

WATER PERMIT NO. 5953-3

Name of Applicant: H & K Oil

Address: PO Box 115, Yankton SD 57078

Phone: 605 665-2531

Amount of Water Claimed: 0.037 cfs (17 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Yankton

Type of Waste Disposal System: connected to the city's sanitary sewer

Location:

PRIORITY Date Received: 11-9-90

Fee: \$50.00

Corrected Application Received: 8-19-96

Period of Annual Use: January 1 - December 31

Remarks: water used for washing hands, drinking & flushing toilets

Diversion Point: SW 1/4 NW 1/4

Sec 17-T93N-R55W

Land to be Irrigated:

	⊗				
			17		

Depth of Well: 43 feet

Well Driller: Koranda Well Co.

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 8-26-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5953-3**

Date of first receipt of application November 9, 1990.

Date of return to applicant for corrections, amendments or changes November 15, 1990.

Date of receipt of corrected application August 19, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5953-3 to H & K Oil, PO Box 115, Yankton SD 57078 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. 5953-3 appropriates 0.037 cubic feet of water per second (17 gallons per minute) from one well (Missouri Elk Point Aquifer) 43 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W.
2. The water appropriated shall be used for the purpose of supplying water to the business 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. 5953-3 is October 21, 1996.
5. The date from which applicant may claim right is August 19, 1996.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

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

DEC 26 1996

date



RF

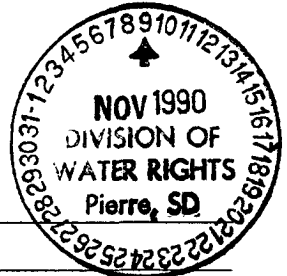
No. 5953-3 Hydrologic Unit 10/70/01
 Map No. _____ Basin James River
 Newspaper Daily Press & Dakotan, Yankton, SD

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following



New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
 Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant H & K OIL CO. Phone No. 665-2531
 Post Office Address PO BOX 115 YANKTON State SOUTH DAKOTA 57078
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 50 to 100 gallons per day .037 CFS

3. Source of water supply Ground water - 1 well

4. Location of point of diversion SW 1/4 NW 1/4 Section 17; T93N R55W

County Yankton

5. Counties where water will be used YANKTON

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

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

Water used for washing hands, drinking, & flushing toilets at H+K oil. Maximum pumping capacity is 17 GPM.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of YANKTON)^{ss}

I, HAROLD WUESTEWALD 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 Harold Wuestewald

Subscribed and sworn to before me this 8 day of November 1990

Carita Hicks
 Notary Public

1978

Application Map prepared by: Barry A. McLaughry
Barry A. McLaughry
DENR, Water Rights Div.
Pierre, SD

93-55

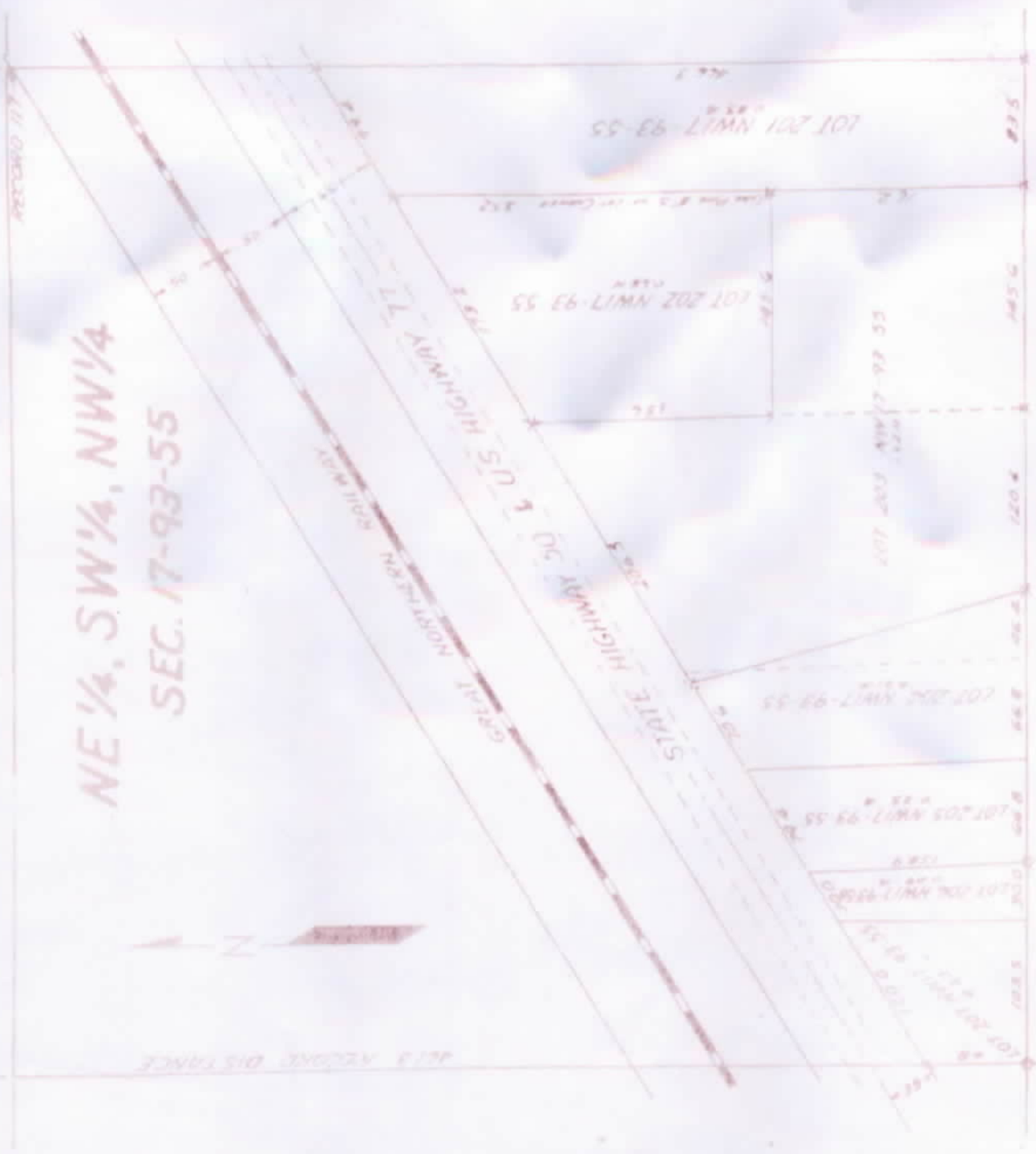
• Overlook location point

5953-3



H & K oil company

NE 1/4, SW 1/4, NW 1/4
SEC. 17-93-55



PLAT OF
LOTS 201 TO 207 INCLUSIVE NW 1/4-93-55
(located in NE 1/4 of SW 1/4 of NE 1/4 of Sec. 7-93-55)

10-85

Date 6-10-88

RECEIPT

415061

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 26, 19 96

RECEIVED OF H & K Oil, P.O.Box 115, Yankton, SD 57078

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

Fee for Application for Permit No. <u>5453-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 6, 1988

Harold Wuestewald
H & K Oil Co.
E Highway 50
Yankton SD 57078

Dear Mr. Wuestewald:

A well drillers report filed with this office by Koranda Well Co. indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter and the enclosed "Summary of South Dakota Water Law and Water Rights Information" are to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Well Driller

Enclosure





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 6, 1990

H&k OIL CO.
HAROLD WUESTEWALD
E HIGHWAY 50
YANKTON SD 57078

Dear MR. WUESTEWALD:

A well drillers report filed with this office by KORANDA WELL COMPANY indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 15, 1990

H & K Oil Co.
Harold Wuestewald
PO Box 115
Yankton SD 57078

Dear Mr. Wuestewald:

In regard to your water permit application received on November 9, 1990, the following information needs to be submitted and/or clarified in order to process your application.

- 1) On Item No. 2. of the application please include the maximum diversion rate in gallons per minute from the well at any one time to fill the storage tank.
- 2) The correct application fee for the amount of water claimed, if the maximum diversion is less than 45 gallons per minute is \$50.00. Your check for \$15.00 is enclosed. Please remit the correct amount.
- 3) The well completion report submitted by the driller indicates the well location to be in Section 17, T93N, R55W. On Item No. 4 of the application please indicate which quarter-quarter (40 acre parcel) of Section 17 the well is located.
- 4) A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

You will notice on the copy of your Application for Permit, several additions have been made. Please review these additions, and contact us if you are not in agreement with them.

The water permit application can not be considered until the application is complete. Upon receipt of the proper fee, map and the copy of the application with the additional information, further processing of your application will continue.

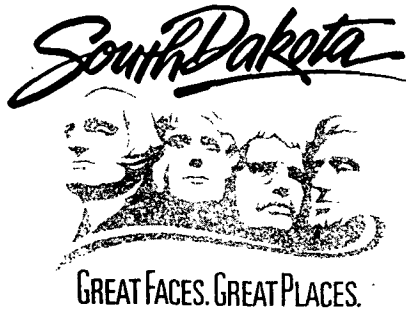
If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 23, 1991

H & K Oil Co.
Harold Wuestewald
PO Box 115
Yankton SD 57078

Dear Mr. Wuestewald:

On November 9, 1990 you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on November 15, 1990 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 1993

H & K Oil Co.
Harold Wuestewald
PO Box 115
Yankton SD 57078

Dear Mr. Wuestewald:

On November 9, 1990, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on November 15, 1990 and May 23, 1991 (copies enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

As stated in our May 23, 1991 letter, obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. If you no longer use this water source for commercial purposes, please let us know.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 1994

H & K Oil Co.
Harold Wuestewald
PO Box 115
Yankton SD 57078

Dear Mr. Wuestewald:

Several years ago H & K Oil Co. filed an Application for a Permit to Appropriate Water. The application was not complete and you were informed of what was necessary to complete the application. Our records indicate a complete application was never received. Enclosed are new application forms and an instruction sheet to apply for a water permit. A copy of the well completion report is on file, so it will not be necessary to submit another report.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2 18, a water permit is required for commercial use of water from a private water source. Without a water permit, you do not have a legal right to use the water and the Chief Engineer may issue a shut off order if the illegal use of water continues. If you no longer use the water from a private water supply, please inform us.

If you have any questions or need assistance in completing the enclosed applications forms, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosures

Water Rights Program - File Documentation

NAME: H & K Oil Co.

ADDRESS: Yankton SD

DATE: 8-26-96 **COUNTY:** YA **TELEPHONE:** 605 665-2531

RE: Pending application

COMMENTS:

On August 19, 1996, Barry McLaury visited with Harold Wuestewald concerning his pending application which was originally submitted November 9, 1990.

The application was amended to 17 gpm (0.037 cfs).

Mr. Wuestewald stated they were connected with the City of Yankton's sanitary sewer.

At that time, Barry received the \$50.00 application fee from Mr. Wuestewald.

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 5953-3
for H & K Oil Company
September 17, 1996

Application No. 5953-3 proposes to appropriate 0.037 cfs (17 gpm) from one well approximately 43 feet deep located in the SW 1/4 NW 1/4 of Section 17, T93N-R55W in Yankton County. The water is for commercial use.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under predominantly unconfined or water table conditions. The aquifer underlies approximately 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, extends into Clay County to the east and to the James and Missouri rivers. The Missouri Elk Point aquifer is equivalent to the Lower James Missouri "southern area" in the Yankton County Study (Bugliosi, 1986).

Information supplied with the application indicates the aquifer top was about 15 feet below land surface. The well was completed to a depth of 43 feet and had a static water level of 16 feet below land surface. The well as built is completed in accordance with SD Well Construction Standards and was capable of producing 17 gpm.

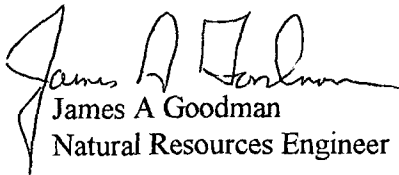
The Water Rights Program monitors seven observation wells completed into the Missouri Elk Point aquifer in Yankton County. The water level record for these well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four other water permits/rights within a one quarter mile radius of this application. Interference is not a concern. These are all shallow wells completed into an aquifer which is under water table conditions and drawdown does not extend very far from the production wells. Also, the pumping rates are relatively small.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not a concern.
3. This well is completed in accordance with SD Well Construction Standards.
4. Information in the application indicates that this facility is connected to the City of Yankton sanitary sewer system.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, USGS WRI 84-4241, USGS, Huron, SD, 57350.
- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1996, Unpublished Observation Well Records for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5953-3, H & K Oil Company

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. 5953-3, H & K Oil Company, %Harold Wuestewald, P.O. Box 115, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5953-3 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 qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
September 25, 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.

September 25, 1996

H & K Oil Co.
%Harold Wuestewald
P.O. Box 115
Yankton, SD 57078

Dear Mr. Wuestewald:

Water Permit Application No. 5953-3 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 Daily Press & Dakotan printed at Yankton, SD (Ph # (605) 665-7811). 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

September 25, 1996

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5953-3 to be published twice. Please publish the first notice on October 3, 1996, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is H & K Oil, %Harold Wuestewald, P.O. Box 115, Yankton, SD 57078 (Ph # (605) 665-2531).

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. 5953-3

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 October 3, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5953-3 to Appropriate Water

Notice is given that H & K Oil Co., P.O. Box 115, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.037 cubic feet of water per second (17 gallons per minute) from one well (Missouri Elk Point Aquifer) 43 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5953-3 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 October 21, 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.

Affidavit of Publication



STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Don S. Smith

being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice of Application NO 5953-3 to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 3rd day of October, 1996, and the last publication being made on the 10th day of October, 1996.

The first publication being made on the 3rd day of October

The second publication being made on the 10th day of October

The third publication being made on the..... day of

The fourth publication being made on the..... day of

The fifth publication being made on the..... day of

The sixth publication being made on the..... day of

The seventh publication being made on the..... day of

The eighth publication being made on the..... day of

The ninth publication being made on the..... day of

The tenth publication being made on the..... day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$42.46, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Don S. Smith

Subscribed and sworn to before me this 10th day of October, 1996

Notary Public, South Dakota

My Commission Expires 3-31-2002

10+3+10
NOTICE OF APPLICATION NO 5953-3
to Appropriate Water

Notice is given that H & K Oil Co., P.O. Box 115, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.037 cubic feet of water per second (17 gallons per minute) from one well (Missouri Elk Point Aquifer) 43 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5953-3 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 October 21, 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

Publication Fees \$.....

Received Payment,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

H & K Oil Co.
%Harold Wuestewald
P.O. Box 115
Yankton, SD 57078

Dear Mr. Wuestewald:

Enclosed is Water Permit No. 5953-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 1-14-97

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: H&K OIL Co. P.O. Box 115
(name) (address)
Yankton, SD 57078 605-665-2531
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5953-3.

Water Permit No. 5953-3 states that the diversion system is to be constructed by Already Constructed, and that the water is put to beneficial use by
(date)

Already Constructed
(date)

The diversion system was completed on 6-10-88.
(date)

Applying the water to beneficial use was completed on 6-10-88.
(date)

You may schedule an inspection so that the Water License may be issued.

David Whistler
(signature)

Permit No. 5953-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, August 20, 1996, made a thorough examination of the water use system constructed by H&K Oil of PO Box 115, Yankton, SD 57078 holder of Permit No. 5953-3, bearing the priority of August 19, 1996 authorizing the diversion of 0.037 cu. ft. of water per second from ground water for commercial purposes, in Yankton County.

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

A. Works used to divert the water:

A 1 HP Jacuzzi motor with a 17 GPM Goulds pump.

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

N/A

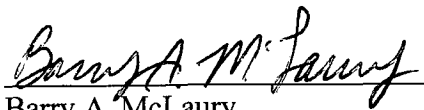
C. Works used to apply water to beneficial use:

Commercial use.

The system is in the following condition good. The point of diversion is located 1720 feet S and 1155 feet E from the NW corner of Section 17; T093N R55W (SW1/4 NW1/4). The works are capable of diverting and conveying to the place of use 0.037 cu. ft. of water per second which is to be used for commercial use. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.037 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: January 15, 1997.



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

REPORT ON INSPECTION OF PERMIT NO. 5953-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: August 20, 1996

NAME OF INSPECTION CONTACT: Harold Wuestwald

NAME & ADDRESS OF PERMIT HOLDER: H&K Oil, PO Box 115, Yankton, SD 57078

DIVERSION POINT LEGAL LOCATION: 1720 feet S and 1155 feet E from the NW corner of Section 17; T093N R55W (SW1/4 NW1/4).

WELL INFORMATION:

- | | |
|---|-----------------------------------|
| 1) Well Drilling Firm: <u>Koranda Well Drilling</u> | 3) Depth(s) <u>43</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>Y</u> |

Casing:

- 1) Diameter 5 inches
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 14 feet
- 3) Static water level 16 feet

Motor:

- 1) Make Jacuzzi
- 2) Serial No. F8729-2014
- 3) Horsepower rating 1? HP

Pump:

- 1) Make Goulds
- 2) Model No. 10ej 10412
- 3) Capacity 17 GPM

SYSTEM TYPE:

Commercial use.

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:

Mr. Wuestwald signed a "Notice of Completion of Works" on 1-14-96 and sent it to me along with a \$50.00 licensing fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 1997

5953-3

H & K Oil
%Harold Wuestwald
P.O. Box 115
Yankton, SD 57078

Dear Mr. Wuestwald:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5953-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

415234

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 30, 19 97

RECEIVED OF H & K Oil, P.O. Box 115, Yankton, SD 57078

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>5953-3</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

Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5953-3

H & K Oil
%Harold Wuestewald
P.O. Box 115
Yankton, SD 57078

Dear Mr. Wuestewald:

Enclosed is Water License No. 5953-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415234 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. 5953-3, 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

STATE OF SOUTH DAKOTA

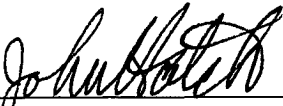
WATER LICENSE NO. 5953-3

(1) H & K Oil, PO Box 115, Yankton SD 57078 made Application No. 5953-3, November 9, 1990 for a water permit to divert 0.037 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for commercial purposes. Permit No. 5953-3, with a priority date of August 19, 1996 was approved October 21, 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.

(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 0.037 cubic feet of water per second for beneficial use. The location of the diversion point is 1,720 feet south and 1,155 feet east from the northwest corner of Section 17-T93N-R55W (SW 1/4 NW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 H & K Oil, PO Box 115, Yankton SD 57078 the holder and/or owner of Water Permit No. 5953-3 is issued a license to appropriate water, the right to use 0.037 cubic feet of water per second from groundwater (one well) with a priority date of August 19, 1996 from the location specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5953-3 and subject to South Dakota State Law.



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

APR 7 1997

date

