

Considered: _____

WATER PERMIT NO. 5117-3

MAP No. same

Name of Applicant AzdaK Farms Part.

Post Office Address 220 W. Pleasant, Pierre SD 57501

Amount of Water Claimed 0.067 cfs 28.5 ac-ft Total Acres NA

Source of Water Supply ground water - Dakota Formation

Water to be used for commercial purposes County Aurora

About 2 miles W of White Lake.

PROOF OF PUBLICATION: Received ✓ Not Received _____

APPLICATION: Approved 3/4/87 Subject to _____

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

PRIORITY Date Received Dec. 15, 1986 Fee 50⁰⁰/₁₀₀ Remarks _____

12/15/86 _____

Corrected Application Received Jan 15, 1987 Period of Annual Use Jan 1 - Dec 31

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

WI-1 Description same as Application YES NO REMARKS

Diversion Point well: SE $\frac{1}{4}$ SE $\frac{1}{4}$; storage lagoons

No. 1 & 2: SE¹/₄ SE¹/₄; No. 3: NE¹/₄ SE¹/₄; all

in section 17 - T103 N - R66W

Land to be Irrigated NA

				17	
					$\frac{3}{0}$ Dec 21

Well Log: Driller Pullman Licensed YES ☒ NO ☐

Depth of Well 900 feet REMARKS _____

Type of Map aerial photo PREPARED BY Ron Duval Reviewed and the Number 22

assigned on January 15, 1987 By Ron Duvall

No. 5117-3 Hydrologic Unit 10140101
 Map No. same Basin Missouri River
 Newspaper Aurora County Standard, Box 37, Stickney
 (Thurs)

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 Azduk Farms Part. Phone No. 224-6336
220 W Pleasant, Pierre SD
 Post Office Address _____ State 57501
 (Street, RR or Box) _____ Zip Code

2. Amount of water claimed (c.f.s) 0.067 28.5 acre-feet of storage3. Source of water supply well4. Location of point of diversion SE 1/4 SE 1/4 Section 17, T103N, R66WStorage lagoon No. 1&2: SE 1/4 SE 1/4; No. 3: NE 1/4 SE 1/4; all in section 17-T103N-R66W_____ County Aurora5. Counties where water will be used Aurora6. Annual period during which water is to be used Jan 1 - Dec 31

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)
 This application proposes to appropriate 0.067 cfs to supply a swine production unit. Waste water effluent will be pumped to 3 storage lagoons with a total storage capacity of 28.5 acre-feet. Disposal of the effluent will be by spreading on land controlled by the applicant.

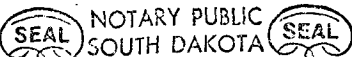
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

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

I, AZDUK FARMS 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 AZDUK FARMS by Dave LuenSubscribed and sworn to before me this 15th day of December 19 86

KAREN SCHLAACK



My Commission Expires Apr. 1, 1993

Karen Schlaack

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5117-3
Az dak Farms Partnership 220 W. Pleasant, Pierre
(Applicant) (Post Office Address)
SD 57501 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 December 15, 1986.

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

Date of receipt of corrected application _____, 19____. Approved March 4, 1987.

The Water Management Board hereby approves this Water Permit No. 5117-3 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 December 15, 1986.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before August 4, 1987.
3. The whole of said work is to be completed on or before March 4, 1992.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 4, 1996.
5. The water appropriated shall be used for the purpose of commercial use to supply a swine production unit
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 0.067 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 March 4, 1996; said water to be used during the following described annual period: January 1 - December 31

WATER MANAGEMENT BOARD

By: John M. Galt
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 30 1987

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 900'
- b) Casing Type Plastic Diameter 5"-0-270 ft. Thickness _____
3"-270-900 ft.
- c) Screen Type slotted Diameter 3" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 50 feet
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

Proposed - New Lagoon #3

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 1'

c) Crest Width 10'

Crest Length 1300' ☒

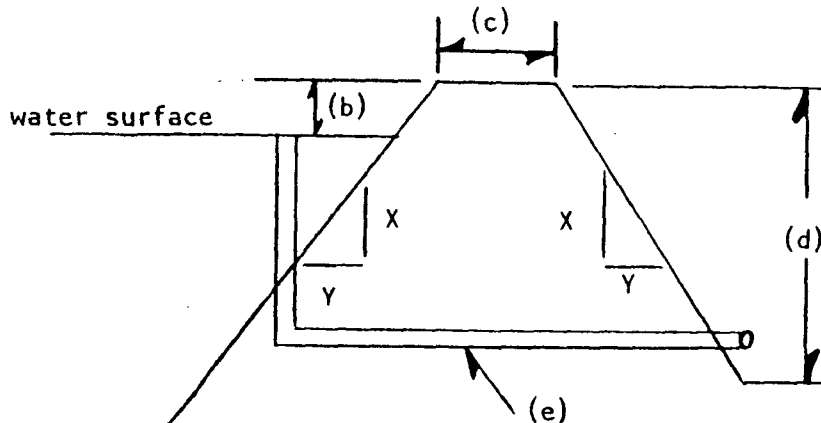
d) Height 7'

e) Outlet Dimensions:
 Pipe diameter NONE

Spillway width NONE

f) X & Y Slope
 Upstream 1:3

Downstream 1:3



Surface Area of Impoundment 300 x 350 = 105,000

Storage 17.1 acre feet

Drainage area above dam -0-

Dave Luern
 Signature of Applicant

Dave Kurn
Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 900'
- b) Casing Type Plastic Diameter 5"-0-270 ft. 3"-270-900 ft. Thickness _____
- c) Screen Type slotted Diameter 3" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 50 feet
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

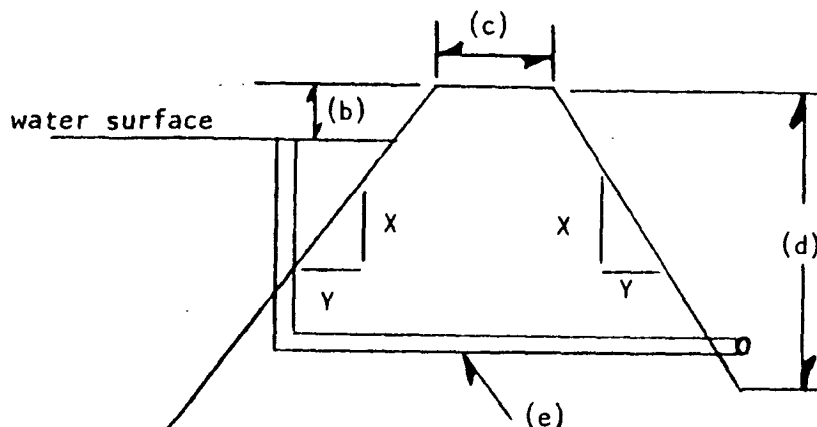
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

Existing Lagoon. (Smaller) #1

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 2'
- c) Crest Width 1
- Crest Length 1
- d) Height 0
- e) Outlet Dimensions: N/A
- Pipe diameter N/A
- Spillway width N/A
- f) X & Y Slope
- Upstream 1 to 3
- Downstream 0

Surface Area of Impoundment 80 X 200 = 16000

Storage 2.5 acre feet 12' Deep

Drainage area above dam - 0 -

Design is like a Dugout

Signature of Applicant

David L. L...

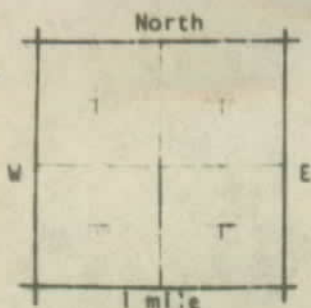
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location S & E 1/4 Sec 17 Twp 103N Rg 66W

County

Aurora

Please mark well location with an "X"



Well Completion Date 2-17-83

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 9 3/4 inches Depth 900 feet

Casing: ☐ Steel ☒ Plastic ☐ Other

Specify PVC

Pipe Weight Diameter From To

240 lbs/ft 5 inches 0 feet 270 feet

Sch 40 lb/ft 3 inches 270 feet 900 feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify

Screen Type 3" slotted Slot Size .016

Length 60' Diameter 3"

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☐ Yes ☒ No

If so what material?

Was well gravel packed? ☐ Yes ☒ No

Was well grouted? ☐ Yes ☒ No

Describe grouting procedure

To what depth? Feet

What was grouting material?

If cement, how many sacks?

Location of packer(s) and screen or perforated pipe Shale Cup @ 840'

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material?

Well Owner:

Name Super Pig Inc

Address White Lake SD

Well Log:

Depth

Formation

From

To

Top Soil

0

6

Sand

6

12

Yellow Clay

12

30

Blue Clay

30

110

shale

110

210

chalk

210

260

shale

260

760

Sand

760

815

shale

815

850

Fair to good sand shale Rock 850 880

STATIC WATER LEVEL 50' Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify

Can well be completely shut off?

WELL TEST DATA:

☒ Pumped

45 G.P.M. Air

☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

Remarks:

880-900 Fair to good sand

900- Granite

This well was drilled under license 440

and this report is true and accurate.

Pullman Well Drilling
Drilling Firm

John J. Pullman
Signed by

3-9-83

Date

etc sent

11-29-83

1974

2 M 171

(1-194)
53.2

75.6

114.0

17

42.3

36.8

4

Effluent
Disposal

62.1

6.5

103-66

Ron Duvall

(1-194)

182.3

Natural Resources Eng. 4.5

4/16/87

4

E 1/2

Appl. No. 5117-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410717

Pierre, January 15, 1987

RECEIVED OF Agri Management, Inc. 220 W. Pleasant Dr., Pierre, SD 57501
the following amount in fees for services rendered as provided for by law: (for Azdak Farms Part.)

Fee for Application for Permit No. <u>5117-3</u> 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 John Hatch
Chief Engineer JOHN HATCH (ms)

Report on Application No. 5117-3
Azdak Farms Part.
January 23, 1987

This application proposes to appropriate 0.067 cfs from one existing well 900 feet deep located in the SE 1/4 SE 1/4 Section 17, T103N, R66W to supply a commercial swine production unit. Waste water effluent will be pumped to 3 storage lagoons (total storage 28.5 acre-feet) to be located in the E 1/2 SE 1/4 Section 17, T103N, R66W. The effluent will be disposed of by spreading on land managed by the applicant.

Aquifer - Dakota Formation

Geology and Aquifer Characteristics

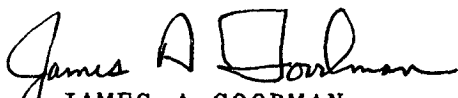
The Dakota Formation is a Cretaceous age sandstone and shale under artesian conditions. The Dakota Formation underlies virtually all of Aurora County and contains an estimated 10.5 million acre feet of recoverable water in Aurora County (Hedges, etal, 1982). The driller's log accompanying this application indicates about 140 feet of Dakota Formation was penetrated and that the well would produce 45 gpm using air lift and the static water level in the well was 50 feet below land surface. The Dakota Formation will flow at the land surface over much of Aurora and Brule counties.

Review of Existing Water Permits

There is an existing Permit No. 4121-3 for the City of White Lake issued for 0.17 cfs at least part or all of which can be diverted from the Dakota Formation. The White Lake well is approximately 2 miles east of this application. White Lake presently obtains water from the Aurora-Brule Rural Water System. There are no other Dakota Formation permits in this area. The Dakota Formation is used extensively for domestic water supply in Aurora County.

Conclusion

1. Water is available from the Dakota Formation.
2. It is generally accepted water levels are declining in the Dakota Formation due primarily to uncontrolled flowing wells. However, an observation well, BL-83A, near Chamberlain does not reflect any decline. In theory, the Dakota Formation is stabilizing relative to withdrawals.
3. Recharge to the Dakota Formation has not been quantified.
4. Interference should not be a problem. Drawdown created by pumping 30 gpm will not be significant.
5. If this application is approved, the well interference qualification should be included on the permit.


JAMES A GOODMAN
Hydrologist

Bibliography

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, DWNR, SDGS, Vermillion SD 57069.

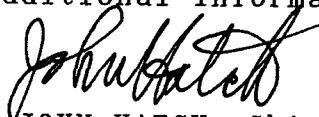
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5117-3

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. 5117-3, Azdak Farms Part., 220 W Pleasant, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5117-3 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
January 27, 1987

SOUTH Dakota Department of
Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 28, 1987

NOTE:

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

Agri Management, Inc.
Azdak Farm Partnership
220 W. Pleasant Drive
Pierre, South Dakota 57501

Dear Sir:

Your Application No. 5117-3 for a permit to appropriate water for
commercial 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 send to the Publisher of the

Aurora County Standard

printed at Stickney

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY 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.

Sincerely,



RON DUVAL
Natural Resources Engineer

enclosures

No. 5117-3

Instruction to Newspaper - Publish first publication of the following Notice on or before **February 5, 1987** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5117-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Azdak Farms Partnership whose mailing address is 220 W. Pleasant Drive, Pierre, South Dakota has made an application for a permit

to appropriate 0.067 cubic feet of water per second from one well (Dakota Formation) 900 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17-T103N-R66W to supply a commercial swine production unit. Waste water effluent will be pumped to 3 storage lagoons (total storage 28.5 acre feet) to be located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17-T103N-R66W. The effluent will be disposed of by spreading on land managed by the applicant.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5117-3 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4 19 87 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 February 20, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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 46-5-30.4, 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 February 20, 1987.

Public Notices

NOTICE OF HEARING ON APPLICATION NO. 5117-3 TO APPROPRIATE WATER

Notice is hereby given that Azdak Farms Partnership, whose mailing address is 220 W. Pleasant Drive, Pierre, South Dakota, has made an application for a permit to appropriate 0.067 cubic feet of water per second from one well (Dakota Formation) 900 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17-T103N-R66W to supply a commercial swine production unit. Waste water effluent will be pumped to 3 storage lagoons (total storage 28.5 acre feet) to be located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17-T103N-R66W. The effluent will be disposed of by spreading on land managed by the applicant.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5117-3 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4, 1987 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 (1) approve, (2) approve with qualifications, (3) defer, or (4) deny 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 February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Aurora) ss.

I, Carol Hatle hereby

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

Water was taken from the Aurora County Standard

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

town _____ of White Lake

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

February 5, 1987

February 12, 1987

Carol Hatle
(Signature)

bookkeeper
(Title)

2-23-87

(Date Signed)



Cost of Printing: \$45.17

This application is made pursuant to the provisions of SDC 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-1 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, 46-5-1 thru 46-5-15, 46-5-24, 46-5-24 46-5-30.2, 46-5-30.4, 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 Rule 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, DWR, 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 February 30, 1987.

(2tc-F12)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 30 1987

Azdak Farms Partnership
220 W. Pleasant
Pierre, South Dakota 57501

Dear Sir:

Enclosed herewith is your Water Permit No. 5117-3 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. 5117-3.

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.



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

Post Office _____

Date 1- 11- 88

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.

5117-3.

Water Right Permit No. _____ states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____.

The diversion system was completed on 9- 87. Applying the water to beneficial use was completed on 9 - 87.

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.

Dave Krum for ADNA Pierre
(Signature)

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 Azdak Farms Part
_____ of 220 W. Pleasant, Pierre, SD 57501 holder of
Permit No. 5117-3, bearing the priority of December 15 19 86 authorizing
the diversion of 0.067 cu. ft. per second of the waters of groundwater
for commercial purposes, in Aurora County.

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

A. Works used to divert the water:

One well - 900 feet deep, 270 feet of 5 inch PVC pipe, 570 feet of 3 inch PVC pipe,
60 feet of PVC screen, 50 foot static water level

SMC air compressor - Model 28A50-12, 1' diam. x 2' cylinder, 100 psi

Westinghouse motor - Type F, Serial No. 315P187, $\frac{1}{2}$ HP

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

1000 Gallon storage tank

2 inch PVC distribution pipe, 800 feet

C. Works used to apply water to beneficial use:

Three lagoons: Lagoon No. 1 - dugout, 1 to 3 sideslopes, 2.5 ac-ft storage; Lagoon

No. 2 - 5 feet high, 15 foot crest width, 1 to 3 sideslopes, 8.9 ac-ft storage; Lagoon

No. 3 - 7 feet high, 10 foot crest width, 1 to 3 sideslopes, 17.1 ac-ft storage

Volume gun used for disposal purposes

The system is in the following condition good

The point of diversion is located at a point 2,535 feet east and 1,745 feet south of the center
of Section 17, T103N R66W

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

cu. ft. per second of water which is to be used for commercial purposes

Water has been put to beneficial use to the maximum extent as follows: effluent disposal, all in Section

17, T103N R66W 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

26 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

32 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

comprising a total of 138 acres of land and the license should be issued for 0.067 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date November 17, 1988

David D. Brown
(signature)

LICENSE FOR PERMIT NUMBER 5117-3 Azdak Farms Part.

1. Legal location of wells: at a point 2,535 feet east and 1,745 feet south of the center
of Section 17, T103N R66W

dams & structures: see inspection map dated 2/02/90

2. Well Information: Well Drilling Firm Pullman Well Drilling

Completion Report Yes X No No. of Wells 1 Depth 900

Casing a) diameter 5 inch, 3 inch Screen a) type PVC

b) length 270 feet, 630 feet b) length 60 feet

c) type PVC Static Water Level 50 feet

Air ~~1150~~ Pump Compressor a) make SMC Motor a) make Westinghouse

b) model 28A50-12 b) model No. Type F, Serial No. 315P187

c) size 1 foot diam. x 2 foot length c) horsepower rating 1/2 HP
cylinder

d) capacity gpm

e) turbine pump - no. of stages

f) operating PSI 100

Water is airlifted via compressed air.

3. Distribution lines or canals 1000 Gallon holding tank

a) size 2 inch

b) type PVC

c) length 800 feet

4. Dam Information: See Report Of Examination Of Works Ad/Or Application Of Water to
Beneficial Use for lagoon characteristics

a) height to crest m) Outlet tubes:

b) height to primary spillway 1) diameter

c) height to secondary spillway 2) type

d) crest width 3) valved (Y/N)

e) crest length 4) valve type

f) spillway length 5) location on structure

g) spillway width

h) approx. storage n) Category of Dam

i) approx. storage to crest

j) date constructed

k) inspection sheet completed (Y/N)

l) Name of Contractor

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. Volume 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 _____

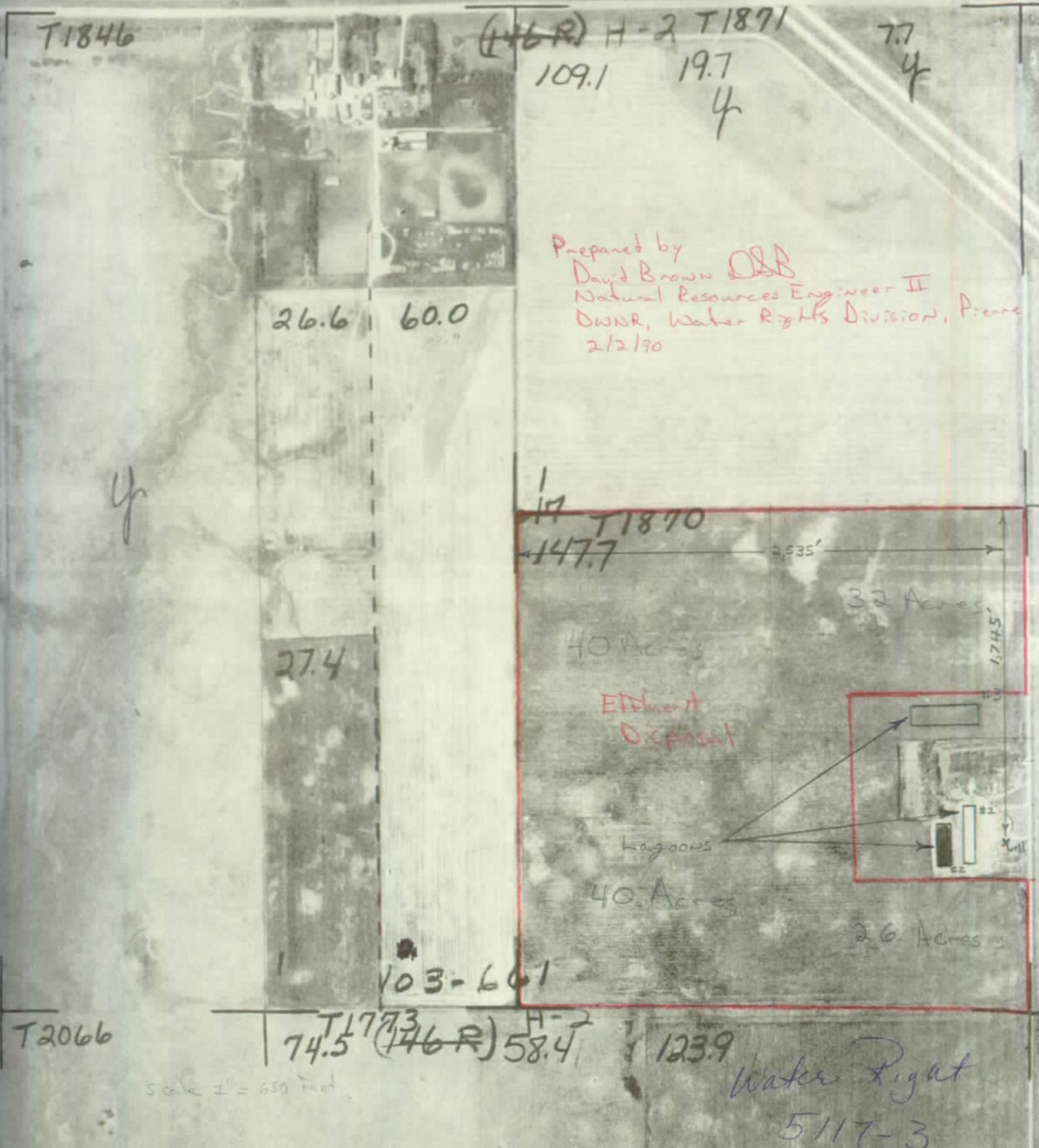
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

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>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
<u>NA</u>	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

NOT TO SCALE





Department of Water & Natural Resources

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

February 7, 1990

5117-3

Azdak Farms Partnership
220 W Pleasant
Pierre, SD 57501

Dear Sirs:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 5117-3 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 this \$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.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412099

Pierre, February 21, 1990

RECEIVED OF Addak, Inc, 220 W Pleasant, Pierre, SD 57501

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>Water Permit No. 5117-3</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 Hatchman
Chief Engineer



Department of Water & Natural Resources

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

APR 6 1990

5117-3

Azdak Farms, Inc.
220 W Pleasant
Pierre SD 57501

Dear Sir:

Enclosed is Water License No. 5117-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412099 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. 5117-3, 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,

A handwritten signature in black ink, appearing to read "John Hatch".

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5117-3

(1) Azdak Farms Partnership of 220 W Pleasant, Pierre SD made Application No. 5117-3, December 15, 1986 for a water permit to appropriate 0.067 cubic feet of water per second from groundwater (one well), Aurora County, South Dakota for commercial purposes. Permit No. 5117-3 with a priority date of December 15, 1986 was approved March 4, 1987 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 4, 1992 and for the application to beneficial use of said water on or before March 4, 1996.

(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 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is: at a point 2,535 feet east and 1,745 feet south of the center of Section 17, T103N, R66W (SE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The wastewater effluent is pumped to three storage lagoons located in the E 1/2 SE 1/4 Section 17, T103N, R66W. The storage lagoons have a total storage capacity of 28.5 acre feet. Disposal of the effluent is by spreading upon the following land:

Section 17, T103N, R66W	NW 1/4 SE 1/4	40 acres
	SW 1/4 SE 1/4	40 "
	SE 1/4 SE 1/4	26 "
	NE 1/4 SE 1/4	32 "
	TOTAL	138 acres

(4) Pursuant to Section 46-5-30.1 Azdak Farms, Inc. of 220 W Pleasant, Pierre SD 57501 the holder(s) and/or owner(s) of Water Permit No. 5117-3 is issued a license to appropriate water, the right to use 0.067 cubic feet of water per second from groundwater (one well) with a priority date of December 15, 1986 from the location specified in (2) of this license. The water is used for commercial purposes with the effluent spread on lands described in (3) of this license. This license is subject to any limitations or qualifications listed in Water Permit No. 5117-3 and subject to South Dakota State Law.



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

APR 6 1990

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR 28 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5117-3Date: 4-27-10

I/We request that Water Right/Permit No. 5117-3 formerly owned by:
Azdak Farms Partners or Luers Enterprises Inc. be transferred to:

New Owner Name: Kurt PurkeypileAddress: 1230 Chase St.City, State, Zip Imperial NE 69033 Telephone No. 308-883-1048

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, all in section 17, Township 103 North, Range 66 West, Aurora County, South Dakota, according to the plat thereof (consisting of 22.5 acres more or less)
S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 17, Township 103 North, Range 66 West of the 5th P.M., Aurora County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 5117-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Kurt Purkeypile, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/28, 20 10

RECEIVED OF Kurt Purkeypile 1230 Chase St Imperial NE 69033

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5117-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04537

By *Julius E. [Signature]*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 2010

5117-3

Kurt Purkeypile
1230 Chase St
Imperial NE 69033

Dear Mr.Purkeypile:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 5117-3. The transfer has been completed. The water right formerly listed in the name of Azdak Farms Partnership is now listed in your name.

Enclosed is your Receipt No. 04537 in the amount of \$50.00. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

5117-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 2019

5117-3

Brad Freking, Managing Partner
New Fashion Pork, LLP
P.O. Box 244
Jackson, MN 56143-0244

Dear Mr. Freking:

I am writing regarding the ownership change needed for Water Right No. 5117-3, listed in the name of Kurt Purkeypile. Yesterday, our feedlot program within DENR made us aware permit coverage had been transferred to New Fashion Pork LLP.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 5117-3. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed with this letter is a copy of the water right. You may keep this for your records. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



530805865

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Foreign Limited Liability Partnership
SDCL 48-7A-1003; 59-11-6; 59-11-24.1

2019
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

FR000139
BUSINESS ID

NEW FASHION PORK, LLP
BUSINESS NAME

2. The jurisdiction under whose law it is formed **MINNESOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**164 INDUSTRIAL PARKWAY
JACKSON, MN 56143-9588**

Mailing Address

**PO BOX 244
JACKSON, MN 56143-0244**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **C T CORPORATION SYSTEM (0000002)**

Actual Street Address in this State

**319 S COTEAU ST
PIERRE, SD 57501-3187**

Mailing Address in this State

5. The names and business addresses of the partners.

Name	Address
BRAD W FREKING	PO BOX 244, JACKSON, MN, 56143
LINETTE FREKING	77714 500TH AVENUE, JACKSON, MN, 56143
SUSAN HOTOVEC	75696 360TH AVENUE, ROUND LAKE, MN, 56167
SCHWARTZ BROTHERS LLP	32296 190TH STREET, SLEEPY EYE, MI, 56085
CHRISTENSEN BROTHERS LLP	24170 US 14, SLEEPY EYE, MN, 56085
NFP CAPITAL< LLP	PO BOX 244, JACKSON, MN, 56143
FREKING FARMS INC	75696 360TH AVENUE, ROUND LAKE, MI, 56167

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.



No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 22-39-36; 47-15-51).

06/11/2019

Dated

Email (Optional)

David C. Kim

Signature of an Authorized Person

David C. Kim

Printed Name

B0100-9205 06/11/2019 9:50AM Rec'd by SD SOS

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

PAID

SEP 16 2019

Ck# 174099

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

SEP 16 2019

No. 5117-3

WATER RIGHTS
PROGRAM

Date:

9/11/19

I/We request that Water Right No. 5117-3

formerly owned by: Kurt Purkeypile

be transferred to: (name & address) New Fashion Pork, LLP
PO Box 244, JACKSON, MN 56143

Telephone No. 507-847-4610

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

Well location for feedlot: SE ¼ SE ¼ Section 17, T103N, R66W

I/We understand that the validity of Water Right No. 5117-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We New Fashion Pork, LLP, the new owner, certify that the above information is true and correct.



(Signed by new owner)

Brad Freking, Managing Partner

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **September 16**

, 20 **19**

New Fashion Pork LLC PO Box 244 Jackson MN 56143

RECEIVED OF _____

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 5117-3	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	50	00
TOTAL	50	00

No. **09205**

By *Jeanne Goodman*
Chief Engineer *Jm*

5117-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 16, 2019

5117-3

Brad Freking, Managing Partner
New Fashion Pork, LLP
PO Box 244
Jackson, MN 56143-0244

Dear Mr. Freking:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5117-3.

The ownership change has been completed. The water right formerly held by Kurt Purkeypile is now listed under New Fashion Pork, LLP.

Enclosed is your Receipt No. 09205 in the amount of \$50 which was paid for filing the ownership change.

If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

5117-3
RECEIVED

NOV 25 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5117-3

Date: November 22, 2024

I/We request that Water Right/Permit No. 5117-3 formerly owned by:
New Fashion Pork, LLP - Jackson MN be transferred to:

New Owner Name: Heartland Pork, LLC - Old 16
Address: 805 Main St PO Box 84 mobile: 605 3500483
City, State, Zip Alpena SD 57312 email: porkinfo@stansinc.net

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

Well location for Feedlot: SE 1/4 SE 1/4
Section 17 - T103N - R66W

☒ I understand that the validity of Water Right/Permit No. 5117-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Dave Uttecht, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 25th, 2024

RECEIVED OF Heartland Pork LLC-Old 16 PO Box 84 Alpena SD 57312

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 #5117-3 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By

Eric Stenlund
Chief Engineer

See



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 26, 2024

5117-3

Heartland Pork, LLC – Old 16
c/o Dave Uttecht
PO Box 84
Alpena SD 57312

Dear Mr. Uttecht:

I have received the “Notice of Transfer of Ownership” form and required fees for the transfer of Water Right No. 5117-3. Enclosed is a receipt of payment for your records.

Water Right No. 8117-3, previously owned by New Fashion Pork LLP, is now listed under Heartland Pork LLC – Old 16, and your contact information has been updated in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Right No. 5117-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures