

WATER PERMIT NO. 6706-3

Name of Applicant: Pheasant Run Farm

Address: PO Box 521, Freeman SD 57029

Phone: 605925-7461

Amount of Water Claimed: 0.10 cfs

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial

County: Hutchinson

Type of Waste Disposal System:

Location: 8 miles northwest of Freeman

PRIORITY Date Received: 2-21-06

Application/License Fee: \$100

Corrected Application Received: 3-20-06

Period of Annual Use: January 1 – December 31

Remarks:

NE
Diversion Point: SE ¼ NW ¼ Sec 16-T99N-R57W

Land to be Irrigated: NA

Depth of Well: 180 feet deep

Well Driller: : Marion Well Drilling

Remarks:

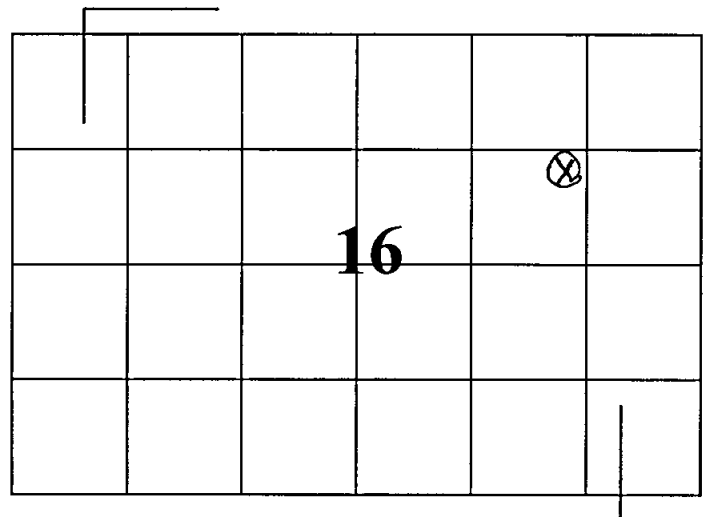
Type of Map:

Prepared by: Bradley S Woerner

Reviewed and the Number Assigned on: 3-22-06

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

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

(office use only)
No. 6706-3 Hydrologic Unit 10160011
Basin James River
Newspaper Freeman Courier, Freeman

RECEIVED
FEB 21 2006
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 _____

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

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

- Name of Applicant Pheasant Run Farm Phone 605-925-7461
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 27537 431st Ave, Freeman State SD 57029
PO Box 521 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water - 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in SE 1/4, NE 1/4, Sec. 16, T99N, R57W
County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used Annually
- 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)

STATE OF SOUTH DAKOTA)

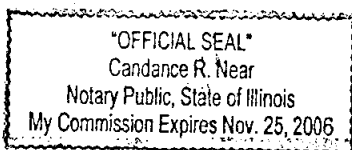
County of Hutchinson) SS

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, David M. Meyer, 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 David M. Meyer

Subscribed and sworn to before me this 17th day of February 20 06



Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6706-3

Date of first receipt of application February 21, 2006.

Date of return to applicant for corrections, amendments or changes February 24, 2006.

Date of receipt of corrected application March 20, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6706-3 to Pheasant Run Farm, PO Box 521, Freeman SD 57029 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. 6706-3 appropriates 0.10 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 180 feet deep) located in the SE ¼ NE ¼ Section 16-T99N-R57W.
2. The water appropriated shall be used for the purpose of commercial use 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. 6706-3 is July 3, 2006.
5. The date from which applicant may claim right is February 21, 2006.
6. One-fifth of the construction is to be completed on or before January 3, 2009.
7. All construction is to be completed on or before July 3, 2011.
8. Water is to be put to beneficial use on or before July 3, 2015.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. The wells authorized by Permit No. 6706-3 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. Permit No. 6706-3 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 28 2006
date



Supplemental Information

(type or print in ink)

* See
Well Completion
Report

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 4500 ft.
Lynell Hofer

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 _____

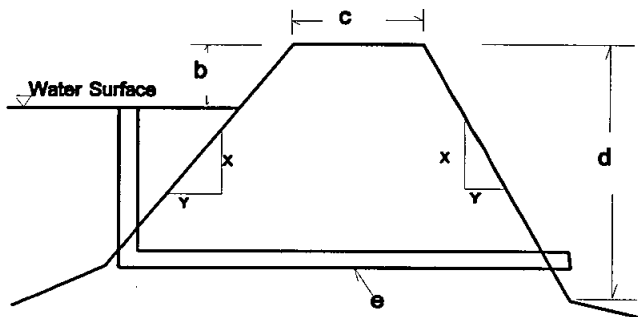
3. Dugout Information

- 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 21, , 20 06

RECEIVED OF Phasant Run Farm LLC, 27536 431st Ave., Freeman SD 57029

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

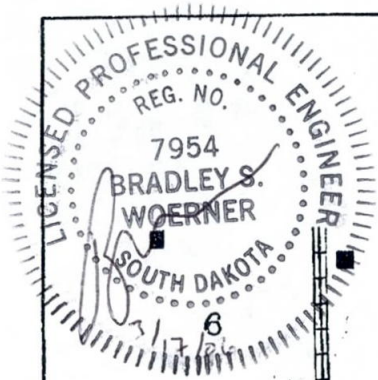
Fee for Application for Permit No. <u>6,706-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6,706-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

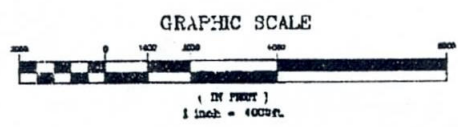
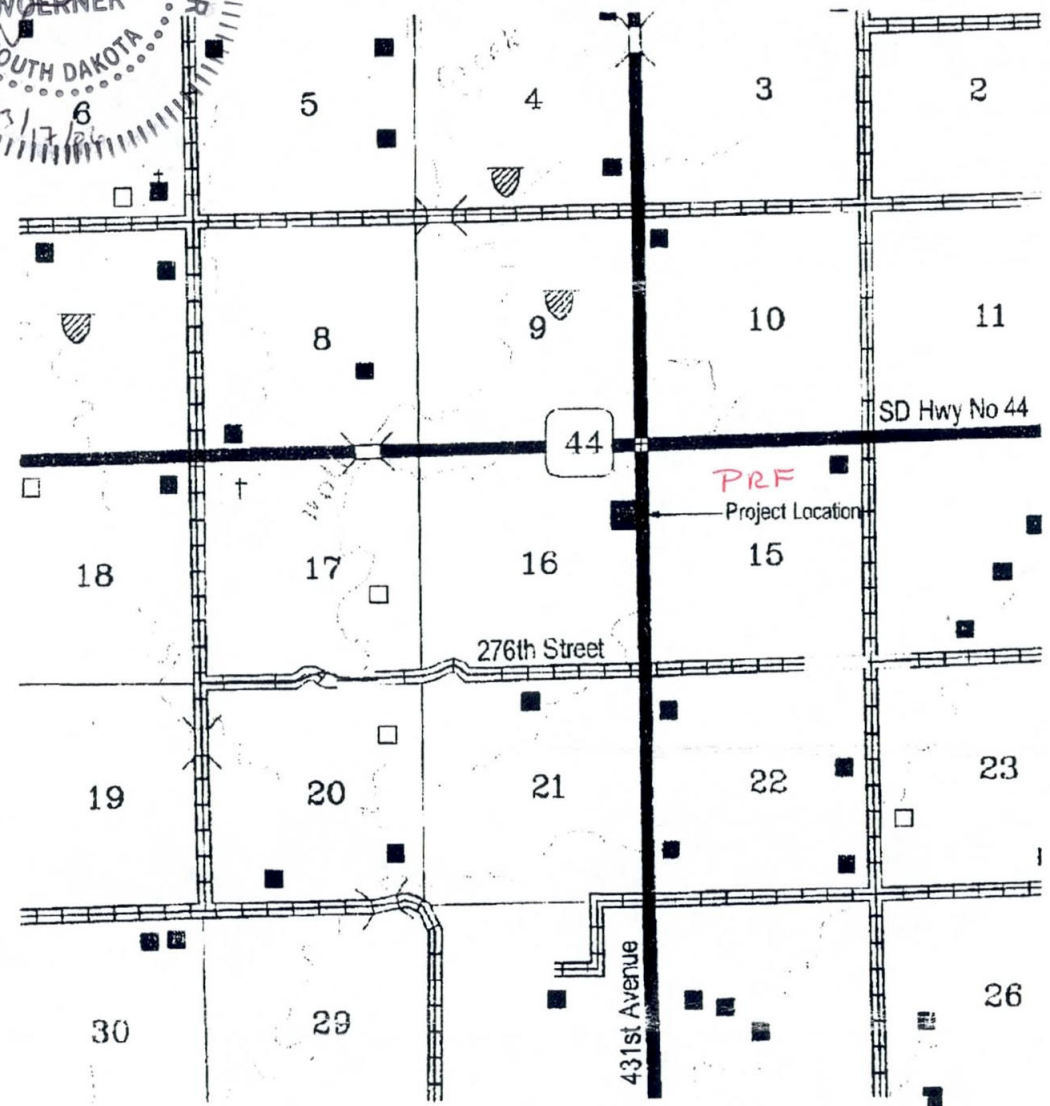
02295

By

Darland Erbe
Chief Engineer



SE 1/4, NE 1/4, Sec 16-99-57 Hutchinson County, SD



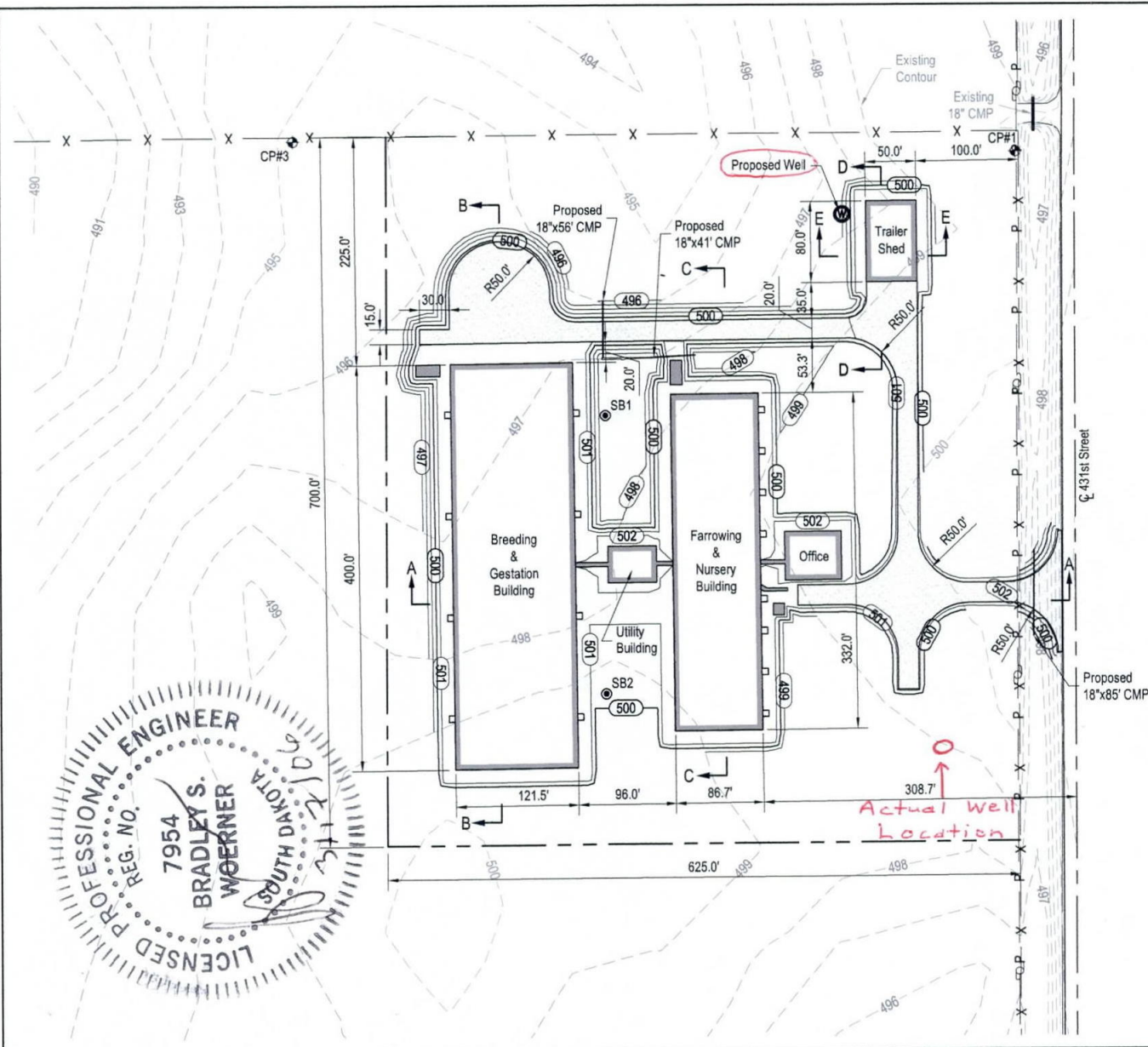
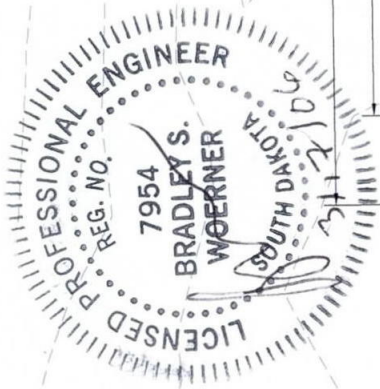
COPY

Pheasant Run 2004 Proposed Site Layout Hutchinson County, SD	Project Name: Pheasant Run 2004 Hutchinson County, SD	Prepared By: <i>Eisenbraun & Associates</i> Professional Engineers & Surveyors 215 Walnut Yankton, South Dakota 57107 505-650-6982 FAX 505-650-6983 www.eisenbraun.com
	Sheet Name: Proposed Site Layout	
	Proj. No.: 04-0000000000 Sheet No.: 01 Drawn By: Checked By: Date: 12/06/04	

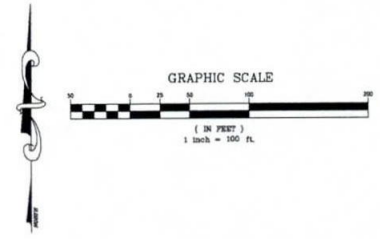
class



65



- ### Legend
- Existing Centerline
 - Existing Culvert
 - X — Existing Fence
 - P — Existing Overhead Power
 - 90 — Existing Contour
 - 90 — Proposed Contour
 - - - Property Line
 - CP #1 Existing Control
 - SB1 Soil Boring
 - [Pattern] Proposed Gravel
 - [Pattern] Proposed Building



Shrinkage Note:

Cut and borrow yardage figures of the earthwork construction quantities are determined by the in-place bank yardage. Based on available geotechnical data, fill quantities for this project have utilized a 30 percentage shrinkage factor. Actual shrinkage factors may vary depending upon soil conditions, moisture content and construction techniques. The contractor is responsible for examining available data and on-site conditions. Earthwork bid items shall be paid on a plans quantity basis unless otherwise noted in the specifications.

Table of Estimated Quantities		
Type	Amount	Units
Unclassified Excavation	17,557	CY
Unclassified Embankment*	16,568	CY
18" CMP	182	LF
6" Gravel Surface	1,285	TN
Topsoil Stripping	13,186	SY

Prepared By: Pheasant Run, LLC
Hutchinson County, SD

Drawn By: AKK
Checked By: BSW
Date: 16-Feb-05
Sheet No.: 1 of 5

Site Layout
Topo

Project Name: Pheasant Run, LLC
Hutchinson County, SD

Pheasant Run, LLC Site Layout Hutchinson County, SD

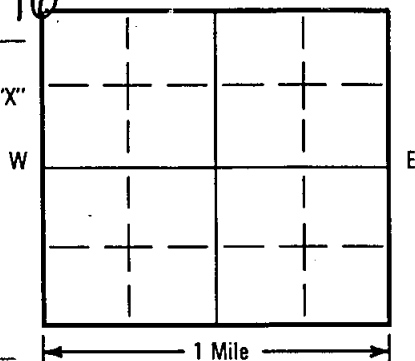
SHEET NO.
1
OF
5
SHEETS

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1630 99 51
County Hutchinson 16 North

Please mark well location with an "X"



Well Completion Date

12-27-05
Hutchinson

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 175 ft. from MANURE PIT (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
200 # LB/FT 5 IN 0 FT 94 FT 10 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
BENTONITE 9 ____ lb./gal 0 ft. 92 ft.
____ ____ lb./gal ____ ft. ____ ft.

Describe grouting procedure TRENCH LINE
PRESSURE GROUTING

SCREEN: ☐ Perforated pipe ☐ Manufactured NONE

Diameter ____ IN Length ____ FEET

Material _____

Slot Size ____ Set From ____ Feet to ____ 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?

☒ YES, How: Chlorinated

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

STATE Health Lab.

Well Owner: DAVE MEYERBusiness Name: PHEASANT RUNAddress: FREEMAN, S.D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top SOIL	0	2
Yellow CLAY	2	28
Blue CLAY	28	92
CHALK Rock	92	180

STATIC WATER LEVEL 50

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:

☒ PumpedDescribe: Test Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

142 ft. After 72 Hrs. pumped 28 GPM

GPM

____ ft. After ____ Hrs. pumped ____ GPM

GPM

If pump installed, pump rate _____

GPM

REMARKS

RECEIVED
JAN - 3 2006

This well was drilled under license # 515

WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm MARTON WEN DRILLINGSignature of License Representative: [Signature]Signature of Well Owner or Equitable Property Holder: [Signature]Date: 12/27/05



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2006

Dave Meyer
Pheasant Run Farm
PO Box 521
Freeman SD 57029-0521

Dear Mr. Meyer:

I am writing in regard to a well driller's report filed by Marion Well Drilling. The report shows a new well has been completed on December 27, 2005. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by March 1, 2006 .

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



February 24, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Pheasant Run Farm
David M Meyer
PO Box 521
Freeman SD 57029

Dear Mr. Meyer:

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

- Enclosed are the maps submitted with the application. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

RECEIVED
MAR 20 2006
WATER RIGHTS
PROGRAM

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

Eisenbraun & Associates
Professional Engineers & Surveyors

Letter of Transmittal

To: Karen Schlaak
SD DENR
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182
Subject: Water Rights Permit – Pheasant Run Farm

Date: 3/17/06

Project #: Y01133.D02

WE ARE SENDING YOU:

☐ Enclosed ☐ Under Separate Cover via _____

the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Specifications
☐ Copy of letter ☐ Change Order ☐ _____

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ For approval ☐ Approved as submitted ☐ Corrected as requested
☐ For your records ☐ Approved as noted ☐ Documents returned after loan to us
☐ As requested ☐ Returned for corrections ☐ For bids due
☐ For review and comments ☐ _____

REMARKS :

Ms. Schlaak,

Please find enclosed a copy of the maps for the above-referenced Water Rights Permit. I have signed/sealed each of the maps.

Please let me know if you have any questions.

Thank you.

Bradley S. Woerner, PE
Project Manager

RECEIVED
MAR 20 2006
WATER RIGHTS
PROGRAM

Copy To: Pheasant Run Farm – David Meyer Signed: _____

If enclosures are not as noted, kindly notify us at once.

REPORT ON WATER PERMIT APPLICATION NO. 6706-3

For Pheasant Run Farm

May 2, 2006

Application No. 6706-3 proposes to appropriate 0.10 cubic feet of water per second (cfs) from two wells to be completed into the Niobrara aquifer (approximately 180 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16 T99N-R57W. The water is for commercial use.

AQUIFER – NIOBRARA (NBRR)

The Niobrara aquifer is composed of fractured, calcareous marl interbedded with calcareous claystone and is referred to as “chalkrock” by local drillers (Lindgren, 1990). The aquifer underlies 729 square miles and contains an estimated 6.99 million acre-feet of water in storage in Hutchinson and Turner Counties (Lindgren, 1990). The aquifer represents a confined condition with artesian characteristics in the area of this application. The direction of water movement in this area is west toward Wolf Creek.

The Water Rights Program monitors an observation well (HT-82D) which is completed into the Niobrara aquifer and located approximately $1\frac{1}{4}$ mile east of this application. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2006).

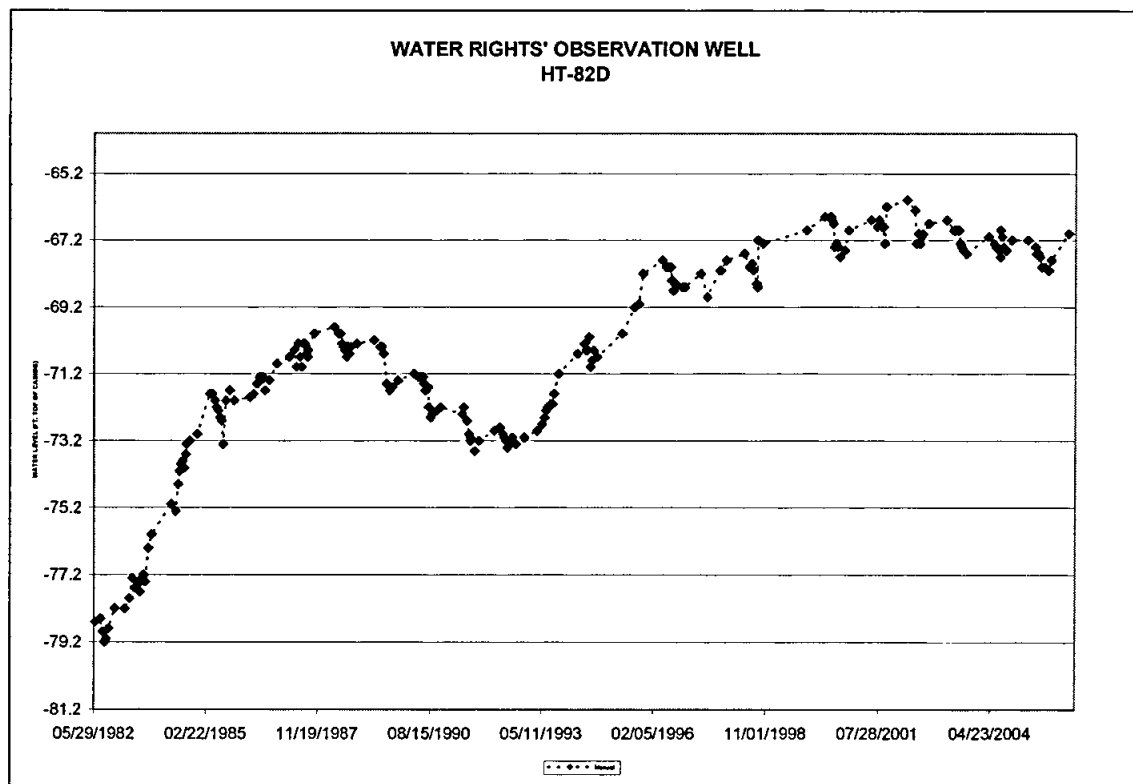


Figure 1. Hydrograph of observation well HT-82D.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

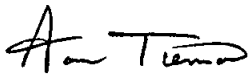
There are four existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Niobrara is located approximately 7.5 miles southeast of this application. This well is for Water Right No. 5239-3 (0.33 cfs for municipal). Interference is not expected to be a problem.

Table 1. Table identifying water rights within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
5919-3	WOLF CREEK HTRN BRTH	LJM	IRR	1.33
5980-3	HOER	LJM	IRR	2.00
6034-3	HOER	LJM	IRR	1.78
6249-3	HOER	LJM	IRR	1.78

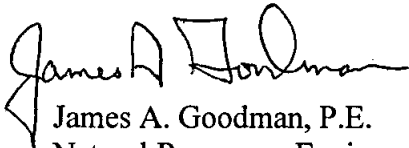
CONCLUSIONS

1. The Niobrara aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is confined and under artesian conditions.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards. The existing well does appear to comply with well construction standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, 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. 6706-3, Pheasant Run Farm**

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. 6706-3, Pheasant Run Farm, c/o David Meyer, PO Box 521, Freeman SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 6706-3 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 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. The wells authorized by Permit No. 6706-3 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. Permit No. 6706-3-3 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
June 2, 2006

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being sworn, on his oath, deposes and says: That the Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all things stated in this affidavit, and that the advertisement is headed Application No. 6706-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
June 14, 2006

the second publication on:
June 21, 2006

and the third publication on:

That the full amount of the fees charged for publication of the same to-wit: The sum of \$39.64 insures no benefit of the publisher of the Freeman Courier agreement or understanding for any division that has been made with any other person whomsoever the amount of \$39.64 is the rate for publishing notices.

NOTICE OF APPLICATION NO. 6706-3 to Appropriate Water

Notice is given that Pheasant Run Farm, c/o David M. Meyer, PO Box 521, Freeman, SD 57029 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 180 feet deep) located in the SE 1/4 NE 1/4 Section 16-T99N-R57W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6706-3 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 July 3, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

2-12

Tim L. Waltner

Subscribed and sworn to before me this 30th day of June 2006.

Linda Rigg

Notary Public
Commission expires: 10/9/06

Publication fee: \$39.64
Notary fee:
Total: \$39.64

RECEIVED

JUN 28 2006

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

June 5, 2006

Freeman Courier
PO Box 950
Freeman SD 57029-0950

ATTENTION: Legal Public Notice

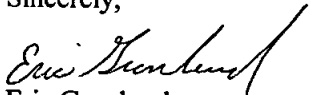
Enclosed is a Notice on Application No. 6706-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Pheasant Run Farm, % David M Meyer, PO Box 521, Freeman SD (Ph # 605-925-7461).

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. 6706-3

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

Date _____

We are in receipt of your letter of June 5, 2006 enclosing Notice to Appropriate Water by Application No. 6706-3 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 June 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6706-3 to Appropriate Water

Notice is given that Pheasant Run Farm, c/o David M Meyer, PO Box 521, Freeman SD 57029 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 180 feet deep) located in the SE ¼ NE ¼ Section 16-T99N-R57W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6706-3 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 July 3, 2006.

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

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

June 5, 2006

Pheasant Run Farm
% David M Meyer
PO Box 521
Freeman SD 57029

Dear Mr. Meyer:

Water Permit Application No. 6706-3 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 Freeman Courier printed at Freeman, SD (Ph # 605-925-7033). 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

AUG 28 2006

Pheasant Run Farm
% David M Meyer
PO Box 521
Sturgis SD 57785

Dear Mr. Meyer:

Enclosed is Water Permit No. 6706-3 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