

WATER PERMIT NO. 5887-3

Name of Applicant: Farmers Plant Food

Address: Box J, Garretson SD 57030

Phone: 594-2121

Amount of Water Claimed: 0.22 cfs (100 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Beadle

Type of Waste Disposal System: NA

Location: with the city limits of the City of Wolsey

PRIORITY

Date Received: 9-22-95

Fee: \$225

Corrected Application Received: 10-03-95

Period of Annual Use: April 1 - September 30

Remarks:

Diversion Point: NW 1/4 SW 1/4 Sec 24-T111N-
R64W

Land to be Irrigated: NA

	⊗	24			

Depth of Well: 1230 feet deep

Well Driller:

Remarks: well is not drilled yet

Type of Map: aerial

Prepared by: Randy Richards, Beadle Co. FSA

Reviewed and the Number Assigned on: 10-03-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5887-3</u> Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Wolsey News, Box 107, Wessington, SD</u> <u>458-2253 or 853-2478 (Thurs.) 57381-0107</u>

Originally received
9-22-95

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

Check use(s) of water:

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

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 Farmers Plant Food Phone 594-2121
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address Box J Garretson State SD 57030
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.22 *CFS or 100 **GPM 3,000,000 per yr ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply _____
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NW 1/4 SW 1/4 Section 24-T111N-R64W
County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used April 1 thru September 30
- 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)

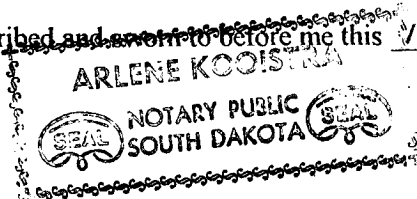
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Minnehaha SS

I, E. James Keyser, 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 E. James Keyser
Subscribed and sworn to before me this 15th day of November 19 95



Arlene Kooistra
Notary Public
My Commission Expires April 27, 2003

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 1/2 Depth 1230 ft.
- b) Casing Type Plaster Diameter 3 in. Thickness .216
- c) Screen Type Slotted PVC Diameter 3 in. Thickness .216
- d) Gravel Pack Thickness 2 in. Length of Gravel Pack 400 ft.
- e) Depth to Top of Water Bearing Material 830 ft.
- f) Depth to Water (ground surface to water level) 0
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1/2 mile

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.

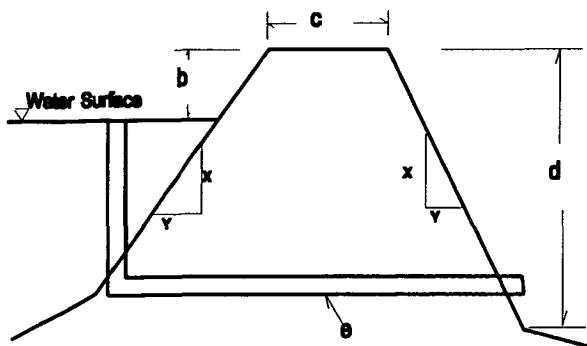
3. Dugout Information

- 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

SOUTH DAKOTA
WATER PERMIT NO. 5887-3

Date of first receipt of application September 22, 1995.

Date of return to applicant for corrections, amendments or changes September 22, 1995.

Date of receipt of corrected application November 20, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5887-3 to Farmers Plant Food, Box J, Garretson SD 57030 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. 5887-3 appropriates 0.22 cubic feet of water per second (100 gallons per minute) from one well (Dakota Formation) 1230 feet deep located in the NW 1/4 SW 1/4 Section 24-T111N-R64W.
2. The water appropriated shall be used for the purpose of supplying water for commercial purposes 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: April 1 - September 30.
4. The date of approval of Permit No. 5887-3 is December 18, 1995.
5. The date from which applicant may claim right is September 22, 1995.
6. One-fifth of the construction is to be completed on or before June 18, 1998.
7. All construction is to be completed on or before December 18, 2000.
8. Water is to be put to beneficial use on or before December 18, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 5887-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. 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 Program
Department of Environment and Natural Resources

APR 1 1996

date





Randy Burkhardt
Acting CEO
Beaull Co. FSA office

NW 1/4, SW 1/4 24-11-64

5887-3

RECEIPT

414630

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 2, 19 95

RECEIVED OF Farmers Plant Food, Inc., Box J, Garretson, SD 57030

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

Fee for Application for Permit No. <u>5887-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer

07-92



Date:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1995

E. James Keyser
Farmers Plant Food Incorporated
Box J
Garretson SD 57030

Dear Mr. Keyser:

In regard to your water permit application received on September 22, 1995, the following information is necessary to process the application.

1. Please complete Item No. 1 of the application. Also, complete Item No. 6 regarding the annual period during which water is to be used. It is our understanding that the water will only be used for a short period of time during the year (approximately 2 weeks). Please indicate during which month or months the water use will occur.
2. Enclosed is the map submitted with the application. Please 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 location of the well as described on the application is the SE 1/4 NE 1/4 Section 23-T111N-R64W. This location does not appear to be the same as indicated on the map. The map shows the "well site" in Section 24.

Also, the map requires the signature of 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).

3. The filing fee for this application will be \$225.00.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 5887-3
for Farmers Plant Food
October 12, 1995

Application No. 5887-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 1230 feet deep located in the NW 1/4 SW 1/4 of section 24, T111N R64W in Beadle County. The water is for commercial use.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation is an assemblage of sandstone and shale with a thickness of about 300 feet in the Wolsey area (Dyman, 1976). The aquifer is buried and under artesian conditions at this site. In fact, area Dakota Formation wells are free flowing at the land surface. The Dakota Formation underlies 1,250 square miles and contains an estimated 18 million acre feet of recoverable water in storage in just Beadle County (Hedges, 1982).

The Water Rights Program does monitor an observation well HD-87A which is completed into the Dakota Formation and located about 15 miles southwest of this application. Water levels for this observation well show a decline of approximately 10 feet since 1987 (Water Rights, 1995). Many authors have reported water levels declines for the Dakota Formation. A decline of 300 to 350 feet between 1909 and 1952 occurred in the James River lowlands (Schoon, 1971). Since 1960 additional declines 10 to 40 feet have occurred and reported for Beadle County (Winter, 1994). Many factors contribute to the decline in water levels but primarily the decline can be attributed to the large number of free flowing wells which are allowed to flow to waste and to the large number of abandoned wells which have not been properly plugged.

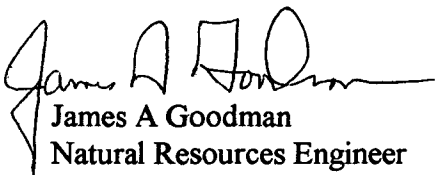
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest water permits/rights from the Dakota Formation to this application are Nos. 508-3 and 645-3 for the City of Wolsey. The City wells are located approximately 1/4 mile north of this application. Interference will occur. The existing City Wells and the well for this application are or can be expected to be free flowing wells at the land surface. Drawdown will result from the use of this well and may require the installation or lowering of pumps into the wells to maintain diversion rates. The City of Wolsey is presently served by Northern Beadle Southern Spink RWS and the Dakota Formation wells are used as a backup water supply.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota Formation is confined and under artesian conditions at this site. The well for this application should free flow at the land surface. The well must be controlled in order to prevent the waste of water.

3. Interference with the existing wells in the area will occur. Lowering or placing pumps into individual wells may be necessary in order to maintain diversion rates. The record indicates that regional water levels have declined for many years. The best estimate available indicates an average decline of about 1/2 foot per year at the present time. This estimate is based upon the continuous water level records for observation well HD-87A.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. The Water Management Board has concluded (see Farmland Industries Water Permit No. 5136-3) in Findings of Fact and Conclusions of Law that declining water levels (head pressure) are not the only consideration for determining water availability for an application. Other factors must be considered and examined, and considering all these factors as a whole, the preponderance of evidence allowed for further development of the Dakota Formation.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Dyman, T.S., A. Barari, 1976, Ground-Water Investigation for the City of Wolsey, Special Report 63, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota 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, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1995, Unpublished Observation Well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.
- Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, Open File Report 94-320, USGS, Rapid City, SD, 57702.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5887-3, Farmers Plant Food**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5887-3, Farmers Plant Food, %E. James Keyser, Box J, Garretson, SD 57030.

The Chief Engineer is recommending APPROVAL of Application No. 5887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5887-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with the Water Management Board Rules, Chapter 74:02:04.
3. 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
November 7, 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.**

November 13, 1995

Farmers Plant Food
%E. James Keyser
Box J
Garretson, SD 57030

Dear Mr. Keyser:

Water Permit Application No. 5887-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wolsey News printed at Wessington, SD (Ph # (605) 458-2253 or 853-2478). 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.

Please sign the enclosed application, have it notarized and return to this office in the enclosed self addressed stamped envelope. The original application we received was a faxed copy which is not very legible. This signed copy will be put in the permit file once it has been returned to us.

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

November 13, 1995

Wolsey News
Box 107
Wessington, SD 57381-0107

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5887-3 to be published twice. Please publish the first notice on November 30, 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 Farmers Plant Food, %E. James Keyser, Box J, Garretson, SD 57030 (Ph # (605) 594-2121).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 30, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5887-3 to Appropriate Water

Notice is given that Farmers Plant Food, Box J, Garretson, SD 57030 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from one well (Dakota Formation) 1230 feet deep located in the NW 1/4 SW 1/4 Section 24-T111N-R64W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5887-3 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 Program, 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 December 18, 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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

THE WOLSEY NEWS

State of South Dakota)
)ss.
County of Beadle)ss.

Gary L. McFarlane, being first duly sworn, on oath says THE WOLSEY NEWS is a weekly newspaper printed and published in West-
sington, in said county of Beadle, by Miller Publishing Co. Inc., a corporation, and that affiant is editor of said newspaper and is authorized to and does make this affidavit on behalf of said newspaper; that affiant has personal knowledge of all the facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDC 65.0508 as amended, has a bonified paid circulation of at least two hundred copies weekly, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege for at least one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of

publication; that said notice, Notice

a printed copy of which taken from the paper in which the same was published is hereto attached and is made a part of this affidavit, was published in said

newspaper 2 times as follows: that the first publication of said notice in said newspaper aforesaid was on

the 30 day of NOV, 199 95 and that the succeeding publications were severally on

the 7 day of Dec, 199 95 and that the succeeding publications were severally on

the _____ day of _____, 199 _____

the _____ day of _____, 199 _____

the _____ day of _____, 199 _____

and that the fees charged for the publication thereof are

\$ 31.81

Garyl McFarlane

Gary L. McFarlane, Editor

Subscribed and sworn to before me this

_____ day of _____, 199 _____

62 lines



NOTICE OF APPLICATION NO. 5887-3 to

Appropriate Water

Notice is given that Farmers Plant Food, Box J, Garretson, SD 57030 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from one well (Dakota Formation) 1230 feet deep located in the NW 1/4 SW 1/4 Section 24-T111N-R64W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5887-3 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 Program, 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 December 18, 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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. (48-2c)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 1 1996

E. James Keyser
Farmers Plant Food
Box J
Garretson, SD 57030

Dear Mr. Keyser:

Enclosed is Water Permit No. 5887-3 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 Program
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 may be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 2000

5887-3

Farmers Plant Food
%E. James Keyser
Box J
Garretson, SD 57030

Dear Mr. Keyser:

On May 23, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5887-3, was completed by Stacy J. Johnson, 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,

Cheryl F. Frost
Secretary
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416579

Pierre, July 10, 2000

RECEIVED OF Farmers Plant Food, Inc., Box JJ Garretson, SD 57030
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. 5887-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

David A. Ebel
Chief Engineer

Permit No. 5887-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Kally Rawstern, RR1 Box 58, Wolsey, SD 57384

Report Of Examination Of Works

On, May 23, 2000, I made a thorough examination of the water use system constructed by Farmers Plant Food of Box J, Garretson, SD 57030 holder of Permit No. 5887-3, bearing the priority of September 22, 1995, authorizing the diversion of 0.22 cu. ft. per second of the waters for **commercial** purposes, in Beadle County.

The system is in the following condition good. The point of diversion is located from the NW corner of Section 24 T111N-R64W, 2010 feet south and 286 feet east with a longitude of -98.477218 and a latitude of 44.408931.

The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water that is to be used for **commercial purposes**. Water has been put to beneficial use and the license should be issued for 0.22.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Pullman Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>1240</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-------------------------------|--------------------------------|
| 1) Diameter <u>5.3</u> inches | 2) Length <u>213, 620</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|---|---------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>407</u> feet |
| 3) Static water level <u>unknown</u> feet | |

Pump\ Motor: Above ground

- | | |
|--------------------------------------|---|
| 1) Pump Make <u>Weinman Col'S,O.</u> | 2) Pump Model <u>CT 135-7T</u> |
| 3) Capacity <u>100</u> GPM | 4) Motor Make <u>U.S. Electrical Motors</u> |
| 6) Horsepower rating <u>6.5</u> hp | |

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Farmers Plant Food

ADDRESS: PO Box J, Garreston, SD 57030

DATE: June 12, 2000

COUNTY: Beadle

TELEPHONE: (605) 594-2121

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes

- **If irrigation, no new land is irrigated**

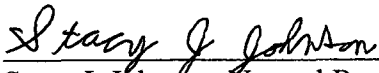
No

- **Review of Existing Diversions**

Well was to be located in the NW ¼ SW ¼ as per water permit application. Well is located in the SW ¼ NW ¼.

RECOMMENDED ACTION

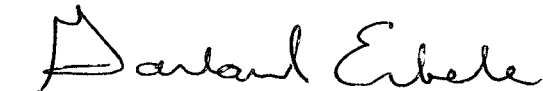
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Stacy J. Johnson, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Distribution System:

1) Type PVC 2) Size 2 inches 3) Length 738 feet

1) Type PVC 2) Size 2 inches 3) Length 184 feet casing used to go under the railroad tracks.

COMMENTS: Well was to be located in the NW ¼ SW ¼ as per water permit application. Well is located in the SW ¼ NW ¼.

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Engineer

DENR, Water Rights Program

6-13-00

Date



Stacy & Johnson 6-8-00

Stacy J. Johnson
Natural Resources Engineer
SD DENR Water Rights Program

5887-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5887-3

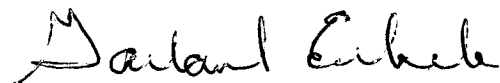
(1) Farmers Plant Food, Box J, Garretson SD 57030 made Application No. 5887-3, September 22, 1995 for a water permit to divert 0.22 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial use purposes. Permit No. 5887-3, with a priority date of September 22, 1995 was approved December 18, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 18, 2000 and for the application to beneficial use of said water on or before December 18, 2004.

An investigation conducted for licensing purposes found the well under Water Permit No. 5887-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 2,010 feet south and 286 feet east from the northwest corner of Section 24-T111N-R64W (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 Farmers Plant Food, Box J, Garretson SD 57030 the holder and/or owner of Water Right No. 5887-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (one well) with a priority date of September 22, 1995 from the location specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5887-3 and subject to South Dakota State Law.


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

AUG 02 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 02 2000

5887-3

Farmers Plant Food
%E. James Keyser
Box J
Garretson, SD 57030

Dear Mr. Keyser:

Enclosed is Water License No. 5887-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416579 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. 5887-3, 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

ks
enclosures

RECEIVED

MAR 02 2015

WATER RIGHTS
PROGRAM

KOCH NITROGEN COMPANY LLC

February 26, 2015

Via FedEx

Department of Environmental and Natural Resources
Water Rights Program, PMB2020
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181

**Re: Farmers Plant Food – Wolsey Terminal
Name Change Notification
Water Rights Permit No. 5887-3**

Dear Sir or Madam:

This letter is regarding the Farmers Plant Food's Wolsey Terminal. The Wolsey Terminal is owned and operated by Koch Nitrogen Company, LLC. Koch Nitrogen Company, LLC is going through a corporate restructuring for all of its fertilizer and energy operations. Effective March 31, 2015, Koch Nitrogen Company, LLC will go through a name change, changing its name to Koch Fertilizer, LLC. The remaining Terminal information will remain the same (FEIN #, address, onsite contact, etc.).

Enclosed with this letter is Water Rights Ownership Transfer Form and associated filing fee updated with the new name. Please let us know if we need to take any additional steps to complete the name change. If you have any questions or need any additional information, please contact our Environmental Leader, Karyn Hetherington, at (316) 828-5521.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Kimberly", with a long horizontal stroke extending to the left.

Shawn Kimberly
Vice President of Operations, Terminals and Value Added Products

Enclosure: Water Rights Ownership Transfer Form
Check No. 84325

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/2, 20 15

RECEIVED OF Koch Ag & Energy solutions LLC PO Box 2985 Witchita KS 67201

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	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 <u>5887-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	50	00
(Any Other Work Provided by Law)		
TOTAL	50	00

No. 07301

By Jeanne Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR 02 2015

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5887-3Date: February 26, 2015

I/We request that Water Right/Permit No. 5887-3 formerly owned by:
Farmers Plant Food be transferred to:

New Owner Name: Koch Fertilizer, LLCAddress: 4111 East 37th Street NorthCity, State, Zip Wichita KS 67220 Telephone No. 316-828-5521

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

This notification is being provided for a name change from Farmers Plant Food to Koch Fertilizer, LLC.

☒ I understand that the validity of Water Right/Permit No. 5887-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Shawn Kimberly, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 3, 2015

5887-3

Shawn Kimberly
Koch Fertilizer LLC
4111 E 37th St N
Wichita KS 67220

RE: Wolsey Terminal

Dear Sir:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing the name on Water Right No. 5887-3.

The transfer has been completed. The water right formerly listed in the name of Farmers Plant Food is now listed in the name of Koch Fertilizer LLC.

Enclosed for your records is Receipt No. 07301 in the amount of \$50 which was paid for filing the name change. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

5887-3/5887A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 15, 2023

5887-3
5887A-3

Wilbur-Ellis LLC
c/o Shawn Wetterau
345 California St 27th Floor
San Francisco CA 94104

Dear Mr. Wetterau:

I have received your "Notice of Transfer of Ownership" form and the required fees for Water Right No. 5887A-3. Enclosed is a copy of the Right and receipt of payment for your records.

Water Right No. 5887A-3 previously owned by Koch Fertilizer is now listed under Wilbur-Ellis LLC. I have also updated your contact information in our system.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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 a reminder, so long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5887A-3

(1) Koch Fertilizer LLC; 4111 E 37th St, North Wichita KS 67220, made Application No. 5887A-3, March 31, 2021, for a water permit to amend Water Right No. 5887-3 for the addition of industrial use, an extension of annual use from January through December, and the inclusion of a limitation of 9.2 ac-ft of water annually, from the existing well. Permit No. 5887A-3, with a priority date of September 22, 1995 (established by Right No. 5887-3) was approved May 17, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 17, 2026, and for the application to beneficial use of water on or before May 17, 20230.

Water Right No. 5887-3 authorized the diversion of 0.22 cubic feet of water per second from groundwater, one well (Dakota Aquifer), for commercial use. The applicable portions of Water Right No. 5887-3 are now incorporated into Right No. 5887A-3.

(2) It is certified that the permit holders have 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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,010 ft S & 286 ft E of the NW corner of Section 24, T111N, R64W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 44.40887 Longitude -98.47759)

(3) The permit holders have 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 Koch Fertilizer LLC, the holders and/or owners of Water Right No. 5887A-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater, one well (Dakota Aquifer), with a priority date of September 22, 1995, from the location specified in (2) of this license for commercial and industrial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5887A-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 5887-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Water Right, shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under Permit No. 5887-3 shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If the well is abandoned, or the Water Right cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. The Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.

continued

4. Water Right No. 5887A-3 authorizes a total annual diversion of 9.2 acre-feet of water from the Dakota Aquifer.
5. Any future replacement well shall meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. Replacement wells may not be constructed using alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 15 2023
date



Received 8/14/23

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5887A-3

Date: 8-14-2023

I/We request that Water Right/Permit No. 5887A-3 formerly owned by:
Koch Fertilizer be transferred to:

New Owner Name: Wilbur-Ellis LLC
Address: 345 California Street, 27th Floor mobile: 4064039545
City, State, Zip San Francisco, CA, 94104 email: swetterau@wilburellis.com

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

Parcel 1: 260' OF E 200' EXC THEREFROM THE N 90' THERE OF IN SE4 WOL LAND
Parcel 2: LOT A OF LARSEN'S ADDN A SUBD OF SW4 WOL LANDS & OUTLOTS #1
Parcel 3: LOT B OF LARSEN'S ADDN A SUBD OF SW4 WOL LANDS & OUTLOTS #1
Parcel 4: PLAT OF LOT 3 OF LARSEN ESTATES IN SW4 24-111-64 TOWN OF WOLSEY

☒ I understand that the validity of Water Right/Permit No. 5887A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Wilbur-Ellis LLC, the new owner, certify that the above information is true and correct.

Shawn Wetterau
Shawn Wetterau (Aug 14, 2023 08:10 MDT)
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 15, 2023

RECEIVED OF Wilbur-Ellis LLC c/o Shawn Wetterau 345 California St (Floor 27) San Francisco CA 94104

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. _____	\$ _____
Fee for Filing Transfer Form <u>5887A-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
EM