

WATER PERMIT NO. 6628-3

Name of Applicant: Doug Deiter

Address: 35163 163rd St, Faulkton SD 57438

Phone: 605 598-6712

Amount of Water Claimed: 0.11 cfs

Total Acres: NA

Source of Water Supply: groundwater (1 well)

Water to be used for: commercial

County: Faulk

Type of Waste Disposal System:

Location: 1/2 mile southwest of Faulkton

PRIORITY Date Received: 1-27-05

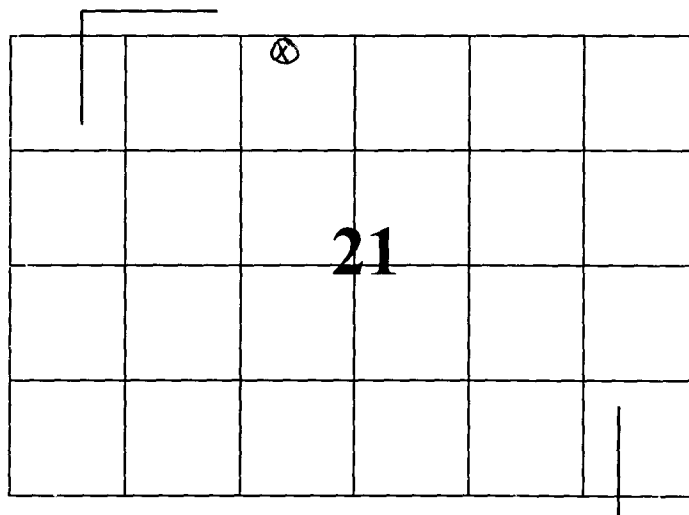
Application/License Fee: \$200

Corrected Application Received: 6-2-05

Period of Annual Use: January 1 – December 31

Remarks: cattle feedlot

Diversion Point: NE 1/4 NW 1/4 Sec 21-T118N-R69W



Land to be Irrigated: NA

Depth of Well: 1800 feet deep

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Gregory Grabs, PE

Reviewed and the Number Assigned on: 6-3-05

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. 6628-3 (office use only)
Hydrologic Unit 10160008
Basin James River
Newspaper Faulk Co. Record, Faulkton

RECEIVED
JAN 27 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 Doug Deiter Phone (605) 598-6712
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 35163 163rd St. Faulkton State SD 57438
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.11 *CFS or 56 49 **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 one artesian well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Faulk
NW 1/4, NW 1/4, Section 21, T 118 N, R 69 W
NE 1/4
5. County or counties where water will be used Faulk
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 an existing artesian well to serve a maximum number of 3,500 head in an open beef feedlot. Water usage will fluctuate due to actual number of head in the lot and weather conditions. Peak usage is estimated at 3,500 head using 20 gallons each per day. This equals an average usage of 49 gallons per minute. The current well has the capacity to meet the supply requirements.

STATE OF SOUTH DAKOTA)

County of Faulk 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)

Douglas Deiter, 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 Douglas Deiter

Subscribed and sworn to before me this 26th day of January 20 05

Dwight D. Doherty
Notary Public signature

My Commission Expires 6-26-2006

**SOUTH DAKOTA
WATER PERMIT NO. 6628-3**

Date of first receipt of application January 27, 2005.

Date of return to applicant for corrections, amendments or changes January 27, 2005.

Date of receipt of corrected application June 2, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6628-3 to Doug Deiter, 35163 163rd St, Faulkton SD 57438 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. 6628-3 appropriates 0.11 cubic feet of water per second (50 gallons per minute) from one well completed into the Inyan Kara Aquifer (approximately 1800 feet deep) located in the NE ¼ NW ¼ Section 21-T118N-R69W.
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. 6628-3 is August 8, 2005.
5. The date from which applicant may claim right is June 2, 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6628-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6628-3 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

AUG 18 2005
date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter ? Depth 1,800'
- b) Casing Type Plastic Diameter 2" Thickness
- c) Screen Type Unknown Diameter Thickness
- d) Gravel Pack Unknown Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) Unknown
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others App. 4,000' (Unconfirmed)

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

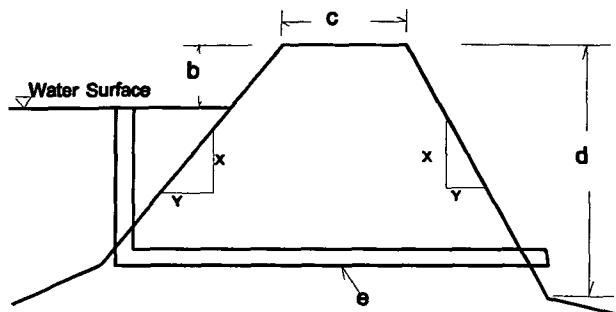
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 27, 2005

RECEIVED OF Deiter Bros, 35163 163rd St., Faulkton SD 57438

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

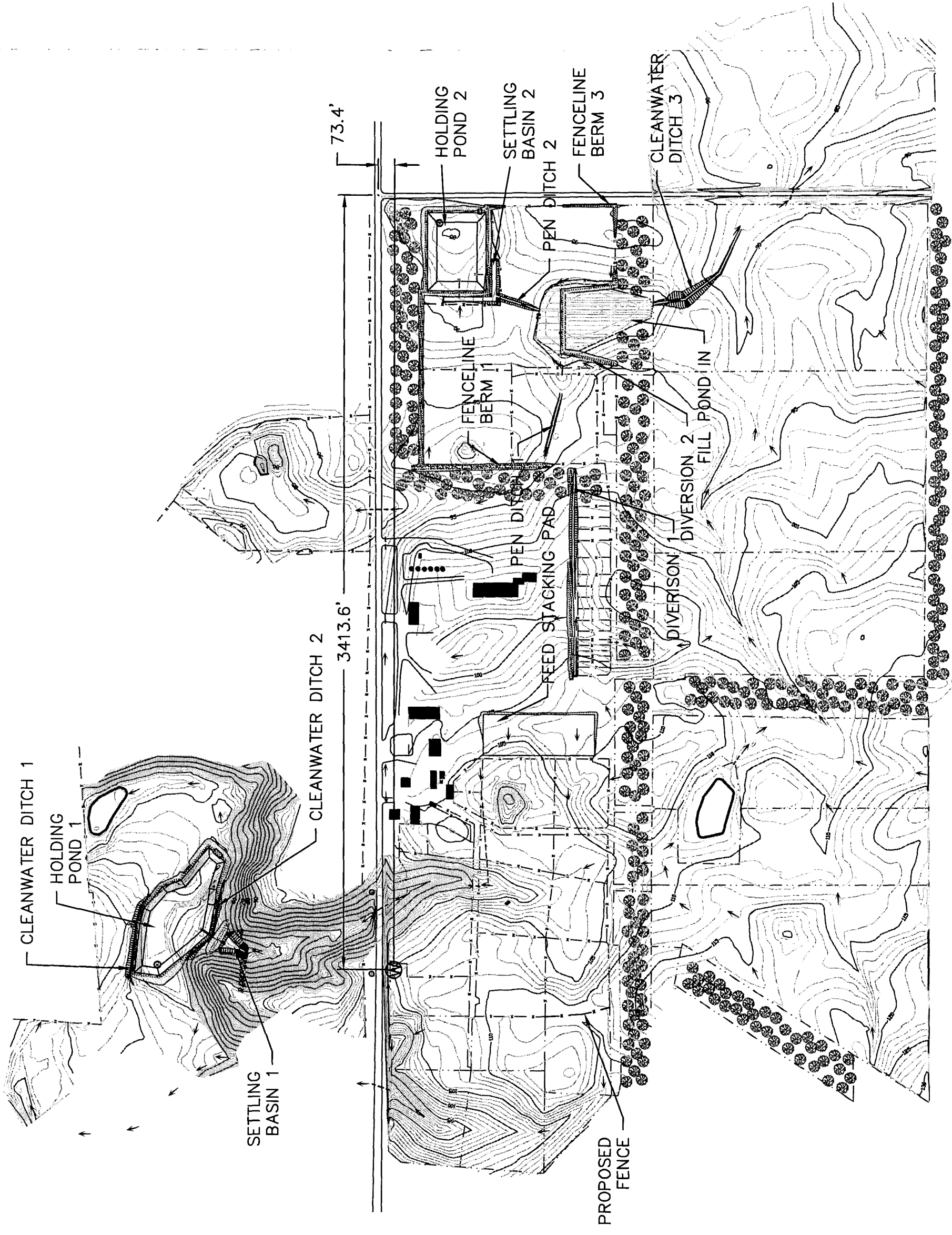
Fee for Application for Permit No. <u>66628-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>66628-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

000000

By

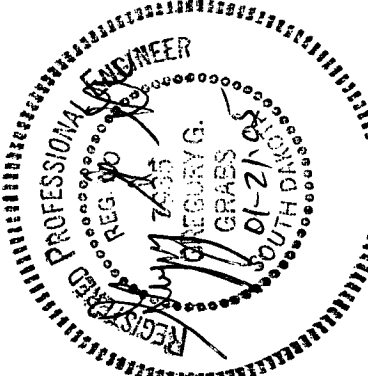
Darland Ebel
Chief Engineer
gm



GENERAL NOTES

LEGEND

- PASTURE FENCE
- TREES
- WELL
- CULVERT/PIPE
- EXISTING FENCE
- SCALE, FEET



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

No.	Revision/Issue	Date

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

DEITER BROTHERS

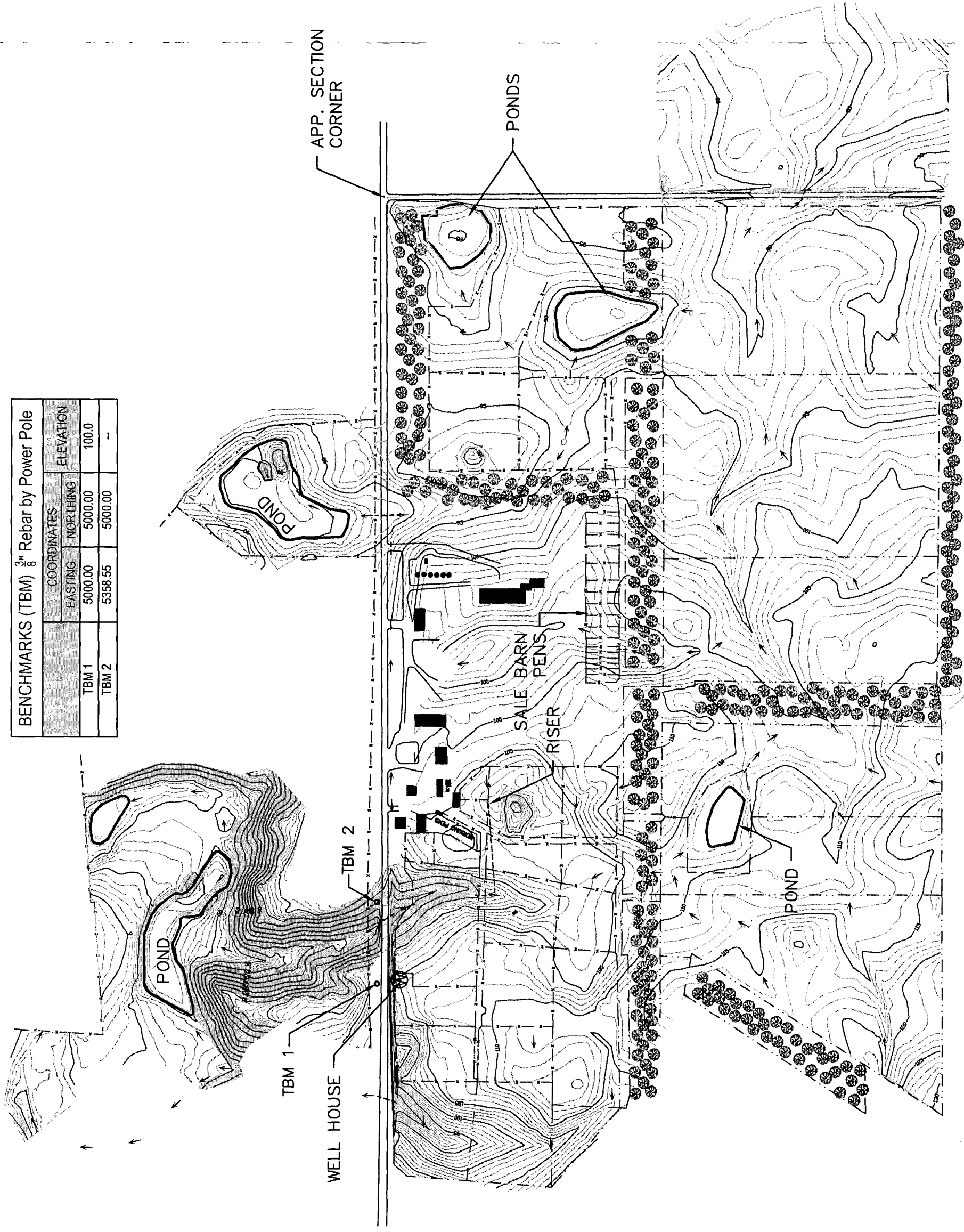
N 1/2, SECTION 21 & S 1/2, SECTION 16,
TOWNSHIP 118 NORTH, RANGE 69 WEST
FAULK COUNTY, SOUTH DAKOTA

WELL LOCATION MAP
PROPOSED SITE PLAN

DATE: JAN 21, 2005	SHEET:
SCALE: 1" = 450'	2
DRAWN BY: NAP	
CHECKED BY: DLD	

BENCHMARKS (TBM) 3/8" Rebar by Power Pole

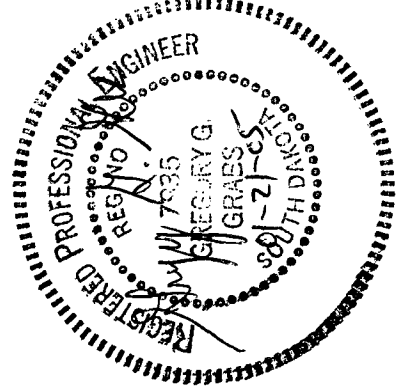
	COORDINATES		ELEVATION
	EASTING	NORTHING	
TBM 1	5000.00	5000.00	100.0
TBM 2	5358.55	5000.00	--



GENERAL NOTES

LEGEND

- PASTURE FENCE
- TREES
- WELL
- CULVERT/PIPE
- FEEDLOT FENCE
- SCALE, FEET



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

No.	Revision/Issue	Date

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

DEITER BROTHERS

N 1/2, SEC 21 & S 1/2, SEC 16,
TOWNSHIP 118 NORTH, RANGE 69 WEST
FAULK COUNTY, SOUTH DAKOTA

EXISTING SITE

DATE:	DEC 16, 2004	SHEET:	1
SCALE:	1" = 450'	DRAWN BY:	NAP
CHECKED BY:	DLD		



January 27, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Gregory G Grabs
DeHaan, Grabs & Associates, LLC
PO Box 522
Mandan ND 58554

RE: Doug Deiter

Dear Mr. Grabs:

We have received the *Application for a Permit to Appropriate Water* for Doug Deiter livestock feedlot. In order to complete the application the following needs to be clarified.

- The amount of water claimed is listed as 49 gallons per minute based on the average usage. What is the peak pump rate?
- The location of the point of diversion as listed on the application is the NW ¼ NW ¼ Section 21-T118N-R69W. In reference to the map submitted with the application, it appears that the well is located in the NE ¼ NW ¼ Section 21-T118N-R69W. Please clarify the well location.

If you have any questions, please contact me.

Sincerely,

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

c: Doug Deiter



**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

January 21, 2005

Dear Eric,

Enclosed you will find an *Application For Permit To Appropriate Water Within The State of South Dakota* for Deiter Bros. near Faulkton in Faulk County.

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

Sincerely,

Greg Grabs, PE
Vice-President

RECEIVED

JAN 27 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

May 3, 2005

Gregory G Grabs
DeHaan, Grabs & Associates, LLC
PO Box 522
Mandan ND 58554

RE: Doug Deiter

Dear Mr. Grabs:

On January 27, 2005, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota on behalf of Doug Deiter. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received this information.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Schlaak, Karen

From: Nathan [nathanpdga@btinet.net]
Sent: Thursday, June 02, 2005 4:20 PM
To: Karen.Schlaak@state.sd.us
Subject: Doug Deiter Water Permit

Dear Karen

The additional information you need for the Doug Deiter Application for Permit to Appropriate Water Within the State of South Dakota is as follows:

-The Well is located in the NE 1/4, of the NW 1/4, Section 21, T 118 N, R 69 W.

-The diversion or well pumping capacity is approximately 50 gallons per minute.

If you have anymore questions feel free to contact either Greg Grabs or myself at 701-663-1116.

Thank you,

Nathan Pesta
Project Engineer
DeHaan, Grabs, & Associates

REPORT ON WATER PERMIT APPLICATION NO. 6628-3

For Doug Deiter

June 10, 2005

Application No. 6628-3 proposes to appropriate 0.11 cfs (50gpm) from one well approximately 1,800 feet deep located in the NE ¼ NW ¼ of section 21, T118N R69W in Faulk County. The water is for commercial use in a cattle feedlot operation.

AQUIFER – INYAN KARA GROUP (INKR)

The Inyan Kara is a buried sand, sandstone and shale under artesian conditions at this site. The aquifer underlies 882 square miles and contains an estimated 3.175 million acre-feet of recoverable water in storage in Faulk County (Hedges, 1982). The aquifer extends into Edmunds County to the north, Hyde and Hand Counties to the south and into Potter County to the west. This aquifer is under confined conditions and should free flow at the land surface in this area.

No well information is available for this application. The only data is the estimate of 1800 feet for a well depth provided with the Form 2A filed with the application. The Dakota aquifer would also underlie this site and would be shallower. The Dakota aquifer probably would not be a free flowing well at this site.

The Water Rights Program does monitor both a Dakota aquifer (ED-85A) and an Inyan Kara aquifer (ED-85B) observation wells located about 34 miles northeast of this site. Water levels for these observation wells have not changed much since drilled. The Dakota aquifer well water levels have gradually come up a few feet since drilled and the Inyan Kara aquifer water levels have declined about 30 feet since the well was drilled (Water Rights, 2005). Hydrographs for both of these observation wells are included with this report.

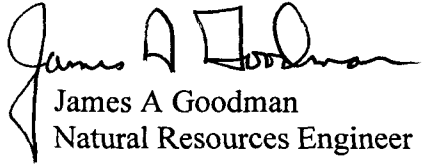
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby existing water permits/rights from either the Inyan Kara aquifer or the Dakota aquifer in this area. Interference is not a concern. There are some domestic wells in the area which use either aquifer as a source of water. This well has been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from either the Inyan Kara or Dakota aquifers.
2. An Inyan Kara well should free flow at the land surface at this site. This well must be valved and controlled to prevent the waste of water. A Dakota well would probably have to be pumped at this site.
3. There is insufficient information available to determine the well construction at this site. A new well at this site would have to be constructed in accordance with SD Well Construction Standards for a permitted facility of this type.

4. Plans and specifications for this facility have been approved by the Department in March of 2005.
5. This application is not adequate. I am only able to guess at the water source and unable to evaluate the condition of the well. However, if this application was for a new well only estimates would have been required.



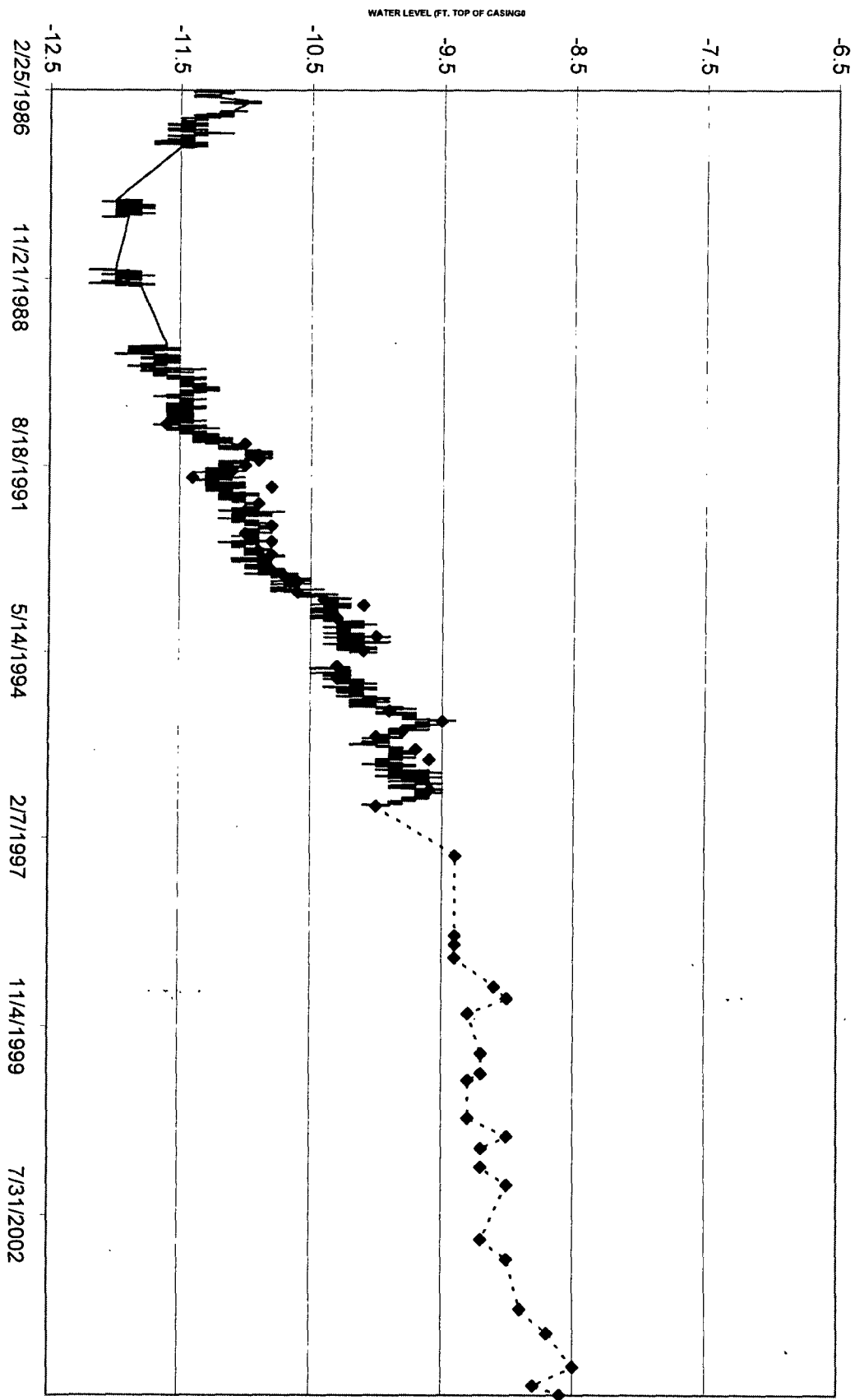
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

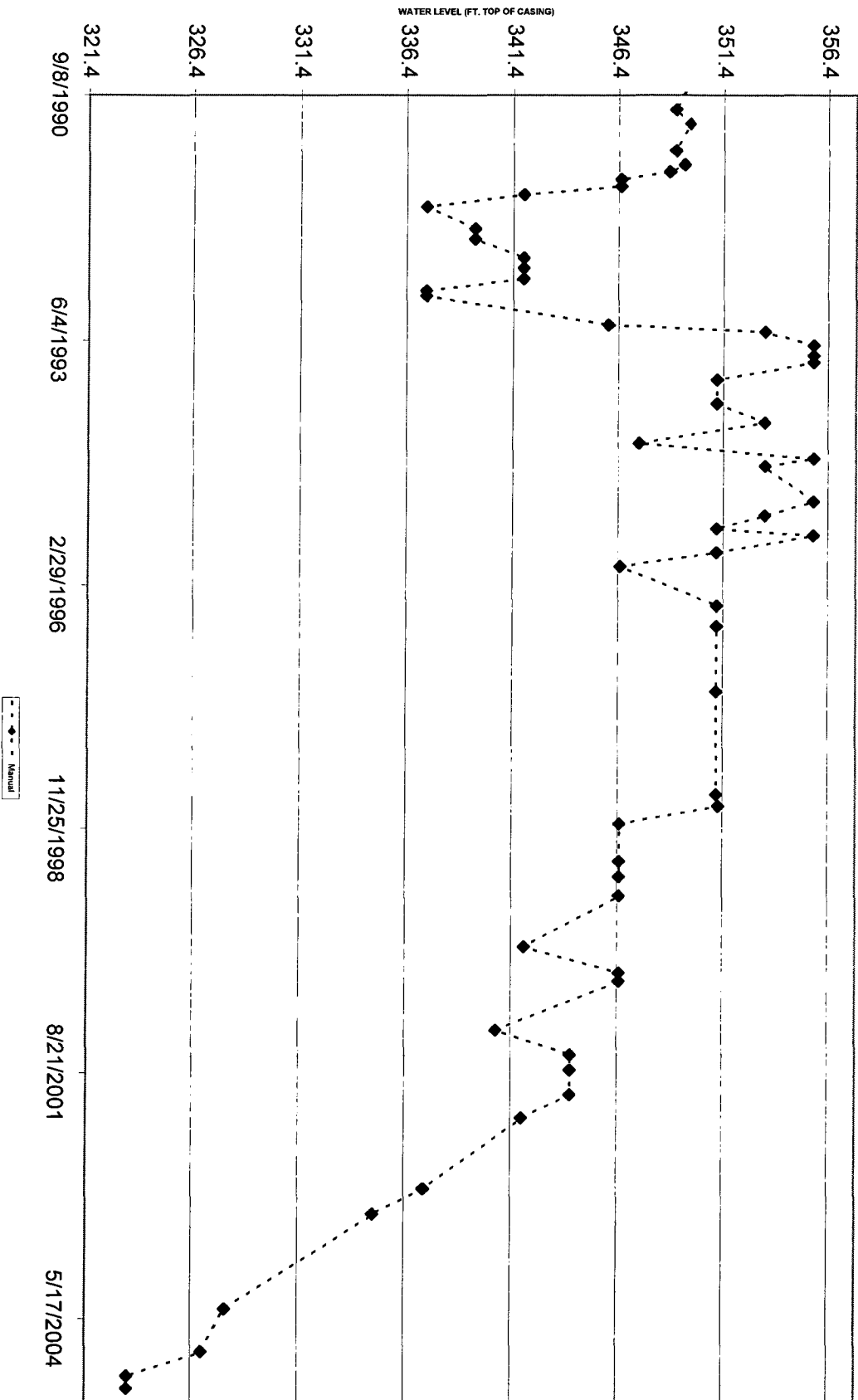
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for Us Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for the Inyan Kara and Dakota Aquifers, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
ED-85A



WATER RIGHTS' OBSERVATION WELL ED-85B





**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. 6628-3, Doug Deiter**

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. 6628-3, Doug Deiter, 35163 163rd Street, Faulkton SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 6628-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6628-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6628-3 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
July 8, 2005

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Faulk) SS

I, James B. Moritz

certify that the attached printed Notice was
taken

from the Faulk County Record

printed and published in Faulkton

County of Faulk and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, July 20, 2005

Wednesday, July 27, 2005

Cost of Printing 38.47

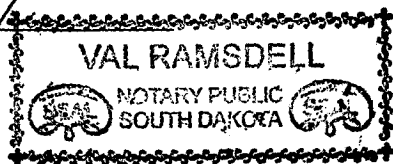
James B. Moritz
(Signature)

Publisher

(Title)

July 28, 2005

(Date Signed)



My Commission Expires
Jan. 17, 2011

Val Ramsdell

No. 157, July 20, 27, 2005
NOTICE OF APPLICATION
NO. 6628-3 to

Appropriate Water

Notice is given that Doug Deiter, 35163 163rd St, Faulkton SD 57438 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well completed into the Inyan Kara Aquifer (approximately 1800 feet deep) located in the NE 1/4 NW 1/4 Section 21-T118N-R69W. 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. 66283 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 August 8, 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.

RECEIVED

AUG - 2 2005

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on July 20, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6628-3 to Appropriate Water

Notice is given that Doug Deiter, 35163 163rd St, Faulkton SD 57438 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well completed into the Inyan Kara Aquifer (approximately 1800 feet deep) located in the NE ¼ NW ¼ Section 21-T118N-R69W. 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. 6628-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 11, 2005

Doug Deiter
35163 163rd St
Faulkton SD 57438

Dear Mr. Deiter:

Water Permit Application No. 6628-3 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 Faulk Co. Record printed at Faulkton, SD (Ph # 605-598-6525). 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

cc: Greg Grabs, DeHaan Grabs & Associates, PO Box 522, Mandan ND 58554

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

July 11, 2005

Faulk Co. Record
PO Box 68
Faulkton SD 57438-0068

ATTENTION: Legal Public Notice

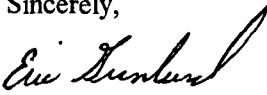
Enclosed is a Notice on Application No. 6628-3 to Appropriate Water to be published twice. Please publish the first notice on July 20, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Doug Deiter, 35163 163rd St, Faulkton SD (Ph # 605-598-6712).

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. 6628-3

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

Date _____

We are in receipt of your letter of July 11, 2005 enclosing Notice to Appropriate Water by Application No. 6628-3 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

AUG 18 2005

Doug Deiter
35163 163rd St
Faulkton SD 57438

Dear Mr. Deiter:

Enclosed is Water Permit No. 6628-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6628-3
James River - Water District

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

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

I have this day, **May 27, 2008**, made a thorough examination of the water use system constructed by **Doug Deiter** of **35163 163rd St., Faulkton, SD 57438** holder of Permit No. **6628-3**, bearing the priority of **June 2, 2005** authorizing the diversion of **0.11** cu. ft. per second of the waters of the **Inyan Kara Aquifer** for **Commercial** purposes, in **Faulk** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Unknown**
- 2) No. of Wells **1**
- 3) Depth(s) **~1800** feet
- 4) Well log is available **N**

Casing:

- 1) Diameter **2** inches
- 2) Length **Unknown** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Unknown**
- 2) Length **Unknown** feet
- 3) Static water level **Free-Flowing**

Pump:

- 1) Make **None**

Motor:

- 1) Make **None**

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

3) Exceptions to compliance are: **None**

The system is in **Good** condition with the point(s) of diversion located as follows:

Approximately 1800 feet east and 74 feet south of the NW corner of Section 21-T118N-R69W

(N 45.027408, W -99.15785) (NE ¼ NW ¼)

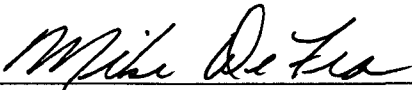
The works are capable of diverting and conveying to the place of use **0.11** cu. ft. per second of water which is to be used for **Cattle watering at the feedlot.**

The license should be issued for **0.11** cfs.

All structures, wells and lands on map **Y**

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

The well is regulated at 50 psi and produces 50 gpm (0.11 cfs).



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **August 10, 2009**

Water Permit No. 6628-3

Doug Deiter
35163 163rd St.
Faulkton, SD 57438



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 10, 2009

0 500 1,000 2,000 3,000 4,000 Feet



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 24 2009

6628-3

Doug Deiter
35163 163rd St
Faulkton SD 57438

Dear Mr. Deiter:

Enclosed is your Water License No. 6628-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6628-3, 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6628-3**

(1) Doug Deiter, 35163 163rd St, Faulkton SD 57438 made Application No. 6628-3, January 27, 2005 for a water permit to divert 0.11 cubic feet of water per second from ground water (one well – Inyan Kara Aquifer), Faulk County, South Dakota for commercial purposes. Permit No. 6628-3, with a priority date of June 2, 2005 was approved August 8, 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) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.11 cubic feet of water per second (50 gallons per minute) for beneficial use. The location of the diversion point is:

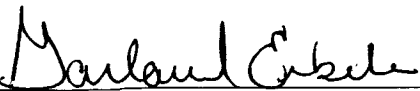
- approximately 1,800 feet east and 74 feet south of the NW corner of Section 21, T118N, R69W (NE ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Doug Deiter, 35163 163rd St, Faulkton SD 57438 the holder and/or owner of Water Right No. 6628-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second (50 gallons per minute) from ground water (one well – Inyan Kara Aquifer) with a priority date of June 2, 2005 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6628-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Water Right No. 6628-3 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.
- Water Right No. 6628-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 24 2009

date

