

WATER PERMIT NO. 5797-3

Phone: 849-3252 OR 352-7330

Name of Applicant: Heartland Pork, L.L.C.

Post Office Address: Box 96, Alpena SD 57312

Amount of Water Claimed: 0.17 cfs - 75 gpm Total Acres: NA

Source of Water Supply: groundwater - 2 wells

Water to be used for: commercial use County: Beadle

About 4 miles S, 6E of Huron

PRIORITY Date Received: 1-10-94 Fee: \$150.00 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: SE 1/4 SE 1/4 Sec 6-T109N-R62W

Land to be Irrigated: _____

			6		
				22	

Well Log: Driller: Empire Drilling & Huron Drilling Licensed YES X NO _____

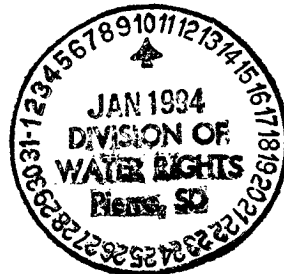
Depth of Well: 85' & 140' REMARKS: _____

Type of Map: topo PREPARED BY: James Hodgens, P.E. Reviewed and the Number

Assigned on: 1-11-94 By: Karen Schlaak

(type or print)

No. 5797-3 Hydrologic Unit 10160006
Basin James River
Newspaper The Plainsman, Box 1278, Huron
(office use only)



Notary Public

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

Well #1

As Constructed

1. Well Information - ~~Proposed Construction~~

- a) Drill Hole Diameter 4" Depth 85'
- b) Casing Type plastic Diameter 4" Thickness _____
- c) Screen Type plastic Diameter 4" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 33 ft.
- f) Depth to Water (ground surface to water level) 21 ft.
- g) Distance to nearest existing domestic well:

On applicants property 120 ft. On property owned by others 4,560 ft

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

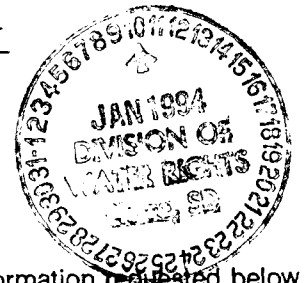
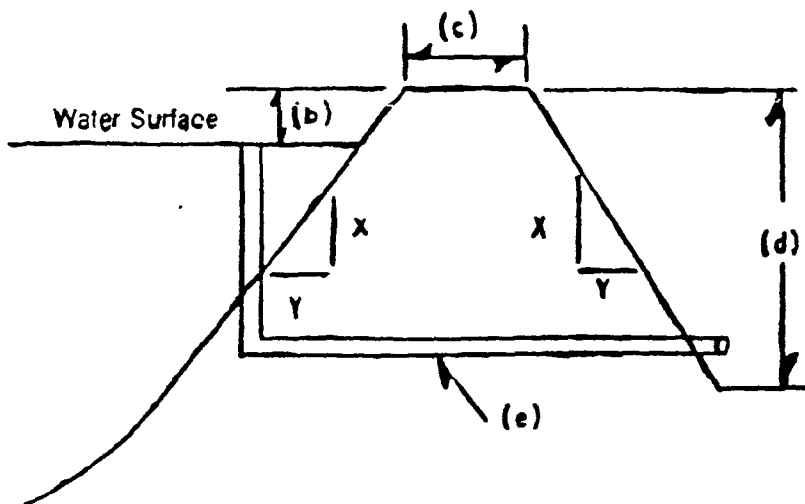
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

Well # 2

(type or print in ink)

As Constructed

1. Well Information - ~~Proposed Construction~~

- a) Drill Hole Diameter 5 inches Depth 130 ft.
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 70 ft
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property 120 ft On property owned by others 4,560 ft.

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

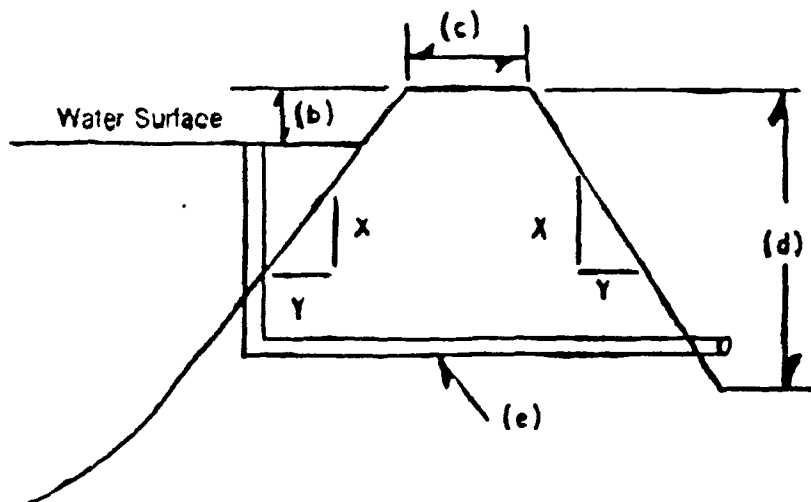
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5797-3**

Date of first receipt of application January 10, 1994.

The Water Management Board approved Water Permit Application No. 5797-3 on April 6, 1994 for Heartland Pork, L.L.C., Box 96, Alpena SD 57312 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. 5797-3 appropriates 0.17 cubic feet of water per second (75 gallons per minute) from two wells (Warren:West James Aquifer) 85 feet and 140 feet deep located in the SE 1/4 SE 1/4 Section 6-T109N-R62W.
2. The water appropriated shall be used for the purpose of supplying water to a hog confinement 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 from which applicant may claim right is January 10, 1994.
5. One-fifth of the construction is to be completed on or before October 6, 1996.
6. All construction is to be completed on or before April 6, 1999.
7. Water is to be put to beneficial use on or before April 6, 2003.
8. 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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
3. The storage lagoons shall be designed to have a least a 210 day holding capacity (the plans and specification approval letter states pond system is designed for 365 days of liquid and solid storage) and designed to have a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. The reserve storage capacity shall be reestablished immediately, as conditions allow, when the PMP event cannot be stored due to previous rainfall.
4. No wastewater may be released from the wastewater lagoon except through the disposal equipment, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.

(continued)

5. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural and resulting from a "non-point source" is not subject to these conditions.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standards Procter Density (ASTM D6980-70).
7. Approval of Permit No. 5797-3 is subject to compliance with the following existing and applicable Water Management Board rules:
 - a. Chapter 74:03:15 Ground Water Quality Standards,
 - b. Chapter 74:03:16 Ground Water Discharge Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

By: _____

John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 4 1994

date

RECEIPT

413987

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 11, 19 94

RECEIVED OF Heartland Pork, LLC, PO Box 96, Alpena, SD 57312

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

Fee for Application for Permit No. <u>5797-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

not scheduled
not entered

Not in use

(1) WELL CONSTRUCTION

Location of well: SE⁰ 1/4 1/4 Section 6 Township 109 Range 62

Well owner Paul Miller Box 637 Huron, SD
(Name) (Address)

Date well drilling completed _____ Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

[illegible]

PUMP INSTALLATION
Company name and size of pump Red Jacket (4" O.D.) HP 1/3
Type of pump Submersible Capacity of installed pump 5 G.P.M.
Depth of pump placement 60 ft., Date of pump installation 10/7/73

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____,
tube material _____.

Engel Dr. Mailing Co. Inc
Name of Pump Installation Contractor



Heartland Pork
JOB NAME

SESE 6-109-62
LOCATION

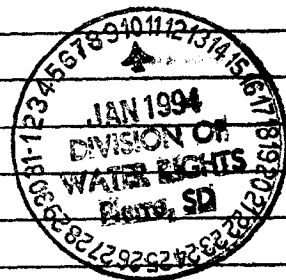
9-25-83
DATE

32
FIG NO.

Karl Osberg
FOREMAN

HI No.	DEPTH	TIME	REMARKS
1	20		0-2 Topsoil
2	40		2-38 Yellowclay
3	60		
4	80		39-92 Blue clay
5	100		
6	120		92-140 Good sand and gravel
7	140		

Jason Dilling
Paul S. Chay



Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Stanley Kopfmann

ADDRESS: Box 96, Alpena, SD COUNTY:

DATE: 11/19/93 TELEPHONE: Office 849-3253

RE: Called him regarding proposed hog confinement facility

COMMENTS:

I called Mr. Kopfmann in response to a hog confinement facility he is constructing. Todd Meyer (352-3178) had previously contacted me about whether a permit is necessary.

I informed Mr. Kopfmann about the water permitting and that a permit would be required if the facility's water use exceeds reasonable domestic use. Mr. Kopfmann appeared real knowledgeable on water permitting. He said in the first phase of construction they would not exceed reasonable domestic use. The first phase would only have 800 sows. Even at full capacity when all phases are complete, he didn't know whether they would exceed reasonable domestic use. But if they did he knew that a water permit would be required. He also knew that he could divert at reasonable domestic use and put the water into storage and then divert out of storage at a greater rate.

Within the next few weeks they were going to get a better handle on their water needs and would apply for the permit if necessary. He already had the necessary forms.

He went on to discuss how he felt the confinement facility promoted rural development.

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 Thunlund

Huron Drilling did well

45 acres

SW Virgil Road

1 mile South on R

SE 1/4 Sect 6, T109N, R62W

FROM: Seefeldt, Rodger

TO: Gronlund, Eric

DATE: 11-16-93

TIME: 18:17

CC: Seefeldt, Rodger

SUBJECT: Kopfmann Hog facility near Huron

PRIORITY:

ATTACHMENTS:

A set of P&S was submitted reviewed and approved for this operation. There will be 16,192 animals in this facility according to the P&S. The system was designed on volatile solids (vs) loading rate and an amount of water was not indicated. I forgot to include a comment about possibly needing a water rights permit. It is possible that this system will require a water rights permit, however, they do intend to use recycled water from the pond.

REPLY FROM: Seefeldt, Rodger FROM: Gronlund, Eric

TO: Seefeldt, Rodger

DATE: 11-15-93

TIME: 16:56

CC: Kent Woodmansey

SUBJECT: Kopfmann Hog facility near Huron

PRIORITY:

ATTACHMENTS:

I received a call on a hog confinement facility near Huron in which dirt work is beginning. The gentleman said it was being built by a Stanley Kopfmann. He said it was going to be about a 50,000 head unit which would utilize 100,000 gpd (this could be an exaggeration).

Do you know anything about it??

Have you seen and/or approved P&S for the facility?

If you've approved P&S, did they state daily water consumption needs?

Stanley Kopfmann → Box 96 Alpena, SD

offc. 849-3253

- 849-3308

2 wells

called @ 3:30 PM Nov. 18

1st Phase \$800/sow
not
written

FROM: Seefeldt, Rodger

TO: Gronlund, Eric

DATE: 11-22-93

TIME: 09:08

CC: Seefeldt, Rodger

SUBJECT: Kopfmann Hog facility near Huron

PRIORITY:

ATTACHMENTS:

Mr. Kopfmann's address is: Stan Kopfmann, PO box 96, Alpena, SD., 57312-0096
& his phone number is 849-3308. The engineer is: Jay Hodgins, Dakota
Environmental, Inc., PO box 636, Huron, SD., 57350-0636 & the phone number is
352-5610.

REPLY FROM: Seefeldt, Rodger FROM: Gronlund, Eric

TO: Seefeldt, Rodger

DATE: 11-17-93

TIME: 08:02

CC:

SUBJECT: Kopfmann Hog facility near Huron

PRIORITY:

ATTACHMENTS:

Thanks for the information! Now for an additional question -

Do you have the address and/or phone number for Mr. Kopfmann or his
engineer so I can get ahold of them and discuss possible water rights
issues?

A set of P&S was submitted reviewed and approved for this operation. There
will be 16,192 animals in this facility according to the P&S. The system was
designed on volatile solids (vs) loading rate and an amount of water was not
indicated. I forgot to include a comment about possibly needing a water
rights permit. It is possible that this system will require a water rights
permit, however, they do intend to use recycled water from the pond.

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TO: Seefeldt, Rodger

DATE: 11-15-93

TIME: 16:56

CC: Kent Woodmansey

SUBJECT: Kopfmann Hog facility near Huron

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utilize 100,000 gpd (this could be an exaggeration).

Do you know anything about it??

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If you've approved P&S, did they state daily water consumption needs?

=====



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 24, 1993

Stanley Kopfmann
PO Box 96
Alpena, SD 57312

Dear Mr. Kopfmann:

I am writing as a follow-up to our phone conversation on whether a water permit is needed for your proposed hog operation. I understand that this will be a 16,192 animal facility at full production. The first phase of the facility would house 800 breeding sows.

Stock watering is a domestic use of water as defined by SDCL 46-1-6(7). A water permit is not needed to supply livestock in a confinement feeding operation if the amount of water used does not exceed "reasonable domestic use." Water Management Board Rule 74:01:01:01 (1) defines reasonable domestic use as the use of 18 or less gallons of water per minute on an average daily basis (26,000 gallons per day) for domestic purposes with a maximum pumping capacity of 25 gallons per minute. To further clarify, no water permit is needed even if a site has more than one well, provided the combined diversion rate from the wells does not exceed reasonable domestic use.

Water from the well or wells may be diverted to a storage tank at a rate not exceeding reasonable domestic use. Diversions from the storage tank could then be made at whatever peak rate is needed.

If the proposed hog operation's water use will exceed reasonable domestic use, a water permit will be required. The process for obtaining a water permit is that an application is filed (copy enclosed), a report and recommendation is prepared by Water Rights Division staff, a notice of hearing is published in the local newspaper and a hearing is held before the Water Management Board. The report and recommendation will address whether 1) unappropriated water is available; 2) existing rights will be unlawfully impaired; 3) it is a beneficial use; and 4) it is in the public interest. At the hearing, those parties that have petitioned in opposition to the application may appear and both parties may present testimony on the application.

I understand that you are in the first phase of construction of the facility. Diversion of water for the facility can not exceed reasonable domestic use as defined above prior to obtaining a water permit.

Be aware that I have received phone calls concerning whether a water permit is necessary for the proposed facility. Please feel free to contact me if you have any questions on water permitting requirements.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists...

"Yours for a cleaner Earth"

December 28, 1993

TO WHOM IT MAY CONCERN:

THE FOLLOWING MAP ENTITLED:

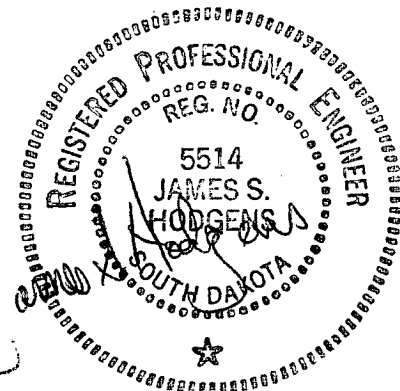
FIGURE 1; LOCATION MAP; HOG CONFINEMENT,

HAS BEEN PREPARED UNDER MY DIRECTION TO SATISFY THE REQUIREMENTS OF A MAP FOR A WATER PERMIT APPLICATION IN ACCORDANCE WITH SECTION 74:02:01:07 OF WATER RIGHTS ARTICLE 74:02 OF THE SD DENR REGULATIONS.

THE SITE IS DESCRIBED AS THE SOUTHEAST QUARTER OF SECTION 6, GRANT TOWNSHIP; T-109-N,R-62-W.

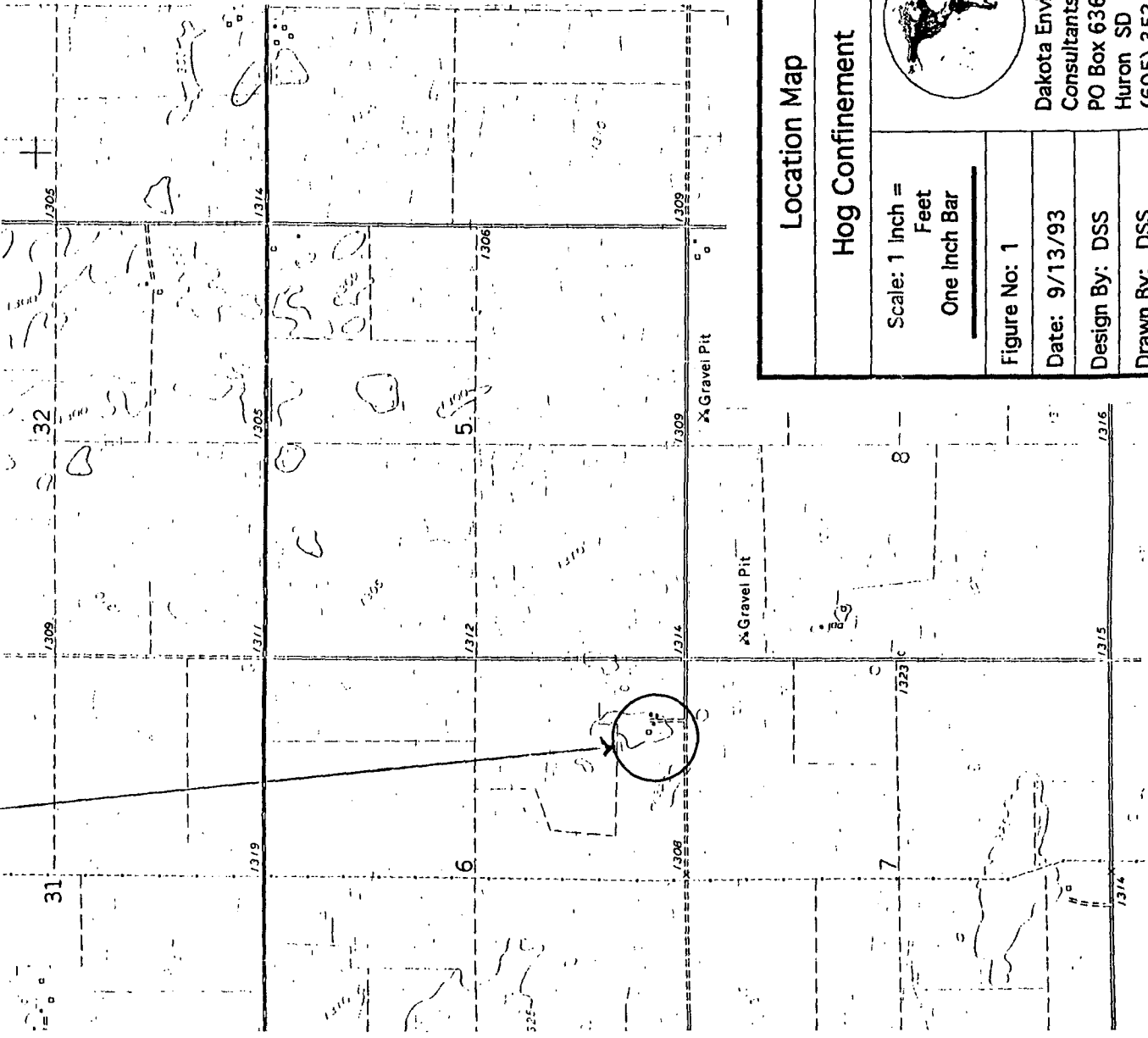
"FIGURE 2, SITE MAP, HEARTLAND PORK" IS INCLUDED TO FURTHER CLARIFY WHERE ON THE SITE THE WELLS ARE LOCATED.

JAY HODGENS, P.E.
SENIOR ENGINEER



SECTION 6, GRANT TOWNSHIP; T-109-N, R-62-W

Site Location



Location Map

Hog Confinement

Scale: 1 Inch =
Feet
One Inch Bar



Dakota Environmental
Consultants, Inc.
PO Box 636
Huron SD 57350
(605)-352-5610

Figure No: 1

Date: 9/13/93

Design By: DSS

Drawn By: DSS

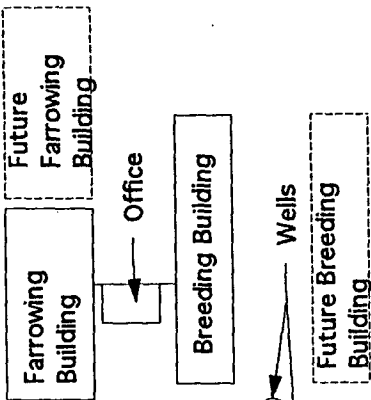
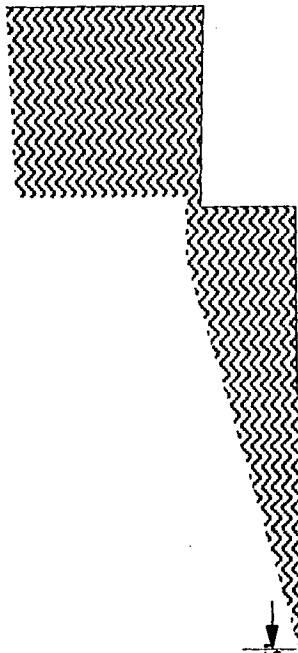
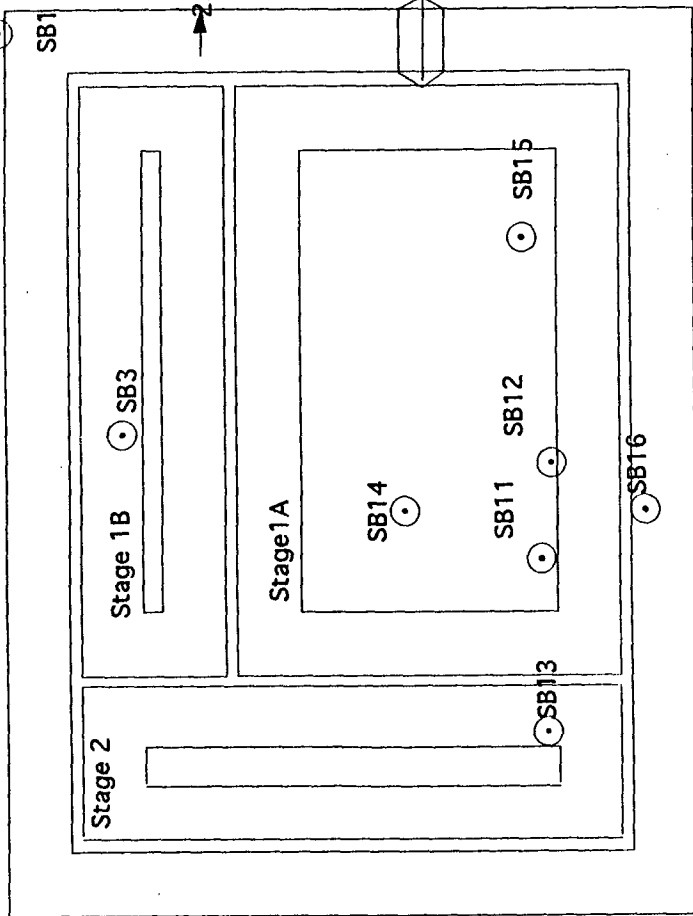


SITE IS DESCRIBED AS SOUTHEAST QUARTER OF SECT. 6, GRANT TWP.; T-109-N,R-62-W



SB2

SB1



Site Map

Heartland Pork



Scale: 1 Inch =
200 Feet
One Inch Bar

Figure No: 2

Date: 11/1/93

Design By: DSS

Checked: JSH

Dakota Environmental
Consultants, Inc.
PO Box 636
Huron SD 57350
(605)-352-5610

5797-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 1993

STAN KOPFMANN
PO BOX 96
ALPENA SD 57312-0096

Re: Heartland Pork Animal Waste Management System
Revised Plans and Specifications

Dear Mr. Kopfmann:

The Department of Environment and Natural Resources (DENR) is in receipt of three (3) copies of the revised plans and specifications (P&S) for your Animal Waste Management System (AWMS). The AWMS will be located in the Southeast 1/4 of Section 06, Township 109 North, Range 62 West in Beadle County, South Dakota.

This system is for a 11,292-head/4,517-animal unit (A.U.) swine confinement feeding operation. This system consists of a three (3) cell, two (2) stage lagoon facility. The first stage consists of two (2) cells (1A and 1B) operated in parallel, while stage two (2) consists of one (1) cell. The second stage cell will be used for recycle water for the swine confinement buildings. The pond system has been designed for 365 days of liquid and solid storage. The design is based on the volatile solids loading per day.

The DENR has reviewed the project for storage and seepage requirements and hereby approves the revised P&S for the above mentioned project. This approval expires on December 29, 1995, unless construction has been started by that date. One copy of the approved revised P&S is being retained for our files.

If any deviations are required from the approved plans, then those changes and all change orders must be submitted for approval prior to construction. A complete set of as-built P&S will be required if several major deviations result.

A list of requirements which you must implement and recommendations which you may wish to implement are listed on the attached page.

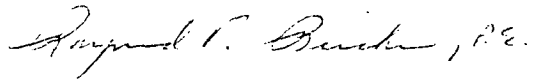
Stan Kopfmann
Page 2
December 29, 1993

Upon receipt of a Notice of Completion (enclosed), a Certificate of Compliance is available for an AWMS when constructed as approved as long as this operation does not significantly change. Continued compliance is dependant upon proper operation and maintenance activities being performed by the owner/operator. This certificate does not relieve the owner/operator from any liabilities for noncompliance. For more information on this review and approval please see the attached page of requirements and/or recommendations.

If you have any questions regarding the content of this letter, please feel free to contact me.

Thank you for your cooperation.

Sincerely,



Raymond F. Bircherm, P.E.
Staff Engineer
Department of Environment and Natural Resources
Phone: (605) 773-3296

cc: James S. Hodgens, PE, Dakota Environmental, Inc., Huron, SD

Requirements

This review is to determine whether seepage and storage requirements are being met, all other design considerations should be in accordance with the latest adopted SCS design criteria.

Based on the system design, soil boring logs, and other published reports and information, it is anticipated that if constructed as designed this system may impact the ground-water. Ground-water monitoring will be required at this site. At least one (1) upgradient well and three (3) downgradient wells must be installed. The following parameters must be monitored:

- | | | | | | |
|----|---------------|--------|----|------------------------|-------------|
| 1. | Chlorides | (mg/L) | 5. | Fecal Coliform | (No./100ml) |
| 2. | Ammonia as N | (mg/L) | 6. | Total Dissolved Solids | (mg/L) |
| 3. | Nitrates as N | (mg/L) | 7. | Water Levels | |
| 4. | Sulfates | (mg/L) | | | |

All wells must be monitored throughout the life of the facility. Quarterly monitoring for at least one (1) year will be required for these parameters. Depending upon the results of the first year of monitoring, the monitoring schedule may be reduced to semi-annual sampling. Water levels in the monitoring wells must also be recorded on a regular basis. The DENR reserves the right to alter the monitoring plan or require a Ground-Water Discharge Plan should on-site conditions warrant other action.

The original P&S indicated that there would be 10,000 finishers at this site. The revised P&S indicates there will only be 5,000 finishers at this site with the other 5,000 finishers being sent to another site for finishing. Since 5,000-head of finishers that are to be sent to another site equals 2,000-A.U's., that site will require an appropriately designed AWMS. The DENR's review and approval of the P&S for the AWMS for this other site will be required except for the following:

- 01) The animals are to be finished in another state; or
- 02) The other site has an AWMS that has already been approved by the DENR and these 5,000-head of finishers were included in the sizing of the AWMS.

The requirements for sewer lines passing close to wells is that they be encased in six (6) inches of concrete not four (4) inches. Therefore, item 1 on figure no. 13 needs to be changed from four (4) inches to six (6) inches of 2500 psi concrete. Please submit a revised sheet to the DENR for inclusion in the file copy of the P&S.

Recommendations

All local, city, and county governmental agencies should be contacted for their approval and/or comments prior to construction of the AWMS. If a stream, lake, or wetland is located in the construction site, then the Corps of Engineers (COE) and the Fish and Wild Life Service should be contacted for their approval and/or comments prior to construction of the AWMS.

Prior to the construction of the AWMS, the Department would like to be notified to permit our personnel the opportunity for construction inspections. To notify us, please phone (605) 773-3351 and ask for Rodger Seefeldt.

A nutrient management plan (NMP) was submitted with the revised P&S for this site. The NMP will allow you to better plan your fertilizer use of the valuable nutrients contained in the solid and liquid wastes, and minimize or eliminate any potential surface and/or ground-water contamination. A map or maps showing the locations for utilization of nutrients should be submitted before any waste is field applied, for inclusion in the file copy of the revised P&S and to allow us to determine whether surface and/or ground-water has the potential to be impacted.

If this facility will have 26,000 gallons per day (gpd) or more of water usage from the wells, then a Water Rights permit will be required. Please contact Eric Gronlund, Division of Water Rights, DENR, 773-3352 for more information about a Water Rights permit.

According to Chapter III of DENR's Recommended Design Criteria Manual, the lift station wet well should be vented.

The spillway overflow riprap should be placed so as to create a channel to contain the flow of water. If the flow of water is not kept from spreading out to the edge of the riprap, it could end up creating an erosion problem along the edge of the riprap.

**WATER PERMIT APPLICATION NO. 5797-3
HEARTLAND PORK, L.L.C.
FEBRUARY 10, 1994**

Water Permit Application No. 5797-3 proposes to appropriate 0.17 cubic feet of water per second (75 gallons per minute) from two wells 85 feet and 140 feet deep located in the SE 1/4 SE 1/4 Sec. 6, T109N-R-62W. The water is for commercial use at a hog confinement facility.

AQUIFER: Warren: West James (W-WJ)

INTRODUCTION:

SDCL 46-2A-9 requires that a permit to appropriate water may only be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the questions of water availability and the affects on existing rights.

Water Availability:

The Warren Aquifer is a glacial outwash composed mostly of sand and gravel. The West James management unit of the Warren Aquifer underlies approximately 268,700 acres of Beadle, Jerauld, and Sanborn Counties, and contains an estimated 1,404,150 acre-feet of recoverable water in storage (Hedges, 1982). The aquifer is predominately under confined conditions. In this area, the aquifer is buried (confined) by as much as 90 feet of glacial till.

The availability of unappropriated water from the Warren: West James Aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge:

Recharge to the West James management unit of the Warren Aquifer occurs primarily through direct infiltration of precipitation and runoff from adjacent areas onto the aquifer. In addition, recharge also occurs through losses from intermittent streams crossing the aquifer, and leakage from the hydraulically connected Niobrara Aquifer. Recharge to the Warren: West James probably falls within the broad range of 7,800 to 67,175 acre-feet per year based on the estimates for annual recharge to buried aquifers in eastern South Dakota, (.35 to 3.0 inches), depending on the methodology used, (Hedges, 1983). Recharge to the Warren Aquifer in Jerauld County has been estimated to be at least 1.0 inch annually (Hamilton,

1985). One inch per acre per year recharge to the Warren: West James is estimated to yield a minimum average recharge value of 22,392 acre-feet per year.

Withdrawals:

There are several domestic wells completed into the West James Management unit of the Warren Aquifer and a total of 48 Water Rights/Permits appropriating water from the aquifer. Appropriative uses are for: irrigation use (42 permits/rights); municipal use (3 permits/rights); industrial use (1 permits); commercial use (1 permit); and domestic/ suburban housing use (1 water right).

The use of water for irrigation is currently the largest use of the Warren: West James Aquifer. Historic reported pumpage from the aquifer for irrigation include:

Year	Pumpage Reported (ac-ft/yr)
1992	820.5
1991	1,833.3
1990	2,520.7
1989	4,095
1988	4,690.7
1987	1,807
1986	696
1985	1,641.5
1984	2,240.5
1983	2,392.4
1982	1,866.04
1981	5,783
1980	3,800
1979	3,238

The City of Huron has 3 permits/rights (No. 565-3, 4269-3, and 4962-3), that appropriate 6.00 cfs for municipal use from the Warren: West James Aquifer. For the past several years, the city has relied primarily on water from the James River to meet their needs, and groundwater is only used a few months during the winter each year. Estimated municipal use from the aquifer since 1987 is between 300 and 370 ac-ft/yr, with a diversion capacity of between 1.4 and 2.0 million gallons per day (2.17 - 3.09 cfs) (Scheele, 1994). A maximum use scenario based on the information available, would be the City pumping 3.09 cfs continuously, or approximately 2,250 ac-ft/yr.

The combined diversions from the Warren: West James Aquifer for industrial, commercial, and domestic use/suburban housing is estimated to be less than 500 ac-ft/yr.

The maximum total withdrawal due to pumping from the Warren: West James Aquifer, (irrigation maximum + municipal maximum use scenario+ other uses combined) is estimated to be less than 8,000 acre-feet per year. In theory, total pumpage plus the additional

diversion proposed by this application would not exceed the estimated annual recharge estimate.

Observation Wells:

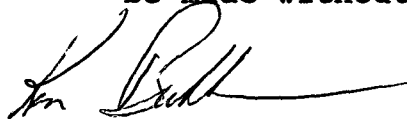
The Division of Water Rights monitors 42 observation wells completed into this management unit, 17 observation wells are located in Beadle Co, 14 observation wells are in Jerauld County, and 12 observation wells are located in Sanborn County. The nearest observation well(BD-79I), is approximately 1 mile north of this site. Water level measurements identify fluctuations in response to both long-term and seasonal variations in recharge and discharges. However, no long term decline of water levels has occurred. Hydrographs from the observation wells suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the aquifer is capable of sustaining additional withdrawals.

Affects on Existing Water Rights:

There are several domestic wells completed into the Warren: West James Aquifer. The nearest Water Right (No. 247-3), is approximately 2 miles from this proposed diversion point. The next nearest permits/rights are approximately 4 miles from this proposed diversion point. This appropriation is expected to have minimal if any affect on adequate wells in the area.

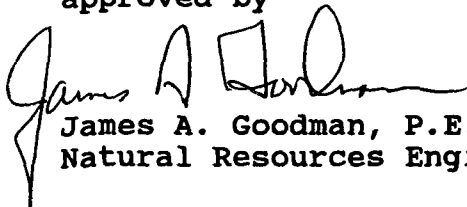
CONCLUSIONS:

1. This application proposes to appropriate 0.17 cfs from the Warren: West James Aquifer for commercial use by a hog confinement facility.
2. There is a reasonable probability that unappropriated water is available from the Warren: West James Aquifer for this application.
3. There is a reasonable probability that this appropriation can be made without adversely affecting existing users.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Division of Water Rights, 1983-1993, "Irrigation Summary by Aquifer", DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501

Division of Water Rights, 1994, "Observation Well Files", DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501

Division of Water Rights, 1994, "Water Permit Files", DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501

Hedges, L.S., S.Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD Dept. of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069

Hedges, L.S., J.Allen, D.Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Groundwater Recharge, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD Dept. of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069

Hamilton,L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, U.S. Geological Survey Water-Resources Investigations Report 84-4030, U.S.G.S. Huron, SD 57350

Scheele, Herb, 1994, Huron Water Department, personal communication

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5797-3, Heartland Pork, L.L.C.**

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. 5797-3, Heartland, L.L.C., c/o David Uttecht, Box 96, Alpena, SD 57312.

The Chief Engineer is recommending APPROVAL of Application No. 5797-3 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:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
3. The storage lagoons shall be designed to have at least a 210 day holding capacity (the plans and specification approval letter states pond system is designed for 365 days of liquid and solid storage) and designed to have a reserve storage capacity to impound precipitation from a Probable Maximum Precipitation (PMP) event. The reserve storage capacity shall be reestablished immediately, as conditions allow, when a PMP event cannot be stored due to previous rainfall.
4. No wastewater may be released from the wastewater lagoon except through the disposal equipment, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.
5. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).

7. Approval of Permit No. 5797-3 is subject to compliance with the following existing and applicable Water Management Board rules:
- a. Chapter 74:03:15 Ground Water Quality Standards,
 - b. Chapter 75:03:16 Ground Water Discharge Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapters 74:03:17 through 74:03:26 Surface Water Discharge Provisions

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
February 25, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

Todd Meyer
RR 4, Box 215
Huron, SD 57350

Dear Mr. Meyer:

Please find enclosed a copy of the report, recommendation and notice of hearing for Water Permit Application No. 5797-3, Heartland Park. Last October you expressed concerns with this proposed facility and requested to be kept informed if they applied for a water permit.

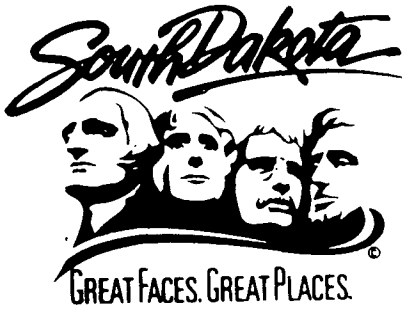
The enclosed notice is scheduled to be published in The Plainsman on March 9 and 16, 1994.

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

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

David Baum
RR 1, Box 17
Alpena, SD 57312

Dear Mr. Baum:

Please find enclosed a copy of the report, recommendation and notice of hearing for Water Permit Application No. 5797-3, Heartland Park. I was given your name in reference to being concerned with this proposed facility.

The enclosed notice is scheduled to be published in The Plainsman on March 9 and 16, 1994.

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

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

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

David Uttecht
Heartland, L.L.C.
Box 96
Alpena, SD 57312

Dear Mr. Uttecht:

Water Permit Application No. 5797-3 for commercial use in a hog confinement facility 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 Plainsman printed at Huron SD (Ph # 352-6401). 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.

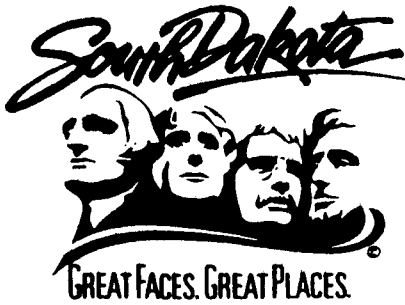
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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
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 3, 1994

The Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5797-3 to be published twice. Please publish the first notice on March 9, 1994 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 Heartland Pork, L.L.C., c/o David Uttecht, Pox 96, Alpena, SD 57312 (Ph # 849-3252 or 352-7330).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 9, 1994 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5797-3 to Appropriate Water

Notice is given that Heartland Pork, L.L.C., Box 96, Alpena SD 57312 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second (75 gallons per minute) from two wells (Warren:West James Aquifer) 85 feet and 140 feet deep located in the SE 1/4 SE 1/4 Section 6-T109N-R62W. The water is for commercial use at a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5797-3 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.

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 March 28, 1994. 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.

The Water Management Board will consider this application at 10:00 am, April 6, 1994, Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD. 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 April 6, 1994 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 March 28, 1994.

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 Eric Gronlund by March 28, 1994, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, Daryl E. Beall

certify that the attached printed Notice was

taken from the Plainsman

printed and published in Huron

County of Beadle and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

March 9, 1994

March 16, 1994

Cost of Printing: \$110.86

Daryl E. Beall
(Signature)

Publisher
(Title)

March 16, 1994
(Date Signed)

F.P. 3-9-94 L.P. 3-16-94

NOTICE OF HEARING ON APPLICATION NO. 5797-3 TO APPROPRIATE WATER

Notice is given that Heartland Pork, L.L.C., Box 96, Alpena, SD 57312 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second (75 gallons per minute) from two wells (Warren: West James Aquifer) 85 feet and 140 feet deep located in the SE 1/4 SE 1/4 Section 6-T109N-R62W. The water is for commercial use at a hog confinement facility.

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Russell L. Stone,
Acting Secretary,
Department of Environment and
Natural Resources.

No. 116 (adv.)

11 1/2" x 2 1/4" = 110.86



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 4 1994

David Uttecht
Heartland Pork LLC
Box 96
Alpena, SD 57312

Dear Mr. Uttecht:

Enclosed is Water Permit No. 5797-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 2000

Douglas K. Osberg
Huron Drilling, Incorporated
PO Box 1422
Huron, SD 57350-1422

Dear Mr. Osberg:

The Water Rights Program is in the process of licensing water permit number 5797-3 for Heartland Pork, L.L.C. The well that supplies this permit, was drilled by Huron Drilling, Incorporated in 1983, is located in SE ¼ SE ¼ of section 6 in T109N-R62W.

I am requesting a copy of the complete report for this so a final Water Right can be issued. I talked to someone from your office about this matter yesterday.

Thank you in advance for your help.

If you have any comments or questions, contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

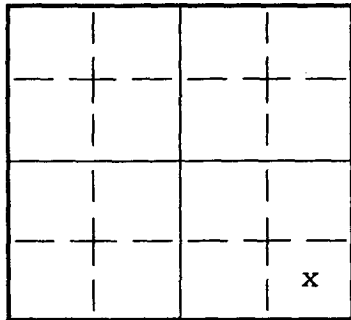
Location SE 1/4 SE 1/4 Sec 6 Twp 109 Rg 62
County Beadle North

Please mark well location with an "X"

W

E

Well Completion Date

9-7-83

Well Owner: _____

Business Name: Heartland PorkAddress: 39486 215th STAlpena SD 57312

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>5</u>
<u>yellow clay</u>	<u>5</u>	<u>20</u>
<u>sand blue clay</u>	<u>20</u>	<u>90</u>
<u>gravel</u>	<u>90</u>	<u>130</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from septic (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

rotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>130 FT</u>	<u>9 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>10</u>	_____ lb./gal	<u>0</u> ft	<u>35</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure triemie pipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 40 FEETMaterial PVCSlot Size 25 Set From 90 Feet to 130 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? BentoniteDescribe packer(s) and location? 35-70'

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 26' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: compressed air
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

65 ft. After 12 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 94

And this report is true and accurate

Drilling firm Huron Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

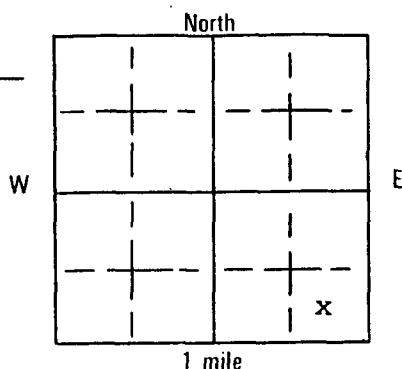
Date: 10-26-00

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SE 1/4 SE 1/4 Sec 6 Twp 109 Rg 62

County

BeadlePlease mark well
location with
an "X"

Well Owner:

Name Heartland PorkAddress 39486 215th StAlpena SD 57312Plugging completion Date 8-24-00

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE

Well depth 110'Casing material PVCCasing size(s) 4"Casing condition Good

Hole depth _____

Hole size _____

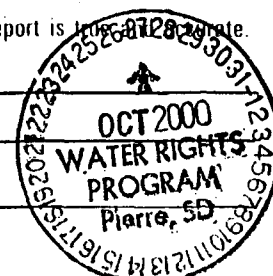
Describe plugging procedure: Triemie pipe was installed to bottom of aid well -
pumped cement grout into existing well from bottom to surfaceDescribe grout or plugging material: Portland cement 6 to 1 mixType of non-slip plug: noneThis well or test hole was plugged under license # 94

And this report is true and correct.

Drilling firm Huron Drilling Inc.

Signature of Licensed Representative _____

Signature of Well Owner _____

Date 10-26-00



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 2000

David Uttecht
Heartland Pork, L.L.C.
Box 96
Alpena, SD 57312

Dear Mr. Uttecht:

As we discussed in our telephone conversation today, the well drilled in 1973 by Empire Drilling needs to be plugged since it is no longer in use. South Dakota Codified Law (SDCL) 46-6-27 states:

If the owner of an existing well drills a replacement well and if the owner has no plan to use the existing well, the existing well is considered abandoned. The well owner shall plug the abandoned well within thirty days after the new well is ready for use. Any well that is being used or not considered abandoned shall be sealed or capped at the surface. The water management board shall promulgate rules pursuant to chapter 1-26 providing for plugging, capping or sealing of wells to protect the health and safety of the public and to prevent contamination of groundwater by surface waters.

The well should be plugged by a licensed well driller and a plugging report must be sent to the Water Rights Program.

If you have any questions in regards to the well plugging process, please contact Ken Buhler at (605) 773-3352.

Sincerely,

Stacy J. Johnson
Natural Resources Engineer

Water Rights Program - File Documentation

NAME: Heartland Pork, LLC

ADDRESS: Alpena

DATE: 6-28-2000 **COUNTY:** BD **TELEPHONE:** 605 352-7330

RE: Inspection of 5797-3

COMMENTS:

Stacy Johnson investigated Water Permit No. 5797-3 on May 23, 2000. At that time, Stacy found that one of the two shallow wells authorized by the permit had been abandoned. The existing shallow well was capable of diverting 5 gpm and will be licensed for that amount.

A deeper Dakota Aquifer well had been drilled as a replacement well. Therefore, a new permit is required since the well was a different formation than authorized by No. 5797-3. Stacy's investigation had found that the deeper well had a pump capacity of 30 gpm.

When David Uttecht submitted the application for the deeper well he requested 75 gpm instead of the 30 gpm. It will be necessary for Permit No. 6219-3 to be investigated once the increased diversion rate is developed.



Karen Schlaak
Environmental Scientist

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416566

Pierre, July 5, 2000

RECEIVED OF Heartland Pork, LLC, 39486, Alpena SD 57312

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. 5797-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Heartland Pork

Chief Engineer

KS

Permit No. 5797-3

James River - Water District

Other permit/license(s) associated with project: 6219-3

Contact Person & Address: Dave Uttecht, 39486 215th Street, Alpena, SD 57312

Report Of Examination Of Works

On, May 23, 2000, I made a thorough examination of the water use system constructed by Heartland Pork, L. L. C. of PO Box 96, Alpena, SD 57312 holder of Permit No. 5797-3 bearing the priority of January 10, 1994, authorizing the diversion of 0.17 cu. ft. per second of the waters for **commercial** purposes, in Beadle County.

The system is in the following condition good. The point of diversion is located Well: from the SE corner of Section 6T109N-R62W it is 660 feet west and 371 feet north with a longitude of -98.318221 and a latitude of 45.270223. The works are capable of diverting and conveying to the place of use 0.01 cu. ft. per second of water that is to be used for **commercial purposes**. Water has been put to beneficial use and the license should be issued for 0.01.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 130 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5 inches
- 2) Length 130 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 26 feet

Pump\ Motor:

- 1) Pump Make Submersible
- 2) Capacity 5 GPM
- 6) Horsepower rating unknown hp

Stacy J. Johnson 1-9-01

Stacy J. Johnson

Date

Natural Resources Engineer

DENR, Water Right Program



Section 6 T109N-R62W

Permit No. 6219-3

Well

From the SE corner it is 877 feet west and 330 feet north

Permit No. 5797-3

Well

From the SE corner it is 660 feet west and 371 feet north



Stacy J. Johnson 12-18-00
Stacy J. Johnson
Natural Resources Engineer
SD DENR Water Rights Program

5797-3

STATE OF SOUTH DAKOTA

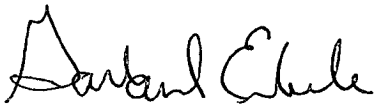
WATER LICENSE NO. 5797-3

(1) Heartland Pork, LLC, 39486 215th St, Alpena SD 57312 made Application No. 5797-3, January 10, 1994 for a water permit to divert 0.17 cubic feet of water per second from groundwater (two wells), Beadle County, South Dakota for commercial purposes. Permit No. 5797-3, with a priority date of January 10, 1994 was approved April 6, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 6, 1999 and for the application to beneficial use of said water on or before April 6, 2003.

(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 0.011 cubic feet of water per second for beneficial use. The location of the diversion point is 660 feet west and 371 feet north from the southeast corner of Section 6-T109N-R62W (SE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heartland Pork, LLC, 39486 215th St, Alpena SD 57312 the holder and/or owner of Water Right No. 5797-3 is issued a license to appropriate water, the right to use 0.011 cubic feet of water per second from groundwater (one well) with a priority date of January 10, 1994 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. 5797-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 15 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 15 2001

5797-3

Heartland Pork, LLC
39486 215th St.
Alpena, SD 57312

Dear Sir:

Enclosed is Water License No. 5797-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416566 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. 5797-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures