

WATER PERMIT NO. 6025-3

Name of Applicant: **Edney Distributing Co., Inc.**

Address: **PO Box 198, Huron SD 57350**

Phone: **605 352-88616**

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

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: **north of Huron along Hwy 14**

PRIORITY Date Received: **12-13-1990**

Fee: **\$50.00**

Corrected Application Received: **11-6-1997**

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

Remarks:

Diversion Point: **SW 1/4 SE 1/4**

Sec 32-T111N-R61W

Land to be Irrigated: **NA**

			32		
			X		

Depth of Well: **118 feet deep**

Well Driller: **Huron Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Elmer M Ward, NRCS**

Reviewed and the Number Assigned on: **11-7-1997**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6025-3**

Date of first receipt of application December 13, 1990.

Date of return to applicant for corrections, amendments or changes December 19, 1990.

Date of receipt of corrected application November 6, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6025-3 to Edney Distributing Co. Inc., PO Box 198, Huron SD 57350 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. 6025-3 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Floyd East James Aquifer) 118 feet deep located in the SW 1/4 SE 1/4 Section 32-T111N-R61W.
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. 6025-3 is December 15, 1997.
5. The date from which applicant may claim right is November 6, 1997.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

FEB 27 1998

date



RF

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>6025-3</u>	Hydrologic Unit <u>10160006</u>
Map No. <u> </u>	Basin <u>Panor River</u>
Newspaper <u>The Plainsman, Huron, SD</u>	

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No.

☐ Construction to use water reserved by Future Use Permit No.



1. Name of Applicant EDNEY Distributing Co., Inc Phone No. 352-8616

Post Office Address P.O. 198 Huron State S. DAK.
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 10 G.P.M. 0.022 cfs

3. Source of water supply DRILLED WELL groundwater

4. Location of point of diversion EAST SIDE OF BUILDING
SAID WELL HAS PITLESS UNIT

SW 1/4 SE 1/4 SEC. 32-T11N-R61W County BEADIE

5. Counties where water will be used BEADIE

6. Annual period during which water is to be used Jan 1 - Dec 31
12 months of the year

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

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

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

I, W. MILTON EDNEY 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 W. Milton Edney

Subscribed and sworn to before me this 12 day of December 1990

Robert T. Elmer
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 7 7/8" Depth 118'
- b) Casing Type PVC Diameter 5" Thickness SDR #21 CLASS
- c) Screen Type PVC Diameter 5" Thickness SDR #21 CLASS
- d) Gravel Pack Thickness 1 1/2" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 83'
- f) Depth to Water (ground surface to water level) 45'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

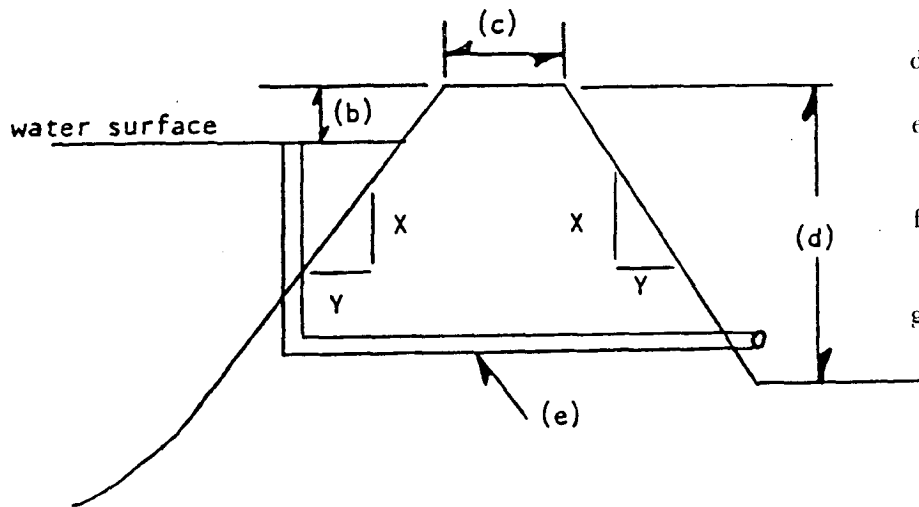
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

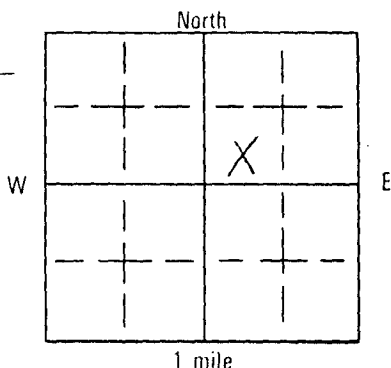
10-85

Location SE 1/4 SW 1/4 Sec 32 Twp 111 Rg 61

County

Beadle

Please mark well location with an "X"

Well Completion Date Dec. 29, 1988

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>118</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 30 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 10

Describe grouting procedure

TRIMMIE PIPE

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 35 FEETMaterial PVCSlot Size 35 Set From 83 Feet To 118 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Benonite

Describe packer(s) and location?

ABOVE GRADE PACKWas well disinfected upon completion? ☒ YES ☐ NOExplain HTHBacteriological analysis ☒ YES ☐ NOLaboratory sent to PERKINS

Well Owner:

Name

Edney Distributing

Address

Box 198, Chadron, S.D.

Well Log:

Depth

57350

Formation

From

To

<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>25</u>
<u>Blue Clay</u>	<u>25</u>	<u>55</u>
<u>Medium Sand</u>	<u>55</u>	<u>85</u>
<u>Blue Clay</u>	<u>85</u>	<u>88</u>
<u>Coarse Sand</u>	<u>88</u>	<u>118</u>

STATIC WATER LEVEL 40 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

67 ft. After 8 Hrs. pumped 25 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm

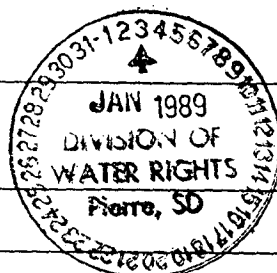
Edney Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner:

Date

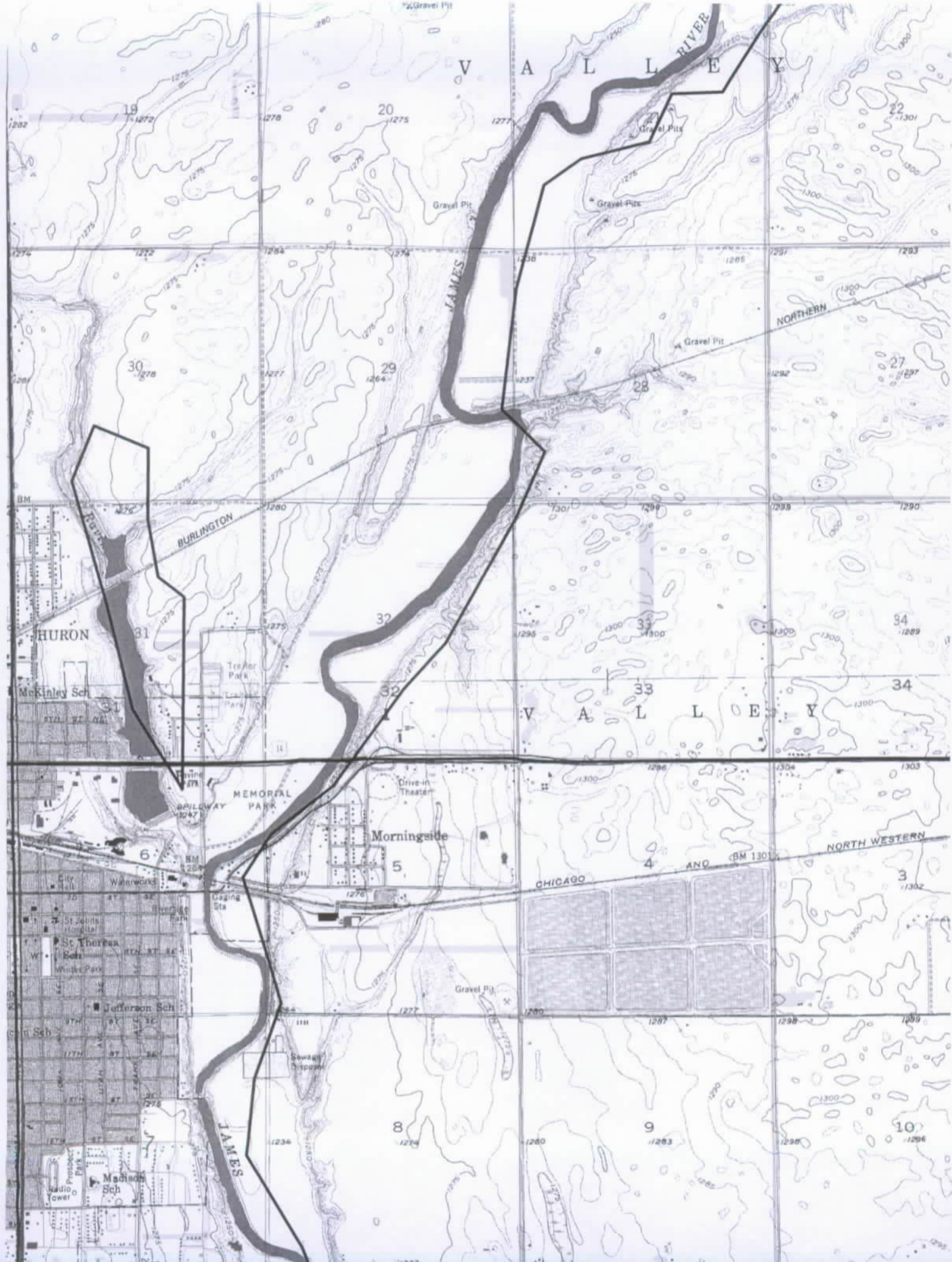
12/30/88

1-12-89

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

6025-3





RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412457

Pierre, December 19, 1990

RECEIVED OF EDNEY DISTRIBUTING, INC. Hiway 14, Huron SD 57350

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

Fee for Application for Permit No. <u>60253</u> to Appropriate Water, to construct works and to put water to beneficial use	59	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	59 00

By John Hatch/KS
Chief Engineer

**Department of
Water & Natural Resources**

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

January 12, 1989

Edney Distributing
Box 198
Huron SD 57350

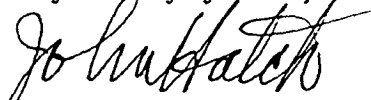
Dear Sir:

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

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

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

Very truly yours,



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

cc: Well Driller

enclosure



 **Department of
Water & Natural Resources**

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

November 6, 1990

EDNEY DISTRIBUTING
BOX 198
HURON SD 57350

Dear SIR :

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

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

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

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

Very truly yours,

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

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 19, 1990

Edney Distributing
W Milton Edney
PO Box 198
Huron SD 57350

Dear Mr. Edney:

In regard to your water permit application received on December 13, 1990, the following information needs to be submitted in order to process your application.

1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. On Item No. 4 of the application, please indicate the location of the diversion point in relation to a government section corner or quarter corner.

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

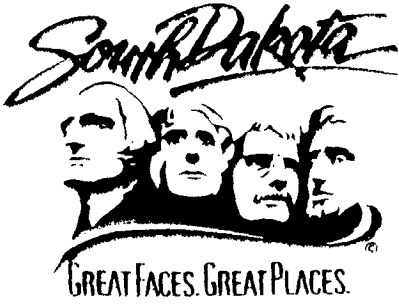
If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

April 30, 1993

Edney Distributing
W. Milton Edney
PO Box 198
Huron SD 57350

Dear Mr. Edney:

On December 13, 1990, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on December 19, 1990 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. If you no longer use water from a private water supply, please let us know and the \$50 filing fee will be refunded to you.

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

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 1994

Edney Distributing
W. Milton Edney
PO Box 198
Huron SD 57350

Dear Mr. Edney:

On December 13, 1990, you submitted an Application for Permit to Appropriate Water for Edney Distributing. On December 19, 1990, you were notified of the necessary requirements to complete the application (copies enclosed). A review of our files indicates that the application was never completed. Does Edney Distributing still utilize this well for commercial purposes?

If the well is being used, please submit the required map as outlined in the December 19, 1990 letter. Our records indicate the \$50.00 filing fee was submitted. You should be aware that Edney Distributing will be responsible for payment of the required public notice in a local newspaper.

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

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, Edney Distributing is required to have a water permit prior to using water for commercial purposes.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1997

Edney Distributing
W. Milton Edney
PO Box 198
Huron SD 57350

Dear Mr. Edney:

Several years ago, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for commercial use (copy enclosed). A review of the file indicates the application is incomplete.

Is this well still being utilized by Edney Distributing? If so, the application will be complete once the required map is submitted. The map needs to show the location of the well in relation to a section corner or quarter corner. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office has aerial photos which work well).

Also, what type of waste water disposal system is utilized (i.e. septic tank, drain field) or is Edney Distributing connected to the city's sanitary system?

Mr. Edney, if this well is used for commercial use purposes, please take the time to complete the application by obtaining the map. Pursuant to South Dakota law, a water permit is required prior to using water for commercial purposes. The water permit protects your right to use water. If this well is no longer used, please let me know and the application can be withdrawn and fee refunded.

If you have any questions, please contact me. Your cooperation is appreciated.

Sincerely,

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

enclosure

PO BOX 198
HURON, SD 57350

PH. 605/352-8616
FAX 605/352-4899



November 05, 1997

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Ms. Schlaak:

Enclosed is an aerial photo indicating the location of our well on the east side of our building, signed by Elmer M. Ward, District Conservationist NRCS.

This well serves two rest rooms accomodating six employees and is used for no other purposes.

The waste water disposal system utilizes a septic tank that was installed in 1960.

If there is further information that we may provide, please let us know.

Sincerely,
EDNEY DISTRIBUTING CO., INC.

W. Milton Edney
W. Milton Edney, Pres.

WAREHOUSES AT:

Highway 14 East
Huron, SD 57350
605-352-8313
Fax: 605-352-4899

906 Airport Road
Bismarck, ND 58501
701-223-1888
Fax: 701-223-0948



1230 43rd Street NW
Fargo, ND 58102
701-282-7093
Fax: 701-282-5560

8485 215th Street West
Lakeville, MN 55044
612-438-5267
Fax: 612-438-5268

REPORT ON WATER PERMIT APPLICATION NO. 6025-3

for Edney Distributing

November 10, 1997

Application No. 6025-3 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 118 feet deep located in the SW 1/4 SE 1/4 of Section 32, T111N-R61W in Beadle County. The water is for commercial use.

AQUIFER - FLOYD EAST JAMES (F-EJ)

The Floyd East James is a predominantly buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 146,600 acres and contains an estimated 700,000 acre feet of recoverable water in storage in Beadle County (Hedges, 1982). Ground water movement is from east to west and toward the James River in this area (Emmons, 1988).

The well completion report filed with the application indicates the aquifer top begins at 55 feet below land surface and extends to a depth of 118 feet. The static water level was reported to be 40 feet below land surface and the well was capable of producing 25 gpm using air to develop. The well appears to be constructed in accordance with SD Well Construction Standards.

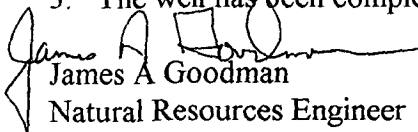
The Water Rights Program does monitor three observation wells completed into the Floyd East James aquifer and located within a four mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights which obtain water from the Floyd East James aquifer in this area. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Floyd East James aquifer.
2. The aquifer is confined and under artesian conditions in this area. Interference is not a concern because of the low pumping rate and because there are no other permitted users in the area.
3. The well has been completed in accordance with SD Well Construction Standards.


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, WRI 87-4082, USGS, Huron, SD, 57350.

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

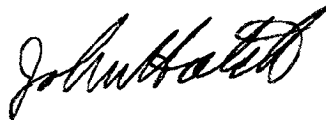
Water Rights, 1997, Unpublished Observation Well Data for Beadle County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6025-3, Edney Distributing Co., Inc.**

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. 6025-3, Edney Distributing Company, Inc., c/o W. Milton Edney, P.O. Box 198, Huron, SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6025-3 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) it is 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
November 19, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

November 20, 1997

Edney Distributing Co., Inc.
%W. Milton Edney, President
P.O. Box 198
Huron, SD 57350

Dear Mr. Edney:

Water Permit Application No. 6025-3 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

November 20, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6025-3 to be published twice. Please publish the first notice on November 26, 1997, with the second publication 7 days later.

27

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 Edney Distributing Co., Inc., %W. Milton Edney, President, P.O. Box 198, Huron, SD 57350 (Ph # (605) 352-8616).

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. _____

Date _____

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

Name

Newspaper

27

Instruction to Newspaper - Publish first Notice on November 28, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6025-3 to Appropriate Water

Notice is given that Edney Distributing Co., Inc. PO Box 198, Huron SD 57350 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Floyd East James Aquifer) 118 feet deep located in the SW 1/4 SE 1/4 Section 32-T111N-R61W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6025-3 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 December 15, 1997.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) SS

I, Mary B. Walz

certify that the attached printed Notice was taken
from the Plainsman

printed and published in Huron

County of Beadle and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 27, 1997

December 4, 1997

Cost of Printing \$ 72.30

Mary B. Walz
(Signature)

Business Manager
(Title)

12/3/97
(Date Signed)

F.P. 11-27-97 L.P. 12-4-97
NOTICE OF APPLICATION NO.
6025-3 to Appropriate Water

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Nettie H. Myers
Secretary
Department of Environment and
Natural Resources
No. 439 (adv.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

Edney Distributing Co., Inc.
%W. Milton Edney, President
P.O. Box 198
Huron, SD 57350

Dear Mr. Edney:

Enclosed is Water Permit No. 6025-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

Permit No. 6025-3
James River - Water District

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

Contact Person & Address: W. Milton Edney, PO Box 198, Huron, SD 57350

Report Of Examination Of Works

On, May 23, 2000, I made a thorough examination of the water use system constructed by Edney Distributing Co., Inc. of PO Box 198, Huron, SD 57350 holder of Permit No. 6025-3, bearing the priority of November 06, 1997, authorizing the diversion of 0.022 cu. ft. per second of the waters of ground water (Floyd East James) 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 32 T111N-R61W, 2428 feet west and 373 feet north with a longitude of -98.183053 and a latitude of 44.371710.

The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water that is to be used for commercial purposes. Water has been put to beneficial use and the license should be issued for 0.022.

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>Huron Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>118</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|---------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>118</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>35</u> feet |
| 3) Static water level <u>40</u> feet | |

Pump\ Motor:

- 1) Pump Make Submersible
- 3) Capacity 10 GPM

Distribution System:

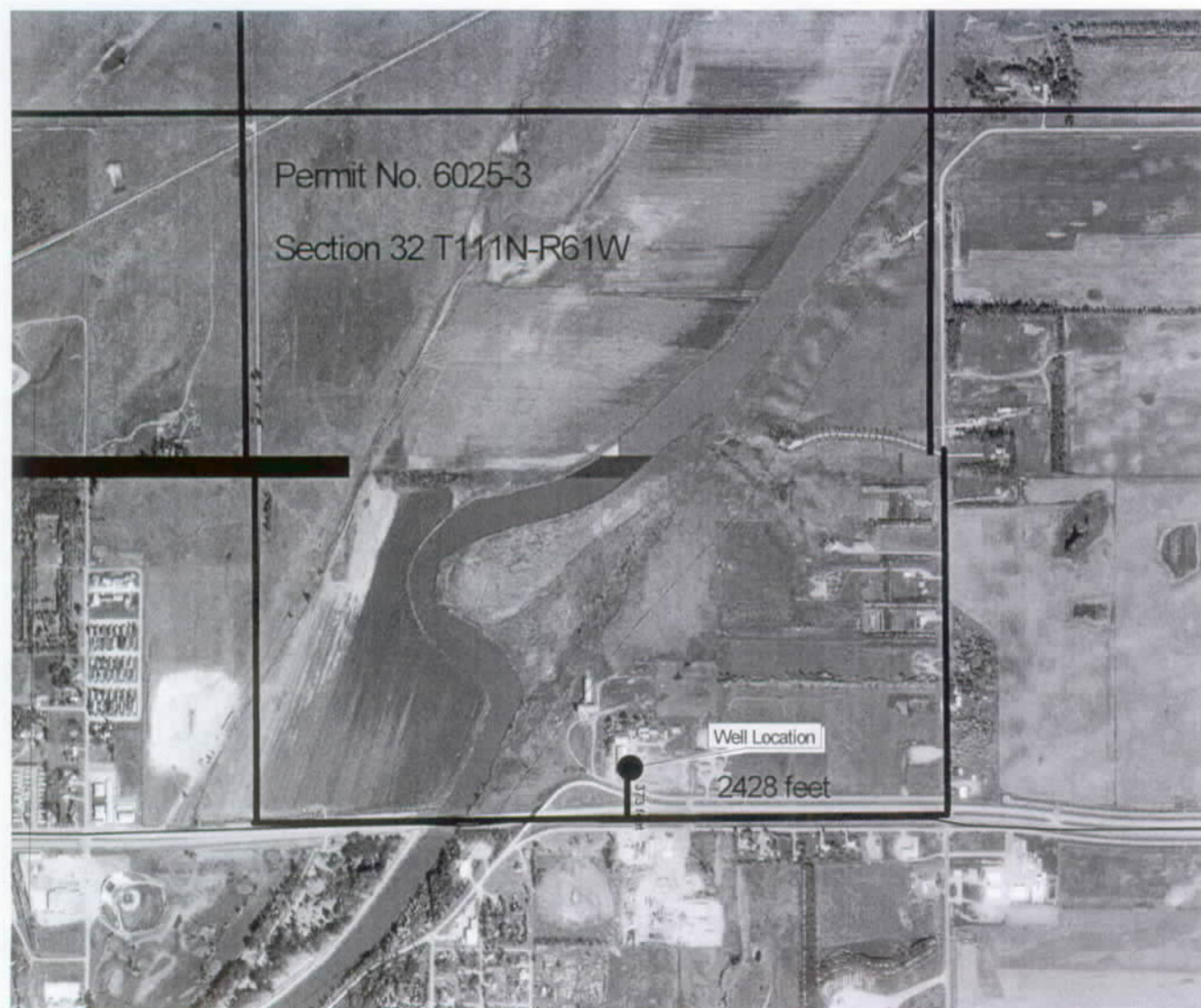
Pumped right into the Edney Distributing Co., Inc. building

Stacy J. Johnson
Stacy J. Johnson

6-19-00

Date

Natural Resources Engineer
DENR, Water Rights Program



0.6

0

0.6

1.2 Miles

Stacy J. Johnson 6-19-00

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 2000

6025-3

Edney Distributing
%W. Milton Edney, President
P.O. Box 198
Huron, SD 57350

Dear Mr. Edney:

On May 23, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6025-3, was completed by Stacy J. Johnson, 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 Genny McMath with our program at (605) 773-3352.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416567

Pierre, July 6, 2000

RECEIVED OF Edney Distributing Co., Inc., P.O. Box 198, Huron, SD 57350-C198
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. 6025-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

Harold Schell



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 02 2000

6025-3

Edney Distributing Co., Inc.
%W. Milton Edney, President
P.O. Box 198
Huron, SD 57350

Dear Mr. Edney:

Enclosed is Water License No. 6025-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416567 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. 6025-3, 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. 6025-3

(1) Edney Distributing Co. Inc., PO Box 198, Huron SD 57350 made Application No. 6025-3, December 13, 1990 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial use purposes. Permit No. 6025-3, with a priority date of November 6, 1997 was approved December 15, 1997 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 2,428 feet west and 373 feet north from the southeast corner of Section 32-T111N-R61W (SW 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.

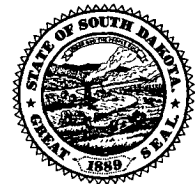
(4) Pursuant to South Dakota Water Law 46-5-30.1 Edney Distributing Co. Inc., PO Box 198, Huron SD 57350 the holder and/or owner of Water Right No. 6025-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of November 6, 1997 from the location specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 6025-3 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 02 2000

date



February 2, 2006

2005 South Dakota Water Use Questionnaire

6025-3

To:

Address correction requested:

EDNEY DISTRIBUTING CO
PO BOX 198
HURON SD 57350 0198

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 6025-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: BEADLE

Aquifer: FLOYD

Pumping Pt. Legal: SEC 32-T11N-R61W

Management Unit: EAST JAMES

Type of Water Use: COMMERCIAL

1) Please estimate your year 2005 water use from the above water source: _____ gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: In January 2005 we began using Mid-Dakota Rural Water and discontinued using the well.

Our only use is two restrooms for the six employees.

Contact Person: W. Milton Edney or Julie DeHaven

Telephone No: 605-352-8616

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

Thank you for completing the 2005 water use questionnaire.

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



RECEIVED

FEB 07 2006

WATER RIGHTS
PROGRAM

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Julie DeHaven, Edney Distributing Company, PO Box 198, Huron SD

DATE: May 25, 2006

TELEPHONE: 605 352-8616

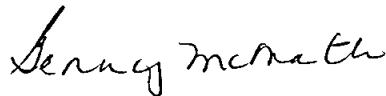
RE: Water Right No. 6025-3

COMMENTS:

The 2005 SD Water Use Questionnaire submitted for Edney Distributing Company of Huron indicated they have discontinued use of the well in January 2005 and began using water from Mid-Dakota RWS.

I contacted the company and spoke with Julie DeHaven concerning the use of the well and whether or not they still needed the water right.

She stated they are not plugging the well and may need to use it as a back-up source. I told Ms. DeHaven that if they intend to maintain the well as a backup source, the water right would need to be retained.



Genny McMath
Environmental Scientist