

2549-3

1. Considered 3-17-1976
2. Name of Applicant MISSOURI SLOPE FEEDLOT, INC.
3. Post Office Address ONIDA
4. Amount of water claimed 10.0
5. Source of water supply RUNOFF FROM FEEDLOT OPERATION
6. Water to be used for IRRIGATION
Acres to be irrigated 800
7. Water to be diverted and used in SULLY county
about SE, 15 miles of ONIDA
8. Proof of Publication Received 3-10-76
Not received _____
9. Application Approved _____
A.G. OPINION Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1920-3 Water Division No. 3 Missouri River District
 (Blanks to be filled by the engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Missouri Slope Feedlot, Inc.
 Postoffice address Onida, State South Dakota
 If a corporation show date and place of incorporation South Dakota 1972
2. Method of accomplishing work (contract, employment of others, or by direct labor) All
3. Name of diversion work Non-Applicable
4. Amount of water claimed (cubic feet per second) variable - 100 cfs
5. Source of water supply feedlot run-off and well and tank overflow
6. Location of point of diversion SE 1/4 - 9 - 114 - 76
County Sully
7. Annual period or periods during which water is to be used stored all year
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) irrigation and pollution control
9. For irrigation use, Total number of acres to be irrigated 800

List below each forty acre sub division, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Section 15-114-76	530		
S 1/2 of Section 16-114-76	260		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Onida Watchman
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
form additional pond to hold all run-off, natural and wasted well water.
- B. Works proposed to transport water to place of use.
pivot system and water winch
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 120,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Sully

I, Merlin Voorhees the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Merlin VoorheesSubscribed and sworn to before me this 3rd day of February 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No 2549-3

MISSOURI SLOPE FEEDLOT, INC.
(Applicant)

ONIDA

(Post Office Address)

SOUTH DAKOTA 57564
(State)

With the following modifications:

Date of first receipt of application FEBRUARY 3, 1976

Date of return to applicant for correction, amendments or changes required —, 19—

Date of receipt of corrected application —, 19—

Approved MARCH 17, 1976, Recorded in Book 14 Page 329

WATER RIGHT PERMIT NO. 2549-3

The Water Rights Commission hereby grants and issues this Water Right Permit No 2549-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 3, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 1976
3. The whole of said work is to be completed on or before MARCH 17, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 1978
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 10.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 17, 1978; said water to be used during the following described annual period: STORAGE - CONTINUOUSLY - IRRIGATION - DURING IRRIGATION SEASON

Witness my hand this 23RD day of MARCH, 1976

WATER RIGHTS COMMISSION

By:

John A. Helt
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

The following qualification is pertinent to this dam covered by Water Right No. 2549-3, but the qualification is attached to [Water Right No. 4965-3](#). Water Right Nos. 2549-3 and 4965-3 are both held by the feedlot. RJD 6/9/2023

Attachment

Amended September 3, 1986

A reserve storage capacity capable of impounding the runoff (93 acre-feet) from a 25 year-24 hour rainfall event shall be maintained in the debris ponds, lagoon and storage dam. The reserve storage capacity shall be re-established immediately, as conditions allow, when a 25 year-24 hour rainfall event cannot be impounded due to previous rainfall or runoff.

No water or wastewater will be released from the feedlot property unless the following conditions exist:

- 1) A 25 year-24 hour rainfall event is exceeded.
- 2) An extended period of above normal precipitation results in excessive runoff and prevents operation of equipment to lower water levels due to field and weather conditions.

8.0 Non
cropland

9

(1-150) (1-67) [redacted]

Connecticut Mutual Fire Co.

1155 ft

water
22,000 cattle
at one time

1000 ft

well
#2

(1-21)

19.9

300ft

145 ft

10

15

114-76

122.5

2574 ft

16 1980 ft

well
#1

150 ft

(1-71)

Nelson

4 ft pile

25

165 ft

154 ft

1076

15

31

out

116 15

114-76

94-L

Ron Duwall
Natural Resources Eng. 10/8/85

93-L 146.2

License Nos. 2549-3, 4965-3

Map Nos. 1720-3, 4965-3

2056

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.Mid-Dakota Needlet
OWNERSully County
S.E.-9-114-76
DESCRIPTIONJune 14, 1972
DATE

CASING LOG

Depth 2085 ft.
 Flows 200 gpm 344 ft. 5" Blk. R.D. pipe to 344 ft.
 Pumps gpm 2085 ft. 2 1/2" K. Copper pipe to 2085 ft.
 Head ft. ft. pipe to ft.
 160 ft. @ bottom
 Perforations ft. pipe to ft.

Pressure

1925-2085

REMARKS

11 Days D.T.
Drilling TimeRig No. 9
Lloyd Peterson
Ray Horn

The 5" pipe is cemented in place with 35 bags of
 Cement and 210 Gallons of water, 6-1 Slurry, Set
 48 Hrs. also 6 Centralizers installed on 5" pipe
 Held flow with 11.6 mud. Top of Sundance @ 1925
 Foreman Ft. Wide open sand 2005 ft.-2070 ft.
 2-5" Ru-Tip 7-4 1/2" W-2 Roller Bits

4485

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.Missouri Slope Feed Lot, Inc. Sully County
OWNER

DESCRIPTION

May 29, 1976
DATE

CASING LOG

Depth 2195 ft.
 Flows 200 gpm 358 ft. 5" R & D pipe to 358 ft.
 Pumps gpm 2195 ft. 2 1/2" K Copper pipe to 2195 ft.
 Head ft. ft. pipe to ft.
 290 ft. Perf. @ bottom
 Perforations ft. pipe to ft.

Pressure

1905-2195

REMARKS

13 days

Drilling Time

1905 ft. Top of Perf.

Rig No. 9 8 - 4 1/2" V-3S Rock Bit

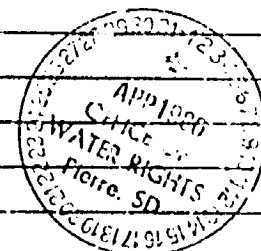
Lloyd Peterson Sr.

Foreman

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

JOB NAME			LOCATION	DATE	FIG NO.	FOREMAN
Mid-Dakota Feed Lot			SE 9-114N-76W Bully Co	6/14/72	9	L. Peterson
JL No.	DEPTH	TIME	REMARKS			
1	22					
2	48		gravel 37-42			
3	62		gravel to 50' blue clay			
4	82					
5	102					
6	122					
7	142		5" pipe 345' cemented in at top			
8	162					
9	184					
10	203					
11	225					
12	245					
13	265					
14	285					
15	305					
16	325		Shale @ 315'			
17	345					
18	365					
19	385		rod not in			
20	405					
21	425					
22	445					
23	465					
24	485					
25	505					
26	525					
27	545					
28	565					
29	585					
30	600					
31	625					
32	645					
33	665					
34	685					
35	705					
36	725					
37	745					
38	765					
39	785					
40	805					



HURON DRILLING INC. DRILLERS LOG

PAGE NO. 2

Mid*Dakota Feed Lot	SE 9-114N-76W Sully Co	6/14/72	9	L. Peterson
JOB NAME	LOCATION	DATE	RIG NO.	FOREMAN

Jt No.	DEPTH	TIME	REMARKS
41	825		chalk
42	845		
43	865		
44	885		code 11 @ 875
45	905		
46	925		
47	945		
48	965		
49	985		
50	1005		
51	1025		
52	1045		
53	1065		
54	1085		
55	1105		greenhorn @ 1100'
56	1125		
57	1145		
58	1165		
59	1185		
60	1200		
61	1205		
62	1225		
63	1245		
64	1265		
65	1285		
66	1305		
67	1325		
68	1345		
69	1365		
70	1385		
71	1405		hard shale
72	1425		
73	1445		
74	1465		
75	1485		
76	1505		
77	1525		
78	1545		
79	1565		Roc bit #1 1550 #3582
80	1585		Dakota sand @ 1570
81	1605		Hard Roc @ 1575' 9:30 10:10 5'

HURON DRILLING INC. DRILLER'S LOG

PAGE NO. 3

SE 9-114N-76W Sully Co

9

L. Petersen

LOCATION

DATE _____

FIG NO.

FOREMAN

[illegible]

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

Missouri Slope Feed Lot
JOB NAME

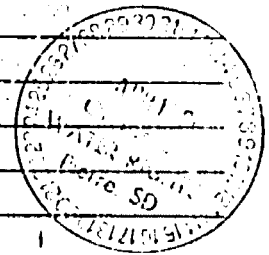
Onida, SD
LOCATION

5/29/76
DATE

9
RIG NO.

L. Peterson
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
1	23		yellow clay
2	43		2 little streaks gravel 20-30 blue clay 30
3	63		
4	83		
5	103		
6	123		358' 5" cemented in 35 bags of cement
7	143		
8	163		
9	183		
10	203		
11	223		
12	243		
13	263		
14	283		
15	303		Shale @300
16	323		
17	343		
18	358	TD	360
19	380		
20	400		
21	420		
22	440		
23	460		
24	480		
25	500		
26	520		
27	540		
28	560		
29	580		
30	600		
31	620		
32	640		
33	660		
34	680		
35	700		
36	720		
37	740		
38	760		
39	780		
40	800		



HERON DRILLING INC. DRILLERS LOG

PAGE NO. 2

Missouri Slope Feed Lot

Onida, SD

5/29/76

9

L. Peternon

JOB NAME

LOCATION

DATE

RIG NO.

FOREMAN

HI No.	DEPTH	TIME	REMARKS
41	820		
42	840		
43	860		
44	880		
45	900		
46	920		
47	940		
48	960		
49	980		
50	1000		
51	1020		
52	1040		
53	1060		
54	1080		
55	1100		Greenhorn @ 1085
56	1120		
57	1140		
58	1160		
59	1180		
60	1200		
61	1220		
62	1240		
63	1260		
64	1280		
65	1300		
66	1320		
67	1340		
68	1360		
69	1380		Hard Roc 1370' and flo
70	1400		
71	1420		
72	1440		Hard roc at 1425'
73	1460		
74	1480		
75	1500		
76	1520		
77	1540		Roc Bit #1 @1530 #37374 4 3/8
78	1560		Dakota Top 1530'
79	1580		1530-1585 good sand
80	1600		1585-1600 hard

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 3

Humouri Slope Feed Lot

Onida, SD

5/29/76

5

L. Peterson

JOB NAME

LOCATION

DATE

RIG NO.

FOREMAN

Jt No.	DEPTH	TIME	REMARKS
81	1620		1600-1620 no good
82	1640		
83	1660		streaked sand
84	1680		Fuson
85	1700		1680-1695 Hard Sand
86	1720		Hard Roc 1705 Lakota
87	1740		#2 @1720 #37328 4 1/2 3SV
88	1760		Good sand streaks 37374 190'
89	1780		1760-1780 good sand 780-800 streaked
90	1800		Morrison @ 1800
91	1820		
92	1840		
93	1860		#37328 155'
94	1880		#3 @ 1875 #87273 4 1/2 V3-S
95	1900		13 bag weight added 11.5
96	1920		Sundance top 1910
97	1940		streaked
98	1950		1955-1965 good sand Hard
99	1980		#4 @1975 #37333 Hard Roc 1977-1980
100	2000	#4	1965-1980 no good #87273 100'
101	2020		1980-1990 good sand
102	2040		1990-2060 shale #37333 35'
103	2060	#5	2010- #37334 3S #37372 20'
104	2080	#5	2030 #37332 3-S #37332 50'
105	2100		2060-2080 hard sand
106	2120		2080- #37371 3S
107	2140		2080-2105 hard sand
108	2160		2105-2120 no good hard sand
109	2180	#8	2130- #37271 #37371 50'
110	2195	TD	2120-2140 hard sand some fair streaks
			2140-2160 good streaks
			2160-2190 wide open
			2190-2195 no good #37271 65'

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 2 1/2", Depth 2200

(2) Casing, Type steel Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen,

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface Dimensions 60 acres, Depth Various

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials water sample attached

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

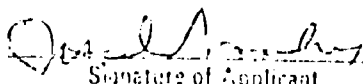
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Map attached hereto.


Signature of Applicant

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006



Submitted by: Missouri Slope Seed Lot

Date Rec'd: November 22, 1975

Address: Circle, SD 57564

Sample No. 74-960

Identification all

WATER ANALYSIS

Calcium (Ca)	490	ppm*	24.50	me/l**
Magnesium (Mg)	110	ppm	9.02	me/l
Sodium (Na)	60	ppm	2.61	me/l
Potassium (K)	22	ppm	0.57	me/l
Sulfate (SO ₄)	1200	ppm	24.96	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	70	ppm	1.96	me/l
Bicarbonate (HCO ₃)	193	ppm	3.16	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	158	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2435	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.64			
Sodium	7.11	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	6.86			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 36.70 me/l
Total anions 30.08 me/l

By: Deley Litten

Service Performed

Amount Due

Irrigation Analysis

6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-960

Amount Enclosed \$

Signed:

T 114 N, R 76 W

FEEDLOT

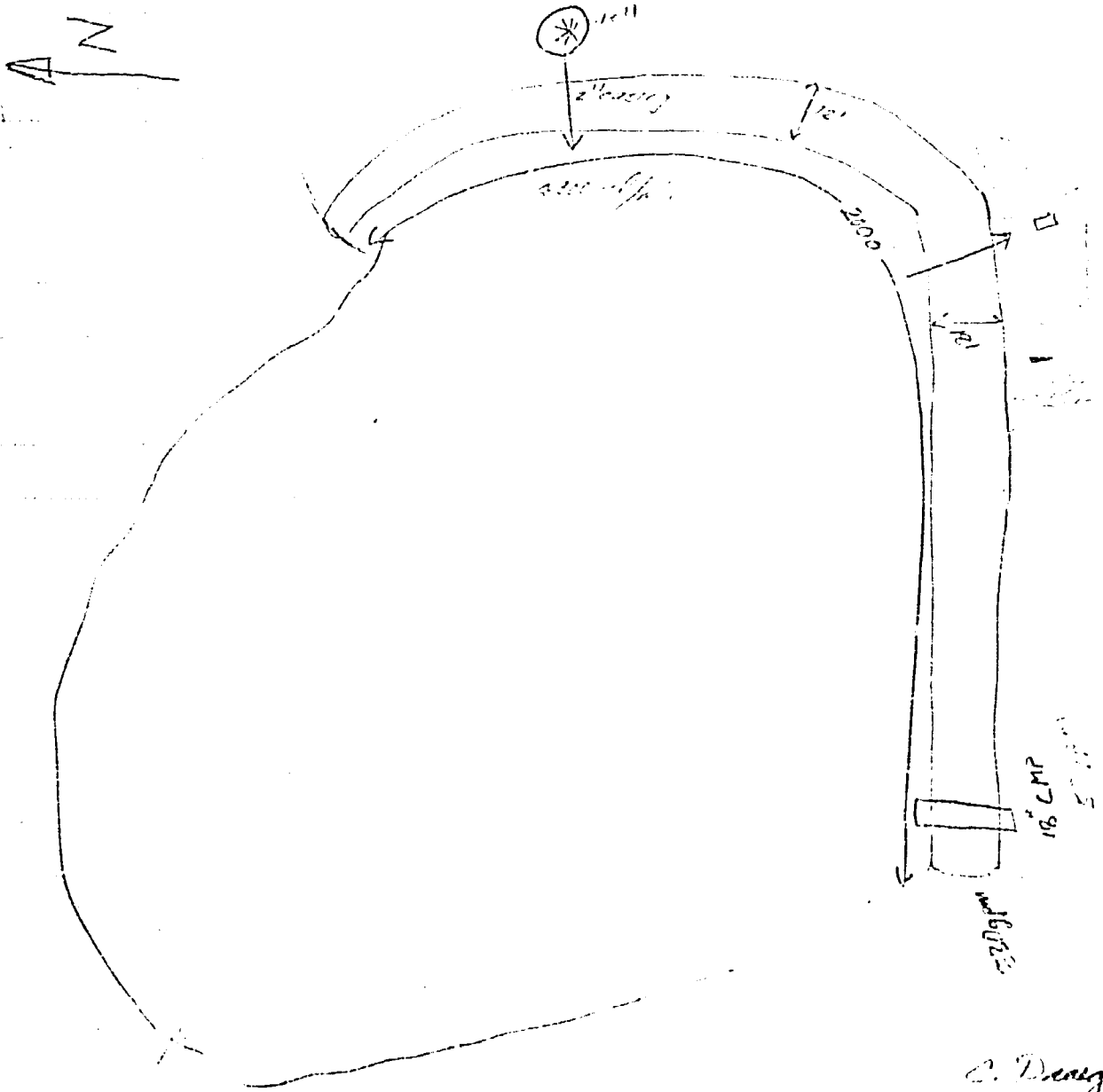
Proposed Sprinkler

Proposed future sprinklers

Proposed water area

50
10
500

$\frac{1}{47500}$



C. Dwyer

Publish first publication, on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 20, 1976

Missouri Slope Feedlot, Inc.

Notice is hereby given that _____
whose post office address is Onida, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

10.0 cubic feet of water per second of time from the runoff from feedlot operation
Missouri Slope Feedlot Diversion, the point of diversion of which is to be located in the _____

SE 1/4 SE 1/4

of Section 9, Twp. 114N, Range 76W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

Section 15 and SE 1/4, Section 16, T114N, R76W

This application No. 2549-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Merlin K. Voorhees, Manager, Missouri Slope Feedlot, Inc., Onida, S.D. 57664

2-3
Sully
900

No. 2549-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Alice Olson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Onida Watchman

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Onida

County of Sully and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Thursday, Feb 26, 1976

Thursday, Mar 4, 1976

Alice Olson
(Signature)

Publisher
(Title)

Mar 8, 1976
(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
NO. 2549-3

Notice is hereby given that
Missouri Slope Feedlot, Inc. whose
post office address is Onida, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 10.0 cubic feet of
water per second of time from
runoff from feedlot operation
through the Missouri Slope Feedlot
Diversion, the point of diversion
of which is to be located in the
SE 1/4 SE 1/4 of Section 9, Twp. 114N,
Range 76W. Said water to be used
for the purpose of providing irri-
gation on portions of the following
described land: Section 15 and S 1/4
Section 16, T114N, R76W.

This application No. 2549-3
will be considered by the Water
Rights Commission at their office
at Pierre upon the 17th day of
March, 1976, at 1:00 P.M. All
interested persons may appear and
be heard.

WATER RESOURCES COMMISSION

By: Burton F. Jones
BURTON F. JONES
Water Rights Specialist

Merlin K. Voorhees,
Manager, Missouri Slope Feedlot, Inc.
Onida, South Dakota 57564 4-6





MISSOURI SLOPE
Feed Lot, Inc.

Onida, South Dakota 57564
Phone (605) 973-2471
Merlin K. Voorhees, Manager

February 3, 1976

Mr. Burton Jones
Water Rights Commission
State Capitol Building
Pierre, South Dakota 57501

Dear Mr. Jones:

Pursuant to our telephone conversation concerning the sprinkling of our feedlot run-off and excess overflow from our well and water tanks, I am enclosing our application for pumping the water on the surrounding land area. I am also enclosing our letter to the Environmental Protection Agency and a map showing the intended area of waste water and run-off water disposal along with a sample of our water from the well used for watering the cattle.

As I explained to you previously, our problem of disposal of the feedlot run-off and excess well water storage has been complicated by the fact that when we built the feedlot, excess water from the free-flow water was not considered polluted water. We are also contemplating the need for a secondary well for a back up watering system which will also increase our problem of disposal. The attached plan seems the most sensible even though very expensive.

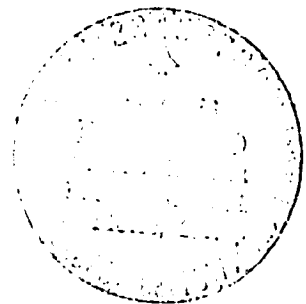
If you have any questions, or should need further information, please write or call at any time.

Very truly yours,

MISSOURI SLOPE FEEDLOT, INC.

Merlin K. Voorhees, Manager

MKV/ps
Enclosures



February 3, 1976

Mr. Jim Nelson
Environmental Protection Agency
State Capitol Building
Pierre, South Dakota 57501

Dear Mr. Nelson:

I am writing this letter to you pursuant to our conversation yesterday concerning the feedlot runoff and the excess well water run off from our feedlot. As you know the EPA rules concerning free-flowing water tanks has changed since our feedlot was constructed originally and that the overflow from our water system was not considered pollution, as it is now. In response to this problem, last year we leased another forty acres to the south of us to hold the excess well water runoff as well as any feedlot runoff, in event our holding ponds should overflow. Since that time no runoff of any kind has gone beyond this pond, however, the pond is full and we must provide extra storage pits and then find a means of disposal, particularly in view of the fact that we will probably have to dig a second well as back up for our present watering system. To solve this problem, we are contemplating purchasing the land to the southeast of us to make a bigger holding area and to sprinkle the runoff on. A sketch of the proposed plan is enclosed. We believe that this would be the most desirable way to handle the problem. Before we spend large sums of money for larger holding ponds and a sprinkle system, we were wondering if the EPA is in agreement with this means of disposal and secondly, whether there is any assistance available from the EPA for the project which will be extremely costly.

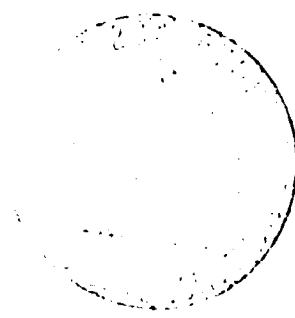
If you have any questions, please feel free to contact me at any time.

Very truly yours,

MISSOURI SLOPE FEEDLOT, INC.


Merlin K. Voorhees, Manager

MKV/ps
Enclosure



15799-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/773-3151 3352

June 8, 1979

Jim Sutton, Sr.
RR
Onida, SD 57564

James Sutton, Jr.
RR
Onida, SD 57564

Vernon Garrett
Part A
Pierre, SD 57501

Dwayne Hofer
RR
Onida, SD 57564

Donald Smith
Connecticut Mutual Life Insurance Co.
106 West Capitol
Pierre, SD 57501

Principal Owners
Missouri Slope Feedlot, Inc.

Mortgage Holder
Missouri Slope Feedlots, Inc.

Gentlemen:

On June 5, 1979, staff members from the Division of Water Rights and Environmental Protection visited the Missouri Slope Association feedlot and dam area. As far as our office is concerned, we are interested in the waste of water from the artesian wells and the condition of the dam.

The wells located in the feedlot and located adjacent to the dam embankment must be controlled to a minimum flow of 3-4 gpm.

The dam embankment appeared to be in poor condition. From a visual inspection of the downstream area, it is estimated that in the event of dam failure the loss of life is unlikely; although any downstream damage is the responsibility of the owner.

In the event that the wells are not controlled to a minimum flow, it is our intention to pursue appropriate legal remedies. Please advise concerning this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Division Director
Division of Water Rights

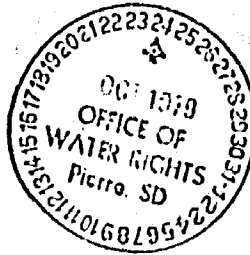
JH/gy

cc: Representative Benne Gross, Onida
Glen Garrett, Pierre
John Gross, Onida
Loren Leichtnam, DEP

Missouri Slopes
Fred. Lott
full

SOUTH DAKOTA

Don L. Smith
Associate Loan Officer
106 W. Capital
Pierre, South Dakota 57501
Off. Phone 605-224-9811-
Res. Phone 605-224-2577



Re: Missouri Slope Feedlot

THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY

MEMO: Richard Howard

SUBJECT: Missouri Slope Feedlot, Inc.

FROM: John Hatch *John Hatch*

DATE: November 9, 1979

We can require Missouri Slope Feedlot, Inc. to maintain and operate the Dam authorized by Water Permit No. 2549-3 in a safe manner. Permit No. 2549-3 authorized construction of a dam to store runoff from the feedlot for irrigation purposes. § 46-9 provides statutory authority to require the owner of a dam which is unsafe and a menace to life or property to repair a dam. In lieu of repair, a dam can be breached.

Since the dam is being breached, I believe we can require (would take written order after dam is completely breached) the owner to leave the dam breached (a delaying tactic) until plans and specifications are submitted and approved for any repairs. This will not correct the existing problem nor prevent any "polluted water" from flowing downstream through the breached structure, but it can prevent storage of several hundred acre feet of undesirable water.

If the dam is reconstructed following approval of P & S, and if the structure of the dam was allowed to deteriorate again in the future, we would have the possibility of suspension of Permit No. 2549-3 for up to one year. This could result in a shut down of the feedlot, since they could not operate if they could not store the runoff for a one-year period. However, it may be difficult to obtain a suspension from the Board and defend such in court if repairs were again made when the owner was notified. Undesirable water could still overflow thru a culvert or the spillway of a safe and well maintained structure with same downstream problems.

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

February 12, 1979

To Whom It May Concern:

It has come to the attention of the Water Rights Commission that the two Sundance Formation wells drilled by the Missouri Slope Feedlot, Inc., Onida, South Dakota, are flowing undiminished. State statutes and Commission regulations state that:

"The wells must be valved and the flow reduced to a minimum when not being used. If the use of water from the wells is abandoned, the wells must be plugged in accordance with specifications of the Water Rights Commission."

Very truly yours,

John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

FEEDLOT LEASE

THIS AGREEMENT, made and entered into this 8 day of May, 1979, by and between Mid-Dakota Feedlot Development Corporation, a corporation of Onida, South Dakota, hereinafter referred to as Lessor, and James L. Sutton, Jr., of Onida, South Dakota, hereinafter referred to as Lessee.

WITNESSETH, that for and in consideration of the mutual covenants hereinafter agreed upon by and between the parties hereto, Lessor does hereby let, remise and lease unto Lessee the following described property:

The Feedyard facility, together with all buildings, fixtures, equipment, and other items formerly known as "Missouri Slope Feedlot, Inc.," located on the southeast quarter of Section 9, Township 114 North, Range 76 West of the fifth P. M., Sully County, South Dakota.

The consideration for this Lease shall be the mutual agreements by and between the parties hereto.

The term of this Lease shall be upon the date of signing herein and shall run until such time as all of Mid-Dakota Feedlot Development Corporation's rights in the premises, including the redemption right, possessory right, rights of ownership, or other rights, have been fully and completely terminated. It is specifically agreed that this term shall be from the date hereof until April 11, 1980, and if for any reason said redemption period is extended beyond that point, this Lease shall be applicable thereto, and shall extend concurrently with said redemption.

Lessee hereby accepts the premises in the condition they are now in, and agrees to maintain the premises in a condition at least as good as the said premises are now in. Lessee shall, however, have the right to use said premises as a cattle feedyard, to feed cattle in said yard either privately or commercially, under any arrangement which Lessee desires to make, and to maintain said premises, usual wear and tear thereof for a cattle feedyard accepted.

It is specifically understood and agreed by and between the parties hereto that taxes on the premises are unpaid, and that Lessee shall not assume any obligation by virtue of this Lease to pay said real or personal property taxes.

It is further understood and agreed by and between the parties hereto that the Environmental Protection Agency has complaints filed against facilities herein for violation of their E. P. A. permit. Lessee agrees to undertake action to secure compliance with E. P. A. permit, using the existing facilities, but does not agree to add, extend, remodel or upgrade any of the existing facilities. It is specifically agreed that while Lessee will attempt to comply with E. P. A. he is not required under this Lease to make improvements or upgrade the existing facilities in order to comply with E. P. A. requirements.

Lessee agrees to indemnify and hold harmless Lessor from any liability resulting out of the death or injury to any person located on the premises as a result of the operations of Lessee thereon. Lessee shall not be responsible for any of Lessor's liabilities or obligations on said premises.

This Agreement is binding upon the heirs, executors, successors in interest, administrators or assigns of the parties hereto.

Dated this 8 day of May, 1979.

James L. Sutton, Jr.
James L. Sutton, Jr., Lessee

Mid-Dakota Feedlot Development Corporation

By Robert Yackley president
By Douglas A. Hageman secretary

100-2-3

LAW OFFICES
MAY, ADAM, GERDES & THOMPSON
503 SOUTH PIERRE STREET
PIERRE, SOUTH DAKOTA 57501

GLENN W. MARTENS 1881-1963
KARL GOLDSMITH 1885-1966
WARREN W. MAY
THOMAS C. ADAM
DAVID A. GERDES
CHARLES M. THOMPSON
HAROLD H. DEERING, JR.
ROBERT S. ANDERSON
BRENT A. WILBUR

July 5, 1979

TELEPHONE
605 224-6803
P.O. BOX 160

The Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Attention: Mr. John Hatch, Division Director, Division of
Water Rights

RE: MISSOURI SLOPE FEEDLOT IN SULLY COUNTY, SOUTH DAKOTA

Dear Mr. Hatch:

On behalf of Connecticut Mutual Life Insurance Company, we acknowledge receipt of your letter of June 8, 1979. It has now been reviewed by the company, at its home office in Hartford, Connecticut.

Our company is concerned about the contents of your letter of June 8, 1979, but frankly at this time there is very little which we legally can do to participate in resolving the issues which you presented.

Connecticut Mutual Life Insurance Company never owned the feedlot property. Rather, it merely advanced funds, to assist with the construction and operation of the feedlot facility.

The loan proceeds which Connecticut Mutual Life Insurance Company advanced, were advanced primarily to Missouri Slope Farms, Inc., Missouri Slope Feedlot, Inc., and Mid-Dakota Feedlot Development Corporation. As I understand it, these three corporate entities were pretty much one and the same insofar as overall operation is concerned.

For whatever reason, these named entities failed to repay the mortgage debt, and as a consequence Connecticut Mutual Life Insurance Company was forced to foreclose its real estate mortgages. The foreclosure sale was concluded last spring, and on April 12, 1979, Connecticut Mutual Life Insurance Company was issued a "sheriff's certificate".

This sheriff's certificate, is something in the nature of a promissory note. It can ripen into fee title. However, under

Page 2
July 5, 1979

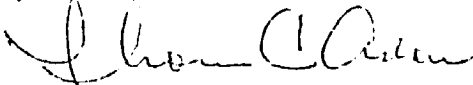
South Dakota statutes, defaulting debtors do have a statutory right of redemption. That redemption period is for a minimum of a one year period. In other words, at least until April 12, 1980, insofar as we are aware, these defendants would still be the owners and proprietors of the feedlot premises.

We understand that Mr. James Sutton, Jr. of Onida, South Dakota, has recently entered into a lease agreement with these defendants, a copy of the lease agreement being attached.

We appreciate your concern in this matter. We too are concerned about the correct and proper functioning and operation of the feedlot facility.

Very truly yours,

MAY, ADAM, CERDES & THOMPSON



BY:

TCA:cjn
encl.

12 July 79

Gale N. Selken & Jeanne Christensen

Field inspection of Sandhance Wells, Missouri
Slope Feed yards Sully Co. S.D.

South well flowing approximately 40 to 50 gpm
at 1:30 PM

Jerry Zebroski (operator of center pivot) had
key to ~~pull~~ back on valve. Closed valve so well
flowed 8 gpm (measured).

Mr. Zebroski was informed that the well must
be closed down to between 5 to 10 gpm when the
water wasn't being used of irrigation. System will
be operational week of the 16 July.

Well by mill plant was flowing but amount
of water could not be determined.

AMS.

Measurements

1.25 gal in 9 sec

1.25 gal in 9 sec

1.25 gal in 9 sec

$9 \overline{) 6.67}$

$6.67 \times 1.25 = \underline{\underline{8.3 \text{ gpm}}}$

JAMES L. SUTTON, JR.
Onida, South Dakota 57564

November 13, 1979

Loren Leichtnam
Department of Environmental Engineering
Office of Water Quality
State Capitol Building
Pierre, South Dakota 57501

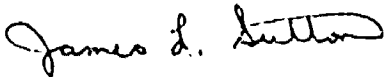
Dear Mr. Leichtnam:

Please be advised that all the water has been pumped from the sewage lagoons located on Missouri Slope Feedlot, Inc., feed-yard facilities.

I hereby request the right to allow water to flow through the existing watering system, the quantity of said water to be enough to maintain the system. It is my understanding that if insufficient water is allowed to flow through the system, it will freeze up and be destroyed, causing a loss which could be in excess of \$100,000.00. This request is for only enough water to prevent permanent damage to the system. Further, only that part of the system located south of the office facilities will have water running through it which will be allowed to drain into the lagoons.

If there are any questions, please contact me at any time.

Very truly yours,



James L. Sutton, Jr.

JLS/ph



23 March 80

Kent L Rasmussen
Box 866
Rapid City, SD 57709

RE: Missouri Slope Feedlot Inc.

Mr. Rasmussen:

I am writing in regards to the wells and the dam at the Missouri Slopes Feedlot, Onida, SD.

Well #1 - Located by the cattle pens
depth - 2200 feet
Sundance Formation
flow - 200 gallons per minute

Well #2 - located by dam
depth 2200 feet
Sundance Formation
flow - 200 gallons per minute

Dam : approximately 60 surface acres
the dam would have to have wave protection, and the seepage through the structure would have to be controlled.

The driller's logs for the wells are being forwarded by the driller. Enclosed is the water quality analysis from one of the wells. Both wells will have similar water quality.

If you have any additional questions, please contact this office.

Sincerely,

GALE H SELKEN
Hydrologist

GHIS/gy

encl

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 14, 1980

James L. Sutton, Jr.
Onida,
South Dakota 57564

Mr. Sutton:

This is in reference to our discussion of October 9, 1980 concerning the following wells at the Agro Energy of Onida Feedlot. As we discussed, the wells must be controlled; the flows must be reduced to the amount of water actually necessary for the operation of the feedlot. Considering the typical pressures of the artesian aquifers in that area, the valving of those wells should be carefully supervised.

Please contact this office if you have any questions.

Sincerely,

JEANNE GOODMAN
Water Resources Engineer

JG:kw

cc: Rodney H. Moore, Connecticut Mutual Life Insurance Co.

Equal Opportunity Employer

No. 2549-3

Water Rights Division
(605) 773-3352

September 1, 1981

Mr. Don L. Smith
Connecticut Mutual Life Insurance Co.
106 West Capital
Pierre, SD 57501

Dear Mr. Smith:

On August 26, 1981, I accompanied Mr. Joe Bower, Division of Water Quality, to the Missouri Slope Feedlot which is east of Onida. The purpose of this trip was to collect water samples and to check on the structural condition of the irrigation dam.

The dam had approximately three feet of freeboard at the time of the inspection. The well on the east side of the project was flowing approximately 200 gpm into the reservoir. State statutes and Commission regulations state that a well of this type must be valved and the flow reduced to a minimum when not being used. If the use of water from the well is abandoned, the well must be plugged in accordance with specifications of the Water Management Board. As I stated in our phone conversation on August 27, 1981, this well should be shut down to approximately 10 gpm when the irrigation system is not in use or if you have any plans on releasing water from the dam to provide more freeboard.

The dam is in very poor structural condition. There is extensive wave erosion on the upstream slope and the downstream slope has a serious sloughing problem. There are several areas where the dam's crest width has been reduced to approximately five feet due to the wave erosion and sloughing.

If there are plans for this dam to exist in the future, I would recommend considerable reconstruction including a spillway system to provide adequate freeboard for the project.

If you have any questions on this matter, please contact this office.

Sincerely,

TIMOTHY G. SCHALL
Water Resources Engineer

TGS/bat

cc: Joe Bower, DWR, Water Quality

DON L. SMITH, PRESIDENT
C.M. AGRI-CREDIT CORPORATION, S.D.
106 WEST CAPITAL
PIERRE, S.D. 57501
PHONES - OFFICE - (605) 224-9811
HOME - (605) 224-2577
CONNECTICUT MUTUAL LIFE INS. CO.
AGRICULTURAL LOAN
CORRESPONDENT



10/25/82

Tim Schaaf:

Missouri Slope Feedlot : The two individuals below want you to send copies of all correspondence and other info relating to this feedlot to:

Joseph Karaginis
Karaginis & Gail LTD.

ATTYS AT LAW

150 N. Wacker Drive

Suite 2500

Chicago, Ill. ~~80606~~ 60606

also to: Johnny J. Gross
RR-1 Box 719
Onida, S.D. 57564

and Dean Nelson Farms ph. (605) 973-2320
P.O. Box 718
Onida, S.D. 57544

Do you know anything about any work that has been accomplished on the dam.

Want to ^{be} kept informed as to status and if any activity begins on the project.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 27, 1982

2549-3

Joseph Karaginis
Karagins & Gail LTD.
150 N Wacker Drive
Suite 2500
Chicago Ill 60606

Dear Mr. Karaginis:

Enclosed please find a copy of our Missouri Slope Feedlot, Inc. file. I am not aware of any recent occurrences concerning this file, but we will keep you informed if we receive any new information.

If you have any questions on this matter, please contact this office.

Sincerely,

TIMOTHY G. SCHAAL
Water Resources Engineer

TGS:ks

enclosures

cc: Johnny J Gross
Dean Nelson Farms

M E M O

TO: Missouri Slope Feedlot, Inc. File No. 2549-3

FROM: Tim Schaal *TS*

DATE: December 20, 1982

On December 16, 1982, I went to Onida to check on the condition of the Missouri Slope Feedlot's irrigation dam. The reservoir was approximately 4 feet below the crest of the embankment, this was at the lowest elevation that I have seen. The upstream slope showed extensive damage from wave and ice action. It appears that 12 to 15 ft. of the embankment crest has been washed away, and in several areas the downstream slope has sloughed off, causing the embankment crest width to be reduced to approximately one foot. An area approximately 300 feet wide between the first and second power poles west of the transformer is in the worst condition. There appears to be some seepage in this area plus the fact the discharge from the spillway ran along the toe of the embankment. Either one of these facts or a combination of both could cause the sloughing. There was evidence of piping along the corrugated metal pipe near the west end of the embankment. I took the camera along and have a roll of slides.

In order to improve the structural stability of the dam, I would recommend that fill material and riprap be added to the upstream slope, and the downstream slope stabilized in the area described above. Either a larger corrugated metal pipe should be installed or the existing one removed and cleaned out then replaced and properly backfilled. I believe the most important aspect of providing a stable embankment is maintaining a proper reservoir level. The reservoir level should not be operated any higher than it was on December 16, 1982, which provided approximately 4 feet of freeboard.

TS:ks



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

January 6, 1983

Don L Smith
Connecticut Mutal Ins. Co.
106 W Capitol
Pierre SD 57501

Dear Mr. Smith:

As I stated in our phone conversation today, I looked at the Missouri Slope Feedlot irrigation dam on December 16, 1982. Enclosed please find a memo to the file concerning this matter.

The reservoir level was approximately 4 feet below the crest of the embankment. The upstream slope showed extensive erosion caused by wave and ice action. It appeared that 12 to 15 feet of the embankment crest had been washed away. The downstream slope had several areas of sloughing, in these areas the width of embankment crest has been reduced to approximately one foot. Also, there was evidence of some piping along the corrugated metal pipe near the west end of the embankment.

In order to improve the structural stability of the embankment, fill material with proper compaction and riprap should be added to the upstream slope. The areas on the downstream slope, where the problem of sloughing exists, should be filled in and actions taken to stabilize the slope. This could be accomplished by the addition of a berm or diverting the spillway discharge, preventing it from running along the toe of the embankment.

It is my understanding that the NPDES permit does not allow any discharge from this project, however, in order to ensure the integrity of the embankment a spillway must be provided to prevent overtopping. I believe that the most important aspect of ensuring the stability of this embankment is operating and maintaining a proper reservoir level. The reservoir level should not be operated greater than the elevation which currently exists. Actions should be taken to ensure the reservoir is drawn down by the end of the irrigation season to provide enough storage capacity for any spring runoff.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

enclosure

cc: Joe Bowar, DWR, Water Quality
Joseph Karaginis
Johnny J Gross
Dean Nelson Farms



January 6, 1983

Mr. John Hatch, Chief Engineer
South Dakota Department of Water & Natural Resources
Division of Water Rights
Joe Foss Building
Pierre, SD 57501

Mr. Hatch:

Transmitted herewith is an affidavit I have prepared in regard to the feedlot operation at Onida, South Dakota. As explained in the text, my clients have a great concern about the operation and the waste handling, in particular. Having seen the facility, I can understand that concern. It appears to me that your offices have been aware of the situation in the past and you have brought some of the deficiencies to the owner's attention. I urge you to maintain your inspection and to consider the fact that now is the best time for any remedial action, before the operation is put into full swing.

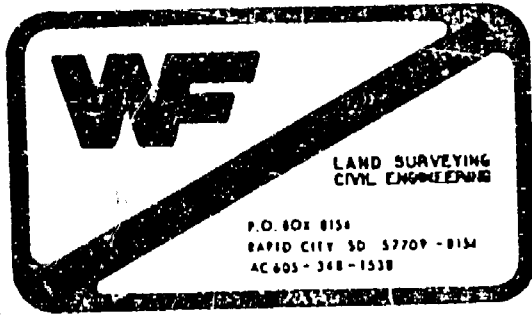
Ordinarily, this would be considered a request for inspection based upon the provisions of 46-7-6 of the Water Rights Law, but I do not believe my clients should have to stand the burden of inspection cost since an inspection has already been made and deficiencies pointed out.

I am requesting that this affidavit be placed into the files on the Onida operation for future reference, should it become necessary.

Very truly yours,

Warren L. Fisk, President
Fisk Engineering

cc: Max Dodson, Patrick Godsil & Doug Skie
Water Management Division, EPA
Denver, CO



January 5, 1983

Max H. Dodson, Director
Water Management Division
EPA - Suite 103
1860 Lincoln
Denver, CO 80224

Mr. Dodson:

Transmitted herewith is an affidavit prepared in regard to the feedlot operation at Onida, South Dakota. As explained in the text, my clients have a great concern about the operation and the waste handling in particular. After my limited inspection of the facility, I can easily share their concern and strongly believe those items are worthy of more investigation and action on your part.

I am requesting that this affidavit be placed into the files on the Onida operation for future reference, should it become necessary.

Very truly yours,

Warren L. Fisk, President
Fisk Engineering

CC: Mr. Patrick Godsil, Chief Compliance Branch
Mr. Doug Skie, Chief, Compliance Assurance Section
EPA, Denver
Mr. John Hatch, Chief Engineer Division of Water Rights
SD Dept. of Water & Natural Resources



AFFIDAVIT OF WARREN L. FISK

State of South Dakota }
County of Pennington } ss

I, Warren L. Fisk, Registered Civil Engineer No. 1771 in the State of South Dakota, do hereby certify and state that on the third day of January, 1983, I did, at the direction of Mr. John Gross and Mr. Dean Nelson, both of Onida, South Dakota, make a visual inspection of the feedlot facilities located in Section 9, Township 114 North, Range 76 West, Sully County South Dakota; said feedlot being formerly known as Missouri Slope Feedlot, Inc. and/or the Agro Energy of Onida Feedlot. Because of Mr. Gross' and Mr. Nelson's concern about the condition of the waste handling and irrigation storage facilities, the purpose of my inspection was to determine the holding capacity of the waste facilities and the integrity of the irrigation pond. The feedlot has not been in operation for several years, and my clients are concerned about these matters since it is rumored the operation is to resume.

My visual inspection was limited to that which I could observe from the adjacent public right-of-way and from adjacent privately owned lands. While such an inspection cannot be entirely comprehensive, the items I did note are sufficient to convince me that the requirement for limitation of discharge to that which is

greater than a 25 year storm of 24 hour duration would produce, is not being fulfilled.

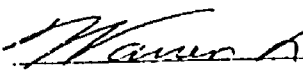
Based upon what I saw and the information I was able to obtain, I do not believe that the waters in contact with the animal wastes can be entirely separated from the non-polluted waters intended for irrigation. A 25 year storm in the area of the Feedlot will generate intensities of 6 to 7 inches of rainfall per hour for the first few moments of a storm. Without more sophisticated water control devices than I was able to observe, it would be difficult, if not impossible, to separate the runoff from the pen wastes. I conclude the "irrigation pond" should be considered as contaminated and subject to the discharge requirements.

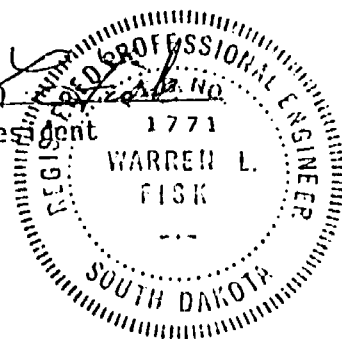
The only structure which regulates discharge from the irrigation pond is an unvalved 18" culvert placed at about 3' below the crest of the dam. When the pond is full to that point, discharge occurs regardless of any runoff or similar condition. I have seen photographs that indicate in the past the existence of supplementary ponds to contain additional required storage were used. While this may seem to indicate a concern by the operator to avoid discharge, it really indicates poor management to the extent that little or no forethought was given to a reasonable amount of storage reserve for only irrigation purposes in addition to the reserve storage for runoff retention. In the absence of any regulatory devices to provide for both the normal acts of irrigation and for the simultaneous storage of runoff that may occur at any time, I conclude that the current storage for runoff, at least at certain times, is non-existent.

The embankment which forms the irrigation pond is in extremely poor condition. In at least one place, the erosion from wave action on the upstream face in combination with a sliding failure of the downstream face, has reduced the width of the crest to less than two feet. There does not appear to be any slope protection for the upstream face, or if there was at one time, it has all been washed into the pond. The vegetation downstream from the earthen embankment indicates an unusual amount of seepage which is surfacing or near surfacing. While this may not be considered as discharge, it does show that the embankment is not stable. This is particularly true where the downstream face is sliding away. Frankly, I marvel that a complete failure of the dam has not already occurred. The condition of the dam has existed for some time and been recognized by the South Dakota Water and Natural Resources Division. Their recommendation to the owners of the feedlot were to reconstruct and to provide an adequate spillway.

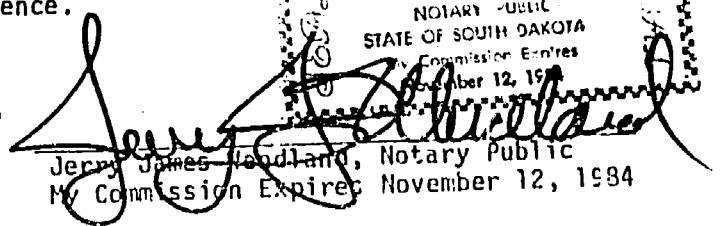
Apparently the rumors of an eminent reopening of the feedlot are true because I noted several cattle in the holding pens and saw signs of recent cleanup activity. In my opinion, the entire waste handling operation should be reviewed in detail by the appropriate agencies before any further operation is permitted.

In behalf of my clients, as downstream landowners, these apparent deficiencies are being pointed out to establish liabilities should unauthorized discharge and/or failure of the embankment occur.


Warren L. Fisk, President
Fisk Engineering



On this 6th day of January, 1983, before me, a Notary Public, personally appeared Warren L. Fisk, known to me to be the person described in the foregoing instrument, and acknowledged to me that he did prepare such document, and signed it in my presence.


JERRY J. WENDLAND
NOTARY PUBLIC
STATE OF SOUTH DAKOTA
Commission Expires November 12, 1984
Jerry J. Wendland, Notary Public
My Commission Expires November 12, 1984

M E M O

TO: Missouri Slope Feedlot File

FROM: Tim Schaal, Water Resources Engineer *Tim*

SUBJECT: Gross & Nelson vs. Missouri Slope Feedlot (Connecticut Mutual)

DATE: January 14, 1983

Joe Bowar and I were subpoenaed by Connecticut Mutual to testify at the above trial on January 13, 1983.

I was questioned on the condition of the dam (present and 1979), if I was aware that water samples were taken, if I was familiar with topo maps and the downstream channel as it appeared on the topo map, if I was familiar with the downstream channel. Johnson (plaintiffs attorney) asked if we took any measurements of the downstream channel or made any calculations on the channel capacity. I said no it was a visual inspection. He then said that really there was not a defined channel and if you stood on the road you could not determine where the channel was. I said no he was wrong about this. He then asked if I was aware of the old syringes, medicine bottles and weed seeds that were washed down onto Gross & Nelson's land. I said no.

In summary, I basically stated that we did not order the breach, but we went along with the idea because it was determined that the water quality was approved and we did not feel that the quantity of water released would cause downstream damage.

I then listened to Joe Bowar's testimony. He basically explained the water quality tests and results. Johnson mixed up the results from the holding pond (lagoon) for the irrigation dam, but Joe was able to clear this up.

TS:ks

MEMORANDUM

TO: 6.27.15 Missouri Slope Feedlot File

FROM: Joe Boyar, Natural Resource Specialist III

DATE: January 14, 1985

RE: Cross & Nelson vs. Missouri Slope Feedlot (Connecticut Mutual)



On Thursday, January 13, 1985, Tim Schaal and I presented testimony at the above mentioned lawsuit which was held on January 12 and 13, 1985. We were both subpoenaed on the part of Connecticut Mutual. See attached subpoena.

Mr. Schaal was questioned on the breaching of the irrigation dam at Missouri Slope Feedlot. I did not hear his testimony.

I was questioned on the definitions of various chemical parameters (BOD, Fecal Coliform, TDS, Conductivity, Nitrates) and how they relate to feedlot wastes. Also, various lab results were pointed out and I was asked to explain the results and compare them to the standard for a (9) & (10) classified dry drainage. The report of February 25, 1980, was referred to many times. The sample date error on the report was explained as the 8/11/79 sample from the irrigation dam discharge was actually taken 11/8/79. Johnson (plaintiffs lawyer) cross examined by referring to 3 pictures in the file from June 1979, and numerous memos and letters (10-15) all which were marked as exhibits. Johnson questioned the ditch from the holding lagoon to the irrigation dam (as seen in one of the pictures). I replied that there was indeed a cut as indicated by the pictures. I also stated that I was not present when the pictures were taken and could not say anything other than there was a ditch in the picture and that part of the ditch is the "clean water" diversion from the north artesian well.

In summary, my main testimony concerned interpreting the quality of the water discharged from the irrigation dam and holding lagoon as indicated by the sample data from June to November, 1979.

I was on the stand for approximately 30 minutes.

d11402Jb.wq

STATE OF SOUTH DAKOTA } IN _____ CIRCUIT COURT
 County of SULLY } ss. SIXTH JUDICIAL CIRCUIT
 JOHN GROSS & BEN GROSS,
 Plaintiffs
 vs.
 CONNECTICUT MUTUAL LIFE INSURANCE CO.,
 MISSOURI SLOPE FEEDLOT, INC., MID-
 DAKOTA FEEDLOT DEVELOPMENT CORPORA-
 TION & JAMES SUTTON, Defendants
 DEAN NELSON,
 Plaintiff,
 vs.
 CONNECTICUT MUTUAL LIFE INSURANCE CO.,
 MISSOURI SLOPE FEEDLOT, INC., MID-
 DAKOTA FEEDLOT DEVELOPMENT CORPORA-
 TION AND JAMES SUTTON,
 Defendants

SUBPOENA

THE STATE OF SOUTH DAKOTA TO TIM SCHAAL, South Dakota Department
 of Water and Natural Resources,

You are hereby commanded to attend the above named Court at the Courtroom of said Court, in
 the city of Pierre in said county and state, on the 13th
 day of January, 1983, at 9:00 o'clock A. M. of that day, then and there
 Defendant, Connecticut
 Mutual Life Insurance Co. in said action
 to give testimony as a witness on the part of the
 pending in said court between the above named parties.

*(And you are further commanded to bring with you and then and there produce the following
 described books, papers, or documents in your possession or under your control: All files, records
 and photographs in your possession or under your control relating to the operation
 of the facility known as Missouri Slope Feedlot in Sully County.)

Issued* (in the name of the Hon. ROBERT A. MILLER, Presiding
 Judge) (Magistrate) of said Court) this 11th day of January, 1983.

Robert A. Miller
 Attorney for defendant
 (Description of person signing as attorney for party or court or
 officer having a seal)

(Attach seal of court or officer if issued by a court or officer having a seal.)

*Strike if not applicable

Connecticut
 Mutual

STATE OF SOUTH DAKOTA

County of _____ } ss.

I, the undersigned *(certify and return) *(being first duly sworn, on oath depose and say) that I am and was at the time of making the service as hereinafter set forth *(an elector) *(_____ Sheriff) of the county of _____, state of South Dakota; that on the _____ day of _____, 19____ at _____ in said county I did then and there serve the within subpoena upon _____ personally by then and there delivering to and leaving with _____ a true copy thereof *(at the dwelling house of said _____, with said _____, who was then a member of ____h____ family (or of the family with which ____h____ reside____) over fourteen years of age, and that the service was so made for the reason that I could not find the said _____ conveniently in said county); that I know the person____ so served to be the person____ described in the within subpoena.

Subscribed and sworn to before me this _____ day of _____, 19____

(Name of office)

Fees:

Service \$ _____
Copies _____
Mileage _____
Total \$ _____

* Strike if not applicable.

No. _____	COURT _____	Plaintiff _____	Defendant _____	SUBPOENA (Civil)	Filed this _____ day of _____, 19____
		vs.			

Water Rights Division
605 773-3352

May 3, 1983

2549-3

Onida Feeders Inc.
ATTN: Marlin Voorhees
Box 411
Onida SD 57564

Mr. Voorhees:

This letter is to confirm our phone conversation of May 2, 1983 and to answer your questions concerning the water right for the feedlot. The first thing that needs to be done is to transfer Permit No. 2549-3 from Missouri Slope Feedlot Inc. to Onida Feeders Inc. I have enclosed the necessary forms. I have also enclosed a copy of Permit No. 2549-3. As you can see the stated use is irrigation and pollution control. After discussing this matter with John Hatch we have determined that a permit would be required for the use of the water for livestock watering as this would be a commercial use. This should have been done when the original permit was filed. I am enclosing the necessary forms to make an application. The fee for up to 45 gpm would be \$50, anything above 45 gpm would be \$150. The fee for filing a transfer is \$2.50.

If you have any questions please contact this office.

Sincerely,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

enclosures

2549-3

M E M O

TO: Missouri Slope Feedlot File No. 2549-3
FROM: Tim Schaal *Tim Schaal*
DATE: May 20, 1983

Today Joe Bowar and myself went to Onida and looked over the Missouri Slope (Onida Feeders) feedlot and irrigation dam. They were in the process of adding riprap to the dam, they leveled off and added fill to the upstream and downstream slopes and dam crest.

It appears that they have spend alot of time and money fixing up the area before they opened up for business. There were approximately 4500 cattle in the feedlot. I did not see any problems at this time.

TS:ks

Argus Leader, Sioux Falls, S.D. Tuesday, May 24, 1983

Owners awarded \$49,000 for polluted land

PIERRE — A judge has awarded \$49,000 in damages to three Sully County landowners who said their land was polluted when a dam below a livestock feedlot near Onida was drained.

Dean Nelson will get \$8,000 for damages to his land, and Ben and John Gross will get \$16,000 for land damages and another \$25,000 for contamination of their well, Circuit Judge Robert Miller of Pierre said in a decision released Monday.

Miller said damages could be assessed against Missouri Slope Feedlot Inc., which had leased the feedlot; Mid-Dakota Feedlot Development Corp., which bought the land but defaulted on its loan; Connecticut Mutual Life Insurance Co., which held the feedlot mortgage; and James Sutton, who was maintaining the feedlot when the dam was drained.

In the lawsuit, the landowners said their land was polluted after an irrigation dam that collected runoff from the feedlot was intentionally cut twice so water could escape in October 1979.

DAILY CAPITAL JOURNAL, Tuesday, May 24, 1983.

Sully landowners win \$49,000

PIERRE, S.D. (AP) — A judge has awarded \$49,000 in damages to three Sully County landowners who said their land was polluted when a dam below a livestock feedlot near Onida was drained.

Dean Nelson will get \$8,000 for damages to his land, and Ben and John Gross will get \$16,000 for land damages and another \$25,000 for contamination of their well, Circuit Judge Robert Miller of Pierre said in a decision released Monday.

Miller said damages could be assessed against Missouri Slope Feedlot Inc., which had leased the feedlot; Mid-Dakota Feedlot Development Corp., which bought the land but defaulted on its loan; Connecticut Mutual Life Insurance Co., which held the feedlot mortgage; and James Sutton, who was maintaining the feedlot when the dam was drained.

In the lawsuit, the landowners said their land was pol-

luted after an irrigation dam that collected runoff from the feedlot was intentionally cut twice so water could escape in October 1979.

The feedlot owners and operators said they weren't responsible for damages because legal rules allow an upstream land owner to release surface water downstream.

But Miller said the feedlot owners couldn't release the water on land owned by Nelson and the Grosses because water from the irrigation pond wasn't surface water as interpreted by previous court decisions. Miller also said water from the dam didn't follow any natural water course, but flooded the downstream land.

The federal Environmental Protection Agency and the state Water and Natural Resources Department had approved the plan to drain the pond because they were concerned the entire dam could break unless it was drained, Miller's opinion said.

2549-3

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501

June 23, 1983

Division of Water Rights
605 773-3352

Merlin Voorhees
Onida Feeders Inc.
Box 411
Onida SD 57564

Dear Mr. Voorhees:

We will need the following before we can further process your commercial water permit application, received June 21, 1983 for the feedlot.

1. A map showing the exact location of the wells. Our suggestion is that you acquire an aerial photograph from the ASC Office. The County agent can sign the map to verify the location of the wells.

Also a \$2.50 fee is required to transfer Permit No. 2549-3 to the Onida Feeders, Inc.

To maintain your priority date of June 21, 1983 on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will now have sixty days from the date of this letter to have the above information submitted to this office.

If you have any questions, feel free to contact our office.

Sincerely,

Betty Westlund

BETTY WESTLUND
Water Rights Specialist

BW:ks



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 11, 1983

This is to notify you that the title to the lands described as follows:

800 acres - Section 15-114-76 and S $\frac{1}{2}$ Section 16-114-76

formerly owned by Missouri Slope Feedlot, Inc.

has been transferred to Onida Feeders Inc., Box 411, Onida SD 57564

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2549-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Sully) ss.

I, Merlin Voorhees being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Onida Feeders, Inc.
Merlin Voorhees, President
(Signed)

Subscribed and sworn to before me this 20 Day of June, 1983



G. A. Mentele
(Notary Public)

G. A. MENTELE
Notary Public, Sully County, South Dakota
My Commission Expires March 17, 1988

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

№ 4 9274

June 27, 1983

PIERRE,

RECEIVED OF Onida Feeders, Inc., (Merlin Voorhees) Box 411, Onida, SD 57564

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer of WR# 2549-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *ms*

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

June 29, 1983

Merlin Voorhees
Onida Feeders, Inc.
Box 411
Onida SD 57564

Dear Mr. Voorhees:

Enclosed is receipt No. 4 9274 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2549-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

No. 2549-3
4965-3

WATER RIGHTS DIVISION
(605) 773-3352

January 9, 1984

Don Smith
Connecticut Mutual Life Insurance Company
106 West Capitol
Pierre, South Dakota 57501

Dear Mr. Smith:

Enclosed are the forms to transfer permits No. 2549-3 and 4965-3 from Onida Feeders Incorporated to Connecticut Mutual Life Insurance Company. They need to be signed and notarized and returned to our office with the filing fee of \$2.50 each making a total of \$5.00.

If you have any questions please contact this office.

Sincerely,

Timothy G. Schaal
Water Resources Engineer

TGS:ms
Enc.

cc: Onida Feeders Inc.
Box 411, Onida, SD

NO. 2549-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to ~~the land described as follows:~~

Water Right Permit No. 4965-3 2549-3

formerly owned by Onida Feeders, Inc., Box 411, Onida, South Dakota
has been transferred to Connecticut Mutual Life Ins. Co., 140 Garden St., Hartford, CT
(please include complete mailing address) 06154
~~together with any right, title, interest, or claim of any kind, or any other person as evidenced by~~
~~Water Right Permit No. xxxxxxxxxx~~ as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Div. of Water Rights, Water Management Board as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees
as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA }
County of SULLY } ss.

Onida Feeders, Inc. by I, Merlin Voorhees, Manager being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Merlin Voorhees
(Signed)

Subscribed and sworn to before me this 23 Day of March, 1984.

Paula Wassell
(Notary Public)

Paula Wassell, Notary Public
My Commission Expires
September 8, 1991



RECEIPT

Division of Water Rights

No 4 9623

South Dakota Department of Water and Natural Resources

Pierre, April 2, 1934

RECEIVED OF Connecticut Mutual Life Inc., Co., 140 Garden St., Hartford, CT 06154
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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. _____		
Fee for Filing Transfer Form 2549-3 _____		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

April 9, 1984

2549-3

4965-3

Merlin Voorhees, Manager
Onida Feeders, Inc.
Box 411
Onida SD 57554

Dear Mr. Voorhees:

This is to inform you that our records now show that Connecticut Mutual Life Ins. Co. are the owners of Water Rights No. 2549-3 and 4965-3 formerly Onida Feeders.

Sincerely,

KAREN SCHLAACK
Administrative Aide

cc: Connecticut Mutual Life Ins. Co.

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

Jon Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

December 10, 1985

4969-3
2549-3

Onida Feeders
Merlin Voorhees
Box 411
Onida SD 57561

Dear Mr. Voorhees:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$5.00 total).

Upon receipt of the enclosed forms and the \$5.00 filing fee the permits will be transferred to the proper name. South Dakota Water Law 16-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosures

cc: Don Smith
196 W Capitol
Pierre SD 57501

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Dec. 11, 1985

This is to notify you that the title to the lands described as follows:

800 acres - Section 15, T114N, R76W

S $\frac{1}{2}$ Section 16, T114N, R76W

formerly owned by Connecticut Mutual Life Insurance Co.

has been transferred to Onida Feeders, Box 411, Onida SD 57564

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2549-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Sully) ss.

I, MERLIN VOORHEES being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Onida Feeders, Inc.
Merlin Voorhees
(Signed)

Subscribed and sworn to before me this 11 Day of December, 1985

Paula Waddell
(Notary Public)

Paula Waddell, Notary Public
My Commission Expires
September 8, 1991



RECEIPT

Division of Water Rights

No 4 10255 -

South Dakota Department of Water and Natural Resources

Pierre, December 16, 1985

RECEIVED OF Onida Feeders, Box 411, Onida, SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____

Fee for Inspecting Constructed Works, co Water License No. _____

Fee for Filing Transfer Form 2549-3 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Pr

call - Jan 28, 1986

Don Smith

Connecticut Mutual

2 50

224-9811

call Mr. Smith before

ending transferring

permits to Onida Feeders

to see if closing went

thru. (also before licensing)

2 50

JOHN HATCH/ms

ilo.

2549-3

4965-3



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

March 25, 1986

Onida Feeders
Box 411
Onida, South Dakota 57564

Dear Sir:

Enclosed ^{are} ~~is~~ receipt Nos. 410255/2410256 in the amount of \$ 2.50 each which you paid for transfer of Water Right Nos. 2549-3 and 4965-3.
Our records now show ^{Onida Feeders} ~~you~~ as the owner of ^{these} ~~the~~ Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

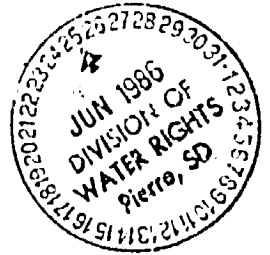
ONIDA FEEDERS, INC.
ONIDA, SOUTH DAKOTA

FEEDLOT RUNOFF CONTROL PLAN

JUNE 1986

DeWild Grant Reckert & Assoc. Co.

DGR PROJECT NO. 3698



ONIDA FEEDERS, INC.
ONIDA, SOUTH DAKOTA

FEEDLOT RUNOFF CONTROL PLAN

JUNE 1986

DGR Project No. 3698

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.

By Bruce Jennings
Bruce Jennings, South Dakota Reg. No. 3812

Date June 16, 1986

DEWILD GRANT RECKERT AND ASSOCIATES COMPANY
ARCHITECTURE - ENGINEERING - PLANNING
ROCK RAPIDS, IOWA
SIOUX CITY, IOWA
SIOUX FALLS, SOUTH DAKOTA
DENVER, COLORADO

DeWild Grant Reckert & Associates Co.

Architecture Engineering Planning

315 First Avenue
Rock Rapids, IA 51246
Telephone 712 472 2531

June 11, 1986

Onida Feeders, Inc.
Onida, SD 54564

Attn: Merlin Voorhees, Manager

Re: Feedlot Runoff Control Plan

Dear Merlin:

The enclosed summary describes our calculations of feedlot runoff control requirements for the Onida Feeders Feedlot. In summary, our conclusions are as follows:

1. The improvements to the reservoir described by the Morris Irrigation, Inc. letter of December 24, 1982 are necessary to provide proper dam reliability and capacity.
2. Proper management of reservoir inflow from the wells and of reservoir level is required to maintain proper reservoir level.
3. With the above noted improvements and management, Onida Feeders can maintain compliance with the water and wastewater discharge permits.

We have relied upon SCS original design data for capacity measurements of the feedlot, debris pond and storage lagoon. We used an available volume of 2/3 of the total storage of the debris pond and storage lagoon in our calculations. This allows for some accumulation of debris and less than perfect pump down of the water level. For the reservoir we have used the storage capacities provided by Morris Irrigation Inc. We have assumed that the pump intake is at elevation 94.5 as referenced by Morris Irrigation. To arrive at storage capacity for the reservoir at spillway elevation 102.6, we assumed that the reservoir surface area as measured at elevation 100.0 would not change up to elevation 102.6. With these assumptions we calculated a net available storage capacity of slightly over 190 acre feet. The available U.S.G.S. mapping is not detailed enough to determine the additional capacity due to the larger surface area at the overflow elevation. However, it could be as much as 25 acre-feet.

Merlin Voorhees
Page Two
June 11, 1986

Reservoir inflow occurs from runoff and well flow. Direct precipitation to the reservoir is included in runoff. We have assumed that you will turn down the water supply wells to approximately 90 gallons per minute during the winter months. It is our understanding that this is approximately 75% of well capacity. With these assumptions, average annual inflow to the reservoir will be approximately 60 acre feet. We have calculated that the 25 year, 24 hour rainfall of 4 inches will yield approximately 93 acre feet of runoff from the drainage area shown on Figure 1. With the 25 year, 24 hour rainfall the total storage requirement is slightly over 150 acre feet or about 80% of the storage which is available if all reservoirs are pumped down on November 1.

The calculations provided are for the winter months of November through March. These are the most critical months for reservoir storage because you are not able to pump down reservoir levels through your center pivots during this time. However, management of reservoir levels is particularly important during the spring and summer months because of the runoff potential from spring rains and summer thunderstorm activity. Based on our calculations, you should expect a reservoir level of approximately 3 feet below the spillway elevation each spring due to well flow by April 1. In order to provide storage volume for the 25 year, 24 hour storm, you should pump water from the reservoir whenever the reservoir level exceeds 3 feet below the spillway elevation or elevation 99.6 per the Morris Irrigation data. In particular, you should plan to grow crops under the center pivots which allow you to irrigate during April and May. Assuming that you have 260 acres available for irrigation, it would not be unusual for you to need to apply 1 to 4 inches of water to the center pivot area during April and May to control reservoir levels. If you can quantify the surface area at the overflow level with field measurements, you may be able to fill the reservoir to 2 feet below the spillway with adequate storage remaining.

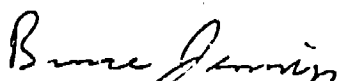
It is our understanding that the dam improvements described by Morris Irrigation have been at least partially completed. The damage to the dam which occurred due to high level and high wind this spring illustrates the need for adequate freeboard and rip-rap. In addition, you should establish a more defined spillway and provide concrete or rip-rap to prevent erosion at

Merlin Voorhees
Page Three
June 11, 1986

the spillway location. From our observations, it appeared that establishing the spillway on the southeast side of the reservoir would minimize impacts on adjacent landowners.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Bruce Jennings, P.E.
Project Engineer

BJ:rvb

Onida Feeders Inc.
Runoff Reservoir Operating Plan
June 12, 1986

A. Operating Schedule

1. Late Fall, September 1 to October 31:
 - a. Pump reservoir down to intake level.
 - b. Pump debris basin and lagoon to low level.
2. Winter, November 1 to March 31:
 - a. Reduce well flow to 90 gallons per minute.
 - b. Monitor level changes and further regulate well flow to reach a projected level of 3 feet below spillway by April 1.
3. Spring, April to May 15:
 - a. Pump from reservoir as required to maintain level at 3 feet below spillway.
4. Summer, May 16 to August 31:
 - a. Pump from reservoir to meet crop needs.
 - b. Pump from reservoir as required to maintain level at 3 feet below spillway.
 - c. Pump debris basin and lagoon to low level and apply to fields.

B. Operating Plan Assumptions

1. No net level change during winter months due to runoff, precipitation or evaporation.
2. Reservoir and lagoon capacity as per Morris Irrigation, December 24, 1982 and SCS design data.
3. Runoff from 25 years, 24 hour storm of 93.3 acre-feet.

Onida Feeders Inc.
Feedlot Runoff Calculation Summary
SCS Method

I. Drainage are definition, Figure 1

<u>Source Location</u>	<u>Area, Acres</u>	<u>Runoff Curve No. *</u>
NW 1/4, Sec. 9	120	75
NE 1/4, Sec. 9	50	75
SW 1/4, Sec. 9	75	70
SE 1/4, Sec. 9	100	90
	10	100
	50	65
NW 1/4, Sec. 16	20	70
NE 1/4, Sec. 16	50	100
	70	70
	<u>20</u>	<u>75</u>
<u>Summary</u>		
	60	100
	100	90
	190	75
	165	70
	<u>50</u>	<u>65</u>

Total 565 acres

*Ponds = 100, Pens and yards = 90, Croplands = 75,
Pasture = 70, Trees and lawns = 65

<u>Area Acres</u>	<u>Curve No.</u>	<u>Runoff Factor, S</u>	<u>Runoff Depth, Q, in.*</u>	<u>Runoff Volume, ac-ft.</u>
✓ 60	100	0.00	4.00	20.0
✓ 100	90	1.11	2.92	24.3
✓ 190	75	3.33	1.67	26.4
✓ 165	70	4.29	1.33	18.3
✓ 50	65	5.38	1.03	<u>4.3</u>

Total

93.3 ac-ft.

✓ *Rainfall = 4.0 inches

III. Storage Capacity

<u>Location</u>	<u>Total Volume, ac-ft.</u>	<u>Useful Volume, ac-ft.</u>
Debris Ponds	7.1 @ 2/3	4.7
Storage Lagoon	9.8 @ 2/3	6.5
Dam	190	<u>170.0</u>
Total Storage Available		191.2 ac-ft.

IV. Storage Required

- A. Assume all storage pumped down November 1.
- B. Assume well flow at 90 gpm through winter.
- C. Assume pumping to center pivots starting April 1.
- D. Assume no net level change due to winter precipitation and evaporation.

<u>Inflow Source</u>	<u>Volume, ac-ft.</u>
Wells	60.0
25 year, 24 hour storm	<u>93.3</u>
Total Storage Required 153.3 ac-ft.	

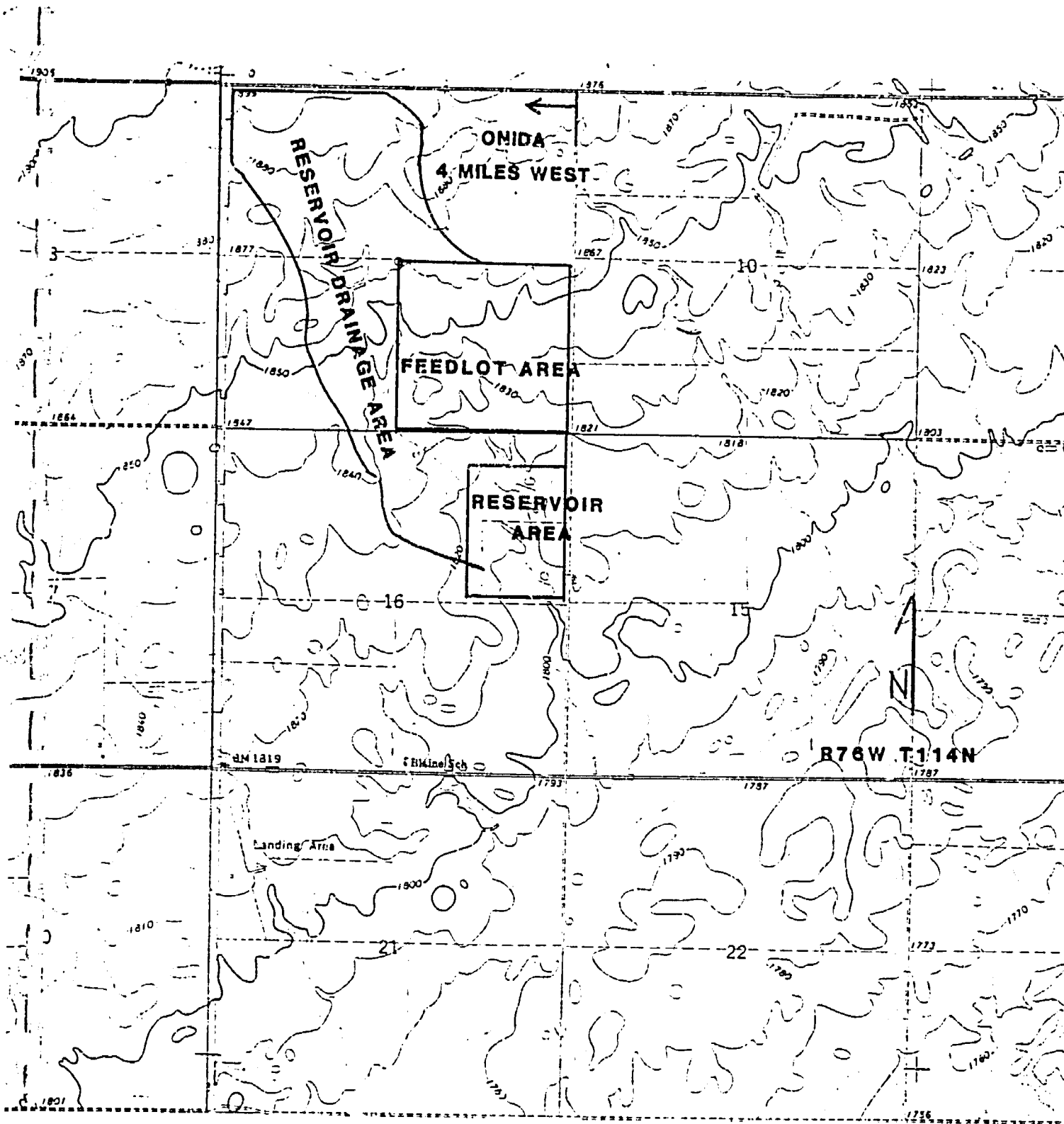


FIGURE 1
AREA LOCATION MAP



DeWild Grant Becker & Associates Co
Denver, Colorado
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date 6-6-86
Drawn By B.J.
Approved B.J.
Revised

ONIDA FEEDERS INC.



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223-2535

December 24, 1982

Merlin Vorhees
Missouri Slope Feedlot
Onida, SD 57564

Re: Reservoir Investigation

Dear Sir:

Enclosed is data on the reservoir and holding pond. Also enclosed is the draft letter that you gave me with the blanks penciled in, based on the data that we gathered.

With the reservoir and embankment as it exists, I would not recommend filling it above elevation 100.5 ft., or 6 inches above existing ice. To fully utilize the structure one should add approximately two feet of fill on the embankment and place rip-rap on it. This would permit you to allow storage to the spillway level which is approximately 2.5 feet above the existing ice. Then the typical one year cycle, excluding runoff, I indicated in the report would not surpass the safety of the reservoir.

The "new" holding pond that you pointed out to us holds approximately 549,440 ft.³ which is about 75% capacity of the original holding ponds, according to S.C.S. data.

If you have any questions feel free to contact me.

Sincerely,


M. JAMES OEHLERKING
Morris Irrigation, Inc.

MJO/ser

Enclosures



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223-2585

Vorhees - Feedlot

Reservoir Survey & Holding Pond

Reservoir in N.E. 1/4, Sec. 16, T114 N, R 75 W

Dike Top Elevation	Ave. =	104.00 ft.
Spillway Elevation	=	102.60 ft.
Water Level (this date)	=	100.00 ft.
Length of Dike	=	2,050.00 ft.
Dike Top Width - varies		3 ft. to 20 ft.
Approximate Surface Area @ Elevation 100.00	=	25.17 acres

Storage Capacity
@ Elevation 100.00

= 40,505,000 gal. 124,000 ft³

Storage Capacity
@ Elevation 100.50

= 45,000,000 gal. 138,000 ft³

Storage Capacity
@ Elevation 94.50

= 6,600,000 gal. 20,200 ft³

Typical Hydrological Cycle

Water In

Rainfall and Run-off

2 - Artesian Well Overflows

Water Out

Evaporation

Irrigation

Net Water Exchange Calculation

1. Rainfall = 18 inches

2. Run-off - S.C.S.

3. 2 Artesian Wells

Assume flow = 60 GPM each

Q = 120 GPM

Q = 172,800 GPD

4. Evaporation = 18 inches

5. Irrigation

1,000 hrs. @ 800 GPM

1,000 x 800 x 60 = 48 MG/season

Typical Year Cycle

1. May 1 to November 1

Elevation = 100.50 ft. maximum recommended level or volume = 45,000,000 gal.

Rainfall and evaporation nearly equal, thus no net loss or gain.

Run-off -

Wells

+Q = 6 mo. x 30 days x 172,800 GPD
= 31,104,000 Gallon



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223-2585

Vorhees - Feedlot
Reservoir Survey & Holding Pond
Page 2

Irrigation

-Q = 48,000,000 Gallon

Net Loss - Gain

+Q Run-off	=	?
+Q Wells	=	31,104,000 Gallon
-Q Irrigation	=	<u>48,000,000 Gallon</u>

Net Loss = -Q = -16,900,000 Gallon
(excluding run-off)

or volume = 28,100,000 Gallon

Approximate Elevation = 98.0 ft.

2. November 1 to May 1

+Q Run-off	=	?
+Q Wells	=	31,104,000 Gallon
Net Gain = +Q =	=	<u>31,104,000 Gallon</u>
(excluding run-off)		

Approximate Elevation = 102.0 ft.



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223-2585

Reservoir Repair

Existing:

Dike Top Elevation	=	104.0 ft.
Dike Top Width	=	varies 3 ft. to 20 ft.
Spillway Elevation	=	102.6 ft.

Proposed:

Dike Top Elevation	=	106.0 ft.
Dike Top Width	=	12.0 ft.
Rip-rap protection		
Top	=	104.0 ft.
Toe	=	101.0 ft.

Total Fill Required	=	9,500 yd. ³ *
Total Rip Rap	=	1,100 yd. ³

* 20% Shrinkage Allowance

SCS Calculations Original Pond Design

5-22-72

Catchment Pond Footprint

500' @ 3' depth
750' @ 4'
750' @ 5'
150' @ 7'

$$A = \frac{\pi}{2} (60 + 78) \times 250 = 57750$$

$$A = \frac{\pi}{2} (60 + 84) \times 250 = 157500$$

$$A = \frac{\pi}{2} (60 + 91) \times 420 = 78220$$

$$A = \frac{\pi}{2} (60 + 102) \times 100 = 24300$$

$$322010 \text{ ft}^2 \div 27 = 12,297 \text{ yd}^3$$

Holding Pond

- 600' @ 7'
- 150' @ 10'
- 150' @ 12'

$$A = \frac{\pi}{2} (55 + 91) \times 600 = 394200$$

$$A = \frac{\pi}{2} (55 + 95) \times 150 = 112500$$

$$A = \frac{\pi}{2} (55 + 103) \times 150 = 142200$$

$$648900 \text{ ft}^2 \div 27 = 24,033 \text{ yd}^3$$

Holding Pond from Containment, etc.

Cont. - B.H.E.L. 77

$$A = \frac{\pi}{2} (50 + 78) \times 1000 = 448500 \div 27 = 16,593 \text{ yd}^3$$

Fill - Top Elev. 91

$$A = \frac{\pi}{2} (10 + 38) \times 2250 = 347650 \div 27 = 12,874 \text{ yd}^3$$

$$A = \frac{1}{2} (40 + 12) \times 250 = 34250$$

$$A = \frac{1}{2} (40 + 12) \times 254 = 59182$$

$$A = \frac{1}{2} (40 + 12) \times 300 = 39600$$

$$A = \frac{1}{2} (40 + 12) \times 254 = 32964$$

$$166592 \div 27 = 6170 \text{ yd}$$

Onida Station Precipitation
 S.D. State Climatologist

UNICA, SE 1955-198

TOTAL PRECIPITATION (IN.)

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	ANNUAL
1955	0.00	1.00	0.00	0.00	2.00	2.00	1.00	0.00	1.00	0.00	0.00	0.00	13.84
1956	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.80
1957	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	21.56
1958	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	13.66
1959	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	23.26
1960	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	14.52
1961	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	16.62
1962	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	15.72
1963	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	15.02
1964	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.12
1965	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	16.02
1966	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.42
1967	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.52
1968	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.02
1969	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	18.02
1970	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.52
1971	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	16.52
1972	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	17.02
1973	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	18.52
1974	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	19.02
1975	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	19.52
1976	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	20.02
1977	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	21.02
1978	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.02
1979	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	23.02
1980	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1981	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1982	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1983	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1984	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1985	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86
1986	0.00	0.00	0.00	0.00	2.00	0.00	1.00	2.00	1.00	1.00	0.00	0.00	22.86

DeWild Grant Recker & Associates Co.

Architecture Engineering Planning

315 East Avenue
Rock Rapids, IA 51241
Telephone 712 472 2531

July 25, 1986

Onida Feeders, Inc.
Box 441
Onida, SD 57564

Attn: Merlin Voorhees

Re: Water Right Hearing

Dear Merlin:

We enclose a revised Management Plan for the feedlot runoff reservoir. The plan is essentially the same as that presented previously. One exception is that we have projected that the well flow rate will be reduced to 75 gallons per minute during the winter months. This reduction was required because we have included consideration of winter and early spring precipitation and runoff. This was a point of concern for the state staff prior to the previous hearing.

It is our understanding that the Water Management Board will wish to condition the water permit to more precisely define a violation. You may wish to work with Ron Schmidt to determine whether this condition is appropriate and how it should be worded. We recommend that you consider the following points when working with the staff to develop any conditions:

1. It would be helpful to have the permit require a certain reserve storage capacity for the 25 year 24-hour rainfall event, rather than requiring a given reservoir level. This will allow you greater flexibility in future reservoir improvements or measurements which may change the present assumptions for reservoir capacity at a given level.
2. You should be allowed to exceed the desired reservoir level for short durations during the year when greater than normal rainfall or runoff occurs. Any schedule which is developed for lowering the reservoir level to re-establish the reserve capacity should take into account equipment capacity, equipment reliability and the potential for weather-related interruptions in pumping.

As an example, we have included in the management plan, a pump down schedule based on running two center pivots at 600 gallons per minute, with 10% down time. You should evaluate the capacity and reliability of your equipment to determine whether this assumption is realistic. We have not included consideration of the potential for weather-related pumping interruptions. We will need to work with the State to develop appropriate language for those exceptions.

Denver, CO
Tel 303 455 0311

Sioux City, IA
Tel 712 277 3947

Sioux Falls, SD
Tel 605 339 4137

Mr. Voorhees
July 25, 1986
Page Two

It would be beneficial to meet with the State staff some time during the last two weeks in August to review the proposed permit. You should provide them with a proposed management plan for their review prior to the meeting. Please call us if we can provide further information.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY

Bruce Jennings, P.E.

BJ:jkv

cc: Ron Schmidt

Enclosure

Onida Feeders Inc.
Runoff Reservoir Management Plan
August 11, 1986

A. Objectives:

1. Control reservoir level to maintain reserve capacity for runoff from the 25 year, 24 hour precipitation event.
2. Utilize existing irrigation equipment to discharge water from the reservoir without runoff feedlot property.

B. Basic Data:

1. Reservoir stage capacity relationship (per Morris Irrigation)

<u>Water Elevation, feet</u>	<u>Capacity, acre-feet</u>
102.6 (spillway)	190
100.5	138
100.0	124
94.5	20

2. Runoff yield from 25 year, 24 hour precipitation of 93.3 acre-feet.
3. Net irrigation capacity of 4.75 acre feet per day, using each machine at 600 gallons per minute and a 90% utilization factor.

C. Reservoir Operating Plan:

1. Late Fall, September 1 to October 31:
 - a. Pump reservoir down to intake level.
 - b. Pump debris basin and lagoon to low level.
2. Winter, November 1 to March 31:
 - a. Reduce well flow to 75 gallons per minute. ⁶⁰ 50 ac-ft 5 months
 - b. Monitor level changes and further regulate well flow to maintain a reservoir reserve capacity of 93.3 acre-feet.
3. Spring, April 1 to May 15:
 - a. Pump from reservoir as required to maintain a reserve capacity of 93.3 acre-feet.

4. Summer, May 16 to August 31:

- a. Pump from reservoir to meet crop needs.
- b. Pump from reservoir as required to maintain a reserve capacity of 93.3 acre-feet.
- c. Pump debris basin and lagoon to low level and apply to fields.

D. Typical Year Operating Schedule:

Month	Precipitation & Runoff Inflow Ac-Ft	Well Inflow Ac-Ft	Irrigation Use Ac-Ft	Month End Cumulative Storage Ac-Ft
January	2	10	0	57
February	2	10	0	69
March	15	10	0	94
April	10	16	30	90
May	10	16	30	86
June	10	16	50	682
July	7	16	70	45
August	7	16	70	20
September	5	16	30	20
October	5	16	20	20
November	2	10	0	33
December	2	10	0	45

Surcharge Pumpdown Schedule:

Unusual or greater than normal runoff may cause the reservoir level to increase, using a portion of the reserve storage. Using the assumed irrigation capacity, the following pumping times will be required to re-establish the reserve capacity:

<u>Excess Water In Storage, Ac-Ft</u>	<u>Pumping Time Required, Days</u>
20	5
40	9
60	13
80	17

Significant rainfall during the pumpdown period will interrupt the pumping cycle, causing a longer pumping duration.

DeWild Grant Reckert & Associates Co.

Architecture Engineering Planning

315 First Avenue
Rock Rapids, IA 51246
Telephone 712 472 2531

August 19, 1986

South Dakota Department of Water & Natural Resources
Division of Water Rights
Joe Foss Office Building
Pierre, SD 57501

Attention: Ron Duvall

Re: Onida Feeders, Inc.

Dear Ron:

Please find enclosed a copy of my letter to Merlin Vorhees regarding the Onida Feeders water right and a revised reservoir management plan. Hopefully, this revised plan addresses the concerns of the Water Management Board.

If it is appropriate, we are available to meet with you anytime prior to the scheduled hearing to discuss the plan and provide any additional information you may need.

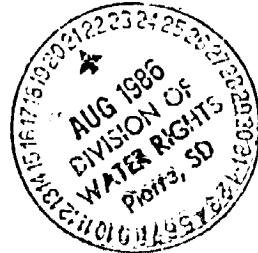
Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Bruce Jennings, P.E.

BJ:kld

cc: Merlin Vorhees



Denver, CO
Tel: 303 458 0311

Sioux City, IA
Tel: 712 277 3049

Sioux Falls, SD
Tel: 605 339 4157

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410377

Pierre, March 24, 19 86

RECEIVED OF Duncan, Olinger, Srstka, Loyald & Robbennolt, P.C. PO Box 66 Pierre SD
the following amount in fees for services rendered as provided for by law: for Onida Feeders, Box 411
Onida SD 57564

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 2549-3		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (ms)

Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by ConnecticutMutual Life Insurance Co of 140 Garden St, Hartford CT 06154 holder ofPermit No. 2549-3, bearing the priority of February 3 1976 authorizingthe diversion of 10.00 cu. ft. per second of the waters of feedlot runoff and well & tank overflowfor irrigation purposes, in Sully County.

I have to report on the conditions of the same as follows:

Lagoon - SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 9

A. Works used to divert the water:

motor: G.E. pump: Cornell, imp. 7 $\frac{3}{4}$ in.1.) 1-N. 5K256JL1190 M.N. 2Y25-2
25 hp. 3540 rpm S.N. 33747

B. Works used to transport water to place of use:

Pipeline: size - 8 in 8 intype - Aluminum PVClength - 2380 Ft 6140 Ft

C. Works used to apply water to beneficial use:

Olson pivot: Electrogator pivot: Also rent

of towers - 7, # of towers - 10 big gun from Hydro-engineering

high pressure - 65psi high pressure - 80psi capacity - 600gpm

capacity - 800gpm capacity - 800gpm

The system is in the following condition good approx storage - 190 ac.-ft.

motor: Marathon

pump: Cornell, imp. 7 $\frac{1}{2}$ in.

2.) M.N. MA 324TDR7611BN W M.N. 4WB50-2

3550 rpm, 50hp. S.N. 37373

motor: General Electric pump: Cornell, imp. 8 $\frac{7}{32}$ in.

3.) S.N. ELJ521428 M.N. SWEV1175-2

3550 rpm, 75 hp. S.N. E 2088

Storage dam: height to crest - 13 ft

surface area - 33 ac. Freeboard $\approx$ 3 ft

crest width - 12 ft

crest length - 1900 ft

spillway width - floods around west end

The point of diversion is located Storage dam: 1980 Ft E from center of sec. 16; lagoon:145 Ft N and 300 Ft W from the SE corner of sec. 9; all in T114N-R76WThe works are capable of diverting and conveying to the place of use 4.88cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T114N-R76W

Acres	Acres	Acres	Acres	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 15 23.2	NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 15 29.6	NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 15 40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 15 40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 16 33.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.5	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.8	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.8	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.2	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0

comprising a total of 684.2 acres of land and the license should be issued for 4.88 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 10/8/85

Ron Duval
(signature)

LICENSE FOR PERMIT NUMBER 2549-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 in 8 in
b) type Aluminum PVC
c) length 2380 ft 6140 ft

4. Dam information:

a) height to crest 13 ft i) Outlet tubes:
b) height to spillway 10 ft 1) diameter _____
c) crest width 12 ft 2) type _____
d) crest length 1900 ft 3) valved (Y/N) _____
e) spillway length _____ 4) valve type _____
f) spillway width Floods around West end 5) location on structure _____
g) approx. storage 190 ac-ft
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

State of South Dakota

Water License No. 2549-3

(1) Missouri Slope Feedlot, Inc.
of Onida, South Dakota 57564
made Application No. 2549-3, February 3, 1976 for a water permit to appropriate
10.00 cubic feet per second of water from feedlot runoff and well & tank overflow,
Sully County, South Dakota for irrigation purposes.
Permit No. 2549-3, with a priority date of February 3, 1976
was approved March 17, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 17, 1977 and for the application to beneficial use of said
water on or before March 17, 1978.

The following transfers have been filed with Water Permit No. 2549-3.

- 1) June 21, 1983 - Missouri Slope Feedlot Inc., to Onida Feeders, Inc.;
- 2) April 2, 1984 - Onida Feeders, Inc., to Connecticut Mutual Life Insurance Co.;
- 3) December 16, 1985 - Connecticut Mutual Life Insurance Co., to Onida Feeders.

and

(2) It is certified that the application 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 4.88 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are *storage dam - 1980 feet East from
Center of Section 16; lagoon - 145 feet North and 300 feet West from the SE Corner
of Section 9, all in T114N, R76W.

*storage dam holds approximately 190 acre feet of water.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T114N, R76W

Section 15	NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.2 Acres	Section 15	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 Acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.5 Acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 Acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.1 Acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0 Acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	35.8 Acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0 Acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.6 Acres	Section 16	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 Acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.8 Acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	29.2 Acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 Acres			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 Acres		TOTAL	684.2 ACRES
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 Acres			
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 Acres			

(4) Pursuant to §46-5-30.1 Onida Feeders, Inc.,
of Box 411, Onida, South Dakota 57564
the holder(s) and/or owner(s) of Water Permit No. 2549-3 is issued a license to appropriate water, the right to use 4.88 cubic feet per second of water from feedlot runoff and well & tank / overflow with a priority date of February 3, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 2549-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 3 1987

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOV 3 1987

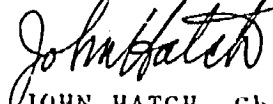
Onida Feeders, Inc.
Box 411
Onida SD 57564

Dear Sir:

Enclosed are Water License Nos. 2549-3 and 4965-3. These are the final water right documents completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

cc: Duncan, Olinger, Srstka, Lovald & Robbenald, P.C.
& receipts for \$50 license fees.

42844-3

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Onida Feeders Inc.
Box 411
Onida, SD 57564

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

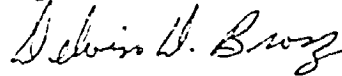


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division



2549-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOL TOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1181

February 16, 1994

No. 2549-3

Chris Huse
Box 304
Onida SD 57564

Dear Mr. Huse:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2549-3. The water right is currently listed in the name of Onida Feeders, Inc. The water right should be transferred to the current owner. Any correspondence can be sent to an operator of the system. Please include this information and mailing addresses on the transfer form.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



2549-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 11, 1994

SECOND NOTICE
Permit No. 2549-3

Chris Huse
Box 304
Onida, SD 57564

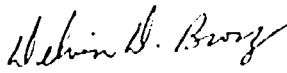
Dear Mr. Huse:

On February 16, 1994, notice was sent to you concerning the transfer of Water Right No. 2549-3 in the name of Onida Feeders, Inc. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Gen. Math, (605) 773-3352.

Very truly yours,

for 

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: **2549-3**

Chris Huse
Box 304
Onida SD 57564

4a. Article Number

P 318 052 645

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-12-94

5. Signature (Addressee)

Chris Huse

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

2549-3

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2549-3Date: 5/23/94I/We request that Water Right No. 2549-2formerly owned by: Onida Feeders, Inc.be transferred to: (name & address) CHRIS M. HUSEBOX 304, ONIDA, SD 57564 (Telephone No) 258-2296

Title to the following described land(s)/property has been transferred as described above:

694.2 acres - SE 1/4 Section 16 and Section 15; all in T114N-R76W

I/We understand that the validity of Water Right No. 2549-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of SULLY)

I/We CHRIS HUSE being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

CHRIS M. HUSE
(Signed)

Subscribed and sworn to before me this 23rd day of May, 19 94.

my Commission
Expires 8-15-94

Patty Hoyer
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

414186

South Dakota Department of Environment and Natural Resources

Pierre, May 24, 1994

RECEIVED OF Chris M Huse, Box 304, Onida, SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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. _____		
Fee for Filing Transfer Form <u>Water Right No. 2549-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

2549-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

July 6, 1994

No. 2549-3

Chris M. Huse
Box 304
Onida, SD 57564

Dear Mr. Huse:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2549-3.

Our records now show you as the owner of Water Right No. 2549-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



2549-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: CHRIS M HUSE, BOX 304, ONIDA, SD 57564

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 2549-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2549-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 4117
Status: **Delivered**

Your item was delivered at 10:46 AM on January 22, 2008 in ONIDA, SD 57564. The item was signed for by C HUSC.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

Use Mail to purchase
for online, for mailInnovative
to make it

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4117

CHRIS M HUSE
BOX 304
ONIDA SD 57564

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[®] Service
☐ First-Class Mail[®] parcel
☐ Package Services[®] parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2008

2549-3

Chris M Huse
Box 304
Onida SD 57564

Dear Mr. Huse:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 2549-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 2013

2549-3

Van Huse
PO Box 161
Onida SD 57564 0161

Dear Mr. Huse:

I am writing in follow up to our phone conversation concerning Water Right No. 2549-3, currently listed in the name of Chris M Huse.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your assistance in updating the water right. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

MAY - 8 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

11103
5-6-13
\$ 50.00

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2549-3

Date: _____

I/We request that Water Right No. 2549-3

formerly owned by: Chris M Huse

be transferred to: (name & address) Vance Huse, PO Box 161, Onida SD 57564

Telephone No.

Title to the following described land(s)/property has been transferred as described above:

684 acres – Section 15 and SE ¼ Section 16, T114N, R76W

I/We understand that the validity of Water Right No. 2549-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Vance Huse, the new owner, certify that the above information is true and correct.

Vance S. Huse
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/8, 20 13

RECEIVED OF Ken Huse & Sons PO Box 161 Onida SD 57564

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

Fee for Application for Permit No. _____ 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. _____		
Fee for Filing Transfer Form <u>2549-3</u>		
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	50 00

No. 06330

By

Jeane Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 2013

2549-3

Vance Huse
PO Box 161
Onida SD 57564 0161

Dear Mr. Huse:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2549-3.

The ownership change has been completed. Water Right No. 2549-3 formerly held by Chris M Huse is now listed in your name.

Enclosed for your records is Receipt No. 06330 in the amount of \$50. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure