

WATER PERMIT NO. 6525-3

Name of Applicant: Nilsson Feedlots

Address: 38754 146th St, Mansfield SD 57460

Phone: 605 225-0613

Amount of Water Claimed: 0.133 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial – cattle feedlot

County: Brown

Type of Waste Disposal System:

Location: 13 miles south of Aberdeen

PRIORITY

Date Received: 7-21-04

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ SE ¼ Sec 25-T121N-R64W

Land to be Irrigated:

Depth of Well: 1072 feet deep

Well Driller: : Seidel Well Drilling

Remarks:

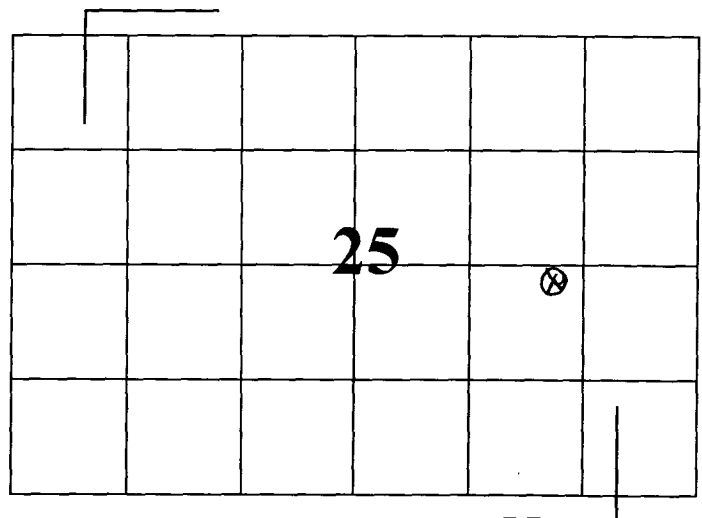
Type of Map: plat

Prepared by: Gregory G Grabs, PE

Reviewed and the Number Assigned on: 7-21-04

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>6525-3</u> (office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>American News, Aberdeen</u>

RECEIVED
JUL 21 2004
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 <u>Livestock</u> | |

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.)

1. Name of Applicant Nilsson Feedlots, Marlin Nilsson Phone (605) 225-0613
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 38754 146th Street Manfield State SD 57460
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.133 *CFS or 60 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brown
1 well located in NE 1/4 of the NE 1/4 of the SE 1/4 of Section 25, T 121 N, R 64 W
5. County or counties where water will be used Brown
6. Annual period during which water is to be used Year Around Jan - 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Application for existing well to serve 7,000 head of beef feedlot

STATE OF SOUTH DAKOTA)
County of BROWN 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, MARLIN NILSSON, 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 Marlin Nilsson

Subscribed and sworn to before me this 20th day of July 2004

Dennis Rens
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6525-3**

Date of first receipt of application July 21, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6525-3 to Nilsson Farms, 38754 146th St, Mansfield SD 57460 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. 6525-3 appropriates 0.133 cubic feet of water per second from one existing well completed into the Dakota Formation (approximately 1072 feet deep) located in the NE ¼ SE ¼ Section 25-T121N-R64W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6525-3 is October 18, 2004.
5. The date from which applicant may claim right is July 21, 2004.
6. One-fifth of the construction is to be completed on or before April 18, 2007.
7. All construction is to be completed on or before October 18, 2009.
8. Water is to be put to beneficial use on or before October 18, 2013.
9. 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. Permit No. 6525-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6525-3 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

NOV 19 2004

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 1072'
- b) Casing Type Steel Diameter 4 1/2" Thickness Unknown
- c) Screen Type Steel Diameter 2" Thickness Unknown
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____ Unknown
- f) Depth to Water (ground surface to water level) _____ 106'
- g) Distance to nearest existing domestic well:
- On applicants property None - Rural Water On property owned by others Unknown

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

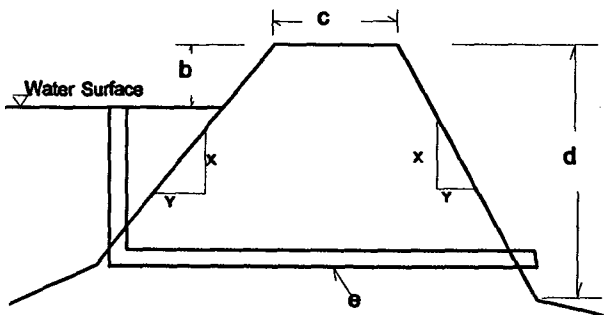
3. Dugout Information

- 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 July 21, 20 04

RECEIVED OF Marlin Nilsson, 38771 146th St., Mansfield SD 57460-9915

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

Fee for Application for Permit No. <u>6525-3</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>6525-3</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.

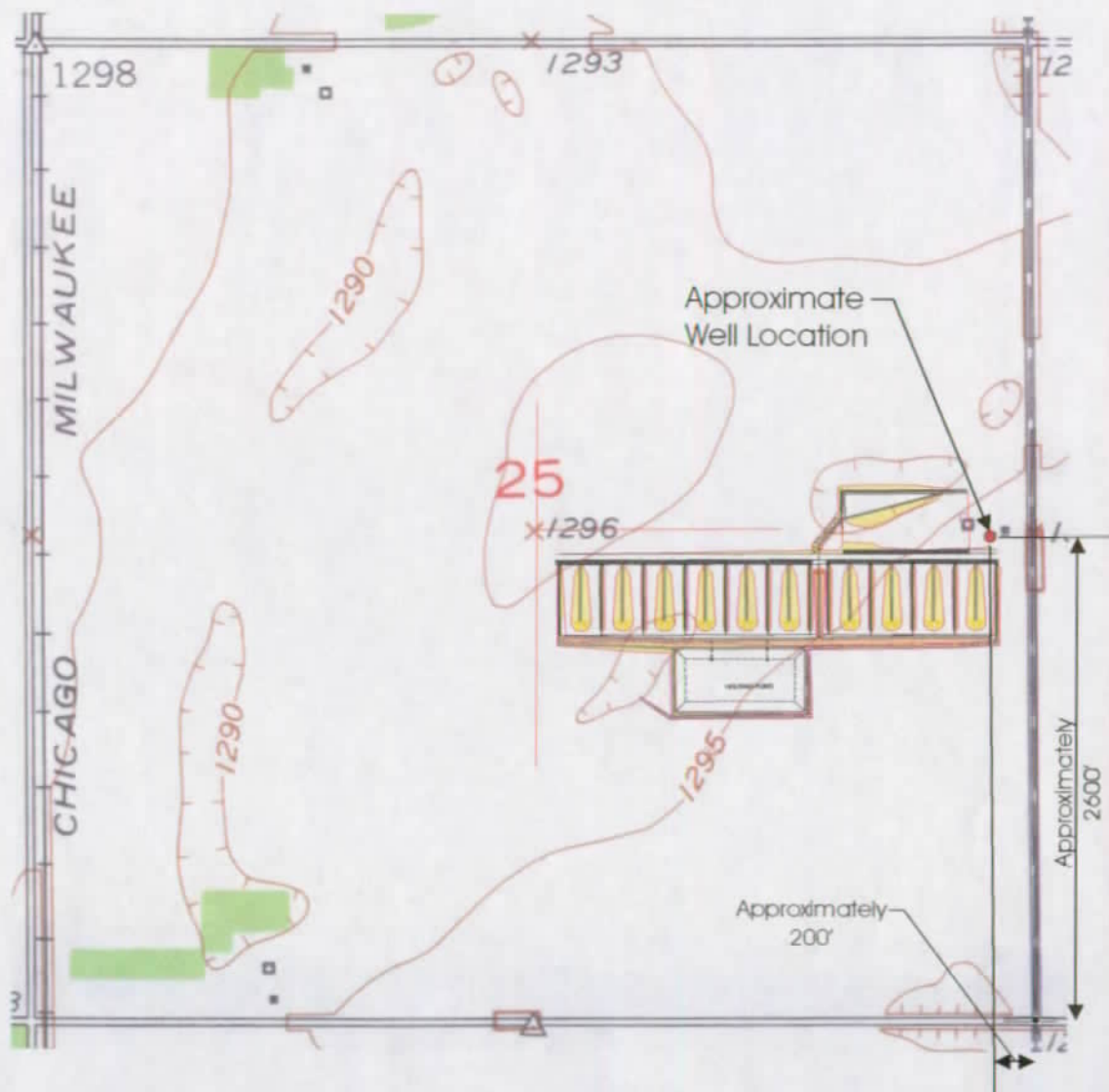
001371

By

Darlene Erlene

Chief Engineer

gmm



Nilsson Feedlots Well Location Map

E 1/2, Section 25, Township 121 North, Range 64 West
Brown County, South Dakota



**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers

PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356

Revision	
Date: July 14, 2004	Date:
Scale: 1" = 1000'	Scale:
Drawn By: GGG	Drawn By:
Checked By: DLD	Checked By:
Page: 1	Page:
File Name: Greg/Shared/Feedlots/NilssonWater Rights/Site Map	

6525-3

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner: E. L. Wilson
Name RR 2 Menafield
Address

Well Location: North
Mark location with an "X"
W E
1 mile
County Brown

* S. 25 Sec. 25 Twp. 121 Rg. 64

Proposed Use:
☒ Domestic ☐ Municipal ☐ Test
Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 4 1/2
Depth 1072
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open ☒
Was a well screen installed ☐
Describe Well Screen
Diameter 2" Material steel
Slot size 3/8
Was well gravel packed ☐
Was well grouted 50'
Was water sample taken 106'-4" top

Remarks:

Water Level Information:
Static water level _____ below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other; specify _____

Well Test Data:

☒ Pumped Air pump
☐ Bailed Describe: _____
☐ Other _____
Pumping Level Below Land Surface
_____ ft. After _____ Hrs. pumped _____ GPM
_____ " " " " " "
_____ " " " " " "

Well Log:

Formation	Depth	
	From	To
0-4 dirt		
4-20- brown clay	975	1020 open hole
20-22-120-	1020	1035 shale
120-165- sand	+ sand	
145-575- clay shale	1035	1072
515-535- clay shale	1072	1075
535-778- clay shale	1075	1078
778-790- mud		
790-910- shale		
910-920- sand		
920-940- mud		
940-955- " "		
955-975- shale		

(Use Back if Necessary)

Date Completed: March 28-86

Driller: Leidel Well Drilling # 92
Driller's or Firm's Name License NO.
607-1121 St.
Address Chickson
Elmer W. Leidel
Signed By Date



**DeHaan, Grabs
& Associates, LLC**

Consulting Engineers

PO Box 522, Mandan, ND 58554
(701) 663-1116, Fax: (701) 667-1356
www.dgaengineering.com

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JUL 21 2004

WATER RIGHTS
PROGRAM

Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3181

July 16, 2004
RE: Water Rights Permit
Application for Nilsson
Feedlots

Dear Mr. Gronlund;

Enclosed you will find two copies of an *Application For Permit To Appropriate Water Within The State of South Dakota* for Marlin Nilsson, Nilsson Feedlots in Brown County.

Please let me know if you need any additional information to process this application.

Respectfully,

Greg Grabs, PE
Vice-President

cc: Marlin Nilsson w/enclosures
NRCS w/enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6525-3
For Nilsson Feedlots
August 31, 2004

Application No. 6525-3 proposes to appropriate 0.133 cfs (60 gpm) from one existing well completed to a depth of 1072 feet and located in the NE ¼ SE ¼ of section 25, T121N R64W in Brown County. The water is for commercial use in a cattle feedlot operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale under confined or artesian conditions at this site. The aquifer underlies 1,750 acres and contains an estimated 25.2 million acre-feet of recoverable water in storage in Brown County (Hedges, 1982). The aquifer extends into Spink County to the south and into all other surrounding counties. The well information for this application is sketchy but indicates an 1072 feet deep well probably completed with 106 feet of 4 inch diameter steel surface casing and 2 inch diameter steel casing to the bottom. Although not stated on the log or in the application it appears this well is a pumped well even though it might be capable free flow. Ground water movement is from northwest to southeast across the area of this application (Koch, 1976).

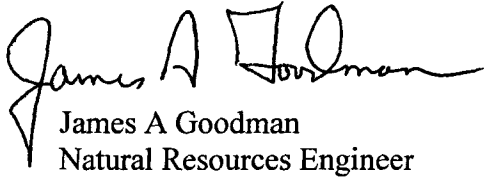
The Water Rights Program does monitor an observation well (ED-85A) completed into the Dakota Formation and located about 17 miles northwest of this application. Water levels for this well have not changed much since it was drilled in 1985 and if anything have risen a few feet (Water Rights, 2004). This information fits well with the discussion of the Dakota Formation in the Brown County Study (Koch, 1976). The county study profiles the historical water level trends for the Dakota Formation. Water levels declined more than 390 feet in the Aberdeen area from 1900 to 1970 (Koch, 1976). The study also goes on to say that after the initial dramatic decline in water levels it appears that the water levels have begun to stabilize. This statement appears to be valid from the more recent water level information from ED-85A. Regardless, the primary reason for water level declines was the large number of flowing wells that were allowed to flow uncontrolled and to waste.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is for the town of Mansfield located about five miles to the southwest. Interference is not expected to be a concern. This is an existing well and has been used for many years with no apparent problems. There are other domestic wells in the area that free flow (appears to be low pressure) or are pumped. It may be necessary at some future date to install pumps in the Dakota Formation wells in this area to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. This area contains many wells that flow with slight amount of pressure or must be pumped to maintain the amount of water needed. Even so, interference is not expected to be a concern.
3. This is an existing well and is apparently not completed in accordance with SD Well Construction Standards which for a new well at this site would require grouting from the top of the formation to the land surface.
4. Plans and specifications for this facility have been submitted to and are presently under review by the Department.



James A Goodman
Natural Resources Engineer

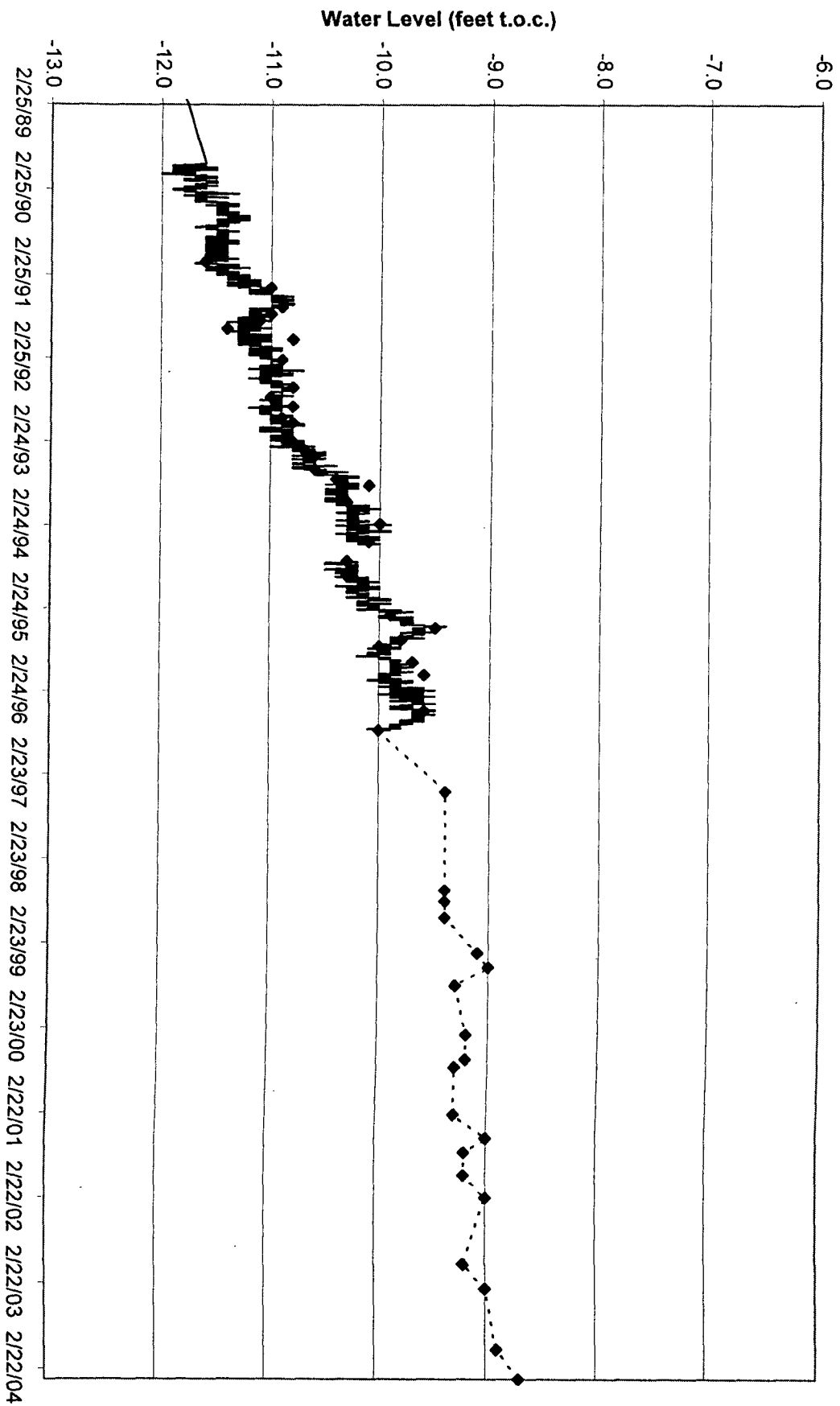
BIBLIOGRAPHY

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

Koch, N.C., 1976, Geology and Water Resources of Brown County, South Dakota, Part II Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Records for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
ED-85A





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6525-3, Nilsson Feedlots.**

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. 6525-3, Nilsson Feedlots, c/o Marlin Nilsson, 38754 146th Street, Mansfield SD 57460.

The Chief Engineer is recommending APPROVAL of Application No. 6525-3 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. Permit No. 6525-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6525-3-3 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
September 22, 2004

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OCT 15 2004

WATER RIGHTS
PROG

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Mary Besten 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:

Legal Notice 1136551

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 2 successive weeks

The first publication being made on the 30 day of Sept, 2004.

The second publication being made on the 7 day of Oct, 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 \$ 82.80, 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.

Mary Besten

Subscribed and sworn to before me this 11 day of Oct, 2004.

Daily Circulation 18,000

Eric Grönlund

Notary Public, Brown County, SD.

My commission expires

March 20, 2007

(No. 1136551)

(Sept. 20, Oct. 7, 2004 - 2T)

NOTICE OF APPLICATION

NO. 6525-3 to Appropriate Water
Notice is given that Nilsson Feedlots, c/o Marlin Nilsson, 38754 146th St, Mansfield SD 57460 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second from one existing well completed in the Dakota Formation (approximately 1072 feet deep) located in the NE 1/4 SE 1/4 Section 25-T121N-R64W. The water is for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6525-3 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 the 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 October 18, 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 Grönlund 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.

SEAL



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 23, 2004

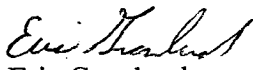
Nilsson Feedlots
% Marlin Nilsson
38754 146th Street
Mansfield SD 57460

Dear Mr. Nilsson:

Water Permit Application No. 6525-3 for commercial – cattle feedlot use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the 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 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. 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

cc: Greg Grabs, DeHaan Grab & Associates

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 23, 2004

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

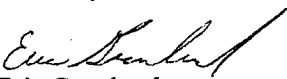
Enclosed is a Notice on Application No. 6525-3 to Appropriate Water to be published twice. Please publish the first notice on September 30, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Nilsson Feedlots, % Marlin Nilsson, 38754 146th Street, Mansfield SD (Ph # 605-225-0613).

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. 6525-3

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

Date _____

We are in receipt of your letter of September 23, 2004 enclosing Notice to Appropriate Water by Application No. 6525-3 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 September 30, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6525-3 to Appropriate Water

Notice is given that Nilsson Feedlots, c/o Marlin Nilsson, 38754 146th St, Mansfield SD 57460 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second from one existing well completed into the Dakota Formation (approximately 1072 feet deep) located in the NE ¼ SE ¼ Section 25-T121N-R64W. The water is for commercial use in a cattle feedlot operation.

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NOV 19 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

Nilsson Farms
% Marlin Nilsson
38754 146th St
Mansfield SD 57460

Dear Mr. Nilsson:

Enclosed is Water Permit No. 6525-3 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