

WATER PERMIT NO. 6251-3

Name of Applicant: Grass Ranch Colony

Address: RR 1 Box 29, Kimball SD 57355

Phone: 605 778-6777

Amount of Water Claimed: 0.133 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Brule

Type of Waste Disposal System: slurry tank

Location: 8 miles southeast of Kimball

PRIORITY

Date Received: 2-2-2001

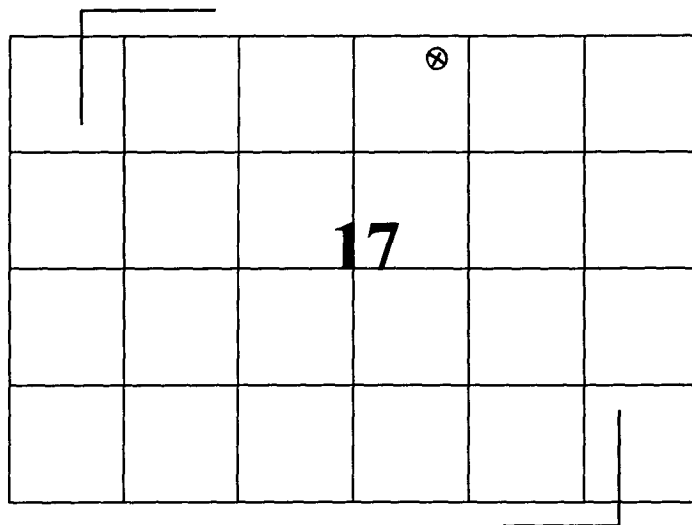
Fee: \$150

Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks: swine facility

Diversion Point: NW ¼ NE ¼ Sec 17-T102N-
R67W



Land to be Irrigated: NA

Depth of Well: 880 feet deep

Well Driller: : Huron Drilling, Inc.

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-5-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6251-3

Date of first receipt of application February 2, 2001.

The Water Management Board approved Water Permit Application No. 6251-3 on May 2, 2001 for Grass Ranch Colony, RR 1 Box 29, Kimball SD 57355 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. 6251-3 appropriates 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Formation) located in the NW ¼ NE ¼ Section 17-T102N-R67W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a swine facility 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 from which applicant may claim right is February 2, 2001.
5. One-fifth of the construction is to be completed on or before November 2, 2003.
6. All construction is to be completed on or before May 2, 2006.
7. Water is to be put to beneficial use on or before May 2, 2010.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6251-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6251-3 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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 06 2001

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>6251-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Brule-Butte County News, Kimball</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 Grass Ranch Colony Phone 778-6777
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR1 Box 29 Kimball State SD 57355
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.133 *CFS or 60 **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 Dakota Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW1/4 NE1/4 Section 17 T102N R67W
County Brule
- County or counties where water will be used Brule
- 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)
commercial use for swine facility

STATE OF SOUTH DAKOTA)
County of Hughes 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, Reinhart Stahl, 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.

Applicant's signature Reinhart Stahl for Grass Ranch

Subscribed and sworn to before me this 2 day of February 20 01

JENNIFER J. HEGG

My Commission Expires October 1, 2001

Jennifer J. Hegg
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

see well completion report

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property 3/4 mile On property owned by others 2 1/2 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) slurry tank
- b) System Capacity (gallons) 3 million gallons Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

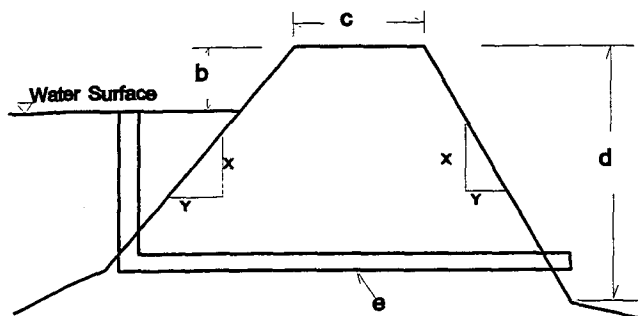
3. Dugout Information

- 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

NOT TO SCALE



Eric Gronlund

Eric Gronlund, Water Rights Program
February 2, 2001

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416747

Pierre, February 5, 2001, _____

RECEIVED OF Grass Ranch Colony, RR 1 Box 29, Kimball SD 57355
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6251-3</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>6251-3</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 Darland Ebele
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

January 5, 2001

Grass Ranch Colony
Reinhard J Stahl
RR 1 Box 29
Kimball SD 57355

Dear Mr. Stahl:

I am writing in regard to a well driller's report filed by Huron Drilling Inc. The report shows a new well was completed for you August 3, 2000. A review of our files indicates the colony holds the following water right permits:

- Water Permit No. 5993-3 authorizes 60 gallons per minute (gpm) from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T102N-R67W for use in a hog confinement facility and domestic use.
- Water Right No. 5654-3 authorizes 45 gpm from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8-T102N-R67W for livestock watering and domestic use.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Stahl, what is the proposed use of the water from the new well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17-T102N-R67W and what is its developed diversion rate in gallons per minute? If the well is used in the existing permitted facilities, a new water right permit may be required if the diversion rate exceeds the currently permitted amount. If the diversion rate does not exceed the permitted amount of water, the Colony will still need to file a request for authorization for an additional well as specified in the above paragraph. Finally, if this well serves a separate purpose than the other wells, a new water right permit will be necessary if the diversion capability exceeds a maximum pump rate of 25 gpm and use exceeds 25, 920 gallons per day. Enclosed are application forms and an instruction sheet.

We will wait to hear from you. If you have any questions, please contact Eric Gronlund. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17 Twp 102 Rg 67County NW

North

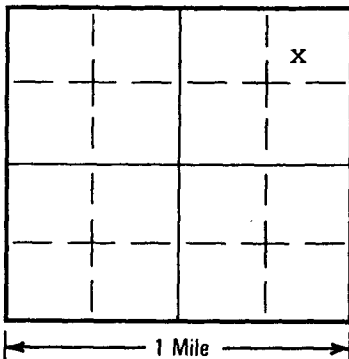
Brule

Please mark well location with an "X"

W

E

Well Completion Date

8-3-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 500 ft. from septic (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>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>800</u> FT	<u>8</u> IN
<u>#80</u> LB/FT	<u>2</u> IN	<u>723</u> FT	<u>880</u> FT	<u>4 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>85</u>	_____ lb./gal	<u>0</u> ft.	<u>723</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pressure plugSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 IN Length 60 FEETMaterial PVCSlot Size 25 Set From 820 Feet to 880 FeetOther information gravel packedWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Portland cementDescribe packer(s) and location? 0-723'

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis _____

Pierre SDWell Owner: Grass Ranch Colony

Business Name: _____

Address: RR 1 Box 29Kimball SD 57355

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
yellow clay	2	40
shale	40	440
greenhorn	440	465
shale	465	720
Dakota sand	720	880

STATIC WATER LEVEL 60 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:

☒ PumpedDescribe: compressed air☐ Bailed☐ Other

Pumping Level Below Land Surface

100 ft. After 12 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

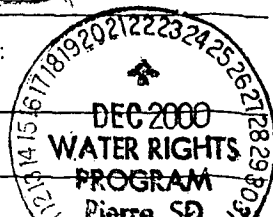
REMARKS

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling, Inc.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-20-00



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6251-3, Grass Ranch Colony**

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. 6251-3, Grass Ranch Colony, Reinhart Stahl, RR 1 box 29, Kimball SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 6251-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6251-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6251-3 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.

Garland Erbele, Chief Engineer
February 16, 2001

WATER PERMIT APPLICATION NO. 6251-3
GRASS RANCH COLONY
FEBRUARY 8, 2001

Water Permit Application No. 6251-3 proposes to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Aquifer), located in the NW¼ NE¼ Section 17, T102N-R67W, in Brule County. The water is for commercial use in a swine facility.

AQUIFER: Dakota Sandstone (DKOT)

AQUIFER CHARACTERISTICS:

The Dakota aquifer consists of the permeable sand and sandstone beds contained within Dakota Formation. The Dakota Formation which consists of interbedded sand, sandstone, clay and sandy clay, has an aggregate thickness of approximately 300 feet thick in this area (Schoon, 1971). The Dakota underlies 837 square miles of Brule County and contains an estimated 12,655,400 acre-feet of recoverable water in storage in the county (Hedges, 1982). The lithology of the Dakota is quite variable both laterally and vertically, and it has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The top of the Dakota aquifer is reported to be 720 feet below grade and the static water level is reported to be approximately 60 feet below grade in this existing well.

The Water Rights Program does not monitor any observation wells completed into the Dakota in this immediate area. The nearest Water Rights' Observation Well that is completed into the Dakota aquifer is located approximately 17 miles southeast of this well site (AU-89A). The hydrograph for this observation well (figure 1) shows the water level has declined over four feet in the 11 years of record.

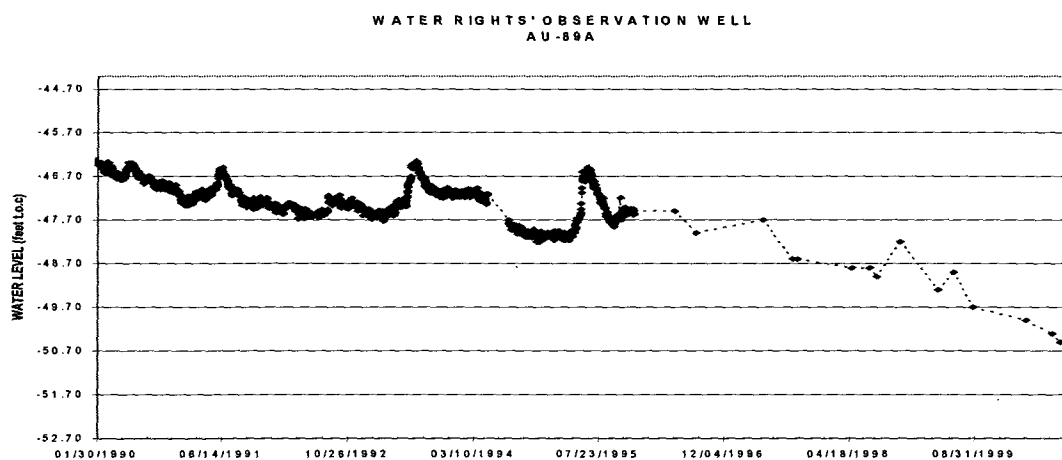


Figure 1, Dakota aquifer Observation Well 17 miles south east of 6251-3

DISCUSSION:

SDCL 46-6-3.1 requires that an application to appropriate groundwater may not be approved if, “according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source”. Average annual recharge to the Dakota Aquifer has not been quantified and it is not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from a confined aquifer such as the Dakota, affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals until a dynamic equilibrium is established and water levels stabilize.

Since the first wells were completed into the Dakota Aquifer there has been a pronounced decline in the artesian head. One of the areas of greatest decline in head is the Chamberlain area, which is approximately 23 miles northwest of the well to be used by this permit. T.W. Robinson concluded that the altitude of the piezometric surface at Chamberlain was 1828 feet in May 1891 (Rothrock, 1938). The August 2000, altitude of the piezometric surface measured in Water Right's Observation Well BL-83A, at Chamberlain, was 1588.9 feet (Water Rights, 2001_b). Therefore the piezometric surface declined 239 feet between 1891 and 2000. The hydrograph for the well, figure 2, shows an average decline of head pressure of approximately 0.4 feet per year between 1983 and 2000

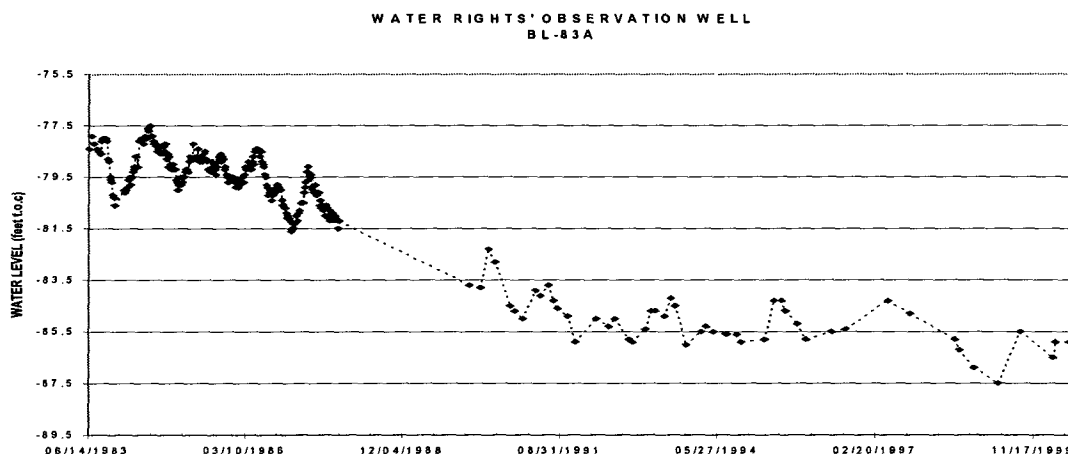


Figure 2, Dakota aquifer Observation Well in Chamberlain

The hydrograph of a Dakota aquifer observation well located approximately 35 miles south west of this proposed appropriation also identifies an average piezometric surface decline of about one-half foot per year, see figure 3.

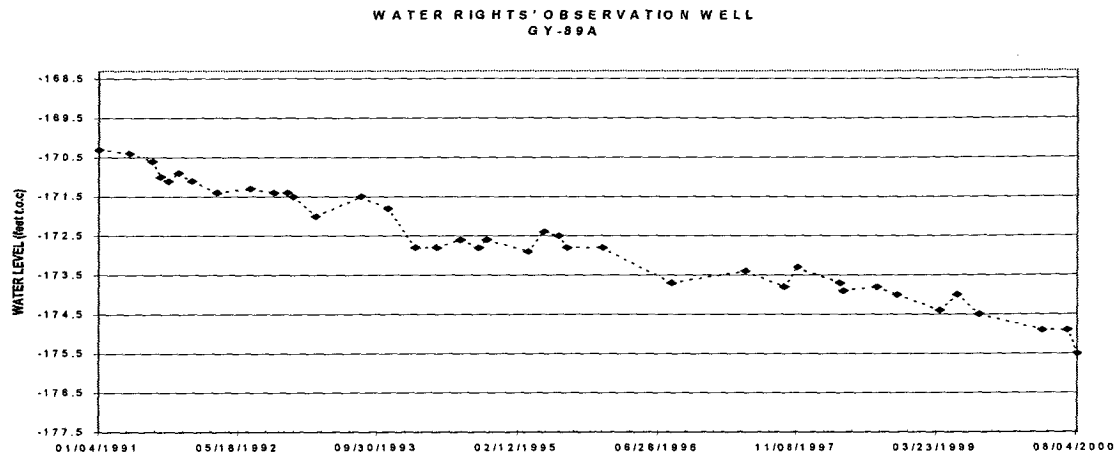


Figure 3, Dakota aquifer Observation well 35 miles south west of 6251-3

The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. Discharges from these wells are to either groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified, and most can not be controlled. The Water Management Board and the Water Rights Program are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

In theory, the Dakota aquifer head pressure is stabilizing relative to withdrawals and discharges. The head pressure in the Chamberlain area declined at an average rate of 15 feet per year between 1891 and 1900, (Rothrock, 1938). The current rate of decline appears to be less than 0.5 feet per year. Examination of figures 1, 2 and 3 indicate that the rate of decline of the potentiometric surface has decreased during the period of record and the water level may be approaching equilibrium.

Although SDCL 46-6-3.1 does not allow "mining" of an aquifer, which would be evidenced by declining water levels; SDCL 46-6-6.1 does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider and balance the effect of a limitation of a loss of artesian head pressure as one of the factors under the public interest determination.

The quantity or volume of water in the Dakota Aquifer that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Aquifer

water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

EXISTING WATER RIGHTS:

The Water Rights Program has record of several domestic wells in this area that are completed into the Dakota aquifer (Water Rights, 2001_a). In addition, there are 172 Water Rights/Permits appropriating water from the Dakota aquifer in South Dakota (Water Rights, 2001_c), 10 of these appropriations are from Brule County. The nearest Dakota aquifer appropriation, with the exception of other Grass Ranch Colony well's, Water Right No. 5117-3, Azdak Farms Partnership is located approximately eight miles northeast of this well. The distances between wells, and the relatively low diversion rate proposed by this application (60 gpm), should minimize well interference so that existing rights will not be adversely affected.

CONCLUSIONS:

1. The Dakota aquifer is a viable aquifer in this area.
2. The average annual recharge to the Dakota aquifer has not been quantified and it is not expected to be ascertained in the near future. The best information available to determine the availability of unappropriated water is historical data and observation well records.
3. Water levels (head pressure) have declined in the Dakota aquifer. However, whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.
4. In theory, the Dakota aquifer head pressure is stabilizing relative to withdrawals and recharge.
5. Each new diversion from the Dakota will theoretically cause an additional effect on the head pressure of the aquifer. The affects of the withdrawal proposed by this application upon the Dakota aquifer head pressure will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Aquifer.
6. The Water Management Board is not required to protect artesian head pressure as a means of diversion. However, the Board must consider and balance the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
7. The principal reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. Denial of this application will not preserve the head pressure. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges from the aquifer.
8. The well to be used by this appropriation has been constructed in accordance with the SD Well Construction Standards.



KEN BUHLER
Natural Resources Engineer

Approved by



for JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Water Rights Program, 2001_a, "Domestic Well Logs", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

Water Rights Program, 2001_b, "Observation Well Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

Water Rights Program, 2001_c, "Water Permit Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

Hedges, L.S., S.Burch, S.Iles, R.Barrari, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, prepared for US Army Corps of Engineers, Contract DACW 45-80-C-0185, SD Geological Survey, Vermillion SD

Rothrock, E.P. Robinson, T.W., 1938, Artesian Conditions in West Central South Dakota, Report of Investigations No. 26, South Dakota Geological Survey, Vermillion, South Dakota

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD Geological Survey, Vermillion, SD



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2001

Brule-Buffalo County News
Box 46
Kimball, SD 57355-0046

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6251-3 to Appropriate Water to be published twice. Please publish the first notice on March 22, 2001 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 Grass Ranch Colony, % Reinhart Stahl, RR 1 Box 29, Kimball, SD 57355 (Ph # 605-778-6777).

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

-----CUT HERE-----

No. 6251-3

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

Date _____

We are in receipt of your letter of March 12, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6251-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 12, 2001

Grass Ranch Colony
% Reinhart Stahl
RR 1 Box 29
Kimball, SD 57355

Dear Mr. Stahl:

Water Permit Application No. 6251-3 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 Brule-Buffalo County News printed at Kimball, SD (Ph # 605-778-6253). 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.

Instruction to Newspaper - Publish first Notice on March 22, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6251-3 to Appropriate Water

Notice is given that Grass Ranch Colony, c/o Reinhart Stahl, RR 1 Box 29, Kimball SD 57355 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Formation) located in the NW ¼ NE ¼ Section 17-T102N-R67W. The water is for commercial use in a swine facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6251-3 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 April 20, 2001. 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 The Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD at 10:00 A.M. May 2, 2001. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 2, 2001 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 2001.

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 April 20, 2001, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota

38

County of Brule

Darla J Viereck of said county, being first duly sworn on oath, says: That he/she is the publisher or an employee of the publisher of The Brule-Buffalo County News, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated: that said newspaper is a legal newspaper as defined in SDCL 17-2-21 through 17-2-24 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing
a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

<u>Mar 22 2001</u>	<u>20</u>
<u>Mar 29 2001</u>	<u>20</u>
<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers: that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Darla J Viereck
Subscribed and sworn to before me this
____ day of _____
20

Notary Public in and for the County of Brule,
South Dakota

NOTICE OF HEARING on Application

No. 6251-3 to Appropriate Water

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(Mar. 22, Mar 29 2001)



JUN 06 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Reinhard J Stahl
Grass Ranch Colony
RR 1 Box 29
Kimball, SD 57355

Dear Mr. Stahl:

Enclosed is Water Permit No. 6251-3 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 6-13-01

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



FROM: Grass Ranch Colony
(name)

36570 258th St
(address)

Kimball SD 57355
(city, state, zip)

605-778-6777
(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. 6251-3 states that the water use system is to be constructed by

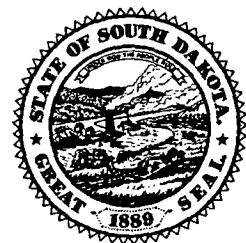
4-10-01, and water is to be put to beneficial use by 4-20-01.
(date) (date)

The water use system was completed on 4-18-01.
(date)

Applying the water to beneficial use was completed on 4-20-01.
(date)

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

Reinhart Stahl
(signature)



Permit No. 6251-3
Missouri 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, July 11, 2006, made a thorough examination of the water use system constructed by Grass Ranch Colony of 36570 258TH St, Kimball SD 57355 holder of Permit No. 6251-3, bearing the priority of February 2, 2001 authorizing the diversion of 0.133 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial purposes, in Brule County.

Inspection contact & relationship to permit holder, if applicable: **Jonathon Walters**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 880 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 & 2 inches
- 2) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 60 feet
- 3) Static water level ≈ 60 feet

Motor/Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Capacity 60 GPM

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

Water from the well is used to supply domestic purposes in the colony and hog and turkey units.

C. Compliance with Permit Requirements:

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

The system is in good condition with the points of diversion located as follows: Well: 2,120 feet W and 460 feet S (Latitude 43.64212, Longitude -98.88189) from the NE corner section 17-T102N-R67W (NW¼NE¼). The works are capable of diverting and conveying to the place of use 0.133 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 and the license should be issued for 0.133 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Water Right No. 5654-3 and Permit No. 5993-3**



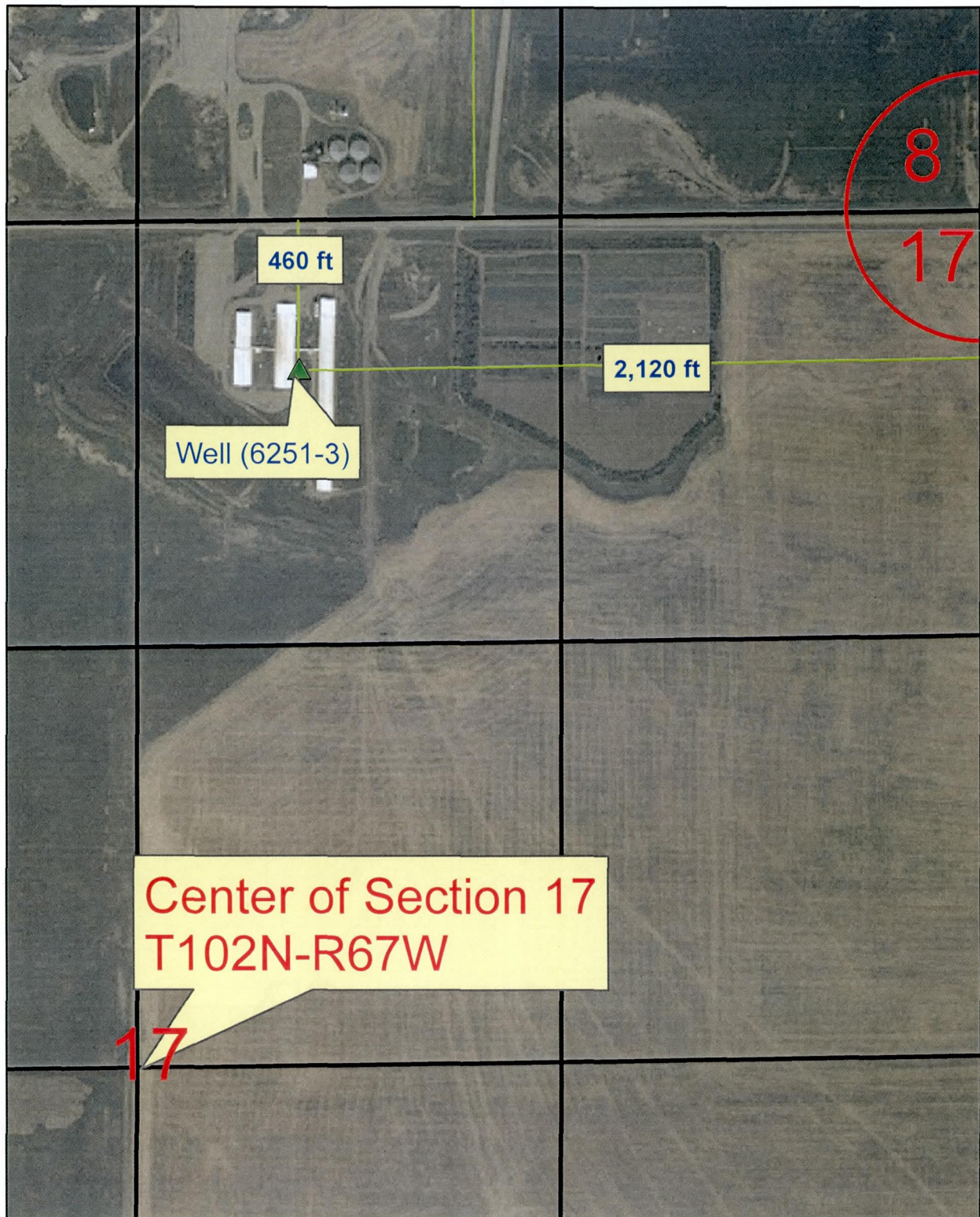
Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: August 23, 2006

Scale: 1 inch equals 467 feet

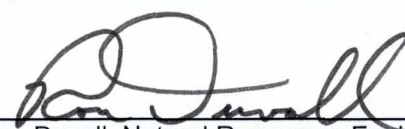
660

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Aug 23, 2006

Water Right No. 6251-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 03 2008

5993-3
6251-3

Jonathon Walters
Grass Ranch Colony
26570 258th St
Kimball SD 57355

Dear Mr. Walters:

Enclosed are your Water License Nos. 5993-3 and 6251-3. They are the final water right documents completing your process of obtaining Water Rights. We have included maps prepared by the staff engineer who conducted the field investigation. Also enclosed is Receipt No. 02585 in the amount of \$50.00 which you paid for the investigation and issuance of the water license for No. 5993-3.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5993-3 and 6251-3, 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6251-3**

(1) Grass Ranch Hutterian Brethren Inc., 36570 258th St, Kimball SD 57355-7100 made Application No. 6251-3, February 2, 2001 for a water permit to divert 0.133 cubic feet of water per second from ground water (one well, Dakota Formation), Brule County, South Dakota for commercial purposes. Permit No. 6251-3, with a priority date of February 2, 2001 was approved May 2, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2006 and for the application to beneficial use of said water on or before May 2, 2010.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.133 cubic feet of water per second for beneficial use. The location of the diversion point is:

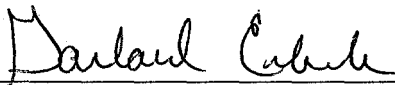
2,120 feet W and 460 feet S of the NE corner of Section 17, T102N, R67W (NW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for domestic purposes and also for commercial purposes for hog and turkey units.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Grass Ranch Hutterian Brethren Inc the holder and/or owner of Water Right No. 6251-3 is issued a license to appropriate water, the right to use 0.133 cubic feet of water per second from ground water (one well – Dakota Formation) with a priority date of February 2, 2001 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6251-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right 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 Right No. 6251-3 is subject to requirements of the Department's General Water Pollution Control Permit for concentrated swine feeding operations.
- Water Right No. 6251-3 is subject to compliance with the following applicable Water Management 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



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

NOV 03 2006

date

