

WATER PERMIT NO. 5995-3

Name of Applicant: **Bernard L VanVuuren**

Address: **26893 US Hwy 281, Corsica SD 57328**

Phone: **605 946-5320**

Amount of Water Claimed: **80 gpm (0.177 cfs)**

Total Acres: **NA**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **commercial use**

County: **Douglas**

Type of Waste Disposal System:

Location: **4 miles north of Corsica**

PRIORITY

Date Received: **4-18-97**

Fee: **\$225.00**

Corrected Application Received:

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

Remarks: **For use in a poultry farm operation**

Diversion Point: **NW 1/4 NW 1/4**

Section 15-T100N-R64W

Land to be Irrigated: **NA**

Depth of Well: **370 feet**

Well Driller:

Remarks: **using log from existing well in area**

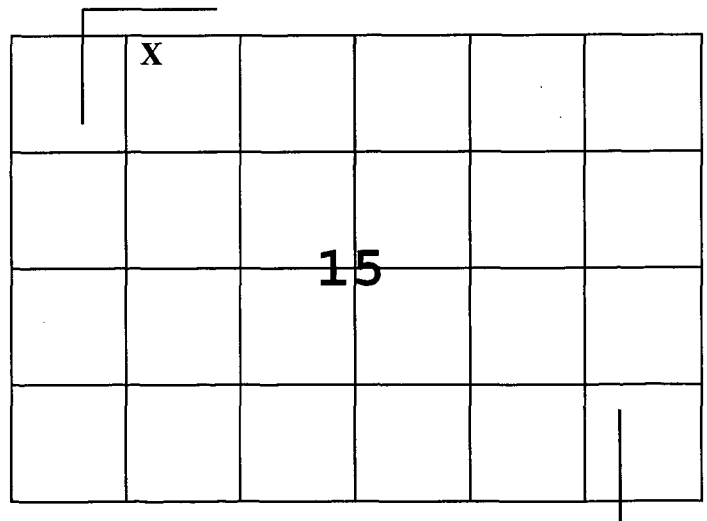
Type of Map: **aerial**

Prepared by: **Charlene Bietz, Douglas Co FSA**

Reviewed and the Number Assigned on: **4-18-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 5995-3

Date of first receipt of application April 18, 1997.

The Water Management Board approved Water Permit Application No. 5995-3 on July 9, 1997 for Bernard L VanVuuren, 26893 US Hwy 281, Corsica SD 57328 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. 5995-3 appropriates 0.177 cubic feet of water per second (80 gallons per minute) from two wells (Codell Sandstone) approximately 370 feet deep located in the NW 1/4 NW 1/4 Section 15-T100N-R64W.
2. The water appropriated shall be used for the purpose of supplying water for a poultry farm operation 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 from which applicant may claim right is April 18, 1997.
5. One-fifth of the construction is to be completed on or before January 9, 2000.
6. All construction is to be completed on or before July 9, 2002.
7. Water is to be put to beneficial use on or before July 9, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5995-3 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites from entering the waters of the State.
4. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
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 five percent of the Standard Procter Density (ASTM D6980-70).

(continued)

6. The wells authorized by Permit No. 5995-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
7. Permit No. 5995-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: _____

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

AUG 8 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>5995-3</u> Hydrologic Unit <u>10170101</u> Basin <u>James River</u> Newspaper <u>Corsica Globe, Corsica, 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 Poultry Houses

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 Bernard L. VanVuren Phone 605-946-5517
(check one) ☐ Owner ☐ Tenant/lessee 26895 U.S. Hwy. 281
Mailing Address ~~Bernard L. VanVuren~~ Corsica State SD 57328
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 80 = 40 *CFS or 0.177 CFS **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 Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 15 100-64
(NW1/4 NW1/4)
County Douglas
- County or counties where water will be used Douglas
- Annual period during which water is to be used 12 Mo. 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)
2 House 127-440 each.

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)

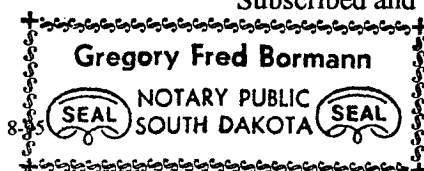
STATE OF SOUTH DAKOTA)

County of Bunton A SS

I, Bernard L. VanVuren, 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 Bernard L. VanVuren

Subscribed and sworn to before me this 17 day of April 19 97



My Commission Expires April 12, 2000

Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 1/2" Depth 370
- b) Casing Type Plastic Diameter 5" Thickness 250 lb.
- c) Screen Type Plastic Diameter 5" Thickness 250 lb.
- d) Gravel Pack Thickness 2-2 1/2 Length of Gravel Pack 25-30 ft
- e) Depth to Top of Water Bearing Material 350 app.
- f) Depth to Water (ground surface to water level) 130-140"
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 200'
- b) System Capacity (gallons) _____ c) Year Constructed 1997
- d) Connected to the City of None Sanitary System.

3. Dugout Information

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

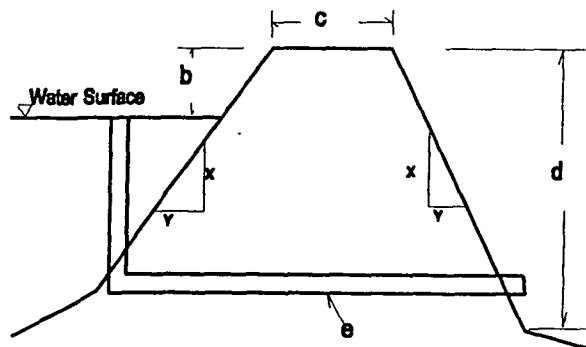
4. Water Storage Dams

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:

Dakota Environmental
Huron, SD.

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width None
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



5995-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

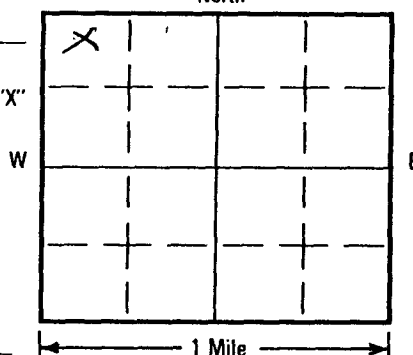
07-92

Location NW 1/4 NW 1/4 Sec 15 Twp 100N Rg 64W

County

Douglas

Please mark well location with an "X"



Well Completion Date

11-20-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from Lagoon (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>950</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>380</u> FT	<u>10"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	_____ lb./gal	<u>6</u> ft	<u>100</u> ft
<u>Bentonite</u>	_____	_____ lb./gal	<u>100</u> ft	<u>340</u> ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5" IN Length 30 FEETMaterial 250 # 5" plastic casing
Slot Size 10/10 Set From 350 Feet to 380 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? BentoniteDescribe packer(s) and location? above gravel pack

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine tablets_____
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

State LabWell Owner: Bernard Van Vuren

Business Name: _____

Address: 26893 US Highway 281
Corral SD 57329

WELL LOG:

380 DEPTH 385

FORMATION	FROM	TO
Yellow clay	0	40
Blue clay	40	100
Blue clay & small rocks	100	156
Rocks & sand & ore clay	156	220
Stratified		
Blue chert	220	280
white chert	280	335
Hard layers sand	335	382
Stopped in mud		

STATIC WATER LEVEL 129 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: 5 Ap 54 B.☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

995 ft. After 48 Hrs. pumped 40 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 40 GPM

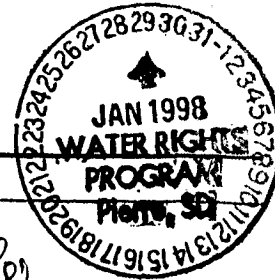
REMARKS

This well was drilled under license # 49

And this report is true and accurate

Drilling firm Gray Drilling CoSignature of License Representative: Terry D. Gray

Signature of Well Owner or Equitable Property Holder: _____

Date: 11-25-97

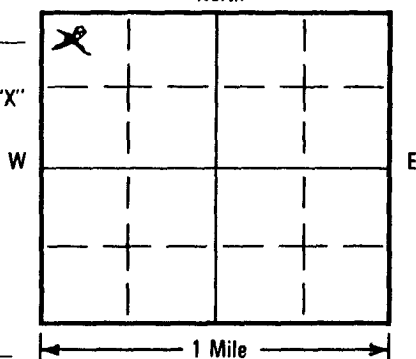
5995-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 15 Twp 100 Rg 64W
County Douglas North

Please mark well location with an "X"



Well Completion Date

9-30-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from Lagoon (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
250 LB/FT	5 IN	0 FT	380 FT	10 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	35	100 lb./gal	0 ft	345 ft
Grout	2000*	5 lb./gal	6 ft	100 ft

Describe grouting procedure Trimix methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5" IN Length 35 FEETMaterial 25# 5" Plastic CasingSlot Size 10/6 Set From 345 Feet to 380 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? BentoniteDescribe packer(s) and location? above head rockDISINFECTION: Was well disinfected upon completion? Chlorine pellets
☒ YES, How: pellets

Laboratory sent to for water quality analysis

State Lab

Well Owner: Burnard Van Vuuren

Business Name: _____

Address: 26893 US Hwy 291
Corsica SD 57329

WELL LOG:

DEPTH 380

FORMATION	FROM	TO
Yellow Clay	0	40
Blue Clay	40	100
Blue chert Small Rocks	100	155
Rocks & Sand	155	160
Blue Clay	160	165
Loose Fine Sand	165	215
Black chalk	215	270
White Chalk	270	330
Hard layers & Soil. Best From	330	380

STATIC WATER LEVEL 130 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 5-Hp Sub.☐ Bailed☐ Other

Pumping Level Below Land Surface

200 ft. After 72 Hrs. pumped 40 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 40 GPM GPM

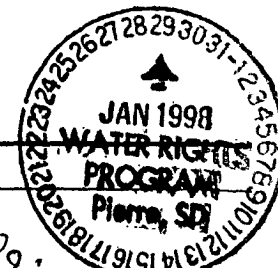
REMARKS

This well was drilled under license # 492

And this report is true and accurate.

Drilling firm Brown Drilling Co.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-2-97

NW NW 15 100 64

Bernard Van Kuren

yellow clay	0	50
Blue clay with sand	50	160
Streaks		
SAND = Gravel	160	208
Black Chalk	208	258
White Chalk	258	320
Kobel SAND	320	370
mucl	370	

Nov 5 1970

Well No.

Section

County

State

Driller

Phone

Log No.

Well Depth

Well Diameter

Well Type

Well Status

Well Location

Well Owner

Well Date

Well Remarks

Well Notes

Well Logs

Well Plans

Well Sections

Well Drawings

Well Photographs

Well Microfilm

Well Reproductions

Well Reduction

Well Roll No.

Well Date Microfilmed

Well Camera Operator

Well State

Well County

Well Township

Well Range

Well Section

Well Quarter

Well Corner

Well Monument

Well Marker

Well Stake

Well Nail

Well Pipe

Well Cable

Well Wire

Well Rope

Well Chain

Well Hook

Well Bolt

Well Nut

Well Washer

Well Flange

Well Gasket

Well Seal

Well Plug

Well Stopper

Well Cap

Well Cover

Well Lid

Well Base

Well Foundation

Well Support

Well Structure

Well System

Water Level 115 feet

Pressure 195 PSI

Flow 40 GPM

After 24 hrs 40 GPM

After 48 hrs 40 GPM

After 72 hrs 40 GPM

Well Test Data

Perforated 5110

Flow 40 GPM

After 24 hrs 40 GPM

After 48 hrs 40 GPM

After 72 hrs 40 GPM

Well Remarks

Well Status

Well Location

Well Owner

Well Date

Well Notes

Well Logs

Well Plans

Well Sections

Well Drawings

Well Photographs

Well Microfilm

Well Reproductions

Well Reduction

Well Roll No.

Well Date Microfilmed

Well Camera Operator

Well State

Well County

Well Township

Well Range

Well Section

Well Quarter

Well Corner

Well Monument

Well Marker

Well Stake

Well Nail

Well Pipe

Well Cable

Well Wire

Well Rope

Well Chain

Well Hook

Well Bolt

Well Nut

Well Washer

Well Flange

Well Gasket

Well Seal

Well Plug

Well Stopper

Well Cap

Well Cover

Well Lid

Well Base

Well Foundation

Well Support

Well Structure

Well System



This well was drilled under license # 41

And this report is true and accurate

Drilling firm

Signature of License Representative

Signature of Well Owner

Date 12 13 1966

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-4

DATE MICROFILMED 12-13-66

CAMERA OPERATOR

Schlaak, Karen

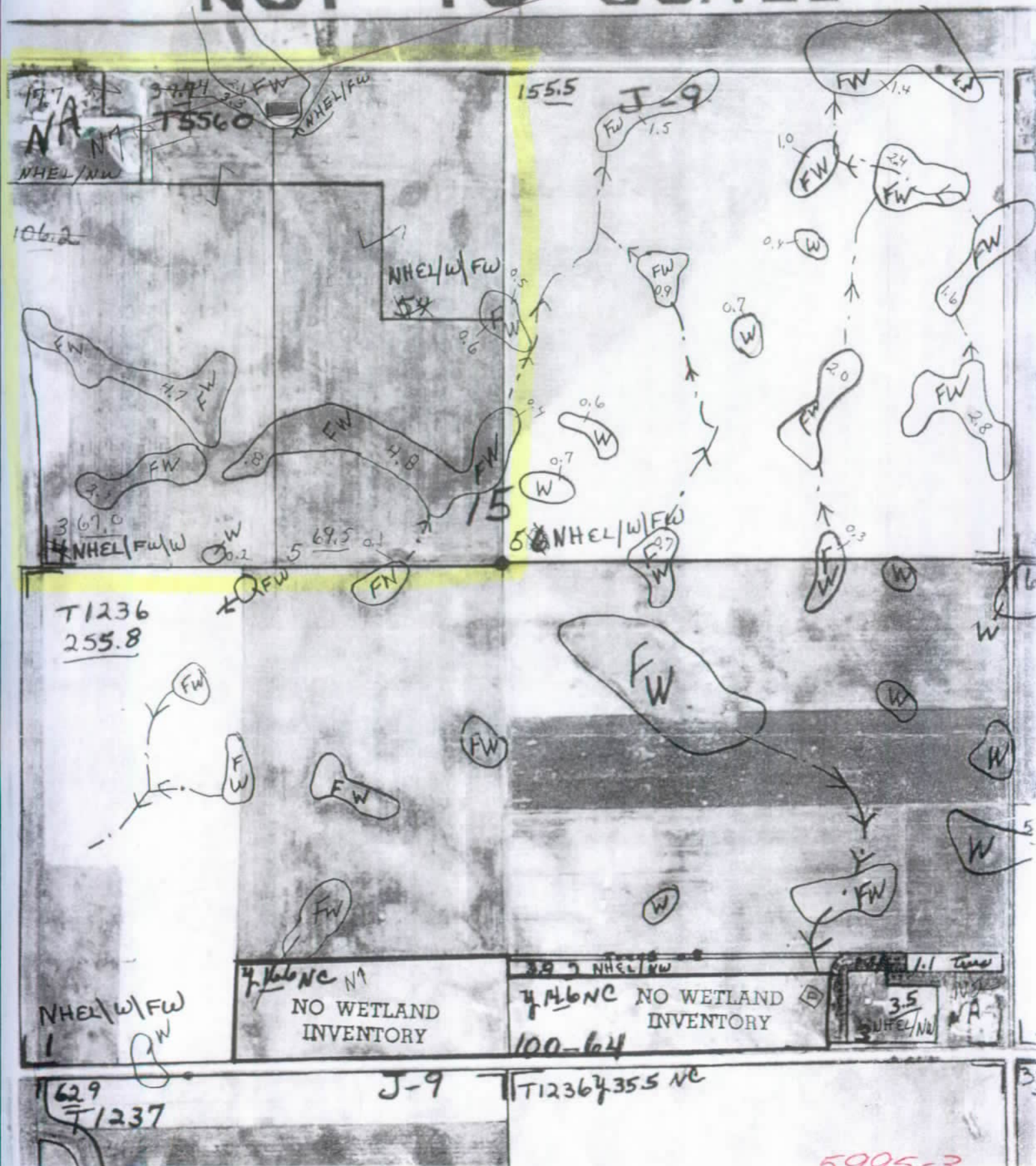
From: Gronlund, Eric
To: Schlaak, Karen
Date: Wednesday, April 16, 1997 11:22AM

We will be receiving an application from a Bernard Van Vuuren for his proposed poultry farm. He asked about the test hole requirement. He indicated there are two farmyard wells at the approx. location of the new wells. One of those was drilled 7 years ago. I told him that if we have a well completion report on file for the existing well that we could use it. He wants to drill to the same depth as the existing wells.

Highlighted area is
 NW 1/4-15-100-64 Charlene Butz P.A.
 Douglas Co FSA 4/16/97

Wells will be
 top 2 green 100
 Bremard

NOT TO SCALE



RECEIPT

415324

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 1997

RECEIVED OF Bernard VanVuren, Inc, Rt 1, Box 84, Corral, SD 57328

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

Fee for Application for Permit No. <u>5995-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5995-3

for Bernard L. Van Vuuren

May 14, 1997

Application No. 5995-3 proposes to appropriate 0.177 cfs (80 gpm) from two wells approximately 370 feet deep located in the NW 1/4 NW 1/4 of Section 15, T100N-R64W in Douglas County. The water is for commercial use in a poultry farm operation.

AQUIFER - CODELL SANDSTONE (CDLL)

The Codell is a buried sandstone under artesian conditions at this site. The aquifer consists of a brown, light brownish gray and greenish black, friable to indurated, medium to fine-grained sandstone (Kume, 1977). The Codell underlies 435 square miles and contains an estimated 556,000 acre feet of recoverable water in storage in Douglas County (Hedges, 1982). The aquifer extends into Charles Mix County to the south into Hutchinson County to the east and into Aurora County to the north. An existing domestic well log at the site indicates yellow clay from 0 to 50 feet, blue clay with sand from 50 to 160 feet, sand and gravel (Corsica aquifer) from 160 to 208 feet, black and white chalk (Niobrara Formation) from 208 to 320 feet, and sand (Codell) from 320 to 370 feet below land surface. This well had a static water level of 115 feet below land surface and was capable of producing 40 gpm.

The Water Rights Program does monitor an observation well completed into the Codell which is located about 10 miles southeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for this observation well (DG-80F) is included with this report.

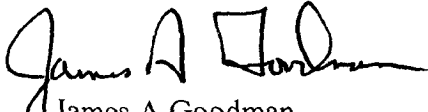
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights are located about four miles south of this application. Interference is not a concern. The diversion rate for this application is relatively small and drawdown created by pumping should not extend very far from the production wells. The Codell is widely used a source for domestic water in this area.

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 at this rate of pumping is not expected to be significant. Interference is not a concern.

3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility must be reviewed and approved by the Air and Surface Water Program of the Division of Environmental Services. The Plans and Specifications are presently under review.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

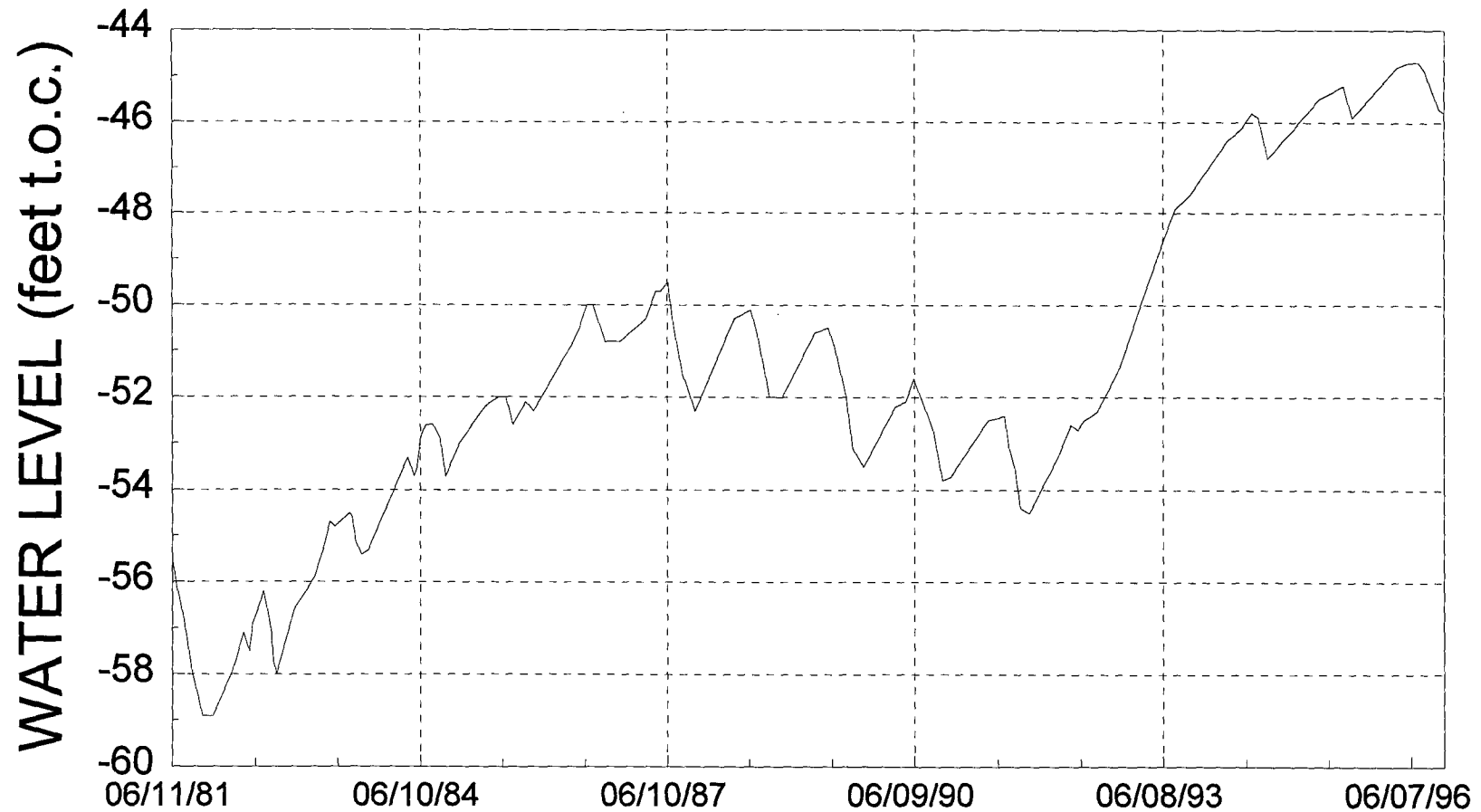
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1997, Unpublished Observation Well Data for Douglas County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

DG-80F



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5995-3, Bernard L. Van Vuuren

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. 5995-3, Bernard L. Van Vuuren, 26893 US Hwy. 281, Corsica, SD 57328

The Chief Engineer is recommending APPROVAL of Application No. 5995-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5995-3 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites from entering the waters of the State.
4. The wastewater storage lagoon shall be designed so that it does not receive surface runoff to from the surrounding area.
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 five percent of the Standard Procter Density (ASTM D6980-70).
6. The wells authorized by Permit No. 5995-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
7. Permit No. 5995-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 22, 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.

May 23, 1997

Bernard L. Van Vuuren
26893 US Hwy. 281
Corsica, SD 57328

Dear Mr. Van Vuuren:

Water Permit Application No. 5995-3 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 Corsica Globe printed at Corsica, SD (Ph # (605) 946-5489). 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

May 23, 1997

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5995-3 to be published twice. Please publish the first notice on June 3, 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 Bernard L. Van Vuuren, 26893 US Hwy. 281, Corsica, SD 57328 (Ph # (605) 946-5320).

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. 5995-3

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 5995-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 3, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING ON APPLICATION NO. 5995-3 to Appropriate Water

Notice is given that Bernard L. Van Vuuren, 26893 US Hwy. 281, Corsica SD 57328 has filed an application for a water permit to appropriate 0.177 cubic feet of water per second (80 gallons per minute) from two wells (Codell Sandstone) approximately 370 feet deep located in the NW 1/4 NW 1/4 Section 15-T100N-R64W. The water is for commercial use in a poultry farm operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5995-3 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 June 27, 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., July 9, 1997, Floyd Matthew Training Center, 523 East Capitol, Joe Foss Building, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 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 June 27, 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 June 27, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Douglas) SS

I, Beverly Feenstra

certify that the attached printed Notice was taken

from the Corsica

Mohe

printed and published in Corsica

County of Douglas and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 3, 1997

June 10, 1997

Cost of Printing 48.08

Beverly Feenstra
(Signature)

Office Manager
(Title)

(Date Signed)

**Notice of Hearing on
Application No. 5995-3 to
Appropriate Water**

Notice is given that Bernard L. Van Vuuren, 26893 U.S. Hwy 281, Corsica, S.D. 57328 has filed an application for a water permit to appropriate 0.177 cubic feet of water per second (80 gallons per minute) from two wells (Codell Sandstone) approximately 370 feet deep located in the NW 1/4 NW 1/4 Section 15-T100N-R64W. The water is for commercial use in a poultry farm operation.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 5995-3 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 June 27, 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 a.m. July 9, 1997, Floyd Mathew Training Center, 523 East Capitol, Joe Foss Building, Pierre, S.D. The chief engineer's recommendation is not final or binding upon the board. The board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 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 June 27, 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 June 27, 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 through 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.

cL87;6/3-10c



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application 595-3, Bernard Van Vuuren

ADDRESS: COUNTY: Douglas

DATE: May 29, 1997 TELEPHONE:

RE: Withdrawal of Application No. 5995-3

COMMENTS:

Mr. Van Vuuren called regarding his water permit application which was recently sent out for the publication of the notice of hearing. Mr. Van Vuuren was concerned that the appropriation of 80 gpm may raise concern and thought that the notice was misleading in that the average use of water is only approximately 10 gpm. I explained that we permit maximum pump capacity and not average water use; however, I did state that I could amend the notice to include a statement that the applicant estimates the average water use at 10 gpm. The notice would still need to include a maximum pump capacity.

We had a long discussion about what the maximum pump capacity was from the two wells. Mr. Van Vuuren believe the amount to be much less than 80 gpm. He asked that if he had a well driller come and add restricters to the wells to limit the combined diversion from the wells to less than 25 gpm whether a water permit would be required. I stated that if restricters were attached the limit the combined (and I made it clear that combined meant both wells) was limited to under 25 gpm and that total daily use did not exceed 25,920 gpd that a water permit would not be required.

Mr. Van Vuuren asked that the water permit application should be withdrawn and the application filing fee refunded. He said they will put restrictors on the wells to remain under reasonable domestic use. I said that I would let Rodger Seefeldt know this and have them check this when they inspect the AWMS.

I contacted the Corsica Globe and pulled the application.

Mr. Van Vuuren called back at 2:00 pm and asked that we proceed with the application including advertisement of the notice of hearing. I contacted the Corsica Globe (Justine) and asked that they proceed with publication of the notice of hearing.

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.

Eric Hundert



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

Bernard L. VanVuuren
26893 US Hwy. 281
Corsica, SD 57328

Dear Mr. VanVuuren:

Enclosed is Water Permit No. 5995-3 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.

Permit No. 5995-3
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 24, 2004, made a thorough examination of the water use system constructed by Bernard L Van Vuuren of 26893 US Hwy 281, Corsica SD 57328 holder of Permit No. 5995-3, bearing the priority of April 18, 1997 authorizing the diversion of 0.177 cu. ft. per second of the waters of ground water (Codell Sandstone) for commercial purposes, in Douglas County.

Inspection contact & relationship to permit holder, if applicable: **Bernard L Van Vuuren, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosz Drilling
- 2) No. of Wells 2
- 3) Depth(s) both 380 feet
- 4) Well log is available Y

Casing:

- 1) Diameter both 5 inches
- 2) Length 340 - 345 feet
- 3) Type Plastic

Screen:

- 1) Type both PVC
- 2) Length 30 - 35 feet
- 3) Static water level 130 feet

Motor/Pump:

- 1) Make both submersible
- 2) Size both 5 hp
- 3) Capacity 80 GPM (total)

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

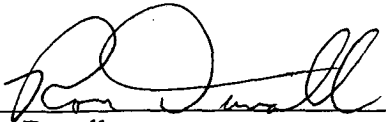
Water from the wells is diverted directly (no storage) to use in a poultry egg-laying facility.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: East well: 460 feet S and 470 feet E (Lat 43.48381, Long -98.40879); West well: 450 feet S and 400 feet E (Lat 43.48385, Long -98.40908); both from the NW corner section 15-100N-R64W (both in NW¼NW¼.) The works are capable of diverting and conveying to the place of use 0.177 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.177 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: September 17, 2004

Scale: 1 inch equals 255 feet

360

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sep 17, 2004

Water Right No. 5995-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2004

5995-3

Bernard L VanVuuren
26893 US Hwy 281
Corsica SD 57328

Dear Mr. VanVuuren

On August 24, 2004 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5995-3, was completed by Ron Duvall, 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 September 27, 20 04

RECEIVED OF B & D Poultry Inc., 38903 262th St. Corsica SD 57328-3135

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>5995-3</u>	50	00
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.

001425

By

David Erbe

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

NOV 30 2004

5995-3

Bernard L VanVuuren
26893 US Hwy 281
Corsica SD 57328

Dear Mr. VanVuuren:

Enclosed is Water License No. 5995-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001425 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. A map, prepared by the staff engineer who conducted the investigation, is included with your 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. 5995-3, 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. 5995-3

(1) Bernard L VanVuuren, 26893 US Hwy 281, Corsica SD 57328 made Application No. 5995-3, April 18, 1997 for a water permit to divert 0.177 cubic feet of water per second from ground water (two wells – Codell Sandstone), Douglas County, South Dakota for commercial purposes. Permit No. 5995-3, with a priority date of April 18, 1997 was approved July 9, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 9, 2002 and for the application to beneficial use of water on or before July 9, 2006.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Bernard L VanVuuren the holder and/or owner of Water Right No. 5995-3 is issued a license, bearing a priority date of April 18, 1997 to appropriate 0.177 cubic feet of water per second from ground water (two wells – Codell Sandstone) for commercial purposes in supplying water to a poultry farm operation.

The diversion points are located as follows:

- **East well:** 460 feet S & 470 feet E of the NW corner of Section 15, T100N, R64W (NW ¼ NW ¼)
- **West well:** 450 feet S & 400 feet E of the NW corner of Section 15, T100N, R64W (NW ¼ NW ¼)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5995-3 including the following qualifications:

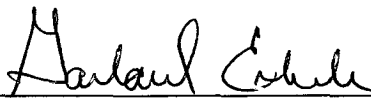
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 5995-3 is subject to compliance with requirements of the Division of Environmental Services review and approval of the plans and specifications for the animal waste management system.
- Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites from entering the waters of the State.
- The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
- 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 five percent of the Standard Procter Density (ASTM D6980-70).
- The wells authorized by No. 5995-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

(continued)

Water License No. 5995-3

Page 2

- Permit No. 5995-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards;
 - b) Chapter 74:03:16 Ground Water Discharge Permit;
 - c) Chapter 74:03:02 Surface Water Quality Standards;
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions



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

NOV 30 2004

date

