

WATER PERMIT NO. 7130-3

Name of Applicant: **SD Wheat Growers**

Address: **422 4 St S, Oakes ND 58474**

Phone: **701 742-2149**

Amount of Water Claimed: **0.022 cfs**

Total Acres: **NA**

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

Water to be used for: **commercial**

County: **Brown**

Type of Waste Disposal System: **NA**

Location: **6 miles south of Hecla**

PRIORITY Date Received: **12-16-08**

Application/License Fee: **\$100**

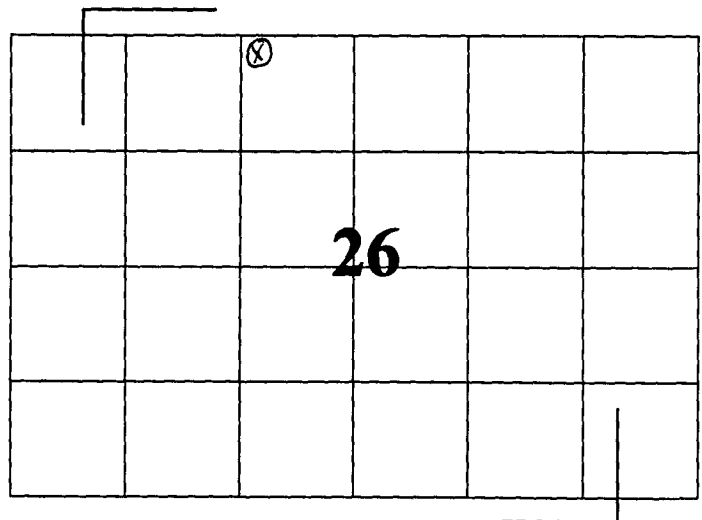
Corrected Application Received: **04-27-09**

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

Remarks:

Diversion Point: **NE 1/4 NW 1/4 Sec 26-T127N-R61W**

Land to be Irrigated: **NA**



Depth of Well: **96 feet deep**

Well Driller: **M W Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Douglas Farrand, NRCS**

Reviewed and the Number Assigned on: **4-27-09**

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	(office use only)	
	No. <u>7130-3</u>	Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News PO Box 4430</u> <u>605-225-4100</u>	<u>Abendorn 57402</u>

RECEIVED
DEC 16 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 S. Dak. Wheat Growers Phone 701-742-2149
(check one) Owner Tenant/lessee
Mailing Address 422 4 St. S. Oakes, N. D. State 58474
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.022 *CFS or 10 **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 NW 1/4 - Section 26 127N-61W Lansing
County Brown
- County or counties where water will be used Brown
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)

County of 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, Gene Skoglund, 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 Gene Skoglund

Subscribed and sworn to before me this 10th day of December 20 08

MY COMMISSION EXPIRES
AUG 23, 2009

Garth Lloyd
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7130-3**

Date of first receipt of application December 16, 2008.

Date of return to applicant for corrections, amendments or changes December 16, 2008.

Date of receipt of corrected application April 27, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7130-3 to South Dakota Wheat Growers, c/o Gene Skoglund, 422 4th St S, Oakes ND 58474 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. 7130-3 appropriates 0.022 cubic feet of water per second from one well completed into the Middle James:Columbia Aquifer (96 feet deep) located in NE ¼ NW ¼ Section 26-T127N-R61W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7130-3 is July 6, 2009.
5. The date from which applicant may claim right is April 27, 2009.
6. One-fifth of the construction is to be completed on or before January 6, 2012.
7. All construction is to be completed on or before July 6, 2014.
8. Water is to be put to beneficial use on or before July 6, 2018.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 04 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9" Depth 96'
- b) Casing Type PVC Diameter 4.5" Thickness SDR-21
- c) Screen Type PVC Diameter 4.5 Thickness SDR-21
- d) Gravel Pack Yes Length of Gravel Pack 80-96 Grout 80' to -7'
- e) Depth to Top of Water Bearing Material Fine to Med. sand W/ some coarser @ 83'
- f) Depth to Water (ground surface to water level) 9.0 Static
- g) Distance to nearest existing domestic well:
On applicants property Yes On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank W/ drain field
- b) System Capacity (gallons) _____ Year Constructed 2007
- c) Connected to the City of _____ Sanitary System _____

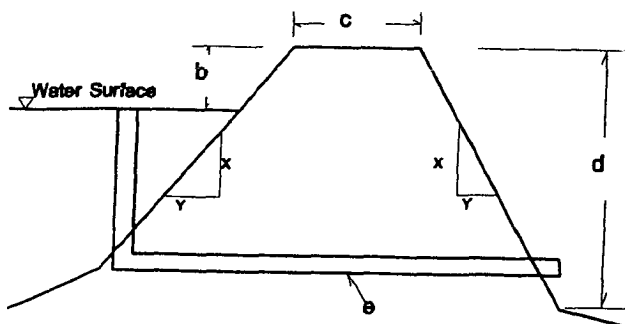
3. Dugout Information

- 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

Date: 3/12/2009

Field Office: ABERDEEN SERVICE CENTER

Agency: USDA-NRCS

Assisted By: Farrand, Douglas D

D. Farrand, DC

3-12-2009

Legal Description: NW 1/4 26 - T 127N - R61W

*Well
Location*



Legend

 Consplan4

 2009 Tree Sites

 Sections



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APR 27 2009

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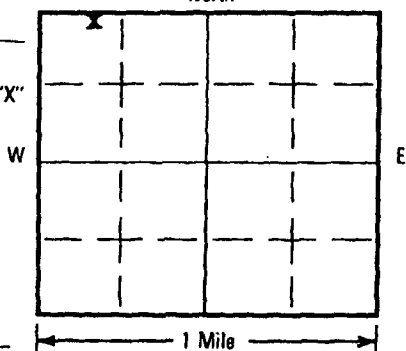
250 0 250 500 750 1,000
Feet



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW NW 26 127 61
 County Brown Co.
 Please mark well location with an "X"



Well Completion Date

8-13-08

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ OtherIf other describe SDR-21

PIPEWEIGHT DIAMETER 4.5 FROM +18" TO 86' HOLE DIAMETER
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Voic Clay No. of Sacks 7 Grout Weight _____ lb./gal From -7' To 80'
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4.5" IN Length 10' FEETMaterial PVC- SDR-21Slot Size .040 Set From 86 Feet to 96 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion? Drilled W/☒ YES, How: Pre- Chlor._____ NO, Why Not? Water

Laboratory sent to for water quality analysis _____

Well Owner: South Dakota Wheat GrowersBusiness Name: SameAddress: Oakes, N. D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	2
Fine Br. sand	2	4
Br. Clay	4	24
Gr. Clay	24	83
Fine to Med. sand W/ some	83	
Coarser.		96

STATIC WATER LEVEL 9.0 Gr. Lv. 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: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

15.0 ft. After 1 Hrs. pumped 80 GPM GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 1/2 HP 12 GPM GPM

REMARKS

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 OCT 24 2008
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 434

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm M & W Drilling

Signature of License Representative:

Joe Wucetich

Signature of Well Owner or Equitable Property Holder:

Joe WucetichDate: 9-19-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/27, 20 09

RECEIVED OF SD Wheat Growers Assn 110 6th Ave SE Aberdeen SD 57401

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

Fee for Application for Permit No. <u>7130-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7130-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No.

04127

By

Harold Enck
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2008

South Dakota Wheat Growers
Gene Skoglund
315 S 4th St
Oakes ND 58474

Dear Mr. Skoglund:

I am writing in regard to a well driller's report filed by M & W Drilling. The report shows a new well was completed on August 13, 2008 for South Dakota Wheat Growers. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by January 1, 2009.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



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 16, 2008

SD Wheat Growers
Gene Skoglund
315 S 4th St
Oakes ND 58474

Dear Mr. Skoglund:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Brown County. In order to complete the application the following is required.

- A map (aerial photo) showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee will be \$100.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2009

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APR 27 2009

WATER RIGHTS
PROGRAM

SD Wheat Growers
Gene Skoglund
315 4th St
Oakes ND 58474

Dear Mr. Skoglund:

On December 16, 2008, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for commercial use in Brown County. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7130-3, South Dakota Wheat Growers**

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. 7130-3, South Dakota Wheat Growers, c/o Gene Skoglund, 422 4th Street South, Oakes ND 58474.

The Chief Engineer is recommending APPROVAL of Application No. 7130-3 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:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 10, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7130-3

For South Dakota Wheat Growers

June 5, 2009

Application No. 7130-3 proposes to appropriate 0.022 cfs (10 gpm) from a well approximately 96 feet deep located in the NE ¼ NW ¼ of section 26, T127N R61W in Brown County. The water will be used for commercial purposes.

AQUIFER – MIDDLE JAMES COLUMBIA (MJ-C)

The Middle James Columbia is a buried outwash (sand and gravel) under artesian conditions in this area. The aquifer underlies 220,500 acres and contains an estimated 661,000 acre-feet of recoverable water in storage in Brown County (Hedges, 1982). The aquifer extends into North Dakota to the north and to the east into Marshall County. Ground water movement is from west to east across Brown County (Koch, 1976).

A completion report filed with the application indicates clay from 4 feet to 83 feet followed by fine to medium sand from 83 to 96 feet all below land surface. The well was capable of producing 80 gpm using air to develop and had a static water level of nine feet below land surface. This well is completed in accordance with SD Well Construction Standards.

The Water Right Program does monitor two observation wells completed into the Middle James Columbia aquifer in this area. BN-77S is located about four miles to the north and BN-77T is located about three miles west both from this application. The water level record does indicate some potential for fluctuation (irrigation withdrawals) but in general the water levels appear to respond to climatic conditions. Water levels rise during wet years (recharge) and gradually decline during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 2928-3 (1.56 cfs, 130 acres) located about three miles northeast of this application. However, this right has not been used for many years and has been in CRP. Interference is not a concern. This application only requests 10 gpm and at this rate drawdown will be insignificant. There are no other nearby water permits/rights from any water source.

CONCLUSIONS

1. Water is available from the Middle James Columbia aquifer.
2. The aquifer is under artesian conditions in this area. However, at the requested rate of pumping drawdown will not be significant and interference is not a concern.

3. The well for this application has been constructed in accordance with SD Well Construction Standards.

for 
James A Goodman
Natural Resources Engineer

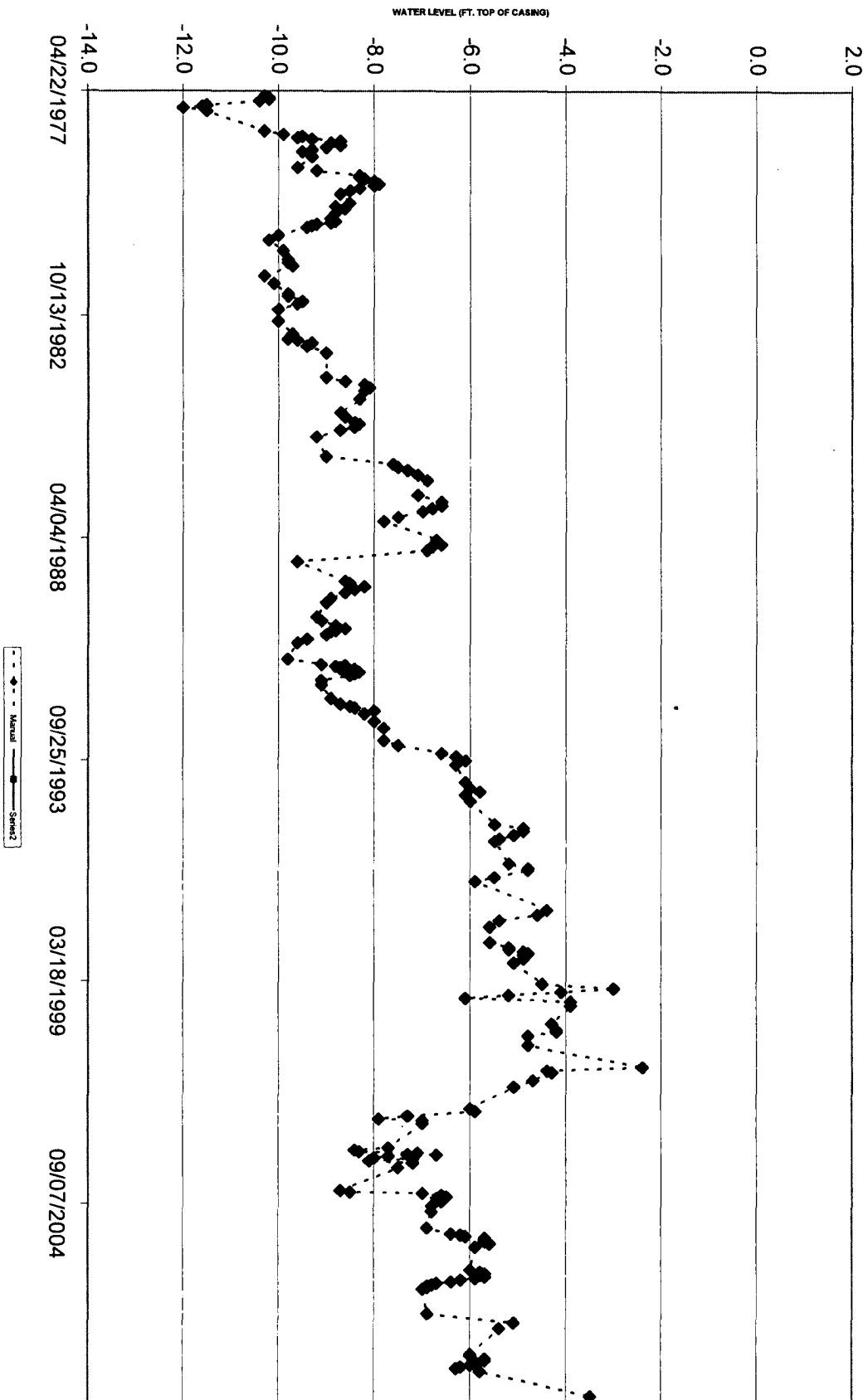
BIBLIOGRAPHY

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

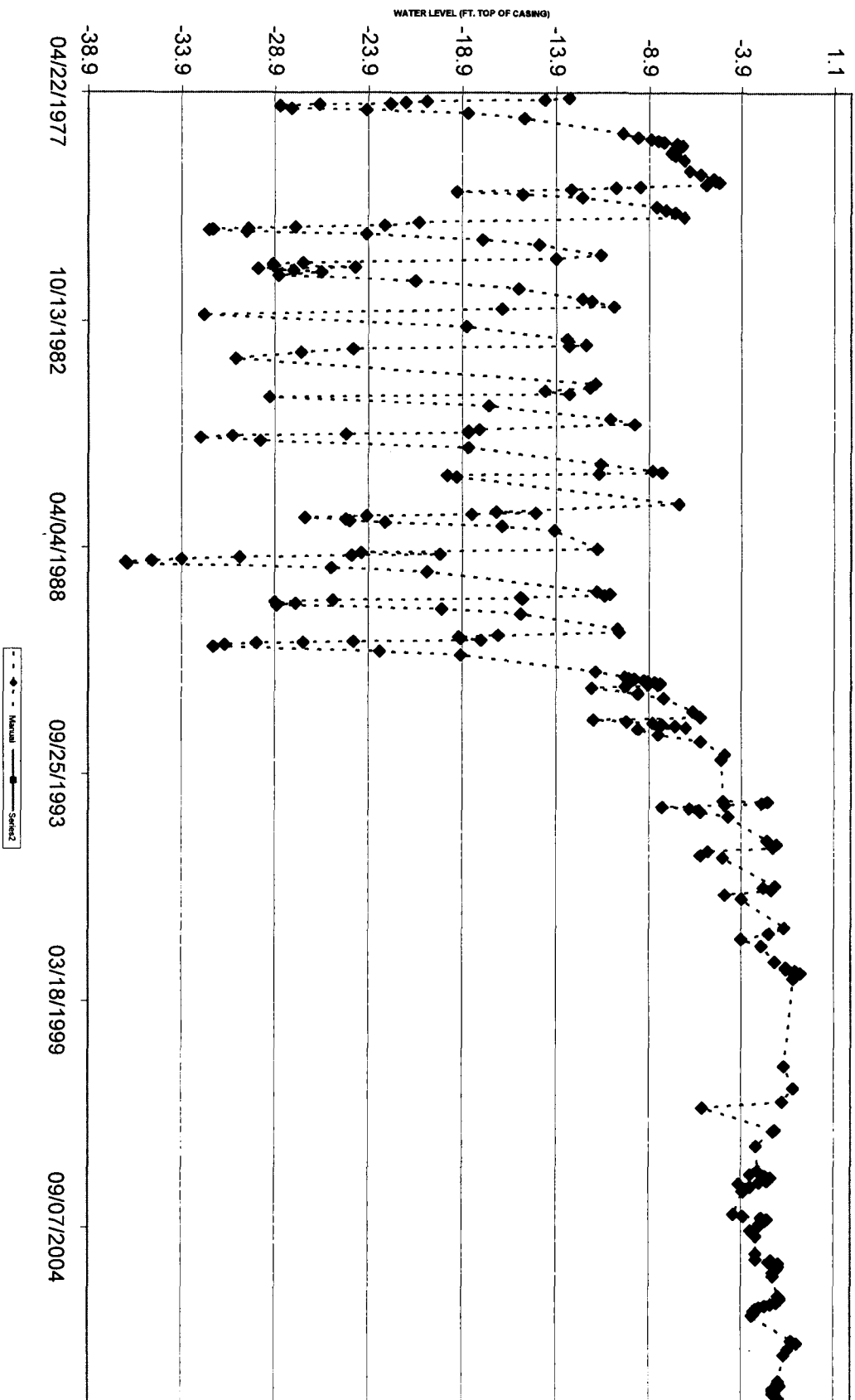
Koch, N.C., 1976, Geology and Water Resources of Brown County, South Dakota, Part II Water Resources, Bulletin 25, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2009, Unpublished Observation Well Data for Brown County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BN-77T**



**WATER RIGHTS' OBSERVATION WELL
BN-77S**



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JUL - 6 2009

WATER RIGHTS
PROGRAM

No. 1810975
(June 19, 26, 2009 - 2T)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

May Beth being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Sept # 1810975

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

Week for 2 successive Week.
The first publication being made on the 19 day of June, 2009.
The second publication being made on the 26 day of June, 2009.
The third publication being made on the _____ day of _____, 2009.
The fourth publication being made on the _____ day of _____, 2009.
The fifth publication being made on the _____ day of _____, 2009.
The sixth publication being made on the _____ day of _____, 2009;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 89.92, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

May Beth
Subscribed and sworn to before me this 26 day of June, 2009.

Daily Circulation 18,000

Richie

Notary Public, Brown County, SD.

My commission expires March 20, 2013

NOTICE OF APPLICATION
NO. 7130-3
To Appropriate Water

Notice is given that the South Dakota Wheat Growers, c/o Gene Skoglund, 422 4th St. S, Oakes, ND 58474 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Middle James: Columbia Aquifer (96 feet deep) located in NE 1/4 NW1/4 Section 26-T127N-R61 W for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7130-3 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 6, 2009.

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.

Steve M. Miller, Secretary
Department of Environment
and Natural Resources.

SEAL



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 11, 2009

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7130-3 to Appropriate Water to be published twice. Please publish the first notice on June 19, 2009 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 South Dakota Wheat Growers, c/o Gene Skoglund, 422 4th St., S., Oakes ND 58474 (Ph # 701-742-2149).

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. 7130-3

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

Date _____

We are in receipt of your letter of June 11, 2009 enclosing Notice to Appropriate Water by Application No. 7130-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.

June 11, 2009

South Dakota Wheat Growers
c/o Gene Skoglund
422 4th St S
Oakes ND 58474

Dear Mr. Skoglund:

Water Permit Application No. 7130-3 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 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 June 19, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7130-3 to Appropriate Water

Notice is given that the South Dakota Wheat Growers, c/o Gene Skoglund, 422 4th St S, Oakes ND 58474 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second from one well completed into the Middle James:Columbia Aquifer (96 feet deep) located in NE ¼ NW ¼ Section 26-T127N-R61W for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7130-3 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 6, 2009.

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

AUG 04 2009

South Dakota Wheat Growers
c/o Gene Scoglund
422 4th St S
Oakes ND 58474

Dear Mr. Skoglund:

Enclosed is Water Permit No. 7130-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

RECEIVED

AUG 10 2009

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 8-7-09

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

FROM:

Wheat Growers

(name)

40431 110th Street

(address)

HoughtonS.D. 57449

(city, state, zip)

605-994-2700
(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. 7130-3 states that the water use system is to be constructed by

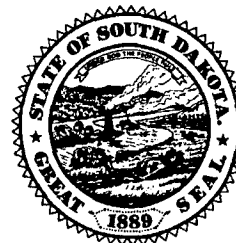
July 6 2014
(date), and water is to be put to beneficial use by July 6 2018
(date)

The water use system was completed on September 2008
(date)

Applying the water to beneficial use was completed on October 2008
(date)

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

Jean Skoglund
(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

August 10, 2009

7130-3

Gene Skoglund
SD Wheat Growers
422 4th St S
Oakes ND 58474

Dear Mr. Skoglund:

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 water supply system.

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 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

c: SD Wheat Growers, 40431 110th St, Houghton SD 57449

Permit No. 7130-3
JamesRiver - 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 10, 2010** made a thorough examination of the water use system constructed by **SD Wheat Growers** of **422 4th Street South, Oakes, ND 58474** holder of Permit No. **7130-3**, bearing the priority of **April 27, 2009** authorizing the diversion of **0.022** cu. ft. per second of the waters of the **Middle James:Columbia Aquifer** for **Commercial** purposes, in **Brown** County.

Inspection contact & relationship **Gene Skoglund**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **M & W Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **96** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **4 ½** inches
- 2) Length **86** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **10** feet
- 3) Static water level **9** feet

Pump:

- 1) Make **Unknown**
- 2) Size **½ hp**
- 3) Capacity **12** 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 90 feet south and 1,420 feet east of the NW corner of Section 26-T127N-R61W
(N 45.79149, W -98.13936) (NE ¼ NW ¼)

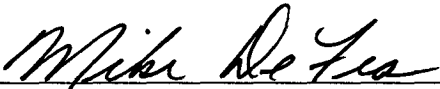
The works are capable of diverting and conveying to the place of use 0.026 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

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

This permit authorizes the diversion of 0.022 cfs (10 gpm) from the well. The well log submitted indicates a 0.026 cfs (12 gpm) pump was installed into the well. This permit should only be licensed for the 0.022 cfs as applied for.



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 19, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 30 2010

7130-3

SD Wheat Growers
422 4th St S
Oakes ND 58474

Dear Sirs:

Enclosed is Water License No. 7130-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7130-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

c: Gene Skogland, SD Wheat Growers, 40431 110th St, Houghton SD 57449

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7130-3

(1) South Dakota Wheat Growers, 422 4th St S, Oakes ND 58474 made Application No. 7130-3, December 16, 2008 for a water permit to divert 0.022 cubic feet of water per second from ground water (one well – Middle James Columbia Aquifer), Brown County, South Dakota for commercial purposes. Permit No. 7130-3, with a priority date of April 27, 2009 was approved July 6, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 6, 2014 and for the application to beneficial use of said water on or before July 6, 2018.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 10, 2009. The "*Notice*" stated the water use system was completed in September, 2008 and the water placed to beneficial use in October, 2008.

(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 0.022 cubic feet of water per second for beneficial use.

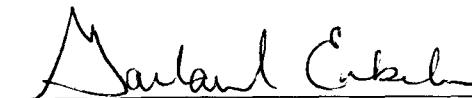
The location of the diversion point is 90 feet south and 1,420 feet east of the NW corner of Section 26, T127N, R61W (NE ¼ NW ¼).

(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 the South Dakota Wheat Growers, 422 4th St S, Oakes ND 58474 the holder and/or owner of Water Right No. 7130-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water (one well – Middle James Columbia Aquifer) with a priority date of April 27, 2009 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. 7130-3 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.



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

AUG 30 2010

date

