

WATER PERMIT NO. 7025-3

Name of Applicant: **Upper Plains Contracting, Inc.**

Address: **5325 E Hwy 12, Aberdeen SD 57401**

Phone: **605 225-7082**

Amount of Water Claimed: **0.111 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **Brown**

Type of Waste Disposal System:

Location: **east edge of Aberdeen**

PRIORITY

Date Received: **4-29-08**

Application/License Fee: **\$200**

Corrected Application Received:

Period of Annual Use: **April 1 – November 31**

Remarks:

Diversion Point: **SE ¼ SW ¼ Sec 15-T123N-R63W**

Land to be Irrigated: **NA**

Depth of Well: **1000 feet deep**

Well Driller: :

Remarks:

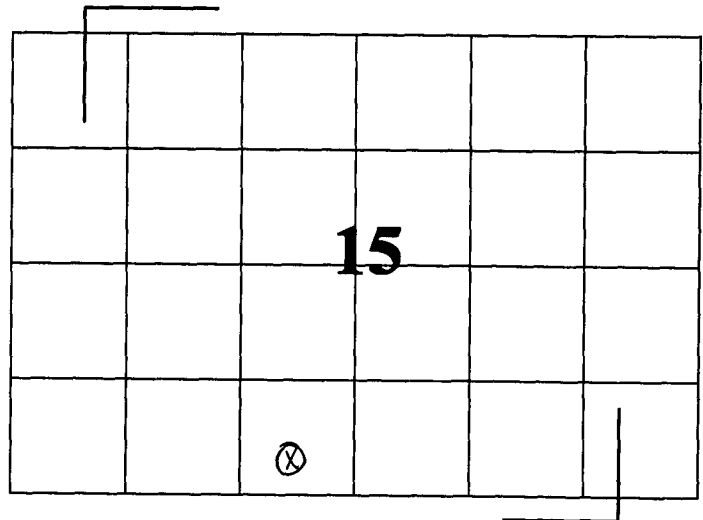
Type of Map: **plat**

Prepared by: **Randy D Bacon**

Reviewed and the Number Assigned on: **4-29-08**

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>7025-3</u>	(office use only) Hydrologic Unit <u>1060003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News</u>	<u>PO Box 4430</u>
	<u>1005-225-4100</u>	<u>Aberdeen 57402</u>

RECEIVED
APR 29 2008
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: ☒ **New** ☐ **Vested Right** (Use predates Mar 2, 1955) ☐ **Future Use Reservation**
(check one)
☐ **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 Upper Plains Contracting, Inc. Phone (605) 225-7082
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 5325 E Hwy 12, Aberdeen State SD
PO Box 996 (Street, RR, or Box and City) 57401 (Zip Code)
- Amount of water claimed 0.111 *CFS or 50 **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 artesian well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 - well in SW1/4 sec 15 T123N R63W
SW1/4 County Brown
- County or counties where water will be used Brown
- Annual period during which water is to be used April 1 to November 30
- 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)
Drill a well with 5 inch pump for use with a concrete plant.

STATE OF SOUTH DAKOTA)
County of Brown) SS

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

I, Harvey A. Michlitsch, 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 Harvey A. Michlitsch
UPCI by

Subscribed and sworn to before me this 28th day of April 2008

Notary Public signature

expires

2-10-2014

**SOUTH DAKOTA
WATER PERMIT NO. 7025-3**

Date of first receipt of application April 29, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7025-3 to Upper Plains Contracting, Inc., 5325 E Hwy 12, Aberdeen SD 57401 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. 7025-3 appropriates 0.111 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 1000-1100 feet deep) located in SW ¼ SW ¼ Section 15-T123N-R63W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 30.
4. The date of approval of Permit No. 7025-3 is July 7, 2008.
5. The date from which applicant may claim right is April 29, 2008.
6. One-fifth of the construction is to be completed on or before January 7, 2011.
7. All construction is to be completed on or before July 7, 2013.
8. Water is to be put to beneficial use on or before July 7, 2017.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

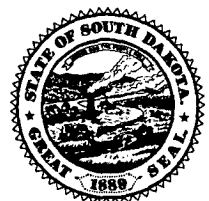
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7025-3 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 well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

JUL 28 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4 1/2" Depth 1000' - 1100'
- b) Casing Type Sch 80/Top 100' Sch 40 Diameter 4 1/2" to 2 1/2" Thickness 1/4"
- c) Screen Type Sch 80 PVC Diameter 2 1/2" Thickness 1/4"
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 1100' ±
- f) Depth to Water (ground surface to water level) 800'
- g) Distance to nearest existing domestic well: N/A

On applicants property _____ On property owned by others _____

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 _____

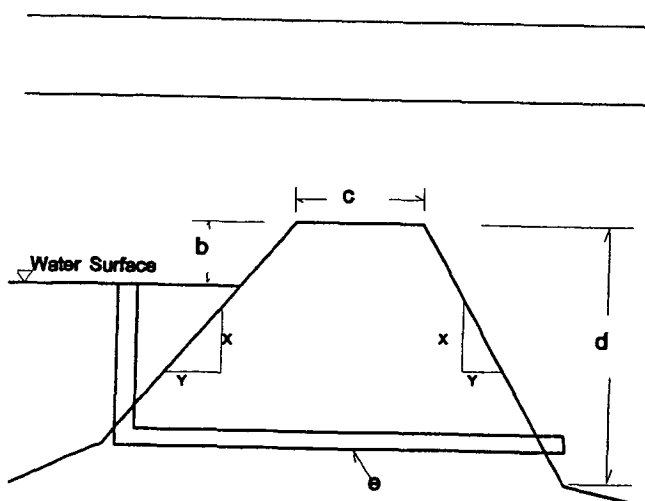
3. Dugout Information

- 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:



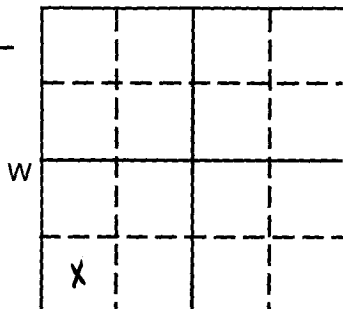
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SW 1/4 Sec 15 Twp 123 Rg 63County
Brown

North

Please mark well
location with an "X"

Well Completion Date

8/4/2008

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

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	5.00 IN	0.0 FT	173.0 FT	8.75 IN
LB/FT	2.00 IN	173.0 FT	873.0 FT	4.50 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2.50 Inches Length 100.0 FeetMaterial PVCSlot Size .025 Set From 873.0 Feet to 973.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Shale CupDescribe packer(s) and location 873'

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____
Lab sample sent to for
water quality analysisWell Owner: Upper Plains Construction, Inc

Business Name: _____

Address: 5325 East Hwy 12City, State, Zip: Aberdeen SD 57401

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	15
Yellow Sand	15	35
Sandy Blue Clay	35	50
Blue Clay	50	60
Shale w/ Gravel Streaks	60	65
Shale	65	160
Chalk	160	330
Shale	330	825
Hard Sand	825	830

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

8

PSI

GPM flow 7.0 through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: 100+ GPM With Air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate:

GPM

REMARKS

Shale 830-855 Fair Sand 855-858 Shale 858-860 Fair Sand
 860-862 Shale 862-870 Open Sand 870-875 Fair Sand
 w/Shale Brks 875-890 Good Sand 890-960 Shale 960-973

This well was drilled under license #

440

And this report is true and accurate.

Drilling firm: Pullman Drilling Inc.

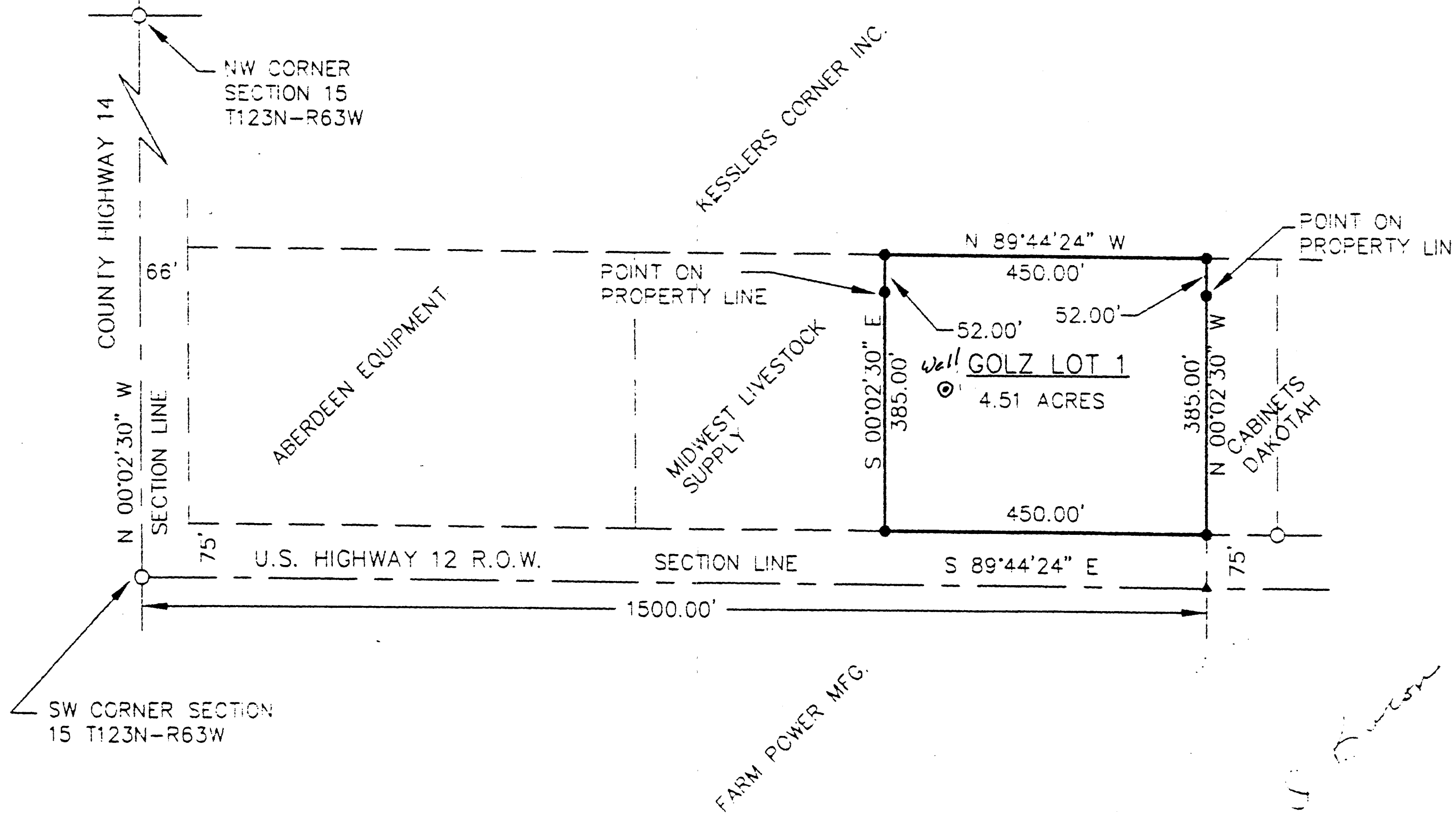
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

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KESSLERS CORNER INC.



Handwritten signature: *Handwritten signature*

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF CAROL A. BOLT AND KENNETH J. BOLT, I HAVE REVIEWED THE RECORDS OF THE ABERDEEN, SOUTH DAKOTA, COUNTY RECORDS AND HAVE FOUND THAT THE SAME ARE CORRECT AND ACCURATE.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/29, 20 08

RECEIVED OF Upper Plains Contracting Inc PO Box 966 Aberdeen SD 57402

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

Fee for Application for Permit No. <u>7025-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>7025-3</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	200 00

No.

23-8

BY

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7025-3, Upper Plains Contracting, Inc.**

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. 7025-3, Upper Plains Contracting, Inc., c/o Harvey A Michlitsch, 5325 East Highway 12, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 7025-3 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. 7025-3 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 well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 12, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7025-3
For Upper Plains Contracting, Inc.
June 4, 2008

Application No. 7025-3 proposes to appropriate 0.111 cfs (50 gpm) from one well approximately 1,000 to 1,100 feet deep located in the SE ¼ SW ¼ of section 15, T123N R63W in Brown County.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried bedrock formation made up of sand, sandstone and shale that is under artesian conditions in this area. The aquifer underlies 1,750 acres and contains an estimated 25.2 million acre-feet of recoverable water in storage in Brown County (Hedges, 1982). The aquifer extends into North Dakota to the north, Edmunds and McPherson Counties to the west, Spink County to the south and Marshall and Clark Counties to the east. The aquifer is under artesian conditions in the area and is expected to free flow at the land surface.

No test well log was provided with the application however there is sufficient information provided in the Brown County Study (Koch, 1976), other permitted users in the area, and the Water Rights' well files to evaluate this application. The formation top is expected to be around 900 feet below land surface and the total expected depth of a well around 1,100 feet below land surface. Yields of 50 gpm from a well completed into the Dakota Formation are not unusual and should be available from a properly constructed well.

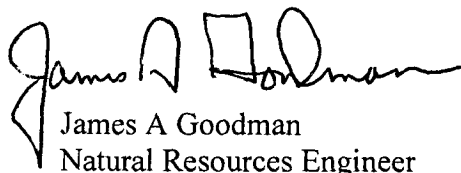
The Water Rights Program monitors an observation well completed into the Dakota Formation named ED-85A located about 16 miles west of this proposed site. Water levels for this well show basically little change since the well was drilled in 1985. A hydrograph for this observation well is included with this report (Water Rights, 2008). In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals. Historically water levels have declined about 390 feet in the Aberdeen area during the time period from 1900 through 1950 (Koch, 1976). This was largely due to the large number of wells drilled into the formation that were allowed to flow to waste. The water from the Dakota has never been utilized to its potential. The more recent record from 1985 to present added onto the 1900 to 1990 reinforces the concept that the aquifer is going to equilibrium. That is, the withdrawal from the aquifer (mostly free flowing wells in this area) is balancing with the natural recharge to the aquifer. This is shown by the hydrograph for ED-85A.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest permitted right from the Dakota Formation is located about one mile to the east. This is Water Right No. 5631-3 (commercial use, 0.16 cfs) for SD Wheat Growers. At the distance between permitted users and with the relative small diversion rate drawdown created by diversions should not be significant. Interference is not expected to be a problem. Because these well may flow an unpredictable amount at the surface it may be necessary to install pumps to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions at this site. The wells in this area do free flow at the land surface. It is necessary to valve and control this well in order to regulate the flow and limit the waste of water.
3. Interference is not expected to be adverse.
4. This well must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

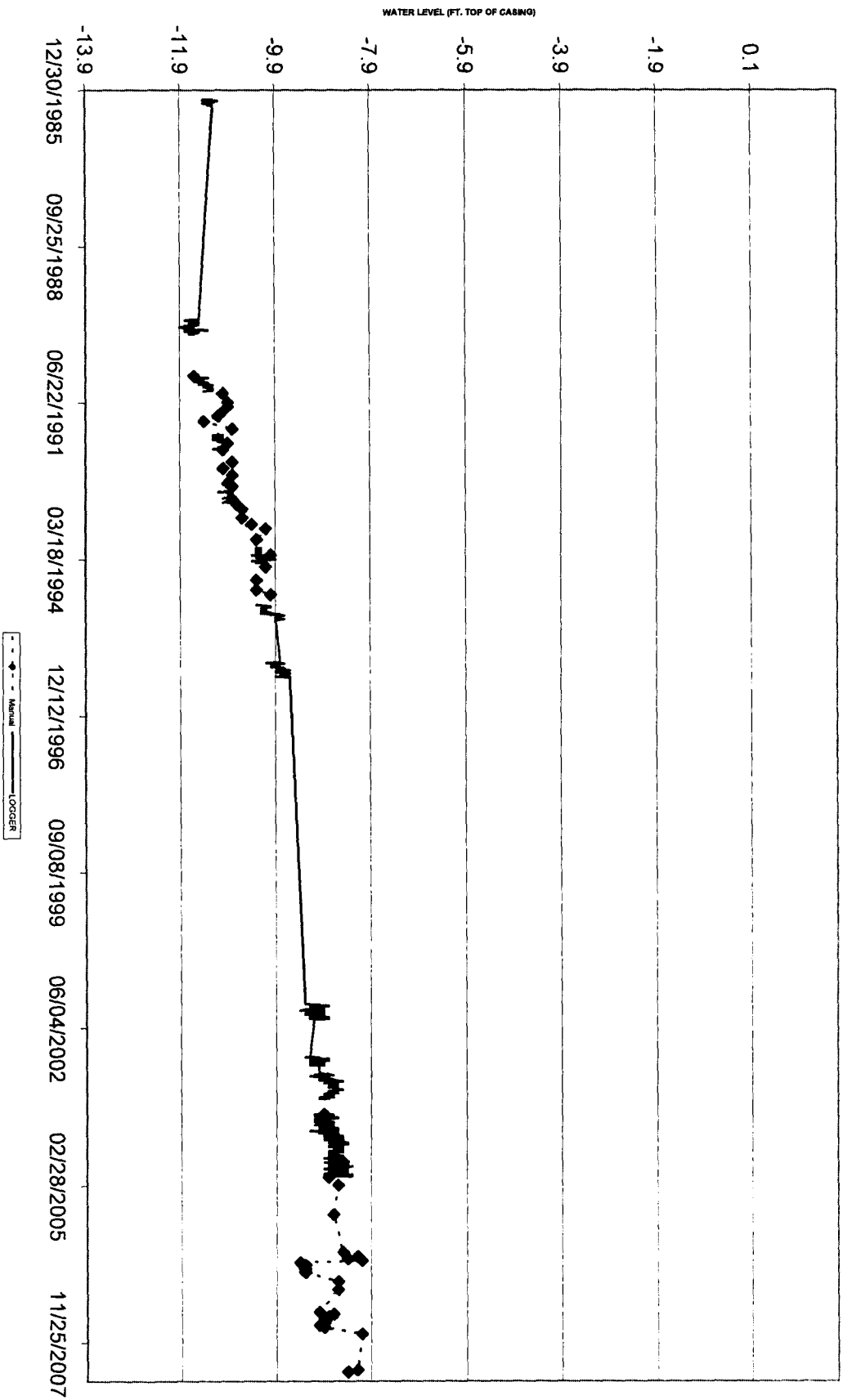
BIBLIOGRAPHY

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, 57069.

Koch, N.C., W. Bradford, 1976, Geology and Water Resources of Brown County, South Dakota, Part II Water Resources, Bulletin 22, SDGS, Vermillion, SD, 57069.

Water Rights, 2008, Unpublished Observation Well Data for the Dakota Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
ED-85A**



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JUL - 1 2008

WATER RIGHTS
PROGRAM

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JUL 2008

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, Mary Beshke

certify that the attached printed Notice was taken

from the American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 19, 2008

June 26, 2008

Cost of Printing 92.82

Mary Beshke
(Signature)

Adv. Betty Splendish
(Title)

June 26, 2008
(Date Signed)

(No. 1675352)
(June 19, 26, 2008 - 2T)

NOTICE OF APPLICATION
NO. 7025-3
to Appropriate Water

Notice is given that Upper Plains Contracting, Inc., c/o Harvey A Michlitsch, 5325 E Hwy 12, Aberdeen SD 57401 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 1000-1100 feet deep) located in SW 1/4 SW 1/4 Section 15-T123N-R63W for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7025-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 7, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 12, 2008

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

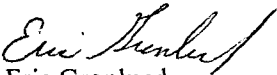
Enclosed is a Notice on Application No. 7025-3 to Appropriate Water to be published twice. Please publish the first notice on June 19, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Upper Plains Contracting Inc., Harvey A Michlitsch, 5325 E Hwy 12, Aberdeen SD 57401 (Ph # 605-225-7082).

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. 7025-3

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

Date _____

We are in receipt of your letter of June 12, 2008 enclosing Notice to Appropriate Water by Application No. 7025-3 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
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

June 12, 2008

Upper Plains Contracting Inc.
Harvey A Michlitsch
5325 E Hwy 12
Aberdeen SD 57401

Dear Mr. Michlitsch:

Water Permit Application No. 7025-3 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 American News printed at Aberdeen SD (Ph # 605-225-4100). 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 report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on June 19, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7025-3 to Appropriate Water

Notice is given that Upper Plains Contracting, Inc., c/o Harvey A Michlitsch, 5325 E Hwy 12, Aberdeen SD 57401 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 1000-1100 feet deep) located in SW ¼ SW ¼ Section 15-T123N-R63W for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7025-3 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.

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JUL 28 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Upper Plains Contracting Inc
Harvey A Michlitsch
5325 E Hwy 12
Aberdeen SD 57401

Dear Mr. Michlitsch:

Enclosed is Water Permit No. 7025-3 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

7025-3
RECEIVED

DEC 22 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate December 17, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

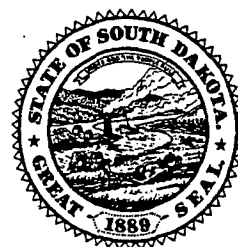
FROM:

Upper Plains Contracting, Inc.
(name)5325 E Hwy 12
(address)Aberdeen, SD 57401
(city, state, zip)(605) 225-7082
(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. 7025-3 states that the water use system is to be constructed byJuly 7, 2013, and water is to be put to beneficial use by July 7, 2017.
(date) (date)The water use system was completed on August 5, 2008.
(date)Applying the water to beneficial use was completed on August 29, 2008.
(date)

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

Harry C. Muckler
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 2008

7025-3

Harvey A Michlitsch
Upper Plains Contracting Inc
5325 E Hwy 12
Aberdeen SD 57401

Dear Sir:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the project.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

Permit No. 7025-3
James River - Water District

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

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

I have this day, August 9, 2010, made a thorough examination of the water use system constructed by Upper Plains Contracting, Inc of 5325 E Hwy 12, Aberdeen, SD 57401 holder of Permit No. 7025-3, bearing the priority of April 29, 2008 authorizing the diversion of 0.111 cu. ft. per second of the waters of the Dakota Formation for Commercial purposes, in Brown County.

Inspection contact & relationship **Harvey Michlitsch**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Drilling Inc
- 2) No. of Wells 1
- 3) Depth(s) 973 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 and 2 inches
- 2) Length 873 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 100 feet
- 3) Static water level 0 feet

Pump:

- 1) Make Goulds
- 2) Model 33GS
- 3) Size 3 hp
- 4) Capacity 50 GPM

B. Compliance with Permit Requirements:

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

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

Approximately 225 feet north and 1,050 feet east of the SW corner of Section 15-T123N-R63W

(N 45.45974, W -98.40862) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.111 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.111 cfs.

All structures, wells and lands on map Y

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



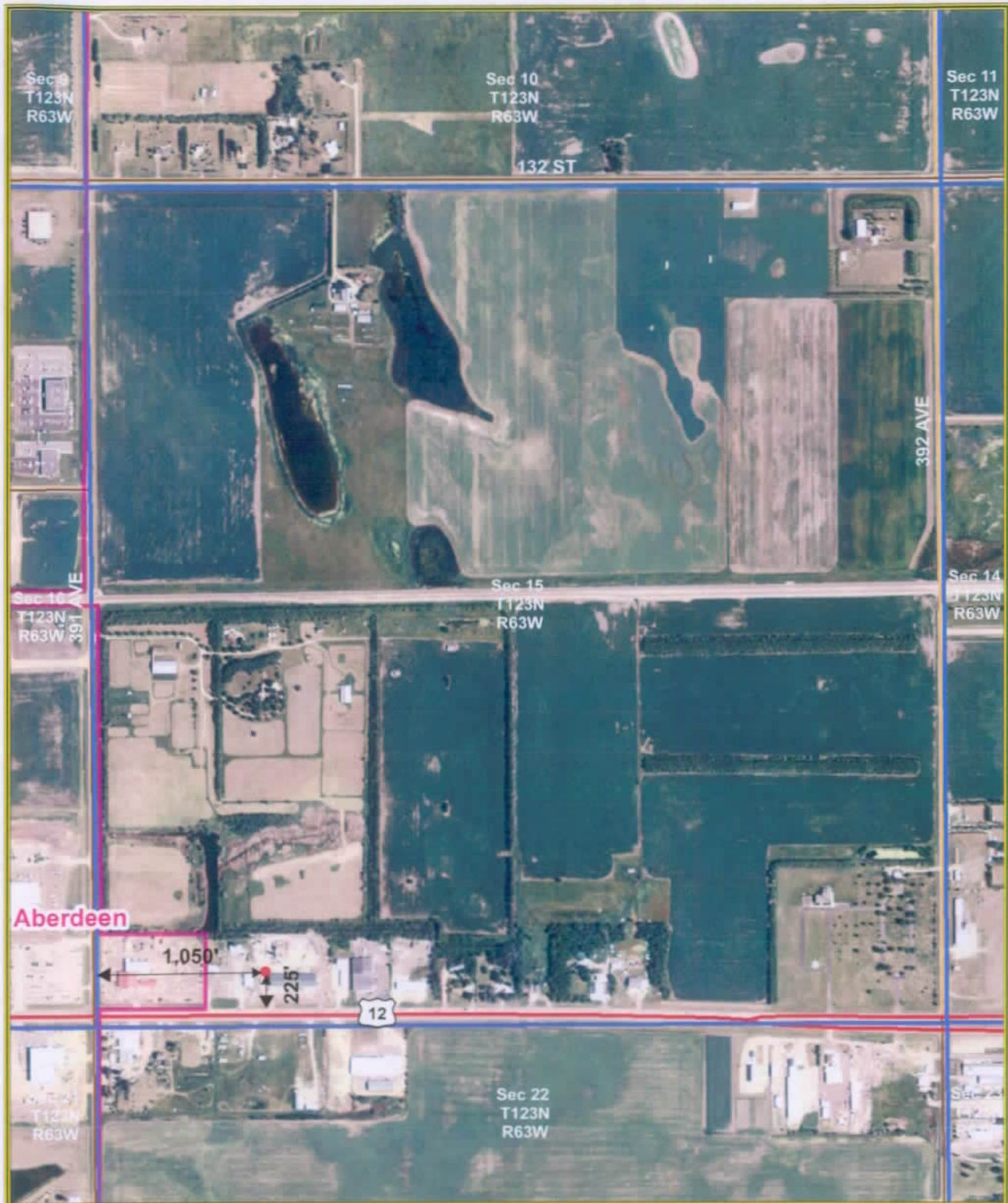
Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 18, 2010

Water Permit No. 7025-3

Upper Plains Contracting, Inc.



0 750 1,500 3,000 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 18, 2010



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 20 2010

7025-3

Harvey Michlitsch
Upper Plains Contracting Inc
5325 E Hwy 12
Aberdeen SD 57401

Dear Mr. Michlitsch:

Enclosed is Water License No. 7025-3 for Upper Plains Contracting. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7025-3, 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,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7025-3

(1) Upper Plains Contracting Inc, 5325 E Hwy 12, Aberdeen SD 57401 made Application No. 7025-3, April 29, 2008 for a water permit to divert 0.111 cubic feet of water per second from ground water (one well – Dakota Formation), Brown County, South Dakota for commercial purposes. Permit No. 7025-3, with a priority date of April 29, 2008 was approved July 7, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 7, 2013 and for the application to beneficial use of said water on or before July 7, 2017.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.111 cubic feet of water per second for beneficial use.

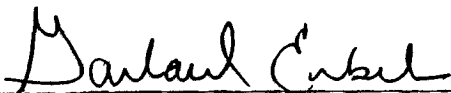
The location of the diversion point is 225 feet north and 1,050 feet east of the SW corner of Section 15, T123N, R63W (SW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Upper Plains Contracting Inc, 5325 E Hwy 12, Aberdeen SD 57401 the holder and/or owner of Water Right No. 7025-3 is issued a license to appropriate water, the right to use 0.111 cubic feet of water per second from ground water (one well – Dakota Formation) with a priority date of April 29, 2008 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7025-3 and subject to the following qualification:

- 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. 7025-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *Well drilled in August 2008 by Pullman Drilling – log on file with the Water Rights Program.*
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.



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

AUG 20 2010

date

