

Considered: _____

WATER PERMIT NO. 5499-3

Phone: 605 352-8682

Name of Applicant: Bales Continental Commission Co.

Post Office Address: Box 1337, Huron SD 57350

Amount of Water Claimed: 0.09 cfs (40 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Beadle

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 12-19-90 Fee: \$50.00 Remarks _____

Corrected Application Received _____ 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: NW 1/4 NE 1/4 3-110-62

Land to be Irrigated: _____

			x		
			3		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 1155' REMARKS _____

Type of Map: aerial PREPARED BY: Randy Richards, CED Reviewed and the Number

Assigned on 12-27-90 By Karen Schlaak

No. 5489-3 Hydrologic Unit 10160006
 Map No. _____ Basin James River
 Newspaper Daily Plainsman, Box 1278, Huron (Daily)

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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 BALES CONTINENTAL COMMISSION CO. dba Stokmans Auction Co. Inc. dba Chuck Wagon Cafe Phone No. 605-352-8682

Post Office Address Box 1337 HURON State 57350
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 40 GPM. / 0.09 cfs

3. Source of water supply WELL groundwater

4. Location of point of diversion See ASCS MAP

NW 1/4 NE 1/4 Sec 3-T110N-R62W

County BEADLE

5. Counties where water will be used BEADLE

6. Annual period during which water is to be used ALL Year (12 mo) Jan 1 - Dec 31

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

The well was constructed in the early 1960's - around 1960-1959 ~~1960~~, and will be used for the water supply of the Chuck Wagon Cafe, located on west Hwy 14 Huron, SD 57350.

We have been in operation at this same location since 1960.

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

STATE OF SOUTH DAKOTA)
 County of Beadle) ss

1. JERRY BALES - President 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 Jerry Bales Pres

Subscribed and sworn to before me this 13 day of Dec. 1990

[Signature]
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5489-3**

Date of first receipt of application December 19, 1990.

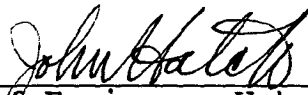
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5489-3 to the Bales Continental Commission Co., Box 1337, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5489-3 appropriates 40 gallons per minute (0.09 cubic feet of water per second) from one well (Dakota Formation) 1155 feet deep located in the NW 1/4 NE 1/4 Section 3-T110N-R62W.
2. The water appropriated shall be used for the purpose of supplying water to the Chuck Wagon Cafe 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: January 1 - December 31.
4. The date of approval of Permit No. 5489-3 is May 1, 1991.
5. The date from which applicant may claim right is December 19, 1990.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with the specifications of the Water Management Board.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 17 1991
(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 5" Depth 1155'
- b) Casing Type Copper Diameter 3" Thickness "K"
- c) Screen Type Perforation Diameter 3" Thickness 260'
- d) Gravel Pack Thickness None Length of Gravel Pack None
- e) Depth to Top of Water Bearing Material 895'
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: 1/2 mile
- On applicants property _____ On property owned by others X

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

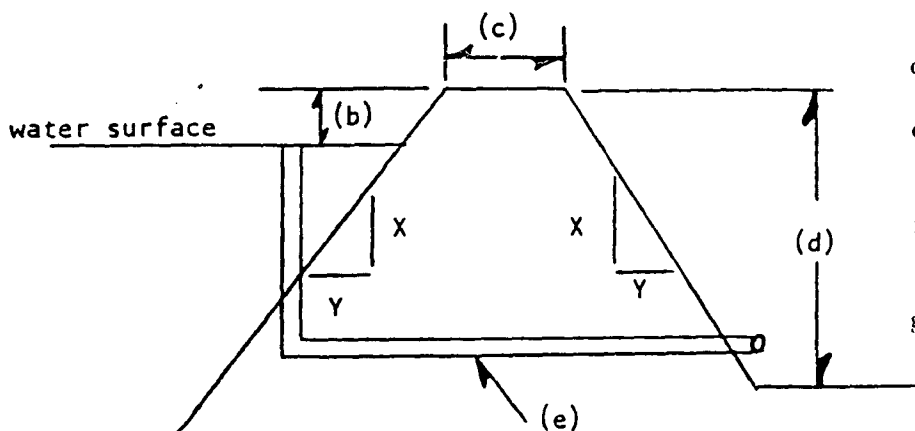
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Gerry Bales
 Signature of Applicant

Box 1337 Darn SD.

NOT TO SCALE



STATE Highway Right of Way
T-1134

Thompson & Sonney
1/2 R.O. Bales

T-956
130.0

Brack.

1981

①

T-958

66.4

④

50.7

Randy Richards

Randy Richards, CED
12/13/90

144

Ronald Brugger

6.4

③

43.3

T-348

⑥

7.5

③

4

378-76R



+ Bales (Continental)
Commissioner

3

12.5

②

③

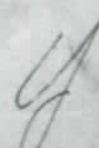
R.O. Bales



Green "X" in the NE 1/4
is the location of the well.

110-62

20.8



5489-3

W-11



REPORT ON APPLICATION NO. 5489-3
BALES CONTINENTAL COMMISSION CO.
JANUARY 25, 1991

This application proposes to appropriate 0.09 cfs from one existing well 1155 feet deep located in the NW 1/4 NE 1/4 Section 3, T110N, R62W. The water is to be used for commercial purposes at the Chuck Wagon Cafe.

Aquifer - Dakota Formation (DK⁰PT)

The Dakota Formation is mostly a sandstone interbedded with shale and attains a maximum thickness of up to 450 feet in this area (Schoon, 1971). The Dakota contains an estimated 18 million acre-feet of recoverable water and underlies 1250 square miles in Beadle County (Hedges, 1982). The aquifer is under artesian conditions and according to the well log submitted by Huron Drilling, the well will flow 95-100 gpm. The Water Rights Division does not monitor any observation wells in this area that are completed into the Dakota Formation. There is one USGS monitoring well in the Dakota Formation which is about 1.7 miles southwest of this location. Records are available for this well since 1967. These records indicate the water level has been declining (Bradford, 1981). However, because of the construction of this monitoring well, the data is probably inaccurate. Various authors have documented that the Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells.

Review of Existing Water Permits

There are numerous flowing wells in this area. This well has been used for the purpose of this application since 1960. There have been no reported problems. There is one other water permit for a Dakota Formation well approximately 0.8 miles northeast of this application, although, there probably should be more filings made.

Conclusions

1. There is water available from the Dakota Formation.
2. The record indicates water levels (head pressure) have been declining in this area from the Dakota Formation. The average annual recharge to the Dakota Formation is not quantified and probably never will be.
3. There is not enough information available to determine if this meets well construction standards. The well has been in operation since 1960.

4. There are numerous flowing Dakota Formation wells in the area. Because of the artesian conditions on the Dakota Formation, there will be a drawdown created by this withdrawal. This effect will not adversely affect water availability from the aquifer. There have been no complaints concerning water availability from the Dakota Formation in this area.
5. This well must be valved and controlled to the amount of water needed. This is to prevent the waste of water.

Norma C. Job

NORMA C JOB

Natural Resource Engineer I

Approved by

James A Goodman

JAMES A GOODMAN

Natural Resource Engineer IV

Bibliography

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

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

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

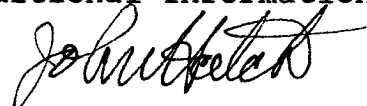
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5489-3, BALES CONTINENTAL COMMISSION COMPANY

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. 5489-3, Bales Continental Commission Company, Box 1337, Huron, SD.

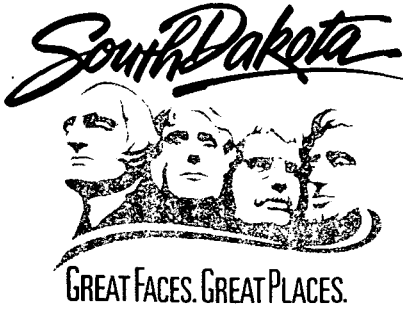
The Chief Engineer is recommending APPROVAL of Application No. 5489-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 31, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 20, 1991

Jerry Bales
Bales Continental Commission Co.
Box 1337
Huron, SD 57350

Dear Mr. Bales:

Water Permit Application No. 5489-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Plainsman printed at Huron, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

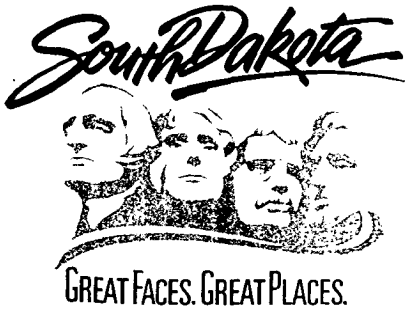
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 20, 1991

Daily Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5489-3 to be published twice. Please publish the first notice on March 27, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Bales Continental Commission Co, Box 1337, Huron SD 57350.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on March 27, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5489-3 to Appropriate Water

Notice is given that the Bales Continental Commission Co., Box 1337, Huron SD 57350 has filed an application for a water permit to appropriate 40 gallons per minute from one well (Dakota Formation) 1155 feet deep located in the NW 1/4 NE 1/4 Section 3-T110N-R62W. Water is being used for commercial purposes at the Chuck Wagon Cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5489-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5489-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Mary B. Walz

certify that the attached printed Notice was taken
from the Huron Daily Plainsman

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

City _____ of Huron

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

March 27, 1991 and April 3, 1991

Mary B. Walz
(Signature)

Business Manager

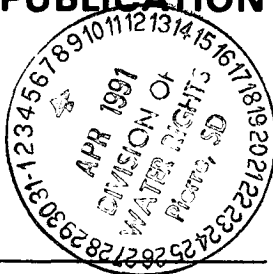
(Title)

April 3, 1991

(Date Signed)

Cost of Printing: \$107.80

One hundred seven and 80/100 dollars



F.P. 3-27-91 L.P. 4-3-91

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5489-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 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, 46-6-26; and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

No. 172 (adv.)

4" x 2" x 3.85 = 107.80



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

SEP 17 1991

Jerry Bales
Bales Continental Commission Co
Box 1337
Huron, SD 57350

Dear Mr. Bales:

Enclosed is Water Permit No. 5489-3 authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures

Permit No. 5489-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Bales Continental Commission Co. of P.O. Box 1337, Huron SD 57350 holder of Permit No. 5489-3, bearing the priority of December 19, 1990 authorizing the diversion of 0.09 cu. ft. per second of the waters of the Dakota Formation for commercial purposes, in Beadle County.

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

A. Works used to divert the water:

An artesian well 1155' deep; 895' of 3" copper casing and 260' of 3" copper screen.

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

265' of 2" copper pipe.

C. Works used to apply water to beneficial use:

Commercial use

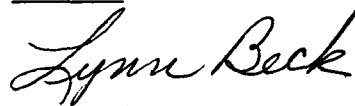
The system is in the following condition good. The point of diversion is located 460' E and 660' S of the N 1/4 Corner Section 3, T110N, R62W. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Commercial use.

The license should be issued for 0.09 cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 4-28-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5489-3

1. Legal location of wells: NW1/4 NE1/4 Section3, T110N, R62W

Dams and Structures N/A

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

Completion Report? Yes No X No. of Wells 1 Depth(s) 1155 feet

Casing a) diameter 3 inches Screen a) type 3" copper

 b) length 895 feet b) length 260 feet

 c) type copper Static Water Level feet

Pump a) make none Motor a) make none

 b) model b) model no.

 c) size c) horsepower rating

 d) capacity GPM d) serial no.

 e) turbine pump - no. of stages

 f) operating PSI

3. Distribution lines or canals

 a) size 2 inches

 b) type copper

 c) length 265 feet

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

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
-----	----	-------------

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

X 2. Special qualifications to permit being abided by?

X 3. All structures, wells and lands on map?

N/A 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?

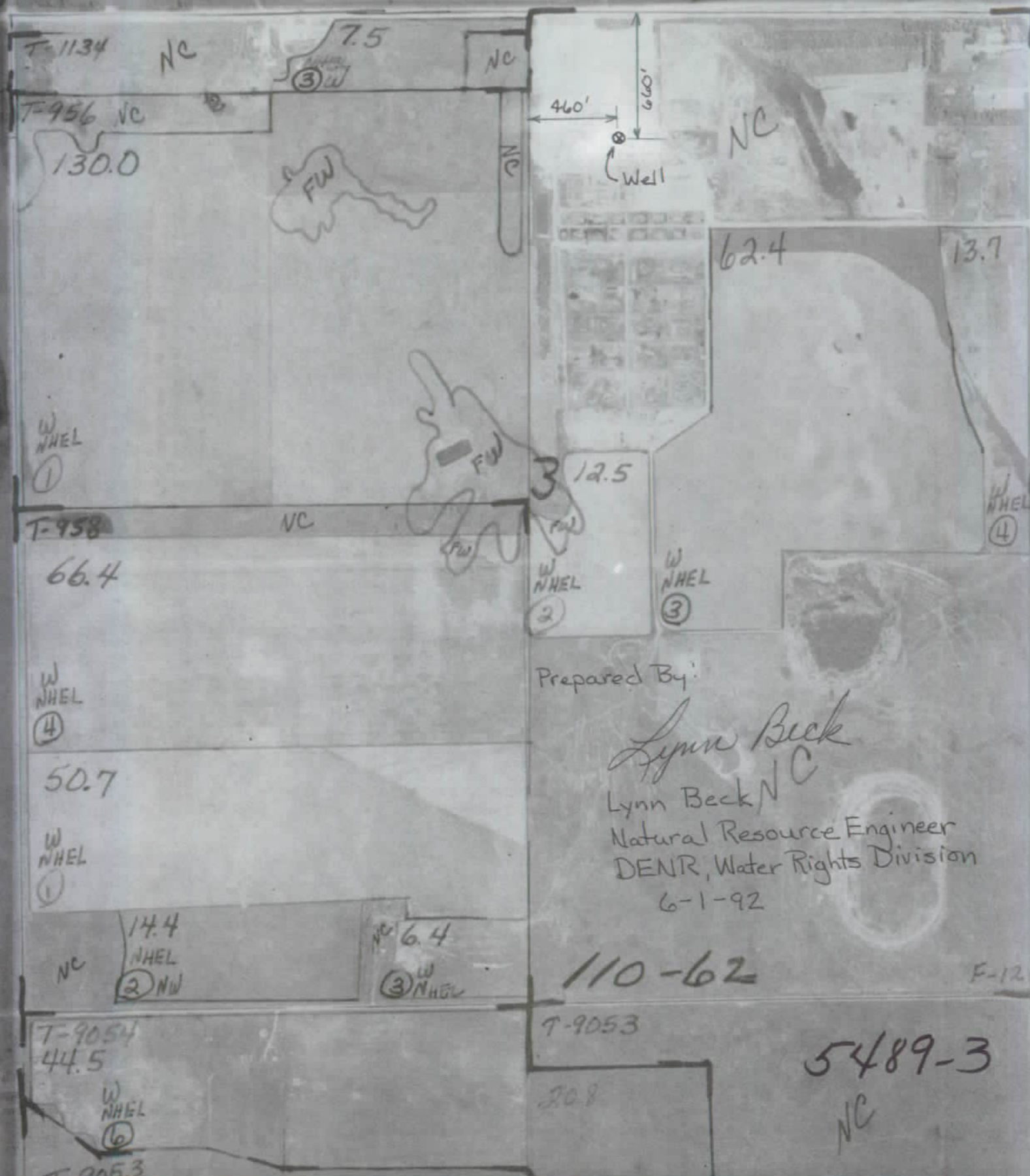
N/A 5. Is chemigation used?

6. If yes, does equipment comply with chemigation rules?

REMARKS: Well is an artesian well flowing at 40 gpm.

Well was constructed in early 1960's, no well log available.

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412458

Pierre, December 19, 1990

RECEIVED OF Bales Continental Commission Co., Box 1337, Huron SD 57350

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

Fee for Application for Permit No. <u>5489-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By

John Hatch (mk)
Chief Engineer

STATE OF SOUTH DAKOTA

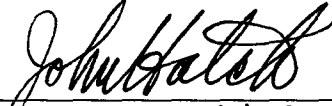
WATER LICENSE NO. 5489-3

(1) Bales Continental Commission Company of P.O. Box 1337, Huron, SD 57350-1337 made Application No. 5489-3, December 19, 1990 for a water permit to appropriate 0.09 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial purposes. Permit No. 5489-3 with a priority date of December 19, 1990 was approved May 1, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is: 460'E and 660'S of the N1/4 corner Section 3, T110N, R62W (NW 1/4 NE 1/4).

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

(4) Pursuant to Section 46-5-30.1 Bales Continental Commission Company of P.O. Box 1337, Huron, SD 57350-1337 the holder(s) and/or owner(s) of Water Permit No. 5489-3 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of December 19, 1990 from the location specified in (2) of this license. The water is to be used for commercial purposes in supplying water to the Chuck Wagon Cafe. This license is subject to any limitations or qualifications listed in Water Permit No. 5489-3 and subject to South Dakota State Law.

 NOV 24 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

September 2, 1992

5489-3

Jerry Bales
Bales Continental Commission
P.O. Box 1337
Huron, SD 57350

Dear Mr. Bales:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5489-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

A handwritten signature in cursive script, reading "Cheryl F. Frost".

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

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

RECEIPT

413443

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 25, 19 92

RECEIVED OF Bales Continental Commission Company, Huron, SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5489-3</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 W. Hatch
Chief Engineer



NOV 24 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5489-3

Jerry Bales
Bales Continental Commission Company
P.O. Box 1337
Huron, SD 57350-1337

Dear Mr. Bales:

Enclosed is Water License No. 5489-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413443 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5489-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



August 12, 2014

5489-3

Kim Ulmer
Livestock R Us LLC
Huron Continental Marketing
PO Box 1337
Huron SD 57350

Dear Mr. Ulmer:

We have received a fax copy of the "Notice of Transfer of Ownership" form you submitted for changing ownership of Water Right No. 5489-3. The water right is current listed in the name of Bales Continental Commission.

The form was completed properly however cannot be filed for record without the \$50 fee as required by statute. As soon as we receive the fee from you, the water right will be transferred as outlined on the change of ownership form you submitted. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

AUG 18 2014

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

WATER RIGHTS
PROGRAM

For assistance call (605) 773-3352

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

Water Right/Permit No. 548-9-3 SDG-0100311Date: 7/30/14I/We request that Water Right/Permit No. 548-9-3 SDG-0100311 formerly owned by:Bales Continental Commission be transferred to:New Owner Name: Kim Ulmer Livestock Rus LLC Huron Continental MarketingAddress: 39763 US Highway 14 PO Box 1337City, State, Zip Huron SD 57350 Telephone No. 605-352 8662

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

NE 1/4 Section 3 110 Township 62 West Bradsp County548-9-3

☒ I understand that the validity of Water Right/Permit No. SDG-0100311 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Kim Ulmer, the new owner, certify that the above information is true and correct.

Kim Ulmer

(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 8/18, 20 14

RECEIVED OF Livestock RUS LLC 39763 US Hwy 14 PO BOX 1337 Huron SD 57350
Kim Ulmer Huron Continental Marketing

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5489-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06926**

By James Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 19, 2014

5489-3

Kim Ulmer
Livestock RUS LLC
Huron Continental Marketing
PO Box 1337
Huron SD 57350

Dear Mr. Ulmer:

The ownership change for Water Right No. 5489-3 has been completed. The water right formerly held by Bales Continental Commission is now listed in the name of "Livestock RUS LLC – Huron Continental Marketing".

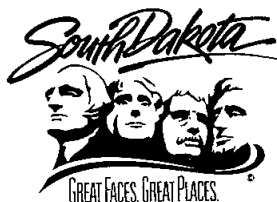
Enclosed for your records is Receipt No. 06926 in the amount of \$50 which you paid for processing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 19, 2014

Kent Bales
Bales Continental Commission Co.
P.O. Box 1337
Huron, SD 57350-1337

Kim Ulmer
Huron Continental Marketing Co.
39763 US Hwy 14
Huron, SD 57350

RE: Transfer General Permit, Permit # SDG-0100311

Dear Mr. Bales and Mr. Ulmer:

The purpose of this letter is to transfer coverage under the *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit) from Kent Bales / Bales Continental Commission Co. to Kim Ulmer / Huron Continental Marketing Co. The facility is located in the Northeast ¼ of Section 3, Township 110 North, Range 62 West in Beadle County, South Dakota. Thank you for submitting the information to transfer permit coverage.

The permitted manure management system is for an open lot used as a livestock auction market. The auction sells an average of 80,000-head of beef cattle per year during 72 sales. This is an average of 1,111-head of beef cattle per sale with a maximum of 3,500-head of beef cattle present at the auction during any one sale. As part of the auction process, the cattle will normally be present for a period of 24 hours or less.

The system consists of a pond used as a runoff collection basin, piping, diversion dikes or channels, a sediment basin, a holding pond, and 24.21 acres of drainage area. Any wastewater that collects in the runoff collection pond is to be transferred to the holding pond within 72 hours. The sediment basin is designed for 180 days of solids storage. The holding pond meets the requirements of the general permit and is designed for at least 365 days of liquid storage.

Permit coverage is hereby transferred from Kent Bales / Bales Continental Commission Co. to Kim Ulmer / Huron Continental Marketing Co. I am granting coverage for the livestock auction to Huron Continental Marketing Co. under the general permit (Permit #SDG-0100311). Please refer to this permit number in any future correspondence. Also keep in mind that the permitted manure management system is for a livestock auction. **Any changes to the operating practices or the manure management system will require the submittal of plans and specifications to the department for review and approval prior to making any changes to the operation or system.**

I am also issuing an amended Certificate of Compliance. **The amended Certificate of Compliance is for a maximum of 3,500-head of beef cattle and 24.21 acres of drainage area.** The certificate shall remain in place until such time Huron Continental Marketing Co. changes or expands the operation.

Huron Continental Marketing Co. is now responsible for operating and maintaining the livestock auction in compliance with all the conditions and requirements in the general permit and the facility's approved general permit application. Huron Continental Marketing Co. is also responsible for transferring any other applicable permits for this facility, including other department permits and any local government permits as well as complying with any local ordinances or requirements.

The following items were submitted to transfer permit coverage:

- A Certification of Applicant Form signed by the new owner of the facility;
- A Change of Ownership Form to transfer coverage under the general permit;
- Operation and Maintenance (O&M) Guidelines signed by the new permit holder;
- A Notice of Intent Form signed by the new owner; and
- Manure application agreements between legal landowners and Huron Continental Marketing Co.

The O&M Guideline includes a guideline for keeping records of the date, time, and estimated volume of any overflow. The permit requires producers to report to the State of South Dakota at (605)773-3351, any discharge as soon as possible, but no later than twenty-four (24) hours from the time the producer first became aware of the discharge. If after normal business hours (8:00 am to 5:00 p.m. central time on Monday through Friday), the producer shall report the discharge by calling (605)773-3231. The producer shall also take immediate steps to stop the discharge and notify anyone downstream that may be impacted by the discharge.

The following table identifies all of the fields in the approved phosphorus-based nutrient management plan (NMP) which are approved for the application of manure. All fields require a zero to two foot soil test prior to manure application.

TABLE 1: Huron Continental Marketing Co. – Nitrogen based Manure Application Fields					
Field #	County	Legal Description	Available Acres	Soil Sampling Requirements	
				0-2 feet	Additional
4	Moody	NW ¼, Section 3, T110N, R62W	133.3	Yes	No
5	Moody	All, Section 4, T110N, R62W	512.3	Yes	No
Total Acres =			645.6		

The attached field list is a listing of the fields that are currently approved for manure or wastewater application. The attached map shows the location of each field. Please review this information and notify the department if any of the information is incorrect. If the enclosed field list and map are correct, please place them with your NMP.

Manure application agreements still need to be submitted for *Fields 1 and 3*. **These fields cannot be used for the land application of manure or wastewater until manure application agreements for these fields are submitted to the department for review and approval.**

Kent Bales / Kim Ulmer
Bales Continental Commission Co. / Huron Continental Marketing Co.
August 19, 2014
Page 3 of 4

To add fields to your approved phosphorus-based NMP, you must submit the required information for each additional field to the department for our review and approval. Information on adding fields to your approved phosphorus-based NMP may be obtained from your local Natural Resources Conservation Service (NRCS) office. You may also contact us for assistance at (605) 773-3351, or visit our website at <http://denr.sd.gov/des/fp/fieldadditions.aspx> for instructions on adding fields. **You may not apply manure to any fields not included in your approved phosphorus-based NMP.**

Buffer zones are required around any natural or manmade drainages or wetlands. Please review the buffer zone requirements on the land application maps included with the nutrient management plan in Appendix D of your permit prior to land applying manure.

Also, the application site(s) must be located at least 150 feet from a private well owned by you, 250 feet from a private well not owned by you, and 1,000 feet from any public supply well or other public drinking water source. These buffer areas must not be included as part of the acreage available for land application of manure.

If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), you must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

I am including an amended Certificate of Compliance, a cover sheet for the Producer Handbook, and a new copy of the general permit for your operation. Please place these items in the Producer Handbook that is located at the facility. The Producer Handbook was developed to assist producers in meeting the requirements of the general permit. Using this book will help manage the documents and paperwork that must be completed and retained while operating the animal feeding operation. The book contains forms to use to comply with the permit's requirements and is organized to give a place to put other required information like soil and manure testing lab report forms. You are required to keep all records for a minimum of five years. It is not mandatory that you use the handbook, however, it will assist you in organizing and maintaining the records that are required by the general permit.

New federal regulations for concentrated animal feeding operations (CAFO's) were published in the Federal Register on November 20, 2008. We are currently evaluating the federal changes and how they might fit into our state program. Federal law dictates that these types of permits expire every five years, at which time the state has to reissue a new permit. The current general permit expired October 19, 2008, and is currently administratively extended. Until program changes can be made and a new general permit is issued, the current permit will remain in effect.

The department will begin working on a new draft general permit when program changes are in effect. The department plans to work with interested parties during this process. The draft permit will be public noticed for a public hearing and a copy will be sent to you for your comments. If you have

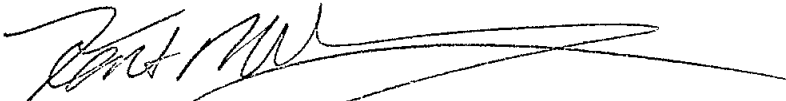
Kent Bales / Kim Ulmer
Bales Continental Commission Co. / Huron Continental Marketing Co.
August 19, 2014
Page 4 of 4

specific suggestions for changes to the current permit any time before that process begins, you are encouraged to submit your written comments to the department.

Once a new permit is issued, our goal will be to make transferring coverage under the existing permit to the new permit as easy as possible for you. The department will work with you on a schedule to submit any elements of your permit application that may need to be changed.

I would like to thank you, the current owners, and the new owners for your cooperation in ensuring protection of our natural resources. The department encourages the new owners to remain in compliance by properly operating and maintaining their manure management system. If you have any questions or comments, please feel free to contact Peter Adair or myself at (605) 773-3351.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent R. Woodmansey', with a long horizontal flourish extending to the right.

Kent R. Woodmansey, PE, Administrator
Feedlot Permit Program

cc: Beadle County Commissioners

Enclosures: Certificate of Compliance
Producer Handbook Cover
General Permit
Field List
Field Map