

Considered: _____

WATER PERMIT NO. 5074-3

MAP No. Same

Name of Applicant Dakota Poultry Processors Inc.

Post Office Address P.O. Box 154 Watertown S.D.

Amount of Water Claimed 1.34 cfs Total Acres _____

Source of Water Supply Groundwater - 2 wells

Water to be used for IND. County Codington

About 1 miles SW of Watertown

PROOF OF PUBLICATION: Received 1st 9-13-85 Not Received _____

APPLICATION: Approved 10-16-85 Subject to _____

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

PRIORITY _____ Date Received 8-28-85 Fee \$375.00 Remarks _____

8-28-85

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

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point SE⁴ SE⁴ sec. 1 T116N-R53W

Land to be Irrigated N.A.

	1				
		⊗			

Well Log: Driller Stadheim Drlg. Licensed YES X NO _____

Depth of Well 410 feet REMARKS _____

Type of Map Plot PREPARED BY R.L.S. Reviewed and the Number

assigned on 8-28-85 By Kevin Larson

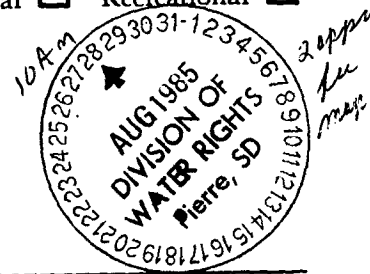
No. <u>5074-3</u>	Hydrologic Unit <u>10170202</u>
Map No. <u>Same</u>	Basin <u>Sioux River</u>
Newspaper <u>Watertown Public Opinion Box 10</u>	

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 retained
 Change 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. _____



- Name of Applicant DAKOTA POULTRY PROCESSORS, INC. Phone No. 605-886-8025
 Post Office Address P O Box 154 - Watertown State SD Zip Code 57201
(Street, RR or Box)
- Amount of water claimed (c.f.s.) 67 CFS - per well (1.34 cfs total)
- Source of water supply 2 wells
- Location of point of diversion SE 1/4 Sec 1. Township 116N-R53W
 _____ County _____
- Counties where water will be used Codington
- Annual period during which water is to be used Jan 1 to Dec 31
- 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)
Water will be used For Processing Turkeys

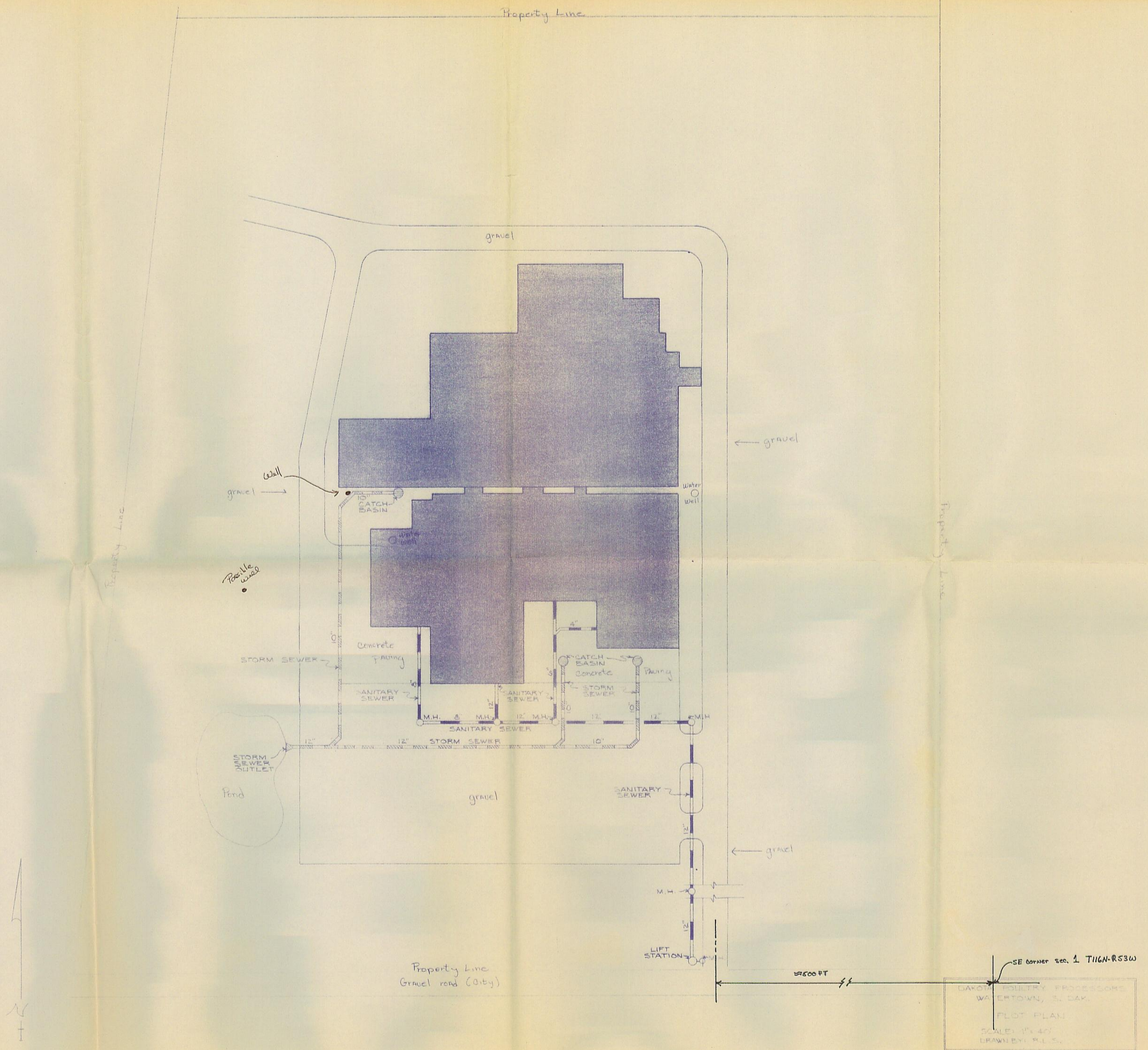
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of CODINGTON)^{ss}

I, HERB JENSON 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 Herb JensonSubscribed and sworn to before me this 27 day of August 19 85

Jeffrey Raymond Jenson
 Notary Public (or other qualified officer)



5074-3

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5074-3
Dakota Poultry Processors Inc. P.O. Box 154 Watertown
(Applicant) (Post Office Address)
South Dakota 57201 With the following qualifications.
(State) (Zip Code)

1. The casing of any well constructed after September 28, 1985 shall be pressure grouted with cement from the top of the production formation to the surface and be in compliance with Board well construction rules, chapter 74:02:04 which are effective September 29, 1985.
2. The wells approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. No flows from these wells may be discharged directly underground.
3. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Date of first receipt of application August 28, 1985.

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

Date of receipt of corrected application —, 19—. Approved October 16, 1985.

The Water Management Board hereby approves this Water Permit No. 5074-3 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 August 28, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before March 16, 1988.
3. The whole of said work is to be completed on or before October 16, 1990.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 16, 1994.
5. The water appropriated shall be used for the purpose of Industrial use - poultry processing
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 1.34 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 Industrial use on or before October 16, 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

JOHN HATCH

Division of Water Rights

Dept. of Water and Natural Resources

NOV 19 1985

, 19—

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 15 Depth 410
- b) Casing Type Plastic Diameter 8 in Thickness $\frac{1}{2}$ in
- c) Screen Type Stainless 20 slot Diameter 8 in Thickness Johanna 3 in
- d) Gravel Pack Thickness 3.25 in Length of Gravel Pack 370-410 ft
- e) Depth to Top of Water Bearing Material 386
- f) Depth of Water (ground surface to water level) water level 6 ft above
- g) Distance to nearest existing domestic well:
On applicants property 100 ft - 40 ft Deep On property owned by others 300 ft - 40 ft Deep

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 _____

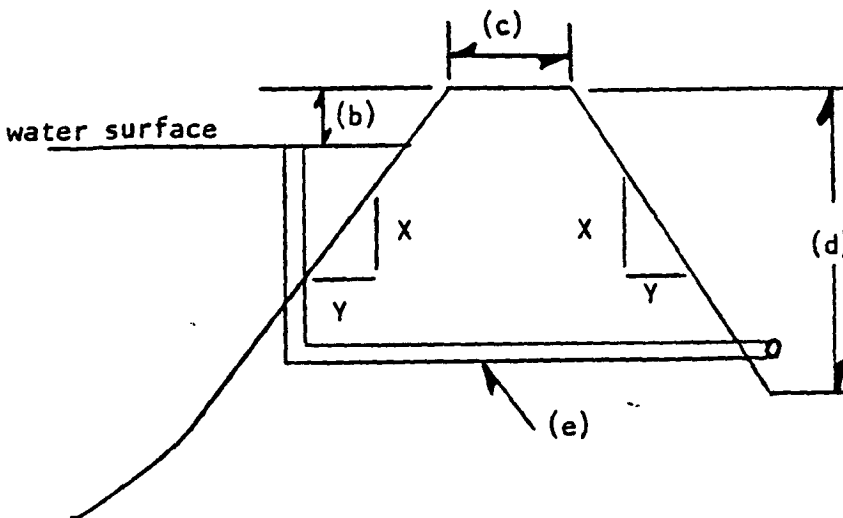
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

STADHEIM

FERTILIZER, IRRIGATION & DRILLING COMPANY

R.R. No. 2

Watertown, South Dakota 57201

Phone 605/886-5532

Test Holes — Domestic Wells — Irrigation Wells

T-L IRRIGATION SYSTEMS & EQUIPMENT

DRILLING REPORT

Location of Well: _____ 1/4, SE 1/4, — Section 1, Township 116N, Range 53W

Well to be drilled for: Dakota Poultry Processing Inc. RTH#3
(Name) (Address)

Codington (County) So. Dak 57201 (State)

Date well drilling started July 16 - 1985 finished July 27 1985

Purpose of well Industrial
(domestic, irrigation, industrial, other)

Depth 410 ft. Casing Diameter 8 inches

Slot Size 20 Screen Size 8 in

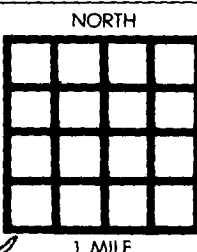
Screen Depth: From 390 ft. to 410 ft.

Remarks: 20 ft Johnson

Stainless Screen

Well was cemented

From 110 to - 60 FT Level



REPORT OF FINAL PUMPING TEST

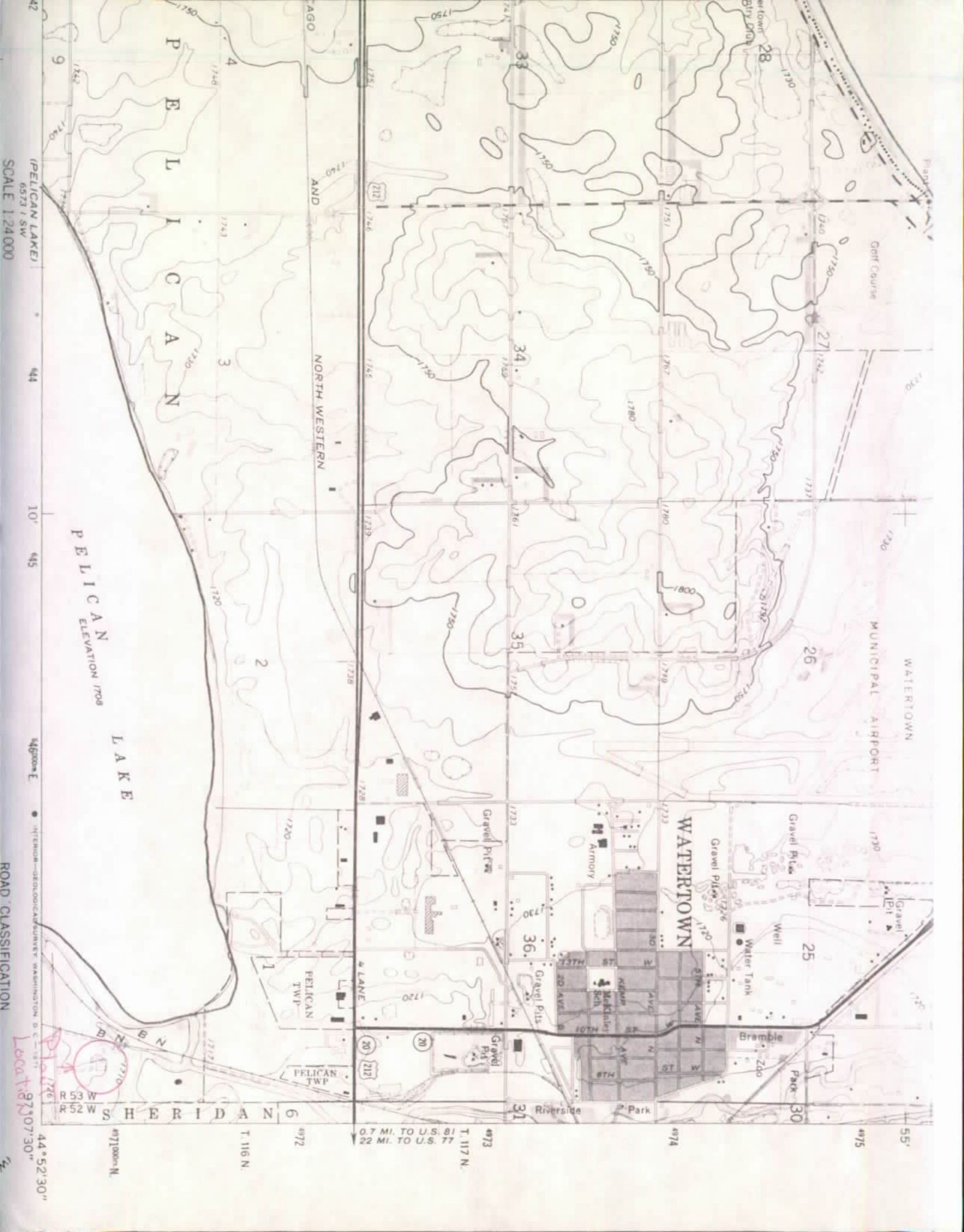
Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
O hr.	O min.	ft.	in.	(Static)
10	hr.	min.	6 ft. 0 in.	180 GPM
30	hr.	min.	6 ft. 8 in.	200 GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
SAND FILL	0	3			
Black Dirt	3	10			
Yel Clay	10	21			
Blue Gravel	21	55			
Blue Clay	55	110			
Yel "	110	150			
Blue "	150	304			
SAND Pocket	374	375			
Blue Clay	375	378			
Shale	378	386			
Fine Sand	386	410			
Shale	410	426			
Blue Clay	426	468			
Shale	468	500			

Stadheim Inc.
+ Brothers
Harlan Stadheim



SCALE 1:24,000

ROAD CLASSIFICATION

44°52'30"
R 53 W
R 52 W
SHERIDAN
T 116 N
T 117 N
0.7 MI. TO U.S. 81
22 MI. TO U.S. 77

RECEIPT

Division of Water Rights

No 410166

South Dakota Department of Water and Natural Resources

Pierre, August 28, 19 85

RECEIVED OF Dakota Poultry Processors, Inc., PO Box 154, Watertown, SD 57201

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

Fee for Application for Permit No. 5074-3 to Appropriate Water, to construct works and to put water to beneficial use	375	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	375	00

By John Hatch Chief Engineer JOHN HATCH

REPORT ON APPLICATION NO. 5074-3

DAKOTA POULTRY PROCESSORS INC.

September 3, 1985

Application No. 5074-3 proposes to withdraw 1.34 cubic feet per second of groundwater. The water will be withdrawn from two 410 foot deep wells located in SE 1/4 SE 1/4 Section 1, T116N, R53W.

The aquifer that Application No. 5074-3 proposes to utilize is a basal sand unit of glacial origin. The boundaries of the aquifer and the amount of water in storage have not been determined. There is one other permit (No. 5046-3) which withdraws water from this formation. This permit is located three miles east of Application No. 5074-3.

Conclusions:

1. The aquifer boundaries have not been delineated.
2. The amount of water in storage has not been determined.
3. No observation wells exist to monitor this aquifer in Codington County.



Gale N Selken, PE.

Hydrologist III

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5074-3, Dakota Poultry Processors Inc.

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. 5074-3, Dakota Poultry Processors, Inc., P.O. Box 154, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5074-3 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 casing of any well constructed after September 28, 1985 shall be pressure grouted with cement from the top of the production formation to the surface and be in compliance with Board well construction rules, chapter 74:02:04 which are effective September 29, 1985.
2. The wells approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. No flows from these wells may be discharged directly underground.
3. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
September 4, 1985

No. 5074-3

Instruction to Newspaper - Publish first publication of the following Notice on or before Sept. 9, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5074-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Dakota Poultry Processors, Inc. whose mailing address is
Box 154, Watertown, South Dakota has made an application for a permit

to appropriate 1.34 cubic feet per second from two wells located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1,
T116N, R53W. Both wells will be approximately 410 feet deep and will supply a poultry
processing plant.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5074-3 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 Howard Johnson,
Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16 1985 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 October 4, 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 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25; 46-5-30.2, 46-5-31; (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 October 4, 1985.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 5074-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K. Saathoff hereby

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

Water was taken from the Watertown Public Opinion

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 _____ Watertown

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

September 6th, 1985

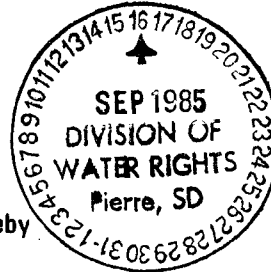
September 13th, 1985

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

September 13th, 1985
(Date Signed)

Cost of Printing: 64.36



WATERTOWN

NOTICE OF HEARING
On Application No. 5074-3
To Appropriate Water

Notice is hereby given that Dakota Poultry Processors, Inc., whose mailing address is Box 154, Watertown, South Dakota has made an application for a permit to appropriate 1.34 cubic feet per second from two wells located in the SE 1/4 SE 1/4 Section 1, T116N, R53W. Both wells will be approximately 410 feet deep and will supply a poultry processing plant.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5074-3 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 Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16, 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 October 4, 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 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 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 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, DWNRR, 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 October 4, 1985.

(Sept. 6, 13, 1985)

9 3/4 @ 3.30x2 =
\$64.36



5074-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 19 1985

Dakota Poultry Processing, Inc.
PO Box 154
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5074-3 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. 5074-3.

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.

LICENSE FOR PERMIT NUMBER

5074-3

1. Legal location of wells: SE 1/4 Sec 1 - T116N - R53W

dams & structures:

2. Well Information: Well Drilling Firm

Stadheim Drilling Firm

Completion Report Yes No X No. of Wells 1 Depth 426' ^{See log - Should be 410' (see)}

Casing a) diameter 8" Screen a) type Stainless steel

b) length 406 b) length 20

c) type Stainless Steel Static Water Level

Pump a) make Grundfos Pump Corp Motor a) make Submersible motor ^{Dual Voltage}

b) model 3755300-S b) model No. VCT 1

c) size 6" submersible c) horsepower rating 30

400 d) capacity 400-8 1/2 hrs gpm 245,000 GPD - used ^{H₂O}

e) turbine pump - no. of stages

f) operating PSI 90

3. Distribution lines or canals

a) size 4"

b) type PVC

c) length 150'

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>NA</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>NA</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>NA</u>		5. Is chemigation used?
<u>NA</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

Permit No. 5074-3Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Dakota Poultry Processing
P.O. Box 154 of Water town SD 57201 holder of
 Permit No. 5074-3, bearing the priority of August 28 1985 authorizing
 the diversion of 1.34 cu. ft. per second of the waters of ground water
 for poultry processing purposes, in Codington County.

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

A. Works used to divert the water:

1 well 1 30 HP Grundfos Pumps Corp. 6" submersible Model No. 3755300-S
400 gpm at 90 PSI

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

4" PVC pipe 150' long

C. Works used to apply water to beneficial use:

Piping system.

The system is in the following condition excellent

The point of diversion is located 759' North and 1782' ^{east} ~~west~~ of the S 1/4 corner
Section 1-T16N-R53W

The works are capable of diverting and conveying to the place of use .89

cu. ft. per second of water which is to be used for poultry processing

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

comprising a total of 0 acres of land and the license should be issued for .89 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 4-18-91

Norma C. Tob
 (signature)

Prepared by
Norma C. Tob
Natural Resource Eng.
5/1/91

NOT TO SCALE



Norma Tob
Natural Resource Eng
Water Rights Division
116-53
116-53

Water Right 6.8
No. C 4074-3

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1991

5074-3

Herb Jenson
Dakota Poultry Processing
PO Box 154
Watertown, SD 57201-0154

Dear Mr. Jenson:

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. 5074-3, 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

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412703

Pierre, _____

June 10, 1991

RECEIVED OF Dakota Poultry Processors, Inc., P.O. Box 154, Watertown, SD 57201

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>Permit No. 5074-3</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 H. H. H. H.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 27 1991

5074-3

Herb Jenson
Dakota Poultry Processors, Inc.
PO Box 154
Watertown, SD 57201

Dear Mr. Jenson:

Enclosed is Water License No. 5074-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412703 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. 5074-3, 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

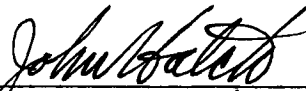
WATER LICENSE NO. 5074-3

(1) Dakota Poultry Processors, Inc. of PO Box 154, Watertown, SD 57201 made Application No. 5074-3, August 28, 1985 for a water permit to appropriate 1.34 cubic feet of water per second from groundwater, Codington County, South Dakota for industrial purposes. Permit No. 5074-3 with a priority date of August 28, 1985 was approved October 16, 1985 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before October 16, 1990 and for the application to beneficial use of said water on or before October 16, 1994.

(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 0.89 cubic feet of water per second for beneficial use. The location of the diversion point is: 759' N and 1782' E of the S 1/4 corner Section 1, T116N, R53W.

(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 Dakota Poultry Processors, Inc. of PO Box 154, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 5074-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater (one well) with a priority date of August 28, 1985 from the location specified in (2) of this license. The water is utilized in a poultry processing plant. This license is subject to any limitations or qualifications listed in Water Permit No. 5074-3 and subject to South Dakota State Law.



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

SEP 27 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 1997

Mark Sumner
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Mr. Sumner:

Thank you for submitting the required license fee for Water Permit No. 5626-3. Along with the fee was a note indicating that the company name had changed. These water permits are currently listed in the name of Dakota Poultry Processing, Inc.

Enclosed are two partially completed *Notice of Transfer* forms for Water Permit No. 5626-3 and Water Right No. 5074-3. These forms should be checked over for accuracy and signed by the new owner in the presence of notary public. Upon completion, return the forms to our office with the required filing fee of \$2.50 for each form (total \$5.00).

South Dakota Water Law 46-5-30.1 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 questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

Donna Sumner
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Ms. Sumner:

Thank you for contacting me in regard to the "name change" for Water Permit No. 5626-3 and Water Right No. 5074-3. I have modified the original transfer forms and geared them more towards changing the name of specific water permits or rights.

Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them our office with the required filing fee of \$2.50 for each form (total \$5.00).

If you have questions, please contact me.

Sincerely,

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

Pd 12-5-97
Ch 16620

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415554

Pierre, December 10, 1997

RECEIVED OF Oak Valley Farms, Inc., 705 20th Ave. SW, Watertown, SD 57201
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 _____ Water Right No. 507403 2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John Hatch Chief Engineer

NOTICE OF NAME CHANGE

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

No. 5074-3

Date: 12-8-97



I/We request that Water Right No. 5074-3

listed in the name of: Dakota Poultry Processors, Inc.

be changed to: (name & address) Oak Valley Farms, Inc., 705 20th Ave SW, Watertown SD 57201

Telephone No. 605-886-8025

Water Right No. 5074-3 authorizes diversion of water from a well located as follows:

SE 1/4 SE 1/4 Section 1-T116N-R53W

I/We understand that the validity of Water Right No. 5074-3 has not been determined by the above 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 Name Change" in the appropriate file with the Water Rights Program, as evidence that the name of the company has changed.

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

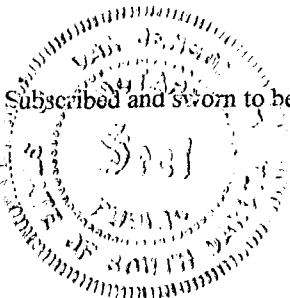
STATE OF SOUTH DAKOTA)

County of Codington)

I/We Richard Rogers 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.

Rich Rogers
(Signed)

Subscribed and sworn to before me this 8 day of Dec, 19 97.



[Signature]
(Notary Public)

My Commission expires on 3-1-2001

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

JAN 09 1998

5626-3

Richard Rogers
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Mr. Rogers:

Enclosed is Water License No. 5626-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is the receipt for \$50.00 which you paid for the investigation and issuance of the Water License and two receipts for \$2.50 each for the name change.

The applicable portions of Water Right No. 5074-3 have been incorporated into Water Permit No. 5626-3.

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. 5626-3, 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 Program
(605) 773-3352

ks
enclosures