

WATER PERMIT NO. 6598-3

Name of Applicant: Curry Seed Co.

Address: Box 517, Elk Point SD 57025

Phone: 605 356-3366

Amount of Water Claimed: 1.85 cfs

Total Acres: 130

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 2 miles north of Elk Point

PRIORITY

Date Received: 2-16-05

Application/License Fee: \$300

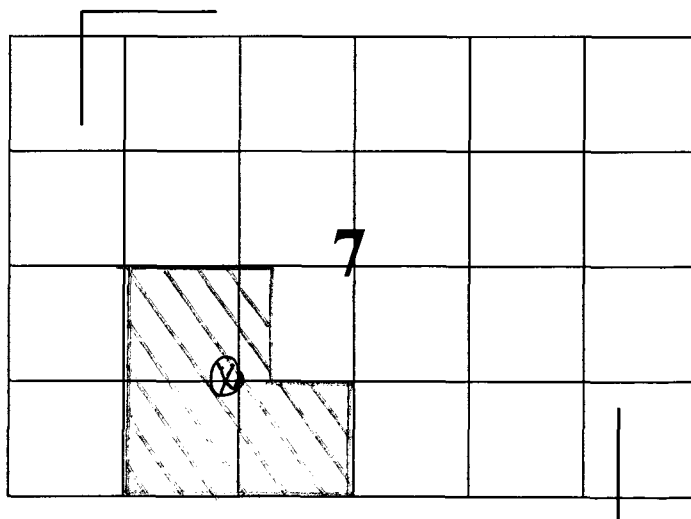
Corrected Application Received: 2-22-05

Period of Annual Use: April 1 – November 1

Remarks:

Diversion Point: Center of SW ¼ Sec 7-T91N-R49W

Land to be Irrigated: SW ¼ Sec 7-T91N-R49W



Depth of Well: 140 feet deep

Well Driller: : Dakota Drilling

Remarks:

Type of Map: aerial photo

Prepared by: Kevin Beermann, Elk Point NRCS

Reviewed and the Number Assigned on: 2-22-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6598-3</u>	(office use only) Hydrologic Unit <u>10170101</u>	RECEIVED
	Basin <u>Missouri River</u>		FEB 22 2005
	Newspaper <u>Leader-Courier, Elk Point</u>		WATER RIGHTS PROGRAM

RECEIVED
FEB 16 2005
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant Curry Seed Co Phone 605/356-3364
(check one) Owner ☒ Tenant/lessee _____
Mailing Address Box 517 Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.86 *CFS or 900 **GPM ***AF Total Acreage 130.0
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Drilled well - underground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
One well in SW1/4 7-91-49W
County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used April 1 to November 1
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW1/4 SW1/4 7-91-49	40		
NW1/4 SW1/4 7-91-49	40		
SE1/4 SW1/4 7-91-49	40		
NE1/4 SW1/4 7-91-49	10		

8. Give a description of the project. (Attach sheet if more space is needed)

South half of Lot 1 and all of Lot 2 SW1/4 7-91-49
is a correction section - one well - one pivot

STATE OF SOUTH DAKOTA) SS
County of Union

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, William Curry, 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 William J. Curry

Subscribed and sworn to before me this 17th day of February 2005

Rosemary Morrow
Notary Public signature
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires 09-01-06

**SOUTH DAKOTA
WATER PERMIT NO. 6598-3**

Date of first receipt of application February 16, 2005.

Date of return to applicant for corrections, amendments or changes February 16, 2005.

Date of receipt of corrected application February 22, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6598-3 to Curry Seed Co., PO Box 517, Elk Point SD 57025 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. 6598-3 appropriates 1.86 cubic feet of water per second from one well to be completed into the Missouri-Elk Point Aquifer (approximately 140 feet deep) located in the approximate center of SW ¼ Section 7 to irrigate 130 acres located in the SW ¼ Section 7; all in T91N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 1.
3. The date from which applicant may claim right is February 16, 2005.
4. The date of approval of Permit No. 6598-3 is June 6, 2005.
5. One-fifth of the construction is to be completed on or before December 6, 2007.
6. All construction is to be completed on or before June 6, 2010.
7. Water is to be put to beneficial use on or before June 6, 2014.
8. 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 authorized by Permit No. 6598-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 23 2005

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 140'
- b) Casing Type PVC Diameter 16" Thickness Schedule 40
- c) Screen Type PVC Diameter 16" x 60' Thickness Schedule 40
- d) Gravel Pack Pent Gravel Length of Gravel Pack 75'
- e) Depth to Top of Water Bearing Material 72'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 1750'

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 _____

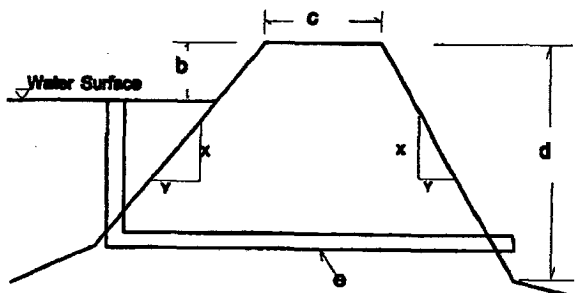
3. Dugout Information

- 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 February 16, 20 05

RECEIVED OF Curry Seed Company, PC Box 517, Elk Point SD 57025

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

Fee for Application for Permit No. <u>6598-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6598-3</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	300.00

No.

001764

By

Darland Alsh
Chief Engineer gm

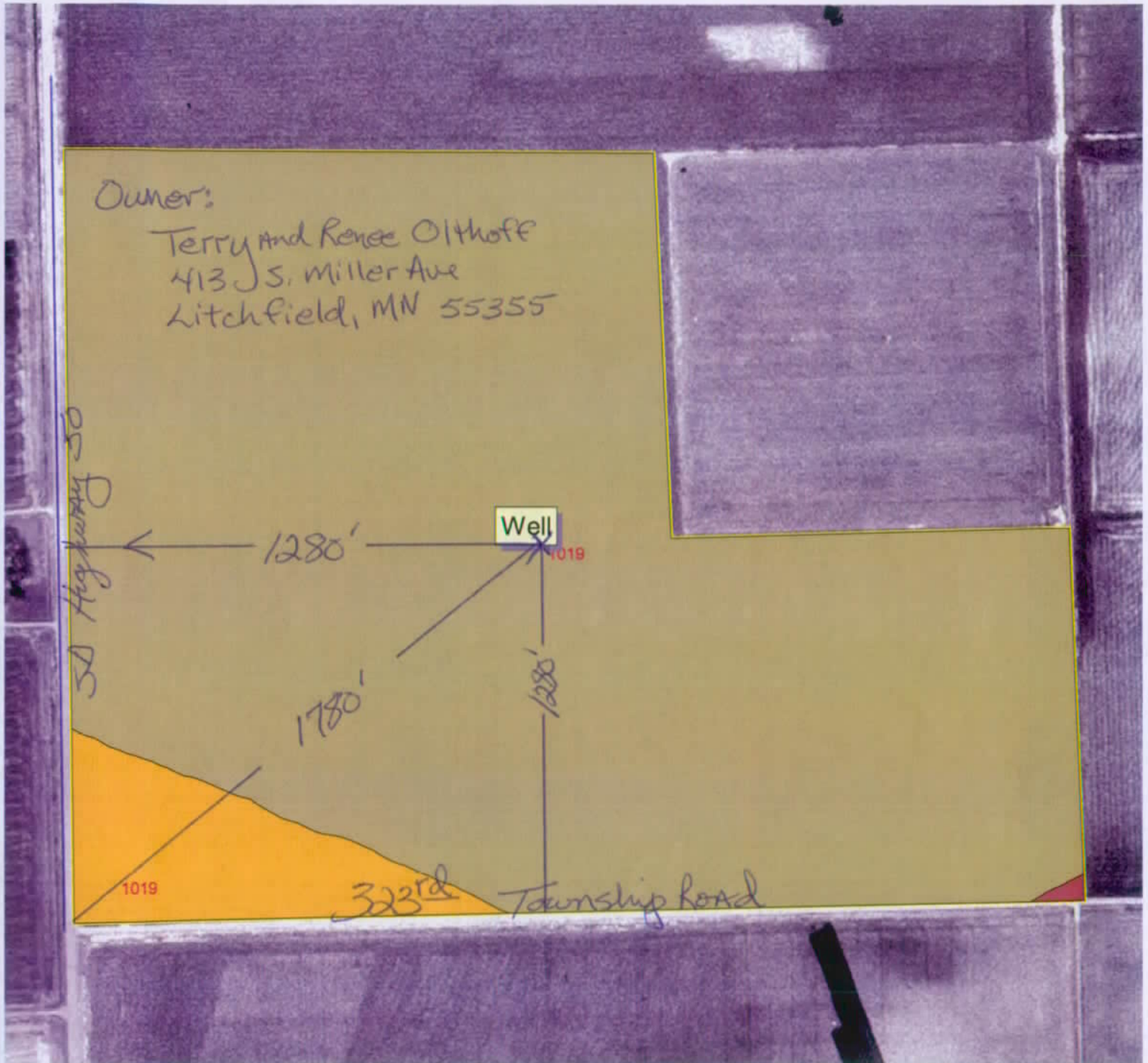
CURRY SEED CO.
UNION
Date: 01/28/2005

Cropland
SW1/4 7-91-49

NRCS
Signature

11/6/05
ELK POINT FIELD OFFICE

NRCS
Kevin G. Beermann



Legend

Soils Map
Be
Bf
Ld
Planned Land Units

Soil Type



500 0 500 1000 1500 Feet

0598-3

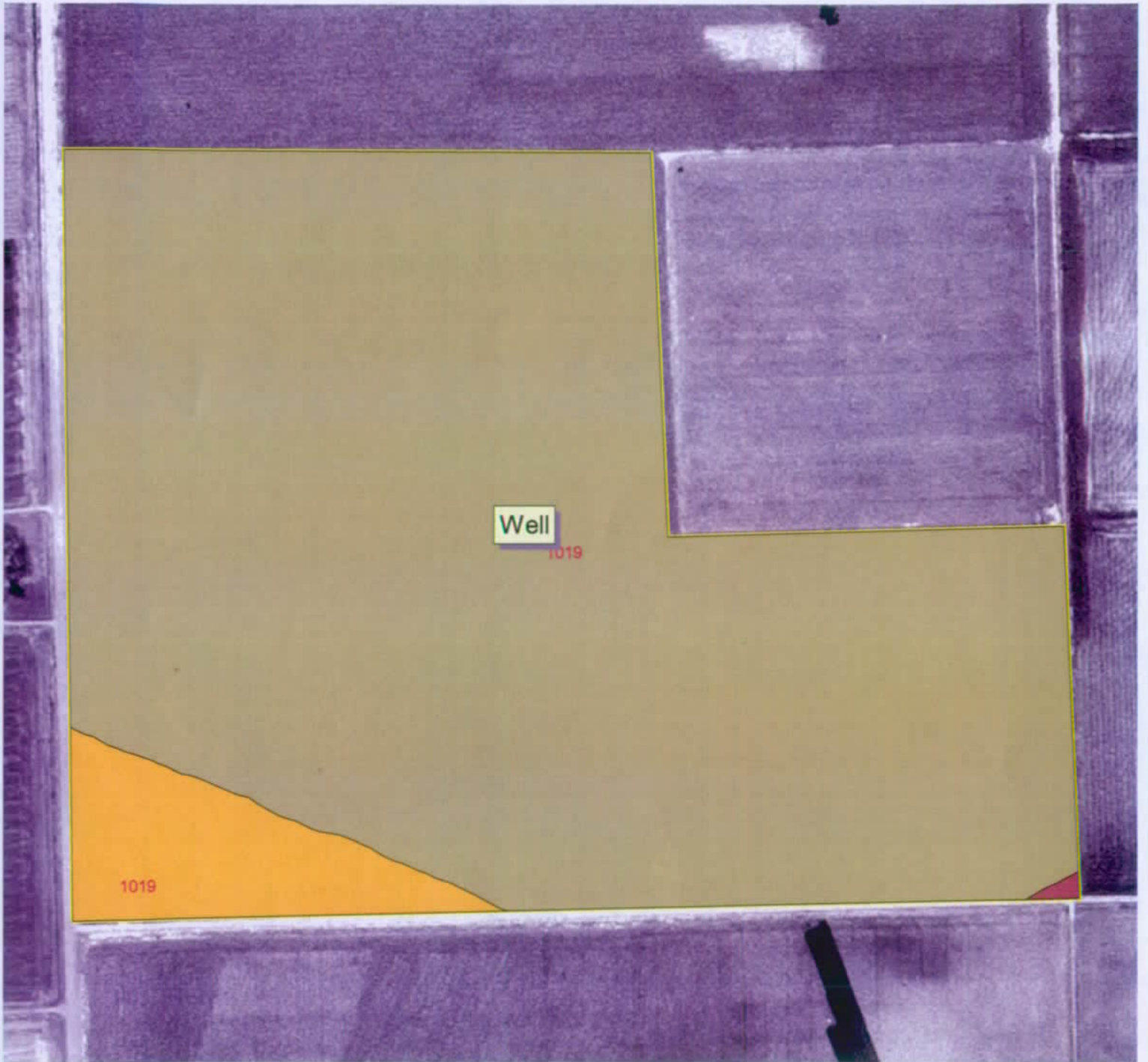
CURRY SEED CO.
UNION
Date: 01/28/2005

Cropland SW1/4 7-91-49

NRCS
Signature

Kevin G. Beermann
ELK POINT FIELD OFFICE

NRCS
Kevin G. Beermann



Legend

Soils Map

- Be
- Bf
- Ld
- Planned Land Units

← Soil Type



500 0 500 1000 1500 Feet

Curry Seed Co.

Well Log - Elk Point Township, Union County, Section 7, SW 1/4, R 49W, T92N

0 - 8'	Heavy clay
8' - 57'	Wet heavy clay
57' - 65'	Sand
65' - 75'	Silt
75' - 160'	Med. Gravel

Drilled by Dakota Drilling
Jefferson SD
Vern Vukoc



February 16, 2005

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

William J Curry
Curry Seed Co.
Box 517
Elk Point SD 57025

RECEIVED

FEB 22 2005

WATER RIGHTS
PROGRAM

Dear Mr. Curry:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Union County. In order to complete the application the following is required.

- The application is being returned because it needs to be signed and notarized. *Done And Sorry I missed that. (BC)*
- Item No. 2 of the application indicates the amount of water claimed to be 900 gallons per minute (gpm) which equals 2.0 cubic feet of water per second (cfs). State Statutes limit diversions to 1 cfs for each 70 acres irrigated. This would mean that you are allowed approximately 835 gpm or 1.85 cfs for the 130 acres to be irrigated. We understand that in order to accommodate certain irrigation systems, a greater diversion rate is required. Please justify in writing your request for a greater diversion rate by explaining the diversion rate requirements for the pivot.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*835 gpm will be fine
as this will be a lower
pressure pivot than initially
planned, so please change
this on the form.*

William Curry



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 2005

Terry and Renee Olthoff
413 S. Miller Avenue
Litchfield MN 55355

Dear Mr. Olthoff:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 6598-3 for irrigation in Union County filed by Curry Seeds. The notice is scheduled to be public noticed in the Elk Point Leader-Courier on May 19th and 26th.

This information is being sent to you because William Curry indicates on the application that you are the current owner of the property proposed for irrigation in the SW ¼ Section 7, T91N, R49W. I want to ensure you were aware of the water permit application pending on this property.

If you have any questions, please give me a call.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6598-3

For Curry Seed Co.

April 18, 2005

Application No. 6598-3 proposes to appropriate 1.86 cfs (835 gpm) from one well approximately 140 feet deep located in the approximate center of the SW ¼ of section 7 to irrigate 130 acres located in the SW ¼ of section 7; all in T91N R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a buried outwash (sand and gravel) that is under artesian conditions at this site. The Missouri aquifer underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The Missouri Elk Point aquifer as described and named by Hedges is roughly equivalent to the Missouri aquifer as described by Niehus. However, over most of Union County the aquifer is under water table conditions. The aquifer extends to the north where it blends into the Big Sioux South aquifer and the Lower Vermillion Missouri aquifer, extends to the west into Clay County, and directly overlies the Dakota aquifer in southern Union County. The aquifer is also hydraulically connected to the Big Sioux and Missouri Rivers.

There is a test well log included with the report that indicates clay to a depth of 57 feet followed by sand from 57 to 65 feet, silt from 65 to 75 feet followed by medium gravel from 75 to 160 feet below land surface. This descriptive log fits with the observation well logs for the area but the legal location on the driller's log is for a site six miles north of the location for this application. Anyway, there is sufficient information from surrounding well logs, observation well drilling, and the county study data to evaluate this application.

The Water Rights Program monitors three observation wells within a two mile radius of this application. UN-87G is located about three-fourths mile to the north, UN-87H is located about three-fourths miles to the northeast, and UN-77M is located about two miles to the southeast. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Hydrographs for these three observation wells are included with this report.

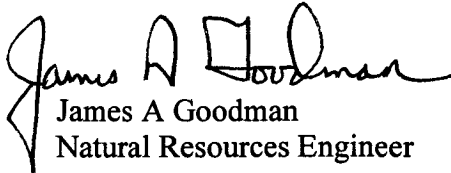
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are seven existing irrigation wells within a one and one-half mile radius of this application. Interference is not a concern. The area water levels do fluctuate as much as 20 feet (as shown by the hydrographs) from absolute highest to the lowest but this fact is not limiting upon the aquifer. However, the amount of fluctuation due to pumping appears to be less than 10 feet during the irrigation season. This probably means that

even though the aquifer is confined at this location, the aquifer behavior to stress of pumping is significantly influenced by the water table portions of the aquifer.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under artesian conditions at this site. The drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrographs in the immediate area. Interference is not expected to be a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This area of Union is fairly intensively irrigated. There have been few complaints or water availability problems that can be attributed to irrigation withdrawals in this part of Union County.



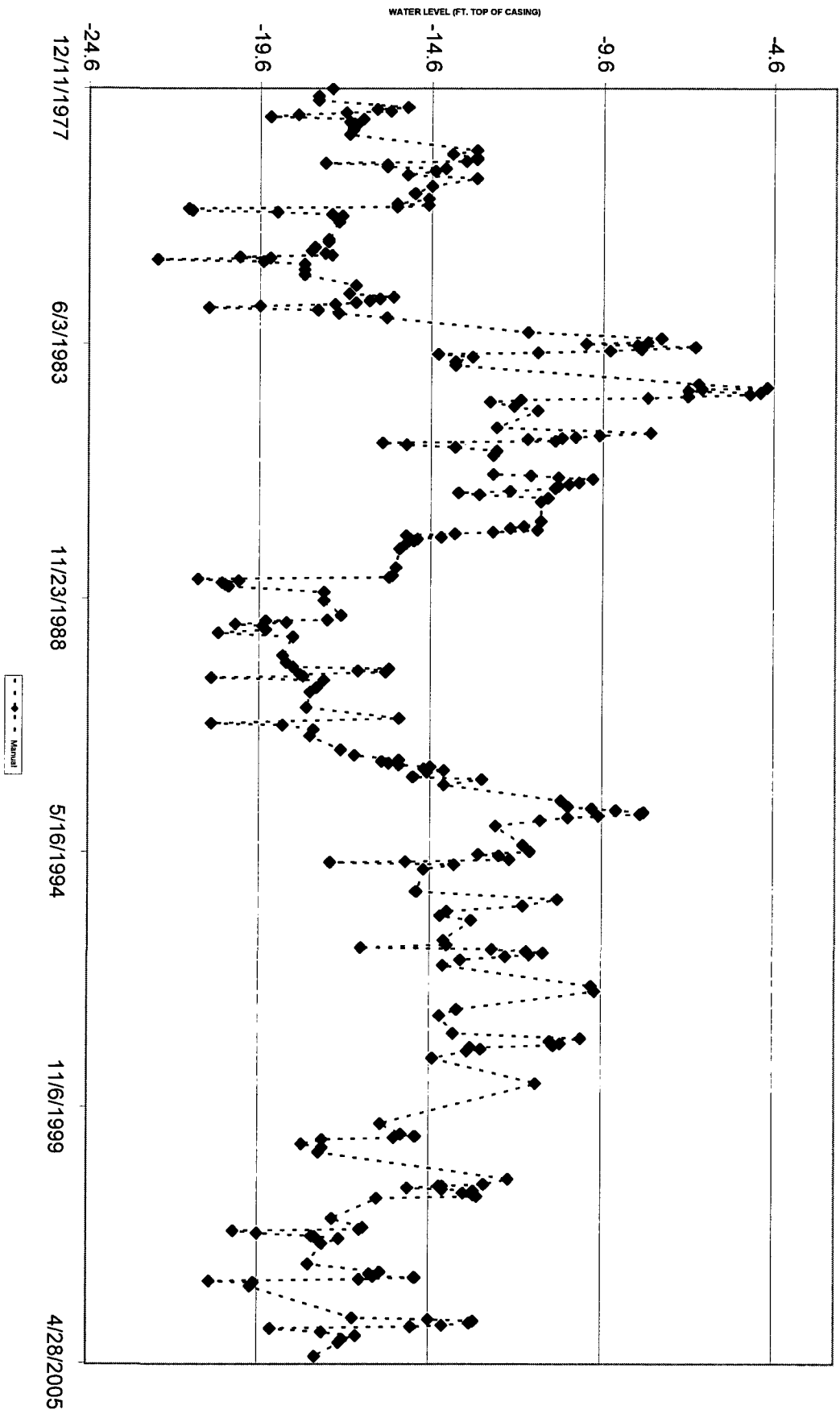
James A Goodman
Natural Resources Engineer

BIBLIOGAPHY

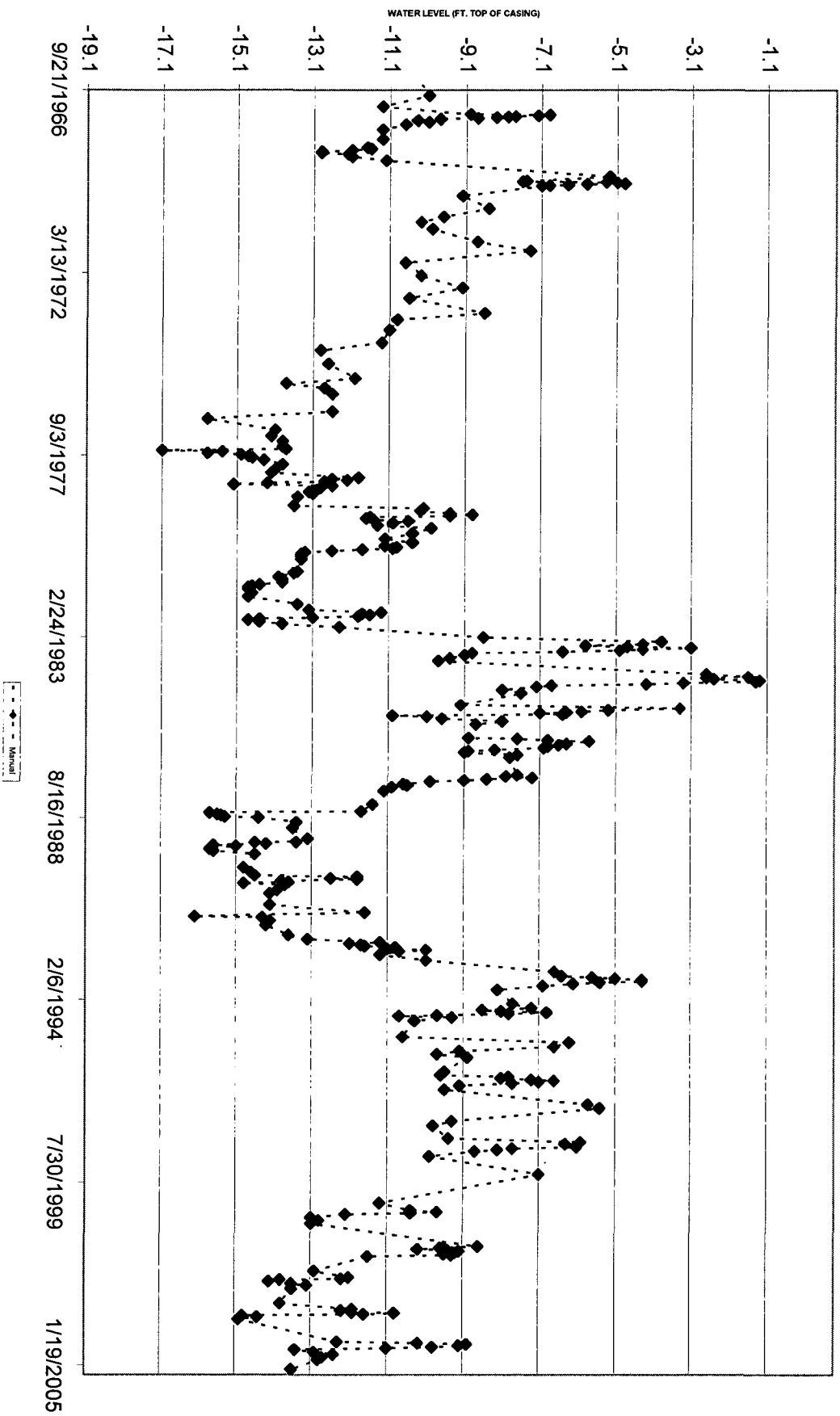
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

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

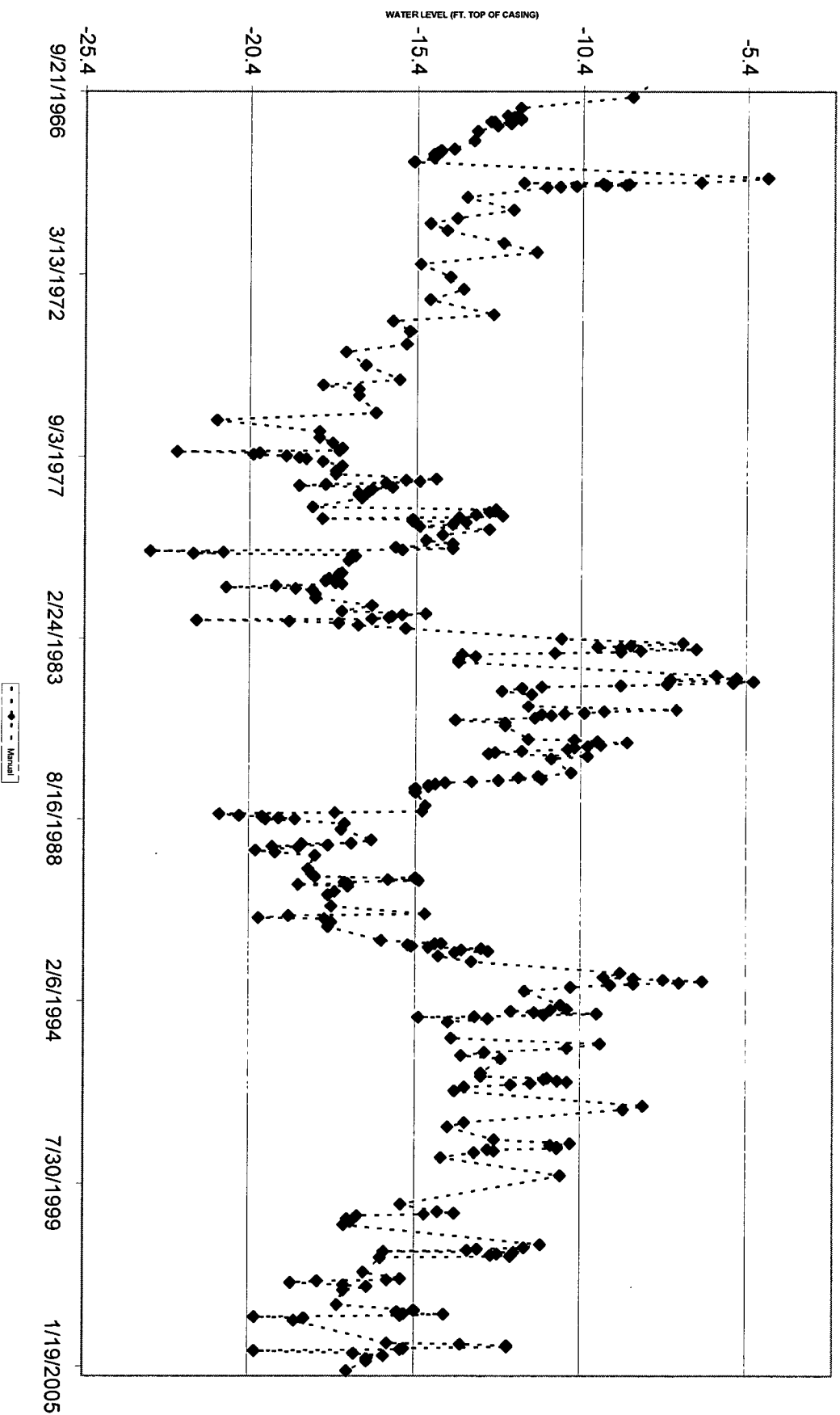
WATER RIGHTS' OBSERVATION WELL
UN-77M



WATER RIGHTS' OBSERVATION WELL UN-87G



WATER RIGHTS' OBSERVATION WELL
UN-87H





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6598-3, Curry Seed Company**

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. 6598-3, Curry Seed Company, c/o William Curry, Box 517, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6598-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be 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 authorized by Permit No. 6598-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 11, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 19, 2005

May 26, 2005

Cost of Printing \$38.19

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

5-26-05
(Date Signed)

RECEIVED

MAY 31 2005

**WATER RIGHTS
PROGRAM**

**NOTICE OF APPLICATION
NO. 6598-3
TO APPROPRIATE WATER**

Notice is given that Curry Seed Co. c/o William Curry, Box 517, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from one well to be completed into the Missouri-Elk Point Aquifer (approximately 140 feet deep) located in the approximate center of SW 1/4 Section 7 to irrigate 130 acres located in the SW 1/4 Section 7; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6598-3 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 June 6, 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.
Publish May 19 and 26, 2005
20-8-68



**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.

May 12, 2005

Curry Seed Co.
% William Curry
Box 517
Elk Point SD 57025

Dear Mr. Curry:

Water Permit Application No. 6598-3 for irrigation 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 Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). 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

May 12, 2005

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6598-3 to Appropriate Water to be published twice. Please publish the first notice on May 19, 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 Curry Seed Co., % William Curry, Box 517, Elk Point SD (Ph # 605-356-3366).

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. 6598-3

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

Date _____

We are in receipt of your letter of May 12, 2005 enclosing Notice to Appropriate Water by Application No. 6598-3 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 May 19, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6598-3 to Appropriate Water

Notice is given that Curry Seed Co. c/o William Curry, Box 517, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from one well to be completed into the Missouri-Elk Point Aquifer (approximately 140 feet deep) located in the approximate center of SW ¼ Section 7 to irrigate 130 acres located in the SW ¼ Section 7; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6598-3 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 June 6, 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.



JUN 23 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

Curry Seed Co
% William Curry
Box 517
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is Water Permit No. 6598-3 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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date October 5, 2005

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Curry Seed Co
(name)
701 N. Walnut
(address)
Elk Point, SD 57025 605/356-3306
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6598-3 states that the water use system is to be constructed by June 6, 2010, and water is to be put to beneficial use by June 6, 2014.
(date) (date)

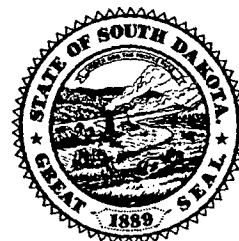
The water use system was completed on May 1, 2005.
(date)

Applying the water to beneficial use was completed on June 30, 2005.
(date)

You may schedule an investigation so that the water license may be issued.

William J. Curry
(signature)
for Curry Seed Co.

7-98



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OCT 13 2005
WATER RIGHTS
PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SW 1/4 Sec 7 Twp 22N Rg 49W

County

North

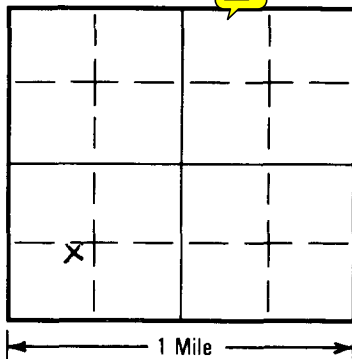
Union

Please mark well location with an "X"

W

E

Well Completion Date

6-6-05

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? >1000 ft. from Any (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SCH 40 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>145 FT</u>	<u>22 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in from bottom up.SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 60 FEETMaterial PVCSlot Size 100 Set From 85 Feet to 145 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How:

_____ NO, Why Not?

Laboratory sent to for water quality analysis

No

Well Owner: _____

Business Name: Curry Hybrid Seed Co.Address: 701 N Walnut
Elk Point, SD 57025

WELL LOG:

DEPTH

FORMATION

FROM

TO

Heavy clay0 5Yellow clay5 6Soft wet clay6 69Fine sand69 75Med gravel + rocks75 150

STATIC WATER LEVEL

14

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

45 ft. After 1 Hrs. pumped1100 GPM

_____ ft. After _____ Hrs. pumped

_____ GPM

If pump installed, pump rate _____

800 GPM

REMARKS

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JAN 23 2006

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Date: _____

William J. Curry

1-23-06

Permit No. 6598-3
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 29, 2006, made a thorough examination of the water use system constructed by Curry Seed Co. of Box 517, Elk Point SD 57025 holder of Permit No. 6598-3, bearing the priority of February 16, 2005 authorizing the diversion of 1.86 cu. ft. per second of the waters of Missouri – Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship **Bill Curry - owner**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dakota Drilling
- 2) No. of Wells 1
- 3) Depth(s) 160 feet 145
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 120 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 40 feet 60
- 3) Static water level 15 feet

Pump:

- 1) Make Mid America
- 2) Model
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make Diesel Cat.
- 2) Model No. 3208
- 3) Horsepower rating 100 hp

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

- 1) Type steel
- 2) Size 8 inches
- 3) Length 50 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) Distance between towers _____ feet
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: 1285' E and 1285' N of the SW corner Section 7-T91N-R49W (42.71109/-96.683128). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 7-T91N-R49W:

NE SW 10 acres

SW SW 52 acres

NW SW 52 acres

SE SW 10 acres

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map yes

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

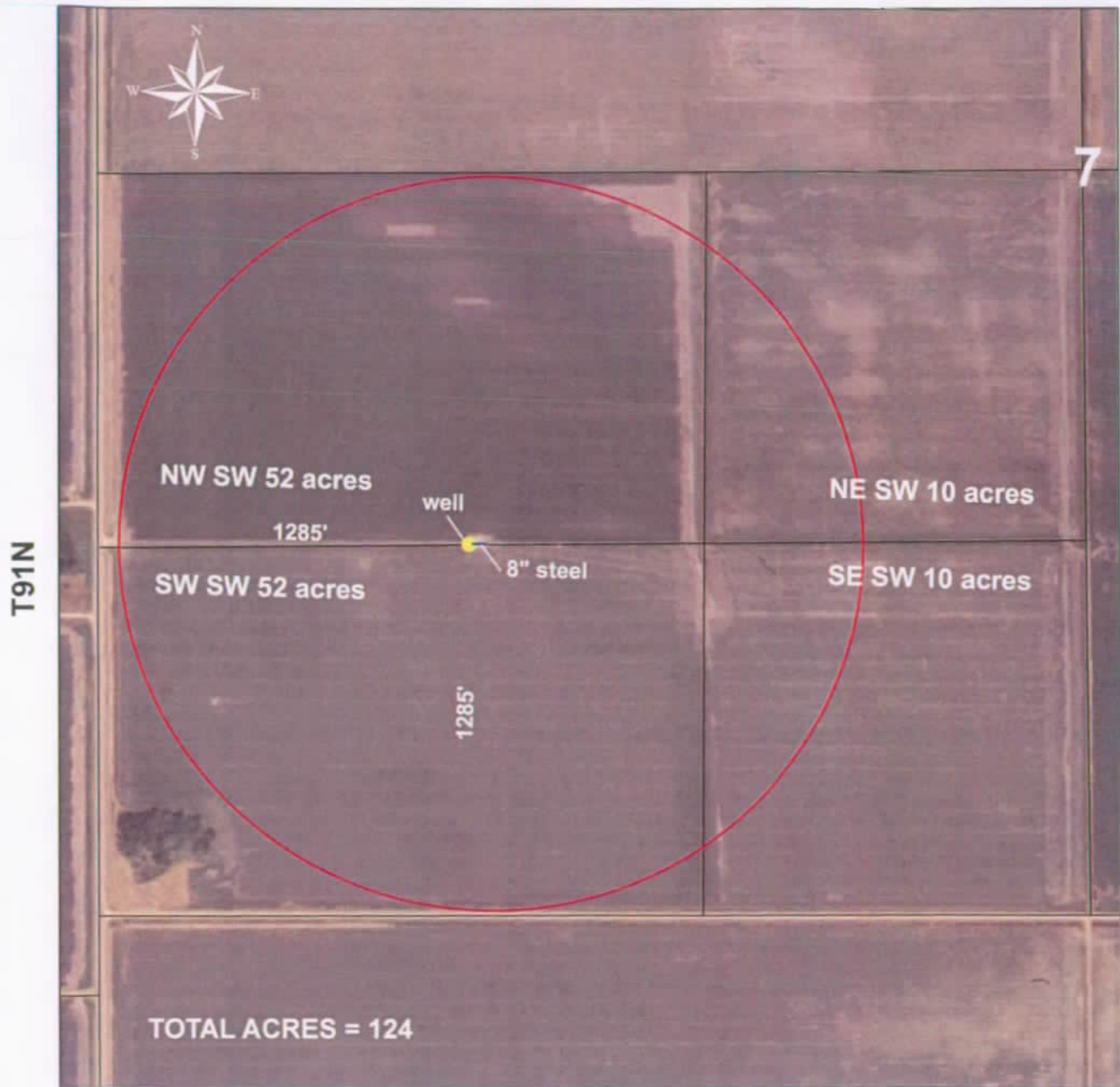


Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

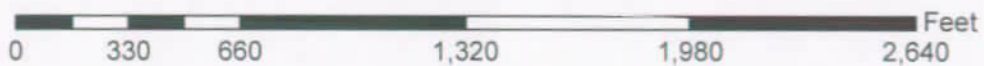
Date report completed: September 27, 2006

WATER RIGHT NO. 6598-3
Curry Seed Co.
September 25, 2006

R49W

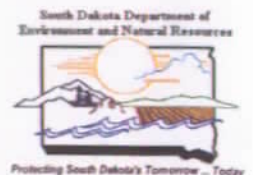


SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 25, 2006



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6598-3

(1) Curry Seed Company, c/o William J Curry, Box 517, Elk Point SD 57025 made Application No. 6598-3, February 16, 2005 for a water permit to divert 1.86 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6598-3, with a priority date of February 16, 2005 was approved June 6, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 6, 2010 and for the application to beneficial use of water on or before June 6, 2014.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 13, 2005. The *Notice* stated the diversion system was completed on May 1, 2005 and the water placed to beneficial use on June 30, 2005.

(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. 6598-3 is issued a license, bearing a priority date of February 16, 2005 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 124 acres.

The diversion point is located: 1,285 feet east and 1,285 feet north of the southwest corner Section 7-T91N-R49W (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 7-T91N-R49W	NE ¼ SW ¼	10 acres	SW ¼ SW ¼	52 acres
	NW ¼ SW ¼	52 acres	SE ¼ SW ¼	10 acres
Total 124 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6598-3 including the following now applicable 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 authorized by Permit No. 6598-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

APR 30 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2007

6598-3
6247-3
6248-3

CURRY SEED CO
WILLIAM J CURRY
PO BOX 517
ELK POINT SD 57025

Dear Mr. Curry:

Enclosed are Water License Nos. 6598-3, 6247-3 and 6248-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are maps done by a staff engineer.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 6247-3, 6248-3 and 6598-3 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