

WATER PERMIT NO. 6290-3

Name of Applicant: Pannar Seed, Inc.

Address: PO Box 947, Huron SD 57350

Phone: 605 352-8791

Amount of Water Claimed: 0.033 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Beadle

Type of Waste Disposal System: septic tank

Location: north of Hwy 14- east side of Huron

PRIORITY

Date Received: 1-23-2002

Fee: \$50

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ SW ¼ Sec 32-T111N-R61W

Land to be Irrigated: NA

Depth of Well: 125 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

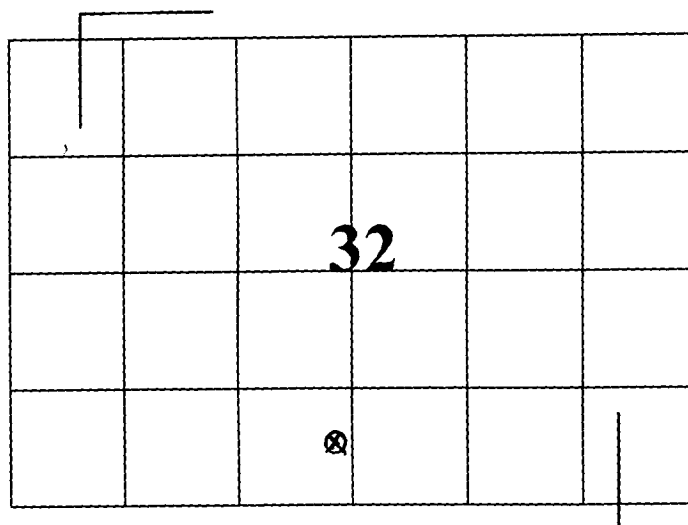
Type of Map: aerial

Prepared by: Rany Richards, FSA

Reviewed and the Number Assigned on: 1-23-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6290-3**

Date of first receipt of application January 23, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6290-3 to Pannar Seed Inc., PO Box 947, Huron SD 57350 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. 6290-3 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well (Floyd East James Aquifer) 125 feet deep located in the SE ¼ SW ¼ Section 32-T111N-R61W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
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. 6290-3 is March 25, 2002.
5. The date from which applicant may claim right is January 23, 2002.
6. One-fifth of the construction is to be completed on or before September 25, 2004.
7. All construction is to be completed on or before March 25, 2007.
8. Water is to be put to beneficial use on or before March 25, 2011.
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 16 2002

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>6290-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Plainsman, Huron</u>	



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

Check use(s) of water:

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

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

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

1. Name of Applicant Pannar Seed Inc. Phone 605-352-8791
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P. O. Box 947 Huron State SD 57350
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.033 *CFS or 15 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water 1 Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SE1/4 SW 1/4 Sect 32 T111N R61W (Cook outlot #2) County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used January 1-December 31

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

STATE OF SOUTH DAKOTA)
County of Beadle) 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, Kenneth M. King, 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 Kenneth M. King
Subscribed and sworn to before me this 21st day of January 20 02

Sharon K. Scotter
Notary Public signature
commission ends 4-9-04.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 7/8" Depth 125 ft
- b) Casing Type PVC Diameter 5" Thickness SDR 21
- c) Screen Type PVC Diameter 5" Thickness SDR 21
- d) Gravel Pack Yes Length of Gravel Pack 25 ft
- e) Depth to Top of Water Bearing Material 114 ft
- f) Depth to Water (ground surface to water level) 30 ft
- g) Distance to nearest existing domestic well:
- On applicants property - On property owned by others 460 ft

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank
- b) System Capacity (gallons) 1500 Year Constructed 2001
- c) Connected to the City of - Sanitary System -

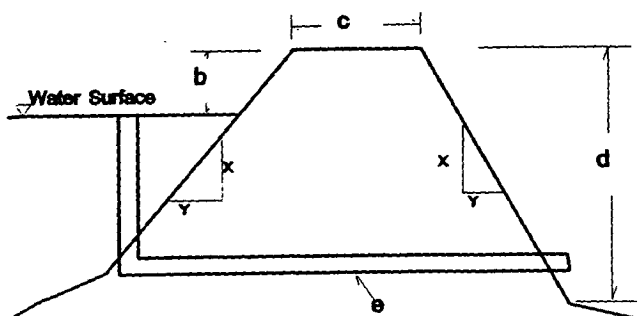
3. Dugout Information

- 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 26, 2001

King Seed Co.
40329 US Hwy 14
Huron SD 57350

Dear Sir:

I am writing in regard to a well driller's report filed by Pullman Well Drilling. The report shows a new well has been completed on June 19, 2001 for King Seed Co. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by January 1, 2002.

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 Eric Gronlund 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

*Kenny King called
11/28/01*

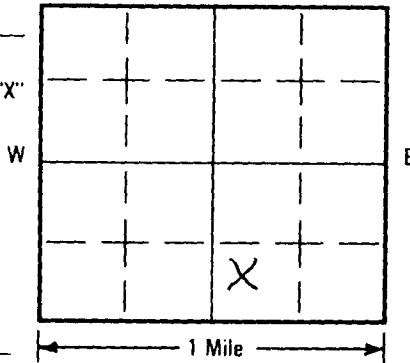
*Pannar Reed, I've
will be sending app
within couple of weeks*

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SE 1/4 Sec 32 Twp 111 Rg 61
County Beadle

Please mark well location with an "X"



Well Completion Date

6/19/01

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from Septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

PotteryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>115</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>4</u>	_____ lb./gal	<u>0</u> ft.	<u>20</u> ft.
<u>Blue Clay</u>	<u>5</u>	_____ lb./gal	<u>20</u> ft.	<u>100</u> ft.

Describe grouting procedure _____

Limit to 100 ft.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 10 FEETMaterial PVCSlot Size 016 Set From 115 Feet to 125 Feet

Other information _____

Gravel packedWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____Pellet☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: King Seed Co

Business Name: _____

Address: 40329 US Hwy 14

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>20</u>
<u>Blue clay</u>	<u>20</u>	<u>40</u>
<u>Gray Sand</u>	<u>40</u>	<u>60.5</u>
<u>Blue Clay Struck. of Sand</u>	<u>60.5</u>	<u>114</u>
<u>Coarse Sand</u>	<u>114</u>	<u>125</u>

STATIC WATER LEVEL 30

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: 100 ft☐ BailedPin compression☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

29 Grain HardThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm Bullman Well Drilling

Signature of License Representative:

Eric Kuehl

Signature of Well Owner or Equitable Property Holder:

Date: _____



BEADLE CO. S.



RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

417057

Pierre, January 23, 2002

RECEIVED OF Kaystar Seed, Pioneer Seed Inc., PO Box 947, Huron SD 57350
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 _____	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By Darland Erbele
Chief Engineer *gm*



DEPARTMENT OF HEALTH

ADMINISTRATION

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
(605) 773-3368 FAX: (605) 773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*

Date: 1/16/2002

PANNAR SEED INC-103672
PO BOX 947
HURON, SD 57350

Spec #: E02WB000445
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

PANNAR SEED INC

Date Rcvd: 1/9/2002	Near Town: HURON
Time Rcvd: 0800	Miles R: 1
Date Coll: 1/8/2002	Sample County: BEADLE
Time Coll: 1600	Township: VALLEY
Spec Type: WATER	Range: 111-6
Coll Site: WELL	Section: 32
Coll By: KEVIN KING	Quarter: SW
Date drilled: 6-19-01	Supply Type: PRIVATE
Date pump inst: 9-12-01	Well Depth: 125'
Drilled by: PULLMAN WELL DRILLING	Well Diameter: 5" CASING
Pump inst by: PULLMAN WELL DRILLING	Sample Purpose: ROUTINE
Telephone Numb* 3528791	

Final Results

Sulfate	398 mg/L
Sodium	329 mg/L
Conductivity	2450 umho/cm
T. Coliform-5 Tube MPN	Bacteriologically safe at the time of sampling.
Nitrate	0.1 mg/L

NITRATE RESULT: SAFE AT TIME OF SAMPLING.

New Well Analysis

January 17, 2002

Pannar Seed Inc.
PO Box 947
Huron, SD 57350-0947

Well Driller: Pullman Well Drilling
Well Depth: 125 feet
Sample Date: January 8, 2002

BACTERIOLOGICAL ANALYSIS IS SAFE

This report indicates that your new well is SAFE for drinking. It is recommended that the bacteriological quality of the water be retested at least annually. After heavy rains, snow melt, or flooding in the area of your well, a sample of water should be submitted for at least a bacteriological and nitrate analysis

NITRATE .1 mg/l - Nitrate Level Not Of Concern

Nitrates in excess of 10 mg/l (as nitrogen) are of health significance to infants of one year or less, pregnant women, and nursing mothers. High nitrate water should not be used for infant feeding, in formulas, or for drinking or cooking by the mother while she is pregnant or nursing. Nitrates cannot be completely removed by any private water supply treatment device; however, distillation or reverse osmosis treatment can reduce the nitrate content of the water.

SODIUM 329 mg/l - CONSULT YOUR PHYSICIAN FOR INTERPRETATION

Sodium may be health significance to persons on a low salt diet. Most home water softeners are ion exchange (zeolite) water softeners. The sodium content is increased when water is passed through this type of softener. People on low sodium diets should consult their physician as to how much water may be consumed.

SULFATE 398 mg/l - High Sulfate Level

Water with a sulfate content in excess of 250 mg/l may have a bitter taste and have a laxative effect on persons not adapted to the water. Sulfates may contribute to odor problems. The sulfate content can be reduced in a private water supply through distillation or reverse osmosis treatment.

CONDUCTIVITY 2,450 micromhos/cm - High Conductivity Level

Conductivity measures the ability of water to conduct an electric current. It is related to the type and amount of dissolved chemicals in the water. In general, water having a conductivity of less than 1000 micromhos is slightly mineralized, but should be suitable for human consumption. It may have some hardness and it is possible to have taste and odor problems. Depending upon the particular chemicals dissolved in the water, these problems may become more pronounced with increasing conductivity to the extent that levels greater than 2000 micromhos may make the water objectionable to human use.

REPORT ON WATER PERMIT APPLICATION NO. 6290-3

For Pannar Seed, Inc.

February 4, 2002

Application No. 6290-3 proposes to appropriate 0.033 cfs (15 gpm) from one well approximately 125 feet deep located in the SE ¼ SW ¼ of section 32, T111N R61W in Beadle County. The water is for commercial use.

AQUIFER - FLOYD EAST JAMES (F-EJ)

The Floyd East James is a predominantly buried outwash (sand and gravel) which is under artesian conditions at this site. The well completion report filed with the application indicates yellow clay from the surface to a depth of 20 feet followed by blue clay from 20 to 40 feet, followed by sand from 40 to 65 feet, followed by blue clay and streaks of sand from 65 to 114 feet followed by coarse gravel from 114 to a depth of 125 feet. The report indicates this well is completed in accordance with SD Well Construction Standards.

The Floyd East James aquifer underlies 146,600 acres of eastern Beadle County and contains an estimated 700,000 acre-feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer extends into Sanborn County to the south. Ground water movement is from east to west and toward the James River in this area (Emmons, 1988).

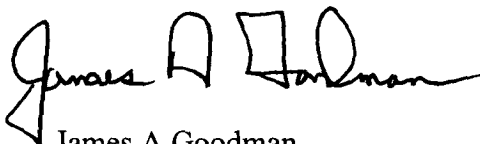
The Water Rights Program does monitor observation wells completed into the Floyd East James aquifer. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 6025-3 for Edney Distributing for 0.022 cfs and is located about 500 feet southeast of this application. Interference is not a concern. The existing well and this application are both small diversion rates and drawdown created by pumping at these rates will not be significant.

CONCLUSIONS

1. Water is available from the Floyd East James aquifer.
2. The aquifer is confined and under artesian conditions at this site. Drawdown created by pumping will not be significant because the diversion rate is small. Interference is not a concern.
3. This well has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota, WRI 87-4082, USGS, Huron, SD, 57350.

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

Water Rights, 2002, Unpublished Observation Well Data for Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6290-3, Pannar Seed, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6290-3, Pannar Seed Inc., c/o Kenneth M. King, PO Box 947, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6290-3 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 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 22, 2002



**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.**

February 25, 2002

Pannar Seed Inc.
% Kenneth King
PO Box 947
Huron, SD 57350

Dear Mr. King:

Water Permit Application No. 6290-3 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 Plainsman printed at Huron, SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

February 25, 2002

Plainsman
PO Box 1278
Huron, SD 57350-1278

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6290-3 to Appropriate Water to be published twice. Please publish the first notice on March 6, 2002 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 Pannar Seed Inc., % Kenneth M. King, PO Box 947, Huron, SD 57350 (Ph # 605-352-8791).

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. 6290-3

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

Date _____

We are in receipt of your letter of February 25, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6290-3 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 6, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6290-3 to Appropriate Water

Notice is given that Pannar Seed Inc., c/o Kenneth King, PO Box 947, Huron SD 57350 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well (Floyd East James Aquifer) 125 feet deep located in the SE ¼ SW ¼ Section 32-T111N-R61W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6290-3 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 25, 2002.

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

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Cheri Bjorke, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 7,500 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

Notice of Application No. 6290-3 to Appropriate Water

was published for two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 6th day of March, 2002 and the last publication on the 13th day of March, 2002. That the full amount of the fee charged for publishing the same, to wit Thirty-six and 62/100 Dollars inures to the benefit of the publisher of said newspaper; 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.

Cheri Bjorke

Subscribed and sworn to before me this 25th day of March, 2002.

Shannon Rummor
Notary Public, South Dakota

My term expires 12/28/07



Legal # 84

RECEIVED

MAR 27 2002

WATER RIGHTS
PROGRAM

F.P. 3-6-02 L.P. 3-13-02

NOTICE OF APPLICATION NO. 6290-3 to Appropriate Water

Notice is given that Pannar Seed Inc., c/o Kenneth King, PO Box 947, Huron SD 57350 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well (Floyd East James Aquifer) 125 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32-T111N-R61W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6290-3 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 25, 2002.

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.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources.
No. 84 (adv.)



APR 16 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Pannar Seed Inc.
%Kenneth King
PO Box 947
Huron, SD 57350

Dear Mr. King:

Enclosed is Water Permit No. 6290-3 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 5/08/02

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

FROM: Pannar Seed Inc.
(name)
P. O. Box 947
(address)
Huron, SD 57350 (605)352-8791
(city, state, zip) (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. 6290-3 states that the water use system is to be constructed by
March 25, 2007, and water is to be put to beneficial use by March 25, 2011.
(date) (date)

The water use system was completed on 9/12/01.
(date)

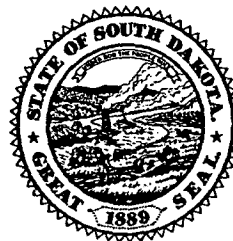
Applying the water to beneficial use was completed on 10/01/01.
(date)

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

[Signature]
(signature)

7-98

RECEIVED
MAY 10 2002
WATER RIGHTS
PROGRAM





6290-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 10, 2007

No. 6290-3

Sunbird Feeds
ATTN: Wayne
702 3rd St SW
Huron SD 57350

Dear Sir:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6290-3. The water permit is currently listed in the name of Pannar Seed, Inc. I have talked with Rita from Pannar Seed, Inc. and she indicated you are now the owners of this commercial use well. For your information, enclosed is a copy of the water permit.

The transfer form should be checked over for accuracy and **signed by the new owner.** 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
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

RECEIVED

DEC 19 2007

WATER RIGHTS
PROGRAM

Lindberg Specialties, LLC
13415 Larkin Dr
Minnetonka MN 55305
Ph 952-544-5358
FAX 952-544-8547

December 17, 2007

South Dakota Dept of Environment
And Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre SD 57501-3182

Attn: Karen Schlaak
Water Rights Program

Dear Ms. Schlaak:

Enclosed you will find our completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6290-3. Along with this form is our check number 1002, in the amount of \$2.50 to cover the filing fee.

Sincerely,



Wayne Lindberg, Owner
Lindberg Specialties, LLC

WL:jl
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 19 2007

WATER RIGHTS
PROGRAM

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

No. 6290-3

Date: 12-14-07

I/We request that Water Right/Permit No. 6290-3

formerly owned by: Pannar Seed, Inc.

be transferred to: (name & address) X LINDBERG SPECIALTIES, LLC
13415 LARKIN DR, MINNETONKA, MN 55305

Telephone No. X 952-544-5358

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

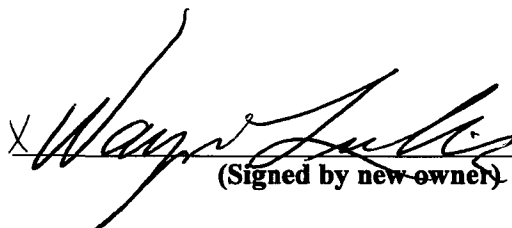
1 well for commercial use located in the SE 1/4 SW 1/4 Sec 32-T111N-R61W

I/We understand that the validity of Water Right/Permit No. 6290-3 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 WAYNE LINDBERG, the new owner, certify that the above information is true and correct.

X 
(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 12/19, 20 07

RECEIVED OF Lindberg Specialties LLC 13415 Larkin Dr Minnetonka MN 55305

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	2	50
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 _____ 6290-3		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

03272

By

Michael Erbe
Chief Engineer

[Signature]



**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 1, 2008

6290-3

Wayne Lindberg
Lindberg Specialties LLC
13415 Larkin Dr
Minnetonka MN 55305

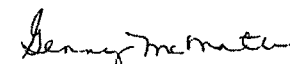
Dear Mr. Lindberg:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for Water Permit No. 6290-3. The transfer has been completed. The water permit, formerly held by Pannar Seed Inc is now listed in the name of "Lindberg Specialties LLC".

Enclosed is your Receipt No. 03272 in the amount of \$2.50. You may keep this 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

Lee Klocke

From: Wayne Lindberg [wlindberg@sunbird-inc.com]
Sent: Wednesday, March 26, 2008 1:54 PM
To: Lee Klocke
Cc: Terry Brown; Sherry King
Subject: water well- north plant

Lee,

Next week you will be visited by the SD Dept of Water Rights.

Mike DeFea 605 -773 -3352 will call to confirm, he is thinking AM April 1.

He will be checking location of well, gps coordinates etc.

He wants the pump details: Gouldes 10GS 10 gallons per minute 1/2 horse

Wayne

--

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.519 / Virus Database: 269.22.0/1343 - Release Date: 3/25/2008 7:17 PM

Permit No. 6290-3
James 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, **April 22, 2008**, made a thorough examination of the water use system constructed by **Lindberg Specialties** of **13415 Larkin Dr., Minnetonka, MN 55303** holder of Permit No. **6290-3**, bearing the priority of **January 23, 2002** authorizing the diversion of **0.033** cu. ft. per second of the waters of **Floyd East James Aquifer** for **Commercial** purposes, in **Beadle** County.

Inspection contact & relationship to permit holder, if applicable: **Wayne Lindberg (952) 544-5358**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **125** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5** inches
- 2) Length **115** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **10** feet
- 3) Static water level **30** feet

Pump:

- 1) Make **Goulds**
- 2) Model **10GS**
- 3) Size **½ hp**
- 4) Capacity **10** GPM

B. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2570 feet east and 840 feet north of the SW corner of Section 32-T111N-R61W
(N 44.36929, W -98.14784) (SE ¼ SW ¼).

The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for Commercial use.

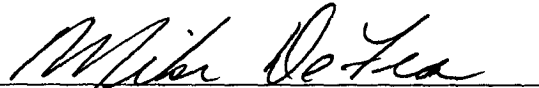
Water has been put to beneficial use to the maximum extent as follows:

Water is used for various purposes at the seed plant.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

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



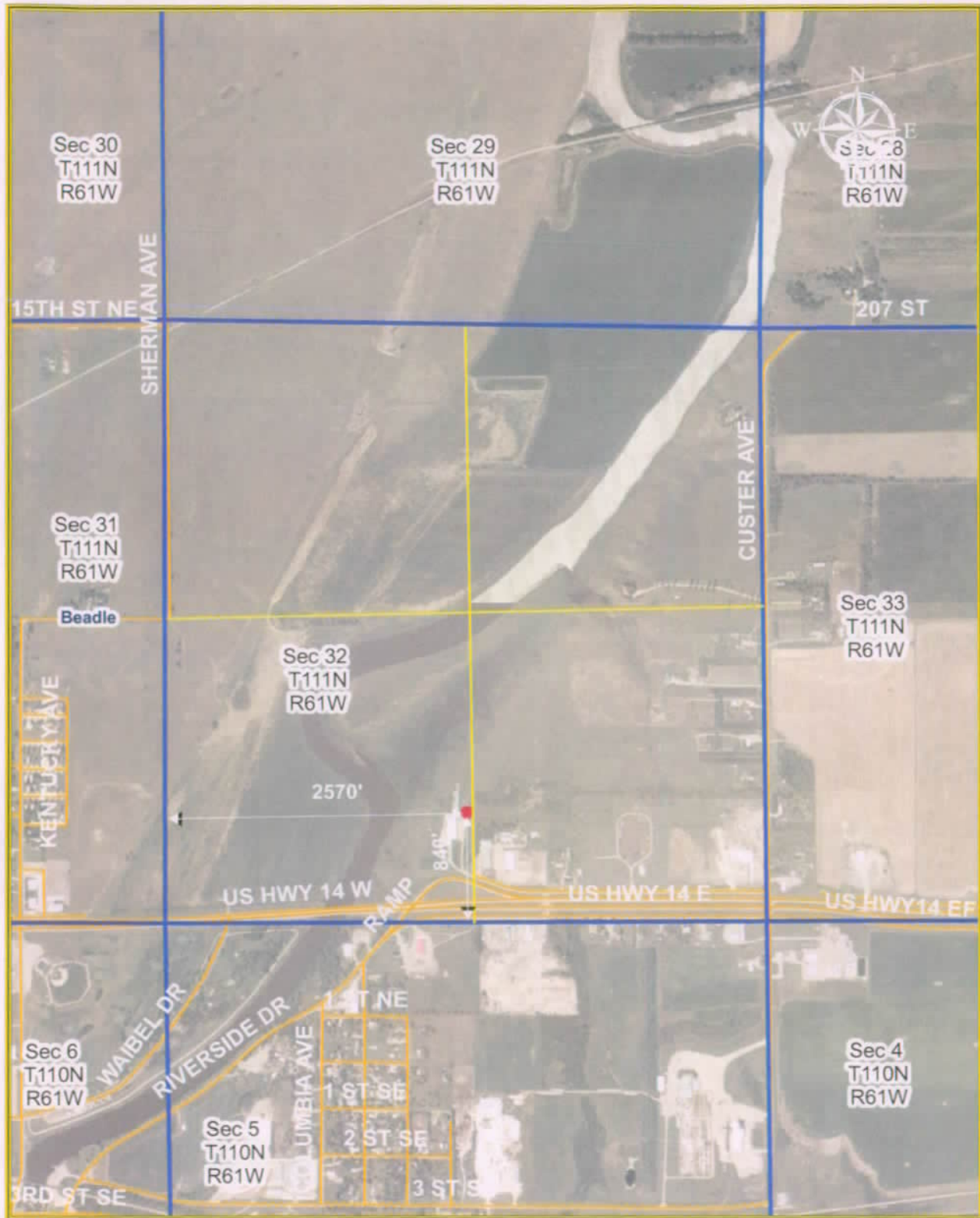
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: March 20, 2009

Water Permit No. 6290-3

Lindberg Specialties



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
March 20, 2009



0 800 1,600 3,200 Feet



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 15 2009

6290-3

Wayne Lindberg
Lindberg Specialties LLC
13415 Larkin Dr
Minnetonka MN 55305

Dear Mr. Lindberg:

Enclosed is your Water License No. 6290-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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. 6290-3, 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. 6290-3

(1) Pannar Seed Inc, Huron SD made Application No. 6290-3, January 23, 2002 for a water permit to divert 0.033 cubic feet of water per second (15 gallons per minute) from ground water (one well – Floyd East James Aquifer), Beadle County, South Dakota for commercial purposes. Permit No. 6290-3, with a priority date of January 23, 2002 was approved March 25, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 25, 2007 and for the application to beneficial use of said water on or before March 25, 2011.

Water Permit No. 6290-3 was transferred December 19, 2007 from Pannar Seed Inc to Lindberg Specialties, LLC, 13415 Larkin Dr, Minnetonka, MN 55305.

(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 0.022 cubic feet of water per second (10 gallons per minute) for beneficial use.

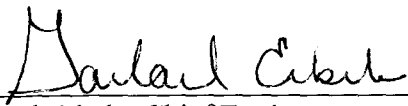
The location of the diversion point is approximately 2570 feet east and 840 feet north of the SW corner of Section 32, T111N, R61W (SE ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lindberg Specialties, LLC, 13415 Larkin Dr, Minnetonka, MN 55305 the holder and/or owner of Water Right No. 6290-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second (10 gallons per minute) from ground water (one well – Floyd East James Aquifer) with a priority date of January 23, 2002 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6290-3 and subject to the following qualification:

- 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.



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

JUN 15 2009

date

