

WATER PERMIT NO. 5978-3

Name of Applicant: Mark Sheffield

Address: Box 135A, White SD 57276

Phone: 605 629-6601

Amount of Water Claimed: 0.111 cfs (50 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Brookings

Type of Waste Disposal System:

Location: 4 miles southeast of White

PRIORITY

Date Received: 1-23-97

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks: for use in a hog confinement facility

Diversion Point: NE 1/4 SE 1/4

Section 27-T111N-R48W

Land to be Irrigated: NA

Depth of Well: 500

Well Driller: Huron Drilling

Remarks:

Type of Map: aerial

Prepared by: Craig Olson, NRCS

		27		x	

1568 ANIMAL
UNITS
3420 Hkms
LACROIX - 365 DAYS
STORAGE

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

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5978-3**

Date of first receipt of application January 23, 1997.

The Water Management Board approved Water Permit Application No. 5978-3 on April 29, 1997 for Mark Sheffield, Box 135A, White SD 57276 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. 5978-3 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Codell Aquifer) 765 feet deep located in the NE 1/4 SE 1/4 Section 27-T111N-R48W.
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 January 23, 1997.
5. One-fifth of the construction is to be completed on or before October 29, 1999.
6. All construction is to be completed on or before April 29, 2002.
7. Water is to be put to beneficial use on or before April 29, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

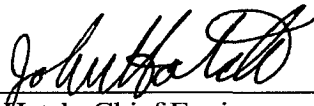
QUALIFICATIONS

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. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
3. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
4. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.

(continued)

5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
6. Permit No. 5978-3 is subject to compliance with the following then existing and applicable Water Management 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.

WATER MANAGEMENT BOARD

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

MAY 9 1997
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joc Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5978-3</u> Hydrologic Unit <u>10/70202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register, Brookings, 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 Mark Sheffield Phone 605-629-6601
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 135A White State S.D. 57276
(Street, RR. or Box) (Zip Code)
- Amount of water claimed ~~50~~ 0.111 *CFS or 50 **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 Ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE 1/4 SE 1/4 27-111-48
County Brookings
- County or counties where water will be used Brookings
- Annual period during which water is to be used 12 months 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)

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)

SS

County of Brookings

I, Mark Sheffield, 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 Mark Sheffield

Subscribed and sworn to before me this 21 day of January 1997

L.M. QUAM

Notary Public, Deuel County, SD Notary Public
My Commission Expires April 1, 2001

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8 Depth 500
- b) Casing Type PVC Diameter 5" Thickness 250
- c) Screen Type Stainless steel Diameter 3" Thickness 304
- d) Gravel Pack Thickness 2" Length of Gravel Pack 340'
- e) Depth to Top of Water Bearing Material 280'
- f) Depth to Water (ground surface to water level) 220'
- g) Distance to nearest existing domestic well:
On applicants property 1500 On property owned by others NA

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

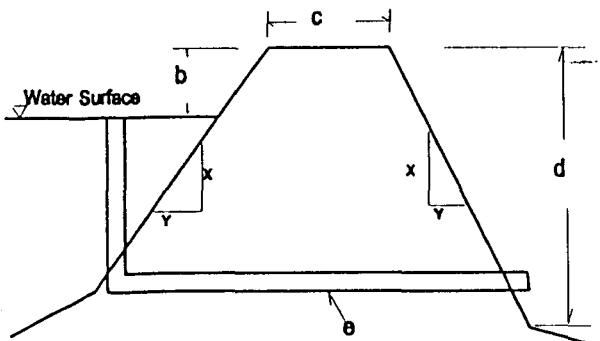
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SD-ENG-4
Rev. 4/89

CERTIFICATION STATEMENTS REGARDING STATE WATER LAWS

Practice or Structure well

Legal Description NE 1/4, SE 1/4 Sec. 27 T. 111 R. 48

Approximate Location 20 Rods west and 117 rods North
of the SE corner of said section in Brookings Co.

Amount of water claimed _____ cubic feet per second,
or _____ acre feet per year.

Source of water supply _____

Point of diversion (if applicable) _____

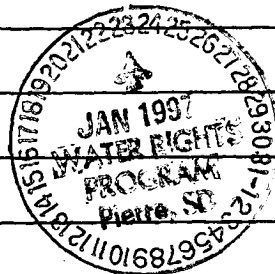
Use of water _____

Reservoir storage capacity _____ acre-feet.

Reservoir surface area _____ acres.

Watershed area _____ acres.

Watered or irrigated area _____ acres.



Greg Osun NRCS Tech 1/15/97

To: Owner or Operator of Water Development facility -

I. Location Notice - State Laws and Regulations require that a Location Notice must be filed when proposing to construct a dam or dugout storing - 25 Acre Feet or less across a dry/draw.

II. Permits to appropriate water within the State of South Dakota - State Laws require application for this type of permit for all beneficial uses except those listed below.

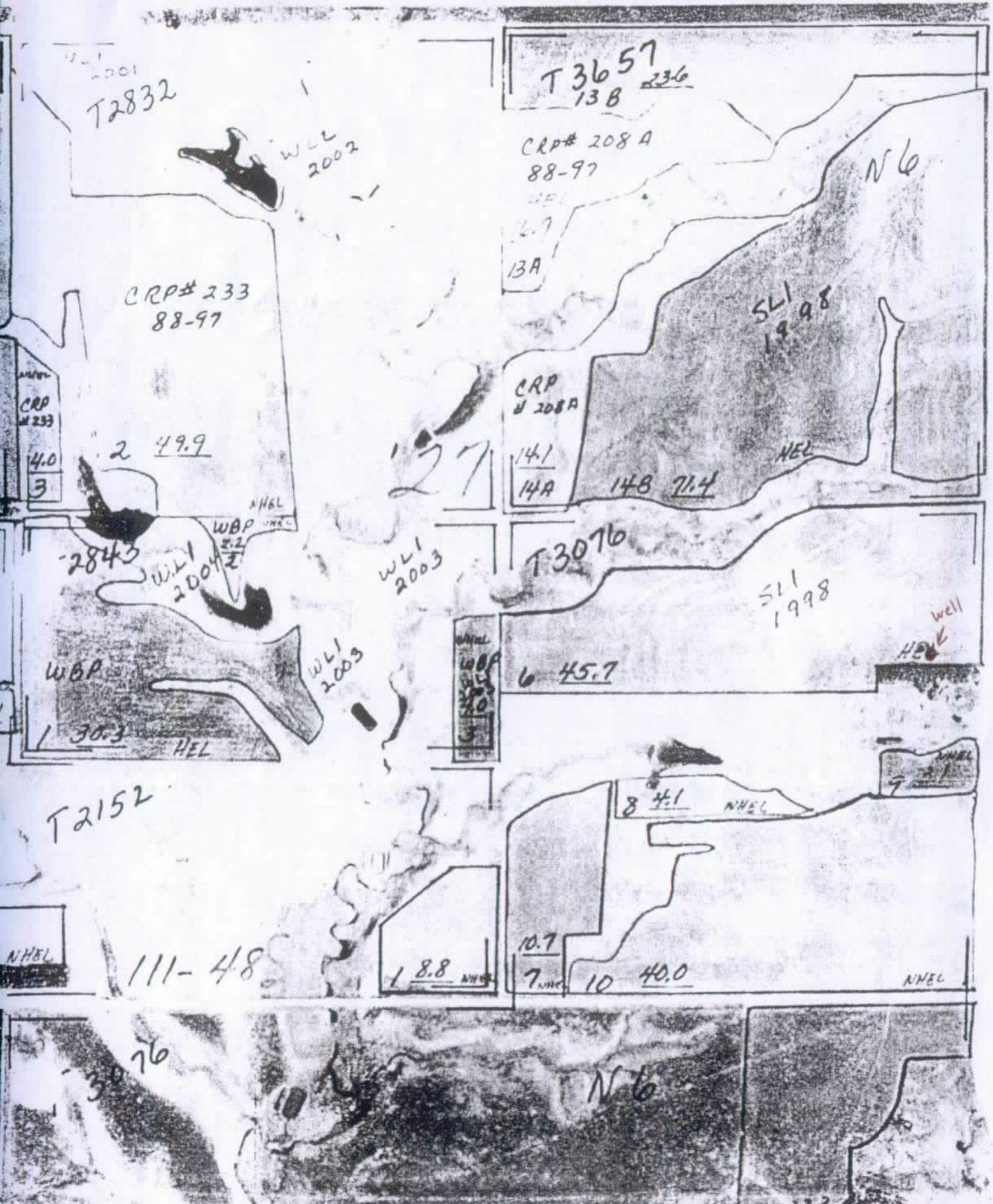
1. Dams or dugouts constructed on a dry draw and storing 25 Acre Feet or less.
2. Domestic uses, including livestock water, or 26,000 gal/day.
3. Irrigation water for one acre of land.
4. Maximum pump capacity is 25 gpm for domestic uses listed in Items 2 and 3 above.

III. Application for Soil/Water Compatibility Permit and Permit to Appropriate Water - State Laws and Regulations require application of this type permit for all irrigation uses in excess of one acre.

Soil Conservation Service

STATE WATER LAWS STATE THAT THE LOCATION NOTICE IS TO BE POSTED AT THE SITE BEFORE WORK IS STARTED ON THE PROJECT.

NOT TO SCALE



5978-3

RECEIPT

415229

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

January 23, 19 97

RECEIVED OF Mark and Christine Sheffield, 20671 482nd Ave., White, SD 57276

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

Fee for Application for Permit No. <u>5978-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John Hatch (C)

Job number _____

6537

Date _____

WELL COMPLETION FORM

Completed well for Mario Safford

Address _____

Location: _____ Quarter of the _____ Quarter of Section _____,

Township _____, Range _____; _____ County.

Date construction began 11/11/96

Date construction completed 11/11/96

Days rig was idle _____

Stand-by time _____

Diameter of the hole 5"

Depth of the well 189 ft.

CASING PIPE AND SCREEN
500 ft. 5" SDR #172 pipe to a depth of 500 ft.
559 ft. 3" SCH #80 PVC pipe to a depth of 759 ft.
_____ ft. _____ pipe to a depth of _____ ft.

_____ ft. lap if any

Type of screen (phosphate) SS diameter 3" feet 30

Slotted or perforated pipe set between 759 ft. and 189

Static water level _____ ft.

Pump _____ G.P.M.

Flow _____ G.P.M.

Gravel pack _____ lbs.

Cemented in place _____ ft. with _____ (amount of cement).

QUANTITY SIZE TYPE BITS
New, Used, or Retipped
1 4 3/4 1 1/2 1 1/2

ADDITIONAL MATERIALS
(Bentonite, Wheat Bran, Soap, Etc.)
Material _____ Quantity _____



Mark Sheffield

SE 27-111-48 Brookings

Co. 11-11-96

32

Dennis Harvey

JOB NAME

LOCATION

DATE

RIG NO.

FOREMAN

JI No.	DEPTH	TIME	REMARKS
1	20		0-2 top soil
2	40		2-10 yellow clay
3	55		10-45 gravel rock
4	70		45 blue clay rock 55
5	85		
6	100		
7	115		
8	130		
9	145		
10	160		
11	175		
12	190		
13	205		
14	220		
15	235		
16	250		250-270 blue clay pea rock
17	265		275 rock
18	280	9:48	11-12-96 270-280 blue clay
19	295	10:17	280 rock
20	310	10:35	280-310 pea rock, sand
21	325	11:04	
22	340	11:32	
23	355	11:55	
24	370	12:12	
25	385	12:30	
26	400	12:56	
27	415	1:17	
28	430	1:45	
29	445	2:10	
30	460	2:29	465' 5" SDR 17 cemented
31	475	2:45	
32	490	3:04	500' rock
33	505	4:20	500-530 pea rock, sand
34	520	4:50	530
35	535	5:20	
36	550	RA	
37	565	5:25	
38	580	5:55	

07-92

Date: 4-23-97

REPORT ON WATER PERMIT APPLICATION NO. 5978-3
for Mark Sheffield
February 19, 1997

Application No. 5978-3 proposes to appropriate 0.111 cfs (50 gpm) from one well approximately 789 feet deep located in the NE 1/4 SE 1/4 of Section 27, T111N-R48W in Brookings County. The water is for commercial use at a hog confinement facility.

AQUIFER - CODELL (CDLL)

The Codell consists of fine to medium-grained silty sandstone, siltstone, and shale and underlies most of Brookings County except for the southeastern portion (Hamilton, 1989). The Codell underlies 1450 square miles and contains an estimated 15 million acre feet of water in storage Kingsbury and Brookings Counties (Hamilton, 1989). The aquifer is confined and under artesian conditions at this site. The driller's log filed with the application indicates sand beginning at 610 feet and extending to 765 feet below land surface. This entire zone was not all sand but was interbedded with shale. The well was completed with 30 feet of stainless steel screen reportedly set from 759 feet to 789 feet below land surface. The completion report does not make much sense especially considering the geologic log also filed with the report. The screen was set across shale and not the sandstone. Also, a buried gravel located in the 500-530 feet in depth range was not cased off and isolated from the Codell aquifer.

The Water Rights Program does not monitor any observation wells completed into the Codell aquifer in this area. Very little information is available concerning water levels for the Codell aquifer in Brookings County.

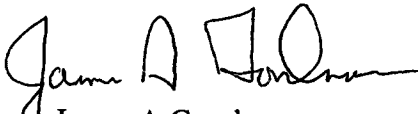
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water rights/permits which obtain ground water from the Codell aquifer in Brookings County. Interference is not a concern. There is an existing Water Permit No. 5874-3 for a dam located in the SW 1/4 of Section 27. This dam impounds 162 acre feet of water for fish and wildlife and recreational purposes. In reviewing the land application area for waste disposal only a small portion of these lands would drain into the drainage basin for the dam.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will be created by pumping but this is not expected to be significant. Interference is not a concern.
3. This well is not constructed in accordance with SD Well Construction Standards. The 5 inch casing should have been set below the depth of 530 feet instead of above. Also it is not clear from the report where the screened area is. It is likely that two separate aquifers are open in this well. A basal glacial aquifer called the Altamont and the Codell aquifer appear to both be open to the screened area.

4. Plans and specifications for this facility have been submitted and have been approved by the Division of Environmental Services, Air and Surface Water Program.
5. Some of the land upon which wastewater will be applied is in the drainage for Water Permit No. 5874-3. This amounts to about 126 acres of the total of 1071.2 acres available for waste disposal.
6. The applicant is also connected to rural water and the well will be used as an alternative water supply.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.

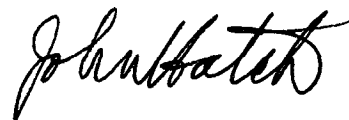
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO.
5978-3, Mark Sheffield**

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. 5978-3, Mark Sheffield, Box 135A, White, SD 57276.

The Chief Engineer is recommending APPROVAL of Application No. 5978-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
3. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
4. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
6. Permit No. 5978-3 is subject to compliance with the following then existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 75:03:16 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.



JOHN HATCH, Chief Engineer
March 7, 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 27, 1997

Mark Sheffield
Box 135A
White, SD 57276

Dear Mr. Sheffield:

Water Permit Application No. 5978-3 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 Brookings Register, printed at Brookings, SD (Ph # (605) 692-6271). 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 27, 1997

Brookings Register
P.O. Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5978-3 to be published twice. Please publish the first notice on April 2, 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 Mark Sheffield, Box 135A, White, SD 57276 (Ph # (605) 629-6601).

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
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. 5978-3

Date _____

We are in receipt of your letter of 3/27/97 enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 2, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5978-3 to Appropriate Water

Notice is given that Mark Sheffield, Box 135A, White SD 57276 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Codell Aquifer) 789 feet deep located in the NE 1/4 SE 1/4 Section 27-T111N-R48W. The water is for commercial use at a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5978-3 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 April 21, 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.

The Water Management Board will consider this application at 10:00 a.m., April 29, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East 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 April 29, 1997, 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 April 21, 1997.

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 April 21, 1997, 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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brookings) SS

I, Nancy P Skyberg
certify that the attached printed Notice was taken
from the Brookings Register

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

April 2, 1997
April 9, 1997

Cost of Printing _____

Nancy P Skyberg
(Signature)

Legal Ad Coordinator
(Title)

4-9-97
(Date Signed)

Legal 202, 2x, 4/2, 9
NOTICE OF APPLICATION NO. 5978-3 to Appropriate Water

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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 April 21, 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.

The Water Management Board will consider this application at 10:00 a.m., April 29, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East 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 April 29, 1997, 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 April 21, 1997.

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 Grönlund by April 21, 1997, 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.

AMENDED REPORT ON WATER PERMIT APPLICATION NO. 5978-3
for Mark Sheffield
May 1, 1997

Application No. 5978-3 proposes to appropriate 0.111 cfs (50 gpm) from one well approximately 765 feet deep located in the NE 1/4 SE 1/4 of section 27, T111N R48W in Brookings County. The water is for commercial use at a hog confinement facility.

AQUIFER - CODELL (CDLL)

The Codell consists of fine to medium-grained silty sandstone, siltstone, and shale and underlies most of Brookings County except for the southeastern portion (Hamilton, 1989). The Codell underlies 1450 square miles and contains an estimated 15 million acre feet of water in storage Kingsbury and Brookings Counties (Hamilton, 1989). The aquifer is confined and under artesian conditions at this site. The new driller's log filed on April 25, 1997 indicates sand beginning at 618 feet and extending to 765 feet below land surface. This entire zone is probably not all sand but interbedded with shale. The well was completed with 160 feet of stainless steel screen reportedly set from 605 feet to 765 feet below land surface. The completed well had a static water level of 220 feet below land surface and was capable of producing 40 gpm with a pumping level of 270 feet. Also 485 feet of five inch plastic surface casing was installed and grouted in.

The Water Rights Program does not monitor any observation wells completed into the Codell aquifer in this area. Very little information is available concerning water levels for the Codell aquifer in Brookings County.

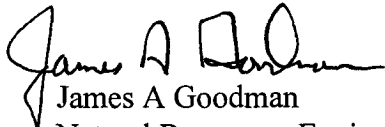
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water rights/permits which obtain ground water from the Codell aquifer in Brookings County. Interference is not a concern. There is an existing Water Permit No. 5874-3 for a dam located in the SW 1/4 of section 27. This dam impounds 162 acre feet of water for fish and wildlife and recreational purposes. In reviewing the land application area for waste disposal only a small portion of these lands would drain into the drainage basin for the dam.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will be created by pumping but this is not expected to be significant. Interference is not a concern.
3. This well appears to be constructed in accordance with SD Well Construction Standards. Note that the original report for this application indicated that the well construction for this application was suspect. Subsequent information provided by the driller clears up the problems with the earlier information concerning the well completion.

4. Plans and specifications for this facility have been submitted and have been approved by the Division of Environmental Services, Air and Surface Water Program.
5. Some of the land upon which wastewater will be applied is in the drainage for Water Permit No. 5874-3. This amount to about 126 acres of the total of 1071.2 acres available for waste disposal.
6. The applicant is also connected to rural water and the well will be used as an alternative water supply.
7. The Water Management Board at the April 29, 1997 requested an amended report for Water Permit Application No. 5978-3 to reflect the actual application. The original report was prepared with well information which was determined to be inaccurate based upon a well completion report filed on April 25, 1997.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 9 1997

Mark Sheffield
Box 135A
White, SD 57276

Dear Mr. Sheffield:

Enclosed is Water Permit No. 5978-3 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.

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



Date 6-27-97

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

FROM: Mark Sheffield 20671 482nd Ave
(name) (address)
White SD 57276 605-629-6601
(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. 5978-3.

Water Permit No. 5978-3 states that the diversion system is to be constructed by April 29, 2002, and that the water is put to beneficial use by
(date)

April 29, 2006.
(date)

The diversion system was completed on 5-1-97.
(date)

Applying the water to beneficial use was completed on 8-1-97.
(date)

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

Mark Sheffield
(signature)

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

SEP 20 2006
WATER RIGHTS
PROGRAM

No. 5978-3
Date: _____

I/We request that Water Right/Permit No. 5978-3

formerly owned by: Mark Sheffield

be transferred to: (name & address) Norfolk Huttenian Brethren Inc

20426 482nd Avenue

White, S.D 57276

Telephone No. 605-629-6973

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

One well (Codell Aquifer) 765 ft Deep
N 44.38842 W -96.56800

I/We understand that the validity of Water Right/Permit No. 5978-3 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.

I/We Norfolk Colony By Jim Stahl, the new owner, certify that the above information is true and correct.

Norfolk H.B. By Jim Stahl
(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

Date September 20, 2006

RECEIVED OF Norfeld Hutterian Brethren Inc., 20426 482nd Avenue, White SD 57276

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>597803</u> <u>5978-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02596

By

Darland Erbe
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2006

5978-3

Jim Stahl
Norfeld Hutterian Brethren Inc
20426 482nd Ave
White SD 57276

Dear Mr. Stahl:

I am writing to acknowledge receipt of the ownership change you filed for Water Permit No. 5978-3. The transfer has been completed. The water permit formerly listed in the name of Mark Sheffield is now listed in the name of "Norfeld Hutterian Brethren Inc".

Enclosed is your Receipt No. 02591 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. 5978-3
Sioux River - Water District

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

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

I have this day, September 7, 2006, made a thorough examination of the water use system constructed by Norfeld Hutterian Brethren Inc. of 20426 482nd Ave., White, SD 57276 holder of Permit No. 5978-3, bearing the priority of January 23, 1997 authorizing the diversion of 0.111 cu. ft. per second of the waters of Codell Aquifer for Commercial purposes, in Brookings County.

Inspection contact & relationship **Jim Stahl 629-6973**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 765 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 and 2 inch
- 2) Length 605 feet
- 3) Type Plastic and Other

Screen:

- 1) Type Stainless steel
- 2) Length 160 feet
- 3) Static water level 220 feet

Pump:

- 1) Make Grundfos
- 2) Model 25S50-26
- 3) Size 5 hp
- 4) Capacity 50 GPM

Chemigation Equipment:

- 1) Does chemigate N

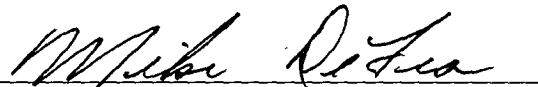
D. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows: Approximately 1800 feet north and 360 feet west of the SE corner of Section 27-T111N-R48W (N 44.38842, W -96.56800). The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for Commercial use at the hog confinement facility. Water has been put to beneficial use. The license should be issued for 0.111 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: February 28, 2007

Norfeld Hutterian Brethren Inc.
20426 482nd Ave
White, SD 57276
629-6973

Water Permit No. 5978-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 28, 2007



0 850 1,700 3,400 Feet



March 6, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5978-3

Jim Stahl
Norfeld Hutterian Brethren Inc
20426 482nd Ave
White SD 57276

Dear Mr. Stahl:

On September 7, 2006 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5978-3, was completed by Mike DeFea, 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,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/2/, 20 07

RECEIVED OF NORFIELD HUTTERIAN BRETHERN PO BOX 188 GANN VALLEY SD 57341

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5978-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **03022**

By *David Eschelle*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5978-3

(1) Mark Sheffield made Application No. 5978-3, January 23, 1997 for a water permit to divert 0.111 cubic feet of water per second from ground water (one well – Codell Aquifer), Brookings County, South Dakota for commercial purposes. Permit No. 5978-3, with a priority date of January 23, 1997 was approved April 29, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 29, 2002 and for the application to beneficial use of said water on or before April 29, 2006.

On September 20, 2006, Water Permit No. 5978-3 was transferred to Norfeld Hutterian Brethren Inc.

(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 0.111 cubic feet of water per second for beneficial use. The location of the diversion point is 1,800 feet north and 360 feet west of the SE corner of Section 27, T111N, R48W (NE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Norfeld Hutterian Brethren Inc., 20426 482nd Ave, White SD 57276 the holder and/or owner of Water Right No. 5978-3 is issued a license to appropriate water, the right to use 0.111 cubic feet of water per second from ground water (one well – Codell Aquifer) with a priority date of January 23, 1997 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5978-3 and subject to the following qualifications:

- 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.
- Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a “non-point source” is not subject to these conditions.
- The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
- No wastewater may be released from the wastewater lagoon except through the disposal system unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.

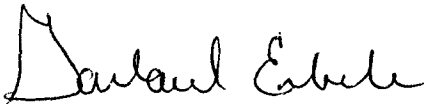
continued

Page 2

Water License No. 5978-3

Norfeld Hutterian Brethren Inc

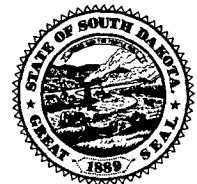
- Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (SDTM D6980-70).
- Permit No. 5978-3 is subject to compliance with the following then existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:03 Uses Assigned to Streams, and
 - e) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

APR 30 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2007

5978-3

Jim Stahl
Norfeld Hutterian Brethren Inc
20426 482nd Ave
White SD 57276

Dear Mr. Stahl:

Enclosed is Water License No. 5978-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation. Also enclosed is Receipt No. 03022 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. 5978-3, 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