

WATER PERMIT NO. 6457-3

Name of Applicant: **Big Sioux Nursery, Inc.**

Address: **16613 Sioux Conifer Rd, Watertown SD** Phone: **605 886-6806**

Amount of Water Claimed: **0.044 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

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

Type of Waste Disposal System:

Location: **3 miles south of Watertown**

PRIORITY Date Received: **12-30-2003** Application/License Fee: **\$100**

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

Remarks: **for filling sprayers and for restroom use**

Diversion Point: **SE ¼ NE ¼ Sec 2-T117N-R53W**

Land to be Irrigated: **NA**

Depth of Well: **23 feet**

Well Driller: : **Lacey Well Drilling**

Remarks:

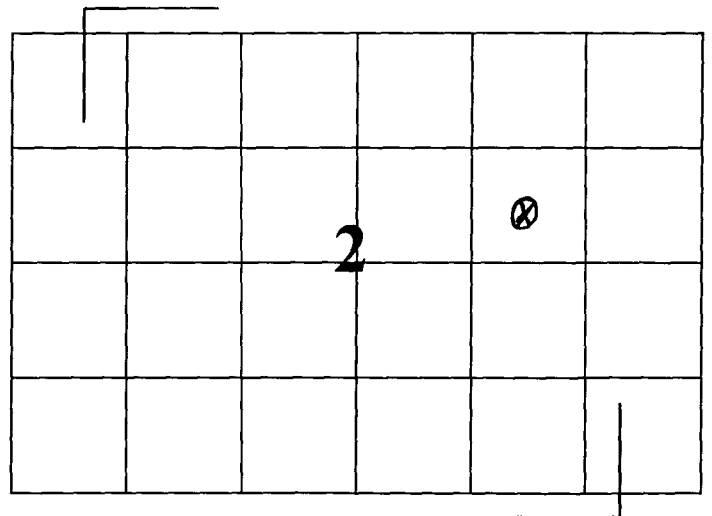
Type of Map: **aerial**

Prepared by: **Jim V Rezjer, NRSC**

Reviewed and the Number Assigned on: **12-30-2003**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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>6457-3</u> (office use only) Hydrologic Unit <u>1017020Z</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion, Watertown</u>

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DEC 30 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:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 Big Sioux Nursery, Inc. Phone (605) 886-6806
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 16613 Sioux Conifer Rd Watertown State SD 57201
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.044 *CFS or 20 **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 drilled well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Codington
SE 1/4 of NE 1/4 of Section 2 Lake township 117N R 53W
- County or counties where water will be used Codington
- Annual period during which water is to be used year around 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)
Water is to be used to fill sprayers on a seasonal basis from April through November. It will also be used year long for supplying water to a rest room in this shop building.

STATE OF SOUTH DAKOTA) SS
County of Codington

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

I, Blaine F. Marten the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Blaine F. Marten

Subscribed and sworn to before me this 23rd day of Dec 20 03

Kayla J. Gitting
Notary Public signature
my comm Exp 10-19-09

**SOUTH DAKOTA
WATER PERMIT NO. 6457-3**

Date of first receipt of application December 30, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6457-3 to Big Sioux Nursery, Inc, 16613 Sioux Conifer Rd, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6457-3 appropriates 20 gallons per minute from one well (Big Sioux: North Aquifer) 23 feet deep located in the SE ¼ NE ¼ Section 2-T117N-R53W.
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 of approval of Permit No. 6457-3 is February 26, 2004.
5. The date from which applicant may claim right is December 30, 2003.
6. One-fifth of the construction is to be completed on or before August 26, 2006.
7. All construction is to be completed on or before February 26, 2009.
8. Water is to be put to beneficial use on or before February 26, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 09 2004

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 23' 4"
- b) Casing Type plastic Diameter 8" Thickness _____
- c) Screen Type manufactured Diameter 8" Thickness _____
- d) Gravel Pack None used Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
- On applicants property 800' On property owned by others 800'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank and drain field
- b) System Capacity (gallons) 1000 gals Year Constructed 2003
- c) Connected to the City of _____ Sanitary System

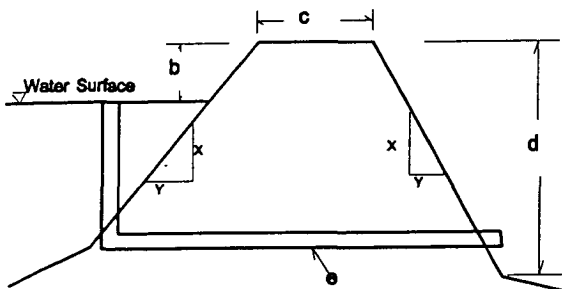
3. Dugout Information

- 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 8 December 30, 20 03

RECEIVED OF Big Sioux Nursery Inc., 16613 Sioux Conifer Road, Watertown SD 57201-7538

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

Fee for Application for Permit No. <u>6457-3</u> 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. <u>6457-3</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	100.00

No.

001023

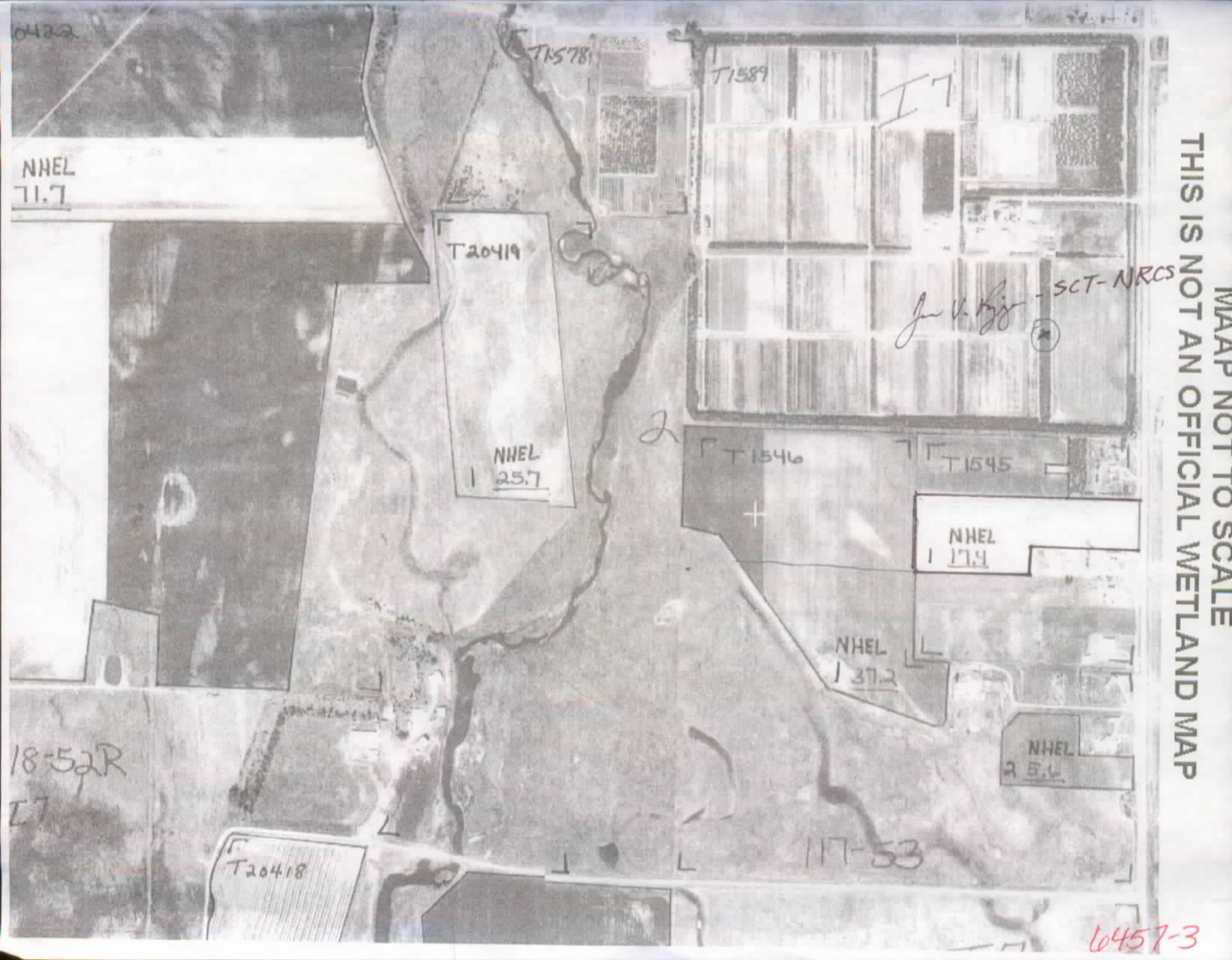
By

Darland Elbeke

Chief Engineer

gm

MAAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



BIG SIOUX NURSERY, INC.
16613 SIOUX CONIFER ROAD
WATERTOWN, SOUTH DAKOTA 57201
PHONE: 605-886-6806
FAX: 605-886-7951

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AUG 15 2003

WATER RIGHTS
PROGRAM

August 13, 2003

Jim Goodman
Department of Environment & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57201

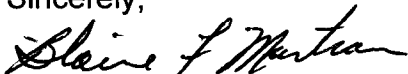
Dear Jim:

I would like to request authorization to drill a test well at the Big Sioux Nursery, Inc. I understand that once I have located the exact location for the well I will apply for the water permit.

This well will be used to supply water for a rest room for the shop/pesticide building, along with being used for filling sprayers during the summer and fall seasons. I would anticipate the well would be a sandpoint or a drilled well with a submersible pump. I anticipate around 20 gpm capacity.

Please let me know how I should proceed. If you have any questions, please give me a call.

Sincerely,



Blaine F. Martian
Executive Director



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 2003

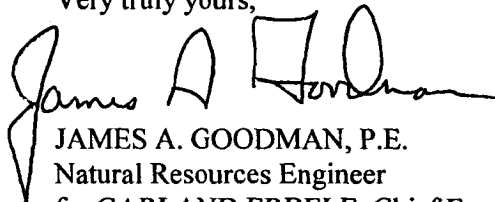
Blaine F. Martian
Big Sioux Nursery, Inc
16613 Sioux Conifer Road
Watertown, SD 57201

Dear Mr. Martian:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Big Sioux Nursery, Inc. prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,



JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 2003

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

Dear Mr. Martian:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use.

A review of our files indicates that Big Sioux Nursery, Inc. holds Water Permit/Right Nos. 4822-3, 5575-3 and 6305-3. Nos. 4822-3 and 6305-3 cover the irrigated acres. Water Right No. 5575-3 authorizes 0.17 cubic feet of water per second (75 gallons per minute) for fire suppression and to fill spray tanks. What is the status of this permit? Is this well still utilized for these uses? Enclosed is a copy of the water right. Since this new application is to fill sprayers also, we thought that possibly you were no longer using the well authorized by No. 5575-3.

The application for the new well is complete. We will notify you when the report, recommendation and public notice is completed.

Your prompt reply will be appreciated. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Blaine Martian, Big Sioux Nursery

ADDRESS: Watertown SD

DATE: 1-6-2004 **COUNTY:** CD **TELEPHONE:**

RE: Cancellation of Water Right No. 5575-3

COMMENTS:

Blaine Martian called regarding my letter dated December 30, 2003. Mr. Martian stated they have abandoned the use of the well authorized by Water Right No. 5573-3. They were having problems and were going to rehabilitate the well but it wasn't cost effective. They plan to have the well plugged. Mr. Martian indicated he would be sending us a letter stating the same.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6457-3
For Big Sioux Nursery, Inc.
January 28, 2004

Application No. 6457-3 proposes to appropriate 0.045 cfs (20 gpm) from one well approximately 23 feet deep located in the SE ¼ NE ¼ of section 2, T117N R53W in Codington County. The water is for commercial use.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer is a fluvial aquifer consisting of poorly to well-sorted outwash ranging from medium sand to medium gravel (Putnam, 1996). The aquifer underlies 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). Recharge to the aquifer ranges from four to ten inches per year (Hansen, 1988). This means that basically the aquifer is capable of recharging at a rate greater than the amount of water which may be available from precipitation. Ground water movement is from north to south with locally, movement toward the Big Sioux River with a gradient of about six to ten feet per mile (Putnam, 1996). The aquifer is hydraulically connected to the Big Sioux River, Mud Creek and area lakes Pelican and Kampeska.

The well completion report filed with the application indicates gravel from a depth of two to 23.33 feet below land surface. The well had a static water level of 15 feet below land surface and was capable of producing 50 gpm. This well is constructed in accordance with South Dakota Well Construction Standards.

The water right program monitors four observation wells completed into the Big Sioux aquifer and within two miles of this application. Water level information indicates that the aquifer responds quickly to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for observation wells CD-76B and CD-77F are included with this report.

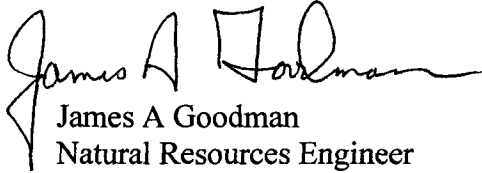
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only existing water permits/rights in the area belong to the applicant. The nearest existing water right is about one mile away. Interference is not a concern. This request is for a small diversion rate and drawdown created by pumping would not be significant nor cause any adverse effects.

CONCLUSIONS

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

2. The aquifer is under water table conditions in this area. Pumping will not create significant drawdown. Interference is not a concern.
3. This well has been completed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

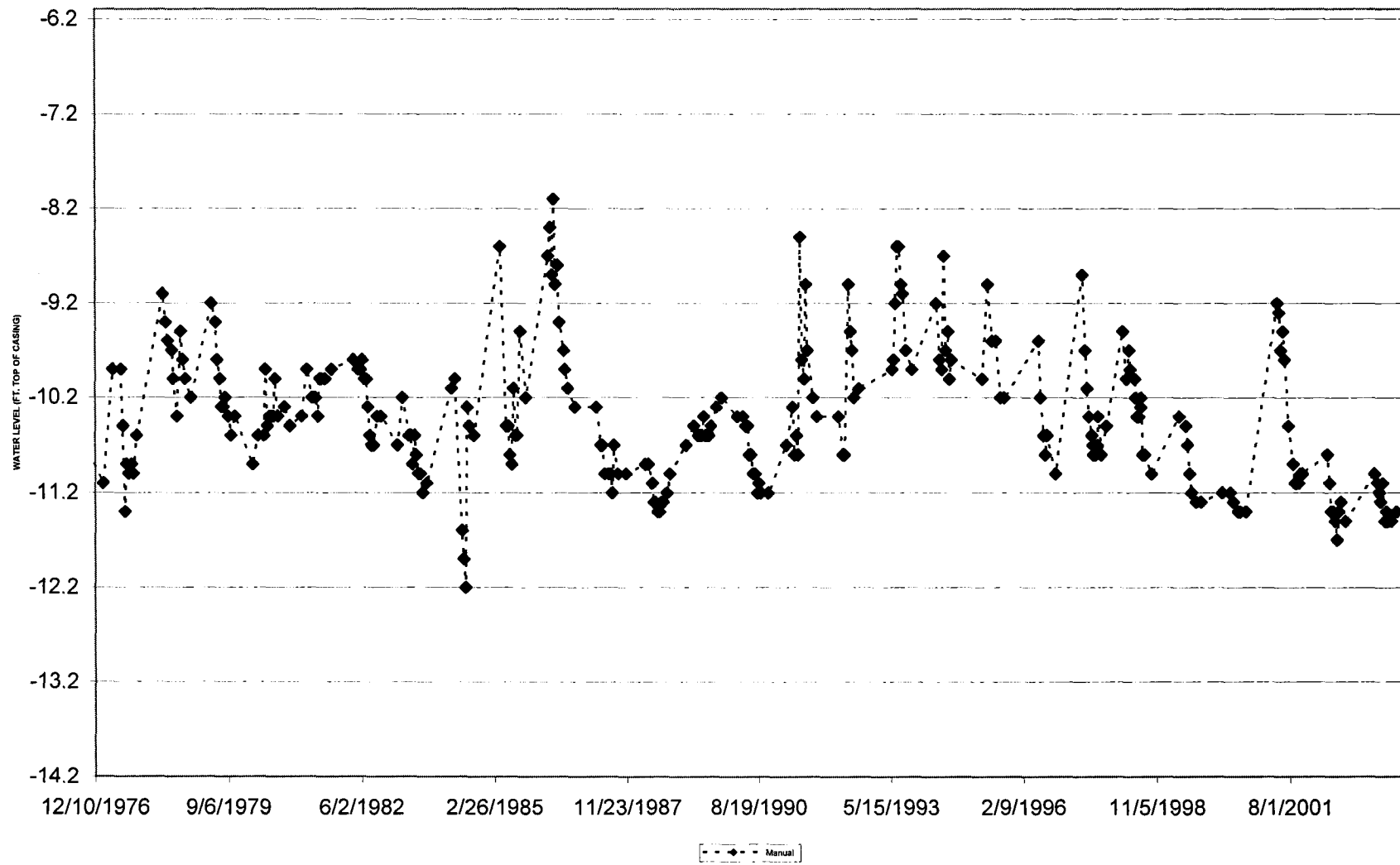
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

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

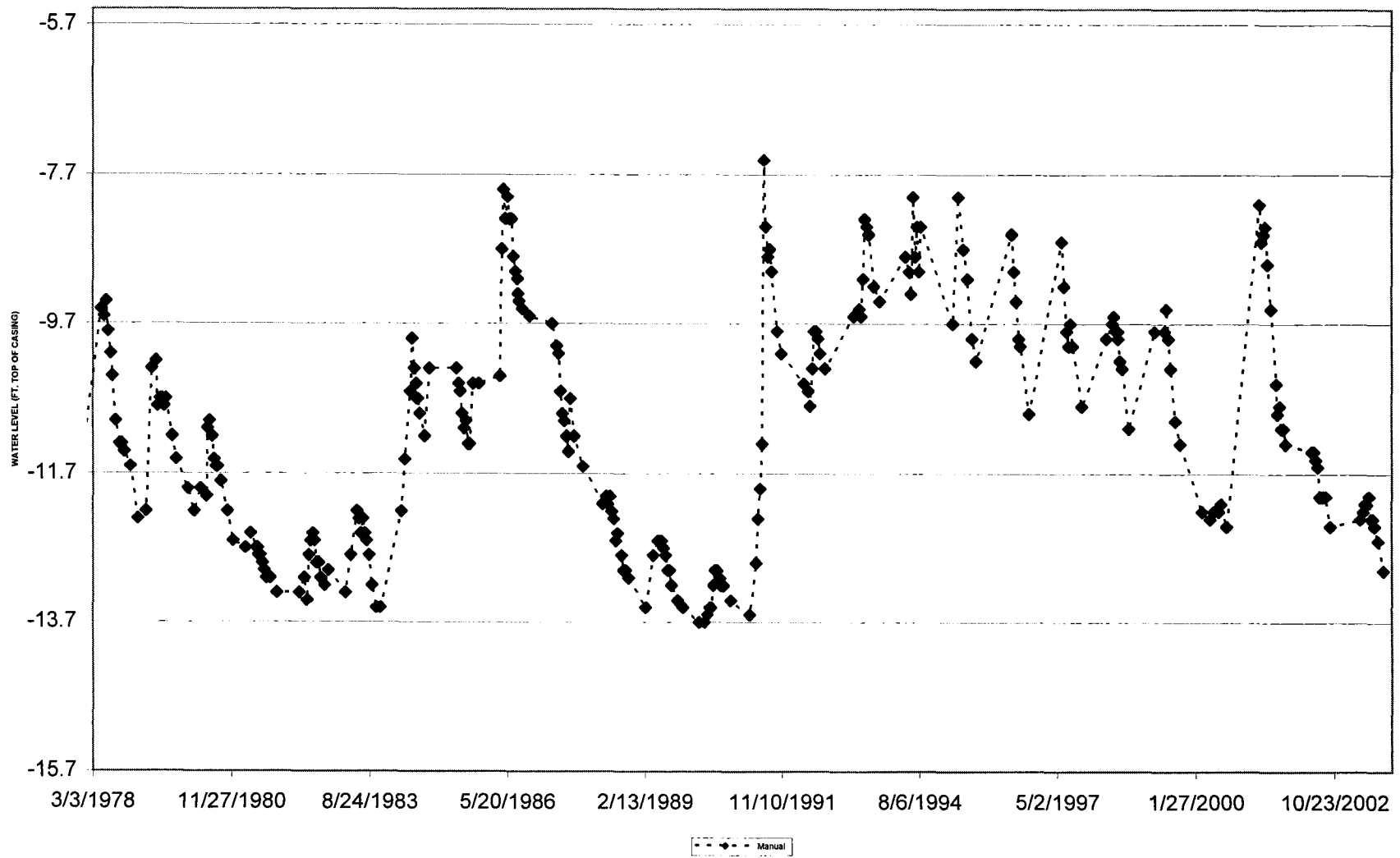
Putnam, L.D., R.C. Thompson, 1996, Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota, WRI 96-4275, USGS, Rapid City, SD, 57702.

Water Rights, 2004, Unpublished Observation Well Data for Codington County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

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



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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6457-3, Big Sioux Nursery, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6457-3, Big Sioux Nursery, Inc., c/o Blaine Martian, 16613 Sioux Conifer Road, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6457-3 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 30, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 9th, 2004

February 16th 2004

Cost of Printing 93.16

Monica Saathoff
 (Signature)

BOOKKEEPER

(Title)

February 16th, 2004

(Date Signed)

DENR

NOTICE OF APPLICATION NO. 6457-3 to Appropriate Water

Notice is given that Big Sioux Nursery, Inc., c/o Blaine F. Martian, 18813 Sioux Conifer Rd., Watertown, SD has filed an application for a water permit to appropriate 20 gallons per minute from one well (Big Sioux: North Aquifer) 23 feet deep located in the SE 1/4 NE 1/4 Section 2-T117N-R53W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6457-3

because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be

given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 26, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(February 9, 16, 2004)

93.16

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FEB 20 2004

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**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

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

February 2, 2004

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

Dear Mr. Martian:

Water Permit Application No. 6457-3 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 Public Opinion printed at Watertown, SD (Ph # 605-886-6901). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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February 2, 2004

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6457-3 to Appropriate Water to be published twice. Please publish the first notice on February 9, 2004 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Big Sioux Nursery Inc., 16613 Sioux Conifer Rd., Watertown SD (Ph # 605-886-6806).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6457-3

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

Date _____

We are in receipt of your letter of February 2, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6457-3 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 February 9, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6457-3 to Appropriate Water

Notice is given that Big Sioux Nursery, Inc., c/o Blaine F Martian, 16613 Sioux Conifer Rd, Watertown SD 57201 has filed an application for a water permit to appropriate 20 gallons per minute from one well (Big Sioux: North Aquifer) 23 feet deep located in the SE ¼ NE ¼ Section 2-T117N-R53W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6457-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 26, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



MAR 09 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Martian:

Enclosed is Water Permit No. 6457-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

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

Date 6-28-04

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

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

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

Water Permit No. 6457-3 states that the water use system is to be constructed by
2-26-09 , and water is to be put to beneficial use by 2-26-2013
(date) (date)

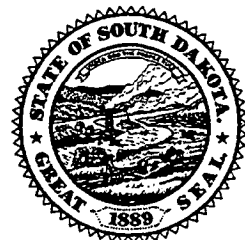
The water use system was completed on 4-1-04
(date)

Applying the water to beneficial use was completed on 4-1-04
(date)

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

Shaine L. Martin
(signature)

RECEIVED
JUN 29 2004
WATER RIGHTS
PROGRAM



Permit No. 6457-3
Sioux River - Water District

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

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

I have this day, **October 26, 2005**, made a thorough examination of the water use system constructed by **Big Sioux Nursery, Inc.** of **16613 Sioux Conifer Rd., Watertown, SD 57201** holder of Permit No. **6457-3**, bearing the priority of **December 30, 2003** authorizing the diversion of **0.044** cu. ft. per second of the waters of **Big Sioux:North aquifer** for **Commercial** purposes, in **Codington** County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Lacey Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **23** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **8** inches
- 2) Length **+2 to -20** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **3** feet
- 3) Static water level **15** feet

Pump:

- 1) Make **Gould submersible**
- 2) Model
- 3) Size **1 hp**
- 4) Capacity **18** 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

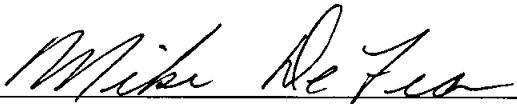
The system is in good condition with the point(s) of diversion located as follows: Approximately 1350 feet south and 600 feet west of the NE corner of Section 2-T117N-R53W (N 44.972, W -97.149083). The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water which 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 used to fill sprayers on a seasonal basis and is also used to supply water to a restroom in their shop building.

The license should be issued for 0.04cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



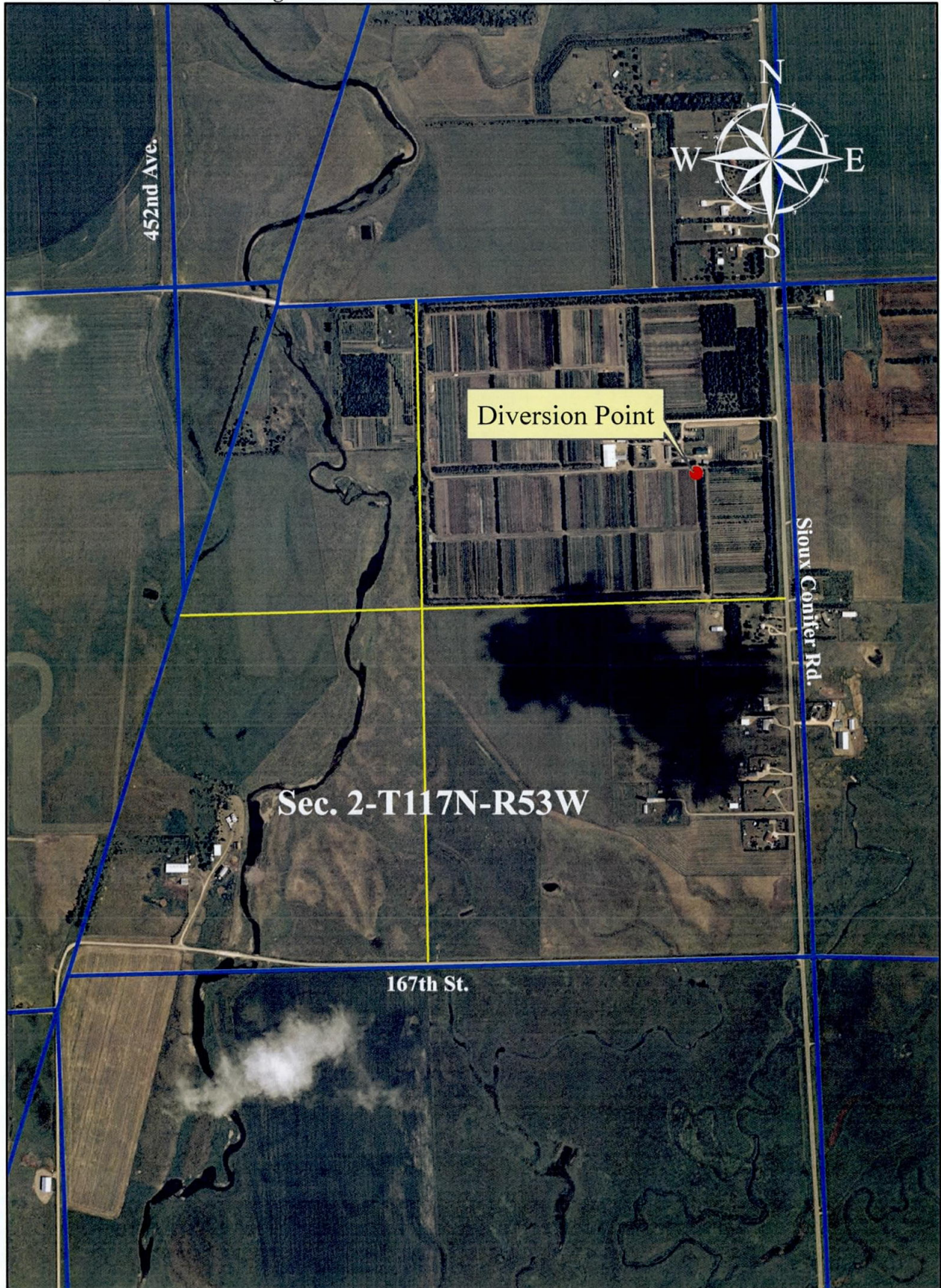
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: February 13, 2006

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

Water Permit No. 6457-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
February 13, 2006



0 250 500 1,000 1,500 2,000 2,500
Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2008

6457-3

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

Dear Mr. Martian:

Enclosed is Water License No. 6457-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map of the area prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6457-3, 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. 6457-3

(1) Big Sioux Nursery Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 made Application No. 6457-3, December 30, 2003 for a water permit to divert 0.044 cubic feet of water per second (20 gallons per minute) from ground water - one well (Big Sioux - North Aquifer), Codington County, South Dakota for commercial purposes. Permit No. 6457-3, with a priority date of December 30, 2003 was approved February 26, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 26, 2009 and for the application to beneficial use of said water on or before February 26, 2013.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 29, 2004. The "*Notice*" stated the water use system was completed and the water placed to beneficial use on April 1, 2004.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.040 cubic feet of water per second for beneficial use.

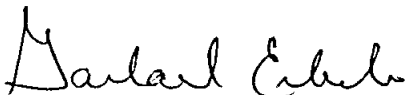
The location of the diversion point is approximately 1,350 feet S and 600 feet W of the NE corner of Section 2, T117N, R53W (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is used to supply a restroom in the shop building and also used to fill sprayers on a seasonal basis.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Big Sioux Nursery Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 the holder and/or owner of Water Right No. 6457-3 is issued a license to appropriate water, the right to use 0.040 cubic feet of water per second (18 gallons per minute) from ground water – one well (Big Sioux – North Aquifer) with a priority date of December 3, 2003 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6457-3 and subject to the following qualification:

- The well approved under this Permit is 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.



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

JUN 12 2008

date

