

WATER PERMIT NO. 6785-3

Name of Applicant: Drumgood Dairy LP

Address: 19048 US Hwy 81, Lake Norden SD 57248 Phone:

Amount of Water Claimed: 0.2 cfs Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial County: Hamlin

Type of Waste Disposal System:

Location: 3 miles southwest of Hayti

PRIORITY Date Received: 12-15-06 Application/License Fee: \$275

Corrected Application Received: Period of Annual Use: Jan 1 – Dec 31

Remarks: Dairy operation

Diversion Point: SW ¼ NW ¼ Sec 36-T114N-
R53W

Land to be Irrigated: NA

Depth of Well: ^{30 + 30}
40 and 71 feet deep

Well Driller: : Kaiser Well Drilling

Remarks:

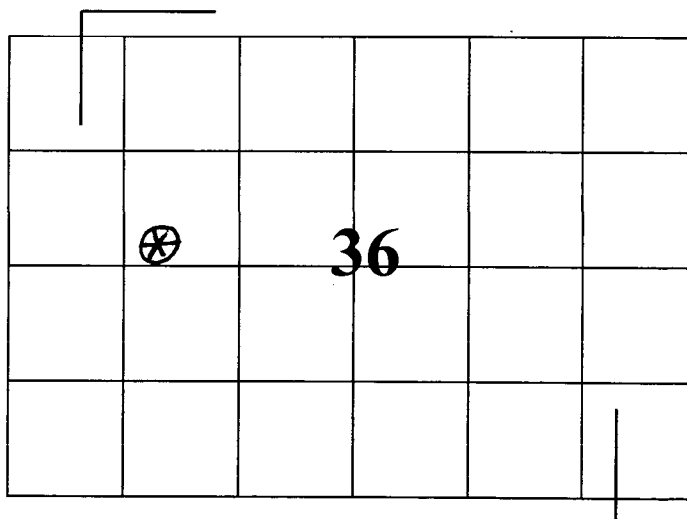
Type of Map: aerial

Prepared by: Jessica Mechilzler, NRCS

Reviewed and the Number Assigned on: 12-18-06

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>6785-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Hamlin Co. Herald Ent. Hayti</u>
	<u>605-783-3636</u> <u>5057241</u>

RECEIVED
DEC 15 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application:
(check one)

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

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

- Name of Applicant Drumgoon Dairy LP Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19048 US HWY 81 Lake Norden State SD 57248
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.2 *CFS or 90 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply SW 1/4 NW 1/4 Sec 36 HAYTI T 114 N - R 53 W
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County HAMLIN
- County or counties where water will be used Hamlin
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA

County of Hamlin 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, RODNEY ELLIOTT, 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 Rodney Elliott

Subscribed and sworn to before me this 14th day of December 2006

Dudley Ritchie
Notary Public signature

Commission Expires: 11-17-2010

**SOUTH DAKOTA
WATER PERMIT NO. 6785-3**

Date of first receipt of application December 15, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6785-3 to Drumgoon Dairy LP, 19048 US Hwy 81, Lake Norden SD 57248 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. 6785-3 appropriates 0.2 cubic feet of water per second from two wells completed into the Big Sioux:Brookings Aquifer (30 feet deep) located in the SW ¼ NW ¼ Section 36-T114N-R53W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6785-3 is February 12, 2007.
5. The date from which applicant may claim right is December 15, 2006.
6. One-fifth of the construction is to be completed on or before August 12, 2009.
7. All construction is to be completed on or before February 12, 2012.
8. Water is to be put to beneficial use on or before February 12, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6785-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6785-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

APR 20 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/2 Depth 30'
- b) Casing Type sch 40 plastic Diameter 8 Thickness SC1
- c) Screen Type Stainless Diameter 8 Thickness
- d) Gravel Pack 1/8 X 1/2 Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 12
- f) Depth to Water (ground surface to water level) 12
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 2500'

2. Wastewater Disposal System Information

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

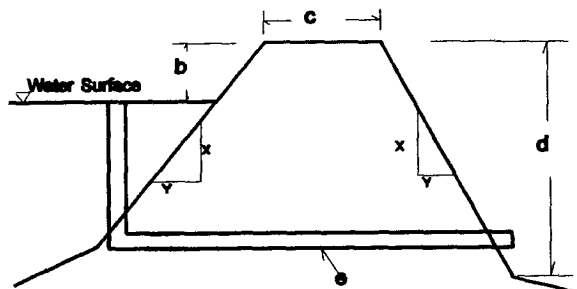
3. Dugout Information

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

4. Water Storage Dams

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

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



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

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter $8\frac{3}{4}$ Depth 30
- b) Casing Type plastic Diameter 5" Thickness SDR17
- c) Screen Type plastic Diameter 5" Thickness
- d) Gravel Pack $\frac{1}{8} \times \frac{1}{4}$ Length of Gravel Pack 12
- e) Depth to Top of Water Bearing Material 12
- f) Depth to Water (ground surface to water level) 12
- g) Distance to nearest existing domestic well:
On applicants property 100 ft On property owned by others 2500

2. Wastewater Disposal System Information

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

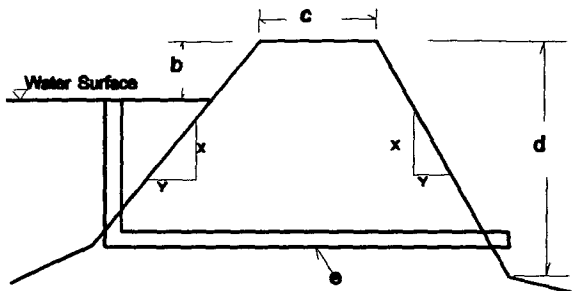
3. Dugout Information

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

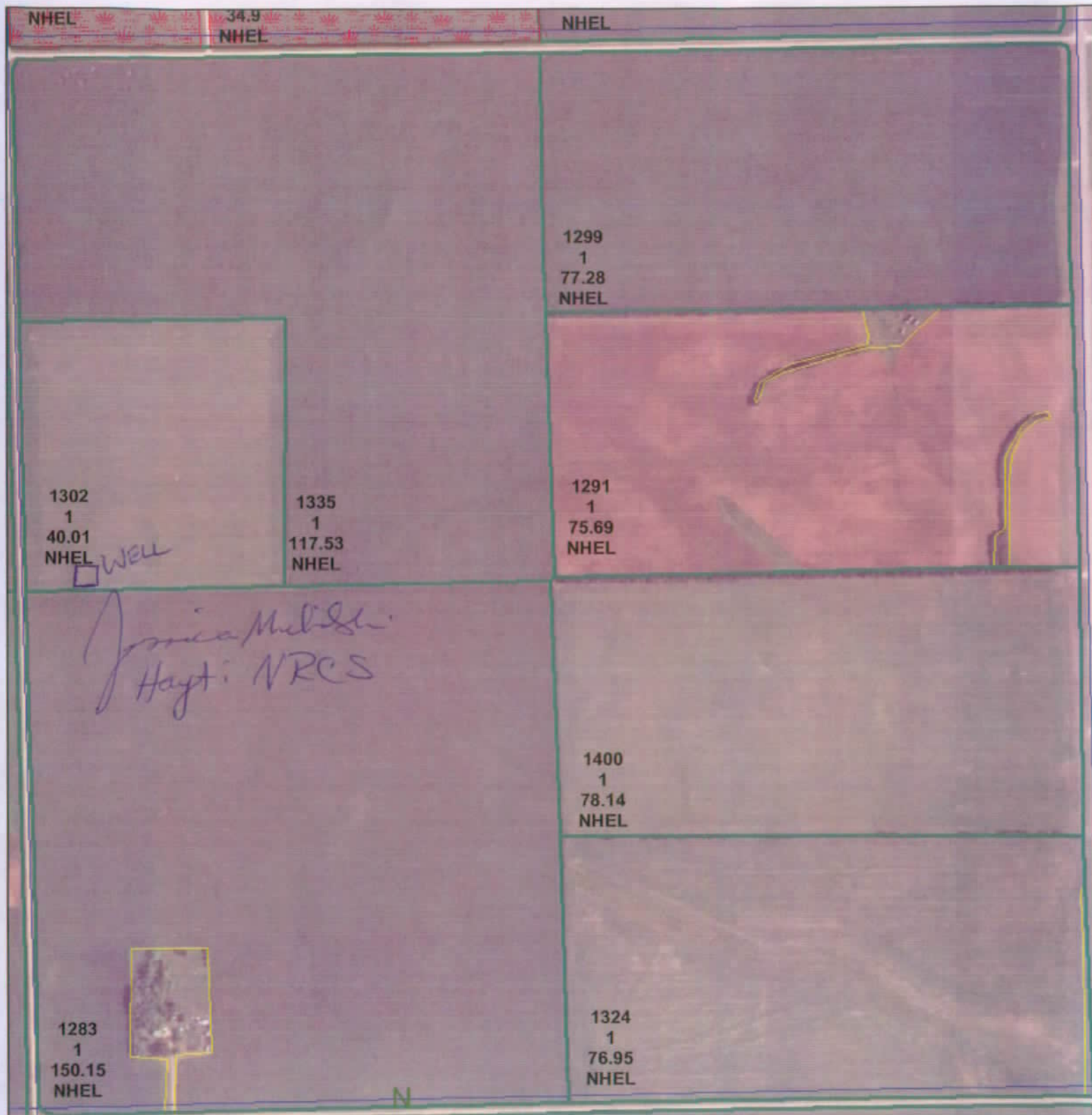
4. Water Storage Dams

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

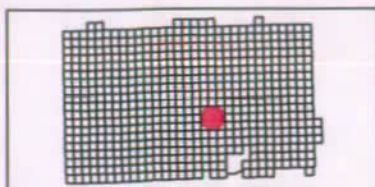
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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



USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota HAMLIN

36-114N-53W

Legend

- Tract Boundaries
- Section-Township-Range
- CRP
- Easements
- Wetlands
- Common Land Units
- Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

August 22, 2006

HOME 605-886-2646
CELLULAR 605-881-0242

Kerry Arthur, AGENT
HOME 605-532-5232

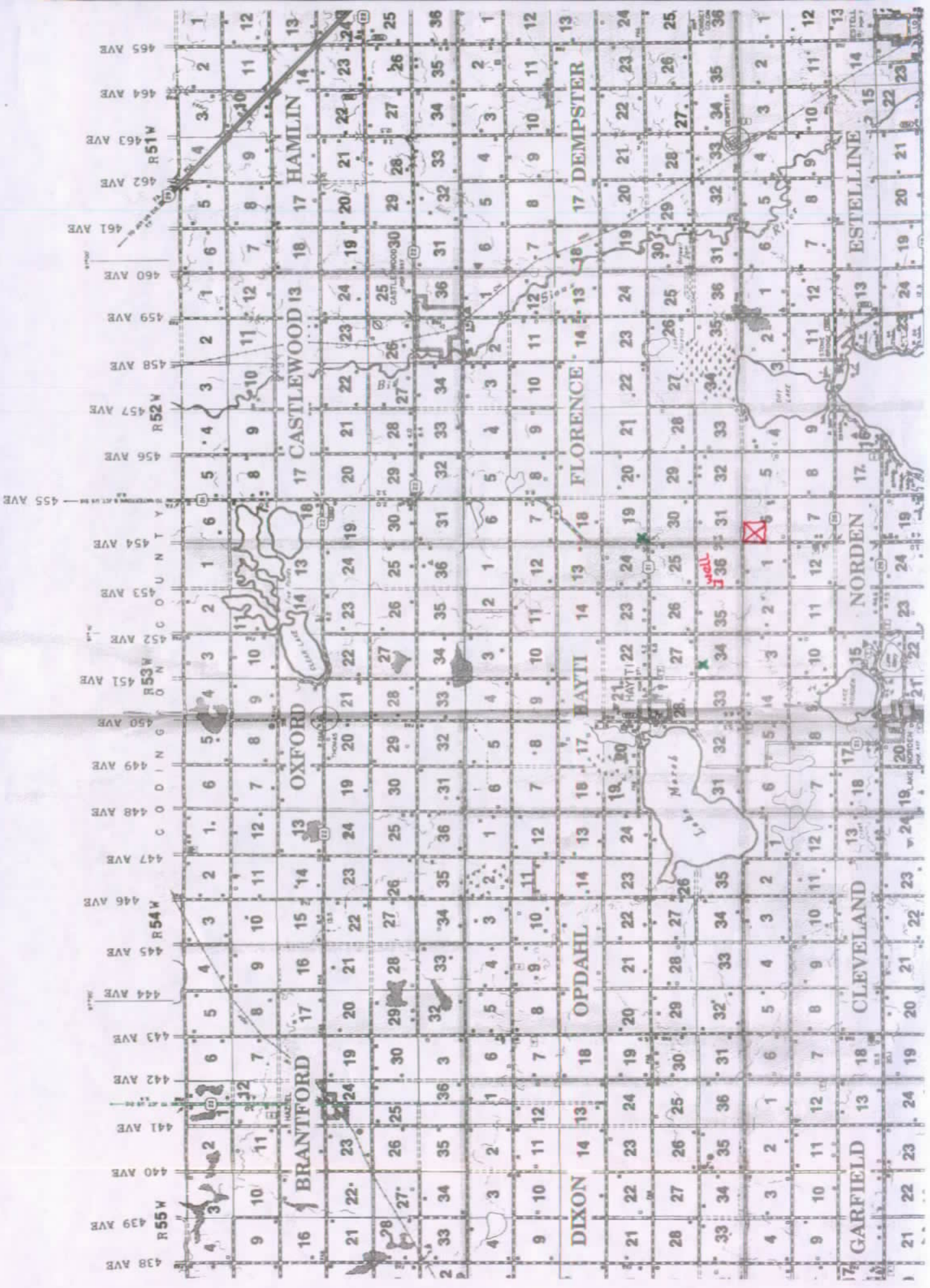
HOME 605-882-4788
CELLULAR 605-881-0922

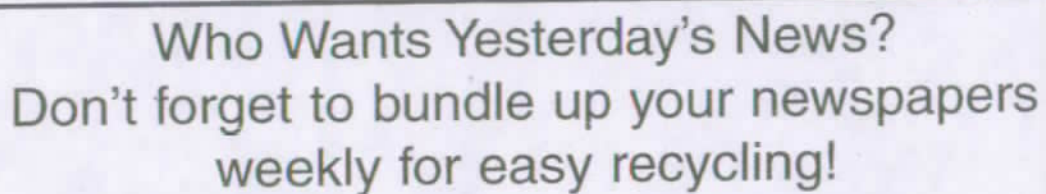
873-2288

Estelline, SD 57234

DARYL BELD, Owner Lak

VE II DUU MII



**R-53-W**HAMLIN CO., SD

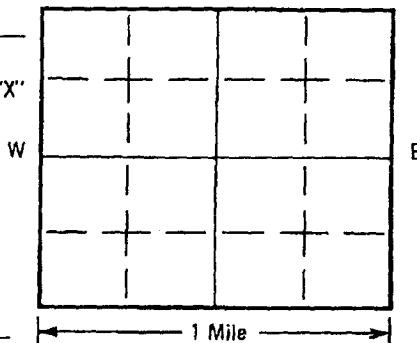
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 Sec 36 Twp 114 Rg 53County Hamlin

North

Please mark well location with an "X"



Well Completion Date

11-4-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from Monitoring test well (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>8</u> IN	<u>20</u> FT	<u>20</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>8</u>	<u>44</u> lb./gal	<u>0</u> ft	<u>15</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure pack methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 10 FEETMaterial Stainless SteelSlot Size 10/64 Set From 20 Feet to 30 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: 11/14 Tablets

Laboratory sent to for water quality analysis

Pierre

NO, Why Not? _____

Well Owner: RODNEY ELLIOTTBusiness Name: DURMGOOD DAIRYAddress: 19068 US HWY 31LAKE MORDEN 57248

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1 1/2
yellow clay	1 1/2	5
yellow gravel w/ 1 link	5	15
Gray medium to coarse	15	30
w/ 10 links		
Blue clay	30	40

STATIC WATER LEVEL 12 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Sub pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

20 ft. After 10 Hrs. pumped 350 GPM20 ft. After 20 Hrs. pumped 350 GPMIf pump installed, pump rate 90 L Gals/1.5 GPM

REMARKS

sent to state
12/14/06This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kaiser Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Rodney ElliottDate: 12-14-06

RECEIVED

DEC 14 2006

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 15, 2006

RECEIVED OF Drumgoon Dairy Limited Partnership, Rodney & Dorothy Elliot,
126 NW Lake Drive, Lake Norden SD 57248

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

Fee for Application for Permit No. <u>6785-3</u> to Appropriate Water, to construct and to put water to beneficial use	22500
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>6785-3</u>	5000
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	275.00

No.

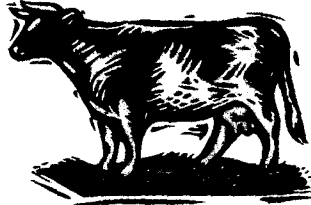
2688

By

Garland Erbele

Chief Engineer

Garland Erbele



**DRUMGOON DAIRY LP
19048 US HWY 81
LAKE NORDEN, SD
57248**

RECEIVED

DEC 15 2006

**WATER RIGHTS
PROGRAM**

Eric Gronlund
SD DENR
Foss Building
523 E Capitol
Pierre, SD

December 13th 2006

To Whom It May Concern:

RE: Drumgoon Dairy Well

Following our telephone conversation this morning I wish to advise you that there are two wells bored within close proximity to each other. One is an 8 inch well and the other is a 5 inch well. The 5 inch well will act purely as a backup to the 8 inch well and will only be used during periods of maintenance or inactivity for the 8 inch well. At no time will the two wells be running together. If you need any further information or clarification please contact me at (605) 785 2151 or via email at drumgoon@itctel.com. I hope this will be satisfactory.

Yours truly,

Rodney Elliott
General Manager for Drumgoon Dairy LP

CE

RECEIVED

JAN 30 2007

WATER RIGHTS
PROGRAM

Jan. 26, 2007

Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Chief Engineer:

In regards to application No. 6785-3 to appropriate water, we would like to encourage you to approve this application. We own land in sections 34-114-53, 35-114-53 and 36-114-53. We believe the dairy is a benefit to the agriculture in our community and this is a good use of the water.

Sincerely,



Susan Everson

Kenneth and Susan Everson
45129 189th St
Hayti, SD 57241

(605) 783-3769

cc: Drumgoon Dairy



**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. 6785-3, Drumgoon Dairy LP**

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. 6785-3, Drumgoon Dairy LP, c/o Rodney Elliott, 19048 US Hwy 81, Lake Norden, SD 57248

The Chief Engineer is recommending APPROVAL of Application No. 6785-3 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. Permit No. 6785-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6785-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
January 12, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6785-3
For Drumgoon Dairy LP
January 10, 2007

Application No. 6785-3 proposes to appropriate 0.2 cfs (90 gpm) from two wells completed to approximately 30 feet in depth and located in the SW ¼ NW ¼ of section 36, T114N R53W in Hamlin County. The water is for commercial use in a dairy operation.

AQUIFER – BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 88,500 acres and contains an estimated 331,880 acre-feet of recoverable water in storage in Hamlin County (Hedges, 1982). The aquifer blends into the Big Sioux North aquifer to the north also located in Hamlin County which then extends into Codington County to the north, and extends into Deuel County to the east and also into Brookings County to the south, and is hydraulically connected to the Big Sioux River and some area lakes or sloughs. The direction of ground water movement is from probably from east to west in the area of this application (Kume, 1985).

The well completion reports filed with the application indicate two wells completed to depths of 30 feet. Both well logs indicate gravel from about 5 feet to 30 feet below land surface with 12 feet static water levels. One well is cased with eight inch the other with five inch pipe. The eight inch well was capable of 350 gpm with eight feet of drawdown (specific capacity of about 44 gpm/ft of drawdown) and the five inch well capable of 90 gpm with eight feet of drawdown (specific capacity of over 11 gpm/ft of drawdown). The applicant indicates that the five inch well will be only used as a backup supply in case the eight inch well goes down. At no time would both wells be operating together.

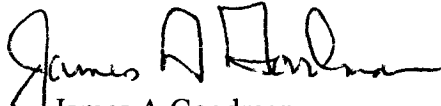
The Water Rights Program monitors six observation wells completed in to the Big Sioux aquifer and located within a five mile radius of this application. One of these observation wells HN-77D is located about two miles east of this application. Water levels for this well show good response to climatic conditions that is rising during wet years (recharge) and gradually declining during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). A hydrograph for observation well HN-77D is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permit/right within two miles of this application. Interference is not a concern. The nearest existing irrigation well is more than two miles to the east. At this distance drawdown would not be measurable. This pumping rate is relatively small and should not create a significant amount of drawdown and should not adversely affect any nearby domestic user.

CONCLUSIONS

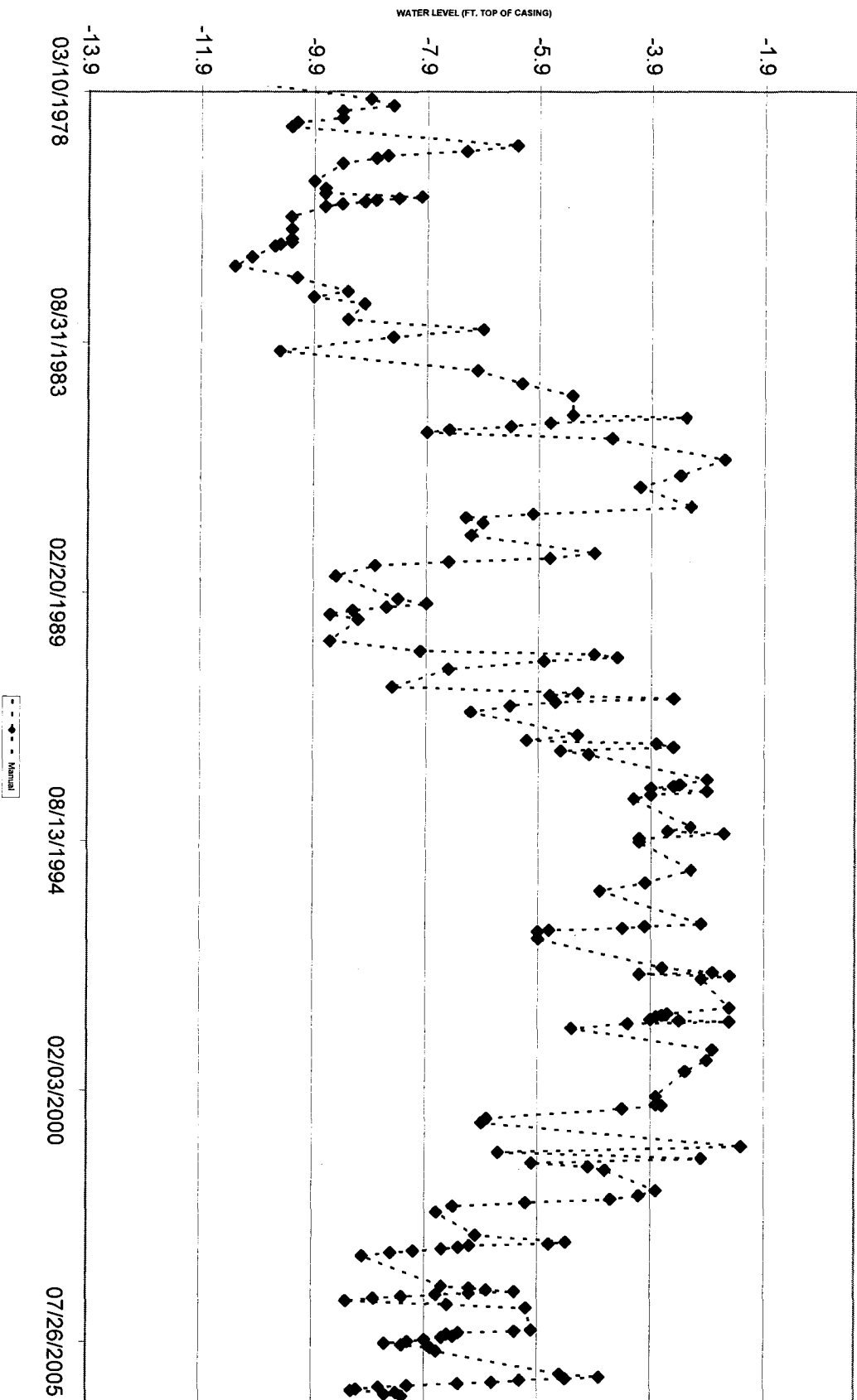
1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is under water table conditions in this area. There are no other nearby high capacity users. Drawdown created by this diversion should not be significant. Interference is not a concern.
3. The wells for this application have been constructed in accordance with SD Well Construction Standards.
4. Plans and specifications "as built" for this facility were approved by the Department in December of 2006.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57501.
- Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, Water-Resources Investigations Report 84-4069, USGS, Huron, SD, 57350.
- Water Rights, 2007, Unpublished Observation Well Data for Hamlin County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL HN-77D



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, Lee Anne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 24, 2007

Jan 31, 2007

Cost of Printing \$ 46.08

Lee Anne Archer
(Signature)

Owner
(Title)

2/1/07
(Date Signed)

RECEIVED

FEB 05 2007

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION NO.
6785-3 TO APPROPRIATE
WATER**

Notice is given that Drumgoon Dairy LP, 19048 US Hwy 81, Lake Norden SD 57248 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from two wells completed into the Big Sioux: Brookings Aquifer (30 feet deep) located in the SW 1/4 NW 1/4 Section 36-T114N-R53W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6785-3 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 February 12, 2007.

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.



January 18, 2007

Hamlin Co. Herald Enterprise
PO Box 207
Hayti SD 57241-0207

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6785-3 to Appropriate Water to be published twice. Please publish the first notice on January 24, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Drumgoon Diary LP, 19048 US Hwy 81, Lake Norden SD (Ph # 605-785-2151).

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. 6785-3

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

Date _____

We are in receipt of your letter of January 18, 2007 enclosing Notice to Appropriate Water by Application No. 6785-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

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

January 18, 2007

Drumgoon Dairy LP
19048 US Hwy 81
Lake Norden SD 57248

Dear Sir:

Water Permit Application No. 6785-3 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 Hamlin Co Herald Enterprise printed at Hayti, SD (Ph # 605-783-3636). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on January 24, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6785-3 to Appropriate Water

Notice is given that Drumgoon Dairy LP, 19048 US Hwy 81, Lake Norden SD 57248 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from two wells completed into the Big Sioux:Brookings Aquifer (30 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36-T114N-R53W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6785-3 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 February 12, 2007.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

Drumgoon Dairy LP
Rodney Elliott
19048 US Hwy 81
Lake Norden SD 57248

Dear Mr. Elliott:

Enclosed is Water Permit No. 6785-3 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

MAY -7 2007

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 05/04/07

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Deumetoon Dairy LP

(name)

19048 US HWY 81

(address)

LAKE NORDEN SD 57248

(city, state, zip)

(605) 785-2151

(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. 6785-3 states that the water use system is to be constructed by

FEB 12th 2012

(date)

, and water is to be put to beneficial use by FEB 12th 2016

(date)

The water use system was completed on 05/01/07

(date)

Applying the water to beneficial use was completed on 05/01/07

(date)

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

Dorothy Elliott
(signature)



Permit No. 6785-3
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, **May 13, 2008**, made a thorough examination of the water use system constructed by **Drumgoon Dairy LP** of **19048 US Hwy 81, Lake Norden, SD 57248** holder of Permit No. **6785-3**, bearing the priority of **December 15, 2006** authorizing the diversion of **0.2** cu. ft. per second of the waters of the **Big Sioux:Brookings Aquifer** for **Commercial use in a Dairy Operation**, in **Hamlin** County.

Inspection contact & relationship **Rodney Elliott**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Kaiser Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **Both 30 feet**
- 4) Well log is available **Y**
- 5) Comment: Both wells are within a couple feet of each other and only one GPS waypoint was taken.

Casing:

- 1) Diameter **Well 1: 8 inches, Well 2: 5 inches**
- 2) Length **Both 20 feet**
- 3) Type **Well 1: Sch 40, Well 2: SDR 17**

Screen:

- 1) Type **Well 1: 8 inch Stainless Steel, Well 2: 5 inch Plastic**
- 2) Length **Both 10 feet**
- 3) Static water level **12** feet

Pump:

- 1) Make **Both Pumps are Goulds Submersibles**
- 2) Model **Well 1: 70GS-10, Well 2: 55GS-50**
- 3) Size **Well 1: 10 hp, Well 2: 5 hp**
- 4) Capacity **Well 1: 90 gpm, Well 2: 60 gpm**

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

- 1) Type Underground Pipe

C. Compliance with Permit Requirements:

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

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

Approximately 2635 feet south and 200 feet east of the NW corner Section 36-T114N-R53W
(N 44.63714, W -97.14721) (SW ¼ NW ¼)

The works are capable of diverting and conveying to the place of use 0.2 cu. ft. per second of water which is to be used for type of use.

Water has been put to beneficial use to the maximum extent as follows:

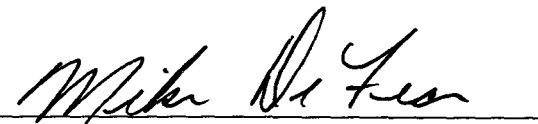
Water from the wells is transported through a pipeline for various uses at the dairy.

The license should be issued for 0.2 cfs.

All structures, wells and lands on map Y

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

This permit authorizes the diversion 0.2 cfs of water from two wells from the Big Sioux:Brookings aquifer for use at the dairy operation. Well 1 can produce 0.2 cfs of water, while Well 2 has the capacity to produce 0.13 cfs of water. However, Well 1 is their primary well and Well 2 is used only as a backup source of water. Both wells are not used simultaneously.

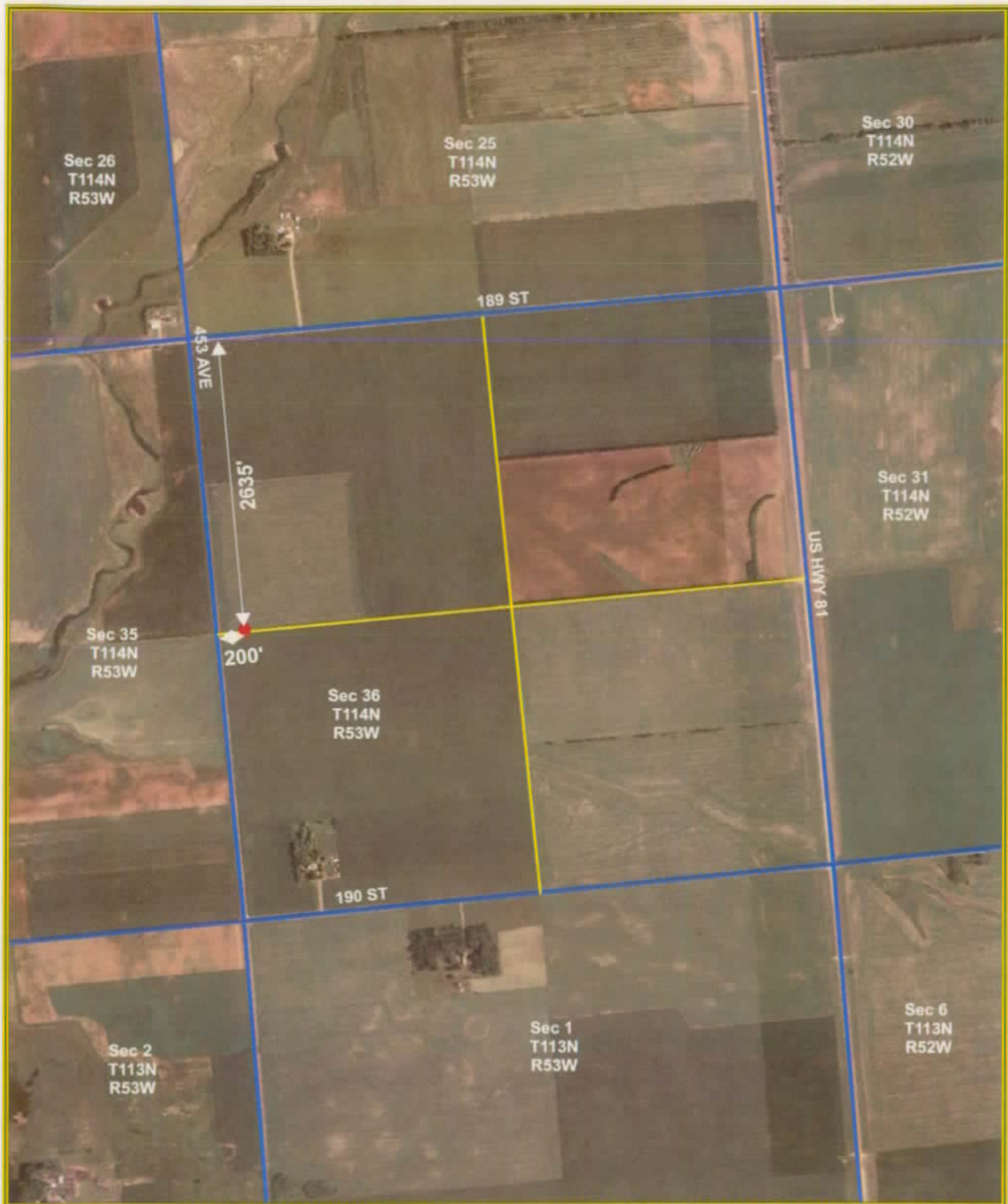


Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: November 10, 2008

Water Permit No. 6785-3
Drumgoon Dairy, LP



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
November 10, 2008

0 950 1,900 3,800 Feet



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



JUN 15 2009

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6785-3

Drumgoon Dairy LP
19048 US Hwy 81
Lake Norden SD 57248

Dear Sir:

Enclosed is Water License No. 6785-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6785-3, 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. 6785-3

(1) Drumgoon Dairy LP, 19048 US Hwy 81, Lake Norden SD 57248 made Application No. 6785-3, December 15, 2006 for a water permit to divert 0.2 cubic feet of water per second from groundwater (two wells), Hamlin County, South Dakota for commercial purposes. Permit No. 6785-3, with a priority date of December 15, 2006 was approved February 12, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 12, 2012 and for the application to beneficial use of water on or before February 12, 2016.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 7, 2007. The *Notice* stated the diversion system was completed on May 1, 2007 and the water placed to beneficial use on May 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. 6785-3 is issued a license, bearing a priority date of December 15, 2006 to appropriate 0.2 cubic feet of water per second from groundwater (two wells) for commercial use in a dairy operation.

The diversion points are located: approximately 2,635 feet south and 200 feet east of the northwest corner Section 36-T114N-R53W (SW ¼ NW ¼). The two wells are located within a couple feet of each other. The second well is maintained as a backup water source.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6785-3 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.
- Permit No. 6785-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6785-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - Chapter 74:54:01 Ground Water Quality Standards,
 - Chapter 74:54:02 Ground Water Discharge Permit,
 - Chapter 74:51:01 Surface Water Quality Standards,
 - Chapter 74:51:02 Uses Assigned to Lakes,
 - Chapter 74:51:03 Uses Assigned to Streams, and
 - Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

Garland Erbele

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

JUN 15 2009

date

