

WATER PERMIT NO. 6161-3

Name of Applicant: Lou's Greenhouse, Lou Brown

Address: 808 4th Ave, Big Stone City SD 57216

Phone: 605 862-8124

Amount of Water Claimed: 0.044 cfs (20 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Grant

Type of Waste Disposal System: city sewer

Location: in Big Stone City

PRIORITY Date Received: 12-28-1999

Fee: \$50

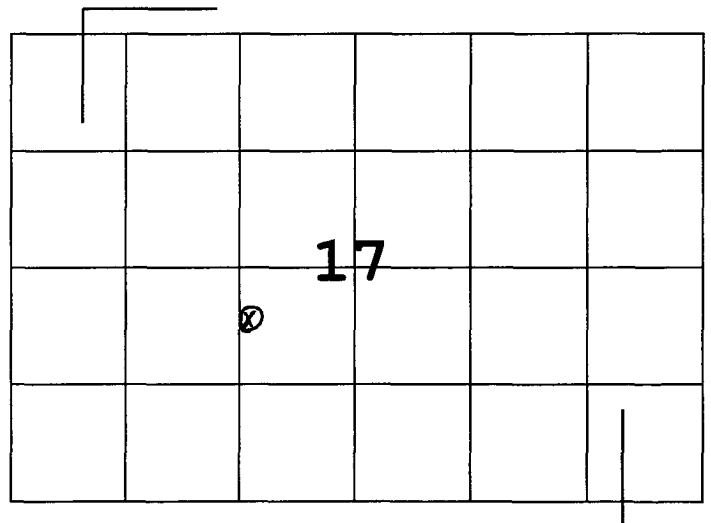
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: for use in greenhouse buildings

Diversion Point: NE ¼ SW ¼ Sec 17-T121N-
R46W

Land to be Irrigated



Depth of Well: 113 feet deep

Well Driller: Lee Well Drilling, Inc.

Remarks:

Type of Map: aerial

Prepared by: Donald Larson, PE

Reviewed and the Number Assigned on: 12-28-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6161-3**

Date of first receipt of application December 28, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6161-3 to Lou's Greenhouse, c/o Lou Brown, 808 4th Ave, Big Stone City SD 57216 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. 6161-3 appropriates 0.044 cubic feet of water per second (20 gallons per minute) from one well (Veblen Aquifer) 115 feet deep located in the NE ¼ SW ¼ Section 17-T121N-R46W.
2. The water appropriated shall be used for the purpose of supplying water to the greenhouse buildings and may not exceed the amount of water needed for beneficial use for commercial 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. 6161-3 is March 6, 2000.
5. The date from which applicant may claim right is December 28, 1999.
6. One-fifth of the construction is to be completed on or before September 6, 2002.
7. All construction is to be completed on or before March 6, 2005.
8. Water is to be put to beneficial use on or before March 6, 2009.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

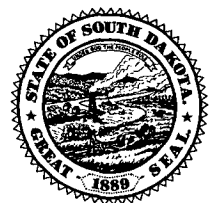
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

APR 10 2000

date



FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6161-3</u>	(office use only) Hydrologic Unit <u>07020601</u>
	Basin <u>Minnesota Whitefork</u>	
	Newspaper <u>Grant Co. Review, Milbank, 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 Lou Brown/Lou's Greenhouse Phone 605-862-8124
(check one) Owner Tenant/lessee
Mailing Address 808 4th Avenue Big Stone City State S.D. 57216
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.044 *CFS or 20 **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)
1 well in NE 1/4 SW 1/4 of section 17 T121-N R 46-W
County Grant
- County or counties where water will be used Grant
- 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)
Irrigation through various size underlines from 1 1/2" and smaller inside Greenhouse buildings.

STATE OF SOUTH DAKOTA)

County of Grant 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, Lou Brown, 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 Lou Brown

Subscribed and sworn to before me this 27 day of December 19 99

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 Depth 113 ft.
- b) Casing Type PVC Diameter 4" Thickness SDR-21 2009SD
- c) Screen Type 1/2" wire Stainless Steel Diameter 4" tel. Thickness Danson Screen
- d) Gravel Pack #30 Flint Length of Gravel Pack 12 ft.
- e) Depth to Top of Water Bearing Material 104 ft.
- f) Depth to Water (ground surface to water level) 62 ft.
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) (City Sewer)
- b) System Capacity (gallons) N/A Year Constructed N/A
- c) Connected to the City of Big Stone City Sanitary System _____

3. Dugout Information

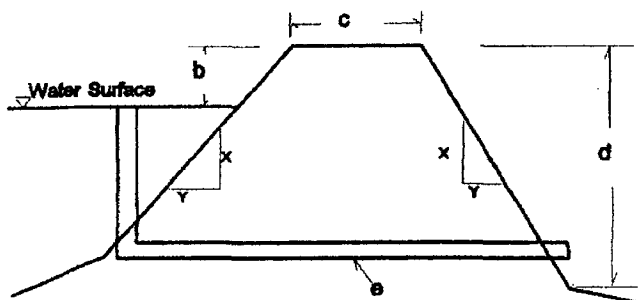
- a) Surface Dimensions N/A Depth N/A
- b) Depth to water (ground surface to water level) N/A

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:

N/A



- 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

07-92

Date: 11/15/99



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416317

Pierre, December 28, 1999

RECEIVED OF Louis M. or Marie C. Brown, 808 - 4th Ave., Big Stone City, SD 57216-9801
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6161-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6161-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 1999

*You called
12/14/99
sent non-irrigation
forms for commercial use*

Lou's Greenhouse
Lou Brown
808 4th Ave
Big Stone City SD 57216

Dear Mr. Brown:

A well driller's report filed by Lee Well Drilling, Inc. shows that they completed a new well for you which produced 25 gallons per minute (gpm) to be used for irrigation purposes. Based on the information in the report, it appears you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of less than 25,920 gallons per day with a maximum rate not to exceed 25 gpm. Irrigation of more than one acre requires obtaining a water permit.
2. If you are not irrigating more than one acre you may still need a permit for commercial use of water. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
3. Also, as a new well owner, you need to be aware of some of your responsibilities. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not going to be abandoned, but will not be used, the well must be sealed or capped at the surface until such time that it is used.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E Capitol, Pierre SD 57501. Please return by February 1, 2000.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6161-3
for Lou's Greenhouse (Lou Brown)
January 20, 2000

Application No. 6161-3 proposes to appropriate 0.044 cfs (20 gpm) from one well approximately 113 feet deep located in the NE 1/4 SW 1/4 of Section 17, T121N-R46W in Grant County. The water is for commercial use in the greenhouse buildings.

AQUIFER - VEBLEN (VEB)

The Veblen is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 260 square miles and contains an estimated 700,000 acre feet of water in storage in Grant County (Hansen, 1990). The aquifer extends into Roberts County to the north, into Deuel County to the south and into Minnesota to the east. Ground water movement is generally from west to east across Grant County.

The well log supplied with the application indicates gravel from 4 to 38 feet, clay from 38 feet to 104 feet, sand from 104 to 115 feet all below land surface. The well was completed into the sand from 104 feet to 115 feet. This well had a static water level of 62 feet below land surface and was capable of producing 75 gpm using air to develop. This well was completed in accordance with SD Well Construction Standards.

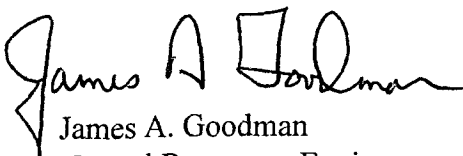
The Water Rights Program does not monitor any observation wells completed into the Veblen aquifer in this area. The nearest Veblen aquifer observation well is located about four miles west of this application. Water levels for the Veblen aquifer in Grant County do correlate well with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. A hydrograph for observation well GT-77N is included with this report (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is 4050-3 for Big Stone City. The #3 well for Big Stone City is located about one-half mile northeast of this application. Interference is not a concern. Drawdown will be created by pumping but at the relatively small diversion rate and the distance between wells will not be significant.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur but should not adversely affect other water users in the area.
3. The well authorized by this application has been completed in accordance with SD Well Construction Standards.

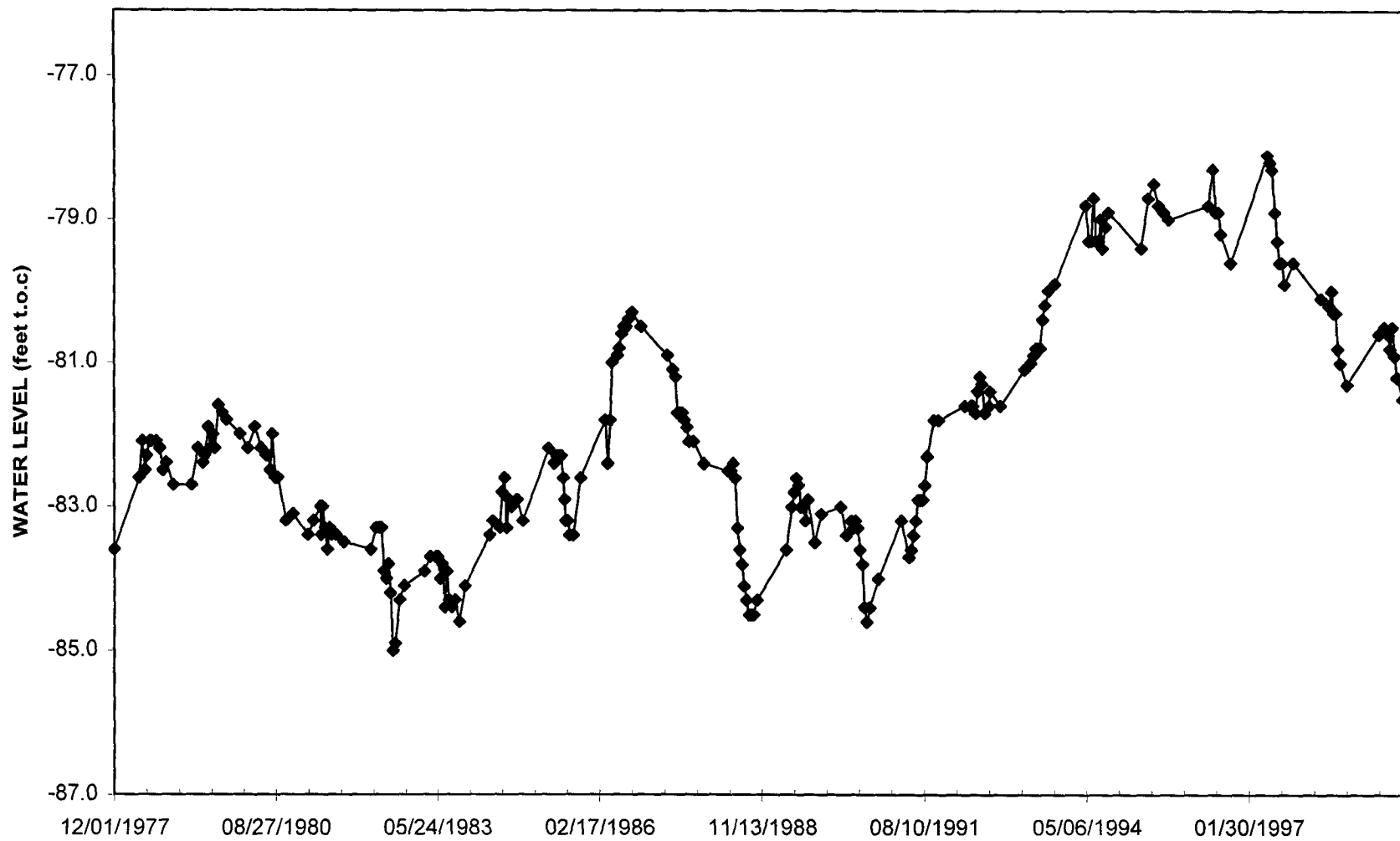

James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2000, Unpublished Observation Well Data for Grant County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-77N



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6161-3, Lou's Greenhouse**

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. 6161-3, Lou's Greenhouse, c/o Lou Brown, 808 4th Avenue, Big Stone City, SD 57216.

The Chief Engineer is recommending APPROVAL of Application No. 6161-3 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:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer

February 9, 2000



**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.

February 10, 2000

Lou's Greenhouse
Lou Brown
808 4th Ave.
Big Stone City, SD 57216

Dear Mr. Brown:

Water Permit Application No. 6161-3 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 Grant Co. Review printed at Milbank, SD (Ph # (605) 432-5042). 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

February 10, 2000

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Public Notice

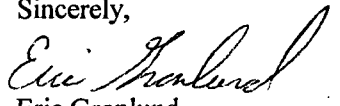
Enclosed is a Notice of Hearing on Application No. 6161-3 to Appropriate Water to be published twice. Please publish the first notice on February 16, 2000, with the second publication 7 days later.

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 Lou's Greenhouse, Lou Brown, 808 4th Ave., Big Stone City, SD 57216 (Ph # (605) 862-8124).

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. 6161-3

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

Date _____

We are in receipt of your letter of February 10, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6161-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Water Rights Program - File Documentation

NAME: Lou's Greenhouse

ADDRESS: Big Stone City SD

DATE: 2-18-00 **COUNTY:** Grant **TELEPHONE:** 605 432-4516

RE: Publication Notice

COMMENTS:

I called the Grant County Review to get them to fax me the 1st notice which should have been published 2-16-00. The guy from the paper informed me, they never received the notice. I told him we would send out another notice to be published 3-1-00.

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

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

February 22, 2000

Lou's Greenhouse
Lou Brown
808 4th Ave.
Big Stone City, SD 57216

Dear Mr. Brown:

Water Permit Application No. 6161-3 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 Grant Co. Review printed at Milbank, SD (Ph # (605) 432-4516). 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.

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 /ks

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

February 22, 2000

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6161-3 to Appropriate Water to be published twice. Please publish the first notice on March 1, 2000, 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 Lou's Greenhouse, Lou Brown, 808 4th Ave., Big Stone City, SD 57216 (Ph # (605) 862-8124).

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 /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6161-3

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

Date _____

We are in receipt of your letter of February 22, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6161-3 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 March 1, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6161-3 to Appropriate Water

Notice is given that Lou's Greenhouse, Lou Brown, 808 4th Ave, Big Stone City SD 57216 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from one well (Veblen Aquifer) 115 feet deep located in the NE ¼ SW ¼ Section 17-T121N-R46W. The water is for commercial use in the greenhouse buildings.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6161-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 20, 2000.

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

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF GRANT

ss.

Clarence Justice

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Associate Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 6161-3 to Appropriate
Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

February 16 192000
February 23 192000
19

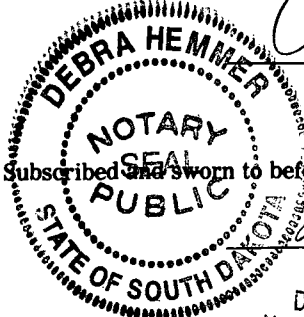
19

19

19

That \$ 36.63, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice



Subscribed and sworn to before me this 25th day of February 19 2000

Debra L. Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2003

NOTICE OF APPLICATION NO. 6161-3 to Appropriate Water

Notice is given that Lou's Greenhouse, Lou Brown, 808 4th Ave, Big Stone City SD 57216 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from one well (Veblen Aquifer) 115 feet deep located in the NE 1/4 SW 1/4 Section 17-T121N-R46W. The water is for commercial use in the greenhouse buildings.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6161-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 6, 2000.

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.

Feb 92





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

Lou's Greenhouse
%Lou Brown
808 4th Ave.
Big Stone City, SD 57216

Dear Mr. Brown:

Enclosed is Water Permit No. 6161-3 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.

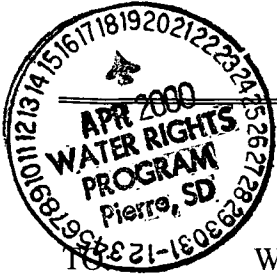
An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**



Date April 15, 2000

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

FROM:

Lou's Greenhouse
(name)

808 4th ave
(address)

Big Stone city S.D. 57216
(city, state, zip)

605-862-8124
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6161-3 states that the water use system is to be constructed by

9-29-99
(date)

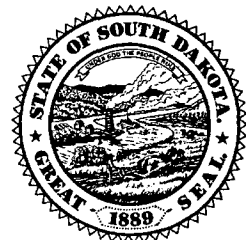
, and water is to be put to beneficial use by 3-1-2000
(date)

The water use system was completed on 9-29-99
(date)

Applying the water to beneficial use was completed on 3-1-2000
(date)

You may schedule an investigation so that the water license may be issued.

Lou Brown
(signature)



Permit No. 6161-3
Minnesota-Whetstone - 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, 07/18/05, made a thorough examination of the water use system constructed by Lou's Greenhouse of 808 4th Avenue, Big Stone City, SD 57216 holder of Permit No. 6161-3, bearing the priority of 12/28/99 authorizing the diversion of 0.044 cu. ft. per second of the waters of Veblen Aquifer for Commercial purposes, in Grant County.

Inspection contact & relationship **Lou Brown (Owner)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lee Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 115 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 4 inches
- 2) Length 105 feet
- 3) Type Plastic PVC

Screen:

- 1) Type V-Wire Stainless Steel
- 2) Length 113 feet
- 3) Static water level 62 feet

Pump:

- 1) Make Well-Rite
- 2) Model WR 140R S/N 140R03055
- 3) Size
- 4) Capacity 16.3 GPM

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

- 1) Type PVC 2) Size 1.25 inches 3) Length 25 feet

C. Compliance with Permit Requirements:

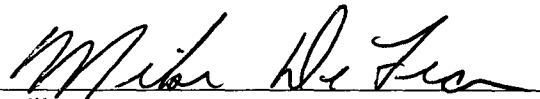
- 1) Permit qualifications being abided by Y
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
3) Exceptions to compliance are: NONE

The system is in good condition with the point(s) of diversion located as follows: 2130 ft North and 1335 ft East of the SW1/4 corner of SEC. 17-T121N-R46W (N 45.289183, W 96.467933). The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water to be used for Commercial Use. Water has been put to beneficial use to the maximum extent as follows:

The license should be issued for 0.04 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

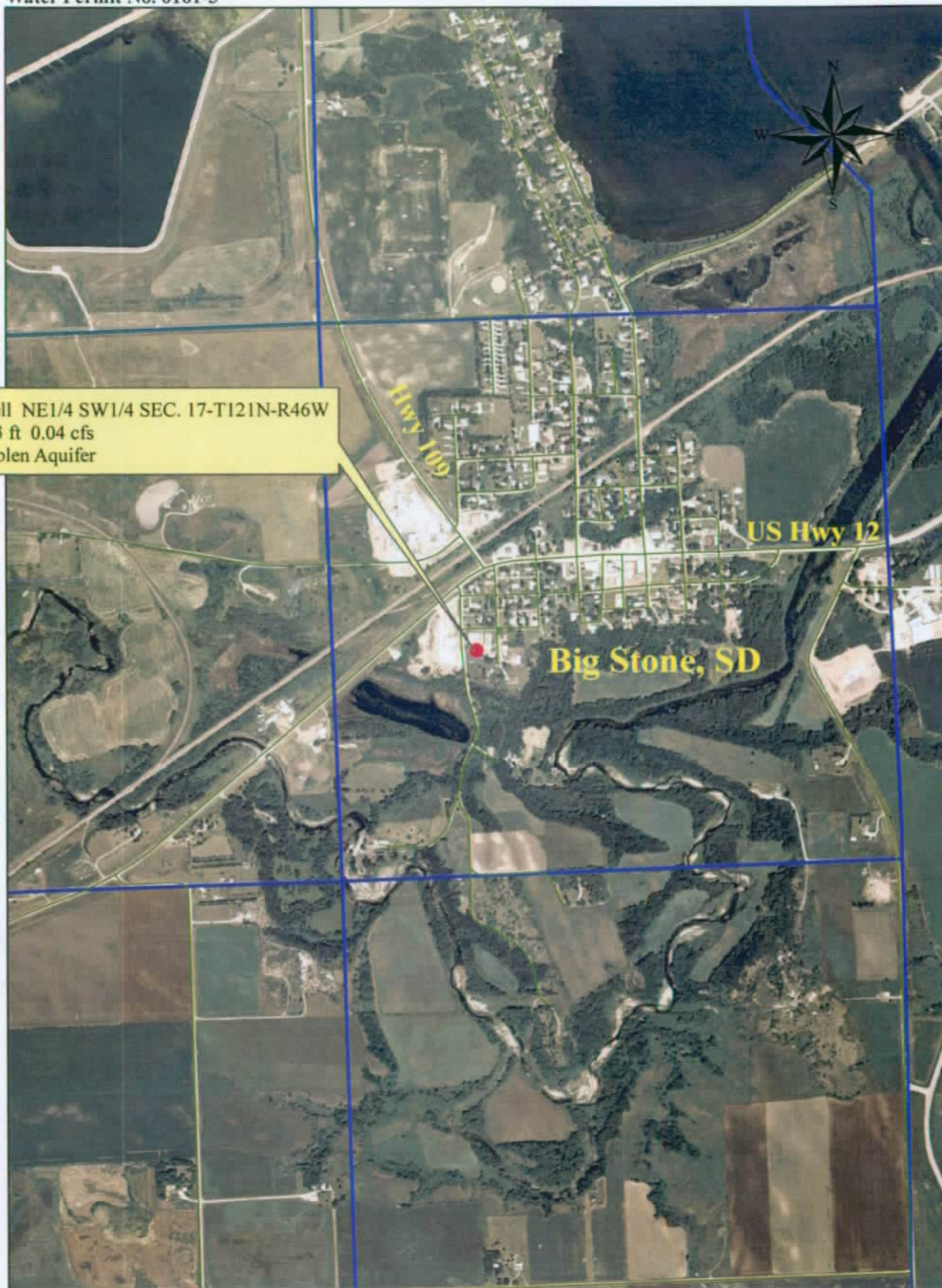
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: July 25, 2005

Lou's Greenhouse, Lou Brown
808 4th Ave.
Big Stone, SD-Grant County
Water Permit No. 6161-3

0.5 mi to Minnesota Border

Well NE1/4 SW1/4 SEC. 17-T121N-R46W
113 ft 0.04 cfs
Veblen Aquifer



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
07/25/05



0 0.1 0.2 0.4 0.6 0.8 Miles

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6161-3

(1) Lou's Greenhouse, % Lou Brown, 808 4th Ave., Big Stone City, SD 57216 made Application No. 6161-3, December 28, 1999 for a water permit to divert 0.044 cubic feet of water per second from ground water (one well – Veblen Aquifer), Grant County, South Dakota for commercial purposes. Permit No. 6161-3, with a priority date of December 28, 1999 was approved March 6, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 6, 2003 and for the application to beneficial use of said water on or before March 6, 2009.

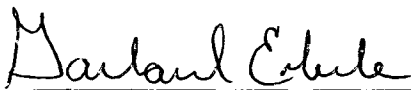
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Lou's Greenhouse the holder and/or owner of Water Right No. 6161-3 is issued a license, bearing a priority date of December 28, 1999 to appropriate 0.04 cubic feet of water per second from ground water (one well – Veblen Aquifer) for commercial purposes in supplying water to greenhouse buildings.

The diversion point is located:

- 2,130 feet North and 1,335 feet East of the SW corner of Section 17, T121N, R46W (NE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6161-3 including the following qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.


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

JUL 28 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

JUL 28 2005

6161-3

Lou Brown
Lou's Greenhouse
808 4th Ave
Big Stone City SD 57216

Dear Mr. Brown:

Enclosed is your Water License No. 6161-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a copy of the map prepared by the staff engineer who conducted the field investigation. You may keep this for your records.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6161-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures