

WATER PERMIT NO. 5977-3

Name of Applicant: **Richard Baysinger**

Address: **Box 68, Artesian SD 57314**

Phone: **605 495-4242**

Amount of Water Claimed: **0.022 cfs (10 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial**

County: **Sanborn**

Type of Waste Disposal System:

Location: **3 miles east of Forestburg**

PRIORITY

Date Received: **10-8-96**

Fee: **\$50.00**

Corrected Application Received: **1-23-97**

Period of Annual Use: **January 1 - December 31**

Remarks: **for use at the Country Pumper convenience store**

Diversion Point: **N 1/2 NW 1/4 Sec 9-T106N-**

R60W

Land to be Irrigated: **NA**

Depth of Well: **130 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Marli Baysinger, FSA**

Reviewed and the Number Assigned on: **1-23-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

		X			
			9		

**SOUTH DAKOTA
WATER PERMIT NO. 5977-3**

Date of first receipt of application October 8, 1996.

Date of return to applicant for corrections, amendments or changes October 11, 1996.

Date of receipt of corrected application January 23, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5977-3 to Richard Baysinger, Box 68, Artesian SD 57314 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

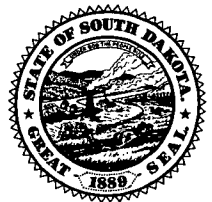
1. Water Permit No. 5977-3 appropriates 0.022 cubic feet of water per second (10 gallons per minute) from one well (Niobrara Formation) 153 feet deep located in the N 1/2 NW 1/4 Section 9-T106N-R60W.
2. The water appropriated shall be used for the purpose of supplying water to the Country Pumper convenience store 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. 5977-3 is March 31, 1997.
5. The date from which applicant may claim right is January 23, 1997.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

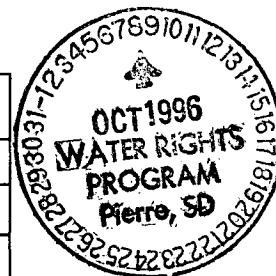
JUN 11 1997

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>5977-3</u> Hydrologic Unit <u>10/60011</u>
	Basin <u>James River</u>
	Newspaper <u>Woonsocket News, Woonsocket, 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.) _____

1. Name of Applicant Richard Baysinger Phone 495-4242
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address Box 68 Artesian S.D. 57314 State SD
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.022 *CFS or 10 **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) 1 well located in
The NE1/4NW4 Section 9 T106 N R60 W
County Sanborn

5. County or counties where water will be used Sanborn

6. Annual period during which water is to be used Annually Jan 1 - 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)

water is used at a Fast Food service type of place
for washing Hands, dishes, etc.

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 Sanborn SS

I, Richard Baysinger, 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 Richard Baysinger

Subscribed and sworn to before me this 5th day of October 19 96

Ronald L. Thibault
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Approved 6/14/96
- b) System Capacity (gallons) 1,500 gallons c) Year Constructed 1996 (June)
- d) Connected to the City of no Sanitary System.

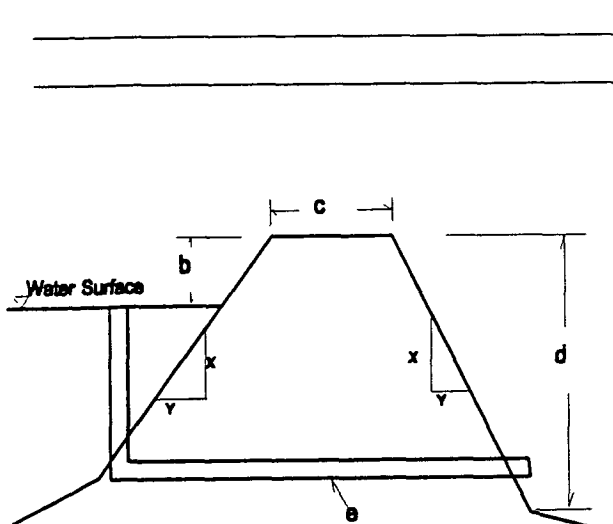
3. Dugout Information

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

4. Water Storage Dams

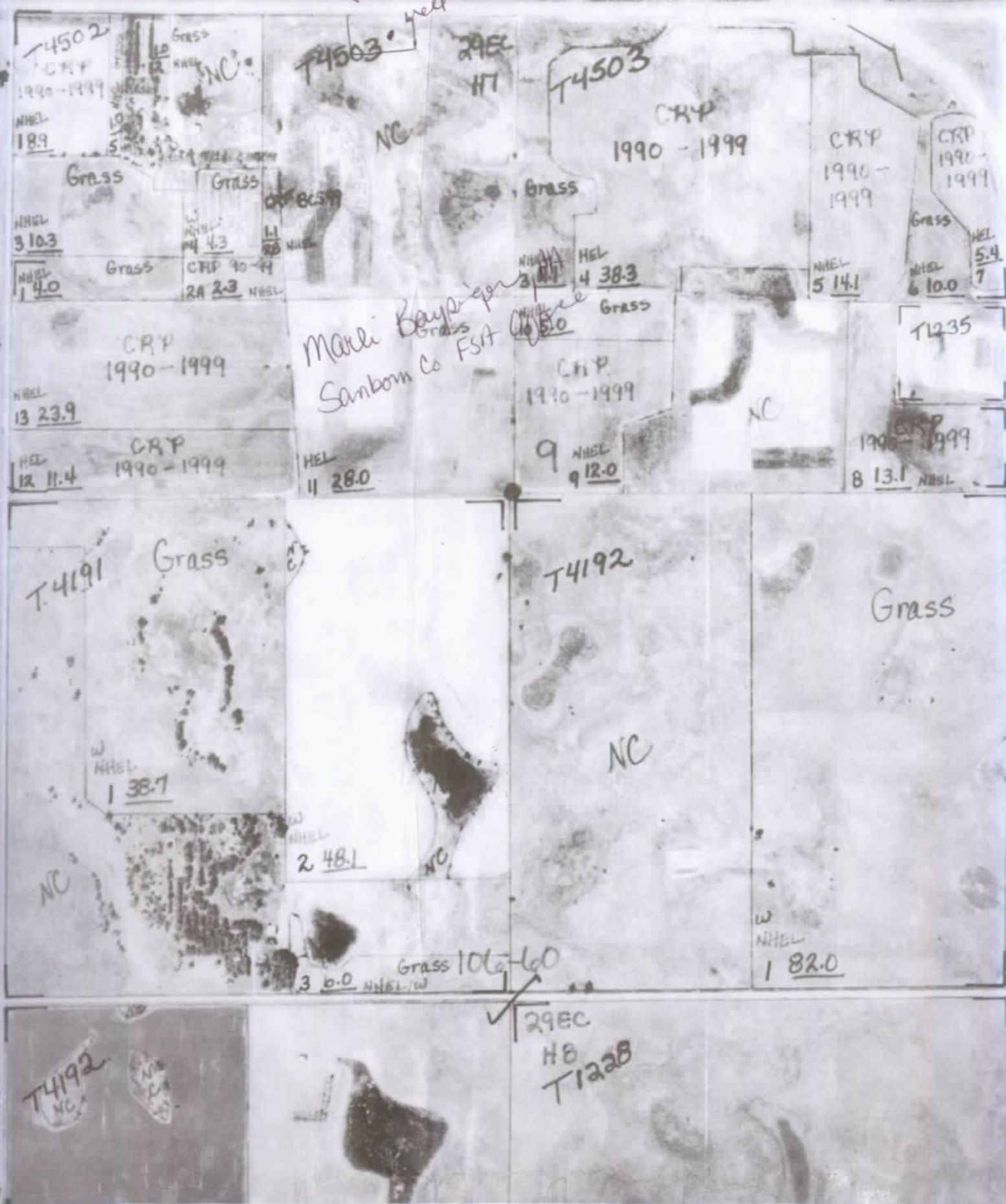
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

3 ac Land
 MAP NOT TO SCALE
 THIS IS NOT AN OFFICIAL WETLAND MAP.



5977-3

RECEIPT

415143

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 8, 19 96

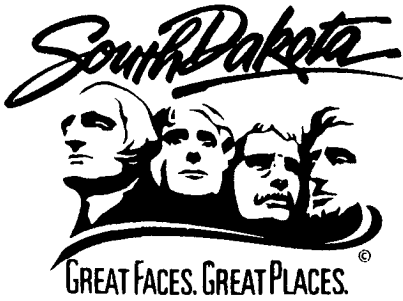
RECEIVED OF Richard Baysinger, Box 68, Artesian, SD 57314

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

Fee for Application for Permit No. <u>5774-3</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 ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 1996

Richard Baysinger
Box 68
Artesian, SD 57314

Dear Mr. Baysinger:

I am in receipt of your water right permit application for the use of water at the Country Pumper located east of Forestburg. The application requires the following information.

The application needs to specify the amount of water claimed. This is the maximum diversion rate from the well in gallons per minute. The size of the pump installed in the well may be the best way to determine the amount of water claimed.

Also, the photo you submitted does not meet the map requirement of the water permitting process. The map needs to show the location of the well in relation to a section corner. I note that the submitted photo was signed by Marli Baysinger with the Sanborn Co. Farm Service Agency. I believe the local NRCS (SCS) or ASCS office may be able to assist you with this requirement. They have aerial photos where the well can be referenced from a section corner. Please remember that the map must be signed by a government employee who normally prepares maps as part of his assigned duties or a registered professional engineer. I am returning the photo that was submitted.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



December 12, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Richard Baysinger
Box 68
Artesian SD 57314

Dear Mr. Baysinger:

On October 8, 1996, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on October 11, 1996 (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.

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, a water permit is required prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Richard Baysinger

ADDRESS: Box 68, Artesian SD

DATE: January 7, 1997 **COUNTY:** Sanborn **TELEPHONE:** 495-4242

RE: Pending application

COMMENTS:

On December 16, 1996, Richard Baysinger called concerning my letter dated December 12, 1996. Mr. Baysinger stated he had submitted the aerial photo and other requested information. I told Mr. Baysinger that I would check around and make sure the information he had submitted was not misplaced. I did not locate the map.

I called Mr. Baysinger back. He stated he would get another aerial photo and send it in. He also stated the pump rate according to Olson Drilling was 10 gallons per minute.



Karen Schlaak
Environmental Scientist

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 5977-3, Richard Baysinger

ADDRESS: COUNTY: Sanborn

DATE: February 26, 1997 TELEPHONE:

RE: Wastewater disposal system

COMMENTS:

Mr. Baysinger returned my phone call. He stated the convenience store use a septic system that was constructed in June of 1996.

I checked with Rich Hanson and a review of their files show the wastewater disposal system was approved on June 14, 1996. The capacity of the septic tank is 1,500 gallons and the drainage field has 400 square feet.

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: Eric Hanson

REPORT ON WATER PERMIT APPLICATION NO. 5977-3
for Richard Baysinger
February 14, 1997

Application No. 5977-3 proposes to appropriate 0.022 cfs (10 gpm) from one well approximately 153 feet deep located in the N 1/2 NW 1/4 of Section 9, T106N R60W in Sanborn County. The water is for commercial use at the Country Pumper convenience store.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation consists of chiefly of marl in various shades of gray and attains a thickness of about 80 feet with an average thickness of about 40 feet in Sanborn County (Steece, 1965). The Niobrara underlies about 530 square miles of Sanborn County and there is no estimate available for the amount of water in storage (Hedges, 1982). The aquifer is confined and under artesian conditions at this site.

The driller's log filed with this application indicates yellow clay from 0-30 feet, blue clay from 30-126 feet and chalk from 126 to 153 feet all below land surface. The well was completed "open hole" into the chalk from 130-153 feet. The well was capable of producing 50 gpm using air to develop and had a static water level of 60 feet below land surface. This well is completed in accordance with SD Well Construction Standards.

The Water Rights Program does not monitor any observation wells completed into the Niobrara in this immediate area. The nearest Niobrara observation well is SA-67E which is located about seven miles northwest of this application. Water levels for this well show good response with 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, 1997).

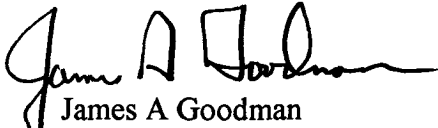
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights within three miles of this application. Interference is not a concern. Even though the aquifer is under confined or artesian conditions this application is for a small diversion rate. Drawdown created by pumping will not be significant.

CONCLUSIONS

1. Water is available from the Niobrara aquifer.
2. The aquifer is confined and under artesian conditions. Interference is not a concern primarily because of the small diversion rate requested by this application.

3. This well has been constructed in accordance with SD Well Construction Standards.
4. The water will be used at the Country Pumper Convenience Store. Their wastewater disposal system is a septic take with drainfield which was approved June 14, 1996.



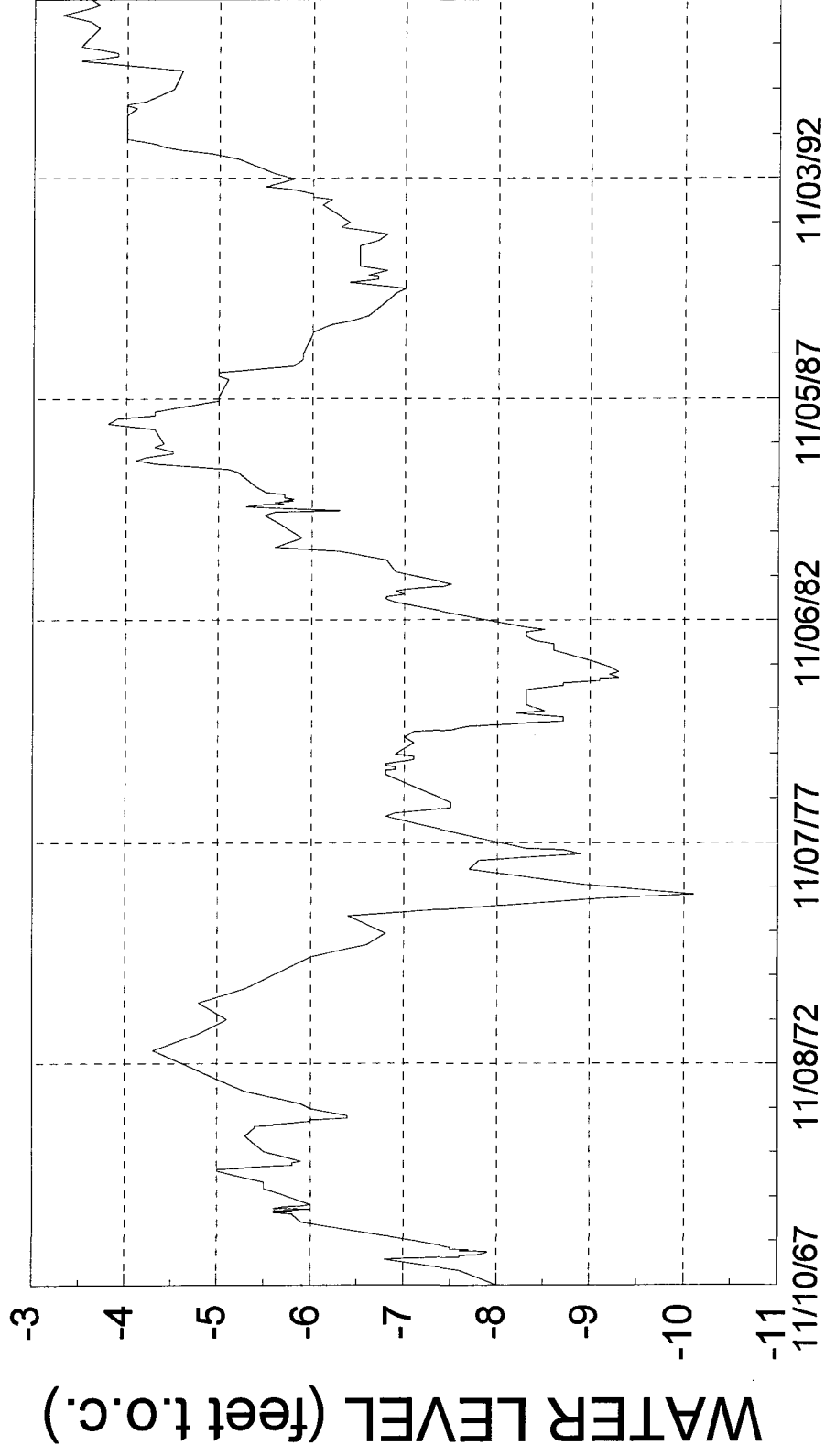
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- 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.
- Steece, F.V., L.W. Howells, 1965, Geology and Ground Water Supplies in Sanborn County South Dakota, Bulletin 17, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1997, Unpublished Observation Well Data for Sanborn County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

SA-67E



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5977-3. Richard Baysinger**

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. 5977-3, Richard Baysinger, Box 68, Artesian, SD 57314

The Chief Engineer is recommending APPROVAL of Application No. 5977-3 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.

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
February 19, 1997



**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 4, 1997

Richard Baysinger
Box 68
Artesian, SD 57314

Dear Mr. Baysinger:

Water Permit Application No. 5977-3 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 Woonsocket News printed at Woonsocket, SD (Ph # (605) 796-4221). 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 4, 1997

Woonsocket News
Box 218
Woonsocket, SD 57385-0218

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5977-3 to be published twice. Please publish the first notice on March 13, 1997, 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 Richard Baysinger, Box 68, Artesian, SD 57314 (Ph # (605) 495-4242).

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. 5977-3

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 March 13, 1997, with the second publication 7 days later.
The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5977-3 to Appropriate Water

Notice is given that Richard Baysinger, Box 68, Artesian SD 57314 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Niobrara Formation) 153 feet deep located in the N 1/2 NW 1/4 Section 9-T106N-R60W. The water is for commercial use at the Country Pumper convenience store.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5977-3 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 March 31, 1997.

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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sanborn) SS

I, Gerald E. Klaw

certify that the attached printed Notice was taken
from the Woonsocket News

printed and published in Woonsocket
County of Sanborn and

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

March 13, 1997
March 20, 1997

Cost of Printing \$ 35.93

Gerald E. Klaw
(Signature)

Publisher
(Title)

March 20, 1997
(Date Signed)

NOTICE OF APPLICATION NO. 5977-3 to Appropriate Water

Notice is given that Richard Baysinger, Box 68, Artesian, SD 57314 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (18 gallons per minute) from one well (Niobrara Formation) 153 feet deep located in the N 1/2 NW 1/4 Section 9-T106N-R60W. The water is for commercial use at the Country Pumper convenience store.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5977-3 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.

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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.

W26-21



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

Richard Baysinger
Box 68
Artesian, SD 57314

Dear Mr. Baysinger:

Enclosed is Water Permit No. 5977-3 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

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

RICHARD BAYSINGER
BOX 68
ARTESIAN SD 57314

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5977-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: NIOBRARA FORMATION
Management Unit: NOT APPLICABLE

County: SANBORN
Pumping Pt. Legal: SEC 09-T106N-R60W
Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: 0 gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: no cattle or livestock anymore.

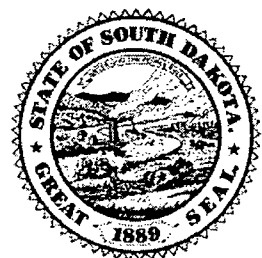
Contact Person: Richard Baysinger

Telephone No: 527-2361

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5977-3

Date: x 6-17-02

I/We request that Water Permit No. 5977-3

formerly owned by: Richard Baysinger

be transferred to: (name & address)

x Country Pumper
% Terry Moore 46855 SD Hwy 34
Artesian SD 57314 Telephone No. 495-4242

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

diversion point located: N 1/2 NW 1/4 Section 9, T106N, R60W

I/We understand that the validity of Water Permit No. 5977-3 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

① I/We Terry Moore, the new owner, certify that the above information is true and correct.

RECEIVED

JUN 19 2002

WATER RIGHTS
PROGRAM

x Terry J Moore
(Signed by new owner)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417188

Pierre, June 19, 20 02

RECEIVED OF Terry Moore, Country Pumper, 40855 S Hwy 34, Artesian, SD 57314
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 Permit No. 5977-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Garland Erbe

Chief Engineer

GARLAND ERBEE



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 2002

5977-3

Terry Moore
Country Pumper
40855 S Hwy 34
Artesian, SD 57314

Dear Mr. Moore:

Thank you for following up on the ownership change for Water Permit No. 5977-3. The transfer has been completed. The water permit formerly listed in the name of Richard Baysinger is now listed in the name of the "Country Pumper".

Enclosed is your Receipt No. 417188 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

Permit No. 5977-3
James River (10160011) - 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 17, 2002**, made a thorough examination of the water use system constructed by **Country Pumper, c/o Terry Moore, 40855 SD Hwy 34, Artesian SD 57314** holder of Permit No. **5977-3**, bearing the priority of **January 23, 1997** authorizing the diversion of **0.022** cu. ft. per second (10 gpm) of the waters of the **Niobrara Formation** for **commercial** purposes, in **Sanborn** County.

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

A. Works used to divert the water:

Submersible pump

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

Well located near the south east corner of the convenience store. Water from the well is piped to the building

C. Works used to apply water to beneficial use:

The system is in the following condition **good**. The point of diversion is located **approximately 2,075 feet east and 280 feet south of the NW corner (NE ¼ NW ¼) of Section 9, T106N, R60W (LAT/LON – N44.0093 W-098.0431)**. The works are capable of diverting and conveying to the place of use **0.022** cu. ft. per second of water (10 gpm) which is to be used for **commercial use**. Water has been put to beneficial use to the maximum extent land and the license should be issued for **0.022** cfs

Applicable permit qualifications have been complied with: **no qualification on permit**

Exceptions to compliance are: **none** Date Report Completed: **July 24, 2002**



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

- There is a new owner of the Country Pumper who is not familiar with the pump placed in the well. Since this is a low production well for a small commercial use I am recommending licensing the water right for the 10 gpm originally applied for.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5977-3

DATE OF INVESTIGATION:	June 17, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Terry Moore Country Pumper 40855 SD Hwy 34 Artesian SD 57314
DIVERSION POINT LEGAL LOCATION	<u>approximately 2,075 feet east and 280 feet south of the NW corner (NE ¼ NW ¼) of Section 9, T106N, R60W (LAT/LON – N44.0093 W-098.0431)</u>

WATER SUPPLY Source: Niobrara Formation well

Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells One
- 3) Depth(s) 153 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5 inches
- 2) Length 130 feet
- 3) Type plastic

Screen:

- 1) Type Open hole
- 2) Length - feet
- 3) Static water level 60 feet

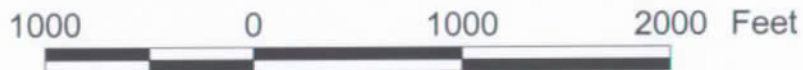
Pump:

- 1) Make No information available
- 2) Model #
- 3) Size #
- 4) Capacity approx. 10 GPM

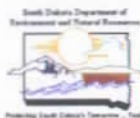
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by no qualifications placed on Permit
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

- well located using a Garmin Etrex GPS



One Well located approximately 2,075 feet east and 280 feet south of the NW corner (NE 1/4 NW 1/4) of Section 9, T106N, R60W
LAT/LON N44.0093 W-098.0431



Eric Gronlund

Eric Gronlund
Water Rights Program
Licensing Investigation - June 17, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2002

5977-3

Terry Moore
County Pumper
40855 SD Hwy 34
Artesian SD 57314

Dear Mr. Moore:

On June 17, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5977-3, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417253

Pierre, July 29, 20 02

RECEIVED OF Country Pumper, Terry Moore, 40855 SD hwy 34, Artesian, SD 57314
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. 5977-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Darland Eide
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2002

5977-3

Terry Moore
Country Pumper
40855 SD Hwy 34
Artesian, SD 57314

Dear Mr. Moore:

Enclosed is Water License No. 5977-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417253 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. 5977-3, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5977-3

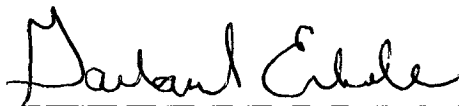
(1) Richard Baysinger made Application No. 5977-3, October 8, 1996, for a water permit to divert 0.022 cubic feet of water per second (10 gpm) from ground water (one well – Niobrara Formation), Sanborn County, South Dakota for commercial purposes. Permit No. 5977-3, with a priority date of January 23, 1997 was approved March 31, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed and the application to beneficial use of water completed.

On June 19, 2002, Water Permit No. 5977-3 was transferred to “Country Pumper”, % Terry Moore.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 2,075'E and 280'S of the NW corner of Section 9, T106N, R60W (NE ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Country Pumper, % Terry Moore, 40855 SD Hwy 34, Artesian, SD 57314 the holder and/or owner of Water Right No. 5977-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second (10 gpm) from ground water (one well – Niobrara Formation) with a priority date of January 23, 1997 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 Right No. 5977-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 20 2002

date

