

WATER PERMIT NO. 6529-3

Name of Applicant: **Braun Farms, Inc.**

Address: **38615 Warner Road, Warner SD 57479**

Phone: **605 225-4897**

Amount of Water Claimed: **0.133 cfs**

Total Acres: **NA**

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

Water to be used for: **commercial use**

County: **Brown**

Type of Waste Disposal System:

Location: **1 miles south of Warner**

PRIORITY Date Received: **7-20-04**

Application/License Fee: **\$200**

Corrected Application Received: **7-29-04**

Period of Annual Use: **January 1 – December 31**

Remarks: **for a cattle feedlot operation**

Diversion Point: **NW ¼ SW ¼ Sec 12-T121N-R64W**

Land to be Irrigated: **NA**

Depth of Well: **1200 feet deep**

Well Driller: log not available

Remarks:

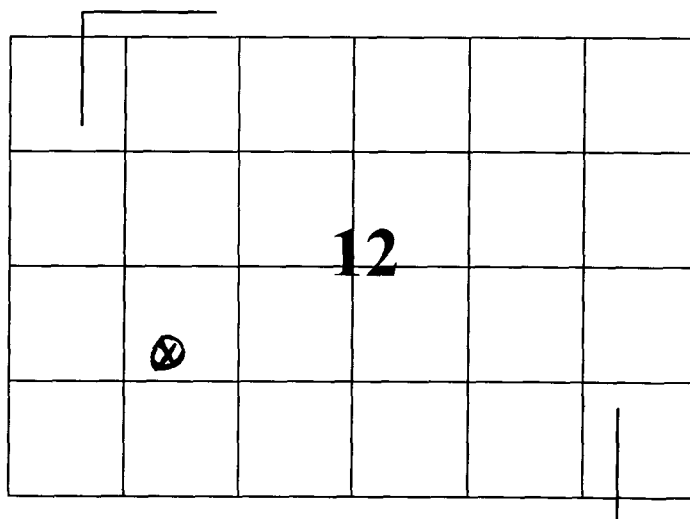
Type of Map: **topo**

Prepared by: **Gregory Grabs, PE**

Reviewed and the Number Assigned on: **7-29-04**

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>6529-3</u> (office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>American News, Aberdeen</u>

RECEIVED
JUL 20 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 Braun Farms, Inc., John Braun Phone (605) 225-4897
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 38615 Warner Road Warner State SD 57479
(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 SW 1/4 of NW 1/4 of SW 1/4 of Section 12, T121N, R64W
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 4,500 head of beef feedlot

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, John Braun, 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 John Braun

Subscribed and sworn to before me this 16 day of July 20 04

Marilyn Pittrell

Notary Public signature

8-30-2004

SOUTH DAKOTA
WATER PERMIT NO. 6529-3

Date of first receipt of application July 20, 2004.

Date of return to applicant for corrections, amendments or changes July 20, 2004.

Date of receipt of corrected application July 29, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6529-3 to Braun Farms, Inc., c/o John Braun, 38615 Warner Road, Warner SD 57479 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. 6529-3 appropriates 0.133 cubic feet of water per second from one well completed into the Dakota Formation (approximately 1200 feet deep) located in the NW ¼ SW ¼ Section 12-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. 6529-3 is October 18, 2004.
5. The date from which applicant may claim right is July 20, 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. 6529-3 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. 6529-3 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 - Other well information not known.

- a) Drill Hole Diameter 3" Depth 1200'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 1200' On property owned by others 2950' (Unconfirmed)

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

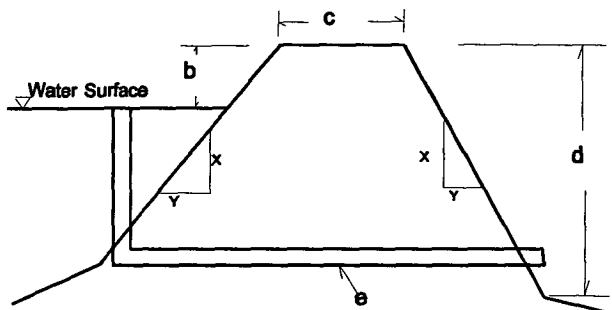
3. Dugout Information

- 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 20, 2004

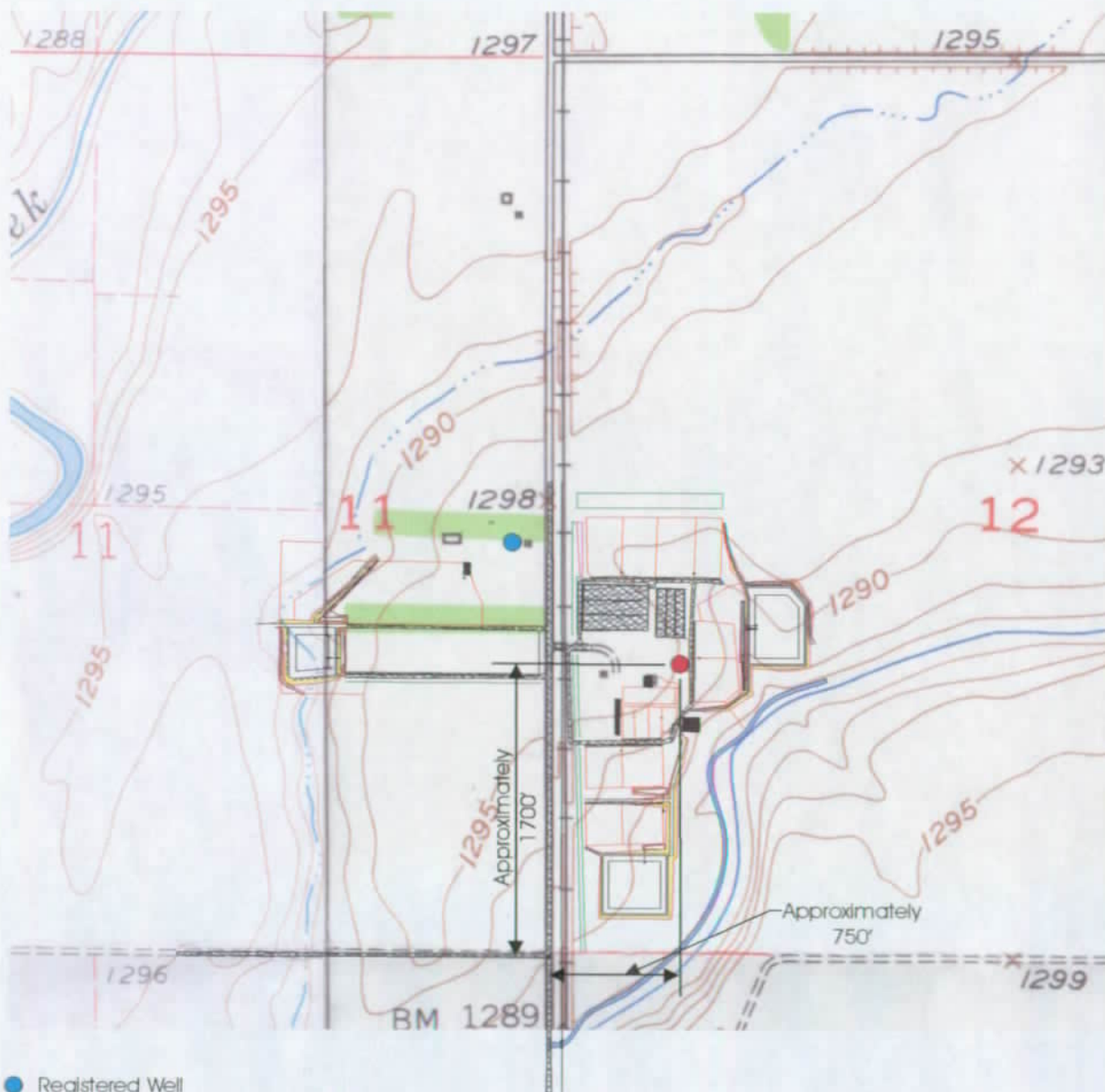
RECEIVED OF Braun Farms Inc., PO Box 48, Warner SD 57479-0048

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

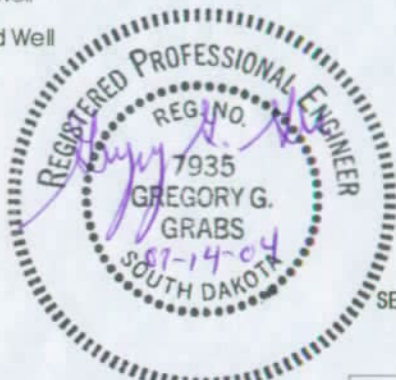
Fee for Application for Permit No. <u>6529-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6529-3</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. 000000

By J. Darland
Chief Engineer gm



- Registered Well
- Unregistered Well



Braun Farms Inc. Well Location Map

SE ¼, Section 11 & SW ¼, 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: C:/Greg/Feedlots/GeraldBraun/WaterWellMap.CDR	

6529-3



**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 20 2004

WATER RIGHTS
PROGRAM

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

July 14, 2004
RE: Water Rights Permit
Application for Braun
Farms, Inc.

Dear Mr. Gronlund;

Enclosed you will find two copies of an *Application For Permit To appropriate Water Within The State of South Dakota* for John Braun, Braun Farms, Inc. in Brown County.

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

Respectfully,

Greg Grabs, PE
Vice-President

cc: John Braun w/enclosures
NRCS w/enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2004

Greg Grabs, PE
DeHann, Grabs & Associates LLC
PO Box 522
Mandan ND 58554

RE: Application for Braun Farms, Inc.

Dear Mr. Grabs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Braun Farms cattle feedlot. In order to complete the application the following is required.

- I have reviewed our files and cannot find a well completion report for this well. I realize there is limited information regarding this well. But at the least, we need to know the approximate depth and drill hole diameter.
- Also, the map indicates two wells. The application is for one well located in the NW ¼ SW ¼ Section 12-T121N-R64W. What is the status of the well located in Section 11?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**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 29 2004

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
SD DENR
523 East Capitol
Pierre, SD 57501-3182

July 27, 2004

Dear Ms. Schlaak;

I am in receipt of your letter dated July 20, 2004 in reference to the Application for a Permit to Appropriate Water for Braun Farms.

The first item requested was an approximate depth and drill hole diameter. I have enclosed a revised Form 2A with this information.

The second item asked about the status of the well located in Section 11. I have enclosed a copy of the well report for this well. It is my understanding that this well has been registered.

Please let me know if you have any additional questions, comments or concerns.

Respectfully,

Greg Grabs, PE
Vice-President

cc: John Braun

Water Rights Program - File Documentation

NAME: Greg Grabs, Engineer

ADDRESS: Mandan ND

DATE: 7-29-04 **COUNTY:** BN **TELEPHONE:** 605 225-4897

RE: Application for Braun Farms

COMMENTS:

Greg Grabs indicated that the second well located in Section 11 is for domestic use only. It is not connected with the cattle feedlot.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT NO 6529-3

For Braun Farms, Inc.

September 13, 2004

Application No. 6529-3 proposes to appropriate 0.133 cfs (60 gpm) from one well approximately 1200 feet deep located in the NW ¼ SW ¼ of section 12, T121N R64W in Brown County. The water is used for commercial use in a cattle feedlot operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation consists of sand, sandstone and shale that is under artesian conditions at this site. The aquifer underlies 1,750 square miles and contains an estimated 25.2 million acre-feet of recoverable water in storage in Brown County (Hedges, 1982). The aquifer is areally extensive into all counties surrounding Brown County and into North Dakota. There is little well information filed with the application. It seems hard to believe that a feedlot for potentially 4,500 head of cattle and nothing is known about the well or the well construction. Information in the area indicates that the aquifer has sufficient pressure to free-flow at the land surface. Historically there have been many Dakota Formation wells drilled in this area for domestic use and apparently most of them are free flowing wells (Nietzert, 1986). The only reference available for this application is the Nietzert report which reports a 1,108 feet deep well for J. Braun completed in 1969 and located in the same area as the well for this application. Ground water movement is from northwest to southeast across the area of this application (Koch, 1976).

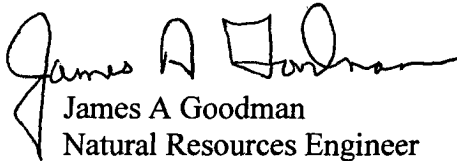
The Water Rights Program does monitor an observation well ED-85A completed into the Dakota Formation and located about 15 miles northwest of this application. Water levels for this well have not changed much since the observation well was completed. If anything the water levels have risen a couple of feet (Water Rights, 2004). This information fits well into the discussion presented in the Brown County. Koch reported in that study that water levels have declined more than 390 feet in the Aberdeen area between 1900 and 1970. The study also goes on to report that water levels appear to have begun to stabilize after the initial dramatic declines. Regardless, the primary reason for water level declines is the large number of free flowing wells allowed to flow to waste or uncontrolled.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

The nearest existing Dakota Formation water right is No. 1740-3 for the Town of Mansfield and located about five miles southwest of this application. There is also a pending application No. 6525-3 for Dakota Formation water located about three miles south of this application. Interference is not expected to be a concern. These are all existing wells and have been in use for many years. There are many Dakota Formation domestic wells in this area. It may become necessary at some future date to lower or install pumps on these wells in order to maintain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions at this site. Apparently, many wells in this area are free flowing at the land surface. It is not known if this well is free flowing or not. This well must be controlled to prevent the waste of water. This is an existing well and has been in use for many years with no apparent problems. Interference is not expected to be a concern.
3. Relatively little information is available for this well. This well is more than likely not constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been approved by the Department.

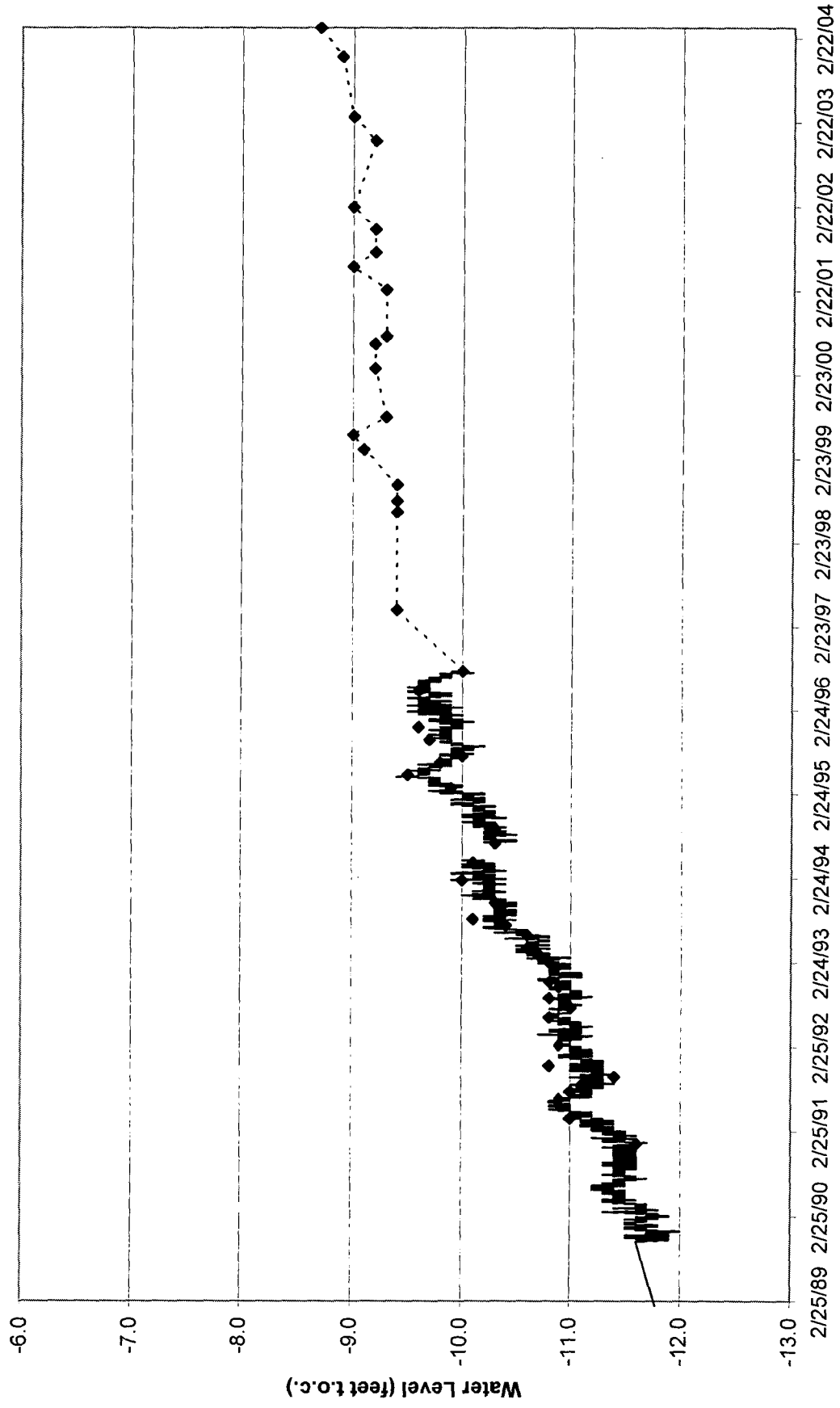


James A Goodman
Natural Resources Engineer

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, Bulletin 25, SD DENR, SDGS, Vermillion, SD, 57069.
- Nietzert, K.M., N.C. Koch, 1986, Records and Chemical Analyses of Ground Water in Brown County, South Dakota, USGS Open-File Report 86-147, USGS, Huron, SD, 57350.
- Water Rights, 2004, Unpublished Observation Well Data 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. 6529-3, Braun Farms, 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. 6529-3, Braun Farms, Inc., c/o John Braun, 38615 Warner Road, Warner SD 57579.

The Chief Engineer is recommending APPROVAL of Application No. 6529-3 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. 6529-3 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. 6529-3 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 Erbe, Chief Engineer
September 22, 2004

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OCT 15 2004

WATER R
PROGI

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Mary Bastian 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 1136562

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 Week

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 Bastian

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

Daily Circulation 18,000

Eric J. Jelf

Notary Public, Brown County, SD.

My commission expires

March 20, 2007

(No. 1136562)

(Sept. 30, Oct. 7, 2004 - 2T)

NOTICE OF APPLICATION

NO. 6525-3 to Appropriate Water

Notice is given that Braun Farms, c/o John Braun, 38615 Warner Road, Warner SD 57479 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 1200 feet deep) located in the NW 1/4 SW 1/4 Section 12-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. 6529-3 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 Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, 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

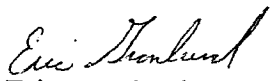
Braun Farms Inc
%John Braun
38615 Warner Road
Warner SD 57479

Dear Mr. Braun:

Water Permit Application No. 6529-3 for commercial 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, Grabs & Associates LLC

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.

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. 6529-3 to Appropriate Water

Notice is given that Braun Farms, Inc. c/o John Braun, 38615 Warner Road, Warner SD 57479 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second from one well completed into the Dakota Formation (approximately 1200 feet deep) located in the NW ¼ SW ¼ Section 12-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. 6529-3 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.

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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. 6529-3 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 Braun Farms Inc., % John Braun, 38615 Warner Road, Warner, SD (Ph # 605-225-4897).

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. 6529-3

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. 6529-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

Braun Farms Inc
% John Braun
38615 Warner Road
Warner SD 57479

Dear Mr. Braun:

Enclosed is Water Permit No. 6529-3 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

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Permit No. 6529-3
James River - Water District

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

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

I have this day, August 9, 2010, made a thorough examination of the water use system constructed by Braun Farms, Inc. of 38615 Warner Road, Warner, SD 57479 holder of Permit No. 6529-3, bearing the priority of July 20, 2004 authorizing the diversion of 0.133 cu. ft. per second of the waters of the Dakota Formation for Commercial purposes, in Brown County.

Inspection contact & relationship **John Braun**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Depth(s) 1,200 feet
- 2) Well log is available N
- 3) Comment: No well information except for the depth and casing diameter is available for this well. This is a free flowing well which flows into storage tank when the water level drops to a certain point. The maximum flow for the well is 0.018 cfs (8 gpm)

Casing:

- 1) Diameter 3 inches

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 1,540 feet north and 730 feet east of the SW corner of Section 12-T121N-R64W
(N 45.30425, W -98.49245) (NW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.018 cu. ft. per second of water which is to be used for Commercial use at the feedlot.

The license should be issued for 0.018 cfs.

All structures, wells and lands on map Y

Report of Examination of Works
Permit No. 6529-3


Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 18, 2010

Water Permit No. 6529-3

Braun Farms, Inc.



0 800 1,600 3,200 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 18, 2010



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 20 2010

6529-3

John Braun
Braun Farms Inc
PO Box 48
Warner SD 57479-0048

Dear Mr. Braun:

Enclosed is your Water License No. 6529-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map 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. 6529-3, 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

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**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6529-3**

(1) Braun Farms Inc, 38615 Warner Rd, Warner SD 57479 made Application No. 6529-3, July 20, 2004 for a water permit to divert 0.133 cubic feet of water per second from ground water – one well (Dakota Formation), Brown County, South Dakota for commercial purposes. Permit No. 6529-3, with a priority date of July 20, 2004 was approved October 18, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 18, 2009 and for the application to beneficial use of said water on or before October 18, 2013.

(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 0.018 cubic feet of water per second for beneficial use.

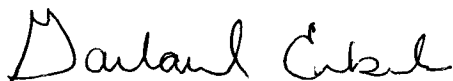
The location of the diversion point is 1,540 feet north and 730 feet east of the SW corner of Section 12, T121N, R64W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial use in a cattle feedlot operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Braun Farms Inc, 38615 Warner Rd, Warner SD 57479 the holder and/or owner of Water Right No. 6529-3 is issued a license to appropriate water, the right to use 0.018 cubic feet of water per second from ground water – one well (Dakota Formation) with a priority date of July 20, 2004 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6529-3 and subject to the following permit qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- No. 6529-3 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.
- No. 6529-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

AUG 20 2010

date

