

**WATER PERMIT NO. 6317-3**

Name of Applicant: **Dakota Layers Cooperative**

Address: **PO Box 286, Flandreau SD 57028** Phone: **605 997-3704**

Amount of Water Claimed: **0.39 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **commercial** County: **Moody**

Type of Waste Disposal System:

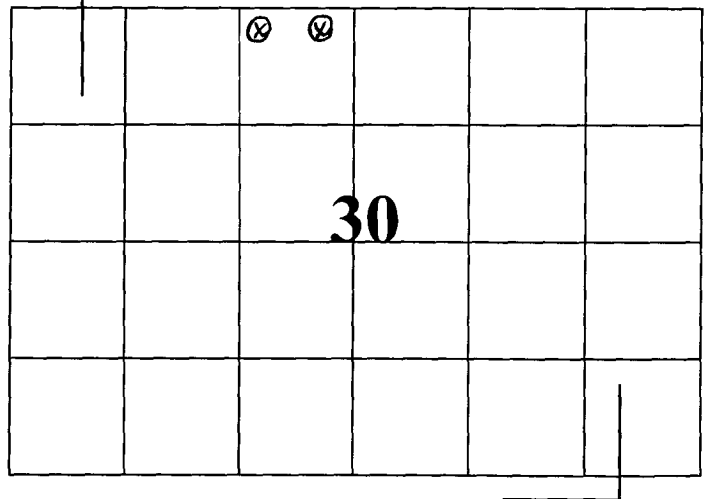
Location: **5 miles northwest of Flandreau**

**PRIORITY** Date Received: **3-29-2002** Fee: **\$250**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NE ¼ NW ¼ Sec 30-T108N-R48W**



Land to be Irrigated: **NA**

Depth of Well: **28 & 23 feet**

Well Driller: : **Lacey Well Drilling**

Remarks:

Type of Map: **topo**

Prepared by: **Kirk Lindgren, NRCS**

Reviewed and the Number Assigned on: **4-1-2002**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA  
WATER PERMIT NO. 6317-3**

---

Date of first receipt of application March 29, 2002.

The Water Management Board approved Water Permit Application No. 6317-3 on July 10, 2002 for Dakota Layers Cooperative, PO Box 286, Flandreau SD 57028 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. 6317-3 appropriates 0.39 cubic feet of water per second from two wells (Big Sioux:Moody Aquifer) 28 and 23 feet deep located in the NE ¼ NW ¼ Section 30-T108N-R48W.
2. The water appropriated shall be used for the purpose of commercial use in an egg laying facility and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is March 29, 2002.
5. One-fifth of the construction is to be completed on or before January 10, 2005.
6. All construction is to be completed on or before July 10, 2007.
7. Water is to be put to beneficial use on or before July 10, 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 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. Permit No. 6317-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. The wells authorized by Permit No. 6317-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. Permit No. 6317-3 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  
523 E. Capitol  
Pierre, SD 57501-3181  
(605) 773-3352

No. 6317-3 (office use only)  
Hydrologic Unit 10170203  
Basin Sioax River  
Newspaper Moody Co. Enterprise, Flandreau

RECEIVED  
MAR 29 2002  
AIR QUALITY  
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.) \_\_\_\_\_

1. Name of Applicant Dakota Layers Cooperative Phone (605) 997-3704  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address PO Box 286, Flandreau State SD 57028  
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed .39 \*CFS or 173 \*\*GPM 280 \*\*\*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 (2) Wells

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) (2) Wells in  
NE 1/4 NW 1/4 section 30-T108N-R48W  
County Moody

5. County or counties where water will be used Moody

6. Annual period during which water is to be used 12 Months Jan - 1 - Dec 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)

EGG LAYING FACILITY FIRST STAGE---- 750,000 LAYING HENS  
SECOND STAGE---- 1,500,000 LAYING HENS  
THIRD STAGE---- 2,000,000 LAYING HENS

STATE OF SOUTH DAKOTA)  
County of Moody 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, Scott Ramsdell, 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 Scott Ramsdell

Subscribed and sworn to before me this 26 day of March 20 02

Kari D. Ramsdell  
My Commission Expires  
January 21, 2002

Kari D. Ramsdell  
Notary Public signature

# Form 2A Supplemental Information

(Complete applicable portions only)

(type or print in ink)

## 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth # 1: 28' & #2: 23'
- b) Casing Type Steel Diameter 12" Thickness 3/8
- c) Screen Type Stainless Steel Diameter 12" Thickness 3/16
- d) Gravel Pack 3" Thick Length of Gravel Pack 15' to 2'
- e) Depth to Top of Water Bearing Material 5' to 6'
- f) Depth to Water (ground surface to water level) 5' to 6'
- g) Distance to nearest existing domestic well: \_\_\_\_\_

On applicants property 600' - 30' Deep

On property owned by others \_\_\_\_\_

## 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Making application for General Permit
- b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_
- c) Connected to the City of \_\_\_\_\_ Sanitary System \_\_\_\_\_

## 3. Dugout Information

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

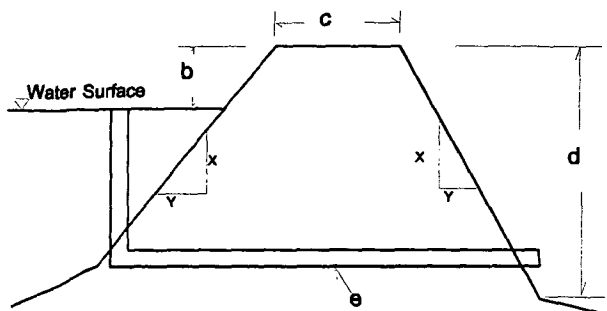
## 4. Water Storage Dams

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:

N/A

- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet



In Water Since 1946

Wells — Pumps  
Dewatering Work  
Test Drilling

# LACEY WELL DRILLING

RR 1 - Box 24  
Dell Rapids, South Dakota 57022  
Telephone (605) 428-5979

Down-Hole Camera  
Water Specialists  
Irrigation Supplies

Logs

3-23-02

Dakota Layers

West point

0-3 Topsoil  
3-5' Sand  
5-28' Good Gravel  
6'-static

East Point

0-3 Topsoil  
3-5' Sand  
5-23' Good Sand  
6'-static

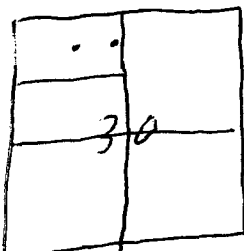
T.H.  
Location  
SEC 30  
Spring Creek Twp,  
Moody County  
108-N, 48-W

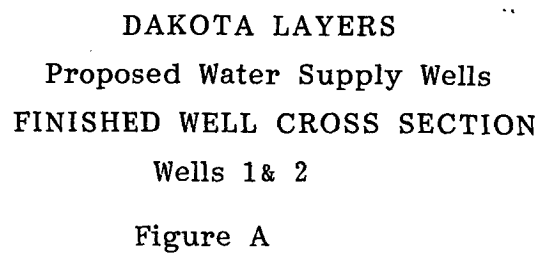
Both points pumped  
and water samples  
taken by Big Sioux RW.

Driller Joan Reddelacey

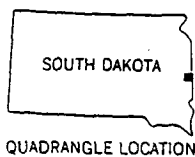
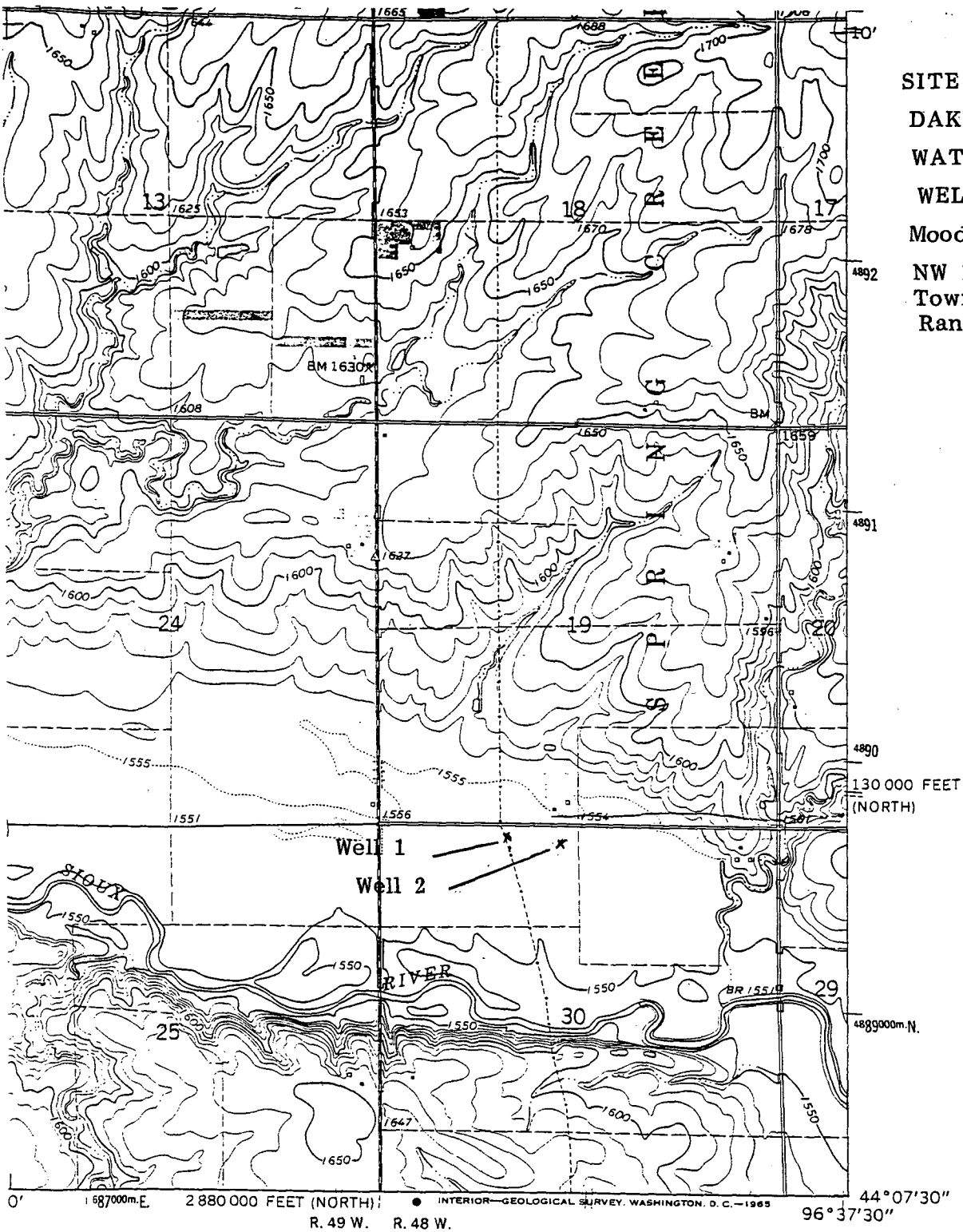
Lic. No. 111

Lacey Well Drilling





SITE MAP FOR  
DAKOTA LAYERS  
WATER SUPPLY  
WELLS 1 & 2  
Moody County, SD  
NW 1/4 Sec. 30  
Township 108 N.  
Range 48 W.



I, Kirk Lindgren employee of the  
Natural Resources Conservation  
Service, Moody County, South Dakota  
verify that this map is a true  
representation of the site location  
for Dakota Layers Water supply wells  
no. 1&2.

3/26/02 Date.

Kirk Lindgren

6317-3

MARCH 26, 2002

WATER RIGHTS PROGRAM, DENR  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SD 57501-3181

RECEIVED  
MAR 29 2002  
AIR QUALITY  
PROGRAM

DEAR ERIC:

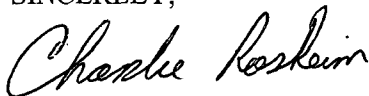
ENCLOSED IS DAKOTA LAYERS COOPERATIVES APPLICATION FOR WATER  
PERMIT FOR NONIRRIGATION USES.

I WOULD LIKE TO INFORM YOU THAT DAKOTA LAYERS COOPERATIVE DOES  
INTEND ON HAVING A WATER RESERVOIR ON SITE. THIS WILL HOLD AN  
ESTIMATED 250,000 GALLONS OF WATER. THIS WILL ALLOW US TO HAVE A ONE  
DAY SUPPLY OF WATER ON HAND IN CASE OF ANY UNFORESEEN DOWN TIME.

PLEASE CALL IF YOU HAVE ANY QUESTIONS OR CONCERNS.

THANKS AGAIN FOR ALL YOUR TIME AND CONSIDERATION.

SINCERELY,



CHARLIE ROSHEIM  
PROJECT COORDINATOR  
DAKOTA LAYERS COOPERATIVE

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

6317-3  
07-92

Location NW 1/4 NW 1/4 Sec 30 Twp 108N Rg 48-N  
County Brookings North

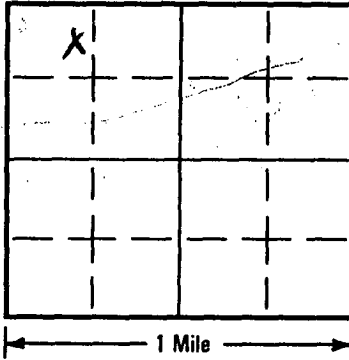
Please mark well location with an "X"

W

E

Well Completion Date

11-18-02



Well Owner:

Business Name:

Address:

Dakota Layers  
PO Box 2860  
Flonroun, SD 57028

WELL LOG:

DEPTH

FORMATION

FROM

TO

|                       |          |             |
|-----------------------|----------|-------------|
| <u>Black Topsoil</u>  | <u>0</u> | <u>3</u>    |
| <u>Brn Mixal Sand</u> | <u>3</u> | <u>32.5</u> |

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1700 ft. from feed lot (identify source).

## PROPOSED USE:

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

## METHOD OF DRILLING:

Bucket - False casing

## CASING DATA:

☒ Steel    ☐ Plastic    ☐ Other

If other describe

| PIPEWEIGHT      | DIAMETER     | FROM         | TO             | HOLE DIAMETER |
|-----------------|--------------|--------------|----------------|---------------|
| <u>50</u> LB/FT | <u>12</u> IN | <u>15</u> FT | <u>27.5</u> FT | <u>20</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> | _____        | _____ lb./gal | <u>6</u> ft | <u>9</u> ft |
| _____         | _____        | _____ lb./gal | _____ ft    | _____ ft    |

Describe grouting procedure

## SCREEN:

☐ Perforated pipe    ☒ Manufactured  
 Diameter 12 IN Length 5 FEET  
 Material Stainless Steel  
 Slot Size 000 Set From 27.5 Feet to 32.5 Feet  
 Other information \_\_\_\_\_

## WAS A PACKER OR SEAL USED?

☐ YES    ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

Chlorine Puck

☐ NO, Why Not?

Laboratory sent to for water quality analysis

Big Sioux RW

## STATIC WATER LEVEL

8

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:

☒ Pumped

Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

14 ft. After 18 Hrs. pumped 220 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate

175

GPM

## REMARKS

South Well RECEIVED  
JAN 10 2003

WATER RIGHTS PROGRAM

This well was drilled under license #

111

And this report is true and accurate.

Drilling firm

Laney Well Drilling, Inc.

Signature of License Representative:

Joan Redden Laney

Signature of Well Owner or Equitable Property Holder:

DLC By:

Scott Ramsdell

Date:

1-2-03

1-10-03

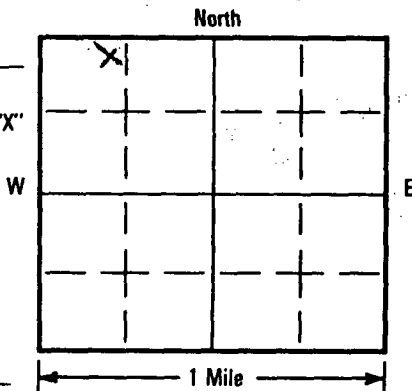
# SOUTH DAKOTA WATER WELL COMPLETION REPORT

6317-3  
07-92

Location NW 1/4 NW 30 Twp 108N Rg 48-N

County Moody

Please mark well location with an "X"



Well Completion Date

11-21-02

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from Feed Lot (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Bucket - False Casing

CASING DATA: ☒ Steel    ☐ Plastic    ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT      | DIAMETER     | FROM         | TO             | HOLE DIAMETER |
|-----------------|--------------|--------------|----------------|---------------|
| <u>50</u> LB/FT | <u>12</u> IN | <u>14</u> FT | <u>23.5</u> FT | <u>20</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> | _____        | _____ lb./gal | <u>6</u> ft. | <u>9</u> ft. |
| _____         | _____        | _____ lb./gal | _____ ft.    | _____ ft.    |

Describe grouting procedure \_\_\_\_\_

SCREEN: ☐ Perforated pipe    ☒ Manufactured

Diameter 12 IN Length 5 FEET

Material Stainless Steel

Slot Size .080 Set From 23.5 Feet to 28.5 Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ YES    ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

DISINFECTION: Was well disinfected upon completion?

YES, How: Chlorine Pk

NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis

Dig Source RW

Well Owner: \_\_\_\_\_

Business Name: Dakota Layers

Address: PO Box 288  
Flordreau, SD 57028

## WELL LOG:

| FORMATION            | DEPTH     |             |
|----------------------|-----------|-------------|
|                      | FROM      | TO          |
| <u>Sandy Topsoil</u> | <u>0</u>  | <u>3</u>    |
| <u>Medium Sand</u>   | <u>3</u>  | <u>8</u>    |
| <u>Medium Gravel</u> | <u>8</u>  | <u>23</u>   |
| <u>Coarse Gravel</u> | <u>23</u> | <u>28.5</u> |
|                      |           |             |
|                      |           |             |
|                      |           |             |
|                      |           |             |
|                      |           |             |
|                      |           |             |
|                      |           |             |
|                      |           |             |

STATIC WATER LEVEL 9 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:

☒ Pumped Describe: \_\_\_\_\_

☐ Bailed \_\_\_\_\_

☐ Other \_\_\_\_\_

Pumping Level Below Land Surface

18 ft. After 18 Hrs. pumped 200 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate 175 GPM

REMARKS North Well

RECEIVED

JAN 10 2003

WATER RIGHTS PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling, Inc

Signature of License Representative: \_\_\_\_\_

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

DLC By: Scott Ramsdell

Date: 1-2-03

1-10-03

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

417130

Pierre, March, 29, 2002

RECEIVED OF William J Ellingson, PO Box 324, Flandreau SD 57028  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                                 |       |        |
|---------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6317-3</u> to Appropriate Water, to construct<br>and to put water to beneficial use _____ | 250   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                          |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                          |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. <u>6317-3</u> _____            | 50    | 00     |
| Fee for Filing Transfer Form _____                                                                                              |       |        |
| Fee for Filing Extension Request _____                                                                                          |       |        |
| Fee for _____                                                                                                                   |       |        |
| _____                                                                                                                           |       |        |
| _____                                                                                                                           |       |        |
| (Any Other Work Provided by Law)                                                                                                | Total | 300 00 |

By

Chief Engineer

Darland Erbele

(KS)

REPORT ON WATER PERMIT NO. 6317-3  
For Dakota Layers Coop.  
May 1, 2002

Application No. 6317-3 proposes to appropriate 0.39 cfs (173 gpm) from two wells approximately 28 and 23 feet deep located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of section 30, T108N R48W in Moody County. The water is for commercial use in an egg laying facility.

**AQUIFER – BIG SIOUX MOODY (BS-M)**

The Big Sioux Moody is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 58 square miles and contains an estimated 163,000 acre-feet of water in storage in Moody County (Hansen, 1986). Ground water movement is in general from north to south and locally toward the Big Sioux River (Hansen, 1986). Recharge to the aquifer is accomplished through direct infiltration of rainfall and snowmelt into the aquifer and through hydraulic connection to the Big Sioux River. The rate of recharge has been estimated at 6.5 inches per year using a specific yield of 20% (Hansen, 1988).

The applicant has completed test holes. The test logs are for the west well (0-3 feet topsoil, 3-5 feet sand and 5 to 28 feet good gravel in feet below land surface) and for the east well (0-3 feet topsoil, 3-5 feet sand and 5-23 feet good sand also below land surface). Both test wells had a static water level of six feet below land surface. No test pumping information is available at this time but wells completed into the Big Sioux Moody aquifer in this area are capable of producing 25 to 75 gpm/ft of drawdown. This is a specific capacity that is expected from the aquifer.

The Water Rights Program monitors 19 wells completed into the Big Sioux Moody aquifer in Moody County. One of these observation wells, MD-82A, is located within one-half mile to the west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph for the observation well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002)

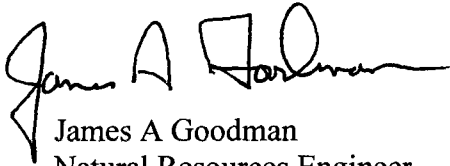
**REVIEW OF EXISTING WATER PERMITS/RIGHTS**

There are no other nearby water permits/rights in this area. The nearest existing right is located about three miles southeast of this application. Interference is not a concern. Pumping will create drawdown. At the requested rate drawdown will not extend very far from the individual production well. This is typically of the Big Sioux aquifer in general. It is unlikely that measurable drawdown will be created  $\frac{1}{2}$  mile away.

**CONCLUSIONS**

1. Water is available from the Big Sioux Moody aquifer.

2. The aquifer is under water table conditions in this area. Drawdown created by pumping will not be significant. Interference is not a concern.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations have been submitted and approved by SD DENR, Surface Water Quality Program.



James A Goodman  
Natural Resources Engineer

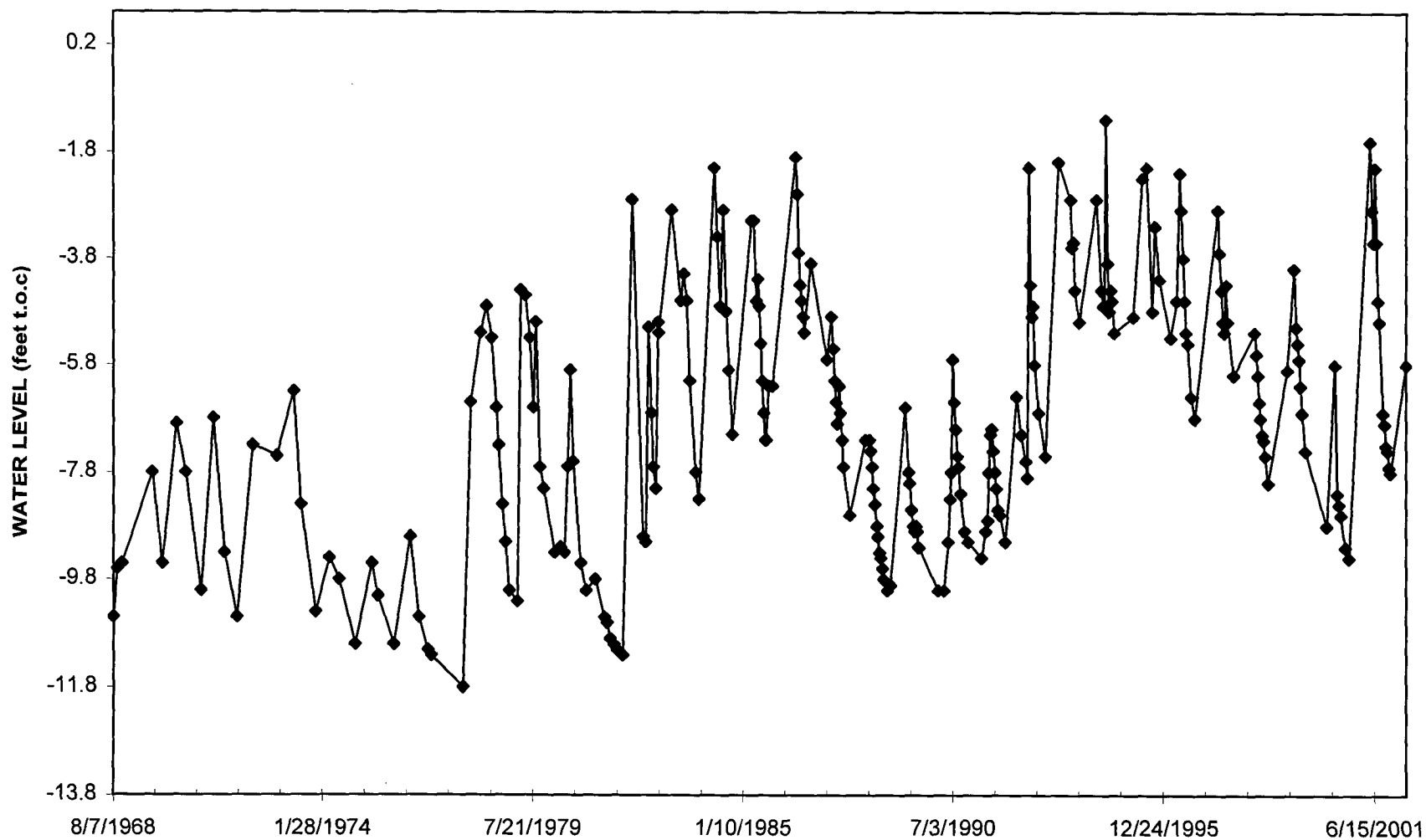
#### BIBLIOGRAPHY

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

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations 84-4209, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Data for the Big Sioux Moody Aquifer in Moody County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL  
MY-82A





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6317-3, Dakota Layers Cooperative**

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. 6317-3, Dakota Layers Cooperative, c/o Scott Ramsdell, PO Box 286, Flandreau SD 57028

The Chief Engineer is recommending APPROVAL of Application No. 6317-3 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 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. Permit No. 6317-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. The wells authorized by Permit No. 6317-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. Permit No. 6317-3 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](http://www.state.sd.us/denr)

May 19, 2002

Moody Co. Enterprise  
PO Box 71  
Flandreau, SD 57028-0071

ATTENTION: Legal Public Notice

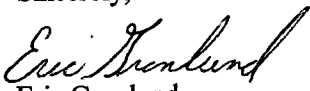
Enclosed is a Notice of Hearing on Application No. 6317-3 to Appropriate Water to be published twice. Please publish the first notice on May 29, 2002 with the second publication 7 days later.

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 Dakota Layers Cooperative, % Scott Ramsdell, PO Box 286, Flandreau, SD 57028 (Ph # 605-997-3704).

**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. 6317-3

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

Date \_\_\_\_\_

We are in receipt of your letter of May 20, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6317-3 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](http://www.state.sd.us/denr)

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

May 20, 2002

Dakota Layers Cooperative  
%Scott Ramsdell  
PO Box 286  
Flandreau, SD 57028

Dear Mr. Ramsdell:

Water Permit Application No. 6317-3 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 Moody Co. Enterprise, printed at Flandreau, SD (Ph # 605-997-3725). 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. 6317-3 to Appropriate Water

Notice is given that Dakota Layers Cooperative, c/o Scott Ramsdell, PO Box 286, Flandreau SD 57028 has filed an application for a water permit to appropriate 0.39 cubic feet of water per second from two wells (Big Sioux: Moody Aquifer) 28 and 23 feet deep located in the NE ¼ NW ¼ Section 30-T108N-R48W. The water is for commercial use in an egg laying facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6317-3 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.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Moody ) SSI, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County  
Enterpriseprinted and published in FlandreauCounty of Moody and  
state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 29, 2002June 5, 2002Cost of Printing 59.72Angela Nibbelink  
(Signature)Bookkeeper  
(Title)6-5-02  
(Date Signed)RECEIVED  
JUN 10 2002  
WATER RIGHTS  
PROGRAMNOTICE OF APPLICATION NO. 6317-3  
to Appropriate Water

Notice is given that Dakota Layers Cooperative, c/o Scott Ramsdell, PO Box 286, Flandreau SD 57028 has filed an application for a water permit to appropriate 0.39 cubic feet of water per second from two wells (Big Sioux: Moody Aquifer) 28 and 23 feet deep located in the NE 1/4 NW 1/4 Section 30-T108N-R48W. The water is for commercial use in an egg laying facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6317-3 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 application 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 through 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. Pimer, Secretary  
Department of Environment and Natural Resources

(May 29, 2002 - June 5, 2002)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

JUL 31 2002

Dakota Layers Cooperative  
% Scott Ramsdell  
PO Box 286  
Flandreau SD 57028

Dear Mr. Ramsdell:

Enclosed is Water Permit No. 6317-3 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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 7, 2006

No. 6317-3

Dakota Layers LLP  
c/o Charlie Rosheim  
PO Box 286  
Flandreau SD 57028-0286

Dear Mr. Rosheim:

Enclosed is a "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6317-3. The water permit is currently listed in the name of Dakota Layers Cooperative.

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](mailto:karen.schlaak@state.sd.us)

enclosure

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 13, 20 06

RECEIVED OF Dakota Layers LLP, 22252 SD Hwy 13, Flandreau SD 57028

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 <u>6317-3</u>                                                                     |       |      |
| 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. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

02346

By Darland White  
Chief Engineer gm

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6317-3

Date: 3-7-06

I/We request that Water Permit No. 6317-3

formerly owned by: Dakota Layers Cooperative

be transferred to: (name & address) Dakota Layers LLP, PO Box 286, Flandreau SD 57028

22252 SD Hwy 13

Telephone No. 605 997-2271

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

2 wells - NE 1/4 NW 1/4 Section 20-T108N-R48W

I/We understand that the validity of Water Permit No. 6317-3 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 Dakota layers LLP, the new owner, certify that the above information is true and correct.

Charles B Rosheim

(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.

RECEIVED  
MAR 13 2006  
WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 14, 2006

6317-3

Charles B Rosheim  
Dakota Layers LLP  
22252 SD Hwy 13  
Flandreau SD 57028

Dear Mr. Rosheim:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Permit No. 6317-3. The transfer has been completed. The water permit formerly listed in the name of Dakota Layers Cooperative is now listed in the name of Dakota Layers LLP.

Enclosed is your Receipt No. 02349 in the amount of \$2.50. 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](mailto:genny.mcmath@state.sd.us)

enclosure

**Permit No. 6317-3**  
**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, **July 11, 2007**, made a thorough examination of the water use system constructed by **Dakota Layers LLP** of **22252 SD Hwy 13, Flandreau, SD 57028** holder of Permit No. **6317-3**, bearing the priority of **March 29, 2002** authorizing the diversion of **0.39** cu. ft. per second of the waters of the **Big Sioux:Moody Aquifer** for **Commercial** purposes, in **Moody** County.

Inspection contact & relationship    **Charles Rosheim**  
to permit holder, if applicable:

**A. Works used to divert the water:**

**Well Information:**

- 1) Well Drilling Firm: **Lacey Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **North Well, 28.5 feet, South Well, 32.5 feet**
- 4) Well log is available **Y**
- 5) Comment:

**Casing:**

- 1) Diameter **Both Wells, 12 inches**
- 2) Length **North Well, 23.5 feet, South Well, 27.5 feet**
- 3) Type **Steel**

**Screen:**

- 1) Type **Stainless Steel**
- 2) Length **North Well, 5 feet, South Well, 5 feet**
- 3) Static water level **North Well, 9 feet, South Well, 8 feet**

**Pumps:**

- 1) Make **(2) Grundfos**
- 2) Model **150S150-8**
- 3) Size **6 inch**
- 4) Capacity **175 gpm each**

**Motor:**

- 1) Make **(2) Franklin**
- 2) Serial No(s) **B0241W01, B0241W02**
- 3) Horsepower rating **15 hp each**

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

- 1) Type **Steel Pipe**

**C. Compliance with Permit Requirements:**

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

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

**North Well: 100 feet south and 1700 feet east of the NW corner of Section 30-T108N-R48W  
(N 44.13770, W -96.64183)**

**South Well: 360 feet south and 1700 feet east of the NW corner of Section 30-T108N-R48W  
(N 44.13698, W -96.64155)**

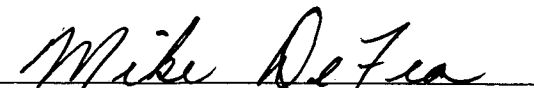
The works are capable of diverting and conveying to the place of use **0.39** cu. ft. per second of water which is to be used for **Commercial use**. Water has been put to beneficial use to the maximum extent as follows:

Water from the wells is used for various purposes at the egg production facility. Each well is capable of producing 0.39 cfs of water; however, only one well is used at any one time. The license should include a qualification that only one well may be pumped at a time.

The license should be issued for **0.39** 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: **November 16, 2007**

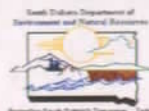
Dakota Layers, LLP  
PO Box 286  
Flandreau, SD 57028  
997-3704

Water Permit No. 6317-3



*Mike DeFea*

Mike DeFea  
Natural Resources Engineer  
DENR, Water Rights Program  
November 16, 2007



0 550 1,100 2,200 3,300 Feet

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 6317-3**

---

(1) Dakota Layers Cooperative, Flandreau SD made Application No. 6317-3, March 29, 2002 for a water permit to divert 0.39 cubic feet of water per second (cfs) from groundwater (two wells), Moody County, South Dakota for commercial use purposes. Permit No. 6317-3, with a priority date of March 29, 2002 was approved July 10, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 10, 2007 and for the application to beneficial use of water on or before July 10, 2011.

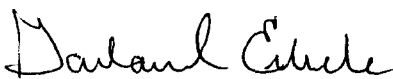
On March 13, 2006, Water Permit No. 6317-3 was transferred to Dakota Layers LLP, 22252 SD Hwy 13, Flandreau SD 57028.

(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. 6317-3 is issued a license, bearing a priority date of March 29, 2002 to appropriate 0.39 cubic feet of water per second from groundwater (two wells) for commercial use purposes.

The diversion points are located: North well – 100 feet south and 1,700 feet east of the northwest corner of Section 30-T108N-R48W (NE ¼ NW ¼) and South Well – 360 feet south and 1,700 feet east of the northwest corner of Section 30-T108N-R48W (NE ¼ NW ¼). *Each well is capable of producing 0.39 cfs of water; however, only one well is used at any one time.*

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6317-3 including the following now applicable qualifications:

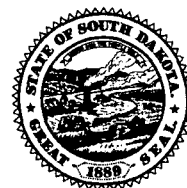
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6317-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- The wells authorized by Permit No. 6317-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Permit No. 6317-3 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 12 2008**

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](http://www.state.sd.us/denr)

FEB 18 2008

6317-3

Dakota Layers Cooperative  
PO Box 286  
Flandreau SD 57028

Dear Sir:

Enclosed is Water License No. 6317-3. 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.

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. 6317-3, 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