

WATER PERMIT NO. 6358-3

Name of Applicant: Michael D or Nancy J Johnson

Address: 14962 483rd Ave, Milbank SD 57252 Phone: 605 432-5600

Amount of Water Claimed: 0.122 cfs Total Acres: NA

Source of Water Supply: groundwater (5 wells)

Water to be used for: commercial (cattle feeding operation) County: Grant

Type of Waste Disposal System:

Location: 5 miles east of Milbank

PRIORITY Date Received: 8-6-2002

Application/License Fee: \$200

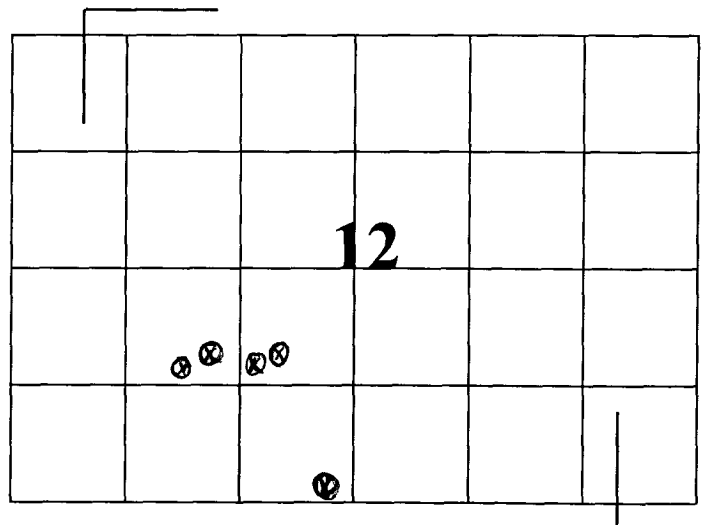
Corrected Application Received: 9-6-2002

Period of Annual Use: January 1 – December 31

Remarks: existing cattle feeding operation

Diversion Point: N ½ SW ¼, SE ¼ SW ¼ Sec 20-
T120N-R48W

Land to be Irrigated: NA



Depth of Well:

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Donald R. Larson, PE

Reviewed and the Number Assigned on: 9-10-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6358-3**

Date of first receipt of application August 6, 2002.

Date of return to applicant for corrections, amendments or changes August 8, 2002.

Date of receipt of corrected application September 6, 2002.

The Water Management Board approved Water Permit No. 6358-3 on December 4, 2002 for Michael D and Nancy J Johnson, 14962 483rd Ave, Milbank SD 57252 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. 6358-3 appropriates 0.122 cubic feet of water per second (55 gallons per minute) from five existing wells (Veblen Aquifer) located in the N ½ SW ¼, SE ¼ SW ¼ Section 12-T120N-R48W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is August 6, 2002.
5. One-fifth of the construction is to be completed on or before June 4, 2005.
6. All construction is to be completed on or before December 4, 2007.
7. Water is to be put to beneficial use on or before December 4, 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. 6358-3 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. 6358-3 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

MAR 19 2003

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6358-3</u>	(office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota - Whetstone</u>	
	Newspaper <u>Grant Co. Review, Milbank</u>	

RECEIVED
AUG - 7 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 Livestock Waterers - Cattle Feedlot

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 Michael D. ^{and} Nancy J. Johnson Phone 605-432-5600
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 14962 483rd Ave Milbank State SD 57252
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.122 *CFS or 55 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground-

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
(5) wells located in SW1/4 section 12 T-120N R-48W
(NW1/4 SW1/4, SE1/4 SW1/4) County _____

5. County or counties where water will be used Grant

6. Annual period during which water is to be used 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)

This is an existing cattle feeding operation. These ~~are~~ wells have existed for many years.

STATE OF SOUTH DAKOTA)
County of Grant) 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, Nancy Johnson, 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 Nancy Johnson

Subscribed and sworn to before me this 6th day of August 20 02

Nancy Copeland

My Comm. Expires: 11-9-2003

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction *(These are existing wells - since 1960)*

- a) Drill Hole Diameter 6" Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 20'-25'
- g) Distance to nearest existing domestic well:
- On applicants property - On property owned by others .85 mile

2. Wastewater Disposal System Information

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

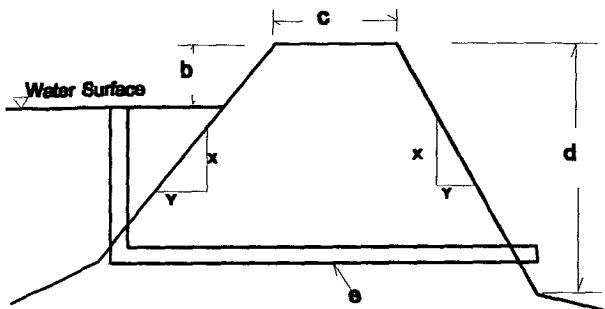
3. Dugout Information

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

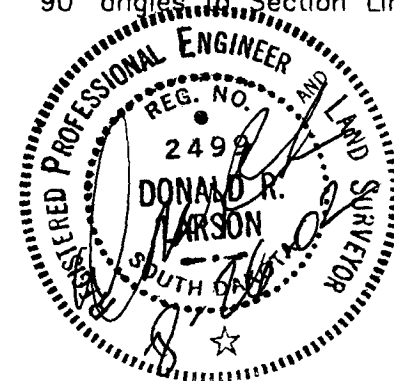
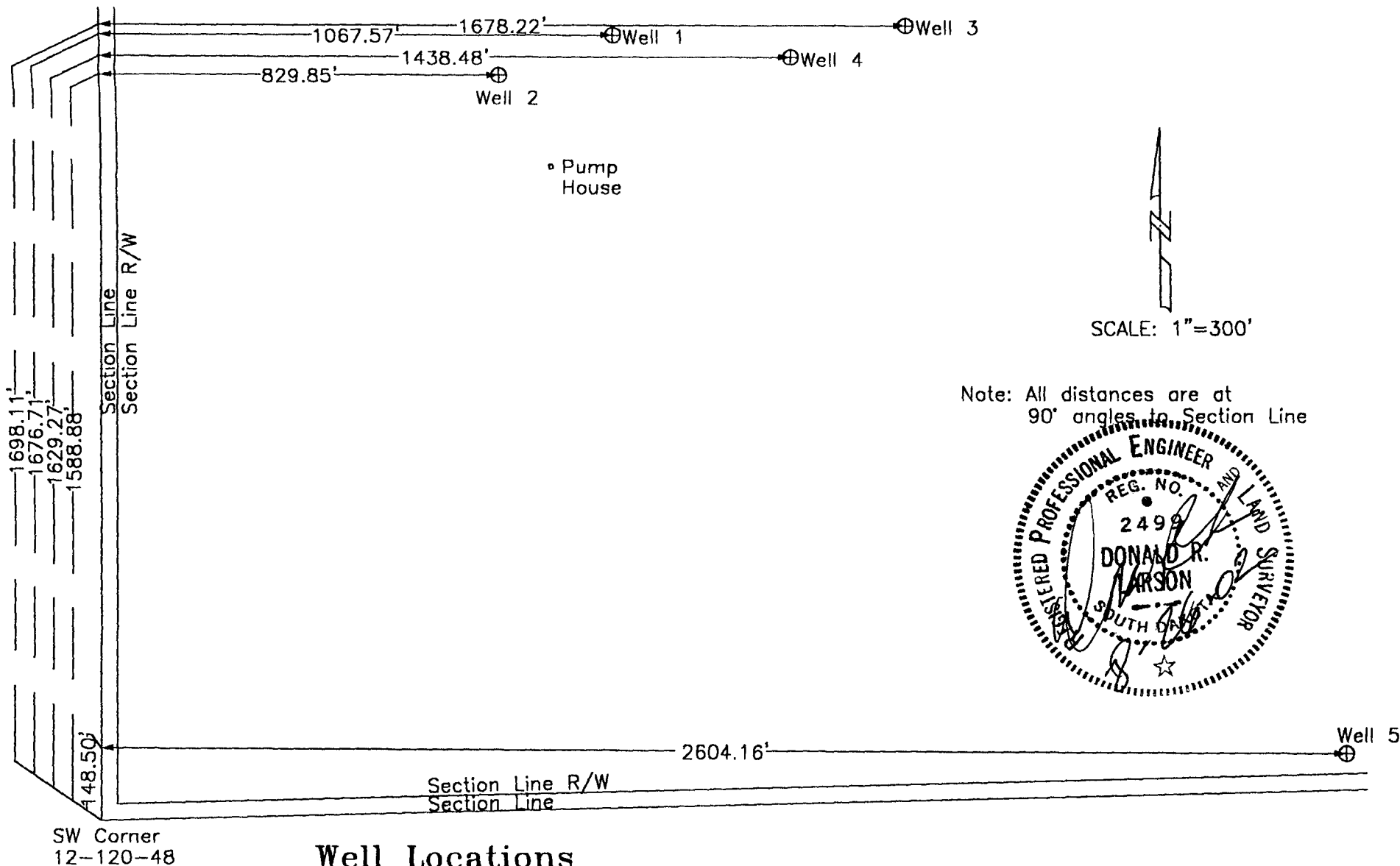
4. Water Storage Dams

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

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



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



Well Locations
GRANITE VIEW FARMS
 SW 1/4 Section 12,
 Township 120 North,
 Range 48 West of the 5th P.M.,
 Grant County, South Dakota

August 26, 2002

LARSON ENGINEERING

102 South Dakota Street Millbank, South Dakota 57252
 605-432-4069

6358-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 6, 2002

RECEIVED OF Granite View Farms Inc., 14962 483rd Ave., Milbark SD 57252

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6358-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6358-3</u>	50	00
Fee for Filing Transfer Form _____		
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	200.00

No.

000267

By

Darland Eide
Chief Engineer



**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. 6358-3, Michael and Nancy Johnson**

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. 6358-3, Michael and Nancy Johnson, 14962 483rd Avenue, Milbank SD 57252.

The Chief Engineer is recommending APPROVAL of Application No. 6358-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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. 6358-3 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. 6358-3 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
October 23, 2002

REPORT ON WATER PERMIT APPLICATION NO. 6358-3
For Michael D. or Nancy J. Johnson
October 7, 2002

Application No. 6358-3 proposes to appropriate 0.122 cfs (55 gpm) from five existing wells located in the N ½ SW ¼, SE ¼ SW ¼ of section 12; T120N R48W in Grant County. The water is for commercial use in a cattle-feeding operation.

AQUIFER – VEBLEN (VEB)

The Veblen aquifer is a predominantly buried outwash (sand and gravel) which is under artesian conditions over most of Grant County. However, the aquifer is under unconfined and water table conditions in this immediate area based upon driller's log for the irrigation well in the E ½ of section 12. The aquifer underlies 260 square miles and contains 700,000 acre-feet of water in storage in Grant County (Hansen, 1990). Ground water movement is from west to east and toward the Whetstone River (Hansen, 1990). The aquifer extends into Roberts County to the north and into Deuel County to the south. The aquifer recharges by direct infiltration of rainfall and snowmelt into the aquifer especially where the aquifer is near to the land surface.

Other than the location very little information is available concerning the construction or depth of the wells for this application. Since most of the wells in this area is in the 50 to 100 feet depth and completed into the Veblen aquifer, it is assumed these wells are also.

The Water Rights Program monitors three observation wells located within a two-mile radius of this application. These are GT-83B, GT-77P and GT-77Q. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for these three wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

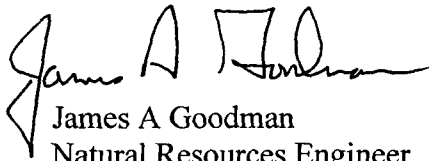
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located less than one-half mile to the east of this application. Interference is not a concern. These are all existing wells and have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer appears to be under water table conditions in this area. Interference is not a concern. These wells have been used for many years with no apparent problems.
3. No information is available to evaluate the construction of these five wells.

4. This facility is in the process of applying for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations. The water permit application is their first step in this process.



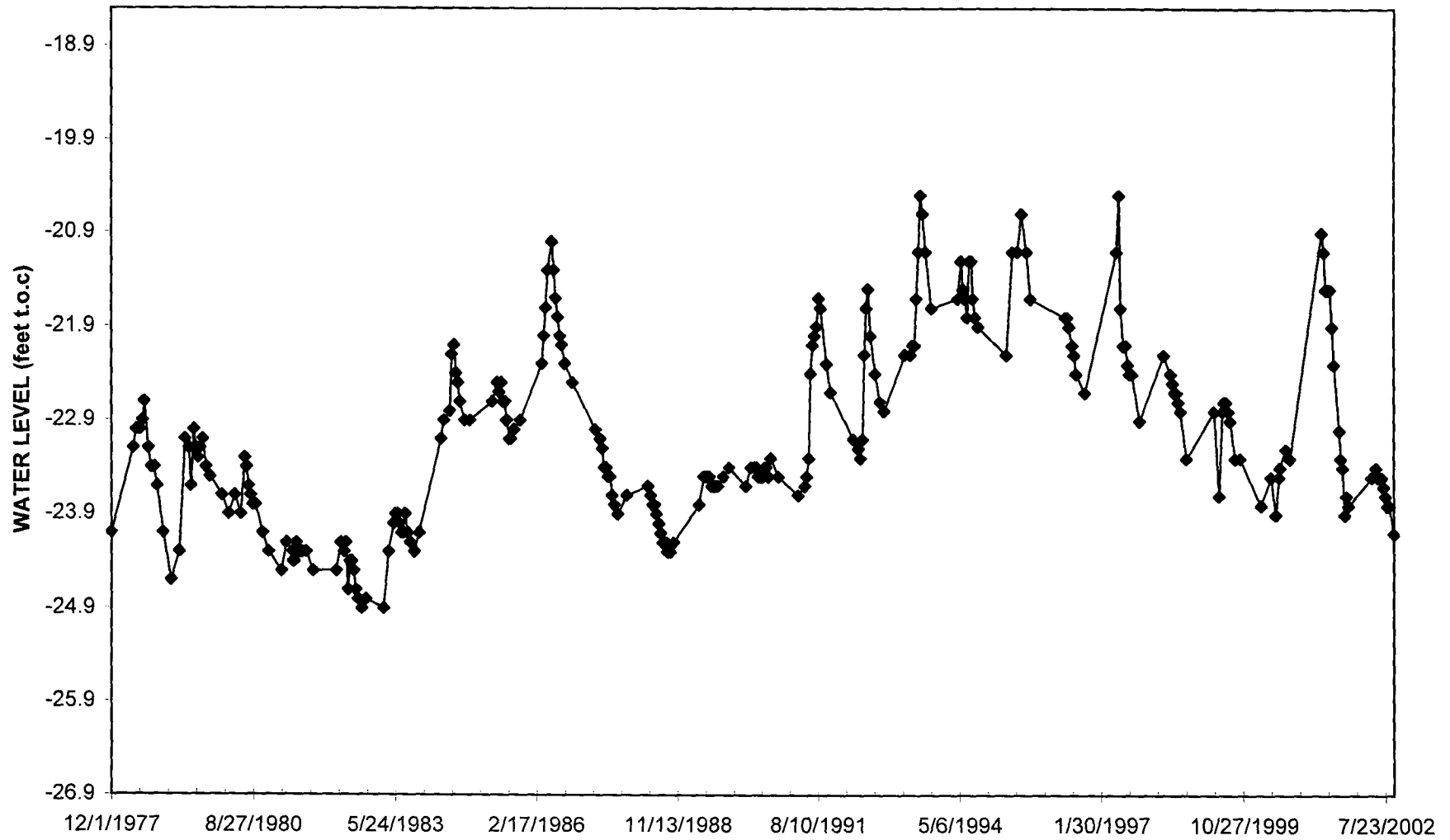
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

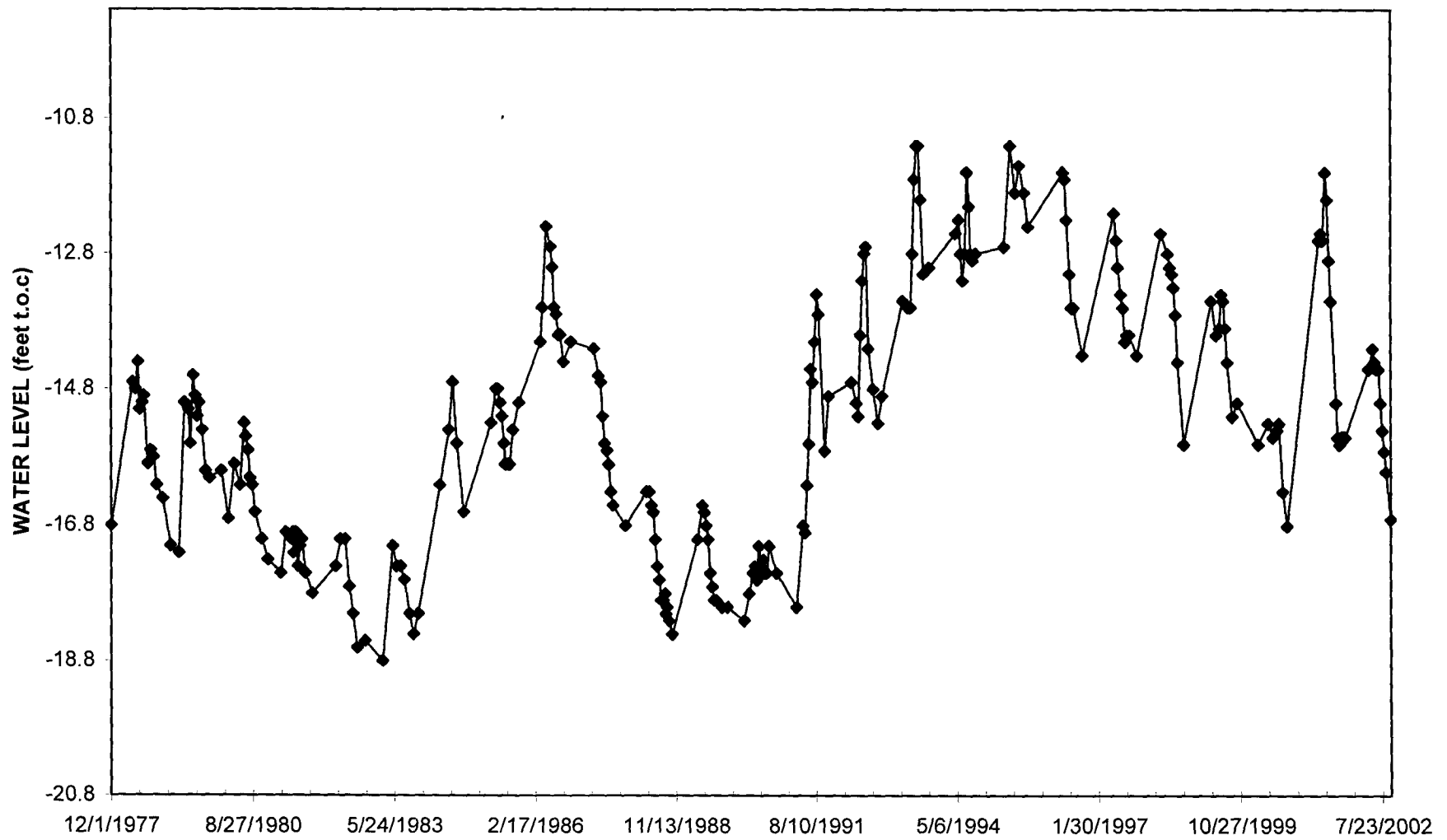
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

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

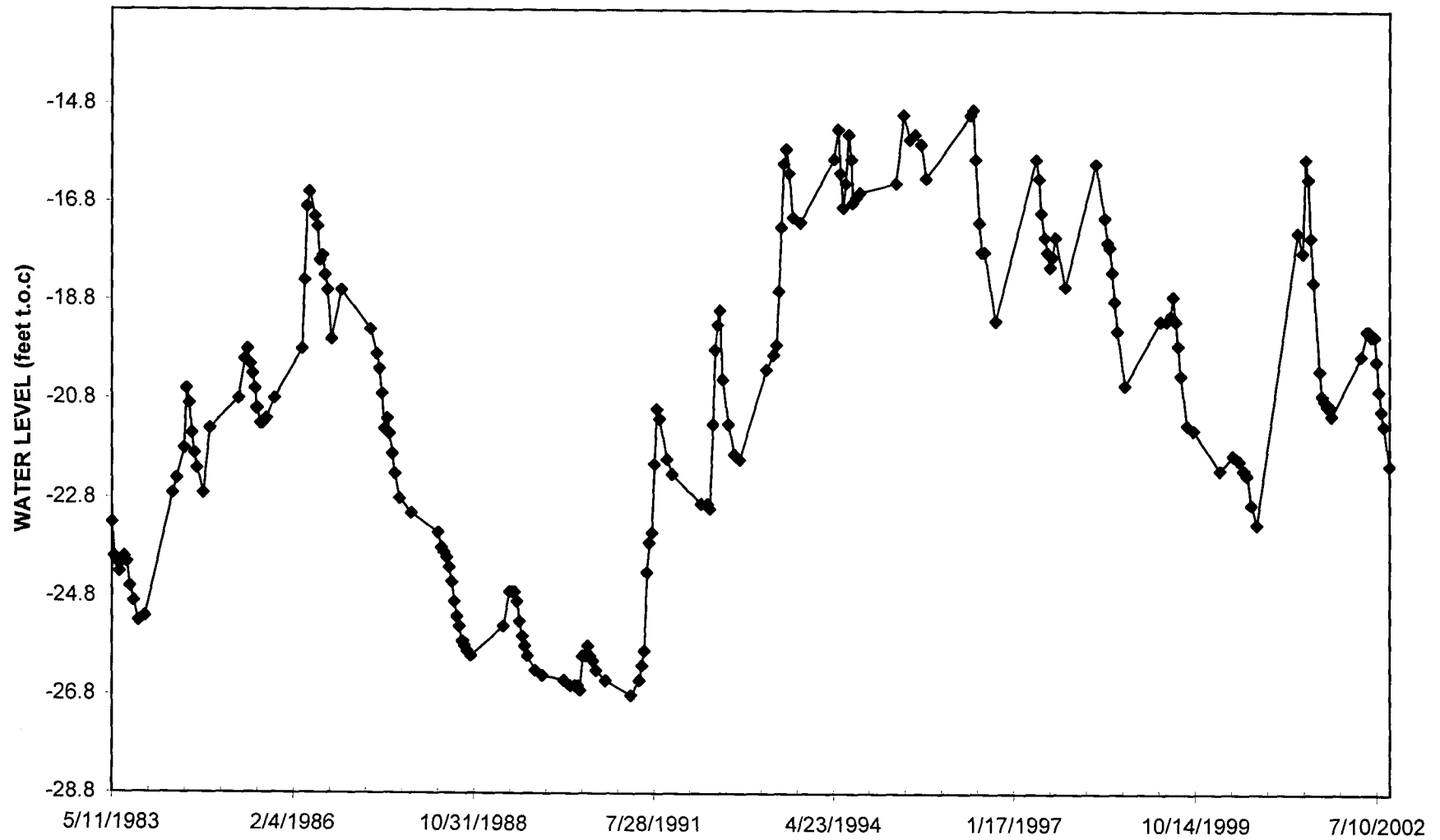
WATER RIGHTS' OBSERVATION WELL
GT-77Q



**WATER RIGHTS' OBSERVATION WELL
GT-77P**



**WATER RIGHTS' OBSERVATION WELL
GT-83B**





**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.

October 24, 2002

Michael D and Nancy J Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. and Ms. Johnson:

Water Permit Application No. 6358-3 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 Grant County Review printed at Milbank, SD (Ph # 605-432-4516). 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

October 24, 2002

Grant County Review
PO Box 390
Milbank SD 57252-0390

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6358-3 to Appropriate Water to be published twice. Please publish the first notice on October 30, 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 Michael D and Nancy J Johnson, 14962 483rd Ave., Milbank, SD 57252 (Ph # 605-432-5600).

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. 6358-3

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

Date _____

We are in receipt of your letter of October 24, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6358-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Helli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Application No. 6358-3 to Appropriate
Water

a printed copy of

which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

October 30 20 02

20

November 6 20 02

20

20

20

That \$ 58.93, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Helli Seehafer

Subscribed and sworn to before me 6th this day of Nov 20 02

Debra L. Hemmick

Notary Public, Grant County, South Dakota

NOTICE OF APPLICATION

NO. 6358-3 to

Appropriate Water

Notice is given that Michael D. and Nancy J. Johnson, 14962 483rd Ave., Milbank, SD 57252 has filed an application for a water permit to appropriate 0.122 cubic feet of water per second (55 gallons per minute) from five existing wells (Veblen Aquifer) located in the N1/2SW1/4, SE1/4SW1/4 Section 12-T120N-R48W. The water is for commercial use in a cattle feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6358-3 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 November 25, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

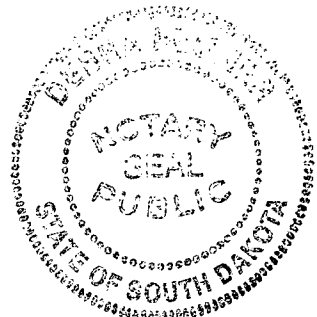
The Water Management Board will consider this application at 10:00 A.M. December 4, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendation is not final or bind-

Publication Fee	\$ <u>58.93</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>58.93</u>

RECEIVED

NOV 07 2002

WATER RIGHTS
PROGRAM



DEBRA L. HEMMICK
NOTARY PUBLIC, GRANT COUNTY, S. DAK.
COMMISSION EXPIRES OCT 27, 2003

ing 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 December 4, 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 November 25, 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 November 25, 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.

Oct. 30

Nov. 6



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 19 2009

Michael D and Nancy J Johnson
14962 483rd Ave.
Milbank SD 57252

Dear Mr. & Mrs. Johnson:

Enclosed is Water Permit No. 6358-3 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**

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

Michael D and Nancy J Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. & Mrs. Johnson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for your cattle feeding operation. In order to complete the application the following is required.

Please submit a map showing the location of the five wells in relation to a government section corner or quarter corner by direction and distance. 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 (i.e. local NRCS office).

The application/license filing fee will be \$200.00.

The application states these wells were drilled several years ago. I have reviewed our files and cannot find any information regarding the wells. Do you have any knowledge on the depths of any of these wells?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Permit No. 6358-3
Minnesota-Whetstone - 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 10, 2006**, made a thorough examination of the water use system constructed by **Michael D or Nancy J Johnson** of **14962 483rd Ave., Milbank, SD 57252** holder of Permit No. **6358-3**, bearing the priority of **August 6, 2002** authorizing the diversion of **0.122** cu. ft. per second of the waters of **Veblen Aquifer** for **Commercial** purposes, in **Grant** County.

Inspection contact & relationship to permit holder, if applicable: **Michael or Nancy Johnson (432-5600)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Unknown**
- 2) No. of Wells **4**
- 3) Depth(s) **Unknown** feet
- 4) Well log is available **N**
- 5) Comment: There is no information concerning the construction or depths of these wells. The wells are labeled Well 1, Well 2, etc... in the order the coordinates were taken.

Pump for Well 1:

- 1) Make **Aeromotor**
- 2) Size **2 hp**
- 3) Capacity **25** GPM

Pump for Well 2:

- 1) Make **Franklin**
- 2) Size **1.5 hp**
- 3) Capacity **15** GPM

Pump for Well 4:

- 1) Make **Grundfos**
- 2) Size **½ hp**
- 3) Capacity **10** GPM

B. Compliance with Permit Requirements:

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

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

All in Section 12-T120N-R48W

Well 1: Approximately 1550 feet north and 820 feet east of the SW corner (N 45.21334, W -96.53327) (NW¹/₄ SW¹/₄)

Well 2: Approximately 1650 feet north and 1055 feet east of the SW corner (N 45.21307, W -96.53418) (NW¹/₄ SW¹/₄)

Well 3: Approximately 1350 feet north and 920 feet east of the SW corner (N 45.21252, W -96.53377) (NW¹/₄ SW¹/₄)

Well 4: Approximately 1638 feet north and 1690 feet east of the SW corner (N 45.21339, W -96.53085) (NE¹/₄ SW¹/₄)

The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for Commercial purposes.

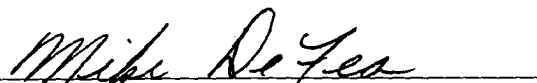
Water has been put to beneficial use to the maximum extent as follows:

Wells 1, 2 and 4 are the primary wells that are used supply water to the feed lot. Well 3 is not being used at this time but, still has the delivery system in place in the event additional water would be needed.

The license should be issued for 0.11 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: **June 1, 2007**

Mike or Nancy Johnson
14962 483rd Ave
Milbank, SD 57252
432-5600

Water Permit No. 6358-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 1, 2007



0 0.125 0.25 0.5
Miles



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2000

6358-3

Michael D or Nancy J Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. & Mrs. Johnson:

Enclosed is Water License No. 6358-3. 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. 6358-3, 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. 6358-3

(1) Michael D or Nancy J Johnson, 14962 483rd Ave, Milbank SD 57252 made Application No. 6358-3, August 6, 2002 for a water permit to divert 0.122 cubic feet of water per second from groundwater (five wells), Grant County, South Dakota for commercial purposes. Permit No. 6358-3, with a priority date of August 6, 2002 was approved December 4, 2002 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 4, 2007 and for the application to beneficial use of water on or before December 4, 2011.

(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 holders and/or owners of Water Right No. 6358-3 is issued a license, bearing a priority date of August 6, 2002 to appropriate 0.11 cubic feet of water per second from groundwater (four wells) for commercial use in a cattle feeding operation.

The diversion points are located as follows: All in Section 12-T120N-R48W

Well #1 – 1,550 feet north and 820 feet east of southwest corner (NW ¼ SW ¼)

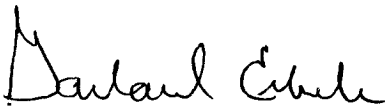
Well #2 – 1,650 feet north and 1,055 feet east of southwest corner (NW ¼ SW ¼)

Well #3 – 1,350 feet north and 920 feet east of the southwest corner (NW ¼ SW ¼)

Well #4 – 1,638 feet north and 1,690 feet east of the southwest corner (NE ¼ SW ¼)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6358-3 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. 6358-3 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. 6358-3 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

JUL 28 2008

date

