

WATER PERMIT NO. 6559-3

Name of Applicant: Dwight Scott

Address: 39231 243rd St, Letcher SD 57359

Phone: 605 248-2519

Amount of Water Claimed: 0.10 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Aurora

Type of Waste Disposal System:

Location: 15 miles northeast of Plankinton

PRIORITY

Date Received: 1-5-05

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: livestock feeding operation

Diversion Point: NE ¼ SW ¼ Sec 35-T105N-
R63W

Land to be Irrigated: NA

Depth of Well: 860 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

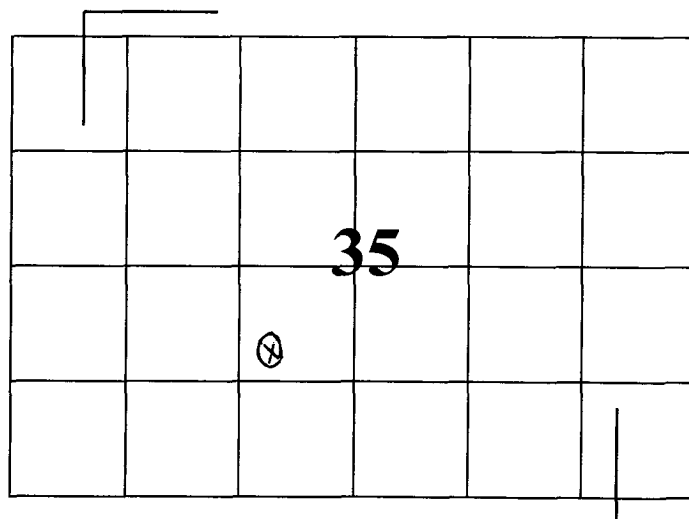
Type of Map: plat

Prepared by: James S Hodgens, PE

Reviewed and the Number Assigned on: 1-5-05

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>6559-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>South Dakota Mail, Plankinton</u>

RECEIVED
JAN - 5 2005
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 Animal Feeding Operation | |

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 Dwight Scott Phone (605) 248-2519
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39231 243rd St Letcher State SD 57359
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.100 *CFS or 45 **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 On-site artesian well located adjacent to proposed debris basin for AWMS
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Aurora
NE 1/4 of the SW 1/4 Section 35 T-105-N, R-63-W, Aurora County, South Dakota
Latitude N 43.85480, Longitude W 98.36377
5. County or counties where water will be used 43.85480 Aurora
6. Annual period during which water is to be used Calendar year 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)

Existing animal feeding operation acquiring permit for increased consumption and guaranteed right to water usage.

STATE OF SOUTH DAKOTA)

County of Davison 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, Dwight Scott, 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

Subscribed and sworn to before me this

20

day of

December

20 04

Robert H. H.
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6559-3**

Date of first receipt of application January 5, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6559-3 to Dwight Scott, 39231 243rd St, Letcher SD 57359 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. 6559-3 appropriates 0.10 cubic feet of water per second from one well completed into the Dakota Formation (approximately 860 feet deep) located in the NE ¼ SW ¼ Section 35-T105N-R63W.
2. The water appropriated shall be used for the purpose of commercial use in a livestock feeding 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. 6559-3 is February 14, 2005.
5. The date from which applicant may claim right is January 5, 2005.
6. One-fifth of the construction is to be completed on or before August 14, 2007.
7. All construction is to be completed on or before February 14, 2010.
8. Water is to be put to beneficial use on or before February 14, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

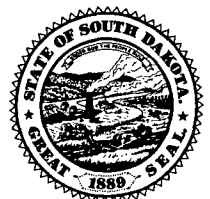
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6559-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6559-3 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

FEB 28 2005

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 5, 2005

RECEIVED OF Dwight or Ann Scott, 39231 243rd St, Letcher SD 57359

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

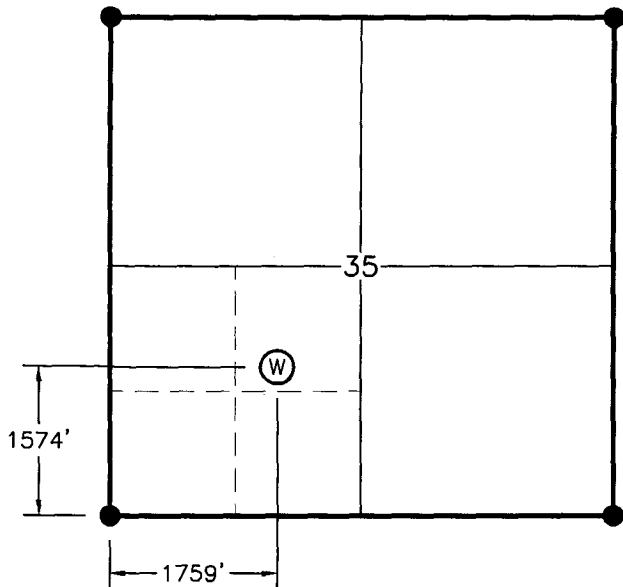
Fee for Application for Permit No. <u>6559-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6559-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

001025

By

Darlene Ebel
Chief Engineer
gm



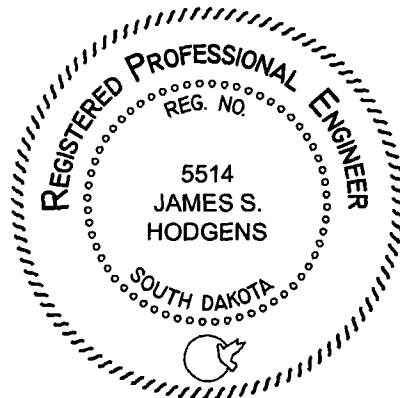
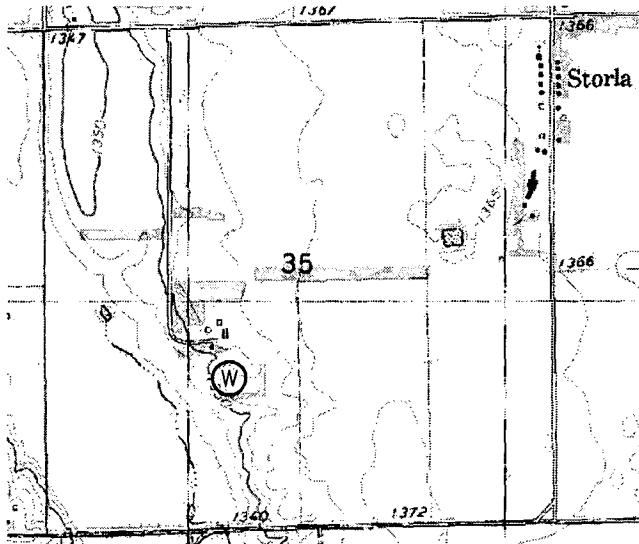
LEGEND

- (W) = EXISTING WELL
- = SECTION CORNER



WELL LOCATION:

NE 1/4 OF THE SW 1/4 OF SEC.
35, T-105-N, R-63-W, AURORA
COUNTY, SOUTH DAKOTA.



GRAPHIC SCALE



(IN FEET)
1 inch = 2000 ft.

James S. Hodgens
James S. Hodgens, P.E.

I hereby certify that this drawing was prepared by me, or prepared under my direct supervision; and that I am a duly Registered Professional Engineer under the Laws of the State of South Dakota.



SCALE: 1"=2000'
JOB NO: 55504
DRAWN: TJH
CHECKED: JSH

WATER PERMIT APPLICATION (NONIRRIGATION USE)

SCOTT FEEDLOT

DRAWING

1

HODGENS ENGINEERING & SURVEYING 251 FOURTH ST. S.W. HURON, SD 57350 (605) 352-4367

12/8/04

6559-3

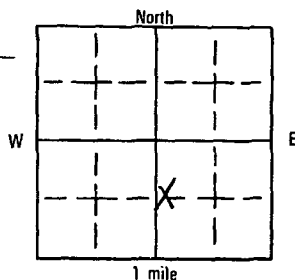
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 Sec 35 Twp 105-N Rg 63-W

County Hanna

Please mark well location with an "X"

Well Completion Date 6-18-90

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>0</u>	FT <u>120</u>	FT <u>77 1/8</u>	IN <u>5</u>
LB/FT <u>2</u>	IN <u>120</u>	FT <u>680</u>	FT <u>5</u>	IN <u>5</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 1/2 IN Length 180 FEETMaterial PVCSlot Size 0.16 Set From 680 Feet To 860 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? Shale Cap @ 680 ft.Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Dwight ScottAddress 221 Box 61atcher, SD 57359

Well Log:

Formation	From	To
Yellow Clay	0	18
Blue Clay	18	40
Blue Clay w/ sand streaks	40	90
Medium fine sand	90	108
Blue Clay	108	110
Chalk	110	160
Shale	160	210
Shale w/ green streaks	210	620
Fair to Good	620	710
Shale w/ streaks	710	790
Fair - Good	790	810
Shale	810	818
Shale w/ streaks	818	835
	835	860 TD

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 22 PSIGPM flow 60+ through _____ inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well DrillingSignature of License Representative: R. E. Kuehl

Signature of Well Owner: _____

Date 7-11-90



Hodgens Engineering Service

"Treating others the way we like to be treated"

Wednesday, December 08, 2004

Eric Gronlund, Water Rights Permit Reviewer
DENR GW Programs
523 East Capitol
Pierre, SD 57501-3181

RE: SCOTT FEEDLOT WATER USE

Dear Eric,

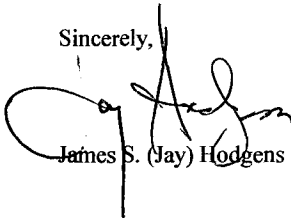
The applicant should be transmitting this cover letter with the following:

1. Two copies of the notarized application
2. \$100 check for application/licensing/inspection

Enclosed is the engineered site map in duplicate, and a well log for the subject well. Please note that the well location identified on the well log is in error.

Please feel free to contact me if there are any questions relative to the map.

Sincerely,



James S. (Jay) Hodgins

Cc w/o Enclosure: Paul Wegleitner

RECEIVED

JAN - 5 2005

WATER RIGHTS
PROGRAM

REPORT ON WATER PERMIT APPLICATION NO. 6559-3

For Dwight Scott

January 6, 2005

Application No. 6559-3 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 860 feet deep located in the NE ¼ SW ¼ of section 35, T105N R63W in Aurora County. The water is for commercial use in a livestock feeding operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sand, sandstone, clay, and shale and is under confined or artesian conditions at this site. The aquifer underlies 719 square miles and contains an estimated 10.5 million acre-feet of recoverable water in storage in Aurora County (Hedges, 1982). The aquifer extends into Sanborn County to the east, Davison County to the southeast, Jerauld County to the north and Brule County to the west, and Douglas County to the south. The general direction of movement is from west to east across Aurora County (Hamilton, 1985). Hamilton estimated an average annual recharge of 31,000 acre-feet to the Dakota Formation which would primarily be from subsurface movement from the surrounding counties into Aurora County (Hamilton, 1985).

The well completion report filed with the application indicates that the Dakota top was about 620 below land surface and the well was completed to a depth of 860 feet. The well as built was capable of producing over 60 gpm (free flowing) and had a shut-in pressure of about 22 psi. This well was constructed in accordance with ARSD 74:02:04:35 as a “slim hole” well in 1990. This construction would not be acceptable for a facility of this type at the present time. If this was a new well the casing would have to be grouted from the top of the aquifer to the land surface.

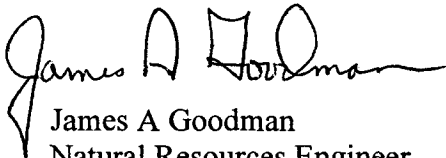
The Water Rights Program monitors a Dakota Formation observation well AU-89A that is located about 18 miles southwest of the site of this application. Water levels for this well show that the aquifer has declined about six feet since the well was drilled in 1989. This would equal a rate of about 4.5 inches per year (Water Rights, 2005). A hydrograph for this observation well is included with this report. Hamilton reported a total decline of about 200 feet in Aurora and Jerauld Counties for the Dakota Formation (Hamilton, 1985). This decline is primarily the result of allowing flowing wells to flow unrestricted or uncontrolled. It is also apparent that water levels will continue to decline but at a reduced rate.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights that obtain water from the Dakota Formation. There are numerous domestic and stock wells in the area that use the Dakota Formation for a water supply. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions at this site. In fact this is a free-flowing well at the land surface. This well must be valved and controlled to prevent the waste of water. This is an existing well and has been used for this purpose for many years.
3. The well construction is completed as a "slim hole" well. This is allowed for domestic and livestock use but for a permitted use this type of construction would not comply with the standards. A new well would have to be grouted from the top of the aquifer to the top of the land surface.
4. Plans and Specifications for this facility have been submitted to and approved by the Department.



James A Goodman
Natural Resources Engineer

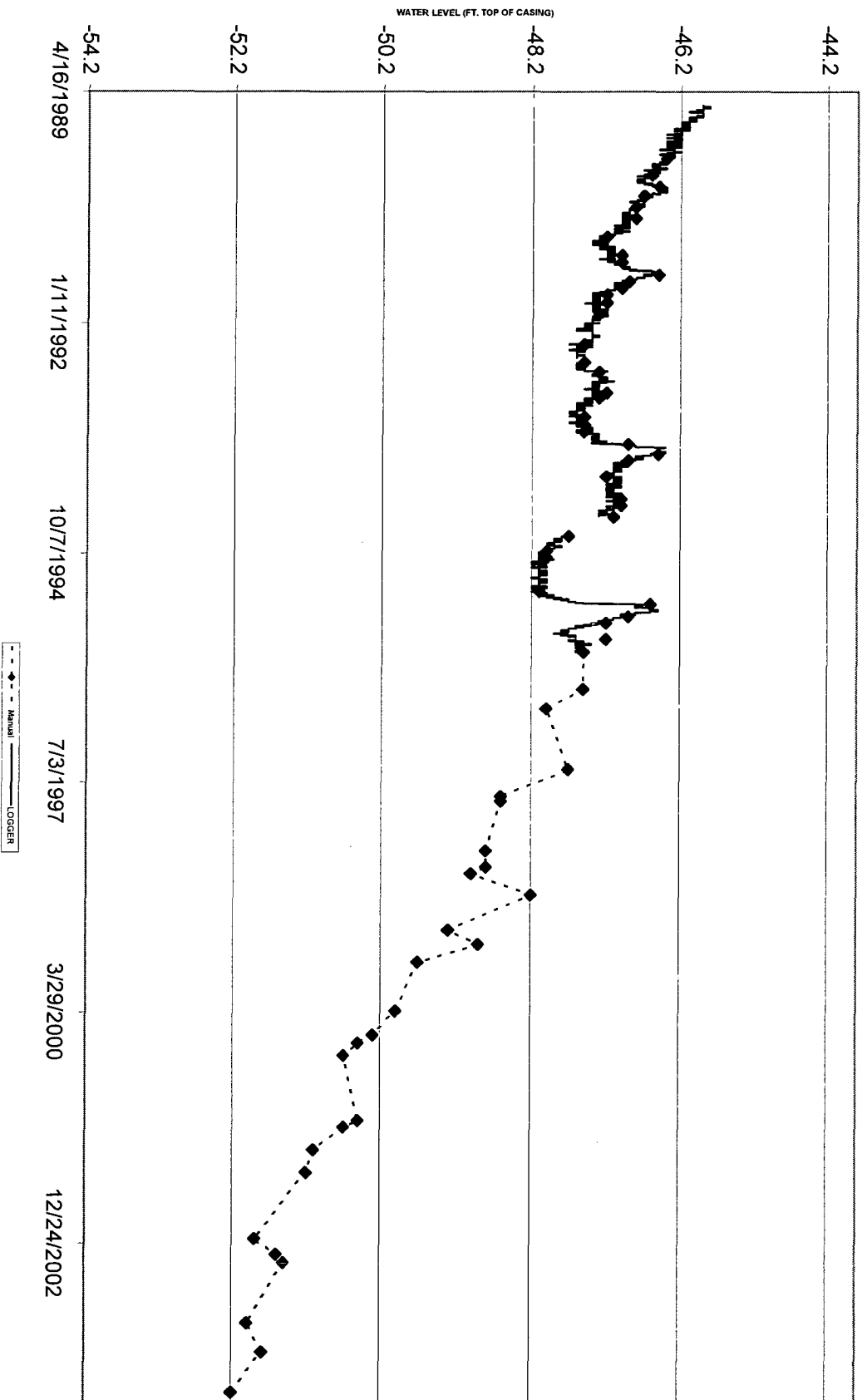
BIBLIOGRAPHY

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

Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, Water-Resources Investigations Report 84-4030, USGS, Huron, SD, 57350.

Water Rights, 2005, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
AU-89A





**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. 6559-3, Dwight Scott**

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. 6559-3, Dwight Scott, 39231 243rd Street, Letcher SD 57359.

The Chief Engineer is recommending APPROVAL of Application No. 6559-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6559-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6559-3 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
January 8, 2005

**NOTICE OF
APPLICATION
NO. 6559-3 to
Appropriate Water**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Aurora) SS

I, John Paul Studeny, Jr.

certify that the attached printed Notice was taken

from the South Dakota Mail
Newspaper

printed and published in Plunkinton

County of Aurora and

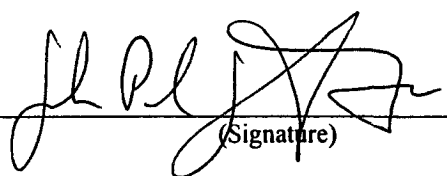
state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 27, 2005

February 3, 2005

Cost of Printing \$47.52


(Signature)

Publisher
(Title)

2-5-05
(Date Signed)

RECEIVED**FEB - 9 2005****WATER RIGHTS
PROGRAM**

Notice is given that Dwight Scott, 39231 243 St. Letcher SD 57359 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well completed into the Dakota Formation (approximately 860 feet deep) located in the NE 1/4 SW 1/4 Section 35-T-105N-R63W. The water is for commercial use in a livestock feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6559-3- because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 14, 2005.

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.

Instruction to Newspaper - Publish first Notice on January 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6559-3 to Appropriate Water

Notice is given that Dwight Scott, 39231 243rd St, Letcher SD 57359 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well completed into the Dakota Formation (approximately 860 feet deep) located in the NE ¼ SW ¼ Section 35-T105N-R63W. The water is for commercial use in a livestock feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6559-3_ 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

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

January 19, 2005

South Dakota Mail
PO Box 367
Plankinton SD 57368-0367

ATTENTION: Legal Public Notice

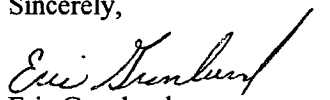
Enclosed is a Notice on Application No. 6559-3 to Appropriate Water to be published twice. Please publish the first notice on January 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Dwight Scott, 39231 243rd St., Letcher, SD (Ph # 605-248-2519).

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. 6559-3

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

Date _____

We are in receipt of your letter of January 19, 2005 enclosing Notice to Appropriate Water by Application No. 6559-3 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

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

January 19, 2005

Dwight Scott
39231 243rd St
Letcher SD 57359

Dear Mr. Scott:

Water Permit Application No. 6559-3 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 South Dakota Mail printed at Plankinton, SD (Ph # 605-942-7770). 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

c: Jay Hodgens, Hodgens Engineering Service, 251 4th St., Huron SD 57350

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.



FEB 28 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dwight Scott
39231 243rd St
Letcher SD 57359

Dear Mr. Scott:

Enclosed is Water Permit No. 6559-3 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

Permit No. 6559-3
James River - Water District

Contact Person & Address: Dwight Scott, 11 W Harmon Dr, Mitchell SD 605-770-6678

Report Of Examination Of Works

On, May 19, 2015, I made a thorough examination of the water use system constructed by Dwight Scott holder of Permit No. 6559-3, bearing the priority of January 5, 2005 authorizing the diversion of 0.1 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial for livestock water purposes, in Aurora County.

The system is in the following condition good. The point of diversion is located from the SW corner of Sec 35 T105N-R63W; 1895 ft E and 1625 ft N with latitude of 43.85506 and a longitude of -98.36420 as determined using GPS. The works are capable of diverting and conveying to the place of use 0.1 cu. ft. per second of water which is to be used for commercial for livestock water. Water has been put to beneficial use and the license should be issued for 0.1 cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Exceptions to compliance are: The general permit for this facility was terminated on January 16, 2013, at the request of the producer. The feedlot is in compliance if operated with less than 1000 head of cattle.

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: Pullman 2) No. of Wells 1 3) Depth(s) 860 feet 4) Well log is available yes

Casing:

- 1) Diameter 5 inches 2) Length 120 feet 3) Type PVC
1) Diameter 2 inches 2) Length 560 feet 3) Type PVC

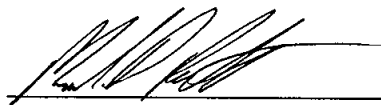
Screen:

- 1) Type PVC 2) Length 180 feet 3) Static water level flowing well feet

DISTRIBUTION LINES OR CANALS:

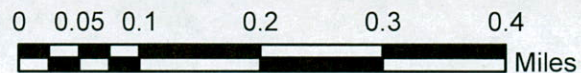
- 1) Type plastic poly

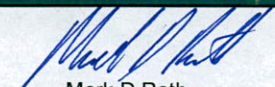
Comments: The system feeds a storage reservoir with the water level regulated with a control valve, water is then pressure fed through the feedlot to the livestock watering sites.


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

7-6-15
Date

6559-3




Mark D Rath
Natural Resource Engineer
May 20, 2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 17 2015

6559-3

Dwight Scott
11 W Harmon Dr
Mitchell SD 57301

Dear Mr. Scott:

Enclosed is Water License No. 6559-3. 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. 6559-3, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6559-3**

(1) Dwight Scott, 11 W Harmon Dr, Mitchell SD 57301 made Application No. 6559-3, January 5, 2005 for a water permit to divert 0.10 cubic feet of water per second from ground water – one well (Dakota Formation), Aurora County, South Dakota for commercial purposes in a livestock feeding operation. Permit No. 6559-3, with a priority date of January 5, 2005 was approved February 14, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 14, 2010 and for the application to beneficial use of said water on or before February 14, 2014.

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

The location of the diversion point is 1,895 feet east and 1,625 feet north of the SW corner of Section 35, T105N, R63W (NE 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.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dwight Scott, 11 W Harmon Dr., Mitchell SD 57301 the holder and/or owner of Water Right No. 6559-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water – one well (Dakota Formation) with a priority date of January 5, 2005 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. 6559-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Permit No. 6559-3 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. *The general permit for this facility was terminated on January 16, 2013 at the request of the permit holder. The feedlot is in compliance if operated with less than 1,000 head of cattle. If the facility intends to go above the 1,000 head limit, compliance with the Department's Water Pollution Control Permit will once again be required.*

- Permit No. 6559-3 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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2015
date

