

Assigned on: 3-29-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 5859-3**

Date of first receipt of application March 24, 1995.

Date of return to applicant for corrections, amendments or changes March 27, 1995.

Date of receipt of corrected application March 29, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5859-3 to Dakota Pump, Inc., PO Box 947, Mitchell SD 57301-0947 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. 5859-3 appropriates 100 gallons per minute (0.22 cubic feet of water per second) from one well (Niobrara Formation) approximately 170 feet deep located in the SW 1/4 NW 1/4 (Lot C) Section 32-T103N-R59W. A second well, approximately 50 feet deep and located in the same area serves as a back-up supply for the business.
2. The water appropriated shall be used for the purpose of supplying water for industrial use and lawn watering around the facility and may not exceed the amount of water needed for beneficial use.
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. 5859-3 is July 3, 1995.
5. The date from which applicant may claim right is March 24, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The wells 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 Program
Department of Environment and Natural Resources

SEP 5 1995

date

FORM 2: Application for uses other than irrigation
(type or print)

888

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

No. 5859-3 Hydrologic Unit 10160011
Basin James River
Newspaper The Alexandria Herald, Box 450
(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.) _____

1. Name of Applicant Dakota Pump Inc (Louis Sebert-President) Phone 605-996-6636
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 947 Mitchell State SD 57301
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) (Lot c)
SW 1/4 of the NW 1/4 of Section 32 T103N-R59W of the 5th
County Hanson
5. County or counties where water will be used Hanson
6. Annual period during which water is to be used All year Jan 1 - Dec 31
7. 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)

Water used in manufacturing facilities and for yard lawn

We have a second well that could be used for back-up with an estimated 2' diameter hole, about 50' deep with low GPM pump. This was used for lawn a couple of years ago.

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 Davison)^{SS}

I, Louis Sebert, 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 Louis Sebert Pres.

Subscribed and sworn to before me this 23rd day of March 19 95

Diana P. Vannest
Notary Public

My commission expires 5/29/03

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

This information I do not have

- a) Drill Hole Diameter Est 8" Depth Est 170 per my shop people
b) Casing Type _____ Diameter _____ Thickness _____
c) Screen Type _____ Diameter _____ Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material _____
f) Depth to Water (ground surface to water level) _____
g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
b) System Capacity (gallons) _____ c) Year Constructed _____
d) Connected to the City of _____ Sanitary System.



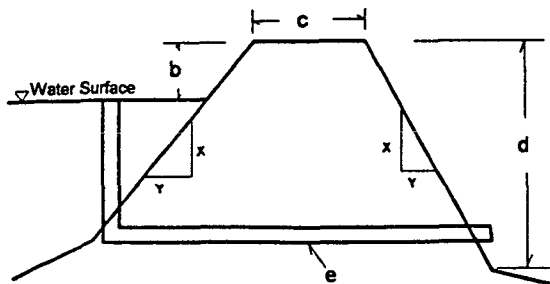
3. Dugout Information

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

4. 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.

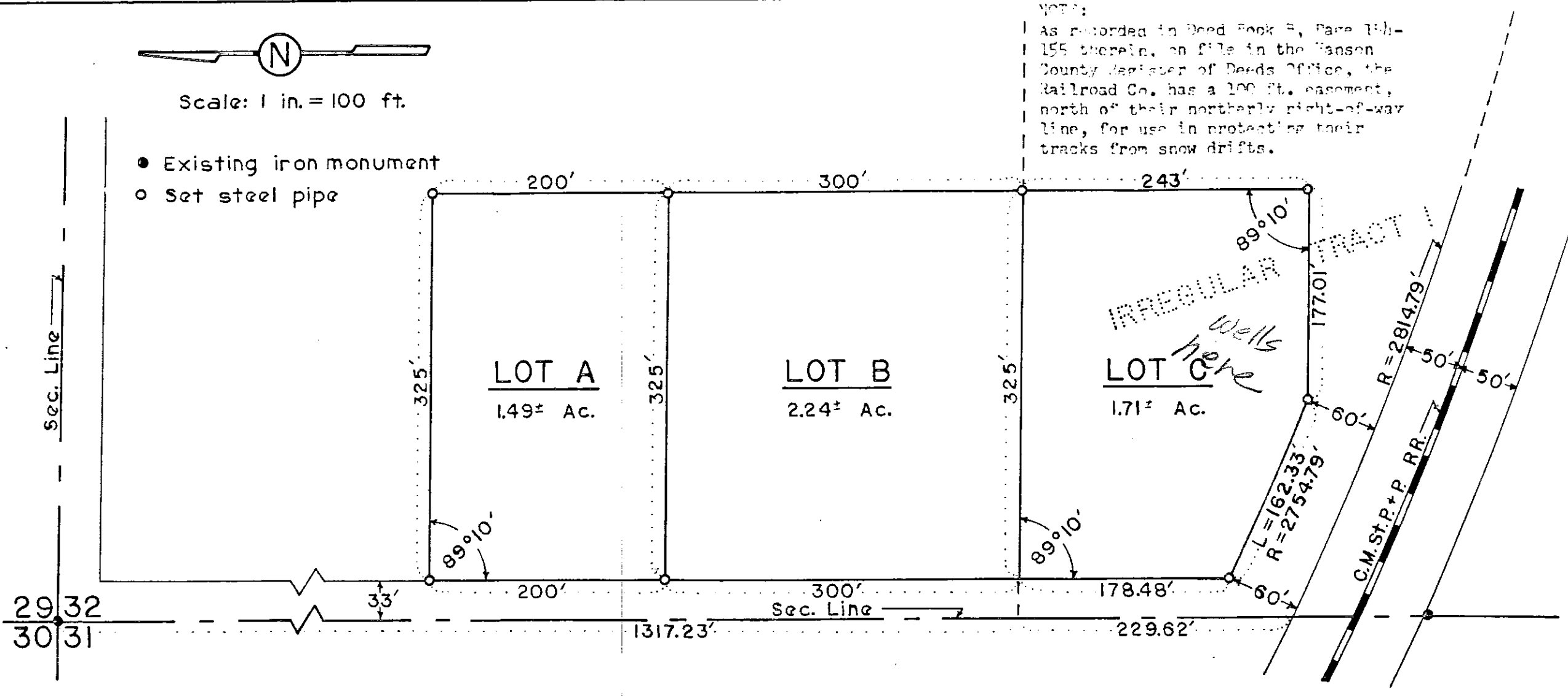
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

A PLAT OF

LOTS A & B IN THE NW1/4 OF THE NW1/4 OF SEC. 32-T103N-R59W OF THE 5th P.M. AND LOT C WITHIN IRREGULAR TRACT I OF THE SW1/4 OF THE NW1/4 OF SEC. 32-T103N-R59W OF THE 5th P.M., HANSON COUNTY, SOUTH DAKOTA



I, John D. Johnson, a Registered Professional Engineer and Land Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of, and under the direction of, the record owners, I have surveyed the tract of land as shown on the above plat and such tract of land shall be hereafter known as Lots A & B in the NW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M. and Lot C within Irregular Tract I of the SW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M., Hanson County, South Dakota. The location and dimensions of the tract is in all respects true and correct and is as shown on the plat. In witness whereof, I have set my hand and seal this 15 day of August, A.D., 1979.

John D. Johnson
John D. Johnson
Professional Engineer & Land Surveyor
Registration No. 1428

State of South Dakota
County of DAVISON ss
On this the 18 day of AUGUST, 1979, before me Kenneth E. Baldini, the undersigned officer, personally appeared Robert G. Kuhlman, who acknowledged himself to be president of Commercial Asphalt and Materials Co., Inc., and that he, as such president being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as president.

In witness whereof I hereunto set my hand and official seal.

Kenneth E. Baldini
Notary Public
DAVISON County, State of South Dakota
My Commission Expires 6-15-87

State of South Dakota
County of DAVISON ss
Be it remembered that on this 15 day of August, 1979, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared John D. Johnson known to me to be the person who is described in and who executed the within and foregoing instrument and a sufficient and acknowledged to me that he executed the same.

Philip A. Johnson
Notary Public
Davison County, State of South Dakota
My Commission Expires 10-25-85

I hereby certify that a copy of the plat of Lots A & B in the NW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M. and Lot C within Irregular Tract I of the SW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M., Hanson County, South Dakota, has been received by, and is filed in, this office.

Director of Equalization, Hanson County

I hereby certify that all taxes which would, if not paid, be liens upon the tract of land included in the within and foregoing plat, as shown by the records of this office, have been paid.

Treasurer, Hanson County

We, the undersigned, hereby certify that we, in the aggregate, are the owners of all the land included in the within and foregoing plat, and that said plat has been made at our request and under our direction for the purposes indicated therein. The tract of land as so surveyed and platted shall hereafter be known as Lots A & B in the NW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M. and Lot C within Irregular Tract I of the SW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M., Hanson County, South Dakota, as shown by this plat, and we hereby dedicate all indicated streets and alleys, if any, to the public, for public use forever. In witness whereof, we have set our hands and corporate seals this 18 day of AUGUST, A.D., 1979.

Dakota Pump, Inc., a corporation
Louis A. Sebert President
Louis A. Sebert, President

Commercial Asphalt and Materials Co., Inc., a corporation
Robert G. Kuhlman President
Robert G. Kuhlman, President

WHEREAS, the plat of Lots A & B in the NW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M. and Lot C within Irregular Tract I of the SW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M., Hanson County, South Dakota, as prepared by John D. Johnson, a Registered Professional Engineer and Land Surveyor in and for the State of South Dakota, has been submitted to the Board of County Commissioners of Hanson County, South Dakota; and

WHEREAS, the Board of Commissioners, during regular meeting assembled, has examined said plat, and it appearing therefrom that the lands so platted lie outside the boundaries of any municipality, that the system of streets conforms to the system of streets as on existing plats and section lines of the County, that adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible, that all provisions of any subdivision regulations of the County have been complied with, that all taxes and special assessments upon the tract or subdivision have been fully paid, and that the plat and the survey thereof have been lawfully executed;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Hanson County, South Dakota that the plat of Lots A & B in the NW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M. and Lot C within Irregular Tract I of the SW1/4 of the NW1/4 of Sec. 32-T103N-R59W of the 5th P.M., Hanson County, South Dakota, as prepared by John D. Johnson, be and the same is hereby approved.

The undersigned, being the duly elected, qualified and acting Auditor of Hanson County, South Dakota, hereby certifies that the above and foregoing RESOLUTION OF COUNTY COMMISSIONERS is a full, true and correct copy of the resolution duly adopted by the Board of County Commissioners of Hanson County, South Dakota at its regular meeting held in the commissioners' room in the county courthouse in the City of Alexandria, Hanson County, South Dakota on the 21 day of August, 1979.

Dated this 21 day of August, 1979.

County Auditor

State of South Dakota
County of DAVISON ss
On this the 16 day of AUGUST, 1979, before me Kenneth E. Baldini, the undersigned officer, personally appeared Louis A. Sebert, who acknowledged himself to be president of Dakota Pump, Inc., and that he, as such president being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as president.

In witness whereof I hereunto set my hand and official seal.

Kenneth E. Baldini
Notary Public
DAVISON County, State of South Dakota
My Commission Expires 6-15-87

State of South Dakota
County of DAVISON ss
On this the 16 day of AUGUST, 1979, before me Kenneth E. Baldini, the undersigned officer, personally appeared Louis A. Sebert, who acknowledged himself to be president of Dakota Pump, Inc., and that he, as such president being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as president.

In witness whereof I hereunto set my hand and official seal.

Kenneth E. Baldini
Notary Public
DAVISON County, State of South Dakota
My Commission Expires 6-15-87

State of South Dakota
County of HANSON ss
Filed for record the 17 day of September, A.D., 1979, at 3:15 P.M., and recorded in Book of Plats 5 on Page 125 therein.

Glady Schlick
Register of Deeds

by County Auditor

25559

5859-3

MAR 1985
DIVISION OF
WATER RIGHTS
Platte, SD

STATEMENT OF BASIS

Applicant: Dakota Pump Incorporated

Permit Number: SD-0027251

Contact Person: Mr. Louis Sebert, General Manager
PO Box 947 Riverside Rd
Mitchell, SD 57301

Phone: (605) 996-6636

Permit Type: Minor Industrial Facility - New Application

Description

Dakota Pump Incorporated (Dakota Pump) operates a manufacturing facility located 2 miles east of Mitchell on Riverside Road, in the northwest $\frac{1}{4}$ of Section 32, Township 103 North, Range 59 West (Longitude 97° 56' 45", Latitude 43° 41' 03").

Dakota Pump, which began operation at the current location in 1968, employs 17 people and operates year-round. The facility uses raw steel and preassembled components to manufacture wastewater pump stations, fresh water boosters, and pressure reducing valve vaults. They have an annual production rate of approximately 100 units.

Typical activities which occur at the facility include the cutting, shaping, and welding of steel structures. The structures are sandblasted and painted, and components are then wired and installed in the stations. After assembly, some units are hydraulically tested to determine pump performance curves.

Wastewaters which are generated from this facility originate from the following activities:

1. Sanitary sources - sinks, restrooms, etc.
2. Testing of pump stations
3. Paint booth air scrubber water

Wastewater which is produced from sanitary sources is discharged to a septic tank system, which is periodically removed by a septic hauler.

Wastewater which results from the testing of pumping stations originates from a concrete test pit which contains approximately 3000 gallons of water. The water is drawn from the pit, passed through the pump station, and routed back into the pit. Periodically, approximately twice per month, the test pit water is discharged from the pit to a roadside ditch located

southwest of the facility. The discharge passes under the road, via a culvert, and flows along a railroad right-of-way. The railroad right-of-way leads to a wetland area.

Wastewater which results from the scrubbing of paint booth air emissions originates from an air scrubber basin which contain approximately 500 gallons of water. Paint booth air is drawn through fiberglass filters prior to downdraft entry into the scrubbers. Approximately every two to four weeks, the water from the basin is discharged to the parking lot located northeast of the facility. Flow will run off of the parking lot and onto a nearby field which is currently planted in alfalfa. Though unlikely, the discharge could potentially reach a gravel pit or wetland area if it left the alfalfa field.

Dakota Pump applied for and obtained a Storm Water Permit (SDR00A192) on December 21, 1992 from the United States Environmental Protection Agency.

Receiving Waters

Any discharge from the facility's test pit (Outfall 001) will enter a road ditch, and flow a short distance to a nearby wetland. This road ditch is classified by the South Dakota Surface Water Quality Standards (SDSWQS), Administrative Rules of South Dakota (ARSD), Chapters 74:03:02 and 74:03:04, for the following beneficial uses:

- (9) Wildlife propagation and stock watering; and
- (10) Irrigation.

The wetland is classified by the SDSWQS, ARSD, Chapters 74:03:02 and 74:03:03, for the following beneficial use:

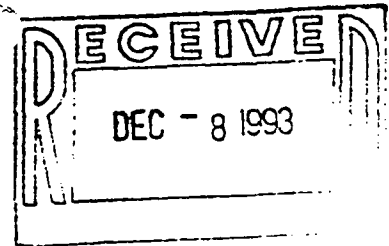
- (9) Wildlife propagation and stock watering.

Any discharge from the facility's paint scrubber system will enter a gravel parking lot and flow a short distance to a nearby agricultural field. These areas are not defined as waters of the state. However, if the discharge were to run off of the field, it would enter a wetland, which is classified by the SDSWQS, ARSD, Chapters 74:03:02 and 74:03:04, for the following beneficial use:

- (9) Wildlife propagation and stock watering.

Self Monitoring Data

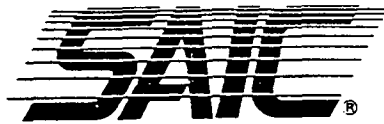
The following table summarizes effluent data that has been submitted to the SDDENR with the permit application. These analyses were required as a result of a 1993 inspection. These samples were taken on January 12, 1994.



FINAL

RECONNAISSANCE INSPECTION REPORT
Dakota Pump, Inc.,
Mitchell, South Dakota

Submitted to:



Science Applications International Corporation
An Employee-Owned Company

*I assume
you already have - r
This way but sending it
any way
for
Skelton*



FINAL

RECONNAISSANCE INSPECTION REPORT
Dakota Pump, Inc.,
Mitchell, South Dakota

Submitted to:

Mr. Gary Polvi
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

and

Water Management Division (8WM-C)
U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, CO 80202

Submitted by:

Science Applications International Corporation
3100 Tower Boulevard
University Tower, Suite 206
Durham, NC 27707

EPA Contract No. 68-C8-0066, WA No. C-4-5(E)
SAIC Project No. 01-0853-03-4004-118

September 1993



United States Environmental Protection Agency
Washington, D. C. 20460

NPDES Compliance Inspection Report

Form Approved.
OMB No. 2040-0057
Approval expires 4-30-88

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1M 25 3	11 12 9 3 0 8 1 7 17	18R	19C	2d2	
Remarks					
INSPECTED BY SAIC					
Reserved	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70N	71N	72N	73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time ☒ AM ☐ PM	Permit Effective Date
Dakota Pump Incorporated	7:40	
Riverside Road, P.O. Box 947	Exit Time/Date	Permit Expiration Date
Mitchell, S.D. 57301	10:20 am 8-17-93	
Name(s) of On-Site Representative(s)	Title(s)	Phone No(s)
Louis Sebert	Owner	605 996-6636
Bob Sebert	Service Manager	
Name, Address of Responsible Official	Title	
Louis Sebert	Owner	
Riverside Road, P.O. Box 947	Phone No.	Contacted
Mitchell, S.D. 57301	605 996-6636	☒ Yes ☐ No

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

N/A	Permit	N/A	Flow Measurement	N/A	Pretreatment	N/A	Operations & Maintenance
N/A	Records/Reports	N/A	Laboratory	N/A	Compliance Schedules	U	Sludge Disposal
M	Facility Site Review	N/A	Effluent/Receiving Waters	N/A	Self-Monitoring Program		Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

Work Assignment Number: C-4-5(E)

Project Number: 01 0853 03 4004 118

File Location: Durham, NC.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone	Date
Jerry Whittum	SAIC/DURHAM/ 919 419-1929	8-31-93
Jerry L. Whittum		
John T. Whittum		
Sean Alvarado	SAIC/DENVER/ 303 292 2674	8-31-93
Signature of Reviewer	Agency/Office	Date
Donna R. Linnar	USEPA, BWM-C, (303)293-1836	9/22/93
Regulatory Office Use Only		
Action Taken	Date	Compliance Status
		☐ Noncompliance
		☐ Compliance

1.0 INTRODUCTION AND BACKGROUND

Under U.S Environmental Protection Agency (EPA) Contract No. 68-C8-0066, Work Assignment No. C-4-5(E), Science Applications International Corporation (SAIC) is performing Reconnaissance Inspections (RI's) of industries. At the request of USEPA Region VIII, SAIC inspected Dakota Pump, Inc., located in Mitchell, South Dakota. The inspection was conducted on August 17, 1993 by Jerry Whittum and Juan Alvarado of SAIC. During the inspection SAIC was accompanied by or conferred with the following personnel:

Louis Sebert	-	Dakota Pump, Inc., Owner
Bob Sebert	-	Dakota Pump, Inc., Service Manager
Diana Vanness	-	Dakota Pump, Inc., Office Manager
Bill Hurd	-	City of Mitchell, Wastewater Operator and Pretreatment Administrator

Dakota Pump, Inc., uses raw steel and preassembled components to manufacture wastewater pump stations, fresh water boosters, and pressure reducing valve vaults. Occasionally, Dakota Pump purchases a prefabricated fiberglass structure to be used in the manufacture of an above ground station. Dakota Pump moved to the current location in 1968. The facility, which operates year round has an annual production of approximately one hundred units. Dakota Pump has eleven shop and six office employees and operates Monday to Friday on a 7:00 am to 5:30 pm shift.

The raw material used in the manufacturing process is steel. Manufacturing operations conducted at the facility include: cutting, rolling, welding (acetylene gas and electrical arc), sandblasting, painting, wiring, component (pumps, controllers, etc.) installation and testing. Some of the units produced receive an exterior polyurethane coating. The external structure is formed from steel which is cut, shaped, and welded. Following the processes of sandblasting and painting the components and wiring are installed. The wastewater pump station units are then tested. The facility wastewater consists of pump station test water, paint booth air scrubber water, and sanitary waste. The pump station

test pit water is discharged to a dry ditch. The paint booth air scrubber water is discharged to the facility's parking lot. The sanitary wastewater is discharged to a septic tank system.

The following report presents the findings of the Dakota Pump, Inc., inspection by specific evaluation areas as delineated on EPA Inspection Form 3560, Section C. A completed inspection report Form 3560 is included at the beginning of this report. Photographs of the wastewater pump station discharge area are included in Appendix A. A schematic of the facility is included in Appendix B.

2.0 SUMMARY OF FINDINGS

Findings

1. Dakota Pump, Inc., does not have categorical regulated process wastewaters. Therefore, Dakota Pump is not a Categorical Industry.
2. The facility discharges pump station test pit water to a roadside ditch which conveys the flow to a railroad right-of-way. The facility discharges paint booth air scrubber water to an on-site parking lot. These discharges have not been sampled and analyzed. Sanitary wastewater is discharged to a septic tank system.
3. The facility's paint booth air scrubber paint sludge and used paint filters are disposed of at the local landfill. The sludge and filters are not monitored for toxic characteristics before disposal.
4. Dakota Pump has no federal permits. Facility staff stated an application has been filed for a general storm water permit, but no response has been received.
5. The facility has no spill prevention control and countermeasure plan (SPCC). The paint storage room does not have containment to control an accidental spill. Barsol, a solvent, is stored outside the building without containment or cover.
6. Machined metal scrap is recycled. Dripped and splattered equipment oils are collected with absorbent and included with the metal scrap.

Requirements

1. Dakota Pump is responsible to assure all residuals are disposed of in a manner consistent with Resource Conservation and Recovery Act (RCRA) regulations. Any waste paint sludge exhibiting the characteristics of toxicity as specified in 40 CFR 261.24 shall be considered a hazardous waste and must be disposed of as a hazardous waste. If the paint filters exhibit toxic characteristics they must also be disposed of as a hazardous waste in accordance with RCRA regulations.
2. Considering the probable presence of pollutants of concern, the facility must immediately cease the discharge of the paint booth air scrubber water to the parking lot and the test pit water to the roadside ditch.
3. Dakota Pump must have the test pit discharge analyzed for oil & grease and heavy metals. If these constituents are found to be present in the wastestream then Dakota Pump should: place the wastewater in a holding tank with the paint booth air scrubber water, and, disposed of the waste water as noted in Recommendation Two.

Recommendations

1. The facility should develop a SPCC plan to reduce the possibility of an accidental spill and to assure any spill which occurs is contained and properly disposed. The facility should construct containment for the paint room. The Barsol should be stored on an impervious surface in a covered and contained area.
2. Dakota Pump should install a holding tank for the discharge of paint booth air scrubber water. The wastewater should then be periodically pumped and hauled to the Mitchell POTW, if the City of Mitchell is willing to accept the discharge. If the City of Mitchell is not willing to accept the discharge it must then be disposed of in an acceptable manner.

3.0 INSPECTION OBSERVATIONS

3.1 PERMIT

Dakota Pump is not a categorical industry. The facility directly discharges process water, used to test equipment and establish pump curves, to a dry ditch. Dakota Pump also directly discharges paint booth water curtain process water to the facility's parking lot. The EPA is the Control Authority for this industry, however, the facility is not permitted.

3.2 RECORDS/REPORTS

Dakota Pump does not maintain a record of the discharge from the wastewater pump station test pit. The facility does not maintain a record of the discharge from the paint booth air scrubber basin. The facility does not maintain a record of the paint water curtain sludge and paint filter disposal.

3.3 FACILITY SITE REVIEW

The steel used in the manufacturing process is cut and rolled to form sections of the exterior structure. The fabricated sections are welded together to form a wastewater pump station, a fresh water booster station, or a valve vault structure. The structures interior is sandblasted and painted. Sandblasting is conducted in an exterior covered area. The sand is not recycled. Facility staff state that on one occasion the used sand was collected and applied to a local beach. After the components are installed the unit is electrically wired. Units which receive an exterior polyurethane layer have the coating applied on-site by a contractor, Spray-Tite Systems of Alex, S.D. Wastewater pump stations comprise slightly less than one-half of the one hundred units manufactured annually. The fresh water booster stations and the valve vault units are not tested. Dakota Pump tests all of the wastewater pump station units on-site. To test the wastewater pump station, the completed unit is lowered into a concrete pit which contains approximately three thousand gallons of water. The water is drawn from the pit, passed through the pump station, and discharged back into the pit. This process tests the pumps and is used to establish a pump curve. Following the test the pump station is removed from the pit and the test pit water is pumped to a roadside ditch located southwest of the facility.

Occasionally, the test pit water is held and then discharged just before the weekend shut-down. The discharge passes under the road, via a culvert, and flows to a railroad right-of-way. No odor nuisance was noted during the inspection. However, a small amount of unknown black material was noted in the ditch across the road from the facility. The source of the black material was unknown. When not in use for test purposes the pit is used as a dry work station. The floor sweepings collected from the dry pit are placed in a dumpster for final landfill disposal.

According to facility staff the types of paint used in the process are epoxy, coal tar, and coal tar enamel. The product interior is manually painted with an airless sprayer. To capture paint spray aerosols, the paint booth air is drawn through fiberglass filters and an air scrubber which is located under the paint booth. The air scrubber basin contains approximately five hundred gallons of water. Approximately every six to eight weeks the water from the basin is pumped to the facility's parking lot.

The sanitary wastewater is discharged to a septic tank system. The septic tank waste is removed by Kessler Plumbing, Incorporated, a septage hauler. The disposal of the septage is unknown.

The facility receives potable water from Hanson Rural Water of Emery, S.D. Dakota Pump also has an on-site well which is not used as a potable water source. According to facility staff the well water contains high levels of iron. The untreated well water is used to supply the test pit and the paint water curtain.

Paint is stored in a concrete room which has no containment. Drums of Barsol are maintained on-site outside the building. It was noted during the inspection that a working barrel of Barsol was contained on a drum rack, and a full barrel was stored adjacent to the working barrel. The Barsol was stored directly on the soil and was neither covered nor contained. The facility does not have a SPCC plan. *not collected*

3.4 FLOW MEASUREMENT

The estimated average discharge volume of the test pit is three thousand

gallons. The discharge normally occurs once per week. This batch discharge is pumped during an approximate three hour period. The estimated average discharge volume of the paint water curtain basin is five hundred gallons batch discharged every six to eight weeks. The well water is not measured.

3.5 LABORATORY

Not applicable.

3.6 EFFLUENT/RECEIVING WATERS

Not applicable.

3.7 PRETREATMENT

Not Applicable.

3.8 COMPLIANCE SCHEDULES

Not applicable.

3.9 SELF-MONITORING PROGRAM

Not applicable.

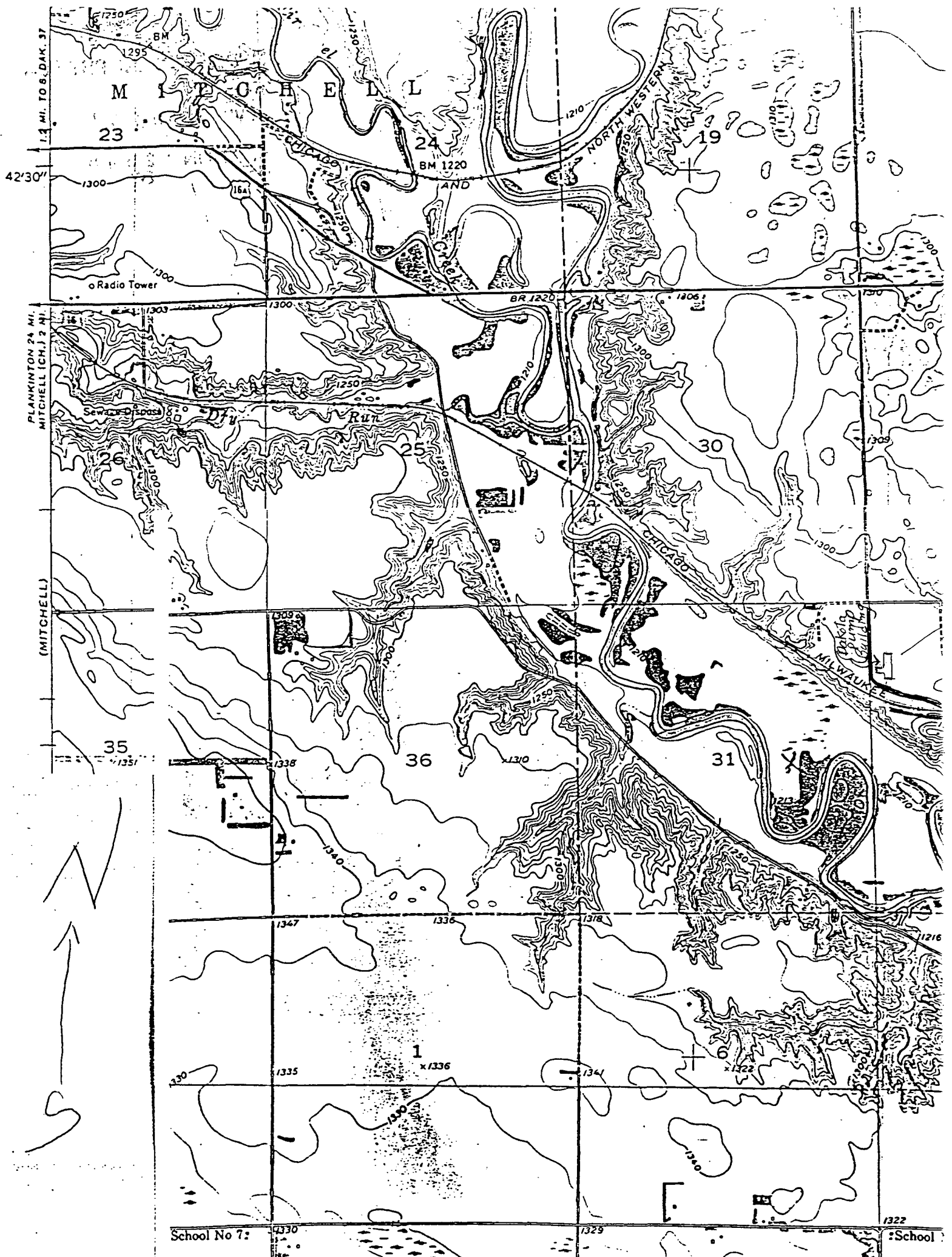
3.10 OPERATIONS AND MAINTENANCE

Not applicable.

3.11 SLUDGE DISPOSAL

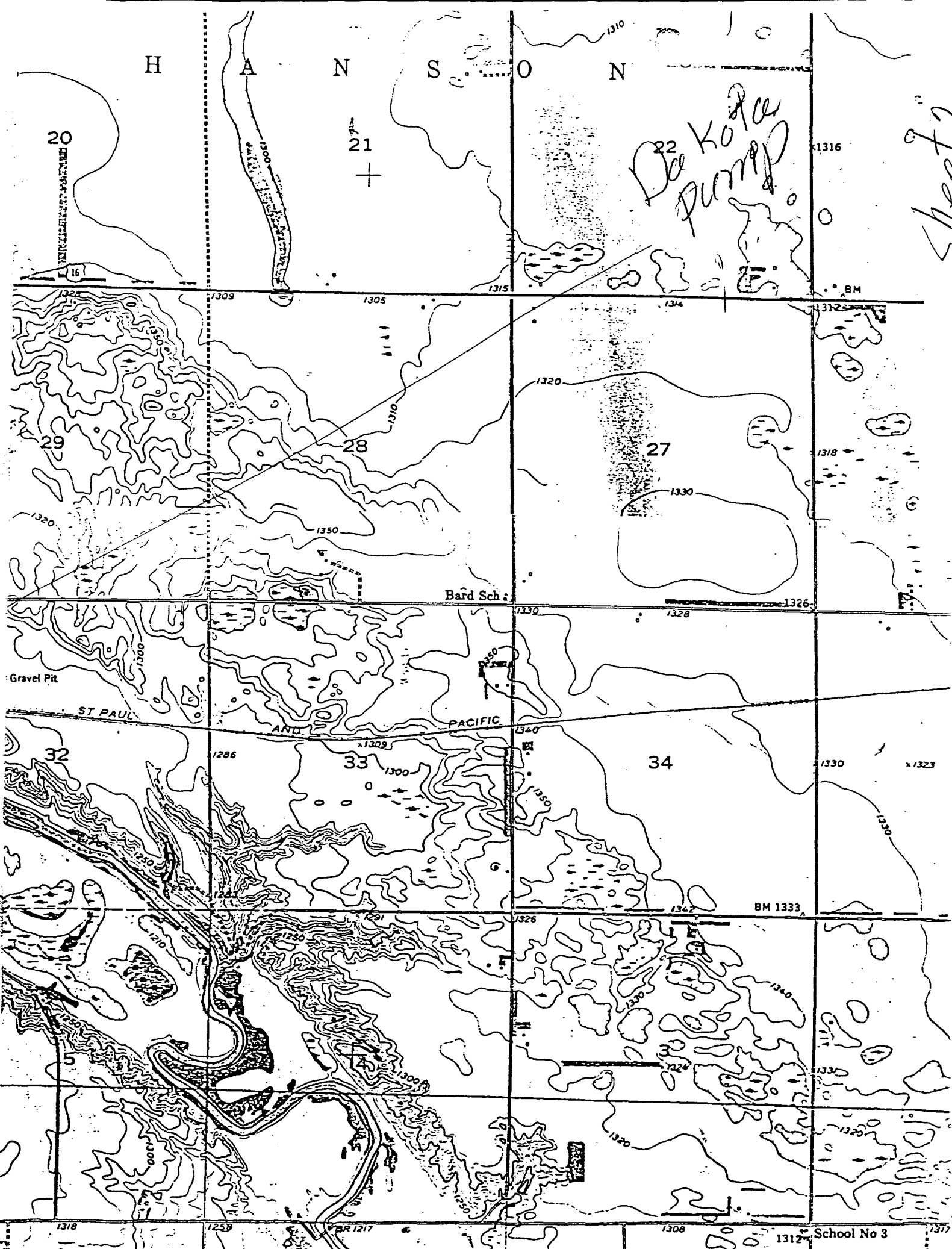
Dakota Pump generates sludge in the paint booth air scrubber water basin. An unknown volume of this sludge is placed in a dumpster and disposed of at the local landfill. The paint booth fiberglass filters are replaced weekly and the used filters are placed in a dumpster for ultimate disposal at the local landfill. Facility staff stated that until two or three years ago the filters were burned. Spent Barsol is recycled to the supplier. Facility personnel indicated that a barrel of spent solution was last returned to the supplier approximately one and one-half to two years ago. No record or manifest was available. The facility has no hazardous waste identification number. Facility staff stated that the entire batch of paint is applied to the product, therefore, there is no disposal of used paint. Scrap steel is collected by various

companies who reclaim the product. Floor sweepings are also deposited in the dumpster and disposed of at the landfill.



School No 7:

School





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1995

Louis Sebert, General Manager
Dakota Pump Incorporated
P.O. Box 947
Mitchell, SD 57301

Dear Mr. Sebert:

I am contacting you regarding the possibility that Dakota Pump may need a permit to appropriate water for the use of water at the manufacturing facility. It is my understanding that the facility receives potable water from Hanson Rural Water System for potable use and an on-site well is used for other uses. I have reviewed our records and can not locate a water permit for the private well used at Dakota Pump's facility.

Pursuant to South Dakota Codified Laws, a water permit is required to use water from any water source, except for private domestic use. The use of water at the manufacturing facility would be considered industrial use requiring a water permit.

A business without a required water permit has not legal right to the use of water. Water users without a water permit are not protected if their water use is interfered by someone who has a water right. If you believe you have a permit issued under another name, please contact me.

Enclosed are water permit application forms and instruction sheet. Please complete and return the application to the Water Rights Division, 523 E. Capitol, Pierre, SD 57501. If you have any questions or need assistance, please feel free to contact me at 605-773-3352.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure

RECEIPT

414445

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 24, 19 95

RECEIVED OF Dakota Pump, Inc., PO Box 947, Mitchell, SD 57301

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

Fee for Application for Permit No. <u>5857-3</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

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 1995

Dakota Pump Inc.
Louis Sebert, President
PO Box 947
Mitchell SD 57301

Dear Mr. Sebert:

We received the water permit application for Dakota Pump Inc. on March 24, 1995. A map will need to be submitted in order to process your application.

The map needs to show the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

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

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 5859-3
for Dakota Pump, Inc.
May 17, 1995

Application No. 5859-3 proposes to appropriate 100 gpm (0.22 cfs) from one well approximately 170 feet deep located in the SW 1/4 NW 1/4 of section 32, T103N R59W in Hanson County. A second well, approximately 50 feet deep, and located in the same area, serves as a back-up supply for the business. The water is for industrial use and lawn watering around the facility.

AQUIFER - NIOBRARA (NBRR), PLEISTOCENE UNKNOWN (PSU)

The Niobrara Formation is chalk or marl. The aquifer is confined and may be either under artesian or water table conditions at this site. Ground water is primarily obtained from fractures within the Niobrara probably caused primarily by weathering. In all likelihood the 170 feet deep well would be completed into the Niobrara. This is based on surrounding domestic well logs. The 50 feet deep well is completed into glacial till or possibly some sand and gravel stringers within the till. Very little information is included in the application to make any determination of well construction or the formations the wells are completed in. These guesses are based upon Water Rights Division records (Well Files, 1995) and the county ground water study (Hansen, 1983).

The Division of Water Rights does monitor observation wells in the area. Observation well HS-77A is located about 2 miles east of this location and is completed into glacial sediments (sand and gravel) at a depth of 125 feet. Water levels for this well have shown very little fluctuation. In general, the water level record for observation wells in both Hanson and Davison Counties show that any of the aquifers in the area are capable of sustaining additional withdrawals (Water Rights, 1995).

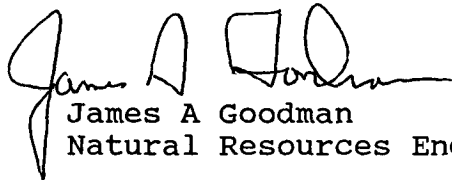
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right for ground water is approximately 2 miles east of this application. Interference is not expected to be a concern. The source of water for this application is probably in a different water source.

CONCLUSIONS

1. Water is available from either the Niobrara or Pleistocene Unknown source. Also the two wells are each in different sources. The deep well is probably the Niobrara, but could be Pleistocene Unknown and the shallow is definitely Pleistocene Unknown.
2. The aquifer is confined, but the information is not sufficient to determine if the aquifer is under artesian or water table conditions.

3. The well construction information is not sufficient to determine if the wells are constructed in accordance with SD Well Construction Standards.
4. The facility receives potable water from Hanson Rural Water System.
5. No information is provided with the application to justify the 100 gpm request or indicate that the wells are capable of producing 100 gpm. Apparently the well water is stored in two tanks and then reused. Periodically the water is discharged from the two holding (3000 and 500 gallons) tanks.
6. The amount of lawn irrigation is not specified on the application.
7. The sanitary wastewater disposal is discharged to a septic tank system.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1983, Water Resources of Hanson and Davison Counties, South Dakota, USGS WRI 83-4108, USGS, Huron, SD, 57350.

Well Files, 1995, Unpublished Well Completion Reports for Hanson County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

Water Rights, 1995, Unpublished Observation Well Data for Davison and Hanson Counties, SD DENR, Division of Water Rights, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5859-3, Dakota Pump, 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. 5859-3, Dakota Pump, Inc., c/o Louis Sebert, PO Box 947, Mitchell, SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 5859-3 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 wells 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.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
May 26, 1995



**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.

June 5, 1995

Louis Sebert
Dakota Pump, Inc.
PO Box 947
Mitchell, SD 57301

Dear Mr. Sebert:

Water Permit Application No. 5859-3 for industrial and lawn watering 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 Alexandria Herald printed at Alexandria, SD (Ph # 605-239-4521). 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

June 5, 1995

The Alexandria Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5859-3 to be published twice. Please publish the first notice on June 8, 1995, 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 Dakota Pump, Inc., c/o Louis Sebert, President, PO Box 947, Mitchell, SD 57301 (Ph # 605-996-6636).

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 June 15, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5859-3 to Appropriate Water

Notice is given that Dakota Pump, Inc., Louis Sebert, President, PO Box 947, Mitchell, SD 57301 has filed an application for a water permit to appropriate 100 gallons per minute (0.22 cubic feet of water per second) from one well (Niobrara Formation) approximately 170 feet deep located in the SW 1/4 NW 1/4 (Lot C) Section 32-T103N-R59W. A second well, approximately 50 feet deep, and located in the same area, serves as a back-up supply for the business. The water is for industrial use and lawn watering around the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5859-3 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 July 3, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Hanson) ss

I, David L. Slottz

certify that the attached printed Notice was

taken from the Alexandria
Herald

printed and published in Alexandria

County of Hanson and State of

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

June 15, 1995
June 22, 1995

Cost of Printing: 34.04

Kathy Hoffman
 (Signature)

Bookkeeper
 (Title)

6-22-95
 (Date Signed)



NOTICE OF APPLICATION

NO. 5859-3 To Appropriate Water

Notice is given that Dakota Pump, Inc., Lous Sebert, President, PO Box 947, Mitchell, SD 57301 has filed an application for a water permit to appropriate 100 gallons per minute (0.22 cubic feet of water per second) from one well (Niobrara Formation) approximately 170 feet deep located in the SW 1/4 NW 1/4 (Lot C) Section 32-T103N-R59W. A second well, approximately 50 feet deep, and located in the same area, serves as a back-up supply for the business. The water is for industrial use and lawn watering around the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5859-3 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 July 3, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



SEP 5 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Louis Sebert
Dakota Pump, Inc.
PO Box 947
Mitchell, SD 57301-0947

Dear Mr. Sebert:

Enclosed is Water Permit No. 5859-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

* DAKOTA PUMP, INC.
PO BOX 947
MITCHELL SD 57301 0947

JAN 22

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5859-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: NIOBRARA FORMATION
Management Unit: NOT APPLICABLE

County: HANSON
Pumping Pt. Legal: SEC 32-T103N-R59W
Type of Water Use: INDUSTRIAL

- 1) Please estimate your year 2000 water use from the above water source: 85,000 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

Our well is not our primary water source.
We only use well water for testing
pump stations

We are hooked to B-Y Water

Contact Person:

Bob Seibert

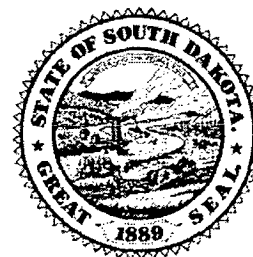
Telephone No:

605-996-6636

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

Thank you for completing the 2000 water use questionnaire.

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



Gronlund, Eric

From: Dakota Pump-Bob Sebert

Sent: Monday, July 01, 2002 2:41 PM

To: eric.gronlund@state.sd.us

Subject: Well Pump

Sorry for taking so long to get back to you. We have been very busy.

The pump is a Grundfos, 60S75-13, 7-1/2 HP, 60 GPM.

Let me know if you need any further information.

Bob Sebert
Dakota Pump Inc.

7/2/2002

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5859-3

DATE OF INVESTIGATION:	June 20, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Bob Sebert
NAME & ADDRESS OF PERMIT HOLDER	Dakota Pump, Inc. PO Box 947 Mitchell SD 57301-0947
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,340 feet south and 190 feet east from the NW corner (SW ¼ NW ¼) of Section 32, T103N, R59W (lat/lon – N43.6842 W-097.9461)</u>

WATER SUPPLY Source: Niobrara Formation

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>unknown</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>approx. 170</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|-----------------------------|-------------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>unknown</u> feet |
| 3) Type <u>unknown</u> | |

Screen:

- | | |
|-------------------------------------|-------------------------|
| 1) Type <u>unknown</u> | 2) Length <u>#</u> feet |
| 3) Static water level <u>#</u> feet | |

Pump:

- | | |
|-------------------------|---------------------------|
| 1) Make <u>Grundfos</u> | 2) Model <u>60S75-13</u> |
| 3) Size <u>-</u> | 4) Capacity <u>60</u> GPM |

Motor:

- | | |
|------------------------------------|--------------|
| 1) Make | 2) Model No. |
| 3) Horsepower rating <u>7 ½</u> hp | |

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 not applicable

- Met with Bob Sebert. He informed me that they only use the one well for testing purposes. The shallow well is not used anymore. Water from the well is pumped to fill a large cement tank and then used in testing pumps built at Dakota Pump. At the time of the investigation there was no water in the tank. It is only fill occasionally when testing a pump. Potable water for Dakota Pump is provided by B-Y Water District.
- The well is located within the building. They had just replaced the pump in the well and Mr. Sebert provided me information on this new submersible pump.
- The Lat/Lon points were obtained by use of a Garmin Etrex GPS. The location was taken from east wall of the building approximately fifteen feet from where the well is located.

Permit No. 5859-3, Dakota Pump, Inc.
James River (10160011) - 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, June 20, 2002, made a thorough examination of the water use system constructed by Dakota Pump, Inc. of PO Box 947, Mitchell, SD 57301-0947 holder of Permit No. 5859-3, bearing the priority of March 24, 1995 authorizing the diversion of 0.22 cu. ft. per second of water from the Niobrara Formation for industrial purposes, in Hanson County.

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

A. Works used to divert the water:

Grundfos, 60S75-13, 7 ½ hp, 60 gpm capacity

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

Well located right next to testing tank

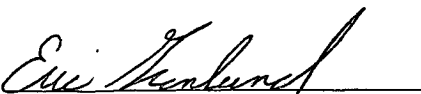
C. Works used to apply water to beneficial use:

Water is diverted into a tank and used in testing pumps constructed at the facility

The system is in the following condition good. The point of diversion is located approximately 1,340 feet south and 190 feet east from the NW corner (SW ¼ NW ¼) of Section 32, T103N, R59W (lat/lon – N43.6842 W-097.9461). The works are capable of diverting and conveying to the place of use 0.134 cu. ft. per second of water (60 gpm) 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 0.134 cfs

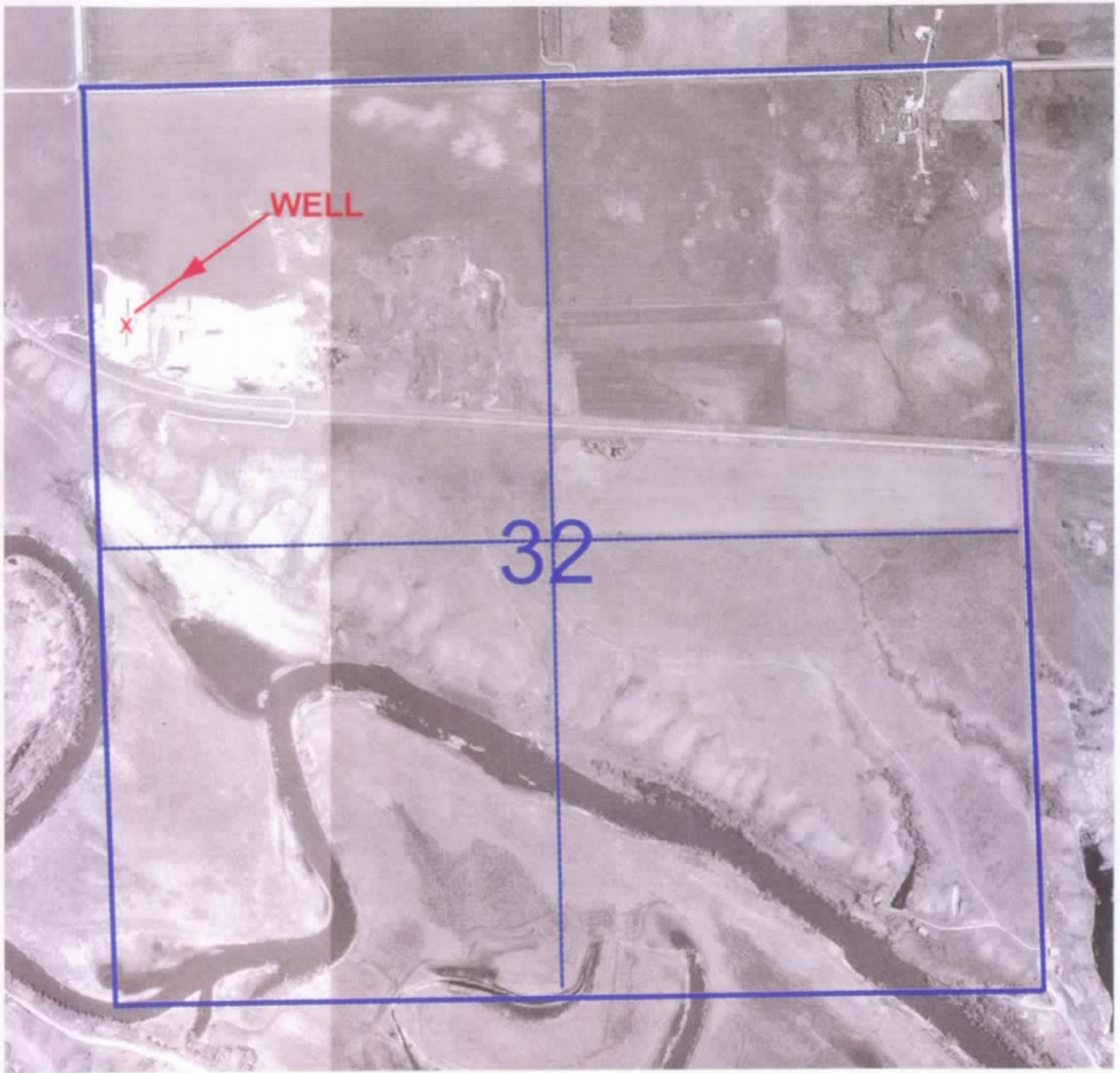
Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: none Date Report Completed: July 22, 2002



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

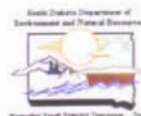
WATER PERMIT No. 5859-3, Dakota Pump, Inc



1000 0 1000 2000 Feet



Well located inside the Dakota Pump building
Well located in the SW 1/4 NW 1/4 Section 32, T103N, R59W
Lat/Lon N 43.6842 & W - 097.9461



Eric Gronlund

Eric Gronlund
Water Rights Program

Licensing Investigation - June 20, 2002



July 23, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5859-3

Dakota Pump, Inc.
Bob Sebert
PO Box 947
Mitchell SD 57301-0947

Dear Mr. Sebert:

On June 20, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5859-3, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417260

Pierre, July 31, 2002, 20

RECEIVED OF Dakota Pump Inc, Riverside Road, BO Box 947, Mitchell SD 57301
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. 5859-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Darland Ebele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2002

5859-3

Dakota Pump Inc
Bob Sebert
PO Box 947
Mitchell SD 57301

Dear Mr. Sebert:

Enclosed is Water License No. 5859-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417260 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5859-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

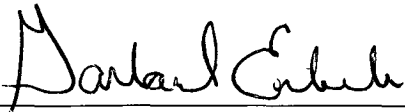
WATER LICENSE NO. 5859-3

(1) Dakota Pump, Inc., PO Box 947, Mitchell SD 57301-0947 made Application No. 5859-3, March 24, 1995 for a water permit to divert 0.22 cubic feet of water per second from groundwater (one well), Davison County, South Dakota for industrial purposes. Permit No. 5859-3, with a priority date of March 24, 1995 was approved July 3, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.134 cubic feet of water per second for beneficial use. The location of the diversion point is 1,340 feet south and 190 feet east from the northwest corner of Section 32-T103N-R59W (SW ¼ NW ¼).

(3) The permit holder 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 Dakota Pump, Inc., PO Box 947, Mitchell SD 57301-0947 the holder and/or owner of Water Right No. 5859-3 is issued a license to appropriate water, the right to use 0.134 cubic feet of water per second from groundwater (one well) with a priority date of March 24, 1995 from the location specified in (2) of this license for industrial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5859-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 20 2002

date

