

WATER PERMIT NO. 6308-3

Name of Applicant: Big Sioux Nursery, Inc.

Address: 16613 Sioux Conifer Rd, Watertown SD 57201

Phone: 605 886-6806

Amount of Water Claimed: no add'l

Total Acres: 18.75 acres

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation

County: Codington

Type of Waste Disposal System:

Location: 3 miles north of Watertown

PRIORITY

Date Received: 3-1-2002

Fee: \$150

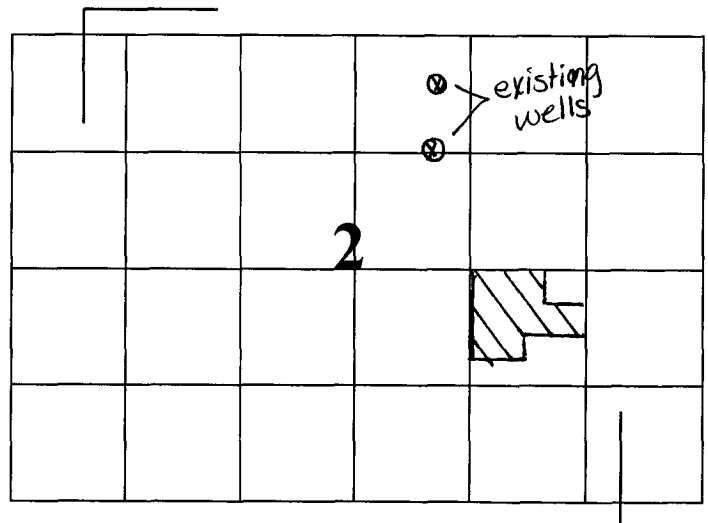
Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks: will use the 2 wells authorized by Water Right No. 4822-3 – requesting no add'l water

Diversion Point: NW ¼ NE ¼ Sec 2-T117N-R53W

Land to be Irrigated: NE ¼ SW ¼ Sec 2-
T117N-R53W



Depth of Well: 57

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Krecia Leddy, NRCS Codington Co.

Reviewed and the Number Assigned on: 3-1-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6308-3**

Date of first receipt of application March 1, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6308-3 to Big Sioux Nursery, Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 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. 6308-3 authorizes irrigation of 18.75 additional acres. Water Right No. 4822-3 authorizes 1.90 cubic feet of water per second from two wells (Big Sioux:North Aquifer) 57 feet deep located in the NW ¼ NE ¼ Section 2 to irrigate 133 acres located in the NE ¼ Section 2; all in T117N-R53W. This permit irrigates 18.75 additional acres located in the NE ¼ SE ¼ Section 2-T117N-R53W. No increase in the diversion rate is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – November 30.
3. The date from which applicant may claim right is March 1, 2002.
4. The date of approval of Permit No. 6308-3 is May 2, 2002.
5. One-fifth of the construction is to be completed on or before November 2, 2004.
6. All construction is to be completed on or before May 2, 2007.
7. Water is to be put to beneficial use on or before May 2, 2011.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 31 2002

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6308-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Public Opinion, Watertown</u>	

RECEIVED
MAR - 1 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

- Name of Applicant Big Sioux Nursery, Inc. Phone (605) 886-6806
(check one) Owner X Tenant/lessee
Mailing Address 16613 Sioux Conifer Rd Watertown State SD 57201
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed add'l *CFS or **GPM ***AF Total Acreage 18.75
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water (2 existing wells)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 of NE 1/4 of Sec 2 T117N R53W County Codington
- County or counties where water will be used Codington
- Annual period during which water is to be used March 1 - November 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
N 1/2 of NW 1/4 of NE 1/4 of SE 1/4 of section 2 T117 R53W	5	S 1/2 of N 1/2 of NE 1/4 of SE 1/4 of sec 2 T117 R53W	10
W 1/2 of NW 1/4 of NE 1/4 of NE 1/4 of SE 1/4 of sec 2 T117 N R53W	1.25	N 1/2 of N 1/2 of SW 1/4 of NE 1/4 of SE 1/4 of sec 2 T117 R53W	2.5

8. Give a description of the project. (Attach sheet if more space is needed)
We are applying for additional acreage use on our existing water right permit #822-3. This land will be incorporated into a rotational use with the present Big Sioux Nursery land. We will use overhead irrigation pipe to tie the two pieces of property to the Nursery irrigation system.

STATE OF SOUTH DAKOTA) SS
County of Codington

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, Blaine F. MARTIAN Executive Director, 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 Blaine F. Martian

Subscribed and sworn to before me this 28th day of February 20 02

Verona J. Goens
Notary Public signature

DRILLER'S LOG OF WELL

Codington

probable 117-53-2 ucaa

Location of Well: SW 1/4, NE 1/4, Section 2, Township 117N, Range 53W

Well to be drilled for: Dept. of Game, Fish, and Parks, (Name) (Address) Pierre, S.D.

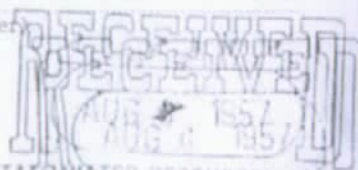
Owner of land (if other than above): Same (Name) (Address)

Date well drilling started 18 July 57 finished 23 July 57

Purpose of well: Irrigation (domestic, irrigation, municipal, industrial, other)

Diameter
inches

McMahon Topo 1735



Ground Surface Elevation: 1680 ft. (at available)

Kind and thickness of casing to be installed:

Steel 12 ft. 24"

Size of casing to be installed:

57 feet of 24" inches diameter
feet of inches diameter
feet of inches diameter

Type of seal between casing sizes:

Total capacity 800 GPM
with 14' of drawdown

Kind of perforated screen to be installed:

Material steel (steel, wood, concrete, etc.)

Size of screen:

Diameter 24" inches
Length 27 feet
Size openings 1 x 3/8 inches

1 Feet
3 Feet
11 Feet
25 Feet
17 Feet
Feet

topsoil

sandy clay
Describe kind of materials drilled through (add layers on back of form if necessary)

loose

small gravel

water - fine sand with clay evident

fine gravel with clay floccules

Water bearing material

1131/53

NOT TO SCALE



6308-3

Kecia Gaddy - legal description on form 2 accurate as written 2/28/02

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417107

Pierre, March 1, 2002

RECEIVED OF Big Sioux Nursery Inc., 16613 Sioux Conifer Rd., Watertown SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6308-3 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. 6308-3 _____

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 Ehle
Chief Engineer
gm

**BIG SIOUX NURSERY, INC.
16613 SIOUX CONIFER ROAD
WATERTOWN, SOUTH DAKOTA 57201-7538
PHONE 605-886-6806
Fax 605 886-7951
email - bsninc@dailypost.com**

Date: February 28, 2002

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Dear Eric Gronlund,

The Big Sioux Nursery is applying for additional acreage use on our existing water right permit #4822-3. On the enclosed map, I have highlighted our existing wells that are on permit #4822-3 in yellow. The blue lines are the underground irrigation pipe that feed the 2" overhead ground lines that are moved around the nursery. The pink lines are 6" above ground header pipe that is used to feed the 2" lines in these areas.

The green highlighted area to the south of the nursery is the proposed 18.75 acres to be irrigated. We have two options for irrigating this area. The first option would be to attach more overhead 6" line to our existing pipe on the south east corner of the nursery. That pipe would be brought through the shelterbelt and laid on the north side of the property. This is highlighted in orange. The other option is to connect to the underground pipe in the center of the nursery (purple line) and run the pipe underground up to the shelterbelt and then bring it above ground and go overhead pipe on the west side of the new property in the same fashion as we proposed in the first option. Irrigation lines with sprinklers similar to the ones used in the nursery would be used to irrigate the area from the header pipe.

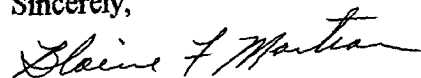
We are at capacity with the ground that is in production on the nursery property. We need more land so that we can idle some of the acres in the nursery. The new land will be put into a rotational cycle with the rest of the nursery. Some acres in the nursery will be idle for a year or so when we plant trees into the proposed area to the south. Then as needed those idle acres will be brought back into production.

Water permit #5575-3 is for the well that is in the NW corner of the nursery. This well is used for filling water tanks etc. This well is not tied into the underground water system. The other two wells are connected.

Krecia Leddy, whose name appears at the bottom of the map, is an employee of the NRCS in Codington county.

If you have any questions please give me a call at the above number. Thank you for your time and consideration.

Sincerely,



Blaine F. Martian
Executive Director

REPORT ON WATER PERMIT APPLICATION NO. 6308-3
For Big Sioux Nursery, Inc.
March 25, 2002

Application No. 6308-3 proposes to irrigate an additional 18.75 acres. Water Right No. 4822-3 authorizes 1.90 cfs from two wells approximately 57 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 2 to irrigate 133 acres located in the NE $\frac{1}{4}$ of section 2; all in T117N R53W. This application proposes to irrigate 18.75 additional acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2, T117N R53W in Codington County. No increase in the diversion rate is authorized by this application.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux North is a fluvial aquifer consisting of poorly to well sorted outwash (sand and gravel) ranging from medium sand to medium gravel (Putnam, 1996). The aquifer is under water table conditions in this area. The aquifer underlies 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). Recharge to the aquifer ranges from four to ten inches per year (Hansen, 1988). Ground water movement is from basically from north to south with locally, movement toward the Big Sioux River. The aquifer is hydraulically connected to the Big Sioux River, Mud creek, and area lakes Pelican, Still and Kampeska.

Well logs filed with the application indicate sand and gravel from near the land surface to a depth of 45 to 57 feet below land surface. One of the wells reportedly produced 800 gpm with 14 feet of drawdown (a specific capacity of 57 gpm/ft of drawdown). Both of the wells have been in use for many years with no particular problems.

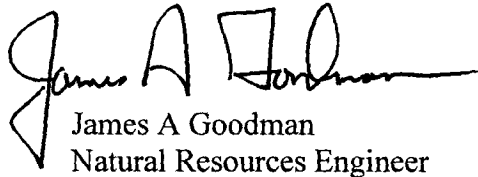
The Water Rights Program monitors four observation wells within a two-mile radius of this application and completed into the Big Sioux North aquifer. Water levels for these wells show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). Hydrographs for observation wells, CD-76B and CD-77F, located about 1 1/2 miles northeast and southeast of this application respectively, are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 5575-3. That right is located on the same property and used by the Big Sioux Nursery, Inc. Interference is not a concern. The distance between wells is sufficient to minimize any potential effects of pumping. The next nearest existing water permits/rights are located more than one mile away from this application. These rights/permits have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The aquifer is under water table conditions and pumping does not create significant drawdown. The distance between wells is sufficient to minimize any potential impacts. Interference is not a concern.
3. This is simply an application to add 18.75 acres of land to an already irrigated area. No increase in the diversion rate is authorized by this application.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

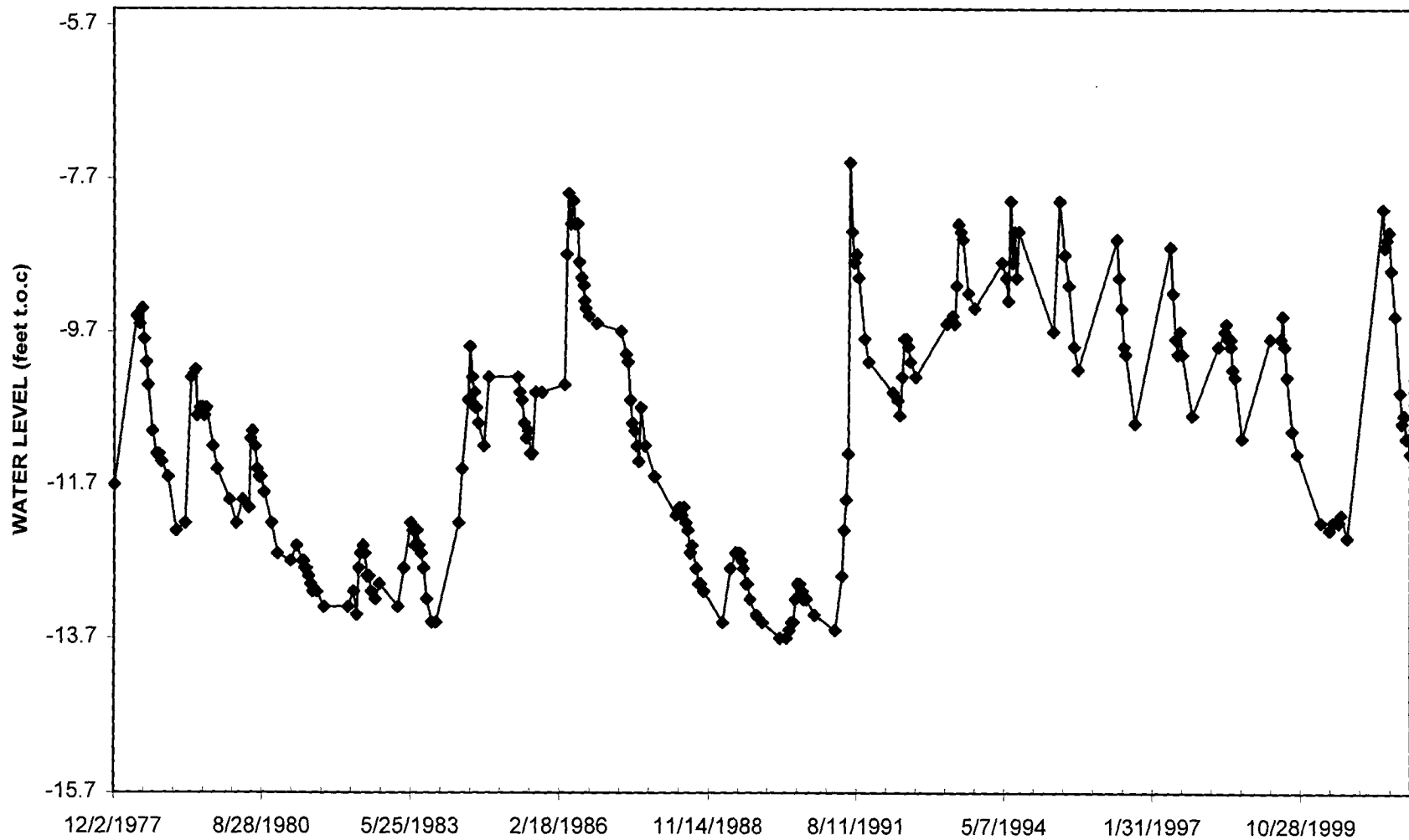
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

Hansen, D.S., 1988, Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota, WRI 87-4057, USGS, Huron, SD, 57350.

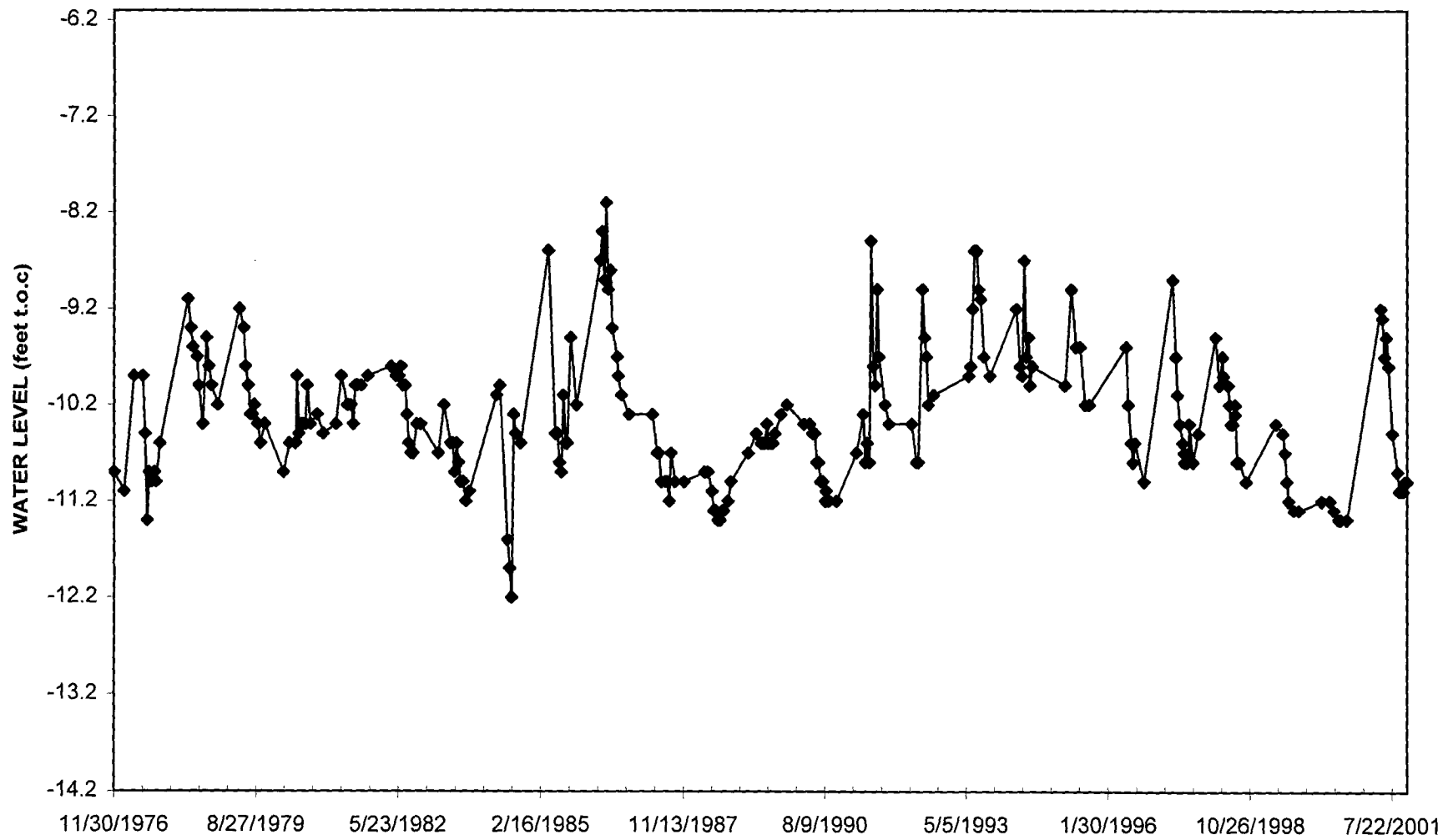
Putnam, L.D., R.C. Thompson, 1996, Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota, WRI 96-4275, USGS, Rapid City, SD, 57702.

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

**WATER RIGHTS' OBSERVATION WELL
CD-77F**



**WATER RIGHTS' OBSERVATION WELL
CD-76B**





**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. 6308-3, Big Sioux Nursery, 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. 6308-3, Big Sioux Nursery, Inc., c/o Blaine F. Martian, 16613 Sioux Conifer Rd, Watertown SD 57201

The Chief Engineer is recommending APPROVAL of Application No. 6308-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 5, 2002

WATERTOWN**NOTICE OF APPLICATION
NO. 6308-3 - to Appropriate
Water**

Notice is given that Big Sioux Nursery, Inc., 16613 Sioux Conifer Rd., Watertown, SD 57201 has filed an application for a water permit to irrigate 18.75 additional acres. Water Right No. 4822-3 authorizes 1.90 cubic feet of water per second from two wells (Big Sioux: North Aquifer) 57 feet deep located in the NW 1/4 NE 1/4 Section 2 to irrigate 133 acres located in the NE 1/4 Section 2; all in T117N-R53W. This application proposes to irrigate 18.75 additional acres located in the NE 1/4 SE 1/4 Section 2-T117N-R53W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6308-3 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 May 2, 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. Pirmer, Secretary
Department of Environment and Natural Resources

(April 15, 22, 2002)

8375

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 15th, 2002

April 22nd, 2002

Cost of Printing \$83.70

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

April 22nd, 2002

(Date Signed)

RECEIVED

APR 24 2002

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on April 15, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6308-3 to Appropriate Water

Notice is given that Big Sioux Nursery, Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 has filed an application for a water permit to irrigate 18.75 additional acres. Water Right No. 4822-3 authorizes 1.90 cubic feet of water per second from two wells (Big Sioux: North Aquifer) 57 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 to irrigate 133 acres located in the NE $\frac{1}{4}$ Section 2; all in T117N-R53W. This application proposes to irrigate 18.75 additional acres located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2-T117N-R53W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6308-3 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.

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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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2002

Public Opinion
PO Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6308-3 to Appropriate Water to be published twice. Please publish the first notice on April 15, 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 Big Sioux Nursery Inc., %Blaine Martian, Executive Director, 16613 Sioux Conifer Rd., Watertown, SD (Ph # 605-886-6806).

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. 6308-3

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

Date _____

We are in receipt of your letter of April 8, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6308-3 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.

April 8, 2002

Big Sioux Nursery, Inc.
% Blaine F. Martian, Executive Director
16613 Sioux Conifer Rd.
Watertown, SD 57201

Dear Mr. Martian:

Water Permit Application No. 6308-3 for irrigation 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 Public Opinion printed at Watertown, SD (Ph # 605-886-6901). 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

MAY 31 2002

Big Sioux Nursery, Inc.
% Blaine F. Martian, Executive Director
16613 Sioux Conifer Rd.
Watertown, SD 57201

Dear Mr. Martian:

Enclosed is Water Permit No. 6308-3 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 10/17/02

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

RECEIVED

OCT 17 2002

WATER RIGHTS
PROGRAM

FROM: Big Sioux Nursery, Inc.
(name)
16613 Sioux Conifer Rd
(address)
Watertown, SD 57201 605 886-6806
(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. 6308-3 states that the water use system is to be constructed by May 2, 2007, and water is to be put to beneficial use by May 2, 2011.
(date) (date)

The water use system was completed on Sept. 20, 2002.
(date)

Applying the water to beneficial use was completed on Oct. 10, 2002.
(date)

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

Shirley F. Marton
(signature) *Executive Director*



6308-3

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

Date July 28, 2003

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

RECEIVED

JUL 30 2003

WATER RIGHTS
PROGRAMFROM: Big Sioux Nursery, Inc.
(name)16613 Sioux Conifer Rd
(address)Watertown, SD 57201
(city, state, zip)(605) 886-6806
(phone)

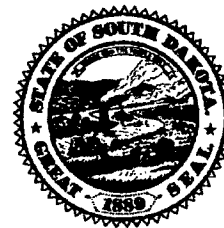
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6308-3 states that the water use system is to be constructed by 4/10/2007, and water is to be put to beneficial use by 4/10/2007.
(date) (date)

The water use system was completed on Oct. 30, 2002.
(date)

Applying the water to beneficial use was completed on Oct. 30, 2002.
(date)

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



Permit No. 6308-3
Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, October 26, 2005, made a thorough examination of the water use system constructed by Big Sioux Nursery, Inc. of 16613 Sioux Conifer Rd, Watertown SD 57201 holder of Permit No. 6308-3, bearing the priority of March 1, 2002 authorizing 18.75 additional acres, in Codington County.

Inspection contact & relationship **Blaine Martian (605) 886-6806**
to permit holder, if applicable:

A. Works used to transport water to place of use: 1) Type Plastic 2) Size 2 and 6 inches

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 Y
- 3) Exceptions to compliance are: None

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

Section 2-T117N-R53W	NE ¼ SE ¼	18.75 acres	NW ¼ NE ¼	40.0 acres
			SW ¼ NE ¼	30.0 acres
			NE ¼ NE ¼	33.0 acres
			SE ¼ NE ¼	30.0 acres
Total of				151.75 acres

All structures, wells and lands are on the map. Water Permit No. 6308-3 authorizes irrigation of 18.75 additional acres located in the NE1/4 SE1/4 Section 2-T117N-R53W with no increase in diversion rate. Water Right No. 4822-3 authorizes 1.90 cfs of water from two wells located in the NW1/4 NE1/4 Section 2 to irrigate 133 acres located in the NE1/4 Section 2; all in T117N-R53W.

Water Right No. 4822-3 should be incorporated into Water Permit No. 6308-3 authorizing the total diversion of 1.90 cfs and 151.75 total acres.

Priority dates are as follows: May 27, 1957	1.50 cfs (established by Water Right No. 483-3)
September 30, 1981	0.40 cfs (established by Water Right No. 4822-3)
March 1, 2002	18.75 acres in the NE ¼ SE ¼ Sec 2, (established by 6308-3)



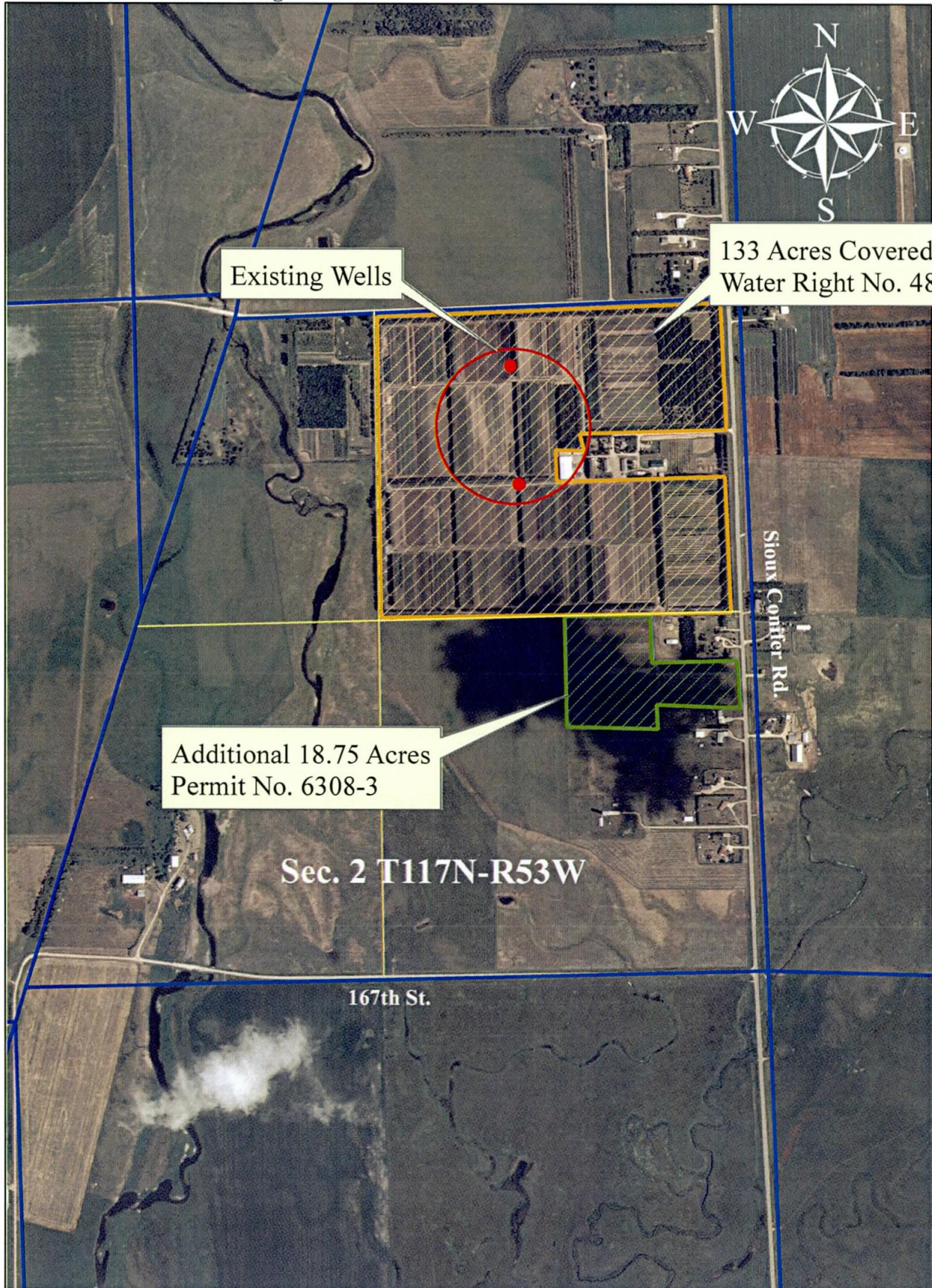
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **February 14, 2006**

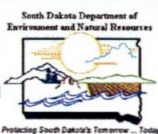
Big Sioux Nursery
16613 Sioux Conifer Rd.
Watertown, SD 57201-Codington Co.

Water Permit No. 6308-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 14, 2006



0 0.125 0.25 0.5 Miles

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6308-3

(1) Big Sioux Nursery Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 made Application No. 6308-3, March 1, 2002 for a water permit to irrigate an additional 18.75 acres from two existing wells (Big Sioux:North Aquifer) authorized under Water Right No. 4822-3 all located in Codington County, South Dakota. Permit No. 6308-3, with a priority date of March 1, 2002 was approved May 2, 2002 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, 2007 and for the application to beneficial use of said water on or before May 2, 2011.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on October 17, 2002. The *"Notice"* stated the water use system was completed on September 20, 2002 and the water placed to beneficial use on October 10, 2002.

Water Right No. 4822-3 authorizes diversion of 1.90 cubic feet of water per second (cfs) from two wells to irrigate 133 acres. No. 4822-3 carries priority dates of May 27, 1957 (1.50 cfs) and September 30, 1981 (0.40 cfs). Water Permit No. 6308-3 authorized additional acres with no increase in the developed diversion rate. The applicable portions of Water Right No. 4822-3 have been incorporated into this Water License No. 6308-3.

(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 1.90 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Well #1** – 1,320 feet S and 1,650 feet W of the NE corner, Section 2, T117N, R53W (NW ¼ NE ¼);
- **Well #2** – 430 feet S and 1,650 feet W of the NE corner, Section 2, T117N, R53W (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 to irrigate the following land:

Section 2, T117N, R53W			
NW ¼ NE ¼	40.00 acres	NE ¼ SE ¼	18.75 acres
SW ¼ NE ¼	30.00 acres	(March 1, 2002 priority date)	
NE ¼ NE ¼	33.00 acres		
SE ¼ NE ¼	30.00 acres		

Total of 151.75 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Big Sioux Nursery, 16613 Sioux Conifer Rd, Watertown SD 57201 the holder and/or owner of Incorporated Water Right No. 6308-3 is issued a license to appropriate water, the right to use 1.90 cubic feet of water per second from ground water (two wells – Big Sioux:North Aquifer) with priority dates of March 1, 2002 (18.75 acres), September 30, 1981 (0.40 cfs) and May 27, 1957 (1.50 cfs) from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

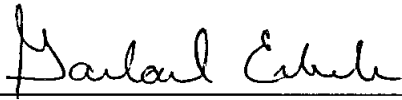
continued

Page 2

Water License No. 6308-3

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6308-3 and subject to the following qualifications:

- The wells authorized under this water license are located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 12 2006

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2008

6308-3
4822-3

Blaine Martian
Big Sioux Nursery Inc
16613 Sioux Conifer Rd
Watertown SD 57201

Dear Mr. Martian:

Enclosed is Water License No. 6308-3. This is the final water right document completing your process of obtaining a Water Right. Also included is the 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. 6308-3, 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

The applicable portions of Water Right No. 4822-3 have been incorporated into this Water License No. 6308-3.

enclosures