

WATER PERMIT NO. 6109-3

Name of Applicant: Turner County Dairy LLP

Address: 45874 268th St, Parker SD 57053

Phone: 605 297-4583

Amount of Water Claimed: 0.333 cfs (150 gpm)

Total Acres:

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial (dairy operation)

County: Turner

Type of Waste Disposal System:

Location: 4 miles northeast of Parker

PRIORITY Date Received: 10-26-98

Fee: \$225

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: 1,600 head dairy operation

Diversion Point: NE ¼ SE ¼

Sec 25-T110N-R53W

Land to be Irrigated: NA

Depth of Well: 88 feet

Well Driller: Pullman Well Drilling

Remarks:

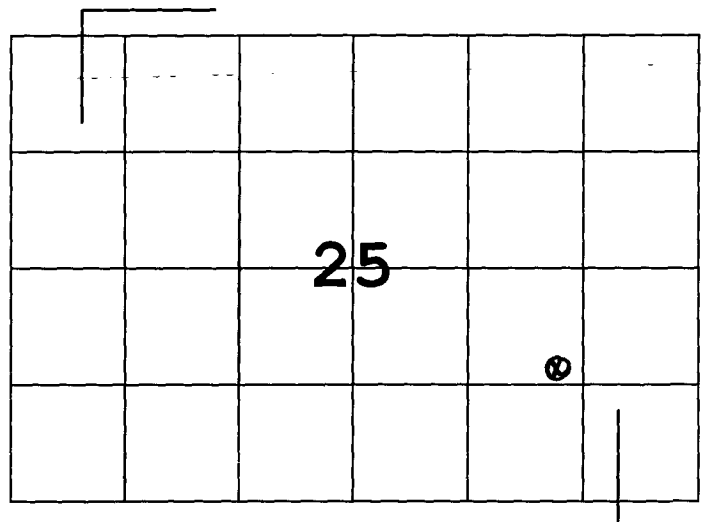
Type of Map: plat

Prepared by: Mark E Johnson, RLS

Reviewed and the Number Assigned on: 10-26-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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>6109-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era, Parker, SD</u>	



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

Check use(s) of water:

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

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

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

- Name of Applicant Turner County Dairy LLP Phone (605) 297-4583
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address ~~RR-1 Box 122~~ Parker 45874 268th St Parker State SD 57053
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.333 *CFS or 150 **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 Wall Lake Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells ~~SW 1/4, SE 1/4~~ of Section 25, T100N, R53W (second well for backup purposes if primary well becomes inoperable. (NE 1/4, SE 1/4))
County TURNER
- County or counties where water will be used TURNER
- Annual period during which water is to be used January ~~to January~~ 1 - Dec. 31
- Give a description of the project. **This project consists of a new 1,600 head dairy operation to be located in the SE 1/4 Section 25 T100N, R53W-Turner County. Plans and specifications for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations have been submitted to SD-DENR.**

STATE OF SOUTH DAKOTA)
County of Minnehaha) 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, **Walter Bones**, 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 Walter Bones

Subscribed and sworn to before me this 23 day of October 19 98

Dwight H. Bones

Notary Public

Supplemental Information

(Complete applicable portions only)

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.5 inch Depth 88 feet
- b) Casing Type Plastic Diameter 5 inch Thickness unknown
- c) Screen Type Manufactured Diameter 5 inch Thickness unknown
- d) Gravel Pack YES Length of Gravel Pack 18 feet
- e) Depth to Top of Water Bearing Material 79 feet
- f) Depth to Water (ground surface to water level) 42 feet
- g) Distance to nearest existing domestic well:

On applicants property No other known wells On property owned by 3/8 of a mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Two earthen containment basins
- b) System Capacity (gallons) See AWMS Permit Year Constructed NEW CONSTRUCTION
- c) Connected to the City of NA Sanitary System

3. Dugout Information

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

4. Water Storage Dams – Not Applicable

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

SOUTH DAKOTA
WATER PERMIT NO. 6109-3

Date of first receipt of application October 26, 1998.

The Water Management Board approved Water Permit Application No. 6109-3 on December 2, 1998 for Turner County Dairy LLP, 45874 268th St, Parker SD 57053 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. 6109-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Wall Lake Aquifer) 85 feet deep located in the NE ¼ SE ¼ Section 25-T100N-R53W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use for a dairy operation.
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 October 26, 1998.
5. One-fifth of the construction is to be completed on or before June 2, 2001.
6. All construction is to be completed on or before December 2, 2003.
7. Water is to be put to beneficial use on or before December 2, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6109-3 is subject to compliance with requirements of the general Water Pollution Control Permit for concentrated animal feeding operation.
3. The wells authorized by Permit No. 6109-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.

(continued)

4. Permit No. 6109-3 is subject to compliance with the existing and applicable Water Management Board Rules:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JAN 19 1999
date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415905

Pierre, November 2, 19 98

RECEIVED OF Bones Elevator Co. (Turner Co. Dairy), 45874 - 268th St., Parker, SD 57053-6816
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. 6109-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch 

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 415900

Pierre, October 26, 19 98

RECEIVED OF Bones Elevator Company, 45874 - 268th St., Parker, SD 57053-6816
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6109-3 to Appropriate Water, to construct
and to put water to beneficial use _____

225 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

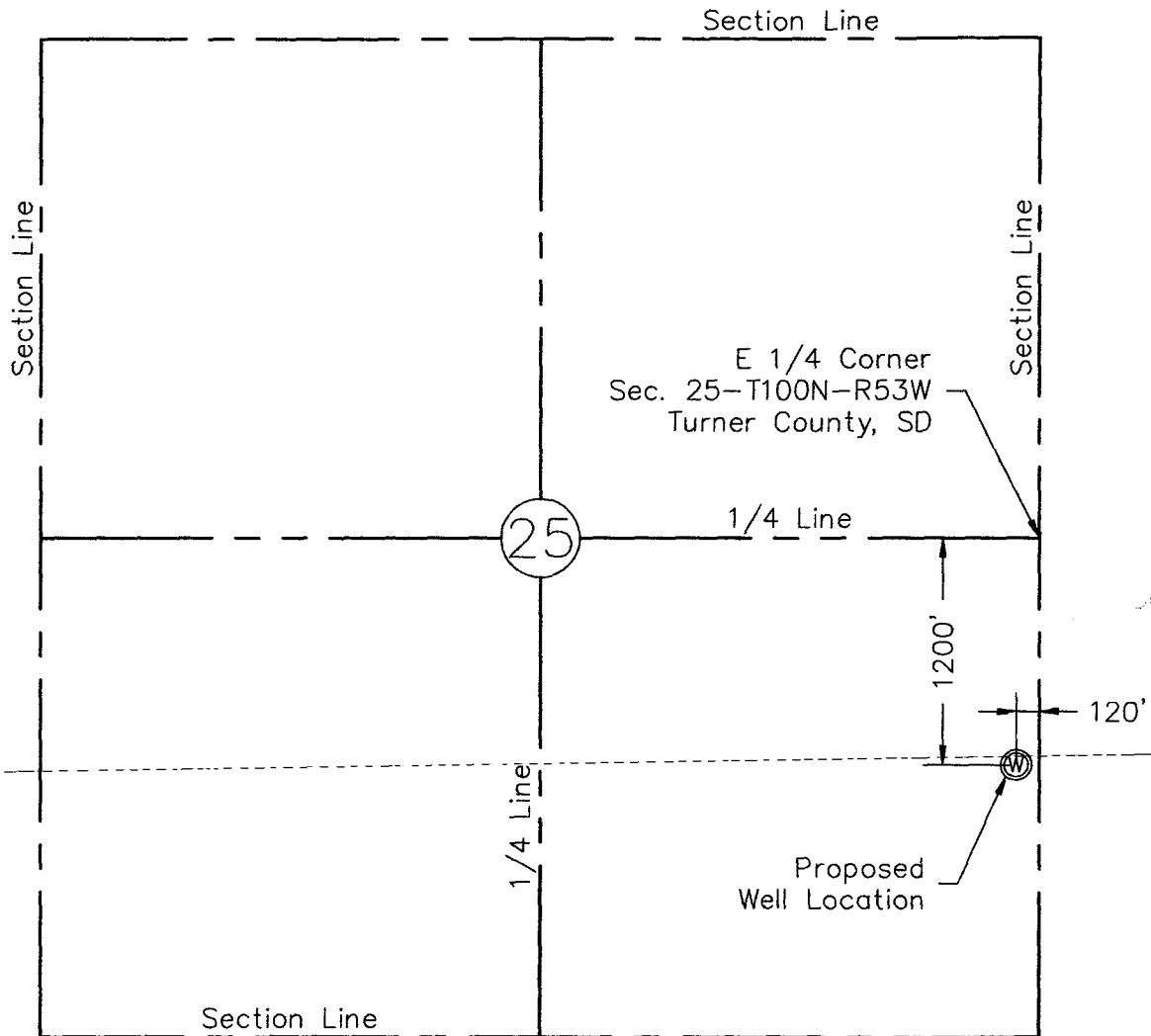
Total

225 00

By

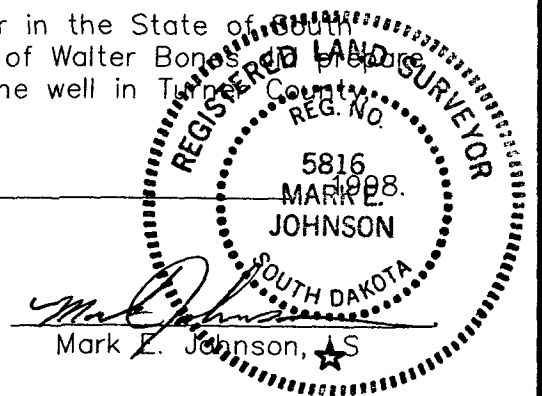
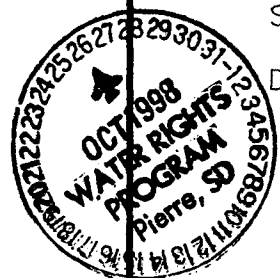
Chief Engineer

John Hatch (Signature)



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Walter Bonds, I have prepared this map depicting the proposed location of one well in Turner County, South Dakota.

Dated this 20th day of OCTOBER

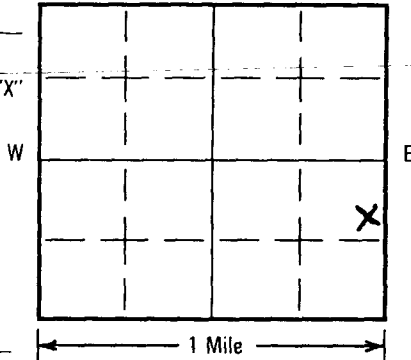


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 25 Twp 100 Rg 53
 County Brothersfield Twp North
Turner

Please mark well location with an "X"



Well Completion Date

8/2/99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> PSI	<u>5</u> IN	<u>+1</u> FT	<u>74</u> FT	<u>9</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>4</u>	<u>15</u> lb./gal	<u>6</u> ft.	<u>26</u> ft.
<u>Bentonite</u>	<u>2</u>	<u>9.4</u> lb./gal	<u>26</u> ft.	<u>50</u> ft.

Describe grouting procedure installed through 1" Tremie line

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 6 FEETMaterial Stainless SteelSlot Size .025 Set From 74 Feet to 80 Feet

Other information Also a .020 Slot PVC Screen
Set from 80'-85'

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorinate
 _____ NO, Why Not? well bare
and sand pack

Laboratory sent to for water quality analysis

Well Owner: Bones Hereford Ranch

Business Name: _____

Address: RRI Box 122
Parker, SD 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>18</u>
<u>blue clay</u>	<u>18</u>	<u>42</u>
<u>Sandy blue clay</u>	<u>42</u>	<u>74</u>
<u>fine-med. gray sand</u>	<u>74</u>	<u>80</u>
<u>yellow sandy clay with chert</u>	<u>80</u>	<u>91</u>

STATIC WATER LEVEL 26 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut-in? _____

WELL TEST DATA:

☐ Pumped Describe: bailed w/ 16 gal. bailer
☒ Bailed bailer + Air lift pumped
☒ Other _____

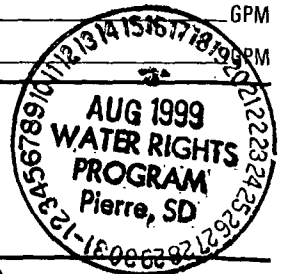
Pumping Level Below Land Surface

54 ft. After 1 1/2 Hrs. pumped 32 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 270

And this report is true and accurate.

Drilling firm Alton Well & Concrete Co Inc

Signature of License Representative:

Darryl Vande Bure

Signature of Well Owner or Equitable Property Holder:

Turner County Dairy by Walter Bones, Pres.Date: 9/9/999/2/99

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Mary Lee

certify that the attached printed Notice was taken

from the New Era

printed and published in Turner, Parker, SD

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 5, 1998

November 12, 1998

Cost of Printing _____

Mary Lee
(Signature)

Office Manager
(Title)

11-18-98
(Date Signed)



Notice of Application No. 6109-3 to Appropriate Water

Notice is given that Turner County Dairy LLP, Walter Bones, 45874 268th St., Parker, S.D. 57053, has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Wall Lake Aquifer) 88 feet deep located in the NE1/4 of SE1/4 Section 25-T100N-R53W. The water is for commercial use in dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6109-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 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 Nov. 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.

The Water Management Board will consider this application at 10 a.m., Dec. 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The Dec. 2, 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 Nov. 23, 1998.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by Nov. 23, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1, thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-15, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-1, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-14, 46-6-26; and Board rules SD 74:02:01:01 thru 74:02:01:15.

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

#1915, Nov. 5 and 12, 1998.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

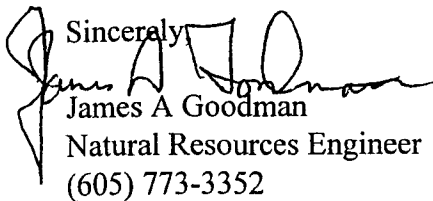
September 25, 2000

Walter Bones
Turner County Dairy LLP
45874 268 th St
Parker, SD 57063

Dear Mr. Bones:

This letter authorizes drilling of a test well pursuant to ARSD 74:02:04:21 at the dairy located in the NE 1/4 SE 1/4 of section 25, T110N R53W in Turner County. The test well will be completed into Sioux Quartzite to an unspecified depth. Drilling will continue until sufficient water is encountered. The purpose of the test well is to evaluate the water supply from the quartzite and if testing proves out, this well would provide water to permit No. 6109-3 issued to Turner County Dairy LLP. This new well must be constructed in accordance with SD Well Construction Standards and can not be used until a new water permit has been obtained. Any wells or test wells constructed and abandoned must be plugged pursuant to SD Well Construction Standards.

If there are any questions, please let me know.

Sincerely,

James A Goodman
Natural Resources Engineer
(605) 773-3352

Water Rights Program - File Documentation

NAME: Turner County Dairy LLP

ADDRESS: Parker

DATE: 10-26-98 **COUNTY:** TU **TELEPHONE:** 605 297-4583

RE: Map

COMMENTS:

Talked with Mark Johnson, with Eisenbraun and Associates. Mr. Johnson stated he prepared the map submitted with the application and the legal description on the map is correct. The well is located in the **NE ¼ SE ¼ Section 25-T100N-R53W**.

I told him I would make the change on the application. Mr. Johnson stated the backup well would be located very near the primary well.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 1998

Walter Bones
Turner County Dairy LLP
45874 268th St
Parker SD 57053

Dear Mr. Bones:

Thank you for submitting your *Application for a Permit to Appropriate Water* for a dairy operation. We are in receipt of the \$225.00 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit the \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1998

Walter Bones
Turner County Dairy LLP
45874 268th Street
Parker SD 57053

Dear Mr. Bones:

Please find enclosed a copy of the report and Chief Engineer's recommendation on Water Right Permit Application No. 6109-3. The notice of hearing for this application was sent to you previously for publication in the New Era printed at Parker.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: Mark Johnson, Eisenbraun & Associates, 215 Walnut St., Yankton SD 57078

REPORT ON WATER PERMIT APPLICATION NO. 6109-3
for Turner County Dairy LLP
October 28, 1998

Application No. 6109-3 proposes to appropriate 0.333 cfs (150 gpm) from two wells approximately 85 feet deep located in the NE 1/4 SE 1/4 of Section 25, T100N-R53W in Turner County. The water is for commercial use in a dairy operation.

AQUIFER - WALL LAKE (WAL)

The Wall Lake aquifer is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 24 square miles and contains 65,000 acre feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into Minnehaha County to the north and east and into Lincoln County to the east. The aquifer is much larger in both Minnehaha and Lincoln Counties underlying 58 square miles and containing an estimated 245,040 acre feet of water in storage in Minnehaha County (Lindgren, 1992) and underlying 40 square miles and containing an estimated 120,000 acre feet of water in storage in Lincoln County (Niehus, 1994). Ground water movement is from northeast to southwest across of area of this application.

The driller's log submitted with this application indicates clay (till) from the land surface to 79 feet with the aquifer (gravel) encountered from 79 to 85 feet below land surface. The static water level was reported to be 42 feet below land surface and the test well reportedly yielded 60 gpm using air to develop. The test well as built is in accordance with SD Well Construction Standards.

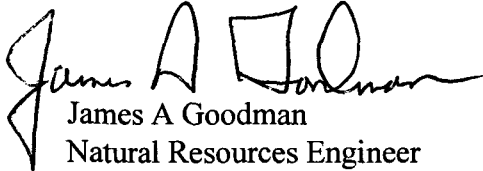
The Water Rights Program does monitor an observation well, TU-80A, completed into the Wall Lake aquifer and located about two miles east and one mile south of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights which obtain water from the Wall Lake aquifer in Turner County. Interference is not a concern. The application does propose to construct two wells. There will be overlapping drawdown or interference created by the pumping of these wells on one another. This can be managed by the applicant and should not be significant. Some actual production testing would be required to evaluate this problem fully.

CONCLUSIONS

1. Water is available from the Wall Lake aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. This is not expected to be significant and interference with other water users should not be a concern.
3. The wells authorized by this application must be constructed in accordance with SD Well construction Standards.
4. Plans and specifications for this facility must be submitted to and approved by the Division of Environmental Services, Surface Water Quality Program of SD DENR.

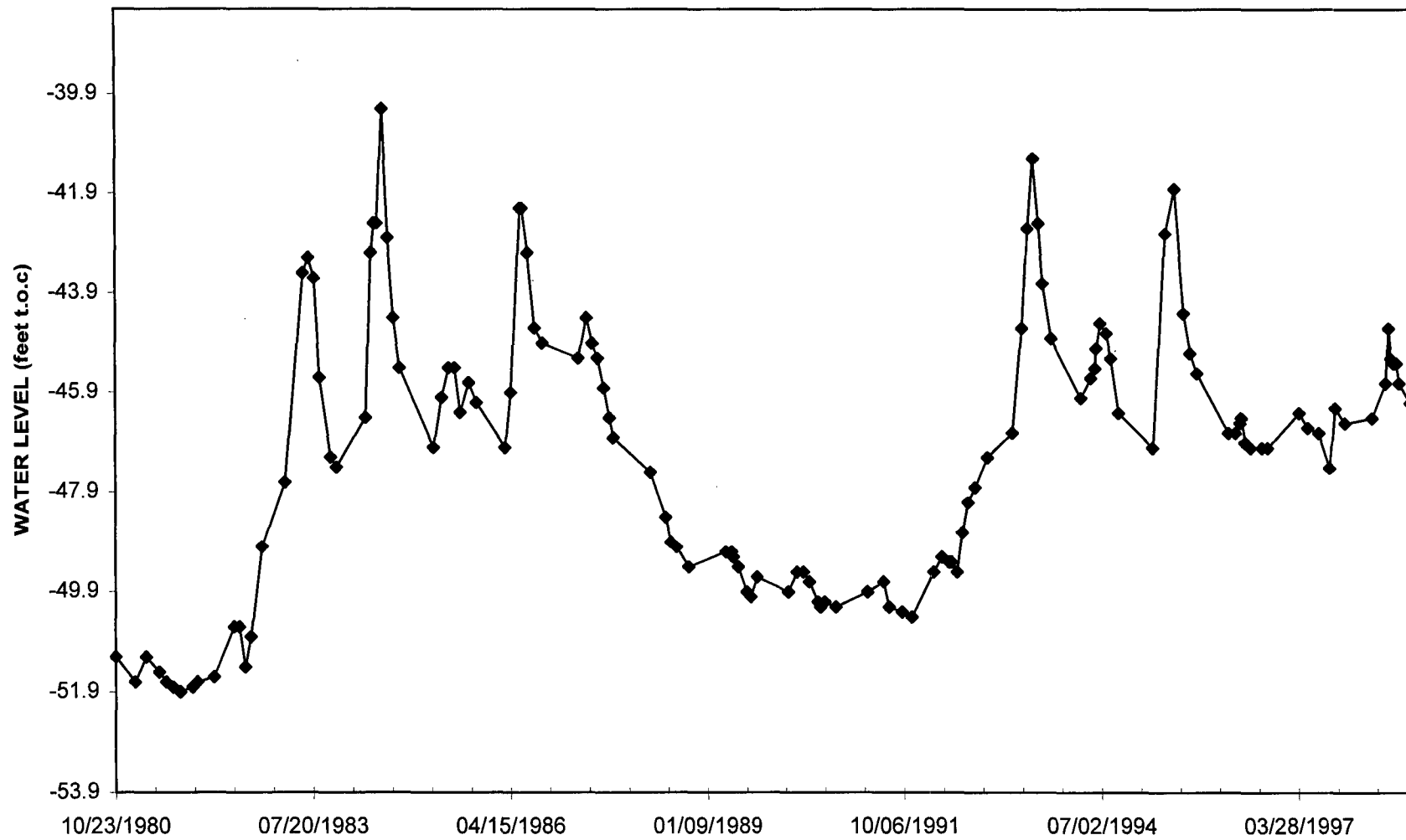


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.
- Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, Water-Resources Investigations Report 91-4101, USGS, Huron, SD, 57350.
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.
- Water Rights, 1998, Unpublished Observation Well Data for the Wall Lake Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
TU-80A**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6109-3, Turner County Dairy LLP**

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. 6109-3, Turner County Dairy LLP, c/o Walter Bones, 45874 268th Street, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 6109-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6109-3 is subject to compliance with requirements of the general Water Pollution Control Permit for concentrated animal feeding operation.
3. The wells authorized by Permit No. 6109-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. Permit No. 6109-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 29, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 29, 1998

Turner County Dairy LLP
Walter Bones
45874 268th St.
Parker, SD 57053

Dear Mr. Bones:

Water Permit Application No. 6109-3 for commercial use (dairy operation) 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 New Era printed at Parker, SD (Ph # (605) 297-4419). For your information, a copy of the notice on the application is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions. A copy of the recommendation of the Chief Engineer and a report on the application will be sent to you at a later date.

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

c: Mark Johnson, Eisenbraun & Associates, 215 Walnut Street, Yankton, SD 57078.

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.



October 29, 1998

The New Era
Box 579
Parker, SD 57053-0579

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6109-3 to Appropriate Water to be published twice. Please publish the first notice on November 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 Turner County Dairy LLP, Walter Bones, 45874 268th St., Parker, SD 57053 (Ph # (605) 297-4583).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6109-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 29, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6109-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF APPLICATION NO. 6109-3 to Appropriate Water

Notice is given that Turner County Dairy LLP, Walter Bones, 45874 268th St, Parker SD 57053 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Wall Lake Aquifer) 88 feet deep located in the NE ¼ SE ¼ Section 25-T100N-R53W. The water is for commercial use in dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6109-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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

The Water Management Board will consider this application at 10:00 a.m., December 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 2, 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 November 23, 1998.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.



J. Mary Lee of the City of Parker,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement

headed # 1915 - Water No. 6109-3
Bones - Turner Co. Dairy LLP
printed copy of which hereunto attached, was printed and published in the

said newspaper for _____ successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 5 day of November 1998;
On Thursday, the 12 day of November 1998;
On Thursday, the _____ day of _____ 19____;
On Thursday, the _____ day of _____ 19____;
On Thursday, the _____ day of _____ 19____;
On Thursday, the _____ day of _____ 19____;
On Thursday, the _____ day of _____ 19____;

That \$ 55.58 being the full amount of the fees for publication of the attached notice insures solely for the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Lee
Subscribed and sworn to before me this 25
day of November 1998

Notary Public, Turner County, South Dakota.

9-12-01

Notice of Application No. 6109-3 to Appropriate Water

Notice is given that Turner County Dairy LLP, Walter Bones, 45874 268th St., Parker, S.D. 57053, has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Wall Lake Aquifer) 88 feet deep located in the NE1/4 of SE1/4 Section 25-T100N-R53W. The water is for commercial use in dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6109-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 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 Nov. 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.

The Water Management Board will consider this application at 10 a.m., Dec. 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The Dec. 2, 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 Nov. 23, 1998.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by Nov. 23, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1, thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

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

#1915, Nov. 5 and 12, 1998.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

Turner County Dairy LLP
%Walter Bones
45874 268th St.
Parker, SD 57053

Dear Mr. Bones:

Enclosed is Water Permit No. 6109-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures

Permit No. 6109-3
Vermillion River - Water District

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

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

I have this day, **31 July 2007**, made a thorough examination of the water use system constructed by **Turner County Dairy LLP** holder of Permit No. **6109-3**, bearing the priority of **26 October 1998** authorizing the diversion of **0.333** cu. ft. per second of the waters of **The Wall Lake (WAL) aquifer** for **commercial** purposes, in **Turner** County.

Inspection contact & relationship
to permit holder, if applicable:

Steve Bosman
Turner County Dairy LLP
27157 458th Ave.
Parker, SD. 57053

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dave Putzke Well Drilling Inc.
- 2) No. of Wells **2**
- 3) Depth(s) **88 / 91** feet
- 4) Well log is available **Y**
- 5) Comment: Two wells identified as south well and west well respectively, all following information is in the form south well / west well.

Casing:

- 1) Diameter **5 / 5** inches
- 2) Length **78 / 73** feet
- 3) Type **Plastic / Plastic**

Screen:

- 1) Type **Plastic / Stainless steel**
- 2) Length **10 / 6** feet
- 3) Static water level **42 / 26** feet

Pump:

- 1) Make **Goulds / Grundfos**
- 2) Model **Unknown / Unknown**

3) Size Unknown / Unknown

4) Capacity 50 / 90 GPM

Motor:

1) Make Franklin / Franklin

2) Model No. Unknown / Unknown

3) Horsepower rating 5 / 10 hp

Dam Information: NA

B. Compliance with Permit Requirements:

1) Permit qualifications being abided by Y

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: **NE ¼ SE ¼ Sec 25-T100N – R53W, 1,477 feet north and 153 feet west of south-east corner of section 25, Latitude N 43.44949 and Longitude W -97.04337 (South well) and NE ¼ SE ¼ Sec 25-T100N-R53W, 1,815 feet north and 575 feet west of south-east corner of section 25, Latitude N 43.45044 Longitude W -97.04503 (West well).** The works are capable of diverting and conveying to the place of use **0.312 cu. ft. per second** of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Diversion is used to supply water for various applications supporting a 1,600 head dairy operation

The license should be issued for 0.312 cfs

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Pumps and motors information was supplied by**

Putzke Well Drilling.



Mark Costello

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 06 August 2007



Fax Cover Sheet

To:
Phone:
Fax:

☐ For Your Review

☐ Urgent

From:
Turner County Dairy 27167 458th Avenue Parker, SD 57053
Phone: 605 297-2398
Fax: 605 297-2401

Date:
Pages including cover sheet:

Mike Defra-

Here is what I have for pumps + motors

In the three wells, Any questions call

me at 297-2398. Thanks Mike

Steve Bossman

North well

Pump Goulds 30 gallons per minute
Motor 5 hp franklin

South well

pump boulds 50 gpm
motor 5 hp franklin

West Well

pump Grundfast 90 gpm
motor 10 hp franklin

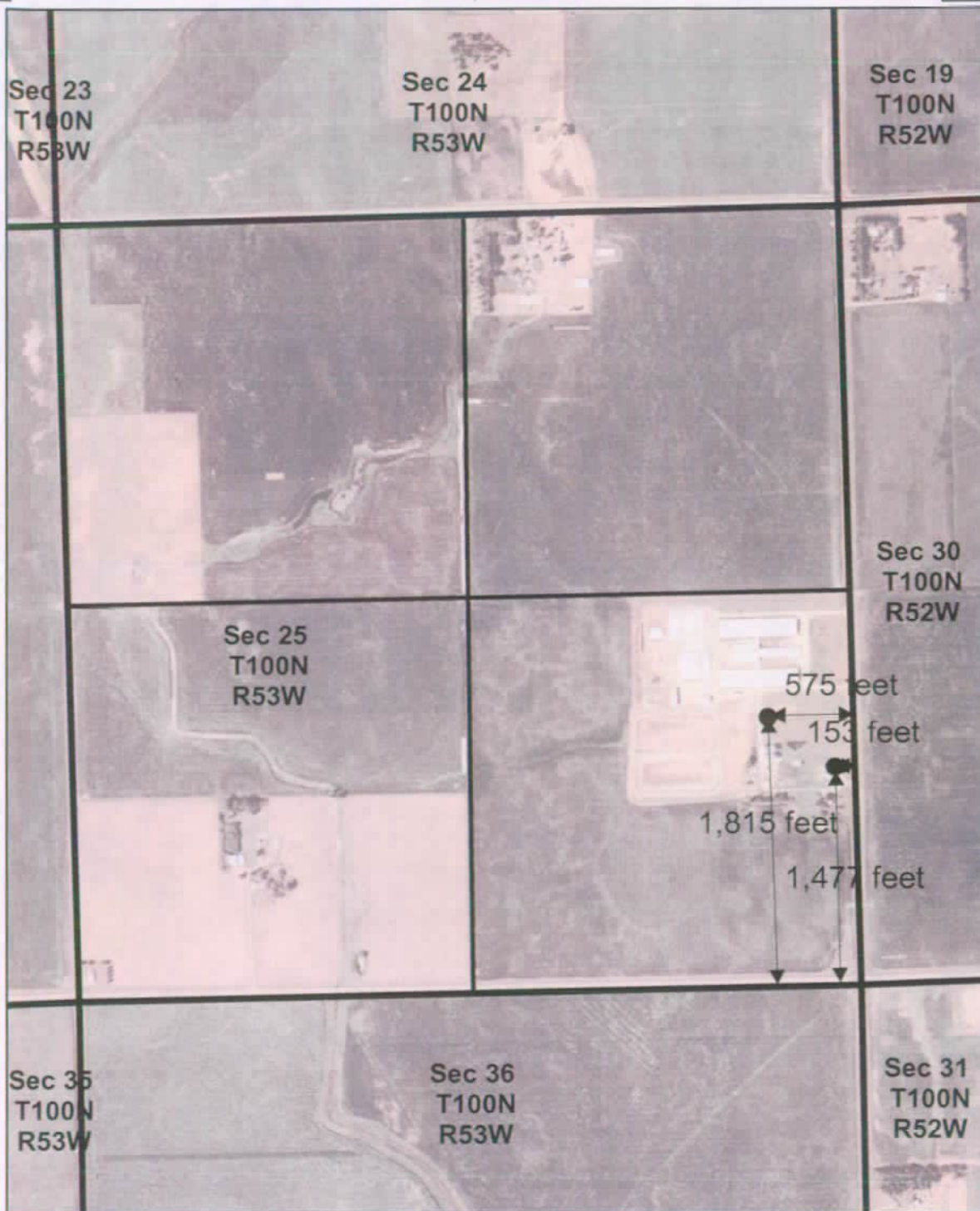
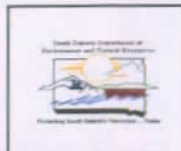
Turner County Dairy

Steve Bossman



Permit No.6109-3

Turner Co. Dairy LLP
45874 268th St.
Parker, SD. 57053



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
06 August 2007

1,000 500 0 1,000 2,000 3,000 Feet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6109-3

(1) Turner County Dairy LLP, 27157 458th Ave, Parker SD 57053 made Application No. 6109-3, October 26, 1998 for a water permit to divert 0.333 cubic feet of water per second (150 gallons per minute) from ground water (two wells – Wall Lake Aquifer), Turner County, South Dakota for commercial purposes. Permit No. 6109-3, with a priority date of October 26, 1998 was approved December 2, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 2, 2003 and for the application to beneficial use of water on or before December 2, 2007.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Turner County Dairy LLP, 27157 458th Ave, Parker SD 57053 the holder and/or owner of Water Right No. 6109-3 is issued a license, bearing a priority date of October 26, 1998 to appropriate 0.312 cubic feet of water per second (140 gallons per minute) from ground water (two wells, Wall Lake Aquifer) for commercial purposes in a dairy operation.

The diversion points are located:

- 1,477 feet N and 153 feet W of the SE corner of Section 25, T100N, R53W (NE ¼ SE ¼);
- 1,815 feet N and 575 feet W of the SE corner of Section 25, T100N, R53W (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6109-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6109-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6109-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



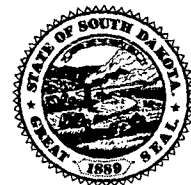
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 17 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 2007

6109-3
6255-3

Walt Bones, President
Turner County Dairy LLP
27157 458th Ave
Parker SD 57053

Dear Mr. Bones:

Enclosed are Water License Nos. 6109-3 and 6255-3. These are the final water right documents completing your process of obtaining Water Rights. Also enclosed are maps prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right Nos. 6109-3 and 6255-3, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures