

Considered: _____

WATER PERMIT NO. 5032-3

MAP No. 5032-3

Name of Applicant O'Neill Pig, Inc

Post Office Address POB 129, Columbus, NE 68601

Amount of Water Claimed 0.17 Total Acres _____

Source of Water Supply ground water 1470' deep well Lakota

Water to be used for DOM County ED

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1st 11-29-84 Not Received _____

APPLICATION: Approved 12-5-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 9/28/84 Fee 150.00 Remarks _____

9/28/84

Corrected Application Received 10/3/84 Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21-T123N-R66W

Land to be Irrigated _____

Well Log: Driller Independent Drilling Licensed YES x NO _____

Depth of Well 1470' Lakota REMARKS _____

Type of Map aerial PREPARED BY Kevin Kehrwald Reviewed and the Number _____

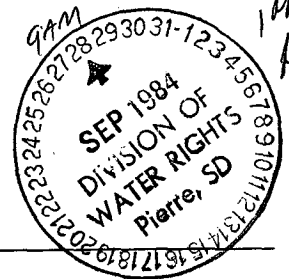
assigned on 10/15/84 By Betty Westlund
Betty Westlund NRA III

No. <u>5032-3</u>	Hydrologic Unit <u>10160008</u>
Map No. <u>5032-3</u>	Basin <u>JK</u>
Newspaper <u>Tribune</u>	<u>Box 7 Ipswich</u>

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☒ (above 18gpm) Other ☒ Hog Confinement facility

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5032-3

O'Neill Pig Inc.

(Applicant)

P.O. Box 129 Columbus

(Post Office Address)

Nebraska

(State)

68601

(Zip Code)

With the following qualifications.

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

The wells approved under this Permit shall be valved and the flow reduced to minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

Date of first receipt of application September 28, 1984

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

Date of receipt of corrected application , 19 . Approved December 5, 1984

The Water Management Board hereby approves this Water Permit No. 5032-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 28, 1984
2. The equivalent of at least one-fifth of the specified work is to be completed on or before JUNE 5, 1987
3. The whole of said work is to be completed on or before December 5, 1989
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 5, 1993
5. The water appropriated shall be used for the purpose of Hog confinement facility
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.17 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 to which water is actually and beneficially applied for livestock use on or before December 5, 1993; said water to be used during the following described annual period: Jan. 1 to Dec. 31

WATER MANAGEMENT BOARD

By: John Hatch

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

January 4, 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 2" Depth 1470'
- b) Casing Type 2 K Copper Diameter 5" Thickness .083
- c) Screen Type NONE Diameter _____ Thickness _____
- d) Gravel Pack Thickness NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1425'
- f) Depth of Water (ground surface to water level) Flowing
- g) Distance to nearest existing domestic well: 1 mile
- On applicants property NONE On property owned by others 1 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams NONE

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

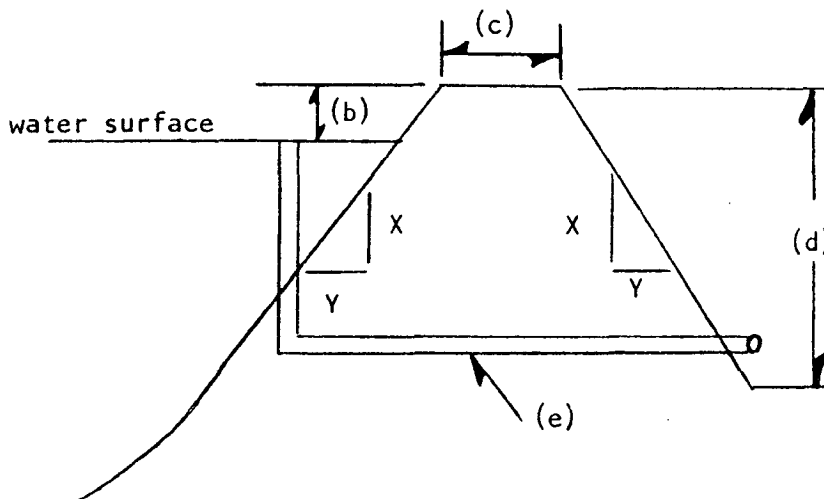
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



[Signature]
Signature of Applicant

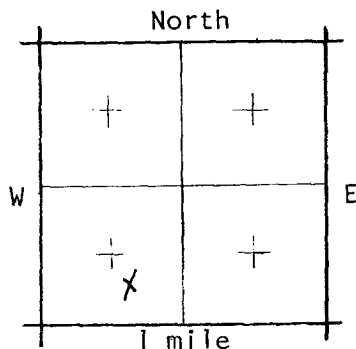
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/4 SW 1/4 Sec 21 Twp 123 Rg 66

County

Edwards

Please mark well location with an "X"



Well Completion Date 8-22-84

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Conventional Rotary

WELL CONSTRUCTION:

Diameter of hole _____ inches Depth _____ feet

Casing: ☐ Steel ☐ Plastic ☐ Other
 Specify _____

Pipe Weight Diameter From To
15 lb/ft 5 inches 0 feet 250 feet
2.06 lb/ft 2 inches 0 feet 1470 feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ No

Was a Packer or seal used? ☒ Yes ☐ No

If so what material? Lead

Was well gravel packed? ☐ Yes ☒ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure pressure

To what depth? 250 Feet

What was grouting material? Sandpak II

If cement, how many sacks? 45

Location of packer(s) and screen or perforated pipe between copper & 5" @ surface

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
 If so how and with what material?

Well Owner:

Name Oniel Pig Inc.

Address Box 129 Columbus, Neb. 68601

Well Log: Depth

Formation	From	To
Black Top soil	0	3
yellow clay	3	17
blue clay w/ sand. & sh.	17	35
Weathered shale	35	40
fine shale	40	
Greenhorn	690	
Dakota Newcastle	760	840
Sakota	1040	1100
	1220	1260
Sakota	1400	1460

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 160 ^{EST.} PSI

GPM flow 180 through 2 inch pipe

Controlled by ☒ Valve ☒ Reducers ☒ Other

If other; specify Pressure Reducing Valve

Can well be completely shut off? yes

WELL TEST DATA:

☐ Pumped

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

70' - 3/8" perforations @ bottom

This well was drilled under license # 29

and this report is true and accurate.

Independent Drilling Co., Inc. F. J. [Signature]
 Drilling Firm Signed by

8-23-84

Date

NOT TO SCALE



Hwy 12

Location of well

A/M # 5032-3

23-66
Lewin Schwab, DC, SCS
O'Neill Pig Inc.
2 mi west of Mina S.D. on
Hwy 12 SF 1/4 Section 21

RECEIPT

Division of Water Rights

No 4 9776

South Dakota Department of Water and Natural Resources

Pierre, September 28, 1984

RECEIVED OF O'Neill Plg, Inc., PO Box 129, Columbus, NE 68601

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

Fee for Application for Permit No. 5032-3 to Appropriate Water, to construct works and to put water to beneficial use	150	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		
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	150	00

By

Chief Engineer

John Hatch
JOHN HATCH/TMS

Conversation or File Documentation

NAME OF PERSON OR FILE: O'Neill Pig Inc.ADDRESS: Columbus NE COUNTY _____DATE: 9-28-84 TELEPHONE 402-564-2707RE: Map & Fee

COMMENTS:

I talked with Larry Dowd about this application. after I explained the fee to him he agreed that the application should be 75gpm instead of 25gpm. He will also be sending in a map next week.

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: Kevin P. Larson

REPORT ON APPLICATION NO. 5032-3

O'Neill Pig Inc.

October 16, 1984

Application No. 5032-3 proposes to withdraw 0.17 cfs of groundwater from the Lakota Formation. The water will be used for a hog confinement facility. The well is located in SW $\frac{1}{4}$ Section 21, T123N, R66W of Edmunds County.

The well withdraws water from the Lakota Formation. The Lakota is the lower member of the Inyan Kara group. The Inyan Kara is a Cretaceous age brown white fine to coarse sandstone interbedded with clays and shales. The Inyan Kara consists of an upper unit (Fall River) and a lower unit (Lakota). The group varies in thicknesses from 0 to over 300 feet. Above the Inyan Kara are, oldest to youngest, Skull Creek shale, Dakota Formation, Graneous shale, Greenhorn Limestone, Carlile shale, Niobrara Marl, members of the Pierre shale and Pleistocene deposits. Terminology of the units below the Graneous shale has been discussed for years (Schoon, 1971). For purposes of this report the formations in question will be called Dakota and Inyan Kara.

A map was constructed plotting all wells (on record) penetrating the Dakota or Inyan Kara. This map covered an area of 20 townships. The wells producing from the Dakota Formation usually have to be pumped or have flows of less than 20 gpm. Wells penetrating the Inyan Kara formation have pressures from 40 to 160 pounds per square inch and flows from 15 to 150 gallons per minute. The well for this application has a pressure of 160 psi and a flow of 150 gpm.

The Inyan Kara and the Dakota Formations do not appear to be interconnected. This conclusion was apparent from the differing pressures and flow rates. Forty-two of the wells in the study area produce water from the Dakota Formation, interference will not be a problem with these wells. Twelve of the wells plotted produce from the Inyan Kara. With the distance between these wells (2 to 15 miles) and the amount of water used there should be no noticeable affect.

In Brown and Edmunds counties there is an estimated 1,382,400 acre feet and 4,108,800 acre feet respectively of recoverable water in the Inyan Kara. These values are based on the estimated porosity of 15% and specific yield of 0.075 (Hedges, 1982).

Besides domestic use from the Inyan Kara, there are two water rights 1) City of Ipswich for 0.25 cfs and 2) Sun Products Processing Inc. for 0.22 cfs.

The Water Rights Division monitors no observation wells in the Inyan Kara in Edmunds or Brown Counties.

Conclusions

1. The well will produce water from the Inyan Kara Group.
2. Wells producing from the Dakota Formation will not be affected by this application.
3. There are twelve wells in the 20 townships studied that produce from the Inyan Kara.
4. There should be no noticeable interference between the wells producing from the Inyan Kara.
5. It is apparent that there is water available for this application.



GALE N SELKEN
Hydrologist

References

DWNR, Water Rights Division, Permit Files.

DWNR, Water Rights Division, domestic well log files.

Hedges, Burch, Iles, Barari, Schoon, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, 1984

Schoon, Geology and Hydrology of the Dakota Formation in South Dakota, 1971.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION NO. 5032-3, O'Neill Pig, Incorporated

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5032-2, O'Neill Pig Inc., PO Box 129 Columbus NE.

The Chief Engineer is recommending APPROVAL of Application No. 5032-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The well approved under this Permit shall be valved and the flow reduced to minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 18, 1984

WP or WR No. 5032-3

Instruction to Newspaper - Publish first publication of the following Notice on or before **October 24, 1984** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5032-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that O'Neill Plg Inc. whose mailing address is
POB 129, Columbus, NE 68601, South Dakota has made an application for a permit

to appropriate 0.17 cubic feet per second of water from one well 1470 feet deep in the Lakota Formation located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21-T123N-R66W. The water will be used for Domestic purposes and for a hog confinement facility.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 5032-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E. Capitol, Pierre, South Dakota, December 5 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) ss

County of Edmunds)

D.E. Gibson of said County and State, being first duly sworn on his oath says: The Ipswich Tribune; a weekly newspaper in general circulation, printed and published in Ipswich, in said County and State by the Gibson Publishing and Printing Company; and has been such newspaper during the times hereinafter mentioned; that said newspaper now has, and has had during the publication of the attached advertisement, a bonafide circulation of at least 200 copies weekly, and has been published within the said County of Edmunds fifty-two successive weeks prior to the publication of said attached advertisement, and was during the publications of said advertisement, and now is, printed in whole or in part, in an office maintained at said place of publication. That said newspaper is and has been during the publication of attached advertisement, a legal newspaper, as defined by the laws of the state of South Dakota.

That I, D.E. Gibson, the undersigned, am

Publisher of said newspaper and am in charge of the advertising

thereof and have personal knowledge of all the facts stated in this affidavit and

that the advertisement headed NOTICE OF HEARING

ON APPLICATION NO. 5032-3

a printed copy of which hereto attached, was printed and published in the said newspaper for two successive issues.

The First publication being made on the 24 day of Oct., 1984

The Second publication being made on the 31 day of Oct., 1984

The Third publication being made on the day of , 19

The Fourth publication being made on the day of , 19

The Fifth publication being made on the day of , 19

The Sixth publication being made on the day of , 19

The Seventh publication being made on the day of , 19

The Eighth publication being made on the day of , 19

The Ninth publication being made on the day of , 19

The Tenth publication being made on the day of , 19

That the full amount of the fee charged for publication of said annexed notice inures to the benefit of the publisher of the The Ipswich Tribune; that no agreement or understanding for the division of the fee thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

The charges for said legal publications are Forty-seven

Dollars and seventy-two cents (\$47.72)

D.E. Gibson

Subscribed and sworn to before me this 31 day of Oct., 1984

Donna Wagner

Notary Public Edmunds County, South Dakota.

PUBLIC NOTICE

NOTICE OF HEARING
on Application No. 5032-3
to Appropriate Water

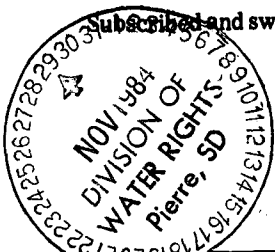
Notice is hereby given that O'Neill Pig Inc. whose mailing address is POB 129, Columbus, NE 68601, South Dakota has made an application for a permit to appropriate 0.17 cubic feet per second of water from one well 1470 feet deep in the Lakota Formation located in the SE 1/4 SW 1/4, Section 21-T123N-R66W. The water will be used for Domestic purposes and for a hog confinement facility.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5032-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E. Capitol, Pierre, South Dakota, December 5, 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-9-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

T-43-44





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

January 4, 1985

Lawrence W. Dowd, President
O'Neill Plg, Inc.
PO Box 129
Columbus NE 68601

Dear Mr. Wood:

Enclosed herewith is your Water Permit No. 5032-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5023-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" and last name "Hatch" clearly distinguishable.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Edmunds

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Box 129 Columbus, Ne 68602-
Date February 20, 1990 0129

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

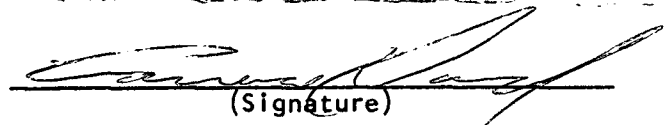
Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 5032-3.

Water Right Permit No. 5032-3 states that the diversion system is to be constructed by 12/5/93, and that the water is put to beneficial use by 12/5/93.

The diversion system was completed on May, 1985. Applying the water to beneficial use was completed on August, 1989.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.


(Signature)

Conversation or File Documentation

NAME OF PERSON OR FILE: JACK FRIES (O'NEIL PIGS, INC - 5032-3)ADDRESS: _____ COUNTY EDMUNDSDATE: 7/30/91 TELEPHONE _____RE: WATER PERMIT INSPECTION

COMMENTS:

TALKED TO MR FRIES REGARDING THE INSPECTION OF WELL
PRIOR TO ISSUANCE OF WATER LICENSE. HE STATED THE WELL
WAS OPERATING AT A CONSISTANT 80PSI. THERE HAS BEEN NO
PRESSURE FLUCTUATION, AND NO LOSS OF WATER HE STATED THE
WELL WATER WAS USED TO WATER THE PIGS AND WASH THE FACILITY.
THE LIVING QUARTERS ARE ON WEB.

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: Donald J. Fries



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 14, 1991

5032-3

O'Neill Pigs, Inc
Box 129
Columbus, NE 68601

Dear Sir:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5032-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Permit No. 5032-3

Water District: James River

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

I have this day made a thorough examination of the water use system constructed by O'Neil Pigs, inc., Box 129 of Columbus NE 68601 holder of Permit No. 5032-3, bearing the priority of September 28, 1984 authorizing the diversion of 0.17 cu. ft. per second of the waters of the Lakota Formation for domestic purposes, in Edmunds County.

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

A. Works used to divert the water:

One Artesian well 1470' deep controlled by a Watts regulator, model 233 which operates at 80 PSI through a 1 1/2" line which limits output to 30 GPM (.07 cfs).

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

300' of 1 1/2" PVC

C. Works used to apply water to beneficial use:

Water distribution system for Hog Confinement Facility

The system is in the following condition good. The point of diversion is located 412' N and 495' W of the S1/4 corner Sec. 21, T123N, R66W. The works are capable of diverting and conveying to the place of use 0.07 cu. ft. per second of water which is to be used for domestic purposes in a hog confinement facility.

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

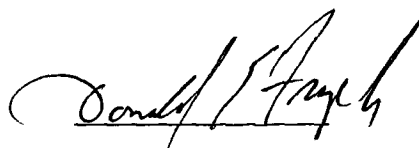
Water is used to water 12,000 pigs per year and to wash the facility.

The license should be issued for 0.07 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none

Date Inspected: 7/30/91



DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER

5032-3

1. Legal location of wells:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 21, T123N-R66W

dams & structures:

2. Well Information:

Well Drilling Firm INDEPENDENT DRILLING CO.

Completion Report Yes ☒ No ☐

No. of Wells

1

Depth

1470'

Casing

a) diameter

2"

b) length

1470

c) type

PVC

Pump

a) make

N/A

b) model

c) size

d) capacity

gpm

e) turbine pump - no. of stages

f) operating PSI

80 PSI THROUGH $\frac{1}{2}$ " LINE - FLOW CONTROLLED BY
WATTS PRESSURE REGULATOR
MODEL 233. MEASURED
AT 38 GPM.

3. Distribution lines or canals

a) size

b) type

c) length

4. Dam Information:

a) height to crest

b) height to primary spillway

c) height to secondary spillway

d) crest width

e) crest length

f) spillway length

g) spillway width

h) approx. storage

i) approx. storage to crest

j) date constructed

k) inspection sheet completed (Y/N)

l) Name of Contractor

m) Outlet tubes:

1) diameter

2) type

3) valved (Y/N)

4) valve type

5) location on structure

n) Category of Dam

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

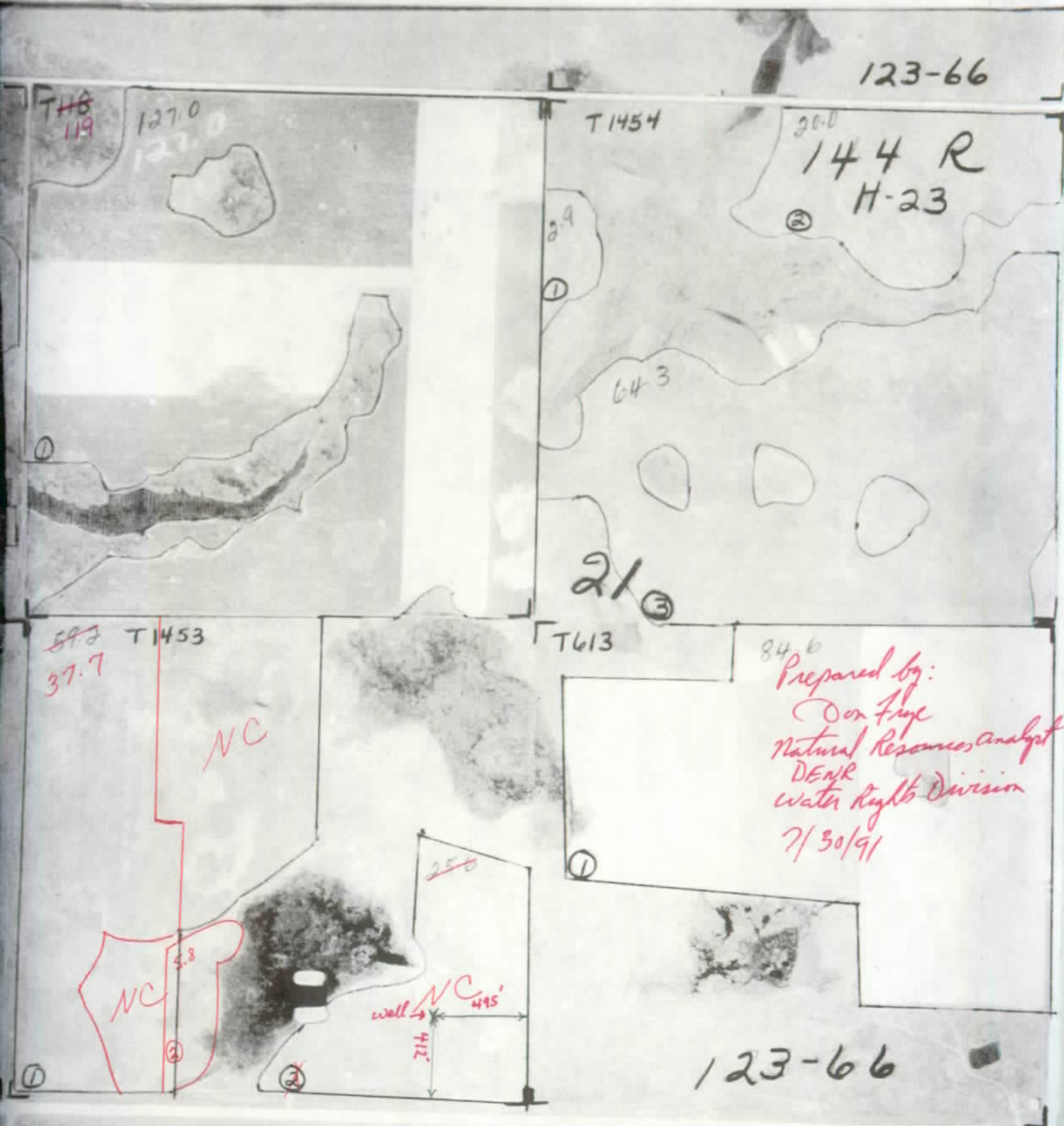
- | Yes | No | Check Items |
|----------|------------|---|
| ___ | <u>N/A</u> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| <u>✓</u> | ___ | 2. Special qualifications to permit being abided by? |
| <u>✓</u> | ___ | 3. All structures, wells and lands on map? |
| ___ | <u>N/A</u> | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| ___ | <u>N/A</u> | 5. Is chemigation used? |
| ___ | <u>N/A</u> | 6. If yes, does equipment comply with chemigation rules? |

REMARKS:

LIVING QUARTERS NOW ON WEB. FACILITY HOUSES 12,000 PIGS PER YEAR.

5032-3

NOT TO SCALE



5032-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412795

Pierre, _____

August 19, 19 91

RECEIVED OF O'Neill Farms, Inc., P.O. Box 129, Columbus, NE 68602-0129

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. <u>5032-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50	00

By

John Hatch (Signature)

Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: O'NEILL PHS, INCADDRESS: P.O. Box 129, Columbus, NE 68601 COUNTY _____DATE: 11/13/91 TELEPHONE _____RE: Revisit to check GPM of well.

COMMENTS:

I went to the O'Neill facility and, with the help of the ~~man~~ manager,
measured the flow rate from the well. We measured the water flow
from the main line coming into the facility from the well.
We used a 200 liter (52 gal) barrel. It took 1 min and 54 seconds
to fill the barrel which comes out to 27.3 GPM. The facility
should be licensed for 0.07 cfs instead of 0.17 cfs.

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.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 31 1992

5032-3

O'Neill Pig, Inc.
P.O. Box 129
Columbus, NE 68601

Dear Sirs:

Enclosed is Water License No. 5032-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412795 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5032-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5032-3

(1) O'Neill Pig, Inc. of P.O. Box 129, Columbus, NE 68601 made Application No. 5032-3, September 28, 1984 for a water permit to appropriate 0.17 cubic feet of water per second from groundwater (one well), Edmunds County, South Dakota for domestic purposes. Permit No. 5032-3 with a priority date of September 28, 1984 was approved December 5, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 5, 1989 and for the application to beneficial use of said water on or before December 5, 1993.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is: 412'N and 495'W of the S 1/4 corner Sec 21, T123N, R66W (SE 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a hog confinement facility.

(4) Pursuant to Section 46-5-30.1 O'Neill Pig, Inc. of P.O. Box 129, Columbus, NE 68601 the holder(s) and/or owner(s) of Water Permit No. 5032-3 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from groundwater (one well) with a priority date of September 28, 1984 from the location specified in (2) of this license. The water is to be used for the purpose of domestic use. This license is subject to any limitations or qualifications listed in Water Permit No. 5032-3 and subject to South Dakota State Law.

 MAR 31 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1997

5032-3

Bill & Joyce Marshall
Marshall Farms
123 12th Ave NE
Aberdeen, SD 57401

Dear Mr. & Mrs. Marshall:

Thank you for submitting the "Notice of Transfer of Ownership" form for Water Right No. 5032-3, currently listed in the name of O'Neill Pig Inc. The form was completed properly, however as required by Statute, a \$2.50 filing fee is needed in order for the ownership change to be filed with the water right.

Please remit a total of \$2.50 as soon as possible. You may make the check payable to the Water Rights Program - DENR. Please include a note with the water right number to insure your money gets credited properly.

Thank you in advance for your help and if you have any questions, please contact me.

Sincerely,

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

ATTN: ~~WATER~~

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 10-31-97

I/We request that Water Permit/Right No. 5032-3

formerly owned by: ONEILL DIG INC PO BOX 129 COLUMBUS NE 68601

be transferred to: (name & address) MARSHALL FARMS 123 12TH AVE NE
ABERDEEN SD 57401 (telephone No.) _____

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

412'N AND 495'W OF THE S 1/4 CORNER SEC 21, T123N R66W (SE 1/4 SW 1/4)

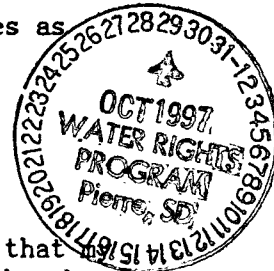
I/We understand that the validity of Water Permit/Right No. 5032-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Brown)

I/We William Marshall being first duly sworn on my oath depose and say that 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.



William R Marshall
(Signed)

Subscribed and sworn to before me this 27th day of October, 19 97.

[Signature]
(Notary Public)
my Commission Expires: 4/24/04

OTE: 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.

New owner

BILL AND JOYCE MARSHALL
MARSHALL FARMS
123 12TH AVE NE
ABERDEEN SD 57401

PLEASE SEND BACK A COPY
OR NEW PERMIT
Thank You





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1997

No. 5032-3

Marshall Farms
%Bill and Joyce Marshall
123 12th Ave. NE
Aberdeen, SD 57401

Dear Mr. and Ms. Marshall:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5032-3.

Our records now show you as the owner of Water Right No. 5032-3.

Sincerely,

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

enclosure

RECEIPT

415528

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 12, 19 97

RECEIVED OF William or Joyce Marshall, 123 - 12th Ave. NE, Aberdeen, SD 57401

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. 5032-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

