

WATER PERMIT NO. 6593-3

Name of Applicant: **Leroy Braun**

Address: **15162 391st Ave, Mellette SD 57461** Phone: **605 887-3717**

Amount of Water Claimed: **0.067 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **commercial** County: **Spink**

Type of Waste Disposal System:

Location: **4 miles northwest of Mellette SD**

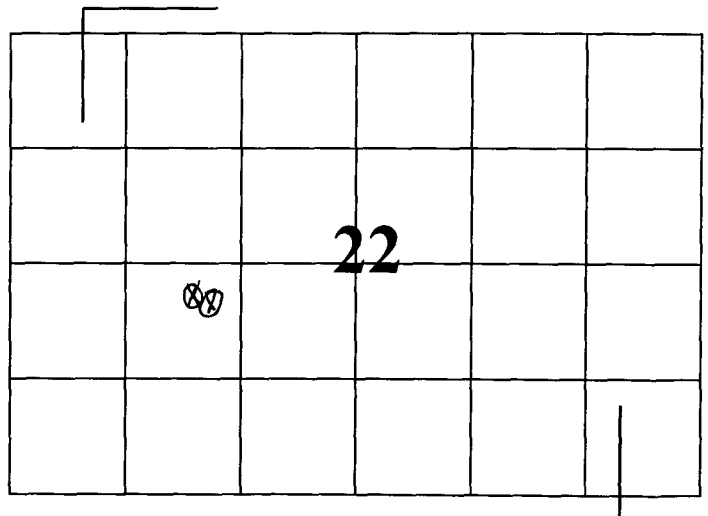
PRIORITY Date Received: **2-14-05** Application/License Fee: **\$200**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **cattle feedlot**

Diversion Point: **NW ¼ SW ¼ Sec 22-T120N-R63W**

Land to be Irrigated: **NA**



Depth of Well: **1100 and 1085 feet deep**

Well Driller: : **Independent Drilling Co.**

Remarks:

Type of Map: **plat**

Prepared by: **Gregory G Grabs, PE**

Reviewed and the Number Assigned on: **2-14-05**

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>6593-3</u> (office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u>

RECEIVED
FEB 14 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 <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 Leroy Braun Phone (605) 887-3717
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 15120 391st Ave. Mellette State SD 57461
62 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.067 *CFS or 30 **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 Two Current Wells with a backup Rural Water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
NW 1/4 of the SW 1/4, Section 22, T 120 N, R 63 W
5. County or counties where water will be used Spink
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 two existing wells to serve 4,000 head open beef feedlot. The maximum pumping rate of the two wells is 30 GPM. Rural water will be used to supply what the wells cannot.

STATE OF SOUTH DAKOTA)

County of Spink 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, LeRoy 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 LeRoy Braun

Subscribed and sworn to before me this 11 day of February 20 05

Rhonda K. Borland

Notary Public signature Comm Exp 12-22-2010

SOUTH DAKOTA
WATER PERMIT NO. 6593-3

Date of first receipt of application February 14, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6593-3 to Leroy Braun, 15162 391st Ave, Mellette SD 57461 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. 6593-3 appropriates 0.067 cubic feet of water per second (30 gallons per minute) from two existing wells completed into Dakota Formation (approximately 1,085 and 1,100 feet deep) located in the NW ¼ SW ¼ Section 22-T120N-R63W.
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. 6593-3 is May 16, 2005.
5. The date from which applicant may claim right is February 14, 2005.
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 wells 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. 6593-3 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. 6593-3 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

JUL 11 2005

date



(type or print in ink)

1. Well Information - Proposed Construction unregistered well

- a) Drill Hole Diameter Unknown Depth 1,100 feet
- b) Casing Type Unknown Diameter 3" Thickness
- c) Screen Type Unknown Diameter Thickness
- d) Gravel Pack Unknown Length of Gravel Pack
- e) Depth to Top of Water Bearing Material Unknown
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:
- On applicants property 85' On property owned by others 1,585' 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

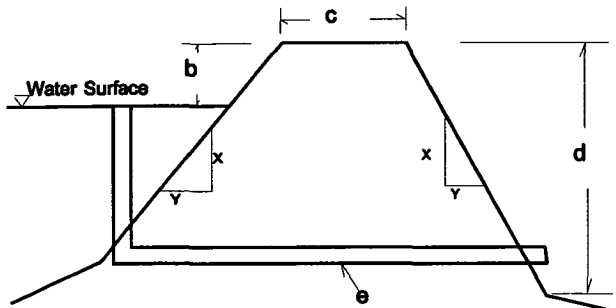
3. Dugout Information

- 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

(type or print in ink)

1. Well Information - Proposed Construction

Registered well

- a) Drill Hole Diameter Unknown Depth 1,085 feet
- b) Casing Type galv, black steel Diameter 2" / 3" Thickness _____
- c) Screen Type Unknown Diameter _____ Thickness _____
- d) Gravel Pack Unknown Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____ Unknown
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 85' On property owned by others 1,500' 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

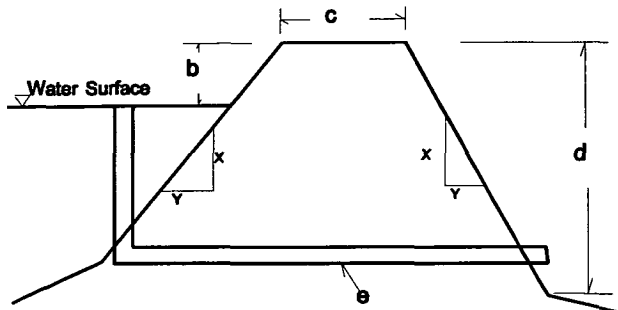
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- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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- 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 February 14, 20 05

RECEIVED OF Armadale Farms Inc., 15162 391st Ave., Mellott SD 57461-5115

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

Fee for Application for Permit No. <u>1597-3</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>1595-3</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.

001000

By

Darlene Elveh

Chief Engineer

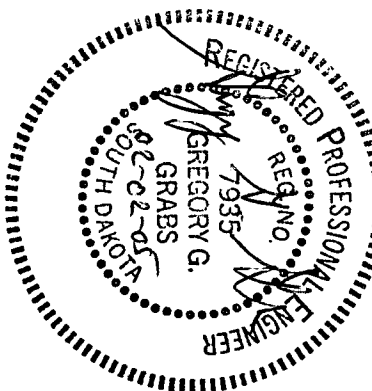
gm



GENERAL NOTES

LEGEND

- TREES
- WELL
- PIPES
- STAFF GAGE



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date
1	PEN BERM ADDED	01/04/05

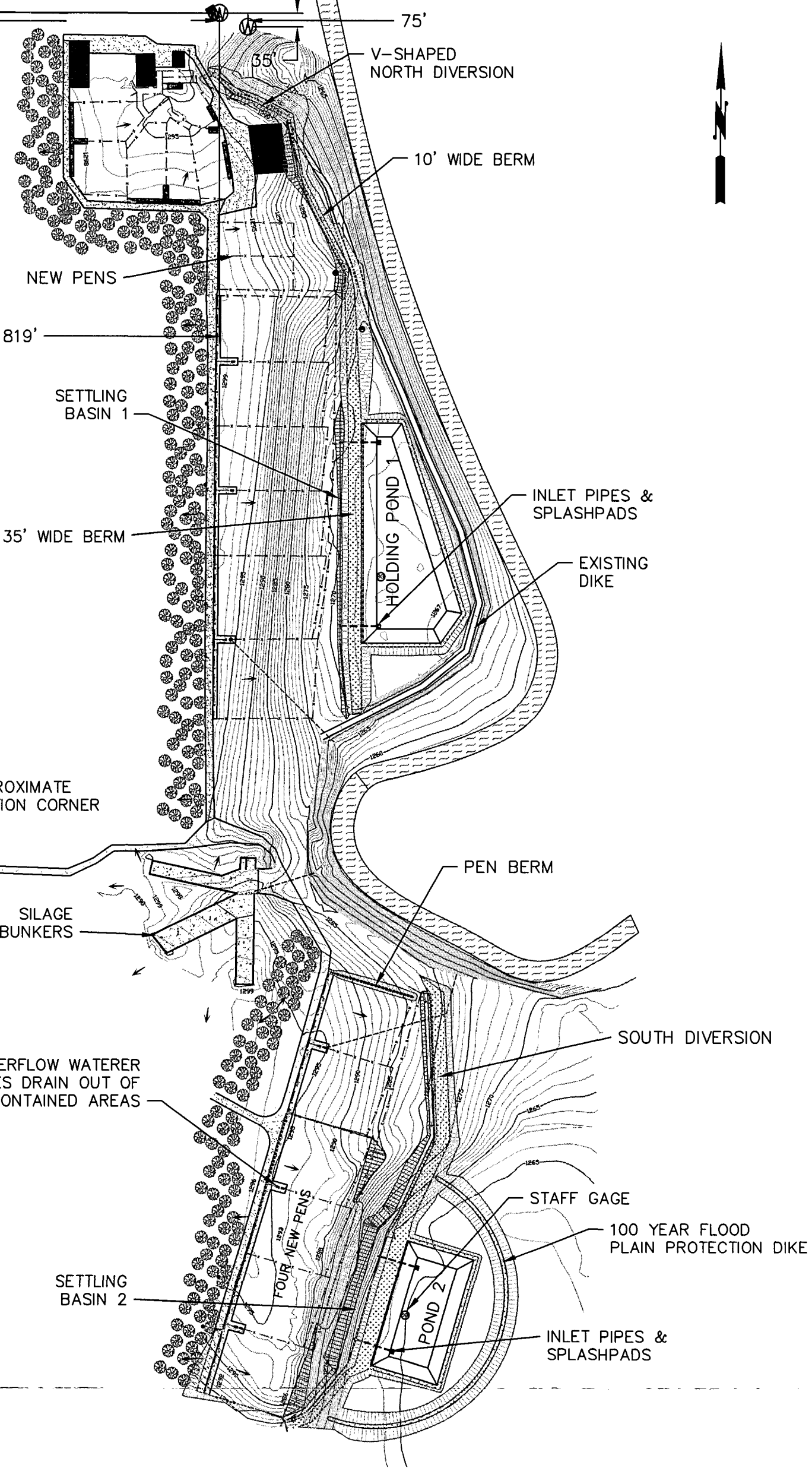
DeHaan, Grabs & Associates, LLC
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

ARMADALE FARMS
SW 1/4, SEC 22, & NW 1/4, SEC 27, T 120 N, R 63 W
SPINK COUNTY, SOUTH DAKOTA
WELL LOCATION MAP
PROPOSED SITE PLAN

DATE: OCT 13, 2004	SHEET: 1
SCALE: 1" = 300'	
DRAWN BY: NAP	
CHECKED BY: DLD	

File Name: D:\010\010\010\PROJECT FILES\ARMADALE FARMS\CTLEB SITE

2224'



THIS AGREEMENT, made and entered into this 14 day of Jan A. D. 1924
by and between INDEPENDENT DRILLING CO., a corporation of the State of South Dakota, located at Aberdeen, South
Dakota, first party, and Ed Braun P. O. Mallette SD second party.

WITNESSETH: That the said first party agrees and contracts with the said second party, as follows:

FIRST: On or about _____ or after completing the Jones
well to commence work on an artesian well to be located on the SW quarter of section 22 Twp.
120 Range 63 said land being the property of the second party, and to prosecute the work
thereon without unnecessary delay until said well is completed.

SECOND: To drill said well into water bearing artesian sand rock and guarantee the well to furnish supply of water
by ~~press~~ natural flow.

THIRD: To case said well with 3 inch standard black steel pipe to Shale or deeper if deemed
necessary by the first party, and with 2 inch standard black steel pipe from { top { into water-bearing sand
rock. Any further drilling below the _____ inch pipe shall be cased with _____ inch pipe. The top length of
3 inch pipe to be galvanized.

FOURTH: Said second party to furnish sufficient space where said well is to be sunk, for all material, machinery and
guy wires until said well is completed and machinery is removed.

FIFTH: Said second party further agrees to board the men from the time move is commenced until well is com-
pleted and machinery removed; ~~haul the well out from~~ to the place
where said well is to be sunk; furnish all water for drilling said well; ~~haul the casing, gasoline and all other supplies needed~~
~~for the well from~~ _____; furnish the fuel for warming the camp and for tank heater,
and provide and maintain an ample fire guard.

SIXTH: For and in consideration of the drilling and casing of said well, second party agrees to pay first party the
sum of One Eighty five per ft (\$1.85)
if not over 1000 feet deep and 1.85 per foot for each foot in depth below 1000 feet.

_____ to be paid in cash at completion of said well. It is further agreed that all sales
taxes upon material purchased for use in said well, which have been paid by the party of the first part, shall be paid by the
party of the second part, in addition to the contract price above stated. Deferred payments to draw interest at eight per
cent. to be bankably secured and due as follows: _____

Settlement to be due and dated at completion of said well.

SEVENTH First party guarantees the well to furnish water reasonably clear for stock and domestic purposes, for

2-16 4

N Ed Brown
Mulleata S.D.

To drill 3" well
as per contract

1085 ft. @ 1.85
salient

\$ 2007.25
11.68

\$ 2018.93

Independent Drilling Co.

Aberdeen, South Dakota

WELL REPORT

Aberdeen, S. D., Feb 8 19 54

Completed well for Mr. E. L. Brown

P. O. Millette Depth 1085 ft. { Rammed 12 Gallons per minute
Flows

Pumped gals. per min. for hrs. { Clear Sandy Muddy Cloudy Pumped gals. per min. for hrs. { Clear Sandy Muddy Cloudy

Water stands feet from top. Is the water hard or soft? Well located on

S.W. quarter Sec. 22 T 120 R 63 Moved to this place on Jan 23 19 54

Started work on well Jan 30 19 54 Well completed on Feb 3 19 54

Left this place on Feb 4 19 54

19 ft. 3" galv pipe extending to a total depth of 19 feet
63 ft. 3" Blk pipe extending to a total depth of 82 feet
1003 ft. 2" Blk pipe extending to a total depth of 1085 feet
ft. pipe extending to a total depth of feet
ft. pipe extending to a total depth of feet

Cap Rock 530 ft. Rock at from 785 feet to 773 feet

Rock from 538 feet to 902-920 Rock from 988 feet to 1050

Tubular sand from feet to feet

perforated 84 ft. at bottom. Also from to and from to

For whom was the last well completed by this machine?

What was the date of its completion? Explain loss of time, if any, between

completion of last well and commencement of this one

What extra charges are there against this well for pipe, fittings and supplies (please itemize)?

At whose request and by whose authority was this furnished?

Please state what casing and gasoline you have on hand after completion of this well

How much gasoline did you have on hand at commencement of this well?

How much gasoline have you received while on this well (give date and number of gallons)?

Date Amount gals. Date Amount gals.

Date Amount gals. Date Amount gals.

How much gasoline had you on hand at the completion of this well? How much

gasoline did you use on this job? How many days did engine

run on this job?

John Strudle

Paul Bible

Foreman Rig No. S.M.C.

YEAR COMPLETED 1927

Rig No. _____

Mr. E. D. Braun

P. O. Mullette S. Dak.

Phone _____

Tenant _____

Tenant P. O. _____

Location S. H. 22 - 120 - 63

Size 2"

Completed _____

By John Struble

FOREMAN

Terms _____

Entered _____ Billed \$ - _____

Settled _____



**DeHaan, Grabs
& Associates, LLC**

Consulting Engineers

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

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

February 2, 2005

Dear Eric,

Enclosed you will find an *Application For Permit To Appropriate Water Within The State of South Dakota* for Armadale Farms near Mellete in Spink County, SD.

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

Sincerely,

Greg Grabs, PE
Vice-President

RECEIVED
FEB 14 2005
WATER RIGHTS
PROGRAM

REPORT ON WATER PERMIT APPLICATION NO. 6593-3

For Leroy Braun

March 30, 2005

Application No. 6593-3 proposes to appropriate 0.067 cfs (30 gpm) from two existing wells approximately 1,085 feet and 1,100 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22, T120N R63W in Brown County. The water is for commercial use in a cattle feedlot operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale that is under artesian conditions in this area. The aquifer underlies 1,511 acres and contains an estimated 19.22 million acre-feet of recoverable water in storage in Spink County (Hedges, 1982). The aquifer extends into Brown County to the north, Clark County to the east, Beadle and Hand County to the south and Faulk County to the west. Ground water movement is from north to south in the area of this application (Hamilton, 1996). Water levels in the Dakota aquifer reportedly have stabilize since 1982 even though declines of up to 350 feet in the Lake Dakota plain had occurred during the previous 100 years (Hamilton, 1996). The primary reason for water level declines was the large number of wells allowed to flow uncontrolled to waste for many years.

A well log submitted with the application indicates a free flowing well (about 12 gpm) and appears to be constructed in accordance with the “slim hole” well construction standard. This well was completed in 1964 to a depth of 1085 feet. This type of well construction would not be acceptable for a new well at this site. No information is available for the other well at this site.

The Water Rights Program monitors an observation well ED-85A completed into the Dakota aquifer and located about 24 miles northwest of this application. Water levels for this observation well have not changed much. In fact if anything water levels have risen about three feet since this well was constructed in 1985. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005).

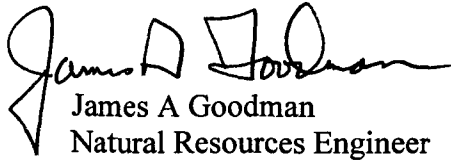
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights from the Dakota aquifer are for the towns of Mellette (about five miles southwest) and Brentford (about five miles southeast) both from this application. Both of these towns are now supplied by WEB Rural Water System and the well permits are in backup status. Interference is not a concern. These appear to be free flowing wells and have been in use for many years. It may become necessary at some time to pump water in order to maintain the amount needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.

2. The aquifer is under artesian conditions at this site and in fact, the wells may free flow at the land surface. These well need to be controlled and shut down to the amount of water needed.
3. Interference is not expected to be a concern. It may become necessary at some future time to pump the amount of water needed if it is not done already.
4. This facility has rural water as a backup water supply.
5. Plans and Specifications for this facility have been submitted to and approved by the Department in January of 2005.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.S., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report 96-4056, USGS, Rapid City, SD, 57702.

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.

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



**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. 6593-3, Leroy Braun**

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. 6593-3, Leroy Braun, 15162 391st Avenue, Mellette SD 57461.

The Chief Engineer is recommending APPROVAL of Application No. 6593-3 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 wells 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. 6593-3 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. 6593-3 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

April 19, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Spink)

I, Janet Johnson

certify that the attached printed Notice was taken

from the Dept of Envir. + Nat Resources

printed and published in The Rockfield Press

County of Spink and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 27, 2005

May 4, 2005

Cost of Printing 21.53 - April 27th

17.22 - May 4th - total \$38.75

Janet Johnson
 (Signature)

Office Clerk
 (Title)

4-28-05
 (Date Signed)

Notice of Water Application

#173

NOTICE OF APPLICATION NO. 6593-3 to Appropriate Water

Notice is given that Leroy Braun, 15162 391st Ave, Mellette SD 57461 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from two existing wells completed into Dakota Formation (approximately 1,085 and 1,100 feet deep) located in the NW 1/4 SW 1/4 Section 22-T120N-R63W. 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. 6593-3 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 May 16, 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.

(April 27, May 4)

OK

RECEIVED

APR 28 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

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

April 19, 2005

Leroy Braun
15162 391st Ave
Mellette SD 57461

Dear Mr. Braun:

Water Permit Application No. 6593-3 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 Redfield Press printed at Redfield, SD (Ph # 605-472-0822). 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: Greg Grabs, DeHaan, Grabs & Associates, PO Box 522, Mandan ND 58554

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 April 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6593-3 to Appropriate Water

Notice is given that Leroy Braun, 15162 391st Ave, Mellette SD 57461 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from two existing wells completed into Dakota Formation (approximately 1,085 and 1,100 feet deep) located in the NW ¼ SW ¼ Section 22-T120N-R63W. 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. 6593-3 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 May 16, 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

April 19, 2005

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6593-3 to Appropriate Water to be published twice. Please publish the first notice on April 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 Leroy Braun, 15162 391st Ave., Mellette SD (Ph # 605-887-3717).

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. 6593-3

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

Date _____

We are in receipt of your letter of April 19, 2005 enclosing Notice to Appropriate Water by Application No. 6593-3 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

JUL 11 2005

Leroy Braun
15162 891st Ave
Mellette SD 57461

Dear Sir:

Enclosed is Water Permit No. 6593-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures