

WATER PERMIT NO. 6115-3

Name of Applicant: Dakota State Bank

Address: Box 607, Crooks SD 57020

Phone: 605 543-5660

Amount of Water Claimed: 0.022 (10 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Minnehaha

Type of Waste Disposal System: septic tank system

Location: 1 mile southeast of Crooks

PRIORITY Date Received: 11-16-1998

Fee: \$150

Corrected Application Received: 12-9-1998

Period of Annual Use: January 1-December 31

Remarks:

Diversion Point: NE ¼ NE ¼ (Tract 3 of
VanLiere Addition) Sec 13-T102N-R50W

Land to be Irrigated: NA

Depth of Well: 308 feet deep

Well Driller: Dave Putzke Well Drilling Inc.

Remarks:

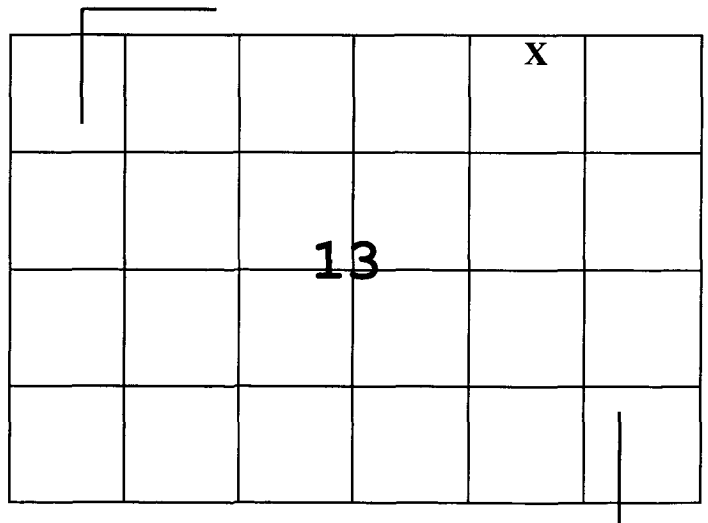
Type of Map: plat

Prepared by: Charles Hanson, LS

Reviewed and the Number Assigned on: 12-9-1998

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6115-3**

Date of first receipt of application November 16, 1998.

Date of return to applicant for corrections, amendments or changes November 16, 1998.

Date of receipt of corrected application December 9, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6115-3 to Dakota State Bank, c/o R. A. Emter, Box 607, Crooks SD 57020 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. 6115-3 appropriates 0.022 cubic feet of water per second (10 gallons per minute) from one well (Split Rock Creek Aquifer) 308 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 3 of VanLiere Addition) Section 13-T102N-R50W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31
4. The date of approval of Permit No. 6115-3 is February 22, 1999.
5. The date from which applicant may claim right is November 16, 1998.
6. One-fifth of the construction is to be completed on or before August 22, 2001.
7. All construction is to be completed on or before February 22, 2004.
8. Water is to be put to beneficial use on or before February 22, 2008.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAR 12 1999

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6115-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>The Argus Leader, Sioux Falls, 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 Dakota State Bank Phone 605-543-5660
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address Box 607, Crooks, State South Dakota 57020
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed .022 *CFS or 10 **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Location of Well is Tract 3 of VanLiere Addition in NE1/4 of NE1/4 S 13 T 102N R 50 W,
County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Well drilled 1989 to be used for non Drinking Purpose - Washing & Toilets

STATE OF SOUTH DAKOTA)
County of Minnehaha SS
R. A. Emter, Vice Pres.

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, Dakota State Bank, Crooks SD 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.

Dakota State Bank, Crooks, SD
Applicant's signature By: R. A. Emter Vice Pres.

Subscribed and sworn to before me this 4th day of November 19 98



Michael Miller
Notary Public signature
My Commission expires 6-27-02

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9" Depth 308
- b) Casing Type Plastic Diameter 5" Thickness SDR 17
- c) Screen Type Plastic - 1/2 slot Diameter 5" Thickness SDR 17
- d) Gravel Pack 1/8 x 3/4 Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 298' Sandstone
- f) Depth to Water (ground surface to water level) Unknown
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others Unknown

2. Wastewater Disposal System Information

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

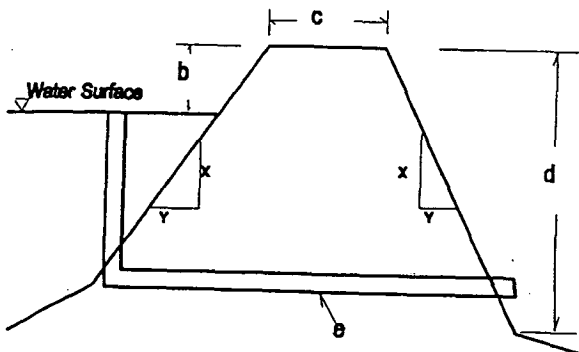
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



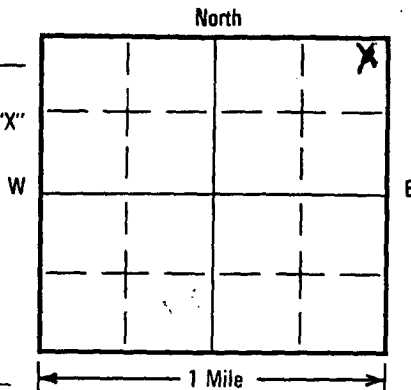
Tract 2-3-4 in SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE 1/4 Sec 13 Twp 102N Rg 50W

County Minnehaha

Please mark well location with an "X"



Well Completion Date

1989

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
250 LB/FT 5 IN 0 FT 308 FT 9 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Portland type 1# _____ lb./gal 6 ft. 280 ft.
____ lb./gal ____ ft. ____ ft.

Describe grouting procedure Pump w/ tremie line

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 5 IN Length 20 FEET

Material Plastic

Slot Size 16 Set From 298 Feet to 308 Feet

Other information 10' OF Sandstone

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: chlorine

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

Well Owner: Dakota State Bank

Business Name: Harvest Fuel, Inc

Address: 47183-258th St.

Sioux Falls, SD 57107

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>+ Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>160</u>
<u>Blue clay</u>	<u>60</u>	<u>298</u>
<u>Sandstone</u>	<u>298</u>	<u>308</u>
<u>?</u>		

STATIC WATER LEVEL 90 ? 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: Air

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke Well Drilling Inc

Signature of License Representative:

Dave Putzke Inc

Signature of Well Owner or Equitable Property Holder:

Dakota State Bank
by PO Enta, Vice Pres.

Date: 11/12/98

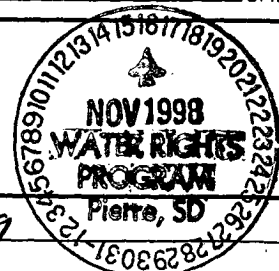
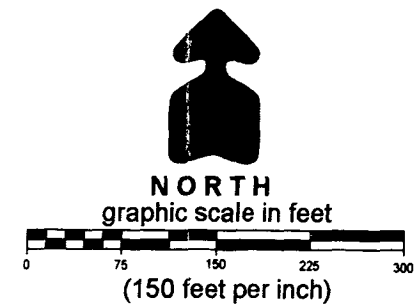
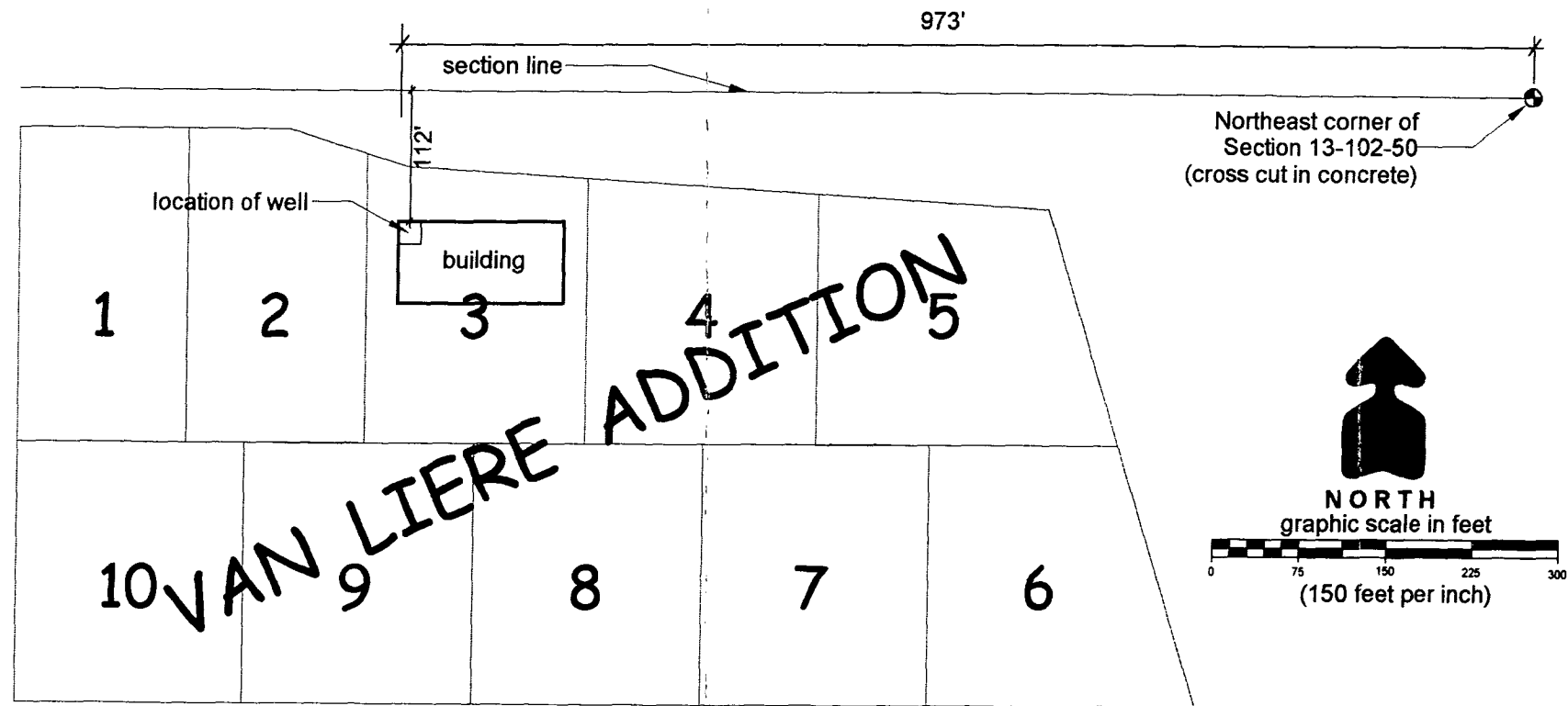


EXHIBIT A





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 1998

R. A Emter, Vice President
Dakota State Bank
PO Box 607
Crooks SD 57020

Dear Mr. Emter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. In order to complete the application the following is required.

A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

State law requires that the public notice for a water permit application must be published in one of the three official newspaper of a county. Neither the Baltic or Colton papers are official newspapers in Minnehaha County this year. Once the application is complete, the public notice will be placed in the Argus Leader.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



CROOKS BRANCH

DSB

DAKOTA STATE BANK

OF COLMAN
P.O. BOX 607, CROOKS, SOUTH DAKOTA 57020
PHONE (605) 543-5660



November 12, 1998

Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Buehler:

Enclosed is copy of the Water Weel Report that is being sent in by David Putzke Well Drilling for a well that was done in 1989.

I am also submitting an application for a Water Permit.

I am enclosing the \$150.00 fee and \$50.00 for inspection & License fee.

If you need any other information, please contact me, and the billing for publication costs, please contact me. The Shopping Guide, Box 157, Colton, South Dakota 57018 is a publication that could be used or the Baltic Beacon, Baltic, SD.

Yours truly,

R. A. Emter
Vice Pres.



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415915

Pierre, November 16, 19 98

RECEIVED OF Dakota State Bank, 210 N. West Ave., Crooks, SD 57020
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6115-3</u> 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. <u>6115-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By _____
Chief Engineer

John Hatch



**HANSON
LAND SURVEYING
SERVICES LTD.**

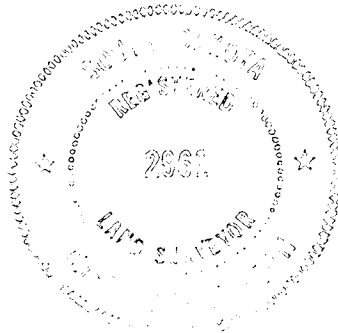
4308 SOUTH CHICAGO AVE.
SIOUX FALLS, SOUTH DAKOTA 57103
(605) 334-0035



December 4, 1998

TO WHOM IT MAY CONCERN:

The location of a well on Tract 3 of Van Liere Addition in the Northeast Quarter of Section 13, Township 102 North, Range 50 West, 5th Principal Meridian has been indicated as being inside of the northwest corner of the existing building on the subject property. The north west corner of the building in which the well exists is nine hundred seventy-three (973) feet west and one hundred-twelve (112) feet south (measured along and perpendicular to the north line of Section 13) from the north east corner of said Section 13, as shown on the enclosed Exhibit A.




CHARLES M. HANSON, RPLS
SD Reg. No. 2961

6115-2



CROOKS BRANCH

DSB

DAKOTA STATE BANK

OF COLMAN
P.O. BOX 607, CROOKS, SOUTH DAKOTA 57020
PHONE (605) 543-5660



December 7, 1998

DENR
523 E. Capitol Bldg
Pierre, SD 57501-3181

Dear Karen:

As per your letter of Nov. 16, 1998, enclosed you will find a Map by Hanson Land Surveying Services, LTD to complete our application for a Water Permit.

If you have any questions, please contact me.

Yours truly,

R. A. Emter
Vice Pres.



Water Rights Program - File Documentation

NAME: Dick Emter, Dakota State Bank

ADDRESS: Crooks

DATE: 12-9-98 **COUNTY:** MA **TELEPHONE:** 605 543-5660

RE: Pending application

COMMENTS:

Called Mr. Emter, who stated a septic tank system is utilized for the waste disposal.

I also informed Mr. Emter that the application fee was only \$50 and we would be refunding \$100 to them.



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

December 9, 1998

R. A. Emter, Vice President
Dakota State Bank
PO Box 607
Crooks SD 57020

Dear Mr. Emter:

As stated in our phone conversation this morning, the filing fee for the *Application for a Permit to Appropriate Water* for Dakota State Bank should be \$50.00. The additional \$100.00 will be refunded. You should be receiving this refund check within the next couple of weeks.

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

PAYMENT REQUEST FORM

PAYEE: R. A. Emter, Vice President
Dakota State Bank
P.O. Box 607
Crooks, SD 57020

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant originally paid \$150.00 application fee, but correct fee should have been \$50.00; therefore, \$100.00 needs to be refunded.

AMOUNT: \$100.00

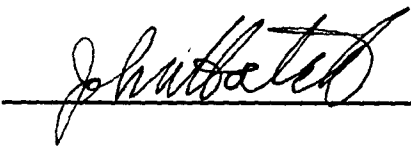
FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:



12-9-98

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

REPORT ON WATER PERMIT APPLICATION NO. 6115-3

for Dakota State Bank

January 21, 1999

Application No. 6115-3 proposes to appropriate 0.022 cfs (10 gpm) from one well approximately 308 feet deep located in the NE 1/4 NE 1/4 of Section 13, T102N-R50W in Minnehaha County. The water is for commercial use.

AQUIFER - SPLIT ROCK CREEK (SRKC)

The Split Rock Creek aquifer is a buried sand and gravel consisting mostly of sand and is under predominantly artesian conditions. The Split Rock Creek aquifer is composed of mostly 1-5 layers of fine to coarse well-sorted Quartzose sand interbedded with 4 to 45 feet thick layers of siltstone, shale and claystone of the Split Rock Creek Formation (Lindgren, 1992). The aquifer underlies about 139 square miles of Minnehaha County and contains an estimated 855,000 acre feet of water in storage (Lindgren, 1992). The aquifer extends into Lake and Moody Counties to the north and into Minnesota to the east. Ground water movement is from northwest to southeast across the area of this application.

The well log filed with this application indicates the aquifer top was encountered at a depth of 298 feet and extended to a depth of 308 feet below land surface. The static water level was about 90 feet below land surface and the well has been completed in accordance with SD Well Construction Standards. No test production information is provided with the well completion report.

The nearest Water Rights Program observation wells completed into the Split Rock Creek or equivalent aquifer are located about four miles from this site. 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, 1999).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no existing water permits/rights which obtain water from the Split Rock aquifer in this area. There are some permitted users from the Sioux Quartzite about two miles south of this application. The quartzite would likely be in hydrologic connection with the Split Rock aquifer but interference is not a concern. This diversion rate is small and any drawdown created by pumping would not be significant. There may be domestic wells in the area but these should not be a problem either.

CONCLUSIONS

1. Water is available from the Split Rock Creek aquifer.
2. Drawdown created by pumping will not be significant. Interference will not be a concern.
3. The well authorized by this application has been constructed and is completed in accordance with SD Well Construction Standards.
4. The water is to be used for sanitary purposes. Wastewater will be disposed of through a septic tank system.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, WRI 91-4101, USGS, Huron, SD, 57350.

Water Rights, 1999, Unpublished Observation Well Records for Minnehaha County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6115-3, Dakota State Bank**

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. 6115-3, Dakota State Bank, c/o R. A. Emter, Vice President, Box 607, Crooks SD 57020.

The Chief Engineer is recommending APPROVAL of Application No. 6115-3 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.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
January 25, 1999



**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.

January 26, 1999

Dakota State Bank
%R. A. Emter
Box 607
Crooks, SD 57020

Dear Mr. Emter:

Water Permit Application No. 6115-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). 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
www.state.sd.us/denr

The Argus leader
P.O. Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6115-3 to Appropriate Water to be published twice. Please publish the first notice on February 3, 1999, 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 State Bank, %R. A. Emter, Box 607, Crooks, SD 57020 (Ph # (605) 543-5660).

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. 6115-3

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

Date _____

We are in receipt of your letter of January 26, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6115-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 3, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6115-3 to Appropriate Water

Notice is given that Dakota State Bank, c/o R. A. Emter, Box 607, Crooks SD 57020 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Split Rock Creek Aquifer) 308 feet deep located in the NE ¼ NE ¼ (Tract 3 of VanLiere Addition) Section 13-T102N-R50W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6115-3 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 February 22, 1999.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Minnehaha) SS

I, Joan Stahl

certify that the attached printed Notice was taken

from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

2-3-99

2-10-99

Cost of Printing

\$76.22

Joan Stahl
 (Signature)

Legal Billing Specialist
 (Title)

2/10/99
 (Date Signed)

**State Notices**

NOTICE OF APPLICATION
 NO. 6115-3 to Appropriate Water
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6115-3 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

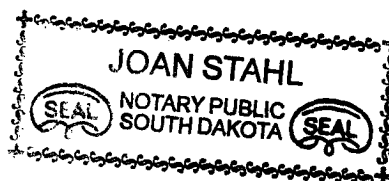
recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider 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 February 22, 1999.

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. Meyers,
 Secretary
 Department of Environment and
 Natural Resources
 Feb. 3, 10, 1999

3414



January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

DAKOTA STATE BANK
BOX 607
CROOKS SD 57020

Address correction requested:

Home Federal Savings
Box 607
Crooks, SD 57020

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 6115-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER County: MINNEHAHA
Aquifer: SPLIT ROCK CREEK FORMATION Pumping Pt. Legal: SEC 13-T102N-R50W
Management Unit: NOT APPLICABLE Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 18,000 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

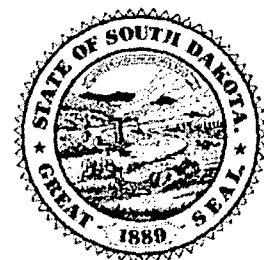
Comments:

Contact Person:

Jeff Schmidt

Telephone No:

605-543-5660



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

Thank you for completing the 2000 water use questionnaire.

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

No. 6115-3

Home Federal Savings
Jeff Schmidt
Box 607
Crooks SD 57020

Dear Mr. Schmidt:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6115-3. The water permit is currently listed in the name of Dakota State Bank.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2001

6115-3

Jeff Schmidt
Home Federal Savings
Box 607
Crooks, SD 57020

Dear Mr. Schmidt:

On January 29, 2001, we contacted you regarding ownership of Water Permit No. 6115-3, currently listed in the name of Dakota State Bank (see enclosed copy of the permit). The permit authorizes diversion of ground water for commercial purposes. Our January letter included a "Notice of Transfer of Ownership" form for use in filing the ownership and/or name change. To date, we have not heard from you concerning the ownership change.

In the event you no longer have the original transfer of ownership form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a water permit to appropriate water be filed with our program within ninety days.

If you have any questions, please contact me. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

Water Rights Program - File Documentation

NAME: Mike Miller, Home Federal Savings

ADDRESS: Crooks SD

DATE: 8-13-01 **COUNTY:** MA **TELEPHONE:** 605 543-5660

RE: Notice of Transfer

COMMENTS:

Mike Miller from Home Federal Savings (used to be Dakota State Bank) called regarding our January 29 and April 30, 2001 letters. The property has been sold to Harvest Fuels, Inc. Mr. Miller stated he was going to take the forms to them and get the matter taken care of.



Karen Schlaak
Environmental Scientist

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6115-3

Date: August 15, 2001



I/We request that Water Permit No. 6115-3

formerly owned by: Dakota State Bank

be transferred to: (name & address) Harvest Fuel, Inc., P.O. Box 69, Walhalla, ND 58282

Telephone No. (701) 549-3450

Title to the following described land(s)/property has been transferred as described above:

diversion point location: NE 1/4 NE 1/4 Section 13, T102N, R50W

I/We understand that the validity of Water Permit No. 6115-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

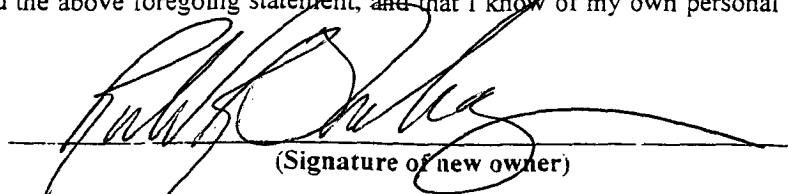
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

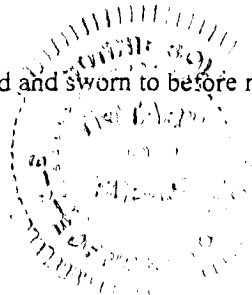
NORTH DAKOTA

STATE OF ~~SOUTH DAKOTA~~)

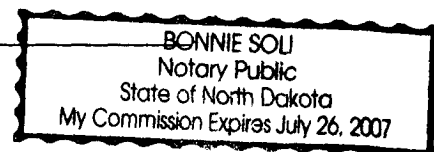
County of Pembina) president
Robert Thorberg (Harvest Fuel, Inc.)
I/We Robert Thorberg being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.


(Signature of new owner)

Subscribed and sworn to before me this 17th day of August, 2001.



Bonnie Soli
(Notary Public)



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416900

Pierre, AUGUST 23, 2001

RECEIVED OF Home Federal, PO Box 5000, Sioux Falls, SD 57117-5000--Harvest Fuel, Inc., PO Box 69
the following amount in fees for services rendered as provided for by law: Walhalla, ND 58282 (Dakota State Bank)

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. _____

Fee for Filing Transfer Form 6115-3 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 2001

6115-3

Robert Thornberg
Harvest Fuel, Inc
PO Box 69
Walhalla, ND 58282-0069

Dear Mr. Thornberg:

Thank you for following up on the ownership change for Water Permit No. 6115-3. The transfer has been completed. The water permit formerly listed in the name of Dakota State Bank is now listed in the name of Harvest Fuel, Inc.

Enclosed is your Receipt No. 416900 in the amount of \$2.50. I am also enclosing a copy of the water permit. You may keep the receipt and the copy of the permit for your records. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 12 1999

Dakota State Bank
%R. A. Emter
Box 607
Crooks, SD 57020

Dear Mr. Emter:

Enclosed is Water Permit No. 6115-3 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

RECEIVED

FEB 24 2005

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6115-3Date: 2-20-05I/We request that Water Right/Permit No. 6115-3formerly owned by: Harvest Fuel, Inc. PO Box 69, Walhalla ND 58282

be transferred to: (name & address)

DAN BRENNER3601 GENESSEE AVESioux Falls, SD 57103 Telephone No. 605-363-3711/1840

Title to the following described land(s)/property has been transferred as described above:

I/We understand that the validity of Water Right/Permit No. 6115-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dan Brenner, the new owner, certify that the above information is true and correct.

D. Brenner

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 24, 2005

RECEIVED OF Village Holdings Inc., Dan Brenner, 3601 Genevieve Ave, Sioux Falls 57107

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	250	
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 <u>6115-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001775

By

Jonathan Erbe

Chief Engineer

Dr.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2005

6115-3

Dan Brenner
3601 Genevieve Ave
Sioux Falls SD 57103

Dear Mr. Brenner:

I am writing to acknowledge receipt of the ownership change for Water Permit No. 6115-3. The transfer has been completed. The water permit formerly listed in the name of Harvest Fuel, Inc is now listed in your name.

Enclosed is your Receipt No. 001775 in the amount of \$2.50. I have included a copy of the permit in the event you do not have one.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

Permit No. 6115-3
Big Sioux 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, November 22, 2004, made a thorough examination of the water use system constructed by Village Holdings, Inc. c/o Dan Brenner of 3601 Genevieve Ave., Sioux Falls, SD 57107 holder of Permit No. 6115-3, bearing the priority of November 16, 1998 authorizing the diversion of 0.022 cu. ft. per second of the waters of Split Rock Creek Aquifer for commercial purposes, in Minnehaha County.

Inspection contact & relationship to permit holder, if applicable: **Dan Brenner, owner**
(605) 361-0006 work; 371-1840 home; 362-1635 fax

A. Works used to divert the water:

Well Information:

1) Well Drilling Firm: Dave Putzke Well

Drilling

2) No. of Wells 1

3) Depth(s) 308 feet

4) Well log is available yes

5) Comment:

Casing:

1) Diameter 5 inches

2) Length 298 feet

3) Type pvc

Screen:

1) Type perforated pvc

2) Length 10 feet

3) Static water level 90 feet

Pump:

1) Make submersible

2) Capacity 5 GPM

Motor:

1) Make submersible

2) Horsepower rating _____ hp

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

1) Type pvc 2) Size 2½ inches 3) Length 100 feet

C. Works used to apply water to beneficial use:

Non-potable water supply for office and apartment.

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by yes

Report of Examination of Works

Permit No. 6115-3

The system is in **good** condition with the point(s) of diversion located as follows: **112' S and 973' W of the NE corner of Section 13-T102N-R50W (NE¼ NE¼)**. The works are capable of diverting and conveying to the place of use **0.011** cu. ft. per second of water which is to be used for **commercial purposes**. Water has been put to beneficial use to the maximum extent as follows:

Non-potable water supply for office and apartment.

The license should be issued for **0.011** cfs.

All structures, wells and lands on map **yes**

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



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: **February 17, 2005**

WATER RIGHT NO. 6115-3
DAN BRENNER



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
January 20, 2005



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6115-3

(1) Dakota State Bank, Crooks SD made Application No. 6115-3, November 16, 1998 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for commercial purposes. Permit No. 6115-3, with a priority date of November 16, 1998 was approved February 22, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 22, 2004 and for the application to beneficial use of water on or before February 22, 2008.

On February 24, 2005, Water Permit No. 6115-3 was transferred to Dan Brenner, 3601 Genevieve Ave, Sioux Falls SD 57103.

(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, the holder and/or owner of Water Right No. 6115-3 is issued a license, bearing a priority date of November 16, 1998 to appropriate 0.011 cubic feet of water per second from groundwater (one well) for commercial purposes.

The diversion point is located: 112 feet south and 973 feet west of northeast corner of Section 13-T102N-R50W (NE ¼ NE ¼).

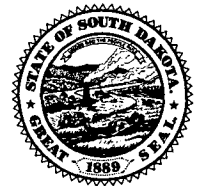
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6115-3.



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

APR 01 2005

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

APR 01 2005

6115-3

Dan Brenner
3601 Genevieve Ave
Sioux Falls SD 57103

Dear Mr. Brenner:

Enclosed is Water License No. 6115-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures