

Considered: _____

WATER PERMIT NO. 5626-3

Phone: 605 886-8025

Name of Applicant: Dakota Poultry Processing, Inc.

Post Office Address: RR 3, Box 154, Watertown SD 57201

Amount of Water Claimed: 0.67 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Codington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-25-92 Fee: \$275 Remarks Add'l point -

see Water Right No. 5074-3

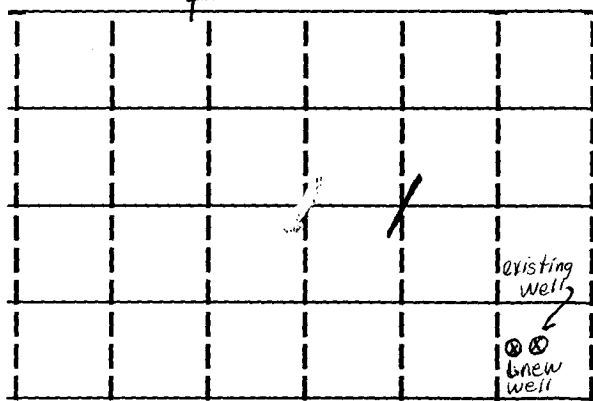
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: SE 1/4 SE 1/4 Sec 1-T116N-R53W

Land to be Irrigated: _____



Well Log: Driller: Stadheim Irrig & Drilling Licensed YES X NO _____

Depth of Well: 404' REMARKS _____

Type of Map: aerial PREPARED BY: W Stanley Lamb, CED Reviewed and the Number

signed on 2-25-92 By Karen Schlaak

No. 5626-3 Hydrologic Unit 10170202
 Map No. _____ Basin Big Sioux River
 Newspaper Public Opinion, PO Box 10, Watertown

886-6901

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☒ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☒ on Permit No. 5074-3

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Dakota Poultry Processing Inc Phone No. 605-886-8025

Post Office Address RR#3 Box 154 Watertown State S.D. 57201
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 300 GPM MIN. (0.67 cfs)

3. Source of water supply Well

4. Location of point of diversion SE 1/4 Sec 1 Township 116N R 53. W
Peterson (SE 1/4 SE 1/4)

County Codington

5. Counties where water will be used Codington

6. Annual period during which water is to be used 12 MONTHS Year Jan 1-Dec 31

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

Water is to be used to Process Turkeys

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 _____)

DAKOTA POULTRY PROCESSORS, INC.

P.O. BOX 154

WATERTOWN, SD 57201

I, Herb Jensen 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 Herb Jensen

Subscribed and sworn to before me this 24 day of Feb 1992

Jeff R. Jensen

**SOUTH DAKOTA
WATER PERMIT No. 5626-3**

Date of first receipt of application February 25, 1992.

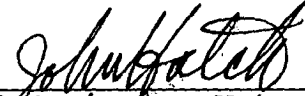
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5626-3 to Dakota Poultry Processing, Inc., RR 3, Box 154, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5626-3 appropriates 0.67 cubic feet of water per second from one well (Altamont Aquifer) 404 feet deep located in the SE 1/4 SE 1/4 Section 1-T116N-R53W.
2. The water appropriated shall be used for the purpose of supplying water at the processing plant 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. 5626-3 is May 6, 1992.
5. The date from which applicant may claim right is February 25, 1992.
6. One-fifth of the construction is to be completed on or before November 6, 1994.
7. All construction is to be completed on or before May 6, 1997.
8. Water is to be put to beneficial use on or before May 6, 2001.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. If the well approved under this permit flows, it shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Well Construction Rules, Chapter 74:02:04.

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 - Proposed construction

- a) Drill Hole Diameter 16 in Depth 404
- b) Casing Type Plastic Diameter 8 in I.D. Thickness 200Pd 3/8 in
- c) Screen Type Stainless Diameter 8 in I.D. Thickness 200Pd
- d) Gravel Pack Thickness 3 1/2 in Length of Gravel Pack 370-404
- e) Depth to Top of Water Bearing Material 377
- f) Depth to Water (ground surface to water level) 0 - Level with Ground
when 1985 well is NOT pumping
- g) Distance to nearest existing domestic well:
On applicants property 150 FT On property owned by others 5 miles Est.

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 _____

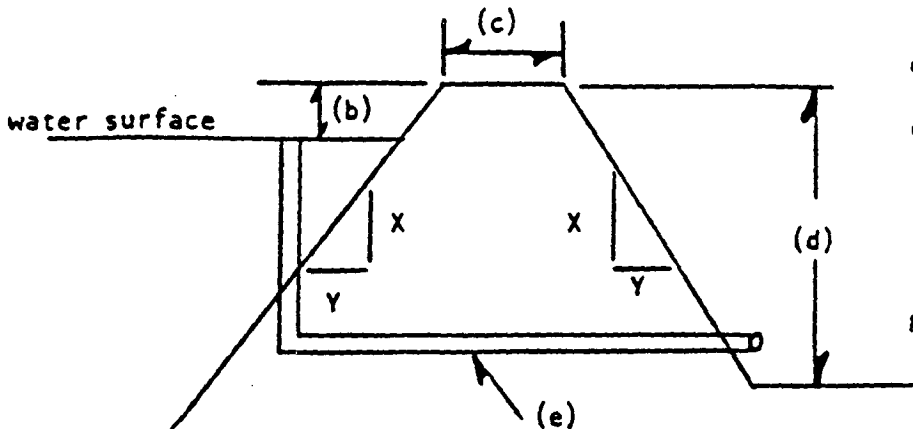
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

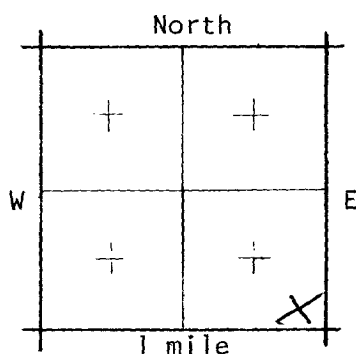


DAKOTA POULTRY PROCESSORS, INC.
P.O. BOX 154
WATERTOWN, SD 57201

Signature of Applicant

Called 3/27/92 - 11:00 AM Stephen
Vacuum Grout - from 340-20'
5'40" of concrete to hold
PITLESS -
JAG

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/4 SE 1/4 Sec 1 Twp 116N Rg 53WCounty
CondingtonPlease mark well
location with
an "X"Well Completion Date July 27 1985

PROPOSED USE:

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

Method of Drilling:

Rotary

WELL CONSTRUCTION:

Diameter of hole 15 inches Depth 410 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____
 Pipe Weight Diameter From To
250 lb/ft 8 inches 0 feet 390 feet
 _____ lb/ft _____ inches _____ feet _____ feet
Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Stainless Steel Slot Size 20Length 20 ft Diameter 8 inWas Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ No

If so what material? _____

Was well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure Blue ClayTo what depth? 390 Feet

What was grouting material?

If cement how many sacks? 110 to 60 ft.Location of packer(s) and screen or perforated
pipe 390 - 410WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material?

Well Owner:

Name Dakota Poultry ProcessingAddress RR #3 Watertown S.D.

Well Log:

Depth

Formation

From

To

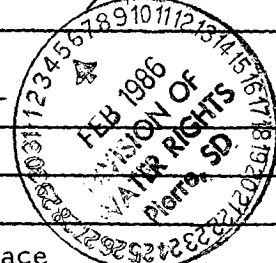
Sand Fill	0	3
Black Dirt.	3	10
Yel Clay	10	21
Gravel	21	55
Blue Clay	55	374
Sand Pocket	374	375
Blue Clay	375	378
Shale	378	386
Fine Sand	386	410
Shale	410	426

STATIC WATER LEVEL 6 ft above Feet ground

If flowing: closed in pressure _____ PSI

GPM flow -4 through 1 inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherIf other; specify no control neededCan well be completely shut off? yes

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: Air

Pumping Level Below Land Surface

_____ ft. After 40 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

well is pumping 300 Gpm
Have recieved permitt

This well was drilled under license # 414

and this report is true and accurate.

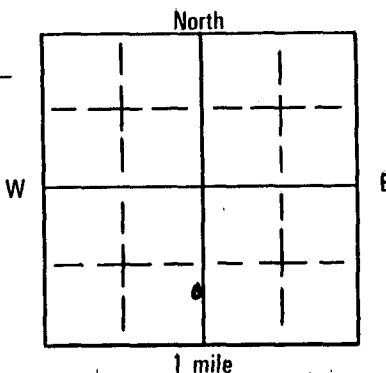
Drilling Firm Stadheim Well Drilling

Signed by

1-25-86
 Date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 1/4 Sec 1 Twp 116N Rg 53WCounty
CodingtonPlease mark well
location with
an "X"Well Completion Date Start 11-13-91 - 12-29-91

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>200</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>384</u> FT	<u>16</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? 300 FEETWhat is grouting material? Red Clay GroutIf cement, number of sacks? 42 BagDescribe grouting procedure Pumped as thickAs could be pump with rig5003 CMT @ TOP 6 APR 92 JAG

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 20 FEETMaterial STAINLESSSlot Size 20 Set From 384 Feet To 404 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Used 50-60 SANDPACK FROM WISCONSINWas a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HO got Chlorox while DrillingBacteriological analysis ☐ YES ☐ NOLaboratory sent to NOT YET

Well Owner:

Name Dakota Poultry ProcessAddress Watertown, S.D.

Well Log:

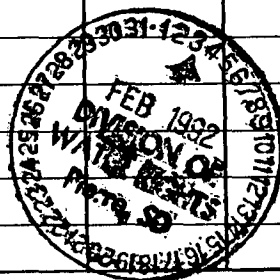
Depth

Formation

From

To

<u>Black Dirt</u>	<u>0</u>	<u>5</u>
<u>SAND</u>	<u>5</u>	<u>45</u>
<u>SAND Rock</u>	<u>45</u>	<u>61</u>
<u>Blue Clay</u>	<u>61</u>	<u>91</u>
<u>Yel "</u>	<u>91</u>	<u>145</u>
<u>Blue "</u>	<u>145</u>	<u>377</u>
<u>Fine SAND & Shale layers</u>	<u>377</u>	<u>404</u>

STATIC WATER LEVEL 0 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:

☒ PumpedAir☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

0 ft. After 40 Hrs. pumped 300 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # H14

And this report is true and accurate.

Drilling firm Stadheim Trigg & Well Drilling

Signature of License Representative:

Harlan Stadheim

Signature of Well Owner:

Date 2-31-92

South Dakota Department of Water and Natural Resources

Pierre. February 25, 1992

RECEIVED OF Dakota Poultry Processors, Inc., P.O. Box 154, Watertown, SD 57201

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

By John Hatch CF
Chief Engineer

**Report on Application No. 5626-3
Dakota Poultry Processing, Inc.
March 26, 1992**

This application proposes to appropriate 0.67 cubic feet of water per second from one well 440 feet deep located in the SE1/4 SE1/4 Section 1-T116N-R53W. The water is for commercial use at the processing plant.

Altamont Aquifer

The Altamont Aquifer consists of sand interbedded with silt and clay layers. The average thickness of the aquifer is 40 feet and it is under artesian conditions. It underlies 840 square miles and is estimated to have 3.3 million acre-feet of storage within Grant and Codington Counties (Hansen, 1990). Recharge to the aquifer is probably by leakage from overlying till. The direction of water movement is to the southwest at 5 feet per mile (Hansen, 1990).

There are no Water Rights observation wells into the Altamont Aquifer in this area. The well log submitted with the application indicates that 23 feet of the aquifer is encountered in the well and it consists of silt, sand and shale layers. 18 feet of aquifer is screened and the static water level was at ground surface. The well produced up to 200 gallons per minute (gpm) and the water level reportedly remained at ground surface when pumped.

Existing Water Permits/Rights

Only two Water Permits exist in the Altamont Aquifer in Codington County. Dakota Poultry Processing holds Permit No. 5074-3 for a well located within 300 feet of this Permit application and Energy Industries, Inc. holds Permit No. 5046-3 for a well approximately three miles to the west. There have been no reports of interference with surrounding domestic wells within the Altamont Aquifer in Codington County.

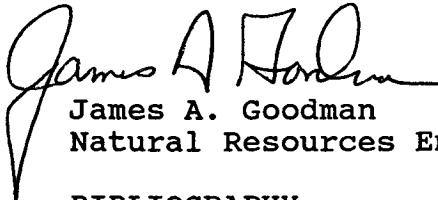
Conclusions

1. Water is available from the Altamont Aquifer.
2. Interference will not be a problem - existing water rights will not be impaired.
3. It is a beneficial use of water.
4. This well was completed in accordance to SD Well Construction Standards.

5. Apparently, this is a flowing well. This well must be controlled or shut in when not in use to prevent the water of water.


Gregory C. Johnston
Natural Resources Engineer

Reviewed by:


James A. Goodman
Natural Resources Engineer IV

BIBLIOGRAPHY

Hansen, Donald S., 1990, Water Resources of Codington and Grant Counties, South Dakota, US Geological Survey, Water-Resources Investigations Report No.89-4147.

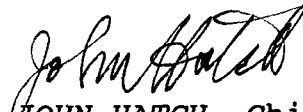
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5626-3, Dakota Poultry Processing, Inc.

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. 5626-3, Dakota Poultry Processing, c/o Herb Jenson, RR 3 Box 154, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5626-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. If the well approved under this permit flows, it shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Well Construction Rules, Chapter 74:02:04.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 27, 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 30, 1992

Herb Jenson
Dakota Poultry Processing, Inc.
RR 3 Box 154
Watertown, SD 57201

Dear Mr. Jenson:

Water Permit Application No. 5626-3 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 Public Opinion printed at Watertown, SD (Ph # 886-6901). 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.

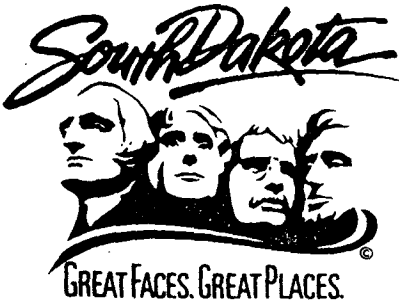
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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 30, 1992

Public Opinion
PO Box 10
Watertown, SD 57201

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5626-3 to be published twice. Please publish the first notice on April 8, 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 Dakota Poultry Processing, Inc., RR 2 Box 154, Watertown, SD 57201 (Ph # 886-8025).

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
No. _____
Date _____
TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 April 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5626-3 to Appropriate Water

Notice is given that Dakota Poultry Processing, Inc., RR 3 Box 154, Watertown, SD 57201 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from one well (Altamont Aquifer) 440 feet deep located in the SE 1/4 SE 1/4 Section 1-T116N-R53W. The water is for commercial use at the processing plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5626-3 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K. Saathoff

certify that the attached printed Notice was taken
from the Watertown Public Opinion

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

_____ city _____ of Watertown

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

April 8th, 1992

April 15th, 1992

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

April 15th, 1992
(Date Signed)

Cost of Printing: 113.48



APPLICATION

NOTICE OF HEARING on Application No. 5626-3 to Appropriate Water

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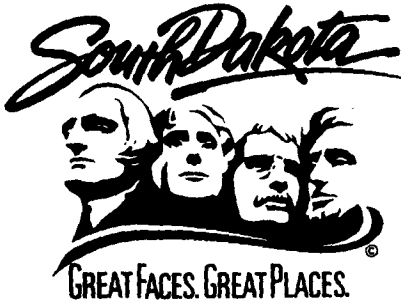
Any person interested in opposing or supporting this application must file written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 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 a.m., 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 qualification, 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, 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, 46-6-8.1, 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.

(April 8, 1992)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Herb Jenson
Dakota Poultry Processing, Inc.
RR 3 Box 154
Watertown, SD 57201

Dear Mr. Jenson:

Enclosed is Water Permit No. 5626-3 authorizing construction of your water diversion system and beneficial use of the water, 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 August 11, 1992

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: DAKOTA POULTRY PROCESSORS, INC. P O Box 154, Watertown, SD 57201
name address city

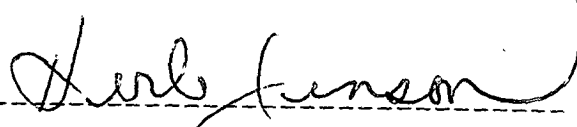
I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5626-3.

Water Permit No. 5626-3 states that the diversion system is to be constructed by STADHEIM WELL DRILLING, and that the water it put to beneficial use by DAKOTA POULTRY PROS., INC.

The diversion system was completed on 1-21-92.
Applying the water to beneficial use was completed on 5-6-92.

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

signature


HERB JENSON, MANAGER

REPORT ON INSPECTION OF PERMIT NO. 5626-3

DATE OF INSPECTION: 10/21/97

Other water right associated with the project: 5074-3

Contact Person & Address: Mark Sumner, 705 20th Ave SW, Watertown SD

DIVERSION POINT LEGAL LOCATION: From the NW corner of Sec 1 T116N-R53W: Div Pt 1 4520 ft S and 4420 ft E; Div Pt 2 4500 ft S and 4190 ft E

WATER SUPPLY Source: groundwater, Altamont Aquifer

Well Information: Div pt 1

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Stadheim Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>410</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|---------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>390</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|-------------------------------------|--------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>6</u> feet | |

Pump:

- | | |
|-------------------------|----------------------------|
| 1) Make <u>Grundfos</u> | 2) Model <u>3755300-5</u> |
| 3) Size <u>6"</u> | 4) Capacity <u>400</u> GPM |

Motor:

- | | |
|-----------------------------------|---------------------------|
| 1) Make <u>submersible</u> | 2) Model No. <u>VCT 1</u> |
| 3) Horsepower rating <u>30</u> hp | |

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Stadheim Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>404</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- 1) Diameter 8 inches
- 2) Length 384 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 0 feet

Pump:

- 1) Make Monitor submersible
- 2) Model ?
- 3) Size 6"
- 4) Capacity 300 GPM

Motor:

- 1) Make submersible
- 2) Model No. NA
- 3) Horsepower rating 30 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 4 inches
- 3) Length 500 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 5626-3
Big Sioux River - Water District

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

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

On, **October 21, 1997**, I made a thorough examination of the water use system constructed by **Dakota Poultry** of **705 20th Ave, Watertown, SD** holder of Right No. **5074-3**, bearing the priority of **8/28/1985** authorizing the diversion of **0.89** cu. ft. per second and Permit No. **5626-3**, bearing the priority of **2/25/1992** authorizing the diversion of **0.67** cu. ft. per second of the waters of **ground water, Altamont Aquifer** for **commercial** purposes, in **Codington** County.

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

A. Works used to divert the water:

Two submersible pumps with a capacity of 0.89 cfs and 0.67 cfs respectively

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

500 feet of 4 inch PVC

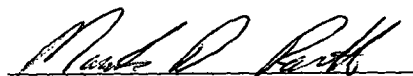
C. Works used to apply water to beneficial use:

Poultry processing plant

The system is in the following condition **good**. The point of diversion is located **From the NW corner of Sec 1 T116N-R53W: Div Pt 1 4520 ft S and 4420 ft E; Div Pt 2 4500 ft S and 4190 ft E**. The works are capable of diverting and conveying to the place of use **0.89** cu. ft. per second of water (**priority 8/28/1985**) and **0.67** cu. ft. per second of water (**priority 2/25/1992**) which is to be used for **commercial**. Water has been put to beneficial use and the license should be issued for **0.89** cu. ft. per second of water (**priority 8/28/1985**) and **0.67** cu. ft. per second of water (**priority 2/25/1992**).

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

10/27/97
Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5626-3

(1) Dakota Poultry Processing, Inc., Watertown SD made Application No. 5626-3, February 25, 1992 for a water permit to divert 0.67 cubic feet of water per second (cfs) from groundwater (one well), Codington County, South Dakota for commercial use purposes. Permit No. 5626-3, with a priority date of February 25, 1992 was approved May 6, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 6, 1997 and for the application to beneficial use of said water on or before May 6, 2001.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 12, 1992. The *Notice* stated the diversion system was completed on January 21, 1992 and the water placed to beneficial use on May 6, 1992.

On December 10, 1997, Water Permit No. 5626-3 was transferred to Oak Valley Farms, Inc.

The applicable portions of Water Right No. 5074-3 have been incorporated into Water Permit No. 5626-3.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 4,520 feet south and 4,420 feet east and Well #2 - 4,500 feet south and 4,190 feet east; from the northwest corner of Section 1-T116N-R53W (SE 1/4 SE 1/4) in a poultry processing plant.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oak Valley Farms, Inc., 705 20th Ave SW, Watertown SD 57201-7047 the holder and/or owner of Incorporated Water Permit No. 5626-3 is issued a license to appropriate water, the right to use 0.89 cfs (Well #1) and 0.67 cfs (Well #2) from groundwater (two wells) with priority dates of August 28, 1985 (Well #1) and February 25, 1992 (Well #2) from the locations specified in (2) of this license for commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5626-3 and subject to South Dakota State Law.

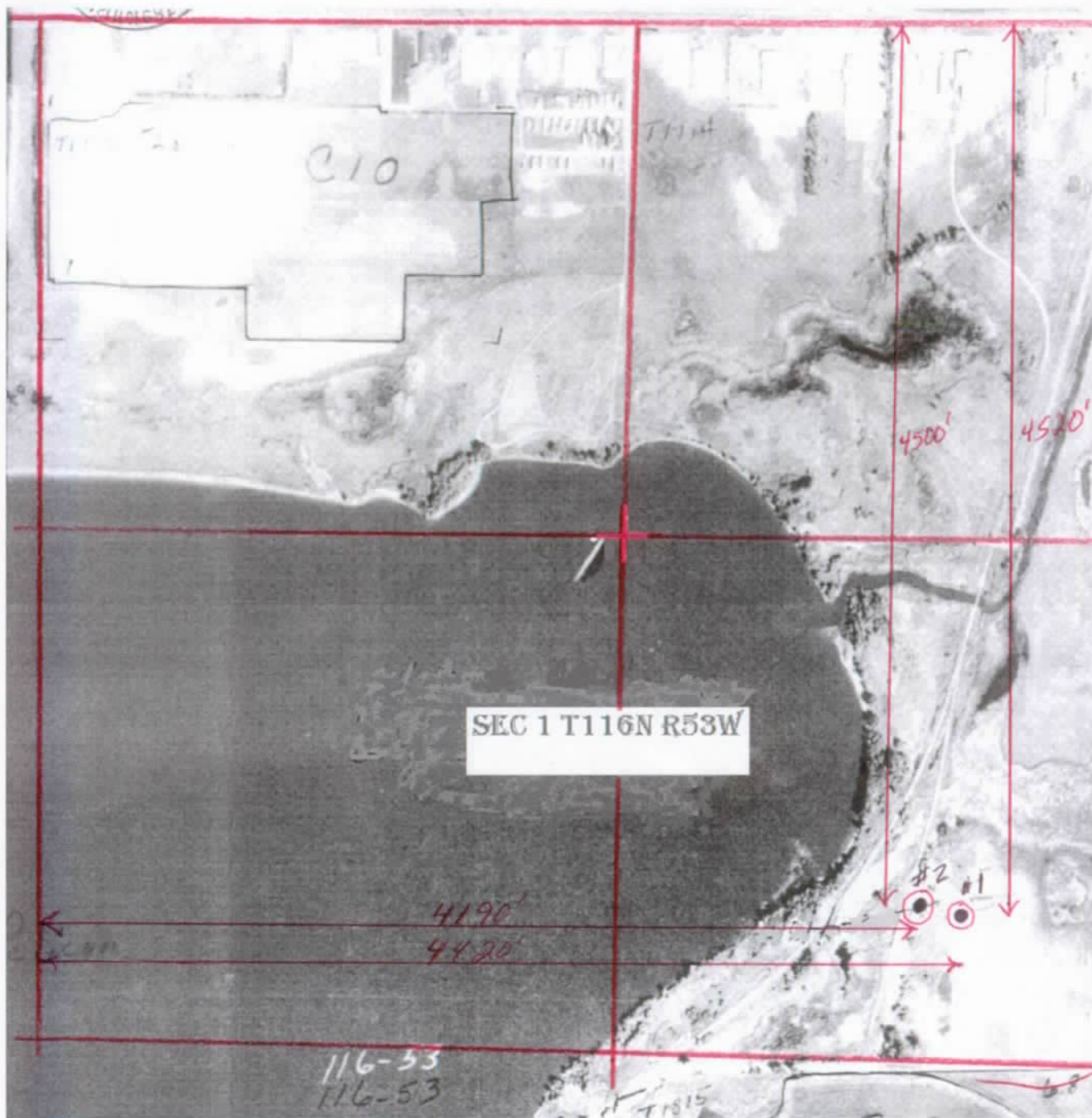


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 09 1998

date





Mark D Rath

10/27/97

Mark D Rath, Natural Resources Engineer
Water Rights Program, SD DENR

5626-3

South Dakota



GREAT FACES. GREAT PLACES.



3322

Attn: Julia - note mailing
address for this is
different - dr

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 1997

*Please correct the name of your company
your computer*

5626-3

Mark Sumner

Not Dakota Poultry Processing, Inc.

705 20th Ave. SW
Watertown, SD 57201

OAK VALLEY FARMS, INC.
705 20th AVE. SW
WATERTOWN, SD 57201-7047

Dear Mr. Sumner:

The investigation of your water use system was conducted on October 21, 1997, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5626-3. 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

Pay to the order of	
Amount	\$50.00
Date	11-11-97
Check #	14506

Sincerely,

Cheryl F. Frost

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.

South Dakota Department of Environment and Natural Resources

415530

Pierre, November 14, 19 97

RECEIVED OF Oak Valley Farm, Inc., 785 20th Ave. SE, Watertown, SD 57201-7047

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>5626-3</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 [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 1997

Mark Sumner
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Mr. Sumner:

Thank you for submitting the required license fee for Water Permit No. 5626-3. Along with the fee was a note indicating that the company name had changed. These water permits are currently listed in the name of Dakota Poultry Processing, Inc.

Enclosed are two partially completed *Notice of Transfer* forms for Water Permit No. 5626-3 and Water Right No. 5074-3. These forms should be checked over for accuracy and signed by the new owner in the presence of notary public. Upon completion, return the forms to our office with the required filing fee of \$2.50 for each form (total \$5.00).

South Dakota Water Law 46-5-30.1 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

ks

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

Donna Sumner
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Ms. Sumner:

Thank you for contacting me in regard to the "name change" for Water Permit No. 5626-3 and Water Right No. 5074-3. I have modified the original transfer forms and geared them more towards changing the name of specific water permits or rights.

Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them our office with the required filing fee of \$2.50 for each form (total \$5.00).

If you have questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

2 415555

Pierre, December 10, 19 57

RECEIVED OF Oak Valley Farms, Inc., 705 20th Ave. SW, Watertown, SD 57201

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. _____

Fee for Filing Transfer Form Water Permit No. 5626-3 2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch (Signature)

NOTICE OF NAME CHANGE

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

No. 5626-3

Date: 12-8-97



I/We request that Water Permit No. 5626-3

listed in the name of: Dakota Poultry Processing, Inc.

be changed to: (name & address) Oak Valley Farms, Inc., 705 20th Ave SW, Watertown SD 57201

Telephone No. 605-686-8025

Water Permit No. 5626-3 authorizes diversion of water from a well located as follows:

SE 1/4 SE 1/4 Section 1-T116N-R53W

I/We understand that the validity of Water Permit No. 5626-3 has not been determined by the above action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Name Change in the appropriate file with the Water Rights Program, as evidence that the name of the company has changed.

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

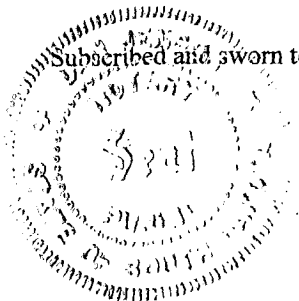
STATE OF SOUTH DAKOTA)

County of Codington)

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

Rich Rogers
(Signed)

Subscribed and sworn to before me this 8 day of Dec, 19 97.



Dan Jensen
(Notary Public)

MY COMMISSION EXPIRES ON
3-1-2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 09 1998

5626-3

Richard Rogers
Oak Valley Farms, Inc.
705 20th Ave SW
Watertown SD 57201-7047

Dear Mr. Rogers:

Enclosed is Water License No. 5626-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is the receipt for \$50.00 which you paid for the investigation and issuance of the Water License and two receipts for \$2.50 each for the name change.

The applicable portions of Water Right No. 5074-3 have been incorporated into Water Permit No. 5626-3.

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. 5626-3, 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,

A handwritten signature in black ink that reads "John Hatch".

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

ks
enclosures