

Considered: _____

WATER PERMIT NO. 5616-3

Phone: 605 665-1665

Name of Applicant: Cimpls Inc.

Post Office Address: PO Box 80, Yankton SD 57078-0080

Amount of Water Claimed: 0.44 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: industrial County: Yankton

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-31-92 Fee: \$250.00 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: SW 1/4 NW 1/4 Sec 17-T93N-R55W

Land to be Irrigated: _____

	(x)				
			17		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 82' REMARKS no well log available

Type of Map: aerial PREPARED BY: Kathy Lindquist Reviewed and the Number

Assigned on 1-31-92 By Karen Schlaak

No. 5616-3 Hydrologic Unit 10170101
Map No. _____ Basin Missouri R.
Newspaper Daily Press & Dakotan P.O. Box 56
Yankton

Permit To Appropriate Water Within The State Of South Dakota

Check ☒ for 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 Cimpris Inc. Phone No. 605-665-1665

Post Office Address P.O. Box 80 YANKTON State SD 57078-0080
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 200 GPM (0.44 cfs)

3. Source of water supply Well

4. Location of point of diversion Sec. 17, T93N, R55W

PACT 9 AND tract Z and y (SW 1/4 NW 1/4)

County YANKTON

5. Counties where water will be used Yankton

6. Annual period during which water is to be used January 1 - December 31

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

Well drilled in 1972 or 1973. No Records Available as Drilling Co.
No Longer in business.

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 _____)

I, Dave Frankforter 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 Dave Frankforter

Subscribed and sworn to before me this 30 day of January 1992

Commission Expires 3-1-93 Janet L. Waggoner
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5616-3**

Date of first receipt of application January 31, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5616-3 to Cimpls Inc, PO Box 80, Yankton SD 57078-0080 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. 5616-3 appropriates 0.44 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 82 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W.
2. The water appropriated shall be used for the purpose of supplying water to Cimpls Inc. and may not exceed the amount of water needed for beneficial use for commercial use.
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. 5616-3 is May 6, 1992.
5. The date from which applicant may claim right is January 31, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

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

AUG 6 1992
date

Supplemental Information

(type or print in ink)

1. Well Information for proposed construction

- a) Drill Hole Diameter 30" Depth 82'
- b) Casing Type Steel Diameter 12.75 OD Thickness 3/8 WALL
- c) Screen Type 304 SS Diameter 12" P.S. Thickness STD wire wound
- d) Gravel Pack Thickness 9" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 21.5'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well: well out back approx 288'
- On applicants property yes On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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 _____

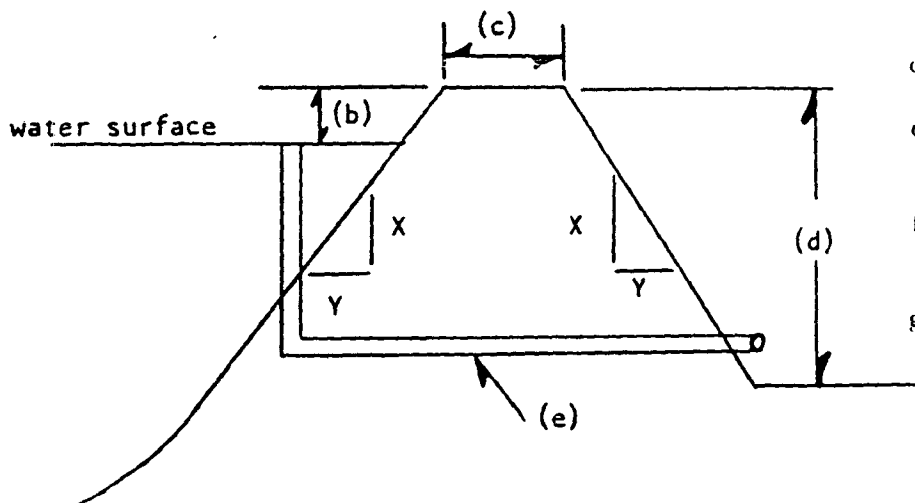
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413045

Pierre, January 31, 1992

RECEIVED OF Cimpl's, Inc., P.O. Box 80, Yankton, SD 57078-0080

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

Fee for Application for Permit No. <u>5616-3</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

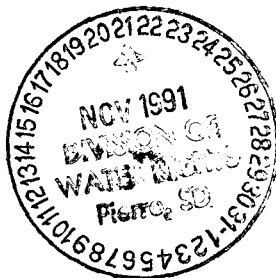
By John Hatch
Chief Engineer



5616-3

Toby Sindquist, CEO
Hawthorn & Sons



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

November 20, 1991

Mr. Gale Sohler
Stockmen's Livestock Company
East Highway 50
Yankton, SD 57078

Mr. Dave Frankforter
Cimpl Packing Company
1000 Cattle Drive
Yankton, SD 57078

CERTIFIED MAIL

Dear Mr. Sohler and Mr. Frankforter:

On October 15, 1991, personnel from the Department of Environment and Natural Resources (DENR), Point Source Control Program, conducted an inspection at your facilities. The inspection focused on Stockmen's lagoon, and Stockmen's and Cimpl's jointly owned manure disposal area. I have addressed these in two separate sections below.

Stockmen's Lagoon

During the October 15th inspection, the lagoon for Stockmen's livestock was found to be discharging. A sample collected at that time was found to have a water temperature of 15°C, pH of 8.94 s.u., Fecal Coliform of <10/100 mL, BOD₅ of 8 mg/L, TSS of 8 mg/L, and Ammonia-Nitrogen of 0.24 mg/L. For your information, I have attached a copy of the laboratory report to this letter.

Federal requirements located at 40 CFR 122.23 allow concentrated animal feeding operations which meet certain requirements to only discharge process waste water in the event of a 25 year, 24-hour storm event. Based on a review of our file on the Stockmen's facility, it appears that your operation may be subject to this requirement.

During the inspection, we were told that several artesian wells continuously flow into the system. You should be aware that this water is included in the definition of process waste water. In order to determine the volume of process waste water generated by the artesian wells, I contacted the Division of Water Rights. Water Rights staff determined that you do not have a water rights permit to appropriate water from ground water sources. Therefore, I have enclosed an application form and instruction sheet for obtaining a water rights permit and a copy of South Dakota Water Rights Law. If you should have any further questions concerning the water rights permit application procedure, contact Eric Gronlund at (605) 773-3352.

In order to determine whether your facility meets the federal discharge requirements mentioned above and state requirements for approval for plans and specifications for wastewater facilities, the Point Source Control Program requests that the following information be submitted within forty-five (45) days of receipt of this letter:

1. The average number of animals that have been on site during any 45 days for the past 12 months, and
2. A copy of any letters which approved the Plans and Specifications for the sewer line to the lagoon and the lagoon.

If you have any questions regarding these requirements or the information presented in this section of the letter, please contact Kent Woodmansey at (605) 773-3351.

Manure Disposal Site

Due to the amount of livestock waste present at the site, the extended length of time waste has been disposed of at the site, its close proximity to the Missouri River, and the highly permeable sands and gravels underlying the site, the Ground Water Quality Program feels ground-water degradation is likely.

The Ground Water Quality Program requires a waste utilization plan (WUP) stating how wastes will be utilized or disposed of from the operations of these facilities. The WUP must include the locations where manure is to be land applied, and the times, rates, and volumes of application. If wastes are field applied, they should not be applied at a rate that exceeds the crop nitrogen, phosphorous, and potassium uptake rate, or at a rate that produces runoff. Your local Soil Conservation Service office may be able to assist you with this process.

Additionally, a complete hydrogeologic investigation of the dump site is required. This investigation would include the installation of monitoring wells to determine ground-water levels, flow directions, and quality. Water samples must be collected and analyzed for nitrate, ammonia, fecal coliform bacteria, chloride, sulfate, and dissolved solids. If contaminants are found that exceed Ground-Water Quality Standards, a ground-water discharge plan may be required.

Please respond within forty-five (45) days of receipt of this letter with your plans to implement the above manure disposal requirements.

If you have further questions on these requirements for the manure disposal site, please contact either Mack McGillivray or Tom Brandner at (605) 773-3296.

Sincerely,



Kent R. Woodmansey
Natural Resources Engineer
Point Source Control Program



Tom Brandner
Hydrologist
Ground Water Quality Program

Enclosures

Laboratory report
40 CFR 122.23 and Appendix B
Water Right permit application
South Dakota Water Rights Law

c: Eric Gronlund - DENR (WR)
Mack McGillivray - DENR (GWQ)
SFRO

REPORT ON APPLICATION NO. 5616-3
for Cimpls Inc.
March 17, 1992

Application No. 5616-3 proposes to appropriate 0.44 cfs (200 gpm) from one well approximately 82 feet deep located in the SW 1/4 NW 1/4 of section 17, T93N R55W in Yankton County. The water is for industrial use.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) under predominantly unconfined (water table) conditions. The Missouri Elk Point underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north and to the Missouri River to the south.

The Division of Water Rights monitors seven observation wells completed into the Missouri Elk Point aquifer in Yankton County. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

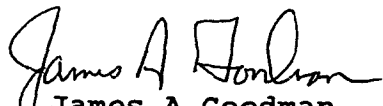
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permits are Nos. 5593-3 and 5021-3 which are located approximately 1/4 mile east of this application. Interference is not expected to be a concern. Drawdown created by pumping in aquifers like the Missouri Elk Point do not extend very far from the individual production well. The pumping rates are relatively small and the distance between diversions is sufficient to minimize any potential effects.

CONCLUSIONS

1. There is water available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a concern. This is an existing well and has been in use for many years with no apparent problems.
3. The well completion information submitted with this application is not sufficient to determine if this well is completed in accordance with SD Well Construction Standards.

4. The DENR is working with Cimpls Inc. on a waste disposal plan.
The existing waste disposal system is not approved by DENR.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., etal., 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, 1992, Observation Well Records for the Missouri Elk Point Aquifer in Yankton County, unpublished, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5616-3, Cimpls, Inc.

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. 5616-3, Cimpls, Inc., c/o Dave Frankforter, PO Box 80, Yankton, SD 57078-0080.

The Chief Engineer is recommending DEFERRAL of Application No. 5616-3 until the waste disposal system is approved by the Department of Environment and Natural Resources.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 23, 1992

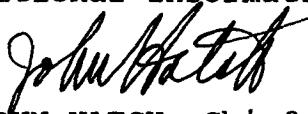
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5616-3, Cimpls, Inc.

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5616-3, Cimpls, Inc., c/o Dave Frankforter, PO Box 80, Yankton, SD 57078-0080.

The Chief Engineer is recommending APPROVAL of Application No. 5616-3 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 qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 1, 1992



**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.

March 27, 1992

Dave Frankforter
Cimpls, Inc.
PO Box 80
Yankton, SD 57078-0080

Dear Mr. Frankforter:

Water Permit Application No. 5616-3 for industrial 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 Press & Dakotan printed at Yankton, 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

March 27, 1992

Daily Press & Dakotan
PO Box 56
Yankton, SD 57078

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5616-3 to be published twice. Please publish the first notice on April 9, 1992, 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 Cimpls, Inc., PO Box 80, Yankton, SD 57078-0080.

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
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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.

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

Name _____

Newspaper _____

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Cimpl's Inc. - Water Permit Application No. 5616-3

ADDRESS: _____ COUNTY: Yankton

DATE: 3/31/92 TELEPHONE: 665-1665

RE: Phone call from Dave Frankforter

COMMENTS:

Mr. Frankforter called regarding our recommendation of deferral on Cimpl's water permit application. I explained that since they were not currently in compliance with a DER regulation to have an approved waste disposal system/plan that we were recommending deferral until compliance is met. Mr. Frankforter stated they were no longer disposing of their pouch manure at the site in question, but instead were selling it to a farmer in Nebraska who was going to land apply the manure. He also stated that at the site that was being used the manure has been tilled (incorporated with the soil) and they intend to farm it this summer.

I contacted Kent Woodmansey (via E-mail) regarding my conversation with Mr. Frankforter. Kent called me back and stated that DER didn't have any problems with Cimpl's and that nothing would be served by deferring this application based on approval of a waste disposal plan when they no longer plan to use this site or dispose of the pouch manure in South Dakota.

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: Eric Frankforter



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 2, 1992

Dave Frankforter
Cimpls, Inc.
PO Box 80
Yankton, SD 57078-0080

Dear Mr. Frankforter:

Enclosed is a copy of the Chief Engineer's revised recommendation for Cimpls' Water Permit Application No. 5616-3. Also, I have attached a copy of the revised notice of hearing to be published in the Yankton Press and Dakotan on April 9 and 16, 1992. This revised notice was sent by fax to the newspaper.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

Instruction to Newspaper - Publish first Notice on April 9, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5616-3 to Appropriate Water

Notice is given that Cimpls, Inc., PO Box 80, Yankton, SD 57078-0080 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 82 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5616-3 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 27, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, May 6, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The May 6, 1992, 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 27, 1992.

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.

Affidavit of Publication



STATE OF SOUTH DAKOTA }
COUNTY OF YANKTON } ss.

Robert C. Helsley

being first duly sworn on oath deposes and says; that

Editor

of the Yankton Printing Company, a corporation, the printer and publisher of

and Dakotan, a legal daily newspaper printed and published in the City of Yankton, said County

the official newspapers of the said county of Yankton; that he has personal knowledge

in this affidavit; that the annexed Notice of Hearing on Application No. 5616-3

Appropriate Water

taken from the paper in which

published in said newspaper on the 16th day of April, 1992. That the

charged for the publication of said notice to-wit \$ 45.75

of the publisher of said newspaper and that no agreement or understanding for the division thereof

any other person, and that no part thereof has been agreed to be paid to any person whomsoever

Robert C. Helsley

Subscribed and sworn to before me this 16th day of April

Notary

Notice is given that Cimpra, Inc., PO Box 80, Yankton, SD 57078-0080 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 82 feet deep located in the SW 1/4 NW 1/4 Section 17-T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 5616-3 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 (605 224-3352)" 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 27, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, May 6, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The May 6, 1992, 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 27, 1992.

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. These and other due process rights will be forfeited if not exercised. Decisions the Board may be appealed to the Circuit Court and State Supreme Court 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, 46-5-34.1; 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 74:02:01.11.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Dave Frankforter
Cimpls, Inc.
PO Box 80
Yankton, SD 57078-0080

Dear Mr. Frankforter:

Enclosed is Water Permit No. 5616-3 authorizing construction of your water diversion system and beneficial use of the water, 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,

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

enclosures

Permit No. 5616-3
Missouri 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, September 16, 1998, made a thorough examination of the water use system constructed by Cimpls Inc. of PO Box 80, Yankton SD 57078-0080 holder of Permit No. 5616-3, bearing the priority of January 31, 1992 authorizing the diversion of 0.44 cu. ft. per second of the waters of ground water (Missouri Elk Point Aquifer) for commercial purposes, in Yankton County.

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

A. Works used to divert the water:

Pump:

- 1) Make Grundfos
- 2) Size Diameter 6 in.
- 3) Capacity 300 GPM @ wellhead

Motor:

- 1) Make Franklin
- 2) Horsepower rating 20 hp

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

Water is used at the facility for livestock water and for cleanup and washdown water.

The system is in the following condition good. The point of diversion is located well: 1,700 feet S and 150 feet E from the NW corner section 17-T93N-R55W (SW¼NW¼). The works are capable of diverting and conveying to the place of use 0.44 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 and the license should be issued for 0.44 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: October 22, 1998.



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5616-3

DATE OF INVESTIGATION	September 16, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Steve Morrison
NAME & ADDRESS OF PERMIT HOLDER	Cimpls Inc. PO Box 80 Yankton SD 57078-0080
DIVERSION POINT LEGAL LOCATION	Well: 1,700 feet S and 150 feet E from the NW corner section 17-T93N-R55W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 82 feet
- 4) Well log is available N
- 5) Comment: (log was not available when application was originally processed)

Casing:

- 1) Diameter 12 inches
- 2) Type steel

Screen:

- 1) Type Stainless steel
- 2) Static water level 25 feet

Pump:

- 1) Make Grundfos
- 2) Size Diameter 6 in.
- 3) Capacity 300 GPM @ wellhead

Motor:

- 1) Make Franklin
- 2) Horsepower rating 20 hp

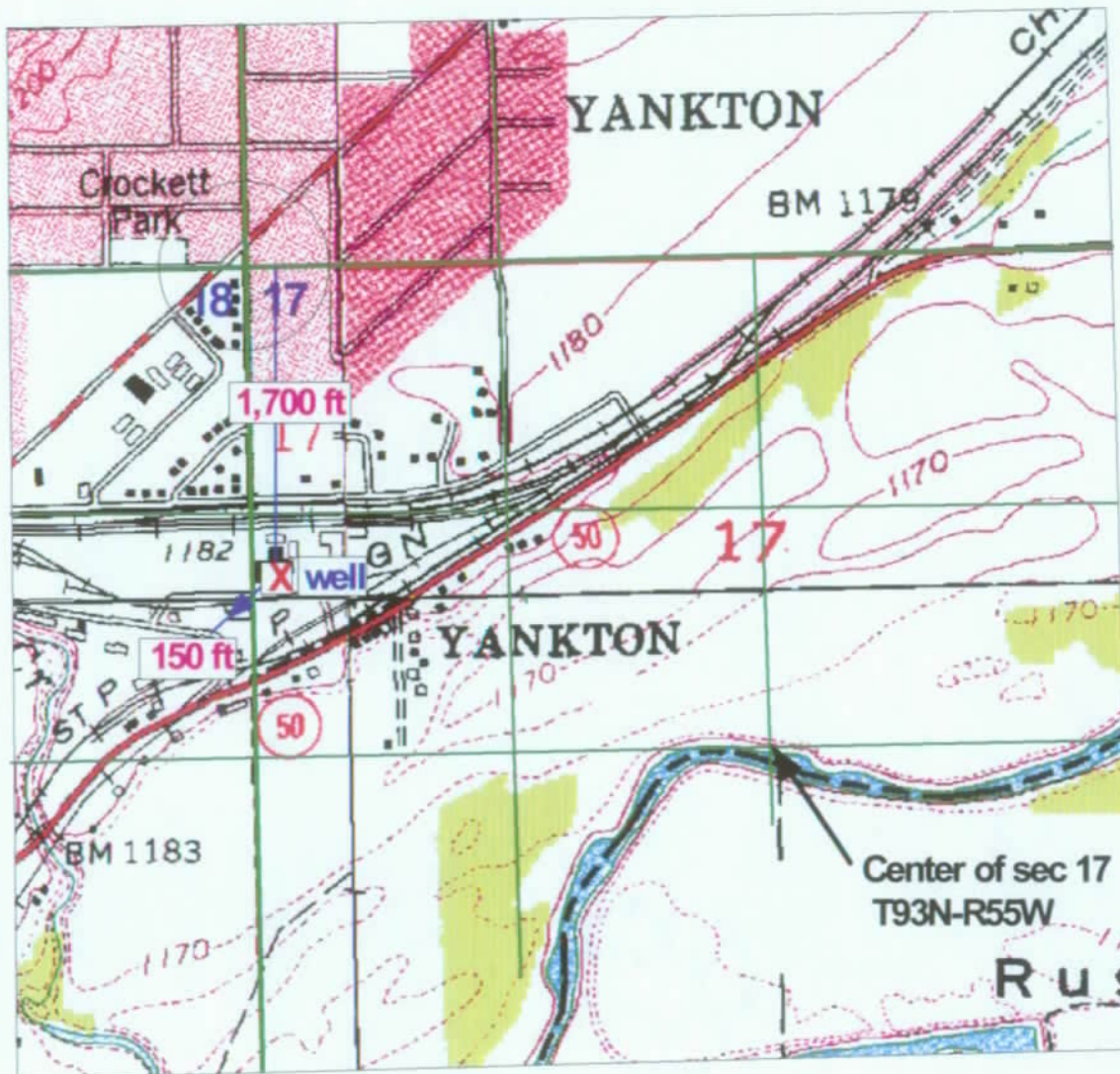
DISTRIBUTION LINES OR CANALS:

Water is used at the facility for livestock water and for cleanup and washdown water.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

1000 0 1000 Feet



Ron Duvall
Ron Duvall, Nat Res Engineer

10/21/98
Date

Water Right No. 5616-3

STATE OF SOUTH DAKOTA

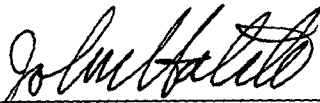
WATER LICENSE NO. 5616-3

(1) Cimpls Inc., PO Box 80, Yankton SD 57078-0080 made Application No. 5616-3, January 31, 1992 for a water permit to divert 0.44 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for commercial purposes. Permit No. 5616-3, with a priority date of January 31, 1992 was approved May 6, 1992 and issued to the applicant 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 permit holder 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 0.44 cubic feet of water per second for beneficial use. The location of the diversion point is 1,700 feet south and 150 feet east from the northwest corner of Section 17-T93N-R55W (SW 1/4 NW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cimpls Inc., PO Box 80, Yankton SD 57078-0080 the holder and/or owner of Water Right No. 5616-3 is issued a license to appropriate water, the right to use 0.44 cubic feet of water per second from groundwater (one well) with a priority date of January 31, 1992 from the location specified in (2) of this license, for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 5616-3 and subject to South Dakota State Law.



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

JAN 19 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 10, 1998

5616-3

Cimpls, Inc.
%Dave Frankforter
P.O. Box 80
Yankton, SD 57078-0080

Dear Mr. Frankforter:

The investigation of your water use system was conducted on September 16, 1998, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5616-3. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415923

Pierre, November 23, 19 98

RECEIVED OF Cimpl Meats, P.O. Box 80, Yankton, SD 57078-0880
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. 5616-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John H. Hatcher (P)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

5616-3

Cimpls, Inc.
%Dave Frankforter
P.O. Box 80
Yankton, SD 57078-0080

Dear Mr. Frankforter:

Enclosed is Water License No. 5616-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415923 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5616-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures