

WATER PERMIT NO. 6437-3

Name of Applicant: Crosswind Jerseys Inc.

Address: Box 206, Elkton DS 57026 Phone: 605 542-5661

Amount of Water Claimed: 0.156 cfs (70 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Brookings

Type of Waste Disposal System:

Location: 8 miles southeast of Brookings

PRIORITY Date Received: 8-11-03 Application/License Fee: \$200

Corrected Application Received: . Period of Annual Use: January 1 - December

Remarks: Same area as Water Permit No. 6066-3

Diversion Point: NE ¼ SE ¼ Sec 33-T110N-R48W

Land to be Irrigated: NA

Depth of Well: 27 feet deep

Well Driller: : Joel Minett Well Drilling

Remarks:

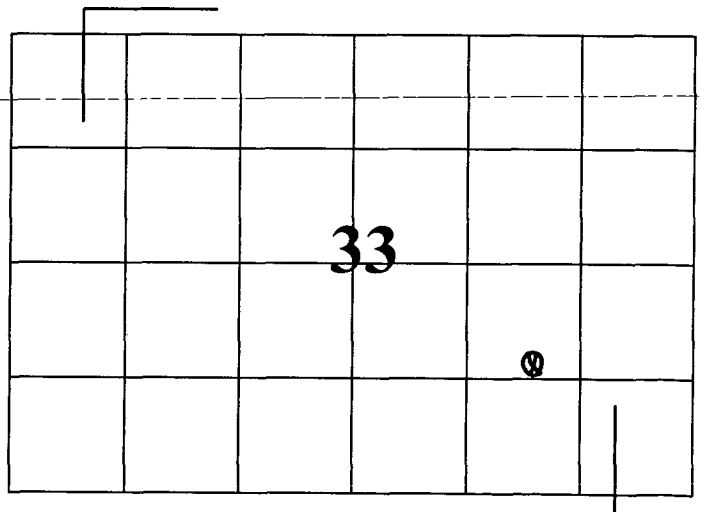
Type of Map: aerial

Prepared by: Gary Keller, NRCS

Reviewed and the Number Assigned on: 8-11-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6437-3

Date of first receipt of application August 11, 2003.

The Water Management Board approved Water Permit No. 6437-3 on December 3, 2003 for Crosswind Jerseys Inc., Box 206, Elkton SD 57026 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. 6437-3 appropriates 0.156 cubic feet of water per second (70 gallons per minute) from one well (Big Sioux:Aurora Aquifer) 27 feet deep located in the NE ¼ SE ¼ Section 33-T110N-R48W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy 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 11, 2003.
5. One-fifth of the construction is to be completed on or before June 3, 2006.
6. All construction is to be completed on or before December 3, 2008.
7. Water is to be put to beneficial use on or before December 3, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6437-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6437-3 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.

(continued)

4. Permit No. 6437-3 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

DEC 29 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>6437-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register, Brookings</u>

RECEIVED
AUG 11 2003
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 Crosswind Jerseys Inc. Phone 605/542-5661
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 206 Elkton SD State S.D. 57026
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.156 *CFS or 70 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in NE 1/4, of SE 1/4, section 33, T-110-N-R-48-W
County Brookings
- County or counties where water will be used Brookings
- Annual period during which water is to be used 365 days / year Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)
County of Brookings) 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, Ernst Temperli, 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 E. Temperli

Subscribed and sworn to before me this 8th day of August 20 03

My commission expires March 24, 2005

Steve J. Dine
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20' Depth 27'
- b) Casing Type Steelcasing Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Diameter 12" Thickness 3/16"
- d) Gravel Pack Nordern Length of Gravel Pack 10'
- e) Depth to Top of Water Bearing Material 23'
- f) Depth to Water (ground surface to water level) 4'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 2400'

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 _____

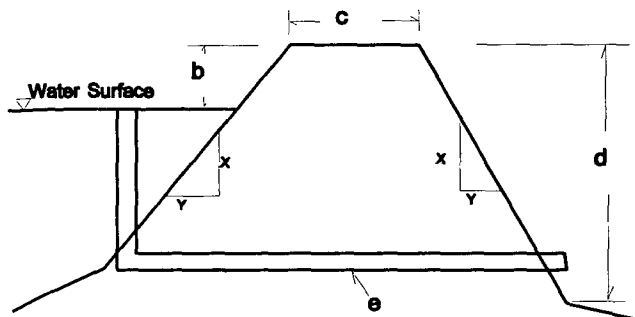
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 11, 20 03

RECEIVED OF Ernst Temperli, Box 206, Elkton SD 57026 (Crosswind Jerseys Inc.)

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

Fee for Application for Permit No. <u>6437-3</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>6437-3</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

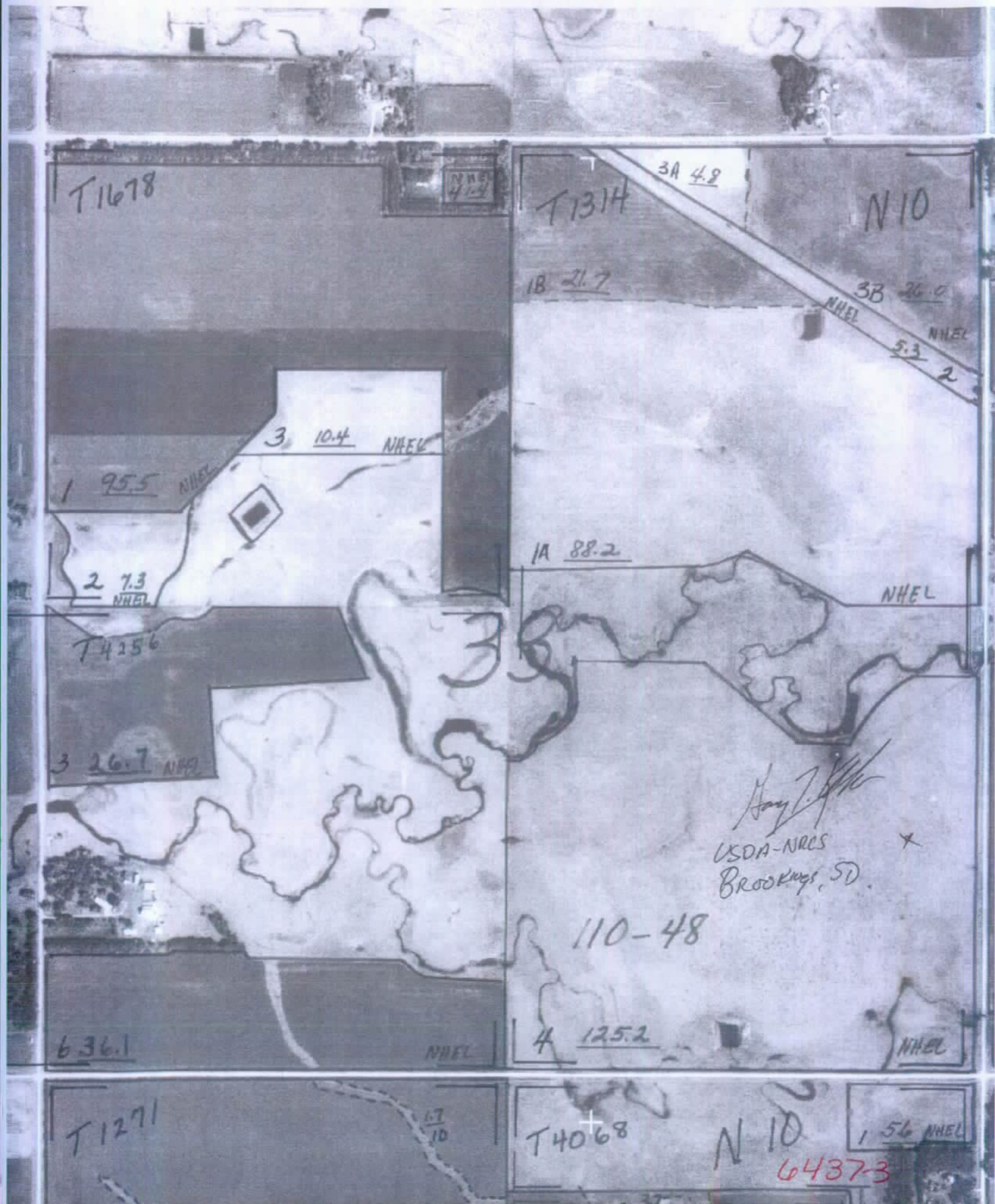
No.

000861

By

Darland Eibek
Chief Engineer *gm*

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



REPORT ON WATER PERMIT APPLICATION NO. 6437-3
For Crosswind Jerseys, Inc.
September 15, 2003

Application No. 6437-3 proposes to appropriate 0.156 cfs (70 gpm) from one well approximately 27 feet deep located in the NE ¼ SE ¼ of section 33, T110N R48W in Brookings County. The water is for commercial use in a dairy.

AQUIFER – BIG SIOUX AURORA (BS-A)

The Big Sioux Aurora is a surficial outwash (sand and gravel) which is under water table conditions in this area. The entire Big Sioux aquifer underlies 540 square miles and contains an estimated 2.0 million acre-feet of water in storage in Brookings County (Hamilton, 1989). The aquifer extends into Hamlin County to the north and into Moody County to the south and is hydraulically connected to the Big Sioux River and to many area streams as in this instance, Medary Creek. Conservatively, the Big Sioux Aurora management unit of the Big Sioux aquifer underlies 39,000 acres and contains an estimated 165,060 acre-feet of recoverable water in storage in Brookings County (Hedges, 1982). The Big Sioux Aurora does extend into Minnesota to the east and into northeastern Moody County. Ground water movement is from east to west and toward the Big Sioux River (Hamilton, 1989). Recharge occurs through infiltration of rainfall and snowmelt directly into the aquifer and potentially from leakage of runoff from creeks like Medary in this instance into the aquifer. Estimates of recharge to the aquifer range from 3.6 to 9.3 inches per year with an average of 6.5 inches per year (Hansen, 1988) and 6.57 inches per year for the water table portion of the aquifer (Koch, 1980). The creek and the Big Sioux River tend to be discharge areas for the aquifer. Typically, ground water levels are highest in the spring to early summer and gradually decline from summer through fall and winter. The water levels change dramatically in response to precipitation and this can occur any time during the year.

Test hole information at this site indicates sand and gravel was encountered from 14 to 30 feet below land surface. No test pumping or static water level information was provided with the application, however, there is an observation well maintained by the Water Rights Program located in this immediate area. 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. The water level records indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). A hydrograph for observation well BG-57G is included with this report.

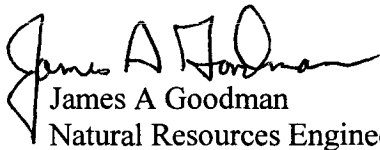
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 6066-3 issued for 0.66 cfs (Moody County Feeders) for use in a cattle feedlot. This application would have until October 1, 2003 to complete construction. This application should be subject to cancellation for non-development and should not be a concern for this application. Even if this application were developed interference would not be a concern. There is only one other nearby water permit/right

No. 4436-3 (1.67 cfs, irrigation of 250 acres) located about one mile northeast from this proposed well. Interference is not a concern. Drawdown created by pumping will not be significant nor extend very far from this proposed well at the projected pumping rate.

CONCLUSIONS

1. Water is available from the Big Sioux Aurora aquifer.
2. The aquifer is under water table conditions. Pumping at a rate of 70 gpm will not create significant drawdown. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The water will be used for a dairy. Plans and Specifications have been submitted to and reviewed by and approved by the Department for this facility.
5. There is an existing water permit at this site. Permit No. 6066-3 will be subject to cancellation for non-construction in October of this year. Even if permit No. 6066-3 were developed there would still be water available for this application.
6. The applicant should consider drilling two wells at this site. One of the wells would be for backup purposes.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, Huron, SD, 57350.

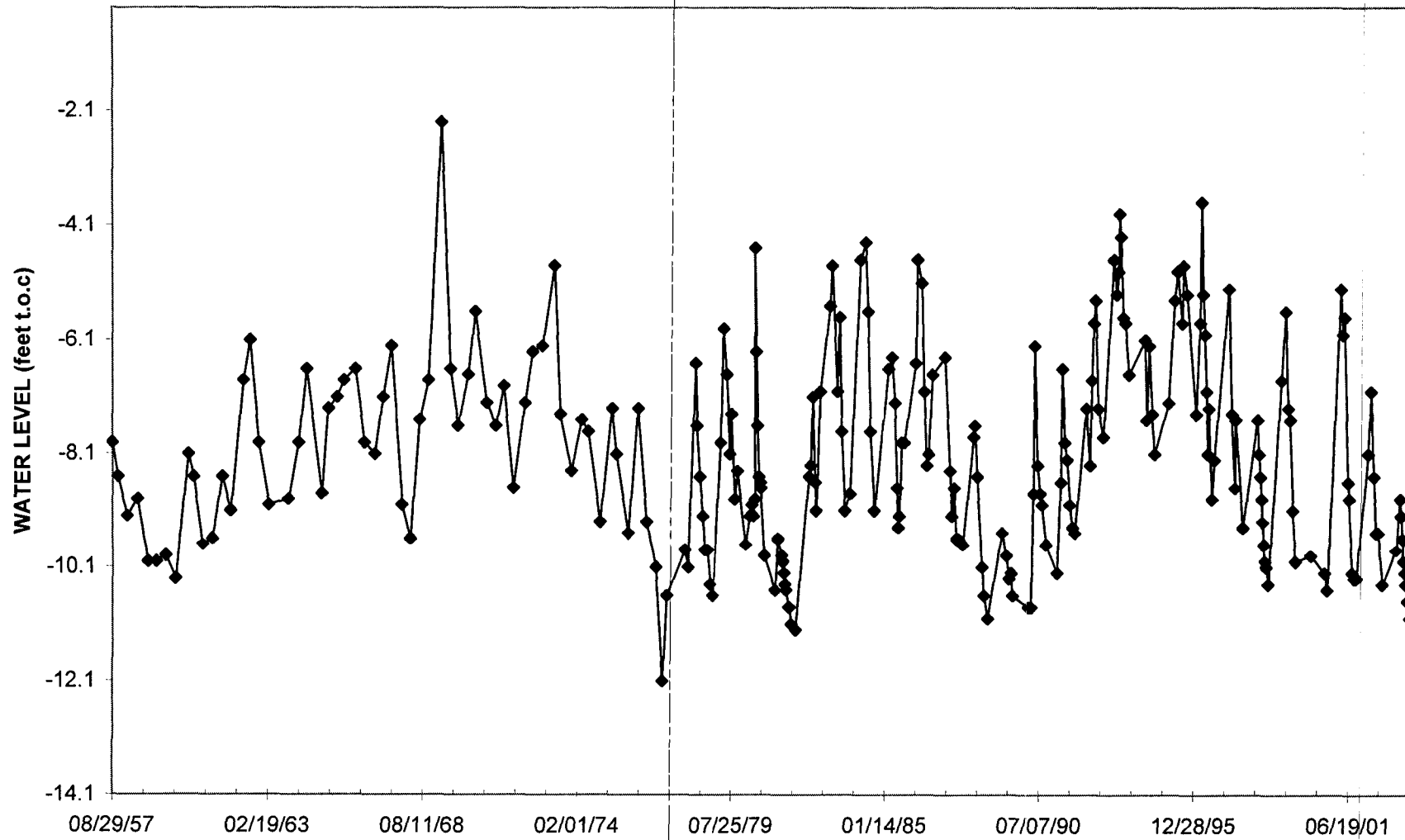
Hansen, D.S., 1988, Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota, USGS, WRI 87-4057, Huron, SD, 57350.

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

Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, USGS WRI 80-100, USGS, Huron, SD, 57350.

Water Rights, 2003, Unpublished Observation Well Data for Brookings County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BG-57G**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6437-3, Crosswind Jerseys, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6437-3, Crosswind Jerseys, Inc., c/o Ernst Temperli, Box 206, Elkton SD 57026.

The Chief Engineer is recommending APPROVAL of Application No. 6437-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6437-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6437-3 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.
4. Permit No. 6437-3 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 9, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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 9, 2003

Crosswind Jerseys Inc
% Ernst Temperli
Box 206
Elkton SD 57026

Dear Mr. Temperli:

Water Permit Application No. 6437-3 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 Brookings Register printed at Brookings, SD (Ph # 605-692-6271). 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

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

October 9, 2003

Brookings Register
PO Box 177
Brookings SD 57006-0177

ATTENTION: Legal Public Notice

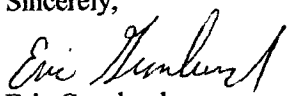
Enclosed is a Notice of Hearing on Application No. 6437-3 to Appropriate Water to be published twice. Please publish the first notice on October 21, 2003 with the second publication 7 days later.

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 Crosswind Jerseys Inc., % Ernst Temperli, Box 206, Elkton SD (Ph # 605-542-5661).

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. 6437-3

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

Date _____
We are in receipt of your letter of October 9, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6437-3 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 October 21, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6437-3 to Appropriate Water

Notice is given that Crosswind Jerseys Inc. c/o Ernst Temperli, Box 206, Elkton SD 57026 has filed an application for a water permit to appropriate 0.156 cubic feet of water per second (70 gallons per minute) from one well (Big Sioux Aurora Aquifer) 27 feet deep located in the NE ¼ SE ¼ Section 33-T110N-R48W. The water is for commercial use in a dairy.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6437-3 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 21, 2003. 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 AM December 3, 2003 in the Matthew Training Center, Foss Building, 523 E Capital 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 December 3, 2003 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 21, 2003.

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 21, 2003, 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.

Affidavit of Publication

State of South Dakota

SS

County of Brookings

Jessica Johnson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed

that the

Legal # 522: " Water Permit "

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for _____ 2 times, to-wit:

October 21, 2003

October 28, 2003

said Exhibit "A" inures to the sole benefit to the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Fifty nine dollars and seventy-eight cents \$ 59.78

Subscribed and sworn to before me this

29th

day of

October

2003.

Christine Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

Exhibit "A"

Legal 522, 2x, 10/21, 28

NOTICE OF HEARING on Application
No. 6437-3 to Appropriate Water

Notice is given that Crosswind Jerseys Inc. c/o Erni Temperli, Box 206, Elkton SD 57026 has filed an application for a water permit to appropriate 0.156 cubic feet of water per second (70 gallons per minute) from one well (Big Sioux Aquifer) 27 feet deep located in the NE 1/4 SE 1/4 Section 33-T1 10N-R48W. The water is for commercial use in a dairy.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6437-3 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 21, 2003. 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 AM December 3, 2003 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 December 3, 2003 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 21, 2003.

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 21, 2003, 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 46-1-18, 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, 46-6-25, and Board Rules ARSD 74:02:01.01 thru 74:02:01.15.

Steven M. Pimer, Secretary,
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 29 2003

Crosswind Jerseys Inc
% Ernst Temperli
Box 206
Elkton SD 57026

Dear Mr. Termperli:

Enclosed is Water Permit No. 6437-3 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

6437-3

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

Date 5-11-04

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

RECEIVED
MAY 14 2004
WATER RIGHTS
PROGRAM

FROM: Crosswind Jerseys Inc.
(name)
Box 206
(address)
Elkton, SD 57026
(city, state, zip)

605-542-5661
(phone)

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

Water Permit No. 6437-3 states that the water use system is to be constructed by

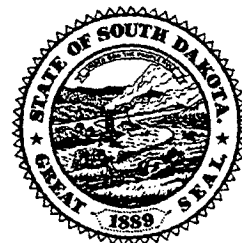
6-03-06, and water is to be put to beneficial use by 12-03-2012.
(date) (date)

The water use system was completed on Dec. 23.03.
(date)

Applying the water to beneficial use was completed on 4-14-04.
(date)

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

E. Temperli
(signature)





South Dakota
State University

David E. Olson Biochemistry Laboratory
Analytical Services Laboratory

Box 2170 Rm. 133 ASC
Brookings, SD 57007-1217
Telephone: (605) 688-8171
FAX: (605) 688-8295

6437-3

Report of Analysis

CROSSWIND JERSEYS, INC.
ERNST TEMPERLI
PO BOX 206
ELKTON, SD 57026

Reported: 05/07/2004
Received: 04/15/2004

04S-05432 WATER FROM NEW WELL FOR DAIRY FARM

Alkalinity, ppm	372
Chloride, mg/L (ppm)	11.4
Electrical Conductivity, umhos/cm	880
Electrical Conductivity, dS/M	0.880
Water Hardness, mg CaCO ₃ /L	464
Nitrate Nitrogen, mg/L (ppm)	5.76
pH	6.8
Sulfate, mg/L (ppm)	87.30
Calcium, mg/L (ppm)	105
Iron, mg/L (ppm)	0.0400
Magnesium, mg/L (ppm)	49.3
Manganese, mg/L (ppm)	0.0500
Potassium, mg/L (ppm)	4.7
Sodium, mg/L (ppm)	17.5

Please refer to the enclosure for interpretation of analysis as it relates to livestock suitability.

For additional information, please contact David German at the Water Resources Institute, 688-4211 or David_German@sdstate.edu.

Reviewed By: Nancy Thies

CC: WATER RESOURCES INSTITUTE
SDSU AE 211 BOX 2120
BROOKINGS, SD 57007

Permit No. 6437-3
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, August 22, 2006, made a thorough examination of the water use system constructed by Crosswind Jerseys Inc of 48152 SD Hwy 13, Box 206, Elkton, SD 57026 holder of Permit No. 6437-3, bearing the priority of August 11, 2003 authorizing the diversion of 0.156 cu. ft. per second of the waters of the Big Sioux:Aurora Aquifer for Commercial purposes, in Brookings County.

Inspection contact & relationship to permit holder, if applicable: **Ernest Temperli (542-5661)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Joel Minett Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 30 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length Unknown feet
- 3) Type Steel

Screen:

- 1) Type Stainless Steel
- 2) Length Unknown feet
- 3) Static water level 4 feet

Pump:

- 1) Make Grundfos
- 2) Model 25 S 10-7
- 3) Size 1 hp
- 4) Capacity 25 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

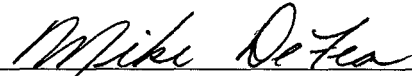
The system is in Good condition with the point(s) of diversion located as follows: Approximately 1450 feet north and 15 feet west of the SE corner of Section 33-T110N-R48W (N 44.28631, W -96.58785). The works are capable of diverting and conveying to the place of use 0.056 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to the maximum extent as follows:

Water from the well is pumped to a holding tank and distributed as needed to the dairy barn.

The license should be issued for 0.056 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 13, 2007

Crosswind Jerseys Inc.
Box 206
Elkton, SD 57026
542-5661

Water Permit No. 6437-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 13, 2007



0 850 1,700 3,400 Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6437-3

(1) Crosswind Jerseys Inc., 48152 SD Hwy 13, Box 206, Elkton SD 57026 made Application No. 6437-3, August 11, 2003 for a water permit to divert 0.156 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for commercial use purposes. Permit No. 6437-3, with a priority date of August 11, 2003 was approved December 3, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 2008 and for the application to beneficial use of water on or before December 3, 2012.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 14, 2004. The *Notice* stated the diversion system was completed on December 23, 2003 and the water placed to beneficial use on April 14, 2004.

(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. 6437-3 is issued a license, bearing a priority date of August 11, 2003 to appropriate 0.056 cubic feet of water per second from groundwater (one well) for commercial use in a dairy operation.

The diversion point is located: approximately 1,450 feet north and 15 feet west of the southeast corner of Section 33-T110N-R48W (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6437-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6437-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
- Permit No. 6437-3 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. 6437-3 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

JUN 20 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 20 2007

6437-3

Crosswind Jerseys Inc
PO Box 306
48152 SD Hwy 13
Elkton SD 57026

Dear Sir:

Enclosed is Water License No. 6437-3. 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. 6437-3, 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