

WATER PERMIT NO. 6323-3

Name of Applicant: Mike Tschetter, New Elm Springs Colony

Address: 41844 269th St, Ethan SD 57334 Phone: 605 928-3147

Amount of Water Claimed: 0.09 cfs Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: domestic County: Hutchinson

Type of Waste Disposal System:

Location: 8 miles southeast of Ethan

PRIORITY Date Received: 4-15-02

Fee: \$50

Corrected Application Received: 5-2-02

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec ⁹ 10-T100N-R59W

Land to be Irrigated: NA

Depth of Well: 120 and 153 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

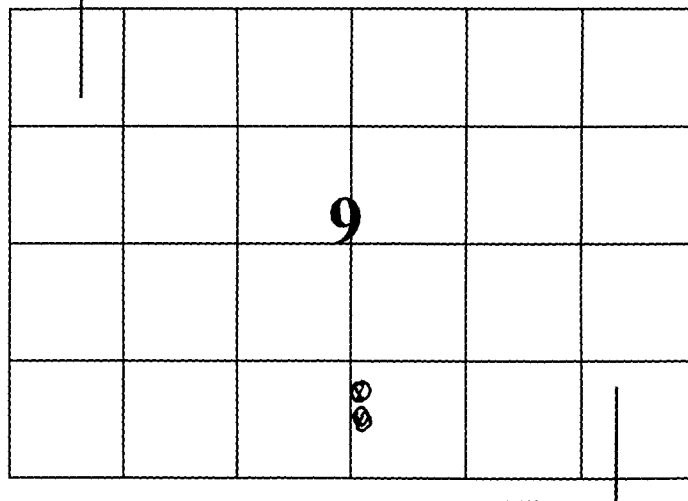
Type of Map: aerial

Prepared by: Duane D Boice, PE

Reviewed and the Number Assigned on: 5-2-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6323-3

Date of first receipt of application April 15, 2002.

Date of return to applicant for corrections, amendments or changes April 15, 2002.

Date of receipt of corrected application May 2, 2002.

The Water Management Board approved Water Permit Application No. 6323-3 on July 10, 2002 for New Elm Springs Colony, Mike Tschetter, 41844 269th Street, Ethan SD 57334-5206 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. 6323-3 appropriates 0.09 cubic feet of water per second (40 gallons per minute) from two wells (Codell Aquifer) 120 and 153 feet deep located in the SW ¼ SE ¼ Section 9-T100N-R59W.
2. The water appropriated shall be used for the purpose of domestic use at the colony including their animal feeding operation 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 April 15, 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. Permit No. 6323-3 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. Permit No. 6323-3 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



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6.323-3</u>	Hydrologic Unit <u>1016 0011</u>
	Basin <u>James River</u>	
	Newspaper <u>Parkston Advance, Parkston</u>	

RECEIVED
MAY 02 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 MIKE TSCHETTER / NEW EUM SPRINGS Phone 605-928-3147
(check one) ☒ Owner ☐ Tenant/lessee ☐ Colony
Mailing Address 41844 269TH ST. ETHAN State SD 57334-5206
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.09 *CFS or 40 **GPM (2) WELLS WITH 206PM PUMPS = 406PM ***AF
(*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 WELLS
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 2 WELLS IN SW 1/4 OF
SE 1/4 SECTION 9, TWP 100 - R 59, 15° NE - 3547' FROM SW CORNER
OF SECTION 9 (BOTH WELLS WITHIN 100' FROM ONE ANOTHER) County HUTCHINSON
- County or counties where water will be used HUTCHINSON
- Annual period during which water is to be used ALL YEAR ROUND (12 MONTHS)
- 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)
WATER WILL BE USED FOR ANIMAL WATERING & WASH DOWN

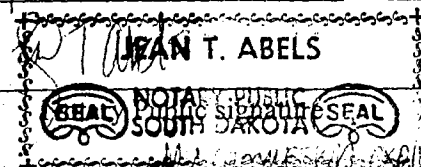
STATE OF SOUTH DAKOTA)
County of HUTCHINSON SS

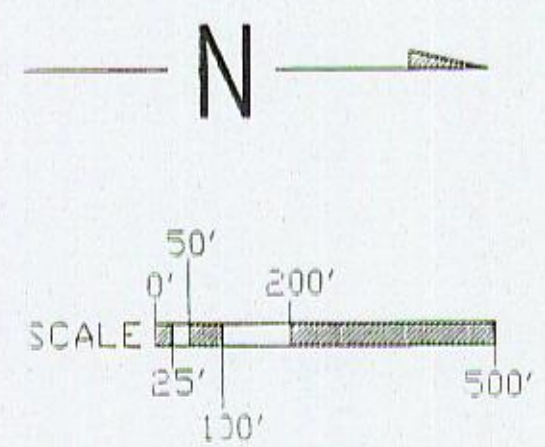
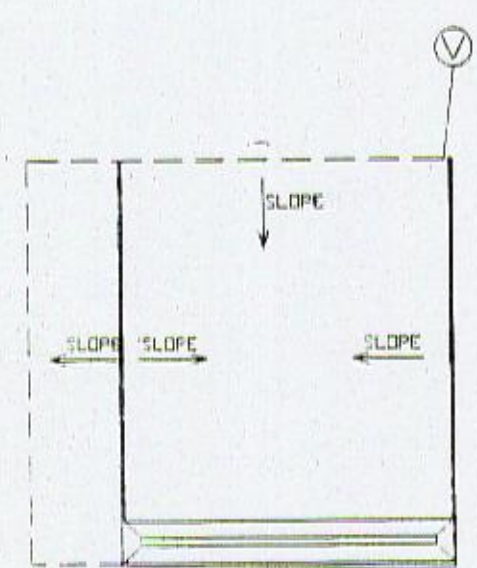
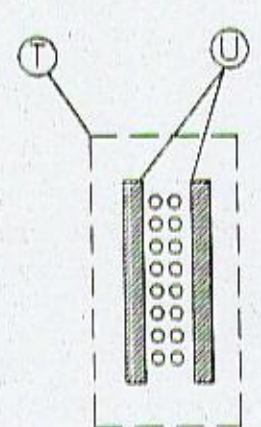
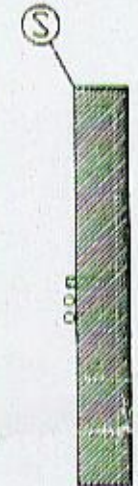
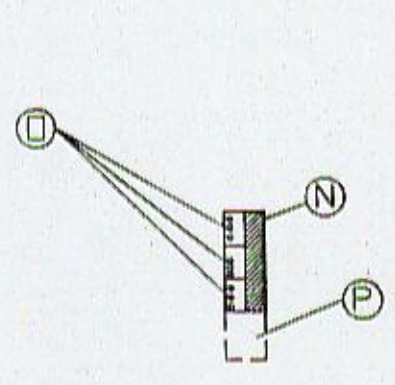
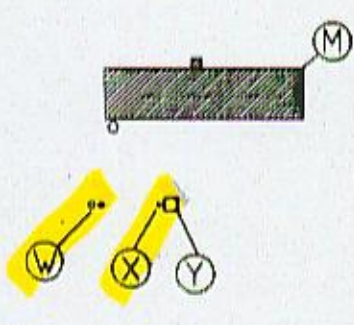
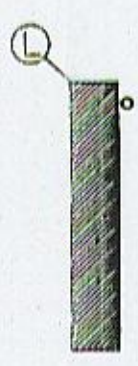
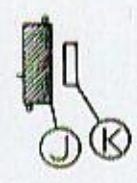
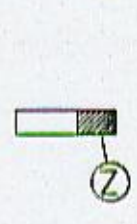
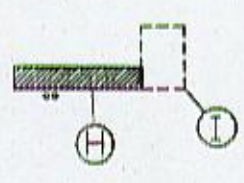
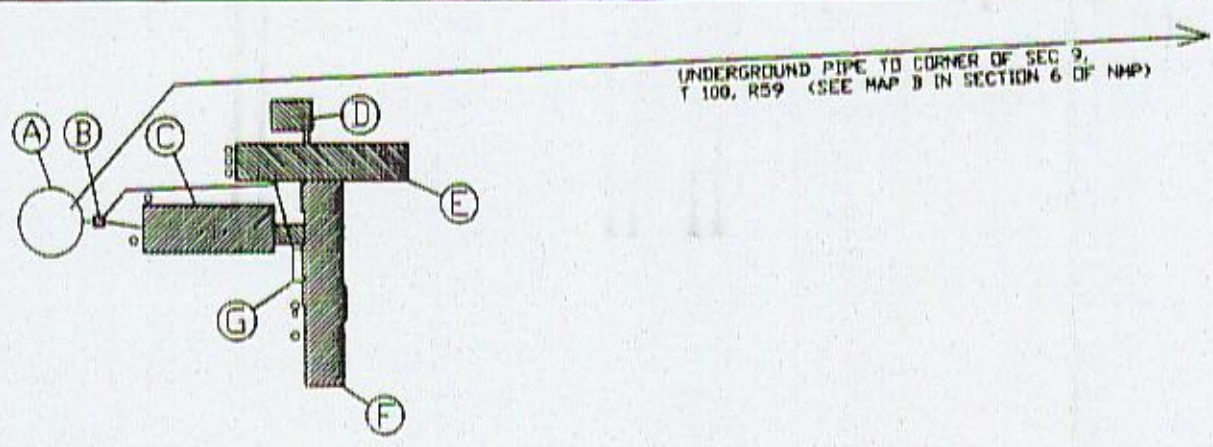
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, MIKE TSCHETTER, 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 Mike Tschetter

Subscribed and sworn to before me this 29 day of April 20 02





- (A) 101' ϕ x 15' A O SMITH SLURRYSTORE SYSTEM TANK (OPEN TOP)
- (B) 15'X15' PUMP HOUSE & UND/GRND CONC. TANK
- (C) 420 NEW GESTATION/200 GILT-BOAR SHALLOW PIT UNDER FLOOR
- (D) 45'X60' GEN. EQUIP.STORAGE BLDG.
- (E) 2500 NURSERY-140 GESTATING SOWS-40 FARROWING/SHALLOW PIT UNDER FLOOR
- (F) 120 FARROWING / 456 GESTATION SOWS SHALLOW PITS UNDER
- (G) 48'X13'6"X12TALL UNDER GRND CONC. TANK
- (H) 33'X196' DUCK BARN(ND LONGER TO BE USED)
- (I) 66'X93' FENCED OPEN LOT(ND TO BE TAKEN OUT)
- (J) 40'X120' NURSERY BLDG. / 200 PIGS SHALLOW PITS UNDER/PIPED TO CONC. TANK
- (K) 17'X62'X11'TALL UNDER GRND. CONC. TANK
- (L) 70'X400' TURKEY BARN/9000 TURKEYS
- (M) 75'X295' TURKEY BARN / 7000 TURKEYS
- (N) 148'X30' PIG BARN W/ OPEN SIDE 800 FINISHERS TOTAL ON N,D&P / (TO BE PHASED OUT OVER 3 YEARS--2005)
- (O) (3)49'6"X31' OPEN LOTS (CONC. SIDEWALLS)
- (P) 61'X71' OPEN LOT
- (Q) 70'X400' TURKEY BARN/16000TURKEYS
- (R) 80'X600' TURKEY BARN/16000 TURKEYS
- (S) 80'X600' TURKEY BARN/16000 TURKEYS
- (T) 223'X433' FENCED IN OPEN LOT/12000TURKEYS TO BE PHASED OUT IN 3 YEARS--2005)
- (U) (2) OPEN SIDE CANOPY/TURKEY SHELTER
- (V) SLOPED HILL/TURKEY DRY MANURE STORAGE 465' X 600' (6.4 ACRES) (ND LONGER WILL BE USED, DRY MANURE WILL BE SPREAD DIRECTLY ON FIELDS WHEN NEEDED)
- (W) WATER WELL
- (X) WATER WELL
- (Y) ABOVE GRND PUMPHOUSE/WTR STORAGE TANK
- (Z) 36'X57' BLDG. / 2500 BROILER CHICKENS
- (AA)(BB)(CC)(DD) 46'X364' PROPOSED BLDGS. /FEEDER TO MARKET PIGS / UNDR.GRND SELF CONTAINED CONC. PIT UNDER EA. BLDG.(11'DEPH)/2000 PIGS PER BLDG. (8000 TOTAL)
- (EE) 80'X600' PROPOSED TURKEY BARN/16000 TRKYS

6323-3

S-1

DATE: 4/05/02
OWN BY: B.M.
DESIGN BY: B.M.
CHK. BY: D.D.B.
REV:

ENGINEERING & TECHNICAL SERVICES, INC.
STRUCTURAL ENGINEERING & DESIGN

2121 100th Ave
PO Box 224-8150
51-10-1402 OFFICE
51-10-1402 FAX

COPYRIGHT, 2002, ENGINEERING AND TECHNICAL SERVICES, INC.

NEW ELM SPRINGS N. B. INC.
PROJECT: NUTRIENT MANAGEMENT PLAN
LOCATION: ETHAN, SD
SHEET TITLE: PLAN VIEW OF BLDG LAYOUT
SCALE: SCALE" = AS SHOWN

1. Well Information - Proposed Construction ← EXISTING 2 WELLS

- a) Drill Hole Diameter SEE LOGS Depth SEE LOGS
- 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: → NONE @ COLONY

On applicants property _____

On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEE NUTRIENT MANAGEMENT PLAN FOR
- b) System Capacity (gallons) _____ Year Constructed ANIMALS
- c) Connected to the City of _____ Sanitary System _____

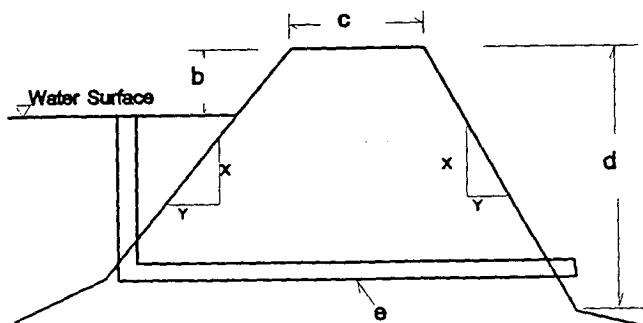
3. Dugout Information

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

4. Water Storage Dams

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

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



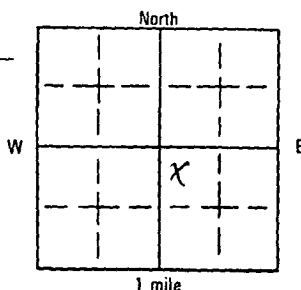
- b) Freeboard N/A
- c) Crest Width _____
 Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
 If pipe, diameter _____
- f) Secondary Spillway Capacity _____
 Spillway Width _____
- g) X & Y Slope _____
 Upstream _____
 Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam ✓ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 Sec 10 Twp 100 Rg 59County Chadron

Please mark well location with an "X"

Well Completion Date 12-20-91

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>77</u>	IN <u>8 3/8</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 70 FEETWhat is grouting material? Cement & GroutIf cement, number of sacks? 7

Describe grouting procedure _____

line to 70 ft

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 43 FEETMaterial QVCSlot Size 0.16 Set From 77 Feet To 120 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Gravel PackerWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

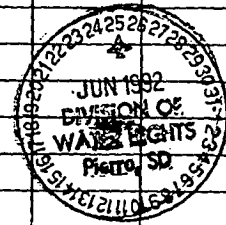
Name New Elm Spring ColonyAddress RR Elton, SD 57534

Well Log:

Depth

Formation	From	To
<u>Yellow Clay</u>	<u>0</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>55</u>
<u>Sandy Shale Codell</u>	<u>55</u>	<u>80</u>
<u>Good Codell Fine Sand</u>	<u>80</u>	<u>117</u>
<u>Shale</u>	<u>117</u>	<u>120</u>

TD 120'



STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped12 Hrs.☐ BailedDescribe: air compressor☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

R. S. Kuhl

Signature of Well Owner:

Date

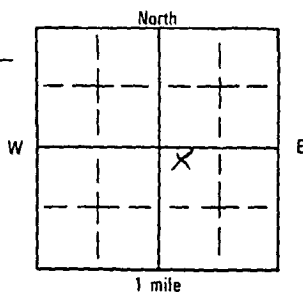
6-24-928/11/92

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location Nw 1/4 Sec 10 Twp 100 Rg 59County Hutchinson

Please mark well location with an "X"

Well Completion Date 12-31-91

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Forward Rotary

CASING DATA:
☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>153</u>	IN <u>8 3/4</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 100 FEETWhat is grouting material? Cement & GravelIf cement, number of sacks? 8Describe grouting procedure line to 100 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 33 FEETMaterial PVCSlot Size 0.16 Set From 120 Feet To 133 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Gravel PackerWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name New Elm Spring ColonyAddress RR Ethan, SD 57334

Well Log: _____ Depth _____

Formation	From	To
<u>Yellow Clay</u>	<u>0</u>	<u>20</u>
<u>Yellow Clay w/ sand streaks</u>	<u>20</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>70</u>
<u>Shale</u>	<u>70</u>	<u>90</u>
<u>Coastal Hard</u>	<u>90</u>	<u>148</u>
<u>Shale</u>	<u>148</u>	<u>160</u>

TD 153'STATIC WATER LEVEL 100 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped 10 GPM☐ Bailed Describe: air compress☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Hillman Well DrillingSignature of License Representative: R. E. Ruck

Signature of Well Owner: _____

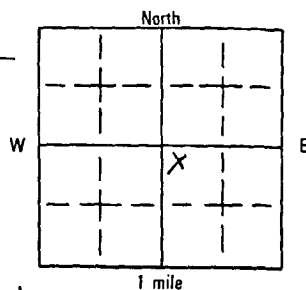
Date 6-24-928/11/92

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 SW 1/4 Sec 10 Twp 100 Rg 59County DeWitt

Please mark well location with an "X"

Well Completion Date 1-10-92

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>240</u>	IN <u>7 1/2</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 240 ft. FEETWhat is grouting material? CementIf cement, number of sacks? 35

Describe grouting procedure

through casing

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information open Hole 240-585Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name New Elm Springs ColonyAddress RR Ethan, SD 57334

Well Log:

Depth

Formation

From

To

<u>Yellow Clay</u>	<u>0</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>80</u>
<u>Very Fine Gray Sand</u>	<u>80</u>	<u>90</u>
<u>Shale</u>	<u>90</u>	<u>230</u>
<u>Sandy Shale</u>	<u>230</u>	<u>240</u>
<u>Granite</u>	<u>240</u>	<u>585</u>

TD 585'

STATIC WATER LEVEL 90 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped8.88 m.☐ BailedDescribe: As long as☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

THIS WELL IS NOT
IN USE ANY MORE
BM - APRIL 9-2002 VERIFIED

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

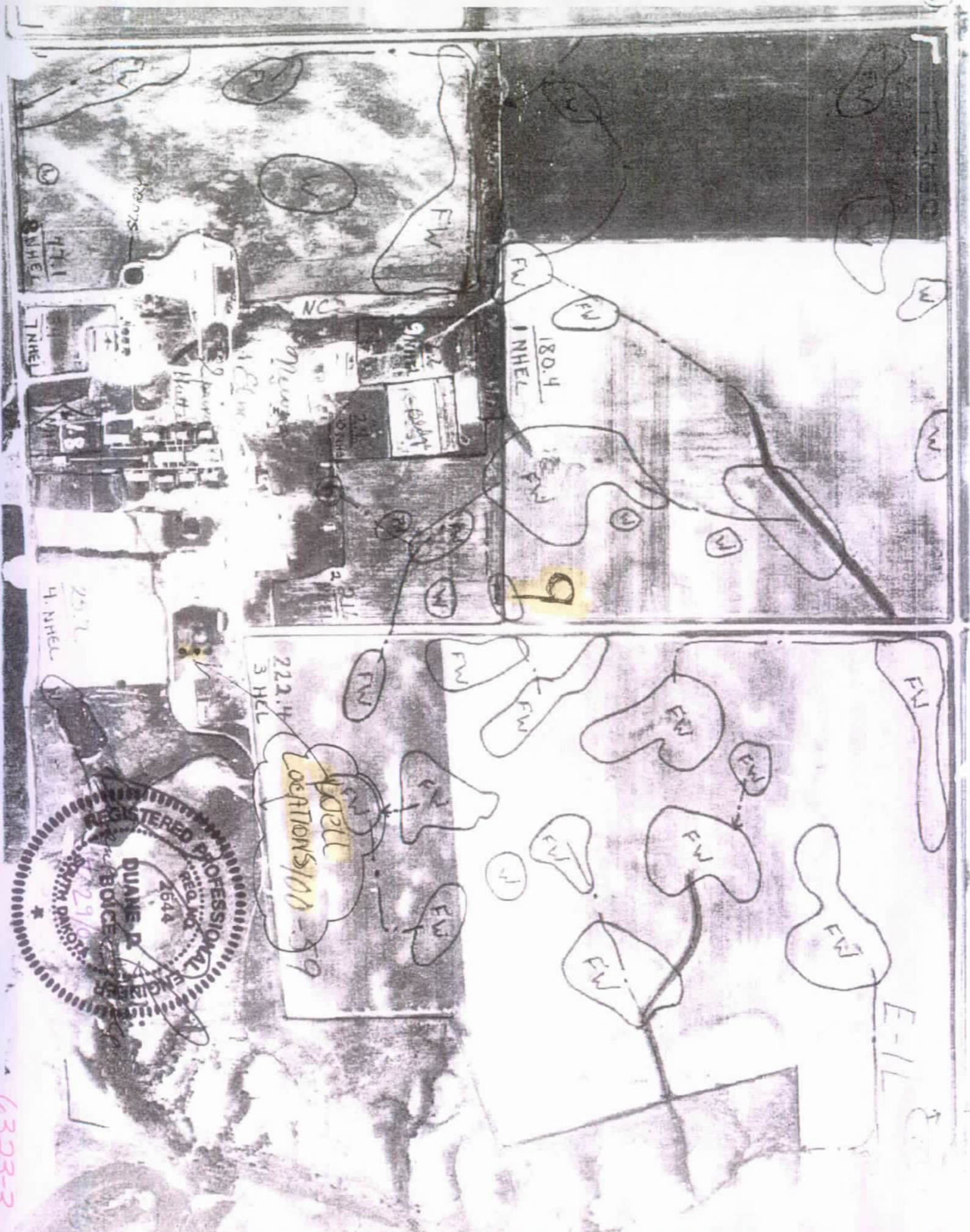
R E Kroll

Signature of Well Owner:

Date

6-24-928/11/92

2



633-11

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

417156

Pierre, May 2, 20 02

RECEIVED OF New Elm Springs H.R. Inc., Mike Tschetter, 41844 269th St., Etha, SD 57334
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 4323-3 to Appropriate Water, to construct
and to put water to beneficial use _____

50 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 4323-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

100 00

By

Darland Erbe
Chief Engineer
gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

New Elm Springs Colony
Mike Tschetter
41844 269th St
Ethan SD 57334-5206

Dear Mr. Tschetter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for use at the colony. In order to complete the application the following are required.

Item No. 4 of the application indicates the wells are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10-T100N-R59W. The location as marked on the map indicates the wells are located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9-T100N-R59W. Which location is correct?

The map 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. The map submitted with your application has been returned to your engineer, Bill Murphy with Engineering & Technical Services, for his signature.

Enclosed is your check for \$200. The correct application/license filing fee is \$100.00. Please submit a check for this amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Bill Murphy, Engineering & Technical Services
w/map

REPORT ON WATER PERMIT APPLICATION NO. 6323-3
For New Elm Springs Colony
May 21, 2002

Application No. 6323-3 proposes to appropriate 0.09 cfs (40 gpm) from two wells approximately 120 and 153 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9, T110N R59W in Hutchinson County. The water is for domestic use at the colony including animal feeding operations.

AQUIFER – CODELL (CDLL)

The Codell is composed of fine to medium grained, moderately cemented sandstone interbedded with layers of siltstone and mudstone (Lindgren, 1990). The aquifer underlies 230 square miles and contains an estimated 1.178 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Davison and Hanson Counties to the north and outcrops along the James River and along Firesteel Creek. The aquifer is probably hydraulically connected to the overlying Niobrara aquifer and to the Plum Creek aquifer (Hansen, 1983) as described by Hansen or the Lower James Missouri aquifer as described by Lindgren.

The driller's logs filed with the application indicate Codell sand from 90 to 148 feet and 80 to 117 feet. The static water level was reported to be about 100 feet below land surface and the wells were capable of producing 10 to 12 gpm using air to develop. Both wells appear to be completed in accordance with SD Well Construction Standards.

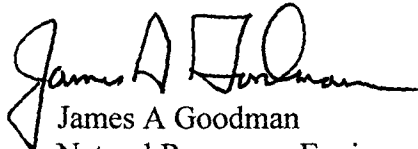
The Water Rights Program monitors an observation well HS-79H that is completed into the Codell aquifer and located about three miles northeast of this application. Water levels for this well do exhibit much change. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. This is a relatively small pumping rate and drawdown should not be significant. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. Interference is not a concern.
3. These are existing wells and have been in use for many years with no apparent problems. These wells have been constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility are presently under review by the Department.



James A Goodman
Natural Resources Engineer

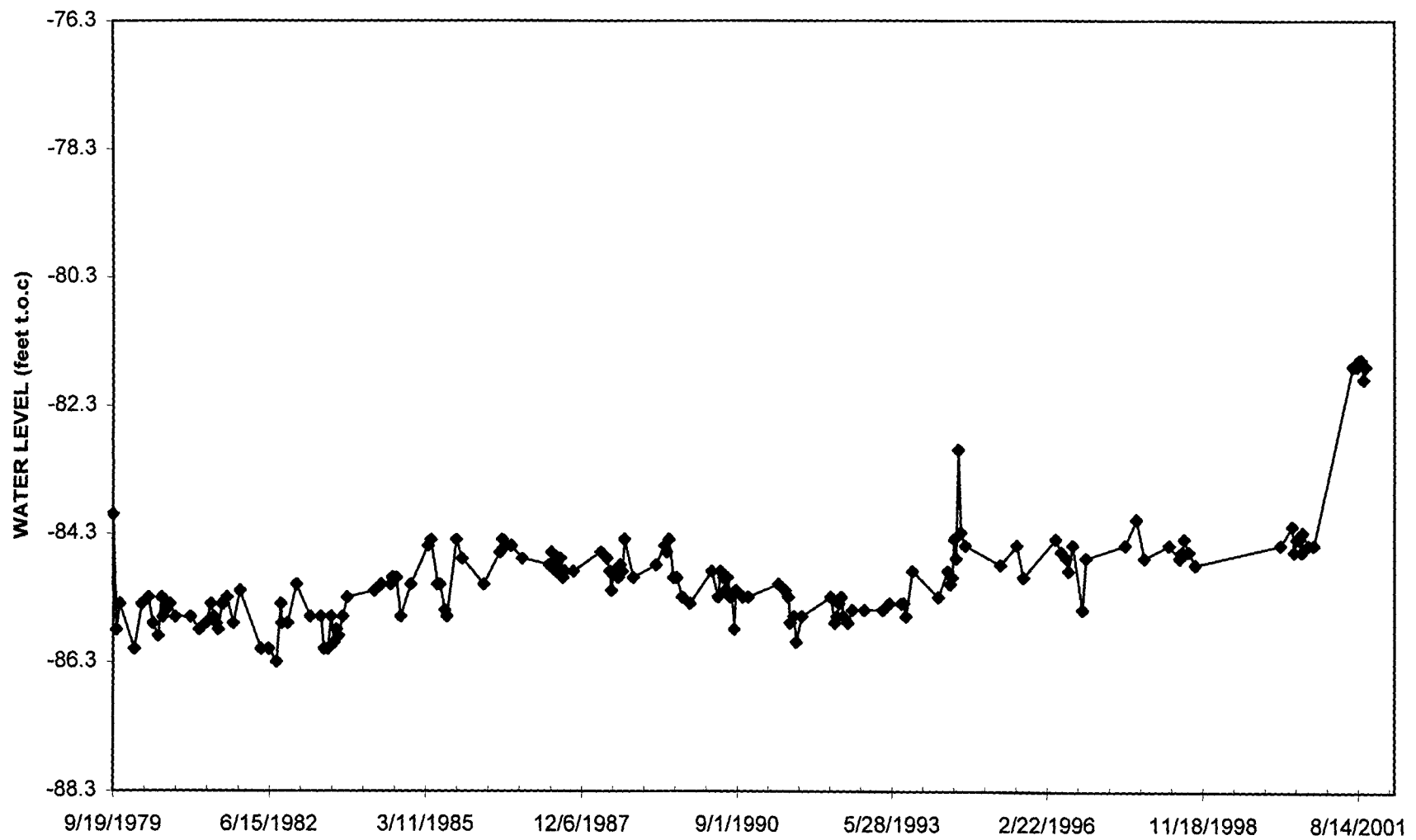
BIBLIOGRAPHY

Hansen, D.S., 1983, Water Resources of Hanson and Davison Counties, South Dakota, WRI 83-4108, USGS, Huron, SD, 57350.

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Hutchinson and Hanson Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HS-79H**





**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. 6323-3, New Elm Springs Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6323-3, New Elm Springs Colony, c/o Mike Tschetter, 41844 269th Street, Ethan SD 57334-5206.

The Chief Engineer is recommending APPROVAL of Application No. 6323-3 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. 6323-3 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. Permit No. 6323-3 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 28, 2002

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF HUTCHINSON

SCOTT E. EHLE, BEING DULY SHORN, SAYS: THAT THE PARKSTON ADVANCE IS, AND DURING ALL THE TIME HEREINAFTER MENTIONED WAS, A WEEKLY LEGAL NEWSPAPER AS DEFINED IN SDCL 17-2-2.1 THROUGH 17-2-2.4 INCLUSIVE, AS AMENDED, PUBLISHED AT PARKSTON, HUTCHINSON COUNTY, SOUTH DAKOTA BY THE PARKSTON ADVANCE, INC.; THAT AFFIANT IS AND DURING ALL OF SAID TIMES WAS, AN EMPLOYEE OF THE PUBLISHER OF SUCH NEWSPAPER AND HAS PERSONAL KNOWLEDGE OF THE FACTS STATED IN THIS AFFIDAVIT; THAT THE NOTICE, ORDER OR ADVERTISEMENT, A PRINTED COPY OF WHICH IS ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER FOR 2 SUCCESSIVE ISSUES, BEARING THE FOLLOWING DATES:

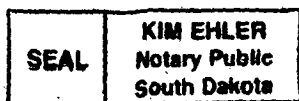
JUNE 5, 2002

JUNE 12, 2002

THAT THE FULL AMOUNT OF THE FEE CHARGED FOR PUBLISHING THE SAME, TO-WIT, THE SUM OF \$57.75, INURES SOLELY TO THE BENEFIT OF THE PUBLISHER OF SAID NEWSPAPER; THAT NO AGREEMENT OR UNDERSTANDING FOR THE DIVISION OF THE FEE HAS BEEN MADE WITH ANY PERSON, AND THAT NO PART OF THE FEE HAS BEEN AGREED TO BE PAID TO ANY OTHER PERSON.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12TH DAY OF JUNE
A.D., 2002

NOTARY PUBLIC, COUNTY OF
HUTCHINSON, SOUTH DAKOTA



MY COMMISSION EXPIRES
JANUARY 12, 2004

**NOTICE OF APPLICATION NO.
6323-3 TO APPROPRIATE WATER**

Notice is given that the New Elm Springs Colony, 41844 269th St., Ethan SD 57334-5206 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from two wells (Codell Aquifer) 120 and 153 feet deep located in the SW1/4 SE1/4 Section 9-T100N-R59W. The water is for domestic use at the colony including their animal feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6323-3 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 10:00 A.M. July 10, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD. 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.

23-24Ac

RECEIVED

JUN 12 2002

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 28, 2002

Parkston Advance
PO Box J
Parkston, SD 57366

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6323-3 to Appropriate Water to be published twice. Please publish the first notice on June 5, 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 Mike Tschetter, New Elm Springs Colony, 41844 269th St., Ethan, SD 57334 (Ph # 605-928-3147).

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. 6323-3

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

Date _____

We are in receipt of your letter of May 28, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6323-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 5, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6323-3 to Appropriate Water

Notice is given that the New Elm Springs Colony, 41844 269th St, Ethan SD 57334-5206 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from two wells (Codell Aquifer) 120 and 153 feet deep located in the SW ¼ SE ¼ Section 9-T100N-R59W. The water is for domestic use at the colony including their animal feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6323-3 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 10:00 A.M. July 10, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD. 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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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.



**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 28, 2002

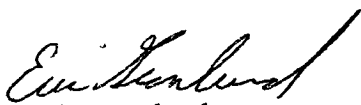
Mike Tschetter
New Elm Springs Colony
41844 269th St.
Ethan, SD 57334-5206

Dear Mr. Tschetter:

Water Permit Application No. 6323-3 for domestic 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 Parkston Advance printed at Parkston, SD (Ph # 605-928-3111). 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

JUL 31 2002

New Elm Springs Colony
% Mike Tschetter
41844 269th Street
Ethan SD 573324-5206

Dear Mr. Tschetter:

Enclosed is Water Permit No. 6323-3 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,

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

enclosures

Permit No. 6323-3
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, August 25, 2004, made a thorough examination of the water use system constructed by New Elm Springs Colony, Mike Tschetter of 41844 269th St, Ethan SD 57334-5206 holder of Permit No. 6323-3, bearing the priority of April 15, 2002 authorizing the diversion of 0.09 cu. ft. per second of the waters of ground water (Codell aquifer) for domestic/livestock purposes, in Hutchinson County.

Inspection contact & relationship to permit holder, if applicable: **Tom Woldman**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman
- 2) No. of Wells 2
- 3) Depth(s) 120 & 153 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 77 & 120 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 43 & 33 feet
- 3) Static water level 100 feet

Motor/Pump:

- 1) Make both Grundfos
- 2) Size 1.5 hp
- 3) Capacity 40 GPM

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

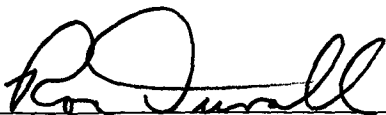
Water is diverted to a 20,000 gallon storage tank and then distributed for domestic/livestock needs.

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: North well: 2,200 feet W and 900 feet N (SW $\frac{1}{4}$ SE $\frac{1}{4}$ - Latitude 43.48812, Longitude -97.82677); South well: 2,160 feet W and 805 feet N (SW $\frac{1}{4}$ SE $\frac{1}{4}$ - Latitude 43.48786, Longitude -97.82666); both from the SE corner section 9-T100N-R59W. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of which is to be used for domestic/livestock purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.09 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: none



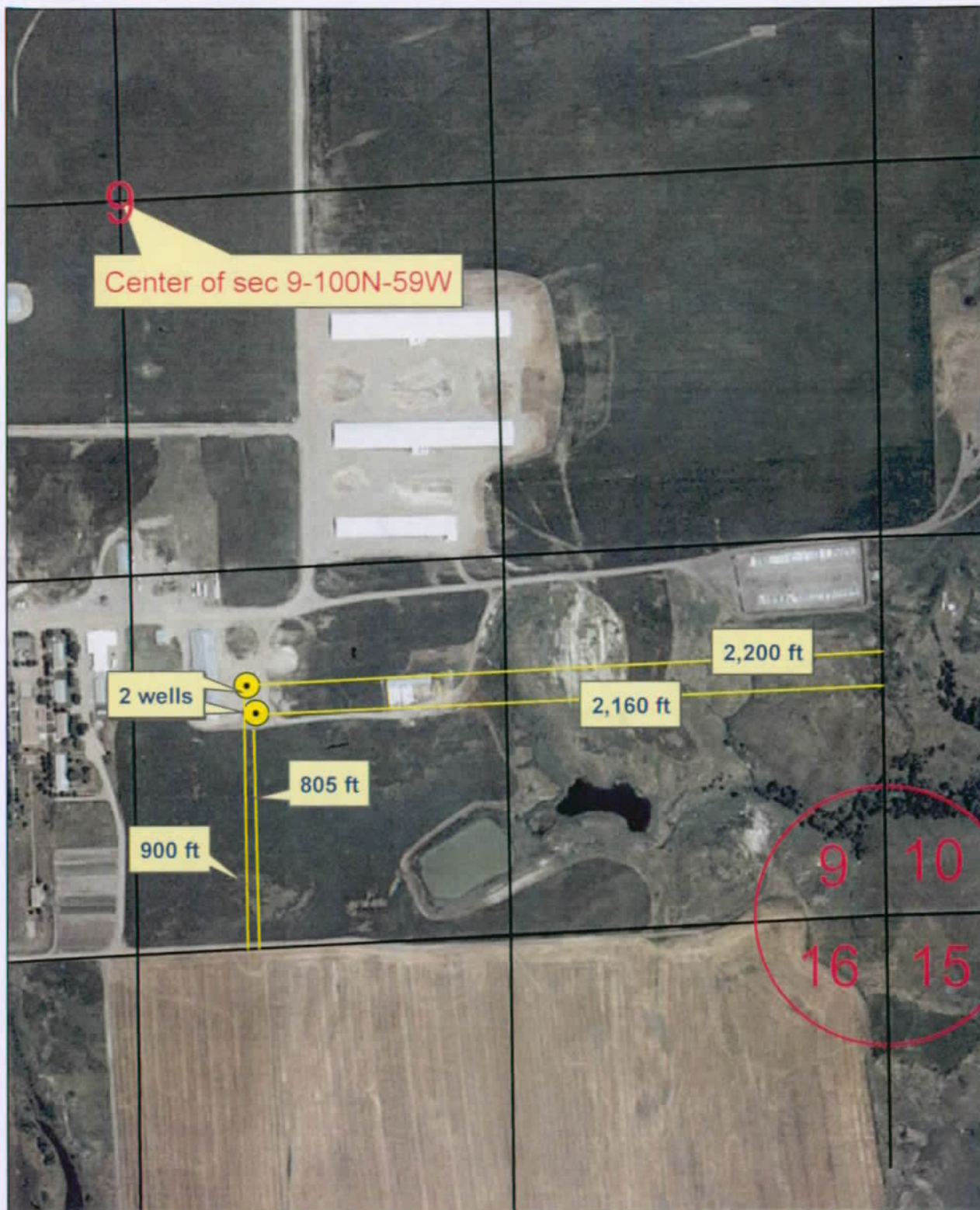
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: November 10, 2004

Scale: 1 inch equals 518 feet

730

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Nov 10, 2004

Water Right No. 6323-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

6323-3

Mike Tschetter
New Elm Spring Colony
41844 269th St
Ethan SD 57334-5206

Dear Mr. Tschetter:

Enclosed is Water License No. 6323-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed 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 existing wells, such as the wells authorized by Water Right No. 6323-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6323-3**

(1) New Elm Springs Colony % Mike Tschetter, 41844 269th St, Ethan SD 57334-5206 made Application No. 6323-3, April 15, 2002 for a water permit to divert 0.09 cubic feet of water per second from ground water (two wells – Codell Aquifer), Hutchinson County, South Dakota for domestic purposes. Permit No. 6323-3, with a priority date of April 15, 2002 was approved July 10, 2002 and issued to the applicant for diversion of water with construction of the described water supply system completed 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, New Elm Springs Colony the holder and/or owner of Water Right No. 6323-3 is issued a license, bearing a priority date of April 15, 2002 to appropriate 0.90 cubic feet of water per second from ground water (two wells – Codell Aquifer) for domestic purposes at the colony including their animal feeding operation.

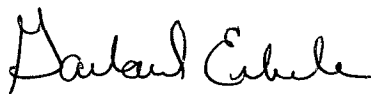
The diversion points are located as follows:

North well: 2,200 feet west and 900 feet north of the SE corner Section 9, T100N, R59W (SW ¼ SE ¼);

South well: 2,160 feet west and 805 feet north of the SE corner Section 9, T100N, R59W (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6323-3 including the following 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. 6323-3 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.
- Permit No. 6323-3 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

NOV 19 2004

date

