

WATER PERMIT NO. 6727-3

Name of Applicant: South Lincoln Rural Water System, Inc.

Address: PO Box 155, Canton SD 57013 Phone: 605 372-4211

Amount of Water Claimed: 3.33 cfs (900 AF) Total Acres: NA

Source of Water Supply: groundwater (three wells)

Water to be used for: rural water system use County: Turner

Type of Waste Disposal System:

Location: 3 miles east of Hurley

PRIORITY Date Received: 5-25-06 Application/License Fee: \$425

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

Remarks: wells will be operated together with the wells authorized by 6311-3, 6435-3 and 6456-3 for a total of 1,800 AF annually

Diversion Point: SE ¼ NE ¼, NE ¼ NE ¼ Sec 30
and NE ¼ NE ¼ Sec 18; all in T98N-R52W

Land to be Irrigated: NA

Depth of Well: 90 and 220 feet deep

Well Driller:

Remarks:

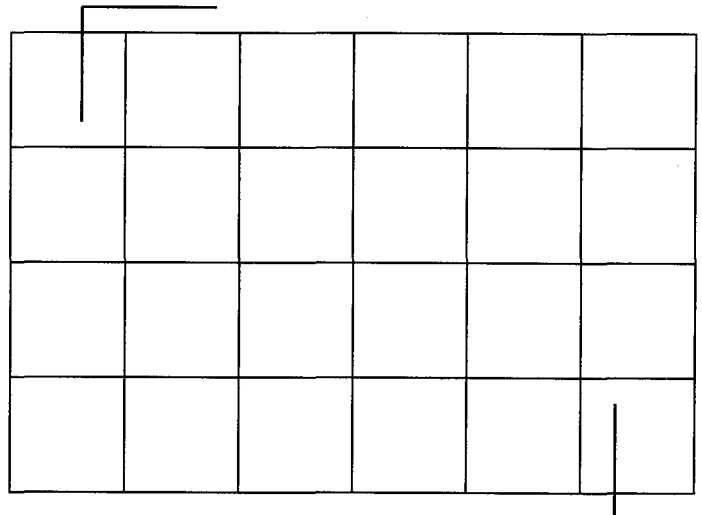
Type of Map: topo

Prepared by: Bruce Jennings, PE

Reviewed and the Number Assigned on: 5-25-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6727-3</u> (office use only) Hydrologic Unit <u>101 70102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>see list</u>

RECEIVED
MAY 25 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.)

1. Name of Applicant South Lincoln Rural Water System, Inc. (SLRWS) Phone (605) 372-4211
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 155 Canton+ State SD 57013
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 3.33 *CFS or 1,500 **GPM 900 ***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 Groundwater, 3 new wells at 1,000 gpm maximum each, 1,500 total simultaneous
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
Well 4 SE1/4 of NE1/4, Sec.30, T98N, R52W Well 6 NE1/4 of NE1/4, Sec. 18, T98N, R52W
Well 5 NE 1/4 of NE1/4, Sec. 30, T98N, R52W Lincoln, Union, Turner, Minnehaha
5. County or counties where water will be used Same as existing permit 6311-3
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)

Add wells to existing SLRWS Chancellor well field. Well will be connected to existing underground pipeline system. Wells will be operated together with wells of existing permit 6311-3. By this application, it is requested to add 900 afa annual diversion, for a total of 1,800 afa. 6435-3 and 6456-3

STATE OF SOUTH DAKOTA)
County of Lincoln) 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, Donald Sweeter for SLRWS, 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 Donald Sweeter

Subscribed and sworn to before me this 23 day of July 20 06

John Davis
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6727-3**

Date of first receipt of application May 25, 2006.

The Water Management Board approved Water Permit No. 6727-3 on November 29, 2006 for South Lincoln Rural Water System, Inc., PO Box 155, Canton SD 57013 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. 6727-3 appropriates 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE ¼ NE ¼, NE ¼ NE ¼ Section 30 and NE ¼ NE ¼ Section 18; all in T98N-R52W.
2. The water appropriated shall be used for the purpose of rural water system use and the ethanol plant at Chancellor 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 from which applicant may claim right is May 25, 2006.
5. One-fifth of the construction is to be completed on or before May 29, 2009.
6. All construction is to be completed on or before November 29, 2011.
7. Water is to be put to beneficial use on or before November 29, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. 6727-3 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. Water Permit Nos. 6311-3, 6435-3 and 6727-3, combined, authorize a total annual diversion of 1,800 acre feet of water.
4. South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.

WATER MANAGEMENT BOARD

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

MAR 09 2007
date



(type or print in ink)

1. Well Information - Proposed Construction Well 4 and Well 5

- a) Drill Hole Diameter 18" Depth 220 feet
- b) Casing Type steel Diameter 12 inch Thickness 0.375
- c) Screen Type SS wire wound Diameter 12 inch Thickness
- d) Gravel Pack Muscatine Length of Gravel Pack 25 feet
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) 19 feet
- g) Distance to nearest existing domestic well:

On applicants property N/A On property owned by others 1,500 feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) None on site
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

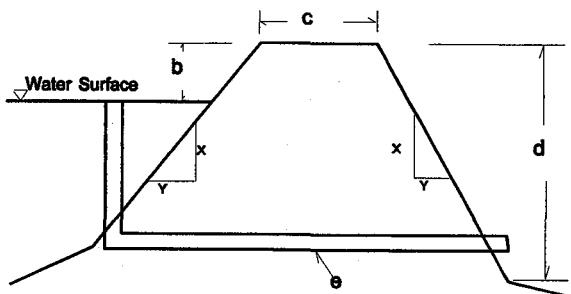
3. Dugout Information

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

4. Water Storage Dams

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

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



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

(type or print in ink)

1. Well Information - Proposed Construction *Well*

- a) Drill Hole Diameter 18 Depth 90
- b) Casing Type PVC Diameter 12 Thickness .606
- c) Screen Type Stainless Diameter 12 Thickness wirewound
- d) Gravel Pack Muscatine Length of Gravel Pack 25 Feet
- e) Depth to Top of Water Bearing Material 60 Feet
- f) Depth to Water (ground surface to water level) 20 Feet
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others 600

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

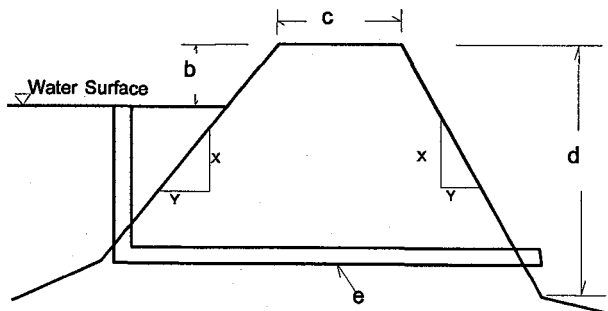
3. Dugout Information

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

4. Water Storage Dams

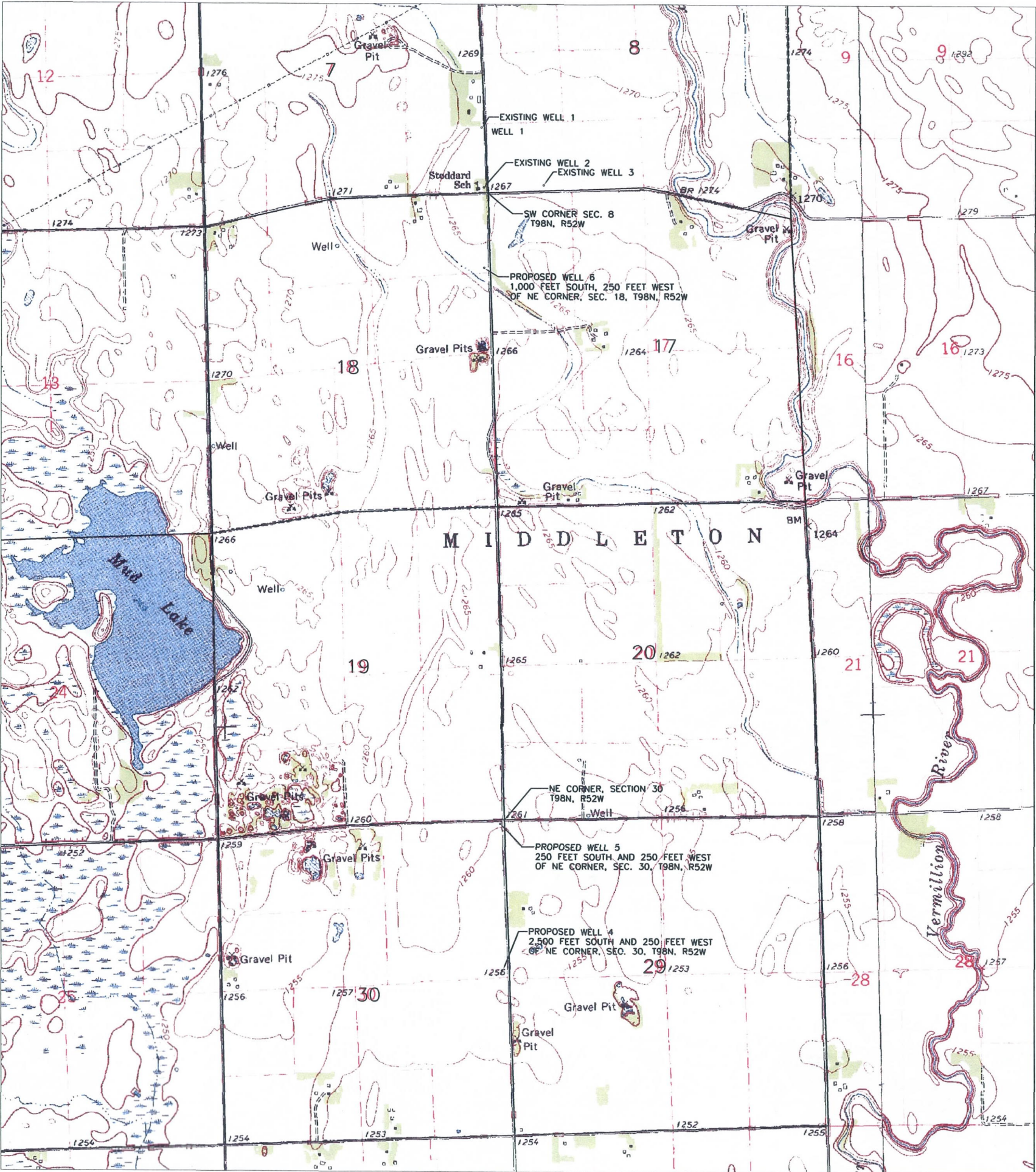
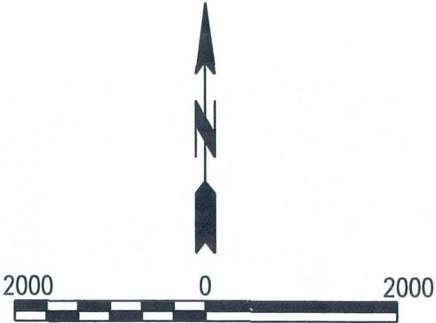
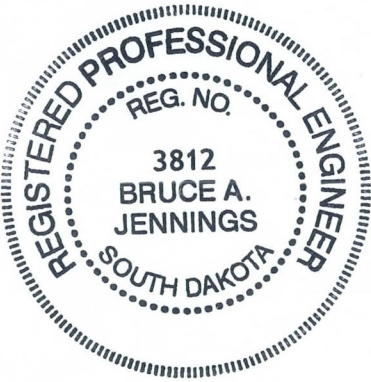
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- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

SOUTH LINCOLN RURAL WATER SYSTEM
PROPOSED WELL 4 LOCATED 2,500 FEET SOUTH AND 250 FEET WEST
OF NE CORNER, SECTION 30, T98N, R52W
PROPOSED WELL 5 LOCATED 250 FEET SOUTH AND 250 FEET WEST
OF NE CORNER, SECTION 30, T98N, R52W
PROPOSED WELL 6 LOCATED 1,000 FEET SOUTH AND 250 FEET WEST
OF NE CORNER, SECTION 18, T98N, R52W



CHANCELLOR WELL FIELD
SOUTH LINCOLN
RURAL WATER SYSTEM
CANTON, SOUTH DAKOTA

Date MAY 2006
Drawn By
Approved BAJ
Revised
Project No. 801712

I hereby certify that this plan, specification, or report,
was prepared by me or under my direct personal
supervision, and that I am a duly registered
Professional Engineer under the laws of the
State of South Dakota, Registration No. 3812
By Bruce A. Jennings
Date 5-20-06

DeWid Grant Reckert
and Associates Company
Consulting Engineers
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota



Project No.
801712
Sheet

L1

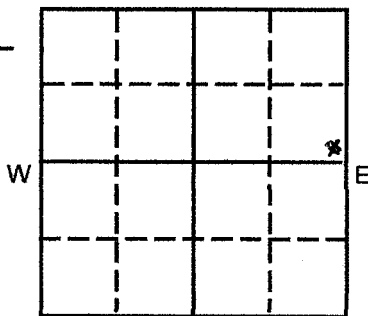
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6727-3
11-02Location se $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 30 Twp 98n Rg 52w

County

turner

North

Please mark well
location with an "X"

Well Completion Date

10/7/2006

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 400.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe _____

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	12.00	0.0	140.0	18.00
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Bent Grt	19	9.5	8.0	130.0
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial PvcSlot Size .060 Set From 140.0 Feet to 200.0 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? HTH Tablets
☐ No, Why Not? _____
Lab sample sent to for
water quality analysisWell Owner: Great Lakes Ethanol #2

Business Name: _____

Address: 27438 462nd AveCity, State, Zip: Chancellor sd 57015

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
gravel, reddish brown, v. coarse	0	24
Clay, gray pebbly	24	42
gravel, medium to coarse, sandy	42	87
Clay, gray, pebbly, sandy	87	126
sand, med to coarse	126	144
Sand, coarse, pebbly	144	200
Silt, greenish gray, clayey	200	205

STATIC WATER LEVEL 16.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

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WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed☐ Other

FEB 01 2007

WATER RIGHTS
PROGRAM

Pumping Level Below Land Surface

29.0 Ft. After 5.0 Hrs. pumped 1,100.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 900.0 GPM

REMARKS

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 10/30/06

2-2-07

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

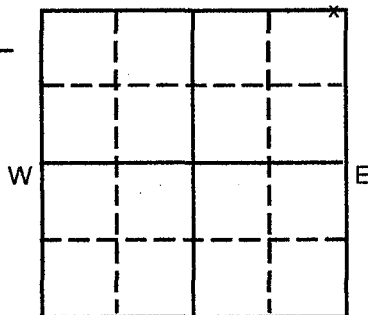
Location ne $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 30 Twp 98n Rg 52w

County

turner

North

Please mark well location with an "X"



Well Completion Date

10/7/2006

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 400.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	12.00	0.0	136.0	18.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Bent Grt	19	9.5	8.0	130.0

Describe grouting procedure
Tremie

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial PVCSlot Size .060 Set From 136.0 Feet to 196.0 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? HTH Tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Great Lakes Ethanol #1

Business Name:

Address: 27438 462nd AveCity, State, Zip: Chancellor sd 57015

WELL LOG:

DEPTH

FORMATION	FROM	TO
gravel, reddish brown, v. coarse	0	24
Clay, gray pebbly	24	42
gravel, medium to coarse, sandy	42	87
Clay, gray, pebbly, sandy	87	126
sand, med to coarse	126	144
Sand, coarse, pebbly	144	200
Silt, greenish gray, clayey	200	205

STATIC WATER LEVEL 16.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

RECEIVED

WELL TEST DATA:

☒ Pumped Describe:
 ☐ Bailed
 ☐ Other

FEB 01 2007

WATER RIGHTS PROGRAM

Pumping Level Below Land Surface

31.0 Ft. After 5.0 Hrs. pumped 1,100.0 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 900.0 GPM

REMARKS

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11/30/06

2-2-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date MAY 25, 20 06

RECEIVED OF South Lincoln Rrual Water System, PO Box 155, Canton SD 57003

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

Fee for Application for Permit No. <u>6727-3</u> to Appropriate Water, to construct and to put water to beneficial use	375	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>6727-3</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	425.00

No.

02466

By

Darland Elbe
Chief Engineer *gm*



**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. 6727-3, South Lincoln Rural Water System**

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. 6727-3, South Lincoln Rural Water System, c/o Donald Sweeter, PO Box 155, Canton SD 57013.

The Chief Engineer is recommending APPROVAL of Application No. 6727-3 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 well authorized by Permit No. 6727-3 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. Water Permit Nos. 6311-3, 6435-3 and 6727-3, combined, authorize a total annual diversion of 1,800 acre feet of water.
4. South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 8, 2006

REPORT ON WATER PERMIT APPLICATION NO. 6727-3
For South Lincoln Rural Water System
July 18, 2006

Application No. 6727-3 proposes to appropriate 3.33 cfs (1,500 gpm) from three wells completed to depths of 90 to 220 feet in depth. This application also requests a total volume of 900 acre-feet annually. The wells will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 18; all in T98N R52W in Turner County. The water is for rural water system use and the ethanol plant at Chancellor.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under confined or artesian conditions at these sites. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer appears to be hydraulically isolated from the overlying Parker Centerville aquifer in this immediate area. However, the Upper Vermillion Missouri aquifer does appear to be connected to the overlying Parker Centerville aquifer to the south near the Turner-Clay County line and also to the north of this application in T98N R53W in Turner County. Ground water movement is from north to south across this area of Turner County (Lindgren, 1990).

No test well information was supplied with this application. However, there is sufficient information available to evaluate the hydrogeology of this area and to determine if water is available from the aquifer. Wells #4 and #5 are proposed to be about 220 feet deep and well # 6 will be about 90 feet deep. These proposed depths match up well with existing hydrogeologic information. Geologically there appears to be three layers of sand and gravel at these sites. The surficial layer is the Parker-Centerville aquifer. There is an intermediate layer in the 50 to 120 feet depth and a deeper layer from 140 to 220 feet all below land surface. It appears that the intermediate and deeper sands and gravels are hydraulically connected and are both considered part of the Upper Vermillion Missouri aquifer for appropriation purposes. In fact, at any given site, a well completed into either the intermediate or the deeper buried outwash may not have an obvious impact (causing drawdown) upon the other water supply. However, over long term pumping the intermediate and deeper buried outwash are expected to be the same source. The data from the observation well hydrographs illustrate these phenomena well.

The Water Rights Program monitors six observation wells near these well sites. Observation wells TU-77F and TU-77G (both completed into the Upper Vermillion Missouri aquifer) are located about $\frac{3}{4}$ mile south of well #6 and one to 1 $\frac{1}{2}$ miles north of wells #4 and #5 respectively. Observation wells TU-77H, TU-77I and TU-77J (with H and I completed into the Upper Vermillion Missouri and J completed into Parker-Centerville aquifers respectively) are located about one and $\frac{1}{2}$ mile south of wells #4 and #5 respectively. Observation well TU-80F (completed into the Parker-Centerville aquifer) is located about $\frac{1}{4}$ mile north of well #6. Hydrographs for these observation wells are included with this report. In general the water level record indicates that the

aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). Note the amount of fluctuation in the artesian pressure for the Upper Vermillion Missouri aquifer due to irrigation withdrawals as opposed to the complete lack of fluctuation during the same time period for the two observation wells completed into the Parker-Centerville aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

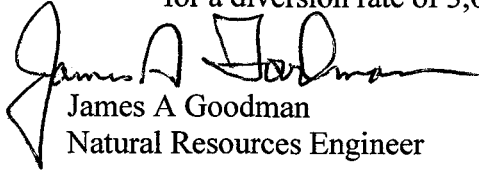
There are many irrigation permits/rights in this area completed into both the Parker-Centerville and Upper Vermillion Missouri aquifers in this area. The nearest permits/right to proposed well #4 are for Water Right Nos. 3833-3, 1930-3, 5973-3 and 3156-3. All four of these irrigation wells are located within a one-half mile radius of this proposed well and are completed into the Upper Vermillion Missouri aquifer. The nearest permits/rights to proposed well #5 are Water Right Nos. 456-3, 1930A-3, 3833-3 and 1930-3. All four of these irrigation wells are located within a one-half mile radius of proposed well #5 and three of the four are completed into the Upper Vermillion Missouri aquifer and the other (Water Right No. 456-3) into the Parker-Centerville aquifer. The nearest permits/rights to proposed well #6 are Water Right Nos. 3158-3 and 3541-3. The wells for these two permits are located about one-quarter mile radius of this proposed well #6. All three of these existing irrigation wells are completed into Upper Vermillion Missouri aquifer.

Interference will occur. That is, drawdown created by pumping will create cones of depression that will overlap. This is shown by the observation well hydrographs to be occurring now. Interference is not expected to be adverse nor impact any existing rights or domestic uses. Because of the large amount irrigation use in this area, pumping during the summer especially during drought years may create significant drawdown. Approval of this application will create additional drawdown.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer is under confined or artesian conditions. Drawdown will occur as a result of pumping. This is shown by the observation well records. This drawdown is not expected to cause adverse effects.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. It does not appear that pumping from the Upper Vermillion Missouri aquifer impacts the shallower Parker-Centerville aquifer.
5. The impacts between the shallower and deeper outwash within the Upper Vermillion Missouri aquifer are difficult to predict. Short term pumping may indicate no direct communication between the layers, however, it is likely that over the long term the water source is the same. For appropriation purposes both these zones are considered the same water source.

6. The observation well record clearly indicates that water is available and records the existing impacts of seasonal withdrawals by area irrigation and from the annual withdrawals from the well field that supplies the ethanol plant.
7. Approval of this application for an additional 900 acre-feet will allow the South Lincoln Rural Water System to use up to 1,800 acre-feet of water annually.
8. This application requests a diversion rate of about 1,500 gpm. However, the application indicates that each well would be capable of pumping 1,000 gpm but that only 1,500 gpm would be used at any given time. This application should be for a diversion rate of 3,000 gpm.



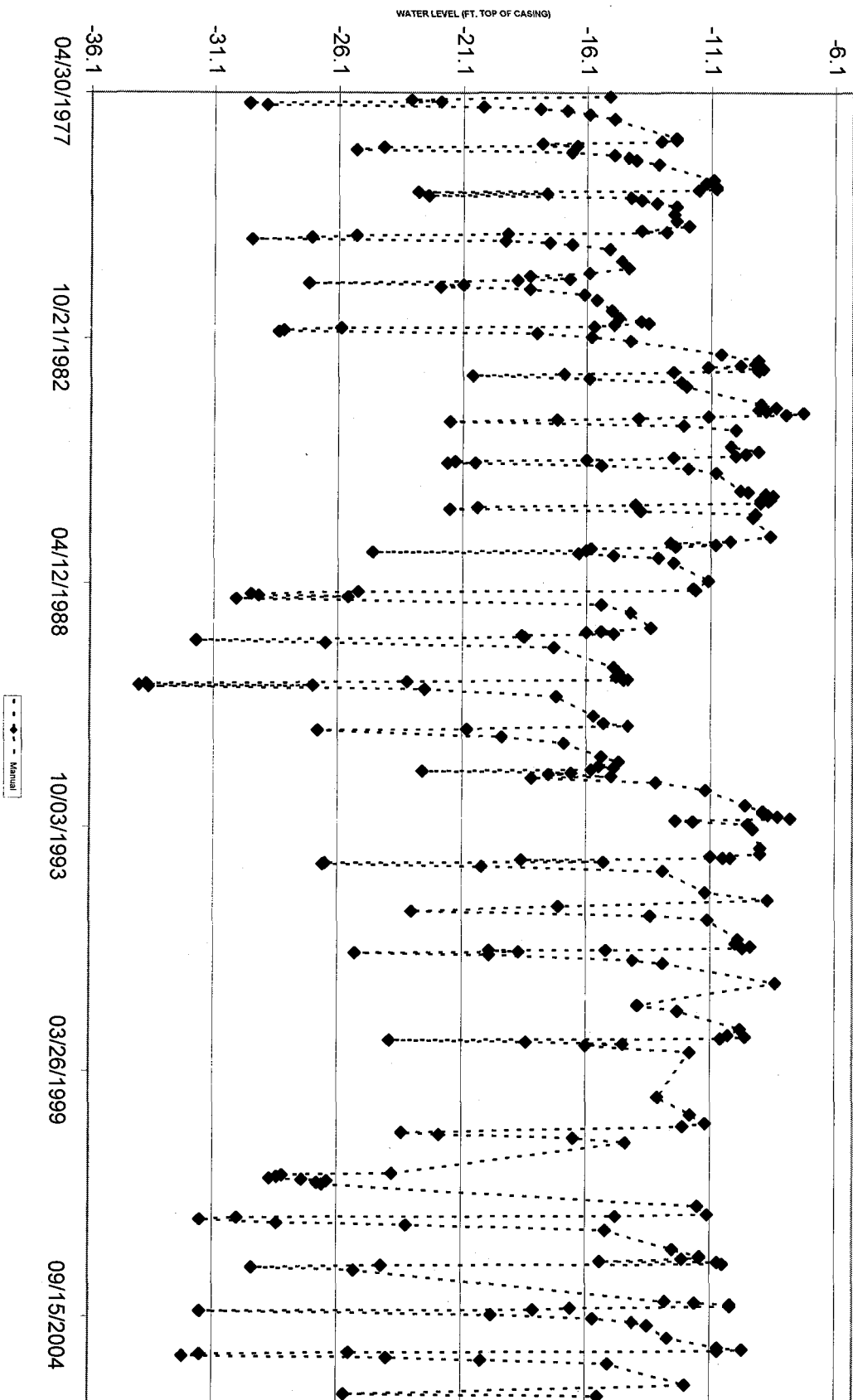
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

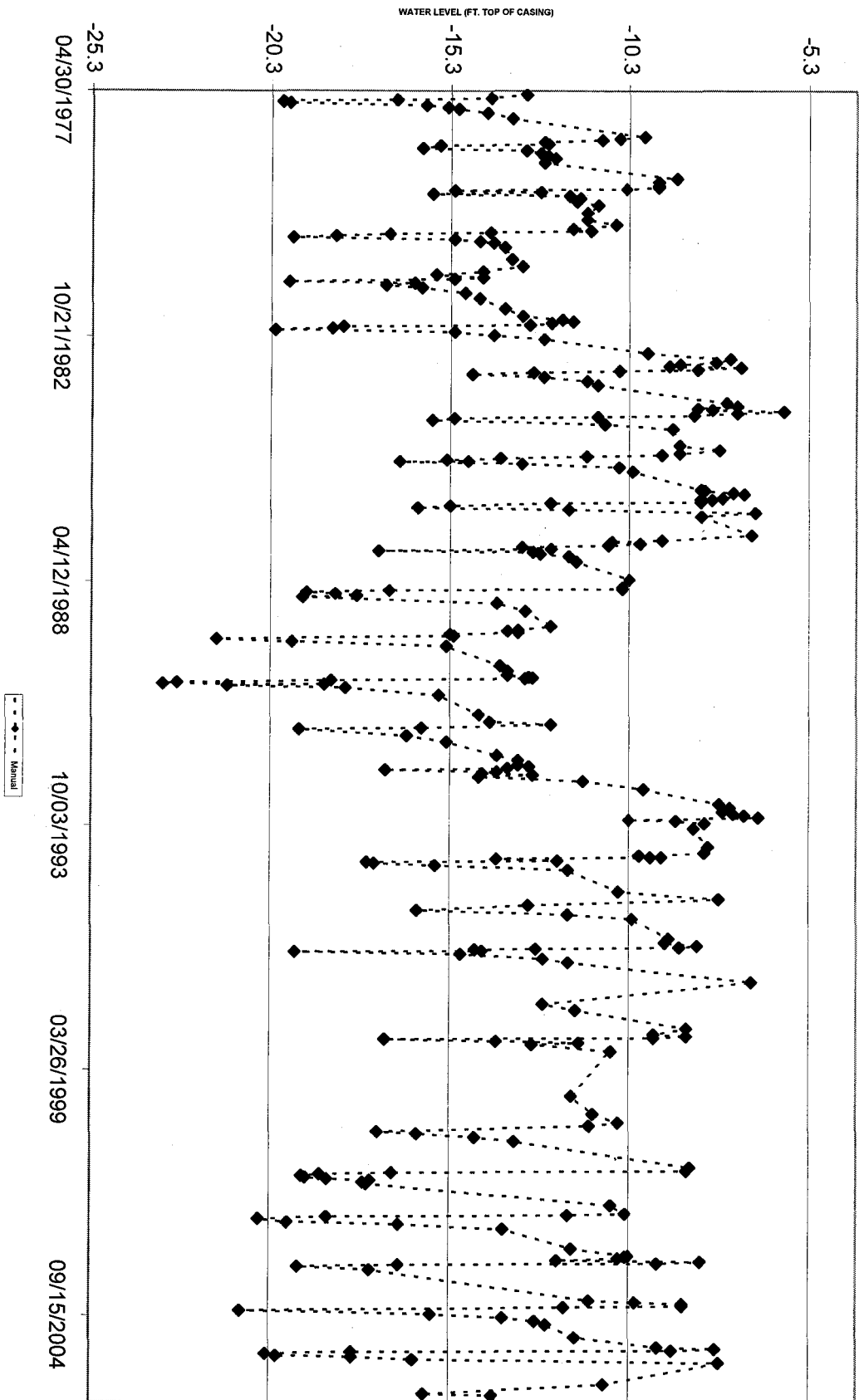
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 99-4093, USGS, Huron, SD, 57350.

Water Rights, 2006, Unpublished Observation Well Data for the Parker-Centerville and Upper Vermillion Missouri aquifers in Turner County, South Dakota, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

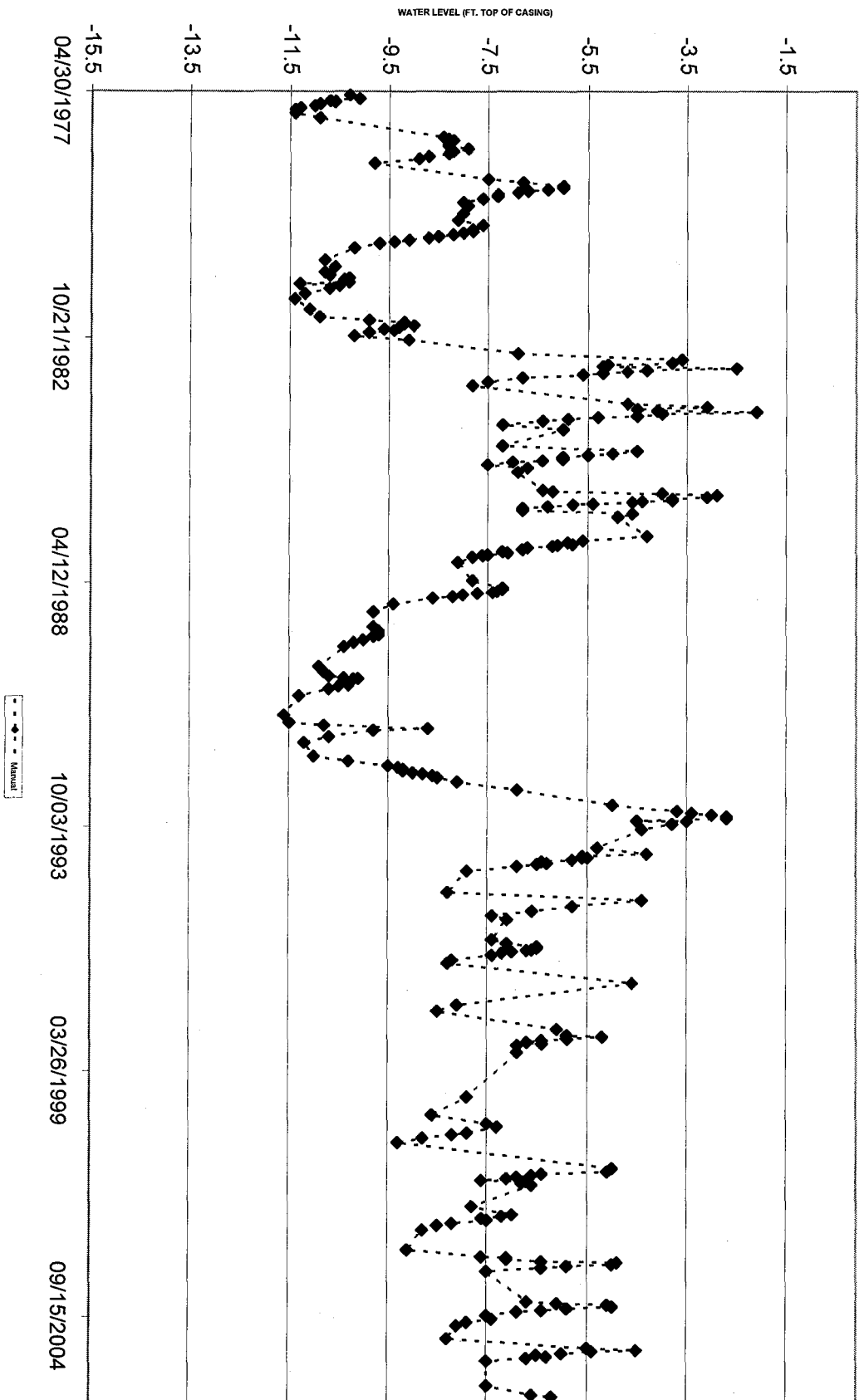
WATER RIGHTS' OBSERVATION WELL
TU-771



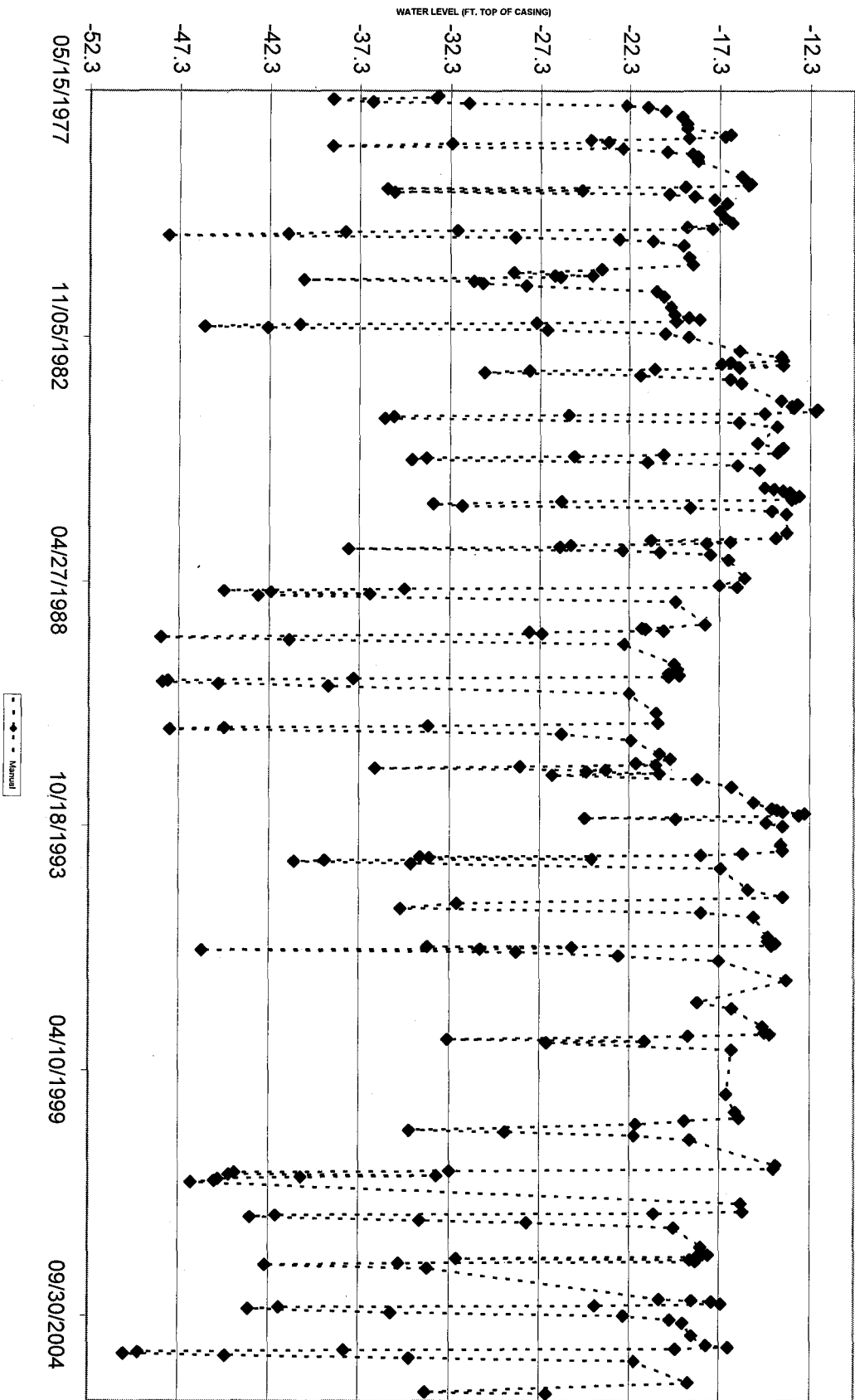
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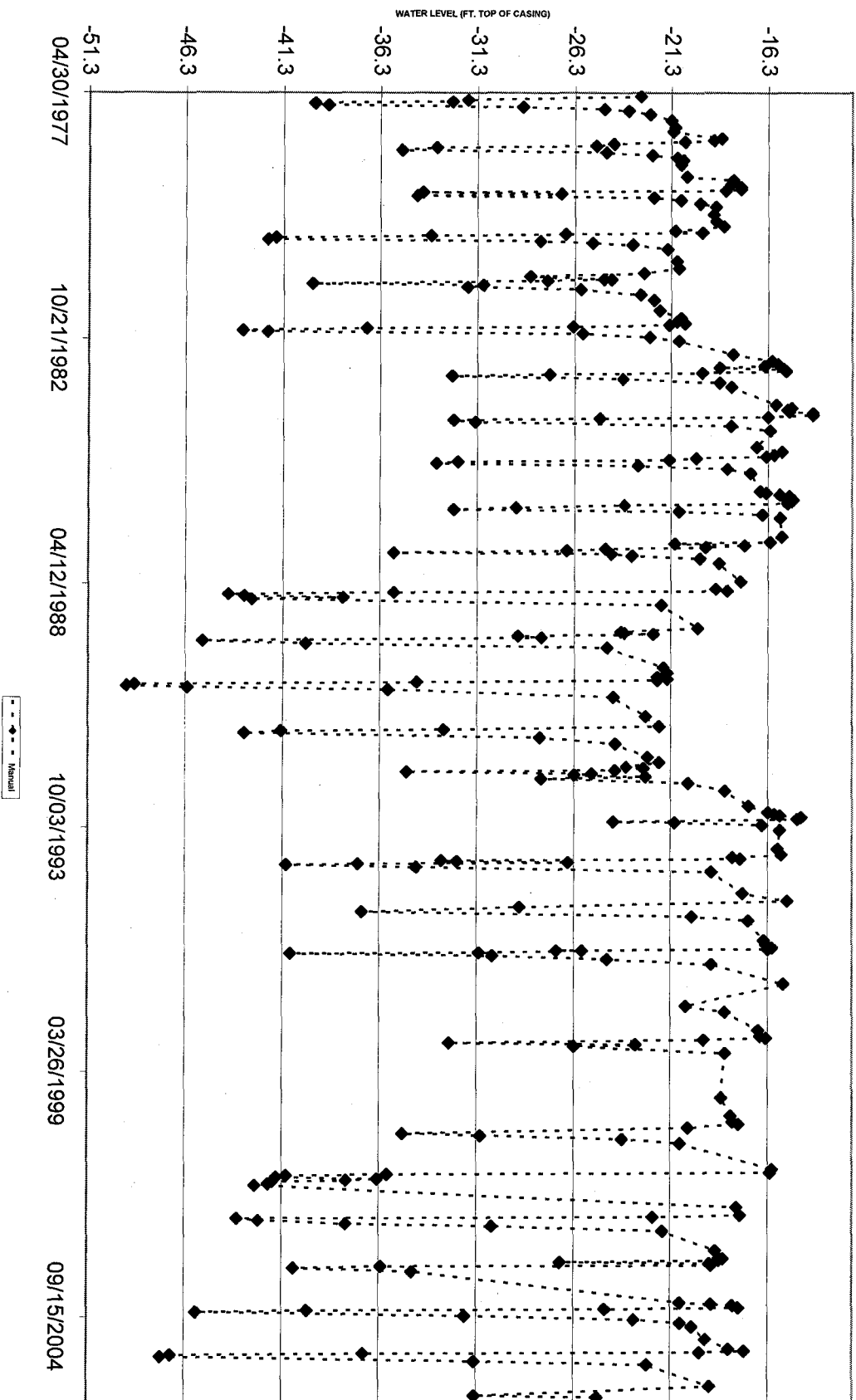
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TU-77J



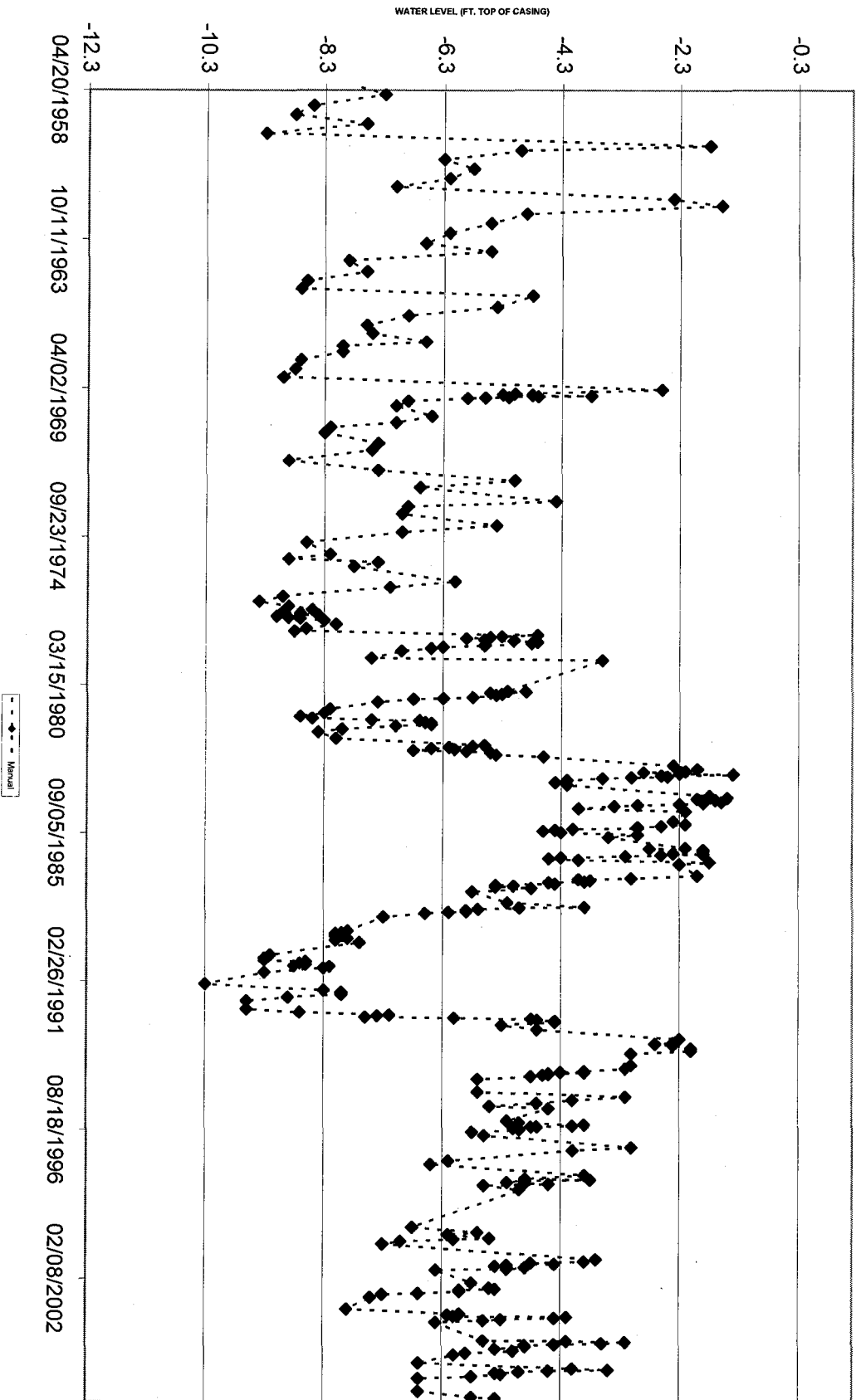
WATER RIGHTS' OBSERVATION WELL TU-77F



WATER RIGHTS' OBSERVATION WELL
TU-77G



WATER RIGHTS' OBSERVATION WELL TU-80F



Affidavit of Publication RECEIVED

SEP 21 2006

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

WATER RIGHTS
PROGRAM

I, **Lisa Joffer** of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#4058 - application to appropriate water (South Lincoln Rural Water)

printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 17th day of Aug., 2006;
On Thursday, the 24th day of Aug., 2006;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

That \$ 51.97 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Lisa Joffer
Subscribed and sworn to before me this 19th
day of September, 2006
Paul R. Harms

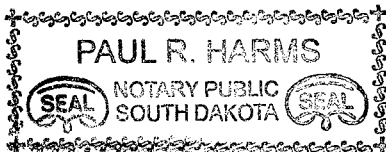
Notary Public, Turner County, South Dakota

My Commission

Expires:

02/10

20 12



Notice of application No. 6727-3 to appropriate water

Notice is given that South Lincoln Rural Water System, Inc., P.O. Box 155, Canton SD 57013 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE 1/4 NE 1/4, NE 1/4 NE 1/4 Section 30 and NE 1/4 NE 1/4 Section 18; all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6727-3 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 Sept. 5, 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.

(#4058, 8/17/06, 8/24/06,
The New Era)

Notary Fees\$

Total\$ 51.97
1st WK 28.88, 2nd WK 23.09
Received Payment,

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SSI, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courierprinted and published in Elk PointCounty of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 17, 2006August 24, 2006Cost of Printing \$ 41.60

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

Aug. 24, 2006
(Date Signed)

RECEIVED
AUG 28 2006
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6727-3 TO APPROPRIATE WATER

Notice is given that South Lincoln Rural Water System, Inc. PO Box 155, Canton, SD 57013 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE1/4NE 1/4, NE1/4NE1/4 Section 30 and NE1/4NE1/4 Section 18, all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6727-3 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 September 5, 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.
Publish August 17 and 24, 2006
33-8-72

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

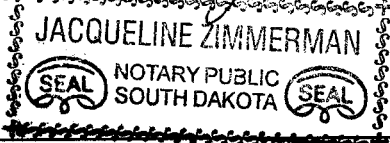
Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 17 day of August 2006,
Thursday, the 24 day of August 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,

and that \$106.51 was charged for publishing the same

Betty Jones
Subscribed and sworn to before me

8/24/2006



J Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009

State Notices

NOTICE OF APPLICATION
NO. 6727-3 to Appropriate
Water

Notice is given that South Lincoln Rural Water System, Inc., PO Box 155, Canton SD 57013 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE 1/4 NE 1/4, NE 1/4 NE 1/4 Section 30 and NE 1/4 NE 1/4 Section 18; all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6727-3 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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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. Pirmer, Secretary, Department of Environment and Natural Resources.

962413 Aug. 17 & 24, 2006

FILED
28 2006
WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF APPLICATION 6727-3 TO APPROPRIATE WATER

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

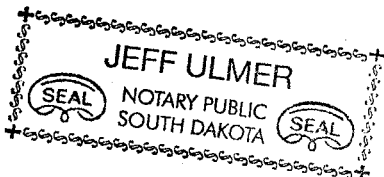
AUGUST 17, 2006
AUGUST 24, 2006

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$34.66** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this **24th** day of **AUGUST, 2006.**

Jeff Ulmer
Notary Public, South Dakota

(Seal)



RECEIVED
AUG 25 2006
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6727-3 to Appropriate Water

Notice is given that South Lincoln Rural Water System, Inc., PO Box 155, Canton, SD 57013 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE1/4NE 1/4, NE1/4NE1/4 Section 30 NE1/4NE1/4 Section 18; all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6727-3 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 September 5, 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. (8-17, 24)

Instruction to Newspaper - Publish first Notice on August 17, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6727-3 to Appropriate Water

Notice is given that South Lincoln Rural Water System, Inc., PO Box 155, Canton SD 57013 has filed an application for a water permit to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18; all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

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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 NEWSPAPERS RIGHT AWAY.

August 9, 2006

South Lincoln Rural Water System Inc
% Donald Sweeter
PO Box 155
Canton SD 5713

Dear Mr. Sweeter:

Water Permit Application No. 6727-3 for rural water system 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 Sioux Valley News printed at Canton, SD (Ph # 605-764-2000), the Leader-Courier printed at Elk Point, SD (Ph #605-356-2632), the New Era printed at Parker, SD (Ph#605-297-4419) and the Argus Leader printed at Sioux Falls, SD (Ph# 605-331-2200). You will need to contact the newspapers 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 newspapers 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 newspapers have 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

August 9, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6727-3 to Appropriate Water to be published twice. Please publish the first notice on August 17, 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water Sysetm Inc., % Donald Sweeter, PO Box 155, Canton SD (Ph # 605-372-4211).

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. 6727-3

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

Date _____

We are in receipt of your letter of August 9, 2006 enclosing Notice to Appropriate Water by Application No. 6727-3 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

August 9, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

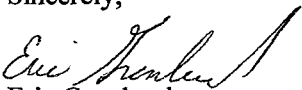
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6727-3

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

Date _____

We are in receipt of your letter of August 9, 2006 enclosing Notice to Appropriate Water by Application No. 6727-3 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

August 9, 2006

Sioux Valley News
PO Box 255
Canton SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6727-3 to Appropriate Water to be published twice. Please publish the first notice on August 17, 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water Sysetm Inc., % Donald Sweeter, PO Box 155, Canton SD (Ph # 605-372-4211).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6727-3

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

Date _____

We are in receipt of your letter of August 9, 2006 enclosing Notice to Appropriate Water by Application No. 6727-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Sept. 1, 2006

RECEIVED

SEP - 5 2006

WATER RIGHTS
PROGRAM

Julie Sawyer
28122 Hwy 19
Hurley, SD 57036

Dear Eric:

I am opposing the application No. W727-3.
I am concerned about how many gallons of
water these well(s) will be pumping. I have
irrigated farm ground in Middleton township.
I am willing to attend the Oct. 4th hearing.

Sincerely,
Julie Sawyer

September 2, 2006

RECEIVED
SEP - 5 2006
WATER RIGHTS
PROGRAM

Attn: Eric
Water Rights Program
Foss Building
523 East Capitol
Pierre SD 57501

Dear Eric:

I am opposing the application for a water permit # 6727-3. I have irrigated farm land across from the proposed water permit land. I also have ^{irrigated} farm land a few miles away -- all of which is located on the same aquifer. I have concerns about the water usage this permit would entail.

I am willing to attend the hearing on October 4.

Sincerely,

Burnette Sawyer
5206 South Wheatbriar Court
Sioux Falls SD 57108

605 575-2549 out of town until September ~~15~~ 17.
605 321-2337 (cell)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2006

NOTICE

TO: Donald Sweeter
South Lincoln Rural Water System, Inc.
PO Box 155
Canton SD 57013

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing on Water Permit Application No. 6727-3, South Lincoln Rural Water System, Inc.

Petitions in opposition to approval of Water Permit Application No. 6727-3 have been filed in response to the Notice of Application to appropriate water published in the counties served by South Lincoln Rural Water System. A copy of the petitions is enclosed in the mailing to the applicant.

As specified in the publication notice, Application No. 6727-3 proposes to appropriate 3.33 cubic feet of water per second (900 acre-feet annually) from three wells to be completed into the Upper Vermillion Missouri Aquifer (approximately 90 and 220 feet deep) located in the SE ¼ NE ¼, NE ¼ NE ¼ Section 30 and NE ¼ NE ¼ Section 18; all in T98N-R52W. The water is for rural water system use and the ethanol plant at Chancellor.

The Water Management Board will conduct a hearing to consider Application No. 6727-3 at 2:00 PM (Central Time), on October 11, 2006, in the Visitor Center (west side of Capitol Lake), 650 E. Capitol Avenue, Pierre SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Notice will be provided to all parties of record of any change in the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6727-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with

qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The October 11, 2006, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 30, 2006.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by September 30, 2006, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General
Bruce Jennings, DGR Consulting Engineers, 1302 South Union, Rock Rapids IA 51246

enclosure

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by September 30, 2006.

CERTIFICATION

I hereby certify that on September 8, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 6, 2006, regarding scheduling of hearing for Water Right Permit Application No. 6727-3, South Lincoln Rural Water System, Inc., addressed as stated below :

Donald Sweetser
South Lincoln Rural Water System, Inc.
PO Box 155
Canton SD 57013

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

Bruce Jennings
DGR Consulting Engineer,
1302 South Union
Rock Rapids IA 51246

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



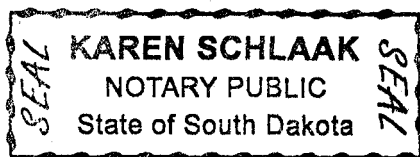
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of September 8, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 2006

NOTICE

TO: Donald Sweeter
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

FROM: *for* Garland Erbele, Chief Engineer
Water Rights Program, DENR

Eric Gronlund

SUBJECT: Change in Hearing Time to Consider Water Permit Application No. 6727-3,
South Lincoln Rural Water System

The Water Management Board is scheduled to consider Water Permit Application No. 6727-3 on October 11, 2006. The hearing time is being changed to 11:30 AM. The Board will now consider South Lincoln Rural Water System's application for a water permit at 11:30 AM on October 11, 2006, at the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west shore of Capitol Lake. The agenda time is an estimate and applicable provisions of September 8, 2006 notice will still apply.

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 6727-3 filed by South Lincoln Rural Water System. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. In the past the Chief Engineer has typically handed this material out at the time of the meeting. For this Board meeting a new practice is being implemented where the material is being sent to the Board members in advance of the hearing. This packet includes the DENR staff report, Chief Engineer's recommendation and petitions (if any) regarding each case. The same information is also being sent to parties in each respective case.

If you have any questions, please feel free to contact me at (605) 773-3352 or email eric.gronlund@state.sd.us.

c: Diane Best, Assistant Attorney General
Bruce Jennings, DGR Consulting Engineers, 1302 South Union, Rock Rapids, Iowa
51246

enclosure

CERTIFICATION

I hereby certify that on September 29, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 29, 2006 regarding Notice of change of Hearing Time to Consider Water Permit Application No. 6727-3 addressed as stated below:

Donald Sweeter
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

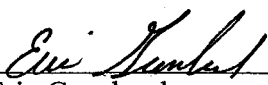
Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

Bruce Jennings
DGR Consulting Engineers
1302 South Union
Rock Rapids IA 51246

copy of the above described Notice was sent Inter-office to:

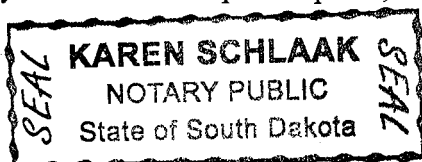
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of October, 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



ORIGINAL

STATE OF SOUTH DAKOTA
DEPARTMENT OF WATER & NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)
PERMIT APPLICATION #6727-3,) TRANSCRIPT OF HEARING
SOUTH LINCOLN RURAL) BEFORE THE BOARD
WATER SYSTEM.) October 11, 2006

PROCEEDINGS REPORTED BY MONA G. WEIGER,
Registered Professional Reporter in and
for the State of South Dakota on the
11th day of October, 2006, in the Capitol
Complex Visitor's Center, Pierre, South
Dakota.

BOARD MEMBERS PRESENT:

EVERETT HOYT
JIM HUTMACHER, Chairman
BERNITA LOUCKS
FRANCIS BRINK

APPEARANCES:

MS. DIANE BEST
Ass't Attorney General
1302 E. Hwy 34
Pierre, SD 57501;

MR. WILLIAM TAYLOR
Attorney at Law
PO Box 5027
Sioux Falls, SD 57117;

Counsel for DENR.

Counsel for South Lincoln
Rural Water System.

BURNETTE SAWYER
JULIE SAWYER;

Intervenors.

Mona G. Weiger, RPR
Official Court Reporter
PO Box 1238
Pierre, SD 57501
605-773-3971

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1 MR. HUTMACHER: Water Permit 6727-3, South
2 Lincoln Rural Water System.

3 I think before we start, Diane, I'm going
4 to -- we're going to accept into the record
5 6727-3, Report on Water Permit Application from
6 the Department, and a September 1st dated,
7 received September 5th from Julie Sawyer in
8 opposition.

9 Oh, wait. I have another one, too, on the
10 backside. Another one received September 5th from
11 Burnette Sawyer, and the Board did receive that in
12 our packet.

13 MS. BEST: Thank you. For the record, my
14 name is Diane Best and I'm counsel for the Chief
15 Engineer, Water Rights Program in this matter.

16 Pursuant to statutory requirements, the
17 Chief Engineer did receive the pleadings in this
18 matter and provide them to the Board. And those
19 are the pleadings that were just listed by the
20 Board Chairman, which includes the Report and
21 Recommendation of the Chief Engineer and Petitions
22 to Intervene that have been filed in this matter.

23 The matter at hand is a Water Permit
24 Application filed by South Lincoln Rural Water
25 System.

1 South Lincoln is here today and will be
2 testifying regarding its water system and the
3 intended uses for the water.

4 The Chief Engineer will also give his
5 recommendation through Ken Buhler. Ken is, as you
6 know, a groundwater expert and will be testifying
7 regarding the proposed water use in this matter on
8 behalf of the DENR.

9 Further, as the Chairman indicated, there
10 are two people who have intervened in this
11 proceeding, Burnette and Julie Sawyer.

12 I would also call the Board's attention to
13 the fact that I was approached this morning by
14 Ms. Patty de Hueck who indicated that she wanted
15 to bring a procedural matter up. And before I get
16 started with the staff's case, I think she wants
17 to bring in a -- where is Patty? She wanted to
18 bring a procedural matter before the Board on
19 behalf of some additional possible intervenors.

20 MS. DE HEUECK: Thank you, Diane.

21 Mr. Chairman, my clients have elected not
22 to pursue the procedural matter, but I appreciate
23 your time.

24 MS. BEST: Okay. Just wanted to make sure
25 who all was on board before we start.

1 As I indicated, this is a new permit
2 application filed by South Lincoln Rural Water
3 System.

4 The standard of proof is the four-part
5 standard of proof that's set forth in 46-2A-9
6 which pertains to whether there's been -- whether
7 the use of the water would impair existing water
8 rights or adversely impair existing water rights,
9 whether there is available water, whether the
10 proposed permit is in the public interest, and
11 whether the use is a beneficial use. And as
12 indicated, that standard is in 46-2A-9.

13 The Chief Engineer's staff, Ken Buhler and
14 Jim Goodman, and I guess the whole groundwater
15 staff has looked at this application. The report
16 was prepared by Jim Goodman, who is the head of
17 the groundwater part of the Chief Engineer's
18 staff.

19 Jim is not able to be here today and Ken
20 Buhler will be providing testimony regarding the
21 matter as well. And I think he was involved in
22 the review as well.

23 With that, I would proceed with the
24 testimony of Ken Buhler, or if others want to make
25 opening statements. Which procedure would you --

1 MR. TAYLOR: Mr. Chairman, my name is
2 William Taylor. I'm a lawyer at Woods & Fuller in
3 Sioux Falls. I represent South Lincoln Rural
4 Water and their partner in this endeavor, Great
5 Plains Ethanol.

6 I'll make an opening statement but I intend
7 to make it after the DENR has presented their
8 case.

9 MR. HUTMACHER: Okay. Thank you.
10 Mr. Buhler, you're on.

11 MS. BEST: Before, I guess before we get
12 started too much with Ken's testimony, I would ask
13 that the Board receive into evidence a short vitae
14 that shows Ken's qualifications as an expert
15 witness.

16 MR. HUTMACHER: Is this labeled DENR
17 Exhibit 2?

18 MS. BEST: Yes.

19 MR. HUTMACHER: Because Exhibit 1 was
20 the --

21 MS. BEST: DENR Exhibit 1 will be the
22 application file in this matter. As long as you
23 brought it up, if I could just put it in now.
24 That is the application that's filed by South
25 Lincoln. It includes the original Petitions to

1 Intervene. It includes the Affidavits of
2 Publication from the newspapers and also the
3 original Report and Recommendation of the Chief
4 Engineer's staff, and that's DENR 1.

5 I would ask that both be admitted.

6 MR. HUTMACHER: Are there any objections?
7 If not, we'll accept DENR 1 and 2.

8 MS. BEST: With that, I'd just ask Ken to
9 give narrative testimony, basically explain the
10 report and his review of that.

11 KEN BUHLER: Mr. Chairman, members of the
12 Board, my name is Ken Buhler, staff engineer with
13 the Water Rights Program.

14 And the Chief Engineer is recommending
15 approval of Water Permit Application 6727-3 with
16 qualifications. I am here to present that
17 foundation for that recommendation.

18 This application proposes to appropriate
19 3.33 cfs -- that's 1500 gallons a minute -- from
20 three wells. Those wells range in depth from 90
21 feet to 220 feet.

22 This application requests a cap on that
23 appropriation of a volume of 900 acre-feet
24 annually. The water is to be used for a rural
25 water system use and for an ethanol plant at

1 Chancellor.

2 The water for this application is to come
3 from the Vermillion -- I'm sorry -- the Upper
4 Vermillion-Missouri Aquifer. That is a buried
5 outwash, a sand and gravel deposit that is under
6 confined or artesian conditions in this area.
7 It's a fairly extensive aquifer, underlies
8 something like 200 square miles of Turner County.
9 Looking at in the neighborhood of 1.8 million
10 acre-feet of water that's recoverable out of this
11 aquifer.

12 The aquifer appears to be isolated from a
13 surficial aquifer, the Parker-Centerville Aquifer
14 in this immediate area, although once you get
15 north of the area of this application, now I have
16 a direct connection between the Parker-Centerville
17 and the Upper Vermillion-Missouri Aquifer.

18 Once you get south down to that Turner-Clay
19 County line, now again you have a connection
20 between the Parker-Centerville and the Upper
21 Vermillion-Missouri Aquifer.

22 To regress, what we're talking about here
23 is a three-layer system, sand and gravel. The
24 upper layer, the surficial layer is called the
25 Parker-Centerville Aquifer.

1 Now you get down, then you go through some
2 clay. Then you get in from around 50 feet to 120
3 feet is another sand and gravel layer.

4 Now you have a third layer between 140 feet
5 and around 220 feet deep. Again, the surface is
6 the Parker-Centerville Aquifer. These two lower
7 ones, the intermediate one and the lower one, we
8 lump those together and call them the Upper
9 Vermillion and Missouri Aquifer.

10 If you have a well completed in that
11 intermediate aquifer, if you pump a deep one, you
12 probably aren't going to see an immediate effect
13 or vice versa. But over the long term, pumping
14 the lower one will influence the middle one.
15 Therefore, that's why we're calling this
16 collectively, the two lower ones, the Upper
17 Vermillion-Missouri Aquifer. Again, no connection
18 with the Parker-Centerville Aquifer.

19 The Water Rights program monitors six
20 observation wells in this area. Four of those are
21 in the Upper Vermillion Aquifer. Two of them are
22 in the Parker-Centerville Aquifer. Hydrographs
23 for those observation wells have been included
24 with the reports.

25 If you wanted to spend a little time on the

1 hydrographs, you can see which ones are in the
2 Upper Vermillion Aquifer. That would be I, H, F.
3 At any rate, the ones that really show a lot of
4 fluctuation. They're showing the effects of
5 pumping.

6 And for example, TU-77-I, I believe it's
7 the first observation well in your -- hydrograph
8 in your packet there. We're looking at something
9 like 30 feet of water level fluctuation when
10 there's nearby pumping there, which is typical of
11 an artesian aquifer. You're going to see some
12 pumping.

13 On the next page you see TU-77-H, which is
14 in the Parker-Centerville Aquifer. Now we're
15 looking at something in the eight- to ten-foot
16 neighborhood of fluctuation. And as Jim pointed
17 out in his report, we really don't see impacts on
18 the shallower Parker-Centerville Aquifer by
19 pumping the deeper aquifer. And these hydrographs
20 all would show that.

21 In general, what the hydrographs of these
22 observation wells show is that the aquifer is
23 capable of sustaining additional withdrawals.

24 And you're going to, you know, under the
25 current conditions we're already getting a fair

1 amount of artesian head pressure fluctuation with
2 the irrigation pumping that's going on. Again,
3 we're not seeing a lot of fluctuation in the
4 Parker-Centerville, but we're seeing a lot of
5 fluctuation. Approval of this permit is going to
6 contribute to that fluctuation in the artesian
7 head pressure.

8 There's a number of irrigation permits in
9 the area. We've got irrigation wells within --
10 four irrigation wells in the Upper Vermillion and
11 Missouri Aquifer within a half mile of proposed #4
12 here.

13 We've got four irrigation wells in the
14 Upper Vermillion and Missouri Aquifer within a
15 half mile of Well #5. We have some irrigation
16 wells near Well #6.

17 Interference between wells is going to
18 occur. It's the nature of the beast with an
19 artesian aquifer or a confined aquifer. That is,
20 drawdown from pumping this well is going to create
21 a cone of depression. It's going to overlap with
22 other wells. We're already seeing this.

23 Again, this interference is not expected to
24 be adverse, nor is it expected to impact existing
25 water rights.

1 Because there is a large amount of
2 irrigation use in the area, there is going to be
3 significant drawdown. And this approval of this
4 permit will use some more drawdown.

5 To conclude, there is water available from
6 the Upper Vermillion-Missouri Aquifer. The
7 aquifer is under confined or artesian conditions
8 and drawdown is going to occur.

9 That drawdown is not expected to be an
10 adverse impact. There is not -- we are not
11 expecting any impact on the part of the
12 Centerville Aquifer. There does not appear to be
13 a hydrologic connection between the two.

14 This permit, if approved, gives South
15 Lincoln Rural Water System 900 acre-feet a year
16 and therefore, the combination of all their
17 permits out of the upper Vermillion-Missouri
18 Aquifer would allow them to pump a volume of 1800
19 acre-feet per year.

20 With that as the foundation, the Chief
21 Engineer is recommending approval of this water
22 right with qualifications, domestic well
23 qualifications. The well shall be constructed by
24 a licensed well driller. A volume cap from the
25 Upper Vermillion-Missouri Aquifer for the 1800

1 acre-feet a year. And the Applicant will be
2 required to report its annual usage from the Upper
3 Vermillion-Missouri.

4 Are there any questions?

5 MR. TAYLOR: I have questions.

6 MR. HUTMACHER: Let's start with the Board
7 here. Any questions from the Board?

8 MR. TAYLOR: Thank you, Mr. Chairman.

9 EXAMINATION

10 BY MR. TAYLOR:

11 Q. Mr. Buhler, this is a well studied aquifer; is it
12 not?

13 A. That's correct.

14 Q. There is a study published by the South Dakota
15 Geological Survey called the Lindgren Study done
16 in 1990? You have to answer out loud.

17 A. Yes, yes.

18 Q. That's a comprehensive study that was made of this
19 aquifer?

20 A. That's correct.

21 Q. Well documented and well recognized expert study,
22 correct?

23 A. That's correct. Point of clarification.

24 That was a USGS report not -- that was a
25 United States Geological Survey report and I think

1 that Mr. Taylor is suggesting it was a South
2 Dakota Geologic Survey report.

3 Q. I did say that.

4 There's six observation wells that DENR
5 maintains with relatively close proximity to the
6 proposed well site; are there not?

7 A. That's correct.

8 Q. And those wells are monitored for levels at least
9 annually?

10 A. Yes. The rest of the answer is they're measured
11 every two weeks during irrigation season and/or
12 roughly every two weeks during irrigation season,
13 and once a month from, let's say October through
14 April.

15 Q. And annual reports are done that show the drawdown
16 during the irrigation system and the recharge
17 during the off-irrigation system, right?

18 A. The hydrographs represent that, yes.

19 Q. This particular proposed combination of wells,
20 Wells 4 and 5 as they're called, the volume of
21 water that they will draw at maximum production,
22 that's about the equivalent of one quarter-section
23 center pivot during irrigation system, isn't it?

24 A. Yes.

25 Q. I keep saying system. I meant irrigation season.

1 So what we're really talking about is two
2 wells that equal the equivalent of one center
3 pivot, quarter-section center pivot?

4 A. Sure.

5 Q. You described the surficial on the upper aquifer
6 as not being hydrologically related to the lower
7 aquifer in this region. That's because there's a
8 lens of impermeable material between the
9 Parker-Centerville Aquifer and the
10 Vermillion-Missouri Aquifer; is there not?

11 A. That's correct. There's probably in the
12 neighborhood of 40 foot of glacial till which is
13 relatively impermeable in this area. Or we're
14 going to say they're not -- there's no direct
15 hydrologic connection here. There is to the north
16 and south but not here.

17 Q. And of the irrigation wells in this area, DENR
18 maintains records of those wells; does it not?

19 A. Yes, several. We have -- of course, there's
20 irrigation. There's water permits for each one of
21 them.

22 We have -- presumably, we have well
23 completion reports for each one and also we have
24 pumping records, annual pumping records for each
25 one

1 Q. The well completion reports tell you how deep the
2 wells are?

3 A. As the name would imply, how the well was
4 completed, yes.

5 Q. So you can tell by looking at those reports in the
6 area, what wells are pumping from the
7 Parker-Centerville or upper aquifer versus what
8 wells are pumping from one of the two components
9 of the lower aquifer, right?

10 A. Yes, sir.

11 Q. And the upper aquifer wells typically are in the
12 50-foot depth range?

13 A. Or less.

14 Q. Or less. And the wells that pump from the subject
15 aquifer, the Vermillion-Missouri Aquifer, are
16 typically in the 180 to 220 range; are they not?

17 A. I think we could get it as high as, I want to
18 say -- I'm not going to -- I don't think you can
19 go as far as 180 down. Maybe 80-ish. Maybe
20 that's what you meant, I'm sorry, when you were
21 saying 180.

22 Q. Well, the upper -- the upper Vermillion-Missouri
23 Aquifer in this area has two components?

24 A. Correct.

25 Q. The higher component and a lower component. If

1 you went five, six, seven miles away in either
2 direction, you may not find that two-component
3 feature, right?

4 A. That is correct.

5 Q. Because there's a lens of impermeable material
6 between those two elements, the aquifer right in
7 that area, right?

8 A. That's correct.

9 Q. And some of the permitted wells are in the upper
10 lands of the Vermillion and some are in the lower
11 lands of the Vermillion?

12 A. That's correct.

13 Q. And you've concluded from the Lindgren Report and
14 your study that the upper Vermillion and lower
15 Vermillion are hydrologically connected?

16 A. No. I hope that -- because there actually is an
17 aquifer, the lower Vermillion-Missouri Aquifer.
18 So I think we need to stay up on the upper
19 Vermillion so we're going to say the intermediate
20 aquifer and the lower aquifer are hydrologically
21 connected.

22 Q. If I were going to say that right I would say
23 there's two components of the Upper
24 Vermillion-Missouri Aquifer --

25 A. Thank you.

1 Q. -- that are hydrologically connected.

2 A. Yes.

3 Q. You used the word "interference" because the
4 statute calls for an analysis of interference.
5 The word "interference" has a negative implication
6 in the English language.

7 But in geologic speaking, in terms of the
8 statute, interference alone does not have a
9 negative implication, does it?

10 A. That's correct. That's why we pointed out in the
11 report -- Jim pointed out in the report that there
12 will be interference. Pumping these wells will be
13 measurable in other wells. Although it's
14 measurable, it does not fit the definition of
15 adverse impact which this Board is required to
16 evaluate.

17 Q. Exactly. So although there's interference, it's
18 your professional opinion, the Department's
19 opinion that it is not adverse interference?

20 A. That is correct.

21 Q. By adverse you mean that it won't negatively
22 impact other irrigators or other domestic use
23 within the zone of influence?

24 A. Actually, I think you need to take it one step
25 further than that even. The Administrative Rules

1 define an adversely impacted domestic well in
2 74:02:04:20 as a well that was constructed as an
3 adequate well. That's a well where you can lower
4 the pump 20 foot below the top of the aquifer at
5 the time of construction.

6 An adversely impacted domestic well is an
7 adequate well where the pump has been lowered 20
8 foot below the top of the aquifer and no longer
9 provides sufficient water for the users' needs.
10 That's an adversely impacted domestic well.

11 That probably also applies to appropriative
12 rights on at what point it's adversely impacted.

13 Q. Your expectation is there will not be such an
14 adverse?

15 A. That is correct.

16 Q. Are you familiar with the Intervenor's irrigation
17 well in this neighborhood? Have you looked at the
18 well records for that?

19 A. I'm not familiar with it, no.

20 MR. TAYLOR: That's all the questions I
21 have. Thank you.

22 MR. HUTMACHER: Questions, Diane?

23 MS. BEST: We don't have anything further
24 but the Intervenor's --

25 KEN BUHLER: The Intervenor's have a

1 question.

2 BURNETTE SAWYER: I'm Burnette Sawyer and I
3 have problems --

4 MR. HUTMACHER: Hold it. Hold it. Hold
5 it.

6 MR. HALLEM: Ma'am, if you'd come up closer
7 so the Board can see you and also the court
8 reporter needs to be able to take down your
9 questions.

10 KEN BUHLER: And so I have a prayer of
11 hearing you, too.

12 MR. HUTMACHER: And we need you to state
13 your full name for the record and you have to be
14 sworn in.

15 MR. HALLEM: She's just going to ask
16 questions.

17 MR. HUTMACHER: Oh, okay.

18 EXAMINATION

19 BY BURNETTE SAWYER:

20 Q. I'm just going to ask questions.

21 My name is Burnette Sawyer and I own
22 property just across the road from the Hageman
23 (sp) property. And I have a 200-foot well on that
24 property.

25 After all this discussion, can you tell me

1 how that well is going to be affected?

2 A. There will be some measurable drawdown in your
3 well. Possibly tens of feet, maybe twenties,
4 maybe twenty feet of drawdown. Ten to twenty
5 feet, something like that, would be, I would
6 think, worst case scenario.

7 You know, like I answered Mr. Taylor's
8 question, I'm not real familiar with where your
9 well is or what it is. What I'm doing is going
10 off the hydrographs we have of observation wells.
11 And where they're near a pumped well, we're seeing
12 20 or 30 feet of fluctuation when they're very
13 close to it. So I would assume that would be
14 worst case scenario in this case.

15 Now, in light of the discussion we just had
16 on is that going to be an adverse impact, if you
17 have a 200-foot well, I assume again we're going
18 to call the top of the aquifer, you would have to
19 call it the top of the sand and gravel in your
20 area. So I think that with drawdown to the top of
21 the sand and gravel, at that point it would be an
22 adverse impact. Wouldn't expect anything near
23 that.

24 Q. You wouldn't. What would be my recourse, though,
25 if we did suffer this adverse effect?

1 A. What you would do is you would contact the
2 Department and, to make a long story short, if
3 this permit is approved with the recommendations
4 of the Chief Engineer, those recommendations
5 afford protection to domestic wells where the
6 permit holder is required to control his pumping
7 so that's not an adverse impact on domestic wells.

8 With regard to irrigation rights, you have
9 senior priority over, if this permit were
10 approved. Junior permit holders need to control
11 their pumping so that senior permit holders aren't
12 adversely impacted.

13 So if it -- I'd like to say you can't be
14 adversely impacted because we're going to -- you
15 know, if there was such a thing. I mean
16 physically I don't think it's going to happen.
17 But if it got to that, the Chief Engineer would
18 issue an order to South Lincoln Rural Water saying
19 you need to control your pumping because you're
20 affecting her.

21 Does that answer that?

22 Q. It does. And that goes down the road like for 20,
23 30 years, too?

24 A. Yeah. It would take like a major serious overhaul
25 of water law to do anything other than that.

1 Q. Thank you.

2 MR. HUTMACHER: Is there any more
3 Intervenors that have questions of Mr. Buhler?

4 EXAMINATION

5 BY JULIE SAWYER:

6 Q. I'm Julie Sawyer. I own another piece of property
7 north of there that they applied for another well.

8 My question is, we're sitting here talking
9 about all these wells and you're applying for
10 three of them. I would like to know where the
11 90-foot well is going and where the 200-foot wells
12 are going, because nothing is stated. It's just
13 applying for one 90 and then there's two --

14 A. I can't answer that right now.

15 Q. You can't answer that. Okay.

16 A. I'm pinch hitting on this. I can grab the file
17 and research it. Or maybe the easier thing to do
18 would be to ask South Lincoln which one is which,
19 because it might be easier to ask them.

20 Q. Because then that might answer some of Burnette's
21 questions, too, talking about the depth, you know,
22 of the wells. So that's the only thing I have to
23 ask.

24 MR. HUTMACHER: Any more questions?

25 MR. TAYLOR: I have a couple more questions

1 for Mr. Buhler.

2 MR. HUTMACHER: Okay. Go ahead.

3 FURTHER EXAMINATION

4 BY MR. TAYLOR:

5 Q. Mr. Buhler, the South Dakota water law prioritizes
6 based on age or date of issuance of irrigation
7 permits; does it not?

8 A. Correct.

9 Q. So the Burnadette Sawyer permit that's immediately
10 north of the proposed well field bears number
11 456-3, is considerably senior to what these
12 permits will be; is it not?

13 A. It's senior to it, yes.

14 Q. The well permits or irrigation permits that number
15 in the hundreds in South Dakota are typically
16 50's, 1950's issued permits; are they not?

17 A. Correct.

18 Q. And the Chief Engineer has the authority to make
19 an order directing the junior appropriator to
20 cease and desist if necessary to protect the
21 rights of the senior appropriator?

22 A. Yes.

23 Q. So Mr. Erbele, the Chief Engineer, should
24 Ms. Sawyer complain that her well is pumping air,
25 as they say, he can direct these two wells to shut

1 down; can he not?

2 A. Control their pumping or shut down, yes.

3 Q. And if the junior water permit holder doesn't shut
4 down, then there's instantaneous recourse in the
5 courts, isn't there? Get an injunction to force
6 them to shut down?

7 You don't know about that?

8 A. I don't know about that. I know that water law
9 has a provision in it for violation of water laws,
10 five hundred bucks a day plus a Class 2
11 Misdemeanor, dah, dah, dah. I think there's some
12 big sticks there, yes.

13 MR. TAYLOR: Thank you. That's all.

14 MR. HUTMACHER: Diane?

15 MS. BEST: I have no follow-up. Thank you.

16 MR. HUTMACHER: I think you're off the hot
17 seat, Mr. Buhler.

18 Do we have someone from South Lincoln?

19 MR. TAYLOR: Yes. On behalf of South
20 Lincoln, Mr. Hutmacher, I'm going to offer three
21 witnesses, each of whom will speak for themselves.

22 John Sievers will speak for South Lincoln.
23 Rick Serie will speak for Great Plains Ethanol and
24 Bruce Jennings, an engineer with DGR, our expert,
25 will speak to the hydrology and the impact of the

1 wells. First, Mr. Sievers.

2 MR. HUTMACHER: Do you swear to tell the
3 truth, the whole truth and nothing but the truth?

4 JOHN SIEVERS: I do.

5 MR. HUTMACHER: State your name and address
6 for the record, please.

7 JOHN SIEVERS: My name is John Sievers. I
8 live at 28282 Bartlett Avenue, Canton, South
9 Dakota.

10 I've been the manager of South Lincoln
11 Rural Water for 25 years. South Lincoln Rural
12 Water started as a nonprofit organization and it
13 was organized in 1975 and it was incorporated in
14 1976.

15 We built and started delivering our first
16 water in 1980. We had approximately 900
17 customers. At the present time we have in excess
18 of 1700 customers.

19 We serve water to the cities of Chancellor,
20 Worthing, Alcester and Great Plains Ethanol. It's
21 an ethanol plant just east of Chancellor. We
22 serve them domestic water plus nonpotable for the
23 plant.

24 South Lincoln initiated water service as
25 nonpotable, which concerns us today, in the spring

1 of 2003. The water has been very typical usage
2 throughout the years. We use 13 to 14 million
3 gallons a month during the wintertime, 16 to 18
4 million gallons per month in the summertime. We
5 have had peaks in the summertime that were right
6 at 20 or maybe exceeded 20 million gallons that
7 month.

8 We have a typical usage of about 615
9 acre-feet per year. We serve Great Plains Ethanol
10 on a 24-hour basis, seven days a week, 12 months a
11 year, nonstop basis. And we run approximately 500
12 gallons a minute.

13 The existing water service that we provide
14 Great Plains Ethanol comes from southwest of
15 Chancellor, comes from the Vermillion Aquifer.

16 The three present wells we have now are
17 approximately 80 feet deep. They're all fairly
18 close together, within 15 to 1800, 2000 feet of
19 each other.

20 We have controlled pumping. The pumping is
21 pretty consistent. Our drawdown levels have been
22 consistent to what you see with your irrigation.
23 When irrigation comes on you'll see the water
24 level decline and by the 1st of October the water
25 levels are back to pretty much standard operation.

1 We will see, according to staff report, we'll see
2 levels that will swing 30 feet in that aquifer.

3 The proposed wells that we are looking at
4 right now are about three miles away. We're
5 looking at those wells for, one of two reasons is
6 that we wanted those wells to be far enough apart
7 so they didn't have adjacent drawdown effect upon
8 each other. And we wanted to keep them far enough
9 apart so we could be a good neighbor to our
10 irrigators and farmers in the area.

11 The staff report basically says that the
12 water is available. We have monitored these wells
13 since the beginning of our operation. We have
14 signs down there as well. I can watch -- the
15 irrigators can come on and I can watch my wells
16 come on and I can watch the water fluctuate in the
17 aquifer.

18 I feel that over the last three years I've
19 done an excellent job of managing that aquifer.
20 It's a very complex aquifer and it swings real
21 widely for 51 days a year and it's used heavily.
22 But after the 51 days of irrigation, that aquifer
23 is idle and the usage that we have for the ethanol
24 plant has really no effect on that aquifer at all.

25 I would like to have you look favorable on

1 this application for South Lincoln Rural Water.

2 And just one thing about this, for my own
3 personal satisfaction, I can tell you that
4 Chancellor, South Dakota, and that area is a poor
5 area for Turner County.

6 Turner County isn't a Minnehaha County or a
7 Lincoln County. Since Great Plains Ethanol has
8 come into that little town, we've seen growth.
9 We've seen a cafe. We've seen convenience stores.
10 We've seen new houses.

11 The jobs that come in from Great Plains
12 Ethanol are not minimum wage jobs. They're good
13 jobs that can support families in the area. And
14 they've been good neighbors to the community and
15 they've been a good friend of ours.

16 MR. HUTMACHER: Thank you. Any questions
17 of the Board? Thank you, John.

18 Diane?

19 MS. BEST: No questions.

20 EXAMINATION

21 BY JULIE SAWYER:

22 Q. I have another question. You say that -- is
23 there -- my understanding is there are three wells
24 that are already going on Darin Haydens' (sp)
25 property, his home property. Is there three wells

1 already that are going to the ethanol plant, that
2 water?

3 A. Yes.

4 Q. Now, as you're applying for another water permit,
5 I have here where I just kind of marked it. And
6 this other water permit, what you want to use is
7 maybe a mile away.

8 Now, how do you consider wells not being
9 close together? Is that far enough apart?
10 Because you already got three right on top of one
11 another that are pumping water already and you're
12 wanting to put another one a mile away. Is that
13 far enough away?

14 A. You're mistaken on your location because it's not
15 a mile way.

16 Q. It isn't?

17 A. No.

18 Q. Well, I have here -- I'm talking about the north
19 one.

20 A. The north one is a mile away from the current
21 or -- okay. It's approximately a mile away.

22 Q. Yeah, it's approximately a mile away.

23 Now, if you're going to have four wells
24 going right there all in that mile, how's the
25 water going to be affected there?

1 A. Well, you're not going to have four wells running
2 all at the same time because the pipeline probably
3 won't be able to handle that.

4 And as you turn on more wells, if I have
5 one well that will run 500 gallons a minute and my
6 number 3 well will run 500 gallons a minute, when
7 you turn those two wells on you don't get a
8 thousand gallons a minute. You probably get 800
9 gallons a minute because the head pressure starts
10 to build.

11 And that's why it's kind of favorable to
12 run more wells together because, as they talked
13 about, we all talked about, is you control
14 pumping. When you control pumping in an aquifer,
15 you talk of turning down the well. You can
16 actually take a well valve on it and choke it.

17 So if, for instance, you were having
18 trouble with your well, you were coming close to
19 coming out of the water, and I was pumping at 500
20 gallons a minute, I can control my flow by choking
21 that valve down to make that well run at 300.

22 What that would make that well do is to
23 bring the water levels up in my well, actually
24 bringing the water levels up in your well, giving
25 you the ability to pump more water.

1 So as you bring on more wells, what you
2 have present right now, then in the summertime I
3 always run two wells together. And singly I can
4 run those wells at 500 gallons a minute. And when
5 I turn both of those wells on, I'm probably
6 running in the area of about, oh, seven, eight
7 hundred. I looked this morning and I forgot the
8 number.

9 But what that actually does is it brings
10 the water table up and those pumps are pumping
11 less water than they were before so it actually
12 brings the level up in the aquifer.

13 So in the situation of running two, I can
14 testify that the water levels come up. Or I can't
15 testify to that because I haven't ever run four
16 and I don't have four to run. But I can bring the
17 water tables up in the aquifer by running two at
18 the same time.

19 Q. Also, I didn't catch. Is that one that you're
20 asking for the water permit for, is that one going
21 to Broin's or are you using that for rural water?

22 A. No, right now all of the Chancellor wells, the
23 Vermillion are strictly nonpotable Broin water.

24 Q. Okay.

25 MR. HUTMACHER: Any further questions?

EXAMINATION

1
2 BY MR. TAYLOR:

3 Q. John, you said Broin water. That's a common -- an
4 acronym for Great Plains Ethanol; is it not?

5 A. Yes, it is.

6 Q. So you're talking about the Great Plains Ethanol
7 plant?

8 A. Right.

9 MR. HUTMACHER: Thank you, John.

10 MR. TAYLOR: Rick Serie will speak next for
11 Great Plains Ethanol.

12 MR. HUTMACHER: Do you swear to tell the
13 truth, the whole truth and nothing but the truth?

14 RICK SERIE: I will.

15 MR. HUTMACHER: Will you state your name
16 and address for the record.

17 RICK SERIE: My name is Rick Serie. And
18 believe me, you won't have a hard time hearing my
19 voice because it carries out pretty well.

20 I'm at 27716 462 Avenue, Chancellor, South
21 Dakota.

22 Mr. Chairman and distinguished members of
23 the Board, I'd like to pass out a little fact
24 sheet on the economic impact, if I could, on Great
25 Plains Ethanol.

1 MR. HUTMACHER: What will we label this
2 here? This would be --

3 MR. TAYLOR: Applicant's Exhibit 1.

4 RICK SERIE: We'd like to discuss the
5 economic impact --

6 MR. HUTMACHER: Excuse me a minute.

7 Is there any objections to introducing this
8 into evidence?

9 MS. BEST: We have none.

10 MR. HUTMACHER: If not, we'll accept it in.
11 Thank you. Go ahead.

12 RICK SERIE: I'd just like to tell you a
13 little bit about the economic impact that Great
14 Plains Ethanol has had in our area.

15 And I think it's been stated earlier that
16 we are located in Chancellor, South Dakota, which
17 is about 25 miles southwest of the Sioux Falls
18 area. And we started operation in March of 2003
19 and we've been in operation nonstop since that
20 time.

21 What we're doing is we'd like to expand the
22 plant to a hundred-million-gallon plant. The
23 existing name plate of the plant is 45 million
24 gallons a year, which would in turn double the
25 size of our production facility.

1 As you can see on the sheet that I handed
2 out, we have 544 producer members in our area.
3 They're all corn producers. Many of them have
4 irrigation wells in the area in the aquifer that
5 we're proposing getting more water out of.

6 We are a good neighbor, of course. Our
7 producers in the area supply the corn to the plant
8 so we do that as a partnership. We have a large
9 number, over 500 that was stated earlier. And I
10 think that's a real good benefit to our area.

11 We, very conservatively, have raised the
12 price of corn in our area anywhere from 8 to 12
13 cents a bushel since our operation. So it's
14 really had a real positive economic impact on our
15 area.

16 As you can see, we have 43 employees with
17 an annual payroll of 1.6 million dollars a year.
18 In our expansion we will be adding 15 to 20
19 positions.

20 The average salary for a position at Great
21 Plains is \$40,000 a year, with employee benefits.
22 So we believe we're probably one of the better
23 employers in our area with a real good package for
24 our folks.

25 The cost originally to build the Great

1 Plains Ethanol was 55 million dollars. And the
2 cost of our yearly operation runs well over
3 73 million dollars a year, which has a real
4 positive economic impact to our area.

5 The cost of yearly corn that we bought last
6 year was well over 31 million dollars, 31.4.

7 The cost of our expansion is 80 million
8 dollars. And the additional payroll, as stated
9 earlier for the additional employees of 15 to 20
10 positions, would be anywhere from 600 to \$800,000.

11 Just to give you a little idea of what we
12 produce there, we produced 48.2 million gallons
13 this last year, which is a production rate of
14 about 137,000 gallons a day through the use of
15 17.2 million bushels of corn this last year.

16 Just to give you an idea on daily grind, we
17 grind about 48,910 bushels a day, producing about
18 450 tons of a real high quality feed product that
19 displaces the corn that we're grinding.

20 Taxes paid by Great Plains Ethanol,
21 property taxes this last year, we paid \$115,000
22 for property taxes. 2004 state sales tax total
23 was \$554,726. In 2005 sales tax was \$336,034 and
24 our estimate for state sales tax for 2006 is in
25 the neighborhood of \$500,000.

1 With these figures I think it's very
2 evident that we are a good economic impact for our
3 area.

4 The producers in the area are our partners
5 because we purchase corn from them. We make their
6 lives a little bit easier because we're probably
7 the highest payer for corn in the area.

8 And we have a big economic impact. We're
9 proud of the fact that they're our partners, the
10 producers in the area. And we certainly don't
11 want to do anything that would impact their corn
12 production in the area, whether it's an irrigator
13 or not.

14 So we are very good environmental stewards.
15 We've won a number of awards from the state DENR
16 on our discharge as being one of the top operators
17 in the state since we've been operating.

18 So I think with that it's quite evident
19 that we do have a huge economic benefit for our
20 area. And I would open it up to any questions
21 that you may have.

22 MR. HUTMACHER: I would have one. And I
23 don't know that it pertains to water, but what are
24 you paying sales tax on?

25 RICK SERIE: Cost of goods that we use in

1 the plant.

2 MR. HUTMACHER: Consumables for yourself?

3 RICK SERIE: Yes, that's correct.

4 MR. HUTMACHER: Diane or --

5 EXAMINATION

6 BY JULIE SAWYER:

7 Q. I have another question. On this aquifer, the
8 places where you chose to put these wells is on
9 stockholders in Broin's?

10 A. Great Plains Ethanol.

11 Q. Great Plains Ethanol.

12 A. Please don't confuse Broin's with Great Plains
13 Ethanol. Broin is the managing partner of Great
14 Plains and a majority shareholder. But we have --
15 the majority of Great Plains is owned by the 544
16 member producers in the area.

17 Q. Well, but anyway, where you chose to put these
18 wells is on stockholders in Great Plains Ethanol?

19 A. That's correct.

20 Q. And I was wondering, why did you choose their
21 property to put these wells on instead of like
22 doing the property that Great Plains owns in
23 Chancellor? Why not put a well on that?

24 Is there a problem? Is there not enough
25 water on your own property versus this aquifer?

1 A. Actually, the quality of the water coming out of
2 the aquifer is better. And that's very important
3 in our process is to have good quality water.

4 Not only that, this site was chosen because
5 it's further away from our existing well site so
6 we can manage the site or the water supply better.
7 So in the event that, you know, we on our three
8 wells to the north, you know, we can jog and
9 rotate and manage our well field -- South Lincoln
10 can manage the well field a lot better. And
11 that's the purpose of the placement of these
12 particular wells.

13 Q. Well, I don't know if it's any of my business, but
14 are these stockholders, are they getting a
15 kickback out of this deal because you're using
16 their water? I mean, why not go to someone else
17 and say, Hey, you know, I'm right next to you.

18 You know, what's -- is there some special
19 treatment?

20 A. For the record, Great Plains Ethanol does not give
21 any kickbacks to anyone. I'm sorry but --

22 Q. But why, you know, why did you choose them? Why
23 did you choose those stockholders?

24 A. Well, because the availability was there.

25 Mr. Hagna (sp) had purchased the property and we

1 thought it would be a good working relationship.

2 Q. Is it because you knew they would not refuse you?

3 A. No, not at all. Because there was a good water
4 source there and there was availability.

5 Q. Well -- okay. I'll stop right there. That's all.

6 EXAMINATION

7 BY MR. TAYLOR:

8 Q. Mr. Serie, Great Plains Ethanol bought property
9 from its shareholder, Mr. Hagna, right?

10 A. That's correct.

11 Q. You bought the property where the wells are going
12 to be?

13 A. That's correct.

14 Q. And you paid him for it?

15 A. Yes.

16 Q. Just like the three wells that are two miles north
17 of the current supply, you paid Mr. Einan (sp),
18 the owner that property, to put your wells in
19 there; did you not?

20 A. That's correct.

21 Q. And your focus on these sites is because it offers
22 a better water balance to the South Lincoln Rural
23 Water to use those sites?

24 A. That's correct.

25 Q. Because the quality of the water there is better

1 than the quality of the water that can be
2 generated at your own site?

3 A. That's correct. And we look at total dissolved
4 solids and quality of water, and it's got a better
5 quality of water for our process.

6 Q. And also the fact is that Great Plains is paying
7 for the construction of these wells and paying the
8 costs of acquiring this water permit and paying
9 the costs of the construction of the pipeline; is
10 it not?

11 A. That's correct.

12 Q. Notwithstanding the fact that the water permits
13 themselves will belong to South Lincoln?

14 A. That's correct.

15 Q. And that South Lincoln can use that water for
16 purposes other than to supply it to you, should
17 that be necessary?

18 A. That's correct, yes.

19 Q. That's part of your citizenship effort?

20 A. Absolutely. Yes, we pride ourselves on being a
21 good neighbor.

22 MR. TAYLOR: Thank you. That's all.

23 MR. HUTMACHER: Diane, do you have any
24 questions?

25 MS. BEST: None. Thank you.

1 RICK SERIE: Thank you.

2 MR. TAYLOR: Our next presenter will be
3 Bruce Jennings, professional engineer from --

4 MR. HUTMACHER: Do you swear to tell the
5 whole truth and nothing but the truth?

6 BRUCE JENNINGS: I do.

7 MR. HUTMACHER: State your name and address
8 for the record.

9 BRUCE JENNINGS: My name is Bruce Jennings.
10 Address is 1320 South Union, Rock Rapids, Iowa.
11 I'm a professional engineer in South Dakota and am
12 here to talk relative to the design and operation
13 of the South Lincoln system relative to this
14 permit today.

15 I've been working with South Lincoln for
16 about 15 years, worked with them on the original
17 design of the Chancellor well field three years
18 ago.

19 South Lincoln has been operating, this is
20 the third summer, third irrigation season of
21 operation for the Chancellor well field and
22 supplying water to Great Plains.

23 I wanted to explain a little bit further,
24 expanding on what Mr. Sievers said relative to the
25 management of the Chancellor well field and water

1 supply to the Great Plains plant.

2 When we designed the well field at
3 Chancellor we did install fairly significant
4 instrumentation on those wells so that we could
5 monitor at all times what was going on there. So
6 John, from his office, can watch flow rates and
7 water levels in all three of the existing wells
8 and we expect in the three new wells as well.

9 That allows him to maintain water levels as
10 best he can and to routinely rotate pumping among
11 the wells in order to spread out the affect on the
12 aquifer and to minimize whatever affect it might
13 have on the neighbors.

14 Using that instrumentation over the three
15 years, John's been able to observe essentially the
16 same water level behavior in the aquifer. As is
17 reflected in the staff report and the Water Rights
18 observation wells, the aquifer stays relatively
19 stable through the winter season.

20 As soon as the irrigation starts in the
21 spring, there's a pretty significant drop in water
22 levels. That continues on through the summer,
23 either reaches a point of stability or a point of
24 the end of the summer, depending on the weather.

25 The last two years the water levels have

1 gone to a minimum around the end of July and then
2 with some timely rains in August, have actually
3 come back up in August.

4 John also can see the interaction among
5 pumping wells. And relative to the question of
6 interference and effects on the neighbors, just
7 looking at the three wells that South Lincoln
8 operates, which are relatively close to each other
9 and would probably be spaced closer than typical
10 irrigation wells in the area, as those wells come
11 on and off and affect their neighbors on a daily
12 basis anyway, he sees about a two-foot variation
13 in water level among the wells.

14 The existing north wells, the existing
15 three wells for South Lincoln are in the
16 intermediate layer that Mr. Buhler described, with
17 the bottom of the well in the 80-foot range.

18 The water right before you proposes, to
19 answer Julie's question, the north well, which
20 we're calling Well #6, is the one that will be in
21 the intermediate layer and will then match up with
22 those three existing wells and will be operated --
23 rather than operating three wells to spread that
24 impact, that will give John an opportunity to
25 operate four wells in that immediate area to

1 spread the impact on the upper layer.

2 The two south wells which we're calling #4
3 and #5 with a half mile spacing between them, and
4 some less than a half mile to the nearest
5 irrigation wells, will be in the deeper layer at
6 about 200 feet and will be operated more or less
7 alternately or at reduced pumping rates in order
8 to minimize the effect in that area.

9 In each case we'll have the ability to
10 completely serve the Great Plains demand, either
11 from the upper layer with the north wells or the
12 lower layer with the south wells. So we can
13 alternate among the layers and we can alternate
14 among the wells within the layers to spread that
15 demand out as best we can.

16 So our anticipation is that the impact that
17 we'll have on the aquifer is going to be similar
18 to the existing three wells, which as shown, to
19 have a minimal additional impact. I think through
20 the summer certainly it has some impact in that
21 area. We're trying to spread that out some.

22 We really don't -- looking at the state
23 records and the records of South Lincoln wells, it
24 doesn't appear that there's been any -- if you can
25 call three years long-term -- any long-term

1 impact. The wells recharge to about the same
2 levels during the winter as they did before the
3 ethanol plant was built.

4 EXAMINATION

5 BY MR. TAYLOR:

6 Q. Look at that aerial photograph in front of you,
7 please. I'll have that marked as Exhibit 2.

8 Mr. Jennings, will you tell the Board what
9 that is?

10 A. It's a sketch that I put together that really
11 isn't a design document but just a reference
12 document for our own use relative to where the
13 other existing water rights are, and what the
14 depths are in order that we might be better aware
15 of who we have for neighbors there and what their
16 requirements are.

17 Q. This Applicant's Exhibit 2 shows dark circles.
18 Those are the quarter-section center pivot
19 irrigation wells that are permitted up and down
20 the neighborhood?

21 A. That's a transcription of the permits that the
22 Water Rights office provided me. The center pivot
23 circles are those which were readily recognizable
24 from the aerial photo. There may be some with
25 different crops that really aren't obvious.

1 Q. And the proposed wells are marked #4 and #5 and
2 they're down in the lower quadrant of the
3 photograph?

4 A. The top ones and the proposed #6 is on the north.

5 Q. And the existing wells that service Great Plains
6 are up at the top, Wells #1, #2 and #3 and marked
7 accordingly?

8 A. Yes.

9 MR. TAYLOR: Will you mark this for me,
10 please, as Applicant's 2.

11 (Applicant's Exhibit 2 was marked for
12 identification.)

13 MR. HUTMACHER: If there's no objections,
14 we'll accept Applicant's 2.

15 (Applicant's Exhibit 3 was marked for
16 identification.)

17 BY MR. TAYLOR:

18 Q. Mr. Jennings, you're familiar with the well
19 records that the South Dakota Department of
20 Environment and Natural Resources keeps?

21 A. Yes.

22 Q. I'll show you what's been marked Exhibit 3. Can
23 you tell me what that is?

24 A. I printed that from an electronic file that was
25 provided to me by Ken Buhler for 456-3.

- 1 Q. What well permit is that?
- 2 A. It's my understanding that that is Burnette
3 Sawyer's permit for the quarter section just north
4 of our Wells #4 and #5.
- 5 Q. So if you look at the drawing, Exhibit 2, and you
6 have the Great Plains well is here, Ms. Sawyer's
7 quarter-section irrigator is just immediately
8 north of that?
- 9 A. Um-hum.
- 10 Q. And that's shown on your drawing as permit number
11 456-3?
- 12 A. Um-hum.
- 13 Q. And these records, Exhibit 3, are the records of
14 456-3?
- 15 A. Um-hum.
- 16 Q. What's the licensed permitted depth of that well?
- 17 A. My interpretation of the record, of the file is
18 that the well is about 50 feet deep.
- 19 Q. So there's a well drilling log that shows that
20 it's 48 --
- 21 A. Well, there's a completion report that shows the
22 depth, yes.
- 23 Q. So from the public records, this 48-foot well has
24 been permitted?
- 25 A. I believe that to be true, yes.

1 MR. TAYLOR: I'll offer 3 if it hasn't been
2 offered already.

3 MR. HUTMACHER: Exhibit 3, if there's no
4 objections, we'll accept into evidence.

5 BURNETTE SAWYER: I guess I should just add
6 that that 200-foot well description was given me
7 when I purchased the land.

8 MR. TAYLOR: I don't have any other
9 questions for this witness.

10 MR. HUTMACHER: Hold on a second. Does
11 anybody else have questions? Intervenors? Diane?

12 MS. BEST: No.

13 MR. HUTMACHER: Okay. Thank you, Bruce.

14 MR. TAYLOR: And that's our case.

15 MR. HUTMACHER: Anyone else have anything
16 else? Intervenors?

17 Diane, do you have anything?

18 MS. BEST: Nothing.

19 MR. HUTMACHER: Questions?

20 I guess I would have one question probably
21 for Ken Buhler.

22 According to -- and you didn't get a chance
23 to see that, I don't think, Exhibit 3, Applicant's
24 3, this shows -- I never seen it in here either
25 because I didn't page through. But it shows a

1 well log that's 48 feet deep.

2 MR. TAYLOR: It's about a third of the way
3 from the back. Stated it's a 1968 report that
4 shows the depth.

5 MR. HUTMACHER: My question is -- I'll let
6 you dig through that if you want to look while I'm
7 talking. Apparently, that 48-foot deep well is
8 into the Parker-Centerville Aquifer and not into
9 the Missouri-Vermillion.

10 KEN BUHLER: Yes, at 48 feet, that's
11 correct.

12 MR. HUTMACHER: And there is no geological
13 ties between those two aquifers?

14 KEN BUHLER: That's correct.

15 MR. HUTMACHER: That's my only question.
16 Does anybody else have any on the Board?

17 BURNETTE SAWYER: I guess I'd have one
18 question. Oh, I'm sorry.

19 MR. HUTMACHER: Go ahead.

20 BURNETTE SAWYER: I have one question and
21 I'm not sure. Is the matter of the amount paid
22 for the wells, is that a matter of public record?
23 Is there some way we could find that out?

24 MR. TAYLOR: You mean the real estate that
25 the --

1 BURNETTE SAWYER: When these owners were
2 paid for the well on their property.

3 MR. TAYLOR: Sure. It's a recorded deed.

4 BURNETTE SAWYER: A recorded deed?

5 MR. TAYLOR: And it has a tax stamp on it.
6 If you want to do the math, you can figure it out.
7 I'd tell you what it is except I don't remember.

8 MR. BRINK: I'd have one more question of
9 Ken.

10 MR. HUTMACHER: Ken, you have another
11 question.

12 MR. BRINK: I'm not questioning the report
13 other than the fact that we have an application
14 for 1500 gallons a minute, 3.33 cfs.

15 KEN BUHLER: That would be correct.

16 MR. BRINK: Then we go back to the
17 Engineer's recommendations and it tells us that
18 these three permits have a total manual diversion
19 of 1800 acre-feet of water.

20 KEN BUHLER: Yes.

21 MR. BRINK: So what does that mean? Are we
22 talking cfs one time and acre-feet another or is
23 it just for our general information?

24 One's a diversion rate and the other is
25 total consumption rate. Does the 1500 gallons per

1 minute equate to something in acre-feet?

2 KEN BUHLER: It's a both. One cfs is 724
3 acre-feet a year. We have permits with
4 self-imposed caps on them to where I get a permit
5 for one cfs for 400 acre-feet a year, because I
6 don't want to pay for 724 acre-feet a year or I'm
7 only going to use 400 acre-feet a year. So they
8 have a limit of, you know, diversion rate and
9 volume and that's what you're seeing here.

10 The maximum they can pump at any one time
11 is 3.33 cfs. The maximum they can pump under this
12 permit is 900 acre-feet a year. The maximum they
13 can pump out of the combination three permits is
14 1880 acre-feet per year -- I'm sorry -- 1800.

15 MR. BRINK: So the parties that are here
16 are probably more interested in the instantaneous
17 diversion rate.

18 KEN BUHLER: Probably.

19 MR. BRINK: Because that's what's going to
20 affect them more than an annual consumptive rate.
21 Maybe not.

22 Okay. You've answered my question. That's
23 fine.

24 MR. HUTMACHER: More questions?

25 MR. TAYLOR: I have a brief closing

1 statement if you'll accept it.

2 MR. HUTMACHER: Go right ahead.

3 MR. TAYLOR: I think we've met all four
4 standards of the statute; demonstrate a reasonable
5 probability that there's water available; that the
6 proposed diversion can be developed without
7 impairment of any existing water rights; the use
8 is beneficial; and the last element is the use in
9 the public interest.

10 And showing a production of ethanol and a
11 reduction of dependence on foreign oil, especially
12 for those of us who have children who are on
13 active duty in the military, has to be in the
14 public interest. So I think we're entitled to --
15 we've met the standards.

16 I will tell you that as far as we can tell,
17 the permitted well on the Sawyer property is 48
18 feet. She bought the property I think three years
19 ago. And it is possible that it's a 200-foot well
20 but if there is, it's not demonstrated in the
21 public records of the state of South Dakota.

22 MR. HUTMACHER: Thank you, Mr. Taylor.

23 Ready for a motion.

24 MR. BRINK: I move approval of 6727-3 with
25 the qualifications.

1 MS. LOUCKS: Second.

2 MR. HUTMACHER: Motion by Fran and second
3 by Bernita. Further discussion?

4 If not, all in favor vote aye. Opposed?
5 Motion carried.

6 MR. HALLEM: Counsel for the parties will
7 prepare proposed Findings and Conclusions.
8 Mr. Taylor, would you be willing to submit
9 proposed Findings and Conclusions to the Board
10 regarding this matter and a decision?

11 MR. TAYLOR: You bet. I'll have them ready
12 next week.

13 MR. HALLEM: Just for the record and also
14 because there's Intervenors, if we would have by
15 November 9th, and if you have it beforehand that
16 would be fine. Then we can provide it to the
17 Intervenors and they would be able to have any
18 objections. And any objections would have to be
19 received by the Board by the 19th.

20 Does the Board have any objection to that
21 schedule?

22 MR. HUTMACHER: No, that will work fine.

23 MR. TAYLOR: The 9th and the 19th.

24 (Proceedings concluded.)
25

1 STATE OF SOUTH DAKOTA)

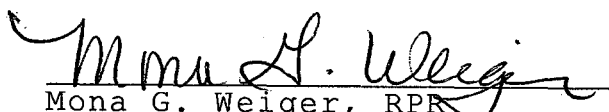
2 SS

CERTIFICATE

3 COUNTY OF HUGHES)

4 I, Mona G. Weiger, Registered Professional
5 Reporter and Official Court Reporter in and for
6 the State of South Dakota, do hereby certify that
7 the Transcript of Hearing contained on the
8 foregoing pages was reduced to stenographic
9 writing by me and thereafter transcribed; that
10 said proceedings commenced on the 11th day of
11 October, 2006, in the Visitor's Center of the
12 Capitol Complex, Pierre, South Dakota, and that
13 the foregoing is a full, true and complete
14 transcript of my shorthand notes of the
15 proceedings had at the time and place set forth
16 above.

17 Dated this 6th day of November, 2006.

18
19 
20 Mona G. Weiger, RPR
21 Official Court Reporter
22
23
24
25

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Sawyer
2

1. Considered May 15, 1957
2. Name of Applicant Andrew J. Margaret Rivers = 456-3
3. Post Office Address Warrior, S. Dak.
4. Amount of water claimed 2.28 cfs
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Thayer County about
6 miles east of Warrior.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to _____
Not approved ☐
Action deferred ☐
10. Remarks:

No. 45L-3Water Division No. 3 Vermillion River District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

DENNIS L. & MARY K. JHNEN

TRANSFERRED

11068

1. Name of applicant Dennis L. & Mary K. Jhnens
Postoffice address Hurley County Turner State S. Dak

I. If a corporation

- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

direct labor & contract(b) Cash on hand, \$10,000

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Andrew Reinos 3rd3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply Well5. Location of point of diversion 1950 Lat 54° 30' N + 100 E 1/4 Sec 19on bank _____ County _____6. Annual period or periods during which water is to be used March thru November

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated SE 1/4 19-98-52

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____

Name any of the above user claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map 16, 352-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures

(f) Canal-earth, \$-----

\$8000.00

(b) Pumping plant, \$1000.00

Rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

----- feet; slope at front water face -----; slope at back -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre ft. surface area ----- water mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION-BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 3 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County of ----- ss.

I, Andrew Reimer, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Andrew Reimer

Subscribed and sworn to before me this ----- 12 ----- day of ----- April ----- 1957

Frank G. Brown

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota,

April 13, 1957

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
9 a.m. upon the 13 day of April, 1957

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 456-3

Date of first receipt of application

April 13, 1957

Date of return to applicant for correction, amendments or changes required as follows: April 13, 1957

Date of receipt of corrected application

April 22, 1957

Date from which applicant may claim right

April 13, 1957

Approved May 15, 1957 Recorded in Book 4 Page 80

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

November 15, 1957

2nd. The whole of said work is to be completed on or before May 15, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

May 15, 1965

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before May 15, 1965; said water to be used during the following described annual period:

March 10 to November inclusive

Witness my hand this

18 day of June, 1957

State Water Resources Commission

By:

W. O. B. B. B.
Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 8, 1968

Water License Issued

MAY 8, 1968

9. (Continued)

III. Well Specifications

(a) Hole and Casing

Size of drill or excavation 30", Depth 48'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 20", Thickness of casing 14 ga
 Length of casing 48' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Dempster mill
 Size of perforated screen 20" (diameter), 21' (length)
 Thickness of gravel pack 5", length of gravel pack 28'

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials Coarse gray sand
 Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Western Sand Roller, size 8"
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 60', Name of Motor S. E.

(e) Complete well

Capacity 1150 at drawdown of 40' Estimated cost 2000.00

(f) Owner of land upon which well is located Andrew Reeners, Name
Hurley & Sab, Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 160 rods

Permit No. 456-3

VERBILION

Water Division No. 3 **RIVER** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Dennis L. and Mary Kay Thnen

of Hurley, County of Turner, and State of South Dakota, the holder of Permit No. 456-3, issued upon Application No. 456-3, bearing date of priority of April 13, 1957, authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water

County of Turner, State of South Dakota, at a point S 45° W, 1950 feet from the E $\frac{1}{4}$ Corner, Section 19, T98N, R52W

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.20 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$, Section 19, T98N, R52W

Witness my hand this 8th day of May A. D. 19 68

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 456-3..

WHEREAS, On the 13th day of April A. D. 19 57
Andrew and Margaret Reiners

of Hurley County of Turner and State of
South Dakota duly made application (No. 456-3) to us for a permit to use 2.28
cubic feet per second of the waters of ground water
County of Turner, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 18th day of June A. D. 19 57
Permit No. 456-3 was issued to said applicant... for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 15th day of
May A. D. 19 62 and for the application to beneficial use of said
water on or before the 15th day of May A. D. 19 65
and, whereas on the 10th day of January, 1968, Permit 456-3 was transferred
to Dennis L. and Mary Kay Ihnen, and

WHEREAS, On the 1st day of May A. D. 19 66
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2.28
cubic feet per second of said waters, as evidenced by our Certificate No. 456-3
dated May 8, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.28 cubic feet per second of water, with date of
priority of April 13, 1957 and,

WHEREAS, On the 1st day of May A. D. 19 68
proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water;
for irrigating the SE 1/4, Section 19, T98N, R52W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Dennis L. and May Ray Ihnen
 of Hurley the holder and owner of said permit No. 456-3
 a water right, dating from April 13, 1957 to the use of 2.28
 cubic feet per second of the waters of ground water
 in the County of Turner and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point S 45° W, 1950 feet
from the E₁ Corner, Section 19, T98N, R52W
 and conducted to and a SE₁ Section 19, T98N, R52W

for the purpose of irrigation subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 8th day of May A. D. Nineteen
 Hundred and sixty-eight

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

(First Publication ~~not later than April 18, 1957~~)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 13, 1957

Notice is hereby given that Andrew and Margaret R. Iners whose postoffice address is Hurley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.23 cubic feet of water per second of time from the ground water through the Andrew Reinery No. 3, the point of diversion of which is to be located on the bank of said stream in the 1/8 ~~section~~ of Section 19 Twp. 98 N Range 52 W Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Sec. 19, T. 98 N., R. 52 W~~Notice~~ NOTICE

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of May, 1957 at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

cc L. D. Hofmeister
Hurley leader
Hurley, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA
County Turner ss.

L. D. Hofmeister being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Hurley Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Hurley County of Turner and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, April 18, 1957
Thursday, April 25, 1957
Thursday, May 2, 1957
Thursday, May 9, 1957
 in each and every issue of the full number thereof, the first publication being made on the 18 day of April 1957 and the last publication on the 7 day of May 1957, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was owner the printer and publisher of the said newspaper.

L. D. Hofmeister
 Subscribed and sworn to before me this 9 day of May A. D. 1957

J. W. Grimes
 Notary Public Turner County, S. D.

RECEIVED
 MAY 13 1957

STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak., April 13, 1957

Notice is hereby given that Andrew and Margaret Reiners whose postoffice address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2,288 cubic feet of water per second of time from ground water through the Andrew Reiners No. 3, the point of diversion of which is to be located in the SE $\frac{1}{4}$ of Section 19, Twp. 98N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Sec. 19, T98N, R52W.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of May, 1957 at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission,

By: J. W. Grimes, Chief
 Engineer, Executive Officer
 (April 18-25 May 2-9)

NOTICE OF TRANSFER OF WATER PERMIT

January 10, 1968

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that Andrew J. Reiners and Margaret Reiners, husband and wife,
owners 1957-1967, and Claude Sherard and Margaret L. Sherard, husband and
wife, owners 1967-1968,

who previously owned the land described below have their
xxx sold by interests to Dennis L. Ihnen and
Mary Kay Ihnen, husband and wife

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 456-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere on property described
as the Southeast Quarter (SE¹) of Section Nineteen (19), Township
Ninety-eight (98), Range Fifty-two (52), Turner County, South Dakota.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Turner

ss.

I, Dennis L. Ihnen and Mary Kay Ihnen, each being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

Dennis L. IhnenMary Kay IhnenSubscribed and sworn to before me this 10th day of January, 1968

Robert J. Haar
Notary Public (Robert J. Haar)

Permit No. 456-3
VERMILION
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

 I have this day made a thorough examination of the diversion works constructed by DENNIS L & MARY K. JENNEN of HURLEY
TURNER County, South Dakota, holder of Permit No. 456-3, issued upon Application No. 456-3, bearing date of priority of APRIL 13, 1957, authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes. I have to report on the condition of the same as follows:

 The diversion works comprise: 48' WELL WITH WESTERN LAND ROLLER 8" PUMP WITH 4 120 BOWLS, POWERED BY CHRYSLER INDUSTRIAL ENGINE (PROPANE). 3360' OF 8" & 4800' OF 6" PIPE WITH 4 VERMEER 180 GROMMS (PIPE & GROMMS ARE USED INTERCHANGEABLY WITH 455-3 & 457-3

 and the system is in the following condition: GOOD

 The point of diversion is located S 45° W, 1950' FROM THE E 1/4 CORNER, SECTION 19, T 98 N, R 52 W

 The works are capable of diverting and conveying to the place of use 2.28 cu. ft. per second of water, which is to be used for IRRIGATION

 The legal sub-divisions to be irrigated are: SE 1/4, SECTION 19, T 98 N, R 52 W

 comprising a total of 160 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

 Witness my hand, this 13th day of MAY, 1968.

—SEAL—

Examining Engineer.

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

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Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
Mark J. Welter
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Jeffrey J. Koerselman
Gregory S. Starnes
Erin C. Snyders
Patrick J. DeWall
Jeffrey L. Bratkiewicz

Francis M. Smith, of
Counsel

Melvin T. Woods
(1899-1983)

Howell L. Fuller
(1909-1981)

John B. Shultz
(1912-1975)

April 9, 2003

Christine K. Lillo, CLAS
clillo@wfss.com

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of Ownership / Ihnens to Cooperative Credit Company

To Whom it May Concern:

Enclosed for filing with your office on behalf of attorney Roger Damgaard are
Notices of Transfer of Ownership for Permit Nos. 3903-3, 1348-3, 4152-3, 456-3,
and 510-3 together with our firm check in the amount of \$12.50.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

Christine K. Lillo, CLAS
Paralegal

Enclosure

cc: Cooperative Credit Company

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 11, 2003

RECEIVED OF Woods Fuller Shultz & Smith PC, PO Box 5027, Sioux Falls SD 57117-5027

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	
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. _____	
Fee for Filing Transfer Form <u>456-3</u>	2.50
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	2.50

No. 000250

By Darland E. Eide
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

APR 11 2003

WATER RIGHTS
PROGRAM

Water Right/Permit No. 456-3

Dated: February 26, 2003

We request that Water Right/Permit No. 456-3 formerly owned by:
Dennis and Mary Kay Ihnen be transferred to:

New Owner Name: Cooperative Credit Company
Address: 128 Third Street N.W., P.O. Box 80
City, State, Zip: Sioux Center, Iowa 51250-0080 Telephone No.: (800) 681-1975

Title to the following described land(s)/property has been transferred as described above:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Nineteen (19), Township Ninety-Eight (98) North, Range Fifty-Two (52) West of the 5th P.M., Turner County, South Dakota.

☒ We understand that the validity of Water Right/Permit No. 456-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

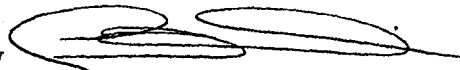
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Cooperative Credit Company, the new owner, certifies that the above information is true and correct.

COOPERATIVE CREDIT COMPANY

By



Its

C60

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 2003

Lee Van Veldhuizen
Cooperative Credit Company
PO Box 80
Sioux Center IA 51250-0080

RE: Water Right Nos. 456-3, 510-3, 1348-3, 3903-3 and 4152-3

Dear Mr. Van Veldhuizen:

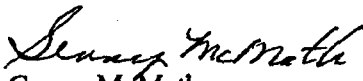
I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for Water Right Nos. 456-3, 510-3, 1348-3, 3903-3 and 4152-3. The ownership changes have been completed. The water rights, formerly held by Dennis and Mary Kay Ihnen, are now listed in the name of "Cooperative Credit Company".

Each year in October, we mail irrigation questionnaires to irrigators in South Dakota requesting information on the amount of water diverted that specific year. Enclosed is a sample copy of the form. The actual forms that need to be completed and returned to our program will be sent to you next fall.

Receipt Nos. 000747, 000478, 000749, 000750 and 000751, in the amounts of \$2.50 each, are being forwarded by copy of this letter to Woods, Fuller, Shultz and Smith, PC in Sioux Falls, SD.

I have also included copies of the water rights in the event you need them. If I can answer any questions for you, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

c: Christine K Lillo, Paralegal w/Woods, Fuller, Shultz & Smith PC

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

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Christopher J. Lent
Jeffrey J. Koerselman
Gregory S. Starnes
Erin C. Snyders
Patrick J. DeWall
Jeffrey L. Bratkiewicz

Francis M. Smith, of
Counsel

Melvin T. Woods
(1899-1983)

Howell L. Fuller
(1909-1981)

John B. Shultz
(1912-1975)

456-3

November 18, 2003

Christine K. Lillo, CLAS
clillo@wfss.com

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of Ownership Permit No. 456-3

To Whom it May Concern:

Enclosed for filing with your office is a Notice of Transfer of Ownership for Permit No. 456-3 together with our firm check in the amount of \$2.50. Please transfer the permit from Cooperative Credit Company to Burnette C. Sawyer.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.



Christine K. Lillo, CLAS
Certified Paralegal

Enclosures

cc: Mr. Lee Van Veldhuizen

RECEIVED
NOV 23 2003
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. 456-3

Dated: November 17, 2003

We request that Water Right/Permit No. 456-3 formerly owned by:
Cooperative Credit Company be transferred to:

New Owner Name: Burnette C. Sawyer
Address: 5206 South Sweetbriar Court
City, State, Zip: Sioux Falls, SD 57108 2855

Telephone No.: (605) 575-2549

480 396 0444

Title to the following described land(s)/property has been transferred as described above:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Nineteen (19), Township Ninety-Eight (98) North, Range Fifty-Two (52) West of the 5th P.M., Turner County, South Dakota.

☒ We understand that the validity of Water Right/Permit No. 456-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Burnette C. Sawyer, the new owners, certify that the above information is true and correct.


Burnette C. Sawyer

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

11/2002

RECEIVED

NOV 21 2003

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 20, 2003

RECEIVED OF Woods Fuller, Shultz & Smith, PO Box 5027, Sioux Falls SD 57117

The following amount in fees for services rendered as provided for by law. (Burnette C Sawyer)

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	
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. _____	
Fee for Filing Transfer Form <u>456-3</u>	2 50
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)	2.50
TOTAL	2.50

No. 000000

By

Darland E. White gm

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2003

456-3

Burnette C Sawyer
5206 S Sweetbriar Court
Sioux Falls SD 57108-2855

Dear Mr. Sawyer:

Thank you for following up on the ownership change for Water Right No. 456-3. The transfer has been completed. The water right formerly listed in the name of Cooperative Credit Company is now listed in your name.

Each year in October, we mail out the annual irrigation questionnaire. ~~Enclosed is a copy of last year's form for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.~~

Receipt No. 000919 in the amount of \$2.50 will be forwarded to Woods, Fuller, Shultz & Smith Law. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

c: Christine K Lillo, Woods Fuller, Shultz & Smith, PC w/receipt

applicants 1



Great Plains Ethanol
27716 462nd Avenue
Chancellor, SD 57015



GREAT PLAINS ETHANOL ECONOMIC IMPACT

544 Producer Members

45 Million Gallon Nameplate Expanding to 100 Million Nameplate

43 Employees with Annual Payroll of 1.6 Million (2005)

Cost to Build: \$55,000,000

Cost of Yearly Operation: \$73,617,611

Cost of Corn for Operation 2005: \$31,431,107

Cost of Expansion: \$80,000,000

Additional employees from expansion (15-20) \$600,000 to \$800,000

Great Plains Ethanol 2005

48.2 Million Gallon Production 137,000 per day

17.2 Million Bushels of Corn Used 48,910 Bushels per day

145,905 Tons of DDGs Produced in 2005 415 Tons per day

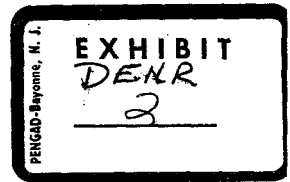
Taxes Paid by Great Plains Ethanol

Property Taxes (Yearly) 2005: \$115,261

2004 State Sales Tax Total \$554,726

2005 State Sales Tax Total \$336,034

2006 State Sales Tax Total Estimate \$500,000



KENT A. BUHLER

EDUCATION

B.S. Geological Engineering, South Dakota School of Mines and Technology, 1981

CAREER EXPERIENCE

Natural Resources Engineer Specialist - SD Dept of Environment and Natural Resources, Water Rights Program: Responsible for the management of the state's water well construction program, including licensure and regulation of well drillers operating in South Dakota and administration of the SD Well Construction Standards. Review and assess engineering reports and water permit applications from ground water sources. Monitor water use, investigate violation complaints and conduct water permit reviews for licensing. Provide technical assistance to the Water Management Board through evaluating ground water permit applications and through interpretation of data from the statewide observation well network.

District Field Engineer – Western Company of North America: Designed oil well stimulation and cementing programs and ensured QA/QC for the District's services.

MISCELLANEOUS

Provided technical assistance to the Steering committees for the Black Hills Hydrology Study and the Black Hills Water Management Study.

Provided technical assistance and testimony before the South Dakota Water Management Board for well construction enforcement issues and ground water permit applications since 1986, including applications for:

The City of Sioux Falls; The City of Rapid City, Coca-Cola Bottling Plant of the Black Hills; The City of Custer; Golden Reward Mining Company; and Frawley Ranch Development



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 2006

NOTICE

TO: William Taylor
Woods, Fuller, Shultz & Smith
PO Box 5027
Sioux Falls SD 57117

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed William Taylor, counsel for the applicant, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the approval of Water Permit Application No. 6727-3, South Lincoln Rural Water System. The Board will consider adoption of Findings, Conclusions and Final Decision at 1:00 PM (CDT) on Wednesday, November 29, 2006, in the Chamber of Commerce meeting room, 800 W. Dakota Avenue, Pierre SD 57501.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and parties by November 9, 2006. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) by November 20, 2006.

At the Board's discretion, oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on November 29, 2006. The public hearing was completed on October 11, 2006. No additional testimony will be received on November 29, 2006.

If any party has questions about the findings process, please contact Eric Gronlund at (605) 773-3352.

Enclosure

c: Jeff Hallem, Assistant Attorney General
Diane Best, Assistant Attorney General
John Sievers, South Lincoln RWS, PO Box 155, Canton SD 57013

CERTIFICATION

I hereby certify that on October 13, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 13, 2006, regarding preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Right Permit Application No. 6727-3, South Lincoln Rural Water Ssystem, addressed as stated below:

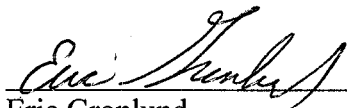
William Taylor
Woods, Fuller, Shultz & Smith
PO Box 5027
Sioux Falls SD 57117

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

A copy of the above described Notice was sent Inter-office to:

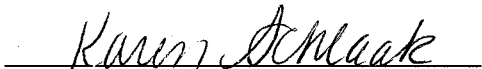
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501
Jeff Hallem, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501



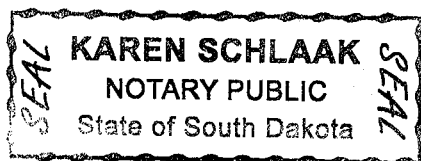
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

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Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
J. Vincent Jones
Cheri S. Raymond
Sander J. Morehead
Matthew P. Bock
Ryan W. Snell
James A. Power
Justin G. Smith
Sara B. Greff

Attorneys also admitted in
Iowa, Minnesota
and Nebraska

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

November 6, 2006

Burnette Sawyer
5206 S. Sweetbriar Court
Sioux Falls, SD 57108

Jeff Hallem
Assistant Attorney General
Natural Resources Section
1302 E. Hwy 14, Suite 1
Pierre, SD 57501-8501

Garland Erbele, Chief Engineer
Department of Environmental and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: In the Matter of the Application of South Lincoln Rural Water System, Inc.

Dear Ladies and Gentlemen:

Enclosed herewith you will find proposed Findings of Fact, Conclusions of Law and Order in the matter of the Water Permit Application of South Lincoln Rural Water, Inc., No. 6727-3.

Please consider this service by mail.

Yours sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.


William Taylor

RECEIVED

NOV 13 2006

WATER RIGHTS
PROGRAM

William Taylor
Bill.Taylor@woodsfuller.com

WOODS, FULLER, SHULTZ & SMITH P.C.

Burnette Sawyer
Julie Sawyer
Jeff Hallem
Diane Best
Garland Erbele
November 6, 2006
Page 2

Enclosure

cc: Francis E. Brink
Rodney Freeman, Jr.
Everett Hoyt
Jim Hutmacher
Leo Holzbauer
Bernita Loucks

WATER MANAGEMENT BOARD OF SOUTH DAKOTA

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Water Permit No. 6727-3

IN THE MATTER OF THE
APPLICATION OF SOUTH LINCOLN
RURAL WATER SYSTEM, INC.

:
FINDINGS OF FACT, CONCLUSIONS
: OF LAW AND ORDER

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0

South Lincoln Rural Water System, Inc., applied to appropriate 3.33 cubic feet of water per second (900 acre feet annually) from a 90 foot and two 220 feet deep wells to be completed into the upper Vermillion Missouri Aquifer, located in the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Northeast Quarter, both in Section 30, and in the Northeast Quarter of the Northeast Quarter of Section 18, all in Township 98 North Range 52 West principle meridian, Turner County, South Dakota. The application was for use in a rural water system and an ethanol plant located at Chancellor, South Dakota.

Julie Sawyer, 28122 Hwy. 19, Hurley, South Dakota 57036, and Burnette Sawyer, 5206 Sout Sweetbriar Court, Sioux Falls, South Dakota 57108, contested the application.

Hearing was held October 11, 2006, in the Visitors Center at 650 East Capitol Avenue, Pierre, South Dakota, before the Water Management Board. A quorum was present.

The Chief Engineer, having presented his report on the application and recommended approval thereof, the applicant having presented testimony and exhibits,

and contestants having presented testimony, the Board having made due inquiry of the parties and being fully apprised of the premises, makes the following Findings of Fact:

1. Proper publication of Water Permit Application No. 6727-3 was timely made, as required by statute in the Elk Point Leader Courier, the Sioux Falls Argus Leader, and the Sioux Valley News, Canton, South Dakota.

2. Attached hereto and incorporated herein, marked Exhibit A for reference, is the Chief Engineer's report on the Water Permit Application No. 6727-3 dated July 18, 2006, prepared by James A. Goodman, Natural Resources Engineer.

3. The Chief Engineer, pursuant to SDCL 46-2A-2, recommended approval of the application. A copy of his recommendation is attached hereto and incorporated herein, marked Exhibit B for reference.

4. The application proposes installation of three wells, each with capacity of 1,000 gallons per minute, drawing from the upper Vermillion Aquifer. The upper Vermillion Aquifer is a buried outwash, sand and gravel aquifer. It is artesian in nature. It is hydrologically connected to shallower aquifers at points several miles north and south of the proposed well field. Water movement in the aquifer is north to south. The aquifer has been extensively studied by the South Dakota and the United States Geological Survey, all as reported in a study performed by Lindgrin *et al* in 1990.

5. Typically, area irrigators operate their irrigation systems 62 days per year, between June and September.

6. During periods of heavy irrigation, the subject aquifer draws down, but rapidly recharges at the conclusion of the irrigation season.

7. Neighboring irrigation and water wells will not be adversely impacted by the proposed wells because of the large volume of unappropriated water in the aquifer and because of its rapid recharge characteristics.

8. Contestants Sawyer own property immediately north of the proposed well field. The property contains an irrigation well currently permitted at 54 feet, although there is evidence that the well may be more than 200 feet in depth. The contestant Sawyers' well is reported to be in the Parker Centerville shallow aquifer which is hydrologically separated from the upper Vermillion Missouri Aquifer in the area.

9. Well logs from test wells drilled for observation in conjunction with the application show discharge capacity in the aquifer sufficient to meet current demands and the proposed additional demand.

10. The proposed wells will produce approximately the same amount of water as required to operate a single quarter section center pivot irrigator.

11. The water will be piped to the Great Plains Ethanol plant, a facility that produces ethanol made from corn near Chancellor, South Dakota. Water from the wells will be used to supplement the South Lincoln Rural Water Systems existing supplies.

From the foregoing findings of fact, the Board makes the following Conclusions of Law.

1. There is a reasonable probability of unappropriated water available to satisfy the volumes provided for in the application;
2. The proposed diversion can be developed without impairment of existing water rights;
3. The use is beneficial; and
4. The use is in the public interest.

Made this ____ day of November, 2006.

SD WATER MANAGEMENT BOARD

Chairman of the Board

ATTEST:

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

ORDER

The Water Management Board, having heard the testimony of the parties, examined the exhibits presented and heard the arguments of counsel and the parties having made Findings of Fact and Conclusions of Law, is it therefore ordered that South Lincoln Rural Water Permit Application No. 6727-3 hereby is granted, and that water permits for the volumes requested shall be issued.

Dated this ____ day of November, 2006.

SD WATER MANAGEMENT BOARD

Chairman of the Board

ATTEST:

Secretary of the Board

Exhibit A

REPORT ON WATER PERMIT APPLICATION NO. 6727-3
For South Lincoln Rural Water System
July 18, 2006

Application No. 6727-3 proposes to appropriate 3.33 cfs (1,500 gpm) from three wells completed to depths of 90 to 220 feet in depth. This application also requests a total volume of 900 acre-feet annually. The wells will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 18; all in T98N R52W in Turner County. The water is for rural water system use and the ethanol plant at Chancellor.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under confined or artesian conditions at these sites. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer appears to be hydraulically isolated from the overlying Parker Centerville aquifer in this immediate area. However, the Upper Vermillion Missouri aquifer does appear to be connected to the overlying Parker Centerville aquifer to the south near the Turner-Clay County line and also to the north of this application in T98N R53W in Turner County. Ground water movement is from north to south across this area of Turner County (Lindgren, 1990).

No test well information was supplied with this application. However, there is sufficient information available to evaluate the hydrogeology of this area and to determine if water is available from the aquifer. Wells #4 and #5 are proposed to be about 220 feet deep and well # 6 will be about 90 feet deep. These proposed depths match up well with existing hydrogeologic information. Geologically there appears to be three layers of sand and gravel at these sites. The surficial layer is the Parker-Centerville aquifer. There is an intermediate layer in the 50 to 120 feet depth and a deeper layer from 140 to 220 feet all below land surface. It appears that the intermediate and deeper sands and gravels are hydraulically connected and are both considered part of the Upper Vermillion Missouri aquifer for appropriation purposes. In fact, at any given site, a well completed into either the intermediate or the deeper buried outwash may not have an obvious impact (causing drawdown) upon the other water supply. However, over long term pumping the intermediate and deeper buried outwash are expected to be the same source. The data from the observation well hydrographs illustrate these phenomena well.

The Water Rights Program monitors six observation wells near these well sites. Observation wells TU-77F and TU-77G (both completed into the Upper Vermillion Missouri aquifer) are located about $\frac{1}{4}$ mile south of well #6 and one to $1\frac{1}{2}$ miles north of wells #4 and #5 respectively. Observation wells TU-77H, TU-77I and TU-77J (with H and I completed into the Upper Vermillion Missouri and J completed into Parker-Centerville aquifers respectively) are located about one and $\frac{1}{2}$ mile south of wells #4 and #5 respectively. Observation well TU-80F (completed into the Parker-Centerville aquifer) is located about $\frac{1}{4}$ mile north of well #6. Hydrographs for these observation wells are included with this report. In general the water level record indicates that the

aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). Note the amount of fluctuation in the artesian pressure for the Upper Vermillion Missouri aquifer due to irrigation withdrawals as opposed to the complete lack of fluctuation during the same time period for the two observation wells completed into the Parker-Centerville aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

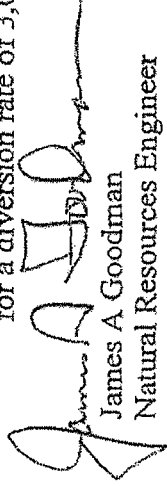
There are many irrigation permits/rights in this area completed into both the Parker-Centerville and Upper Vermillion Missouri aquifers in this area. The nearest permits/right to proposed well #4 are for Water Right Nos. 3833-3, 1930-3, 5973-3 and 3156-3. All four of these irrigation wells are located within a one-half mile radius of this proposed well and are completed into the Upper Vermillion Missouri aquifer. The nearest permits/rights to proposed well #5 are Water Right Nos. 456-3, 1930A-3, 3833-3 and 1930-3. All four of these irrigation wells are located within a one-half mile radius of proposed well #5 and three of the four are completed into the Upper Vermillion Missouri aquifer and the other (Water Right No. 456-3) into the Parker-Centerville aquifer. The nearest permits/rights to proposed well #6 are Water Right Nos. 3158-3 and 3541-3. The wells for these two permits are located about one-quarter mile radius of this proposed well #6. All three of these existing irrigation wells are completed into Upper Vermillion Missouri aquifer.

Interference will occur. That is, drawdown created by pumping will create cones of depression that will overlap. This is shown by the observation well hydrographs to be occurring now. Interference is not expected to be adverse nor impact any existing rights or domestic uses. Because of the large amount irrigation use in this area, pumping during the summer especially during drought years may create significant drawdown. Approval of this application will create additional drawdown.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer is under confined or artesian conditions. Drawdown will occur as a result of pumping. This is shown by the observation well records. This drawdown is not expected to cause adverse effects.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. It does not appear that pumping from the Upper Vermillion Missouri aquifer impacts the shallower Parker-Centerville aquifer.
5. The impacts between the shallower and deeper outwash within the Upper Vermillion Missouri aquifer are difficult to predict. Short term pumping may indicate no direct communication between the layers, however, it is likely that over the long term the water source is the same. For appropriation purposes both these zones are considered the same water source.

6. The observation well record clearly indicates that water is available and records the existing impacts of seasonal withdrawals by area irrigation and from the annual withdrawals from the well field that supplies the ethanol plant.
7. Approval of this application for an additional 900 acre-feet will allow the South Lincoln Rural Water System to use up to 1,800 acre-feet of water annually.
8. This application requests a diversion rate of about 1,500 gpm. However, the application indicates that each well would be capable of pumping 1,000 gpm but that only 1,500 gpm would be used at any given time. This application should be for a diversion rate of 3,000 gpm.

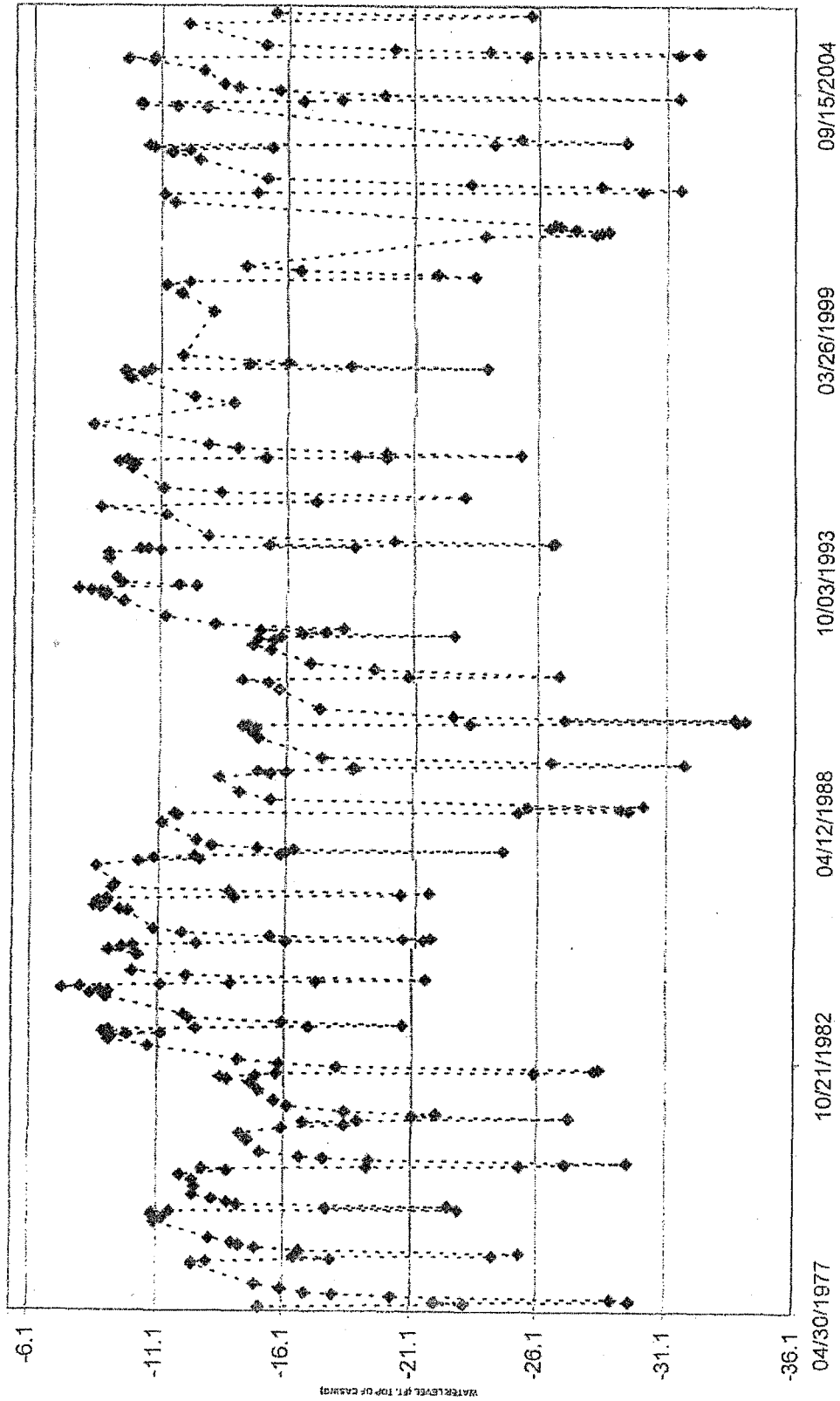

James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

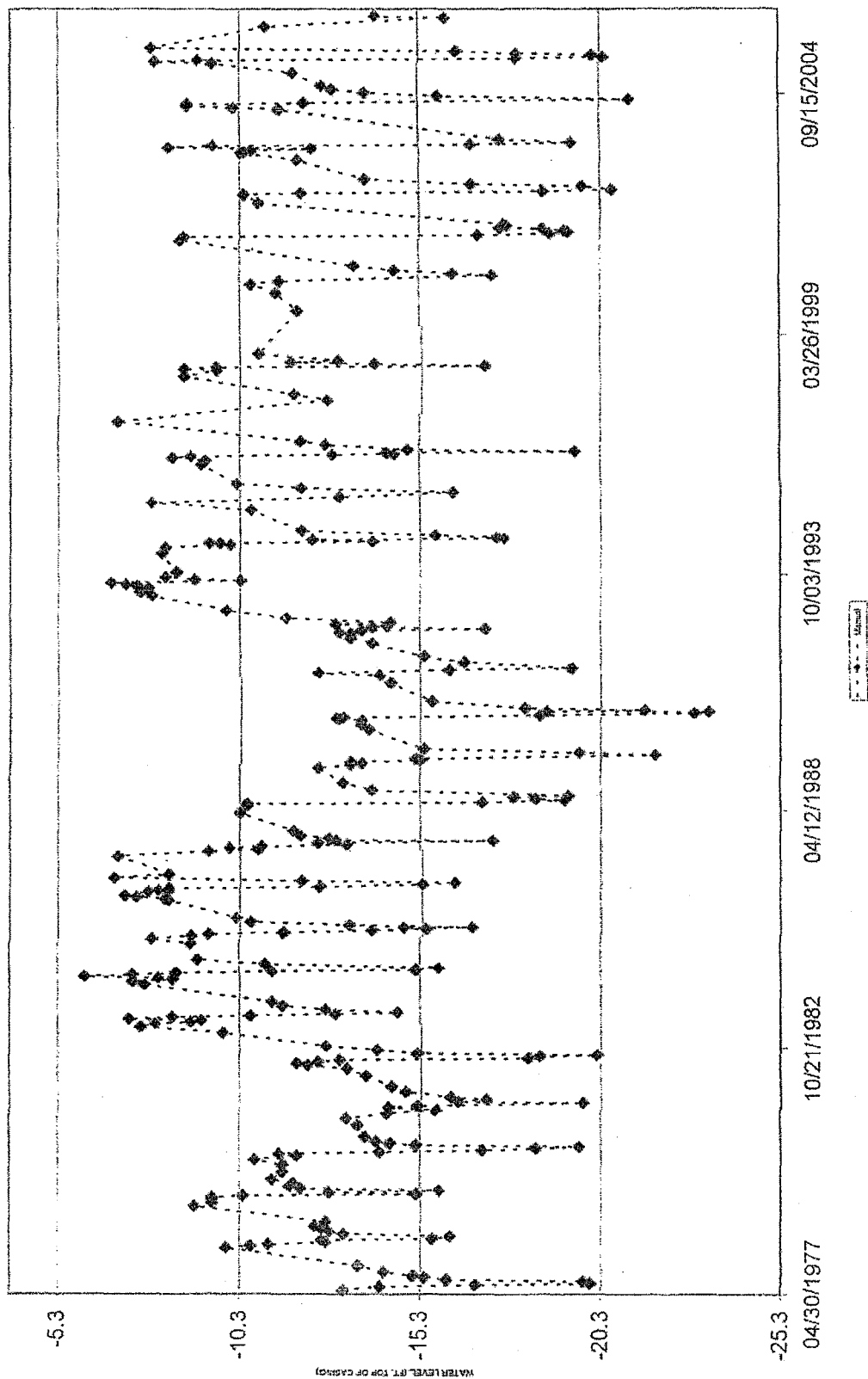
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties South Dakota, WRI 99-4093, USGS, Huron, SD, 57350.

Water Rights, 2006, Unpublished Observation Well Data for the Parker-Centerville and Upper Vermillion Missouri aquifers in Turner County, South Dakota, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

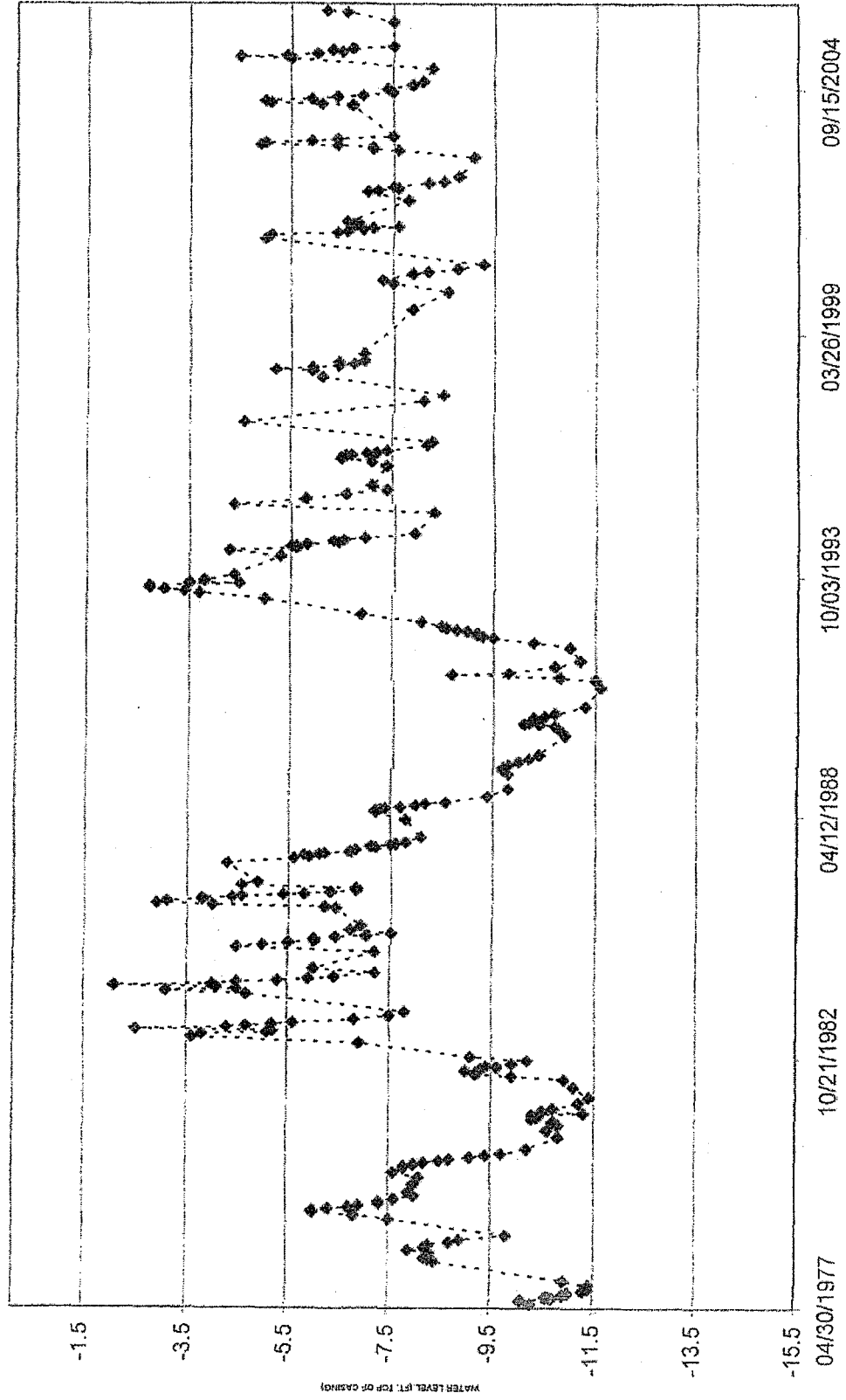
WATER RIGHTS' OBSERVATION WELL TU-771



WATER RIGHTS' OBSERVATION WELL TU-77H

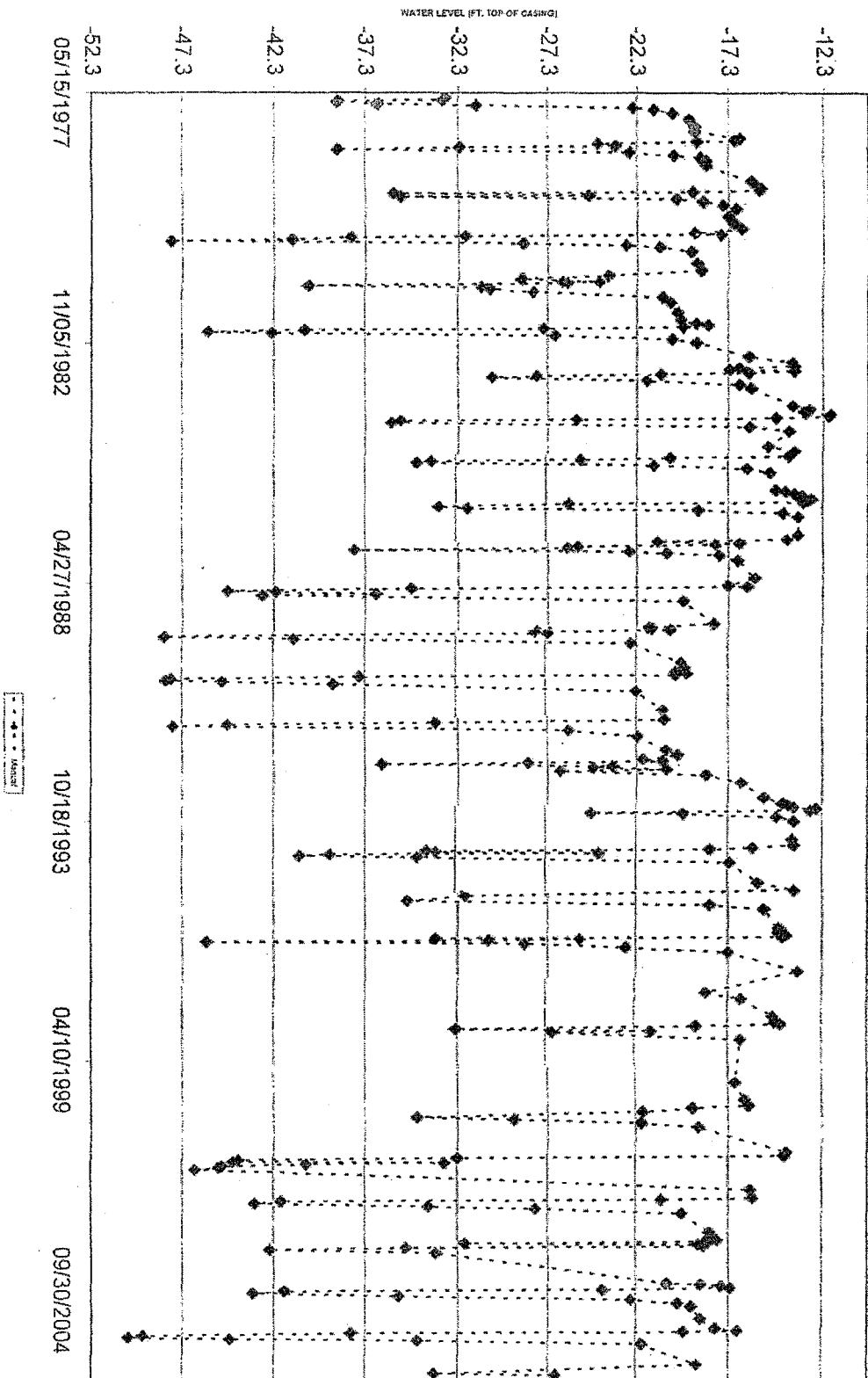


WATER RIGHTS' OBSERVATION WELL TU-77J

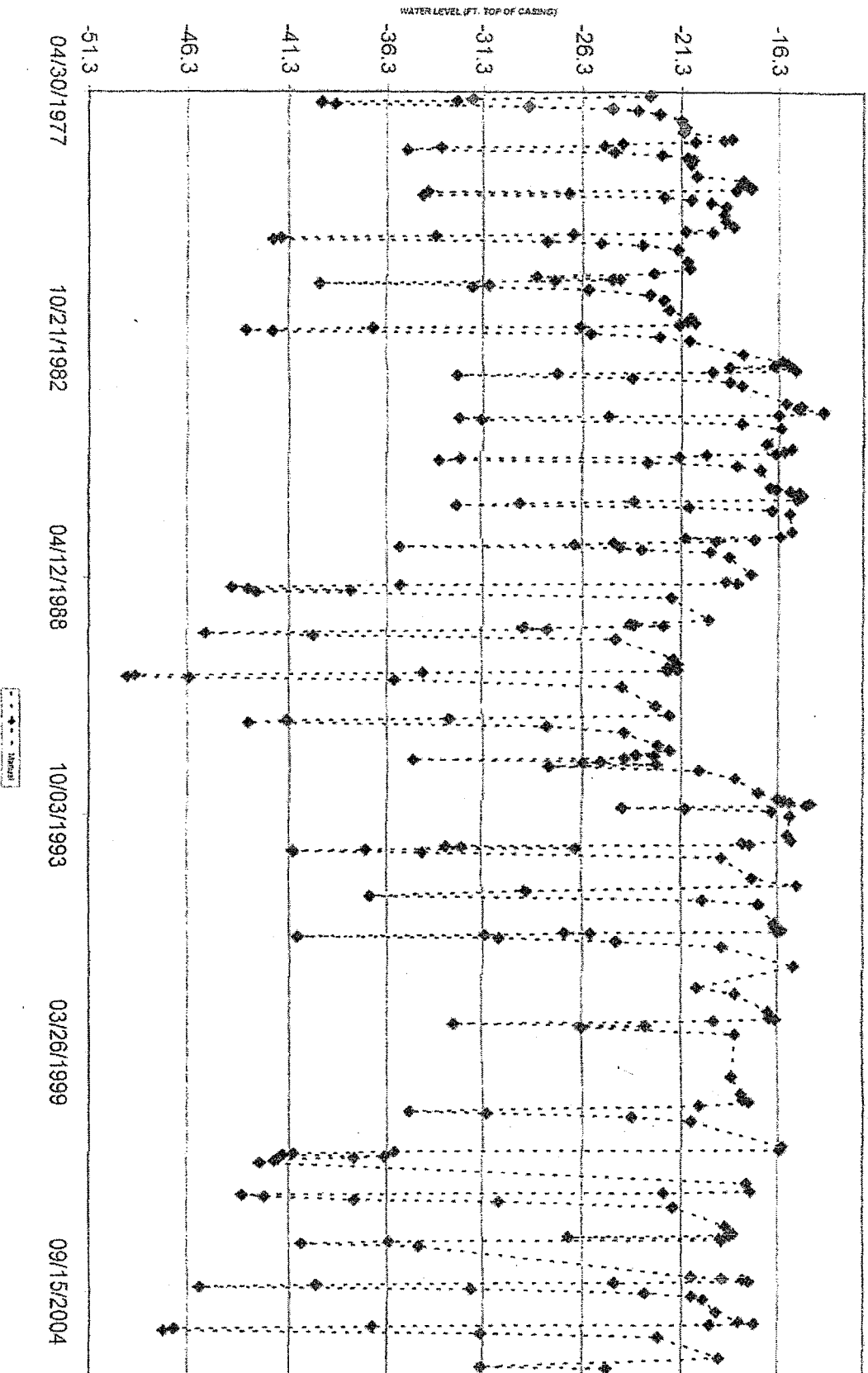


WATER LEVEL (FT. TOP OF CASING)

WATER RIGHTS: OBSERVATION WELL TU-77F



WATER RIGHTS' OBSERVATION WELL
TU-77G



WATER RIGHTS' OBSERVATION WELL TU-80F

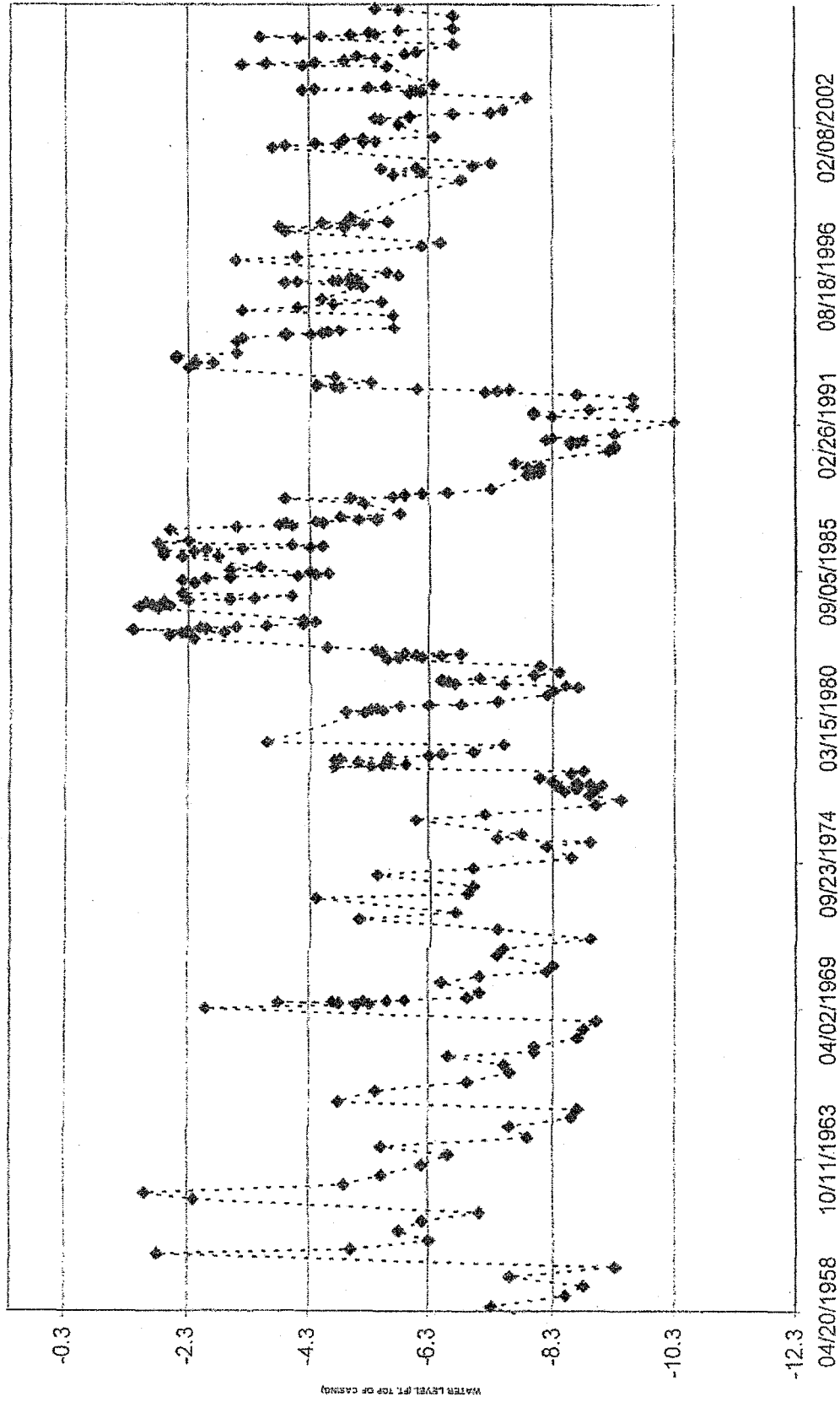


Exhibit B



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. 6727-3, South Lincoln Rural Water System

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. 6727-3, South Lincoln Rural Water System, c/o Donald Sweeter, PO Box 155, Canton SD 57013.

The Chief Engineer is recommending APPROVAL of Application No. 6727-3 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 well authorized by Permit No. 6727-3 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. Water Permit Nos. 6311-3, 6435-3 and 6727-3, combined, authorize a total annual diversion of 1,800 acre feet of water.
4. South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 8, 2006

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
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Phone (605) 773-3215

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LARRY LONG
ATTORNEY GENERAL

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

November 20, 2006

MEMORANDUM

TO: William Taylor, Burnette Sawyer, Julie Sawyer,
Francis Brink, Rodney Freeman, Jr., Everett Hoyt,
Jim Hutmacher, Leo Holzbauer, Bernita Loucks,
Garland Erbele, Jeffrey P. Hallem

FROM: Diane Best, Assistant Attorney General *DB*

RE: In the Matter of the Application of South
Lincoln Rural Water System, Inc.

Pursuant to the Board's requirements, I am enclosing the DENR Response to Proposed Findings of Fact, Conclusions of Law and Order prepared by South Lincoln Rural Water System's counsel.

Sincerely,

A handwritten signature in cursive script that reads "Diane".

Diane Best
Assistant Attorney General

DB/dh
Enclosures

WATER MANAGEMENT BOARD

STATE OF SOUTH DAKOTA

IN THE MATTER OF THE	)	Water Permit No. 6727-3
APPLICATION OF SOUTH LINCOLN	)	DENR RESPONSE TO PROPOSED
RURAL WATER SYSTEM, INC.	)	FINDINGS OF FACT, CONCLUSIONS
	)	OF LAW AND ORDER

COMES NOW, the South Dakota Department of Environment and Natural Resources, Water Rights Program (DENR), and makes its response to the proposed Findings of Fact, Conclusions and Order prepared by counsel for South Lincoln Rural Water System.

The DENR urges adoption of the proposed Findings of Fact, Conclusions of Law and Order as drafted by South Lincoln's counsel with the exceptions noted below.

1. At Finding of Fact 8, reference is made to the depth of the Sawyer well. Based on evidence at hearing and information available to the Department, the well is 48 feet deep as opposed to the 54 feet stated in Finding of Fact 8. Regardless of whether the well is, in fact, 48 feet deep or 54 feet deep, the factual analysis pertaining to the relationship between the two aquifers involved would be the same.

2. The DENR would also propose an additional Finding of Fact as follows:

The only expert witness to testify at hearing was James A. Goodman. The Board credits his expert report and his testimony with respect to the question of whether the Sawyer well in the shallower Parker-Centerville Aquifer would be affected by pumping from the upper Vermillion Missouri Aquifer. He has

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of DENR Response to Proposed Findings of Fact, Conclusions of Law and Final Order In the Matter of the Application of South Lincoln Rural Water System, Inc. were served upon each of the following by enclosing the same in envelopes with first class postage, prepaid and affixed thereto, and depositing said envelopes in the United States mail at Pierre, South Dakota, on this 20th day of November, 2006:

Francis E. Brink
1214 S. Wells St.
Aberdeen, SD 57401-7351

James Hutmacher
802 E. Seventh St.
Oacoma, SD 57365

Bernita Loucks
219 42nd St.
Rapid City, SD 57702

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Leo Holzbauer
P.O. Box 877
Wagner, SD 57380

Everett Hoyt
4422 Carriage Hills Dr.
Rapid City, SD 57702-6874

Burnette Sawyer
5206 S. Sweetbriar Court
Sioux Falls, SD 57108

Julie Sawyer
28122 Hwy. 19
Hurley, SD 57036

William Taylor
Woods, Fuller, Schultz & Smith
P.O. Box 5027
Sioux Falls, SD 57117-5027

and sent on the same date by interoffice mail to:

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment
and Natural Resources
Foss Building
Pierre, SD 57501

and by hand delivery on the same date to:

Jeffrey P. Hallem
Assistant Attorney General
Mickelson Bldg.
Pierre, SD 57501



Diane Best
Assistant Attorney General

WATER MANAGEMENT BOARD

STATE OF SOUTH DAKOTA

IN THE MATTER OF THE	)	Water Permit No. 6727-3
APPLICATION OF SOUTH LINCOLN	)	
RURAL WATER SYSTEM, INC.	)	~~PROPOSED~~ WATER MANAGEMENT
	)	BOARD RULINGS ON APPLICANT'S
	)	FINDINGS OF FACT, CONCLUSIONS
	)	OF LAW AND ORDER, AND DENR
	)	RESPONSE TO PROPOSED FINDINGS
	)	OF FACT, CONCLUSIONS OF
	)	LAW AND ORDER
	)	

Pursuant to the directions of the Water Management Board at the October 11, 2006, hearing in the above-entitled matter, counsel for Applicant submitted proposed Findings of Fact, Conclusions of Law and Order through a letter dated November 6, 2006. Subsequently, counsel for the Department of Environment and Natural Resources (DENR) submitted DENR Response to Proposed Findings of Fact, Conclusions of Law and Order through a letter dated November 20, 2006. The Board, upon review of the parties submissions and the administrative record in this matter enters the following rulings:

A. Applicant's proposed Findings of Fact Nos. 4, 6, 7, 9, 10, and 11 are hereby accepted by the Board.

B. Applicant's proposed Findings of Fact No. 1 is accepted by the Board as modified below to more accurately reflect the administrative record:

1. Proper publication of Water Permit Application No. 6727-3 was timely made, as required by statute in the Elk Point Leader Courier, the Sioux Falls Argus Leader, the

New Era, Parker, South Dakota, and the Sioux Valley News, Canton, South Dakota.

C. Applicant's proposed Finding of Fact No. 2 is accepted by the Board as modified below to more accurately reflect the administrative record, and to clarify that the Board is adopting the findings set forth in the Report:

2. Attached hereto and incorporated herein, marked Exhibit A for reference, is the Report on Water Permit Application No. 6727-3 for South Lincoln Rural Water System dated July 18, 2006 (Report), prepared by James A. Goodman, Natural Resource Engineer. The findings set forth in the Report are adopted by the Board through this reference.

D. Applicant's proposed Findings of Fact No. 3 is accepted by the Board as modified below to more accurately reflect the administrative record:

3. The Chief Engineer, pursuant to SDCL 46-2A-2, recommended approval of the application with four listed qualifications. A copy of the Chief Engineer's recommendation is attached hereto and incorporated herein, marked Exhibit B for reference.

E. That Applicant's proposed Findings of Fact No. 5 is accepted by the Board as modified below to reflect the evidence in the administrative record:

4. Typically, irrigators operate their irrigation systems 51 days per year, between June and September.

F. That Applicant's proposed Findings of Fact No. 8 is accepted by the Board as modified below to include the

modification proposed by DENR in its first response, and to more clearly reflect the evidence in the administrative record:

5. Contestants Sawyer own property immediately north of the proposed well field. Burnette Sawyer's property contains an irrigation well currently permitted at 48 feet. Contestant Sawyer's well is reported to be in the Parker Centerville shallow aquifer, which is hydrologically separated from the Upper Vermillion: Missouri Aquifer in this area.

G. That DENR's third response, proposing an additional Finding of Fact is accepted by the Board and set forth below:

6. The proposed water permit is for use in a rural water system and an ethanol plant. This Board has previously found on several occasions that uses of water for a rural water system and for ethanol production are beneficial uses and in the public interest. These uses are beneficial to the appropriator insofar as South Lincoln Rural Water System desires to increase its capacity to serve water to the ethanol plant and to use the water generally for its rural water system. The use is also consistent with the interests of the public of this state and the best utilization of water supplies in that it provides for use at the ethanol plant as part of the integrated water system managed by the rural water system. Because the rural water system has several wells and has the capacity to regulate usage of water from the various wells in order to meet the needs of the rural community and the ethanol plant at the same time, it is able to promote the maximum beneficial use of water. Accordingly, the proposed use is beneficial within the meaning of SDCL 46-1-6(3). Further, the use is in the public interest insofar as it provides for water for an ethanol plant which would, in turn, benefit the general economic development of the area in question.

F. That DENR'S second response proposing additional Finding Fact is accepted by the Board as modified below to more accurately reflect the administrative record:

7. The only expert witness to testify at hearing was Ken Buhler. The Board credits his testimony and the report of James A. Goodman with respect to the question of whether the Sawyer well in the shallower Parker-Centerville Aquifer would be affected by pumping from the upper Vermillion:Missouri Aquifer. Buhler concluded that interference is not expected to be adverse and not expected to impact any existing water rights or domestic uses. The Board finds that interference is not expected to be adverse and not expected to impact any existing water rights or domestic uses.

H. That Applicant's proposed Conclusions of Law Nos. 1, 2, 3, and 4 are accepted by the Board.

I. That the Applicant's proposed Order is modified by the Board as set forth below to include the qualifications recommended by the Chief Engineer:

8. The Water Management Board, having heard the testimony of the parties, examined the exhibits presented and heard arguments of counsel and the parties, and having made its Findings of Fact and Conclusions of Law, is hereby ordered that the South Lincoln Rural Water Permit Application No. 6723-3 is hereby granted and a permit shall be issued forthwith that includes the following qualifications:
 - 1) The wells approved under this Permit will be located near domestic wells and other wells

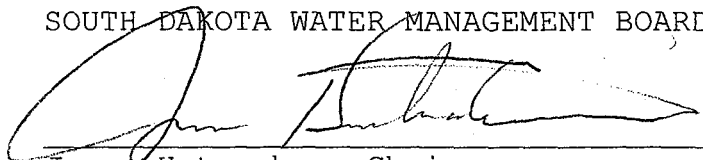
which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

- 2) The wells authorized by Permit No. 6727-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps 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) Water Permit Nos. 6311-3, 6435-3 and 6727-3, combined, authorize a total annual diversion of 1,800 acre feet of water.
- 4) South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.

The Board attorney is directed to prepare Findings of Fact, Conclusions of Law and Order consistent with the above rulings to be executed by the Chairman of the Board or Board designee.

Dated this 29th day of November, 2006.

SOUTH DAKOTA WATER MANAGEMENT BOARD



James Hutmacher, Chairman

WATER MANAGEMENT BOARD

STATE OF SOUTH DAKOTA

IN THE MATTER OF THE	)	Water Permit No. 6727-3
APPLICATION OF SOUTH LINCOLN	)	
RURAL WATER SYSTEM, INC.	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW AND ORDER
	)	

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Hearing was held October 11, 2006, in the Visitors Center at 650 East Capitol Avenue, Pierre, South Dakota, before the Water Management Board. A quorum was present.

The Chief Engineer, having presented his report on the application and recommended approval thereof, the applicant having presented testimony and exhibits, and contestants having

presented testimony, the Board having made due inquiry of the parties and being fully apprised of the premises, makes the following:

FINDINGS OF FACT

1. Proper publication of Water Permit Application No. 6727-3 was timely made, as required by statute in the Elk Point Leader Courier, the Sioux Falls Argus Leader, the New Era, Parker, South Dakota, and the Sioux Valley News, Canton, South Dakota.
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5. Typically, irrigators operate their irrigation systems 51 days per year, between June and September.

6. During periods of heavy irrigation, the subject aquifer draws down, but rapidly recharges at the conclusion of the irrigation season.

7. Neighboring irrigation and water wells will not be adversely impacted by the proposed wells because of the large volume of unappropriated water in the aquifer and because of its rapid recharge characteristics.

8. Contestants Sawyer own property immediately north of the proposed well field. Burnette Sawyer's property contains an irrigation well currently permitted at 48 feet. Contestant Sawyer's well is reported to be in the Parker-Centerville shallow aquifer, which is hydrologically separated from the Upper Vermillion:Missouri Aquifer in this area.

9. Well logs from test wells drilled for observation in conjunction with the application show discharge capacity in the

aquifer sufficient to meet current demands and the proposed additional demand.

10. The proposed wells will produce approximately the same amount of water as required to operate a single quarter section center pivot irrigator.

11. The water will be piped to the Great Plains Ethanol plant, a facility that produces ethanol made from corn near Chancellor, South Dakota. Water from the wells will be used to supplement the South Lincoln Rural Water System's existing supplies.

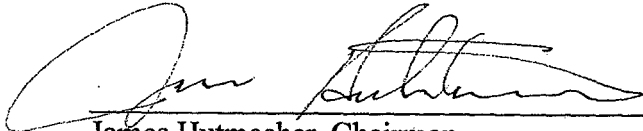
12. The only expert witness to testify at hearing was Ken Buhler. The Board credits his testimony and the report of James A. Goodman with respect to the question of whether the Sawyer well in the shallower Parker-Centerville Aquifer would be affected by pumping from the Upper Vermillion:Missouri Aquifer. Buhler concluded that interference is not expected to be adverse and not expected to impact any existing water rights or domestic uses. The Board finds that interference is not expected to be adverse and not expected to impact any existing water rights or domestic uses.

13. The proposed water permit is for use in a rural water system and an ethanol plant. This Board has previously found on several occasions that uses of water for a rural water system and for ethanol production are beneficial uses and in the public

- 4) South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.

Date this 7th day of December, 2006

SOUTH DAKOTA WATER MANAGEMENT BOARD

A handwritten signature in dark ink, appearing to read "James Hutmacher", is written over a horizontal line.

James Hutmacher, Chairman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 2006

NOTICE

TO: William Taylor
Woods, Fuller, Shultz & Smith
PO Box 5027
Sioux Falls SD 57117

Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted November 29, 2006, by the Water Management Board approving Water Right Permit No. 6727-3 filed by South Lincoln Rural Water System Inc. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: Jeff Hallem, Assistant Attorney General
Diane Best, Assistant Attorney General
John Sievers, South Lincoln RWS, PO Box 155, Canton SD 57013

CERTIFICATION

I hereby certify that on December 11, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 11, 2006, regarding adoption of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Right Permit Application No. 6727-3, South Lincoln Rural Water System, addressed as stated below:

William Taylor
Woods, Fuller, Shultz & Smith
PO Box 5027
Sioux Falls SD 57117

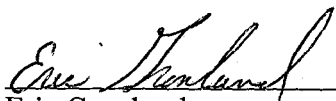
Julie Sawyer
28122 Hwy 19
Hurley SD 57036

Burnette Sawyer
5206 South Sweetbriar Court
Sioux Falls SD 57108

John Sievers
South Lincoln RWS
PO Box 155
Canton SD 57013

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501
Jeff Hallem, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501



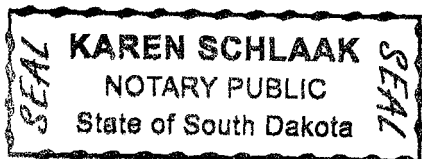
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of December 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





MAR 09 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

South Lincoln Rural Water System, Inc.
c/o John Sievers
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

Enclosed is Water Permit No. 6727-3 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

RECEIVED

MAR 13 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate March 11, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: South Lincoln Rural P. Dist.
(name)P.O. Box 1035
(address)Canton S.D. 57013
(city, state, zip)605-372-4211
(phone)

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

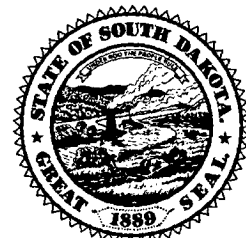
Water Permit No. 1721-3 states that the water use system is to be constructed by Nov 29, 2011 (date), and water is to be put to beneficial use by Nov 4, 2007 - March 11, 2008 (date)

The water use system was completed on Nov 1st 2007 (date).

Applying the water to beneficial use was completed on Nov 1st 2007 (date).

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

[Signature]
(signature)



File Nos. 5216-3, 5217-3, 5218-3, 5219-3, 6499-3,
1262A-3, 1262B-3, 1262C-3, 6743-3, 4401-3,
4982-3, 5647-3, 6490-3, 6311-3, 6300-3,
6435-3, 6456-3, 6727-3

Water Rights Program File Documentation

DATE: 04/02/2008

The table below represents the water use reported from the Dakota Formation from Lincoln County by the major water users (City of Canton, Town of Worthing, Town of Fairview and South Lincoln Rural Water Sytem).

	Canton	Worthing	Fairview	SLRWS
	Acre-feet per year*			
2006	406	110	10	863
2005	403	34	8	769
2004	411	37	5	904
2003	384	48	9.2	725
2002	352	NA	NA	786
2001	331	NA	NA	877
2000	370	NA	NA	843
1999	384	4	9.4	781
1998	395	33	12	693
1997	427	36	9	663
1996	394	34	13	689
1995	397	30	11	707
1994	383	25	13	766
1993	351	24	12	630
1992	345	26	8	680
1991	391	28	10	696
1990	401	26	9	669
1989	402	31	NA	650
1988	388	26	20	660
1987	430	32	14	453
1986	330	25	22	370
1985	334	27	22	370
1984	346	27	24	368
1983	330	27	NA	341

* Numbers shown in black originated from Non Irrigation Questioner Data Base

Numbers in blue originated from 4/2/2008 personal correspondence with John Sievers (SLRWS manager)

Numbers shown in red originated from Jim Goodman's report on Application Nos. 5155-3 and 5156-3 (with permit files)

NA= not available

Ken Buhler
Natural Resources Engineer

Permit Nos. 6727-3
Vermillion 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, September 14, 2010, made a thorough examination of the water use system constructed by South Lincoln Rural Water Systems, Inc. of PO Box 155, Canton SD 57013 holder of Permit No. 6727-3, bearing the priority of May 25, 2006 authorizing the diversion of 3.33 cu. ft. per second with a limitation of 900 acre feet annually of the waters of Upper Vermillion Missouri Aquifer for rural water system use including serving the Great Plains ethanol plant near Chancellor in Lincoln, Union, Turner, Minnehaha Counties..

Inspection contact & relationship to permit holder, if applicable: **Layne Bergess, employee**

A. Works used to divert the water:

Well Information: Well Drilling Firm: <u>Thein Well Co, Inc.</u> Well: <u>#4</u> Depth(s) <u>205</u> feet Well log is available <u>yes</u> Comment: completed 10-07-06	Well Information: Well Drilling Firm: <u>LTP Enterprises, Inc.</u> Well: <u>#5</u> Depth(s) <u>205</u> feet Well log is available <u>yes</u> Comment: completed 10-07-06
Casing: Diameter <u>12</u> inches Length <u>140</u> feet Type: <u>pvc</u>	Casing: Diameter <u>12</u> inches Length <u>136</u> feet Type: <u>pvc</u>
Screen: Type: <u>pvc</u> Length <u>60</u> feet Static water level <u>16</u> feet	Screen: Type: <u>pvc</u> Length <u>60</u> feet Static water level <u>16</u> feet
Pump: Make: <u>Grundfos</u> Model: <u>0910W03</u> Size <u>8"</u> Capacity <u>795</u> GPM	Pump: Make: <u>Grundfos</u> Model: <u>0910W03</u> Size <u>8"</u> Capacity <u>876</u> GPM
Motor: Make: <u>Grundfos</u> Model No. <u>8005750-3</u> Horsepower rating <u>75</u> hp	Motor: Make: <u>Grundfos</u> Model No. <u>8005750-3</u> Horsepower rating <u>75</u> hp

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

C. Works used to apply water to beneficial use: Rural water system

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: Well #4 is 2560' S and 100' W, well #5 is 130' S and 110' W of the NE corner Section 30, all in T98N, R52W. The wells do not operate at the same time. The limiting factor is the transport pipe size. The works are capable of diverting and conveying to the place of use 1.95 cu. ft. per second of water which is to be used for rural water system. Water has been put to beneficial use to the maximum extent as follows: rural water system serving Counties of Lincoln, Union, Turner, Minnehaha, and Cities of Worthing, Chancellor, Alcester, including serving the Great Plains ethanol plant near Chancellor

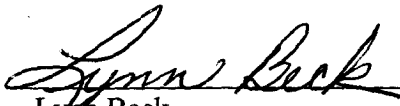
The license should be issued for 1.95 cfs and 900 acre-feet annually. See comments below.

All structures, wells and lands on map yes

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

The wells do not operate at the same time. The limiting factor is the transport pipe size.

Wells will be operated with the wells authorized by 6311-3 and 6435-3 for a total of 1,800 AF annually. South Lincoln Rural Water Systems, Inc. holds Water Right Nos. 6435-3 & 6311-3 (900 ac ft), and 6727-3 (900 ac ft) for a total of 1800 ac ft; 5647-3, 6300-3, and 6490-3 for a total of 1048 ac ft.



Lynn Beck

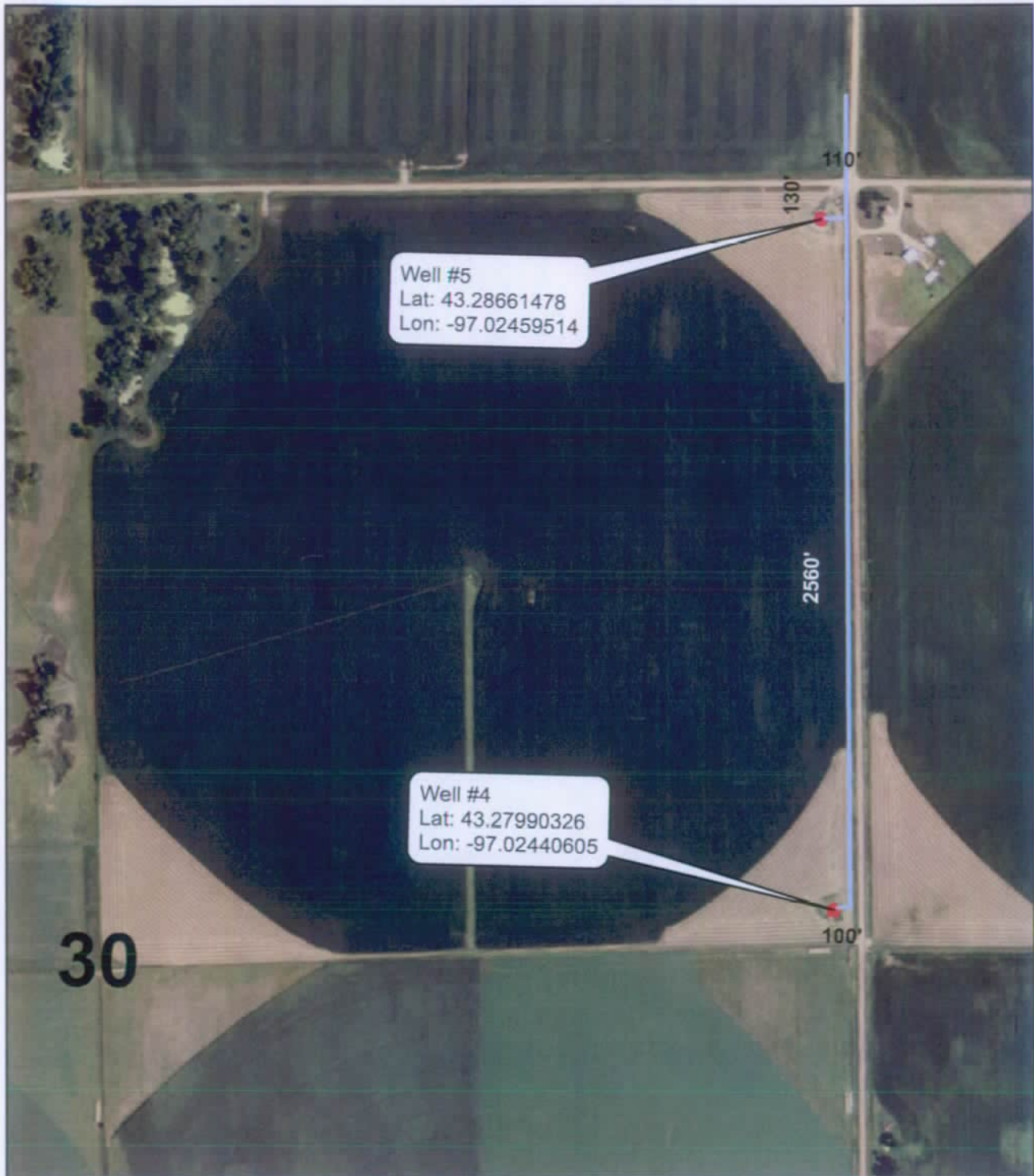
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: October 5, 2010

WATER RIGHT NO. 6727-3
SOUTH LINCOLN RURAL WATER SYSTEMS, INC
October 6, 2010

R52W

T98N



SCALE

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6727-3

(1) South Lincoln Rural Water System, Inc., PO Box 155, Canton SD 57013 made Application No. 6727-3, May 25, 2006 for a water permit to divert 3.33 cubic feet of water per second 900 acre-feet annually from groundwater (three wells), Lincoln County, South Dakota for rural water system purposes. Permit No. 6727-3, with a priority date of May 25, 2006 was approved November 26, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 29, 2011 and for the application to beneficial use of water on or before November 29, 2015.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 13, 2008. The *Notice* stated the diversion system was completed and the water placed to beneficial use on November 1, 2007.

(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. 6727-3 is issued a license, bearing a priority date of May 25, 2006 to appropriate 1.95 cubic feet of water per second from groundwater (two wells) [900 acre-feet annually] serving Lincoln, Union, Turner, Minnehaha Counties and the Cities of Worthing, Chancellor, Alcester including the Great Plains ethanol plant near Chancellor.

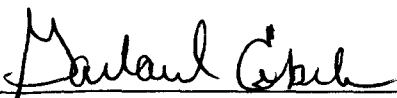
The diversion points are located as follows:

Well #4 – 2,560 feet south and 100 feet west of northeast corner Section 30-T98N-R52W (SE ¼ NE ¼)

Well #5 – 130 feet south and 110 feet west of the northeast corner Section 30-T98N-R52W (NE ¼ NE ¼)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6727-3 including the following now applicable qualifications:

- 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.
- The wells authorized by Permit No. 6727-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28.
- Water Right Nos. 6435-3 and 6727-3, combined, authorize a total annual diversion of 1,800 acre feet of water.
- South Lincoln Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion:Missouri Aquifer.



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 01 2011

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 01 2011

6311-3

6435-3

6727-3

South Lincoln Rural Water Systems Inc
Tom Rausch – Manager
PO Box 155
Canton SD 57013

Dear Mr. Rausch:

Enclosed are Water License Nos. 6435-3 & 6727-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water Licenses, 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

Note: The applicable portions of No. 6311-3 are incorporated into Water License No. 6435-3.

enclosures

6778A-3

4817-3
6300-3
6490-3

5647-3
6435-3
6727-3

Dewell, Amanda

From: Gronlund, Eric
Sent: Friday, March 15, 2024 3:45 PM
To: Dewell, Amanda
Subject: South Lincoln RWS

Follow Up Flag: Follow up
Flag Status: Flagged

When you have time:

Change the contact person for South Lincoln RWS's from Tom Rausch to John Stearns. John Stearns became the new manager of SLRWS on Jan. 29th with Mr. Rausch's retirement.