

Considered: \_\_\_\_\_

WATER PERMIT NO. 5136-3

MAP No. Same

Name of Applicant Farmland Industries

Post Office Address PO Box 157, Huron SD 57350

Amount of Water Claimed 0.10 cfs (45 gpm) Total Acres —

Source of Water Supply groundwater (one well)

Water to be used for industrial County Beadle

About 1/2 mile West of Huron.

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved 7/8/87 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received February 9, 1987 Fee \$50.00 Remarks Sent for  
2/9/87 map, fee & notary signature

Corrected Application Received April 23, 1987 Period of Annual Use Jan 1 - Dec 31

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

WI-1 Description same as Application YES NO REMARKS \_\_\_\_\_

Diversion Point W 1/2 SW 1/4 Sec 35-T11N-R62W

Land to be Irrigated N/A

|   |    |  |  |  |  |
|---|----|--|--|--|--|
|   |    |  |  |  |  |
|   | 35 |  |  |  |  |
| x |    |  |  |  |  |
|   |    |  |  |  |  |
|   |    |  |  |  |  |

Well Log: Driller Huron Drilling Licensed YES ✓ NO \_\_\_\_\_

Depth of Well 975' REMARKS Flowing (45 gpm)

Type of Map aerial PREPARED BY \_\_\_\_\_ Reviewed and the Number

assigned on May 11, 1987 By Genny McMath

No. 5136-3 Hydrologic Unit 10160006  
 Map No. 5136-6 Basin James River  
 Newspaper Huron Daily Plainsman

**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

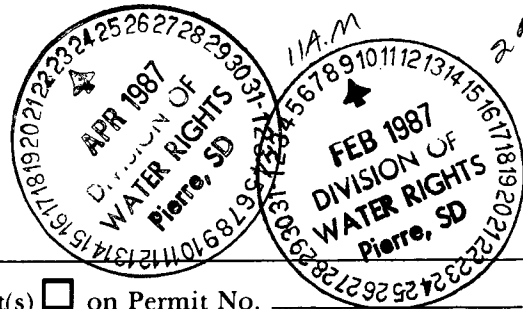
New ☐ Vested Right ☐ Future Use ☐ Change Use ☐

☐ 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. \_\_\_\_\_



1. Name of Applicant FARMLAND INDUSTRIES INC Phone No. 352-8581

Post Office Address P.O. BOX 157 HURON State S.D. Zip Code 57350  
(Street, RR or Box)

2. Amount of water claimed (c.f.s) 45 GPM 0.10 cfs

3. Source of water supply ARTESIAN well

4. Location of point of diversion W 1/2 SW 1/4 Section 35, T111N, R62W

County Beadle

5. Counties where water will be used Beadle

6. Annual period during which water is to be used yearly January 1 - December 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)

Water is used in boiler to produce steam which is used in steam heaters, and pellet mills

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 Beadle)<sup>ss</sup>

I, Fred Stolt, manager of 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

Fred Stolt

Subscribed and sworn to before me this 22nd day of April 1987

Belva L. Elvik

Notary Public (or other qualified officer)

# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. \_\_\_\_\_

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Post Office Address)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip Code)

With the following qualifications.

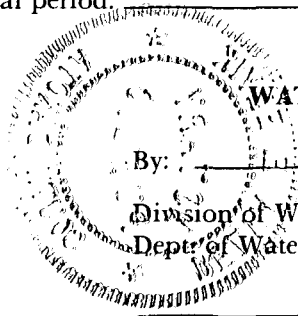
Date of first receipt of application \_\_\_\_\_, 19\_\_\_\_.

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

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_. Approved \_\_\_\_\_, 19\_\_\_\_.

The Water Management Board hereby approves this Water Permit No. \_\_\_\_\_ 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 \_\_\_\_\_, 19\_\_\_\_.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before \_\_\_\_\_, 19\_\_\_\_.
3. The whole of said work is to be completed on or before \_\_\_\_\_, 19\_\_\_\_.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is \_\_\_\_\_, 19\_\_\_\_.
5. The water appropriated shall be used for the purpose of \_\_\_\_\_  
\_\_\_\_\_
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 \_\_\_\_\_ 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 \_\_\_\_\_ on or before \_\_\_\_\_, 19\_\_\_\_; said water to be used during the following described annual period: \_\_\_\_\_



**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

\_\_\_\_\_, 19\_\_\_\_

# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5136-3

Farmland Industries, Inc.

PO Box 157

(Applicant)

(Street, RR or Box)

Huron SD 57350

(City)

(State)

(Zip Code)

With the following qualifications.

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used.
2. 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 February 9, 1987

Date of return to applicant for correction, amendments or changes required February 26, 1987

Date of receipt of corrected application April 23, 1987 Approved July 8, 1987

The Water Management Board approved this Water Permit No. 5136-3 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 February 9, 1987
2. The equivalent of at least one-fifth of the specified work is ~~to be~~ completed ~~on or before~~ 1987
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 1987
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 1987
5. The water appropriated shall be used for the purpose of supplying <sup>Steam</sup> steam heaters and pellet mills
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 granted shall not exceed 0.10 cubic feet per second; neither shall it exceed the amount of water needed for the beneficial uses served and to which water is actually and beneficially applied for industrial use on or before 1987. The water is to be used during the following described annual period: January 1 - December 31

WATER MANAGEMENT BOARD

By: John Hales  
Chief Engineer

Division of Water Rights  
Dept. of Water and Natural Resources

**AUG 19 1987**

1987

# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 3 1/2" 2" Depth 975 FT
- b) Casing Type Steel, Plastic Diameter 3 1/2" 2" Thickness 10 FT 925 FT
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 925 FT
- f) Depth of Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:
- On applicants property \_\_\_\_\_ On property owned by others Yes

## 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 \_\_\_\_\_

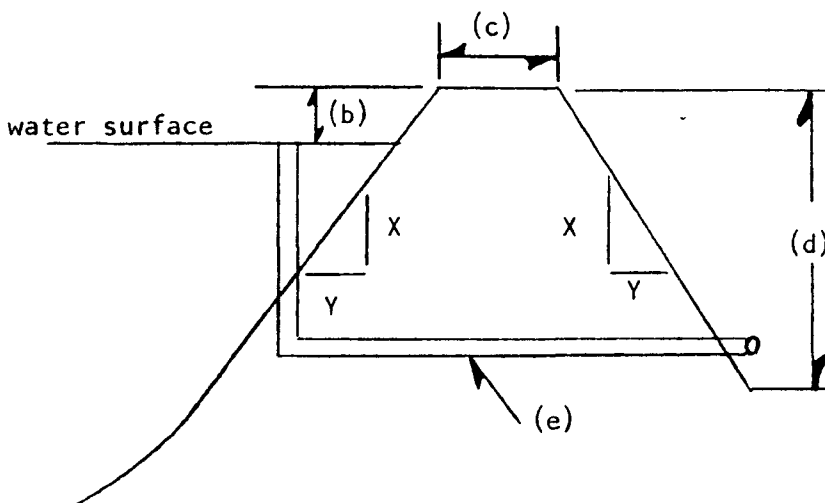
f) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Farmland Industries  
Signature of Applicant Fred Blott

1906

# WELL REPORT

DRILLING CO.  
Huron, S. D.Farmland IndustriesHuron, S. D.February 27, 1971

OWNER

DESCRIPTION

DATE

## CASING LOG

|                   |     |     |     |                        |         |     |     |
|-------------------|-----|-----|-----|------------------------|---------|-----|-----|
| Depth             | 975 | ft. |     |                        |         |     |     |
| Flows             | 45  | gpm | 10  | ft. 3/2" Steel         | pipe to | 10  | ft. |
| Pumps             |     | gpm | 975 | ft. 2" Sch. 80 Plastic | pipe to | 975 | ft. |
| Head              |     | ft. |     |                        | pipe to |     | ft. |
| 140 ft. to bottom |     |     |     |                        |         |     |     |
| Perforations      |     |     |     |                        | pipe to |     | ft. |

Pressure

835-975 ft. REMARKS

2 daysDrilling Time

2 - Re-Tip Drag Bits

Rig No. 7

1 - 4 1/2" Rock Bits

Lloyd Peterson Sr.

Foreman

Perf. 835-975 ft.

# HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Farmland Industries  
JOB NAME

Huron, South Dakota  
LOCATION

2/25/71  
DATE

7  
RIG NO.

Lloyd Peterson  
FOREMAN

| Jt No. | DEPTH | TIME     | REMARKS                          |
|--------|-------|----------|----------------------------------|
| 1      | 20    | 10:00 AM | Boulders @ 18                    |
| 2      | 40    | 10:15    | Sand streaks                     |
| 3      | 60    | 10:30    | Sand streaks                     |
| 4      | 80    | 10:40    | Boulder                          |
| 5      | 100   | 11:00    | Hard layer @ 95                  |
| 6      | 120   | 11:10    |                                  |
| 7      | 140   | 11:20    | Shale @ 130                      |
| 8      | 160   | 12:40    | tuff going                       |
| 9      | 180   | 1:40     | Chalk @ 180                      |
| 10     | 200   | 1:50     |                                  |
| 11     | 220   | 2:00     |                                  |
| 12     | 240   | 2:10     |                                  |
| 13     | 260   | 2:20     |                                  |
| 14     | 280   | 2:30     | Codell @ 270                     |
| 15     | 300   | 2:40     |                                  |
| 16     | 320   | 2:55     |                                  |
| 17     | 340   | 3:10     |                                  |
| 18     | 360   | 3:25     |                                  |
| 19     | 380   | 3:40     |                                  |
| 20     | 400   | 3:55     |                                  |
| 21     | 420   | 4:10     |                                  |
| 22     | 440   | 4:25     |                                  |
| 23     | 460   | 4:45     | Greenhorn @ 455                  |
| 24     | 480   | 5:05     |                                  |
| 25     | 500   | 5:20     |                                  |
| 26     | 520   | 5:35     |                                  |
| 27     | 540   | 5:55     |                                  |
| 28     | 560   | 8:00 AM  | 2/26/71                          |
| 29     | 580   | 8:20     |                                  |
| 30     | 600   | 8:35     |                                  |
| 31     | 620   | 8:55     |                                  |
| 32     | 640   | 9:15     |                                  |
| 33     | 660   | 9:45     | Hard Roc @ 655 - end of mud flow |
| 34     | 680   | 10:10    |                                  |
| 35     | 700   | 10:25    |                                  |
| 36     | 720   | 10:55    |                                  |
| 37     | 740   | 1:15 PM  | 735-740 - sand good              |
| 38     | 760   | 1:30     | 740-760 - good sand streaks      |
| 39     | 780   | 1:45     | 760-780 - good sand streaks      |
| 40     | 800   | 2:30     | sand to 785                      |
|        |       |          |                                  |

## HURON DRILLING INC. DRILLERS LOG

**PAGE NO.2**

Farmland Industries  
JOB NAME

Huron, South Dakota

2/25/71

7

Lloyd Peterson

### LOCATION

DATE \_\_\_\_\_

RIG NO.

**FOREMAN**

[illegible]

PJ

NOT TO SCALE

111-62

396 T-2370

47.2

86.9

278-55-L

19.1

Black Section Agency  
18

35

4.7

356

Farmington Industries

Highway  
State

Green  
Section  
Agency  
Lemmon  
Tech

Barren

Application  
5136-3

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410847

Pierre, April 23, 19 87

RECEIVED OF Farmland Industries, Inc., PO Box 157, Huron, SD 57350

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

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |       |       |
| Fee for Filing Transfer Form _____                                                                                         |       |       |
| Fee for Filing Extension Request _____                                                                                     |       |       |
| Fee for Certified Copy of _____                                                                                            |       |       |
| Fee for Print Copy of Map _____                                                                                            |       |       |
| Fee for Certifying _____                                                                                                   |       |       |
| Fee for _____                                                                                                              |       |       |
| (Any Other Work Provided by Law)                                                                                           | Total | 50 00 |

By

Chief Engineer

JOHN HATCH

ms

WATER RIGHTS DIVISION  
(605) 773-3352

February 26, 1987

Fred Stolt  
Farmland Industries  
P.O. Box 157  
Huron, South Dakota 57350

Dear Mr. Stolt:

This letter is in response to the Farmland Industries water permit application received on February 9, 1987. The following information is needed before the permit application can be processed.

1. The enclosed permit application needs to be notarized.
2. A map needs to be submitted with the permit application. The local ASCS Office can probably supply an aerial photo of the land where the well is located. Mark the location of the well with an "X" and sign the map according to the enclosed instructions.
3. An application fee of \$50.00 needs to be submitted for permit applications appropriating 45 gpm or less.
4. Briefly describe what the water is used for in question No. 7.

Please complete the enclosed form and return with a map and application fee. The permit application can not be processed until the application is complete.

Sincerely,

Ron Duvall  
Natural Resources Engineer

RD:ms  
Enc.

REPORT ON APPLICATION NO. 5136-3  
FARMLAND INDUSTRIES, INC.  
May 13, 1987

This application proposes to appropriate 0.10 cfs from one existing well 975 feet deep located in the W 1/2 SW 1/4 Section 35, T111N, R62W. The water is to be used for industrial purposes by Farmland Industries.

Aquifer - Dakota Formation

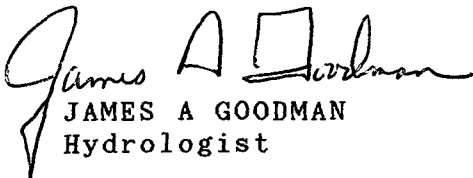
The Dakota Formation is mostly a sandstone interbedded with shale and attains a maximum thickness of up to 450 feet in this area (Schoon, 1971). The Dakota contains an estimated 18 million acre-feet of recoverable water and underlies 1250 square miles in Beadle County (Hedges, 1982). The aquifer is under artesian conditions and according to the well log submitted by Huron Drilling, the well will flow 45 gpm. The Water Rights Division does not monitor any observation wells in this area which are in the Dakota Formation. There is one USGS monitoring well in the Dakota Formation which is about 2 miles southwest of this location. Records are available for this well since 1967. These records indicate the water level is declining (Bradford, 1981). However, because of the construction of this monitoring well the data is probably inaccurate. Various authors have documented that the Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells.

Review of Existing Water Permits

There are numerous flowing wells in this area. This well has been used for the purpose of this application since 1971. There have been no reported problems. There are no other water permits for a Dakota Formation well in this area, although, there probably should be filings made.

Conclusions

1. There is water available from the Dakota Formation.
2. Water levels (head pressure) have been declining in the Dakota Formation. The average annual recharge to the Dakota Formation is not quantified and probably never will be.
3. The well construction is not adequate for this well if a decline in head pressure occurs. The casing is simply not adequate to allow a 45 gpm pump to be installed. South Dakota Law does not require the artesian head to be maintained.
4. There are numerous flowing Dakota Formation wells in the area. There have been no complaints concerning water availability from the Dakota Formation in this area.

  
JAMES A GOODMAN  
Hydrologist

## Bibliography

Bradford, W.L., 1981, Water Levels in Bedrock Aquifers in South Dakota, USGS, Open-file Report 81-627, Huron SD 57350.

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

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, R.I. No. 104, DWNR, SDGS, Vermillion SD 57069.

No. 5136-3

Instruction to Newspaper - Publish first publication of the following Notice on or before June 11, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5136-3 to Appropriate Water  
~~and/or to Amend Water Permit or Water Right No. \_\_\_\_\_~~

Notice is hereby given that Farmland Industries, Inc. whose mailing address is P.O. Box 157, Huron, South Dakota has made an application for a permit to appropriate 0.10 cubic feet of water per second from one well 975 feet deep (Dakota formation) located in the W<sub>2</sub>SW<sub>4</sub> Section 35, T11N, R62W. The water is for industrial use by Farmland Industries.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5136-3 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. July 8 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 June 26, 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 June 26, 1987.

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

No. 5136

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Beadle ) ss.

I, James L. Hein hereby

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

Water was taken from the Huron Daily Plainsman

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 Huron

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

June 9, 1987

June 16, 1987

James L. Hein  
(Signature)

Controller  
(Title)

June 16, 1987  
(Date Signed)



Cost of Printing: \$71.40

F.P. 6-9-87 L.P. 6-16-87  
NOTICE OF HEARING  
ON APPLICATION NO. 5136-6  
to appropriate water  
NOTICE IS HEREBY GIV-  
EN THAT Farmland Indus-  
tries, Inc. whose mailing ad-  
dress is P.O. Box 157, Huron,  
South Dakota has made an  
application for a permit to  
appropriate 0.10 cubic feet of  
water per second from one well  
975 feet deep (Dakota forma-  
tion) located in the W $\frac{1}{2}$  SW $\frac{1}{4}$   
Section 35, T111N, R62W. The  
water is for industrial use by  
Farmland Industries.

Pursuant to SDCL 46-2A-2 the  
Chief Engineer of the Water  
Rights Division recommends  
APPROVAL of Application No.  
5136-3 because 1) unappropri-  
ated 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 con-  
sidered by the Water Manage-  
ment Board at room 216, Joe  
Foss Building, 523 E. Capitol,  
Pierre, South Dakota, July 8,  
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 quali-  
fications, 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 appli-  
cant and the Chief Engineer by  
June 26, 1987. The petition may  
be informal, but it must include  
a statement describing the  
petitioners interest in the appli-  
cation, the reasons for the  
petitioner's opposition to or  
support of the application, and  
the signature and mailing ad-  
dress 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, 46-5-30.4, 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 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. Deci-  
sions 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 recom-  
mendation, 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 appli-  
cation. The request for exten-  
sion must be filed with the Chief  
Engineer by June 26, 1987.

No. 286 (adv.)

$10\frac{1}{2} \times 3.40 = 71.40$



# Water & Natural Resources

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

July 7, 1987

Farmland Industries, Inc.  
Fred Stolt, Manager  
PO Box 157  
Huron SD 57350

Dear Mr. Stolt:

Enclosed is a copy of the Chief Engineer's Recommendation for  
Application No. 5136-3, Farmland Industries, Inc.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

NATURAL RESOURCE SECTION  
Room B-102, Anderson Building  
Pierre, South Dakota 57501-3188  
Phone (605) 773-3805/(605) 773-4075

ROGER A. TELLINGHUISEN  
ATTORNEY GENERAL

July 10, 1987

MEMORANDUM

TO: John Hatch, Chief Engineer  
Division of Water Rights

FROM: John P. Guhin *JPG*  
Assistant Attorney General

RE: Water Permit No. 5136-3, Farmland Industries, Inc.

The wording of the new Conclusion of Law accepted by the Board at its meeting on July 8, 1987, is as follows.

12. These conclusions of law do not decide the question of whether a decline in head pressure caused by legitimate pumping indicates that a new appropriation would violate SDCL 46-6-3.1.

JPG:do

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5136-3 Farmland Industries, 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. 5136-3, Farmland Industries, Inc., PO Box 157, Huron SD.

The Chief Engineer is recommending:

That in approving Permit No. 5136-3, the Water Management Board makes the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. Although measurements of Dakota Formation water levels in Beadle County indicate declining head pressure, properly constructed Division of Water Rights Dakota Formation observation wells in Edmunds and Brule Counties do not indicate declining head pressure. In theory the Dakota Formation head pressure is stabilizing relative to withdrawals and discharges. However, each new diversion will cause an additional effect on the head pressure.
2. Whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.
3. Although SDCL 46-6-3.1 does not allow approval of permits to appropriate groundwater if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source; SDCL 46-6-6.1 does not require the artesian head pressure to be protected. However, the Board must consider the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
4. The quantity of the average estimated annual recharge to the Dakota Formation is not reasonably ascertainable nor is it expected to be ascertainable in the near future.
5. The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. Discharges from these wells are to either groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified and most can not be controlled. The Board and the Division of Water Rights are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

6. When defining withdrawal for the purpose of interpreting the meaning of withdrawal pursuant to SDCL 46-6-3.1, there is a difference between withdrawal of water for beneficial use and water discharged without beneficial use through uncontrolled flowing wells. Water discharged from uncontrollable flowing wells does not constitute withdrawal (appropriation) pursuant to SDCL 46-6-3.1.
7. The quantity or volume of water in the Dakota Formation that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. The Dakota Formation contains an estimated 18 million acre feet of recoverable water in Beadle County.
8. If declining head pressure is interpreted to mean that the withdrawals are exceeding the average estimated annual recharge, the amount of additional water available to the public, if discharges through uncontrollable flowing wells are included in the definition of withdrawals, will be quite small.
9. Whether to use water from the Dakota Formation for Application No. 5136-3, or to let the water remain unused for an uncertain purpose or to be discharged by uncontrollable flowing wells presents a question of public interest. The Board finds that the public interest is better served by allowing Farmland Industries, Inc. to utilize the water for industrial purposes, a beneficial use, than to allow the water to remain unused or to be discharged by uncontrollable flowing wells into the indefinite future.
10. There has been no information presented that withdrawals by Farmland Industries since the well was constructed in 1971 have affected the quantity of water available to other users of water from the Dakota Formation.
11. It would not be in the public interest to deny a water permit application when the affects of the withdrawal upon the Dakota Formation head pressure will not be measurable and will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Formation.
12. There is high value to the public in allowing appropriations for beneficial use from the Dakota Formation, a reliable source of water, whether the head pressure is declining or reaching equilibrium. The public interest is served by continuing to allow appropriations from the Dakota rather than denying this application based upon a decline in head pressure.
13. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Formation Water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

14. The use of Dakota Formation water by Farmland Industries, Inc. is a beneficial use and in the public interest.
15. No one has opposed Application No. 5136-3 nor has anyone reported any harm from water use through this well by Farmland Industries, Inc.
16. Approval of Application No. 5136-3 does not violate SDCL 46-6-3.1.

#### Conclusions of Law

1. That Board finds that declining head pressure in the Dakota Formation is not the sole basis for determining if the average estimated annual recharge is being exceeded by withdrawals.
2. The Board finds that approval of Application No. 5136-3 does not violate SDCL 46-6-3.1 because declines in the Dakota Formation head pressure are due primarily to discharges from uncontrollable flowing wells and not to appropriated withdrawals for beneficial use.
3. The Board finds that discharges from uncontrollable flowing Dakota Formation wells are not withdrawals pursuant to SDCL 46-6-3.1. That withdrawals pursuant to SDCL 46-6-3.1 are appropriations for beneficial uses of water, including withdrawals through private domestic wells for domestic use.
4. The Board concludes that water level measurement evidence from properly constructed Division of Water Rights observation wells indicates Dakota Formation head pressure declines are approaching equilibrium.
5. The Board finds that there is reasonable probability that approval of Application No. 5136-3 will not result in the quantity of water withdrawn from the Dakota Formation exceeding the average estimated annual recharge.
6. The Board concludes that there is reasonable probability that unappropriated water is available from the Dakota Formation to fulfill the applicant's proposed use.
7. The Board concludes that the proposed diversion of 0.1 cfs has been developed without impairment of existing rights.
8. The Board concludes that any affect of withdrawal of 0.1 cfs upon Dakota Formation head pressure is not significant. Further, SDCL 46-6-6.1 does not require maintenance of head pressure in any artesian well.
9. That approval of Application No. 5136-3 will not result in impairment of the supply of water in the Dakota Formation nor for prior water rights.
10. The Board concludes that the use is a beneficial use.
11. The Board concludes that the use is in the public interest.

### Final Decision

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used.
2. 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer  
June 2, 1987



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

AUG 19 1987

Farmland Industries, Inc.  
Fred Stolt  
PO Box 157  
Huron SD 57350

Dear Mr. Stolt:

Enclosed is your Water Permit No. 5136-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

enclosure

File No. 5136-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Farmland Industries Inc. (Fred Stolt)

ADDRESS: P.O. Box 157 Huron, SD 57350 COUNTY: Beadle

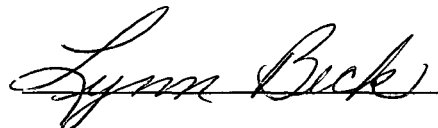
DATE: 7/31/91 TELEPHONE: (605) 352-8581

RE: Licensing

COMMENTS:

Spoke with Mr. Stolt, he said the well capacity was 45 GPM but they had no gages to meter how much they were using. Mr. Stolt also said there was a line to Distribution Construction Co. Mark Meyer with Distribution Construction Co. stated it was for bathroom use only, a 1" pvc line approximately 360'.

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



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

Permit No. 5136-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Farmland Industries Inc. of P.O. Box 157 Huron, SD 57350 holder of Permit No. 5136-3, bearing the priority of February 9, 1987 authorizing the diversion of 0.10 cu. ft. per second and/or the storage of N/A acre-feet of the waters of the Dakota Formation for industrial purposes, in Beadle County.

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

A. Works used to divert the water:

1 Artesian well - 975' deep, 42" CMP to 10' and sch. 80 plastic pipe to 975', perforations in the bottom 140' of 2" plastic pipe, capacity 45 GPM.

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

20' of 2" plastic pipe to <sup>steam</sup> heaters and pellet mills, 30' of copper pipe to office and 360' of 1" pvc to distribution Construction Co. used for bathroom only.

C. Works used to apply water to beneficial use:

Industrial use

The system is in the following condition good. The point of diversion is located 1350' N and 460' E of the SW corner of sec. 35 T11N R62W all in SW1/4 sec. 35. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water and/or storing N/A acre-feet of water which is to be used for industrial. Water has been put to beneficial use to the maximum extent as follows:

to supply <sup>steam</sup> heaters and pellet mills.

comprising a total of N/A acres of land and the license should be issued for 0.10 cfs and/or N/A acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date 7/31/91

Lynn Beck  
Natural Resources Engineer  
DENR, Water Rights Division



LICENSE FOR PERMIT NUMBER 5136-3

1. Legal location of wells: W1/2 SW1/4 Sec. 35 T111N R62W

Dams and Structures N/A

2. Well Information: Well Drilling Firm Huron Drilling Co.

Completion Report? Yes X No No. of Wells 1 Depth(s) 975 feet

Casing a) diameter 42"; 2" inches Screen a) type 2" sch. 80 plastic

b) length 10'; 825' feet b) length 140 feet

c) type CMP ; plastic Static Water Level feet

Pump a) make free flowing Motor a) make

b) model b) model no.

c) size c) horsepower rating

d) capacity 45 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 2", 1", 1" inches

b) type plastic, copper, pvc

c) length 20', 30', 360' feet

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

N/A 1. Soil and water permit lands agree with lands being irrigated  
and lands listed on permit?

- X 2. Special qualifications to permit being abided by?
- X 3. All structures, wells and lands on map?
- N/A 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
- N/A 5. Is chemigation used?
- 6. If yes, does equipment comply with chemigation rules?

REMARKS:

# NOT TO SCALE





GREAT FACES. GREAT PLACES.

August 15, 1991

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

5136-3

Fred Stolt, Mgr  
Farmland Industries  
PO Box 157  
Huron, SD 57350

Dear Mr. Stolt:

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. 5136-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412813

Pierre, August 26, 19 91

RECEIVED OF Feed Mill, P.O. Box 157, Huron, SD 57350

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

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5136-3</u>                | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                         |       |       |
| Fee for Filing Extension Request _____                                                                                     |       |       |
| Fee for Certified Copy of _____                                                                                            |       |       |
| Fee for Print Copy of Map _____                                                                                            |       |       |
| Fee for Certifying _____                                                                                                   |       |       |
| Fee for _____                                                                                                              |       |       |
| (Any Other Work Provided by Law)                                                                                           | Total | 50 00 |

By John Hatch (F)  
Chief Engineer



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

SEP 16 1991

5136-3

Farmland Industries, Inc.  
P.O. Box 157  
Huron, SD 57350

Dear Sirs:

Enclosed is Water License No. 5136-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412813 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. 5136-3, 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

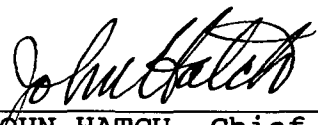
WATER LICENSE NO. 5136-3

(1) Farmland Industries, Inc. of P.O. Box 157, Huron, SD 57350 made Application No. 5136-3, February 9, 1987 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater, Beadle County, South Dakota for industrial purposes. Permit No. 5136-3 with a priority date of February 9, 1987 was approved July 8, 1987 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is: 1350'N and 460'E of the SW corner of Section 35, T111N, R62W (NW 1/4 SW 1/4).

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

(4) Pursuant to Section 46-5-30.1 Farmland Industries, Inc. of P.O. Box 157, Huron, SD 57350 the holder(s) and/or owner(s) of Water Permit No. 5136-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of February 9, 1987 from the location specified in (2) of this license. The water is to be appropriated for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5136-3 and subject to South Dakota State Law.

 SEP 16 1991  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources

January 17, 2001

## 2000 South Dakota Water Use Questionnaire

To:

FARMLAND INDUSTRIES  
PO BOX 157  
HURON SD 57350

Address correction requested:

Dakotaland Feeds LLC  
P.O. Box 157  
Huron SD 57350

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5136-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER  
Aquifer: DAKOTA FORMATION  
Management Unit: NOT APPLICABLE

County: BEADLE  
Pumping Pt. Legal: SEC 35-T111N-R62W  
Type of Water Use: INDUSTRIAL

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

Comments: We have converted to Municipal water  
Dakotaland Feeds is a DU company of  
which Farmland is the majority owner.

Contact Person:

Jarvis Haugeberg - Gen Mgr.

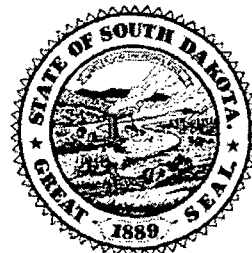
Telephone No:

605-352-8581

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

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: [www.state.sd.us/denr/wr](http://www.state.sd.us/denr/wr)



## **Water Rights Program - File Documentation**

---

**NAME:** Farmland Industries

**ADDRESS:** Huron SD

**DATE:** 3-14-2001      **COUNTY:** BD      **TELEPHONE:** 605 352-8581

**RE:** Water Use Questionnaire

**COMMENTS:**

I called Jarvis Haugeberg with Farmland Industries. Mr. Haugeberg stated they are connected to municipal water. The well is a backup supply for them.

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist

February 2, 2006

## 2005 South Dakota Water Use Questionnaire

5136-3

To:

FARMLAND INDUSTRIES  
PO BOX 157  
HURON SD 57350

Address correction requested:

Dakota Land Feeds LLC

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5136-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: BEADLE

Aquifer: DAKOTA FORMATION

Pumping Pt. Legal: SEC 35-T11N-R62W

Management Unit: NOT APPLICABLE

Type of Water Use: INDUSTRIAL

1) Please estimate your year 2005 water use from the above water source: 0 gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

We do not use our well at all  
but it is not capped  
5/24/2006: called and spoke with Jarvis - they would  
like to keep source as a backup supply; that is the  
reason they have not capped or plugged well yet.

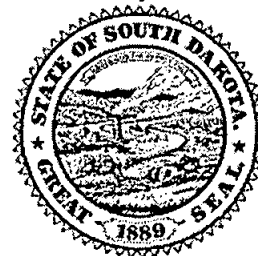
*Gerney McMath*

Contact Person:

Jarvis Haugeberg

Telephone No:

605-426-8581



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

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: [www.state.sd.us/denr/wr](http://www.state.sd.us/denr/wr)

RECEIVED

FEB 06 2006

WATER RIGHTS

Jarvis Haugeberg