

WATER PERMIT NO. 5942-3

Name of Applicant: Blumengard Colony

Address: RR 2, Box 78, Wecota SD 57438

Phone: 605 324-3243

Amount of Water Claimed: 100 gpm (0.22 cfs)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use

County: Faulk

Type of Waste Disposal System:

Location: 14 miles north of Faulkton

PRIORITY Date Received: 5-24-96

Fee: \$225

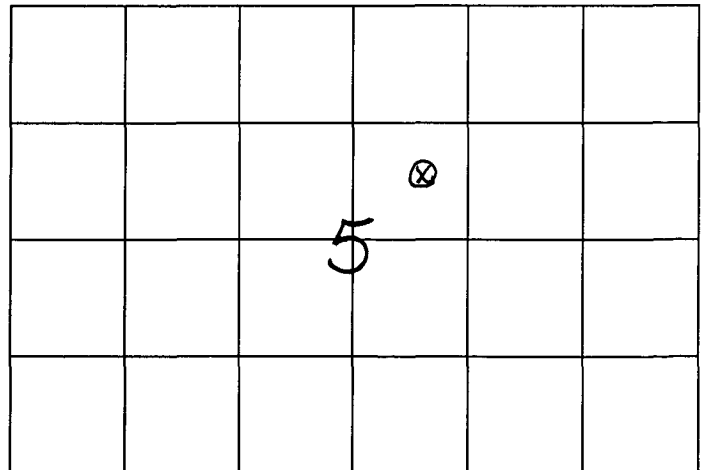
Corrected Application Received: 5-31-96

Period of Annual Use: January 1 - December 31

Remarks: for a hog confinement facility

Diversion Point: ^{SW}
~~SE~~ 1/4 NE 1/4 Sec 5-T120N-
R69W

Land to be Irrigated: NA



Depth of Well: 300 feet

Well Driller: Huron Drilling Inc.

Remarks:

Type of Map: aerial

Prepared by: Jerry King, FSA

Reviewed and the Number Assigned on: 5-31-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5942-3

Date of first receipt of application May 24, 1996.

The Water Management Board approved Water Permit Application No. 5942-3 on July 10, 1996 for Blumengard Colony, RR 2 Box 78, Wecota 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. 5942-3 appropriates 0.22 cubic feet of water per second (100 gallons per minute) from one well (Grand Aquifer) 300 feet deep located in the SW 1/4 NE 1/4 Section 5-T120N-R69W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for a hog confinement facility.
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 May 24, 1996.
5. One-fifth of the construction is to be completed on or before January 10, 1999.
6. All construction is to be completed on or before July 10, 2001.
7. Water is to be put to beneficial use on or before July 10, 2005.
8. 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. If the well approved under this Permit flows, it shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. The well authorized by Permit No. 5942-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. The facility shall be designed so that "clean" surface runoff from the surrounding drainage area is routed around the confinement lot area.

(continued)

5. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that 1) prevents discharge of runoff from the disposal sites and 2) prevents disposal site runoff water from entering the waters of the State.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 1/16 inches per day. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 5942-3 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 Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapter 75:03:17 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

JUL 19 1996
date



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>2942-3</u> Hydrologic Unit <u>10160008</u>
	Basin <u>James 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 Blumengard Colony Phone 605 324 3243
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Wecota, RR. 2 Box 78 State So Dak 57438
(Street, RR. or Box) (Zip Code)
- Amount of water claimed ~~100~~ 0.22 *CFS or 100 **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Freedom - ~~Sec. 15~~ - 120-69
SW1/4 NE1/4 Sec. 5- County Faulk
- County or counties where water will be used Faulk
- Annual period during which water is to be used 12-Month's 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)

600-700 head (sow) hog confinement facility

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 Faulk SS

I, Blumengard Colony, 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 Habert

Subscribed and sworn to before me this 24th day of MAY 1996

WALTER C. JOHNS, Notary Public
Notary Public, South Dakota
My Commission Expires Sept. 22, 2002

Walter C. Johns
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4" Depth 300'
- b) Casing Type PVC Diameter 8 Thickness 500
- c) Screen Type Stainless Diameter 4 Thickness 304 Stainless
- d) Gravel Pack Thickness 2" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 230
- f) Depth to Water (ground surface to water level) Surface
- g) Distance to nearest existing domestic well:
On applicants property X On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

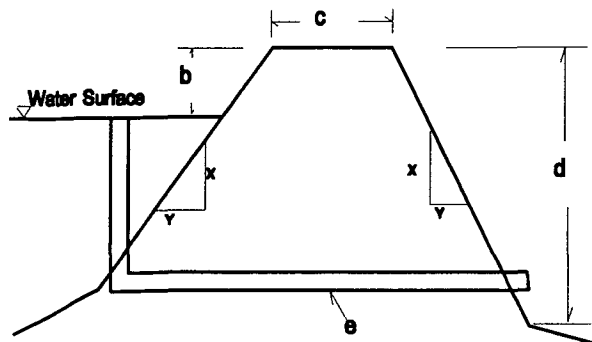
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



07-92

Date: 12-5-97



RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ M^c

RECEIVED OF Blumengard Hutterian Brethren, Inc., P.O. Box 78, Wecota, SD 57
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5942-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	225	00

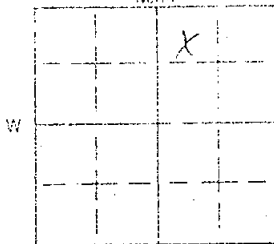
By John Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 16 Sec 5 Twp 120 N Rg 69
130County Faith

Please mark well location with an "X"

Well Completion Date May 25, 1989

PROPOSED USE

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock
Method of Drilling Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>290</u> FT	<u>12 1/4</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? 30 feet FEETWhat is grouting material? Portland CementIf cement, number of sacks? 25Describe grouting procedure Triplex Pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 60 FEETMaterial PVCSlot Size 40 Set From 130 Feet To 290 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? BentoniteDescribe packer(s) and location? 220' to 30'Was well disinfected upon completion? ☐ YES ☒ NOExplain Flowing WellBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner

Name Benson Gas ColonyAddress Wheat, S. Dak.

Well Log

Depth

Format 26

From	To
<u>0</u>	<u>35</u>
<u>35</u>	<u>50</u>
<u>50</u>	<u>60</u>
<u>60</u>	<u>80</u>
<u>80</u>	<u>85</u>
<u>85</u>	<u>180</u>
<u>180</u>	<u>290</u>

STATIC WATER LEVEL Surface Feet

If flowing: closed in pressure _____ PSI

GPM flow 1 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? Yes

WELL TEST DATA

☒ Pumped☐ BailedDescribe: Compressed Air☐ Other

Pumping Level Below Land Surface

15 ft. After 30 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license 94

And this report is true and accurate.

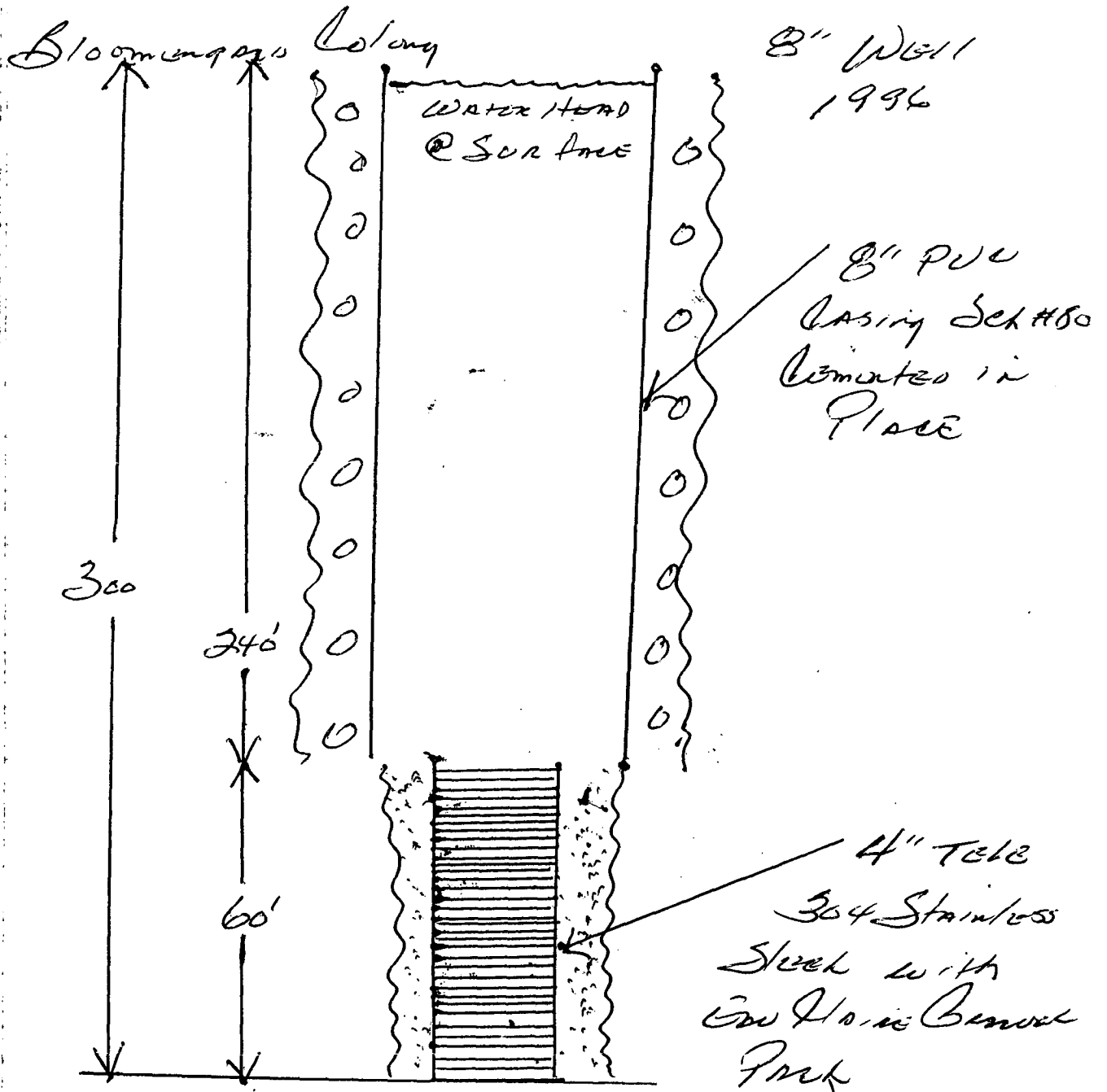
Drilling firm Chapman DrillingSignature of License Representative [Signature]Signature of Well Owner [Signature]Date 12/24/89

1-11-90

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-84. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25% ROLL NO 44-3

DATE MICROFILMED 3-9-90

CAMERA OPERATOR [Signature]

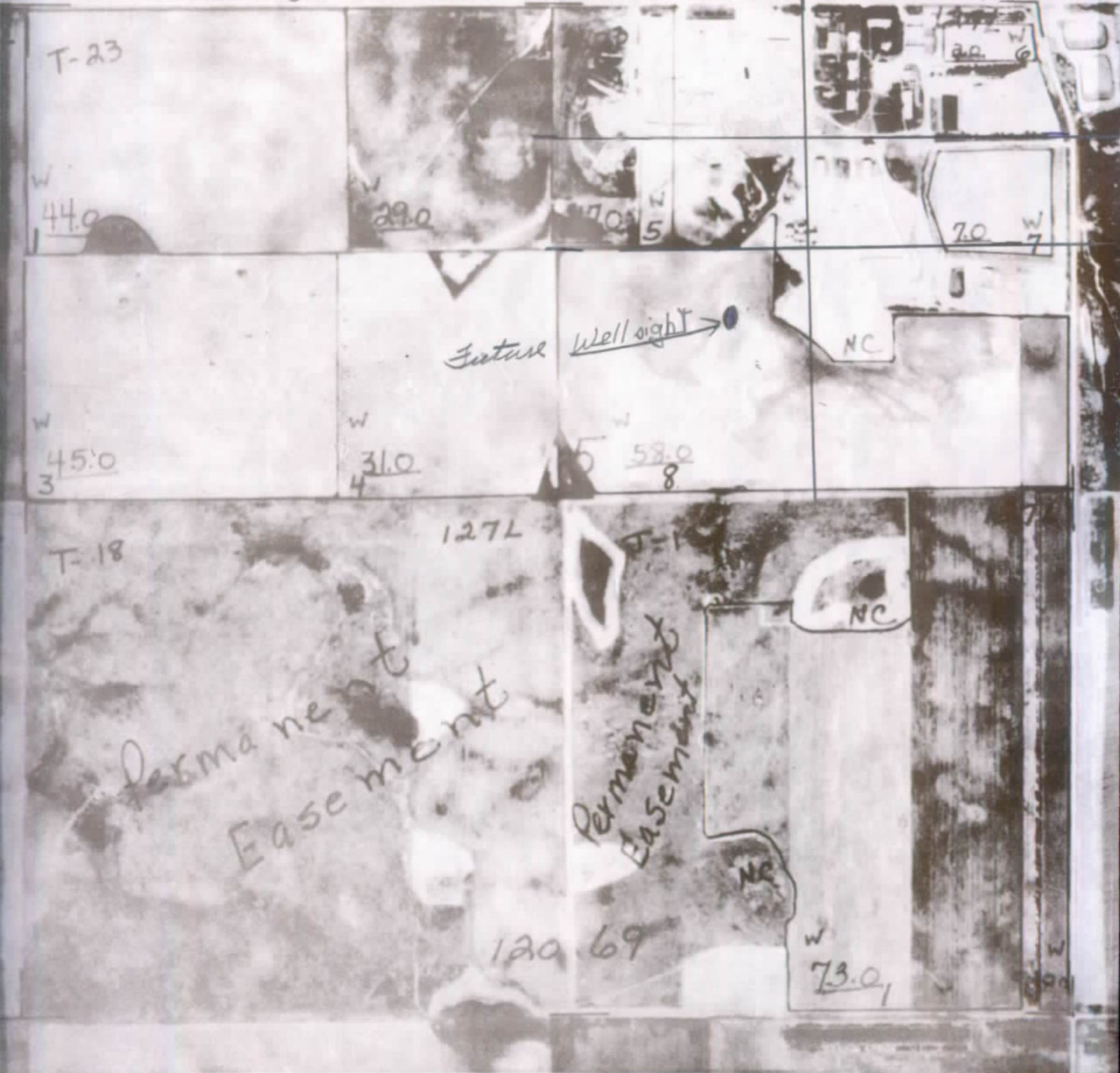


MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.

Faulk County FSA Office
P.O. Box 367
Faulkton, SD 57438

This A photo-copy of our Aerial
map of Section 5-120-69 FAULK Co.

Peny King, CED 5/29/96





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 1996

PAUL HOFER
BLUMENGARD COLONY
RR 02 BOX 78
WECOTA SD 57438-9302

Re: Blumengard Colony Animal Waste Management System
Plans and Specifications

Dear Mr. Hofer:

The Department of Environment and Natural Resources (DENR) is in receipt of four (4) copies of the plans and specifications for your Animal Waste Management System. The animal waste management system will be located in the Northeast 1/4 of Section 06, Township 120 North, Range 69 West in Faulk County, South Dakota.

This system is for a 13,685-head/5,474-animal unit farrow to finish swine confinement feeding operation with zero (0) acres of drainage area. This system consists of a solids separator, two (2) concrete pits for removal of minerals and other settleable solids (these were removed from the overall system design - see item number four (4) under the requirements section on page three (3) of this letter), piping, and two (2) holding ponds. The ponds have been designed for 360 days of liquid storage. Only one pond will be constructed at this time. The other pond will be constructed at a later date. The second pond is to be constructed for potential future expansion, flexibility in the operation of the system, and for any underestimation of wastewater quantities.

DENR has reviewed the project for storage and seepage requirements and hereby approves the plans and specifications for the above mentioned project. This approval expires on March 29, 1988, unless construction has been started by that date. Two (2) copies of the approved plans and specifications are being retained for our files.

If any deviations are required from the approved plans, then those changes and all change orders must be submitted for approval prior to construction. A complete set of as-built plans will be required if several major deviations result.

A list of requirements which you must implement and recommendations which you may wish to

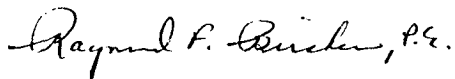
Paul Hofer
Blumengard Colony
Page 2
March 29, 1996

implement are listed on the attached page.

Upon receipt of the enclosed Notice of Completion, a Certificate of Compliance is available for an animal waste management system when constructed as approved as long as this operation does not significantly change. Continued compliance is dependant upon proper operation and maintenance activities being performed by the owner/operator. This certificate does not relieve the owner/operator from any liabilities for noncompliance. Enclosed is an example of how a Certificate for your facility will look.

For more information on this review and approval please see the attached page of requirements and/or recommendations. If you have any questions regarding the content of this letter, please feel free to contact me. Thank you for your cooperation.

Sincerely,



Raymond F. Birchem, P.E.
Staff Engineer
Department of Environment and Natural Resources
Phone: (605) 773-3296

cc: James A. Reedy, AE, NRCS, Pierre, SD

REPORT ON WATER PERMIT APPLICATION NO. 5942-3
for Blumengard Colony
June 5, 1996

Application No. 5942-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 300 feet deep located in the SW 1/4 NE 1/4 of Section 5, T120N R69W in Faulk County. The water is for commercial use in a hog confinement facility.

AQUIFER - GRAND (G)

The Grand is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 74,200 acres and contains an estimated 556,000 acre feet of recoverable water in storage in Faulk County alone (Hedges, 1982). This is a very large aquifer system which extends into Edmunds, McPherson and Campbell counties to the north and west and blends into the Tulare aquifer to the south in Hand and Spink Counties. Ground water movement is from north to south and west to east in this area (Hamilton, 1982).

According to a driller's log for a domestic well for the Colony aquifer material was encountered at a depth of 180 feet below land surface and continued to a depth of 290 feet. This well as completed had a static water level at land surface and was capable of producing 60 gpm using air to develop. This well would be similar to the proposed production well. Also, this well did free flow at the land surface upon completion.

The Water Rights Program does monitor observation wells completed into the Grand aquifer in this area. Observation well FA-80A is located about two miles east of this application. Water levels for this well have always been over 150 feet below land surface. The discrepancy between water levels cannot be explained. The observation well does appear to function and does produce water. A hydrograph for this well is included with this report (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Grand aquifer. There are other domestic wells which obtain water from the Grand aquifer in this area. Interference is not a concern. Drawdown will be created by pumping and will create a cone of depression around the production well. Because this aquifer is confined and will produce free flowing wells at the land surface (which apparently have low pressure) any pumping could affect the flow from these wells. It may be necessary to lower the pumps in nearby wells to obtain water supplies.

CONCLUSIONS

1. Water is available from the Grand aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will result from pumping. However, even though this may result in lowering pumps in existing wells, the availability of water from the aquifer will not be impaired.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for the animal waste management system have been approved by the department.
5. There should be an alternate water supply available for this facility. Either another well should be drilled into the Grand aquifer or a different supply entirely for use as a backup.


for James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

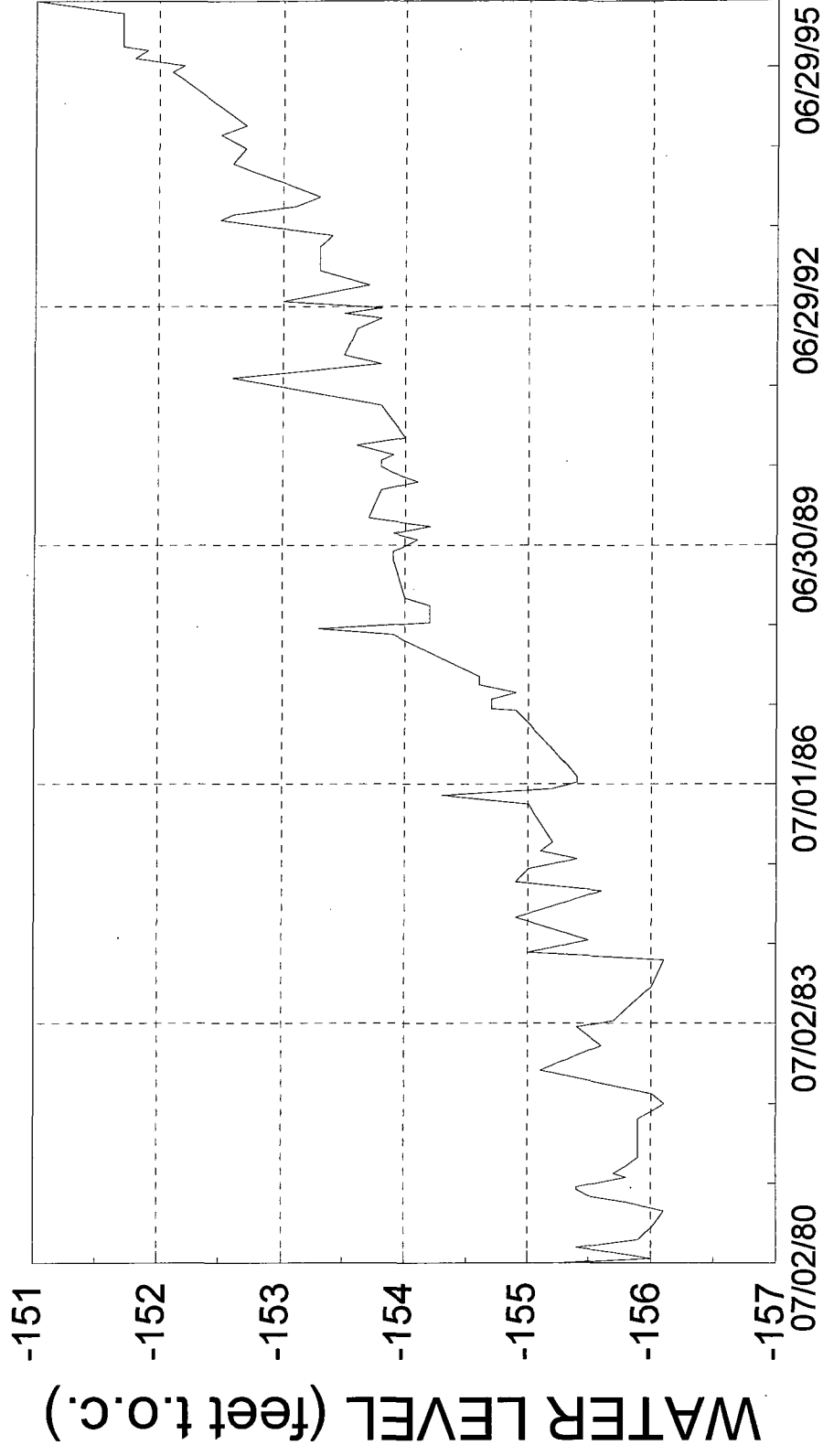
Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, SDGS, Vermillion, SD, 57069.

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

Water Rights, 1996, Unpublished Observation Well Data for Grand Aquifer, SD DENR, Division of Environmental Services, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

FA-80A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5942-3, Blumengard 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. 5942-3, c/o Paul Hofer, RR 2, Box 78, Wecota, SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 5942-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following 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. If the well approved under this Permit flows, it shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. The well authorized by Permit No. 5842-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. The facility shall be designed so that "clean" surface runoff from the surrounding drainage area is routed around the confinement lot area.
5. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that 1) prevents discharge of runoff from the disposal sites and 2) prevents disposal site runoff water from entering the waters of the State.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 1/16 inches per day. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).

continued

7. Permit No. 5942-3 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 Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
June 6, 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.

June 7, 1996

Paul Hofer
Blumengard Colony
RR 2, Box 78
Wecota, SD 57438

Dear Mr. Hofer:

Water Permit Application No. 5942-3 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 Faulk Co. 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

June 7, 1996

Faulk Co. Record
Box 68
Faulkton, SD 57438-0068

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5942-3 to be published twice. Please publish the first notice on June 12, 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 Blumengard Colony, %Paul Hofer, RR 2, Box 78, Wecota, SD 57438 (Ph # (605) 324-3243).

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 June 12, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5942-3 to Appropriate Water

Notice is given that Blumengard Colony, RR 2, Box 78, Wecota, SD 57438 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from one well (Grand Aquifer) 300 feet deep located in the SW 1/4 NE 1/4 Section 5-T120N-R69W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5942-3 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 this application 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 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 July 1, 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.

The Water Management Board will consider this application at 9:45 a.m., July 10, 1996, Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 10, 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 application. The request for an automatic delay must be filed by July 1, 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 July 1, 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.

This application is 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Faulk)

I, James B. Moritz

certify that the attached printed Notice was

taken from the Faulk County
Record

printed and published in Faulkton

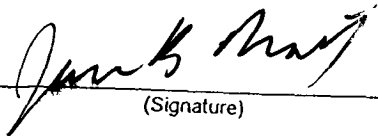
County of Faulk and State of

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

Wednesday, June 12, 1996

Wednesday, June 19, 1996

Cost of Printing: \$51.12


 (Signature)

Publisher

(Title)

June 26, 1996

(Date Signed)



Notice of Hearing

No. 175, June 12, 19, 1996
NOTICE OF HEARING
 on Application No. 5942-3
 to Appropriate Water

Notice is given that Blumengard Colony, RR 2, Box 78, Wecota, SD 57438 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from one well (Grand Aquifer) 300 feet deep located in the SW 1/4 NE 1/4 Section 5-T120N-R69W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5942-3 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 this application 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 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 July 1, 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.

The Water Management Board will consider this application at 9:45 a.m., July 10, 1996, Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 10, 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 application. The request for an automatic delay must be filed by July 1, 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 July 1, 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.

This application is 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

JUL 19 1996

Paul Hofer
Blumengard Colony
RR 2, Box 78
Wecota, SD 57438

Dear Mr. Hofer:

Enclosed is Water Permit No. 5942-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Conversation or File Documentation

NAME OF PERSON OR FILE: PAUL HOFFER (BLUNGGARD COLONY)
ADDRESS: WECOTA, RR 2 Box 78 COUNTY FAULK
DATE: 8 SEP 98 TELEPHONE 605-324-3243
RE: WGL COMPLAINT -

COMMENTS:

I ASKED ABOUT LAGOON AND PUMPING - SAYS THEY HAVE 7HP PUMP
IN WGL - ONLY PRODUCING WATER NEGOCO - STARTED USING SYSTEM
ABOUT JUNE OF THIS YEAR - SAID THERE WAS A COUPLE OF FEET OF
WATER IN LAGOON - PAUL ASSURED ME THEY WERE ONLY USING
WHAT IS PERMITTED -

9 SEP 98 - I CALLED JACK BACK -

JACK MAINTAINS DISCHARGE IS CONTINUUM AND LAGOON HAS
MORE WATER IN IT THAN THAT - HE THINKS THIS NEEDS TO BE CHECKED
OUT - ON THE WGL THAT QUIT FLOWING, THEY WILL NEED TO
INSTALL A PUMP AND THAT SHOULD TAKE CARE OF PROBLEM.

I PROMISED JACK WE WOULD CHECK INTO THIS FURTHER EVEN IF
IF MEANT COMING TO LOOK AT SITUATION -

8/9/98 CAUSED HURON DRILLING TO FIND OUT PUMP SIZE - NO RETURN CALL -

8/10/98 PLANS INDICATE 100,000 GPD FLUSH WATER / (54 FEET DEEP) POND 1 40 ACRES, WILL EVENTUALLY ADD POND 2

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: JAG

Conversation or File Documentation

NAME OF PERSON OR FILE: JACK JONES PO BOX 143
ADDRESS: FAULKTON 57438 COUNTY FAULK
DATE: 8 SEPTEMBER 98 TELEPHONE 605-598-6682
RE: WGN COMPLAINT 120-69-8 (NG 1/4)

COMMENTS:

JACK CALLED TO SAY HIS WGN HAD QUIT FLOWING - COLONY
WAS PUMPING AN 8" STREAM OF WATER INTO LAKEON - HE
THOUGHT THIS MAY BE AFFECTING HIS WELL -

WANTED TO KNOW WHAT COLONY PERMIT WAS ISSUED FOR AND
WHAT COULD HE DO TO GET WATER SUPPLY BACK -

I TOLD HIM I WOULD CHECK OUT PERMIT, WELL INFO AND
GET BACK TO HIM - ALSO TOLD HIM HE MIGHT HAVE TO PUT
A PUMP INTO THE WELL - JACK ALSO INDICATED THERE
WAS ANOTHER WGN TO THE WEST WITH SAME PROBLEM -
IN SW SECTION 1 (PROBABLY TIZON RIBOW)

JACK SAID ^(?) HIS WGN IS 6" AND WAS A FLOWING WGN -

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: JAG

17 SEP 98

RE COMPLAINT AT BLUMENGAARD COLONY

NE 1/4 SEC 5 T120N R69W

10:00 VISITED WITH PAUL HOFFER (2 OTHERS) AT COLONY

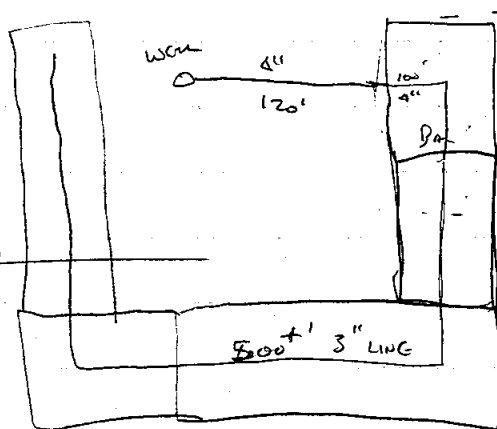
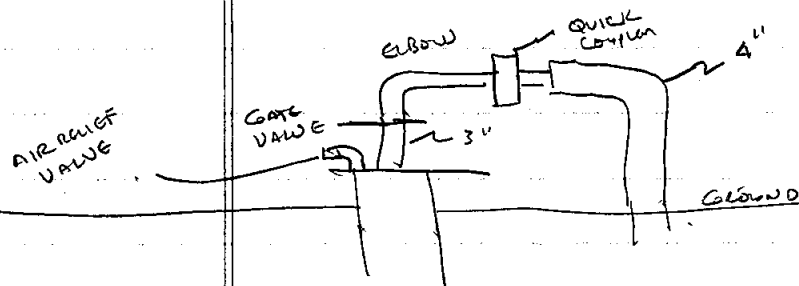
1) LOOKED AT WELL

(GAVE HYDROGRAPHS OF FA-80A AND ED-820)

2) LOOKED AT LAGOON

SCHEMATIC OF WATERLINES

WELL - HUDON DRILLING



WELL IS WORKING

ALSO BLOWING AIR WHEN PUMPING

PUMP SETTING ABOUT 100' -

4" LINES INTO BARN - 3" LINES THROUGH THE BARN (?)

TOLD THEM WELL NEEDS TO BE FIXED - WORKING ABOUT FREEZING

ALSO RECOMMENDED THEY GET A BACK UP -

SAID THEY HAVE A "SOUNDANCE WELL" -

LAGOON - ABOUT 3.5' WATER IN POND - THEY PUMP WATER FROM SLOUGH TO THE WEST INTO THE LAGOON - HAVE MP - BUT IT IS BENT - ALSO HAVE OTHER LAGOON TO NORTH FINISHED -

IN FAULTON

STOPPED + TALKED TO JACK AND SHARON JONES - TOLD THEM I WASN'T SURE WHAT WAS BEING PUMPED BUT 125 GPM - FAIRLY GOOD

1) GAVE THEM - PERMIT, WELL LOGS FOR COLONY + THEIR WELL -

2) NEED TO GET PUMP IN WELL - SHOULD BE SUFFICIENT WATER -

3) TOLD THEM HOW LAGOON FILLS - NOT FROM WELL -

FARM WELL LOCATION - NE 1/4 SEC 8, T120N R69W

17500 28
CONT'D

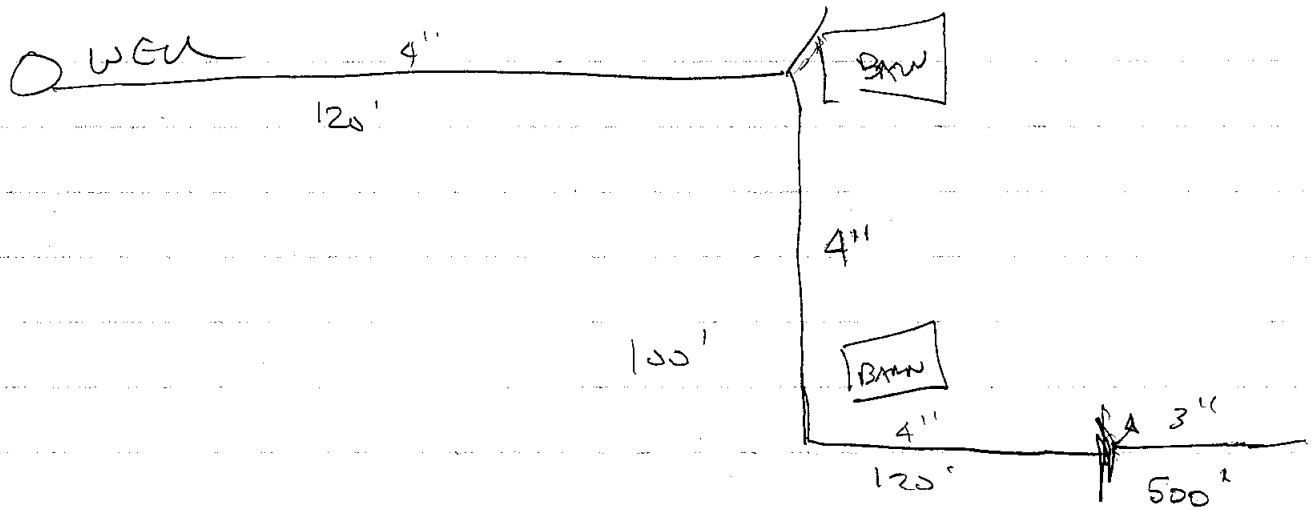
JAG

- 1) TOLD COLONY THEY NEED A POINT FOR MORE THAN 100 GPM IF USING IT -
- 2) OFFERS TO REPAIR PUMPING LAKE - WILL PROVIDE TO THEM AN ELECTRIC PUMP -
- 3) THEY ASK ABOUT MILK BARN - MORE WATER - NEED ANOTHER POINT - COULD ADD WATER - ALSO WOULD NEED ANOTHER WELL - NEED BACKUP ANYWAY -

S. JONES

- 1) INTERESTED, WE WOULD KEEP TRACK OF WHAT IS GOING ON - THANKS ME FOR STOPPING AND CHECKING.
- 2) ASSURED HER WATER WAS THERE - JUST NEED TO PUMP IT -

NO PRESSURE TANK



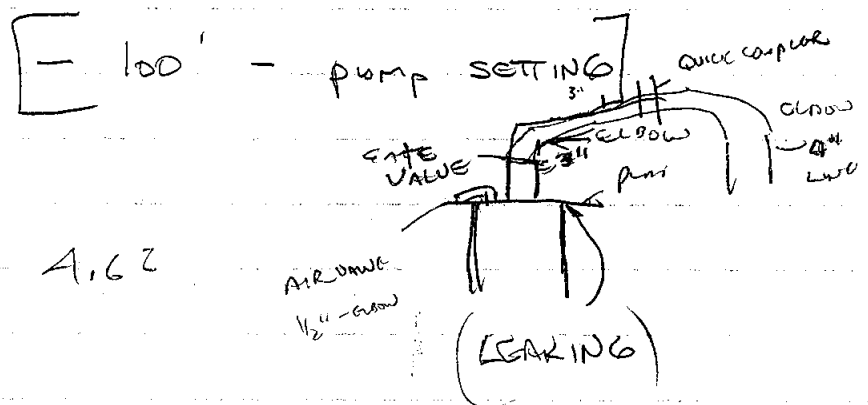
LOGAN (SIEDSCHLAW) 1 mile south
 SIMMON JONES
 JACK JONES

> pumping level -

?

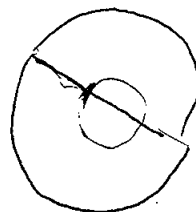
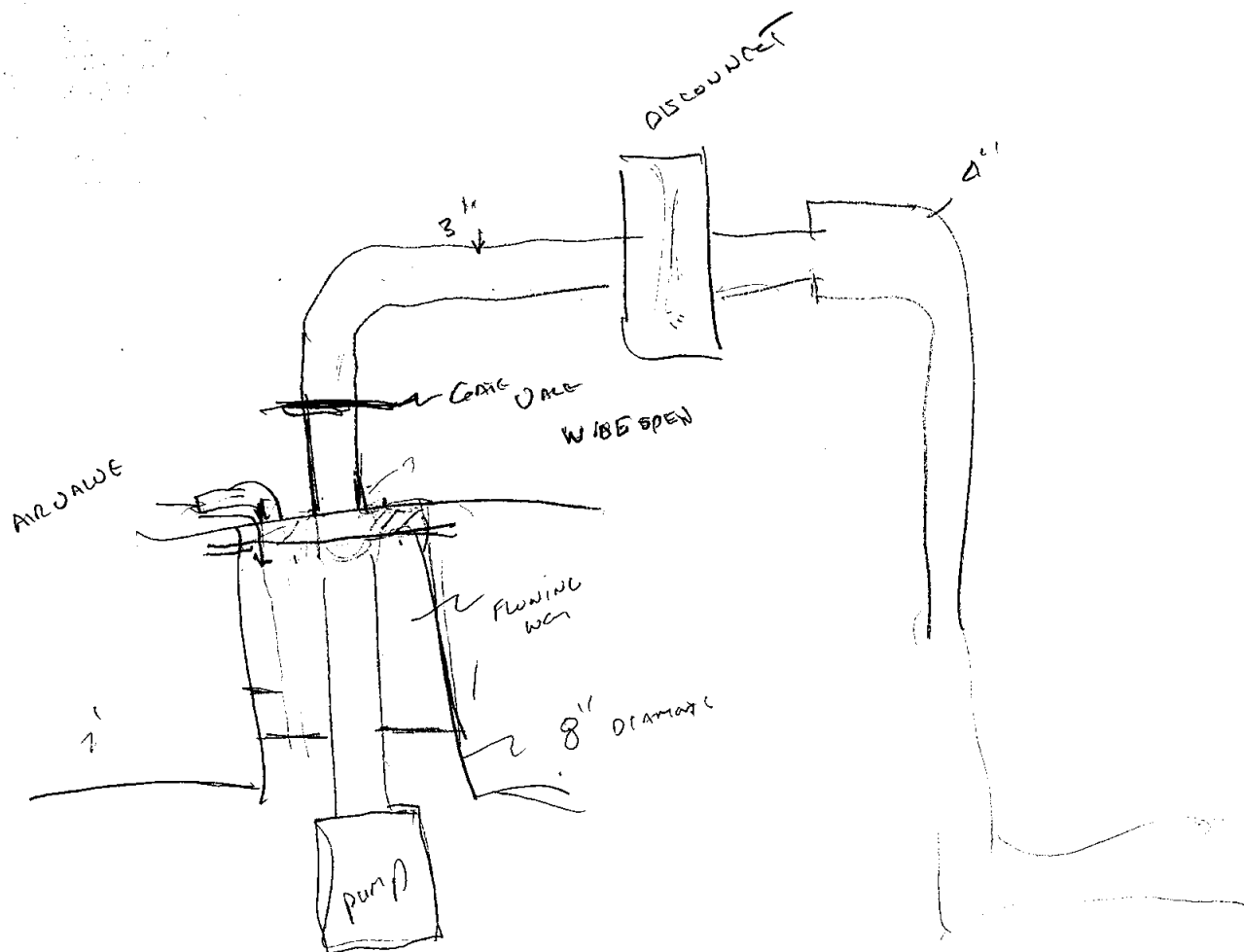
TRIED LETTING FLOW - but tank

ISN'T A PRESSURE ADAPTOR



2 PSI - 2.31 - 4.62

JONES - Simon & Jones -
 total about will go by
 pump + etc





United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Water Resources Division
111 Kansas Ave. SE
Huron, South Dakota 57350-2005



To: RECIPIENT OF U.S. GEOLOGICAL SURVEY REPORTS

The U.S. Geological Survey duplicates reports of a local or regional nature. These reports are distributed to organizations and depositories, generally within the area described in the report, that have a direct interest in the subject matter.

A copy (or copies) of the following report is enclosed for your use:

"Water-quality trends for the Cheyenne and Moreau Rivers, Cheyenne River
Indian Reservation, South Dakota, 1972-94," WRIR 98-4092

If you need an additional copy, please contact our office. Conversely, if you have no need for the enclosed report, we would appreciate its return.

FOR THE DISTRICT CHIEF

Rick D. Benson

Enclosure(s)

SINCE 1911

HURON DRILLING, INC.

WELL SERVICE

P.O. BOX 1422

HURON, SOUTH DAKOTA 57350

1-800-332-9355

FAX (605) 352-8571



FAX COVERSHEET

DATE: 9/15/98

ATTN: Jim Goodman COMPANY NAME: Water Rights

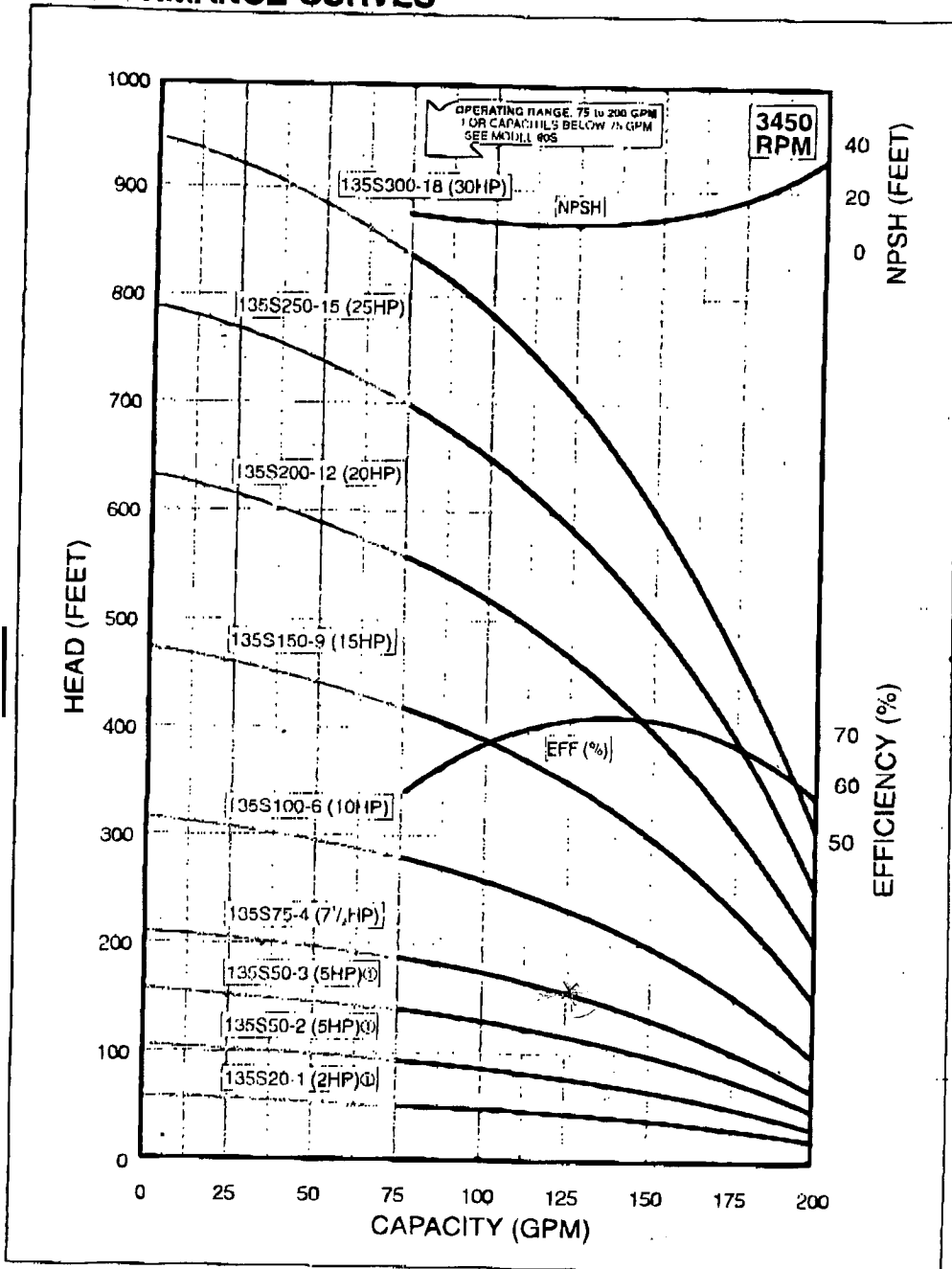
FAX: 605-773-4068

FROM: Doug Osberg

MESSAGE: _____

TOTAL NUMBER OF PAGES INCLUDING COVERSHEET: 2

PLEASE CALL (605) 352-8538 IF YOU DO NOT RECEIVE ALL OF THE PAGES.

GRUNDFOS**135 GPM****MODEL
135S****PERFORMANCE CURVES**FLOW RANGE
75 to 200 GPMPUMP OUTLET
3" NPT**DIMENSIONS AND WEIGHTS**

MODEL NO.	HP	MIN. WELL SIZE (INCHES)	LENGTH (INCHES)	MAX. WIDTH (INCHES)	APPROX. UNIT SHIPPING WT. (LBS.)
135S20-1	20	6	27 1/4	5 1/2	35
135S50-2	50	6	42 1/2	5 1/2	84
135S50-3	50	6	47	5 1/2	88
135S75-4	7 1/2	6	51 1/2	5 3/4	146
135S100-6	10	6	59 7/8	5 3/4	167
135S150-9	15	6	73	5 3/4	186
135S200-12	20	6	86 1/4	5 3/4	225
135S250-15	25	6	99 1/4	5 3/4	243
135S300-18	30	6	112 3/8	5 3/4	268

NOTES:

① 4-inch motor.

Specifications are subject to change without notice.

See Deep Set models for higher head.



September 22, 1998

Paul Hofer
Blumengard Colony
RR 2, Box 78
Wecota, SD 57438

Dear Mr. Hofer:

I am writing as a follow-up to my September 17, 1998 site visit to your facility. As discussed, I will get an electric reader to you in the next three to four weeks to measure the drawdown in your production well. These measurements may help determine the actual diversion rate from the well, however, it appears that you may be diverting more water from the well than is permitted especially during hot weather conditions when cooling water is needed. This demand will only get greater as you expand the hog operation.

You also talked about the possibility of adding a milking operation. This will require a new water permit for additional water. Also, I suggest you consider adding an additional well from the Grand Aquifer (your present supply) to serve as a backup for the existing well. This new well could also serve as a source for the dairy operation. Concerning your existing well, the leakage occurring when the well is being pumped should be fixed before winter to avoid freezing problems.

In summary, it appears that you are diverting more water than the 0.22 cfs (100 gpm) authorized by Water Permit No. 5942-3. This needs to be covered by permit. This can be accomplished by filing a application for additional water under No. 5942-3 or by including this with a new application for the proposed dairy addition. I am enclosing forms for a water permit application and if there are any questions please feel free to contact me.

Sincerely,

James A Goodman
Natural Resources Engineer
605-773-3352
enclosures



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 2008

5942-3

6111-3

6185-3

Paul Hofer
Blumengard Colony
35075 148th St
Wecota SD 57438

Dear Mr. Hofer:

Enclosed are your Water License Nos. 6111-3 and 6185-3. They are the final water right documents completing your process of obtaining Water Rights. Also included are maps prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6111-3 and 6185-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 5942-3 were incorporated into Water License No. 6111-3.