

No. 37-3

Office of State Engineer
DOCUMENT FILE

Name of Applicant
Cromwell & Co., Heron, S.D.

NO. 37.3

Water Division No. _____

(Blanks to be filled by the State Engineer.)

RECEIVED
District.NOV 4 1942
3:10 PM.

APPLICATION FOR A PERMIT

To appropriate Water within the State of South Dakota

OFFICE OF STATE ENGINEER
SIOUX FALLS, S. DAK.

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ARMOUR & COMPANY (Huron, South Dakota Plant)Postoffice address Chicago, County Cook, State IllinoisI. If a corporation X(a) Name of same X(b) Date and place of incorporation X(c) Amount of capital stock X(d) Amount paid in X(e) Names and addresses of directors: X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) X(b) Cash on hand, \$ X (c) Treasury stock, \$ X(d) Bonds to be issued, \$ X (e) Other resources, \$ X2. Name of diversion works X3. Quantity of water claimed 2 1/2 cubic feet per second.4. Source of water supply Intake in river channel above dam James River.5. Location of point of diversion Left-hand bank above dam. See blue-print attached. on Left bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used Daily

7. To be used for:

1. Irrigation or domestic use:

(a) Number of acres to be irrigated X acres.(b) Legal subdivisions to be irrigated X

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with average thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) X

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use For manufacturing in operation of meat packing plant.(b) Amount of power to be generated X horse power.(c) Location of plant X(d) Method of developing power X(e) Point where water will be returned to stream X

Other uses: fire protection - operation ammonia condensers - cleaning dressed meat and by products
 cleaning & washing plant during & after operations - dressing & shoring - lavatories
 Brine making - stock feeding operations

8. Estimated cost of works:

(a) Head gates, \$ X (b) Pumping plant, \$ X
 (c) Fluming, \$ X (d) Canal-earth, \$ X Rock, \$ X
 (e) Other structures X \$ X Total, \$ X

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

(a) Rock dam and channel reservoir. - Owned by the City of Huron, Brule County, S.D.

II. Dimensions of works:

(a) Dam: Height 7 feet; length at bottom 240 feet; length at top 275 feet; thickness at bottom 3.5 feet; thickness at top 3 feet; slope of front (water) face vertical; slope of back face 4:1; material used in construction Rubber Masonry

(b) Reservoir: Capacity when filled 2340 acre feet. Surface area at highwater mark unknown acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET OF DEPTH AT OUTLET-ACRES	CAPACITY ACRE-FEET
	NO INFORMATION AVAILABLE.		

(c) Head gate: Width X feet; height X feet;

Material Box intake Suction Line

(d) Canal: Total length X miles.

LOCATION, BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work complete years.

11. Time required for complete application of water to the proposed beneficial use in use years.

12. Choice of newspaper for publication of notice of intention to appropriate Evening Huronite, Huron, South Dakota

STATE OF SOUTH DAKOTA

County of Brule

I, Mr. Barnes

ss.

being first duly sworn

on my oath depose and say: That my relation to the above described undertaking is that of _____

General Manager of American Co. Flour at Huron that I have read the above and

(Owner, manager, engineer.)
 foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed

E. Barnes

Subscribed and sworn to before me this 26th

day of

October

1942

Wm. R. Rye
 Notary Public (or other qualified officer.)

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumps:

One (1) No. 6, Type "DV", Cameron, Single Stage, Double Suction, Horizontally Split Case, Centrifugal Pump, having bronze impeller with thrust bearing in the outboard bearing bracket; flexible coupling mounted on cast iron base plate extended to receive a 75 H.P. Motor at 1750 R.P.M. Capacity Pump 1000 U.S. gallons per minute.

Total dynamic suction lift to suction nozzle of pump 10 feet, total head including suction lift and pipe friction 210 feet, revolutions per minute 1750.

Pump efficiency 89%. Break horse power required 77.

Size of Pipe:

Suction pipe to pump 14 inches. Pipe line pump to plant 12 inches, length 2425 feet, pipe line inside plant 10 inches.

II.

(3) Computation of water diverted.

Strict recordings are kept of time of pump operation-- this in relation to and with pump capacity computes amount of water diverted.

Intake Contruction:

Concrete Box 4 feet 9 inches by 5 feet 7 inches inside measurements with depth 7 feet.

47 feet to manhole.

36 inch concrete tile to manhole.

Metal cover, screen, gates.

Remarks by State Engineer:

This permit is issued subject to the existing authority of the applicant, or the authority hereafter acquired by him to store water or to use water stored by virtue of the existence of the present dam located just below the point where the railway crosses the Java River at Huron, during such periods as when the natural flow of the River is less than 6.81 cu. ft. per sec.

STATE OF SOUTH DAKOTA,

County of Hughes } ss.

Pierre, South Dakota, February 5, 1913.

This is to certify that the foregoing application was received at this office at 3:30 o'clock a.m. upon the 29th day of December 1912 and that after examination it was found to comply with the South Dakota Water Code and a notice was published in accordance with Section 61.012 of the South Dakota Code of 1939. No protests or objections were made or filed.

Dean W. Loucks

State Engineer.

Number of permit 37-3

Date of first receipt of application November 4 1912

Date of return to applicant for correction November 9 1912

Date of receipt of corrected application December 29 1912

Date from which applicant may claim right December November 4 1912

Approved February 6 1913, Recorded in Book 2 Page 534-535

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before Now Complete 19

2nd. The whole of said work is to be completed on or before 19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Now being used 19

4th. The water appropriated shall be used for the purpose of For manufacturing in operation of meat packing plant, Huron, South Dakota. Other uses: Fire protection, operation ammonia condensers, cleaning dressed meat and by-products, cleaning and washing plant during and after operations, drinking, showers, lavatories, brine making, stock feeding operations.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2 1/2 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works. no more than the capacity of the above described system of diversion works, and no more than the capacity of the above described system of diversion works, and no more than the capacity of the above described system of diversion works.

before said water to be used during the following described annual periods:

Continuously

Witness my hand this 21 6th day of February 1913

Dean W. Loucks

State Engineer.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 37-3

WHEREAS, On the 28th day of December A. D. 1942
Arthur and Company through the General Manager of the Huron
plant, M. E. Barnes,
of Huron County of Beadle and State of
South Dakota duly made application (No. 37-3) to me for a permit to use 24
cubic feet per second of the waters of the James River from the City Reservoir,
County of Beadle State of South Dakota, for packing plant operation
purposes; and

WHEREAS, On the 6th day of February A. D. 1943
Permit No. 37-3 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works, and now being used, day of
continued
and for the application to beneficial use of said
water, and for the day of
and.

WHEREAS, On the 23rd day of February A. D. 1943
existence
the holder of said permit duly made proof of the completion of adequate works for the diversion of 24
cubic feet per second of said waters, and
confirming the completion of works of sufficient capacity for
diverting said water to the place of intended use, and for the day of
and.

WHEREAS, On the 23rd day of February A. D. 1943
proof was duly made of the application to beneficial use of 100,000 to 1,250,000 gallons per day of
said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Archer and Company, Huron Plant of Huron, South Dakota the holder and owner of said permit No. 37-3 a water right, dating from November 11, 1912 to the use of 2 1/2 but not exceeding 1,250,000 gallons per day cubic feet per second of the waters of the James River impounded in the City of Huron Reservoir in the County of Beadle and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be delivered at a point 1087.6' N. (8240.5' W. of the S. E. Corner of the NE 1/4 of Sec. 6, Twp. 1., R. 3. 61 W., of the 5th P.M. and conducted to ~~the~~ the Packing Plant and for such time as the City of Huron or other authorized agent shall store said water, and make same available.

for the purpose of fire protection, domestic and stock use, and other necessary uses in the operation of a Meat Packing Plant. subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 1st day of March A. D. Nineteen Hundred and 13

Harry W. Loucks
Harry W. Loucks

State Engineer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

County

Sec. Feet

Acres

Point of Diversion

Place of Use

Purpose

Date of Priority

Recorded

in Book of Page

Remarks by State Engineer:

This permit is issued subject to the existing authority of the applicant, or the authority hereafter acquired by him to store water or to use water stored by virtue of the existence of the present dam located just below the point where the railway crosses the James River at Huron, during such periods as when the natural flow of the River is less than 6.81 cu. ft. per sec.

STATE OF SOUTH DAKOTA,

County ofHughes

Pierre, South Dakota, February 5 1913

This is to certify that the foregoing application was received at this office at 8:30 o'clock a. m. upon the 29th day of December 1942 and that after examination it was found to comply with the South Dakota Water Code and a notice was published in accordance with Section 61.0121 of the South Dakota Code of 1939. No protests or objections were made or filed.

Dean H. Loucks

State Engineer.

Number of permit 37-3.....

Date of first receipt of application..... November 4, 1942

Date of return to applicant for correction.....November 9.....1942

Date of receipt of corrected application..... December 29 1942.....

Date from which applicant may claim right November 4 1942

Approved February 6 1943, Recorded in Book 2 Pages 534-535

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before How Complete 19

2nd. The whole of said work is to be completed on or before.....19.....

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Now being used 10 years.

4th. The water appropriated shall be used for the purpose of For manufacturing in operation
of meat packing plant, Huron, South Dakota. Other uses: Fire protection, operation ammonia
condensers, cleaning dressed meat and by-products, cleaning and washing plant during and after
operations, drinking, showers, lavatories, brine soaking, stock feeding operations.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 24 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, and the expense of the construction of the same shall be borne by the city of New York.

XXXXXXXXXXXXXXXXXXXXXXX; said water to be used during the following described annual periods:

Continuously

Witness my hand this 6th day of February 1943

Dean V. Loucks

State Engineer.

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., December 29 1942

Notice is hereby given that Armour and Company whose postoffice address is Huron , So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2 1/4 cubic feet of water per second of time from the James River through the Armour and Co. Pipe Line, the point of diversion of which is to be located on the left bank of said stream in the SE 1/4 of the NE 1/4 of Section 6 Twp. 110 N. Range 61 W. Said water to be used for the purpose of providing water for the operation of a meat packing plant.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 5th day of February 1943, at 2:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks
State Engineer

PRINTER'S AFFIDAVIT

State of South Dakota, } ss.
County of Beadle }

I, Robert D. Lusk

being duly sworn on oath, say that THE EVENING HURONITE is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date; that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am publisher of said newspaper and know the facts herein stated. The annexed notice headed

Appropriation of Water

was published for four successive weeks, once each week, the same day each week, in said newspaper, and not in any supplement of the said newspaper, the first publication on the 2 day of January 1943, and the last publication on the 23 day of

January 1943. That the full amount of the fee charged for publishing the same, to wit:

Ten & 1/100 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 23

day of January, 1943

Josephine Anderson
Notary Public, South Dakota.

AFFIDAVIT OF AGENT OR ATTORNEY

State of South Dakota, } ss.
County of _____ }

I, _____
being duly sworn on oath, say that I am the authorized attorney for the party foreclosing the mortgage described in the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever, and that no part thereof has been refunded or rebated by the party publishing this notice.

Subscribed and sworn to before me this _____

day of _____, 19____

P. P. 1-2-43 I. E. 1-23-43

APPROPRIATION OF WATER

Office of State Engineer,
Pierre, So. Dak., December 29, 1942
Notice is hereby given that Armour and Company whose postoffice address is Huron, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2 1/2 cubic feet of water per second of time from the James River through the Armour and Co. pipe line, the point of diversion of which is located on the left bank of said stream in the SE 1/4 of the NE 1/4 of Section 6 Twp. 140 N. Range 61 W. Said water to be used for the purpose of providing water for the operation of a meat packing plant. This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 5th day of February, 1943, at 2:00 p. m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest, with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,

State Engineer
No. 1 (Indy)

Permit No. 37-3Water Division No. 3 James River Water District

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Huron Bridge County, South Dakota(Date) July 20th 1943.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

(2 1/4) two and one quarter cu. ft. per second feet of the waters of the state from James River
through the intake in river channel above dam, north of Arrow Ry Bridge
in Huron Co.
for manufacturing inspection meat packing plant - fire protection - irrigation condenser etc purposes
now completed in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is

Huron & Company Huron SD

2. The post office address of such person or the place of business of such corporation is

County of Bridge State of North Dakota

3. The number of such permit is

37-3

and the date set for the completion of such work is

now completed4. Said water to be used for manufacturing - fire - condenser - cleaning etc purposes.

5. Said work of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is two and one quarter cubic feet per second.

6. The amount of land which said water is available is

acres,

particularly described as follows:

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in this application are true.

Engineer.

(Signature).

R. Duncan
Engineer Huron & Co
Huron, S. Dak.

ANSWER QUESTION 5

Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
Pumps:

One (1) No. 6, Type "DV", Cameron, Single Stage, Double Suction, Horizontally Split Case, Centrifugal Pump, having bronze impeller with thrust bearing in the outboard bearing bracket; flexible coupling mounted on cast iron base plate extended to receive a 75 H.P. Motor at 1750 R.P.M. Capacity Pump 1000 U.S. gallons per minute. Total dynamic suction lift to suction nozzle of pump 10 feet, total head including suction lift and pipe friction 210 feet, revolutions per minute 1750. Pump efficiency 69%. Break horse power required 77.

Size of Pipe:

Suction pipe to pump 14 inches. Pipe line pump to plant 12 inches, length 2425 feet, pipe line inside plant 10 inches.

II.

- (a) Computation of water diverted.
Strict recordings are kept of time of pump operation -- this in relation to and with pump capacity computes amount of water diverted.

Intake Construction:

Concrete Box 4 feet 8 inches by 5 feet 7 inches inside measurements with depth 7 feet.
47 feet to manhole.
36 inch concrete tile to manhole.
Metal cover, screen, gates.

ANSWER QUESTION 6 and 7

For manufacturing in operation of meat packing plant, Huron, South Dakota. Other uses: fire protection, operation of ammonia condensers, cleaning dressed meat and by-products, cleaning and washing plant during and after operation, lavatories, showers, drinking, brine making, stock feeding operations.

Permit No. 37-3

Water Division No. 3 James River Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. M E Barnes - Huron 88 - manager Armour & Company
Huron Plant - PO address Huron S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Plant manager of Armour & Company
Huron 88 Plant - corporation general office address Chicago Ill

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit # 37-3 - Date Feb. 6 1943 / 1942

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. James River - point of diversion 1087.6' N 68° 40' 1/2" W of the SE corner of the NE 1/4 sec 6-110-61 Brule Co 88

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 600,000 to 1,000,000 gallons per day.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. From 700,000 to 1,250,000 gallons per day for past year.

for purpose shown in answer to questions 6 & 7.

(Sign.)

W. E. Barnes
Manager, Armour & Company, Huron Plant.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Huron, County of Beadle,

State of South Dakota, on this 23rd day of February, A. D., 1943

Max Noyhl
Notary Public, Beadle Co., S. Dak.

My Commission Expires the
30th day of January, 1947.

Permit No.

Proof of Application of Water to

Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water second foot

Source

County

Purpose

Place of Use

Date of priority

Received and filed



ARMOUR FOOD COMPANY

GREYHOUND TOWER
111 WEST CLARENDON
PHOENIX, AZ 85077
AREA CODE 602-248-5246

February 4, 1983



This is to advise you that effective January 2, 1983 all the assets of the Armour Food Division of Armour and Company were transferred to Armour Food Company, an Arizona Corporation. Among these assets was the contract(s) with you, a copy of which is attached. Please change your records to show that Armour Food Company (111 W. Clarendon, Phoenix, AZ 85077) rather than Armour and Company is the contracting party with you.


Reeder P. Jones
Vice President, Controller



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 37-3

August 26, 1983

R. Gowland
Swift Independent Packing Co.
P.O. Box 825
Huron, South Dakota 57350

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Genny McMath
Water Rights Specialist

GN:ms
Enc.

DWNR-820A-8/83



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

September 6, 1983

Swift Independent Packing Company
Box 825
Huron, South Dakota 57350

Dear Sir:

Enclosed is receipt No. 4 9326 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 37-3.

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

Sincerely,

Genny McMath
Water Rights Specialist

GY:ms
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9326

PIERRE, September 1, 1983

RECEIVED OF Swift Independent Packing Co. Box 825, Huron, SD 57350

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# 37-3	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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 30, 1983

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

packing plant operation -(water from James River) SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T110N, R61W

formerly owned by Armour Food Company

has been transferred to Swift Independent Packing Co., Box 825, Huron, SD
(please include complete mailing address) 57350
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 37-3 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)
) ss.
County of Beadle)

I, D. A. Paul 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.

D. A. Paul
(Signed)

Subscribed and sworn to before me this 30th Day of August, 1983.

James A. Grathes
(Notary Public)

MY COMMISSION EXPIRES
AUGUST 28, 1990



Water Rights Division - DWHR
Conversation or File Documentation

File No. 37-3

NAME OF PERSON OR FILE: Swift Independent Packing Co.

ADDRESS: Huron SD 57350 COUNTY Beadle

DATE: 12/19/85 TELEPHONE _____

RE: _____

COMMENTS:

License No. 37-3 was inspected in May 2, 1985, for the
purpose of updating records regarding James River diversions.
Additional information was recorded regarding the pumping
equipment for Swift Independent. Lyle Newland, plant eng.,
was present during the inspection.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Don Duvall

Permit No. 37-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Swift Independent
Packing Co. of Huron SD 57350 holder of
 Permit No. 37-3 bearing the priority of November 4, 1982 authorizing
 the diversion of 2.25 cu. ft. per second of the waters of the James River
 for industrial purposes, in Beadle County.

I have to report on the conditions of the same as follows: motor: Lincoln pump: Ingersoll - RandS.N. 2667377S.N. 0474-672

75 hp. 1775 rpm

1000 gpm

A. Works used to divert the water:

motor: Lincoln pump: Ingersoll - Rand(standby) S.N. 515921S.N. 0369-611

75 hp. 1755 rpm

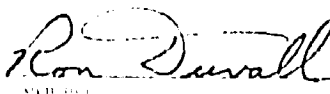
1000 gpm

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

C. Works used to apply water to beneficial use.

The system is in the following condition goodThe point of diversion is located James River: 1087.6 ft N 68°40' W of the SE corner
of the NE 1/4 in sec 6 - T110N - R61WThe works are capable of diverting and conveying to the place of use 4.44cu. ft. per second of water which is to be used for industry

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of N.A. acres of land and the license should be issued for 2.25 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are _____ Date May 2, 1985

 Ron Duvall

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

November 9, 1988

37-3

George Manolis
PO Box 176
Huron - SD 57350

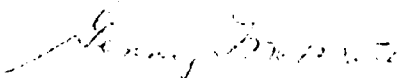
Dear Mr. Manolis:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 37-3. Please have the form checked over and signed by the new owner in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to the proper name.

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 us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



273

CHURCHILL, MANOLIS, FREEMAN & KLUDT
ATTORNEYS AT LAW
FARMERS AND MERCHANTS BANK BUILDING
P.O. BOX 176
HURON, SOUTH DAKOTA 57350

IRWIN A. CHURCHILL 1882-1961
JOHN P. SAUER 1901-1965
WILLIAM S. CHURCHILL
GEORGE N. MANOLIS
RODNEY FREEMAN, JR.
DOUGLAS E. KLUDT
—
GERALD L. KAUFMAN, JR.

December 12, 1988

TELEPHONE
605-352-8624

FAX
605-352-2205

South Dakota Department of Water
and Natural Resources
Air Quality Program
Joe Foss Building, Room #217
Pierre, SD 57501

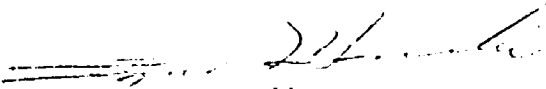
Attention: Genny McMath
Natural Resources Analyst

Re: Dakota Pork Industries, Inc.

Dear Ms. McMath:

Enclosed please find Notice of Transfer of Water Permit, pursuant to your letter of November 9, 1988. Also enclosed is our check in the amount of \$2.50 to cover your fee. Please transfer the water rights to the proper name. Thank you.

Very truly yours,


George N. Manolis
of Churchill, Manolis, Freeman & Kludt

GNM/lf

Enclosure



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411509

Pierre, December 13, 1988

RECEIVED OF Church Hill, Harolls, Freeman & Klude, PO Box 176, Huron SD for Dakota Pork Industries, Inc.
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. _____	2	50
Fee for Filing Transfer Form Water Permit No. 37-3		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch
1988

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 12, 1988

This is to notify you that the title to the lands described as follows:
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T110N, R61W (diversion point from James River). Water Right
is for use in the operation of a meat packing plant.

formerly owned by Swift Independent Packing Co.
has been transferred to Dakota Pork Industries, Inc. 4th Street SE
Huron, SD 57350
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 37-3 as provided for in SDCL 46-5-32 and 46-5-33.

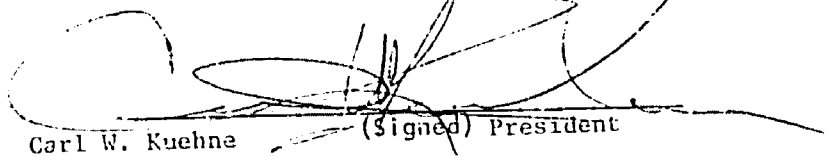
You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Div. of Water Rights, Water Management Board as
evidence of the change of ownership.

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

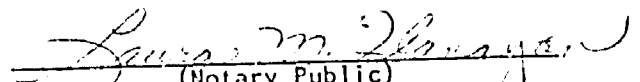
STATE OF SOUTH DAKOTA)
County of Beadle) ss.

Dakota Pork Industries, Inc.,

I, Carl W. Kuehne, President of 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.


Carl W. Kuehne (Signed) President

Subscribed and sworn to before me this 12th Day of December, 1988.


(Notary Public)
Laura M. Flanagan
My commission expires April 8, 1994

 **Department of
Water & Natural Resources**

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

January 24, 1989

37-3

George N Manolis, Attorney
PO Box 176
Huron SD 57350

Dear Mr. Manolis:

Enclosed is receipt No. 411539 in the amount of \$2.50 which you paid for transfer of Water Right No. 37-3. Our records now show Dakota Pork Industries, Inc. as the owner of this Water Right.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

cc: Dakota Pork Industries, Inc.



RECEIPT

413621

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 5, 19 93

RECEIVED OF City of Huron, Huron, SD 57350

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. 37-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Hatt
Chief Engineer



NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief, Division of Water Rights, DWR
525 East Capitol
Pierre, SD 57501-3181

Date: January 14, 1993I/We request that Water Permit/Right No. 37-3formerly owned by: Dakota Pork Industries, Inc.

be transferred to: (name & address) City of Huron; P.O. Box 1369;
Huron, South Dakota 57350 (telephone No.) 605-352-6791

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

All water used by Dakota Pork Industries, Inc. is now being supplied
by the City of Huron.

I/We understand that the validity of Water Permit/Right No. 37-3 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 Beadle)

I/We Merle D. Lewis, Mayor 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.

Merle D. Lewis
(Signed)

Subscribed and sworn to before me this 1st day of February, 19 93.

Roger Vaif
(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 water 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1993

No. 37-3
5137-3

Merle D. Lewis, Mayor
City of Huron
P.O. Box 1369
Huron, SD 57350

Dear Mayor Lewis:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 37-3 and 5137-3.

Our records now show the City of Huron as the owner of Water Right Nos. 37-3 and 5137-3.

Sincerely,

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

enclosure

37
NOT TO SCALE



6

378-77R

115-61

66.0

License No 37-3

Ron Duvall
Natural Resources Eng
5/2/85

378-77A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: CITY OF HURON attn MIKE WEVER
PO BOX 1369
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 37-3 37A-3 9-3A

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 26 2013

37-3
37A-3

Mike Wever, City Engineer
City of Huron
PO Box 1369
Huron SD 57350

Dear Mr. Wever:

Enclosed is Water License No. 37A-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation. Also enclosed is Receipt No. 06386 in the amount of \$50 which the city paid for the inspection and issuance of the water license.

The applicable portions of Water Right No. 37-3 were incorporated into Water License No. 37A-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

