

WATER PERMIT NO. 6306-3

Name of Applicant: Jerry Bales

Address: 1457 Washington Dr., Huron SD 57350

Phone: 605 352-2002

Amount of Water Claimed: 0.21 cfs (95 gpm)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial use

County: Beadle

Type of Waste Disposal System:

Location: 2 miles southeast of Huron

PRIORITY Date Received: 2-22-02

Fee: \$225

Corrected Application Received: 2-27-02

Period of Annual Use: January 1 – December 31

Remarks: existing feedlot

Diversion Point: W ½ NE ¼ Sec 29-T110N-R61W

Land to be Irrigated: NA

Depth of Well: 1035' ± 900'

Well Driller: : Huron Drilling

Remarks:

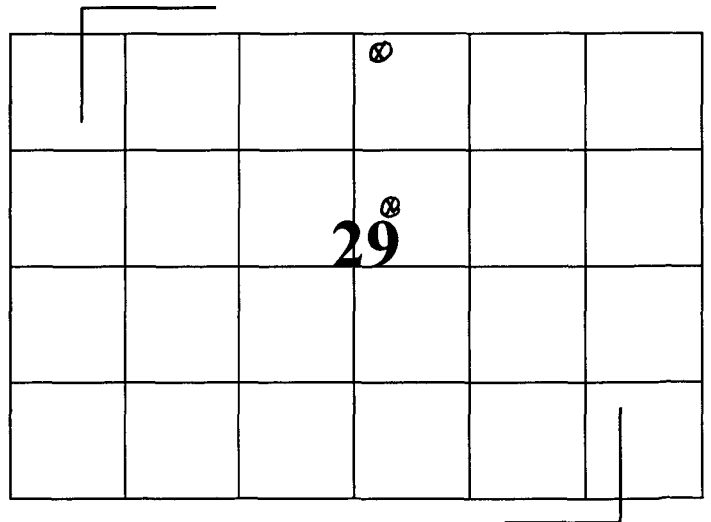
Type of Map: aerial

Prepared by: Randall M. Hoscheid, PE

Reviewed and the Number Assigned on: 2-27-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6306-3**

Date of first receipt of application February 22, 2002.

The Water Management Board approved Water Permit Application No. 6303-3 on July 10, 2002 for Jerry Bales, 1457 Washington Drive, 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. 6306-3 appropriates 0.21 cubic feet of water per second (95 gallons per minute) from 2 existing wells (Dakota Formation) 1035 and 900 feet deep located in the W ½ NE ¼ Section 29-T110N-R61W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use at a cattle feedlot 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 22, 2002.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6306-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 31 2002

date



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

Mail to: Water Rights Program Joe Foss Building 23 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6306-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Plainsman, Huron</u>	

RECEIVED
FEB 22 2002
WATER RIGHTS
PROGRAM

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.) _____

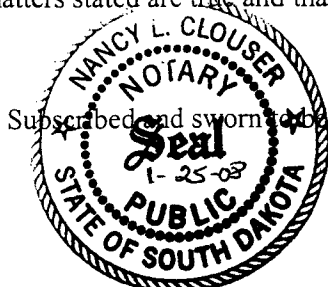
Name of Applicant JERRY BALES Phone (605) 352-2002
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1457 WASHINGTON DR HURON State SD 57350
(Street, RR, or Box and City) (Zip Code)
Amount of water claimed 0.21 *CFS or 95 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
Source of water supply groundwater 2 wells (deep)
Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 110N 16W
Sec 29 County BEADIE
County or counties where water will be used BEADIE
Annual period during which water is to be used JAN - 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)

STATE OF SOUTH DAKOTA)
County of BEADIE 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, JERRY BALES, 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

Jerry Bales

Subscribed and sworn to before me this

20

day of

February

2002

Nancy L. Clouser
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

SEE ATTACHED - LOGS

- 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 _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

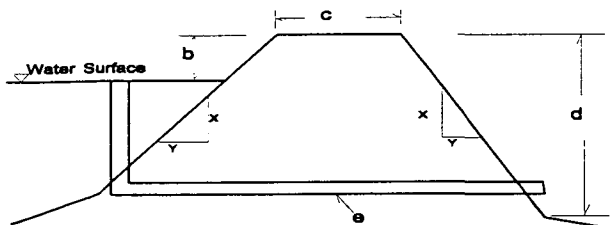
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

HAFF



- 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

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

HURON DRILLING CO.

YEAR COMPLETED 1980

Mr. Dick Flanery

P. O. Huron, SD 57350

Phone

Tenant Irrigation Farm

Tenant P. O.

Location N. 29-110-61-Beadle County

Size 2" Sch. 80 Plastic

Com. Mated November 29, 1980

By Earl Osberg-John G. Guilford

Sig. No. 10

Contract Enclosed - Nov. 24, 1980

By Earl Osberg

Invoice Enclosed

Well Report Enclosed

Drillers Log Enclosed

WELL REPORT

Huron County
N. 29-110-61

November 25, 1980

DESCRIPTION

DATE

CASING LOG

Depth	1025 ft.	110 ft.	ft. 4" Sch. 40 Plastic	pipe to	110 ft.
Flows	60 gpm				
Pumps	rpm	920	ft. 2" Sch. 80 Plastic	pipe to	1020 ft.
Head	ft.	6	ft. 1" Sch. 80 Plastic	pipe to	1025 ft.
200 ft. perforated bottom				pipe to	ft.

REMARKS

The hole is filled with sand around the outside
1 - 5" Drug Bit; 2 - 40" V35

K.H. Osberg - John Guilford
Foreman

1jm



HURON DRILLING INC. DRILLERS LOG On Irrigation Farm, Huron, SD

PAGE NO. 1

Dick Flanery

JOB NAME

NE-29-110-61-Bendle Co.
LOCATION

Nov. 24, 1980
DATE

10
RIG NO.

John Guilford
FOREMAN

DEPTH	TIME	REMARKS
20	9:10	Sand and yellow clay
40	9:25	36 Top of blue clay
60	9:35	Blue clay
80	10:45	Blue clay with gravel stringers
100	11:00	Blue clay
120	11:11	Blue clay
140	11:35	128 Top of shale?
160	11:45	
180	12:01	
200	12:16	
220	12:30	
240	12:49	
260	3:25	270 HS
280	3:48	277 HS
300	4:00	284 HS
		290 HS
320	4:25	
340	4:46	329 HS
360	5:00	352 HS
380	5:14	
400	5:30	
420	5:45	
440	6:00	
460	6:20	Tuff
480	6:39	464 HS
		468 HS
500	END	487 HS
520	9:40	Reamer on
540	10:00	
560	10:20	
580	10:40	575 HS
600	11:00	
620	11:17	618 HS
640	12:00	630 HS
		636 HS
		636 - 640 Tuff
662	1:48	642 HS
		651 HS
		642 - 651 Tuff
680	2:10	683 HS
700	2:25	700 HS

Reamed off at 662'



HURON DRILLING INC. DRILLERS LOG On Irrigation Farm, Huron Co. Dak. PAGE NO. 2

Dick Flanery

JOB NAME

NE-29-110-61-Beadle Co.
LOCATION

Nov. 25, 1980
DATE

10
RIG NO.

John Guilford
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
36	720	2:50	
37	740	3:12	
38	760	3:30	
39	780	3:49	
40	800	4:15	
41	820	4:39	817 HS
42	840	RNO	
43	860	11:30	4 1/2 V3S Bit
44	880	12:20	870 - 880 Poor sand
45	900	1:00	883 - 885 Fair sand
			885 - 890 No good
			890 - 895 Good sand
46	920	1:50	900 - 920 No good
47	940	2:15	925 - 930 Good sand
			938 HS
			930 - 940 No good
48	960	3:07	940 - 945 No good
			945 - 960 Good sand
49	980	3:25	960 - 980 Good sand
50	1000	3:45	980 - 985 Good-fair sand
			985 - 992 No good
			993 - 1000 Good sand
51	1020	4:30	1000 - 1005 Good sand
			1005 - 1008 No good
			1008 - 1013 Good to fair sand
52	1035		1020 - 1040 No good
			4 1/2 V3S Bit



✓ Huron S. D., Nov 10 1903

COMPLETED WELL FOR

Hester + Thompson

Postoffice address Huron

Depth 900 ft. Flows 120 gallon per minute

Well located on _____ quarter, Sec _____ T _____ R _____

Started work on well Oct 30 1903

Well completed Nov 8th 1903

138 feet 3" bl pipe

900 feet 2" galv pipe

_____ feet _____ pipe

_____ feet _____ pipe

40 feet perforated pipe

Location of perforations bottom

Extra 1-2 # Tee

2 - " Elbows

REMARKS:

1 1 1/4 " "

Iver Erickson

Manager Rig No. 11

*State what pipe you have on hand after completion of this well.

Huron, South Dakota
WELL REPORT
 Beadle County
 N.E.-29-110-61

HURON
 DRILLING CO.
 Huron, S.D.

August 17, 1978

DATE

DESCRIPTION

CASING LOG

OWNER

Depth	93	ft.	93	ft.
Flows		gpm	4" Sch. 40	pipe to
Pumps	100	gpm	ft. Plastic	
Head	31	ft.	ft.	pipe to
40 Ft. Slotted @ bottom			ft.	pipe to
Perforations			ft.	pipe to

REMARKS
 2,000# Buckshot Gravel

Pressure
 1 day
 Drilling Time

Rig No. 19

David Mendal

Foreman

LV



HURON DRILLING CO.

YEAR COMPLETED 1978

Mr. Richard Flanery
 Jim Westerberg
 P. O. Huron, South Dakota 57350

Phone 352-8142-Jim Westerberg

Tenant

Tenant P. O.

Location N.E.-29-110-61-Beadle County

Size 4" Sch. 40 Plastic

Completed August 16, 1978

By David Mendal

FOREMAN

Rig No. 19

Contract Verbal

By Karl Osberg

Invoice Enclosed

Well Report Enclosed

Drillers Log Enclosed

PAGE NO.

01173

19

LOCATION County

DATE _____

FIG NO.

FOREMAN

45 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 7

AUG 1978
RECEIVED
STATE WATER
RIGHTS COMM.

NOT TO SCALE

← D collector pond To hill S.D.

⑤ Feedlot
33.8 Ac.
Well #1
9

② RANGELAND
76.2 Ac.

Well #2
1038'

\$17,000⁰⁰
cost
Shed

Dredg

Sanborn Dam hagoon
evaporation
150' x 10-15'



75.7

18.9

110-61

⑤

12.2

56.6

6306-3 NC

11-1347
53.1

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417091

Pierre, February 22, 20 02

RECEIVED OF Jery Bales, PO Box 1337, Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>10306-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>10306-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2002

RECEIVED

FEB 27 2002

WATER RIGHTS
PROGRAM

Jerry Bales
1457 Washington Dr.
Huron SD 57350

Dear Mr. Bales

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use.

Enclosed is the aerial photo map submitted with the application. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2002

Jerry Bales
1457 Washington Dr.
Huron SD 57350

Dear Mr. Bales:

After further review of your *Application for a Permit to Appropriate Water* it was unclear to us what the depths of the two wells are. Three well logs were submitted. The aerial photo map states that Well #2 is 1035 feet deep. What is the depth of Well #1? One log shows a depth of 900 feet and the other shows a depth of 125 feet. Which is correct?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

*called 3/8/02.
Well #1 - 900'
Well #2 1035'
would like correspondence
sent to:
Steve Bales
17456 Sunray Circle
Prior Lake MN 55372
#952 226-3006*

REPORT ON WATER PERMIT APPLICATION NO. 6306-3
For Jerry Bales
April 11, 2002

Application No. 6306-3 proposes to appropriate 0.21 cfs (95 gpm) from two existing wells 1035 and 900 feet deep located in the W ½ NE ¼ of section 29; T110N R61W in Beadle County. The water is for commercial use at a cattle feedlot.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under confined or artesian conditions at this site. The aquifer underlies 1,250 square miles and contains an estimated 18 million acre-feet of recoverable water in storage in Beadle County (Hedges, 1982). The Dakota Formation is estimated to attain a total thickness of about 350 feet in this area (Schoon, 1971). A driller's log for a well (probably well #2), indicates a 1035 feet deep well capable of free flowing about 60 gpm when it was drilled in 1980. Very little information is available for well #1 other than the reported depth.

The Water Rights Program does not monitor any Dakota Formation wells in this area. The nearest Water Rights observation well is HD-87A that is located about 28 miles west of this application. The USGS monitored wells completed into the Dakota Formation in Beadle County and one domestic well located about two miles southwest of this application. Water levels for this domestic well indicated declines approaching seven feet from 1963 to 1989 (Winter, 1994). The observation well HD-87A also shows declining water levels. A hydrograph for this well is included with this report (Water Rights, 2002). Water levels for this well have declined about 11 feet since 1989 or at a rate of about 0.8 feet per year. The declining water levels are primarily due to the large number of wells that have been allowed to flow uncontrolled to waste.

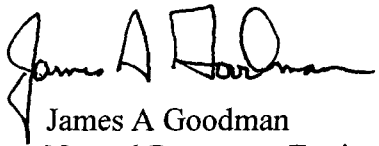
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Dakota Formation water right is No. 5504-3. This right is located about three miles southwest of this application. Interference is not a concern. These are all flowing wells and have been in use for many years. It may be necessary to install a pump to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota Formation is confined and under artesian conditions. Interference is not a concern even though drawdown will be created by this diversion. There are many flowing wells in the area that have been used for many years. It may become necessary to install pumps to maintain the amount of water needed.
3. These are existing wells. There is insufficient information available to determine if the wells have been constructed in accordance with SD Well Construction Standards.

4. Water levels (head pressure) have been declining in the Dakota Formation for many years. The rate of decline appears to slowing. This phenomena occurs because as the head pressure declines the rate of flows would decrease and the volume of water discharged then decreases in turn creating a situation where the rate of head loss decreases. In theory, when the discharge (from the pumped and flowing wells) approaches the volume equal to the recharge this would result in a situation approaching equilibrium (water levels remain steady).
5. These are free flowing wells and must be controlled to prevent the waste of water.
6. At this time no plans or specifications for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations have been submitted to the Department.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

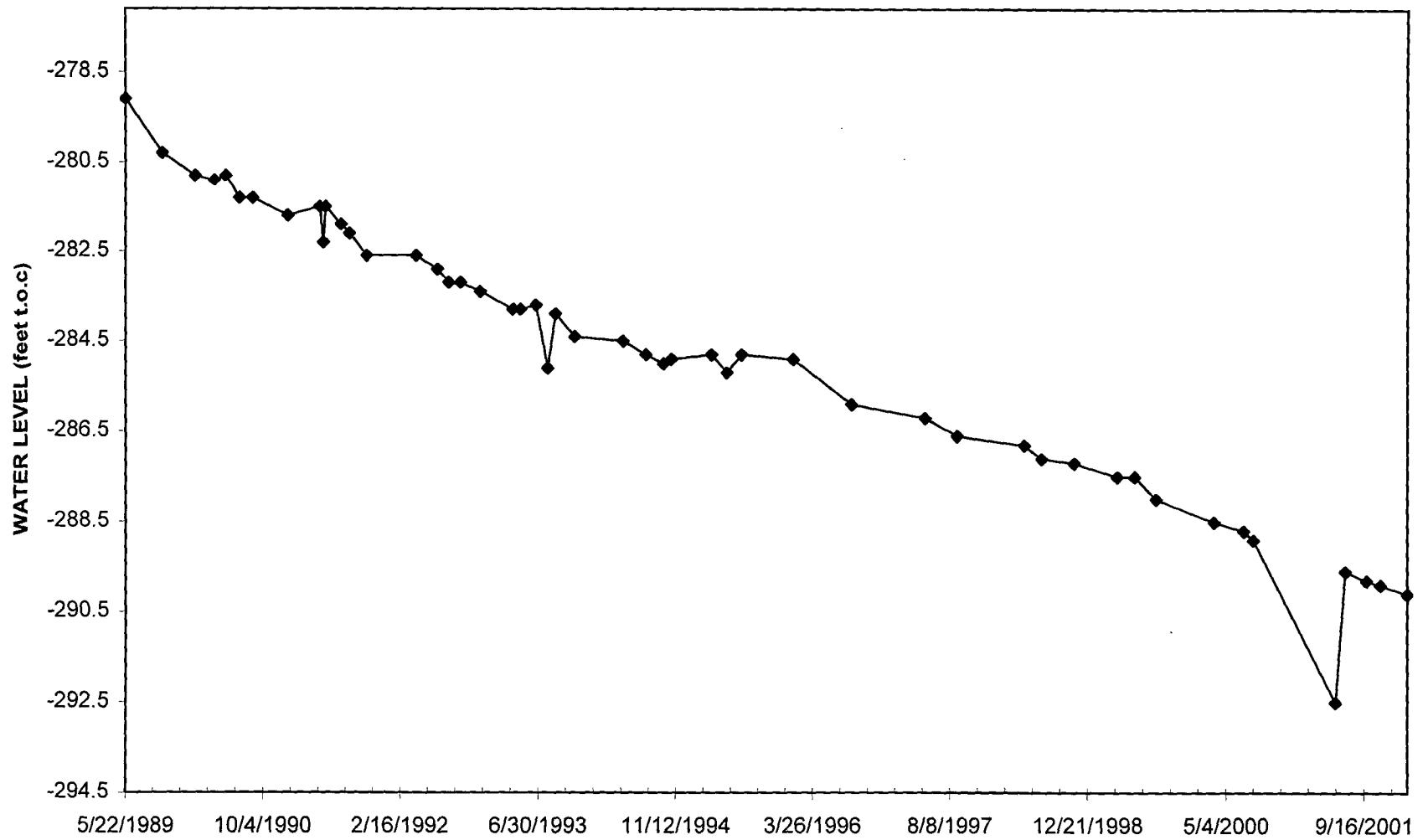
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Schoon, 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, Open-File Report 94-320, USGS, Rapid City, SD, 57702.

**WATER RIGHTS' OBSERVATION WELL
HD-87A**





**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. 6306-3, Jerry Bales**

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. 6306-3, Jerry Bales, 1457 Washington Drive, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6306-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6306-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 17, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 2002

The Plainsman
PO Box 1278
Huron, SD 57350-1278

ATTENTION: Legal Public Notice

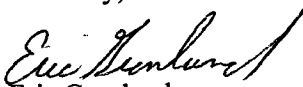
Enclosed is a Notice of Hearing on Application No. 6306-3 to Appropriate Water to be published twice. Please publish the first notice on May 29, 2002 with the second publication 7 days later.

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 Jerry Bales, 1457 Washington Dr., Huron, SD 57350 (Ph # 605-352-2002). *Steve Bales, 17456 Sunray Circle, Prior Lake MN 55372*

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-----

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

No. 6306-3

Date _____

We are in receipt of your letter of May 20, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6306-3 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.

May 20, 2002

Jerry Bales
1457 Washington Dr.
Huron, SD 57350

Steve Bales
17456 Sunray Circle
Prior Lake, MN 55372

Dear Mr. Bales:

Water Permit Application No. 6306-3 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.

Instruction to Newspaper - Publish first Notice on May 29, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6306-3 to Appropriate Water

Notice is given that Jerry Bales, 1457 Washington Dr., Huron SD 57350 has filed an application for a water permit to appropriate 0.21 cubic feet of water per second (95 gallons per minute) from 2 existing wells (Dakota Formation) 1035 and 900 feet deep located in the W ½ NE ¼ Section 29-T110N-R61W. The water is for commercial use at a cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6306-3 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 June 28, 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.

The Water Management Board will consider this application at the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD at 10 A.M., July 10, 2002. 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 July 10, 2002 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 June 28, 2002.

Any hearing may be an adversarial 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 June 28, 2002, 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.

PRINTER'S AFFIDAVIT

RECEIVED

JUN 19 2002

**WATER RIGHTS
PROGRAM**

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 250 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. 6406-3 to Appropriate Water/
Jerry Bales

was published for three 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 29th day of May, 2002 and the last publication on the 5th day of June, 2002. That the full amount of the fee charged for publishing the same, to wit Fifty-four and 26/100 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 17th day of June, 2002.

Shanon Pirner
Notary Public, South Dakota

My term expires 12/28/07

Legal # 198

FP.5-29-02 L.P.6-5-02
**NOTICE OF APPLICATION
NO. 6406-3 TO
APPROPRIATE WATER**

Notice is given that Jerry Bales, 1457 Washington Dr., Huron SD 57350 has filed an application for a water permit to appropriate 0.21 cubic feet of water per second (95 gallons per minute) from 2 existing wells (Dakota Formation) 1035 and 900 feet deep located in the W½ NE¼ Section 29-T110N-R61W. The water is for commercial use at a cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief engineer recommends APPROVAL of Application No. 6306-3 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 June 28, 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.

The Water Management Board will consider this application at the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD at 10 A.M., July 10, 2002. 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 July 10, 2002 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 June 28, 2002.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 31 2002

Jerry Bales
1457 Washington Dr
Huron SD 57350

Dear Mr. Bales:

Enclosed is Water Permit No. 6306-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

A handwritten signature in black ink that reads 'Garland Erbele'.

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

enclosures

Permit No. 6306-3
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 21, 2008, made a thorough examination of the water use system constructed by Jerry Bales of 1457 Washington Dr., Huron, SD 57350 holder of Permit No. 6306-3, bearing the priority of February 22, 2002 authorizing the diversion of 0.21 cu. ft. per second of the waters of the Dakota Formation for Commercial purposes, in Beadle County.

Inspection contact & relationship to permit holder, if applicable: **Jerry Bales 352-2002, Steve Bales 354-2130**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling and an Unknown Drilling Firm
- 2) No. of Wells 2
- 3) Depth(s) 900 and 1,035 feet
- 4) Well log is available Y
- 5) Comment: Very little is known about these wells other than their depths

Pump:

- 1) Make Jacuzzi
- 2) Model IRM2-S
- 3) Size 1 hp
- 4) Capacity 20 GPM

B. Compliance with Permit Requirements:

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

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

North Well: Approximately 150 feet south and 2,230 feet west of the NE corner of Section 29-T110N-R61W (N 44.31210, W -98.18353) (NW ¼ NE ¼)

South Well: Approximately 1,985 feet south and 1,925 feet west of the NE corner of Section 29-T110N-R61W (N 44.30771, W -98.18283) (SW ¼ NE ¼)

Report of Examination of Works

Permit No. 6306-3

The works are capable of diverting and conveying to the place of use 0.07 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.07 cfs.

All structures, wells and lands on map Y

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

Information received from Pullman Well Drilling indicates the south well is capable of producing 12 gpm.

Information obtained from the manufactures web-site indicates the north well has a maximum pumping capacity of 20 gpm for deep well installations for a combined 32 gpm (0.07 cfs) for the two wells.



Mike DeFea

Natural Resources Engineer

DENR, Water Rights Program

Date report completed: December 20, 2010

Water Permit No. 6306-3

Jerry Bales



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 20, 2010

0 700 1,400 2,800 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 11 2011

6306-3

Jerry Bales
1457 Washington Dr
Huron SD 57350

Dear Mr. Bales:

Enclosed is Water License No. 6306-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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. 6306-3

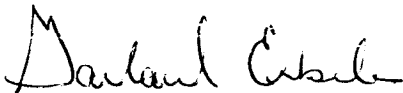
(1) Jerry Bales, 1457 Washington Dr, Huron SD 57350 made Application No. 6306-3, February 22, 2002 for a water permit to divert 0.21 cubic feet of water per second from groundwater (two wells), Beadle County, South Dakota for commercial use purposes. Permit No. 6306-3, with a priority date of February 22, 2002 was approved July 10, 2002 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6306-3 is issued a license, bearing a priority date of February 22, 2002 to appropriate 0.07 cubic feet of water per second from groundwater (two wells) for commercial use purposes.

The diversion points are located: North well – approximately 150 feet south and 2,230 feet west of northeast corner (NW ¼ NE ¼) and South well – approximately 1,985 feet south and 1,925 feet west of the northeast corner (SW ¼ NE ¼); both in Section 29-T110N-R61W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6306-3 including the following now applicable qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Permit No. 6306-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



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

FEB 11 2011

date

