

WATER PERMIT NO. 6459-3

Name of Applicant: **Ross Ulmer**

Address: **39060 113th St, Frederick SD 57441**

Phone: **605 329-2802**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **155 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Brown**

Type of Waste Disposal System:

Location: **5 miles south and 5 miles east of Frederick**

PRIORITY

Date Received: **1-12-2004**

Application/License Fee: **\$300**

Corrected Application Received: **1-15-2004**

Period of Annual Use: **May 1 – October 1**

Remarks:

Diversion Point: **center of SW ¼ Sec 3-T126N-R63W**

Land to be Irrigated: **SW ¼ Sec 3-T126N-R63W**

Depth of Well: **90 feet deep**

Well Driller: :

Remarks:

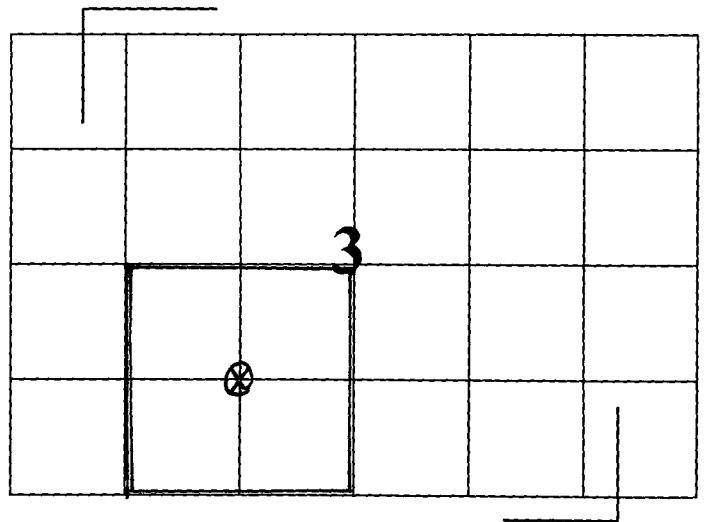
Type of Map: **aerial**

Prepared by: **Douglas D Farrand, NRCS**

Reviewed and the Number Assigned on: **1-15-2004**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6459-3</u>	(office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>Aberdeen American News, Aberdeen</u>	
	<u>225-4100</u>	

RECEIVED
JAN 12 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Ross Ulmer Phone (605) 329-2802
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39060 113th St Frederick State SD 57441
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 155
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply center SW 1/4 Sec 3-T126N-R63W
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
center SW 1/4 Sec 3-T126N-R63W
County Brown
- County or counties where water will be used Brown
- Annual period during which water is to be used May 1 - Oct 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

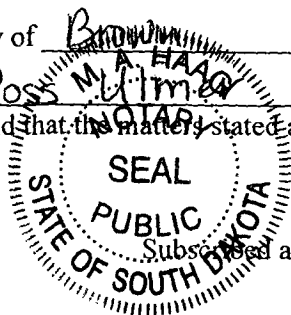
Land Description	Acres	Land Description	Acres
SW 1/4 3-126-63	155		

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of Brown

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, Ross Ulmer, 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 Ross Ulmer
Subscribed and sworn to before me this 9th day of January 2004

M. A. Haag

My Commission Expires
8-18-2008

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6459-3**

Date of first receipt of application January 12, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6459-3 to Ross Ulmer, 39060 113th St, Frederick SD 57441 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. 6459-3 appropriates 1.56 cubic feet of water per second from one well (Elm Northern Brown Aquifer) 90 feet deep located in the center of the SW ¼ Section 3 to irrigate 155 acres located in the SW ¼ Section 3; all in T126N-R63W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is January 12, 2004.
4. The date of approval of Permit No. 6459-3 is March 8, 2004.
5. One-fifth of the construction is to be completed on or before September 8, 2006.
6. All construction is to be completed on or before March 8, 2009.
7. Water is to be put to beneficial use on or before March 8, 2013.
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. 6459-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 16 2004

date



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



Ross Ulmer Irrigation Application
SW 1/4 3-126-63

D. J. O'P. L.
Douglas D. Farrand, Dist. Cons. NRCS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 12, 20 04

RECEIVED OF Ross Ulmer, 39060 113th St., Frederick SD 57441

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

Fee for Application for Permit No. <u>6459-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6459-3</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	300.00

No.

001071

By

Darland E. Ebele
Chief Engineer
gm

1

Location A A A A

Section: 10

T. 126N R. 63W

Well: BN-82 I

Land Owner:

Date: 6 MAY 82

Elevation:

Samples:

Drilling Company: SDGS

Geologist: F. SMITH

Auger:

Driller: L. WELSETH

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH AFRICAN OFFICIAL LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25 ROLL NO. 11-1 DATE MICROFILMED 8-16-82 Birke Mitchell CAMERA OPERATOR

CAMERA OPERATOR

SOUTH DAKOTA DEPARTMENT OF WATER AND NATURAL RESOURCES
Division of Water Rights
Water Analysis

Source Sampled: Well # BN-82I Depth 63.9
Date Collected: 7-17-90
Collected By: _____

Filtered

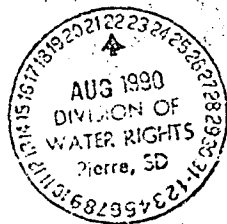
126-63-10AAAA

Parameter	Maximum Limit	Results
Sodium (Na)	mg/l	305
Potassium (K)	mg/l	14.5
Calcium (Ca)	mg/l	136
Magnesium (Mg)	mg/l	21.5
Nitrate (NO ₃) (as N)	10 mg/l	0.2
Chloride (Cl)	250 mg/l	37.9
Sulfate (SO ₄)	250 mg/l	39.2
Alkalinity-M (CaCO ₃)	mg/l	816
Alkalinity-P (CaCO ₃)	mg/l	0
Bicarbonate (HCO ₃)	mg/l	996
Carbonate (CO ₃)	mg/l	0
pH	6.5-8.5	7.74
Spec. Cond. @ 25°C	umhos/cm	1723
Boron		0.34
Total Solids dis Solids		1191
Sodium Absorption Ratio		5.2
Total Cations		24.8
Total Anions		35.6

LAB COMMENTS: R 7-20-90

LAB NUMBER: 704318

Reported Out: 8-21-90 ms



304313

STATE HEALTH LABORATORY
500 E. Capital
PIERRE, SD 57501-5093

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - IDENTIFICATION OF DOCUMENTS
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO 26 DATE MICROFILMED 11/4/91 OPERATOR [Signature]

neighboring test well to the south.

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

HURON DRILLING INC. DRILLERS LOG					
Martin Ronning JOB NAME			10-126-63 LOCATION	4-19-77 DATE	19 RIG NO.
					Steve Kuehl FOREMAN
Jt No.	DEPTH	TIME	REMARKS	DESCRIPTION	
			Hole # 1		
1	0-20		0-3 Topsoil		
2	20-35		3-20 Yellow clay and yellow gravel	#2	
3	35-50		20-45 Blue clay		
4	50-65		45-50 Sand and blue clay		
5	65-80		50-65 Sand and gravel and coal		
6	80-95		65-95 Gravel and coal		
				#1	
			Hole # 2		
1	0-20		0-2 Topsoil		
2	20-35		2-20 Yellow clay and gravel		
3	35-50		20-35 Blue clay and streaks		
4	50-65		35-44 Blue clay		
5	65-80		44-62 Blue sand and coal		
6	80-95		62-92 Good gravel and coal		
			92-95 Blue clay		

THIS IS TO CERTIFY THAT THE ABOVE NAMED PARTY HAS COMPLETED THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH AFRICAN LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICRO-REPRODUCTION. REPRODUCTION NO. 25:1 ROLL NO. 42 DATE MICROFILMED 4-23-82



January 12, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Ross Ulmer
39060 113th St
Frederick SD 57441

Dear Mr. Ulmer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. Please complete the following items on the application:

- Item No. 2 of the application indicating the amount of water claimed. State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 2.22 cfs for the 155 acres to be irrigated (approximately 1000 gallons per minute). Please specify the amount of water claimed.
- Item No. 3 requests the location of point of diversion. From the map, it appears that the well will be located in the approximate center of the SW ¼ Section 3-T126N-R63W.
- Item No. 6 requests the annual period during which water is to be used. Our suggestion would be April 1 – October 31. If this does not fit with your irrigation plan, please change accordingly.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

TO: DENR

I Ross Ulmer at 39060 113th
St Frederick SD 57441, would like
a permit to Dig 12" Cased well
approximately 95 ft deep at center of
SW 1/4 of section 3 - 126-63 For
testing purposes Brown County SD.

Sincerely Ross Ulmer
1/31/04

RECEIVED
FEB - 3 2004
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2004

Ross Ulmer
39060 113th St.
Fredrick, SD 57441

Dear Mr. Ulmer:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for prior to approval of a water permit. The test well must be completed by a Licensed Water Well Driller in accordance into with the SD Well Construction Standards. The test well will be approximately 95 feet deep and located in the SW $\frac{1}{4}$ of Sec. 3, T126N-R63W. 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

REPORT ON WATER PERMIT NO. 6459-3

For Ross Ulmer
February 5, 2003

Application No. 6459-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 90 feet deep located in the center of the SW $\frac{1}{4}$ of section 3 to irrigate 155 acres located in the SW $\frac{1}{4}$ of section 3; all in T126N R63W in Brown County.

AQUIFER – ELM NORTHERN BROWN (E-NB)

The Elm Northern Brown is an outwash (sand and gravel) that can be buried and under artesian conditions, buried under water table conditions or a surficial aquifer under water table conditions. Ground water movement is from northwest to southeast across this area (Koch, 1976). Even where the aquifer is buried and under artesian conditions there is generally only a few feet of head pressure available on the aquifer. The aquifer underlies 187,200 acres and contains an estimated 702,000 acre-feet of recoverable water in storage in Brown County (Hedges, 1982). The aquifer extends into North Dakota to the north and blends into the Elm Southern Brown aquifer to the south.

No test well logs were filed with this application. However, there is sufficient information available from observation wells, data from existing irrigation wells and ground water studies to evaluate this application. The applicant has applied for and received approval to drill a test well prior to obtaining a permit at this site.

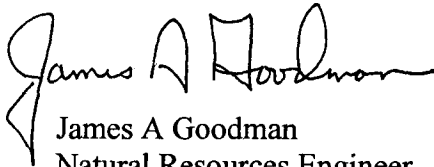
The Water Right Program monitors two observation wells BN-82I and BN-82H that are located in about a two mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water right Nos. 4017-3 and 4340-3 which obtain water from the Elm Northern Brown aquifer and located within a one mile radius of this application. The nearest existing well would be for water right No. 4017-3 and is located about one-half mile north of the well for this application. The well for water right No. 4340-3 is located about one mile south of this application. Drawdown is not expected to be significant at this distance. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Elm Northern Brown aquifer.
2. The aquifer is probably under water table conditions at this site. Drawdown is not expected to be significant. Interference should not be a concern. This is verified by the observation well hydrographs.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.

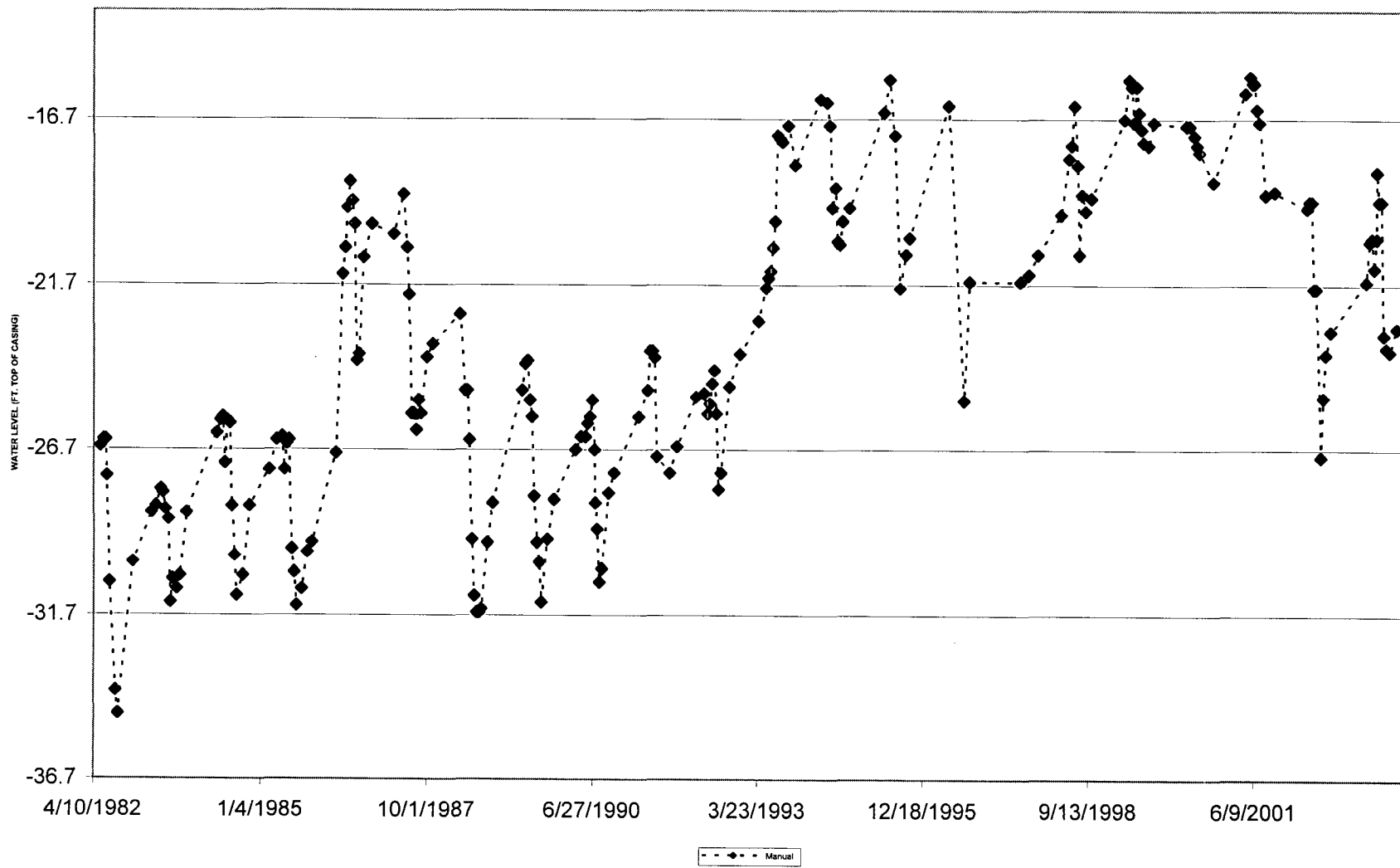


James A Goodman
Natural Resources Engineer

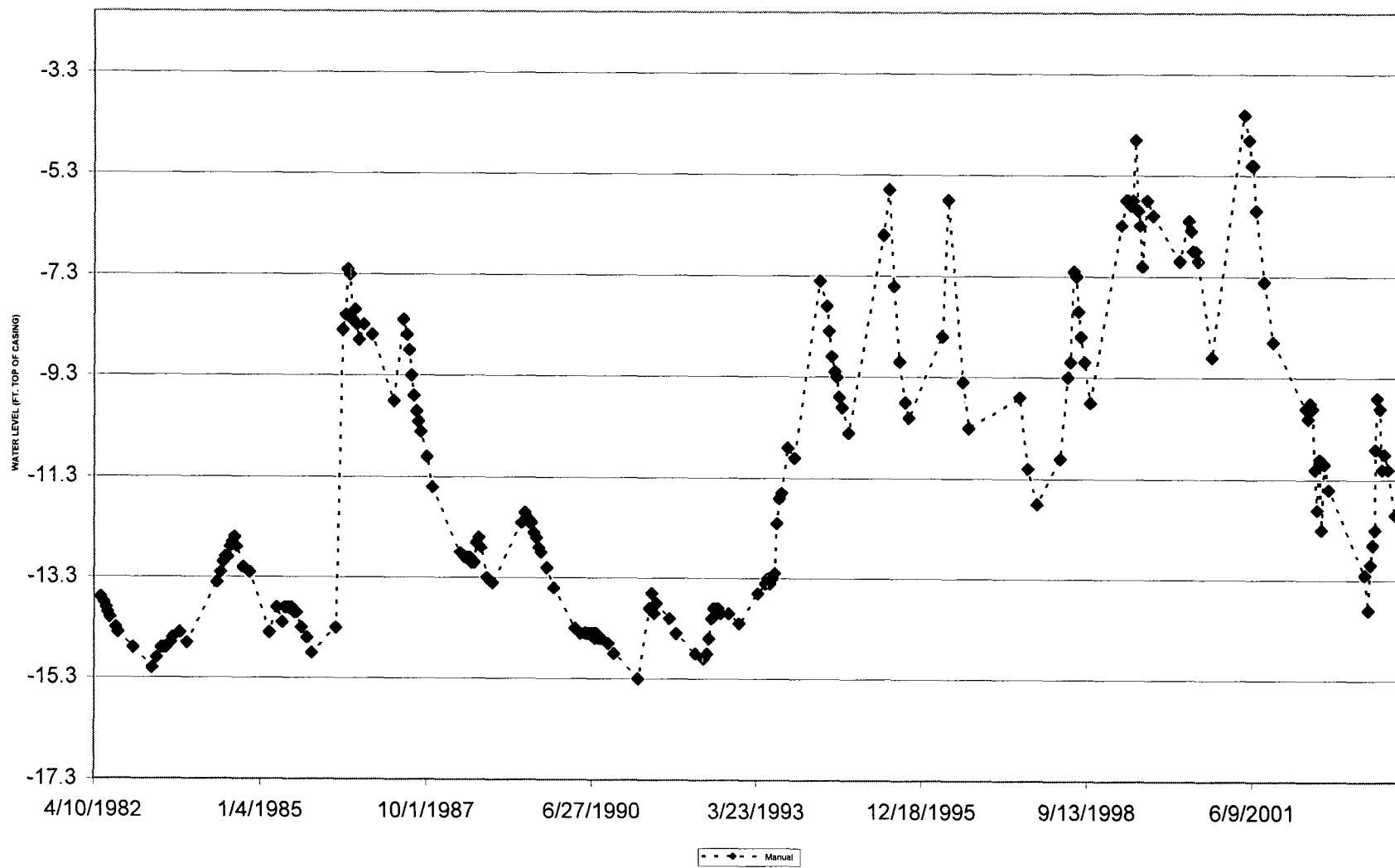
BIBLIOGRAPHY

- Emmons, P.J., 1990, A Digital Simulation of the Glacial-Aquifer System in the Northern Three-Fourths of Brown County, South Dakota, Water-Resources Investigations Report 88-4198, USGS, Huron, SD, 57350.
- Koch, N.C., W. Bradford, 1976, Geology and Water Resources of Brown County, South Dakota, Bulletin 25, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2004, Unpublished Observation Well Data for Brown County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BN-82H**



**WATER RIGHTS' OBSERVATION WELL
BN-82I**





**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. 6459-3, Ross Ulmer**

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. 6459-3, Ross Ulmer, 39060 113th Street, Frederick SD 57441.

The Chief Engineer is recommending APPROVAL of Application No. 6459-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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. 6459-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 11, 2004



**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.**

February 11, 2004

Ross Ulmer
39060 113th St
Frederick SD 57441

Dear Mr. Ulmer:

Water Permit Application No. 6459-3 for irrigation 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 Aberdeen American News printed at Aberdeen, SD (Ph # 605-225-4100). 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

February 11, 2004

Aberdeen American News
PO Box 4430
Aberdeen SD 57402-4430

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6459-3 to Appropriate Water to be published twice. Please publish the first notice on February 18, 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 Ross Ulmer, 39060 113th St., Frederick SD (Ph # 605-329-2802).

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. 6459-3

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

Date _____

We are in receipt of your letter of February 11, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6459-3 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 18, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6459-3 to Appropriate Water

Notice is given that Ross Ulmer, 39060 113th St, Frederick SD 57441 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well (Elm Northern Brown Aquifer) 90 feet deep located in the center of the SW ¼ Section 3 to irrigate 155 acres located in the SW ¼ Section 3; all in T126N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6459-3 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 March 8, 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Sandra King being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Notice of Application
Legal 1039518

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for two successive weeks.

The first publication being made on the 18th day of Feb., 2004.

The second publication being made on the 25th day of Feb., 2004.

The third publication being made on the _____ day of _____, 2004.

The fourth publication being made on the _____ day of _____, 2004.

The fifth publication being made on the _____ day of _____, 2004.

The sixth publication being made on the _____ day of _____, 2004;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 79.46, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person-whomsoever.

Sandra J. King

Subscribed and sworn to before me this 25th day of Feb., 2004.

Daily Circulation 18,000

Eric Salpeter

Notary Public, Brown County, SD.

My commission expires March 20, 2007

(No. 1039518)

(Feb. 18, 25, 2004 - 2T)

(NOTICE OF APPLICATION NO. 6459-3 to Appropriate Water

Notice is given that Ross Ulmer, 39060 113th St, Frederick SD 57441 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well (Elm Northern Brown Aquifer) 90 feet deep located in the center of the SW1/4 Section 3 to irrigate 155 acres located in the SW1/4 Section 3; all in T126N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6459-3 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 March 8, 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. Pimer,

Secretary, Department of Environment and Natural Resources.

SEAL

RECEIVED

MAR 10 2004

WATER RIGHTS PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 16 2004

Ross Ulmer
39060 113th St
Frederick SD 57441

Dear Mr. Ulmer:

Enclosed is Water Permit No. 6459-3 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

6459-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location C $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 3 Twp 126 Rg 63
County Brown Co.

North

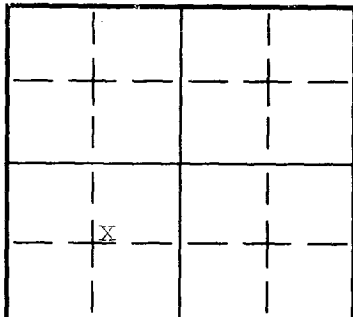
Please mark well location with an "X"

W

E

Well Completion Date

APRIL 30



1 Mile

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ OtherIf other describe SDR-21PIPEWEIGHT DIAMETER 12" FROM 18 TO 73' HOLE DIAMETER

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type BENT No. of Sacks 14 Grout Weight _____ lb./gal From 20 ft. To 70 ft.
Cement 5 lb./gal 0 ft. 20 ft.

Describe grouting procedure 1 1/4" Tremie to 20"
pressure grouted.

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5.12" IN Length 20' FEETMaterial 5. STEELSlot Size .060 Set From 73 Feet to 93 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: chlor.

_____ NO, Why Not? _____

Laboratory sent to for water
quality analysis

Well Owner: Ross UlmerBusiness Name: FrederickAddress: South Dak.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	3
Fine Br. sand	3	5
Br. clay-rocks	5	35
Gr. clay	35	43
Silt	43	50
Fine Gr. sand-lignite	50	63
Clay	63	67
Coarse Gr. sand- some fine		
Gravels	67	93

STATIC WATER LEVEL

33.2

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 220 GPM Sub.☐ Bailed☐ Other

Pumping Level Below Land Surface

37.15 ft. After 3 Hrs. pumped 220 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAY 26 2004

WATER RIGHTS
PROGRAMThis well was drilled under license # 434

And this report is true and accurate.

Drilling firm M & W Drilling

Signature of License Representative:

Joe Wucetich

Signature of Well Owner or Equitable Property Holder:

Ross Ulmer

Date: _____