

**WATER PERMIT NO. 6574-3**

Name of Applicant: Wendell A Nilson

Address: 48318 303st, Hawarden IA

Phone: 605 547-1781

Amount of Water Claimed: 0.111 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Union

Type of Waste Disposal System:

Location: 5 miles southeast of Alcester

PRIORITY Date Received: 12-27-04

Application/License Fee: \$200

Corrected Application Received: 1-13-05

Period of Annual Use: January 1 – December 31

Remarks: For livestock at an existing feedlot

Diversion Point: SW ¼ SW ¼ Sec 32-T95N-R48W

Land to be Irrigated: NA

Depth of Well: 498 feet deep

Well Driller:

Remarks:

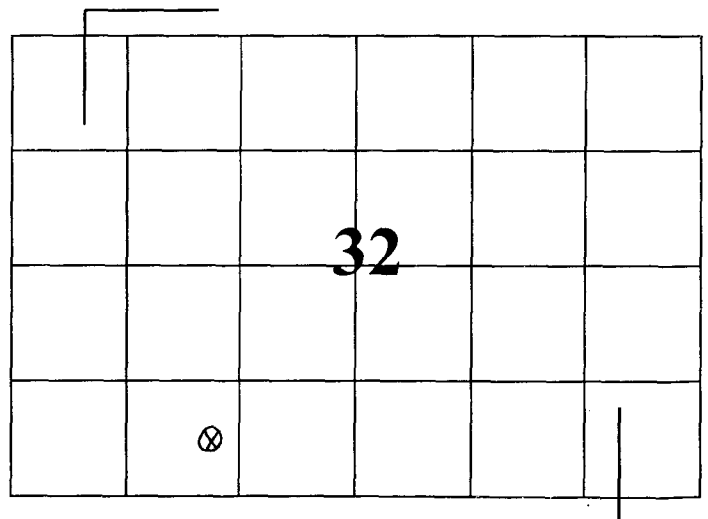
Type of Map: aerial

Prepared by: Bradley S Woerner, PE

Reviewed and the Number Assigned on: 1-13-05

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_



FORM 2: Application for uses other than irrigation  
(type or print)

Mail to:  
Water Rights Program  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501-3181  
(605) 773-3352

(office use only)  
No. 6574-3 Hydrologic Unit 10170203  
Basin Sioux River  
Newspaper Alcester Union, Alcester

RECEIVED  
DEC 27 2004  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water Within The State Of South Dakota

### Check use(s) of water:

|                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial            | <input type="checkbox"/> Other           |                                          |

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation  
(check one)  
Place to Beneficial Use Water Reserved by Future Use Permit No. \_\_\_\_\_  
Amendment/Correction to Permit No. \_\_\_\_\_

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

- Name of Applicant Wendell A. Nilson Phone 605 347-1781  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 48318 303 St Howarden State Iowa 51023  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.111 \*CFS or 50 \*\*GPM \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Iowa State Bank
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
SW1/4 SW1/4 Sec 32-T95N-R48W  
County Union
- County or counties where water will be used Union
- Annual period during which water is to be used Jan 1 Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)  
Water used for existing feedlot

Iowa  
STATE OF SOUTH DAKOTA  
County of Sioux 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, Wendell A. Nilson, 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 Wendell A. Nilson

Subscribed and sworn to before me this 21<sup>st</sup> day of December 20 04



Carol L. Gregg  
Notary Public signature

**SOUTH DAKOTA  
WATER PERMIT NO. 6574-3**

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Date of first receipt of application December 27, 2004.

Date of return to applicant for corrections, amendments or changes December 27, 2004.

Date of receipt of corrected application January 13, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6574-3 to Wendall A Nilson, 48318 303 St, Hawarden IA 51023-8048 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. 6574-3 appropriates 0.111 cubic feet of water per second from one well completed into the Dakota Formation (approximately 498 feet deep) located in the SW ¼ SW ¼ Section 32-T95N-R48W.
2. The water appropriated shall be used for the purpose of commercial use in an existing 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. 6574-3 is March 28, 2005.
5. The date from which applicant may claim right is December 27, 2004.
6. 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. 6574-3 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. 6574-3 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

APR 19 2005

date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10" Depth 498 ft
- b) Casing Type P.V.C. 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 560 ft

On property owned by others \_\_\_\_\_

### 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

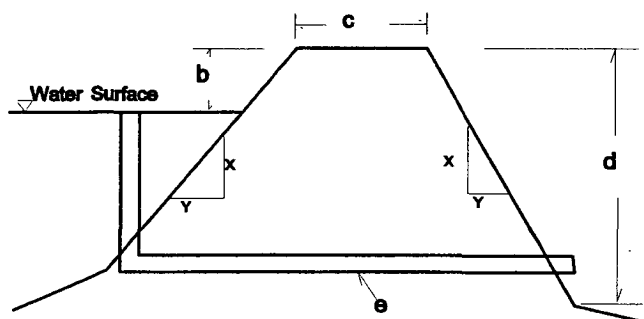
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 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 December 27, 20 04

RECEIVED OF Wendall Nilson, 48318 303rd St, Ewarden IA 51023

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6574-3</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>6574-3</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. 000-22

By Wendall Nilson

Chief Engineer gm

# Well Location Map for Wendell Nilson SW 1/4 of the SW 1/4, Sec. 32, T 95 N, R 48 W, Union County, South Dakota



|                                                                                  |                                                                  |                           |                                                                                                                                                                                                                                                                                  |  |
|----------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Title:</b><br><br>Well Location Map for<br>Wendell Nilson<br>Union County, SD | <b>Project Name:</b><br>Union Valley Feedlot<br>Union County, SD |                           | <b>Prepared By:</b><br><br>Eisenbraun & Associates<br>Professional Engineers & Surveyors<br>216 Walnut<br>Yankton, South Dakota 57078<br>605-665-8092<br>FAX 605-665-0523<br>www.easweb.com |  |
|                                                                                  | <b>Sheet Name:</b><br>Well Location                              |                           | <b>Drawn By:</b> AKK <b>Checked By:</b> BSW <b>Date:</b> 11-Jan-05                                                                                                                                                                                                               |  |
|                                                                                  | <b>Proj. No.:</b> Y04120                                         | <b>Dwg. No.:</b> Proposal |                                                                                                                                                                                                                                                                                  |  |

6574-3

MAP NOT TO SCALE  
THIS IS NOT AN OFFICIAL WETLAND MAP





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 27, 2004

Wendell A Nilson  
48318 303 St  
Hawarden IA 51023

Dear Mr. Nilson:

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

Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. It appears that you probably obtained the map from the Union County Natural Resources Conservation Service office. Someone from that office will be qualified to sign the map.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

215 Walnut Street  
Yankton, South Dakota  
(605) 665-8092  
Fax (605) 665-0523

*Eisenbraun & Associates*  
Professional Engineers & Surveyors

## Letter of Transmittal

|                 |                                                    |                   |            |
|-----------------|----------------------------------------------------|-------------------|------------|
| <b>To:</b>      | Karen Schlaak                                      | <b>Date:</b>      | 1/11/2005  |
|                 | SD DENR – Water Rights Program                     | <b>Project #:</b> | Y04120.D01 |
| <b>Subject:</b> | Wendell Nilson Water Rights Permit Application Map |                   |            |

### WE ARE SENDING YOU:

☒ Attached ☐ Under Separate Cover via \_\_\_\_\_

### the following items:

|                                         |                                       |                                                       |                                         |
|-----------------------------------------|---------------------------------------|-------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Shop drawings  | <input type="checkbox"/> Prints       | <input type="checkbox"/> Plans                        | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of letter | <input type="checkbox"/> Change Order | <input checked="" type="checkbox"/> Well Location Map |                                         |

### THESE ARE TRANSMITTED AS CHECKED BELOW:

|                                                  |                                                   |                                                              |
|--------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> For approval            | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Corrected as requested              |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Documents returned after loan to us |
| <input type="checkbox"/> As requested            | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> For bids due                        |
| <input type="checkbox"/> For review and comments | <input type="checkbox"/> _____                    |                                                              |

### REMARKS :

Ms. Schlaak:

Please find enclosed a copy of the well location map for the above-referenced project. I have also included a copy of the letter that was sent to Mr. Nilson requesting the map. If you should have any questions, please feel free to contact my office. Thank you for your time.

Sincerely,

EISENRBAUN & ASSOCIATES, INC.

Bradley S. Woerner, PE  
Project Manager



Cc: Scott Nilson – Union Valley Feedlot

enclosures

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JAN 13 2005

WATER RIGHTS  
PROGRAM

REPORT ON WATER PERMIT APPLICATION NO. 6574-3  
For Wendell A Nilson  
February 2, 2005

Application No. 6574-3 proposes to appropriate 0.111 cfs (50 gpm) from one well approximately 498 feet deep located in the SW ¼ SW ¼ of section 32, T95N R48W in Union County. The water is for commercial use in an existing cattle feedlot operation.

#### AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone, siltstone and shale that is under artesian conditions at this site. The aquifer underlies 935 square miles and contains an estimated 19.4 million acre-feet of water in storage in Union and Lincoln Counties (Niehus, 1994). Ground water movement is to the south in this area (Niehus, 1994). The aquifer is hydraulically connected to the overlying Missouri Elk Point aquifer to the south with recharge coming from the north along a quartzite ridge in the subsurface in Lincoln County and from underflow from Turner and Clay Counties to the west.

No well construction or log information was provided with this application. The reported depth is 498 feet and this should be a Dakota Formation well. Some nearby domestic wells indicate an aquifer top about 250 to 400 feet below land surface and a static water level from 60 to over 200 feet below land surface depending upon the elevation of the land surface at the well site.

The Water Rights Program monitors observation wells completed into the Dakota Formation in both Lincoln and Union Counties. The nearest observation wells are LN-81P (located about 16 miles north) and UN-77E (located about 14 miles southwest) from this application. Water levels for these wells show some response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. These two hydrographs exhibit very similar characteristics and respond to the same hydrologic conditions at the same general time even though LN-81P has shown an overall decline of five feet since monitoring began in 1981. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Hydrographs from both wells are included with this report.

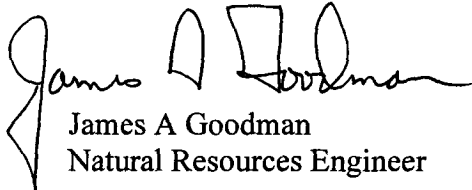
#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/right that obtain water from the Dakota Formation. There are some domestic wells in the area that use water from this aquifer. Interference is not a concern. This well has been in use for many years with no apparent problems.

#### CONCLUSIONS

1. Water is available from the Dakota Formation.

2. The aquifer is under artesian conditions at this site. However, at this pumping rate drawdown is not expected to be a concern. Interference is not a concern. This well has been in use for many years with no apparent problems.
3. There is insufficient information available to determine if this well is constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been submitted to and approved by the department.



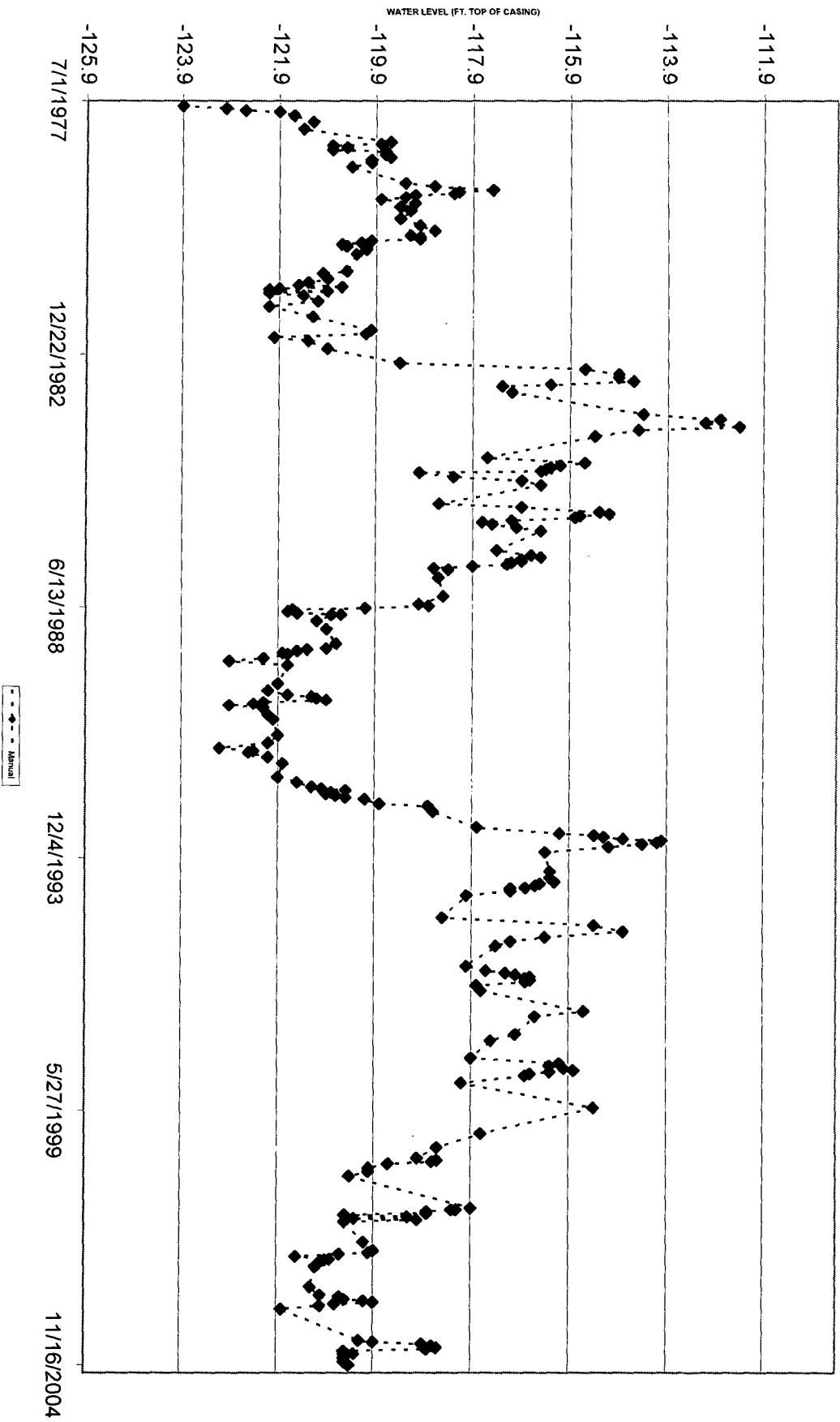
James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

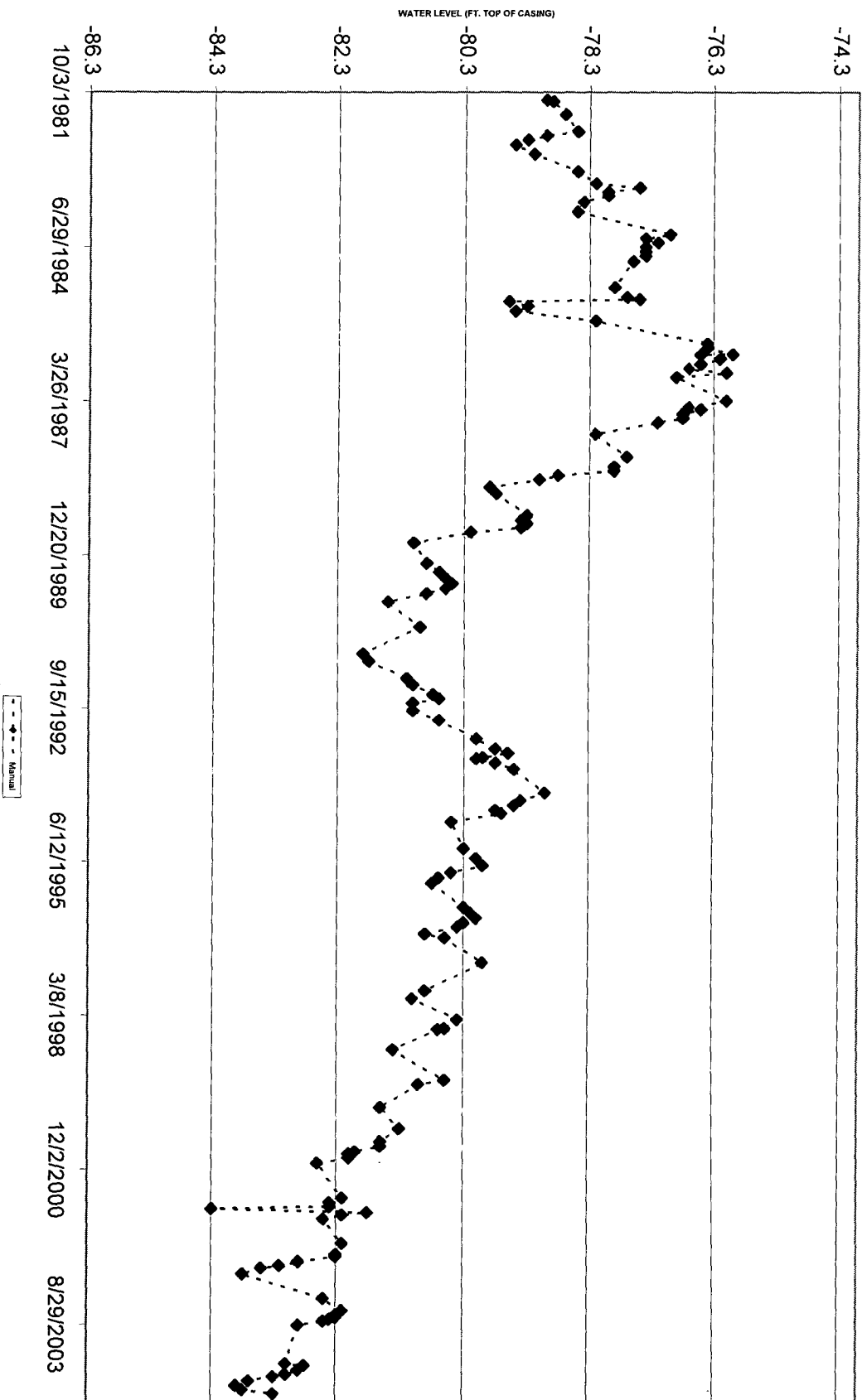
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2005, Unpublished Observation Well Data for Lincoln and Union Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL  
UN-77E



# WATER RIGHTS' OBSERVATION WELL LN-81P





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6574-3, Wendell A Nilson**

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. 6574-3, Wendell A Nilson, 48318 303<sup>rd</sup> Street, Hawarden IA 51023.

The Chief Engineer is recommending APPROVAL of Application No. 6574-3 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. 6574-3 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. 6574-3 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  
February 28, 2005

# Affidavit of Publication

STATE OF SOUTH DAKOTA )  
                                  )SS  
COUNTY OF UNION )

## NOTICE OF APPLICATION

6574-3 WENDELL A. NILSON

Paul B. Buum, being duly sworn, says: the *Alcester Union & Hudsonite* is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Alcester, Union County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper 2 successive issues, bearing the following date(s):

MARCH 10, 17, 2005

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 40.82 insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

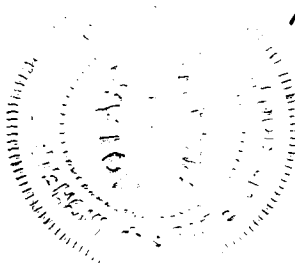


Subscribed and sworn to before me this 31<sup>st</sup> day of

March 2005

Michele L Buum  
Notary Public, South Dakota

(SEAL)



My Commission Expires 5/8/2005

## Notice of Application

### NOTICE OF APPLICATION NO. 6574-3 to Appropriate Water

Notice is given that Wendell A Nilson, 48318 303 St, Hawarden IA 51023 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second from one well completed into the Dakota Formation (approximately 498 feet deep) located in the SW1/4 SW1/4 Section 32-T95N-R48W. The water is for commercial use in an existing cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6574-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person

filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 28, 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. Pimer, Secretary**  
**Department of Environment and**  
**Natural Resources.**  
**Publish March 10, 17, 2005**

RECEIVED

APR - 6 2005

WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

March 1, 2005

Wendell A Nilson  
48318 303 St  
Hawarden IA 51023

Dear Mr. Nilson:

Water Permit Application No. 6574-3 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 Alcester Union printed at Alcester, SD (Ph # 605-934-2640). 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

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 1, 2005

Alcester Union  
PO Box 227  
Alcester SD 57001-0227

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6574-3 to Appropriate Water to be published twice. Please publish the first notice on March 10, 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 Wendell A Nilson, 48318 303 St, Hawarden IA 51023 (Ph # 605-547-1781).

**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. 6574-3

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

Date \_\_\_\_\_

We are in receipt of your letter of March 1, 2005 enclosing Notice to Appropriate Water by Application No. 6574-3 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 March 10, 2005 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 6574-3 to Appropriate Water

Notice is given that Wendell A Nilson, 48318 303 St, Hawarden IA 51023 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second from one well completed into the Dakota Formation (approximately 498 feet deep) located in the SW ¼ SW ¼ Section 32-T95N-R48W. The water is for commercial use in an existing cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6574-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 28, 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 19 2005

Wendall A Nilson  
48318 303 St  
Hawarden IA 51023-8048

Dear Mr. Nilson:

Enclosed is Water Permit No. 6574-3 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

## 2005 South Dakota Water Use Questionnaire

To:

WENDALL NILSON  
48318 303 ST  
HAWARDEN IA 51023

Address correction requested:

Scott A. Nilson  
48320 303 ST.  
Hawarden, Iowa 51023

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 6574-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER  
Aquifer: DAKOTA FORMATION  
Management Unit: NOT APPLICABLE

County: UNION  
Pumping Pt. Legal: SEC 32-T095N-R48W  
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2005 water use from the above water source: 4,812,500 gallons  
2) If no water use in 2005, please list the reason(s) why in the comments section.

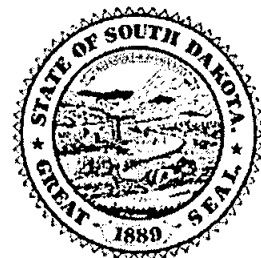
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person: Scott A. NilsonTelephone No: 605-547-2257

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: [www.state.sd.us/denr/wr](http://www.state.sd.us/denr/wr)



RECEIVED

FEB 09 2006

WATER RIGHTS  
PROGRAM



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-6082  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 15, 2006

6574-3

Scott A Nilson  
48320 303 St  
Hawarden IA 51023

Dear Mr. Nilson:

The 2005 SD Water Use Questionnaire which you recently returned to our office indicated a possible ownership change for Water Permit No. 6574-3. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water permit is currently listed in the name of Wendall Nilson.

The transfer form should be completed, checked over for accuracy and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$2.50. Please let me know if no change is necessary. It is important for us to keep our records accurate.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

*3/6/06*

*Scott Nilson called  
said his Dad, Wendall  
still owned property.  
Scott is the contact person.*

**Permit No. 6574-3**  
**Big Sioux River - Water District**

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

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

I have this day, **June 28, 2006**, made a thorough examination of the water use system constructed by **Wendell A. Nilson** of **48318 303<sup>rd</sup> St., Hawarden IA 51023** holder of Permit No. **6574-3**, bearing the priority of **December 27, 2004** authorizing the diversion of **0.111** cu. ft. per second of the waters of **Dakota Formation** for **commercial** purposes, in **Union** County.

Inspection contact & relationship     **Scott Nilson – son (605) 547-2257**  
to permit holder, if applicable:

**A. Works used to divert the water:**

**Well Information:**

- 1) Well Drilling Firm:
- 2) No. of Wells
- 3) Depth(s) 498 feet
- 4) Well log is available no
- 5) Comment: The well is old and there is no well log.

**Casing:**

- 1) Diameter 10 inches
- 2) Length \_\_\_\_\_ feet
- 3) Type pvc

**Screen:**

- 1) Type
- 2) Length \_\_\_\_\_ feet
- 3) Static water level \_\_\_\_\_ feet

**Pump:**

- 1) Make submersible
- 2) Model
- 3) Size
- 4) Capacity 50 GPM

**Motor:**

- 1) Make submersible
- 2) Model No.
- 3) Horsepower rating 7.5 hp

**B. Works used to transport water to place of use:**

- 1) Type pvc      2) Size 4 inches      3) Length 365 feet  
1) Type pvc      2) Size 2 inches      3) Length 600 feet

**C. Works used to apply water to beneficial use:**

**Watering tanks and sprinkler system for cattle feedlot operation.**

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by yes  
2) Exceptions to compliance are: none

The system is in fair condition with the point(s) of diversion located as follows: 1070' E and 595' N of the SW corner Section 32-T95N-R48W (42.998455/-96.545214). The works are capable of diverting and conveying to the place of use 0.111 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

**Commercial feedlot operation.**

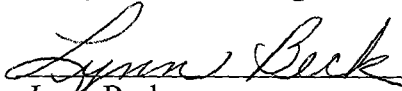
The license should be issued for 0.111 cfs.

All structures, wells and lands on map yes

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

**Union Valley Feedlot is in the process of obtaining a General Permit for a Concentrated Feedlot Operation.**

**They are in the design and construction phase of complying with the permit requirements.**

  
\_\_\_\_\_  
Lynn Beck

Natural Resources Engineer Specialist  
DENR, Water Rights Program

Date report completed: September 13, 2006

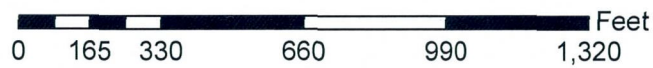
WATER RIGHT NO. 6574-3  
Wendell A. Nilson  
September 13, 2006

R48W

T95N



SCALE



*Lynn Beck*

Lynn Beck  
Natural Resources Engineer  
DENR - Water Rights Program  
September 13, 2006





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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NOV 13 2008

6574-3

Wendell A Nilson  
48318 303<sup>rd</sup> St  
Hawarden IA 51023

Dear Mr. Nilson:

Enclosed is Water License No. 6574-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6574-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

c: Scott Nilson, 48320 303 St., Hawarden IA 51023

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 6574-3

(1) Wendell A Nilson, 48318 303<sup>rd</sup> St, Hawarden IA 51023 made Application No. 6574-3, December 27, 2004 for a water permit to divert 0.111 cubic feet of water per second from groundwater (one well), Union County, South Dakota for commercial purposes. Permit No. 6574-3, with a priority date of December 27, 2004 was approved March 28, 2005 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6574-3 is issued a license, bearing a priority date of December 27, 2004 to appropriate 0.111 cubic feet of water per second from groundwater (one well) for commercial use in a cattle feedlot operation.

The diversion point is located: 1,070 feet east and 595 feet north of the southwest corner of Section 32-T95N-R48W (SW ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6574-3 including the following now applicable 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.
- Permit No. 6574-3 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.
- Permit No. 6574-3 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

NOV 13 2005

date

