

WATER PERMIT NO. 5999-3

Name of Applicant: **Ronald A Hefty, dba Hefty Seed Co.**

Address: **47504 252nd St, Baltic SD**

Phone: **605 529-5412**

Amount of Water Claimed: **0.033**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **Beadle**

Type of Waste Disposal System: **septic tank**

Location: **1 mile west of Huron**

PRIORITY

Date Received: **4-28-1997**

Fee: **\$50.00**

Corrected Application Received:

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

Remarks:

Diversion Point: **SE 1/4 SE 1/4 Sec 34-T111N-
R62W**

Land to be Irrigated:

			34		
				X	

Depth of Well: **75 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Elmer M Ward, Dist. Conserv.**

Reviewed and the Number Assigned on: **4-30-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5999-3**

Date of first receipt of application April 28, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5999-3 to Hefty Seed Co., 47504 252nd Street, Baltic SD 57003-5961 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. 5999-3 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well (Warren West James Aquifer) 75 feet deep located in the SE 1/4 SE 1/4 Section 34-T111N-R62W.
2. The water appropriated shall be used for the purpose of supplying water to the business and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5999-3 is June 27, 1997.
5. The date from which applicant may claim right is April 28, 1997.
6. One-fifth of the construction is to be completed on or before December 27, 1999.
7. All construction is to be completed on or before June 27, 2002.
8. Water is to be put to beneficial use on or before June 27, 2006.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, 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>5999-3</u> Hydrologic Unit <u>10160006</u> Basin <u>Dames River</u> Newspaper <u>The Plainsman, Huron, SD</u>
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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 Ronald A. Hefty DBA Hefty Seed Company Phone 605-529-5412
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47504 252nd St Baltic SD 57003-5961
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.033 *CFS or app 15 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) 1 well in SE 1/4 Sec 34 Twp 11N-R5 62W see map SE 1/4
County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used year round 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)
Private well for office bathrooms etc.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Minnehaha SS

I, Ronald A. Hefty, 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 Ronald A. Hefty

Subscribed and sworn to before me this 14th day of April 19 97

Elvina Hamman

Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 75
- b) Casing Type Plastic Diameter 5" Thickness _____
- c) Screen Type 1 Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property N/A On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank
- b) System Capacity (gallons) 1500 gal c) Year Constructed 1996
- d) Connected to the City of private 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

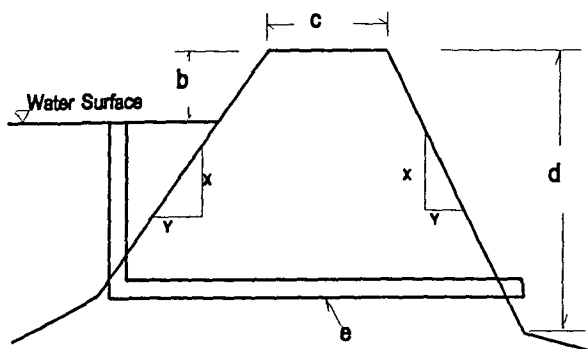
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



David Moody
578 Ohio NW
Huron SD 57530

PERMIT NUMBER 5999-3

date 5-22-00

WELL INFORMATION

DRILLING FIRM	Pullman Drilling			
DEPTH ft	75			
CASING- TYPE	PVC			
DIAMETER in	5			
LENGTH ft	45			
SCREEN- TYPE	PVC - 5 ft			
LENGTH ft	30			
STATIC H2O LEVEL ft	12			

PUMP INFORMATION

PUMP- MAKE	Electrical submersible			
MODEL				
SIZE				
CAPACITY, gpm	15			
MOTOR- MAKE				
MODEL				
HORSEPOWER, hp				

DISTRIBUTION LINES OR CANALS

TYPE				
SIZE, in				
LENGTH, ft				

CHEMIGATION EQUIPMENT

DOES CHEMIGATE	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
MAINLINE CHECK VALVE	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
LOW PRESSURE DRAIN	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
INSPC PORT/AIR RELIEF	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
DISCHARGE 20' AWAY	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
INTERLOCK TYPE												
INJECTn PUMP TYPE												
INJECTn LINE CHECK VALVE OR POSITIVE DISPLACEMENT PUMP	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
INJECTION CHECK VALVE	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO
CHEMIGATE EQUIPMENT INSTALLED PROPERLY	YES	---	NO	YES	---	NO	YES	---	NO	YES	---	NO

DAM INFORMATION

HEIGHT TO CREST. ft				
HEIGHT TO PRIMARY. ft				
HEIGHT TO SECONDARY				
CREST WIDTH. ft				
CREST LENGTH. ft				
SPILLWAY LENGTH. ft				
SPILLWAY WIDTH. ft				
APPROX STORAGE. AF				
STORAGE TO CREST. AF				
OUTLET TUBES, DIA. in				
TYPE				
VALVED	YES --- NO	YES --- NO	YES --- NO	YES --- NO
VALVE TYPE				
LOCATION				
CATEGORY OF DAM				
INSPECT SHEET	YES --- NO	YES --- NO	YES --- NO	YES --- NO
CONTRACTOR				

IRRIGATION SYSTEM

SYSTEM TYPE				
MAKE				
LENGTH. ft				
CP, NUMBER OF TOWERS				
CP, END GUN	YES --- NO	YES --- NO	YES --- NO	YES --- NO
CP, HIGH OR LOW PRESSURE				
CAPACITY, gpm				
GATE PIPE, DIAMETER, in				
SPACING OF GATES. ft				
GUN, NOZZLE SIZE. in				
GUN, HOSE SIZE. in				
GUN, HOSE LENGTH. ft				

07-92

County Bernal

Rotary

line to 46 yr.

Travel Backed

yellow clay	6	15
Blue clay	8	48
clay Gravel Straks	40	75

Installed $\frac{1}{2}$ H-f.s.w.



Signature of Well Owner or Equitable Property Holder:

Date:

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



RECEIPT

415334

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 28, 19 97

RECEIVED OF Ronald A. Hefty, 47504 252nd Street, Baltic, SD 57003

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

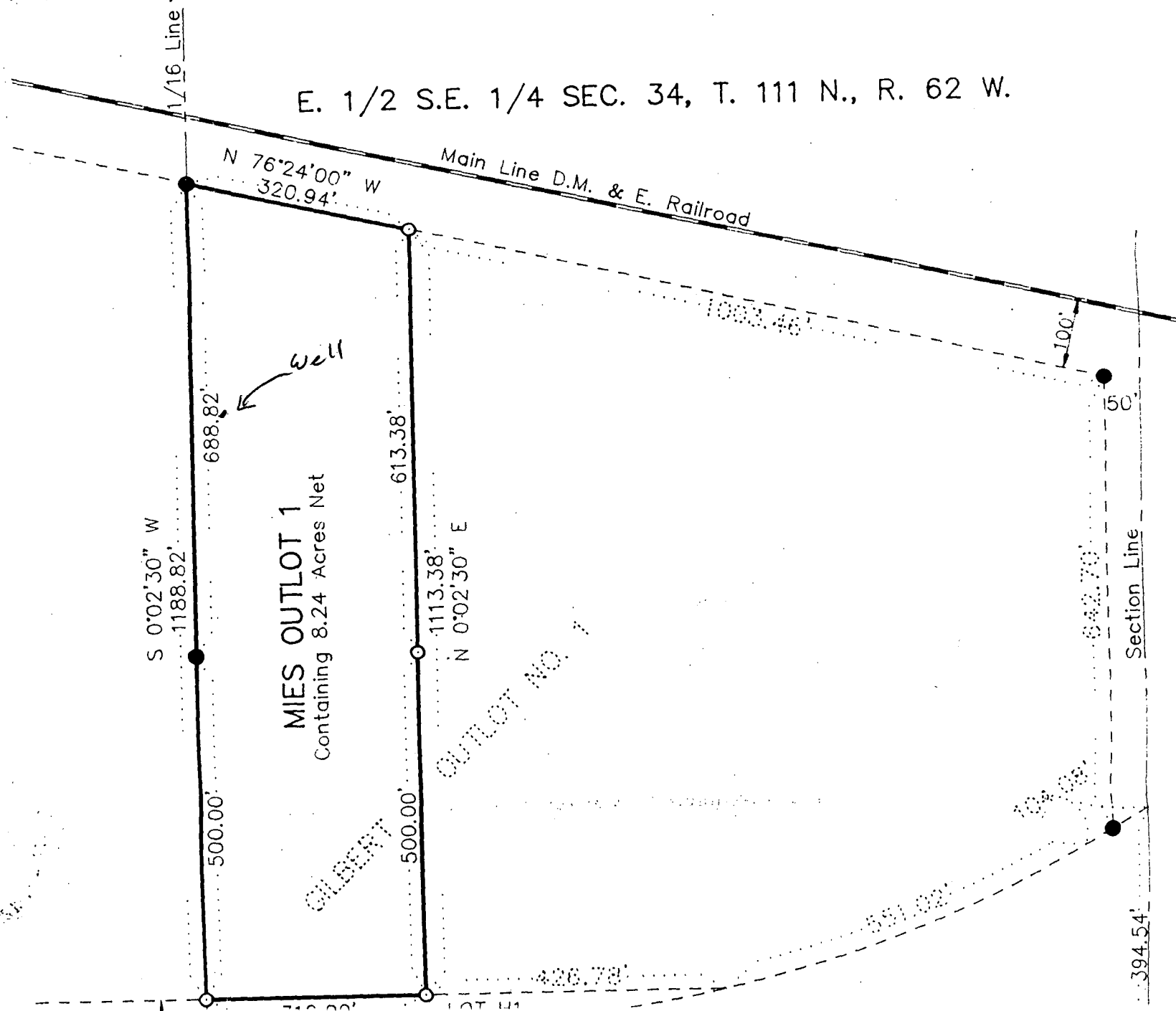
Fee for Application for Permit No. <u>5999-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

MIES OUTLOT 1

A PART OF GILBERT OUTLOT NO. 1 IN EAST 1/2 OF THE SOUTH EAST
TWP. 111 NORTH, RGE. 62 WEST OF THE 5TH P.M., BEADLE COUNTY, SD





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 1996

Hefty Seed Company
ATTN: Brian Hefty
47504 252ND Street
Baltic, SD 57003-5961

Dear Mr. Hefty:

After reviewing a well completion report filed by Pullman Well Drilling for a well they completed for you on May 6, 1996, it appears that you need a water permit. On November 14, 1996 I visited with you about the new well and you stated during our phone conversation that the well produced approximately 5 gallons per minute (GPM) for business use at Hefty Seed Company in Huron, SD. A water permit must be obtained for this water use or any other type of business use.

Enclosed is a copy of the South Dakota Water Well Completion Report which was filed by Pullman Well Drilling upon completion of the well. Also enclosed is an application for a water permit for uses other than irrigation. Please return the completed application form with the correct fee to the "Water Rights Program, 523 East Capitol, Joe Foss Building, 523 East Capitol, Pierre, SD 57501" by December 6, 1996. If you have questions or need assistance, feel free to contact me at (605) 773-3352.

Sincerely,

Barry A. McLaury
DENR, Water Rights Program



February 24, 1997

Hefty Seed Company
ATTN: Brian Hefty
47504 252nd St
Baltic SD 57003-5961

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Hefty:

On November 14, 1996, you were sent applications forms for a permit to appropriate water based on a well completion report. Enclosed is a copy of that letter. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response regarding this application.

Enclosed is another set of application forms. Please complete the application and have it signed and notarized.

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5999-3

for Ronald A Hefty

May 28, 1997

Application No. 5999-3 proposes to 0.033 cfs (15 gpm) from one well approximately 75 feet deep located in the SE 1/4 SE 1/4 of Section 34, T111N-R62W in Beadle County. The water is for commercial use at the business office.

AQUIFER - WARREN WEST JAMES (W-WJ)

The Warren West James is predominantly a confined outwash (sand and gravel). The aquifer underlies 119,500 acres and contains an estimated 568,000 acre feet of recoverable water in storage in Beadle County (Hedges, 1982). Geologically this area is complicated by the limited extent of the aquifer and potential hydraulic connection with the underlying Niobrara Formation. This application is located very near the mapped eastern extent of the Warren West James aquifer (Emmons, 1988). The well completion report filed with the application indicates yellow clay from surface to 15 feet, "blue" clay from 15 to 40 feet and clay with gravel streaks from 40 to 75 feet. The completed well had a static water level of 12 feet below land surface and was capable of producing 75 gpm using air to develop. The well was screened from 45 to 75 feet with 16 slot PVC screen and gravel packed. This well is constructed in accordance with SD Well Construction Standards.

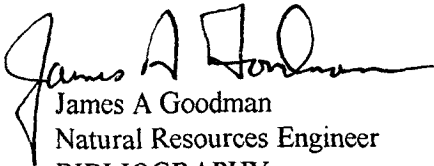
The Water Rights Program monitors seventeen observation wells completed into the Warren West James aquifer in Beadle County. The aquifer appears to respond to climatic conditions and to area pumping. Two of the observation wells, BD-79C and BD-76K are located within a two mile radius of this application. Hydrographs for these two wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water right No. 5718-3 which obtains water from the Warren West James aquifer and is located about one quarter miles east of this application. Interference is not a concern. This application does not request very much water and drawdown created by pumping will not be significant.

CONCLUSIONS

1. Water is available from the Warren West James aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown created by pumping at this rate will not be significant. Interference is not a concern.
3. The well for this application has been completed in accordance with SD Well Construction Standards.
4. Wastewater is disposed of on site through a septic tank and drainfield system.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

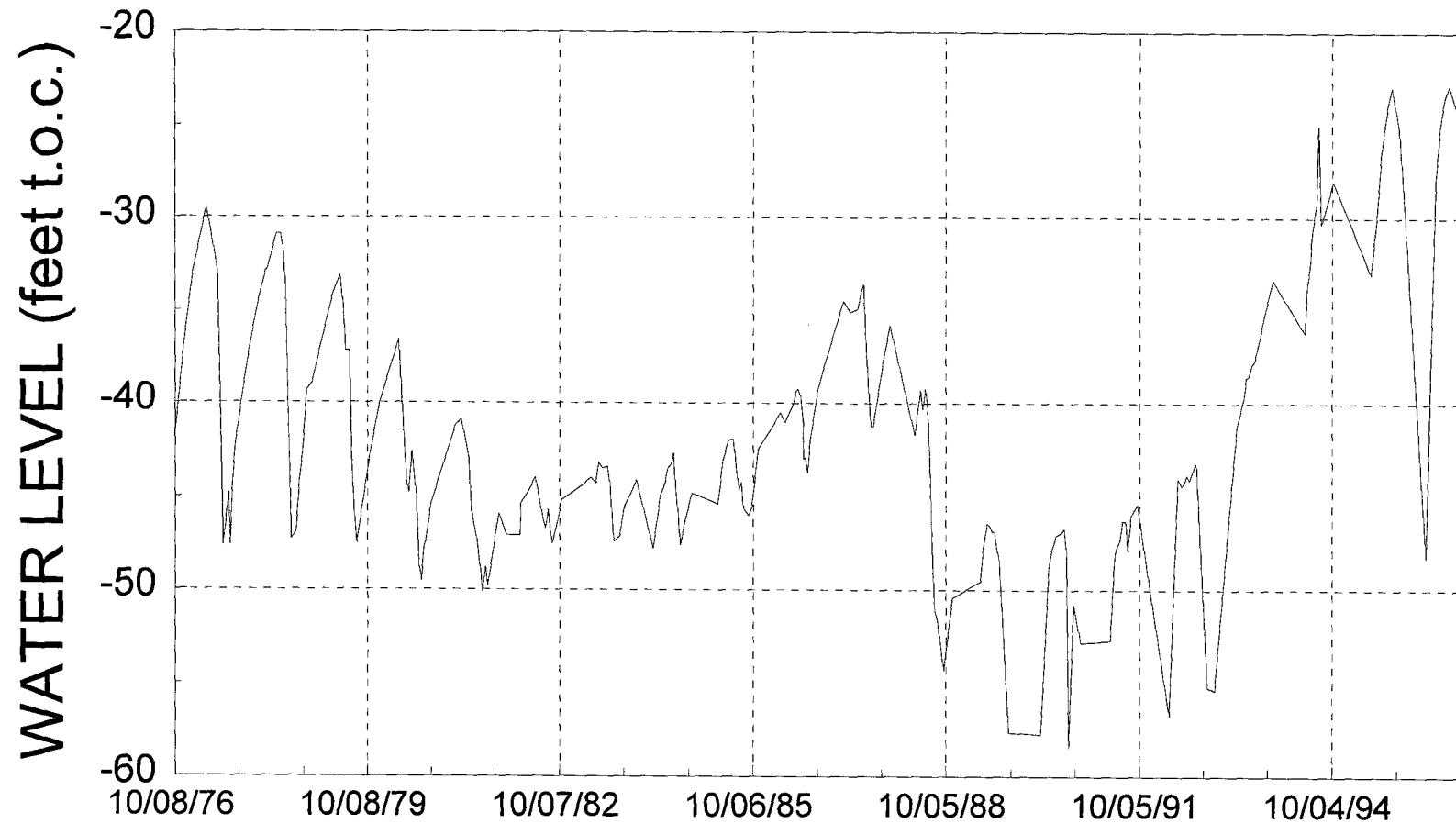
Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota, Water-Resources Investigations Report 87-4082, USGS, Huron, SD, 57350.

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

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

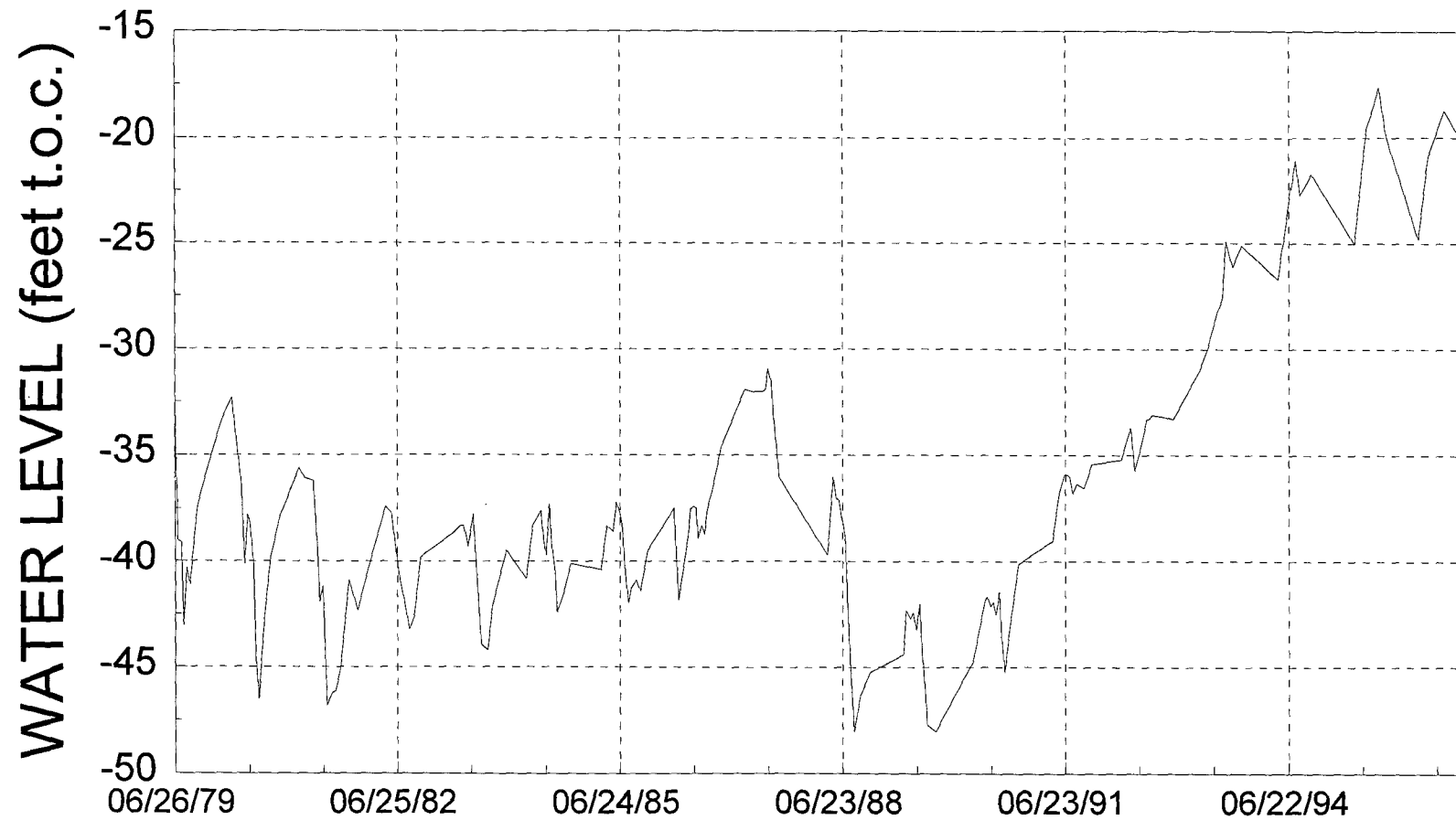
WATER RIGHTS OBSERVATION WELL

BD-76K



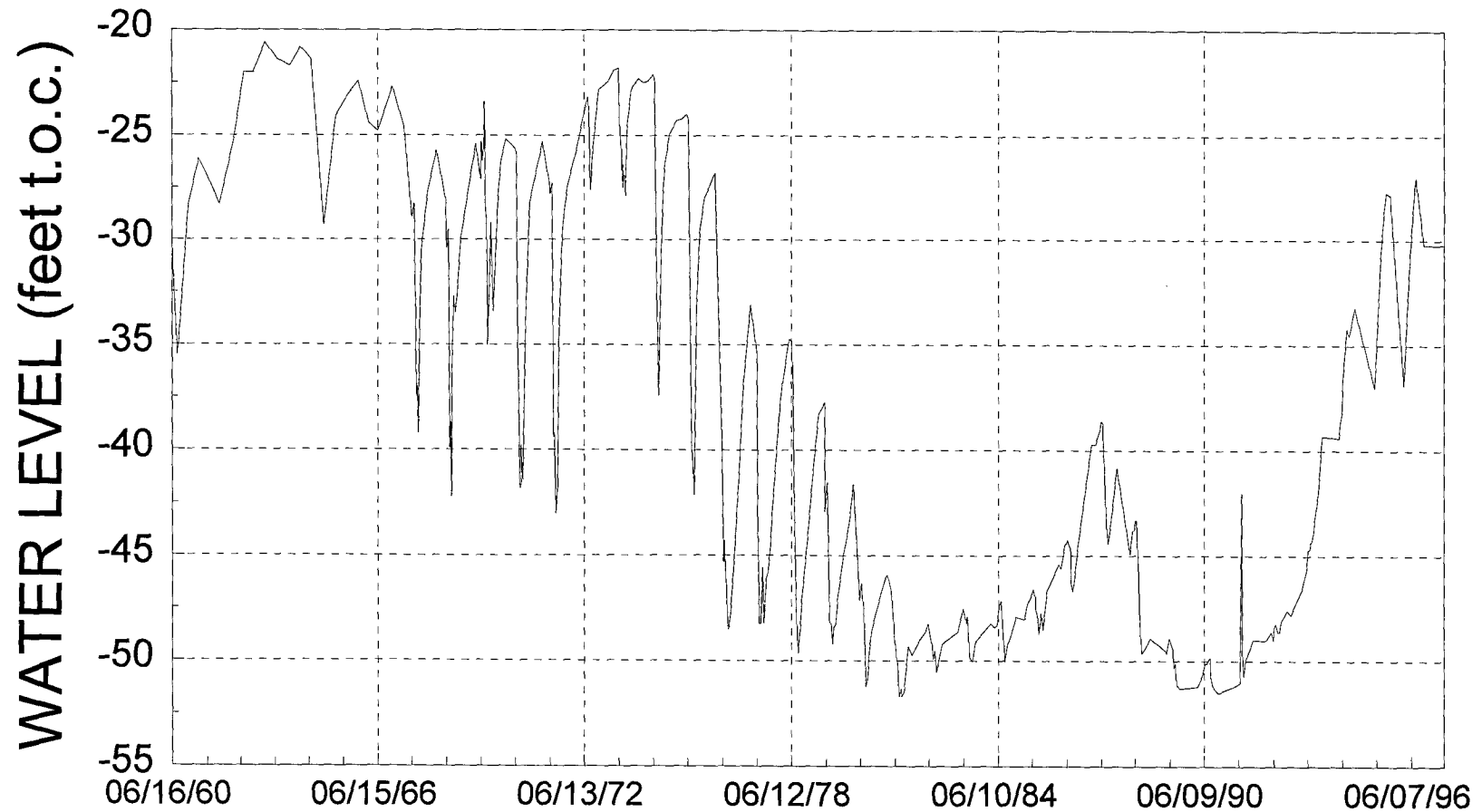
WATER RIGHTS OBSERVATION WELL

BD-79C



WATER RIGHTS OBSERVATION WELL

BD-60F

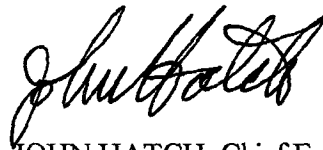


**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 5999-3, Hefty Seed Company**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5999-3, Hefty Seed Company, c/o Ronald Hefty, 47504 252nd Street, Baltic, SD 57003-5961.

The Chief Engineer is recommending APPROVAL of Application No. 5999-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
June 2, 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.

June 3, 1997

Ronald A. Hefty
dba Hefty Seed Company
47504 252nd St.
Baltic, SD 57003-5961

Dear Mr. Hefty:

Water Permit Application No. 5999-3 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 Plainsman printed at Huron, SD (Ph # (605) 352-6401). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 1997

The Plainsman
P.O. Box 1278
Huron, SD 57350-1278

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5999-3 to be published twice. Please publish the first notice on June 10, 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 Ronald A. Hefty, dba Hefty Seed Company, 47504 252nd St., Baltic, SD 57003-5961 (Ph # (605) 529-5412).

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. 5999-3

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 5999-3 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 10, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5999-3 to Appropriate Water

Notice is given that Ronald A Hefty, dba Hefty Seed Company, 47504 252nd St., Baltic SD 57003-5961 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well (Warren West James Aquifer) 75 feet deep located in the SE 1/4 SE 1/4 Section 34-T111N-R62W. The water is for commercial use at the business office.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5999-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.



Leslie Fraser

I,.....
being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date; that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I

am bookkeeper.....
..... of said newspaper
and know the facts herein state. The annexed notice headed

Notice of Application No. 5999-3 to

Appropriate Water, Hefty Seed Company

.....
..... two weeks
was published for..... successive..... once each week,
the same day each week, in said newspaper, and not in any supplement
10th

of the said newspaper, the first publication on the..... day of
June 97 17th

....., 19....., and the last publication on the.....
June 97

day of....., 19..... That the full amount of the fee
charged for publishing the same, to-wit:

seventy-seven and 12/100

..... Dollars
inures to the benefit of the publisher of said newspaper; that no
agreement or understanding for the division thereof has been made
with any other person, and that no part thereof has been agreed to be
paid to any person whomsoever.

Leslie Fraser
.....

Subscribed and sworn to before me this 19th day of June
97
19.....

Mary B. Walz
.....
Notary Public, South Dakota

6/1/2000

My term expires.....

F.P. 6-10-97 L.P. 6-17-97
NOTICE OF APPLICATION
NO. 5999-3 to Appropriate
Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5999-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application as recommended, unless a petition is filed opposing the application or contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Nettie H. Myers, Secretary
Department of Environment and
Natural Resources.

8" x 2" x 4.82 = 77.12
Legal #219 (ADV.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

Ronald A. Hefty
Hefty Seed Co.
47504 252nd Street
Baltic, SD 57003-5961

Dear Mr. Hefty:

Enclosed is Water Permit No. 5999-3 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 August 18, 1997

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

FROM: dba Hefty Seed Co.
/ Ronald A. Hefty 47504 252nd Street
(name) (address)

Baltic SD 57003-5961 605-529-5412
(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. 5999-3.

Water Permit No. 5999-3 states that the diversion system is to be constructed by

June 27, 2002, and that the water is put to beneficial use by
(date)

June 27, 2006
(date)

The diversion system was completed on April 10, 1996 (didn't know we needed permit)
(date)

Applying the water to beneficial use was completed on May 10, 1996
(date)

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

Ronald A. Hefty
(signature)

Permit No. 5999-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Darold Moody, 578 Ohio NW, Huron, SD 57530

Report Of Examination Of Works

On, May 22, 2000, I made a thorough examination of the water use system constructed by Hefty Seed Co. of 47504 252nd Street, Baltic, SD 57003 holder of Permit No. 5999-3, bearing the priority of June 27, 1997, authorizing the diversion of 0.033 cu. ft. per second of the waters for commercial purposes, in Beadle County.

The system is in the following condition good. The point of diversion is located from the SE corner of Section 34 T111N-R62W, 1305 feet west and 454 feet north with a longitude of -98.259835 and a latitude of 44.371943.

The works are capable of diverting and conveying to the place of use 0.033 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 as follows: the license should be issued for 0.033.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

Report On the Specifics of the System

Diversion Point Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Pullman Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>75</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>45</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC Slotted</u> | 2) Length <u>30</u> feet |
| 3) Static water level <u>12</u> feet | |

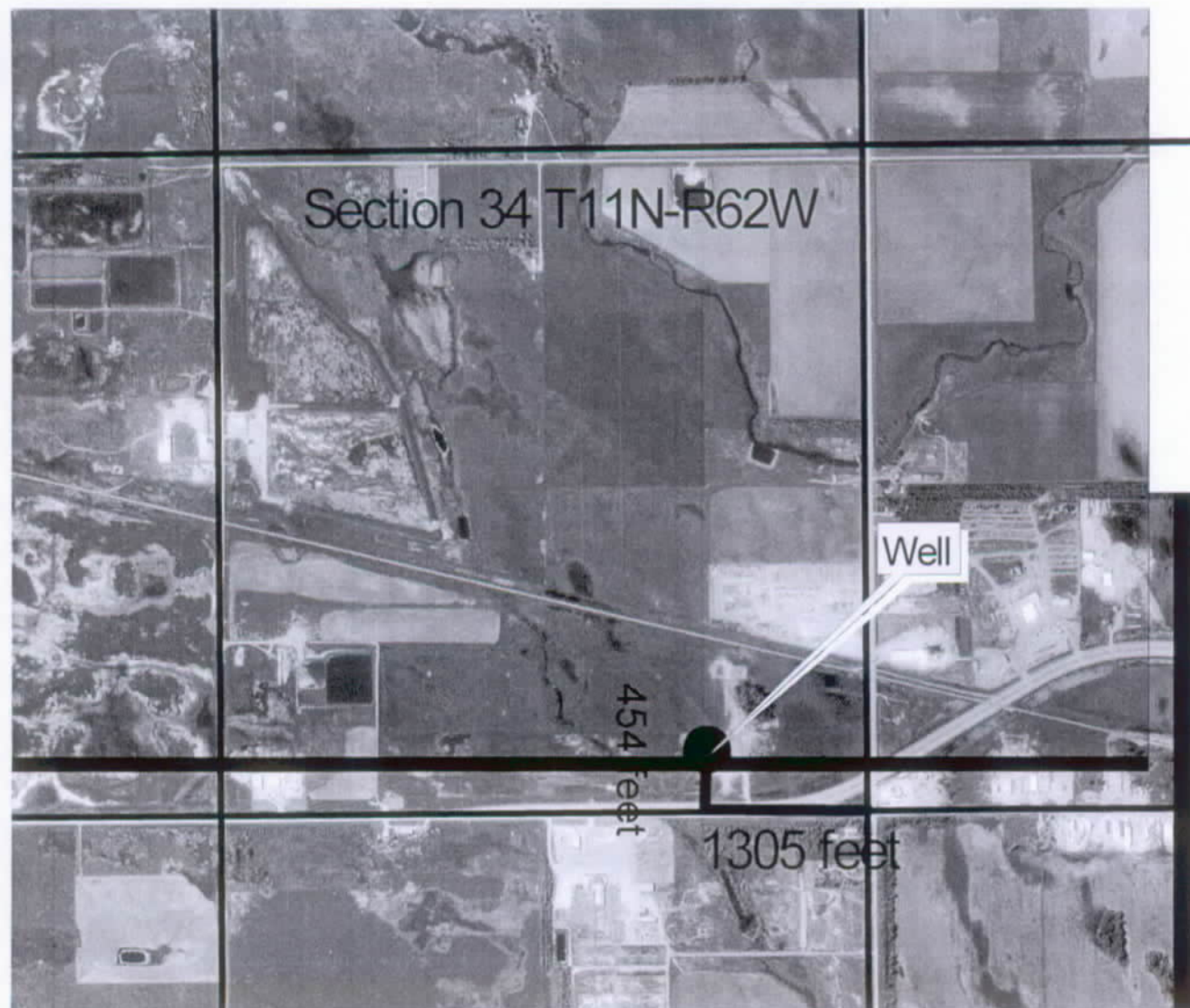
Pump\ Motor:

- 1) Pump Make Electrical Submersible
- 2) Capacity 15 GPM

Stacy J. Johnson
Stacy J. Johnson

Natural Resources Engineer
DENR, Water Rights Program

6-8-00
Date



0.4 0 0.4 0.8 Miles

Stacy J. Johnson 6-8-00

Stacy J. Johnson
Natural Resources Engineer
SD DENR Water Rights Program

5999-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 2000

5999-3

Ronald A. Hefty
Hefty Seed Co.
47504 252nd St.
Baltic, SD 57003-5961

Dear Mr. Hefty:

The investigation of your water use system was conducted on May 22, 2000, by Stacy Johnson, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5999-3. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416551

Pierre, June 21, 2000

RECEIVED OF Triple-H-Farms, 2820 S. St. Charles Lane, Sioux Falls, SD 57103
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. 5999-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Harland Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 10 2000

5999-3

Hefty Seed Co.
%Ronald A. Hefty
47504 252nd St.
Baltic, SD 57003-5961

Dear Mr. Hefty:

Enclosed is Water License No. 5999-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416551 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. 5999-3, 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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5999-3

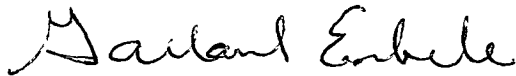
(1) Hefty Seed Co., 47504 252nd St, Baltic SD 57003-5961 made Application No. 5999-3, April 28, 1997 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial purposes. Permit No. 5999-3, with a priority date of April 28, 1997 was approved June 27, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 27, 2002 and for the application to beneficial use of said water on or before June 27, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 20, 1997. The *Notice* stated the diversion system was completed on April 10, 1996 and the water placed to beneficial use on May 10, 1996.

(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 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 1,305 feet west and 454 feet north from the southeast corner of Section 34-T111N-R62W (SE 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.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hefty Seed Co., 47504 252nd St, Baltic SD 57003-5961 the holder and/or owner of Water Right No. 5999-3 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of April 28, 1997 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5999-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 10 2000

date

