

Considered: _____

WATER PERMIT NO. 5175-3

HAP No. same 608-782-7130

Name of Applicant Ron Houser

Post Office Address 115 5th Ave., So. PO Box 2168, La Crosse, WI 54602-2168

Amount of Water Claimed 0.33 cfs Total Acres NA

Source of Water Supply ground water 2 wells

Water to be used for commercial swine production County Clark

About 1 1/2 miles N of Raymond.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 15, 1988 Fee \$225.00 Remarks _____

1/15/88

Corrected Application Received April 6, 1988 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 _____

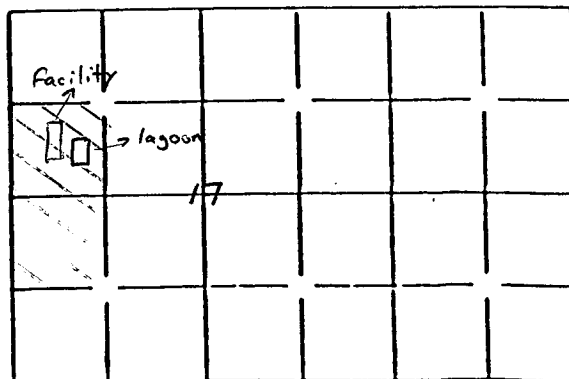
Diversion Point 2 wells: SW 1/4 NW 1/4, NW 1/4 SW 1/4
section 17 - T117N - R59W

Land to be Irrigated NA effluent will be
disposed of on land managed by the applicant &
land on which easements are obtained.

W 1/2 section 17: W 1/2 Section 8; both in T117N - R59W

Well Log: Driller Huron Drilling Licensed YES ☒ NO _____

Depth of Wells 8570 feet REMARKS _____



Type of Map aerial photo PREPARED BY Ron Duvall Reviewed and the Number
assigned on January 18, 1988 By Ron Duvall

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5175-3 Hydrologic Unit 10160006
Map No. same Basin James River
Newspaper Clark Co. Courier, Box 189 (Wed)
Deland Times-Record, Box 387 (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

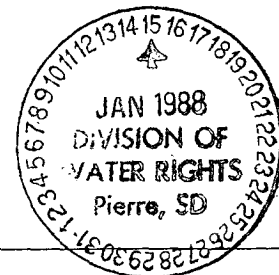
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date 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 Ron Houser Phone No. (608) 782-7130

Post Office Address 115 5th Ave. So. P.O. Box 2168 La Crosse, State WI 54602-2168
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 0.33 c.f.s.

3. Source of water supply water well ground water

4. Location of point of diversion 2 wells located in the West 1/2 Section 17 T¹¹⁷NR59W

NW¹/₄SW¹/₄, SW¹/₄NW¹/₄

County Clark

5. Counties where water will be used Clark

6. Annual period during which water is to be used 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)

This application proposes to appropriate 0.33 c.f.s. to supply a swine production unit. Effluent will be pumped to a 51 acre-ft. storage lagoon. Effluent will ultimately be land applied.

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 Clark) ss

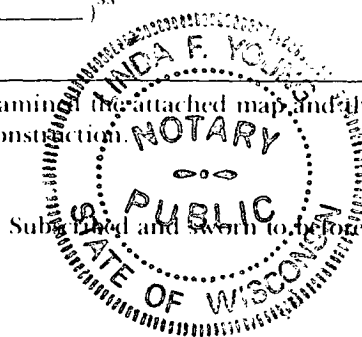
STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ron Houser the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true and that I intend, and am able to complete the necessary construction.

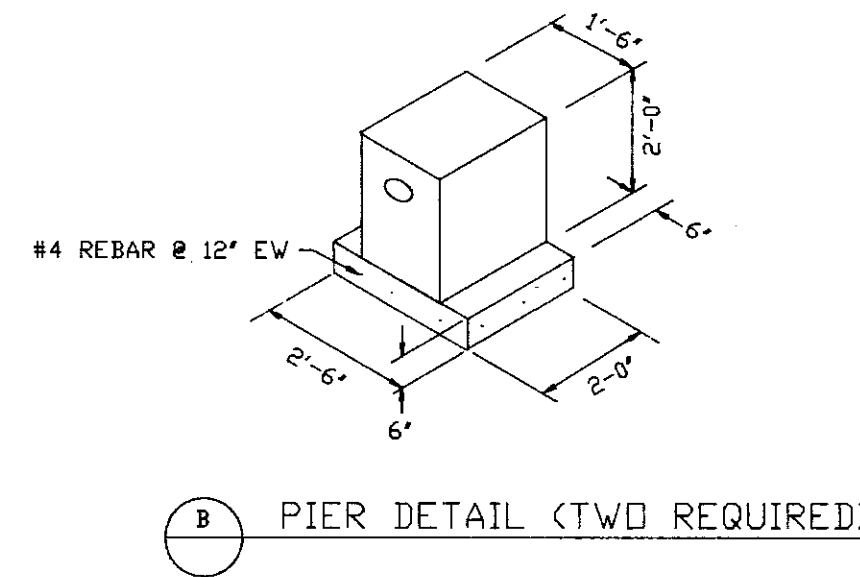
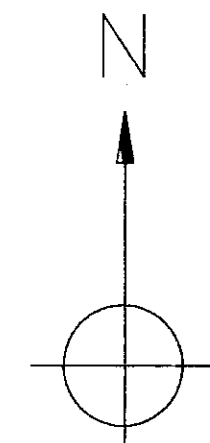
Signed

R. W. Houser

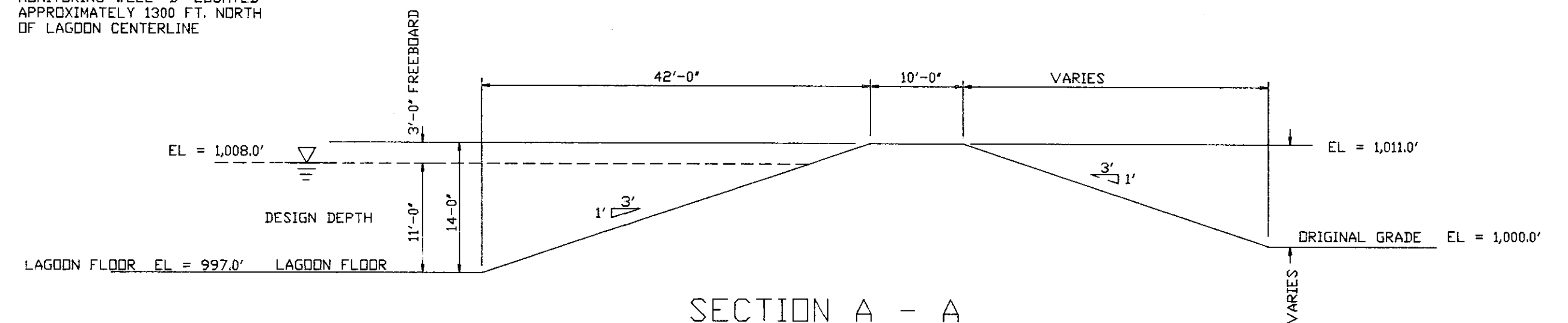
Subscribed and sworn to before me this 14th day of January 19 88



Linda F. Young
Notary Public - State of Wisconsin
My commission expires 3-13-88

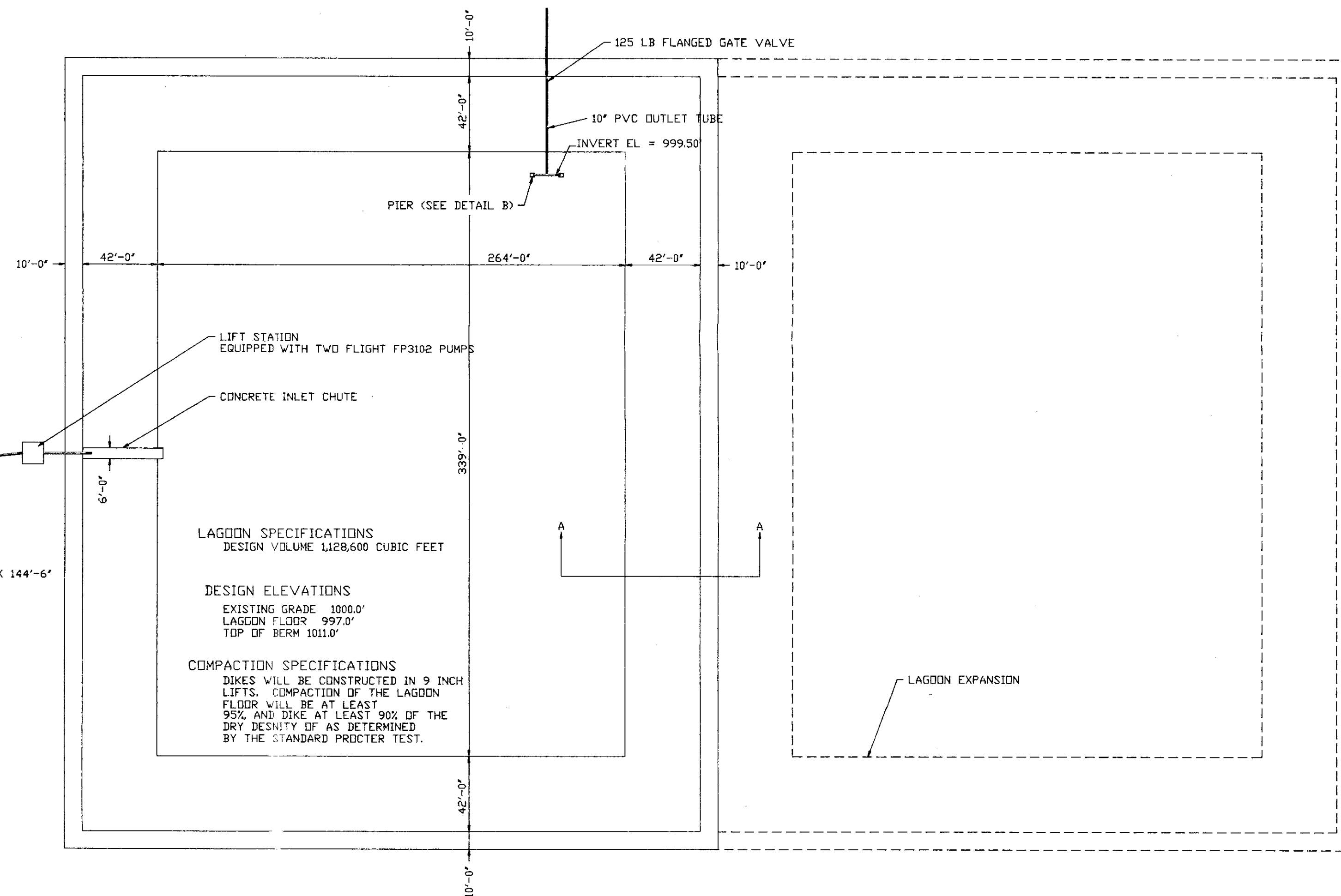
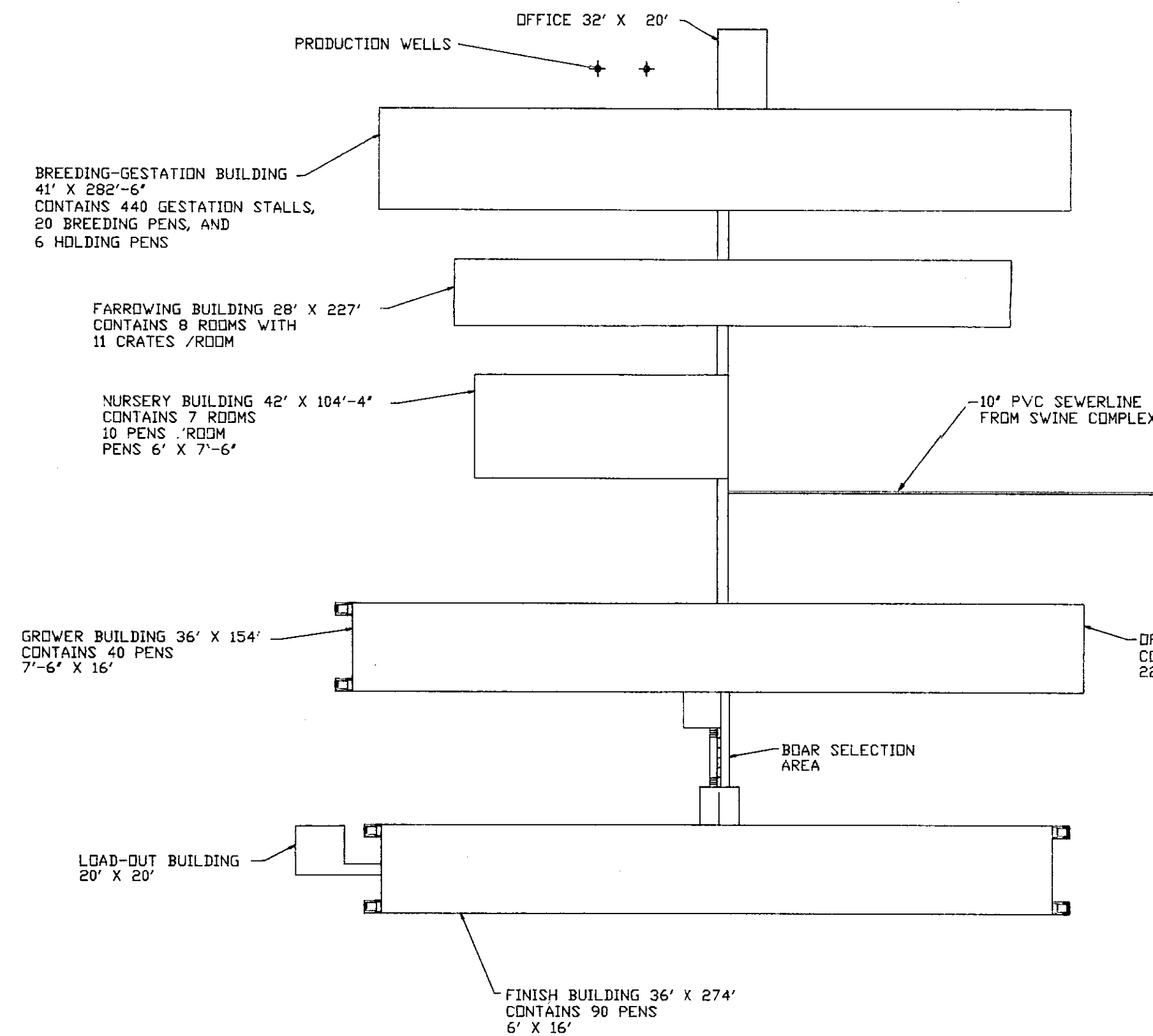


MONITORING WELL 'B' LOCATED APPROXIMATELY 1300 FT. NORTH OF LAGOON CENTERLINE



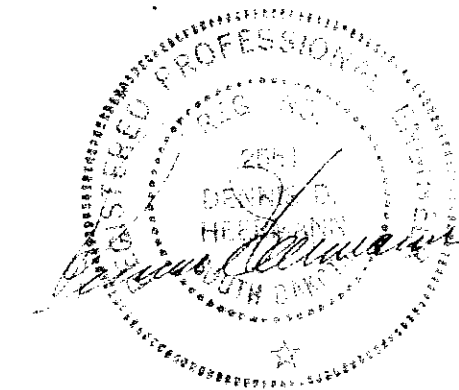
MONITORING WELL 'C' LOCATED APPROXIMATELY 1300 FT. NORTH OF LAGOON

NOTE: EFFLUENT WILL BE LAND APPLIED UTILIZING PORTABLE PIPING AND SPRAY IRRIGATION



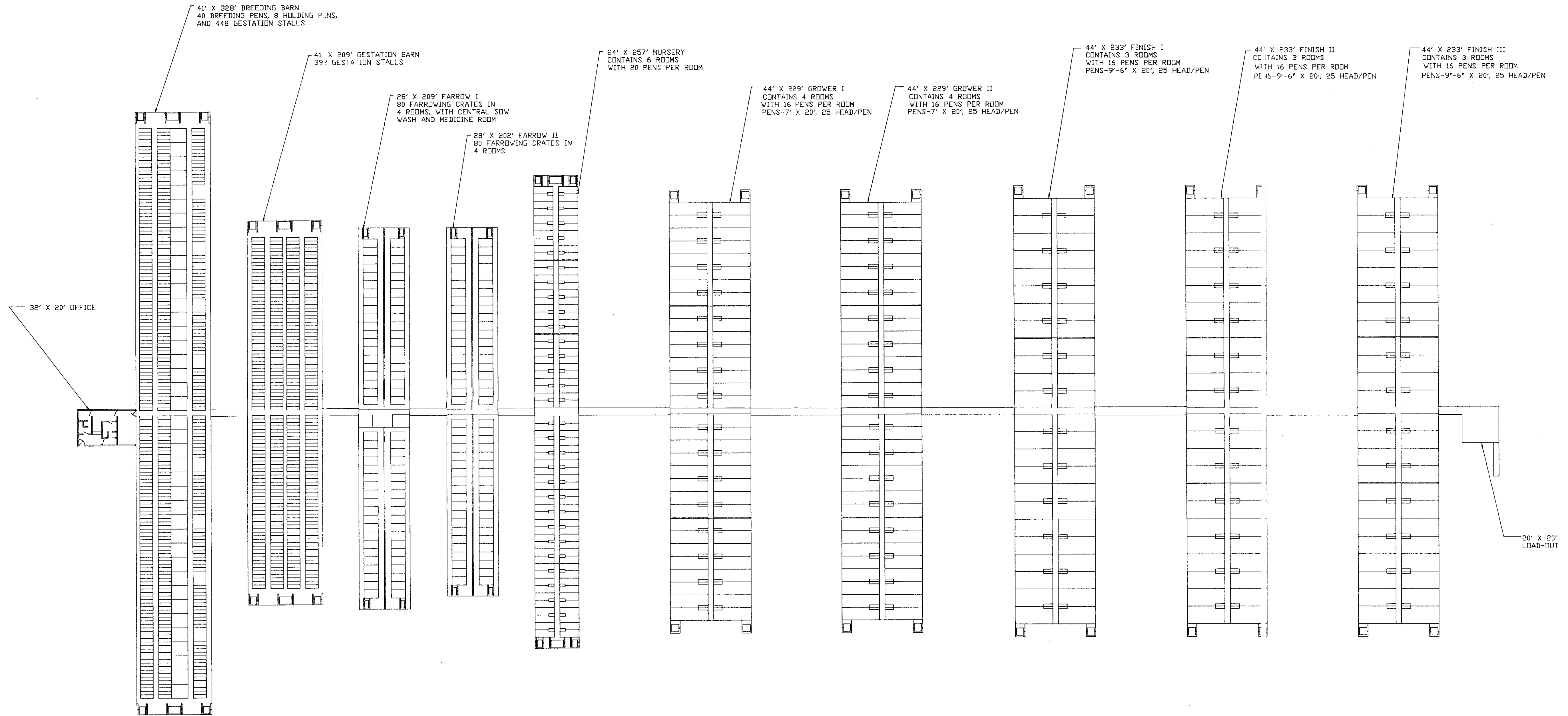
- NOTE:
1. COMPLEX TO BE LOCATED IN THE SW 1/4 OF SECTION 17, TOWNSHIP 117N, RANGE 59W CLARK COUNTY, SOUTH DAKOTA
 2. PRELIMINARY MONITORING WELLS LOCATED AS FOLLOWS:
UPGRADIENT - 1 WELL 'A'
DOWNGRADIENT - 2 WELLS 'B' AND 'C'

MONITORING WELL 'A' LOCATED APPROXIMATELY 1300 FT. SOUTH OF LAGOON



5175-3			
SAND LIVESTOCK SYSTEMS, INC. COLUMBUS, NEBRASKA 68601 (402) 554-1234			
ENGINEERING DEPARTMENT	SCALE 1"=50'-0" 1:600	DRAWN BY Ray Heston	APPROVED BY
TITLE SITE LAYOUT			
DATE 5-18-88	JOB NO. SOUTH DAKOTA BODAR TEST	DRAWING NO. BHS LM #4B	

DATE	SYM	REVISION RECORD	OR	CK



5175-3
PRELIMINARY



SAND LIVESTOCK SYSTEMS, INC. COLUMBUS, NEBRASKA 68601 (402) 564-1211			
ENGINEERING DEPARTMENT	SCALE 1" = 30'-0" 1:360	DRAWN BY <i>Ray H. Houser</i>	APPROVED BY
TITLE 1000 SOW FARROW - FINISH COMPLEX LAYOUT			
DATE 3-3-88	JOB NO. HOWSER	DRAWING NO. HOWSER14A	

DATE	STA	REVISION RECORD	DR	OK

**SOUTH DAKOTA
WATER PERMIT**

Date of first receipt of application January 15, 1988

Date of return to applicant for correction, amendments or changes required January 26, 1988

Date of receipt of corrected application March 17, 1988

The Water Management Board approved Water Permit Application No. 5175-3

on May 11, 1988 for Ron Houser (Applicant)

115 5th Ave So., PO Box 2168 La Crosse WI 54602-7168
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5175-3 appropriates 0.33 cubic feet of water per second from 2 wells 85 feet deep to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ section 17-T117N-R59W. Waste water is to be stored in a 51 acre-foot waste water lagoon in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 17 and the effluent is to be disposed of by mechanical means on approximately 600 acres in the W $\frac{1}{2}$ section 17; W $\frac{1}{2}$ section 18; all in T117N-R59W
2. The water appropriated shall be used for the purpose of supplying a swine production operation
and may not exceed the amount of water needed for beneficial use for commercial purposes
3. The water is to be used during the following described annual period: Jan 1 - Dec 31
4. The date from which applicant may claim the right is January 15, 1988
5. One-fifth of the construction is to be completed on or before November 11, 1990
6. All construction is to be completed on or before May 11, 1993
7. Water is to be put to beneficial use on or before May 11, 1997
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

SEE ATTACHED SHEET

WATER MANAGEMENT BOARD

By: John Houser
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

NOV 30 1988

ATTACHMENT A

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The casing of the wells to be constructed under Permit No. 5175-3 shall be pressure grouted with cement (bottom to top) from the producing aquifer to the surface and the well constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. Approval of this Permit is subject to submission of plans and specifications for the wastewater lagoon to the chief engineer and the Division of Environmental Quality prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18.
4. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
5. The storage lagoon shall be designed to have a 210 day holding capacity and designed to have a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. The reserve storage capacity shall be reestablished immediately, as conditions allow, when a PMP event cannot be stored due to previous rainfall.
6. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.
7. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
8. Design, construction and management of the lagoon shall be sufficient to maintain a seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
9. Approval of Permit No. 5175-3 is subject to compliance with the following then existing and applicable Water Management Board rules:
 - a. Chapter 74:03:15 Ground Water Quality Standards,
 - b. Chapter 75:03:16 Ground Water Discharge Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapters 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction (2 wells)

- a) Drill Hole Diameter 12" Depth 70'
- b) Casing Type PVC Diameter 6" Thickness Schedule 40
- c) Screen Type PVC Diameter 6" Thickness Schedule 40
- d) Gravel Pack Thickness 2" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 60'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others one mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

Sand Livestock Systems, Inc.

1418 25th Street

Columbus, NE 68601

b) Freeboard 2'

c) Crest Width 10'

Crest Length ~~XXXXX~~ 2,050'

d) Height 12'

e) Primary Outlet Capacity _____
 If Pipe, diameter 10'

f) Secondary Spillway Capacity N/A
 Spillway width _____

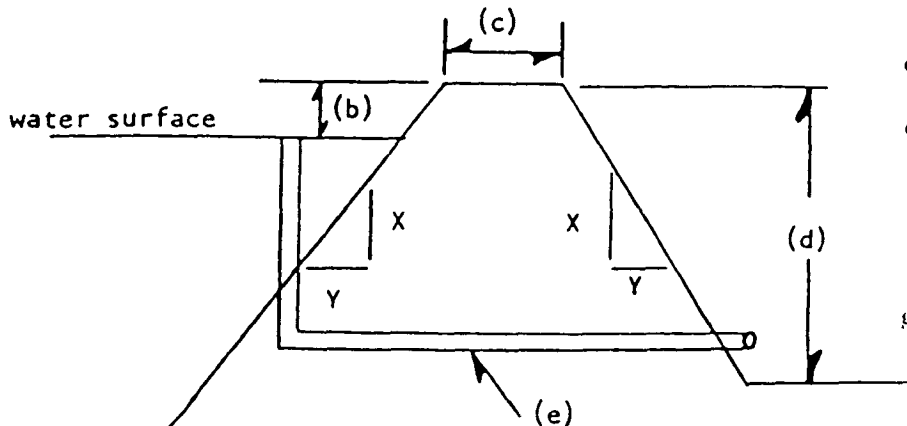
g) X & Y Slope
 Upstream 1:3

Downstream 1:3

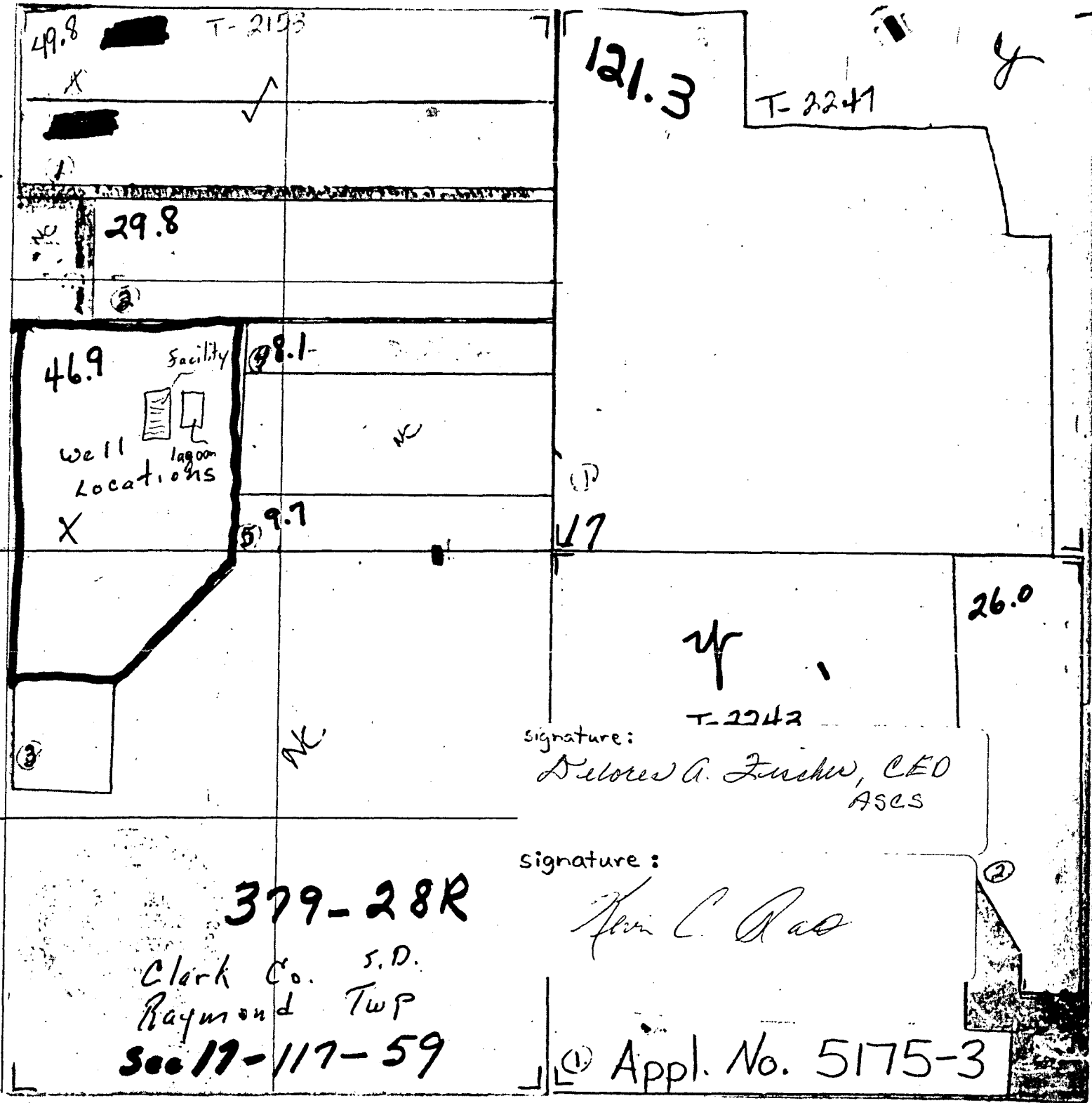
Surface Area of Impoundment 250,000 ft.

Storage 51 acre feet

Drainage area above dam ~~XXXXX~~ N/A



P. W. H.
 Signature of Applicant



49.8 T-2133

121.3

T-2241

29.8

46.9

Facility

48.1

Well

Lagoon

Locations

X

9.7

17

26.0

24

T-2242

signature:

signature:

Kevin C. Rao

379-28R

Clark Co. S.D.

Raymond Twp

Sec 17-117-59

① Appl. No. 5175-3

JOB NAME

LOCATION

7/23/76

10

RUG NO.

Lloyd Peters

FOREMAN J R

JOB NAME	LOCATION	DATE	RJ NO.	FOREMAN JR.
DEPTH	TB.	REMARKS	DESCRIPTION	
		Hole #4		
1 20		0-2 Topsoil		
2 40		2-10 Yellow Clay, Sandy		
3 60		10-20 Fine Yellow Sand w/Yellow Clay		
4 80		20-35 Med. Yellowish Sand w/ Coarse Streaks		
5 100		35-40 Coarse Gravel		
5 120		40-60 Blue Clay, Brownish Last 5 Feet		
7 140		60-80 Brown Clay		
3 160	TD	80-100 Brown Clay, Few Fine Streaks, Last 2'		
		Blue Clay		
		100-120 Blue Clay		
		120-140 Blue Clay		
		140-155 Blue Clay		
		155-160 Shale		

[illegible]

Site No. CK-80C Station DABA-18 Town 117 N 59 W.

Driller M. Koffler - SNGS

Date drilled 10-1-80 Time of day 4³⁴" 2"

Interval	Description
0-3	Topsoil
3-9	Clay, yellow brown, sandy, pebbly; till
9-18	Sand, fine to medium
18-26	Clay, gray, sandy, pebbly; till
26-30	Sand, fine to medium
30-39	Clay, gray, sandy, pebbly; till
39-53	Gravel, medium to coarse
53-55	Shale

Depth to cased material _____ feet
Depth to first water level _____ feet
True depth of drill hole 55 feet
Total length of casing installed 55 feet including a 5' sandpoint

CHZ 1489

Blow Point	<u>✓</u>	Water Mounded	<u>✓</u>
Casing in place	<u>✓</u>	Acc. hole	<u> </u>
Casing sealed at bottom	<u>✓</u>	Is blocked	<u> </u>
Casing set	<u> </u>	Test set	<u>✓</u>

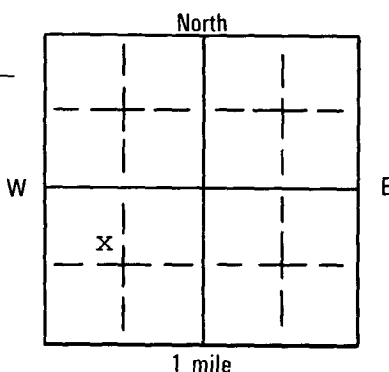
U.S. GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
NORTH PLATTE, NEB. 68901
FORM NO. 2
5-11-80
Denver, Colorado

10-85

Date 3-16-88

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NW 1/4 Sec 17 Twp 117 Rg 59County
CLARKPlease mark well
location with
an "X"Well Completion Date 3-15-88

PROPOSED USE:

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

Method of Drilling:

ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 30 FEETWhat is grouting material? PORTLAND CEMENTIf cement, number of sacks? 6Describe grouting procedure TRIME PIPE

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name SAND LIVESTOCK C/O KEVIN RATHAddress 1418 25TH ST., COLUMBUS, NB. 68601

Well Log:

Depth

Formation

From

To

TOPSOIL

0

1

YELLOW CLAY

1

15

BLUE CLAY

15

25

FINE SAND

25

40

FINE SAND

40

53

BLUE CLAY

53

56

COARSE SAND

56

60

COARSE SAND & GRAVEL

60

80

COARSE SAND & GRAVEL

80

83

SHALE

83

100

STATIC WATER LEVEL _____ 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 in? _____

WELL TEST DATA:

☐ Pumped _____☐ Bailed _____

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

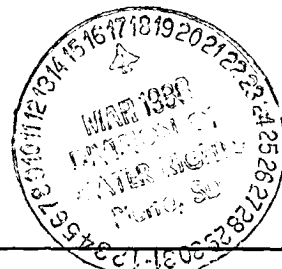
_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

EXCELLENT FORMATION

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm HURON DRILLING, INC.

Signature of License Representative: _____

Signature of Well Owner: _____

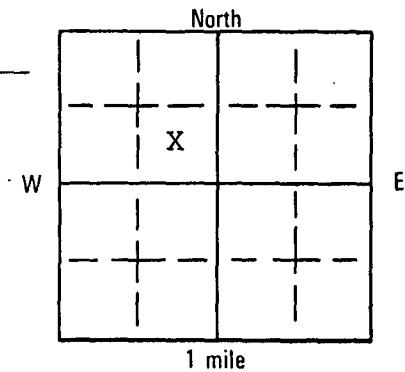
Date 3-16-88

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 17 Twp 117 Rg 59

County

ClarkPlease mark well
location with
an "X"Well Completion Date August 1, 1988

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch #40</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>53</u> FT	<u>12 1/4</u> IN
<u>PVC screen</u> LB/FT	<u>6</u> IN	<u>53</u> FT	<u>73</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 30 FEETWhat is grouting material? Portland cementIf cement, number of sacks? 15Describe grouting procedure Trieme pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 20 FEETMaterial PVCSlot Size 35 Set From 53 Feet To 73 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Bento niteDescribe packer(s) and location? 30-35 ft.Was well disinfected upon completion? ☒ YES ☐ NOExplain HTHBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Sand Livestock SystemsAddress 1418 25th St., Columbus, Ne. 68601Well Log: WELL #2

Depth

Formation

From

To

Top soil

0

2

Yellow clay

2

25

Blue clay

25

45

Good sand

45

75

STATIC WATER LEVEL 26 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 in? _____

WELL TEST DATA:

☒ PumpedCompressed air☐ Bailed

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

30 ft. After 12 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling

Signature of License Representative: _____

Signature of Well Owner: _____

Date August 11, 1988

10-85 5175-3

Date August 11, 1988

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411124

Pierre, January 15, 1988

Ronald W Houser, PO Box 2168, LaCrosse WI 54602

RECEIVED OF

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

Fee for Application for Permit No. <u>5175-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

By

Chief Engineer

JOHN HATCH

(ks)



Department of Water & Natural Resources

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

January 26, 1988

Kevin Rath
Sand Livestock Systems, Inc.
P.O. Box 948
Columbus, Nebraska 68601

Dear Mr. Rath:

This letter is in response to the water permit applications submitted by Ron Houser on January 15, 1988. The following information is needed prior to processing of the applications:

1. The enclosed maps need to have the proposed lagoon locations outlined and one map needs to be signed according to directions on the attached instruction sheet.
2. Test holes need to be drilled at the proposed lagoon and well sites for each application. The well driller needs to be licensed to drill in South Dakota.
3. The legal descriptions of the known lands and the number of acres on which effluent is to be spread.
4. A description of the proposed method for effluent disposal.
5. The proposed size (number of farrowing sows) and location of the swine confinement units.
6. The plans and specifications for the construction of the lagoons as required by Safety of Dams Rules Chapter 74:02:08.
7. Other information that will help to explain the application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
(605) 773-3352

RD:ms
Enc.
cc: Ron Hauser

SAND LIVESTOCK SYSTEMS, INC.

PHONE: (402) 564-1211
1418 - 25th Street P.O. Box 948
COLUMBUS, NEBRASKA 68601



March 11, 1988

South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Attention: Ron Duvall

RE: Ron Houser Water Permit Application

Dear Mr. Duvall,

You requested additional information in order to complete Ron Houser's water permit application. Enclosed are our responses to the various items pointed out in your January 26th letter.

1. The lagoon and facility locations are outlined on the enclosed map. The map is also signed.
2. Test holes are being drilled, and well logs will be forwarded to you as soon as possible.
3. Waste will be disposed of on the West $\frac{1}{2}$ of Section 17, and the West $\frac{1}{2}$ of Section 8, T117N, R59W, Clark County, SD. The amount of usable land is approximately 600 acres.
4. Effluent will be stored in a lagoon, and ultimately, land applied. Application will be carried out through some form of irrigation. A big gun is the most likely type of irrigation system to be used, although a center pivot or gravity system may be used.
5. The complex will be a 1000 sow farrow-finish operation. This operation will have 40 sows farrowing each week, and will produce about 20,000 market hogs per year. The location of the facility has been outlined on the enclosed map, and I have also included a print showing the proposed size and configuration of the facility.
6. After reading chapter 74:02:08 Safety of Dams definition #6. We have decided to reduce the capacity of the lagoon to 49 acre-ft.

March 11, 1988

I hope this information is adequate, and we can be placed on the May meeting. Regarding the application by Mr. Houser for a water permit in Section 35, T118N, R56W, Clark County, SD, Mr. Houser would prefer to drop that application. Please return his filing fee to the address shown on the application.

If you have any questions feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin C. Rath".

Kevin Rath
Project Engineer

/mv

Enclosures



Water & Natural Resources

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

April 4, 1988

Kevin Rath
Sand Livestock Systems, Inc.
PO Box 948
Columbus NE 68601

Dear Mr. Rath:

This letter is in response to the map submitted with the water permit application for Ron Houser. The map needs to be signed by one of the following persons:

- 1) A South Dakota licensed land surveyor.
- 2) A South Dakota registered professional engineer.
- 3) A government employee that regularly prepares such maps as part of his or her employment (e.g. ASCS or SCS employee).

The requirement that the map be signed by one of the above three persons is outlined in General Rules Section 74:02:01:07. Please return the signed map as soon as possible. Contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: Ron Houser
ADDRESS: 115 5th Ave., So, PO Box 2168 COUNTY Clark
La Crosse WI 54602
DATE: 4/4/88 TELEPHONE _____
RE: Conversation with Kevin Rath on Mar. 17, 1988
via phone
COMMENTS:

I contacted Kevin Rath to determine if the 49 acre-feet storage capacity mentioned in Mr. Rath's letter dated March 11, 1988 was to the crest of the lagoon. Mr. Rath stated that the 49 acre-feet included 2 feet of freeboard. I then told Mr. Rath that compliance with the Safety of Dams Rules would still be required. Mr. Rath stated that the storage capacity could then remain at 51 acre-feet as originally submitted.

I also asked Mr. Rath if, in his opinion, the 600 acres was sufficient area for disposal of the lagoon waste. Mr. Rath stated that the 600 acres would be adequate.

4/4/88 Office conversation with Kevin Rath. I asked Mr. Rath if any excavation would be completed during the lagoon construction. Mr. Rath stated a cut & fill evaluation had not been completed; however, Mr. Rath estimated that a 4 feet cut would be required.

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

NAME: Ron Duvall

REPORT ON APPLICATION No. 5175-3
RON HOUSER
March 22, 1988

Permit application No. 5175-3 proposes to appropriate 0.33 cubic feet of water per second from 2 wells 85 feet deep located in the SW⁴NW⁴ and the NW⁴SW⁴ Sec.17, T117N-R59W to supply a commercial swine production operation (1000 sow farrow-finish operation). Waste water effluent is to be stored in a 51 acre-feet waste water lagoon in the SW⁴NW⁴ Sec.17, T117N-R59W. The effluent is to be disposed of by mechanical means (e.g. big guns) on approximately 600 acres in the W² Sec.17; and the W² Sec.8; all in T117N-R59W.

Aquifer: Un-Named Pleistocene Aged Outwash

Geology and Aquifer Characteristics:

Review of the Geology and Water Resources of Clark County (Christensen,1987), the Sand and Gravel Resources in Clark County (Schroeder,1978), the Major Aquifers in Clark County (Hamilton,1978), domestic wells in the area (Division of Water Rights,1988), and Division of Water Right's observation wells in the area (Division of Water Rights,1988), indicate the source of groundwater for these wells is an un-named Pleistocene aged, sand and gravel outwash. The outwash underlies approximately 43 square miles of Clark County. Although the saturated thickness of the outwash is variable in areal extent, locally the outwash appears to be a dependable aquifer. Test well logs submitted with this application indicate the saturated thickness of the outwash ranges from 27 feet to 60 feet, and the aquifer is under water table conditions in this area. The applicant has test pumped a test well at this site at 40 gallons per minute with 5 feet of drawdown,(specific capacity =8gpm/ft). The Division of Water Rights monitors two observation wells in this aquifer within one mile of this application. Water level measurements taken from the observation wells show that water levels in the aquifer, in recent years are at the highest level of record for the observation wells. Estimates are not available for the recoverable water in storage in this aquifer, and average annual recharge estimates are not available.

Effluent from this proposed operation is to be pumped to a 51 acre-feet storage lagoon and ultimately land applied. Test hole logs submitted with this application indicate the aquifer is overlain by 15 feet of oxidized glacial till and 5 to 10 feet of relatively impermeable unoxidized till in this area. However, the log of the Division of Water Rights' observation well, CK-80C indicates the unoxidized till is not present approximately 1/4 mile west of the applicant's test holes. It would be expected that since the aquifer is under water-table conditions, the potential exists for downward leakage through the till even though the hydraulic characteristics of the till are not well defined. If an assumed value (shown to be representative) of the permeability (k) of 10^{-5} ft/sec. is used for leakage through the

till then it would result in a leakage through the till at a rate of 315 ft/yr. In other words, leakage from the lagoon area to the aquifer would be expected in about 1 month, this would apply to the weathered till only. In areas where gray or unweathered till exist the rates of movement would be much slower. For example the k for unweathered till is 10^{-7} ft/sec which would equate to about 3.15 ft/yr. movement or approximately 3 years (assuming 10 feet of unweathered till) before leakage became apparent in the aquifer. These are assumed values but have been found to be representative of till in South Dakota. Further testing of the area would be required to verify these estimates. This question would be addressed when a ground water discharge permit is applied for pursuant to the Water Management Board Rules Chapter 74:03:16 and would be considered separately by the Water Management Board.

Review of Existing Water Rights:

There are 5 existing water permits appropriating water from this un-named aquifer within two miles of this application, they include:

Permit #	Owner	Location
679-3	Clarence Blewett	SE Sec.12,T117N-R60W
685-3	Jerome & Julie Schroeder	SW Sec.18,T117N-R59W
783-3	James C. & Gordon Finch	SW Sec.29,T117N-R59W
1877-3	Aqua 4 Farms	SW Sec.12,T117N-R60W
4806-3	William Maner (Aqua 4 Farms)	NW Sec.12,T117N-R60W

The combined diversion rate of the five permits is 7.84 cubic feet per second, and the permits appropriate water to irrigate a total of 976.8 acres. There was a great deal of controversy over Permit No.783-3, the Water Rights Commission ultimately required the applicant to deepen the protester's domestic wells. It should be noted that this action was taken before the laws were changed to protect only adequate domestic wells. The wells in question in regard to the permit would not be considered adequate wells under the present definition of an adequate well. The Division of Water Rights has record of several domestic wells in this area, some of these wells rely on the same aquifer this application is requesting appropriation from.

Water Use:

Permit #	Reported pumpage* (acre-feet/year)					
	1986	1985	1984	1983	1982	1981
679-3	0	0	0	0	0	140.86
685-3	0	0	0	0	0	72.93
783-3	0	0	0	0	0	0
1877-3	0	0	80	253.68	0	0
4806-3	15	0	0	0	N/A	N/A

* From annual Irrigation Reports (Division of Water Rights, 1982-1987)

Conclusions:

1. Permit application No. 5175-3 proposes to appropriate 0.33 cubic feet of water per second from two wells completed into an un-named Pleistocene aged aquifer.
2. The un-named outwash aquifer appears to be a viable aquifer in this area and there is a reasonable probability unappropriated water is available.
3. Well interference should not be a problem.



Kent Buhler
Natural Resources Engineer

References:

- Division of Water Rights, 1988, "Domestic Well Log Files, Water Permit Files, and Observation Well Files", DWNR - Division of Water Rights, Joe Foss Building, Pierre SD
- Division of Water Rights, 1982,1983,1984,1985,1986,1987, "Irrigation Report", DWNR - Division of Water Rights, Joe Foss Building, Pierre SD
- Christensen,C.M.,1987, Geology and Water Resources of Clark County, South Dakota, Part 1: Geology, Bulletin 29, DWNR - Division of Geological Survey, Vermillion SD
- Hamilton,L.J.,1978, Major Aquifers in Clark County, South Dakota, Information Pamphlet No. 16, DWNR - Division of Geological Survey, Vermillion SD
- Schroeder,W., 1978, Sand and Gravel Resources in Clark County, South Dakota, Information Pamphlet No.15, DWNR- Division of Geological Survey, Vermillion SD

[illegible]

UQS0009 - END OF DATA SET

OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
111	117N-59W-18DAAA 2	CK-80C	08/09/83	X	-29.7
112	117N-59W-18DAAA 2	CK-80C	08/25/83	X	-30.1
113	117N-59W-18DAAA 2	CK-80C	09/14/83	X	-29.9
114	117N-59W-18DAAA 2	CK-80C	11/10/83	X	-29.9
115	117N-59W-18DAAA 2	CK-80C	04/18/84	X	-29.5
116	117N-59W-18DAAA 2	CK-80C	05/16/84	X	-29.1
117	117N-59W-18DAAA 2	CK-80C	05/29/84	X	-29.1
118	117N-59W-18DAAA 2	CK-80C	06/12/84	X	-29.0
119	117N-59W-18DAAA 2	CK-80C	06/26/84	X	-26.8
120	117N-59W-18DAAA 2	CK-80C	07/10/84	X	-26.3
121	117N-59W-18DAAA 2	CK-80C	07/24/84	X	-26.2
122	117N-59W-18DAAA 2	CK-80C	08/07/84	X	-26.1
123	117N-59W-18DAAA 2	CK-80C	08/21/84	X	-26.0
124	117N-59W-18DAAA 2	CK-80C	09/12/84	X	-26.0
125	117N-59W-18DAAA 2	CK-80C	10/24/84	X	-25.7
126	117N-59W-18DAAA 2	CK-80C	04/02/85	X	-25.6
127	117N-59W-18DAAA 2	CK-80C	04/23/85	X	-25.6
128	117N-59W-18DAAA 2	CK-80C	05/21/85	X	-25.8
129	117N-59W-18DAAA 2	CK-80C	06/04/85	X	-25.8
130	117N-59W-18DAAA 2	CK-80C	06/18/85	X	-25.7
131	117N-59W-18DAAA 2	CK-80C	07/02/85	X	-25.6
132	117N-59W-18DAAA 2	CK-80C	07/16/85	X	-25.7
133	117N-59W-18DAAA 2	CK-80C	07/31/85	X	-25.6
134	117N-59W-18DAAA 2	CK-80C	08/14/85	X	-25.7
135	117N-59W-18DAAA 2	CK-80C	08/20/85	X	-25.7
136	117N-59W-18DAAA 2	CK-80C	08/22/85	X	-25.5
137	117N-59W-18DAAA 2	CK-80C	09/18/85	X	-25.3
138	117N-59W-18DAAA 2	CK-80C	10/16/85	X	-24.5
139	117N-59W-18DAAA 2	CK-80C	11/05/85	X	-24.6
140	117N-59W-18DAAA 2	CK-80C	03/26/86	X	-24.8
141	117N-59W-18DAAA 2	CK-80C	04/29/86	X	-21.7
142	117N-59W-18DAAA 2	CK-80C	06/09/86	X	-20.6
143	117N-59W-18DAAA 2	CK-80C	06/23/86	X	-20.6
144	117N-59W-18DAAA 2	CK-80C	07/08/86	X	-20.5
145	117N-59W-18DAAA 2	CK-80C	07/22/86	X	-20.6
146	117N-59W-18DAAA 2	CK-80C	08/07/86	X	-20.6
147	117N-59W-18DAAA 2	CK-80C	08/19/86	X	-20.7
148	117N-59W-18DAAA 2	CK-80C	10/01/86	X	-20.8
149	117N-59W-18DAAA 2	CK-80C	11/19/86	X	-20.8
150	117N-59W-18DAAA 2	CK-80C	03/10/87	X	-21.5
151	117N-59W-18DAAA 2	CK-80C	04/22/87	X	-21.1
152	117N-59W-18DAAA 2	CK-80C	05/20/87	X	-20.9
153	117N-59W-18DAAA 2	CK-80C	06/04/87	X	-21.1
154	117N-59W-18DAAA 2	CK-80C	06/18/87	X	-21.0
155	117N-59W-18DAAA 2	CK-80C	07/02/87	X	-20.8
156	117N-59W-18DAAA 2	CK-80C	07/15/87	X	-20.8
157	117N-59W-18DAAA 2	CK-80C	07/29/87	X	-20.7
158	117N-59W-18DAAA 2	CK-80C	08/13/87	X	-20.7
159	117N-59W-18DAAA 2	CK-80C	08/28/87	X	-20.1
160	117N-59W-18DAAA 2	CK-80C	10/07/87	X	-21.1
161	117N-59W-18DAAA 2	CK-80C	11/17/87	X	-21.3

N= 161

OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
56	117N-59W-18DAAA 2	CK-80C	05/23/78	X	-29.0
57	117N-59W-18DAAA 2	CK-80C	06/08/78	X	-29.4
58	117N-59W-18DAAA 2	CK-80C	06/22/78	X	-29.0
59	117N-59W-18DAAA 2	CK-80C	07/11/78	X	-29.1
60	117N-59W-18DAAA 2	CK-80C	07/19/78	X	-28.9
61	117N-59W-18DAAA 2	CK-80C	08/14/78	X	-29.5
62	117N-59W-18DAAA 2	CK-80C	09/05/78	X	-29.5
63	117N-59W-18DAAA 2	CK-80C	09/28/78	X	-29.4
64	117N-59W-18DAAA 2	CK-80C	10/16/78	X	-29.4
65	117N-59W-18DAAA 2	CK-80C	01/25/79	X	-29.5
66	117N-59W-18DAAA 2	CK-80C	05/03/79	X	-29.4
67	117N-59W-18DAAA 2	CK-80C	06/01/79	X	-29.0
68	117N-59W-18DAAA 2	CK-80C	06/14/79	X	-29.1
69	117N-59W-18DAAA 2	CK-80C	07/02/79	X	-29.1
70	117N-59W-18DAAA 2	CK-80C	07/16/79	X	-29.1
71	117N-59W-18DAAA 2	CK-80C	07/30/79	X	-29.4
72	117N-59W-18DAAA 2	CK-80C	08/13/79	X	-29.3
73	117N-59W-18DAAA 2	CK-80C	09/06/79	X	-29.3
74	117N-59W-18DAAA 2	CK-80C	09/27/79	X	-29.2
75	117N-59W-18DAAA 2	CK-80C	01/18/80	X	-29.2
76	117N-59W-18DAAA 2	CK-80C	03/06/80	X	-29.1
77	117N-59W-18DAAA 2	CK-80C	04/16/80	X	-29.3
78	117N-59W-18DAAA 2	CK-80C	05/29/80	X	-29.4
79	117N-59W-18DAAA 2	CK-80C	06/24/80	X	-29.4
80	117N-59W-18DAAA 2	CK-80C	07/24/80	X	-29.7
81	117N-59W-18DAAA 2	CK-80C	08/20/80	X	-29.5
82	117N-59W-18DAAA 2	CK-80C	09/10/80	X	-29.8
83	117N-59W-18DAAA 2	CK-80C	10/01/80	X	-26.6
84	117N-59W-18DAAA 2	CK-80C	10/30/80	X	-29.6
85	117N-59W-18DAAA 2	CK-80C	12/08/80	X	-29.7
86	117N-59W-18DAAA 2	CK-80C	03/12/81	X	-29.7
87	117N-59W-18DAAA 2	CK-80C	04/13/81	X	-29.6
88	117N-59W-18DAAA 2	CK-80C	05/30/81	X	-30.1
89	117N-59W-18DAAA 2	CK-80C	06/12/81	X	-29.9
90	117N-59W-18DAAA 2	CK-80C	06/26/81	X	-29.9
91	117N-59W-18DAAA 2	CK-80C	07/10/81	X	-30.3
92	117N-59W-18DAAA 2	CK-80C	07/25/81	X	-30.1
93	117N-59W-18DAAA 2	CK-80C	08/08/81	X	-30.1
94	117N-59W-18DAAA 2	CK-80C	10/22/81	X	-30.1
95	117N-59W-18DAAA 2	CK-80C	04/02/82	X	-30.1
96	117N-59W-18DAAA 2	CK-80C	04/28/82	X	-30.0
97	117N-59W-18DAAA 2	CK-80C	05/26/82	X	-30.0
98	117N-59W-18DAAA 2	CK-80C	07/08/82	X	-30.0
99	117N-59W-18DAAA 2	CK-80C	07/22/82	X	-30.0
100	117N-59W-18DAAA 2	CK-80C	08/18/82	X	-30.1
101	117N-59W-18DAAA 2	CK-80C	09/01/82	X	-30.0
102	117N-59W-18DAAA 2	CK-80C	09/21/82	X	-30.0
103	117N-59W-18DAAA 2	CK-80C	10/20/82	X	-30.0
104	117N-59W-18DAAA 2	CK-80C	04/05/83	X	-30.1
105	117N-59W-18DAAA 2	CK-80C	05/11/83	X	-29.9
106	117N-59W-18DAAA 2	CK-80C	05/25/83	X	-29.9
107	117N-59W-18DAAA 2	CK-80C	06/08/83	X	-29.9
108	117N-59W-18DAAA 2	CK-80C	06/22/83	X	-29.9
109	117N-59W-18DAAA 2	CK-80C	07/08/83	X	-29.9
110	117N-59W-18DAAA 2	CK-80C	07/21/83	X	-30.1

13:45 TUESDAY, MARCH 22, 1988 1					
OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
1	117N-59W-18DAAA 2	CK-80C	06/07/60	X	-24.7
2	117N-59W-18DAAA 2	CK-80C	08/10/60	X	-24.9
3	117N-59W-18DAAA 2	CK-80C	08/29/60	X	-24.7
4	117N-59W-18DAAA 2	CK-80C	10/26/60	X	-24.8
5	117N-59W-18DAAA 2	CK-80C	03/02/61	X	-24.8
6	117N-59W-18DAAA 2	CK-80C	07/08/61	X	-24.4
7	117N-59W-18DAAA 2	CK-80C	07/31/61	X	-25.3
8	117N-59W-18DAAA 2	CK-80C	09/12/61	X	-25.9
9	117N-59W-18DAAA 2	CK-80C	11/01/61	X	-25.7
10	117N-59W-18DAAA 2	CK-80C	10/25/62	X	-25.4
11	117N-59W-18DAAA 2	CK-80C	02/21/63	X	-23.5
12	117N-59W-18DAAA 2	CK-80C	07/16/63	X	-23.9
13	117N-59W-18DAAA 2	CK-80C	12/04/63	X	-25.3
14	117N-59W-18DAAA 2	CK-80C	04/23/64	X	-24.8
15	117N-59W-18DAAA 2	CK-80C	07/08/64	X	-26.0
16	117N-59W-18DAAA 2	CK-80C	03/23/65	X	-26.0
17	117N-59W-18DAAA 2	CK-80C	07/07/65	X	-24.4
18	117N-59W-18DAAA 2	CK-80C	11/23/65	X	-25.4
19	117N-59W-18DAAA 2	CK-80C	03/17/66	X	-25.7
20	117N-59W-18DAAA 2	CK-80C	08/09/66	X	-26.2
21	117N-59W-18DAAA 2	CK-80C	10/11/67	X	-27.2
22	117N-59W-18DAAA 2	CK-80C	03/04/68	X	-27.3
23	117N-59W-18DAAA 2	CK-80C	11/12/68	X	-27.2
24	117N-59W-18DAAA 2	CK-80C	04/16/69	X	-27.0
25	117N-59W-18DAAA 2	CK-80C	08/13/69	X	-26.6
26	117N-59W-18DAAA 2	CK-80C	10/27/69	X	-27.6
27	117N-59W-18DAAA 2	CK-80C	04/01/70	X	-27.1
28	117N-59W-18DAAA 2	CK-80C	07/09/70	X	-26.5
29	117N-59W-18DAAA 2	CK-80C	11/25/70	X	-27.0
30	117N-59W-18DAAA 2	CK-80C	03/24/71	X	-27.3
31	117N-59W-18DAAA 2	CK-80C	07/07/71	X	-27.4
32	117N-59W-18DAAA 2	CK-80C	11/01/71	X	-27.9
33	117N-59W-18DAAA 2	CK-80C	04/04/72	X	-27.8
34	117N-59W-18DAAA 2	CK-80C	07/17/72	X	-25.2
35	117N-59W-18DAAA 2	CK-80C	11/20/72	X	-25.5
36	117N-59W-18DAAA 2	CK-80C	05/01/73	X	-25.5
37	117N-59W-18DAAA 2	CK-80C	06/27/73	X	-25.9
38	117N-59W-18DAAA 2	CK-80C	11/07/73	X	-26.9
39	117N-59W-18DAAA 2	CK-80C	04/15/74	X	-27.0
40	117N-59W-18DAAA 2	CK-80C	07/08/74	X	-27.2
41	117N-59W-18DAAA 2	CK-80C	10/30/74	X	-28.1
42	117N-59W-18DAAA 2	CK-80C	05/13/75	X	-27.9
43	117N-59W-18DAAA 2	CK-80C	07/08/75	X	-27.8
44	117N-59W-18DAAA 2	CK-80C	05/03/76	X	-28.9
45	117N-59W-18DAAA 2	CK-80C	08/02/76	X	-29.2
46	117N-59W-18DAAA 2	CK-80C	11/30/76	X	-29.1
47	117N-59W-18DAAA 2	CK-80C	02/07/77	X	-29.2
48	117N-59W-18DAAA 2	CK-80C	06/07/77	X	-29.5
49	117N-59W-18DAAA 2	CK-80C	06/22/77	X	-29.4
50	117N-59W-18DAAA 2	CK-80C	07/07/77	X	-29.5
51	117N-59W-18DAAA 2	CK-80C	07/27/77	X	-29.4
52	117N-59W-18DAAA 2	CK-80C	08/03/77	X	-29.5
53	117N-59W-18DAAA 2	CK-80C	08/18/77	X	-29.6
54	117N-59W-18DAAA 2	CK-80C	09/06/77	X	-30.7
55	117N-59W-18DAAA 2	CK-80C	12/30/77	X	-29.6

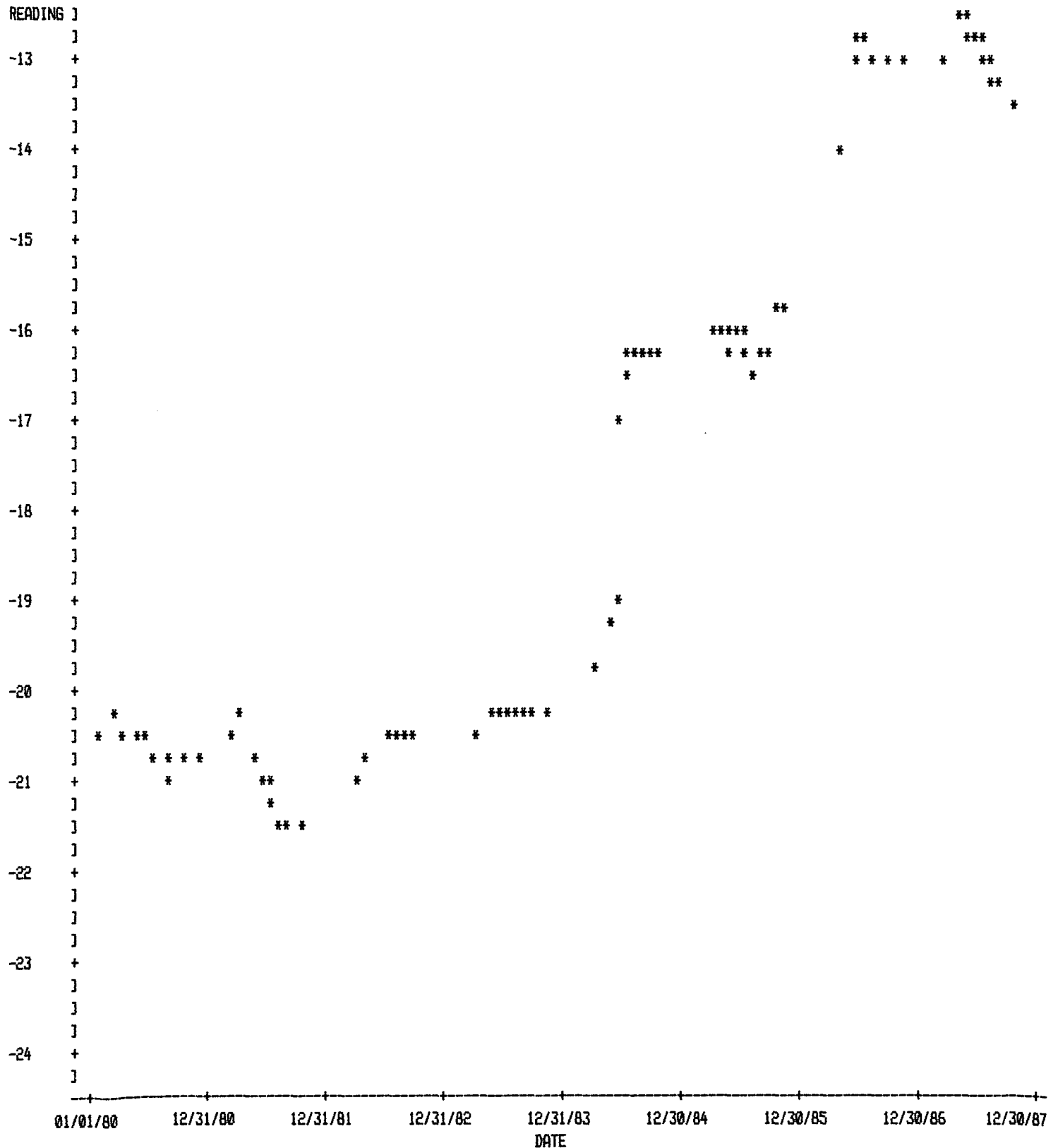
OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
1	117N-59W-07CCCC 2	CK-80B	06/07/60	X	-14.3
2	117N-59W-07CCCC 2	CK-80B	08/10/60	X	-15.0
3	117N-59W-07CCCC 2	CK-80B	08/29/60	X	-15.6
4	117N-59W-07CCCC 2	CK-80B	10/26/60	X	-15.5
5	117N-59W-07CCCC 2	CK-80B	03/02/61	X	-13.1
6	117N-59W-07CCCC 2	CK-80B	07/08/61	X	-15.5
7	117N-59W-07CCCC 2	CK-80B	07/31/61	X	-16.0
8	117N-59W-07CCCC 2	CK-80B	09/12/61	X	-16.9
9	117N-59W-07CCCC 2	CK-80B	11/01/61	X	-17.3
10	117N-59W-07CCCC 2	CK-80B	04/11/62	X	-16.4
11	117N-59W-07CCCC 2	CK-80B	07/09/62	X	-13.0
12	117N-59W-07CCCC 2	CK-80B	10/25/62	X	-17.4
13	117N-59W-07CCCC 2	CK-80B	02/21/63	X	-14.6
14	117N-59W-07CCCC 2	CK-80B	07/16/63	X	-14.3
15	117N-59W-07CCCC 2	CK-80B	12/04/63	X	-16.8
16	117N-59W-07CCCC 2	CK-80B	04/23/64	X	-15.5
17	117N-59W-07CCCC 2	CK-80B	07/08/64	X	-16.6
18	117N-59W-07CCCC 2	CK-80B	03/23/65	X	-17.6
19	117N-59W-07CCCC 2	CK-80B	07/07/65	X	-16.7
20	117N-59W-07CCCC 2	CK-80B	11/23/65	X	-15.9
21	117N-59W-07CCCC 2	CK-80B	03/17/66	X	-15.5
22	117N-59W-07CCCC 2	CK-80B	08/09/66	X	-17.8
23	117N-59W-07CCCC 2	CK-80B	07/13/67	X	-16.4
24	117N-59W-07CCCC 2	CK-80B	10/11/67	X	-18.1
25	117N-59W-07CCCC 2	CK-80B	03/04/68	X	-17.9
26	117N-59W-07CCCC 2	CK-80B	07/10/68	X	-17.7
27	117N-59W-07CCCC 2	CK-80B	11/12/68	X	-17.6
28	117N-59W-07CCCC 2	CK-80B	04/16/69	X	-17.3
29	117N-59W-07CCCC 2	CK-80B	08/13/69	X	-17.3
30	117N-59W-07CCCC 2	CK-80B	10/23/69	X	-18.0
31	117N-59W-07CCCC 2	CK-80B	04/01/70	X	-18.0
32	117N-59W-07CCCC 2	CK-80B	07/09/70	X	-17.3
33	117N-59W-07CCCC 2	CK-80B	11/25/70	X	-18.7
34	117N-59W-07CCCC 2	CK-80B	03/24/71	X	-18.4
35	117N-59W-07CCCC 2	CK-80B	07/07/71	X	-18.2
36	117N-59W-07CCCC 2	CK-80B	11/01/71	X	-19.2
37	117N-59W-07CCCC 2	CK-80B	04/11/72	X	-18.4
38	117N-59W-07CCCC 2	CK-80B	07/17/72	X	-16.2
39	117N-59W-07CCCC 2	CK-80B	11/20/72	X	-16.7
40	117N-59W-07CCCC 2	CK-80B	05/01/73	X	-16.4
41	117N-59W-07CCCC 2	CK-80B	06/27/73	X	-16.5
42	117N-59W-07CCCC 2	CK-80B	11/07/73	X	-18.5
43	117N-59W-07CCCC 2	CK-80B	04/15/74	X	-17.9
44	117N-59W-07CCCC 2	CK-80B	07/08/74	X	-18.2
45	117N-59W-07CCCC 2	CK-80B	10/30/74	X	-18.0
46	117N-59W-07CCCC 2	CK-80B	05/13/75	X	-18.5
47	117N-59W-07CCCC 2	CK-80B	07/08/75	X	-18.6
48	117N-59W-07CCCC 2	CK-80B	05/03/76	X	-18.1
49	117N-59W-07CCCC 2	CK-80B	08/02/76	X	-20.6
50	117N-59W-07CCCC 2	CK-80B	11/30/76	X	-20.9
51	117N-59W-07CCCC 2	CK-80B	02/07/77	X	-20.7
52	117N-59W-07CCCC 2	CK-80B	06/07/77	X	-20.7
53	117N-59W-07CCCC 2	CK-80B	06/22/77	X	-20.7
54	117N-59W-07CCCC 2	CK-80B	07/07/77	X	-20.7
55	117N-59W-07CCCC 2	CK-80B	07/27/77	X	-20.8

13:43 TUESDAY, MARCH 22, 1988 2					
OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
56	117N-59W-07CCCC 2	CK-80B	08/18/77	X	-21.1
57	117N-59W-07CCCC 2	CK-80B	09/08/77	X	-21.0
58	117N-59W-07CCCC 2	CK-80B	09/22/77	X	-20.9
59	117N-59W-07CCCC 2	CK-80B	10/20/77	X	-20.7
60	117N-59W-07CCCC 2	CK-80B	05/23/78	X	-20.0
61	117N-59W-07CCCC 2	CK-80B	06/08/78	X	-20.0
62	117N-59W-07CCCC 2	CK-80B	06/22/78	X	-20.0
63	117N-59W-07CCCC 2	CK-80B	08/14/78	X	-20.5
64	117N-59W-07CCCC 2	CK-80B	09/05/78	X	-20.9
65	117N-59W-07CCCC 2	CK-80B	09/28/78	X	-20.8
66	117N-59W-07CCCC 2	CK-80B	10/16/78	X	-21.1
67	117N-59W-07CCCC 2	CK-80B	05/03/79	X	-20.5
68	117N-59W-07CCCC 2	CK-80B	06/01/79	X	-19.9
69	117N-59W-07CCCC 2	CK-80B	06/14/79	X	-19.9
70	117N-59W-07CCCC 2	CK-80B	07/02/79	X	-19.9
71	117N-59W-07CCCC 2	CK-80B	07/20/79	X	-19.8
72	117N-59W-07CCCC 2	CK-80B	07/30/79	X	-19.9
73	117N-59W-07CCCC 2	CK-80B	08/13/79	X	-20.0
74	117N-59W-07CCCC 2	CK-80B	09/06/79	X	-19.9
75	117N-59W-07CCCC 2	CK-80B	09/27/79	X	-23.5
76	117N-59W-07CCCC 2	CK-80B	10/24/79	X	-20.6
77	117N-59W-07CCCC 2	CK-80B	01/18/80	X	-20.5
78	117N-59W-07CCCC 2	CK-80B	03/06/80	X	-20.3
79	117N-59W-07CCCC 2	CK-80B	04/16/80	X	-20.4
80	117N-59W-07CCCC 2	CK-80B	05/29/80	X	-20.4
81	117N-59W-07CCCC 2	CK-80B	06/24/80	X	-20.6
82	117N-59W-07CCCC 2	CK-80B	07/24/80	X	-20.7
83	117N-59W-07CCCC 2	CK-80B	08/20/80	X	-20.8
84	117N-59W-07CCCC 2	CK-80B	09/10/80	X	-20.9
85	117N-59W-07CCCC 2	CK-80B	10/30/80	X	-20.8
86	117N-59W-07CCCC 2	CK-80B	12/08/80	X	-20.7
87	117N-59W-07CCCC 2	CK-80B	03/12/81	X	-20.4
88	117N-59W-07CCCC 2	CK-80B	04/13/81	X	-20.2
89	117N-59W-07CCCC 2	CK-80B	05/30/81	X	-20.8
90	117N-59W-07CCCC 2	CK-80B	06/12/81	X	-21.0
91	117N-59W-07CCCC 2	CK-80B	06/26/81	X	-21.0
92	117N-59W-07CCCC 2	CK-80B	07/10/81	X	-21.1
93	117N-59W-07CCCC 2	CK-80B	07/25/81	X	-21.3
94	117N-59W-07CCCC 2	CK-80B	08/08/81	X	-21.5
95	117N-59W-07CCCC 2	CK-80B	09/03/81	X	-21.4
96	117N-59W-07CCCC 2	CK-80B	10/22/81	X	-21.6
97	117N-59W-07CCCC 2	CK-80B	04/02/82	X	-21.0
98	117N-59W-07CCCC 2	CK-80B	04/28/82	X	-20.8
99	117N-59W-07CCCC 2	CK-80B	07/08/82	X	-20.5
100	117N-59W-07CCCC 2	CK-80B	08/18/82	X	-20.5
101	117N-59W-07CCCC 2	CK-80B	09/01/82	X	-20.5
102	117N-59W-07CCCC 2	CK-80B	09/21/82	X	-20.5
103	117N-59W-07CCCC 2	CK-80B	04/05/83	X	-20.5
104	117N-59W-07CCCC 2	CK-80B	05/25/83	X	-20.3
105	117N-59W-07CCCC 2	CK-80B	06/08/83	X	-20.3
106	117N-59W-07CCCC 2	CK-80B	06/22/83	X	-20.3
107	117N-59W-07CCCC 2	CK-80B	07/08/83	X	-20.3
108	117N-59W-07CCCC 2	CK-80B	07/21/83	X	-20.3
109	117N-59W-07CCCC 2	CK-80B	08/09/83	X	-20.2
110	117N-59W-07CCCC 2	CK-80B	08/25/83	X	-20.3

OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
111	117N-59W-07CCCC 2	CK-80B	09/14/83	X	-20.2
112	117N-59W-07CCCC 2	CK-80B	11/10/83	X	-20.2
113	117N-59W-07CCCC 2	CK-80B	04/18/84	X	-19.8
114	117N-59W-07CCCC 2	CK-80B	05/16/84	X	-19.3
115	117N-59W-07CCCC 2	CK-80B	05/29/84	X	-19.2
116	117N-59W-07CCCC 2	CK-80B	06/12/84	X	-19.1
117	117N-59W-07CCCC 2	CK-80B	06/26/84	X	-17.1
118	117N-59W-07CCCC 2	CK-80B	07/10/84	X	-16.4
119	117N-59W-07CCCC 2	CK-80B	07/24/84	X	-16.3
120	117N-59W-07CCCC 2	CK-80B	08/07/84	X	-16.3
121	117N-59W-07CCCC 2	CK-80B	08/21/84	X	-16.2
122	117N-59W-07CCCC 2	CK-80B	09/12/84	X	-16.2
123	117N-59W-07CCCC 2	CK-80B	10/24/84	X	-16.2
124	117N-59W-07CCCC 2	CK-80B	04/02/85	X	-16.1
125	117N-59W-07CCCC 2	CK-80B	04/23/85	X	-16.1
126	117N-59W-07CCCC 2	CK-80B	05/21/85	X	-16.2
127	117N-59W-07CCCC 2	CK-80B	06/04/85	X	-16.1
128	117N-59W-07CCCC 2	CK-80B	06/18/85	X	-16.1
129	117N-59W-07CCCC 2	CK-80B	07/02/85	X	-16.1
130	117N-59W-07CCCC 2	CK-80B	07/16/85	X	-16.2
131	117N-59W-07CCCC 2	CK-80B	08/14/85	X	-16.4
132	117N-59W-07CCCC 2	CK-80B	08/20/85	X	-16.3
133	117N-59W-07CCCC 2	CK-80B	08/29/85	X	-16.3
134	117N-59W-07CCCC 2	CK-80B	09/18/85	X	-16.2
135	117N-59W-07CCCC 2	CK-80B	10/16/85	X	-15.8
136	117N-59W-07CCCC 2	CK-80B	11/05/85	X	-15.8
137	117N-59W-07CCCC 2	CK-80B	04/29/86	X	-13.9
138	117N-59W-07CCCC 2	CK-80B	06/09/86	X	-13.0
139	117N-59W-07CCCC 2	CK-80B	06/23/86	X	-12.8
140	117N-59W-07CCCC 2	CK-80B	07/08/86	X	-12.7
141	117N-59W-07CCCC 2	CK-80B	07/22/86	X	-12.8
142	117N-59W-07CCCC 2	CK-80B	08/07/86	X	-12.9
143	117N-59W-07CCCC 2	CK-80B	10/01/86	X	-12.9
144	117N-59W-07CCCC 2	CK-80B	11/19/86	X	-12.9
145	117N-59W-07CCCC 2	CK-80B	03/10/87	X	-13.1
146	117N-59W-07CCCC 2	CK-80B	04/22/87	X	-12.5
147	117N-59W-07CCCC 2	CK-80B	05/20/87	X	-12.5
148	117N-59W-07CCCC 2	CK-80B	06/04/87	X	-12.7
149	117N-59W-07CCCC 2	CK-80B	06/18/87	X	-12.7
150	117N-59W-07CCCC 2	CK-80B	07/02/87	X	-12.8
151	117N-59W-07CCCC 2	CK-80B	07/15/87	X	-12.9
152	117N-59W-07CCCC 2	CK-80B	07/29/87	X	-13.1
153	117N-59W-07CCCC 2	CK-80B	08/13/87	X	-13.2
154	117N-59W-07CCCC 2	CK-80B	08/28/87	X	-13.3
155	117N-59W-07CCCC 2	CK-80B	10/07/87	X	-13.4

N= 155

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 76 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 6 OBS HIDDEN

UGS0009 - END OF DATA SET

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5175-3, Ron Houser

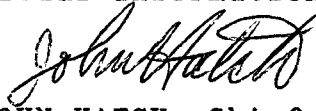
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5175-3, Ron Houser, PO Box 2168, LaCrosse WI.

The Chief Engineer is recommending APPROVAL of Application No. 5175-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The casing of the wells to be constructed under Permit No. 5175-3 shall be pressure grouted with cement (bottom to top) from the producing aquifer to the surface and the well constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. Approval of this Permit is subject to submission of plans and specifications for the wastewater lagoon to the chief engineer and the Division of Environmental Quality prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18.
4. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
5. The storage lagoon shall be designed to have a 210 day holding capacity and designed to have a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. The reserve storage capacity shall be reestablished immediately, as conditions allow, when a PMP event cannot be stored due to previous rainfall.
6. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.

7. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
8. Design, construction and management of the lagoon shall be sufficient to maintain a seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
9. Approval of Permit No. 5175-3 is subject to compliance with the following then existing and applicable Water Management Board rules:
 - a. Chapter 74:03:15 Ground Water Quality Standards,
 - b. Chapter 75:03:16 Ground Water Discharge Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapters 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 6, 1988

Instruction to Newspaper - Publish first publication of the following Notice on or before April , 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5175-3 to Appropriate Water

Notice is hereby given that Ron Houser whose mailing address is 115 5th Ave S, PO Box 2168, LaCrosse, Wisconsin 54602-2168, has filed an application for a permit to appropriate 0.33 cubic feet of water per second from 2 wells (Un-Named Aquifer) 85 feet deep to be located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 17, T117N, R59W to supply a commercial swine production operation. Wastewater effluent is to be stored in a 51 acre-feet wastewater lagoon in the SW 1/4 NW 1/4 Section 17, T117N, R59W. The effluent is to be disposed of by mechanical means (e.g. big guns) on approximately 600 acres in the W 1/2 Section 17; W 1/2 Section 8; all in T117N, R59W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5175-3 with qualifications because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

The application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, 523 E Capitol, Pierre SD, on May 11, 1988 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 the 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 April 29, 1988. 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.

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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 29, 1988.

No. 5175-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Spink) ss.

Mile:

I, Norbert J. Miles hereby

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

Water was taken from the The Times - Record

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 Doland

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

April 14, 1988

April 21, 1988

Norbert J. Miles
(Signature)

Publisher
(Title)

April 21, 1988
(Date Signed)



Cost of Printing: 1222. 8pt, 13 Em.
1st 31.29
2nd 25.03
Total \$56.32 \$56.32
Cost.

Hearing notice

NOTICE OF HEARING on
Application No. 5175 - 3 to
Appropriate Water

Notice is hereby given that
Ron Houser whose mailing add-
ress is 115 5th Ave. S, P. O.
Box 2168, LaCrosse, Wisconsin
54602 - 2168, has filed an ap-
plication for a permit to ap-
propriate 0.33 cubic feet of
water per second from 2 wells
(Un-Named Aquifer) 85 feet
deep to be located in the SW
1/4 NW 1/4, NW 1/4 SW 1/4
Section 17, T117N, R59W to
supply a commercial swine pro-
duction operation. Wastewater
effluent is to be stored in a
51 acre-feet wastewater lagoon
in the SW 1/4 NW 1/4 Section
17, T117N, R59W. The effluent
is to be disposed of by mech-
anical means (e.g. big guns)
on approximately 600 acres in
the W 1/2 Section 17; W 1/2
Section 8; all in T117N, R59W,
Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5175-3 with qualifications be-
cause 1) unappropriated water
is available, 2) will be no un-
lawful impairment of existing
rights, 3) it is a beneficial
use of water and 4) it is in
the public interest.

The application will be con-
sidered by the Water Manage-
ment Board in Room 216, Joe
Foss Bldg, 523 E. Capitol,
Pierre, S. D., on May 11, 1988
at 10:00 a.m.

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 SDCCL 1 - 26, must file a written petition with BOTH the applicant and the Chief Engineer by April 29, 1988. 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.

This application is made pursuant to the provisions of SDCCL 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; 46 - 6 - 3, 46 - 6 - 3.1, 46 - 6 - 6.1, 46 - 6 - 10, 46 - 6 - 13, 46 - 6 - 14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and 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, Joe Foss Bldg., Pierre, S. D. (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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 29, 1988. (First publication: April 14, 1988; Second publication: April 21, 1988)

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 the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clark County Courier

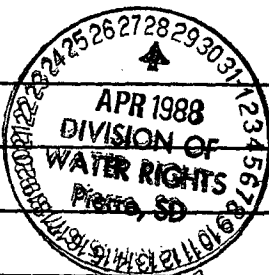
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

State South Dakota

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

April 13, 1988

April 20, 1988



Bert Moritz
(Signature)

Reflexer
(Title)

4/27/88
(Date Signed)

Cost of Printing: \$39.74

96 lines 2 times

Subscribed and sworn to before me this
27 day of April 1988

[Signature]
my commission expires
5-27-88

NOTICE OF HEARING
On Application No. 5175-3
to Appropriate Water

Notice is hereby given that Ron Houser whose mailing address is 115 5th Ave. S. P.O. Box 2168, LaCrosse, Wisconsin 54602-2168, has filed an application for a permit to appropriate 0.33 cubic feet of water per second from 2 wells (Un-Named Aquifer) 85 feet deep to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T117N, R59W to supply a commercial swine production operation. Wastewater effluent is to be stored in a 51 acre-foot wastewater lagoon in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T117N, R59W. The effluent is to be disposed of by mechanical means (e.g. big guns) on approximately 600 acres in the W $\frac{1}{2}$ Section 17; W $\frac{1}{2}$ Section 8; all in T117N, R59W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5175-3 with qualifications because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

The application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., 523 E. Capitol, Pierre, SD, on May 11, 1988 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 the 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 April 29, 1988. 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.

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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and 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 Wahkiakum Rights Division, Joe Foss Bldg., Pierre SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 29, 1988.

4-13-2t

SAND LIVESTOCK SYSTEMS, INC.

PHONE: (402) 564-1211
1418 - 25th Street P.O. Box 948
COLUMBUS, NEBRASKA 68601



April 13, 1988

South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Attention: Ron Duvall

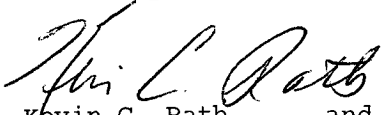
Dear Mr. Duvall:

As required by the public notice for Water Right application #5175-3, I am requesting to be a party to, and participate in, the water hearing. The following would like to be parties to the proceedings:

- 1) Sand Livestock Systems, Inc.
1418 25th Street
Columbus, NE 68601
Ph. (402) 564-1211
Interest: Support the application with the intent of doing the required construction work.
- 2) Duane and Avalon Bymers
Rt. 1, Box 24
Raymond, SD 57258
Ph. (605) 532-3488
Interest: Support the application as a neighbor hoping for economic development of the area. Also, intend to land apply waste as fertilizer on adjacent land.

We will be present at the May 11th hearing.

Sincerely,


Kevin C. Rath and
Project Engineer
Sand Livestock Systems, Inc.


Duane and Avalon Bymers

/mv

pc: Duane Bymers
Ron Houser

April 18, 1988
(date)

page 1

Parties of Record before Water Management Board regarding Water Permit
Application No. 5175-3, Ron Houser

For :

Against :

Ron Houser
115 5th Ave., So
PO Box 2168
La Crosse WI 54602-2168

Frederic B. Moulton, attorney
City of Clark
Clark SD 57225

Kevin C Rath
Sand Livestock Systems, Inc
PO Box 948
Columbus NE 68601

Duane and Avalon Bymers
Route 1, Box 24
Raymond SD 57258

CITY OF CLARK
A BETTER BUSINESS CENTER FOR
BETTER BUSINESS MEN
CLARK, SOUTH DAKOTA 57225



April 27, 1988

Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Application #5175-3 to Appropriate Water
Ron Houser-Commercial Swine Production Operation, Clark County

Ladies and Gentlemen:

The mayor and City Council of the City of Clark, South Dakota wish to go on record as vigorously opposing the granting of the above referenced permit to appropriate water.

The aquifer that they will be drawing from is the same aquifer, it is believed, from which the City of Clark draws its water. We feel that the waste water from the swine production facility, as well as the manure that is planned to be spread over the adjoining farm land, presents a clear threat to the future of the water supply to the City of Clark.

We therefore highly recommend that you do not approve the granting of Mr. Houser's permit because of that possible future threat to the water supply of the City of Clark.

We do not intend to be present at the hearing but ask that this letter be read into the record.

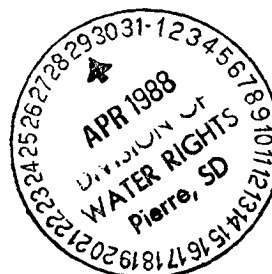
Thank you.

Sincerely,

Frederic R. Moulton
Clark City Attorney
FRM:mjs

April 27, 1988

Sand Livestock Systems, Inc.
1418 25th St.
Columbus, NE 68601



Gentlemen:

Enclosed is a copy of the analysis of your water sample which you submitted to us for testing. We have no identification of the location or the source of the sample, but have assigned it Lab Number 88-0051.

Your water, as represented by this sample, is classified as a "high salinity, low sodium hazard" for irrigation usage. The main ions in this water are calcium sulfate. I have plotted in red your approximate water quality on the outside back cover of the enclosed pamphlet (AES 13). The range in the sodium hazard from 2.26 to 6.05 is dependent upon the leaching fraction that you will eventually have after irrigation water is applied. The higher sodium hazard is associated with no leaching and the lower sodium hazard is associated with normal leaching fractions (0.03-0.05). The leaching fraction is defined as the amount of water lost below the root zone annually divided by the total amount received into the soil profile.

This water can be used for irrigation purposes for most normal soils which have adequate internal drainage. This means that if the water table is greater than 10 feet below ground surface the majority of the year and there are no tight impermeable layers within the root zone which may create a perched water table, the salts (ions) that do exist in the water will be able to be leached downward below the root zone where they do little or no harm to growing crops. The probability for soil salinization from this water is relatively low for soils which have good drainage.

The boron level for this water (0.43 ppm) poses a low toxicity level for most normal crops in this area. I have enclosed a sheet that tells the boron toxicity levels for major crops.

I am forwarding a copy of this letter and water analysis to Ron Duvall, DWR in Pierre for his information.

If you have further questions regarding this water analysis, please don't hesitate to call or write.

Sincerely,

John H. Bischoff, Research Engineer
Water Resources Institute

Enclosures
cc: Ron Duvall, DWR

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

04-11-1988

Sully

Name: Sand Livestock Date Rec'd MAR 21, 1988
Address: c/o Div. of Water Rights Sample No. 88-0051
Ron DuVall, DWNR Source
Foss Bldg., Pierre 57501 Legal ID

WATER ANALYSIS

Calcium (Ca)	188	ppm*	9.38	me/l**
Magnesium (Mg)	48	ppm	3.95	me/l
Sodium (Na)	134	ppm	5.83	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO4)	534	ppm	11.12	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	23	ppm	0.65	me/l
Bicarbonate (HCO3)	449	ppm	7.36	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.43	ppm		
Hardness (EDTA as CaCO3)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			19.36	me/l
Total Anions			19.13	me/l
Alkalinity (Methyl Orange)	368	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	1600	micromhos per cm at 25 C		
Sodium Adsorption Ratio	2.26	Adjusted SAR	6.05	
Sodium	30.09	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.86			

Others:

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=millequivalents per liter

COMMENTS:

Analysis By: Shirley Mittan

Service Performed:

Irrigation Analysis





Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 28, 1988

Ron Houser
115 5th Avenue So.
PO Box 2168
La Crosse WI 54602-2168

Dear Mr. Houser:

Enclosed is a copy of a petition in opposition to Water Permit Application No. 5175-3. This letter is to inform you of opposition to the water permit application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

April 28, 1988

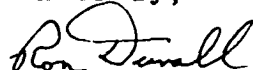
Duane and Avalon Bymers
Route 1, Box 24
Raymond SD 57258

Dear Mr. and Mrs. Bymers:

Enclosed is a copy of a petition in opposition to Water Permit Application No. 5175-3. This letter is to inform you of opposition to the water permit application.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

April 28, 1988

Kevin Rath
Sand Livestock Systems, Inc.
PO Box 948
Columbus NE 68601

Dear Mr. Rath:

Enclosed is a copy of a petition in opposition to Water Permit Application No. 5175-3. This letter is to inform you of opposition to the water permit application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Department of Water & Natural Resources

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

May 3, 1988

Fredric R. Moulton
Clark City Attorney
Clark, SD 57225

Dear Mr. Moulton:

I am writing in response to your letter of April 27, 1988. The letter expressed concern regarding the effect of the appropriation requested by Permit Application No. 5175-3 on the water supply for the City of Clark. I have enclosed a copy of the staff report and the Chief Engineer's recommendation to the Water Management Board for your information. Please note the recommended qualifications to the permit which are intended to protect the State's natural resources.

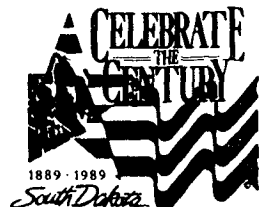
We do not believe the proposed appropriation will adversely affect the City of Clark. The proposed wells will be drilled into an aquifer that is different from the city water supply aquifer. The proposed diversion point is also 11 miles from the City of Clark.

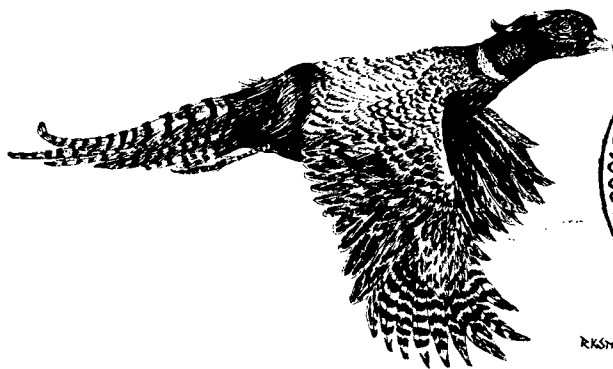
If you have any further questions please contact us.

Very truly yours,

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

cc: Kevin Rath, Sand Livestock
Duane Bymers





May 21, 1988

Dear Ron,

We want to thank you for all the effort and support you gave us on our water permit for the swine facility.

Please extend our thanks to everyone else that worked on the permit.

The dirt mowers are ready to start construction as soon as it dries off. There's been a very welcome 3" rain since Thur. A.M.

Thanks again, we appreciate it.

Sincerely
Duane & Annelon Byrnes

SAND LIVESTOCK SYSTEMS, INC.

PHONE: (402) 564-1211
1418 - 25th Street P.O. Box 948
COLUMBUS, NEBRASKA 68601

May 25, 1988

Mr. Ron Duvall
Water Rights Division
DWNR, Foss Building
Pierre, SD 57501

Attention: Ron Duvall

Dear Mr. Duvall:

Pursuant to the qualifications set forth in water permit #5175-3, I am enclosing a copy of the plans and specifications for the swine production complex to be located in Clark County.

Plans and specifications have also been forwarded to Jean Goodman and Ray Birchem.

If you have any questions on any of this information feel free to contact me.

Sincerely,


Kevin C. Rath
Project Engineer

/mv

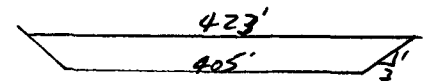
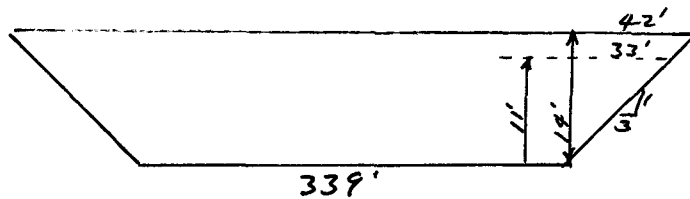
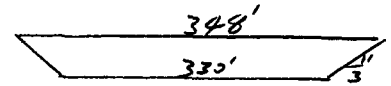
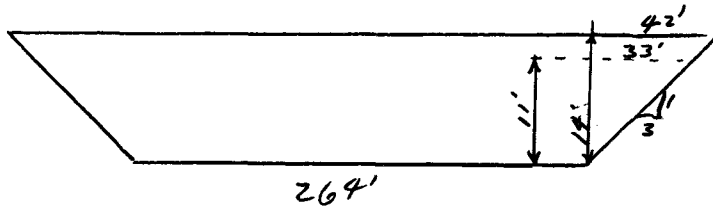
Enclosures



Sand Livestock #5175-3

5/27/88

T65



Volume of freeboard Area

$$V = L \frac{A_1 + A_2}{2}$$

$$= (3) \left(\frac{280,854 \text{ ft}^2}{2} \right)$$

$$= \underline{421,281 \text{ ft}^3}$$

$$A_1 = 348' \times 423' = 147,204 \text{ ft}^2$$

$$A_2 = 330' \times 405' = 133,650 \text{ ft}^2$$

$$A_1 + A_2 = 280,854 \text{ ft}^2$$

All Season PMP Rainfall for 24 hr $10 \text{ mi}^2 = \underline{29 \text{ inches}}$
from HMR Report No. 51

Volume from PMP Rainfall

$$V = A_1 \times 29 \frac{1}{12}$$

$$= 147,204 \times 2.42$$

$$= \underline{355,743 \text{ ft}^3}$$

Vol. of freeboard $>$ Vol. of Rainfall $\therefore$ OK



Department of Water & Natural Resources

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

June 1, 1988

Kevin C Rath, Project Engineer
Sand Livestock Systems, Inc.
PO Box 948
Columbus NE 68601

Dear Mr. Rath:

We have reviewed the plans and specifications for the swine projection complex associated with Water Permit No. 5175-3. The plans and specifications are approved.

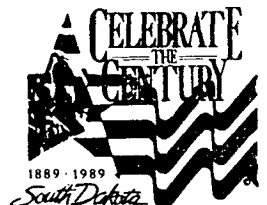
Our review was to determine compliance with the Water Management Board's qualification No. 5 which requires the storage lagoon to have a 210 day holding capacity and a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. Approval applies only to the portion of the plans and specifications that could result in the uncontrolled release of water from the storage lagoon. Approval of these plans and specifications does not release Ron Houser as owner of the storage lagoon from the responsibility for operating and maintaining the storage lagoon in good repair to assure the safety of the structure.

If you have any questions concerning the matter, please contact us.

Very truly yours,

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

cc: Ron Houser



June 9, 1988



Re: Sand Livestock Systems, Inc.

Kevin C. Rath, Project Engineer
Sand Livestock Systems, Inc.
1418 - 25th Street, P.O. Box 948
Columbus, NE 68601

Dear Mr. Rath:

The Department of Water and Natural Resources (DWNR) is in receipt of one copy of the plans and specifications for the swine production facilities for Sand Livestock Systems, Inc. in Clark County, South Dakota.

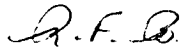
This Department has reviewed and hereby approves the plans and specifications for the above mentioned project contingent upon the following qualifications:

1. The seepage rate should be stated as at least rather than less than 1.0×10^{-7} cm/sec.
2. No direct or indirect discharge to the ground water will be permitted or allowed until you receive a ground water discharge plan.
3. DWNR recommends that erosion protection be considered.
4. DWNR recommends that a pond depth indicator be considered. Please see enclosed sheets for some typical designs.
5. A pond shall not be located within 1,000 feet of a well used to supply potable water. A variance must be requested from this Department if a well is to be located any closer than this to a pond.

Our review is primarily to determine compliance with the minimum sanitary engineering requirements and does not cover items, such as, quality of material, structural soundness, electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

If you have any questions, please let us know.

Sincerely,



Raymond F. Birchem, P.E.
Staff Engineer
Department of Water and Natural Resources
Phone: (605) 773-4210

Enclosures

S137A.WQ

SAND LIVESTOCK SYSTEMS, INC.

PHONE: (402) 564-1211
1418 - 25th Street P.O. Box 948
COLUMBUS, NEBRASKA 68601

June 10, 1988



South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Attention: Ray Birchem

Dear Mr. Birchem:

After speaking with both you and the Water Rights Division earlier today, I feel it would be prudent to request a variance regarding well placement on the swine production complex to be located in Clark County.

As you know, the swine complex will have an earthen storage lagoon. You stated that wells must be located 1,000 feet from such a structure. This will be impossible for us to do, as we do not own land that is in the water right's advertised region, and within 1,000 feet of the lagoon. Consequently, we would request a variance to allow us to place the wells closer to the lagoon, approximately 500 feet. These wells could be tested periodically to determine if any undesirable elements are showing up in the water.

Water Rights stated to me that they will not require a variance, however, I am forwarding them a copy of this letter to make sure they are aware of our intention to drill less than 1,000 feet from the lagoon.

If you have any questions or need any additional information, feel free to contact me. We appreciate your prompt attention to this matter.

Sincerely,

Kevin C. Rath
Project Engineer

/mv

pc: Ron Duvall
Jean Goodman

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501-5090
Phone (605) 773-3215

ROGER A. TELLINGHUISEN
ATTORNEY GENERAL



June 17, 1988

MEMORANDUM

TO: John Hatch, Chief Engineer, Division of Water Rights

FROM: Harold H. Deering, Assistant Attorney General *HD*

Re: SDCL 46-1-6(19)

You have asked my opinion concerning the applicability of ARSD 74:02:04:24(4)(b) to the following factual situation. The applicant for a permit to appropriate water for commercial use desires also to use the water for household use in connection with one or two homes to be constructed in conjunction with the commercial usage. The commercial operation will include one or more wastewater stabilization ponds. The house will be constructed for use on the site by the operators of the commercial operation. The question is whether adding the house to the system brings this within the definition of a water distribution system pursuant to SDCL 46-1-6(19). If it does, the well would have to be located at least 1000 feet from the stabilization ponds.

The portion of SDCL 46-1-6(19) that is pertinent to this inquiry is that language added in 1987, which included within the definition of a "water distribution system" a system by which water is conveyed "for domestic or municipal use" by "homes. . . supplied by a common distribution system." SL 1987, Ch. 324. No definition is given as to what constitutes a common distribution system.

The statute must be interpreted in a manner which gives effect to the legislative intent. Words are to be understood in their ordinary sense, SDCL 2-14-1, and changes to statutes are to be viewed in context. SDCL 2-14-11. The context in which the Legislature used the term "common distribution system" is evident from the 1983 version of SDCL 46-1-6(19). The listing of the types of entities which met the definition reflects an intent to define systems with

John Hatch
June 17, 1988
Page 2

multiple users. As you may recall, part of the goal in suggesting the definition of a water distribution system was to get some sort of handle on multiple domestic users. The 1983 change must be read in light of SDCL 46-5-8.2 which requires a permit if the system diverted more than 18 gpm. The 1987 amendment was simply a recognition that not all multiple domestic users are organized into one of the entities listed in the section. Therefore homes served by a common system was added.

It is my opinion that when SDCL 46-1-6(19) is viewed in context, the facts you describe do not fall within the water distribution system language. The permit here is for commercial use; that such permit may supply a domestic use as part of the operation does not make it a water distribution system. In my opinion ARSD 74:02:04:25(4)(b) does not apply under the facts you have given me.

The foregoing is my personal opinion only and does not necessarily reflect the official opinion of the Office of the Attorney General. If you have any questions, please give me a call.

HHD:mrq



Department of Water & Natural Resources

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

July 8, 1988

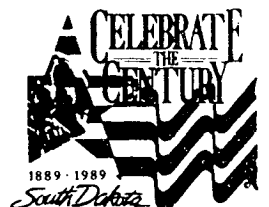
MEMO TO: Steve Pirner and Ray Birchem

FROM: John Hatch

A handwritten signature in cursive script that reads "John Hatch".

SUBJECT: Interpretation of Water Distribution System Definition

Attached is a copy of a memorandum from Harold Deering concerning his interpretation of SDCL 46-1-6(19) Water Distribution System. Based upon his memo the Sand Livestock facility in Clark County is not a Water Distribution System and does not need to comply with Water Management Board Rules 74:02:04:24(4)(6) that requires a well to be located 1000 feet from a wastewater stabilization pond.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 30 1988

Ron Houser
PO Box 2168
LaCrosse, Wisconsin 54602-2168

Dear Mr. Houser:

Enclosed herewith is your Water Permit No. 5175-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5175-3.

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

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH:

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.

This request for information was sent to Ron Houser.
Another request was sent to Sand Livestock Systems, Inc.
(Charles Sand) at Columbus, NE. The water permit is
in the name of B.H.S. Farms, Inc. R1 Box 24, Raymond,
SD 57258. Originally it was applied for by Mr. Houser,
then Mr. Sand, but as the project progressed, it became
B.H.S. Farms.

The information requested was provided by
our engineer from Sand Livestock, so you
should have it by now.

Sincerely

Anne Lyness

R1 Box 24

Raymond, SD 57258

[REDACTED]

5175-3
Ron Houser



SOUTH Dakota Department of
Water & Natural Resources

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

June 21, 1990

5175-3

Kevin Rath
Sand Livestock
1418 25th St
Columbus, NE 68601

Dear Mr. Rath:

I am contacting you in regard to ownership of Water Permit No. 5175-3, currently listed in the name of Ron Houser. We were notified by Anie Bymers that the permit should be listed in the name of BHS Farms Inc. Mark Rath, with our office, has indicated you would be filing the ownership change.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. The transfer form should be checked over for accuracy and signed by the current owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 5175-3

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: 6-27-90



I/We request that Water Permit/Right No. 5175-3

formerly owned by: Ron Houser

be transferred to: (name & address) BHS FARMS, INC.
1418 25th St, Columbus, Ne. 68601 (telephone No.) (402) 564-9464

Title to the following described land(s)/property has been transferred as described above:
wells: W 1/2 Section 17, T117N, R59W

Clark Co.

I/We understand that the validity of Water Permit/Right No. 5175-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

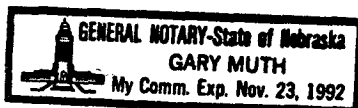
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of)

I/We being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

[Signature] (Signed)

Subscribed and sworn to before me this 28th day of June, 1990.



[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



Department of Water & Natural Resources

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

July 3, 1990

5175-3

BHS Farms Inc
1418 25th St
Columbus, NE 68601

Dear Sirs:

This letter will acknowledge receipt of the "Notice of Transfer of Ownership" you submitted for filing an ownership change with Water Permit No. 5175-3. The form was completed properly, however can not be processed without a required filing fee of \$2.50.

The transfer of ownership will be processed upon receipt of the \$2.50 filing fee. If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412307

Pierre, July 9, 19 90

RECEIVED OF B.H.S. Farms, Box 948, Columbus, NE 68601

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5175-3</u>	2	50
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	2 50

By *John H. H. H. H.*
Chief Engineer



Department of Water & Natural Resources

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

5175-3

July 10, 1990

B.H.S. Farms
Box 948
Columbus, NE 68601-0948

Dear Sirs:

Enclosed is Receipt No. 412307 in the amount of \$2.50 which you paid for transfer of Water Right No. 5175-3.

Our records now reflect you as the owner of this Water Right.

Sincerely,

A handwritten signature in cursive script that reads "Marie R. Arthur".

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 10, 1996

5175-3

BHS Farms
%Duane Bymers
HCR 1, Box 24
Raymond, SD 57258

Dear Mr. Bymers:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5175-3, 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 investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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

RECEIPT

415159

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 17, 19 96

RECEIVED OF B.H.S. Farms, Inc., Duane Dymers, RR 1, Box 24, Raymond, SD 57258

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5175-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatcher*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

M E M O R A N D U M

To: Mark Rath

From: Rodger Seefeldt *Rodger A. Seefeldt*

Subject: BHS Plans and Specifications

Date: December 12, 1996

Thank you for your request concerning some of the requirements/conditions in the water right permit for the BHS swine feeding operation in Clark County. You indicated that you needed an answer for items 3 through 8 of Attachment A to the water right permit. I have restated each item as it appears in Attachment A along with my answer immediately following each item.

3. "Approval of this Permit is subject to submission of plans and specifications for the wastewater lagoon to the chief engineer and the Division of Environmental Quality prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18." The plans and specifications were approved by the Division of Environmental Quality on June 9, 1988. The plans and specifications were prepared by a professional engineer.
4. "The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area." The wastewater lagoon was designed to prevent surface runoff from entering the lagoon.
5. "The storage lagoon shall be designed to have a 210 day holding capacity and designed to have a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. The reserve storage capacity shall be reestablished immediately, as conditions allow, when a PMP event cannot be stored due to previous rainfall." The lagoon was designed with three feet of freeboard above the high water line. I assume that they have either restored the capacity as needed or else they have never had the PMP event because we have never received any complaints on this system.
6. "No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions." As indicated in Item five above, we have never had any complaints on this system, therefore, I can only assume that they have never had to release or lower the lagoon except through the irrigation system as necessary and as required.

7. "Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a 'non-point source' is not subject to these conditions." See the answer to Item six above.
8. "Design, construction, and management of the lagoon shall be sufficient to maintain a seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Proctor Density (ASTM D6980-70)." The approved plans and specifications specified that the seepage rate be 10^{-7} or less. The approved plans and specifications also required the lagoon bottom to be compacted to 95% of Standard Proctor Density and the lagoon dikes to be compacted to 90% of Standard Proctor Density. It is assumed that since the system was to be constructed to the above specifications, the management of the system has maintained these specification requirements.

Permit No. 5175-3
James River - Water District

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

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

On, September 17, 1996, I made a thorough examination of the water use system constructed by BHS Farms of HCR 1 Box 24, Raymond SD holder of Permit No. 5175-3, bearing the priority of January 15, 1988 authorizing the diversion of 0.33 cu. ft. per second of the waters of groundwater for commercial purposes, in Clark County.

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

A. Works used to divert the water:

two submersible pumps with a combined 72 gpm capacity.

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

PVC pipe

The system is in the following condition good. The point of diversion is located from the NW corner of Sec 17 T117N-R59W: Well #1 - 1750 ft S 200 ft E; Well #2 - 1750 ft S 250 ft E. The works are capable of diverting and conveying to the place of use 0.16 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use and the license should be issued for 0.16 cfs.

Applicable permit qualifications have been complied with: yes, see attached memo from Roger Seefeldt from the Air and Surface Water Program.

Exceptions to compliance are: none



Mark D. Rath

Natural Resources Engineer
DENR, Water Rights Program

12/12/96

Date

REPORT ON INSPECTION OF PERMIT NO. 5175-3

DATE OF INSPECTION: 9/17/1996

Contact Person & Address: **Duane Bymers, HCR 1, Box 24, Raymond SD**

DIVERSION POINT LEGAL LOCATION: from the NW corner of Sec 17 T117N-R59W:

Well #1 - 1750 ft S 200 ft E; Well #2 - 1750 ft S 250 ft E

WATER SUPPLY Source: **groundwater, pleistocene unknown**

Well Information: Wells 1 & 2

- | | |
|---|--|
| 1) Well Drilling Firm: <u>Huron Drilling</u> | 2) No. of Wells <u>2</u> |
| 3) Depth(s) <u>73</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------------|---------------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>53</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|---|---------------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>26</u> feet | |

Pump:

- | | |
|-------------------------------|------------------------------------|
| 1) Make <u>Unknown</u> | 2) Model <u>submersible</u> |
| 3) Size <u>?</u> | 4) Capacity <u>36</u> GPM |

Motor:

- | | |
|---|------------------------------|
| 1) Make <u>Unkown</u> | 2) Model No. <u>?</u> |
| 3) Horsepower rating <u>?</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type **pvc** 2) Size **?** inches 3) Length **?** feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|---|
| 1) Special qualifications to permit being abided by <u>yes</u> |
| 2) All structures, wells and lands on map <u>yes</u> |

5175-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5175-3

(1) Ron Houser, LaCrosse WI made Application No. 5175-3, January 15, 1988 for a water permit to divert 0.33 cubic feet of water per second from groundwater (2 wells), Clark County, South Dakota for commercial purposes. Permit No. 5175-3, with a priority date of January 15, 1988 was approved May 11, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 11, 1993 and for the application to beneficial use of said water on or before May 11, 1997.

On July 2, 1990, Water Permit No. 5175-3 was transferred to BHS Farms, Inc.

(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 0.16 cubic feet of water per second for beneficial use. The location of the diversion points are: from the northwest corner of Section 17-T117N-R59W: Well #1 - 1,750 feet south and 200 feet east; Well #2 - 1,750 feet south and 250 feet east (SW 1/4 NW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 BHS Farms, Inc., c/o Duane Bymers, HCR 1 Box 24, Raymond SD 57258 the holder and/or owner of Water Permit No. 5175-3 is issued a license to appropriate water, the right to use 0.16 cubic feet of water per second from groundwater (two wells) with a priority date of January 15, 1988 from the location specified in (2) of this license, for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5175-3 and subject to South Dakota State Law.



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

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5175-3

BHS Farms, Inc.
%Duane Bymers
HCR 1, Box 24
Raymond, SD 57258

Dear Mr. Bymers:

Enclosed is Water License No. 5175-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415159 in the amount of \$50.00 which you paid for the investigation 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. 5175-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 8, 2005

5175-3

Jim Quackenbush
PO Box 31
Chokio MN 56221

Dear Sir:

Thank you for contacting us regarding the ownership change for Water Right No. 5175-3. The water right is currently listed in the name of BHS Farms Inc.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If we can answer any questions for you, please contact us.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 29, 2005

5175-3

Jim Quackenbush
PO Box 31
Chokio MN 56221-0031

Dear Sir:

On July 8, 2005, a "Notice of Transfer of Ownership" form was forwarded to you for changing ownership on Water Right No. 5175-3. The water right is currently listed in the name of BHS Farms Inc. To date, we have not heard from you as to whether or not an ownership change will be filed.

In the event you no longer have the original transfer form, I am enclosing an additional one for you to use. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If a change is no longer necessary, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

NOV - 7 2005
WATER RIGHTS
PROGRAM

No. 5175-3

Date: 11-4-05

I/We request that Water Right No. 5175-3

formerly owned by: BHS Farms Inc

be transferred to: (name & address) Dakota 17 LLC.
% James Quackenbush
P.O. Box 31 Chokio, Mn 56221 Telephone No. 320-324-7407

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

Diversion points are both in the SW 1/4 NW 1/4 Section 17, T117N, R59W

I/We understand that the validity of Water Right No. 5175-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dakota 17 LLC, the new owner, certify that the above information is true and
by James Quackenbush 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 November 7, 2005

RECEIVED OF James Quackenbush, Box 31, Chokio MN 56221

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	2	50
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>5175-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001995

By

Darba S. Akh
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 15, 2005

5175-3

Jim Quackenbush
Dakota 17 LLC
PO Box 31
Chokio MN 56221-0031

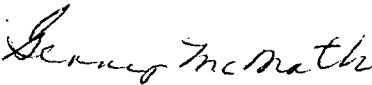
Dear Sir:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 5175-3.

The transfer has been completed. The water right formerly held by BHS Farms Inc is now listed in the name of "Dakota 17 LLC".

Enclosed is your Receipt No. 001995 in the amount of \$2.50. You may keep this for your records.

Sincerely,


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

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jordyn Anderson (for Dakota 10 and Dakota 17)

DATE: March 12, 2018

TELEPHONE: 320 554-2243 extension 11

RE: contact person change

Ms. Anderson called concerning a change to the contact person for Dakota 10 and Dakota 17 water permits.

James Quackenbush is no longer with the company. Future correspondence can be directed to either Dakota 10 or Dakota 17 at the following address:

108 Livingston St, Villard MN 56385 (contact person is Jeremy Schmidgall)

phone # 320 554-2243



Genny McMath
Water Rights Program



5175-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 16, 2018

Jeremy Schmidgall
Dakota 17, LLC
108 Livingston Street
Villard, MN 56385

RE: Dakota 17, LLC – Change to the Permit Holder

The department received the necessary documents to change the permit holder from Jim Quackenbush to you between March 28, 2018, and October 5, 2018. Thank you for submitting the following documents to allow for this change:

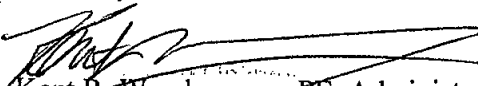
- Signed and notarized Certification of Applicant Form;
- Signed Notice of Intent Form; and
- Signed Operation and Maintenance Guideline.

We are approving the change to the permit holder for your permitted swine operation. Your swine feeding operation currently has permit coverage under the 2003 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2003 general permit).

The 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2017 general permit) became effective on April 15, 2017. You currently have coverage under the 2003 general permit and will need to submit an application for coverage under the 2017 general permit by **April 15, 2019**. Please note that certain modifications may require operations to submit a permit application for coverage under the reissued 2017 permit. We recommend when crafting your NMP under the reissued general permit that you consider writing your plan to maximize your flexibility and minimize the amount of modifications that you may need to make to your NMP.

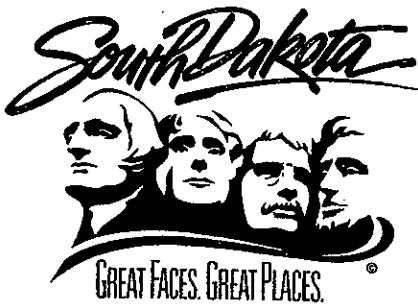
We would like to thank you for your cooperation in ensuring the protection of our natural resources. If you have any questions regarding this letter, please feel free to contact Paul Wegleitner, Feedlot Permit Program, at (605) 773-3351.

Sincerely,



Kent R. Woodmansey, PE, Administrator
Feedlot Permit Program

cc: SD Water Rights Program
SD Ground Water Quality Program
Clark County Commissioners



5175-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 3, 2020

RECEIVED

MAR 04 2020

WATER RIGHTS
PROGRAM

Clint Kreofsky
Dakota 17, LLC
1901 Main Street
Emmetsburg, IA 50536

RE: Dakota 17, LLC – Change to the Permit Holder

The department received the necessary documents to change the permit holder from Jeremy Schmidgall to you on February 26, 2020. Thank you for submitting the following documents to allow for this change:

- Signed and notarized Certification of Applicant Form;
- Signed Notice of Intent Form; and
- Signed Operation and Maintenance Guideline.

We are approving the change to the permit holder for your permitted swine operation. Your swine feeding operation currently has permit coverage under the 2003 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2003 general permit).

The 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2017 general permit) became effective on April 15, 2017. You currently have coverage under the 2003 general permit and should have submitted an application for coverage under the 2017 general permit by **April 15, 2019**. You have indicated that Anez Consulting is preparing your 2017 general permit application and they are waiting for a few soil tests to complete the application and plan to submit the application by April 30th.

We would like to thank you for your cooperation in ensuring the protection of our natural resources. If you have any questions regarding this letter, please feel free to contact Paul Wegleitner, Feedlot Permit Program, at (605) 773-3351.

Sincerely,

Kent R. Woodmansey, PE, Administrator
Feedlot Permit Program

cc: SD Water Rights Program
SD Ground Water Quality Program
Clark County Commissioners

File No. 5175-3 ✓
5198-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Austin Domeier, Centrol Crop Consulting

DATE: October 19, 2022

TELEPHONE: 507 337-3021

EMAIL: adomeier@centrol.com

RE: contact change for Dakota 17 and Dakota 10 facilities

COMMENTS:

Austin sent an email about changing the contact person for both of the water rights. The ownership for the facilities stays the same.

The new contact is:

Jerry Joyce
P.O. Box 96
Emmetsburg, IA 50536-0096
(712)-852-8520



Genny McMath
Water Rights Program