

WATER PERMIT NO. 5890-3

Name of Applicant: Evergreen Colony

Address: RR 2, Box 35, Faulkton SD

Phone: 605 324-3303

Amount of Water Claimed: 120 gpm (0.267 cfs)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: domestic use County: Faulk

Type of Waste Disposal System:

Location: 5 miles east, 6 miles north of Faulkton

PRIORITY Date Received: 11-14-95

Fee: \$225.00

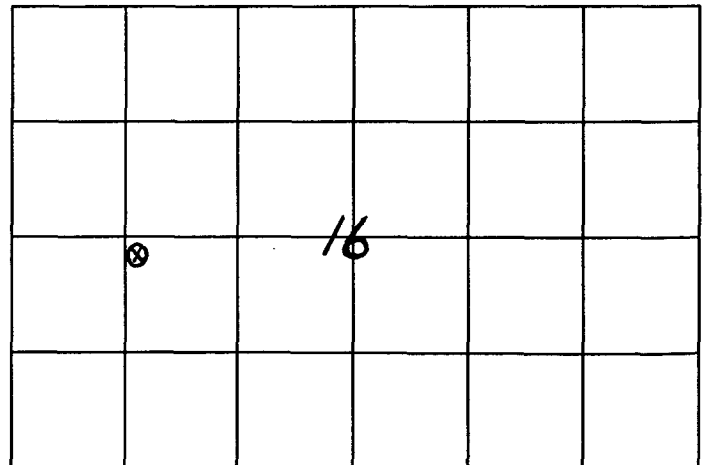
Corrected Application Received: 11-20-95

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NW 1/4 SW 1/4 Sec 16-
T119N-R68W

Land to be Irrigated: NA



Depth of Well: 1580 feet deep

Well Driller: Huron Drilling, Inc.

Remarks:

Type of Map: aerial

Prepared by: Jerry King, ASCS

Reviewed and the Number Assigned on: 11-20-95

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>5890-3</u> Hydrologic Unit <u>10160008</u>
	Basin <u>Dames River</u> Newspaper <u>Faulk Co. Record, Faulkton, SD</u>

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 Longview Colony. (Owner) Phone 605-374-3303
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address R.R. 2, Box 35, Faulkton State SD 57438
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.267 *CFS or 120 **GPM ☒ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW1/4 SW1/4 sec 16 - T119N - R68W
- County Faulk
- County or counties where water will be used Faulk Co
- Annual period during which water is to be used all Year
Jan. 1 - Dec. 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

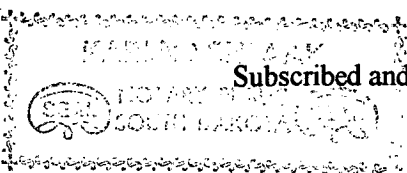
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Hughes SS
Faulk

I, Paul Kleinsasser, 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 Paul Kleinsasser
Subscribed and sworn to before me this 14th day of November 19 95



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Karen Schlaack
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

see well completion report

- a) Drill Hole Diameter _____ Depth _____
- 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 1,500' On property owned by others approx 1 mile
aquifer unknown

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.

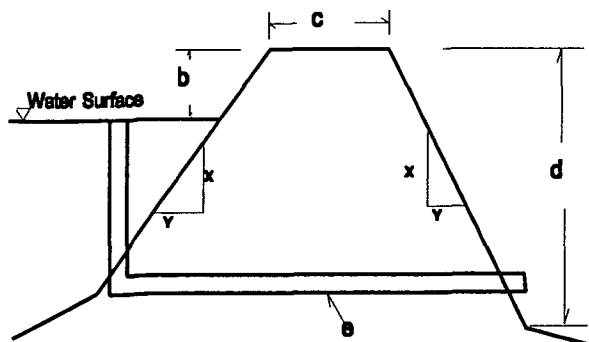
3. Dugout Information

- 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. 5890-3

Date of first receipt of application November 14, 1995.

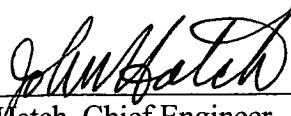
The Water Management Board approved Water Permit Application No. 5890-3 on March 6, 1996 for Evergreen Colony, RR 2, Box 35, Faulkton SD 57438 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5890-3 appropriates 0.267 cubic feet of water per second (120 gallons per minute) from one well (Inyan Kara Formation) 1580 feet deep located in the NW 1/4 SW 1/4 Section 16-T119N-R68W.
2. The water appropriated shall be used for the purpose of supplying water for domestic and livestock watering use at the Colony 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 from which applicant may claim right is November 14, 1995.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

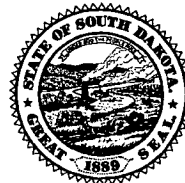
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Operation of the disposal system to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non point source" is not subject to these conditions.
3. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
4. Permit No. 5890-3 is subject to compliance with the following applicable Water Management Board rules:
 - a) Chapter 74:03:15, Ground Water Quality Standards
 - b) Chapter 74:03:16, Ground Water Quality Discharge Permits
 - c) Chapter 74:03:02, Surface Water Quality Standards
 - d) Chapter 74:03:04, Uses Assigned to Streams, and
 - e) Chapters 74:03:17 through 74:03:26, Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

APR 3 1996

date





November 28, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Re: Evergreen Colony, Faulkton (EPA ID# 2050)

PAUL KLEINSASSER
EVERGREEN COLONY
RR 2 BOX 35
FAULKTON SD 57438-9427

Dear Mr. Kleinsasser:

Attached are the results of the routine sanitary survey performed by Judene Holan of the Department of Environment and Natural Resources (DENR) on November 2, 1995. Recommendations are provided that will assist you with meeting State compliance requirements, as well as to provide public health protection. The recommendations are attached to the survey report. Please acknowledge that you have received this report by indicating corrective actions taken.

A number of drinking water regulatory changes have occurred as a result of the 1986 Safe Drinking Water Act Reauthorization. Additional changes will be taking place during the next several years. These changes will effect many of our public drinking water systems and may require additional monitoring. The Drinking Water Program will be glad to answer any questions you have concerning these new regulations or contribute in any way possible to help you maintain compliance.

You or your representatives are invited to attend meetings and training short courses sponsored by the DENR and the South Dakota Water and Wastewater Association. Contact Randy Hilding at 773-4219 or write Joe Foss Building, 523 East Capitol, Pierre, SD 57501 for further information.

If you have questions or comments concerning the survey results and attached recommendations, please call me at 773-3754.

Sincerely,

Darron Busch, Administrator
Drinking Water Program

cc: Gregg Magera, Colony Attorney

FARM NO.	NAME & ADDRESS <i>Evergreen Colony Rt 2 Box 35 Faulkton, SD 57438</i>	PROGRAM YEAR <i>1995</i>	SERIAL NO. <i>37</i>
		PHOTO NUMBERS	U.S. DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service MEASUREMENT SERVICE RECORD
NAME AND ADDRESS OF PERSON TO CONTACT		TELEPHONE NO.	FARM LOCATION

SECTION I - SERVICE REQUEST AND COST

1. KIND OF SERVICE REQUEST	2. PROGRAM CROP OR LAND USE	3. NO. ACRES	4. NO. PLOTS	5. COST	6. BASIC FARM RATE
☒ Stake and Reference ☐ Measurement after Planting ☐ Remeasurement OTHER (Specify)	<i>Measured Well</i>				\$ <i>20.00</i>
	<i>distance from North</i>				
	<i>Section line and</i>				
	<i>East from Quarter line</i>				
TOTAL →					7. TOTAL ACREAGE COST
					\$
					8. TOTAL COST OF SERVICE REQUESTED
					\$ <i>20.00</i>

9. PERSON MAKING REQUEST		10. CASH RECEIPT	
I hereby agree to pay the cost of the service as requested.		PAYMENT RECEIVED FOR SERVICES REQUESTED	
SIGNATURE OF PERSON MAKING REQUEST <i>Paul Kinnas</i>		\$ SIGNATURE OF COUNTY OFFICE EMPLOYEE <i>Jerry King, CED</i>	
DATE <i>11/15/95</i>		☒ CK OR MO ☐ CASH DATE <i>11-15-95</i>	

Faulk Co ASCS Office - 605-598-6237

OPERATORS RECEIPT

Jerry King, CED

DEFINITION OF ACREAGE

1. **Official Acreage** is acreage measured by County Offices as an accurate measure for a tract, field or subdivision. This acreage is recorded and maintained on aerial photography. Official acreage for a given year must be planted as delineated on the official photograph or it is no longer official.
2. **Determined Acreage** is official acreage or calculated acreage. Acreage may be calculated from: (a) an official photograph, (b) a projected slide image, or (c) by ground measurements.
3. **Measurement Service** charges will apply to any determined acreage which is currently being measured. This includes re-measurement of official acreage (unless official acreage was originally measured in error), and calculated acreage.

DISHONORED CHECK NOTICE

If this check is dishonored, there may be a \$25.00 dishonored check fee applicable. Also, late payment interest will accrue on overdue amounts.

The late payment interest will be applied on a daily basis.

In the case of partial payment of overdue amounts, the amount received will be applied first to the accrued late payment interest and then to the overdue amount. The late payment interest will be expressed as a rate of interest that is charged on delinquent debts, in accordance with 7 CFR Part 1403.

1. KIND OF SERVICE REQUEST	2. PROGRAM CROP OR LAND USE	3. NO. ACRES	4. NO. PLOTS	5. COST	6. BASIC FARM RATE
☒ Stake and Reference ☐ Measurement after Planting ☐ Remeasurement OTHER (Specify)	Measured Well distance from North Section line and East from Quarter line				\$ 20.00 7. TOTAL ACREAGE COST \$ 8. TOTAL COST OF SERVICE REQUESTED \$ 20.00
	TOTAL →				

AMOUNT	CHECK NO.	DATE	APPROVAL	REPORTER NAME	DATE ISSUED	DATE RETURNED
\$						

[illegible]

DATE

I have read the measurement service statements and dishonored check statements on the back of the Operators Receipt . Based on County Office records, the land designated for (ACR ☐ or CU for PAYMENT ☐) (meets ☐ , does not meet ☐ , cannot be verified as meeting ☐) the cropping requirements or other eligibility requirements, as applicable.

DATE _____

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

T-433

48.0

T-490

Well 55' East of Quarter Line

21844'7" South From North Section Line

77.0 19 68 154.0

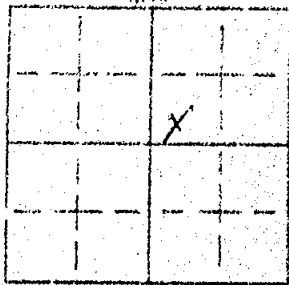
5890-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-85

Location NE 1/4 Sec 16, Twp 119, Rg 68County Frank

North



Please mark well location with an "X"

Well Completion Date April 13, 1990

PROPOSED USE:

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

Method of Drilling: Rotary

CASING DATA:

- ☒ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
15 LB/FT	0.5 IN	0 FT	317 FT	7 7/8 IN
H8 LB/FT	2 IN	0 FT	1440 FT	4 1/4 IN
AK LB/FT	2 IN	1440 FT	1580 FT	4 1/4 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 317 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 40Describe grouting procedure Pressure Grout

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 140 FEETMaterial CopperSlot Size 5/16 Set From 1440 Feet To 1580 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RemcoDescribe packer(s) and location? Remco

Well Owner

Name Carvergreen ColonyAddress Frankton, S. Dak

Well Log

Depth

formation	From	To
Yellow Clay	0	10
Blue Clay	20	40
Blue Clay	40	80
Greenish Clay	80	85
Shale	85	125
Granular	125	145
Shale	145	1145
Dakota Group	1145	1330
Morrison	1330	1425
Sandstone	1425	1580

STATIC WATER LEVEL _____ Feet

If flowing, closed in pressure 300 PSIGPM flow 100 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other, specify Flow Control Valve

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS

This well was drilled under license # 94And this report is true and accurate. William T...

THIS IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-85

DATE MICROFILMED

CAMERA OPERATOR

6245

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

Evergreen Colony
OWNER

NW 16-119-68 Faulk
DESCRIPTION

April 13, 1990
DATE

CASING LOG

Depth 1580 ft.

Flows 100 gpm 317 ft. 5" std. blk. pipe to 317 ft.

Pumps _____ gpm 20 ft. 3" Sch #80 PVC pipe to 20 ft.

Head _____ ft. 1540 ft. 2" Sch #80 pipe to 1560 ft.

20 2" steel pipe 1580

Perforations

_____ ft. _____ pipe to _____ ft.

Pressure

REMARKS

5 days

Drilling Time

2 sacks wheat bran; 1 gal soap; 7 bags weight

Rig No. 24

Tom Rathjen

Foreman

RECEIPT

414671

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 20, 19 95

RECEIVED OF Evergreen Lutterian Brethern, Inc., RR 2, Box 35, Faulkton SD 57438

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

Fee for Application for Permit No. <u>5890-3</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 Hath
Chief Engineer

(K5)

Water Rights Program -- File Documentation

NAME: Paul Kleinsasser, Evergreen Colony

ADDRESS: RR 2, Box 35, Faulkton SD 57438

DATE: October 19, 1995 **COUNTY:** Faulk **TELEPHONE:** 324-3303

RE: Swine Confinement Unit

COMMENTS:

Marion Gunderson, member of the Water Management Board, called October 10, 1995, concerning a "turkey" operation for Evergreen Colony. Ms. Gunderson was concerned whether the colony had approval for the waste handling system and a permit to appropriate water. Rodger Seefeldt, engineer with Point Source Control, informed me that the colony had approval of plans and specs and a certificate of compliance for the swine confinement waste handling system. The system is designed for 15,600 head (600 sows.) According to Rodger, the waste handling system consists of 4 lagoons designed to be aerobic to minimize odors. If not operated correctly by moving wastes from one cell to the next, the potential exists for the first lagoon or two to become anaerobic resulting in odor problems.

I then contacted Paul Kleinsasser concerning the turkey operation and was informed that the colony did not raise turkeys so I questioned Mr. Kleinsasser about the swine operation after explaining the reason for my call. I informed Mr. Kleinsasser that a permit to appropriate water was needed for any water use greater than reasonable domestic use. Mr. Kleinsasser did not know how much water was being used or how many pigs were on the site but indicated he would check and return my call. On October 12, 1995, I informed Ms. Gunderson of my conversation with Mr. Kleinsasser and learned that she was concerned with odor problems from the swine operation. I told Ms. Gunderson that I was waiting for a phone call from Mr. Kleinsasser to determine whether a permit to appropriate water is needed by the colony. Ms. Gunderson indicated that she would wait on news of whether a water permit was needed before advising her acquaintances to send a letter concerning the odor problem.

On October 17, 1995, Mr. Kleinsasser left a message for me that he would be coming to Pierre on the 19th or 20th to discuss the issue. On October 19, 1995, Mr. Kleinsasser called rather than travel to Pierre. Mr. Kleinsasser indicated that a flowing well valved to 30 psi was used to water the pigs and flush wastes to the lagoon as well as for cleaning. It was also confirmed by Mr. Kleinsasser that the operation housed 600 sows as specified in the design, he was not certain of the total number of pigs on site. Mr. Kleinsasser did not believe that use on most days exceeded 18 gpm, but on a very hot day it may be more. I told Mr. Kleinsasser that even if reasonable domestic use was exceeded on only rare occasions, then a water permit is needed. I also reviewed the permit files for several other swine confinement operations and found several that apparently had fewer animals but were using more water than reasonable domestic use. I informed Mr. Kleinsasser of this and asked if he could check the flow rate by bypassing the

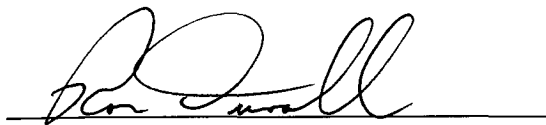
system and measuring the flow rate. Mr. Kleinsasser indicated he would work with some of his help to find a way to measure the flow and call back next week. I sent some permit application forms to Mr. Kleinsasser for his review.

October 30, 1995:

I contacted Mr. Kleinsasser to determine if he had measured the flow from the well. Mr. Kleinsasser indicated that he had not yet done a flow check but had contacted the well driller to get the well completion report. In addition, Mr. Kleinsasser indicated that he will be coming to Pierre to fill out a water permit application within the next few weeks. This week they are busy harvesting corn but the following week it may be possible to make it to Pierre. I told Mr. Kleinsasser that we may have a well completion report on file already and that I would assist with the application when he gets to Pierre. I then contacted Marion Gunderson and informed her that the colony will be applying for a permit to appropriate water. Ms. Gunderson wanted confirmation that a notice will be published. I indicated that a notice will be published.

November 14, 1995:

Paul Kleinsasser and Solomon Stahl stopped by the office to finish a partially-completed permit application. An aerial photo and application fee still need to be filed and should be received within the next few days. According to Mr. Kleinsasser, the well was used to fill a barrel near the well head to determine the flow rate. A flow rate of 120 gpm was measured at full capacity. Flow from the well delivered to the swine unit varies depending on how much water is needed at the moment. Peak flow amounts occur during hot summer days. Based on a review of other permitted swine confinement operations, a flow rate of 120 gpm is not unreasonable based on the number of animals supplied water (peak flow actually delivered is likely somewhat less than 120 gpm due to line losses.) I informed Mr. Kleinsasser of the permitting process including publication of a notice, petitions, and the hearing procedure.

A handwritten signature in black ink, appearing to read "Ron Duvall", is written over a horizontal line.

Ron Duvall, Natural Resources Engineer
Water Rights Program

REPORT ON WATER PERMIT APPLICATION NO. 5890-3
for Evergreen Colony
November 22, 1995

Application No. 5890-3 proposes to appropriate 0.267 cfs (120 gpm) from one well approximately 1580 feet deep located in the NW 1/4 SW 1/4 of section 16, T119N R68W in Faulk County. The water is used for domestic and livestock watering including a hog operation.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara is a buried sandstone and shale which is under confined or artesian conditions. The aquifer underlies 882 square miles and contains an estimated 3.175 million acre feet of recoverable water in storage in Faulk County (Hedges, 1982). The driller's log accompanying the application indicates a total depth of 1580 feet with the top of the "Sundance" at 1425 feet below land surface. The completed well was capable of flowing 100 gpm with a shut in pressure of 200 psi. The well is completed in accordance with 74:02:04:36 which is an alternative construction method which can be used for private and reasonable domestic use wells. The term Sundance is used by driller's to describe a higher pressure aquifer which is encountered below the Dakota Formation. In the Faulk County Study (Hamilton, 1982), two aquifers were described below the Dakota Formation which correspond to the Inyan Kara of this report. These formation names are the Fall River and Sundance. Both of these formations can yield large flows and have a high shut in surface pressure. The term Inyan Kara is used for the aquifer for simplification purposes.

The Water Rights Program does not monitor any Inyan Kara observation wells in this area. The nearest Inyan Kara observation well is ED-85B which is located about 27 miles northeast of this application. Water levels for this well have not shown much change. Since the well was constructed the shut in pressure has generally been in the 150 to 154 psi range (Water Rights, 1995). This contradicts water level information published in the Hamilton report which indicates that water levels for the Fall River were declining.

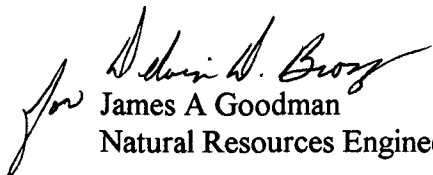
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights from the Inyan Kara in this area. Interference is not a concern. There are existing domestic wells completed into the Inyan Kara in Faulk County. The nearest existing Inyan Kara domestic well (for which there is a record in driller's log files) is located in section 6 (in same township) about 3 miles northwest of this application. The well for this application has been in use since 1990 with no apparent problems.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is confined and under artesian conditions. This well flows at the land surface and is under high pressure. The well must be controlled and maintained to minimize the waste of water.

3. The well is not constructed in accordance with SD Well Construction Standards. The well does comply with 74:02:04:36 which allows for an alternative construction for private and reasonable domestic use wells. However, this well requires a water permit and would not fall under the exemption criteria.
4. Plans and Specifications for waste handling for a swine confinement facility have been reviewed and approved by the Department of Environment and Natural Resources , Air and Surface Water Program.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1995, Unpublished Observation Well Data for Inyan Kara Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

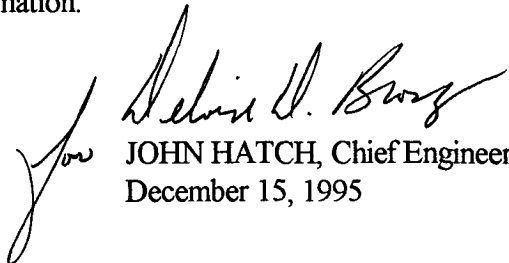
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5890-3, Evergreen Colony**

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. 5890-3, Evergreen Colony, %Paul Kleinsasser, RR 2, Box 35, Faulkton, SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 5890-3 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 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.
2. Operation of the disposal system to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
3. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
4. Permit No. 5890-3 is subject to compliance with the following applicable Water Management Board rules:
 - a. Chapter 74:03:15, Ground Water Quality Standards
 - b. Chapter 74:03:16, Ground Water Discharge Permits
 - c. Chapter 74:03:02, Surface Water Quality Standards
 - d. Chapter 74:03:04, Uses Assigned to Streams, and
 - e. Chapters 74:03:17 through 74:03:26, Surface Water Discharge Provisions

See report on application for additional information.


JOHN HATCH, Chief Engineer
December 15, 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.

December 19, 1995

Evergreen Colony
%Paul Kleinsasser
RR 2, Box 35
Faulkton, SD 57438

Dear Mr. Kleinsasser:

Water Permit Application No. 5890-3 for domestic 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 Faulk County Record printed at Faulkton, SD (Ph # (605) 598-6525). 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

December 20, 1995

Evergreen Colony
% Paul Kleinsasser
RR 2, Box 35
Faulkton, SD 57438

Dear Mr. Kleinsasser:

Please find an **amended** Notice of Hearing for Water Permit Application No. 5890-3. The original notice of hearing sent December 19, 1995, incorrectly used a plural format. The Faulk County Record is also being sent a copy of the amended notice.

You will still need to contact the newspaper at (605) 598 - 6525 to authorize publication of your notice of hearing.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



December 19, 1995

Faulk County Record
Box 68
Faulkton, SD 57438-0068

ATTENTION: Legal Department

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

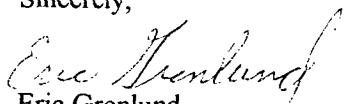
Enclosed is a Notice of Hearing on Application No. 5890-3 to be published twice. Please publish the first notice on January 3, 1996, with the second publication 7 days later.

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 Evergreen Colony, %Paul Kleinsasser, RR 2, Box 35, Faulkton, SD 57348 (Ph # (605) 324-3303).

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
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 January 3, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5890-3 to Appropriate Water

Notice is given that Evergreen Colony, %Paul Kleinsasser, RR 2, Box 35, Faulkton, SD 57438 has filed application for a water permit to appropriate 0.267 cubic feet of water per second (120 gallons per minute) from one well (Inyan Kara) 1580 feet deep located in the NW 1/4 SW 1/4 Section 16-T119N-R68W. The water is for domestic and livestock watering use at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5890-3 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.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 February 23, 1996. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 10:00 am, March 6, 1996, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The March 6, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by February 23, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 23, 1996, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1995

Faulk County Record
Box 68
Faulkton, SD 57438

ATTENTION: Legal Notice Advertising Department

Please find an **amended** Notice of Hearing for Evergreen Colony's Water Permit Application No. 5890-3. The original notice of hearing sent yesterday incorrectly used a plural format. Please use this amended copy when publishing the notice of hearing January 3 and 10, 1996.

The applicant, Evergreen Colony, still must verify to you that the notice is to be published.

I apologize for any inconvenience this may cause. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

Instruction to Newspaper - Publish first Notice on January 3, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5890-3 to Appropriate Water

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Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Faulk) SS

I, James B. Moritz

certify that the attached printed Notice was
taken from the Faulk County Record
a weekly newspaper

printed and published in Faulkton

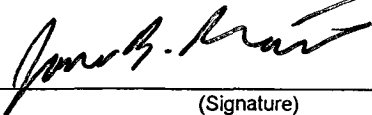
County of Faulk and State of

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

Wednesday, Jan. 3, 1996

Wednesday, Jan. 10, 1996

Cost of Printing: 50.10



(Signature)

Publisher

(Title)

Jan. 10, 1996

(Date Signed)



No. 3, Jan. 3 & 10, 1996
NOTICE OF HEARING
on Application No. 5890-3
to Appropriate Water

Notice is given that Evergreen Colony, %Paul Kleinsasser, RR 2, Box 35, Faulkton, SD 57438 has filed application for a water permit to appropriate 0.267 cubic feet of water per second (120 gallons per minute) from one well (Inyan Kara) 1580 feet deep located in the NW 1/4 SW 1/4 Section 16-T119N-R68W. The water is for domestic and livestock watering use at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5890-3 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.

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exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 23, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

Evergreen Colony
%Paul Kleinsasser
RR 2, Box 35
Faulkton, SD 57438

Dear Mr. Kleinsasser:

Enclosed is Water Permit No. 5890-3 authorizing 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

Permit No. 5890-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, November 3, 2005, made a thorough examination of the water use system constructed by Evergreen Colony of 35691 156th St, Faulkton, SD 57438 holder of Permit No. 5890-3, bearing the priority of November 14, 2005 authorizing the diversion of 0.267 cu. ft. per second of the waters of Inyan Kara Formation for domestic purposes, in Faulk County.

Inspection contact & relationship **Tim Hofer (605) 324-3303**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 3
- 3) Depth(s) Original well (Well 1) is 1580 feet deep. Two other wells are also drilled into the Inyan Kara Formation at unknown depths
- 4) Well log is available Y
- 5) Comment: Well log is only available for Well 1

Casing:

- 1) Diameter 5 and 2 inches
- 2) Length 1440 feet
- 3) Type Steel and Plastic

Screen:

- 1) Type Copper
- 2) Length 140 feet
- 3) Static water level Flowing well

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows:

Well 1: Approximately 2440 feet north and 55 feet east of the SW corner of Section 16-T119N-R68W (N 45.121166, W -99.0422)

Well 2: Approximately 2525 feet north and 230 feet east of the SW corner of Section 16-T119N-R68W (N 45.121466, W -99.041483)

Well 3: Approximately 65 feet north and 60 feet east of the SW corner of Section 16-T119N-R68W (N 45.114683, W -99.0422)

The works are capable of diverting and conveying to the place of use 0.14 cu. ft. per second of water which is to be used for domestic use. Water has been put to beneficial use to the maximum extent as follows:

Water from the wells is used to supply water for domestic use and livestock watering at the Colony.

The license should be issued for 0.14 cfs.

All structures, wells and lands on map Y

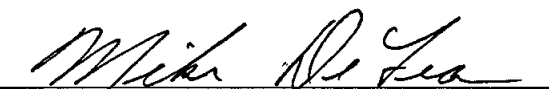
Comments or other permit(s) associated with the project:

Water Permit No. 5890-3 appropriates 0.267 cfs of water from one well (Inyan Kara Formation) 1580 feet deep located in the NW1/4 SW1/4 Section 16-T119N-R68W. During inspection of the permit, the representative from the Colony informed me that two additional wells had been constructed to replace the original well authorized by this permit. He stated the reason the two other wells were in place was because the original well had failed and is only capable of supplying enough water to wash their vehicles. After the original well failed, a second well (Well 2) was then constructed approximately 200 feet NE of the original well into the same aquifer for domestic use and to supply water for their hog barn. This well also failed; however, after working on the well, it became somewhat usable. A third well (Well 3) was then constructed into the Inyan Kara Formation approximately 2350 feet directly south of the original well. Well 3 is now the primary source of water for their domestic use and for use at the hog barn. Well 3 is connected in series with Well 2 having a combined 0.14 cfs rate of flow. Well logs are unavailable for Wells 2 and 3. The original well was not constructed in accordance with SD Well Construction Standards.

Report of Examination of Works
Permit No. 5890-3

The well does comply with 74:02:04:36 which allows for an alternative construction for private and reasonable domestic use wells.

Also during the inspection of Water Permit No. 5890-3, the representative of the Colony indicated that a fourth well had been constructed for use at their new turkey barn. At the time of the inspection, this well was not in use; however, since that time, I was notified that the system was capable of producing 0.09 cfs (40 gpm). This well is located in the SW1/4 NW1/4 Section 9 approximately 1890 feet south and 465 feet east of the NW corner of Section 9; all in T119N-R68W (N 45.13832, W -99.04062). A partially completed permit application and map have been sent to the Colony in order to appropriate water from this well.

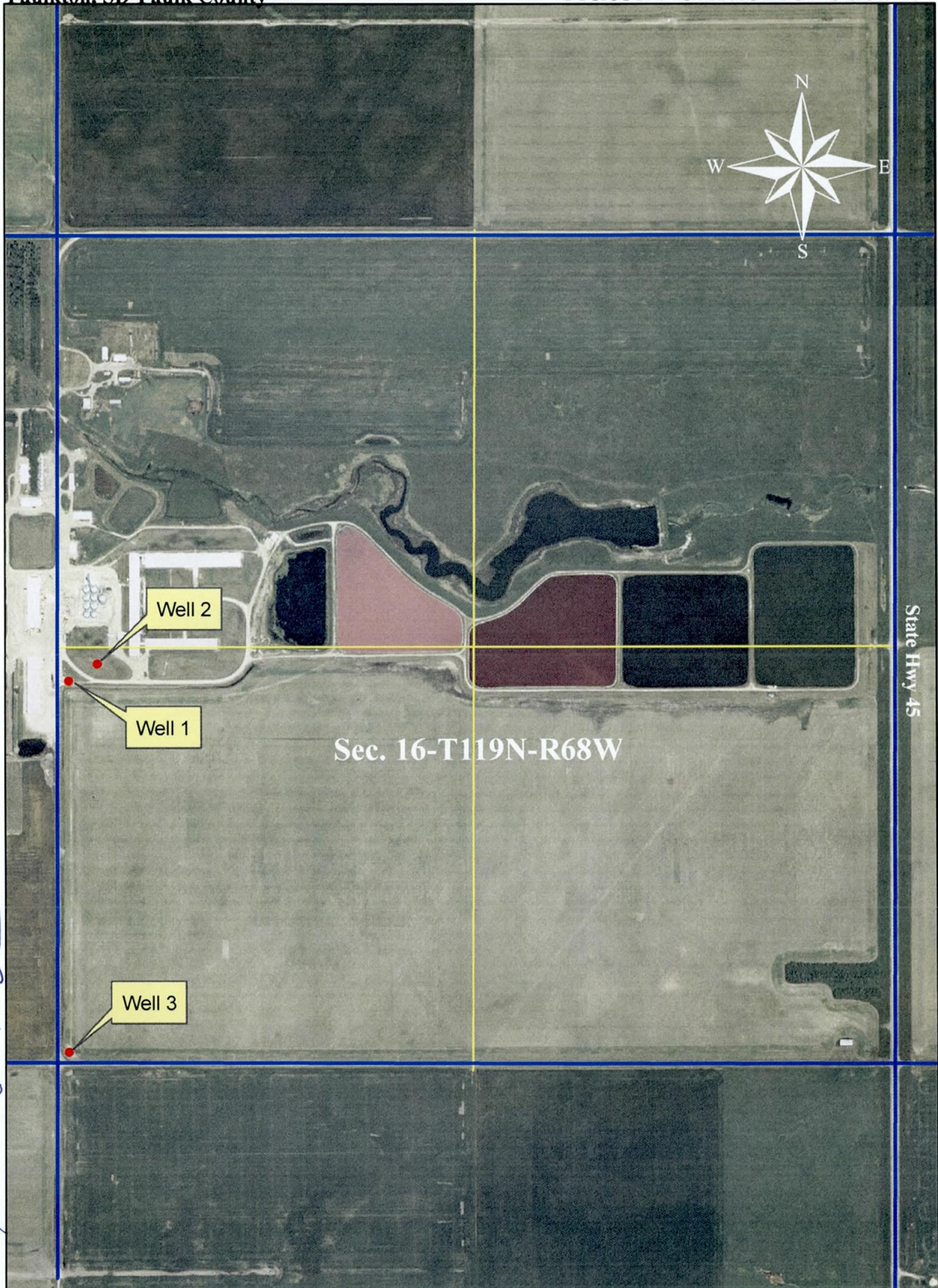


Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

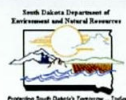
Date report completed: **March 9, 2006**

Evergreen Colony
RR 2 Box 35
Faulkton, SD-Faulk County

Water Permit No. 5890-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
March 8, 2006



0 700 1,400 2,800 Feet

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

NAME: Evergreen Colony**ADDRESS:** 35691 156th St., Faulkton, SD 57438**DATE:** March 8, 2006**COUNTY:** Faulk**TELEPHONE:** (605) 324-3303**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**

The ground water source is the same as originally permitted and the developed diversion rate is within the amount appropriated by the permit. Water Permit No. 5890-3 originally appropriated 0.267 cfs of water from one well (Inyan Kara Formation) 1580 feet deep located in the NW1/4 SW1/4 Section 16-T119N-R68W. On November 3, 2005, during inspection of the permit, the representative from the Colony informed me that two additional wells had been constructed to replace the original well authorized by this permit. He stated the reason the two other wells were in place was because the original well had failed and is only capable of supplying enough water to wash their vehicles. After the original well failed, a second well (Well 2) was then constructed approximately 200 feet NE of the original well into the same aquifer for domestic use and to supply water for their hog barn. This well also failed; however, after working on the well, it became somewhat usable. A third well (Well 3) was then constructed into the Inyan Kara Formation approximately 2350 feet directly south of the original well. Well 3 is now the primary source of water for their domestic use and for use at the hog barn. Well 3 is connected in series with Well 2 having a combined 0.14 cfs rate of flow. Well logs are unavailable for Wells 2 and 3. Well 2 is located approximately 2525 feet north and 230 feet east of the SW corner of Section 16-T119N-R68W (N 45.121466, W -99.041483). Well 3 is located approximately 65 feet north and 60 feet east of the SW corner of Section 16-T119N-R68W (N 45.114683, W -99.0422). The original well was not constructed in accordance with SD Well Construction Standards. The well does comply with 74:02:04:36 which allows for an alternative construction for private and reasonable domestic use wells.

- **Review of Existing Diversions**

There are no other Water Rights/Permits in the area authorized to divert water from the Inyan Kara Formation.

RECOMMENDED ACTION

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



Mike DeFea, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 2006

5890-3

Evergreen Colony
Tim Hofer
35691 156th St
Faulkton SD 57438

Dear Mr. Hofer:

On November 3, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5890-3, was completed by Mike DeFea, a staff engineer with our program. This permit is for the three wells located in Section 16-T119N-R68W. The 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".

We received the permit application for the well utilized at the new turkey barn located in the NW ¼ Section 9-T119N-R68W last week and are proceeding with the application review process.

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 1, 2006

RECEIVED OF Evergreen HB Inc, 35691 156th St., Faulkton SD 57438

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. <u>5890-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

02420

By Darland Elbe
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2006

5890-3

Evergreen Colony
%Tim Hofer
35691 156th St
Faulkton SD 57438

Dear Mr. Hofer:

Enclosed is Water License No. 5890-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 02420 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5890-3**

(1) Evergreen Colony, 35691 156th St, Faulkton SD 57438 made Application No. 5890-3, November 14, 1995 for a water permit to divert 0.267 cubic feet of water per second from groundwater (one well), Faulk County, South Dakota for domestic and livestock watering purposes. Permit No. 5890-3, with a priority date of November 14, 1995 was approved March 6, 1996 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

An investigation conducted for licensing purposes found additional diversion points developed under Water Permit No. 5890-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion points do not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5890-3 is issued a license, bearing a priority date of November 14, 1995 to appropriate 0.14 cubic feet of water per second from groundwater (three wells) for domestic and livestock watering purposes.

The diversion points are located:

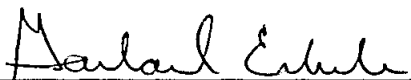
Well No. 1 – 2,440 feet north and 55 feet east of SW corner **Section 16 (NW ¼ SW ¼);**

Well No. 2 – 2,525 feet north and 230 feet east of the SW corner **Section 16 (NW ¼ SW ¼);**

Well No. 3 – 65 feet north and 60 feet east of the SW corner **Section 16 (SW ¼ SW ¼); all in T119N-R68W**

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5890-3 including the following now applicable qualifications:

- 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.
- Operation of the disposal system to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a “non point source” is not subject to these conditions.
- No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
- Permit No. 5890-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 12 2008

date

