

WATER PERMIT NO. 6750-3

Name of Applicant: Big Sioux Nursery, Inc.

Address: 16613 Sioux Conifer Rd, Watertown SD Phone: 605 8886-6806

Amount of Water Claimed: 25 gpm Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Codington

Type of Waste Disposal System:

Location: 3 miles north of Watertown

PRIORITY Date Received: 8-16-06 Application/License Fee: \$100

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

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 2-T117N-R53W

Land to be Irrigated: NA

Depth of Well: 30

Well Driller: Lee Well Drilling

Remarks:

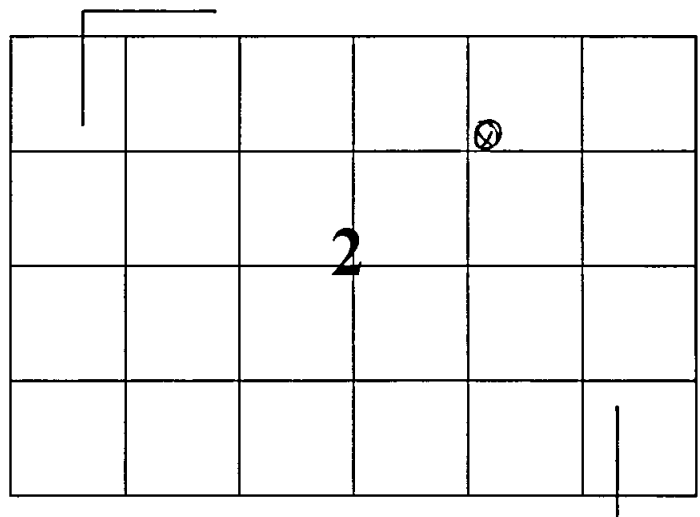
Type of Map: aerial

Prepared by: Jay Cofer, DENR

Reviewed and the Number Assigned on: 8-17-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6750-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Public Opinion, Watertown</u>	

RECEIVED
AUG 16 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 Big Sioux Nursery, Inc Phone (605) 886-6806
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 16613 Sioux Center Rd, Watertown State SD 57201
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.055 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply drilled well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Codington
NE 1/4 of NE 1/4 of section 2 Lake township 117 NR53W
5. County or counties where water will be used Codington
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) See file doc dated 8/17/06
This is a replacement well for the well the services all of the buildings & residences on the Nursery. The well to be replaced is about 48 years old and is starting to have tree roots in the water.

STATE OF SOUTH DAKOTA)
County of Codington) 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, Blaine F. Martian, 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 Blaine F. Martian

Subscribed and sworn to before me this 15th day of August 20 06



Sherry Kleinsasser
Notary Public signature

My commission expires 12/16/09

SOUTH DAKOTA
WATER PERMIT NO. 6750-3

Date of first receipt of application August 16, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6750-3 to Big Sioux Nursery, Inc., 16613 Sioux Conifer Rd, Watertown SD 57201 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. 6750-3 appropriates 0.055 cubic feet of water per second (25 gallons per minute) from one well to be completed into the Big Sioux:North Aquifer (approximately 30 feet deep) located in the NE 1/4 NE 1/4 Section 2-T117N-R53W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6750-3 is October 9, 2006.
5. The date from which applicant may claim right is August 16, 2006.
6. One-fifth of the construction is to be completed on or before April 9, 2009.
7. All construction is to be completed on or before October 9, 2011.
8. Water is to be put to beneficial use on or before October 9, 2015.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 6750-3 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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 19 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9" Depth 30'
- b) Casing Type PVC Diameter 5" Thickness SDR-21
- c) Screen Type Stainless steel Diameter 5" Thickness
- d) Gravel Pack #30 Flint Rock Length of Gravel Pack 5'
- e) Depth to Top of Water Bearing Material 15'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
On applicants property 800' On property owned by others 1600'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank, drain field
- b) System Capacity (gallons) 1000 Year Constructed 1958
- c) Connected to the City of Sanitary System

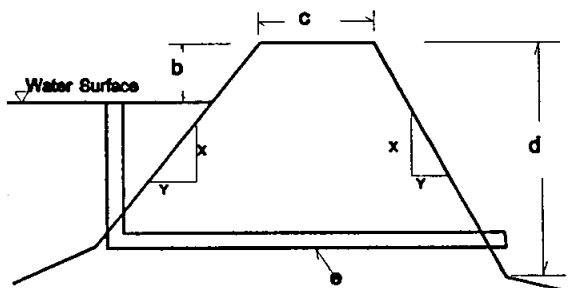
3. Dugout Information

- 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

Big Sioux Nursery
16613 Sioux Conifer Rd.
Watertown, SD 57201-Codington Co.

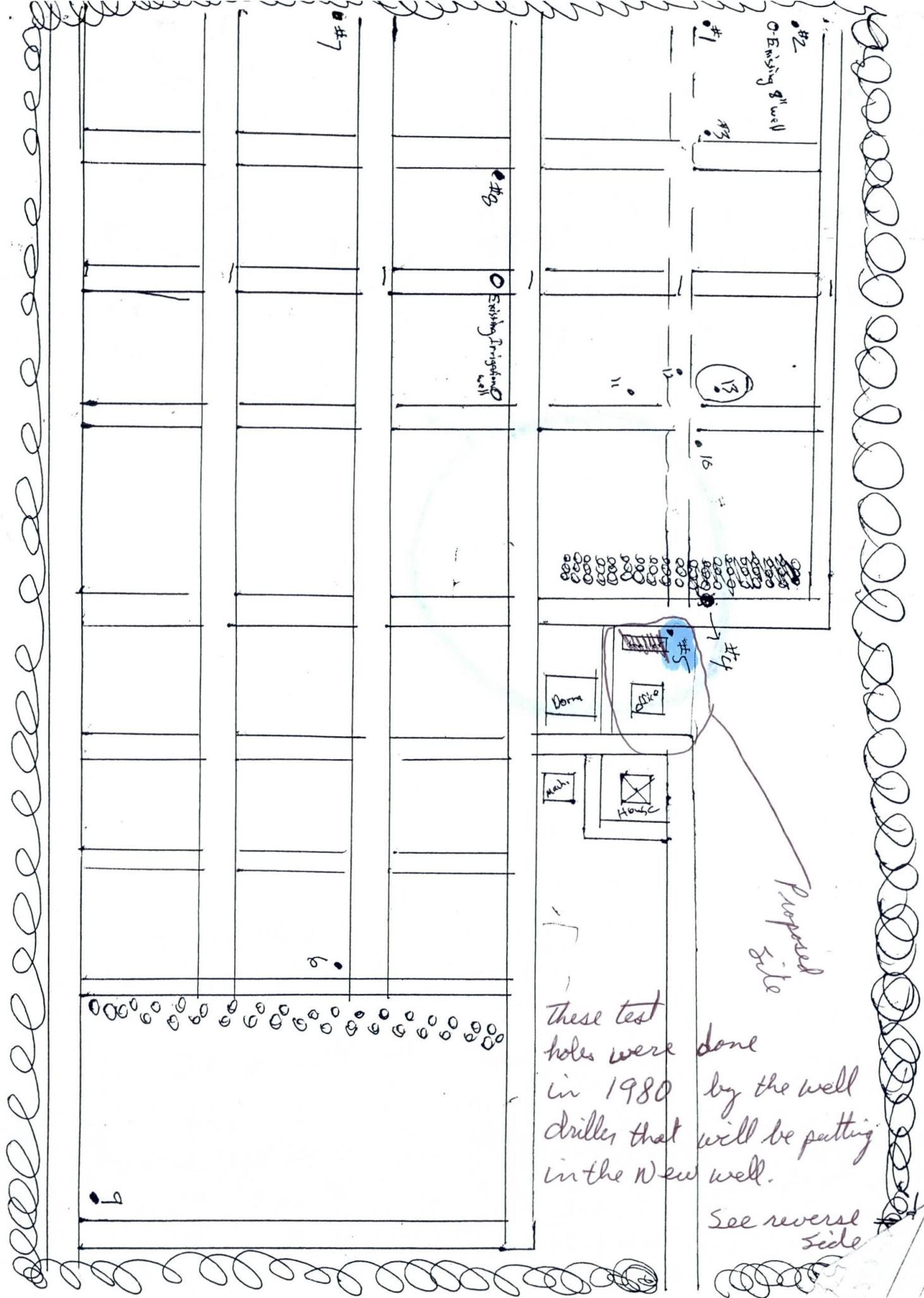
Water Permit No. 6308-3



Replaced well for building
SD DENR 8/14/06

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 14, 2006





These test holes were done in 1980 by the well driller that will be putting in the New well.

See reverse side

#1
0-2
gravel 2-23
gravel 23-26 - water
clay 26-52

Hole #2

top 0-2
gravel 2-18
gravel 18-28 water
clay 28-30
sand 30-32
clay 32-33
sand 33-38
clay 38-52

Hole #3

top 0-5
Gravel 5-19
clay 19-21
gravel 21-22
clay 22-67

#4

top 0-2
clay 2-6
gravel 6-23
clay 23-52

#5

top 0-1
fine sand 1-10
coarse sand 10-22
clay 22-37

#6 top 0-1

sand 1-10
sand & clay 10-12
coarse sand 12-23 1/2
clay 23 1/2 - 37

#7

top 0-2
sand 2-26
clay 26-52

#8

top 0-3
sand 3-10
coarse sand 10-12
yellow clay 12-52

#9

top 0-1
sand 1-17
clay 17-135 Blue
clay yellow 135-150
blue clay 150-157

#10

top 0-3
yellow sand 7-37
clay 37-52

#11

top 0-1.5
yellow clay 1.5-4
sand 4-27
clay 27-37

#12

top 0-1
sand 1-12
coarse sand 12-33
fine sand 33-36
coarse sand 36-37
clay 37-52

#13

top 0-2
yellow clay & sand 2-4
sand 4-39

fine sand 39-45
clay 45-52

This is the area for the replacement well.



Pioneers of PVC Wells & Rotary Drilling

Sales & Service

- ☐ Hoffman (320) 986-2356
- ☐ Alexandria (320) 763-9791
- ☐ Chokio (320) 324-2562
- ☐ Battle Lake (218) 862-2356
- ☐ Perham (218) 346-2702
- ☐ Milbank, SD (605) 432-5421

1-800-533-2848

PO Box 143, 56339

Fax (320) 986-2905

AUG - 4 2006

DATE:

RESIDENTIAL	COMMERCIAL	IRRIGATION	WELLS	PUMPS	SOFTENERS
PROPOSAL SUBMITTED TO: <u>Big Sioux Conifer Nursery Inc.</u>			PHONE: (H) _____ FAX: _____	(W) <u>605-538-6306</u> (C) _____	
ADDRESS: <u>16613 Sioux Conifer Rd</u>			JOB LOCATION ADDRESS _____		
CITY, STATE, ZIP CODE: <u>Waterbury, S.D. 57201</u>			COUNTY: <u>Codrington</u>	TOWNSHIP: <u>Lake</u>	
GOPHER ONE CALLED	EXISTING WELLS	TOWNSHIP: <u>117-N</u>	RANGE: <u>53-W</u>	SECTION: <u>2</u>	FRACTION: <u>SE/NE</u>
TICKET #	☒ YES ☐ NO				
DATE/TIME	☒ USED ☐ UNUSED				

We hereby submit specifications and estimates for:

A. Well

- 5 inch diameter PVC well drilled to an approximate depth of 30 ft at \$ 20 per ft. \$
- 5 inch screen 3 ft in length at \$ 130 per ft. Stainless Steel \$ 390
- Screen fittings \$ 125
- 6 bags flint gravel pack at \$ 25 per bag \$ 150
- 5 bags drilling fluid at \$ 25 per bag \$ 125
- Air development and test pumping \$
- Grout casing according to State Code \$
- Chlorination and disinfection of well as per State Code (House plumbing not included) \$
- State approved water analysis \$
- Mobilization \$ 500

Minimum chg → Subtotal for Well \$ 3000

Please do not use this water for potable use until the sample results are returned stating it meets Minnesota Department of Health standards.

B. Water System

- 25 GPM 1 H.P. Submersible Pump 3-W w/box
- Up to 20 ft 1 1/2 inch sch. 80 PVC pump pipe and submersible cable at \$ 400 per ft.
- Pitless unit, non-freezing underground discharge with non-corrosive fittings. 5, 1 1/2"
- Up to 75 ft Hi-Density 1 1/2" underground pipe & 12 1/2 underground cable from well to house at \$ 400 per ft.
- Pressure tank size _____ and type: diaphragm or conventional (5-year warranty included). Use existing 302
- Tank, tee, switch, gauge, valves and standard fittings. (Wire from main service not included).
- Labor to install system.

SubTotal for Water System \$ 2500

C. SEALING OLD WELL (According to State Code, Includes State Abandonment Reports)

Sub Total for Sealing Old Well \$ _____

D. Terms Of Agreement

- LEE WELL DRILLING, INC. (LWD) reserves the right to change the size of the casing and/or abandon drilling. If drilling is abandoned and no casing was installed, charges will be at \$ 10 per ft. If production casing was installed, material will remain with LWD to pull, if possible, and charges will be at \$ 3/3 price to compensate for operation and abandonment costs. If a new well is drilled, the well drilling charges for the new well will be in addition to the charges of the first well.
- The undersigned agrees that title to any and all materials furnished by LWD, whether in the ground or attached to the premises, shall remain with LWD. LWD shall have the right to withdraw the casing from the ground and materials from the premises and/or assess a lien on said property until such time as full payment is received by LWD.
- All wells must be clearly staked and all underground wires marked as we will not be responsible for damages done to any property, to include but not limited to wires, trees or lawn, etc. during construction of well. The above figures do not include digging, electrical work or permits.
- LEE WELL DRILLING, INC. has a (2) year 100% parts and labor warranty excluding excavation. However, we will not be responsible for consequential damages.

E. OTHERS

- State Well Drilling Permit \$ N/A
- State Well Sealing Permit \$ N/A
- Excavation frank from well to house \$ 1000.00
- Electrical: Electrician to supply electrical to pressure switch \$
- 1 hydraulic submersible fittings \$ 150

All Tax Included

Sub Total for Others \$ _____

WE PROPOSE TO furnish material and labor; complete in accordance with above specifications, for the sum of:

DOLLARS (\$ 5650.00) TOTAL

Payment to be made as follows: Notification Fee(s) and \$ _____ Down Payment and the remaining balance due within 30 days after completion. A Finance Charge of 1.5% per month, annual rate of 18% will be invoiced on all past due accounts.

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

CUSTOMER SIGNATURE _____

DATE _____

AUTHORIZED SIGNATURE _____

DATE _____

LEE WELL DRILLING, INC.

X [Signature] (Dwight) 8/1/06

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 17, 20 06

RECEIVED OF Big Sioux Nursery Inc., 16613 Sioux Conifer Road, Watertown SD 57301

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

Fee for Application for Permit No. <u>16750-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>16750-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

02553

By

Darlene Erbe
Chief Engineer

Big Sioux Nursery, Inc.
16613 Sioux Conifer Rd.
Watertown, SD 57201
Phone (605) 886-6806 Fax (605) 886-7951

RECEIVED
AUG 16 2006
WATER RIGHTS
PROGRAM

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

August 15, 2006

Dear Eric Gronlund,

I have enclosed two copies, of form 2: Application for uses other than irrigation, a map of the nursery showing the location of the replacement well, 2 copies of form 2A, and a map of test holes that were dug back in 1981.

We have not dug a well at this time but we would be placing the new well in the area that is designated as site #5 on the hand drawn map. These test holes were done by Lee well drilling out of Milbank and they would be the contractor for the new well. Please advise if this will work for the drillers test log?

Sincerely,



Blaine F. Martian
Executive Director

Water Rights Program - File Documentation

NAME: Big Sioux Nursery, Inc.

ADDRESS: 16613 Sioux Conifer Rd, Watertown SD 57201

DATE: 8-17-06 **COUNTY:** CD **TELEPHONE:** 605 886-6806

RE: Pending application

COMMENTS:

I talked with Dorothy from Big Sioux Nursery. Dorothy indicated that this application is for a new well which will replace a well drilled 50 years ago. The old well was never permitted.

The two wells authorized by Water Right No. 6308-3 are for irrigation. The well authorized by Water Right No. 6457-3 is for the shop.

This new well will supply water to all the buildings and a residence at the nursery.



Karen Schlaak
Environmental Scientist

REPORT ON APPLICATION NO. 6750-3

For Big Sioux Nursery, Inc.

September 5, 2006

Application 6750-3 proposes to appropriate 0.055 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: North aquifer (approximately 30 feet deep) located in the NE ¼ NE ¼ Section 2, T117N-R53W in Codington County. The water is for commercial use.

AQUIFER – BIG SIOUX: NORTH (BS: N)

The Big Sioux: North aquifer consists of poorly to well-sorted surficial outwash that ranges from medium sand to medium gravel. The aquifer generally is less than 10 feet below land surface. The aquifer is limited to the flood plain of the Big Sioux River and its tributaries, and is underlain by till. The Big Sioux North underlies 67,300 acres and contains an estimated 151,430 acre-feet of recoverable water in Codington County (Hedges, 1982). The Big Sioux North is hydraulically connected to the Big Sioux River; and it is recharged by direct infiltration and subsequent percolation of rainfall and snowmelt.

The test hole information obtained for the permit indicates fine to coarse sand to the depth of 22 feet and clay from 22 to 37 feet. This information was received handwritten on a plain sheet of paper which was not signed or dated; but, it is the best information that has been obtained for this application.

The Water Rights Program monitors an observation well (CD-77F) completed into the Big Sioux: North aquifer located approximately 2 miles southeast of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this observation well is included in this report and labeled as Figure 1.

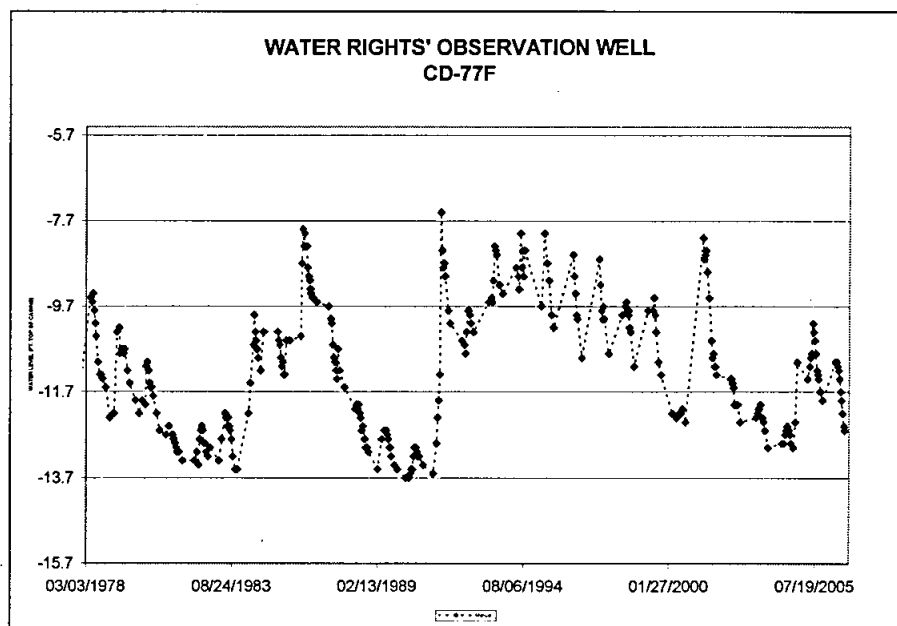


Figure 1. Hydrograph of observation well CD-77F.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

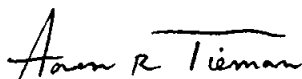
There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Big Sioux: North aquifer is approximately ¼ mile to the southeast. This well is for Water Rights No. 6457-3 (0.04 cfs for commercial use). This well is operated by Big Sioux Nursery, Inc. therefore interference is not expected to be a problem.

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

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
2120-3	CSS COMPANY	BS: N	IRR	2.22
2239-3	WATERTOWN	BS: N	MUN	2.23
2497-3	SCHLEUSNER DAIRY	BS: N	IRR	2.20
2757-3	WATERTOWN	BS: N	MUN	1.45
3022-3	WATERTOWN	BS: N	MUN	1.31
5233-3	WATERTOWN	BS: N	MUN	2.00
5379-3	CARR	BS: N	IRR	2.35
5683-3	WATERTOWN	BS: N	MUN	2.67
6308-3	BIG SIOUX NURSERY INC	BS: N	IRR	1.90
6457-3	BIG SIOUX NURSERY INC	BS: N	COM	0.04

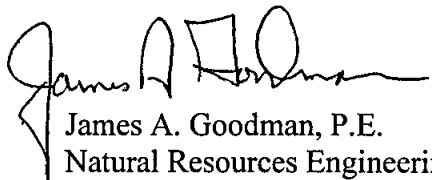
CONCLUSIONS

1. The Big Sioux: North aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is under unconfined conditions at this site. Interference should not be a concern.
3. The well authorized for this application must be completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



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

BIBLIOGRAPHY

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

Water Right, 2006, Unpublished Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6750-3, Big Sioux Nursery**

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. 6750-3, Big Sioux Nursery, c/o Blaine F. Martian, 16613 Sioux Conifer Road, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6750-3 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 qualification:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 6750-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 12, 2006

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of CODINGTON) SS

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

SEPTEMBER 20TH, 2006

SEPTEMBER 27th, 2006

Cost of Printing 83.76

Monica K. Saathoff
(Signature)

BOOKKEEPER

(Title)

SEPTEMBER 27th 2006

(Date Signed)

DENR

NOTICE OF APPLICATION NO. 6750-3 to Appropriate Water

Notice is given that Big Sioux Nursery, Inc., c/o Blaine F. Martian, 16613 Sioux Conifer Rd, Watertown SD 57201 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second (25 gallons per minute) from one well to be completed into the Big Sioux North Aquifer (approximately 30 feet deep) located in the NE 1/4 NE 1/4 Section 2-T117N-R53W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 6750-3 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 October 9, 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.
(September 20 & 27, 2006)

RECEIVED

SEP 29 2006

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on September 20, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6750-3 to Appropriate Water

Notice is given that Big Sioux Nursery, Inc., c/o Blaine F Martian, 16613 Sioux Conifer Rd, Watertown SD 57201 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second (25 gallons per minute) from one well to be completed into the Big Sioux:North Aquifer (approximately 30 feet deep) located in the NE ¼ NE ¼ Section 2-T117N-R53W. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6750-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

September 13, 2006

Big Sioux Nursery Inc
% Blaine F Martian
16613 Sioux Conifer Rd
Watertown SD 57201

Dear Mr. Martian:

Water Permit Application No. 6750-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Public Opinion printed at Watertown, SD (Ph # 605-886-6901). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2006

Public Opinion
PO Box 10
Watertown SD 57201-0010

ATTENTION: Legal Public Notice

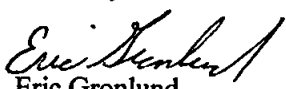
Enclosed is a Notice on Application No. 6750-3 to Appropriate Water to be published twice. Please publish the first notice on September 20, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please **BILL the APPLICANT for the cost of publication.** The APPLICANT is Big Sioux Nursery Inc., % Blaine F. Martian, 16613 Sioux Conifer Rd., Watertown SD (Ph # 605-886-6806).

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. 6750-3

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

Date _____

We are in receipt of your letter of September 13, 2006 enclosing Notice to Appropriate Water by Application No. 6750-3 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

OCT 19 2006

Big Sioux Nursery Inc
% Blaine F Martian
16613 Sioux Conifer Rd
Watertown SD 57201

Dear Mr. Martian:

Enclosed is Water Permit No. 6750-3 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

SEP 13 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9/13/07TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Big Sioux Nursery, Inc
(name)
16613 Sioux Conifer Rd
(address)
Watertown, SD 57201 (605) 886-6806
(city, state, zip) (phone)

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

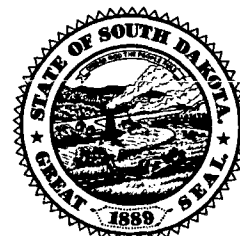
Water Permit No. 6750-3 states that the water use system is to be constructed by Oct. 9, 2011, and water is to be put to beneficial use by Oct. 9, 2015.
(date) (date)

The water use system was completed on August 15, 2007.
(date)

Applying the water to beneficial use was completed on August 15, 2007.
(date)

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

Shane F. Martin
(signature)





**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 20, 2007

6750-3

Blaine Martian, Executive Dir
Big Sioux Nursery Inc
16613 Sioux Conifer Rd
Watertown SD 57201

Dear Mr. Martian:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that the system utilizing a well in the NE ¼ NE ¼ Section 2, T117N, R53W as described in Water Permit No. 6750-3 has been completed.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Permit No. 6750-3
Sioux River - Water District

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

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

I have this day, **May 13, 2008**, made a thorough examination of the water use system constructed by **Big Sioux Nursery** of **16613 Sioux Conifer Rd, Watertown, SD 57201** holder of Permit No. **6750-3**, bearing the priority of **August 16, 2006** authorizing the diversion of **0.055** cu. ft. per second of the waters of **Big Sioux:North Aquifer** for **Commercial use** purposes, in **Codington** County.

Inspection contact & relationship **Blaine Martian (Exec. Director)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Lee Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **23** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5** inches
- 2) Length **20** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **3** feet
- 3) Static water level **3** feet

Pump:

- 1) Make **Schaefer submersible**
- 2) Size **1 hp**
- 3) Capacity **25** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

B. Compliance with Permit Requirements:

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

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

Approximately 995 feet south and 1035 feet west of the NE corner of Section 2-T117N-R53W
(N 44.97395, W -97.15082) (NE ¼ NE ¼)

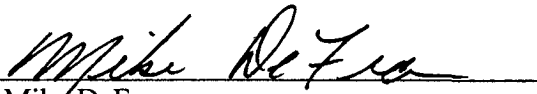
The works are capable of diverting and conveying to the place of use 0.055 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to the maximum extent as follows:

Water from this well is used in all the buildings and residence on the nursery.

The license should be issued for 0.055 cfs.

All structures, wells and lands on map Y

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

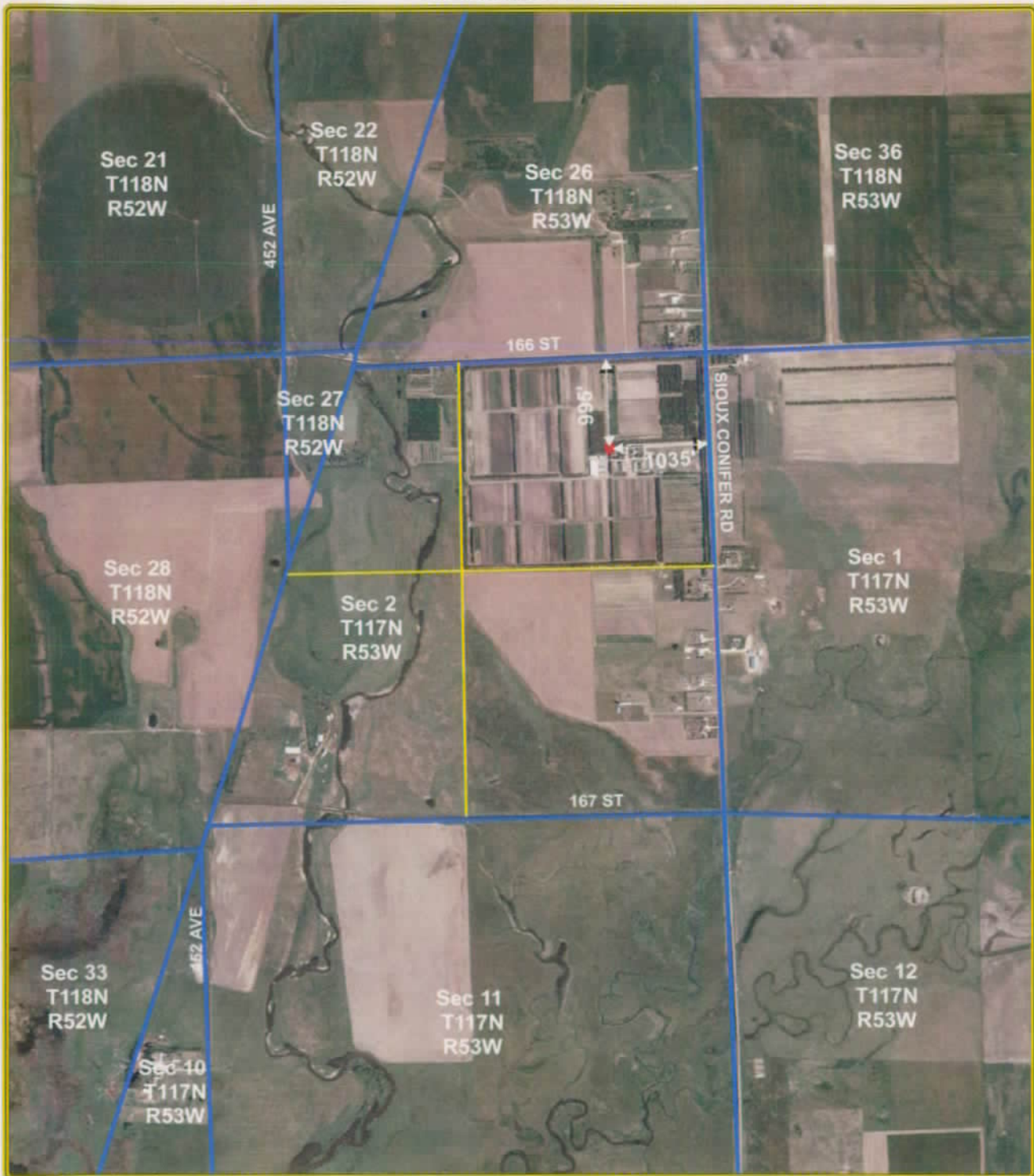

Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: April 9, 2009

Water Permit No. 6750-3

Big Sioux Nursery
16613 Sioux Conifer Rd.
Watertown, SD 57201



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
April 9, 2009

0 650 1,300 2,600 3,900 5,200 Feet



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

JUN 15 2009

6750-3

Blaine Martian
Big Sioux Nursery
16613 Conifer Rd
Watertown SD 57201

Dear Mr. Martian:

Enclosed is Water License No. 6750-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6750-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6750-3

(1) Big Sioux Nursery, 16613 Sioux Conifer Rd, Watertown SD 57201 made Application No. 6750-3, August 16, 2006 for a water permit to divert 0.055 cubic feet of water per second from ground water (one well – Big Sioux:North Aquifer), Codington County, South Dakota for commercial purposes. Permit No. 6750-3, with a priority date of August 16, 2006 was approved October 9, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 9, 2011 and for the application to beneficial use of said water on or before October 9, 2015.

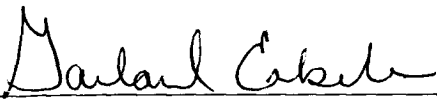
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.055 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 995 feet south and 1,035 feet west of the NE corner of Section 2, T117N, R53W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial use in supplying water to buildings and a residence at the nursery.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Big Sioux Nursery, 16613 Sioux Conifer Rd, Watertown, SD 57201 the holder and/or owner of Water Right No. 6750-3 is issued a license to appropriate water, the right to use 0.055 cubic feet of water per second from ground water (one well – Big Sioux:North Aquifer) with a priority date of August 16, 2006 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6750-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Water Permit No. 6750-3 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 (*Well log on file with the Water Rights Program*)


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

JUN 15 2009
date

