET EAST. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of which is to be used for INDUSTRIAL PURPOSES. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.10 cfs.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: NONE



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

11-20-95

Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5791-3

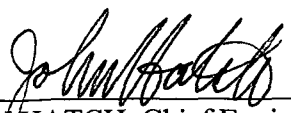
(1) Aaladin Industries, Inc., RR 1, Box 2B, Elk Point SD 57025 made Application No. 5791-3, June 14, 1993 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Union County, South Dakota for industrial purposes. Permit No. 5791-3, with a priority date of September 23, 1993 was approved February 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 22, 1998 and for the application to beneficial use of said water on or before November 22, 2002.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on May 25, 1994. The "*Notice*" stated the diversion system was completed on May 18, 1994 and the water placed to beneficial use on May 23, 1994.

(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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is 570 feet north and 190 feet east of the southwest corner of Section 29-T91N-R49W (SW 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.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Aaladin Industries, Inc., RR 1, Box 2B, Elk Point SD 57025 the holder and/or owner of Water Permit No. 5791-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of September 23, 1993 from the location specified in (2) of this license. The water is used for industrial purposes in the manufacturing facility. This license is subject to any limitations or qualifications listed in Water Permit No. 5791-3 and subject to South Dakota State Law.



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

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5453-3

5791-3

Joel A. Ryan, Plant Engineer
Aaladin Industries, Inc.
RR 1, Box 2B
Elk Point, SD 57025

Dear Mr. Ryan:

Enclosed Water License Nos. 5453-3 and 5791-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 414764 and 414765 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5453-3 and 5791-3, constructs replacement wells and does not plan to use the old wells, the old wells are 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 Licenses, 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

SURVEY PLAT

LOT 102A OF LOT 102 IN THE SW⁴ OF SECTION 29,
T91N, R49W, 5TH PM., UNION COUNTY, SOUTH DAKOTA.

SCALE 1" = 100'

REV. 6-10-93

SECTION LINE

ROAD R.O.W. LINE

LOT 101-B

LOT 101-C

LOT 10

LOT 102 A

3.84 AC.

WELL

S.W. CORNER
29-91-49



Gregg A. Stroschein

57913

