

WATER PERMIT NO. 6717-3

Name of Applicant: Evergreen Colony

Address: 35691 156th St, Faulkton SD 57438 Phone: 605 324-3303

Amount of Water Claimed: 0.09 Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Faulk

Type of Waste Disposal System:

Location: 8 miles northwest of Faulkton

PRIORITY Date Received: 4-19-06 Application/License Fee: \$100

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

Remarks: turkey barn facility

Diversion Point: SW ¼ NW ¼ Sec 9-T119N-R68W

Land to be Irrigated: NA

Depth of Well: 1170 feet deep

Well Driller: : Stretch's Well Service Inc.

Remarks:

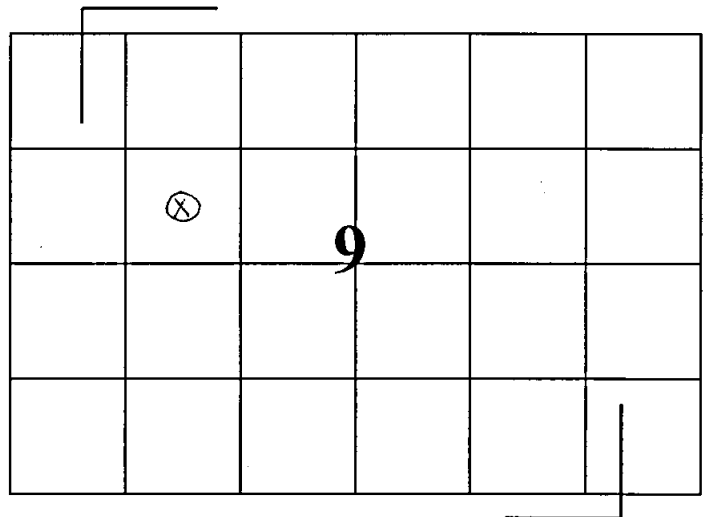
Type of Map: aerial

Prepared by: Mike DeFea

Reviewed and the Number Assigned on: 4-24-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V1
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	No. <u>6717-3</u>	(office use only) Hydrologic Unit <u>10160008</u>
	Basin <u>James River</u>	
	Newspaper <u>Faulk Co. Record, Faulkton</u>	

RECEIVED
APR 19 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:
(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.)

- Name of Applicant Evergreen Colony Phone (605) 324-3303
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 35691 156th St Faulkton State SD 57438
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.090 *CFS or 40 **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 Dakota
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Faulk
One well located in the SW1/4 NW1/4 Section 9 approximately 1890 feet south and 465 feet east of the NW corner Section 9; all in T119N-R68W (N 45.13832, W -99.04062)
- County or counties where water will be used Faulk
- Annual period during which water is to be used January 1 through December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well has a 5" casing and is cemented top to bottom with Portland Cement, and is used for livestock watering - turkey barn

STATE OF SOUTH DAKOTA)
County of Brown) SS

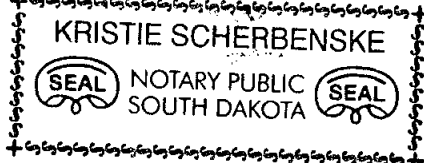
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Tim Hofer, 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

Tim Hofer

Subscribed and sworn to before me this 12th day of April 20 06



Kristie Scherbenske
Notary Public signature

My Commission Expires: 09-09-11

**SOUTH DAKOTA
WATER PERMIT NO. 6717-3**

Date of first receipt of application April 19, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6717-3 to Evergreen Colony, 35691 156th 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. 6717-3 appropriates 0.09 cubic feet of water per second from one well completed into the Dakota Formation (1,170 feet deep) located in the SW ¼ NW ¼ Section 9-T119N-R68W.
2. The water appropriated shall be used for the purpose of commercial use in a turkey confinement facility and for livestock watering 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. 6717-3 is July 3, 2006.
5. The date from which applicant may claim right is April 19, 2006.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6717-3 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

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4 1/2 to 1100 Depth 1170
- b) Casing Type 2" Sch 80 500 to 1100 Diameter 5" Thickness Sch 80
- c) Screen Type 2" SS 1110 to 1170 Diameter 2" Thickness
- d) Gravel Pack US-Silica #65 Sand Length of Gravel Pack 1110 to 1170
- e) Depth to Top of Water Bearing Material 1110
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicants property 3/4 mile On property owned by others Don't Know

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

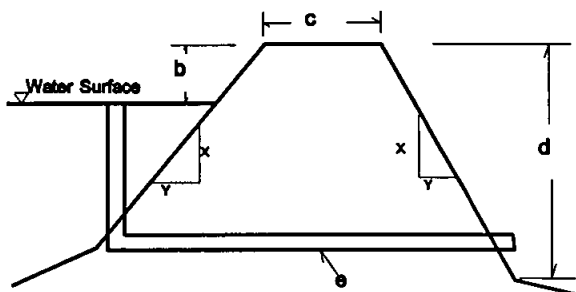
3. Dugout Information

- 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6717-3

(1) Evergreen Colony, 35691 156th St, Faulkton SD 57438 made Application No. 6717-3, April 19, 2006 for a water permit to divert 0.09 cubic feet of water per second from groundwater (one well), Faulk County, South Dakota for commercial use in a turkey confinement facility and livestock watering purposes. Permit No. 6717-3, with a priority date of April 19, 2006 was approved July 3, 2006 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6717-3 is issued a license, bearing a priority date of April 19, 2006 to appropriate 0.09 cubic feet of water per second from groundwater (one well) for commercial use in a turkey confinement facility and for livestock watering.

The diversion point is located: approximately 1,890 feet south and 465 feet east of the northwest corner of Section 9-T119N-R68W (SW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6717-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6717-3 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 28 2006

date

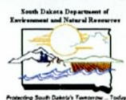


Evergreen Colony
35691 156th St
Faulkton, SD-Faulk County



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
March 8, 2006



0 950 1,900 3,800 Feet

Permit No. 6717-3
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, November 3, 2005, made a thorough examination of the water use system constructed by Evergreen Colony of 35691 156th St, Faulkton, SD 57438 holder of Permit No. 6717-3, bearing the priority of April 19, 2006 authorizing the diversion of 0.090 cu. ft. per second of the waters of Dakota Formation for Commercial purposes, in Faulk County.

Inspection contact & relationship **Tim Hofer (605) 324-3303**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service Inc.
- 2) No. of Wells 1
- 3) Depth(s) 1170 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 5 inches
- 2) Length 1100 feet
- 3) Type Schedule 80 and Copper

Screen:

- 1) Type Stainless
- 2) Length 60 feet
- 3) Static water level 25 feet

Pump:

- 1) Make Grundfos
- 2) Model 40S15-5 (P10503US201)
- 3) Capacity 40 GPM

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

- 1) Type PVC pipe

C. 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 1890 feet south and 465 feet east of the NW corner of Section 9-T119N-R68W (N 45.13832, W -99.04062). The works are capable of diverting and conveying to the place of use 0.090 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to the maximum extent as follows:

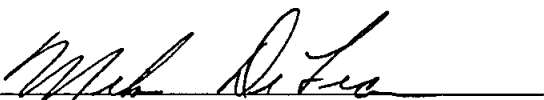
Water from the well is used at the new turkey barn for various purposes.

The license should be issued for 0.090 cfs.

All structures, wells and lands on map Y

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

During the inspection of Water Permit No. 5890-3, the representative of the Colony indicated that this well had been constructed for use at their new turkey barn. At the time of the inspection, this well was not in use; however, on March 8, 2006, I was notified that a pump had been installed capable of producing 0.09 cfs (40 gpm). On May 1, 2006, DENR received the information on the pump which included the make, model and serial number as listed in Item A of this report.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 3, 2006

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date APRIL 19, 20 06

RECEIVED OF Evergreen HB Inc., 35691 156th St., Faulkton SD 57438-6106

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

Fee for Application for Permit No. <u>6717-3</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>6717-3</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.

02857

By

Darland Erbe

Chief Engineer

gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S-W 1/4 N-W 1/4 Sec 9 Twp 119 Rg 68County Faulk

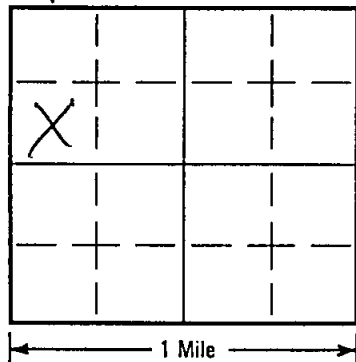
North

Please mark well location with an "X"

W

E

Well Completion Date



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2 ft. from Turkey Barns (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 80 LB/FT</u>	<u>5" IN</u>	<u>0 FT</u>	<u>1100 FT</u>	<u>7 7/8 IN</u>
<u>1 1/2" Cu/LB/FT</u>	<u>2" IN</u>	<u>910 FT</u>	<u>1110 FT</u>	<u>4 1/2 IN</u>
<u>35 5/8" LB/FT</u>	<u>2" IN</u>	<u>1110 FT</u>	<u>1170 FT</u>	<u>4 1/2 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>120</u>	<u>15 lb./gal</u>	<u>0</u> ft.	<u>1100</u> ft.

Describe grouting procedure Pumped Through 5"SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 2" IN Length 60' FEETMaterial Stainless Steel 20 slotSlot Size 20 Set From 1110 Feet to 1170 FeetOther information 200' Copper leader pipe above screen 15 bags 60-65 GravelWAS A PACKER OR SEAL USED? ☐ YES ☒ NOIf so, what material? well was cemented &Describe packer(s) and location? Gravel Packed

DISINFECTION: Was well disinfected upon completion?

X YES, How: _____

Laboratory sent to for water quality analysis

____ NO, Why Not? _____

Chlorine in water & Gravel PackWell Owner: Evergreen Colony

Business Name: _____

Address: 35691 156th St.Faulkton S.D. 57438

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>yellow Clay</u>	<u>0</u>	<u>18</u>
<u>Blue Clay</u>	<u>18</u>	<u>100</u>
<u>Sand</u>	<u>90</u>	<u>100</u>
<u>Shale</u>	<u>100</u>	<u>560</u>
<u>Chalk</u>	<u>560</u>	<u>580</u>
<u>Dakota</u>	<u>1105</u>	<u>1170</u>

STATIC WATER LEVEL 25 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: Developed well with air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 722

And this report is true and accurate.

Drilling firm Stretch's Well Service Inc.

Signature of License Representative:

Tom Patches RECEIVED

Signature of Well Owner or Equitable Property Holder:

MAY 31 2005

WATER RIGHTS PROGRAM

Date: _____



March 9, 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

Evergreen Colony
35691 156th St.
Faulkton, SD 57438

Dear Tim:

I have enclosed two partially completed applications for appropriation of water from your new well for the turkey barn. I have also included an instruction sheet, two maps which show the location of the well and a self addressed envelope to return the application to us. You will need to fill out Item's 3 and 7 on Form 2 as well as sign and have the application notarized. On Form 2A, you need to fill out the well information in Item 1. A fee of \$50.00 is also required to appropriate 0.10 cfs (45 gpm) or less as well as \$50.00 for the inspection/licensing fee. This is to be included with the application. You should review and make any corrections on the application before returning it to us.

If you have any questions regarding the application or the application process, you can contact me at 773-3352 or you can e-mail me at michael.defea@state.sd.us.

Sincerely,

Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

enclosure

REPORT ON APPLICATION NO. 6717-3

For Evergreen Colony

May 22, 2006

This application proposes to appropriate 0.09 cubic feet of water per second (cfs) from one well completed into the Dakota Formation (approximately 1,170 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T119N R68W. The water is for commercial use in a turkey confinement facility and for livestock watering.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is composed of many beds of fine-grained, poorly consolidated sandstone that can have a total thickness of as much as 240 feet (Hamilton, 1982). The aquifer is confined and under artesian conditions at this site. The Dakota Formation contains an estimated 14.7 million acre-feet of recoverable water and underlies 1,018 square miles in Faulk County (Hedges, 1982). The well authorized by this application is an existing well and appears to be constructed in accordance with SD Well Construction Standards. Especially, ARSD 74:02:04:28 which states that wells completed into confined aquifers shall be pressure-grouted from the top of the formation to the land surface in order to comply with the standards.

The Water Rights Program monitors an observation well (ED-85A) located approximately 25 miles northeast of this location. A hydrograph of this well is included in this report labeled as Figure 1 (Water Rights, 2006). Various authors have documented the Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.

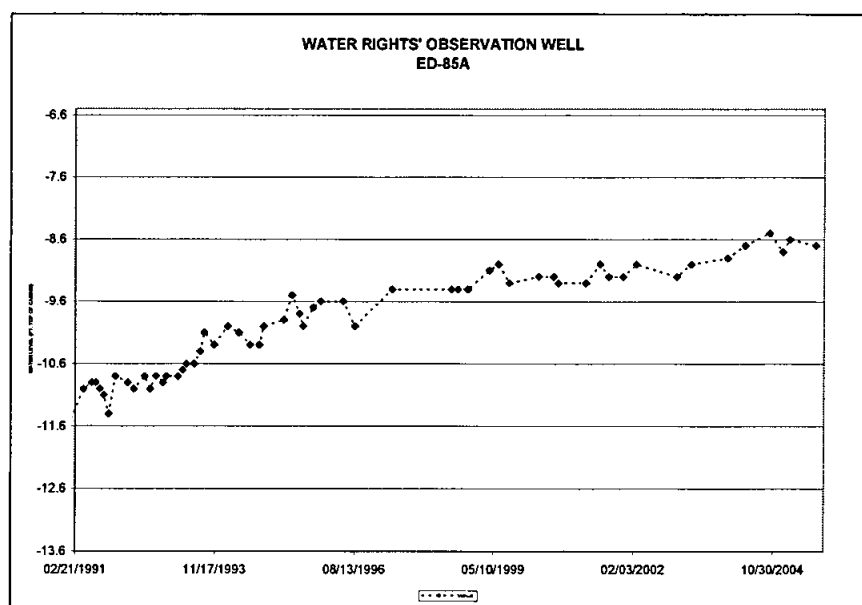


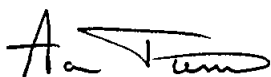
Figure 1. Hydrograph of observation well ED-85A.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one water right/permit from the Dakota Formation in this area. This well is for Water Right No. 1726-3 (0.11 for municipal use). This well is used for backup/standby purposes by the City of Cresbard which is served by the WEB Rural Water System. Interference should not be a problem. Drawdown created by pumping at this rate is not expected to be significant nor extend very far from the production well.

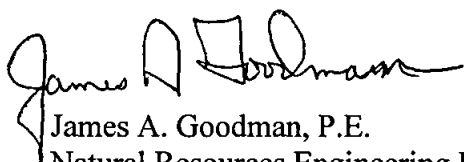
CONCLUSIONS

1. Water is available from the Dakota aquifer.
2. The aquifer is under artesian conditions. Drawdown will be created by pumping. However, at this requested rate drawdown is not expected to be significant. Interference should not be a concern.
3. The well authorized by this application is an existing well and appears to be completed in accordance with SD Well Construction Standards.
4. Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.



Aaron R. Tieman
Natural Resources Engineer

Approved by



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

BIBLIOGRAPHY

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds and Faulk Counties, South Dakota, Part II: Water Resources, Bulletin 26, SD DENR, SDGS, Vermillion, SD 57069.

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 DWNR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Dakota Formation Observation Well Data, 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. 6717-3, Evergreen Colony**

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. 6717-3, Evergreen Colony, c/o Tim Hofer, 35691 156th Street, Faulkton SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 6717-3 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. Permit No. 6717-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
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 - 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 1, 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

June 5, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6717-3 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 Evergreen Colony, % Tim Hofer, 35691 156th St., Faulkton SD (Ph # 605-324-3303).

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. 6717-3

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. 6717-3 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

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

June 5, 2006

Evergreen Colony
% Tim Hofer
35691 156th St
Faulkton SD 57438

Dear Mr. Hofer:

Water Permit Application No. 6717-3 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

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.

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. 6717-3 to Appropriate Water

Notice is given that Evergreen Colony, c/o Tim Hofer, 35691 156th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well completed into the Dakota Formation (1,170 feet deep) located in the SW ¼ NW ¼ Section 9-T119N-R68W. The water is for commercial use in a turkey confinement facility and for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6717-3 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.

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, June 14, 2006

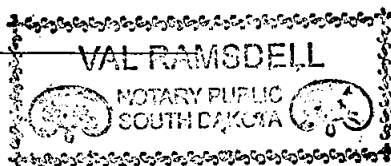
Wednesday, June 21, 2006

Cost of Printing 41.85

James B. Moritz
(Signature)

Publisher
(Title)

6-22-06
(Date Signed)



My Commission Expires
Jan. 17, 2011

Val Ramsdell

No. 124, June 14 & 21, 2006 Notice of Application No. 6717-3 to Appropriate Water

Notice is given that Evergreen Colony, c/o Tim Hofer, 35691 156th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one well completed into the Dakota Formation (1,170 feet deep) located in the SW 1/4 NW 1/4 Section 9-T119N-R68W. The water is for commercial use in a turkey confinement facility and for livestock watering.

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Steven M. Pirner, Secretary,
Department of Environment &
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

AUG 28 2006

6717-3

Evergreen Colony
% Tim Hofer
35691 156th St
Faulkton SD 57438

Dear Mr. Hofer:

Enclosed are Water Permit and Water License No. 6717-3. The water license is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures