

WATER PERMIT NO. 6894-3

Name of Applicant: **Scott or Tammy Helmer**

Address: **48660 246th St, Garretson SD 57030**

Phone: **605 349-8090**

Amount of Water Claimed: **0.333 cfs**

Total Acres:

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **commercial**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **7 miles north of Garretson**

PRIORITY

Date Received: **9-11-07**

Application/License Fee: **\$275**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NW ¼ SE ¼ Sec 9-T104N-R47W**

Land to be Irrigated: **NA**

Depth of Well: **140 feet deep**

Well Driller: : **Joel Minett Well Drilling**

Remarks:

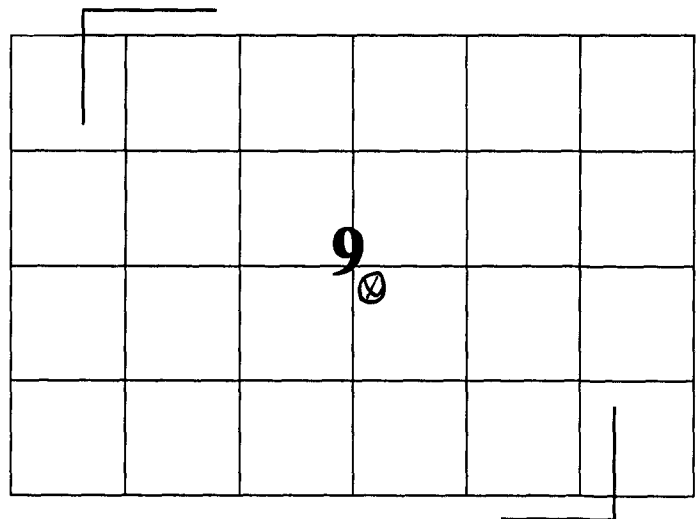
Type of Map: **aerial**

Prepared by: **Larry Olsen, Minn Co FSA office**

Reviewed and the Number Assigned on: **9-11-07**

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>10894-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Garretson Weekly PO Box 31 Garretson</u> <u>605-594-6315</u> <u>57030</u>

RECEIVED
SEP 11 2007
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 livestock | |

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 Scott Helmer or Tammy Helmer Phone (605) 349-8090
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 48660 246 st. Garretson State SD 57030
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.333 *CFS or 150 **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 well (2)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Minnehaha
2 wells in NW 1/4 of SE 1/4 sect 9 T104N R47W
5. County or counties where water will be used Minnehaha
6. Annual period during which water is to be used Daily 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)

Well field for our 5999 animal unit dairy [2500 milking]. These are our 3rd + 4th wells
These 2 are in a different formation - The 3rd well is drilled but we
have a dirty screen. We believe each well will be able to produce 75 gpm.
The 4th well will be drilled this fall.

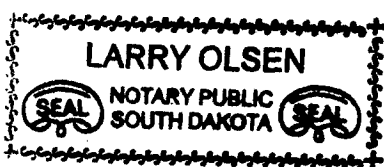
STATE OF SOUTH DAKOTA
County of Minnehaha SS

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, Scott/Tammy Helmer, 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 Scott Helmer

Subscribed and sworn to before me this 5 day of September 20 07



[Signature]
Notary Public signature

My Commission expires 9-23-09

SOUTH DAKOTA
WATER PERMIT NO. 6894-3

Date of first receipt of application September 11, 2007.

The Water Management Board approved Water Permit No. 6894-3 on March 11, 2008 for Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 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. 6894-3 appropriates 0.333 cubic feet of water per second from a well to be completed into the Split Rock Creek Aquifer (approximately 360 feet deep) located in NW ¼ SE ¼ Section 9-T104N-R47W.
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 from which applicant may claim right is September 11, 2007.
5. One-fifth of the construction is to be completed on or before September 11, 2010.
6. All construction is to be completed on or before March 11, 2013.
7. Water is to be put to beneficial use on or before March 11, 2017.
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 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 well authorized by Permit No. 6894-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6894-3 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.

(continued)

4. Permit No. 6894-3 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

MAY 07 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 140'
- b) Casing Type steel Diameter 6" Thickness 1/2"
- c) Screen Type Johnson 60 slot SS Diameter 6 in telescope Thickness 5 ft. 1/2"
- d) Gravel Pack no Natural development Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 132
- f) Depth to Water (ground surface to water level) 20.5 ft
- g) Distance to nearest existing domestic well: 1300 ft
- On applicants property yes On property owned by others 1/2 mile

2. Wastewater Disposal System Information

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

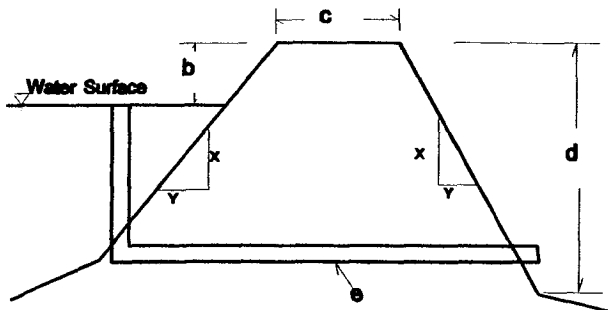
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/11, 2007

RECEIVED OF MOODY DAIRY/HELMER DAIRY LLC 48660 246TH ST GARRETSON SD 57030

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

Fee for Application for Permit No. <u>60894-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>60894-3</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	275	00

No.

03160

By

Harold Erbe

Chief Engineer

207

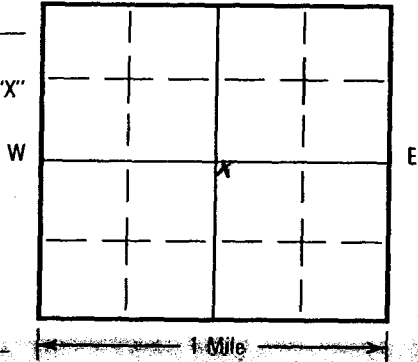
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6894-3

07-92

Location NW 1/4 SE 1/4 Sec 9 Twp 104N Rg 47W
County Minnehaha

Please mark well location with an "X"



Well Completion Date

11-15-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? none ft. from none (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>6 1/2</u> IN	<u>0</u> FT	<u>360</u> FT	<u>10</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Bentonite Slur No. of Sacks 17 Grout Weight _____ lb./gal From 6 ft To 280 ft

Describe grouting procedure run tremie line - pumped w/ mud pump

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 6 1/2 IN Length 60 FEET
Material Plastic SDR-17
Slot Size 25 Set From 300 Feet to 360 Feet
Other information Pack w/ o Pack

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: 59 gallons OR Chlorine
☐ NO, Why Not? Pumped

Laboratory sent to for water quality analysis _____

Well Owner Scott Helmer

Business Name: Helmer Dairy LLC

Address: 48660 246 st.

Garrettsen SD 57030

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP Soil	0	2
yellow clay	2	60
Fine Sand	60	65
Coarse Gravel	65	75
Blue clay	75	260
Granite	260	263
Blue clay	263	292
Sandstone (Pink)	292	360
Blue clay	360	

STATIC WATER LEVEL

33'

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: AIR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

100 ft. After 24 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Draw Down 85'

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling & repair INC

Signature of License Representative:

Dave Putzke

Scott Helmer

Date: 11-21-07

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Attn. Eric Groelund

Aerotech
A Munters Company
4215 Legion Drive, Mason, MI 48854 USA
Phone: 517-876-7070 Fax: 517-876-7078
Web: www.aerotech-inc.com

FAX

DATE: 11/13/2007 **FROM:** Norm Wettstein
TO: Scott Helmer **PH:** 309-965-2257
ATTN: **Fax:** 866-249-4005
PHONE: **Cell:** 309-825-4258
FAX: **PAGE:** 1 OF 1
CC:
SUBJECT: Water usage for cooling **Email:** ndwett@hughes.net

Scott,

Estimating water usage by cooling systems is dependent on weather conditions so any number that is talked about is an educated guess.

But we can go to the climate weather data put out by the Federal Government through one of their agencies, NAOO, and make a pretty good guess as to an average usage would be.

For Sioux Falls, the 2.5% design temperature that is one that is only exceeded 2.5% of the time is 91 degrees. The corresponding wet bulb temperature, which determines humidity and how much cooling you can get is 72 degrees. Using these numbers, I would estimate a usage of 72 gallons per minute under those conditions.

I would further estimate on a 100 degree day, a usage of about 82 gallons per minute.

These numbers are for 1 barn with 82 - 55" fans as designed. The second barn would double the numbers to 144 GPM and 164 GPM under the 2 weather conditions.

Let me know if you need more information.

Norm Wettstein
Aerotech Representative

Gronlund, Eric

From: Scott Helmer [helmerdairy@frontiernet.net]
Sent: Wednesday, November 21, 2007 6:33 PM
To: Gronlund, Eric
Subject: Document2 [Compatibility Mode]
Importance: High

Eric,

Attached is letter from our cooling and ventilation representative on estimates of our water usage for our cooling system for our cows. I will send a copy of our new well log and an estimate of the water requirements for our cows and milking system later. Keep in mind the estimates in this letter are for our cooling cells only.

Thank You, Scott Helmer

December 7, 2007

To: Scott Helmer, Helmer Dairy

From Patrick Emmons, Consultant

Subject: Documentation to support request for a 300 gallons per minute water right permit for Helmer Dairy

Here are the results of my research on dairy cow water consumption. The U.S. Geological Survey (USGS) (1996) estimated water use on dairy farms in Idaho. USGS used 46 gallons per day (gpd) for lactating cows during high season use. This is an average for high season and does not reflect a maximum daily usage. It would be expected that water consumption would be considerably higher than 46 gpd on high heat stress days. Falk (2004) indicates dairy cattle water for lactating cattle is 45.7 gpd. Again this is not a peak demand.

Thomas (No Year) from Michigan State University Extension presented the following table:

Animals	Water Usage (gal/hd/d) ¹
Calves	6-10
Heifers	10-15
Dry Cows	20-30
Milking Cows	35-50

¹ During periods of heat stress (hot weather) drinking water intake can easily double.

Based on the data provided by Falk (2004) and Thomas (No Year), parlor and other dairy water use would be about 10 gallons per minute (gpm). This number could be fine tuned based on your operation, but I believe 10 gpm is a reasonable number. Norm Wettstein (2007) in his memo stated that cooling water demands on high heat stress days would be about 164 gpm.

The Helmer Dairy is permitted for 5,999 animal units with an adult cow equaling 1.4 units. Per our telephone conversation, you are planning, at this time, to have 3,000 cows (2,500 milking, and 500 dry) which equals 4,200 animal units and about 1000 heifers. You have the option under your permit to increase your herd by an additional 799 animal units. Your water permit should reflect a herd size of 5999 animal units. It does not take much of change in your milking cow, dry cow, and heifer mix to get to the permitted herd size. Based on these numbers, I prepared two tables showing potential mix of milking cows, dry cows, and heifers at the permitted herd size.

Gronlund, Eric

From: Scott Helmer [helmerdairy@frontiernet.net]
Sent: Tuesday, December 11, 2007 7:14 PM
To: Gronlund, Eric
Cc: PAT EMMONS
Subject: RE: Question on Helmer Dairy water permit application

Eric,

We only need 1 well in this deeper formation. Scott

From: Eric.Gronlund@state.sd.us [mailto:Eric.Gronlund@state.sd.us]
Sent: Tuesday, December 11, 2007 2:20 PM
To: Patrick.Emmons@SDSTATE.EDU; helmerdairy@frontiernet.net
Subject: Question on Helmer Dairy water permit application

Gentleman

Is it Helmer Dairy's intention to drill one or two wells into this deeper formation? Originally the intention was to drill two wells but looking at the recent completion report for the 360 foot deep well it produced 200 gpm when pumped with air. This appears sufficient for the 150 gpm requested on the application. Please let me know.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

-----Original Message-----

From: Emmons, Patrick [mailto:Patrick.Emmons@SDSTATE.EDU]
Sent: Monday, December 10, 2007 1:14 PM
To: Gronlund, Eric; Scott Helmer
Subject: Helmer Dairy water permit support information

Eric;

Scott asked me to put together some supporting data for his request for increasing the Dairy water right permit to 300 gpm. I would have gotten this to you last week but my computer caught a really nasty virus. It took the computer folks several visits. To finally get it removed.

Pat



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6894-3, Scott and Tammy Helmer**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6894-3, Scott and Tammy Helmer, 48660 246th Street, Garretson SD 57030.

The Chief Engineer is recommending APPROVAL of Application No. 6894-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6894-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6894-3 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.
4. Permit No. 6894-3 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 Erbe, Chief Engineer
December 20, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6894-3

Scott or Tammy Helmer

December 10, 2007

Application No. 6894-3 proposes to appropriate 0.333 cfs (150 gpm) from one well approximately 360 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9, T104N R47W in Minnehaha County for commercial use in a dairy operation.

AQUIFER – SPLIT ROCK CREEK (SRKC)

The Split Rock Creek aquifer is a buried sand, siltstone, claystone and shale of the Split Rock Creek Formation (Lindgren, 1992) that is under confined or artesian conditions at this site. The Minnehaha County study only maps a very small portion of the Split Rock aquifer in the northeastern portion of the county. In Moody County the aquifer is called the Quartzite wash and described as composed of uncemented, coarse, well-rounded, well sorted, pink, quartzose sand (Hansen, 1986). In Moody County the aquifer underlies 291 square miles and contains an estimated 2.7 million acre-feet of water in storage (Hansen, 1986). Ground water movement appears to be from northeast to southwest. The Quartzite wash aquifer system appears to be quite large to the north into Moody County but does not appear to be hydraulically very far to the south where it apparently merges with the Split Rock Creek aquifer. That aquifer is also large in Minnehaha County but the portion of the Split Rock Creek mapped in northeastern Minnehaha County does not match with the major portion of the aquifer located in east central Minnehaha County. For purposes of this report the northeastern mapped unit of the Split Rock Creek aquifer is hydraulically the same as the Quartzite wash aquifer in Moody County.

The driller's log filed with the application indicates pink sandstone from 292 to 360 feet below land surface. The completed well was capable of producing 200 gpm with a reported drawdown of 85 feet. This is a relatively low yield well in terms of specific capacity (about 2.4 gpm/ft of drawdown) but certainly a good well. The static water level was reported to be 33 feet below land surface.

The Water Rights Program does not monitor any observation wells completed into this aquifer in this area. There is little historical information is available concerning water level for this area. The nearest Water Right observation wells are located many miles away from this area and would not be representative of the aquifers at this site. There are three observation wells in the area that were constructed for the Moody and Minnehaha county studies but it is not known what the status of those wells is at this time.

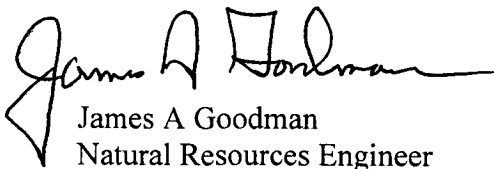
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The applicant already has a water permit No. 6803-3 for water from the shallower source. That permit allows a diversion rate of 0.333 cfs from two wells but completed to depths of 74 and 79 feet. These proposed wells will be in virtually the same area. Interference is not expected to be a problem. The best guess is that the two sources are distinct. Drawdown will occur as a result of pumping and can be evaluated during actual

production. There could be domestic wells in the area that obtain water from either potential ground water source. It is not expected that this diversion would adversely affect any existing domestic water user.

CONCLUSIONS

1. Water is available from the Split Rock Creek aquifer at this site. The initial testing indicates a low yield well but it should be reliable.
2. The aquifer is under artesian conditions and drawdown will occur. This is not expected to adversely impact the existing wells in the shallow outwash. Interference between the two sources is not expected to be a concern.
3. The well authorized by this application appears be constructed in accordance with SD Well Construction Standards.
4. The applicant already has a permit No. 6803-3 for 0.333 cfs at this site. This application would double the diversion rate for the dairy facility. The applicant has provided information that indicates that the facility may need this rate of use.
5. Plans and specifications for this facility have been approved by the Department.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations Report 84-4209, USGS, Huron, SD, 573350.

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, Water-Resources Investigations Report 91-4101, USGS, Huron, SD, 57350.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

November 2, 2007

Garretson Weekly
PO Box 31
Garretson SD 57030

ATTENTION: Legal Public Notice

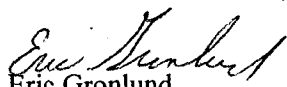
Enclosed is a Notice on Application No. 6894-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 (Ph # 605-349-8090).

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. 6894-3

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

Date _____

We are in receipt of your letter of November 2, 2007 enclosing Notice to Appropriate Water by Application No. 6894-3 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.

November 2, 2007

Scott or Tammy Helmer
48660 246th St
Garretson SD 57030

Dear Mr. and Mrs. Helmer:

Water Permit Application No. 6894-3 for your dairy farm 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 Garretson Weekly printed at Garretson SD (Ph # 605-594-6315). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

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 November 8, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6894-3 to Appropriate Water

Notice is given that Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 have filed an application for a water permit to appropriate 0.333 cubic feet of water per second from two wells to be completed into the Pleistocene Unknown (approximately 140 feet deep) located in NW ¼ SE ¼ Section 9-T104N-R47W for commercial use in a dairy operation. 360

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6894-3 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 this 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 this 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 recommendations 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 November 26, 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.

RECEIVED

JAN 22 2008

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Minnehaha) SSI, Carolyn Lambertycertify that the attached printed Notice was
takenfrom the Garretson Weeklyprinted and published in Sioux Falls for
Garretson
County of Minnehaha andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

January 2, 2008January 9, 2008Cost of Printing \$42.29Carolyn Lamberty
(Signature)Office Manager
(Title)Jan. 18, 2008
(Date Signed)

Legal Notices

DENR Notice

NOTICE OF APPLICATION NO.
6894-3 to Appropriate Water

Notice is given that Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 have filed an application for a water permit to appropriate 0.333 cubic feet of water per second from a well to be completed into the Split Rock Creek Aquifer (approximately 360 feet deep) located in NW 1/4 SE 1/4 Section 9-T104N-R47W for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6894-3 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 this 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 this 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 recommendations 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 January 21, 2008.

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.

G-Jan. 29 Helmer Ad#1093923



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 21, 2007

Garretson Weekly
PO Box 31
Garretson SD 57030

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6894-3 to Appropriate Water to be published twice. Please publish the first notice on January 3, 2008 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 Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 (Ph # 605-349-8090).

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. 6894-3

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

Date _____

We are in receipt of your letter of December 21, 2007 enclosing Notice to Appropriate Water by Application No. 6894-3 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.

December 21, 2007

Scott or Tammy Helmer
48660 246th St
Garretson SD 57030

Dear Mr. and Mrs. Helmer:

Water Permit Application No. 6894-3 for your dairy farm 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 Garretson Weekly printed at Garretson SD (Ph # 605-594-6315). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

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 3, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6894-3 to Appropriate Water

Notice is given that Scott or Tammy Helmer, 48660 246th St, Garretson SD 57030 have filed an application for a water permit to appropriate 0.333 cubic feet of water per second from a well to be completed into the Split Rock Creek Aquifer (approximately 360 feet deep) located in NW ¼ SE ¼ Section 9-T104N-R47W for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6894-3 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 this 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 this 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 recommendations 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 January 21, 2008.

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 17, 2008

RECEIVED

JAN 22 2008

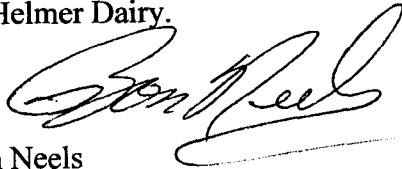
WATER RIGHTS
PROGRAM

Attention: DENR

I'm writing this letter in regards to the Water Permit Application No. 6894-3 to appropriate water by Scott Helmer in Minnehaha County, South Dakota.

I am concerned about our water rights and the amount of water they will be taking out of the aquifers. I believe the information used for your decision may be out dated (1986 & 1992) and there are no observation wells in this aquifer in this area. So without current studies and monitoring how can we know this aquifers can withstand over approximately 150,000,000 gallons of water a year. With knowledge that the previous owner could not get enough water for a small amount of cows, and a neighboring farm also has had to haul water on dry years. I also think there is a concern for the endangered Topeka Shiner in this area. They are not listed in SD. But the state still has to meet the criteria of the Management Plan for the State of South Dakota. It is a proven watershed for the Topeka Shiner and if the withdrawal from the aquifer is too large it will put them in danger again. It could dry up the small streams they live in.

I also want this to go on record stating our concerns of lack of water and hope the state would take the proper steps to insure our water rights take precedence over water usage by Helmer Dairy.



Ron Neels
24750 487th Ave.
Sherman, SD. 57030



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2008

NOTICE

TO: Scott and Tammy Helmer
48660 246th Street
Garretson SD 57030

Ron Neels
24750 487th Avenue
Sherman SD 57030

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6894-3, Scott and Tammy Helmer

A petition to intervene has been filed in response to the public notice of Water Permit Application No. 6894-3 filed by Scott and Tammy Helmer. This notice schedules a hearing before the Water Management Board to consider Application No. 6894-3.

As specified in the publication notice, Application No. 6894-3 proposes to appropriate 0.333 cubic feet of water per second from a well to be completed into the Split Rock Creek Aquifer (approximately 360 feet deep) located in NW 1/4 SE 1/4 Section 9-T104N-R47W for commercial use in a dairy operation.

The Water Management Board will conduct a hearing to consider Application No. 6894-3 at 11:00 AM on Tuesday, March 11, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 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. 6894-3 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 March 11, 2008, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party who timely filed a petition opposing the application. The request for an automatic delay must be filed by February 29, 2008.

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 individual with disabilities that this hearing is being held in a physically accessible facility. Please notify Eric Gronlund at (605) 773-3352 by February 29, 2008, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

Enclosed is a copy of the report, recommendation and petition in the matter of Water Permit Application No. 6894-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

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 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

enclosures

c: Diane Best, Assistant Attorney General

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 February 29, 2008.

CERTIFICATION

I hereby certify that on January 23, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 23, 2008, regarding scheduling of hearing for Water Right Permit Application No. 6894-3, Scott and Tammy Helmer, as addressed below.

Scott and Tammy Helmer
48660 246th Street
Garretson SD 57030

Ron Neels
24750 487th Avenue
Sherman SD 57030

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 57501-8501



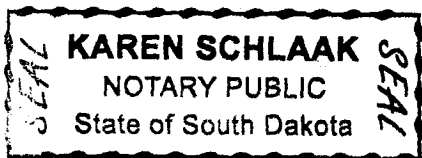
Gail Jacobson, Secretary
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of January, 2008.



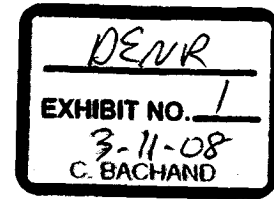
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



JAMES A GOODMAN

EDUCATION

B.S. Geological Engineering , SDSM&T in 1971.
35 Graduate Credit Hours of Study at SDSM&T in 1974 and 1975.



REGISTRATIONS AND PROFESSIONAL SOCIETIES

Registered Professional Engineer in South Dakota (# 3587)
Member National Society of Professional Engineers
Member National Ground Water Association / Association of Ground Water Scientists and Engineers

CAREER EXPERIENCE

From 1999 to Present - Title: Natural Resources Engineering Director (DENR - Water Rights)
Responsibilities: Conducting ground water investigations and investigating complaints, managing the Observation Well Network, compiling water well data, preparing and reviewing reports for new ground water permit applications, providing technical assistance to the Chief Engineer and providing expert testimony to the Water Management Board on contested water permit applications.

From 1989 to 1999: Natural Resources Engineer IV (DENR - Water Rights)
Responsibilities: Supervising the ground water section, developing well construction standards and well driller licensing, preparing reports for new water permit applications, investigating complaints, providing testimony to the Water Management Board.

From 1980 to 1989: Hydrologist III (DWRN - Water Rights)
Responsibilities: Ground water investigations, supervise observation well maintenance and data collection, developing well construction rules and licensing water well drillers and investigating complaints.

From 1978 to 1980: Hydrologist II (DWRN - SDGS)
Responsibilities: Ground water investigations, observation well drilling, water sampling, surveying, preparing ground water assessments for the Water Rights Commission.

From 1976 to 1978: Engineer I (DWRN - Water Rights)
Responsibilities: Well complaints, ground water problems investigations, observation well drilling, and basic hydrologic data collection.

MISCELLANEOUS- Testimony to Water Management Board for the following water permit applications (since July of 1999).

Testified on 37 irrigation permit applications from the Tulare Hitchcock and Tulare Western Spink aquifers.
Nos. 6829-3, 6830-3, 6841-3, 6842-3, Patrick, Matthew and Merlyn Van Buskirk, T-WS and T-H aquifers.
No. 6803-3, for Scott Helmer, for commercial dairy in Minnehaha County, PSC aquifer.
No. 5101A-3 for the City of Lennox, add new area for Future Use.
No. 6778-3 for the City of Lennox, new city wells, put water to beneficial use.
Nos. 6676-3, 6677-3, deferred from the T-H aquifer until December of 2007.
Nos. 472A-3 and 472-3, cancellation of 472-3 and amending by 472A-3. Not cancelled so amendment withdrawn.
No. 5862-3 for the City of Watertown, consider a portion of the deferred Future Use for municipal purposes
No. 6338A-3 for Allen Gatzke for irrigation from the T-H aquifer.
No. 6728-3 for Ron Starr irrigation from the T-EJ aquifer.
No. 6715-3 for United Feeders LLP, dairy feedlot from T-EJ aquifer.
Nos. 6711-3 for Oscar Inc., 6712-3 and 6713-3 for Petersen Brothers, irrigation permits from T-EJ aquifer
Nos. 6655-3 (Oscar Inc.), 6656-3 (Peterson Bros), 6675-3 and 6676-3 (St. Clair) approval from T-EJ aquifer for irrigation.
Nos. 6693-3, 6694-3, 6695-3 (Gatzke), 6687-3, 6688-3 (Watson), 6689-3 (Watson) irrigation T-WS and T-H aquifers.
Nos. 6668-3, 6669-3, 6670-3, 6671-3 for irrigation Bixler Farms deferral from T-H aquifer.
Nos. 6660-3 and 6661-3, for Lee Gatzke, deferral of irrigation permits from Tulare Hitchcock aquifer
No. 4586A-3, for William St. Clair, irrigation permit transfer from Tulare East James aquifer
No. 6632-3, for Prairie Gold Dairy, LLC. (commercial dairy)
No. 6594-3, for Riverside Colony, irrigation (Tulare-Hitchcock aquifer)
No. 6576-3, for Lee Kleinschmidt, irrigation
No. 6560-3 and 6578-3, for Louis Fritz, irrigation near Raymond
No. 6581-3, for Fremark Feedlot, cattle feedlot near Miller

No. 6540-3, for Roger Mohr, irrigation use above Watertown Future Use Area
No. 6476-3, for Morris Inc, industrial use
Nos. 6460-3, 6461-3, 6462-3, 6463-3 for Gary Marshall, irrigation (deferral)
No. 6201A-3 (and 6334C-3) for Peterson Farms, irrigation
No. 6445-3 for Spink Colony, irrigation use, recommend denial
No. 6456-3 for South Lincoln Rural Water System, rural water use, Dakota formation
No. 6407-3 for Marshall Brothers, commercial use for an existing cattle feedlot
No. 6437-3 for Crosswinds Jerseys, commercial use for a dairy
No. 6439-3 for Norway Dakota, commercial use for an existing cattle feedlot
No. 6435-3 for South Lincoln Rural Water System, rural water use including the ethanol plant at Chancellor
No. 6403-3 for Rick Even, irrigation
No. 6414-3 for Andy Weber, irrigation
No. 6431-3, Philip Hines, irrigation
No. 6399-3 for Keith and Kip Krull, irrigation
No. 6425-3 for Harry Thomas, irrigation
No. 6382-3 for William St. Clair for irrigation
Nos. 6306-3 and 6416-3 for Haverhals Feedlot Inc., cattle feedlot
No. 6395-3 for Hutterville Hutterian Brethern, irrigation of garden
No. 6394-3 for Hutterville Hutterian Brethern, livestock and domestic use
No. 6386-3 for Tim Pazour, cattle feedlot
No. 6385-3 for SDAPV Dairy Development, LLC., dairy operation
No. 2729A-3 for Harvey Wollman, irrigation transfer
Nos. 5837A-3 and 5850A-3 for Taylor Properties, Inc., suburban housing development
No. 6339A-3 for Allen Gatzke, irrigation
No. 6341-3 for Jeffrey Gatzke, irrigation
No. 6374-3 for Bixler Farms, irrigation
Nos. 6376-3 and 6377-3, LDL cattle feedlot, commercial use
Tulare Western Spink, Tulare Hitchcock, irrigation report (22 applications)
No. 6341-3 for Jeffrey Gatzke, irrigation
No. 6362-3 for Rodney Zemlicka, irrigation
No. 6358-3 for Michael Johnson, commercial use (cattle)
No. 6342-3 for Ivan Sjoval, commercial use (cattle)
No. 4612A-3 for Oscar Inc., irrigation transfer
No. 6325-3 for VeraSun Energy, industrial use
No. 6287-3 for Oscar Inc., irrigation use
No. 6281-3 for Dakota Value Capture Cooperative, commercial use
No. 6260-3 for Heine Farms, commercial use
No. 6258-3 for Larry Krause and James Cremer, irrigation use.
No. 6257-3 for Thunderbird Colony, domestic use.
No. 6264-3 for Yankton Livestock Auction Market and Feedlot, commercial use.
No. 6255-3 for Turner County Dairy, LLP, commercial use.
No. 6252-3 for Haverhals Feedlot, Inc., commercial use.
No. 6227-3 for Goodwin Heritage Cattle, LLC, commercial use.
No. 6242-3 for Gary D Wipf, irrigation use.
No. 6228-3 for Sunburst (David Meyer), commercial use (swine).
No. 6212-3 for John Ulmer, irrigation and a small dam.
No. 6230-3 for Milbank Community Foundation, commercial use (dairy).
No. 6185-3 for Blumengaard Colony, domestic and commercial use (dairy).
No. 6158-3 for Ringling Cattle Company, commercial feedlot.
No. 6167-3 for Pearl Creek Hutterian Brethern, commercial use (turkeys).
No. 6150-3 for Classic Farms, LLC, commercial use (swine).
No. 6129-3 for Spring Tree AWMS, commercial use (swine).
No. 6128-3 for Deerfield Hutterian Brethern, Inc., domestic and commercial use.



**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. 6894-3, Scott and Tammy Helmer**

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. 6894-3, Scott and Tammy Helmer, 48660 246th Street, Garretson SD 57030.

The Chief Engineer is recommending APPROVAL of Application No. 6894-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6884-3 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. The combined diversion rate authorized by Water Permit Nos. 6803-3 and 6894-3 is 0.333 cfs.
4. Permit No. 6894-3 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.
5. Permit No. 6894-3 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
October 29, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6894-3

Scott or Tammy Helmer

October 18, 2007

Application No. 6894-3 proposes to appropriate 0.333 cfs (150 gpm) from two wells approximately 140 feet deep located in the NW ¼ SE ¼ of section 9, T104N R47W in Minnehaha County for commercial use in a dairy operation.

AQUIFER – PLEISTOCENE UNKNOWN (PS-U)

The Pleistocene Unknown aquifer is a buried outwash (sand and gravel) that is under confined or artesian conditions at this site. There is no available information concerning the extent or thickness of this aquifer for Minnehaha County. However the geologic information from both the Moody (Hansen, 1986) and Minnehaha (Lindgren, 1992) County studies indicate the best call for a water source for wells of this depth would be the Pipestone Creek aquifer. Because the drill hole (well completion data) is good for this site it appears the deeper sand and gravel may be isolated from the upper layer. For this reason the lower layer will be considered Pleistocene Unknown rather than the Pipestone Creek aquifer. It is possible the deeper unit could be considered the Howard aquifer but in reality the Howard would be expected to be much deeper. None of this means much except to provide source identification. The water appears to be available and there is very little water use from these sources in this area.

The driller's log filed with the application indicates sand and gravel from 65 to 76 feet (upper level source) and sand and gravel from 142 to 150 feet (lower level source). The well as completed into the lower level was capable of producing 50 gpm with a drawdown of 54 feet. This is a relatively low yield well in terms of specific capacity (less than one gpm/ft of drawdown).

The Water Rights Program does not monitor any observation wells completed into this aquifer in this area. No historical information is available concerning water level for this area. The nearest Water Right observation wells are located many miles away from this area and would not be representative of the aquifers at this site.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The applicant already has a water permit No. 6803-3 for water from the shallower source. That permit allows a diversion rate of 0.333 cfs from two wells but completed to depths of 74 and 79 feet. These proposed wells will be in virtually the same area. Interference is not expected to be a problem but until testing is conducted it not for certain that these two sources are hydraulically distinct. The best guess is that the sources are distinct. Drawdown will occur as a result of pumping and can be evaluated during actual production. There could be domestic wells in the area that obtain water from either potential ground water source. It is not expected that this diversion would adversely affect any existing domestic water user.

CONCLUSIONS

1. Water is available from the deeper outwash at this site. The initial testing indicates a very low yield well and this deeper source may not be reliable.
2. The aquifer is under artesian conditions and drawdown will occur. This is not expected to adversely impact the existing wells in the shallower outwash. Interference between the two sources is not expected to be a concern.
3. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant already has a permit for 0.333 cfs. This application would double the diversion rate for a dairy facility. The applicant has not provided any indication that the facility will need to double the rate of use. Recommend that these additional points of diversion be approved but the diversion rate remains at 0.333 cfs unless the applicant can justify the increased rate.
5. Plans and specifications for this facility have been approved by the Department.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations Report 84-4209, USGS, Huron, SD, 573350.
- Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, Water-Resources Investigations Report 91-4101, USGS, Huron, SD, 57350.



MAY 07 2008

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Scott or Tammy Helmer
48660 246th St
Garretson SD 57030

Dear Mr. & Mrs. Helmer:

Enclosed is Water Permit No. 6894-3 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

6894-3

RECEIVED
JUN 20 2008
WATER RIGHTS
PROGRAM

To

Garland Erbele

completion form for well permit

6894-3

Scott Helmer
office 349-0996
cell 595-~~1644~~
fax 349-0997

e-mail helmerdairy@frontier.net

Form 10

6894-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JUN 20 2008
WATER RIGHTS
PROGRAM

Date 6-20-08

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

FROM:

Helmer Dairy LLC
Scott Helmer
(name)

48660 246 st.
(address)

Garrettsen S.D. 57030
(city, state, zip)

349-0996
(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.

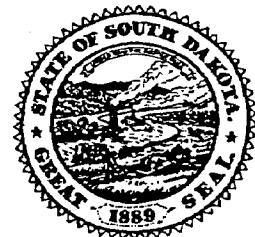
Water Permit No. 6894-3 states that the water use system is to be constructed by
Mar 11 2013 , and water is to be put to beneficial use by Mar 11 2013
(date) (date)

The water use system was completed on 6-2-2008
(date)

Applying the water to beneficial use was completed on 6-3-2008
(date)

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

Scott Helmer
(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

October 18, 2011

Lynn Boadwine
Boadwine Farms
46945 251st Street
Baltic SD 57003

Dear Mr. Boadwine:

As per our phone conversation, please find the following enclosed.

A partially completed transfer of ownership form for Water Permit No. 6803-3. This water permit is for two wells that were to be completed into the Pipestone Creek Aquifer (74 and 78 feet deep). I have included the permit, map and well completions reports for the wells. You will need to complete the name you want the permit to be transferred to, sign and submit the necessary \$50 filing fee.

A partially completed transfer of ownership form for Water Permit No. 6894-3. This water permit is for a well that to be completed into the Split Rock Creek Aquifer (approximately 360 feet deep). I have included the permit, map and well completions report for the well. You will need to complete the name you want the permit to be transferred to, sign and submit the necessary \$50 filing fee.

Application form and instruction sheet for use of water from the clean water pond at the facility.

I have included a self-addressed stamped envelope for your convenience. If you have any questions, please contact me.

Sincerely,
Eric Gronlund **COPY**
Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 2008

6803-3
6894-3

Scott Helmer
Helmer Dairy LLC
48660 246th St
Garretson SD 57030

Dear Mr. Helmer:

I am writing to acknowledge receipt of the "Notice of Completion of Works" formS that you sent in for Water Permit Nos. 6803-3 and 6894-3.

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

RECEIVED

OCT 24 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6894-3

Date: Oct 20 2011

I/We request that Water Permit No. 6894-3

formerly owned by: Scott or Tammy Helmer

be transferred to: (name & address) Moody County Dairy LP
48772 246th Street Garretson SD 57030

Telephone No. 605-351-9216

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

Well location: NW ¼ SE ¼ Section 9, T104N, R47W

I/We understand that the validity of Water Permit No. 6894-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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.

~~_____~~ **This form must be signed by the new owner.**

I/We Moody County Dairy LP, the new owner, certify that the above information is true and correct.

Moody County Dairy LP by
[Signature] member
(Signed by new owner)

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

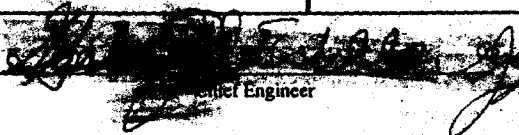
Date 10/24, 20 11

RECEIVED OF Moody County Dairy LP 3005 E 10th St Sioux Falls SD 57103

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	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. _____		
Fee for Filing Transfer Form <u>6894-3</u>		
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	50 00

No. **05052**

By 

State Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 31, 2011

6803-3
6894-3

Lynn Boadwine
Moody County Dairy LP
48772 246th St
Garretson SD 57030

Dear Mr. Boadwine:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for Water Permit Nos. 6803-3 and 6894-3.

The ownership changes have been completed. The water permits formerly held by Scott or Tammy Helmer are now listed in the name of "Moody County Dairy LP".

Enclosed for your records are Receipt Nos. 05051 and 05052 in the amounts of \$50.00 each. If I can answer any questions for you, please contact me,

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

Permit No. 6894-3
Big 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, **October 15, 2013**, made a thorough examination of the water use system constructed by **Moody County Dairy** of **3800 W Technology Circle, Sioux Falls, SD 57106** holder of Permit No. **6894-3**, bearing the priority of **September 11, 2007** authorizing the diversion of **0.33** cu. ft. per second of the waters of **Split Rock Creek** aquifer for **commercial use** purposes, in **Minnehaha** County.

Inspection contact & relationship to permit holder, if applicable: **Dave Christenson, Farm Manager**
605.695.8745

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Dave Putzke Well Drilling and Repair**
- 2) No. of Wells **1**
- 3) Depth(s) **360** feet
- 4) Well log is available **YES**
- 5) Comment: **completed 11-15-07**

Casing:

- 1) Diameter **6** inches
- 2) Length **300** feet
- 3) Type **Plastic**

Screen:

- 1) Type **plastic SDR-17**
- 2) Length **60** feet
- 3) Static water level **33** feet

Pump:

- 1) Make **Grundfos submersible**
- 2) Model
- 3) Size
- 4) Capacity **150** GPM

Motor:

- 1) Make **submersible**
- 2) Model No.
- 3) Horsepower rating **15** hp

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

- 1) Type pvc 2) Size 4 inches 3) Length 9890 feet

C. Works used to apply water to beneficial use:

Use in a commercial dairy operation.

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 of diversion located as follows: 2725' N and 160' E of the S¼ corner of Section 9-T104N-R47W (43.82773077, -96.48156809). The works are capable of diverting and conveying to the place of use 0.0.333 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Animal washing and watering and other uses in a commercial dairy facility.

The license should be issued for 0.333cfs.

All structures, wells and lands on map YES

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

Moody County Dairy has two other permits, one for groundwater and another for storage and use of clean water runoff from the facility.



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: November 27, 2013

WATER LICENSE NO. 6894-3
MOODY COUNTY DAIRY
NOVEMBER 27, 2013



Lynn Beck
Lynn Beck
Natural Resources Engineer III
SD DENR - Water Rights Program





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



6894-3 & 7937-3

APR 25 2014

Moody County Dairy LP
c/o Lynn Boadwine
3800 W Technology Circle
Sioux Falls SD 57106

Dear Mr. Boadwine:

Enclosed are Water Permit No. 7937-3, Water License No. 7937-3 and Water License No. 6894-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your licenses is a map prepared by the Lynn Beck, staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 6894-3 and 7937-3, 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 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6894-3

(1) Moody County Dairy LP, 3800 W Technology Circle, Sioux Falls SD 57106 made Application No. 6894-3, September 11, 2007 for a water permit to divert 0.333 cubic feet of water per second from groundwater (one well - Split Rock Creek Aquifer), Minnehaha County, South Dakota for commercial purposes. Permit No. 6874-3, with a priority date of September 11, 2007 was approved March 11, 2008 and issued to the applicant for diversion of water with construction to be completed on or before March 11, 2013 and for the application to beneficial use of water on or before March 11, 2017.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 20, 2008. The *Notice* stated the diversion system was completed on June 2, 2008 and the water placed to beneficial use on June 3, 2008.

(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. 6894-3 is issued a license, bearing a priority date of September 11, 2007 to appropriate 0.333 cubic feet of water per second from groundwater (one well) for commercial use purposes in a dairy operation.

The diversion point is located: 2,725 feet north and 160 feet east of the S 1/4 corner of Section 9-T104N-R47W (NW 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6894-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6894-3 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.
- Permit No. 6894-3 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. 6894-3 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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 25 2014

date

