

WATER PERMIT NO. 7277-3

Name of Applicant: Old Tree Farms

Address: 46318 214th St, Volga SD 57071 Phone: 605 627-9352

Amount of Water Claimed: 0.1 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Brookings

Type of Waste Disposal System:

Location: 2 south of Volga

PRIORITY Date Received: 10-21-11 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: jan – Dec 31

Remarks: dairy operation

Diversion Point: SW ¼ SW ¼ Sec 34-T110N-
R51W

Land to be Irrigated: NA

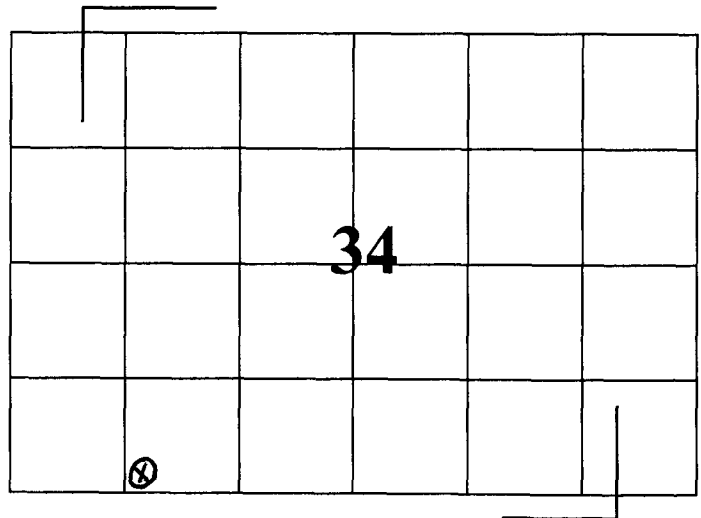
Depth of Well: 85 feet

Well Driller: Kaiser Well Drilling

Remarks:

Type of Map: plat

Prepared by: Brian H Friedrichsen, PE



Reviewed and the Number Assigned on: 10-24-11

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7277-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register PO Box 177</u>
	<u>605-692-6271</u> <u>57006</u>

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OCT 21 2011

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 Old Tree Farms c/o Frida Verpaalen Phone (605) 627-9352(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 46318 214TH Street Volga SD 57071
(Address) (City) (State) (Zip Code)2. Amount of water claimed 0.1 *CFS or 45 **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 Big Sioux Aquifer4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County BROOKINGS1 well in the SW 1/4 of section 34, T104N R51W
SW 1/45. County or counties where water will be used BROOKINGS6. Annual period during which water is to be used 1/1 - 12/31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well to be used to supply stock water for existing and expanding
confined animal feeding operation (dairy).STATE OF SOUTH DAKOTA)
County of BROOKINGS) 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, FRIDA VERPAALEN, 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 [Signature]Subscribed and sworn to before me this 18th day of July 20 11[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7277-3**

Date of first receipt of application October 21, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7277-3 to Old Tree Farms, c/o Frido Verpaalen, 46318 214th St, Volga SD 57071 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. 7277-3 appropriates 0.1 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (83 feet deep) located in SW 1/4 SW 1/4 Section 34-T110N-R51W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7277-3 is December 12, 2011.
5. The date from which applicant may claim right is October 21, 2011.
6. One-fifth of the construction is to be completed on or before June 12, 2014.
7. All construction is to be completed on or before December 12, 2016.
8. Water is to be put to beneficial use on or before December 12, 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. Permit No. 7277-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7277-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards,
 - b. Chapter 74:54:02 Ground Water Discharge Permit,
 - c. Chapter 74:51:01 Surface Water Quality Standards,
 - d. Chapter 74:51:02 Uses Assigned to Lakes,
 - e. Chapter 74:51:03 Uses Assigned to Streams, and
 - f. Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 08 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.75" Depth 83'
- b) Casing Type SDR 17 PVC Diameter 5" Thickness SDR 17
- c) Screen Type SDR 17 PVC Diameter 5" Thickness SDR 17
- d) Gravel Pack 1/4 x 1/8" Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 13'
- g) Distance to nearest existing domestic well:
- On applicant's property N/A On property owned by others 1750'

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

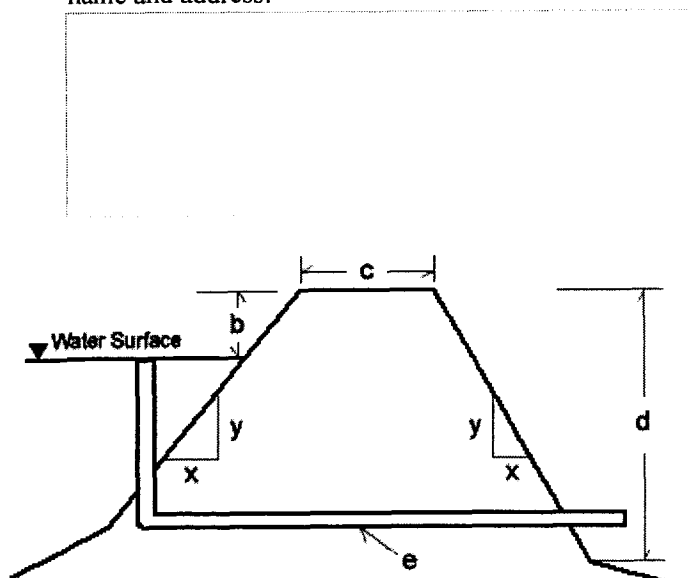
3. Dugout Information

- 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.

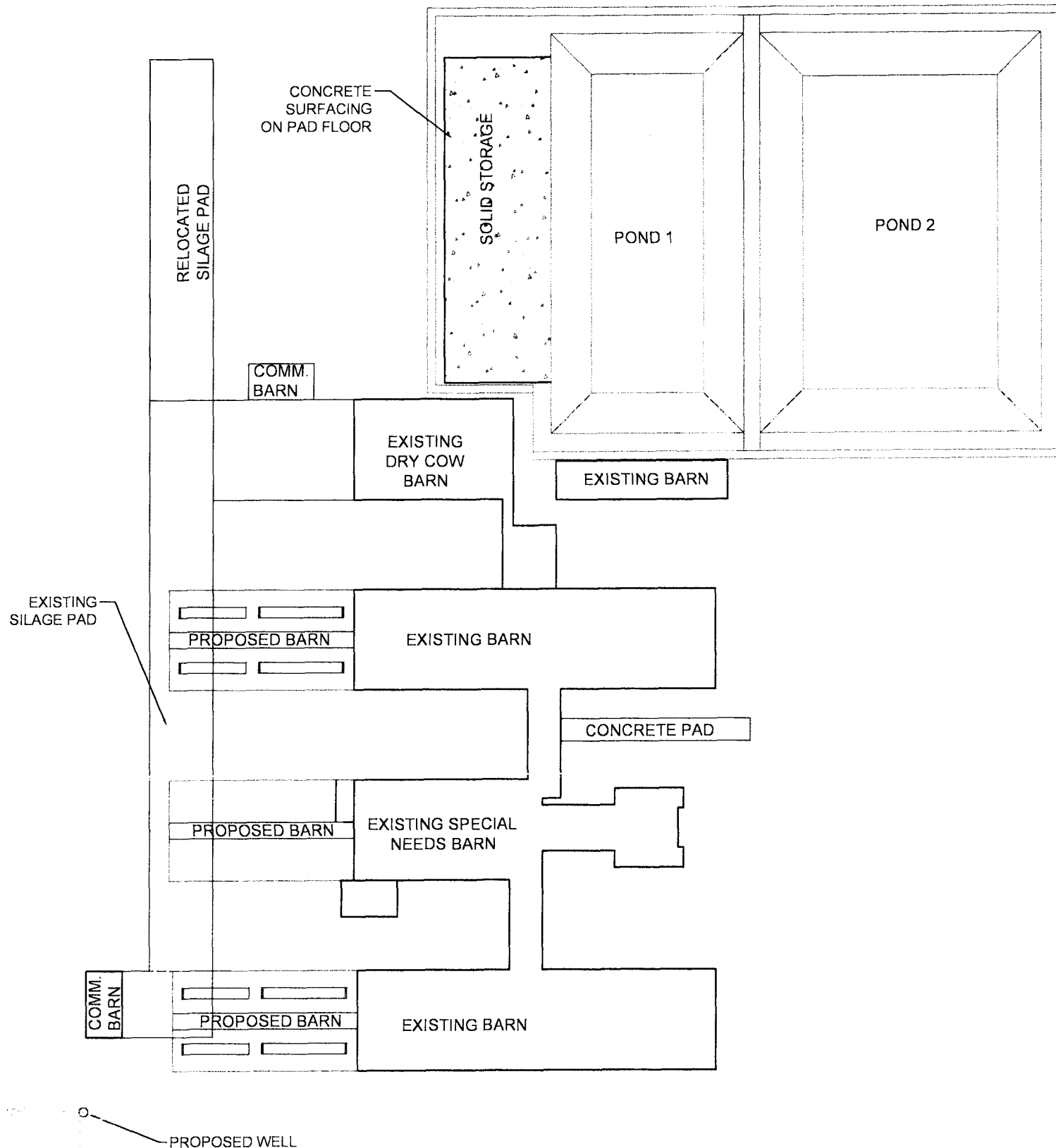
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

T110N R51W
T109N R51W

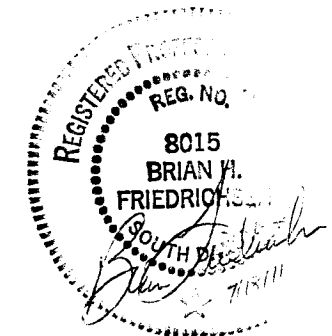
33 34
4 3



214th. St.

RIGHT OF WAY

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OCT 21 2011
WATER RIGHTS
PROGRAM



SITE PLAN		REV.	DATE	DESCRIPTION	BY	CHKD
OLD TREE FARMS		DATE:	3/11/11	DRAWN: TB	CHECKED: BF	
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED						
P.O. BOX 636 HURON, SD 57350 605-352-5610						
JOB NO:		1101				
SCALE:		1"=150'				
DWG:		1				

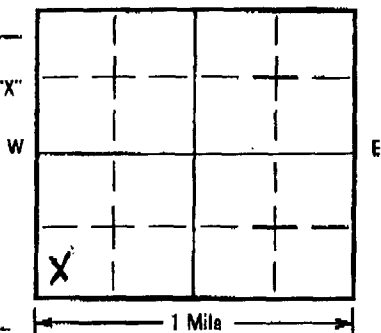
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 SW 1/4 Sec 34 Twp 110N Rg 51WCounty Brookings

North

Please mark well location with an "X"



Well Completion Date

7-14-2011Well Owner: Frido VerpaalerBusiness Name: Old Tree Farm LLCAddress: 46218 214th St
Volga SD 57071

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1 1/2
yellow clay	1 1/2	13
yellow sand fine	13	27
Blue clay	27	63
Gray mixed gravel	63	83
Black clay	83	85

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

SPR1 LB/FT 5 IN 246 FT 63 FT 8 1/2 IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type Grout mix No. of Sacks 23 Grout Weight 54 lb./gal From 0 ft. to 60 ft.

DF lb./gal ____ ft. ____ ft.

Describe grouting procedure pressure pull methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial plasticSlot Size 125 Set From 63 Feet to 83 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☐ YES, How: _____☒ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 13 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:

☒ PumpedDescribe: air lift☐ Bailed☐ Other

Pumping Level Below Land Surface

40 ft. After 6 Hrs. pumped 80 GPM

____ ft. After ____ Hrs. pumped ____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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OCT 21 2011

WATER RIGHTS PROGRAM

This well was drilled under license # 684

And this report is true and accurate.

Drilling firm KWDSignature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/21, 20 11

RECEIVED OF Old Tree Farms LLC 46318 214th St Volga SD 57071

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

Fee for Application for Permit No. <u>7277-3</u> to Appropriate Water, to construct and to put water to beneficial use	100 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>7277-3</u>	20000
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	300 00

No. **05050**

By *Amelia E. White*
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. 7277-3, Old Tree Farms**

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. 7277-3, Old Tree Farms, c/o Frido Verpaalen, 46318 214th Street, Volga SD 57071.

The Chief Engineer is recommending APPROVAL of Application No. 7277-3 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, 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. Permit No. 7277-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7277-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
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 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
November 14, 2011

REPORT ON WATER PERMIT APPLICATION NO. 7277-3

For Old Tree Farms

November 2, 2011

Application No. 7277-3 proposes to appropriate 0.1 cfs (45 gpm) from one well approximately 83 feet deep located in the SW ¼ SW ¼ of section 34, T110N R51W in Brookings County. The water is for commercial use in a dairy operation.

AQUIFER – BIG SIOUX-BROOKINGS (BS-B)

The Big Sioux Brookings is a predominantly surficial outwash (sand and gravel) under predominantly water table conditions in Brookings County. The aquifer underlies 74,500 acres and contains an estimated 245,850 acre-feet of recoverable water in storage in Brookings County (Hedges, 1982). The aquifer extends into Hamlin County to the north, Kingsbury County to the west and into Moody County to the south. Ground water movement appears to be from west to east in the area of this application (Hamilton, 1989). Hamilton mapped the entire aquifer in Brookings and Kingsbury Counties which he called the Big Sioux Aquifer and estimated a total storage of 2.0 million acre-feet and underlying 540 square miles. Hamilton did not use the management unit designations used in this report. The Big Sioux Brookings (management unit) is a portion of the aquifer as mapped by Hamilton. The aquifer is hydraulically connected to area lakes and streams and the Big Sioux River. Generally ground water movement is toward the surface water bodies which act as discharge zones for ground water however under some hydrologic conditions the surface water does recharge the ground water system. Recharge to the aquifer has been estimated to average about 6.57 inches per year (Koch, 1980).

A test well log filed with the application indicates sand from 13 to 27 feet, clay from 27 to 63 feet and gravel from 63 to 83 feet all below land surface. The completed well had a static water level of 13 feet below land surface and was capable of producing 80 gpm using air to develop. The well as built does comply with SD Well Construction Standards. This test well would indicate potentially artesian conditions at this site.

The Water Rights Program monitors two observation wells completed into the Big Sioux Brookings aquifer and within three miles of the application. Observation well BG-77Q is located about two miles east and observation well BG-77G is located about two and one-half miles southeast both from this application. Water levels for these observation wells show good response 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, 2011). Hydrographs for these two wells are included with this report.

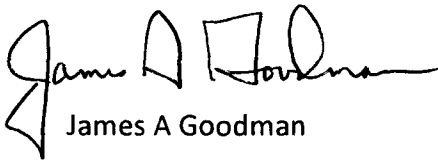
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two irrigation permits/rights located a little more than one mile south and east of this application. At this distance between wells interference is not expected to be a concern. This relatively small diversion rate plus the distance between permitted users is sufficient to

minimize any potential impacts. The observation well hydrographs also corroborate this conclusion.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer appears to be under artesian conditions at this site. Some drawdown will occur but this diversion rate is relatively small and it is not expected to be significant. Interference is not a concern.
3. The well appears to have been constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been reviewed and approved by the Division of Surface Water Quality of the Department.



James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

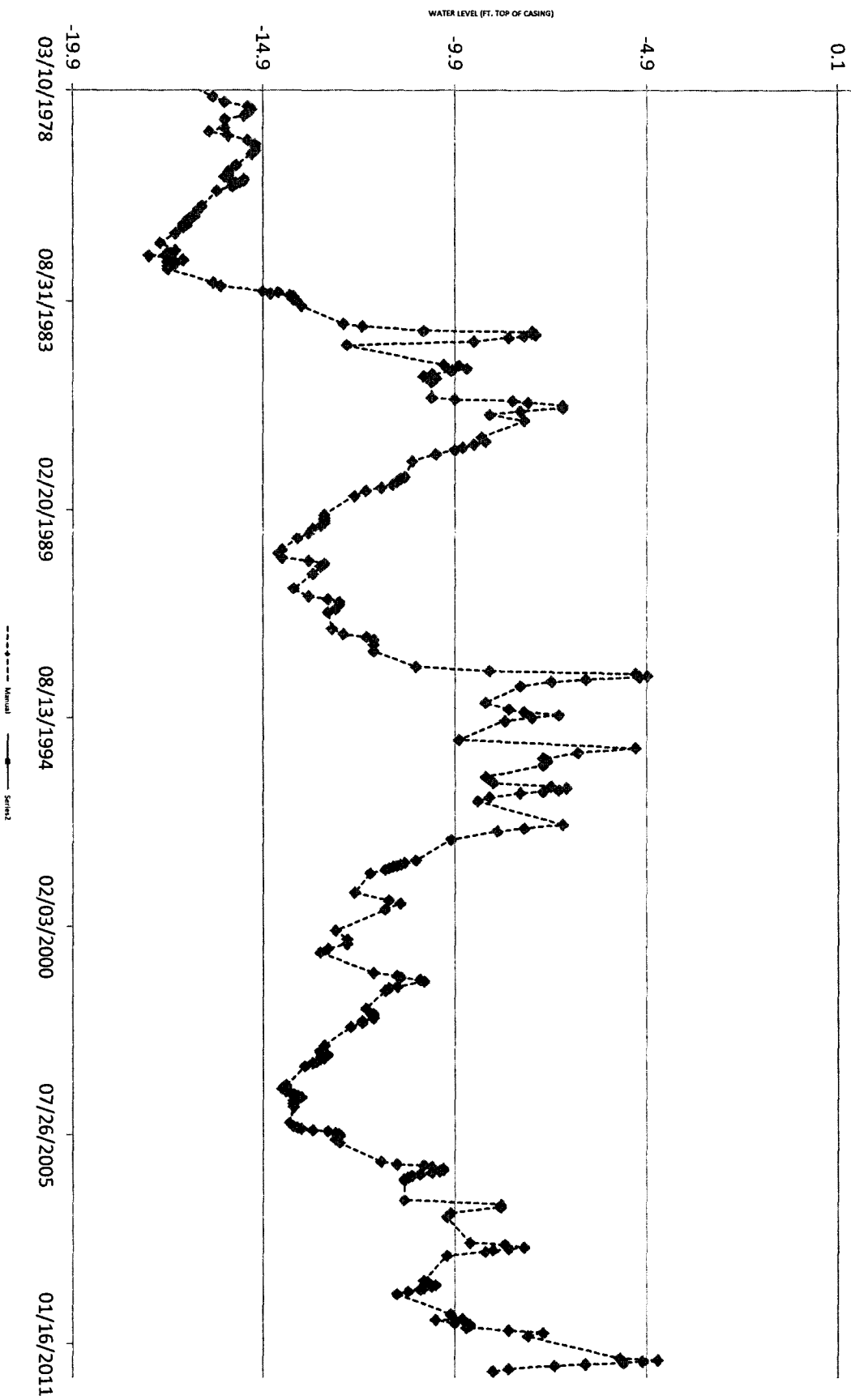
Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Investigations Report 88-4185, USGS, Huron, SD, 57350.

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, DES, Water Rights Program, Pierre, SD, 57501.

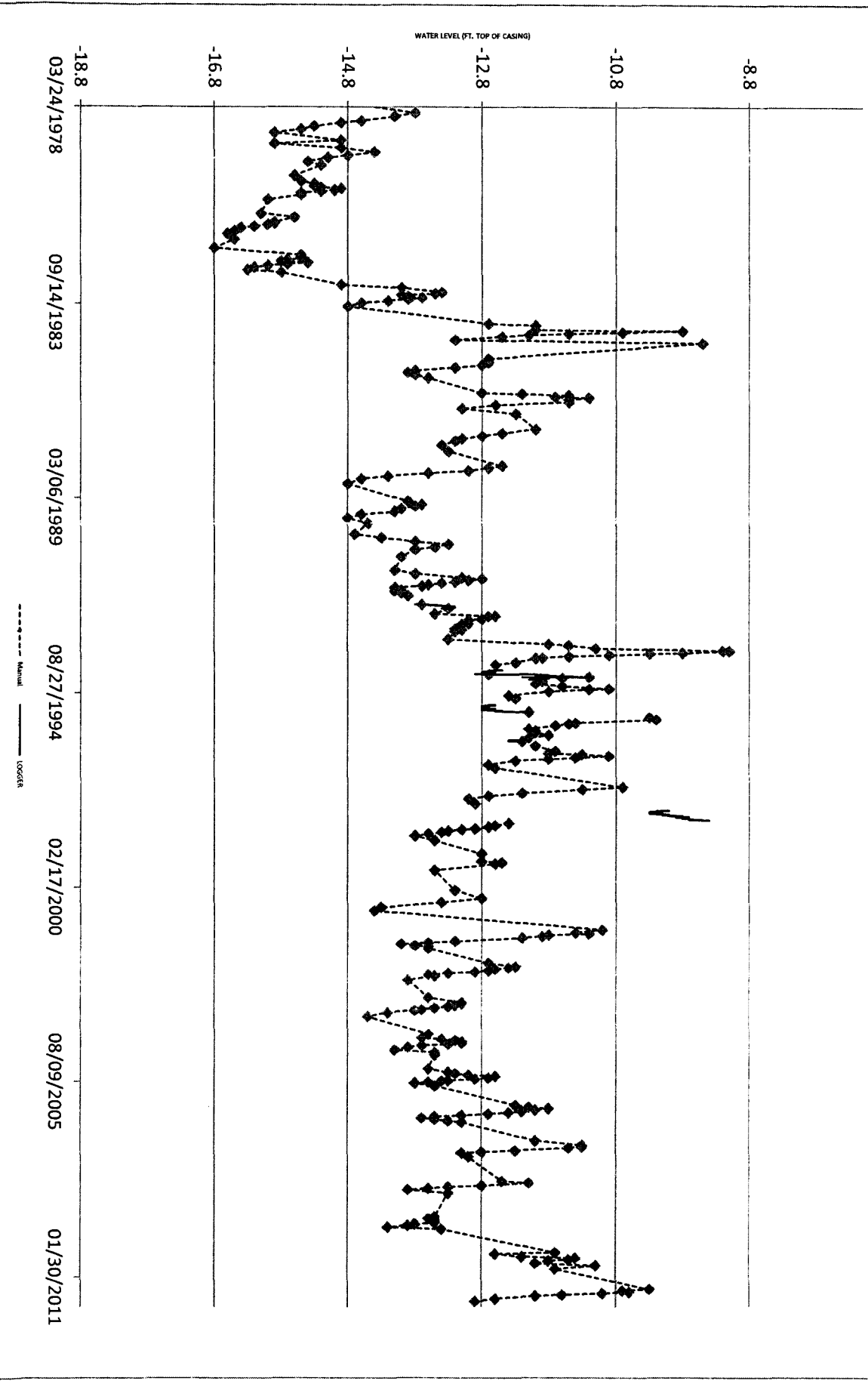
Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, Water-Resources Investigations Report 80-100, USGS, Huron, SD, 57350.

Water Rights, 2011, Unpublished Observation Well Data for Brookings County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL BG-77G



WATER RIGHTS' OBSERVATION WELL BG-77Q



RECEIVED

State of South Dakota

ss

DEC - 5 2011

County of Brookings

WATER RIGHTS
PROGRAM

Danielle Gilbertson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#487 Notice of Application

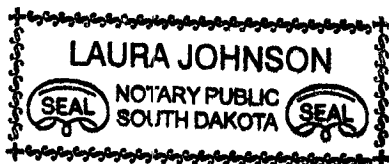
same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

November 23, 2011

November 30, 2011

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty dollars and eighty four cents \$40.84



Subscribed and sworn to before me this

1st

day of

December

2011

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 487, 2x, 11/23, 30

NOTICE OF APPLICATION NO. 7277-3 to

Appropriate Water Notice is given that Old Tree Farms, c/o Frido Verpaalen, 46318 214th St, Volga SD 57071 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well completed into the Big Sioux: Brookings Aquifer (83 feet deep) located in SW 1/4 SW 1/4 Section 34-T110N-R51W for commercial use in a dairy operations.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7277-3 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 12, 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 \$40.84.



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 22, 2011

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7277-3 to Appropriate Water to be published twice. Please publish the first notice on November 30, 2011 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 Old Tree Farms, c/o Frido Verpaalen, 46318 214th St., Volga SD 57071 (Ph # 605-627-9352).

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. 7277-3

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

Date _____

We are in receipt of your letter of November 22, 2011 enclosing Notice to Appropriate Water by Application No. 7277-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 22, 2011

Old Tree Farms
Frido Verpaalen
46318 214th St
Volga SD 57071

Dear Mr. Verpaalen:

Water Permit Application No. 7277-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper and authorize publication of this notice. 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.

Instruction to Newspaper - Publish first Notice on November 30, 2011 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.

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Notice is given that Old Tree Farms, c/o Frido Verpaalen, 46318 214th St, Volga SD 57071 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (83 feet deep) located in SW 1/4 SW 1/4 Section 34-T110N-R51W for commercial use in a dairy operations.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7277-3 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 19, 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
denr.sd.gov

MAR 08 2012

Old Tree Farms
Frido Verpaalen
46318 416th St
Volga SD 57071

Dear Mr. Verpaalen:

Enclosed is Water Permit No. 7277-3 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

MAR 26 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date _____

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

FROM:

Old Tree Farms
(name)

46318 214th St
(address)

Volga SD 57071
(city, state, zip)

(605) 627-9352
(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. 7277-3 states that the water use system is to be constructed by

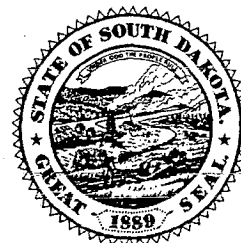
12/12/2016, and water is to be put to beneficial use by 12/12/2020.
(date) (date)

The water use system was completed on 11/29/2011.
(date)

Applying the water to beneficial use was completed on 12/5/2011.
(date)

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

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 27, 2012

7277-3

Frido Verpaalen
Old Tree Farms
46318 214th St
Volga SD 57071

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 your water use 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,

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

Permit No. 7277-3
Sioux River - Water District

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

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

I have this day, July 26, 2012, made a thorough examination of the water use system constructed by Old Tree Farms of 46318 214th St., Volga, SD 57071 holder of Permit No. 7277-3, bearing the priority of October 21, 2011 authorizing the diversion of 0.1 cu. ft. per second of the waters of the Big Sioux:Brookings Aquifer for Commercial purposes, in Brookings County.

Inspection contact & relationship **Frido Ver Paalen**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 85 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 63 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 20 feet
- 3) Static water level 13 feet

Pump:

- 1) Make Goulds
- 2) Model 55GS50
- 3) Size 5 hp
- 4) Capacity 55 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 160 feet north and 145 feet east of the SW corner of Section 34-T110N-R51W.

(N 44.28328, W -96.94819) SW ¼ SW ¼)

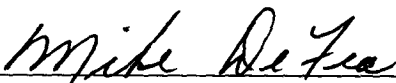
The works are capable of diverting and conveying to the place of use 0.1 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.1 cfs.

All structures, wells and lands on map Y

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

The pump for this well is rated at 55 gpm. However, after talking to a representative for the drilling company, and taking into consideration lift, friction loss etc..., water usage is most likely around the 0.1 cfs as applied for.



Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: July 30, 2012

Old Tree Farms
Permit No. 7277-3



0 0.175 0.35 0.7 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 30, 2012





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 10 2012

7277-3

Frido Ver Paalen
Old Tree Farms
46318 214th St
Volga SD 57071

Dear Sir:

Enclosed is Water License No. 7277-3. 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. 7277-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7277-3**

(1) Old Tree Farms, 46318 214th St, Volga SD 57071 made Application No. 7277-3, October 21, 2011 for a water permit to divert 0.10 cubic feet of water per second from ground water – one well (Big Sioux Brookings Aquifer), Brookings County, South Dakota for commercial purposes. Permit No. 7277-3, with a priority date of October 21, 2011 was approved December 12, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 12, 2016 and for the application to beneficial use of said water on or before December 12, 2020.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on March 26, 2012. The "*Notice*" stated the water use system was completed on November 29, 2011 and the water placed to beneficial use on December 5, 2011.

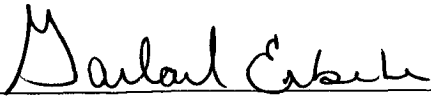
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is 160 feet north and 145 feet east of the SW corner of Section 34, T110N, R51W (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 in a commercial dairy operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Old Tree Farms, 46318 214th St, Volga SD 57071 the holder and/or owner of Water Right No. 7277-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water – one well (Big Sioux Brookings Aquifer) with a priority date of October 21, 2011 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7277-3 and subject to 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.
- Permit No. 7277-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 7277-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 10 2012

date

