

Considered: _____

WATER PERMIT NO. 5549-3

Phone: 206 546-6533

Name of Applicant: National Food Corporation

Post Office Address: PO Box 33745, Seattle, Washington 98133

Amount of Water Claimed: .45 cfs Total Acres: N/A

Source of Water Supply: groundwater

Water to be used for: commercial County: Aurora

About 4 miles east of Plankinton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4/22/91 Fee: \$250 Remarks _____

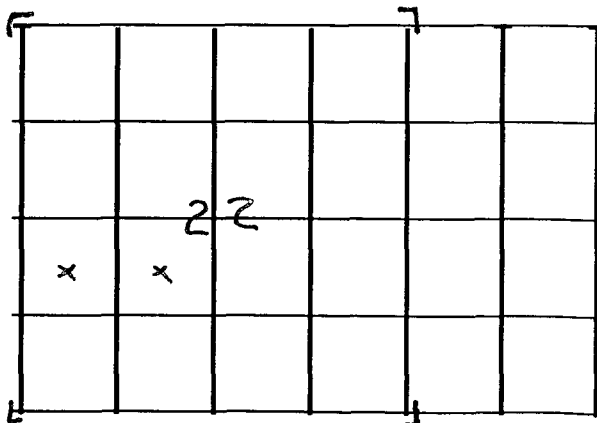
Corrected Application Received 5/2/91 Period of Annual Use Jan. 1 - Dec. 31

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

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NW1/4 SW1/4, NE1/4 SW1/4 Section
22, T103N, R63W

Land to be Irrigated: _____



Well Log: Driller: Pullman Licensed YES X NO _____

Depth of Well: approx 250' REMARKS well logs that were submitted are for
nearby wells

Type of Map: plat PREPARED BY: Nohr Reviewed and the Number

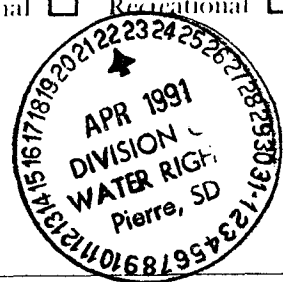
Assigned on 5/8/91 By Eric Gronlund

No. <u>5549-3</u>	Hydrologic Unit <u>10160011</u>
Map No. _____	Basin <u>James River</u>
Newspaper <u>SD Mail, Box 367, Plankinton, SD</u> 57383	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

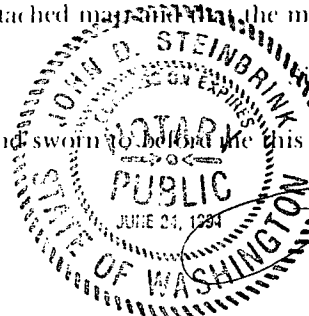
- Name of Applicant NATIONAL FOOD CORPORATION Phone No. (206) 546-6533
 Post Office Address PO Box 33745, Seattle State Washington 98133
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) .45 CFS or 200 gallons per minute
- Source of water supply Groundwater; Codell (250-300') or Dakota Sandstone (600-1000')
- Location of point of diversion Two points of diversion: Each in the SW 1/4 of Section 22, Township 103 North Range 63, West of the fifth P.M. One well in the NW1/4 of the SW1/4 and on in the NE1/4 of the SW 1/4. County Aurora
- Counties where water will be used Aurora
- Annual period during which water is to be used All year. January - December 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) The proposed project involves the construction of 20 pullets raising houses for egg layer replacements. Two productions wells of 100 g.p.m. each are planned. The primary use of the water will be for consumption by the birds, with usages reaching a maximum of approximately 100,000 gallons per day.

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

STATE OF ~~XXXXXXXXXXXX~~ WASHINGTON
 County of King)^{ss}

I, Brian V. Bookey, Secretary of National Food the applicant, certify that I have read this application, have examined the attached map, and the matters stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 18th day of April, 19 91



Brian V. Bookey
 Brian V. Bookey

John D. Steinbrink
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5549-3**

Date of first receipt of application April 22, 1991.

Date of return to applicant for corrections, amendments or changes April 23, 1991.

Date of receipt of corrected application May 3, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5549-3 to National Food Corporation, PO Box 33745, Seattle WA 98133 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. 5549-3 authorizes 0.45 cubic feet of water per second from two wells (Codell Sandstone Aquifer) approximately 250 feet deep located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 of Section 22-T103N-R63W.
2. The water appropriated shall be used for the purpose of supplying water for chicken production facility 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. 5549-3 is July 17, 1991.
5. The date from which applicant may claim right is April 22, 1991.
6. One-fifth of the construction is to be completed on or before January 17, 1994.
7. All construction is to be completed on or before July 17, 1996.
8. Water is to be put to beneficial use on or before July 17, 2000.
9. 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 wells authorized by Permit No. 5549-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.

(continued)

Water Permit No. 5549-3
Page 2

3. Permit No. 5549-3 is approved for construction of the two wells into the Codell Sandstone Aquifer.
4. Permit No. 5549-3 is subject to the applicable provisions of qualification Nos. 1, 6, 7, 8, 9, and 10 to approval of Permit No. 5147-3.

WATER MANAGEMENT BOARD

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

JUL 22 1991
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction Two Points of Diverson Same construction expected for each

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type Metal Diameter 8" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property approx. 2000' On property owned by others approx 3000' minimum
(adjoining property)

2. Dugout Information Estimates N/A

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

3. Water Storage Dams N/A

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 _____

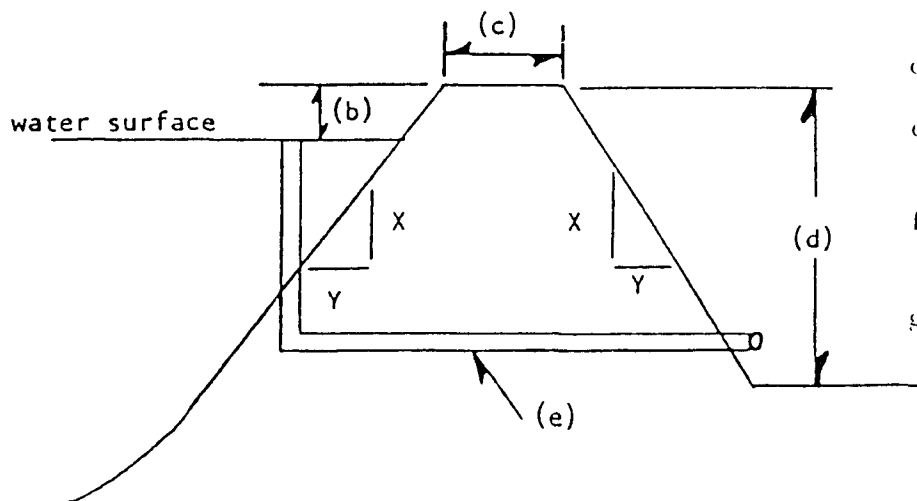
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

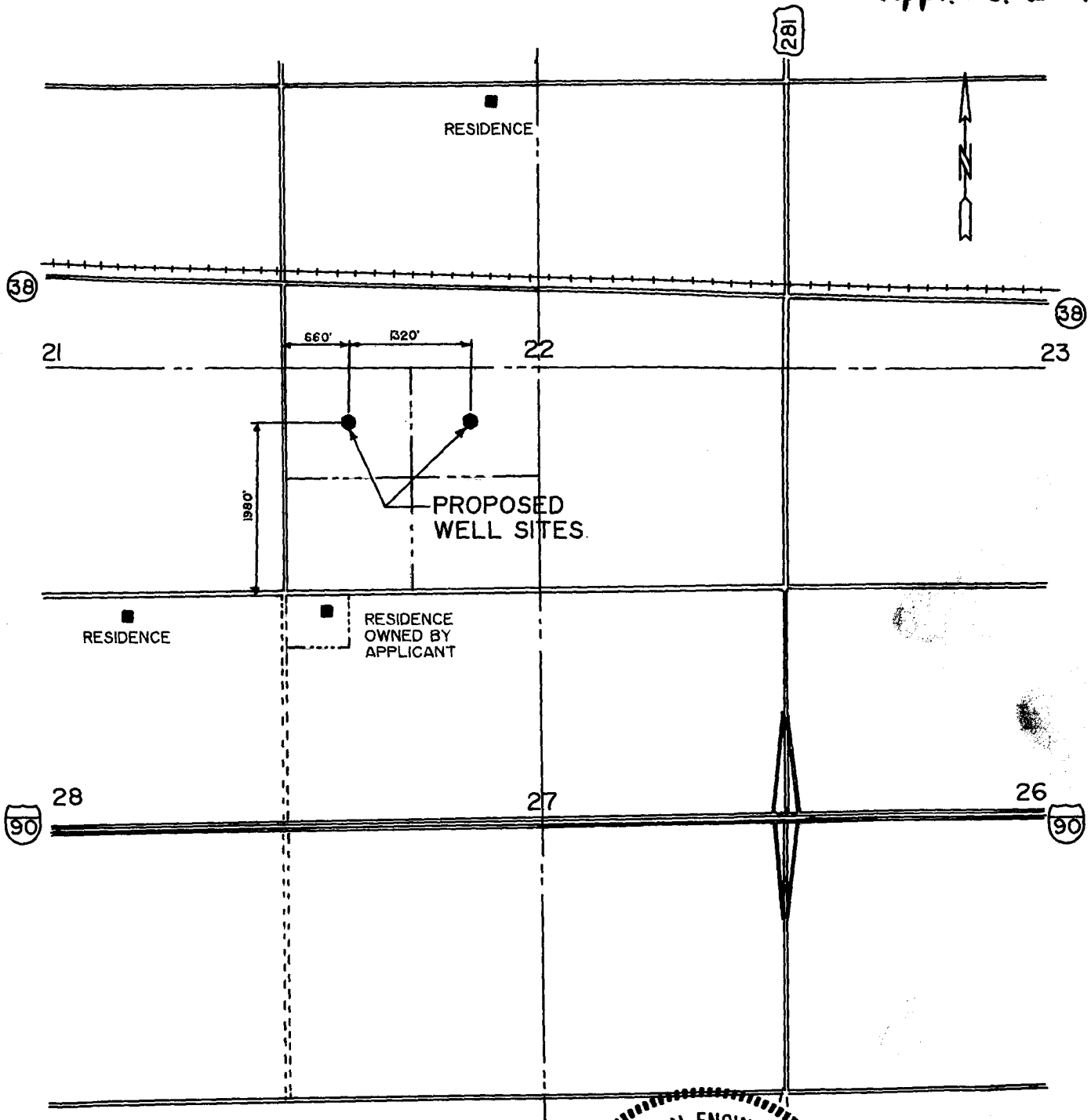
Drainage area above dam _____



Signature of Applicant

schmucker . paul . nohr & associates

Appl. No. 55493

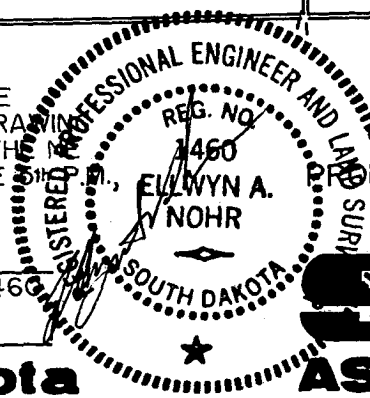


I HEREBY CERTIFY THAT THE LOCATION OF THE PROPOSED WELL SITES ARE SHOWN BY THIS DRAWING AND ARE LOCATED IN THE NW 1/4 SW1/4 AND THE NE 1/4 SW1/4 OF SECTION 22, T103N, R63W OF THE 5TH PRINCIPAL MERIDIAN, AURORA COUNTY, SOUTH DAKOTA.

Ellwyn A. Nohr
ELLWYN A. NOHR, LICENSED SURVEYOR S.D. # 1460

DATE: APRIL 30, 1991

MITCHELL, SOUTH DAKOTA



LOCATION MAP OF PROPOSED WELL SITES

SPN # 91-5134

SPN ASSOCIATES

10-85

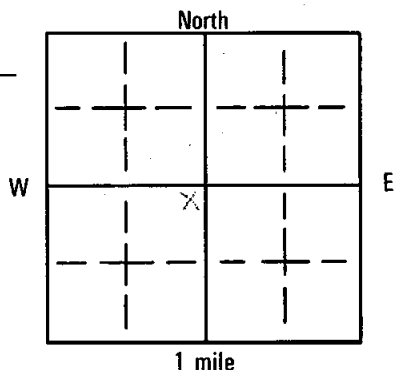
Date 12-23-11

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 16 1/4 Sec 2 Twp 17 N Rg 10 ECounty Butte

Please mark well location with an "X"

Well Completion Date 8-20-91

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>20</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>263</u> FT	<u>12 1/4</u> 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? 200 FEETWhat is grouting material? Port LandIf cement, number of sacks? 12000 lbDescribe grouting procedure pressure and tremieWhat was grout weight? 16.1 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 40 FEETMaterial Stainless SteelSlot Size 0.16 Set From 263 Feet To 303 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Grout packer and screenWas a packer or seal used? ☒ YES ☐ NOIf so, what material? 5X8 LVR SteelDescribe packer(s) and location? Set @ 252'has 12' LVR packeron screenWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☒ YES ☐ NOLaboratory sent to State Lab

Well Owner:

Name National ToolsAddress 16740 Wrentham Dr. Omaha, NE

Well Log:

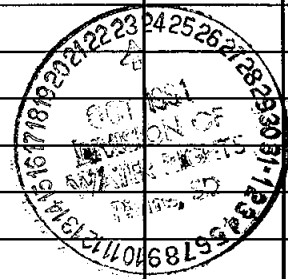
Depth

Formation

From

To

<u>Plume</u>	<u>0</u>	<u>80</u>
<u>Shale</u>	<u>80</u>	<u>180</u>
<u>Clay</u>	<u>180</u>	<u>216</u>
<u>Coastal Sand</u>	<u>216</u>	<u>251</u>
<u>C. Sand Poor</u>	<u>216</u>	<u>251</u>
<u>C. Sandstone Good</u>	<u>251</u>	<u>303</u>

STATIC WATER LEVEL 93 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

170 ft. After 1 Hrs. pumped 130 GPM170 ft. After 2 Hrs. pumped 130 GPM170 ft. After 10 Hrs. pumped 130 GPM

REMARKS:

water has salty tasteThis well was drilled under license # 213

And this report is true and accurate.

Drilling firm Hutchinson Drilling Co.

Signature of License Representative:

[Signature]

Signature of Well Owner:

[Signature]

Date

8-23-91

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412653

Pierre, April 23, 1991

RECEIVED OF National Food Corporation, 16740 Aurora Ave. No., Seattle, WA 98133

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

Fee for Application for Permit No. <u>5549-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	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	250 00

By John W. Hatch (Signature)
Chief Engineer

National Food Corporation

206 - 546-6533 and 523-4900

Fax 206 - 542-0202

P.O. Box 33745

16740 Aurora Avenue North

Seattle, Washington 98133



April 18, 1991

Water Right Div.
DWNR, Foss Bldg.
Pierre, SD 57501

RE: Permit Application

Dear Sir or Madam:

Please find the original and one copy of a Application For Permit To Appropriate Water along with our check in the amount of \$250.00 for the fees.

It is our understanding that we will receive the recommendations of your engineer, after which publication in the local newspaper will be necessary.

I have left a good deal of information on question #1 of the Supplemental Information form 2A blank with the understanding that you can accept it this way. In all respects, we expect to construct the wells in accordance with all state and local standards and that items such as screening will be dependent upon the subsurface geology found during drilling.

Please advise if you need anything further.

Sincerely,
NATIONAL FOOD CORPORATION


Brian V. Bookey
Secretary & Treasurer

BVB/mb

Conversation or File Documentation

NAME OF PERSON OR FILE: Natl Food Corp ApplicationADDRESS: _____ COUNTY AuroraDATE: 4-23-91 TELEPHONE _____RE: Well log

COMMENTS:

Goodman said the well log attached would
be sufficient if they are going with a Codell
well. If they are going to drill a Dakota
Sandstone well, then they need to submit
a well log.

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: Karen Schlaak



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 23, 1991

National Food Corporation
Brian V Bookey
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

In regard to your water permit application received on April 22, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. The map submitted with your application is being returned. On Item No. 4 of the application, it is indicated that the wells will be located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4. The map submitted with the application shows the well being located in the NW 1/4 SE 1/4 and the NE 1/4 SE 1/4 all in Section 22-T103N-R63W. Which is correct?
2. The map must be signed by one of the following: South Dakota Registered Land Surveyor, South Dakota Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Do you qualify as one of the above?
3. Enclosed is a copy of a well completion report submitted to our office for a well drilled in the SE 1/4 SE 1/4 Section 22. If you are going to drill well into the Codell Formation this report will be adequate. If the well is going to be in the deeper Dakota Sandstone Formation, a well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.

Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Brian Bookey, National Food Corporation

ADDRESS: COUNTY:

DATE: April 25, 1991 TELEPHONE:

RE: Pending application for National Food Corporation

COMMENTS:

Talked with Brian Bookey regarding the April 23, letter. Mr. Bookey stated the NW 1/4 SE 1/4 and the NE 1/4 SE 1/4 was the correct location of the wells.

He was going to get the map signed by the proper people.

The well log I sent had a wrong legal description. It should be the NW 1/4 SE 1/4 19-103-63. He also gave me the correct locations of all the wells which had been drilled for National Foods in this area. I gave this info to Goodman.

He talked with Jim Goodman concerning water availability and the well log requirement. Jim said that Mr. Bookey was going to submit more detailed information that he had regarding other wells drilled in the area.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

Fax 206 - 542-0202

A circular postmark from Pierre, SD, dated MAY 1991. The text "DIVISION OF WATER RIGHTS" is arranged in a circle around the date. A small star symbol is located at the top of the circle. The numbers "293031-12345678910111213141516171819202122232425262728" are printed along the outer edge of the circle.

Ms. Karen Schlaak
Dept. of Water & Natural Resources
State of South Dakota
Joe Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181

Dear Ms. Schlaak:

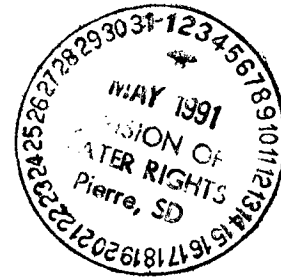
In response to your letter of April 232, 1991 and in keeping with my telephone conversations with you and with Jim Goodman of your Department, I have directed Schmucker, Paul & Norre, Registered Land Surveyors in Mitchell, South Dakota to prepare and certify a map of the proposed well sites and to forward the same directly to you for purposes of this application. The application is correct in identifying the site as being in the NW 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4, all in SEciton 22-T103N-R63W. The map I submitted was wrong. The map to be submitted by the surveyor will correspond to the description provided in the application.

As we discussed, the well completion report referenced in your letter, a copy of which was forwarded to us, recites the wrong legal description and was not drilled in SEction 22. In fact, of the four wells we have had drilled in South Dakota, the legal descriptions provided by the driller on the well completion report are wrong on each. To correct your records on this point, I have enclosed a copy of each of the reports, upon which I have written the proper description and marked the location, each in red below the incorrect entries on the report. I have also numbered the wells as 1 through 4. Please note that wells 1 and 2 are the wells which were drilled pursuant to our permit #5147-3 and serve our layer farm. Wells 3 and 4 are domestic wells which serve the 2 residences at the site.

Mr. Goodman advises that we can satisfy your requirements as to well logs with those enclosed. From our conversations with Pullman Well Drilling, we expect to encounter similar formations, water levels and water volumes in Section 22 as were encountered in Section 19.

I hope this information, in conjunction with the map being forwarded to you by the surveyor, will provide you with what you

Ms. Karen Schlaak
April 29, 1991
Page two



need to continue processing this application in timely fashion.
If you need anything further, please let me know as soon as possible.

Thank you for your assistance on this project.

Sincerely yours,
NATIONAL FOOD CORPORATION

A handwritten signature in dark ink, appearing to read "Brian V. Bookey".

Brian V. Bookey
Secretary & Treasurer

Encl.

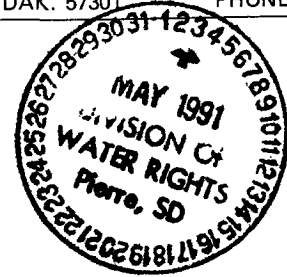
May 1, 1991

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Karen Schlaak
Natural Resources Analyst
Department of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre SD 57501-3181



RE: Water Permit Application - NW 1/4 SW 1/4 and the NE 1/4 SW 1/4,
22-103-63, Aurora County, South Dakota
SPN #5134

SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Ms. Schlaak:

Enclosed is a copy of a map certifying the locations of the proposed well sites on the above referenced property.

If you have any questions, please do not hesitate to call.

Sincerely yours,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Ellwyn A. Nohr
Ellwyn A. Nohr, R.L.S./R.P.E.

EAN:rf

Enclosure

cc: Brian Bookey, National Food Corporation w/enc

REPORT ON APPLICATION NO. 5549-3
for National Food Corporation
June 13, 1991

This application proposes to appropriate 0.45 cfs from 2 wells approximately 250 feet deep located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 of section 22, T103N R63W in Aurora County. The water is to be used for commercial purposes.

AQUIFER - CODELL SANDSTONE (CDLL)

The Codell Sandstone (locally called sandrock) consists of up to 136 feet of gray, brown, reddish brown, green or black cemented, fine to medium grained sandstone, siltstone and much soft, fine to medium sand and silty shale (Hamilton, 1985). According to the Hamilton report the top of the Codell should be between 166 feet and 230 feet below land surface with a thickness of 71 to 30 feet respectively. The Codell underlies approximately 707 square miles and contains an estimated 905,000 acre feet of recoverable in storage (Hedges, 1982). Hamilton estimates that the Codell underlies 900 square miles and contains 6 million acre feet of water in storage in Aurora County and Jerauld Counties. The Hedges report considers recoverable water from the aquifer in Aurora County only whereas the Hamilton report considers total water in storage for both counties hence the different estimates. Hamilton also estimated recharge at 1700 acre feet per year for the Codell aquifer.

The Codell is confined and contains water under artesian conditions. Ground water moves from southwest to northeast through this area with an expected static water level of about 80 feet below land surface. The Division of Water Rights monitors one observation well AU-77D completed into the Codell and located approximately 4 miles northwest of this application. Water levels for this well do not fluctuate significantly and there seems to be little impact of pumping on the aquifer. There does appear to be a slight affect of climatic conditions upon the aquifer, that is, slightly rising water levels during wet years and the gradually declining water levels during dry years. The aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

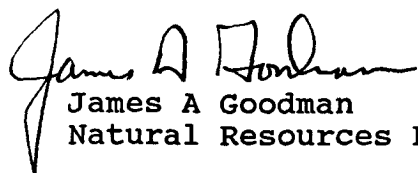
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing diversion from the Codell is Water Permit No. 5147-3 which is held by the applicant for this permit. Interference is not expected to be a problem. Data for wells drilled for Permit No. 5147-3 indicates that well yields in the 100 to 150 gpm range can be expected. The Codell is used for domestic purposes in this area.

CONCLUSIONS

1. Water is available from the Codell.

2. The Codell is under artesian conditions at this site and drawdown caused by pumping can be expected. Interference is not expected to be a problem. The distance between diversions is sufficient to minimize any potential adverse effects. The observation well record indicates that significant drawdown is not occurring because of existing diversions.
3. The wells authorized by this application, if approved, must be constructed in accordance with SD Well Construction Standards.
4. Water levels for the Codell aquifer do not exhibit any definitive trends which probably indicates that water use from the aquifer is not significant.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, USGS WRI 84-4030, USGS, Huron, SD, 57350.

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Data for Aurora County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5549-3, National Food Corporation

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5549-3, National Food Corporation, PO Box 33745, Seattle, Washington 98133.

The Chief Engineer is recommending APPROVAL of Application No. 5549-3 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 authorized by Permit No. 5549-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.
3. Permit No. 5549-3 is approved for construction of two wells into the Codell Sandstone aquifer.
4. Permit No. 5549-3 is subject to the applicable provisions of qualification Nos. 1, 6, 7, 8, 9, and 10 to approval of Permit No. 5147-3.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 14, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and 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.

June 14, 1991

Brian V. Bookey
National Food Corporation
PO Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

Water Permit Application No. 5549-3 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 SD Mail printed at Plankinton, 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 ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 14, 1991

SD Mail
Box 367
Plankinton, SD 57383

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5549-3 to be published twice. Please publish the first notice on June 20, 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 National Food Corporation, PO Box 33745, Seattle, WA 98133.

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 or before June 20, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5549-3 to Appropriate Water

Notice is given that National Food Corporation, PO Box 33745, Seattle, WA 98133 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second from two wells (Codell Sandstone Aquifer) approximately 250 feet deep located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 of Section 22, T103N, R63W. Water is to be used for commercial purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5549-3 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 July 8, 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. 5549-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 17, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 17, 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 July 17, 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 July 8, 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 Aurora) ss.



I, Edward Van Genderen

certify that the attached printed Notice was taken
 from the South Dakota mail

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

_____ of Plankinton

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

June 20, 1991

June 27, 1991

Edward Van Genderen
 (Signature)

Bookkeeper
 (Title)

June 27, 1991
 (Date Signed)

Cost of Printing: \$56¹³

NOTICE OF HEARING on Application No. 5549-3 to Appropriate Water

Notice is given that National Food Corporation, PO Box 33745, Seattle, WA 98133 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second from two wells (Codell Sandstone Aquifer) approximately 250 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T103N, R63W. Water is to be used for commercial purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5549-3 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 July 8, 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.

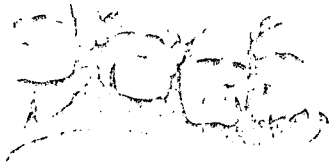
For purposes of publishing 1) the notice of hearing on Application No. 5549-3 and 2) the chief engineer's recommendation, a Special Board meeting is scheduled for July 17, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is

opposed or the recommendation is contested, the July 17, 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 the petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm the hearing date and location. The July 17, 1991, hearing date will be automatically delayed for at least 20 days upon a 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 July 8, 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, 46-6-28; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

South Dakota



GREAT FACES. GREAT PLACES.

JUL 22 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Brian V Bookey, Secretary
National Food Corporation
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

Enclosed is Water Permit No. 5549-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 6-26-95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: National Food Corp PO Box 33745
(name) (address)
Seattle Washington 98133 942-7393
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5549-3.

Water Permit No. 5549-3 states that the diversion system is to be constructed by July 17, 1996, and that the water is put to beneficial use by July 17, 2000.
(date) (date)

The diversion system was completed on 4-92.
(date)

Applying the water to beneficial use was completed on 4-94.
(date)

You may schedule an inspection so that the Water License may be issued.

National Food Corp
J.C. Boocker
(signature)

Permit No. 5549-3
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

I have this day, **June 17, 1996**, made a thorough examination of the water use system constructed by **National Food Corporation** of **PO Box 33745, Seattle, WA 98133** holder of Permit No. **5549-3**, bearing the priority of **April 22, 1991** authorizing the diversion of **0.45** cu. ft. of water per second from **ground water** for **commercial** purposes, in **Aurora** County.

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

A. Works used to divert the water:

Two 60 GPM production wells with 5 HP Franklin motors and 60 GPM Grundfos pumps.

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

Three booster pumps - 2 in the north well house and 1 in the south well house. 2" water lines throughout all the chicken barns.

C. Works used to apply water to beneficial use:

Egg layer chickens which are moved to the West chicken farm (see Water Permit No. 5147-3)

The system is in the following condition **good**. The points of diversion are located **Well #1 (North well): 2600 feet N and 560 feet E; Well #2 (South well): 2000 feet N and 600 feet E; both from the SW corner of Section 22; T103N R63W (NW1/4 SW1/4).** The works are capable of diverting and conveying to the place of use **0.26** cu. ft. of water per second which is to be used for **commercial** use and the license should be issued for **0.26** cfs. Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **October 17, 1996**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5549-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 17, 1996

NAME OF INSPECTION CONTACT: Todd Blanchard, Mgr

NAME & ADDRESS OF PERMIT HOLDER: National Food Corporation, PO Box 33745, Seattle, WA 98133

DIVERSION POINT LEGAL LOCATION: Well #1 (North well): 2600 feet N and 560 feet E; Well #2 (South well): 2000 feet N and 600 feet E; both from the SW corner of Section 22; T103N R63W (NW1/4 SW1/4).

WELL INFORMATION:

- | | |
|--|---|
| 1) Well Drilling Firm: <u>Hutmacher Drilling</u> | 3) Depth(s) <u>303 (N) & 293 (S)</u> feet |
| 2) No. of Wells <u>2</u> | 4) Well log is available <u>Y</u> |

Casing: (North well)

- 1) Diameter 8 inches
- 2) Length 263 feet
- 3) Type Steel

Screen: (North well)

- 1) Type Steel
- 2) Length 40 feet
- 3) Static water level 93 feet

Casing: (South well)

- 1) Diameter 8 inches
- 2) Length 253 feet
- 3) Type Steel

Screen: (South well)

- 1) Type Steel
- 2) Length 40 feet
- 3) Static water level 91 feet

Motor: (North well)

- 1) Make Franklin submersible
- 2) Model No. 2343177004
- 3) Horsepower rating 5 HP

Pump: (North well)

- 1) Make Grundfos submersible
- 2) Size 4"
- 3) Capacity 60 GPM

Motor: (South well)

- 1) Make Franklin submersible
- 2) Model No. 2343177004
- 3) Horsepower rating 5 HP

Pump: (South well)

- 1) Make Grundfos submersible
- 2) Size 4"
- 3) Capacity 60 GPM

BOOSTER PUMPS:

Motors: (North well house)

- 1) Make (3) Franklin Electrics
- 2) Model Nos. 2750949
- 3) Horsepower rating 1.5 each? HP

Pumps: (North well house)

- 1) Make (3) Grundfos
- 2) Model No. CR4-40
- 3) Capacity 22 each GPM

NOTE: Only two of the three boosters are used in the North well house. One is for spare and isn't hooked up.

Motor: (South well house)

- 1) Make Baldor
- 2) Frame No. 56C
- 3) Horsepower rating 1.5 HP

Pump: (South well house)

- 1) Make Grundfos
- 2) Model No. CR4-40
- 3) Capacity 22 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type steel
- 2) Size 2 inches
- 3) Length throughout barns feet

SYSTEM TYPE:

Commercial use of water for a chicken operation.

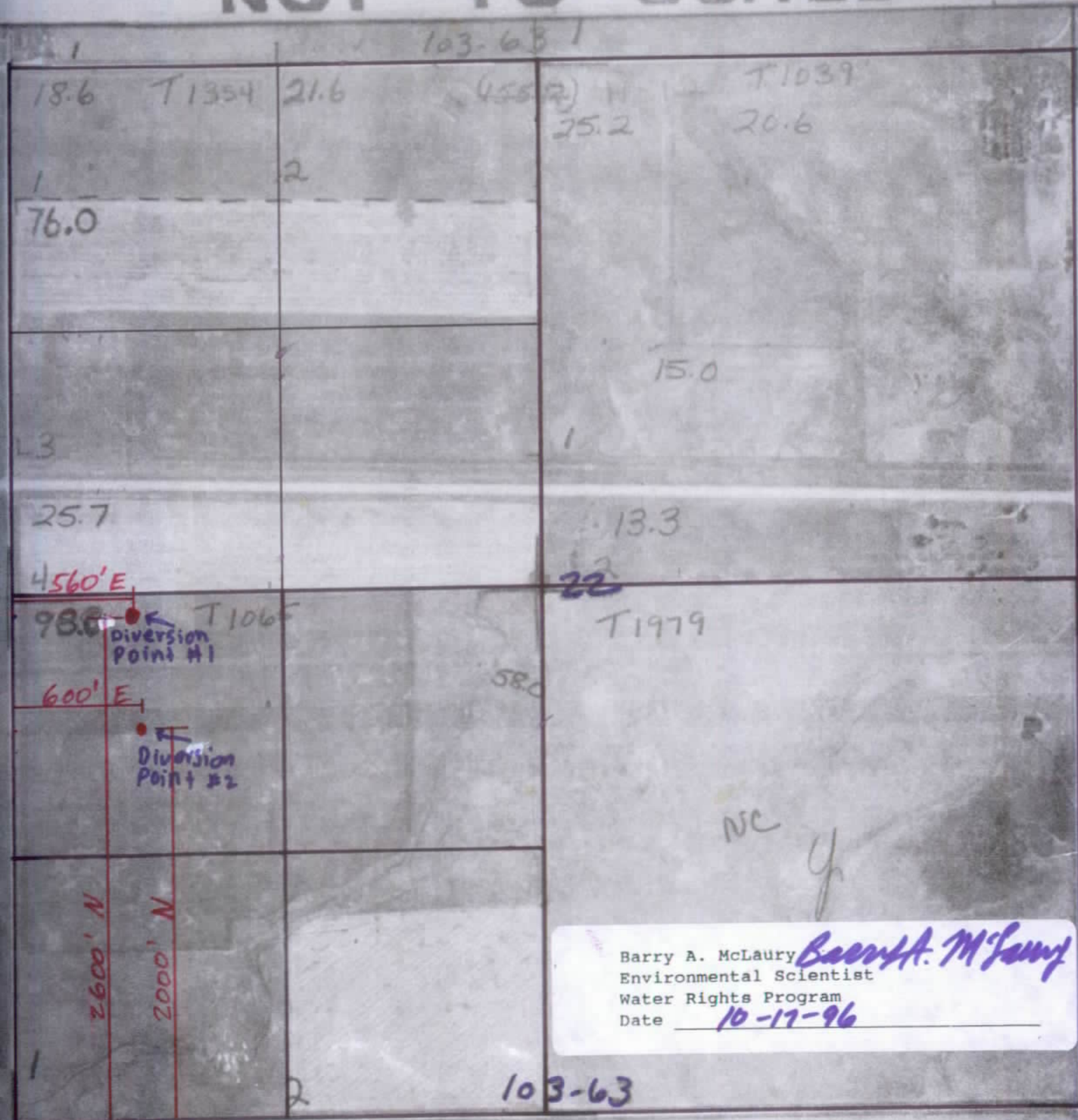
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOTE:

There is also a 212,000 gallon storage tank on this project which holds backup water in case of an emergency.

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5549-3

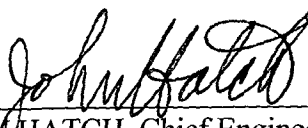
(1) National Food Corporation, PO Box 33745, Seattle WA 98133 made Application No. 5549-3, April 22, 1991 for a water permit to divert 0.45 cubic feet of water per second from groundwater (two wells), Aurora County, South Dakota for commercial use purposes. Permit No. 5549-3, with a priority date of April 22, 1991 was approved July 17, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 17, 1996 and for the application to beneficial use of said water on or before July 17, 2000.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 26, 1995. The *Notice* stated the diversion system was completed April, 1992 and the water placed to beneficial use April, 1994.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.26 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 (North well) 2,600 feet north and 560 feet east; Well #2 (South well) 2,000 feet north and 600 feet east; both from the southwest corner of Section 22-T103N-R63W (NW 1/4 SW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 National Food Corporation, PO Box 33745, Seattle WA 98133 the holder and/or owner of Water Permit No. 5549-3 is issued a license to appropriate water, the right to use 0.26 cubic feet of water per second from groundwater (two wells) with a priority date of April 22, 1991 from the locations specified in (2) of this license, for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5549-3 and subject to South Dakota State Law.



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

NOV 19 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1996

5549-3 and 5147-3

National Foods Corporation
Attn: Brian V. Bookey, Secretary
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

The investigation of National Foods Corporation's water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5549-3, has been completed. This permit is located in Section 22-T103N-R63W, Aurora County near Plankinton SD. The 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.

Also, on February 13, 1996 and April 10, 1996 you were notified that Water Permit No. 5147-3 was not developed as originally permitted. This permit is located in Section 19-T103N-R63W, Aurora County. Enclosed is a copy of the letter and application forms which need to be reviewed, signed, notarized and returned to this office. The filing fee for the application is \$50.00. After the application for the additional diversion rate is processed, the water license can then be issued for Water Permit No. 5147-3. As stated above, the fee for investigation and issuance of the water license is \$50.00.

Please return the application form and fees (total of \$150.00) to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1997

SECOND NOTICE
Permit No. 5549-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

On October 30, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 5549-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5549-3

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

4a. Article Number

P 422 707 474

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

L 5-13-97

5. Received By: (Print Name)

P. Pauley

6. Signature: (Addressee or Agent)

X P. Pauley

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1997

THIRD NOTICE
Permit No. 5549-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 5549-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

On October 30, 1996, and May 7, 1997, you were notified the final inspection fee of \$50.00 is due before Water License No. 5549-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 5549-3 until the \$50.00 fee is paid.

Also, on February 13, 1996, April 10, 1996, and October 30, 1996, you were notified that Water Permit No. 5147-3 was not developed as originally permitted. This permit is located in Section 19-T103N-R63W, Aurora County. Enclosed is a copy of the letters and application forms which need to be reviewed, signed, notarized and returned to this office. The filing fee for the application is \$50.00. After the application for the additional diversion rate is processed, the water license can then be issued for Water Permit No. 5147-3. As stated above, the fee for investigation and issuance of the water license is \$50.00

Please return the application form and fees (total of \$150.00) to:

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

Very truly yours,

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

enclosures

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5549-3

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

4a. Article Number

P 422 707 483

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7/15/97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X P. Pawley

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1996

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIPT

415433

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 6, 19 97

RECEIVED OF National Foods Corporation, P.O. Box 3745, Seattle, WA 98133

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>5549-3</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 H. Hoyer
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 1997

5549-3 and 6018-3

National Foods Corporation
Attn: Brian V. Bookey, Secretary
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

Enclosed are Water License No. 5549-3, Water Permit & Water License No. 6018-3, and receipts for payment of the fee assessed for the inspection and issuance of the licenses. The applicable portions of Water Permit No. 5147-3 have been incorporated into Water License No. 6018-3. These water licenses are the final documents which complete the process of obtaining a water right.

As long as National Foods Corporation uses the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks

enclosures