

WATER PERMIT NO. 6043-3

Name of Applicant: **Dakota Finishing, Inc.**

Address: **PO Box 582, Watertown SD 57201**

Phone: **605 882-⁴⁴3387**

Amount of Water Claimed: **0.155 cfs (70 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

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

County: **Codington**

Type of Waste Disposal System: **city sewer**

Location: **within Watertown city limits**

PRIORITY Date Received: **1-23-1998**

Fee: **\$150.00**

Corrected Application Received: **1-27-1998**

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

Remarks:

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

Sec 36-T117N-R53W

Land to be Irrigated: **NA**

	x	36			

Depth of Well: **49 feet**

Well Driller: **Stadheim Irrigation & Drilling**

Remarks:

Type of Map: **plat**

Prepared by: **Darwin Brickman, RLS**

Reviewed and the Number Assigned on: **1-27-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
TEMPORARY WATER PERMIT NO. 6043-3

Date of first receipt of application January 23, 1998.

Date of return to applicant for corrections, amendments or changes January 23, 1998.

Date of receipt of corrected application January 27, 1998.

The Water Management Board approved Water Permit Application No. 6043-3 as temporary water permit on May 6, 1998 for Dakota Finishing, Inc., c/o Jeff Stadheim, PO Box 582, Watertown SD 57201 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. Temporary Water Permit No. 6043-3 appropriates 0.155 cubic feet of water per second (70 gallons per minute) from one well (Big Sioux North Aquifer) 49 feet deep located in the NW ¼ SW ¼ Section 36-T117N-R53W.
2. The water appropriated shall be used for the purpose of supplying water for industrial use and may not exceed the amount of water needed for beneficial use for industrial 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 January 23, 1998.
5. One-fifth of the construction is to be completed on or before November 6, 2000.
6. All construction is to be completed on or before May 6, 2003.
7. Water is to be put to beneficial use on or before May 6, 2007.
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 City of Watertown has priority rights to this water under future use withdrawal permits. This permit is issued as a temporary permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserved water supply. The permit may be subject to cancellation when the city puts to beneficial use water reserved by the future use permits. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary permit
2. If development and pumping water from the North Management Unit of the Big Sioux Aquifer which is appropriated by this temporary permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered ground water levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

(continued)

Water Permit No. 6043-3

Dakota Finishing, Inc.

Page 2

3. The well authorized by Permit No. 6043-3 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.

WATER MANAGEMENT BOARD

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

JUN 29 1998
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	No. <u>6043-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Public Opinion, Watertown, SD</u>	

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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☒ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Dakota Finishing, Inc. Phone 605-882-4487
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 507 19th St SW PO Box 582 Watertown State SD 57201
(Street, RR, or Box) (Zip Code)

2. Amount of water claimed 0.155 *CFS or 70 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 sec 36-117-53

County Codington

5. County or counties where water will be used Codington

6. Annual period during which water is to be used year around Jan 1 - Dec 31

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

water will be used for metal finishing, for electroplating & powder coat painting for cleaning of metals parts & rinsing of parts

STATE OF SOUTH DAKOTA)
County of Codington SS

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)

I, Jeff Stadheim, 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 [Signature]
Subscribed and sworn to before me this 22nd day of January, 19 98
[Signature]
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 93 Depth 49
- b) Casing Type Plastic Diameter 5 1/4 Thickness 4250 #
- c) Screen Type Plastic Diameter 5 1/4 Thickness 250 #
- d) Gravel Pack Pop Rock Length of Gravel Pack 13 Ft
- e) Depth to Top of Water Bearing Material 13 Ft
- f) Depth to Water (ground surface to water level) 9
- g) Distance to nearest existing domestic well:

On applicants property Have No Idea On property owned by others Ly town

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) City sewer
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of Watertown Sanitary System

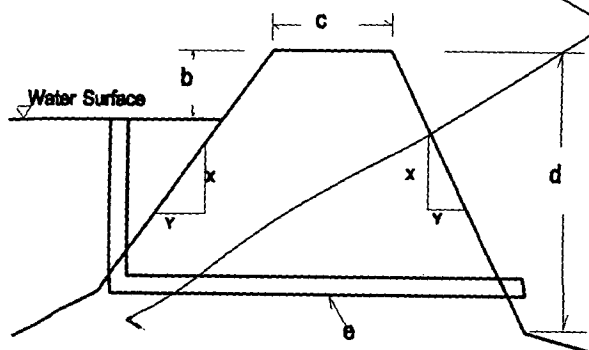
3. Dugout Information

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

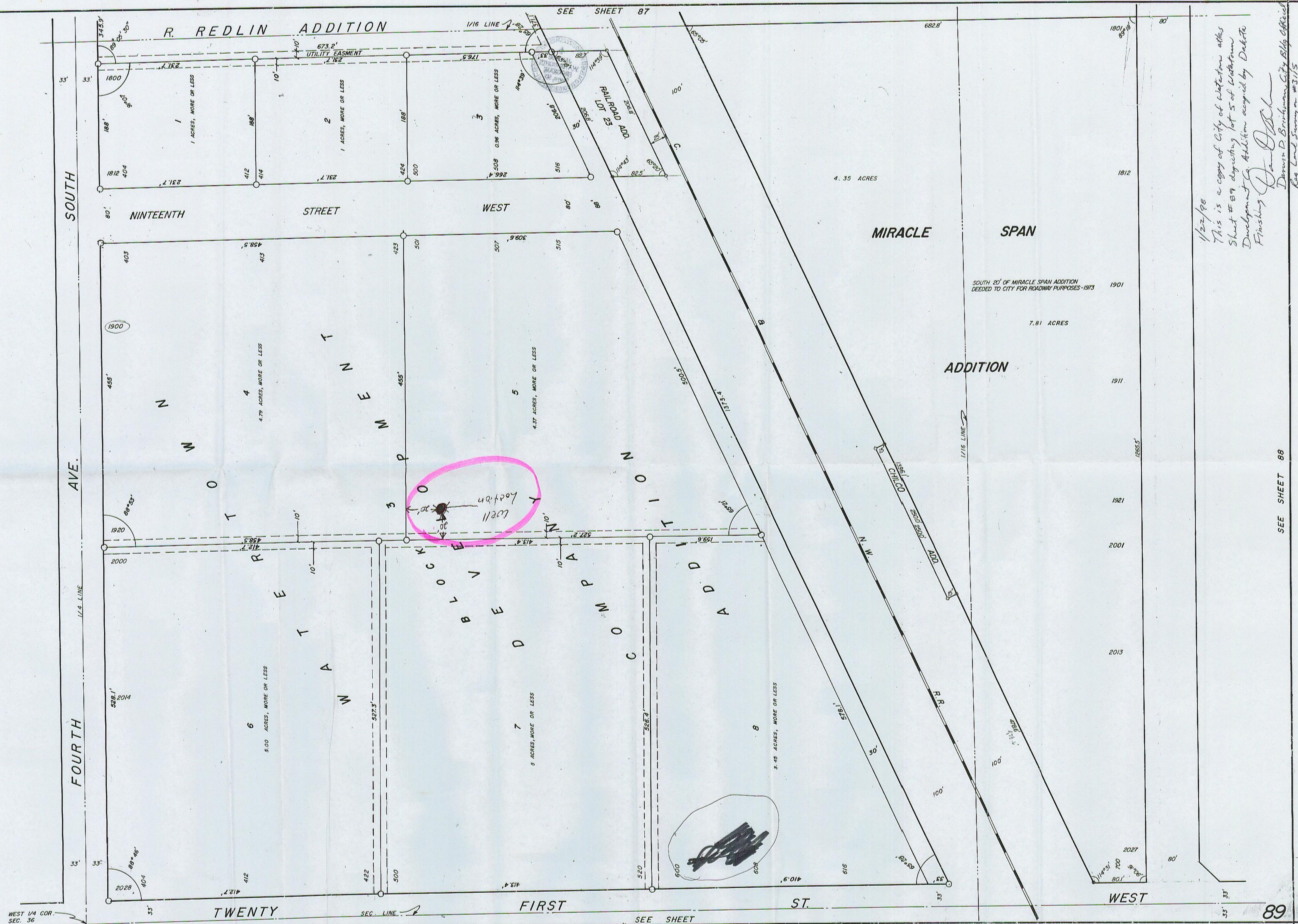
4. Water Storage Dams

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



1/22/98
This is a copy of City of Watertown address
Sheet # 89 depicting lot 5 of Watertown
Development Co. Addition designed by Dakota
Finishing. *Sam DeB...*
Damon D. Brinkman, City Clerk, Clerk
Reg. Land Surveyor # 3115

SEE SHEET 88

STADHEIM

FERTILIZER, IRRIGATION & DRILLING COMPANY

R.R. No. 2 Watertown, South Dakota 57201 Phone 605/886-5532

Test Holes - Domestic Wells - Irrigation Wells

T-L IRRIGATION SYSTEMS & EQUIPMENT



DRILLING REPORT

Location of Well: 1/4, SW 1/4, -Section 36 Township 117 Range 53

Well to be drilled for: Dakota Fin Co 507-195th SW
(Name) (Address)
Codington Watertown, SD 57201
(County) (State)

Date well drilling started 11-24-97 finished 11-28-97

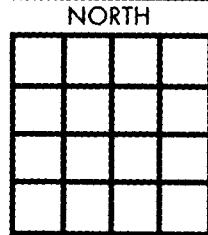
Purpose of well Industrial
(domestic, irrigation, industrial, other)

Depth 49 ft. Casing Diameter 5 inches

Slot Size 40 Screen Size 5

Screen Depth: From 39 ft. to 49 ft.

Remarks: _____



1 MILE

NO IRON

25 GRAIN HARD

11-25
11-26
11-27
11-28

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____		Elapsed Time From Start of Pumping		Water Level		Discharge	
0 hr.	0 min.			ft.	in.	(Static)	
2	hr.	min.		9	ft.	in.	100 GPM
9	hr.	min.		9	ft.	in.	150 GPM
1	hr.	min.		9	ft.	in.	150 GPM
2 1/2	hr.	min.		9	ft.	in.	RECOVERY 130

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
<u>Black Dirt</u>	<u>0</u>	<u>9</u>	<u>Well Costs</u>		
<u>Gray Sand</u>	<u>9</u>	<u>13</u>	<u>\$20.00 First 20 FT</u>	<u>400</u>	<u>00</u>
<u>Good Gray Gravel</u>	<u>13</u>	<u>31</u>	<u>\$15.00 Next 29 FT</u>	<u>435</u>	<u>00</u>
<u>Gray Clay Gravel</u>	<u>31</u>	<u>48</u>	<u>Extra Opening Screen</u>		
<u>Blue Clay</u>	<u>48</u>	<u>60</u>	<u>\$12.00 X 10 FT</u>	<u>120</u>	<u>00</u>
				<u>\$855</u>	<u>00</u>
			<u>2% Excise Tax</u>	<u>17</u>	<u>10</u>
			<u>2% City Tax</u>	<u>17</u>	<u>10</u>
				<u>\$889</u>	<u>20</u>

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415617

Pierre, January 23, 19 98

RECEIVED OF Jeffery J. Stadheim, RR 2, Box 65A, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6043-3 to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. to Appropriate Water, for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law)	Total	150 00

By
Chief Engineer

John Hatch

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6043-3, Dakota Finishing, Inc.

APPLICANT

Jeff Stadheim
Dakota Finishing, Inc.
507 19th Street SW
P.O. Box 582
Watertown, SD 57201

PETITIONER

Harlon Hoy, Superintendent
Municipal Utilities Department
901 Fourth Avenue SW
Watertown, SD 57201-4107



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

Jeff Stadheim
Dakota Finishing Inc.
PO Box 582
Watertown SD 57201

Dear Mr. Stadheim:

Thank you for submitting your *Application for a Permit to Appropriate Water*.

Enclosed is the map submitted with the application. 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).

Upon receipt of the signed map, we will continue processing your application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6043-3

for Dakota Finishing, Inc.

February 12, 1998

Application No. 6043-3 proposes to appropriate 0.155 cfs (70 gpm) from one well approximately 49 feet deep located in the NW 1/4 SW 1/4 of Section 36, T117N-R53W in Codington County. The water is for industrial use.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is under predominantly unconfined or water table conditions. The entire Big Sioux aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Codington and Grant Counties (Hansen, 1990). The Big Sioux North aquifer underlies 67,300 acres and contains an estimated 151,300 acre feet of recoverable water in storage in just Codington County (Hedges, 1982). The Big Sioux North is equivalent to the Big Sioux aquifer as defined by Hansen in Codington and Grant counties. The aquifer is hydraulically connected to the Big Sioux River and some of the major lakes and streams of the area. Generally, ground water movement is southward toward the Big Sioux River, Lake Kampeska and other area lakes and streams. The streams do act like recharge/discharge zones with the lakes being primarily discharge zones.

The well log filed with the application indicates sand beginning at a depth of 9 feet, gravel beginning at a depth of 13 feet and extending to a depth of 48 feet below land surface. The static water level was reported at about 9 feet below land surface and the completed well was capable of producing 150 gpm.

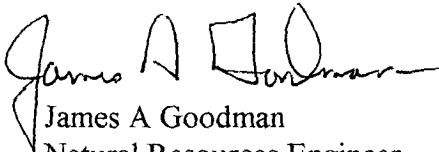
The Water Rights Program does monitor observation wells, CD-59A and CD-60C, which are completed into the Big Sioux North aquifer and are located about two miles north and about 2 miles southeast of this application. Water levels for these wells show good response to climatic conditions, that is, rising 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, 1998). Hydrographs for these two observation wells are included with this application.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This application is located within a Future Use area for the City of Watertown. Also, City Well #9 is located about one-half mile northeast and City Well #4 is located about one-half mile east of this application. These are Water Right Nos. 1217-3 and 351-3 respectively. Also, another Water Right No. 5690-3 is located about one-half mile south of this application. Interference is not a concern. Drawdown created by pumping at this rate should not be significant and should not extend very far from the production well.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. Interference is not a concern. The aquifer is under water table conditions and drawdown created by pumping at this rate should not adverse conditions in other existing water permits/rights.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Wastewater is disposed of through the City of Watertown sewer system.
5. This application is within the City of Watertown future use area and would be subject to that permit.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

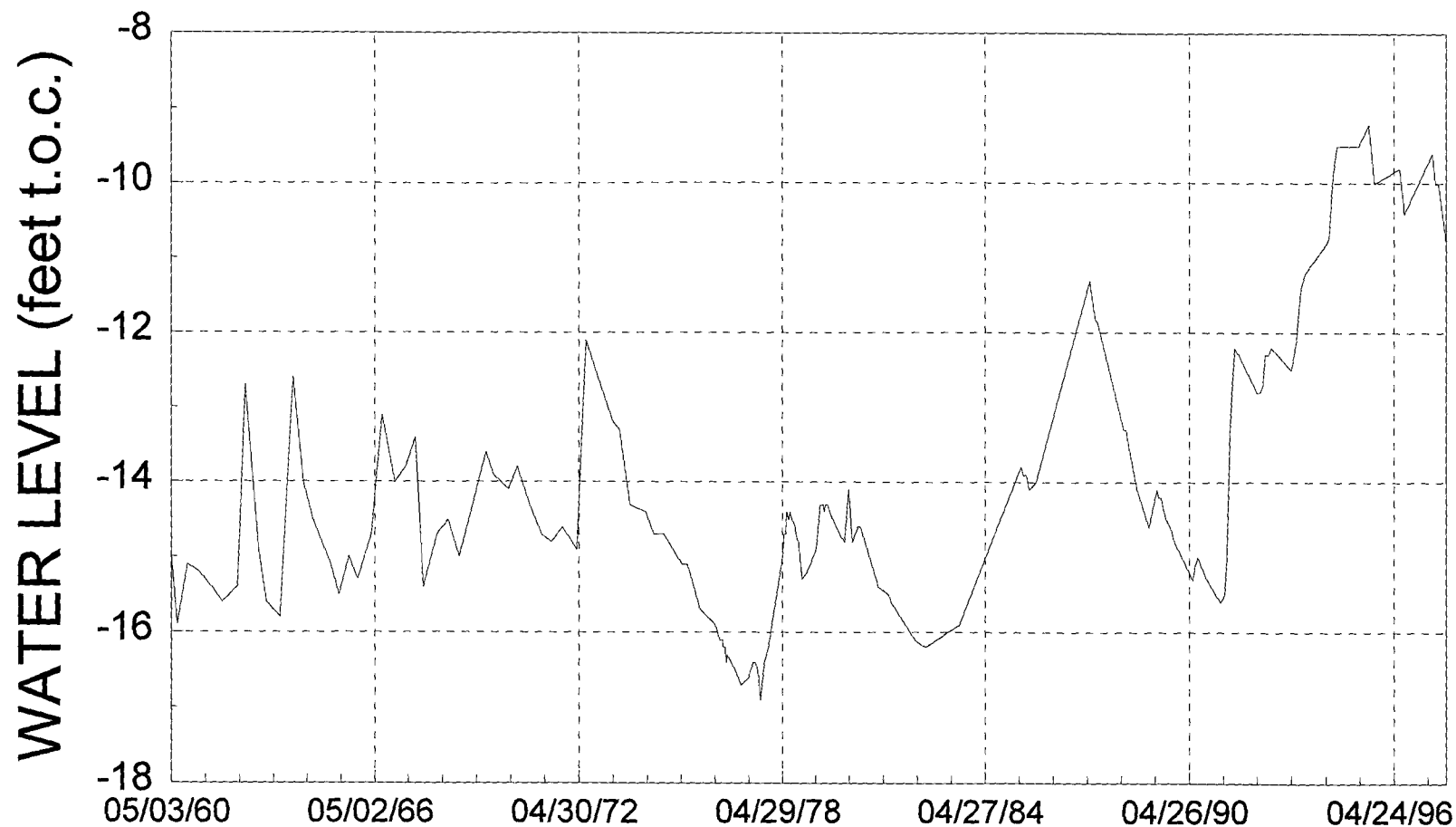
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

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

Water Rights, 1998, Unpublished Observation Well Data for Codington County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

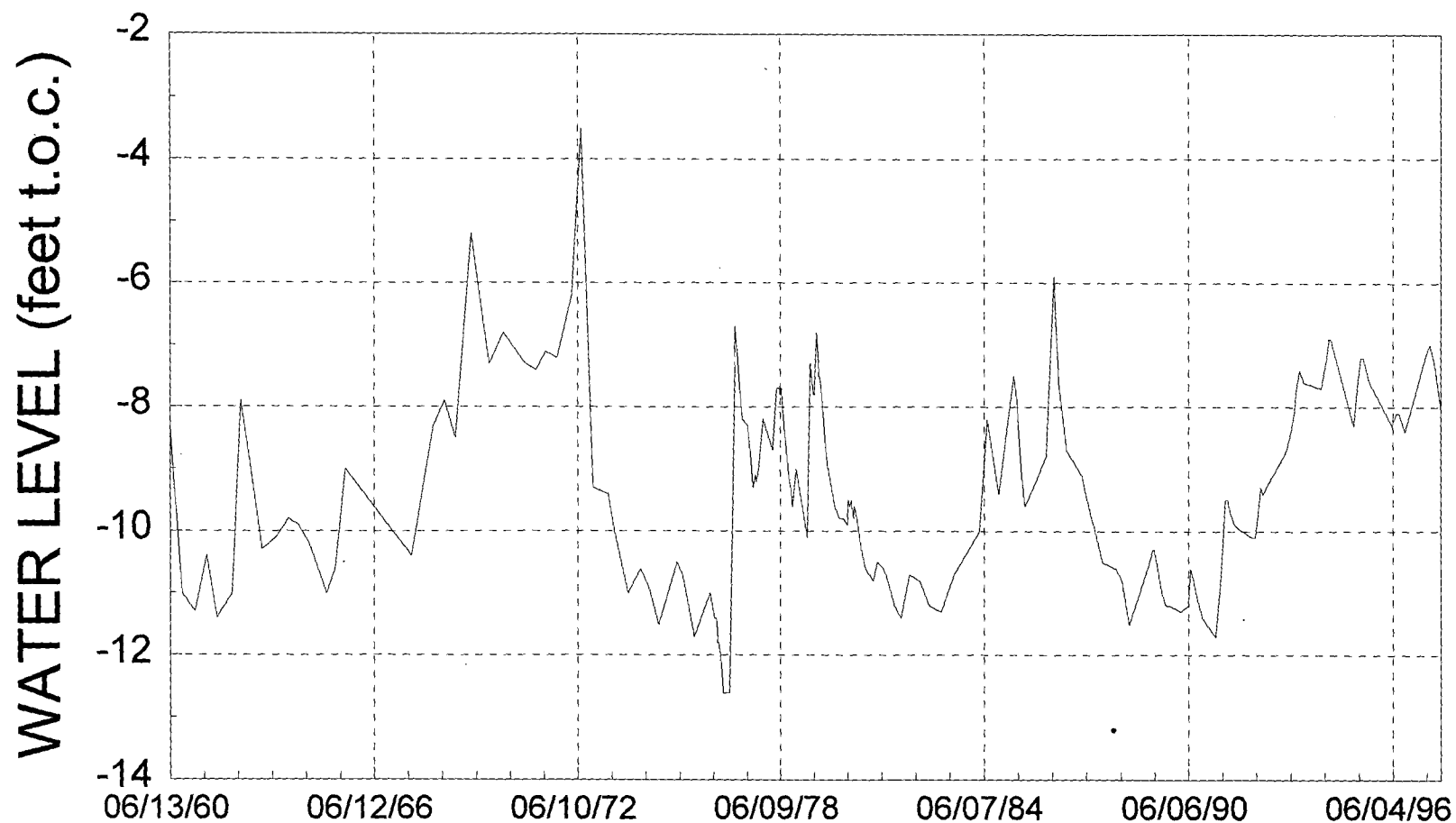
WATER RIGHTS OBSERVATION WELL

CD-59A



WATER RIGHTS OBSERVATION WELL

CD-60C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6043-3, Dakota Finishing, 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. 6043-3, Dakota Finishing, Inc., c/o Jeff Stadheim, P.O. Box 582, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6043-3 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 with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6043-3 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.
3. The City of Watertown has priority rights to this water under future use withdrawal permits, and this Permit is approved subject to these prior rights if or when the city develops the reserved water supply.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 20, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1998

Harlan Hoy, Water Superintendent
Municipal Utilities Department
901 Fourth Avenue Southwest
Watertown, SD 57201-4107

Dear Mr. Hoy:

Please find enclosed a copy of the report, recommendation and notice of hearing for a water right permit filed by Dakota Finishing. The notice of hearing is scheduled to be published March 5 and 12, 1998, in the Public Opinion.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**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.

February 24, 1998

Dakota Finishing, Inc.
%Jeff Stadheim
P.O. Box 582
Watertown, SD 57201

Dear Mr. Stadheim:

Water Permit Application No. 6043-3 for industrial 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 Public Opinion printed at Watertown, SD (Ph # (605) 886-6901). 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

February 24, 1998

Public Opinion
P.O. Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

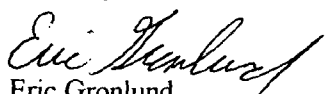
Enclosed is a Notice of Hearing on Application No. 6043-3 to be published twice. Please publish the first notice on March 5, 1998, with the second publication 7 days later.

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 Dakota Finishing, Inc., %Jeff Stadheim, P.O. Box 582, Watertown, SD 57201 (Ph # (605) 882-4487).

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

Instruction to Newspaper - Publish first Notice on March 5, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6043-3 to Appropriate Water

Notice is given that Dakota Finishing Inc., % Jeff Stadheim, PO Box 582, Watertown SD 57201 has filed an application for a water permit to appropriate 0.155 cubic feet of water per second (70 gallons per minute) from one well (Big Sioux North Aquifer) 49 feet deep located in the NW 1/4 SW 1/4 Section 36-T117N-R53W. The water is for industrial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6043-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 23, 1998.

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)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 28th 1998

March 10th, 1998

Cost of Printing 69.90

Monica Saathoff
(Signature)

Bookkeeper
(Title)

March 10th, 1998
(Date Signed)

APPLICATION

NOTICE OF APPLICATION NO. 6043-3 to Appropriate Water

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(February 28; March 10, 1998)

PETITION CONTESTING

PERMIT APPLICATION NO. 6043-3
Dakota Finishing, Inc.
and



RECOMMENDATION OF CHIEF ENGINEER

COMES NOW the City of Watertown Municipal Utilities Department, by and through its Superintendent Geoff Heig and petitions the WATER MANAGEMENT BOARD, and the CHIEF ENGINEER, Water Rights Program, Department of Environment and Natural Resources, State of South Dakota, as follows:

1. States its opposition to the application; and
2. Contests the chief engineer's recommendation.

The basis for the two actions above is based upon the following reasons:

- A. This application is the future use area for the City of Watertown Municipal Utilities Department where 3,636 acre-feet of annual production still remains reserved under Future Use Permit Nos. 1218-3 and 2107-3. This future use amount is the remaining capability of the Big Sioux North aquifer. Approval of any further appropriated amount will result in detriment to the future use permits of the City of Watertown.
- B. The proposed well would be about one-half mile from the #9 well for the City of Watertown under appropriated Permit No. 1217-3. The proposed well's formation bottoms out at 48 feet to 49 feet. The City of Watertown's #9 well bottoms out at 40 feet. Pumping from the proposed well will adversely affect the operation of the previously permitted #9 as in dry years, it has been necessary to reduce the pumping capability of #9 due to lower aquifer levels. Approval of the well as requested will result in reduced capabilities of the #9 such that operation will fall below the previously permitted use.

Dated this date, March 20, 1998

City of Watertown
Municipal Utilities Department

BY: Geoff Heig
ITS: Superintendent

STATE OF SOUTH DAKOTA

SS

Geoff Heig, Superintendent of the City of Watertown, Municipal Utilities Department, being first duly sworn, deposes and states that he is the person above named; that he has read the foregoing document, knows the contents thereof, and that the same is true of his own knowledge, information and belief.

formation and
off Haig

Subscribed and sworn to before me this date, March 20, 1998.


Vincent A. Fole
Notary Public

My Commission expires:
October 12, 2004

(SEAL)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1998

NOTICE

TO: Jeff Stadheim
Dakota Finishing, Inc.
P.O. Box 582
Watertown, SD 57201

Harlan Hoy, Superintendent
Municipal Utilities Department
901 Fourth Avenue SW
Watertown, SD 57201-4107

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 6043-3, Dakota Finishing, Inc.

A petition in opposition to Application No. 6043-3 has been filed in response to the Notice of Application to appropriate water published February 28 and March 10, 1998 in the Watertown Public Opinion. As specified in the publication notice, Application No. 6043-3, filed by Dakota Finishing, Inc. c/o Jeff Stadheim, P.O. Box 582, Watertown, SD is to appropriate 0.155 cubic feet of water per second (70 gpm) for one well, 49 feet deep, located in the NW1/4 SW1/4 Section 36, T117N, R53W in Codington County. The water is for industrial use. Because a petition in opposition to the application has been filed, pursuant to 46-2A-23, the Chief Engineer must provide notice of a hearing before the Water Management Board to all parties of record.

The Water Management Board will conduct a hearing to consider Application No. 6043-3 at 1:00 PM (CDT) on May 6, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The agenda time is an estimate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6043-3 with qualifications 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. 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 May 6, 1998, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1998.

This 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.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by April 27, 1998, if you have special needs for which the department will make arrangements.

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.

c: Diane Best, Assistant Attorney General
Vince A. Foley, City Attorney, P.O. Box 845, Watertown, SD 57201
Geoff Heig, P.O. Box 910, Watertown, SD 57201

CERTIFICATION

I hereby certify that on March 30, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 30, 1998, regarding Notice of Hearing on Contested Water Permit Application No. 6043-3, Dakota Finishing, Inc., addressed as stated below:

Jeff Stadheim, Dakota Finishing, Inc., P.O. Box 582, Watertown, SD 57201.

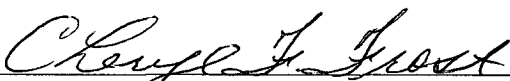
Harlan Hoy, Superintendent, Municipal Utilities Department, 901 Fourth Avenue SW, Watertown, SD 57201-4107.

Vince A. Foley, City Attorney, P.O. Box 845, Watertown, SD 57201.

Geoff Heig, P.O. Box 910, Watertown, SD 57201.

A copy of the above described Notice was sent Inter-office to:

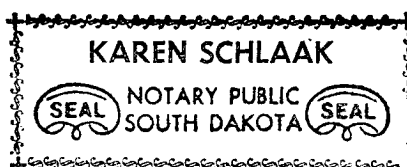
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of March, 1998


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

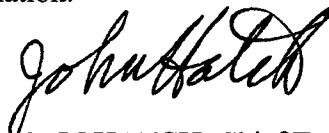
**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6043-3, Dakota Finishing, Inc.**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6043-3, Dakota Finishing, Inc., c/o Jeff Stadheim, P.O. Box 582, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6043-3 as a TEMPORARY PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from this future area; 2) the proposed diversion can be developed as a temporary permit 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 City of Watertown has priority rights to this water under future use withdrawal permits. This permit is issued as a temporary permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserved water supply. The permit may be subject to cancellation when the city puts to beneficial use water reserved by the future use permits. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary permit
2. If development and pumping water from the North Management Unit of the Big Sioux Aquifer which is appropriated by this temporary permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered ground water levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.
3. The well authorized by Permit No. 6043-3 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.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 5, 1998



STIPULATION ON WATER PERMIT APPLICATION NO. 6043-3

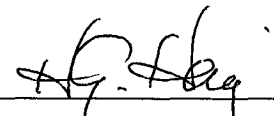
Dakota Finishing, Inc.

COMES NOW the City of Watertown, Department of Municipal Utilities and Dakota Finishing, Inc. and agree as follows:

1. Water Permit Application No. 6043-3 shall be amended to be in all respects an application for authority pursuant to SDCL 46-5-39, a temporary appropriation;
2. Water Permit Application No. 6043-3 includes an appropriation within the future use area of the Permit for the City of Watertown, Municipal Utilities;
3. Under its Permit, the City of Watertown is not currently using all appropriated water;
4. Under SDCL 46-5-39, a temporary use permit shall be granted to Dakota Finishing, Inc.

Dated this date, May 5, 1998

City of Watertown
Municipal Utilities Department

By: 
ITS: Superintendent

Dakota Finishing, Inc.

By: 
ITS: President



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 29 1998

Dakota Finishing, Inc.
%Jeff Stadheim
P.O. Box 582
Watertown, SD 57201

Dear Mr. Stadheim:

Enclosed is Temporary Water Permit No. 6043-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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.

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6043-3**

I have this day, May 1, 2023, made a thorough examination of the water use system constructed by Dakota Finishing, Inc, PO Box 582, Watertown, SD 57201 of Permit No. 6043-3, bearing the priority of January 23, 1998 authorizing the diversion of 0.155 cu. ft. per second of the waters of the Big Sioux:North Aquifer for industrial use purposes, in Codington County.

D. Compliance with Permit Requirements: (See Section F)

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

The field visit revealed what appears to be a enterprise no longer doing business as all the doors were locked, unkept grounds, no vehicles at the site and a "for rent" sign on the property. A visit with an employee of an adjoining business also confirmed the enterprise was not operating at the present time.

The contact person in the permit materials "jeff Stadheim" at PO Box 582 appears to be valid and the telephone number 605/882-4487 has an answering machine that appears to be functional.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 2, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 1, 2024

6043-3

Jeff Stadheim
44964 176th St
Watertown SD 57201

Dear Mr. Stadheim:

I am writing you today in regard to Temporary Water Permit No. 6043-3, issued to Dakota Finishing Inc., c/o Jeff Stadheim, in June 1998, authorizing the diversion of 0.155 cubic feet of water per second (approx. 70 gallons per minute) for industrial use.

In May 2023, a Water Rights staff engineer called you to set up a time to conduct an inspection of the water use system. He noted in his report that the phone number we have on file (605)882-4487 has a functional answering machine but his calls were never returned. He also noted in his report that when he visited the location, attempting to make contact, the doors were locked and a "for rent" sign was posted at the property.

With this letter I am hoping to learn the current status of water use at the facility, how long water has gone unused, and whether or not the temporary water permit can be scheduled for cancellation before the South Dakota Water Management Board.

Please call me at (605)910-5187 or email me at the Amanda.Dewell@state.sd.us to discuss.

Sincerely,

Amanda Dewell
Water Rights Program
Permitting Administrator
605 773-3352
Amanda.Dewell@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6043-3

I have this day, July 30, 2024, made a thorough examination of the water use system constructed by Dakota Finishing, Inc, PO Box 582, Watertown, SD 57201 of Permit No. 6043-3, bearing the priority of January 23, 1998 authorizing the diversion of 0.155 cu. ft. per second of the waters of the Big Sioux North Aquifer for industrial purposes, in Codington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stadheim Drilling
- 2) No. of Wells 1
- 3) Depth(s) 49 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 39 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 10 feet
- 3) Static water level unknown feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size unknown
- 4) Capacity 70 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 3 hp

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

- 1) Type PVC - buried
- 2) Size 2 inches
- 3) Length 250 feet

Comments:

C. D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION From the SW corner Sec 36 T117N R53W, 2100 ft N & 600 ft E, Lat 44.89597 Long -97.14490 (NW ¼ SW ¼).
2. The works are capable of diverting and conveying to the place of use 0.155 cu. ft. per second of water which is to be used for industrial use.
The license should be issued for 0.155 cfs.
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location map.

I visited with Mr. Jeff Stadheim (605/881-3414) during the field review who gave me the estimated well discharge.

The commercial site location is at 507 19th St SW, Watertown, SD.

The new mailing address is 44964 176th St, Watertown, SD 57201



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: August 2, 2024



0 385 770 1,540 2,310 3,080 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

AUG 30 2024

6043-3

Dakota Finishing Inc.
c/o Jeff Stadheim
44964 176th St
Watertown SD 57201

Dear Mr. Stadheim:

Enclosed is Reissued Temporary Use Permit No. 6043-3. Included with your permit is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

So long as you use the water beneficially, as stated in the permit, State Water Laws provide that you have a continuing right to use the water until such time as the City of Watertown puts to beneficial use water reserved by their Future Use Permits. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 6043-3
REISSUED AS DEVELOPED

(1) Dakota Finishing Inc. 44964 176th St, Watertown SD 57201, made Application No. 6043-3, January 23, 1998, for a water permit to divert 0.155 cubic feet of water per second from groundwater, one well (Big Sioux: North Aquifer), Codington County, South Dakota for industrial purposes. Temporary Use Permit No. 6043-3, with a priority date of January 23, 1998, was approved by the Water Management Board May 6, 1998, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 6, 2003, and for the application to beneficial use of water on or before May 6, 2007.

(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 0.155 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,100 ft N & 600 ft E of the SW corner Section 36, T117N, R53W (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 44.89597 & Longitude -97.14490)

(3) The water is to be used during the following described annual period: January 1 – December 31.

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

(5) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Finishing Inc., the holder and/or owner of Temporary Use Permit No. 6043-3 is reissued a permit to appropriate water, the right to use 0.155 cubic feet of water per second from groundwater, one well (Big Sioux: North Aquifer), with a priority date of January 23, 1998, from the location specified in (2) of this permit for industrial purposes.

This Temporary Use Permit is subject to South Dakota Water Law, any limitations or conditions listed in Temporary Use Permit No. 6043-3 and subject to the following qualifications:

1. The City of Watertown has priority rights to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the City develops the reserved water supply. The permit may be subject to cancellation when the City puts to beneficial use water reserves by the future use permits. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of the temporary use permit.
2. If development and pumping of water from the North Management Unit of the Big Sioux Aquifer, which is appropriated by this temporary use permit, results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

continued

3. The well authorized by Permit No. 6043-3 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. *(The well was drilled in 1997 by Fertilizer, Irrigation & Drilling Company. A copy of the well completion report is on file with the Water Rights Program.)*

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 30 2024

date

