

WATER PERMIT NO. 7215-3

Name of Applicant: Morris Inc.

Address: PO Box 1162, Pierre SD 57501

Phone: 605 223-2585

Amount of Water Claimed: 0.133 cts

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: industrial use

County: Sully

Type of Waste Disposal System: NA

Location: 15 miles southeast of Onida

PRIORITY Date Received: 9-28-10

Application/License Fee: \$700

Corrected Application Received: 10-5-10

Period of Annual Use: April 1 – November 30

Remarks: to wash aggregate material

Diversion Point: SW ¼ NW ¼ Sec 15-T113N-
R75W

Land to be Irrigated: NA

Depth of Well: 12 feet deep

Well Driller:

Remarks:

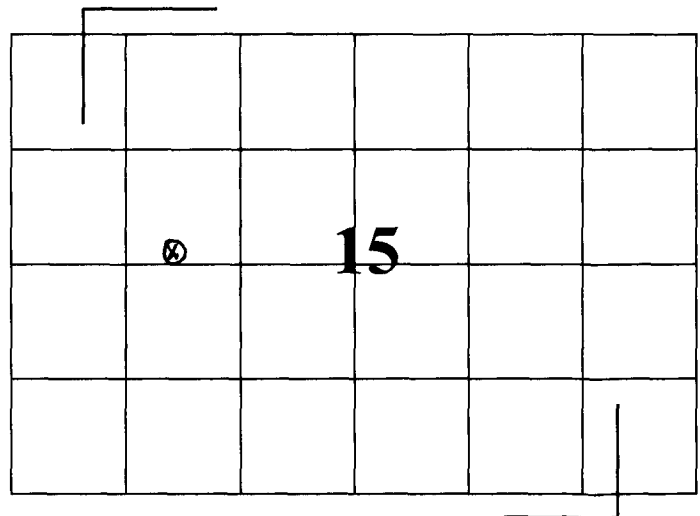
Type of Map: aerial

Prepared by: Lowell Noeske, NRCS, Sully Co

Reviewed and the Number Assigned on: 10-5-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SD EForm - 1585LD V3

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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7215-3 (office use only) Hydrologic Unit 10/30/05
Basin Missouri River
Newspaper Orida Watchman PO Box 245
605-258-2572 57564

RECEIVED
SEP 28 2010
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

1. Name of Applicant Morris Inc. Phone 605-223-2585
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 1162 Pierre SD 57501
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 0.133 *CFS or 60 **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 _____
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sully
1 well in SW1/4 NW1/4 section 15 T113N-R75W
5. County or counties where water will be used Sully
6. Annual period during which water is to be used 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)
Wash aggregate material

STATE OF SOUTH DAKOTA)
County of Sully) SS

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

I, Mark Morris, 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

Subscribed and sworn to before me this 23rd day of September 20 10

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7215-3**

Date of first receipt of application September 28, 2010.

Date of return to applicant for corrections, amendments or changes September 28, 2010.

Date of receipt of corrected application October 5, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7215-3 to Morris Inc., PO Box 1162, Pierre SD 57501 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. 7215-3 appropriates 0.133 cubic feet of water per second from one well to be completed into the Highmore-Blunt Aquifer (approximately 12 feet deep) located in the SW 1/4 NW 1/4 Section 15-T113N-R75W.
2. The water appropriated shall be used for the purpose of industrial use to wash aggregate material 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. 7215-3 is January 3, 2011.
5. The date from which applicant may claim right is September 28, 2010.
6. One-fifth of the construction is to be completed on or before July 3, 2013.
7. All construction is to be completed on or before January 3, 2016.
8. Water is to be put to beneficial use on or before January 3, 2020.
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 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. 7215-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 11 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 inch Depth 12 feet
- b) Casing Type PVC Diameter 8 inch Thickness .332 inches
- c) Screen Type PVC Diameter 8 inch Thickness .332 inches
- d) Gravel Pack NA Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 5 feet
- f) Depth to Water (ground surface to water level) 3 feet
- g) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 1 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

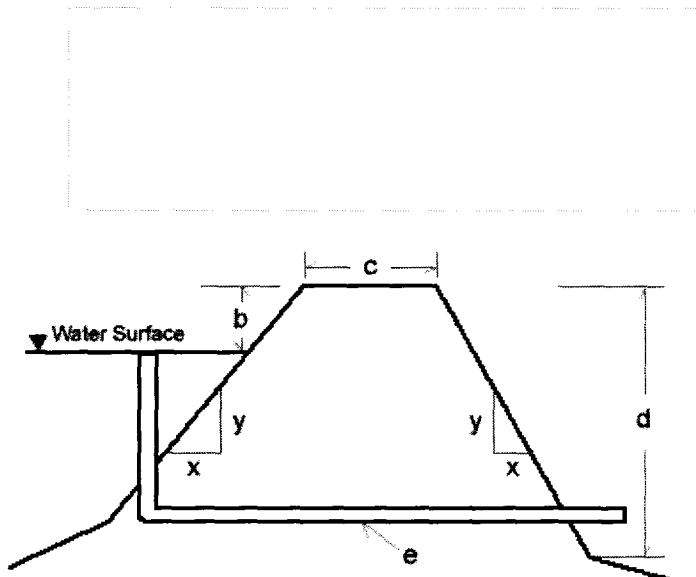
3. Dugout Information

- 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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Legal Description: N 1/2 Section 15 113N - 075W
Sully County

LOCATION MAP MORRIS INC.

Date: 9/30/2010

Field Office: PIERRE SERVICE CENTER

Assisted By: LOWELL NOESKE

Lowell Noeske
NRCS - Pierre

RECEIVED

OCT - 5 2010

WATER RIGHTS
PROGRAM



Legend

-  Future Mine Expansion
-  Current Mine
-  plss_a_sd119



480 0 480 960 1,440 1,920
Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 2010

RECEIVED OF Morris Inc PO Box 1162 Pierre SD 57501

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

Fee for Application for Permit No. <u>7215-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7215-3</u>	200	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	700 00

No. 04620

By [Signature] [Signature] 29
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2010

Morris Inc.
c/o Dennis Bauer
PO Box 1162
Pierre SD 57501

Dear Mr. Bauer:

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

- Enclosed is the aerial photo map submitted with the application. 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).

If you have any questions, please contact me.

Sincerely,

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

enclosure

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, October 05, 2010 4:42 PM
To: 'Dennis Bauer'
Subject: RE: water permit application

Dennis - based on your email I will amend the application to be year round use. Your email will serve as documentation. Eric

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

From: Dennis Bauer [mailto:dennis.bauer@morris-inc.com]
Sent: Tuesday, October 05, 2010 4:41 PM
To: Gronlund, Eric
Subject: RE: water permit application

Eric- Morris Inc. does not own the property, but does have the water rights per lease agreement with the owner, Mary McGee. The well will be used only to wash aggregate. Also, after reviewing the application, I realized that I didn't change the annual period that water would be used to January through December depending on our great South Dakota weather. Would this be something you could change on the application Eric, or would I have to submit a whole new application?

Thanks, Dennis

From: Eric.Gronlund@state.sd.us [mailto:Eric.Gronlund@state.sd.us]
Sent: Tuesday, October 05, 2010 3:37 PM
To: Dennis Bauer
Cc: Karen.Schlaak@state.sd.us
Subject: water permit application

Dennis - DENR received the water permit application for a well in Sully County. Does Morris Inc own the property where the well will be located? If not, who is the owner? Will the well be used for more than to wash aggregate such as livestock water? In some cases where the land is owned by other than the applicant, there is an agreement that they can use the well for livestock water. If that is the case, we should include that use in the application. Eric

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit 7215-3, Morris Inc.

ADDRESS: Box 1162, Pierre SD COUNTY: Sully

DATE: January 7, 2011 TELEPHONE:

RE: Qualification No. 3 on the Chief Engineer's recommendation

The recommendation for Water Permit Application No. 7215-3 inadvertently included a requirement to submit the annual irrigation questionnaire. The water permit is for water use for industrial use to wash aggregate and is not for irrigation use. Therefore, the water permit is being issued without the qualification No. 3 requiring submittal of the irrigation questionnaire. Qualification Nos. 1 and 2 remain applicable and will be included on the water permit.

NAME: Eric Lundberg



**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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7215-3, Morris 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. 7215-3, Morris Inc., PO Box 1162, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 7215-3 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 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. 7215-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 2, 2010

REPORT ON WATER PERMIT APPLICATION NO. 7215-3

For Morris, Inc.
October 28, 2010

Application No. 7215-3 proposes to appropriate 0.133 cfs (60 gpm) from one well approximately 12 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15, T113N R75W in Sully County. The water is for industrial use in a gravel washing operation.

AQUIFER – HIGHMORE-BLUNT (HB)

The Highmore Blunt aquifer is a predominantly surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies about 20,000 acres and contains an estimated 30,450 acre-feet of recoverable water in storage in Sully County (Hedges, 1982). The aquifer extends into Hughes County to the south and into Hyde County to the east. Ground water movement is most likely from northeast to southwest across the area. Recharge probably occurs from direct infiltration of rainfall and snowmelt directly into the aquifer and leakage from Medicine Creek into the aquifer. Medicine Creek is probably a recharge and discharge boundary for the aquifer.

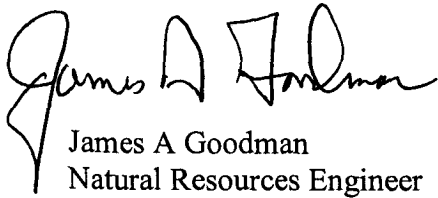
Little geologic or aquifer information is provided with his application. There is no county ground water study available and just a smattering of domestic well logs for this area. However, the water rights Program does monitor an observation well SU-65A located within one-quarter mile of this proposed well. The log for SU-65A indicates sand and gravel from one foot to twenty feet below land surface. A hydrograph for this observation well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water right No. 4512-3 (0.26 cfs) which is also for gravel washing or industrial use. This application is located about three-quarters of a mile southwest of Water Right No. 4512-3. Interference is not a concern. At the distance between diversions and with the relatively small rate of production any drawdown created would not be significant.

CONCLUSIONS

1. Water is available from the Highmore Blunt aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping should not be significant. Interference is not a concern.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. The aquifer is poorly mapped in Sully County. However, this is not a major concern for a couple of reasons. First, there is very little development of this aquifer in Sully County and second many years of water level records are available for this area.



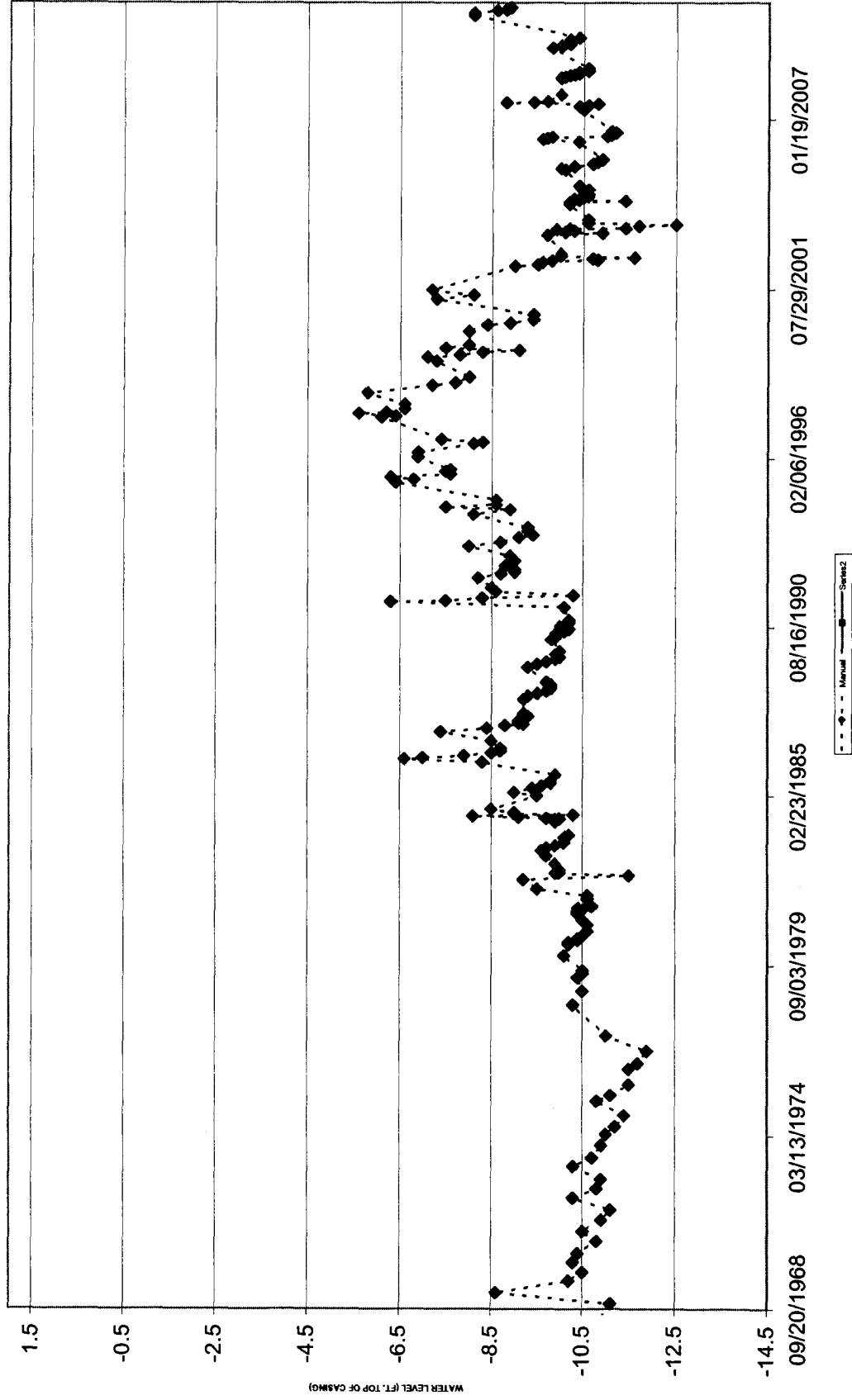
James A Goodman
Natural Resources Engineer

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.

Water Rights, 2010, Unpublished Observation Well Data for Sully County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SU-65A



Water Rights Program - File Documentation

NAME: Morris Inc.

ADDRESS: Pierre SD

DATE: 12-8-10 **COUNTY:** SU **TELEPHONE:**

RE: Publication Notice

COMMENTS:

Onida Watchman called and stated they did not get the notice in time to get in the paper on December 9th. I emailed them a notice with the dates changed to publish on December 16th and 23rd and petitions received on January 3, 2011.



Karen Schlaak
Environmental Scientist

RECEIVED

JAN - 7 2011

WATER RIGHTS
PROGRAM

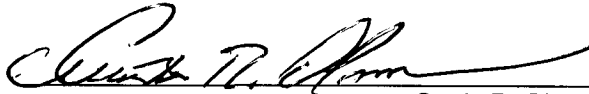
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that the **ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

**NOTICE OF APPLICATION NO. 7215-3 TO
APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive issues, the first publication made **2010** the **16th** day of **DECEMBER**, and the last publication on **2010** the **23rd** day of **DECEMBER**, and that **\$41.28** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

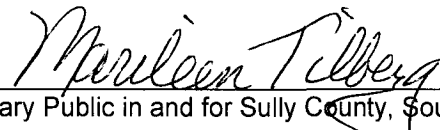

Curtis R. Olson

Subscribed and Sworn to me this

5th Day of January, 2011

(SEAL)

My commission expires April 24, 2016


Notary Public in and for Sully County, South Dakota

**NOTICE OF
APPLICATION**

NO. 7215-3 to

Appropriate Water

Notice is given that Morris Inc. c/o Dennis Bauer, PO Box 1162, Pierre SD 57501 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second from one well to be completed into the Highmore-Blunt Aquifer (approximately 12 feet deep) located in the SW 1/4 NW 1/4 Section 15-T113N-R75W for industrial use to wash aggregate material.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 7215-3 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 January 3, 2011.

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.

Published twice at the total approximate cost of \$41.28.



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 3 2010

Onida Watchman
PO Box 245
Onida SD 57564

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7215-3 to Appropriate Water to be published twice. Please publish the first notice on December 9, 2010 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 Morris Inc., c/o Dennis Bauer, PO Box 1162, Pierre SD 57501 (Ph # 605-223-2585).

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. 7215-3

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

Date _____

We are in receipt of your letter of December 3 2010 enclosing Notice to Appropriate Water by Application No. 7215-3 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 3, 2010

Morris Inc
Dennis Bauer
PO Box 1162
Pierre SD 57501

Dear Mr. Bauer:

Water Permit Application No. 7215-3 for industrial 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 Onida Watchman printed at Onida SD (Ph # 605-258-2572). 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
eric.gronlund@state.sd.us

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.

16
Instruction to Newspaper - Publish first Notice on December 9, 2010 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. 7215-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7215-3 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 December 27, 2010.

Jan 3, 2011
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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 11 2011

Morris Inc
c/o Dennis Bauer
PO Box 1162
Pierre SD 57501

Dear Mr. Bauer:

Enclosed is Water Permit No. 7215-3 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

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Morris Inc

File No: 7215-3

Address: PO Box 1162, Pierre, SD 57501

County: Sully

Date: June 7, 2016

Telephone: 223-2585

RE: Cancellation of Water Permit No. 7215-3

Comments:

On May 5, 2016, I conducted an inspection for licensing of this permit. I first met with Pat Lee (222-1784) who was the gravel pit mgr. at a gravel pit approx. ½ mile north of the location of the gravel pit authorized by this permit. This gravel pit, known as the North Medicine pit, is located north of Medicine Knoll Creek in Section 10-T113N-R75W. After meeting with Pat Lee, I met with the weigh scale operator and went to the area where the well for this permit was authorized for Industrial use south of Medicine Knoll Creek in the SW ¼ NW ¼ Section 15-T113N-R75W. This pit is known as the Tripp Land pit.

At that gravel pit location, an approx. 10 inch, perforated PVC pipe was located in the SE ¼ NW ¼ Section 15-T113N-R75W. The pipe was not covered, and water could be seen approx. 6-7 feet below the top of the casing. No pump was installed. The scale operator was unsure if this was the correct location of the permitted well, as this location was where just a hole had been dug, the perforated pipe installed and used for washing gravel. He indicated they had not washed gravel at this pit for approx. three years.

On June 7, 2016, I contacted Chad Hicks (Aggregate Mgr., Morris Inc, 280-0933) regarding obtaining the well information etc... we had previously talked about. He referred me to Kyle Peterson (222-2407) who Chad said has been handling their mining permits and other permits needed by Morris Inc.

Mr. Peterson stated the gravel washing pit had not been use since 2013, and was unaware when it might be used in the future. He said the location of the well I was at, was not constructed by a licensed well driller and was not aware of the permit qualification in the permit stating the well shall be constructed by a licensed driller, but appreciated being informed of the qualification for future construction of wells. Mr. Peterson asked when the permit was issued. I informed him the priority date of the permit was September 28, 2010.

Mr. Peterson was informed the permit may be subject to cancellation because the well was no longer in use and it was unknown when the gravel washing operation may be activated in the future. He was also informed that if they decide to activate the gravel washing pit in the future, and if they decided to use a well, the qualification of a well, constructed by a licensed well driller will apply.

This licensing inspection was discussed in-house with Ron Duvall, and was decided to wait until 2017, re-inspect the permit for licensing, and possibly cancel the permit due to forfeiture for nonuse since the three years of non-use will come into effect.

A handwritten signature in black ink, reading "Mike DeFea". The signature is fluid and cursive, with the first name "Mike" and last name "DeFea" clearly distinguishable.

Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program