

WATER PERMIT NO. 5916-3

Name of Applicant: Gay Hiebert

Address: 2811 W Madison, Sioux Falls SD 57104

Phone: 605 336-9100

Amount of Water Claimed: 0.13 add'l cfs

Total Acres: NA

Source of Water Supply: groundwater (five wells)

Water to be used for: commercial use

County: Minnehaha

Type of Waste Disposal System:

Location: west side of Sioux Falls

PRIORITY

Date Received: 3-18-96

Fee: \$150

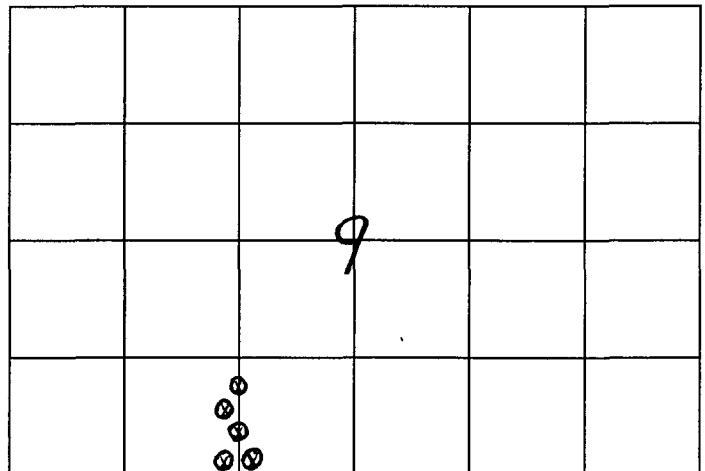
Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks: Increases the diversion rate authorized by Permit No. 5674-3

Diversion Point: S 1/2 SW 1/4 Sec 9-T101N-R50W

Land to be Irrigated:



Depth of Well: 21,19,20,17, 17 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial photo

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 3-19-96

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>5946-3</u> Hydrologic Unit <u>10/70203</u> Basin <u>Sioux River</u> Newspaper <u>The Argus Leader, Sioux Falls, SD</u>
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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.) _____

1. Name of Applicant Gay Hiebert Phone 605-336-9100
(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 2811 W Madison Street Sioux Falls, SD 57104
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.13 Add'l *CFS or 60 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 5 wells - All in the SW 1/4 of Section 9; T104N R50W.

County Minnehaha

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used Annually - January 1 thru Dec. 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is for an additional 0.13 CFS (60 GPM) for water Permit NO. 5674-3. Water Permit NO. 5674-3 authorizes a diversion rate of 0.33 CFS (150 GPM). An inspection of this permit found the works capable of diverting 210 GPM.

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 SS

I, Gay Hiebert, 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 Gay Hiebert

Subscribed and sworn to before me this 13 day of March 19 96

Sandra Kaye Schoenbeck
SANDRA KAYE SCHOENBECK, Notary Public
My Commission Expires 2-21-2000

SOUTH DAKOTA
WATER PERMIT NO. 5916-3

Date of first receipt of application March 18, 1996.

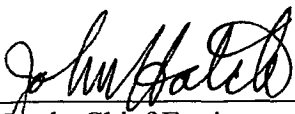
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5916-3 to Gay Hiebert, 2811 W Madison St, Sioux Falls SD 57104 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5916-3 appropriates 0.13 cubic feet of water per second (cfs) (60 gallons per minute (gpm)) by increasing the diversion rate authorized by Water Permit No. 5674-3. Water Permit No. 5674-3 appropriates 0.33 cfs (150 gpm) from six wells (Big Sioux:Southern Skunk Creek Aquifer) approximately 20 feet deep located in the SE 1/4 SW 1/4 Section 9-T101N-R50W. This permit increases the water appropriation from five developed wells located in the S 1/2 SW 1/4 Section 9-T101N-R50W, from 0.33 cfs to 0.46 cfs (210 gpm).
2. The water appropriated shall be used for the purpose of supplying water to a plant nursery and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 5916-3 is April 26, 1996.
5. The date from which applicant may claim right is March 18, 1996.
6. 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 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. The City of Sioux Falls has a senior priority for water from the Big Sioux:Southern Skunk Creek Aquifer under future use withdrawal permits. This permit is approved subject to the City's rights, if or when the city develops the reserved water supply.

WATER MANAGEMENT BOARD

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

JUL 2 1996
date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

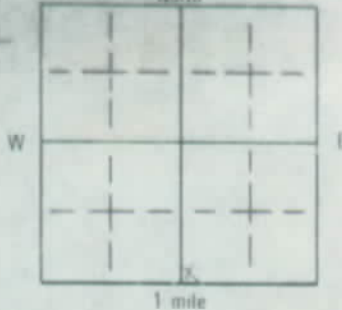
10-85

County 9 Township 101 Range 50

County

North

Please mark well location with an "X"

Well Completion Date 1-3-90

PROPOSED USE

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

Method of Drilling

False 4 casing

CASING DATA

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5</u> LB/FT	<u>8</u> IN	<u>11</u> FT	<u>20</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 10 FEETWhat is grouting material? Portland cementIf cement, number of sacks? 10Describe grouting procedure Follow

What was grout weight? _____ LB/GAL

SCREEN ☐ Perforated pipe ☐ ManufacturedDiameter 8 IN Length 3 FEETMaterial 0004 pipe

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

Well Owner

Name Gray, Hecker +Address 2514 W Madison StWell Log Lure Falls

Formation

Depth

Formation	From	To
<u>Topsoil</u>	<u>0</u>	<u>4</u>
<u>Gravel</u>	<u>4</u>	<u>11</u>
<u>Rock & gravel</u>	<u>11</u>	<u>17</u>

STATIC WATER LEVEL 10' Feet

If flowing, closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☐ Pumped☐ Bailed

Describe _____

☐ Other

Pumping Level Below Land Surface

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

REDUCTION 2514 ROLL NO 11-4 DATE RECORDED 3-9-90 CAMERA OPERATOR

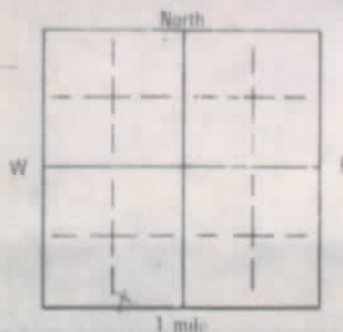
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW SE 1/4 Sec 9 Twp 101N Rg 60W

County

Please mark well location with an 'X'



Well Completion Date 1-2-90

PROPOSED USE

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

Method of Drilling

Friction H. Casing

CASING DATA

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5</u> LB/FT	<u>8"</u> IN	<u>1</u> FT	<u>20</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT

Was the well grouted? ☒ YES ☐ NO

To what depth? 10 FEET

What is grouting material? Ben-lade

If cement number of sacks? Has patch

Describe grouting procedure

According to plan

What was grout weight? _____ LB/GAL

SCREEN ☒ Perforated pipe ☐ Manufactured

Diameter 8" IN Length 3 FEET

Material 200 Clay Hard 2 1/2" dia

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information

Well Owner

Name

Address 281 W Madison St

Well Log Snow Falls

Depth

Formation

From

To

<u>Topsal</u>	<u>0</u>	<u>4</u>
<u>Clay & Gravel</u>	<u>4</u>	<u>10</u>
<u>Red Sand</u>	<u>10</u>	<u>12</u>
<u>Brown Sand</u>	<u>12</u>	<u>16</u>
<u>Grey Gravel</u>	<u>16</u>	<u>20</u>

STATIC WATER LEVEL 10' Feet

If flowing closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify

Can well be completely shut in?

WELL TEST DATA

☐ Pumped

☐ Bailed

Describe

☐ Other

Pumping Level Below Land Surface

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

DATE RECEIVED

CAMERA OPERATOR

6/60

Driller:

<u>Driller's or Firm's Name</u>	<u>License NO.</u>
<u>Address</u>	
<u>Signed By</u>	<u>Date</u>

RECEIPT

414859

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 18, 19 96

RECEIVED OF Gaylord Hiebert, 2811 West Madison Street, Sioux Falls, SD 57104

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

Fee for Application for Permit No. <u>5674-3</u> <u>59/6-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150 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	150 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5916-3
for Gay Hiebert
March 20, 1996

Application No. 5916-3 proposes to appropriate 0.13 cfs (60 gpm) by increasing the diversion rate authorized by Water Permit No. 5674-3. Water Permit No. 5674-3 appropriates 0.33 cfs (150 gpm) from six wells approximately 20 feet deep located in the SE 1/4 SW 1/4 of section 9, T101N R50W in Minnehaha County. This application proposes to increase the water appropriation from the five developed wells located in the S 1/2 SW 1/4 of section 9, T101N R50W, from 0.33 cfs to 0.46 cfs (210 gpm). The water is used for commercial purposes at a plant nursery.

AQUIFER - BIG SIOUX SOUTHERN SKUNK CREEK (BS-SSC)

The Big Sioux Southern Skunk Creek is an alluvium mantled outwash (sand and gravel) which is under predominantly unconfined or water table conditions. The aquifer underlies 43 square miles and contains an estimated 115,000 acre feet of water in storage in Minnehaha County (Lindgren, 1992). The aquifer is hydraulically connected to the Big Sioux Middle Skunk Creek aquifer to the north, the Big Sioux South aquifer to the east, the Big Sioux River to the east, Skunk Creek which meanders through the length of the aquifer and in the subsurface to the Wall Lake aquifer (Iles, 1991).

The Water Rights Program monitors an observation well (MA-80X) which is completed into the aquifer and located in this immediate area. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A hydrograph for this well is included with this report.

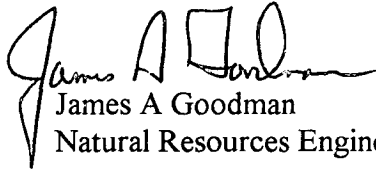
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Rights Nos. 746-3 and 746A-3 are located about 1/2 mile east of this application. Interference is not a concern. Drawdown created by pumping will not extend very far from individual production wells. This application is located within the future use boundaries established by Future Use Water Permit No. 449-3 for the City of Sioux Falls.

CONCLUSIONS

1. Water is available from the Big Sioux Southern Skunk Creek aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern.
3. This application is within the Future Use area specified by Water Permit No. 449-3 for the City of Sioux Falls.

4. These are existing wells and have been in use for many years. This increase in diversion is being requested as a result of an inspection of Water Permit No. 5674-3. The applicant reports the booster pump was replaced in January of 1996, and the maximum diversion rate is 210 gpm.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

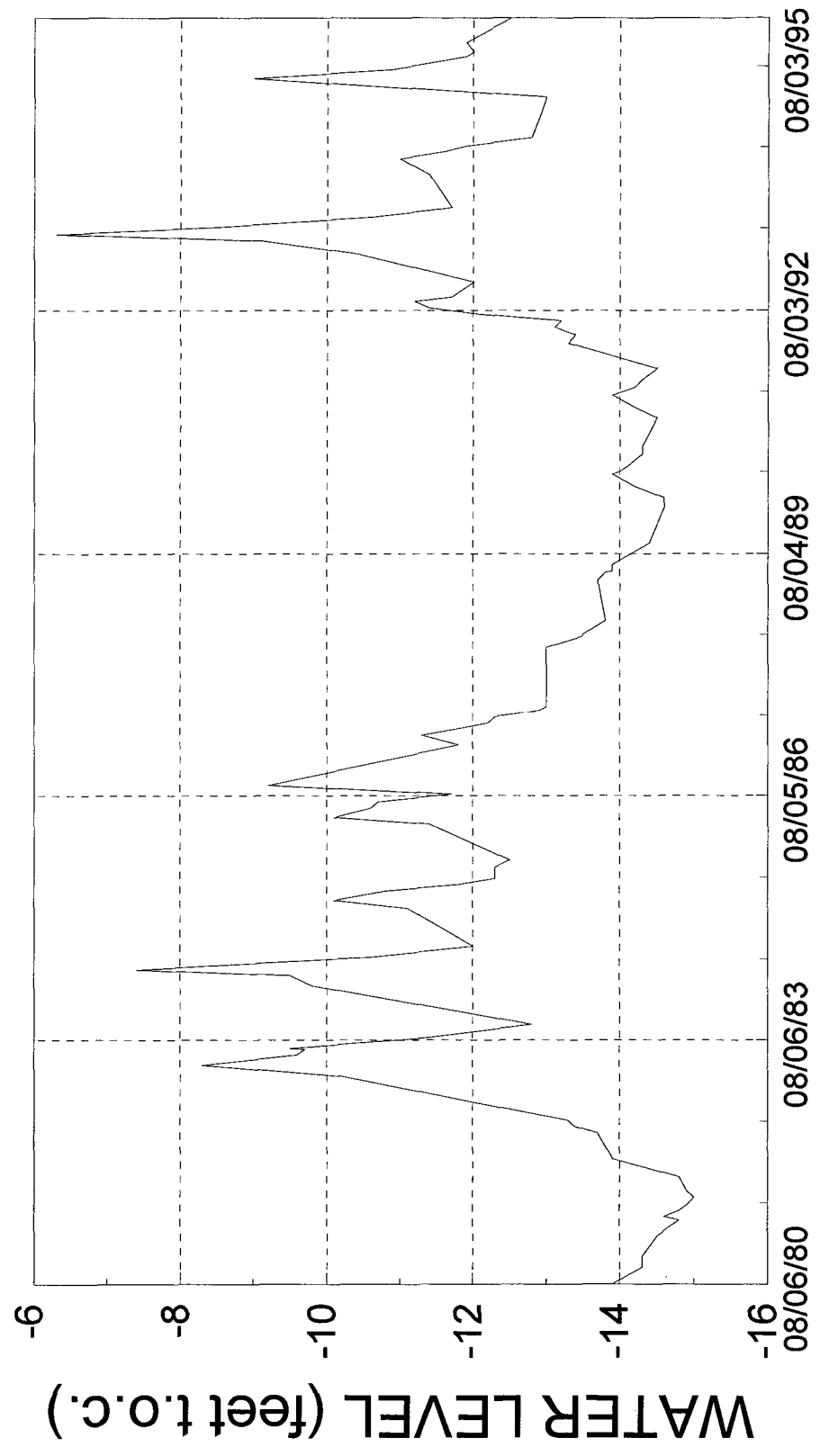
Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, USGS WRI 91-4101, USGS, Huron, SD, 57350.

Iles, D.L., L.J. Frykman, 1991, Hydrogeology of the Southern Skunk Creek Management Unit of the Big Sioux Aquifer, Open File Report 63-UR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Records for Minnehaha County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

MA-80X



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5916-3, Gay Hiebert**

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. 5916-3, Gay Hiebert, 2811 W. Madison Street, Sioux Falls, SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 5916-3 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. The City of Sioux Falls has a senior priority for water from the Big Sioux:Southern Skunk Creek Aquifer under future use withdrawal permits. This permit is approved subject to the City's rights, if or when the city develops the reserved water supply.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 27, 1996



**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.

March 29, 1996

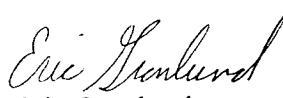
Gay Hiebert
2811 W. Madison St.
Sioux Falls, SD 57104

Dear Mr. Hiebert:

Water Permit Application No. 5916-3 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 Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). 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

March 29, 1996

The Argus Leader
P.O. Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

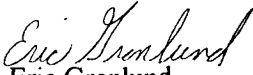
Enclosed is a Notice of Hearing on Application No. 5916-3 to be published twice. Please publish the first notice on April 5, 1996, with the second publication 7 days later.

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 Gay Hiebert, 2811 W. Madison St., Sioux Falls, SD 57104 (Ph # (605) 336-9100).

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 April ⁹~~8~~, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5916-3 to Appropriate Water
and to Amend Water Permit No. 5674-3

Notice is given that Gay Hiebert, 2811 W. Madison St., Sioux Falls, SD 57104 has filed an application for a water permit to appropriate 0.13 cubic feet of water per second (cfs) (60 gallons per minute (gpm)) by increasing the diversion rate authorized by Water Permit No. 5674-3. Water Permit No. 5674-3 appropriates 0.33 cfs (150 gpm) from six wells (Big Sioux: Southern Skunk Creek Aquifer) approximately 20 feet deep located in the SE 1/4 SW 1/4 Section 9-T101N-R50W. This application proposes to increase the water appropriation from five developed wells located in the S 1/2 SW 1/4 Section 9-T101N-R50W, from 0.33 cfs to 0.46 cfs (210 gpm). The water is for commercial use at a plant nursery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5916-3 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 April ~~22~~, 1996.

26

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Minnehaha)



I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in City of

Sioux Falls

County of Minnehaha and State of

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

Tuesday, April 9, 1996

Tuesday, April 16, 1996

Cost of Printing: \$85.50

D. Reicher
 (Signature)

MR

Assistant Controller
 (Title)

4/16/96
 (Date Signed)

NOTICE OF APPLICATION
 NO. 5916.3
 to Appropriate Water
 and to Amend Water Permit
 No. 5674-3

Notice is given that Gay Hiebert, 2811 W. Madison St., Sioux Falls, SD 57104 has filed an application for a water permit to appropriate 0.13 cubic feet of water per second (cfs) (60 gallons per minute (gpm) by increasing the diversion rate authorized by Water Permit No. 5674-3. Water Permit No. 5674-3 appropriates 0.33 cfs (150 gpm) from six wells (Big Sioux/Southern Skunk Creek Aquifer) approximately 20 feet deep located in the SE 1/4 SW 1/4 Section 9-T101N-R50W. This application proposes to increase the water appropriation from five developed wells located in the S 1/2 SW 1/4 Section 9-T101N-R50W, from .33 cfs to 0.46 cfs (210 gpm). The water is for commercial use at a plant nursery.

Pursuant to SDCL 46-2A-2, the City Engineer recommends AP-

PROVAL of Application No. 5716-3 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 April 26, 1996.

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.
 8661 April 9, 16, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

Gay Hiebert
2811 W. Madison St.
Sioux Falls, SD 57104

Dear Ms. Hiebert:

Enclosed is Water Permit No. 5916-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

4150J9

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 15, 19 96

RECEIVED OF Gay Hiebert, 2811 W. Madison, St., Sioux Falls, SD 57104

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5916-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 5916-3
Big Sioux 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, **June 27, 1995**, made a thorough examination of the water use system constructed by **Gay Hiebert** of **2811 West Madison, Sioux Falls, SD 57102** holder of Permit Nos. **5674-3 & 5916-3**, bearing the priorities of **June 15, 1992 & March 18, 1996 (consecutively)** authorizing the diversion of **0.33 & 0.13** cu. ft. of water per second from **ground water** for **commercial** purposes, in **Minnehaha** County.

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

A. Works used to divert the water:

5 wells which all have Franklin submersible motors with Jacuzzi pumps.

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

2300 feet of 3" PVC. Also a booster pump in-line with the wells to push water to the green house. Then, 2 booster pumps inside the green house to distribute water throughout all the greenhouses.

C. Works used to apply water to beneficial use:

Water used to water plants in the nurseries.

The system is in the following condition **good**. The point of diversion is located **Well #1: 1320 feet E and 165 feet N; Well #2: 1385 feet E and 50 feet N; Well #3: 1255 feet E and 73 feet N; Well #4: 1255 feet E and 660 feet N; Well #5: 1287 feet E and 850 feet N; all in Section 9; T101N R50W (S1/2 SW1/4).** The works are capable of diverting and conveying to the place of use **0.46** cu. ft. of water which is to be used for **commercial** use and the license should be issued for **0.46** cfs.

NOTE: All well information was received from Lacey Well Drilling. The combined pumping capacity for the 5 wells is 210 GPM maximum. I couldn't get information on pump rates, etc. for each individual well. Mr. Hiebert gave me the 210 GPM figure. There is an 18,000 gallon storage tank in the main greenhouse. An application was made for an additional 60 GPM for this permit. Water Permit No. 5674-3 will be incorporated into **5916-3**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **April 26, 1996**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5916-3

Other permit(s) associated with the project: 5674-3

DATE OF INSPECTION: June 27, 1995

NAME OF INSPECTION CONTACT: Steve Kranzler, Foreman.

NAME & ADDRESS OF PERMIT HOLDER: Gay Hiebert, 2811 W Madison Street, Sioux Falls, SD 57102

DIVERSION POINT LEGAL LOCATION: Well #1: 1320 feet E and 165 feet N; Well #2: 1385 feet E and 50 feet N; Well #3: 1255 feet E and 73 feet N; Well #4: 1255 feet E and 660 feet N; Well #5: 1287 feet E and 850 feet N; all in Section 9; T101N R50W (S1/2 SW1/4).

WELL INFORMATION: (wells 1 thru 5 consecutively)

- | | |
|---|--|
| 1) Well Drilling Firm: <u>Lacey Well Drilling</u> | 3) Depth(s) <u>21, 19, 20, 17, 17</u> feet |
| 2) No. of Wells <u>5</u> | 4) Well logs are available <u>Y</u> |

Casings:

- 1) Diameter 10, 8, 8, 6, 6 inches
- 2) Length 18, 16, 17, 14, 14 feet
- 3) Type PVC (all)

Motors:

- 1) Make Franklin
- 2) Model No. submersibles
- 3) Horsepower rating ? HP

Screens:

- 1) Type PVC
- 2) Length 3 (all) feet
- 3) Static water level 10, 10, 10, 8, 8 feet

Pumps:

- 1) Make Jacuzzi
- 2) Model No. submersibles
- 3) Capacity ? GPM

BOOSTER PUMP IN PUMP HOUSE:

Motor:

- 1) Make Marathon Electric
- 2) Frame No. 184 TCZ
- 3) Horsepower rating 7 1/2 HP

Pump:

- 1) Make Berkeley
- 2) Serial No. 8301796
- 3) Capacity ? GPM

BOOSTER PUMPS IN THE GREENHOUSE:

Motor:

- 1) Make General Electric
- 2) Frame No. L326TP16
- 3) Horsepower rating 50 HP

Pump:

- 1) Make Western Land Roller
- 2) Serial No. 8304265
- 3) Capacity 75????? GPM

Motor:

- 1) Make Newman
- 2) Frame No. X46821984
- 3) Horsepower rating 50 HP

Pump:

- 1) Make Western Land Roller
- 2) Model No. 8304625
- 3) Capacity 75????? GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 3 inches
- 3) Length 2300 feet

SYSTEM TYPE:Commercial Use

Water is used to water plants in the nurseries.

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

All well information was received from Lacey Well Drilling. The combined pumping capacity for the 5 wells is 210 GPM maximum. I couldn't get information on pump rates, etc. for each individual well. Mr. Hiebert gave me the 210 GPM figure. An application will be made for an additional 60 GPM for this permit.

There is an 18,000 gallon storage tank in the main greenhouse. The booster pump at the well field was replaced with a bigger pump in January of 1996, after the inspection was made. Mr. Hiebert says he gets a maximum of 210 GPM through the sytem with the new booster pump.

NOT TO SCALE



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date

Barry A. McLaury
February 23, 1996

5916-3

Water Rights Program -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Gay Hiebert

ADDRESS: 2811 W Madison, Sioux Falls, SD 57102

COUNTY: MA

DATE: 3-25-96

TELEPHONE: 605-336-9100

RE: Phone conversation about booster pump/diversion rate for
Water permit No. 5674-3.

COMMENTS:

This morning, I spoke with Gay Hiebert about the pump rates for the wells covered by his water permit. He said that he meters the water. Once the water is boosted with the booster pump, the meter shows a maximum capacity of 210 GPM. My inspection in June of 1995 found the booster pump rated at 150 GPM, but according to Mr. Hiebert, the booster pump was replaced in January of 1996 so more water could be used in the greenhouse. An application was made to add 60 GPM to his water permit.



Barry A. McLaury
Environmental Scientist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5916-3

(1) Gay Hiebert, 2811 West Madison St, Sioux Falls SD 57102 made Application No. 5916-3, March 18, 1996 for a water permit to divert an additional 0.13 cubic feet of water per second (cfs) from groundwater (five wells), Minnehaha County, South Dakota for commercial purposes. Permit No. 5916-3, with a priority date of March 18, 1996 was approved April 26, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5674-3, with a priority date of June 15, 1992, authorized diversion of 0.33 cfs from six wells (five wells developed). The applicable portions of No. 5674-3 are incorporated into this Water License No. 5916-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.46 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1,320 feet east and 165 feet north; Well #2 - 1,385 feet east and 50 feet north; Well #3 - 1,255 feet east and 73 feet north; Well #4 - 1,255 feet east and 660 feet north; Well #5 - 1,287 feet east and 850 feet north; all in Section 9-T101N-R50W (S 1/2 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a plant nursery.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gay Hiebert, 2811 West Madison St, Sioux Falls SD 57102 the holder and/or owner of Incorporated Water Permit No. 5916-3 is issued a license to appropriate water, the right to use 0.46 cubic feet of water per second from groundwater (five wells) with priority dates of June 15, 1992 (0.33 cfs) and March 18, 1996 (0.13 cfs) from the location specified in (2) of this license. The water to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5916-3 and subject to South Dakota State Law.



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

JUL 29 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1996

5916-3

Gay Hiebert
2811 West Madison Street
Sioux Falls, SD 57102

Dear Ms. Hiebert:

Enclosed is Water License No. 5916-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415009 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. 5916-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of No. 5674-3 are incorporated into this Water License No. 5916-3.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 30, 2024

5916-3

Natural Beauty Growers LLC
N781 Curran Rd
Denmark WI 54208

To whom it may concern:

During a recent review of water rights appropriating from the Big Sioux: Southern Skunk Creek Aquifer, it was found that the property tied to Water Right No. 5916-3 may have been sold to you. Presently, Water Right No. 5916-3 is held in the name of Gay Hiebert.

Water Right No. 5916-3 authorizes the diversion of 0.46 cubic feet of water per second (approx. 205 GPM) from five wells to supply water to a commercial plant nursery. The wells and facility are described as being located in the S ½ SW ¼ Section 9, T101N, R50W, Minnehaha County, South Dakota. (see enclosed aerial image and file map for reference)

With this letter I am hoping to confirm that water is or is not being put to beneficial use as was authorized by the water right. Is Mr. Hiebert still operating at this location? Are you aware of the wells on or near the property?

Pursuant to SDCL 46-5-37, any permits or water rights not put to beneficial use for a period of 3 or more years, are subject to cancellation due to abandonment or forfeiture. Excuse for non-use approved by Administrative Rules 74:02:01:37.2 allows for the wells to be maintained as a backup water source or emergency fire prevention, so long as the well is in working order and equipped for immediate use.

If the water right is being actively exercised, or maintained for fire prevention, a transfer of ownership and fee in the amount of \$50.00 would be required. For your convenience I have enclosed a partially completed form and postage paid envelope.

If the water right has not been maintained, we ask that you inform our office so that we may schedule it for cancellation before the SD Water Management Board.

Sincerely,

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

enclosures

Cc: Natural Beauty Growers LLC, 46846 264th St, Sioux Falls SD 57107
Gay Hiebert, 2811 W Madison St, Sioux Falls SD 57104

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

JUN 18 2024

Ck# 140349

Rec't# _____

No. 5916-3

Date: 6/4/2024

I/We request that Water Right No. 5916-3

formerly owned by: Gay Hiebert, Sioux Falls SD

be transferred to: (name & address) Natural Beauty Growers LLC
N781 Curran Rd Denmark WI 54208

Email: _____ Telephone No. 920 863 2107

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

5 wells – S1/2 SW1/4 Sec 9, T101N, R50W – commercial plant nursery

I/We understand that the validity of Water Right No. 5916-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jon O'Donahue, the new owner, certify that the above information is true and correct.
CFO

Jon O'Donahue CFO of Natural Beauty
(Signed by new owner) Growers LLC

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.

RECEIVED

JUN 18 2024

**OFFICE OF
WATER**

RECEIPT

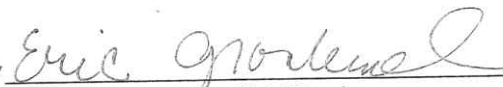
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 18th, 2024

RECEIVED OF Natural Beauty Growers LLC N781 Curran Rd Denmark WI 54208

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>WATER RIGHT NO. 5916-3</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 
Chief Engineer





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 18, 2024

5916-3

Natural Beauty Growers LLC
c/o Jon O' Donahue
N781 Curran Rd
Denmark WI 54208

Dear Mr. O' Donahue:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records, as well as a copy of the original Water Right.

Water Right No. 5916-3 previously held by Gay Hiebert, is now listed under Natural Beauty Growers LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, 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 water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosure

5916-3

May 30, 2024 letter regarding Water Right No. 5916-3 was mailed to Natural Beauty Growers

Cc: Gay Hiebert (owner of record)

Copy sent to Mr. Hiebert was returned in the mail 06/10/2024

IXIE 553 FE 1141 0006/06/24
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
C: 57501339299 *0878-06656-06-22
|||

Amanda D. Swell 6/10/24

15916-3
Dewell, Amanda

From: Jon O'Donahue <JONO@natbeauty.com>
Sent: Tuesday, October 8, 2024 2:33 PM
To: Dewell, Amanda
Subject: RE: [EXT] ? on Water Right 5674-3

Amanda, as you can imagine our water usage is high seasonable/variable since we are a greenhouse operation. See chart below of gallons water used in the greenhouse the last 4 years. And we do not pull on all wells at the same time. Using the 4 year maximum monthly usage amount from May of 2023 as the highest value possible, we should be in good shape on the authorized diversion amount. See calculations at the bottom if you agree.

South Dakota Water Usage Wells (north and south)

Month	2021	2022	2023	2024	Max usage
January	114,716	144,276	96,808	184,134	184,134
February	263,410	349,326	371,436	471,434	471,434
March	1,333,162	961,794	1,248,398	1,101,608	1,333,162
April	1,898,296	1,534,562	2,012,080	1,876,653	2,012,080
May	1,781,792	1,683,028	2,119,128	1,894,390	2,119,128
June	1,881,558	1,494,526	1,537,224	845,237	1,881,558
July	462,500	1,101,662	958,986	980,837	1,101,662
August	950,182	1,584,720	1,135,378	1,171,565	1,584,720
September	694,162	1,326,734	767,060	691,279	1,326,734
October	203,513	323,574	752,644	0	752,644
November	115,751	210,980	237,156	0	237,156
December	203,578	102,734	111,386	0	203,578
Total	9,902,620	10,817,916	11,347,684	9,217,137	

*Gallons of water

Most of our workdays in May are 10 or 12 hour workdays also, so that would make the gallons per minute of worktime even smaller compared to what I have in this chart.

Monthly water usage max	2,119,128	OR	206 gallons allowed per minute
days in month	31		12,360 gallons allowed per hour
gallons per day max	68,359		8 hour minimum workday
8 hr workday	8		98,880 gallons allowed per workday
gallons per work hour	8,545		30 days in month
minutes per workhour	60		2,966,400 gallons allowed per month
gallons per minute	142.41		

okay up to 206 gallons per minute

Let us know your input. Thanks, Jon



Jon O'Donahue | VP – Finance/CFO
Address: N781 Curran Rd, PO Box 790
Denmark, WI 54208
Phone: (920) 863-2134
Mobile: (920) 371-4087
Email: jono@natbeauty.com
Website: www.natbeauty.com

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, October 8, 2024 11:13 AM
To: Jon O'Donahue <JONO@natbeauty.com>
Subject: RE: ? on Water Right 5674-3

EXTERNAL E-MAIL. Do not click links or open attachments from unknown senders or unexpected e-mail.

The combined rate of all 10 wells does exceed the authorized rate of diversion, if they were all to be operated simultaneously. Do you know if there are any times of operation at which all wells would be pumping at the same time?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Jon O'Donahue <JONO@natbeauty.com>
Sent: Monday, October 7, 2024 2:18 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] ? on Water Right 5674-3

Amanda, below is a summary of estimated flows and depths. Let us know what we need to do for additional permitting. Thanks, Jon



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, September 26, 2024 1:31 PM

5

To: Jon O'Donahue <JONO@natbeauty.com>
Subject: RE: ? on Water Right 5674-3

EXTERNAL E-MAIL. Do not click links or open attachments from unknown senders or unexpected e-mail.

Jon,

If all 10 wells are operating within the 0.46 cfs I think we can bring these wells into the fold without too much hassle. However, if they are operated in a way that diverts more than the 0.46 cfs, additional permitting would be required. To make that determination I will need the location of the well that provides water to the breakroom, as well as pump rates of that well and the two red dot wells.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Jon O'Donahue <JONO@natbeauty.com>
Sent: Thursday, September 26, 2024 11:26 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] ? on Water Right 5674-3

Good morning Amanda, a few more follow up questions on water rights if you don't mind. To refresh, we acquired this property back in 2012 but were completely unaware of DANR water rights issue and they were not part of the due diligence legal paperwork collection process when we bought the business from Mr. Hiebert. Not sure how it was missed. Very glad you contacted us with the letter in May to make us aware.

Looking through the paperwork from the online water right database and cross checking with our current information:

- We have 7 wells, not 5, located on the south side of the property which feed the greenhouse operation with non-residential water. Please see the attached pdf map with pin locations of the seven wells. This whole south system, when drawing on all 7 wells, is only running on 155 gallons per minute – well below the .46 cubic ft per second/ 206 gallons per minute in the docs. But we have a higher number of wells than your documents. All of these wells have been on the property since our purchase in 2012, we have not installed additional wells while under our ownership. So not sure why different.
- We have one well, not pinned on this document, near the east side of Skunk Creek and our truck storage which feeds 2 sinks in a barn breakroom and also feeds a water hose by the front office. Not sure if this was part of the application by Mr Hiebert?? Missed? Or too small to matter?
- We have two "north" wells indicated by the red dots below. One inside the greenhouse, one outside. The outside well is part of an easement on the adjoining property. Both of these also for commercial use in the greenhouse – these have always been in operation since our purchase of the location in 2012. Do we need water right documentation on these wells? We can get the flow volume to you.

6



Jon O'Donahue | VP – Finance/CFO
Address: N781 Curran Rd, PO Box 790
Denmark, WI 54208
Phone: (920) 863-2134
Mobile: (920) 371-4087
Email: jono@natbeauty.com
Website: www.natbeauty.com

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, July 31, 2024 1:21 PM
To: Jon O'Donahue <JONO@natbeauty.com>
Subject: RE: ? on Water Right 5674-3

EXTERNAL E-MAIL. Do not click links or open attachments from unknown senders or unexpected e-mail.

Hello Jon,

To answer your questions, no you do not need to transfer 5674-3. When Water Right No. 5916-3 was issued, all the diversion authority held under 5674-3 was transferred into it "incorporated". This leaves 5674-3 essentially hollow but the records remain so that we may reference it in the future if needed.

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



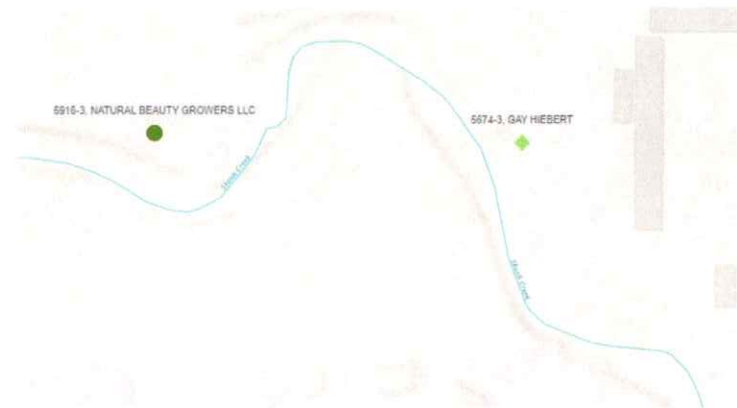
From: Jon O'Donahue <JONO@natbeauty.com>
Sent: Wednesday, July 31, 2024 12:13 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] ? on Water Right 5674-3

Good morning Amanda,

We recently transferred ownership of Water Right 5916-3 to our company, as we purchased the commercial plant nursery from the Hiebert family back in 2012, but somehow missed transferring the water rights.

5916-3 water license also references that it incorporates 5674-3 into it. We can see in the online database that 5674-3 is still listed as Gay Hiebert.

Do we need to transfer ownership of 5674-3 to Natural Beauty Growers LLC as well?



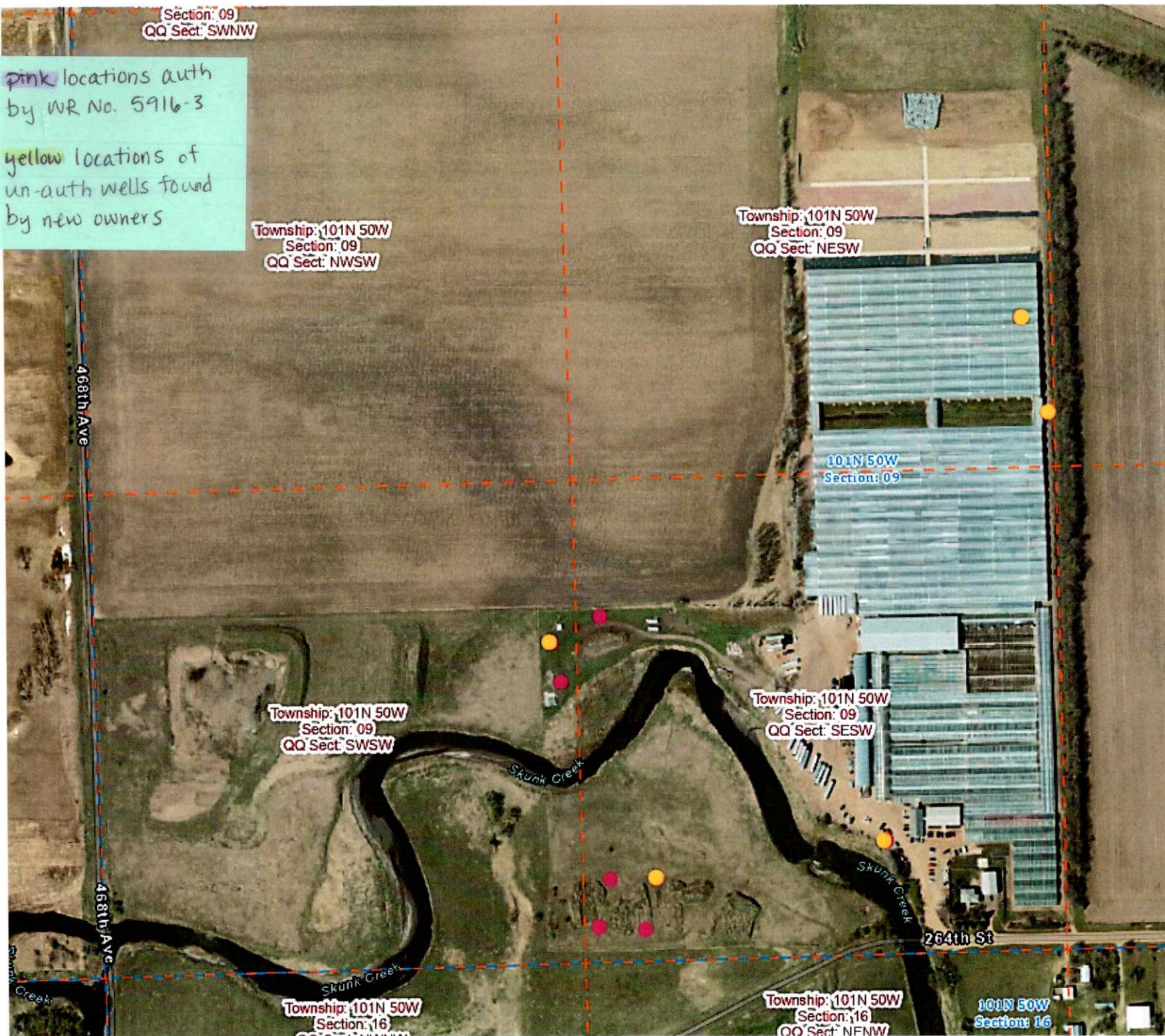
Thanks, Jon



Jon O'Donahue | VP – Finance/CFO
Address: N781 Curran Rd, PO Box 790
Denmark, WI 54208
Phone: (920) 863-2134
Mobile: (920) 371-4087
Email: jono@natbeauty.com
Website: www.natbeauty.com

pink locations auth
by WR No. 5916-3

yellow locations of
un-auth wells found
by new owners



SOUTH DAKOTA WATER WELL COMPLETION REPORT

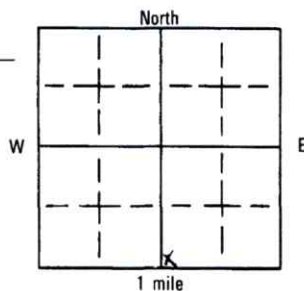
10-85

Location SW 1/4 Sec 9 Twp 14-17 Rg 50W

County

Minnehaha

Please mark well location with an "X"

Well Completion Date 1-3-90

PROPOSED USE:

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

Method of Drilling:

False H. casing

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5</u> LB/FT	<u>8"</u> IN	<u>1</u> FT	<u>20</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 10' FEETWhat is grouting material? PortlandIf cement, number of sacks? 11Describe grouting procedure filler

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 3 FEETMaterial 0000 PL

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HITBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name

Gay H. Hackett

Address

2911 W Madison St

Well Log:

Shore Falls

Depth

Formation

From

To

Topsoil04Gravel411Rock + Gravel1117STATIC WATER LEVEL 10' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm

Lacey Well Drilling

Signature of License Representative:

Joan Rader

Signature of Well Owner:

Date



THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Location Sioux Falls Well No. 1

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 8"

Bury 6'

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 2"

Length 9' 9"

Comments _____

Submersible Cable # 12/2

Length 20'

Comments _____

Check Valve Dia. in pump

Length _____

Comments _____

Pump Mfg. Grundfos 45S15-4

Design Condition _____ gpm @ _____ TDH

Type Bowls stainless steel

Serial No. _____

O.D. _____

No. Stages 4

Impeller No. _____

Length _____

Comments _____

Motor: Mfg. Grundfos

Serial No. _____

O.D. _____

Length _____

H.P. 1.5 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps 8.1

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 8" PVC x 18' 6"

Screen Data _____

Static Water Level 10'

Date 8/24/18 P.L. 12' 1" @ 25 gpm = 12 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 7.3

Post Rehab Specific Capacity = 12.0

2018 - New pump, motor, drop pipe, wire

THEIN

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Growers Location Sioux Falls Well No. 2

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 8"

Bury 8'

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. _____

Length _____

Comments _____

Submersible Cable # 12/3

Length 20'

Comments _____

Check Valve Dia. _____

Length _____

Comments _____

Pump Mfg. Grundfos 33GS10

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

O.D. 4"

No. Stages _____

Impeller No. _____

Length _____

Comments _____

Motor: Mfg. Grundfos

Serial No. _____

O.D. 4"

Length _____

H.P. 1 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 8" PVC x 21' 2"

Screen Data _____

Static Water Level 11' 2"

Date 8/23/18 P.L. 13' 9" @ 60 gpm = 23 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 23

Post Rehab Specific Capacity = 23

2018 - New motor, drop pipe, wire

THEIN

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Location Sioux Falls Well No. 3

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 10"

Bury 7'

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 2"

Length 10'

Comments _____

Submersible Cable # 12/4

Length _____

Comments _____

Check Valve Dia. in pump

Length _____

Comments _____

Pump Mfg. Grundfos 85S15-1

Design Condition _____ gpm @ _____ TDH

Type Bowls stainless steel

Serial No. _____

O.D. 4"

No. Stages 1

Impeller No. _____

Length _____

Comments _____

Motor: Mfg. Franklin Electric

Serial No. 79322005

O.D. _____

Length _____

H.P. 1.5 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps 8.1

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 10" PVC x 20' 9"

Screen Data _____

Static Water Level 10' 4"

Date 8/23/18 P.L. 13' 4" @ 70 gpm = 23.3 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 20.0

Post Rehab Specific Capacity = 23.3

2018 - New pump, motor, drop pipe, wire

THEIN

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Growers Location Sioux Falls Well No. 4

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 8"

Bury 7'

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 2"

Length 8'

Comments _____

Submersible Cable # 12/3

Length 20'

Comments _____

Check Valve Dia. in pump

Length _____

Comments _____

Pump Mfg. Grundfos 45S15-4

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

O.D. 4"

No. Stages 4

Impeller No. _____

Length _____

Comments _____

Motor: Mfg. Grundfos 45S15-4

Serial No. _____

O.D. _____

Length _____

H.P. 1.5 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 8" PVC x 18' 7"

Screen Data _____

Static Water Level 10' 8"

Date 9/18/18 P.L. 14' 5" @ 65 gpm = 17.01 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 14.1

Post Rehab Specific Capacity = 17.1

2018 - New pump, motor, drop pipe, wire

THEIN

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Growers Location Sioux Falls Well No. 5

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 12"

Bury 8'

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 1.25"

Length 15'

Comments Poly

Submersible Cable # _____

Length _____

Comments _____

Check Valve Dia. in pump

Length _____

Comments _____

Pump Mfg. Grundfos 85S15-1

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

O.D. 4"

No. Stages 1

Impeller No. _____

Length _____

Comments _____

Motor: Mfg. _____

Serial No. _____

O.D. 4"

Length _____

H.P. 2 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 12" PVC x 26' 6"

Screen Data _____

Static Water Level 11'

Date 8/22/18 P.L. 16 @ 42 gpm = 8.4 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 5.25

Post Rehab Specific Capacity = 8.4

2018 - New pump, well cap

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Growers Location Sioux Falls Well No. 6

Well Seal/U.G. Disch: Mfg. Above ground discharge

Diameter _____

Length _____

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 2"

Length 21'

Comments Galv. (+1' nipple)

Submersible Cable # _____

Length _____

Comments _____

Check Valve Dia. in pump

Length _____

Comments _____

Pump Mfg. Grundfos 85S15-1

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

I.D. 4"

No. Stages 1

Impeller No. _____

Length _____

Comments _____

Motor Mfg. Franklin Electric

Serial No. _____

I.D. 4"

Length _____

L.P. 1.5 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps _____

mps 1) _____ 2) _____ 3) _____

mps 1) _____ 2) _____ 3) _____

mps 1) _____ 2) _____ 3) _____

Leathers _____

Comments _____

Total Pump Setting _____

Well Data 12" PVC x 24' 4"

Screen Data _____

Static Water Level 7.0'

Date 8/22/18 P.L. 20 @ 52 gpm = 4 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 1.8

Post Rehab Specific Capacity = 3.9

2018 - New drop pipe

THEIN

THEIN WELL CO.

Submersible Pump Installation Record

322 NE 4th St.
Clara City, MN 56222
(320) 847-3207

11355 Hwy 71 NE, PO Box 778
Spicer, MN 56288
(320) 796-2111

102 Dundas Road
Monticello, MN 55362
Phone: (763) 271-4200

Owner Natural Beauty Growers Location Sioux Falls Well No. 7

Well Seal/U.G. Disch: Mfg. Maas Pitless

Diameter 6"

Bury _____

Disch. Dia. _____

Suction Dia. _____

Pulling Pipe Dia. _____

Comments _____

Drop Pipe Dia. 1.25"

Length 25'

Comments Poly

Submersible Cable # 12/3

Length 34'

Comments _____

Check Valve Dia. _____

Length _____

Comments _____

Pump Mfg. Grundfos 25S10-7

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

O.D. 4"

No. Stages 7

Impeller No. _____

Length _____

Comments 2018 - 87 PSI Deadhead

Motor: Mfg. Franklin Electric

Serial No. _____

O.D. 4"

Length _____

H.P. 1 R.P.M. 3450

Volts 208 Phase 3

Name Plate Amps _____

Safety Factor Amps _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Total Pump Setting _____

Well Data 6" PVC x 35' 6"

Screen Data _____

Static Water Level 5.0'

Date 8/16/18 P.L. 12' 6" @ 47 gpm = 6.27 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

2018 - Pre Rehab Specific Capacity = 5

Post Rehab Specific Capacity = 6.27

2018 - New wire

Had to replace motor in 10/2022

Total GPM with 7 wells ? GPM

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

Name: Natural Beauty Growers LLC, c/o Jon O'Donahue

Date: October 10, 2024

Address: N 781 Curran Rd, Denmark WI 54208

County: Minnehaha

General Description of Authorized Project: Water Right No. 5916-3, recently transferred to Natural Beauty Growers LLC, authorizes the appropriation of 0.46 cfs from five wells for commercial use in a greenhouse operation. All wells are completed into the Big Sioux: Southern Skunk Creek Aquifer (BS:SSC) and located in the S ½ SW ¼ Section 9, T101N-R50W, Section 10, T121N, R52W.

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

Developed Water Source is the Same is Permitted, with no Additional Appropriations: The permit holder has submitted a request for the approval of five additional wells, found to be in use at the time ownership was transferred. The five unauthorized wells are all completed into the same source as permitted (BS:SSC), based on the well completion reports that were submitted with the request, and all wells are located in the S ½ SW ¼, NE ¼ SW ¼, Section 9, T101N-R50W. The wells are operated on a rotation depending on the needs of the greenhouse. No additional diversion is requested or authorized.

Review of Existing Diversions: There are 5 existing permit/rights located within 2 miles of the greenhouse's unauthorized wells which also authorize appropriations from the BS:SSC; the closest being 746A-3 (CHS Inc) & 8853-3 (Darby Parsons – Prairie States Pit) each located within 0.45 miles from the unauthorized wells. It was determined during the review of Permit No. 8853-3 that there was reasonable probability any well interference due to pumping would not adversely or unlawfully impair existing rights. The same would be expected for the five additional greenhouse wells which have been in operation for multiple years and no complaints have been received by the Water Rights Program.

It should be noted that this location is within the area described for future use reserves under the City of Sioux Falls' Future Use Permit No. 449-3.

The nearest domestic well completed into the same source (BS:SSC) is located in S ½ Section 16, T101N, R50W, approx. 0.6 miles south of the greenhouse. The domestic well was drilled for Wade Behm on property owned by Crusher Investment Co., according to Regrid.

The location of the domestic wells in the Well Completion Database, maintained by the Water Rights Program, is based on the location listed by the well driller on the well completion report.

Recommended Action: Based on the above criteria, it is recommended that the request for the additional five diversion points be granted, with no increase to the rate of diversion.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01 that: The additional diversion does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 18 2024

5916-3

Natural Beauty Growers LLC
c/o Jon O'Donahue
N 781 Curran Rd
Denmark WI 57208

Dear Mr. O'Donahue:

This letter is in regard to a recent request, submitted on behalf of Natural Beauty Growers LLC, to authorize diversion of water from the five unauthorized wells, in accompaniment with the five authorized wells, for use in the commercial greenhouse.

The map submitted with the request indicated that the wells are all located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T101N, R50W, Minnehaha County. The request was made after Natural Beauty Growers LLC took ownership of Water Right No. 5916-3 and found that not all the wells were authorized in the license.

Water Right No. 5916-3 authorizes the appropriation of up to 333 acre-feet of water annually, with a maximum diversion rate of 0.46 cfs, from five wells for commercial use in a greenhouse operation.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional five existing wells are authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase to the annual appropriation or the maximum diversion rate is authorized by the approval of this request.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program