

**BASIN ELECTRIC  
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE: 701-223-0441  
FAX: 701-557-5336



April 5, 2010

Patricia Van Gerpen  
Executive Director  
Public Utilities Commission  
Capitol Building, 1<sup>st</sup> Floor  
500 E. Capitol Avenue  
Pierre, SD 57501-5070

Re: Docket EL09-015; Deer Creek Station

Dear Ms. Van Gerpen:

On March 4, 2010, Basin Electric obtained a Water Permit, attached hereto, from the South Dakota Department of Environment and Natural Resources for the Deer Creek Station.

Please file the attached document in the above referenced docket.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Jacobson', written in a cursive style.

Casey Jacobson  
Attorney

cjj/ds  
enclosures

c: Service list



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

MAR 04 2010

Basin Electric Power Cooperative  
Gavin McCollam  
1717 E Interstate Ave  
Bismarck ND 58503

Dear Mr. McCollam:

Enclosed is Water Permit No. 7167-3 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

cc: Banner Consulting Engineers, Dave Odens, PO Box 298, Brookings SD 57006

**SOUTH DAKOTA  
WATER PERMIT NO. 7167-3**

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Date of first receipt of application November 2, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7167-3 to Basin Electric Power Cooperative, 1717 East Interstate Ave, Bismarck ND 58503-0564 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. 7167-3 appropriates 0.28 cubic feet of water per second from two wells to be completed into the Big Sioux:Aurora Aquifer (approximately 45 feet deep) located in SE 1/4 NE 1/4 Section 36-T111N-R48W.
2. The water appropriated shall be used for the purpose of industrial use at a proposed natural gas fired power plant 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. 7167-3 is December 28, 2009.
5. The date from which applicant may claim right is November 2, 2009.
6. One-fifth of the construction is to be completed on or before June 28, 2012.
7. All construction is to be completed on or before December 28, 2014.
8. Water is to be put to beneficial use on or before December 28, 2018.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7167-3 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. Basin Electric Power Cooperative shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Aurora Aquifer.

**WATER MANAGEMENT BOARD**

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

MAR 04 2010  
date



## **? COMMON WATER RIGHT QUESTIONS?**

### **When do I need a Water Right?**

- If you store more than 25 acre feet of water in a drydraw dam or any water in a dam on a navigable water course.
- If you use water at a rate greater than 25 gpm or more than 25,920 gal. per day for household or livestock water.
- If you use water for irrigation of more than one acre, or any use for commercial, municipal, institutional, or industrial.
- A new water permit is required to change permitted water sources, increase permitted diversion rate, or increase the irrigated acreage.

### **As a water right holder what responsibilities do I have?**

- If you are a new owner of property with existing water rights, you need to file a transfer of ownership.
- Adhere to all qualifications on water right.
- Irrigators must complete and return the annual irrigation questionnaire sent each fall.
- If chemicals or fertilizer are applied through system, you must have properly installed pollution prevention equipment and report your chemical use along with the irrigation questionnaire.

### **Why are you here to look at my system, I thought I already had a Water Right?**

- When the Water Management Board approves a water right permit application it becomes a water permit.
- The permit allows 5 years to construct the system.
- After the 5 year construction period, a permit investigation is conducted to determine the extent of the developed project.
- If the project is developed as permitted, a water license will then be issued and the water permit becomes a water right. The fee for licensing a water permit is \$50.00.
- Issuance of a water license is the final step in obtaining a water right to use water in South Dakota.

### **Can I drill more wells or replacement wells under my Water Permit or Right?**

To be approved, a replacement well or additional well(s) must:

- Be in the same water source and is not for more water than is authorized by the existing Water Permit.
- Be within a reasonable distance of the original well site.
- Not cause adverse interference with existing water rights and domestic wells.
- Contact the Water Rights Program prior to drilling a new well to confirm whether or not a new permit is needed.

### **When can a Water Permit or Right be canceled?**

- Project not constructed within the 5 year construction period.
- Abandonment - no intent to use water and use is abandoned.
- Forfeiture - no use of water for a three year period without legal excuse.
- For a third violation of a condition of a water permit/right such as failure to submit annual irrigation questionnaire.
- Water Management Board must take formal action to cancel a water permit, water right, or vested water right.

This is not intended to answer all questions in regard to obtaining and keeping a water right and may in fact invite more questions. Please don't hesitate to contact the Water Rights Program at (605) 773-3352 or visit us at our web site: [denr.sd.gov](http://denr.sd.gov). We are here to assist you!

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

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Date \_\_\_\_\_

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

FROM:

\_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address)  
\_\_\_\_\_  
(city, state, zip) \_\_\_\_\_  
(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. \_\_\_\_\_ states that the water use system is to be constructed by \_\_\_\_\_, and water is to be put to beneficial use by \_\_\_\_\_.  
(date) (date)

The water use system was completed on \_\_\_\_\_.  
(date)

Applying the water to beneficial use was completed on \_\_\_\_\_.  
(date)

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

\_\_\_\_\_  
(signature)



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION BY )  
BASIN ELECTRIC POWER COOPERATIVE )  
FOR AN ENERGY CONVERSION FACILITY )  
PERMIT FOR THE DEER CREEK STATION )  
PROJECT COMBINED-CYCLE NATURAL )  
GAS ENERGY CONVERSION FACILITY )  
AND ASSOCIATED INFRASTRUCTURE, )  
INCLUDING A WATER SUPPLY SYSTEM )  
AND ELECTRIC TRANSMISSION SYSTEM )**

**DOCKET NUMBER EL09-015**

**CERTIFICATE OF SERVICE**

I hereby certify that the Water Permit No. 7167-3 and Form 10 Notice of Completion of Works and Application of Water to Beneficial Use and Agreement for Use and Restoration of Haul Road in Sherman Township, Brookings County, was served upon all of the parties listed below on the 5<sup>th</sup> day of April, 2010, electronically to their last known e-mail address:

MS PATRICIA VAN GERPEN  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

MR GAVIN MCCOLLAM  
[gmccollam@bepc.com](mailto:gmccollam@bepc.com)

MS KAREN E CREMER  
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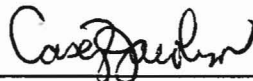
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**BASIN ELECTRIC POWER COOPERATIVE**

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