

Considered: _____

WATER PERMIT NO. 5045-3

MAP No. Same

Name of Applicant New Effington By-Products Inc.

Post Office Address RT. 1 Box 29 New Effington S.D.

Amount of Water Claimed 0.10 cfs Total Acres _____

Source of Water Supply Groundwater ^{one} 50 foot well

Water to be used for com County Robert

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1st 4-12-85 Not Received _____

APPLICATION: Approved May 15, 1985 Subject to _____

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

PRIORITY _____ Date Received 1-7-85 Fee \$50.00 Remarks _____

1-7-85

Corrected Application Received _____ Period of Annual Use Jan 1 to Dec 31

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

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

Diversion Point SW⁴ NW⁴ sec. 27-T128N-R50W

Land to be Irrigated _____

Well Log: Driller Kittleson Drly. Licensed YES X NO _____

Depth of Well 50 feet REMARKS _____

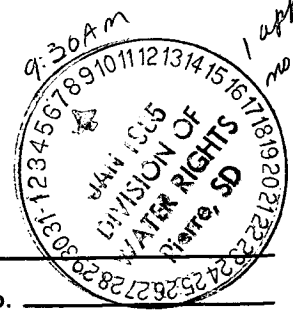
Type of Map Drawn PREPARED BY Stephen Larmann Reviewed and the Number assigned on 3-19-85 By Kevin P. Larson

No. <u>5045-3</u>	Hydrologic Unit <u>09020101</u>
Map No. <u>same</u>	Basin <u>Red-Rainy</u>
Newspaper <u>Sisseton Courier 117 E. Oak (Thurs)</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 ☐

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. _____1. Name of Applicant New Effington By-Products Inc. Phone No. (605) 637-5296Post Office Address RR - 1 Box 29, New Effington, South Dakota State 57255
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 300 gallons per day, 5 days per week is an estimated average use.3. Source of water supply From an established well, see driller's log attached.

4. Location of point of diversion _____

_____ County _____

5. Counties where water will be used Roberts6. Annual period during which water is to be used 12 months per year is estimated

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

Dead animals, animal products and poultry products will be processed and frozen for use in the pet food industry. There will be no product cooking at this location.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Roberts) ssI, John M. McGregor the applicant, certify that I have read the foregoing application, 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 John M. McGregorSubscribed and sworn to before me this 14th day of January 19 85[Signature]
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5045-3
New Effington By-Products Inc RT. 1 Box 29 New Effington
(Applicant) (Post Office Address)
South Dakota 57255 With the following qualifications.
(State) (Zip Code)

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.

Date of first receipt of application January 7, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved May 15, 1985.

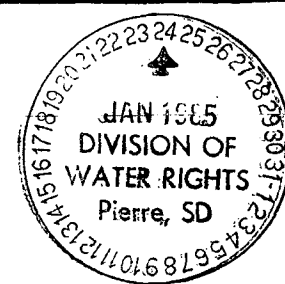
The Water Management Board hereby approves this Water Permit No. 5045-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 7, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before November 15, 1987.
3. The whole of said work is to be completed on or before May 15, 1990.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 15, 1994.
5. The water appropriated shall be used for the purpose of Commercial use
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 0.10 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 Commercial use on or before May 15, 1994; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights JOHN HATCH
 Dept. of Water and Natural Resources
JUN 24 1985, 19—

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 2" Depth 50'
- b) Casing Type steel Diameter 2" Thickness 3/16"
- c) Screen Type stainless steel Diameter 2" Thickness 10 gauge, slotted stainless
- d) Gravel Pack Thickness -0- Length of Gravel Pack -0-
- e) Depth to Top of Water Bearing Material 45'
- f) Depth of Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
 On applicants property 1/4 mile On property owned by others 1/2 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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 _____

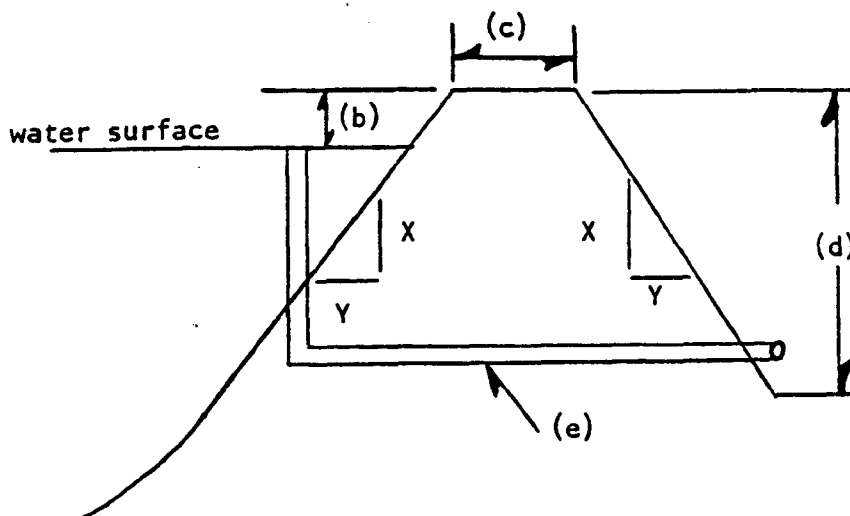
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



John W. H. Hager
 Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9908

South Dakota Department of Water and Natural Resources

Pierre, January 24, 1985

RECEIVED OF John McGregor, Box 45, New Effington, SD 57255

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

Fee for Application for Permit No. 5045-3 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.		
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

Chief Engineer

JOHN HATCH

REPORT ON APPLICATION NO. 5045-3

March 22, 1985

Application No. 5045-3 requests 0.10 cfs of groundwater for industrial purposes. The water will be withdrawn from the Veblen aquifer utilizing one 50 foot well which was completed in 1981. The point of diversion is located in the SW 1/4 SW 1/4 NW 1/4 of Section 27, T128N, R50W.

The Veblen aquifer is a sand and gravel aquifer of glacial origin. The Veblen aquifer contains an estimated 1,295,700 acre-feet of recoverable water and underlies 431,900 acres in Roberts and Grant counties. In the portion of the aquifer below Application No. 5045-3, the aquifer is under artesian head conditions. There are 16,673 acre-feet of water appropriated from the Veblen aquifer, this is 1.3% of the total recoverable water (Hedges, 1983).

The Division of Water Rights has two observation wells within one mile of the well for this application (RB-79A, RB-79B). The water level records for these two wells show the seasonal fluctuations due to weather and the effects of the withdrawals by the City of New Effington and irrigation. The records show that the aquifer is not being adversely affected by the present withdrawals.

Conclusions

1. The well for Application No. 5045-3 will withdraw water from the Veblen Aquifer.
2. Unappropriated water is available from the Veblen Aquifer.
3. Observation wells exist and are monitored in the Veblen Aquifer.

Gale N. Selken P.E.

Gale N. Selken, PE
Hydrologist III

Bibliography

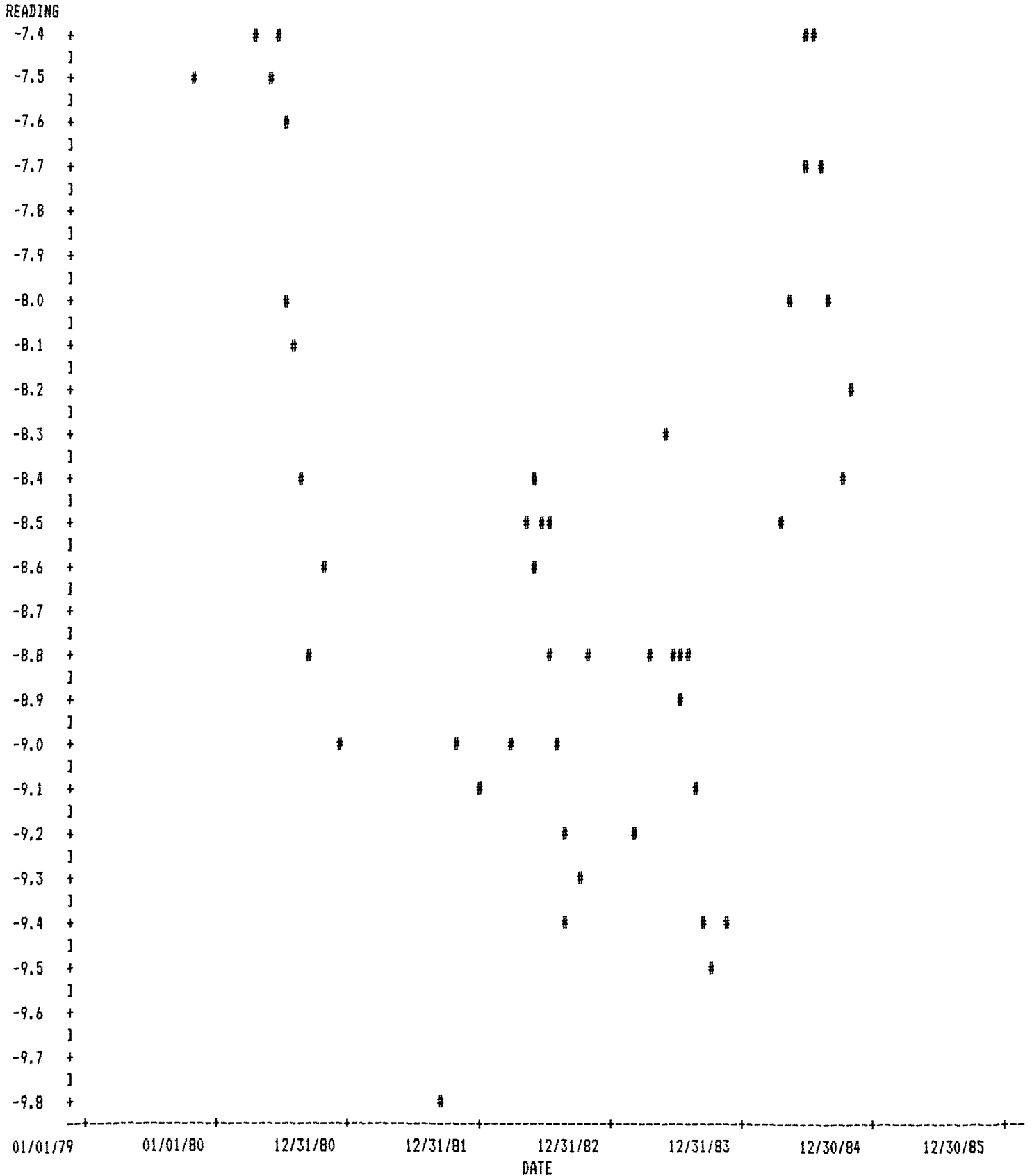
Hedges, (etal) Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, 1983.

Division of Water Rights files and observation well files (unpublished).

OBSERVATION WELL WATER LEVELS
OBS_WELL=RB-79A

11:02 TUESDAY, MARCH 26, 1985 2

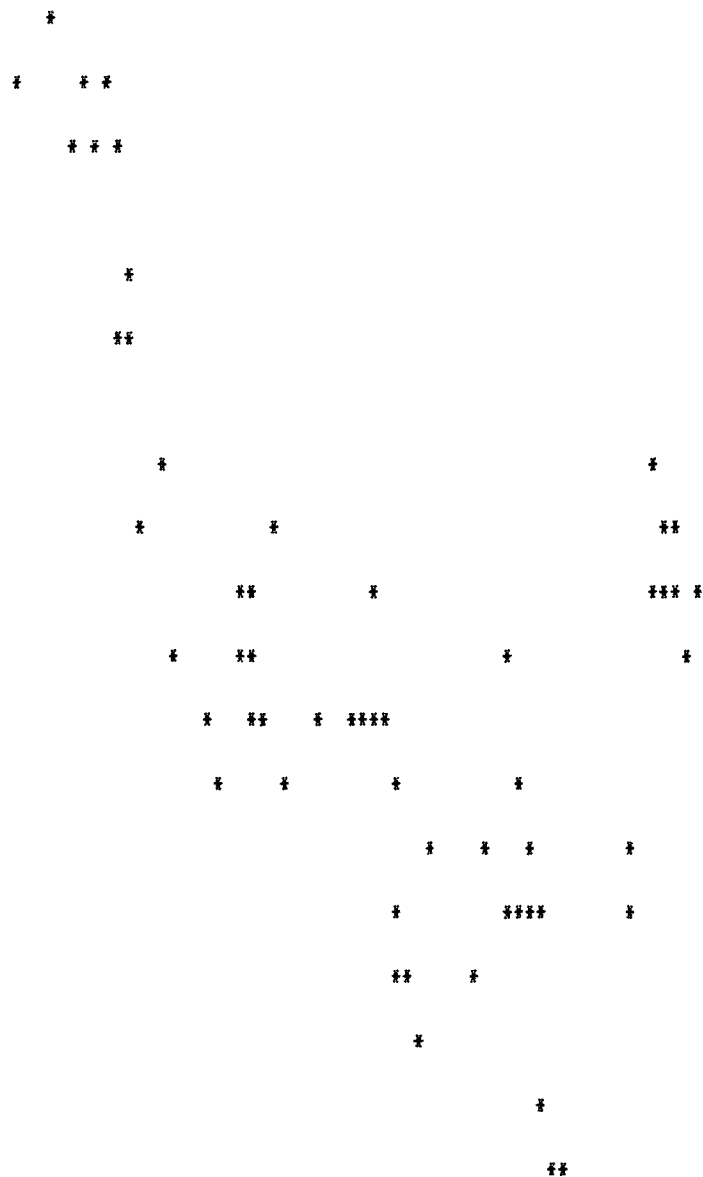
PLOT OF READING*DATE SYMBOL USED IS #



NOTE: 2 OBS HIDDEN

UQS0009 - END OF DATA SET

READING	1
	1
	1
-4.6	+
	1
-4.7	+
	1
-4.8	+
	1
-4.9	+
	1
-5.0	+
	1
-5.1	+
	1
-5.2	+
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-5.3	+
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-5.4	+
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-5.5	+
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-5.6	+
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-5.7	+
	1
-5.8	+
	1
-5.9	+
	1
-6.0	+
	1
-6.1	+
	1
-6.2	+
	1
-6.3	+
	1
-6.4	+
	1
	1

[illegible]

DATE _____

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
RB-79A	128N-50W-21AABA	R 10/26/79	-7.5
RB-79A	128N-50W-21AABA	R 04/16/80	-7.4
RB-79A	128N-50W-21AABA	R 05/28/80	-7.5
RB-79A	128N-50W-21AABA	R 06/25/80	-7.4
RB-79A	128N-50W-21AABA	R 07/08/80	-7.6
RB-79A	128N-50W-21AABA	R 07/22/80	-8.0
RB-79A	128N-50W-21AABA	R 08/04/80	-8.1
RB-79A	128N-50W-21AABA	R 08/21/80	-8.4
RB-79A	128N-50W-21AABA	R 09/09/80	-8.8
RB-79A	128N-50W-21AABA	R 10/28/80	-8.6
RB-79A	128N-50W-21AABA	R 12/11/80	-9.0
RB-79A	128N-50W-21AABA	R 09/08/81	-9.8
RB-79A	128N-50W-21AABA	R 10/21/81	-9.0
RB-79A	128N-50W-21AABA	R 12/29/81	-9.1
RB-79A	128N-50W-21AABA	R 04/01/82	-9.0
RB-79A	128N-50W-21AABA	R 05/05/82	-8.5
RB-79A	128N-50W-21AABA	R 05/25/82	-8.6
RB-79A	128N-50W-21AABA	R 06/08/82	-8.4
RB-79A	128N-50W-21AABA	R 06/22/82	-8.5
RB-79A	128N-50W-21AABA	R 07/08/82	-8.8
RB-79A	128N-50W-21AABA	R 07/20/82	-8.5
RB-79A	128N-50W-21AABA	R 08/03/82	-9.0
RB-79A	128N-50W-21AABA	R 08/18/82	-9.2
RB-79A	128N-50W-21AABA	R 09/01/82	-9.4
RB-79A	128N-50W-21AABA	R 09/28/82	-9.3
RB-79A	128N-50W-21AABA	R 10/27/82	-8.8
RB-79A	128N-50W-21AABA	R 03/01/83	-9.2
RB-79A	128N-50W-21AABA	R 04/07/83	-8.8
RB-79A	128N-50W-21AABA	R 05/24/83	-8.3
RB-79A	128N-50W-21AABA	R 06/07/83	-8.3
RB-79A	128N-50W-21AABA	R 06/20/83	-8.8
RB-79A	128N-50W-21AABA	R 07/06/83	-8.8
RB-79A	128N-50W-21AABA	R 07/19/83	-8.9
RB-79A	128N-50W-21AABA	R 08/01/83	-8.8
RB-79A	128N-50W-21AABA	R 08/18/83	-9.1
RB-79A	128N-50W-21AABA	R 09/07/83	-9.4
RB-79A	128N-50W-21AABA	R 10/04/83	-9.5
RB-79A	128N-50W-21AABA	R 11/09/83	-9.4
RB-79A	128N-50W-21AABA	R 04/10/84	-8.5
RB-79A	128N-50W-21AABA	R 05/02/84	-8.0
RB-79A	128N-50W-21AABA	R 06/14/84	-7.7
RB-79A	128N-50W-21AABA	R 06/27/84	-7.4
RB-79A	128N-50W-21AABA	R 07/11/84	-7.4
RB-79A	128N-50W-21AABA	R 07/25/84	-7.7
RB-79A	128N-50W-21AABA	R 08/08/84	-7.7
RB-79A	128N-50W-21AABA	R 08/21/84	-8.0
RB-79A	128N-50W-21AABA	R 09/26/84	-8.4
RB-79A	128N-50W-21AABA	R 10/31/84	-8.2

11:02 TUESDAY, MARCH 26, 1985 1

N=48

RECOMMENDATION OF CHIEF ENGINEER FOR

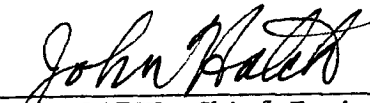
WATER PERMIT APPLICATION NO. 5054-3, New Effington By-Products

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 No. 5045-3, New Effington By-Products, Rt 1, Box 29, New Effington SD.

The Chief Engineer is recommending APPROVAL of Application No. 5045-3 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:

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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 22, 1985



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

No. 5045-3

March 27, 1985

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



New Effington By-Products, Inc.
Route #1, Box 29
New Effington, South Dakota 57262

Dear Sir:

You are hereby notified that your Application No. 5045-3 for a permit to

appropriate water for irrigation use, has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the

Sisseton Courier printed at Sisseton,

South Dakota. For your information, a copy of this notice and the recommendation of the Chief Engineer is enclosed. Please review and contact this office, if you have any questions.

Be sure to contact the above newspaper to authorize publication of your notice of intent to appropriate water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur at least thirty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Very truly yours,

KEVIN C LARSON
Natural Resources Engineer

Encl. Forms 6&7

KCL:ms

April 3, 1985

Dear Mr. Larson,

It is not our intent to use water for irrigation, only 6000 gallons per month for industrial purposes. Is the advertising then necessary?

Thank you.

Sincerely,

John M. McGregor Sec/treas

WNR-805-4/83
Publication Notice

Water Rights Division
605 773-3352

April 4, 1985

New Effington By-Products
Rt 1, Box 29
New Effington SD 57255

Mr. McGregor:

Advertising new permit applications is required regardless of use. It is also important that they be advertised as directed in our letter in order that the required time limits are met.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

No. 5045-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5045-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that New Effington By-Products whose mailing address is
Route #1, Box 29, New Effington, South Dakota has made an application for a permit

**to appropriate 0.10 cfs from one existing well 50 feet deep for industrial purposes.
The well is located in the SW¼NW¼ Section 27, T128N-R50W.**

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5045-3 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 Civil Defense Room,
Basement, Capitol Building, Pierre, SD, May 15 19 85 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 May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's 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 May 3, 1985.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County ROBERTS) ss.

I, JACK ADAMS hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the SISSETON COURIER, INC.

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 SISSETON

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

APRIL 4, 1985

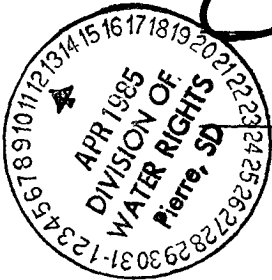
APRIL 11, 1985

[Signature]
(Signature)

PUBLISHER
(Title)

4-11-85

(Date Signed)



Cost of Printing: \$38.21

87 LINES @ 24.4¢, 80% SECOND ISSUE

NOTICE OF HEARING
ON APPLICATION NO. 5045-3
TO APPROPRIATE WATER

Notice is given that New Effington By-Products, whose mailing address is Route No. 1, Box 29, New Effington, South Dakota has made an application for a permit to appropriate 0.10 cfs from one existing well 50 feet deep for industrial purposes. The well is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T128N-R50W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5045-3 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 Civil Defense Room, Basement, Capitol Building, Pierre, SD, May 15, 1985 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 May 3, 1985. 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 mail 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; 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 May 3, 1985.

(Apr. 4-11-2w)

Water Rights Division - DWNR
Conversation or File Documentation

File No. 5045-3

NAME OF PERSON OR FILE: MS. ART BRANDENBURGER

ADDRESS: NEW EFFINGTON COUNTY ROBERTS

DATE: 19 APRIL 85 TELEPHONE 637-5460

RE: APPLICATION No. 5045-3

COMMENTS:

MS. BRANDENBERG ASKED QUESTIONS ABOUT WELL DEPTH, PUMPING
RATE AND PERMIT PROCESS.

I TALKED TO HER ABOUT 30 MINUTES, REVIEWED APPLICATION
WITH, TALKED ABOUT AQUIFER (VEBLEN), OBSERVATION
WELLS IN AREA.

ALSO DISCUSSED PERMIT PROCESS, SHE WAS WONDERING
IF THEY NEED TO SEND IN A LETTER EXPRESSING THEIR
CONCERNS. I TOLD, THEY COULD, AND WOULD BE PART
OF THE RECORD BUT AS FAR AS I WAS CONCERNED SHOULD
A PROBLEM OR COMPLAINT OCCUR AT A LATER DATE IT
WOULDN'T MAKE ANY DIFFERENCE. WE WOULD STILL INVESTIGATE
PROBLEM WHETHER THEY HAD FILED A LETTER OR NOT.

THIS DISCUSSION SEEMED TO SATISFY HER -

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: James H. [Signature]



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5045-3

JUN 24 1987

New Effington By-Products, Inc.
Route #1, Box 29
New Effington, South Dakota 57255

Dear Sir:

Enclosed herewith is your Water Permit No. 5045-3 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. 5045-3.

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,

JOHN HATCH, Chief Engineer
Water Rights Division

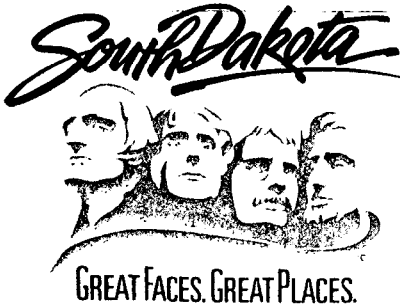
JH:ms

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1991

5045-3

Bob Robish
Central Bi Products
PO Box 11
DeSmet, SD 57231-0011

Dear Mr. Robish:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5045-3. The water permit is currently listed in the name of New Effington By-Products.

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.

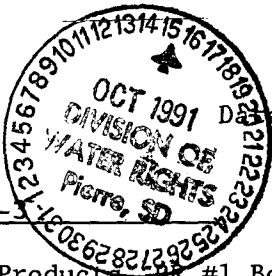
If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

No. 5045-3



Date: October 8, 1991

be transferred to: (name & address) Farmers' Union' Marketing and Processing Assn.
590 West Park Rd. Redwood Falls, MN (Telephone No.) 507-637-2938
 56283

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

(diversion point location) SW 1/4 NW 1/4 Section 27, T128N, R50W

We understand that the validity of Water Permit No. 5045-3 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.

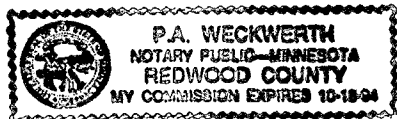
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
)
County of Roberts)

I/We TODD SCHERBING being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of ^{MANAGER} 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.

Todd Schilling, Complex Manager
(Signed)

Subscribed and sworn to before me this 9TH day of OCTOBER, 1991



P. A. Weckwerth
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5045-3

November 5, 1991

Central Bi-Products
PO Box 319
Redwood Falls, MN 56283-0319

Dear Sir:

Enclosed is Receipt No. 412874 in the amount of \$2.50 which you paid for transfer of Water Permit No. 5045-3.

Our records now reflect Farmer's Union Marketing and Processing Association, 590 West Park Road, Redwood Falls, Minnesota as the owner of this Water Right.

Sincerely,

JACI R. KONOP
Senior Secretary
Water Rights Division
(605) 773-3352

enclosure

cc: Farmer's Union Marketing and Processing Assn, 590 W Park Rd,
Redwood Falls, MN 56283

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412874

Pierre, _____

October 15, 19 91

RECEIVED OF Central BI-Products, P.O. Box 319, Redwood Falls, MN 56283-0319

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 Water Permit No. 5045-3

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

250

250

By

John M. Hatch (CF)

Chief Engineer

Permit No. 5045-3

RED-RAINY Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by CENTRAL BI-PRODUCTS of PO BOX 319, REDWOOD FALLS, MN holder of Permit No. 5045-3, bearing the priority of JANUARY 7, 1985 authorizing the diversion of 0.10 cu. ft. per second of the waters of GROUNDWATER for COMMERCIAL USE purposes, in ROBERTS County.

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

A. Works used to divert the water:

A MONITOR SUBMERSIBLE PUMP WITH A 45 GPM CAPACITY

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

30 FEET OF 1 INCH PVC PIPE

The system is in the following condition FAIR. The point of diversion is located FROM THE NW CORNER OF SECTION 27 T128N-R50W, 2500 FEET SOUTH AND 200 FEET EAST. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for COMMERCIAL USE. The license should be issued for 0.10 cfs. Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: NONE

Date 6/3/92



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5045-3

DATE 6/3/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: FROM THE NW CORNER OF SECTION 27 T128N-R50W, 2500 FEET SOUTH A 200 FEET EAST

WELL INFORMATION: Well Drilling Firm KITTLESON DRILLING

No. of Wells 1 Depth(s) 50

a) Casing: 1) diameter 1.25 inches

2) length 44 feet

3) type STEEL

c) Pump

d) Static Water Level 30 feet

e) Motor:

1) make MONITOR

2) model No.

3) horsepower rating hp

b) Screen: 1) type STAINLESS STEEL

2) length 6 feet

1) make MONITOR

2) model SUBMERSIBLE

3) size inches

4) capacity 45 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type PVC

b) size 1 inches

c) length 30 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

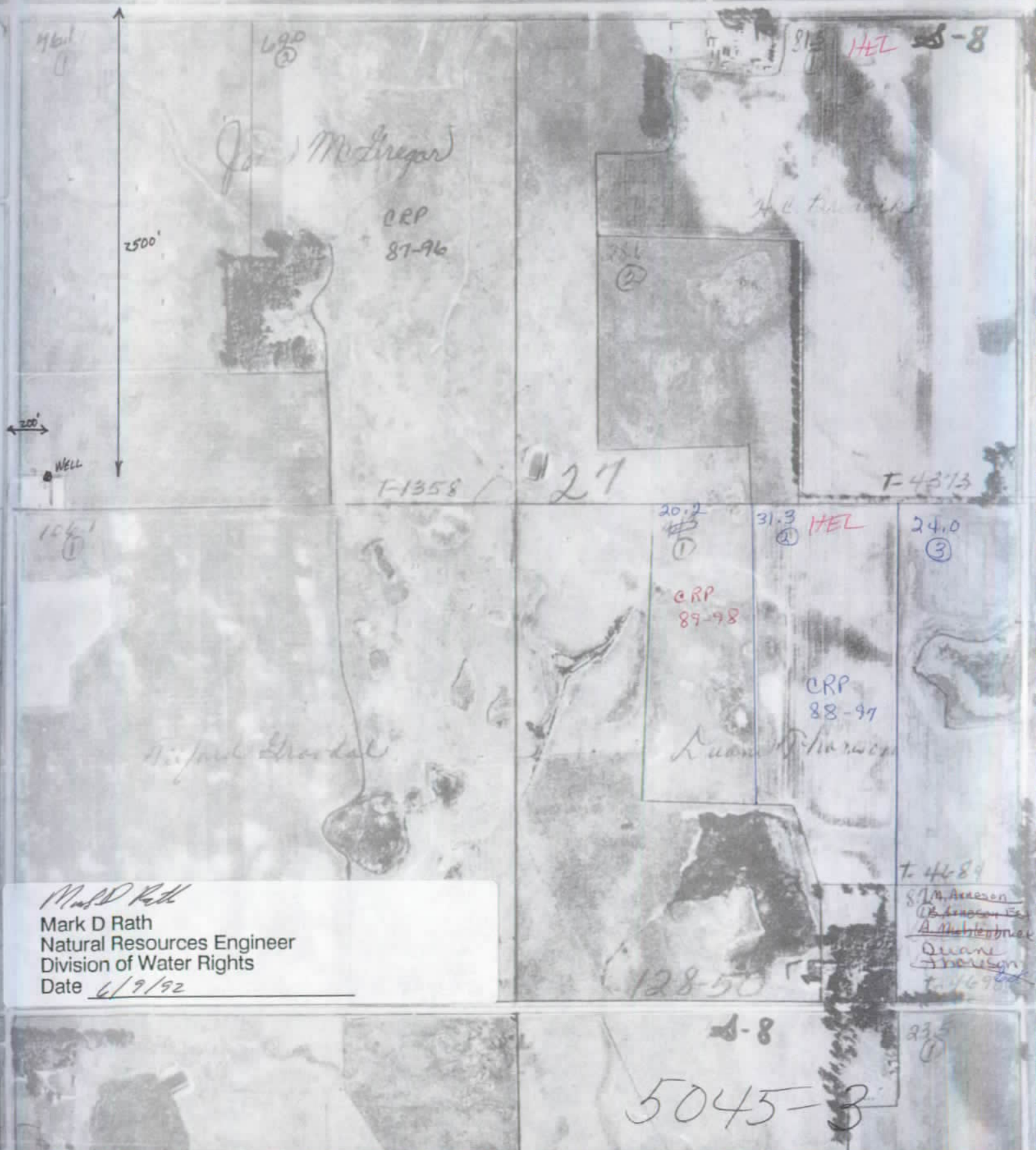
a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

NOT TO SCALE



Mark D Rath

Mark D Rath
 Natural Resources Engineer
 Division of Water Rights
 Date 6/9/92

814. Anderson
 B. Anderson
 A. Anderson
 Duane
 Anderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1992

5045-3

Todd Scherbing, Complex Manager
Farmers Union Marketing &
Processing Association
590 W. Park Road
Redwood Falls, MN 56283

Dear Mr. Scherbing:

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. 5045-3, 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,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 5045-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Todd Scherbing, Complex Manager
Farmers Union Marketing &
Processing Association
590 W. Park Road
Redwood Falls, MN 56283

Dear Mr. Scherbing:

On August 7, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5045-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

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:

5045-3

Todd Scherbing, Complex Mgr.
Farmers Union Marketing &
Processing Association
590 W. Park Road
Redwood Falls, MN 56283

4a. Article Number

P 906 559 948

4b. Service Type

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

7. Date of Delivery

10-16-92

5. Signature (Addressee)

Gene Dahn

6. Signature (Agent)

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

RECEIPT

413505

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 4, 19 92

RECEIVED OF Central Bi-Products, PO Box 319, Redwood Falls, MN 56283-0319

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. <u>5045-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 1992

5045-3

Todd Scherbing, Complex Manager
Farmers' Union Marketing &
Processing Association
590 W. Park Road
Redwood Falls, MN 56283

Dear Mr. Scherbing:

Enclosed is Water License No. 5045-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413505 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. 5045-3, 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. 5045-3

(1) New Effington By-Products, Inc. of RR 1, Box 29, New Effington, SD 57255 made Application No. 5045-3, January 7, 1985 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota for commercial purposes. Permit No. 5045-3 with a priority date of January 7, 1985 was approved May 15, 1985 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 15, 1990 and for the application to beneficial use of said water on or before May 15, 1994.

On October 14, 1991, Water Permit No. 5045-3 was transferred to Farmers' Union Marketing and Processing Association.

(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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is: 2500'S and 200'E of the NW corner of Section 27, T128N, R50W (SW 1/4 NW 1/4).

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

(4) Pursuant to Section 46-5-30.1 Farmers' Union Marketing and Processing Association of 590 W. Park Road, Redwood Falls, MN 56283 the holder(s) and/or owner(s) of Water Permit No. 5045-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of January 7, 1985 from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5045-3 and subject to South Dakota State Law.



NOV 24 1992

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

5045-3

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

FARMERS UNION MARKETING
PROCESSING ASSN, 590 W PARK RD
REDWOOD FALLS MN 56283

P.O. BOX 319

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5045-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: VELEN
Management Unit: NOT APPLICABLE

County: ROBERTS
Pumping Pt. Legal: SEC 27-T128N-R50W
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 0 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

ALL WATER IS FROM CITY SOURCE.
THIS GROUNDWATER SOURCE IS NO LONGER IN
USE

Contact Person:

DON McCALLUM

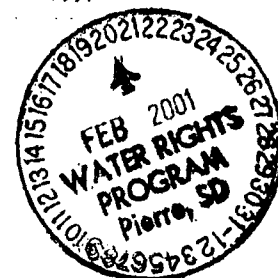
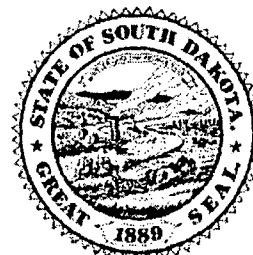
Telephone No:

507 637-2938

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



Don McCallum

Water Rights Program - File Documentation

NAME: Farmer's Union Marketing Processing Assn.

ADDRESS: Redwood Falls MN

DATE: 3-1-2001 **COUNTY:** RB **TELEPHONE:** 507 637-2938

RE: 2000 SD Water Use Questionnaire

COMMENTS:

I called Don McCallum regarding his comments on the questionnaire. Mr. McCallum stated he thought he was commenting on their plant located near DeSmet. Mr. McCallum stated they no longer owned the plant near New Effington and hadn't for several years.

Roberts County assessors office indicated that 5 acres in question was owned by Roberts County Highway Dept. I then talked with Dawn Sattler with the Auditors office. She talked with Roger George, County Hwy. Superintendent. Mr. George stated they used the well for washing machinery, one toilet, etc. at the highway shop. They did not drink the water.

I told Ms. Sattler that we will be sending them a "Notice of Transfer" form to get the water right transferred to the County.

Karen Schlaak

Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2001

No. 5045-3

Dawn Sattler
Roberts County Auditor
411 2nd Ave E
Sisseton SD 57262

Dear Ms. Sattler:

As stated in our phone conversation, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5045-3. The water right is currently listed in the name of Farmers Union Marketing and Processing Association. This is the well now utilized by the Roberts County highway department south of New Effington.

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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5045-3

Date: 3-20-01

I/We request that Water Right No. 5045-3

formerly owned by: Farmers Union Marketing and Processing Association

be transferred to: (name & address) Roberts County Highway Dept, c/o Auditors Office, 411 2nd Ave E, Sisseton SD 57262

Telephone No. 605 637-2938

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

one well located in the SW 1/4 NW 1/4 Section 27-T128N-R50W

I/We understand that the validity of Water Right No. 5045-3 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 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 Roberts)

I/We Louis Voeltz 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.

X Louis Voeltz
(Signed)

Subscribed and sworn to before me this 20th day of March, 20 01.

Carol Martenson
(Notary Public)

Commission expires 1-16-2004

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2001

5045-3

Roberts County Treasurer
Roberts Co Highway Dept.
411 2nd Ave. E.
Sisseton, SD 57262

Dear Sir:

Thank you for following up on the ownership change for Water Right No. 5045-3. The transfer has been completed. The water permit formerly listed in the name of Farmers Union Marketing and Processing Association is now listed in the name of Roberts County Highway Dept.

Enclosed is your Receipt No. 416802 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416802

Pierre, March 20, 2001

RECEIVED OF Roberts County Treasurer, Roberts Co Highway Dept., 411 2nd Ave E, Sisseton SD 57262
the following amount in fees for services rendered as provided for by law: (Farmers Union Marketing & Processing Assoc)

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 5045-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

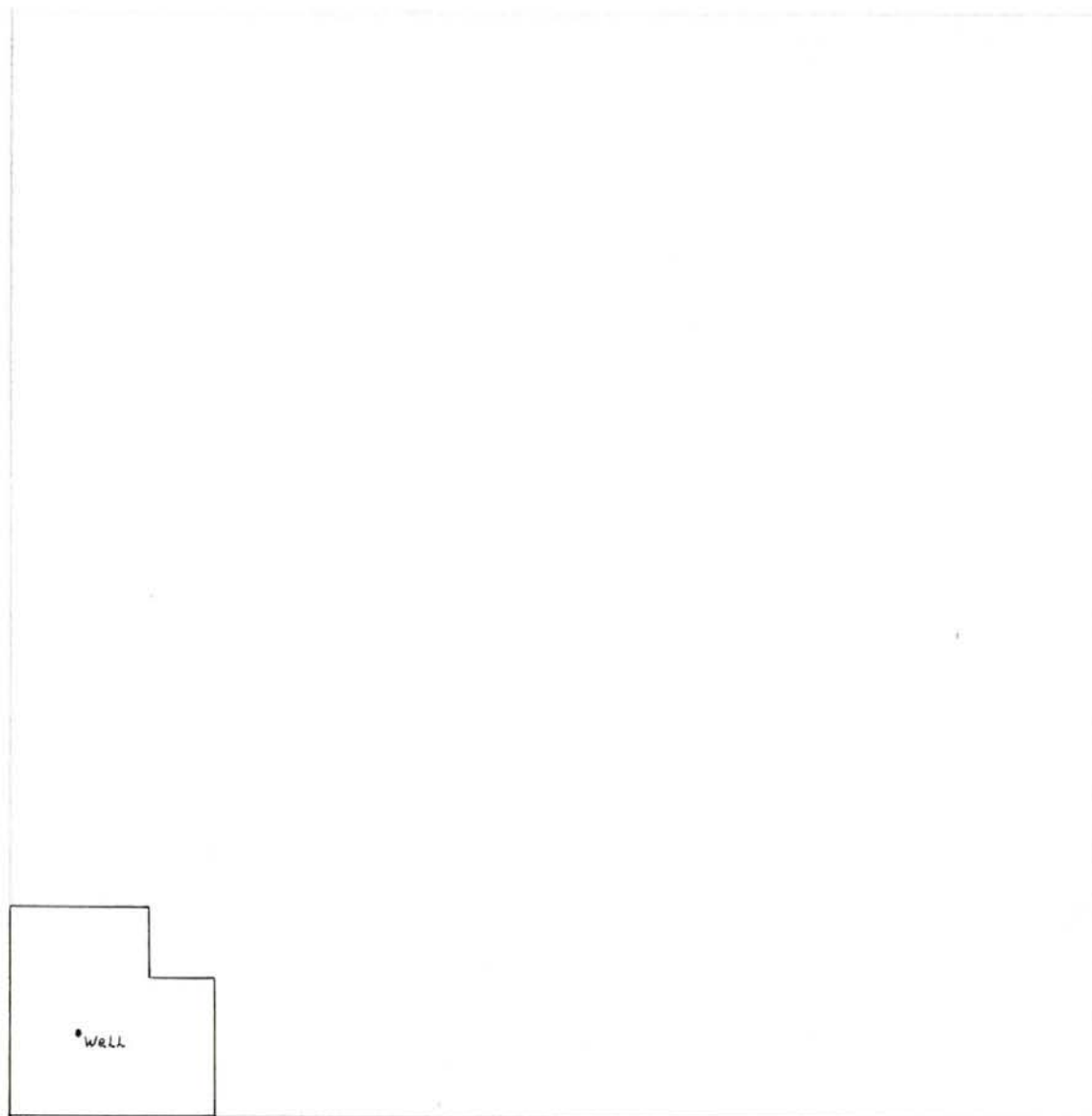
Total

2 50

2 50

By

Darland Erbe
Chief Engineer
gm



1" = 440'

NW^{1/4} of Sec 27 - T. 128 N. - R. 50 W.

Boundary Description: From The SW corner of The NW^{1/4} of Sec 27 - T. 128 N. - R. 50 W. 495 ft North Along road Then 330 ft East Then 165 ft South Then 165 ft East Then 330 ft South Then 495 ft West back To The road.

Legal Description: S^{1/2} of NW^{1/4} of SW^{1/4} of SW^{1/4} of NW^{1/4} of Sec 27 - T. 128 N. R. 50 W. 125 ac
W^{1/2} of SE^{1/4} of SW^{1/4} of SW^{1/4} of NW^{1/4} of Sec 27 - T. 128 N. R. 50 W. 1.25 ac
SW^{1/4} of SW^{1/4} of SW^{1/4} of NW^{1/4} of Sec 27 - T. 128 N. R. 50 W. 2.5 ac
5.0 ac

Well Location: 196 ft North and 160 ft East of The SW corner of The NW^{1/4} of Sec 27 - T. 128 N. - R. 50 W.

Property Location: 1 mile south of The center of The Town of New Effington, S.D.
1/2 mile North of The Tiltford Graubal home.
3/4 mile southwest of Randy Breduik home.

Soil Conservation Service
Federal Bldg.
Sisseton SD 57262

Stephen C. Laruana
District Conservationist

5045-3