

Division #1

WATER PERMIT NO. 5823-3

Phone: 946-5255

Name of Applicant: Mid River Pork, LLC c/o Douglas Luebke

Post Office Address: PO Box 267, Corsica, SD 57328

Amount of Water Claimed: 0.33 cfs Total Acres:

Source of Water Supply: groundwater, 2 wells (Codell Aquifer)

Water to be used for: Commercial (hog confinement) County: Douglas

Location: 5 miles south, 4 miles west of Corsica

PRIORITY Date Received: 5/11/94 Fee: \$225 Remarks:

Corrected Application Received: Period of Annual Use:

Diversion Point: NW1/4 NW1/4 Sect. 25, T99N,
R65W

Land to be Irrigated:

		X			
			25		

Well Log: Driller: Grosz Licensed YES NO

Depth of Well: 425 - 475 REMARKS:

Type of Map: Plat PREPARED BY: Harlan Quenzer Reviewed and the Number

Assigned on: 5/13/94 By: Eric Gronlund

Form 2: Application for uses other than irrigation
(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5823-3 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Corsica Globe, Box 45, Corsica
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Mid River Pork, LLC Phone 946-5255
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address c/o Douglas Luebke, PO Box 267 Corsica State SD 57328
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed _____ *CFS or 150 **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Wells into the Codell Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
2 wells in the NW 1/4 of the NW 1/4 of Section 25, T 99 N, R 65 W of the 5th P.M.
(Iowa Township) _____ County Douglas
5. County or counties where water will be used Douglas
6. Annual period during which water is to be used 01-01 to 12-31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The proposed construction will consist of two bored wells, each capable of producing approximately 75 g.p.m. The anticipated depth of each well is 425 to 475 feet. It is anticipated that once completed, the static level of the water will remain above 200' below land surface. The wells will be gravel packed for the entire length of the water bearing material. Screen to be determined based on test drilling.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Douglas)^{ss}

Douglas J. Luebke, sec Mid River Pork LLC
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 _____

Subscribed and sworn to before me this 10th day of May 19 94

Notary Public

my commission
expires 10-18-01

(type or print in ink)



a) Drill Hole Diameter 10" +/- Depth 475' +/-

b) Casing Type PVC - SDR 17 Diameter 6" Thickness .390" (Minimum)

c) Screen Type Slotted-PVC (?) Diameter To be determined by formation analysis Thickness

d) Gravel Pack Thickness 4-5" +/- Length of Gravel Pack 50' +/-

e) Depth to Top of Water Bearing Material 425' +/-

f) Depth to Water (ground surface to water level) 160' +/-

g) Distance to nearest existing domestic well:

On applicants property None On property owned by others approximately 2,000'

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

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

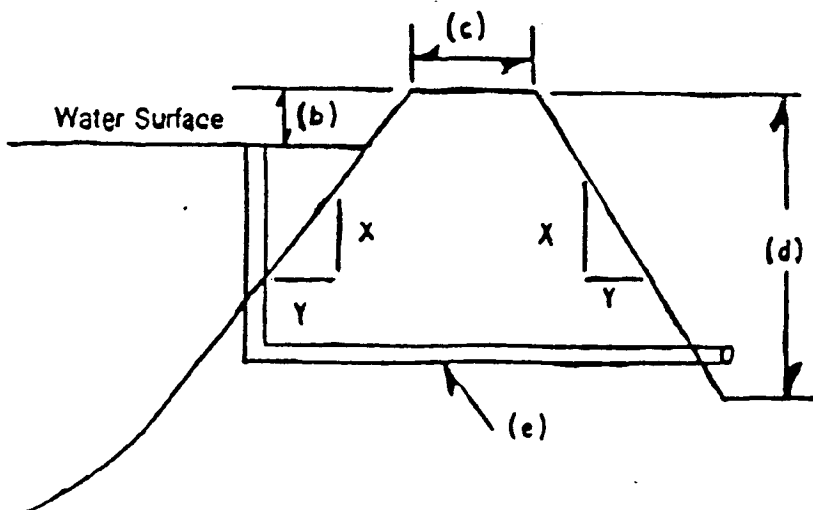
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage _____ Acre Feet

j) Drainage Area Above Dam	Acres
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
13	1300
14	1400
15	1500
16	1600
17	1700
18	1800
19	1900
20	2000
21	2100
22	2200
23	2300
24	2400
25	2500
26	2600
27	2700
28	2800
29	2900
30	3000
31	3100
32	3200
33	3300
34	3400
35	3500
36	3600
37	3700
38	3800
39	3900
40	4000
41	4100
42	4200
43	4300
44	4400
45	4500
46	4600
47	4700
48	4800
49	4900
50	5000
51	5100
52	5200
53	5300
54	5400
55	5500
56	5600
57	5700
58	5800
59	5900
60	6000
61	6100
62	6200
63	6300
64	6400
65	6500
66	6600
67	6700
68	6800
69	6900
70	7000
71	7100
72	7200
73	7300
74	7400
75	7500
76	7600
77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000



**SOUTH DAKOTA
WATER PERMIT NO. 5823-3**

Date of first receipt of application May 11, 1994.

The Water Management Board approved Water Permit Application No. 5823-3 on August 31, 1994 for Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica SD 57328-0267 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. 5823-3 to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from two wells (Codell Aquifer) approximately 425 to 474 feet deep. The wells are to be located in the NW 1/4 NW 1/4 Section 25-T99N-R65W.
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 use 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 May 11, 1994.
5. One-fifth of the construction is to be completed on or before February 28, 1996.
6. All construction is to be completed on or before August 31, 1999.
7. Water is to be put to beneficial use on or before August 31, 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 authorized by Permit No. 5823-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Approval of this Permit is subject to submission of plans and specifications for the animal waste management system to the Chief Engineer and the Division of Environmental Regulation prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18.

(continued)

4. Operation of the disposal system to dispose of waste and wastewater shall be 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.
5. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
6. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
7. Design, construction and management of the lagoons shall be sufficient to maintain a seepage rate of less than 1/16 of an inch per day. Compaction of the soils in the bottom of the wastewater lagoon must be at least ninety-five percent of the Standard Procter Density (ASTM D6980-70).
8. Approval of Permit No. 5823-3 is subject to compliance with the following then 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. Chapters 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 24 1994

date

RECEIPT

Division of Water Rights

414167

South Dakota Department of Environment and Natural Resources

Pierre, _____, May 11, 19 94

RECEIVED OF Luebke & Kerner Trust (Mid River Pork, LLC), PO Box 267, Corsica, SD 57328

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

Fee for Application for Permit No. <u>5823-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John Hatch
Chief Engineer



SECTION LINE



WELL #A

APPROXIMATE LOCATION OF WELLS:

A= 100' SOUTH AND 100' EAST
OF SECTION CORNER.

B= 800' EAST OF WELL A



WELL #B



NORTHWEST 1/4 OF SECTION 25
TOWNSHIP 99 NORTH, RANGE 65 WEST

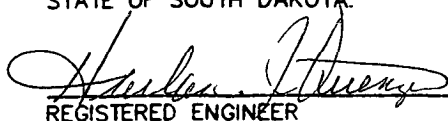
SCALE:
1"=200'

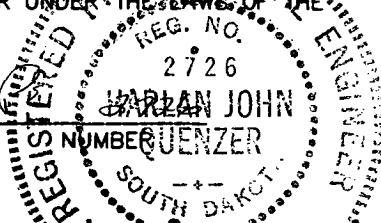
SECTION LINE

1/4 LINE

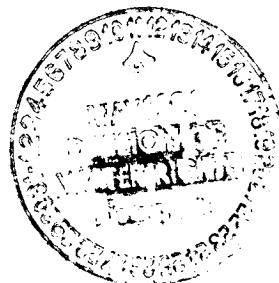
1/4 LINE

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT
I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE
STATE OF SOUTH DAKOTA.


REGISTERED ENGINEER



schmucker-paul-rohr & associates
MITCHELL, SOUTH DAKOTA



SPN
ASSOCIATES

Test Well Log for Mid River Park
Box 91

Corsica SD 57324

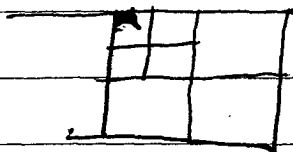


- 0-3 Top Soil
3-12 Yellow Clay - ~~B~~ Very Little Sand
12-36 Hard Yellow Clay
36-75 Blue Clay with a few small rocks
75-76 Hard Rock
76-193 Blue Clay with a few small rocks
193-194 Hard Rock
194-290 Blue Clay with Hard Layers Traces of
Black Chalk START AT 255
290-360 Black Chalk. Traces of white AT 350
360-410 white & Black Chalk mixed Hard Layers START AT
410-430. Black mud. Hard layers. Sand streaks. 370
430-465 - Good Kodel. Hard layers very little
mud until 463. Stopped in muddy sand
Took water from 430-465

Drilled By Grosz Drilling Co.
S.D. License #42.

Permit # 5-9-1994.

NW 1/4 of NW 1/4 Sec 25 Twp. 99N. Rq. 654



5823-3

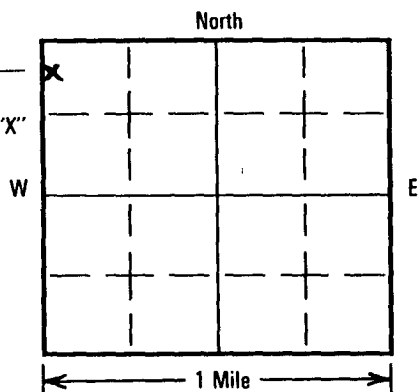
#2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 25 Twp 99N Rg 65WCounty Douglas

Please mark well location with an "X"

Well Completion Date Nov. 6.95

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1100 ft. from Lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20#</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>43</u> FT	<u>12 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Resin No. of Sacks 74 RDS Grout Weight 5 1/2 lb./gal 10 ft. 430 ft. 6 ft.

Describe grouting procedure Pumped Grout Through Drill Rods inside casing From Bottom up.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 68 FEETMaterial PlasticSlot Size 1006 Set From 492 Feet to 424 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Steel & Rubber.Describe packer(s) and location? 6x4 Kpacker at 424

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: Chlorine tablets
_____ NO, Why Not? _____Laboratory sent to for water quality analysis Stob Loß.Well Owner: Mid River PorkBusiness Name: Mid River PorkAddress: RR 1
ARMOUR SD 57313

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow clay	0	-39
Blue clay	38	170
Black chalk hard	170	310
White Chalk & Hard layers	310	400
Mud sand & Hard layers	400	430
Kadell Sand with Some mud. Gold & Brown Colored Sand.	430	492
med	492	

STATIC WATER LEVEL 250 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: 10-Hp Sub pump☐ Bailed _____☐ Other _____

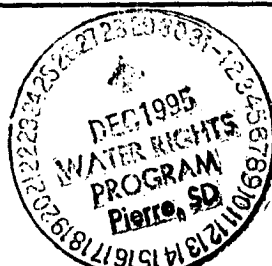
Pumping Level Below Land Surface

420 ft. After 24 Hrs. pumped 45 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 45 GPM

REMARKS

This well was drilled under license # W2

And this report is true and accurate.

Drilling firm Gross Drilling Co

Signature of License Representative:

Ray H. Gross

Signature of Well Owner or Equitable Property Holder:

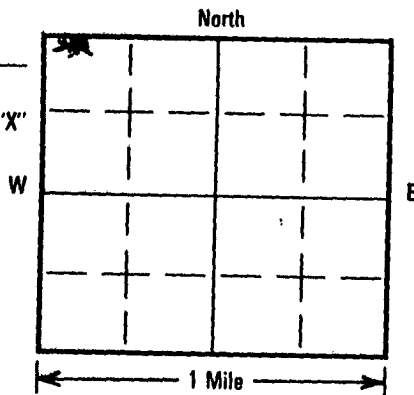
Date: 12-27-95

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NW 1/4 Sec 25 Twp 99N Rg 65WCounty
Douglas

Please mark well location with an "X"

Well Completion Date 5-17-94Black Chalk. 290-360

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 600 ft. from Abandoned well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Drill

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

Sch 40 LB/FT 9 IN 0 FT 465 FT 6 1/2 IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type Cement No. of Sacks 3 YRDS Grout Weight 5 1/2 lb/gal From 325 ft. To 0 ft.

Describe grouting procedure Place pipe Between Casing & Bore Hole & pump grout from Bottom up.

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 IN Length 30 FEETMaterial 2" Sch 40 plasticSlot Size 10/16 Set From 335 Feet to 365 Feet

Other information Plugged on the Bottom Top of Gravel Pack app. App. 330 ft.

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? BentoniteDescribe packer(s) and location? above gravel pack.

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: Chlorine Pelt

____ NO, Why Not? _____

Well Owner: _____

Business Name: MID RIVER PORKAddress Box 91
CORRICA SD 57328

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Yellow clay. Little sand	3	12
Hard Yellow clay	12	36
Blue Clay	36	75
Hard Rock.	75	76
Blue Clay with a few	76	193
Small Rocks.		
HARD ROCK	193	194
Blue Clay with Hard layers	194	290
Traces of Black Chalk 255		
White Chalk Black mixed.	360	410
Black and Hard layers in str.	410	430
Good Kodel. Hard layers.	430	465
Very little mud until 463		
Muddy Sed to 465		
Toothwater in 430-465		

STATIC WATER LEVEL App. 200 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled _____ ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be _____

WE DRILLING CO. SD

☐ Pumped ☐ Bailed ☒ Other

Describe: Pumped with AIR

Pumping Level Below Land Surface

App 250 ft. After 4 Hrs. pumped 3 GPM

____ ft. After ____ Hrs. pumped ____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Test Hole was Completed
5-9-94. 2" casing-screen GP
AND Grout were Done 5-11-94.
Pumped on 5-16-94.

This well was drilled under license # 42

And this report is true and accurate

Drilling firm Grass Drilling Co.

Signature of License Representative:

Terry Shon

Signature of Well Owner or Equitable Property Holder:

Date 5-17-94

Parties of Record List
Water Permit Application No. 5823-3
Mid River Pork, LLC

Applicant

Mid River Pork, LLC
%Douglas Luebke
P.O. Box 267
Corsica, SD 57328

Petitioners

Claire VanderWal
Route 2, Box 64
Corsica, SD 57328-9410

Claron VanDrongelen
%Tillie Van Drongelen
Route 2, Box 37
Corsica, SD 57328

Elwood VandenBerge
HCR 71, Box 61
Corsica, SD 57328

Gene Bringelson
RR 1, Box 73
Armour, SD 57313

Joe VanDrongelen
RR 2, Box 295
Corsica, SD 57328-9453

Lloyd VandenBerge
RR 2, Box 303
Corsica, SD 57328

Ronald L. VandenBerge
RR 2, Box 69
Corsica, SD 57328

Carol VanDerWerff
RR 1, Box 75
Armour, SD 57313

REPORT ON WATER PERMIT APPLICATION NO. 5823-3
for Mid River Pork LLC
May 20, 1994

Application No. 5823-3 proposes to appropriate 0.33 cfs (150 gpm) from two wells approximately 425 to 474 feet deep. The wells are to be located in the NW 1/4 NW 1/4 of section 25, T99N R65W in Douglas County. The water is to be used for commercial purposes in a hog confinement facility.

AQUIFER - CODELL (CDLL)

The Codell is a sandstone member of the Carlile Shale. The Codell consists of a brown, to light brownish gray, and dark-greenish black, friable to indurated, medium to fine-grained sandstone with a thickness ranging from 18 to 40 feet in Douglas and Charles Mix County (Kume, 1977). The aquifer underlies 435 square miles and contains an estimated 556,800 acre feet of recoverable water in Douglas County (Hedges, 1982). The aquifer is areally extensive and extends into Charles Mix County to the south, into Aurora and Davison Counties to the north and into Hutchinson County to the east. The aquifer is confined and under artesian conditions at this site. The driller's log filed with the application indicates the standard geologic section for this area of the state. Glacial till from the land surface to a depth of about 255 feet, Niobrara chalk from 255 to 410 feet and Codell from 410 feet to 465 feet. The driller's log indicates good sandstone from a depth of 430 feet to 465 feet.

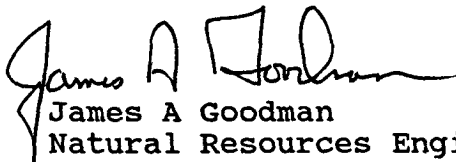
The Division of Water Rights monitors a Codell Formation observation well DG-80F which is located about 10 miles east of this application. Water levels for this well appear to be affected by climatic conditions. Water levels for this well have in general risen about 12 feet since the well was first put in. A hydrograph for this well is included with this report. Also the Niobrara Formation lies directly upon the Codell and is also considered an aquifer in this area. The Niobrara (chalk rock) and Choteau aquifers (unconsolidated sands and gravels) are known to be hydraulically connected in this area. This is well documented by observation wells completed into both formations with both indicating the influences of pumping by area irrigation. The question is whether the Codell and the Niobrara are hydraulically connected. Potentially the Codell water could move upward because the water levels are higher. The hydrographs of wells in these formations seem to indicate there is some hydraulic connection.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no nearby water permits/rights which obtain ground water from any source within 5 miles of this site. There may be domestic wells in the area which obtain water from the Codell. Interference should not be a concern. This is a relatively small diversion rate and drawdown should not be significant.

CONCLUSIONS

1. Water is available from the Codell Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will result from pumping but this is not expected to adversely affect existing users.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards. This construction must conform with 74:02:04:28 of the standards.
4. Plans and specifications must be approved by the Division of Environmental Regulation Point Source Control Program. As of this time these plans have not been submitted for review.

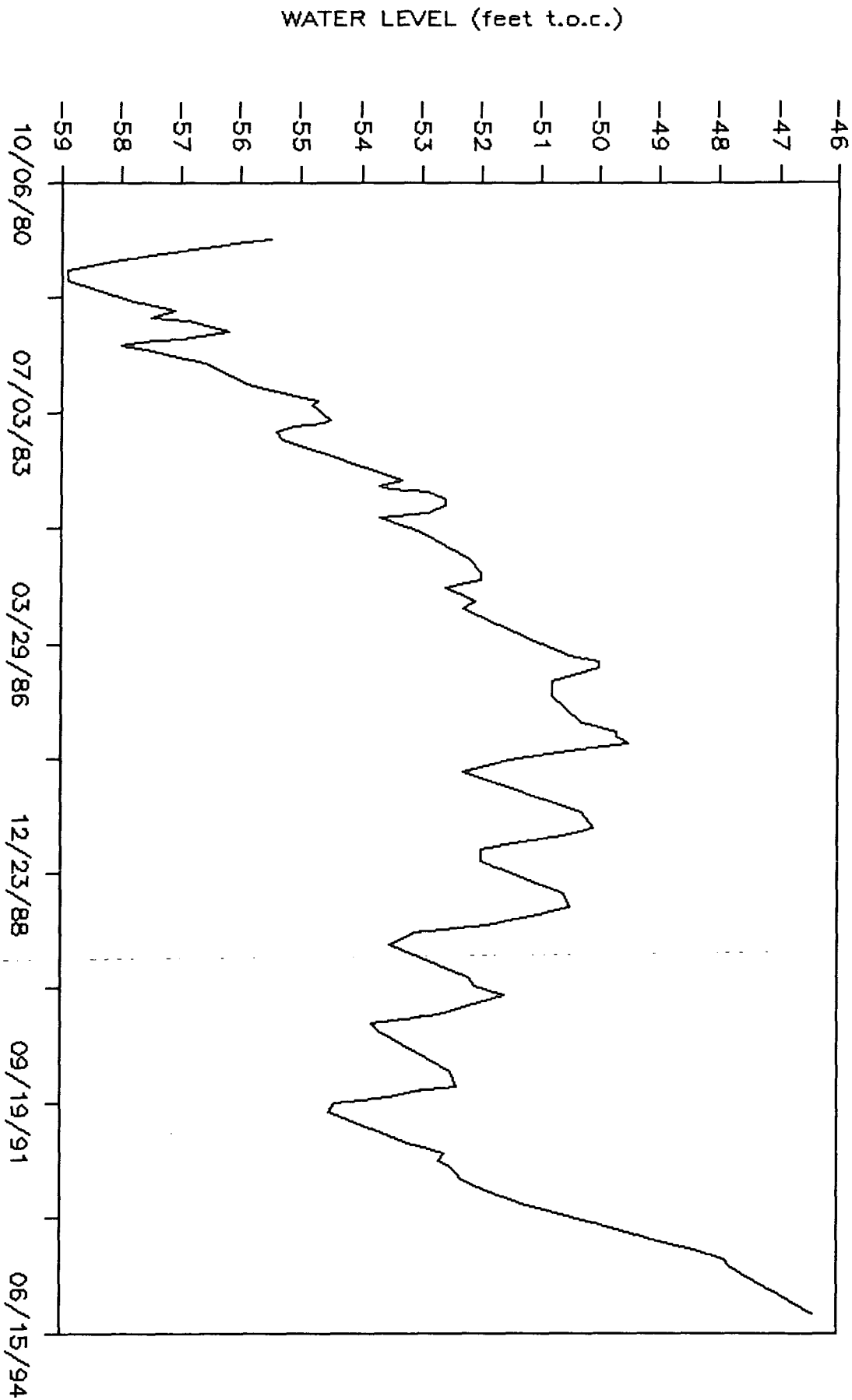

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1994, Unpublished Observation Well Data for Douglas County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

DG-80F



— UPDATED 05-19-94

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5823-3, Mid River Pork, LLC

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. 5823-3, Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica, SD 57328.

The Chief Engineer is recommending APPROVAL of Application No. 5823-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells authorized by Permit No. 5823-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Approval of this Permit is subject to submission of plans and specifications for the animal waste management system to the Chief Engineer and the Division of Environmental Regulation prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18.
4. 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.
5. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
6. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.

7. Design, construction and management of the lagoons shall be sufficient to maintain a seepage rate of less than 1/6 of an inch per day. Compaction of the soils in the bottom of the wastewater lagoon must be at least ninety-five percent of the Standard Procter Density (ASTM D6980-70).
8. Approval of Permit No. 5823-3 is subject to compliance with the following then 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. Chapters 74:03:17 through 74:03:26 Surface Water Discharge Provisions

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 23, 1994



**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.**

May 24, 1994

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Dear Mr. Luebke:

Water Permit Application No. 5823-3 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 Corsica Globe printed at Corsica, SD (Ph # 946-5489). 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.

c: Jay Larson, Schmucker, Paul, Nohr & Associates, 620 N. Lawler, Mitchell, SD 57301
Lloyd Vanden Berge, RR 2 Box 87, Corsica, SD 57328



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 24, 1994

Corsica Globe
Box 45
Corsica, SD 57328

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5823-3 to be published twice. Please publish the first notice on May 31, 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 Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica, SD 57328 (Ph # 946-5255).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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 May 31, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5823-3 to Appropriate Water

Notice is given that Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica, SD 57328 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from two wells (Codell Aquifer) approximately 425 and 474 feet deep. The wells are to be located in the NW 1/4 NW 1/4 Section 25-T99N-R65W. Water is to be used for commercial purposes in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5823-3 with qualifications 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 June 17, 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 a.m., June 29, 1994, Lake Francis Room, Ramkota Inn Best Western, 920 West Sioux, 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 June 29, 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 June 17, 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 June 17, 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.

Affidavit Of Publication

STATE OF SOUTH DAKOTA.

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

*Notice of Hearing on Application
No. 5823-3 To appropriate
water - Mid River Pork*

a printed copy of which is hereto attached, was printed and published in said newspaper

for two (2) successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 5/31, 1994

the second publication being made on 6/7, 1994

the third publication being made on _____, 19____

the fourth publication being made on _____ 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-

the fifth publication being made on _____ 2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-

the sixth publication being made on _____ 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-

the seventh publication being made on _____ 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-

and the eighth publication being made on _____ 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.

that \$ 48.24 being the full amount of the fee for publication of the notice, insures solely to the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division there of has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 2nd day of June, 1994

Beverly Timm

Notary Public, Douglas County, South Dakota

My Commission Expires

10-26-2001

NOTICE OF HEARING ON APPLICATION NO. 5823-3 TO APPROPRIATE WATER

Notice is given that Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica, S.D. 57328 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from two wells (Codell Aquifer) approximately 425 and 474 feet deep. The wells are to be located in the NW 1/4 NW 1/4 Section 25-T99N-R65 W. Water is to be used for commercial purposes in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5823-3 with the qualifications 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, S.D. 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 June 17, 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 a.m., June 29, 1994, Lake Francis Room, Ramkota Inn Best Western, 920 West Sioux, Pierre, S.D. 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 June 29, 1994, hearing date will be automatically delayed for a 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 June 17, 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 June 17, 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.



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

Date 3-19-96

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

FROM: Mid River Park P.O. Box 267
(name) (address)
Corsica, SD 57328 724-2825
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5823-3.

Water Permit No. 5823-3 states that the diversion system is to be constructed by August 31, 1999, and that the water is put to beneficial use by August 31, 2003.
(date) (date)

The diversion system was completed on October 31, 1995.
(date)

Applying the water to beneficial use was completed on October 31, 1995.
(date)

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

Thomas J. Pedlin
(signature)



June 7

Dear Sir,

In the manner concerning the application for a water permit for Mid River Park. I am opposed of the application. I live about two and a half miles from the well placement for Mid River Park. My well is a reduced well so I can not add more well pipes. The well repairman who services my well says that I have just reached the water line. I get along okay but if Mid River Park really pumps that much water how many years will it be before the water line goes down far enough so that my well will be dry? I would request that the state would deny the water permit for Mid River Park Application number 5823-3

Clair VanderWal
Route 2 Box 64
Corseine, SD 57328-9410
SE $\frac{1}{4}$ section 20 T99N R64W



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1994

Claire Vander Wal
Route 2, Box 64
Corsica, SD 57328-9410

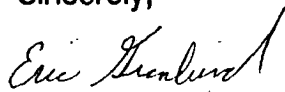
Dear Mrs. Vander Wal:

This office has received a copy of your petition in opposition to Water Permit Application No. 5823-3, Mid River Pork, LLC. Please find enclosed a copy of the report and recommendation that has been prepared on this application.

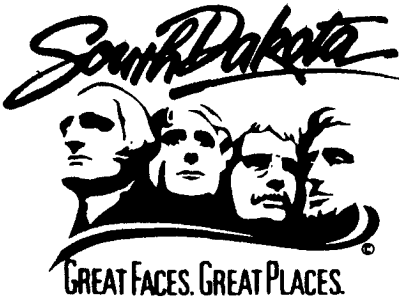
As stated in the notice of hearing, published May 31 and June 7, 1994 in the Corsica Globe, the Water Management Board is scheduled to consider this application at 10 am, June 29, 1994, Lake Francis Room, Ramkota In Best Western, 920 West Sioux, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Please feel free to contact me if you have any questions.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1994

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Dear Mr. Luebke:

Please find a copy of a petition filed by Claire Vander Wal opposing Water Permit Application No. 5823-3, Mid River Pork, LLC. I will keep you informed of any additional petitions that are filed in regard to this water permit application.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

c: Jay Larson, Schmucker, Paul, Nohr and Associates, 620 N. Lawler, Mitchell,
SD 57301

June 14 - 94
Cons. Co. S.D.

Dear Sir:

I am apposed to this application for a water permit to dig two wells that Mid River Park LLC % Douglas Luebke has filed for with you.

I have land just west across the road and don't want that water vane drained for the whole community. That water is to share, not just for one party.

Please reconsider granting them this application.



yours truly
Joe Dan Donnell

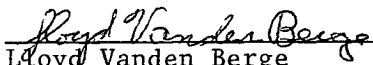
June 14, 1994

Eric Gronlund
Water Rights Division, Foss Building
523 E. Capitol
Pierre, So. Dak. 57501

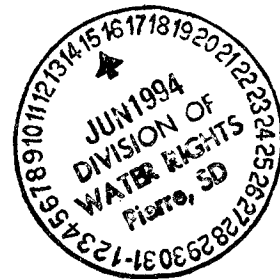
Dear Mr. Gronlund:

In regard to Mid River Pork, LLC, Water Permit Application No. 5823-3. I request copies of information pertaining to this Application. Thanking you in advance.

Yours truly,


Lloyd Vanden Berge
R.R. 2, Box 303
Corsica, So. Dak. 57328





June 14, 1994

Mr. John Hatch
Chief Engineer
Water Rights Division
Foss Building, 523 E. Capitol
Pierre, So. Dak. 57501

Dear Mr. Hatch:

I am writing in regard to my Opposition To Mid River Pork, LLC, Water Permit Application No. 5823-3.

My Opposition is based on the following items,

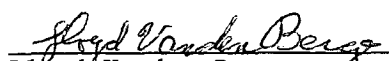
(a). The impact that it will have on my Well located in SW 1/4-12-99-65. I had problems with my Well about 8 years ago and was told by parties that worked with Wells that the water table had dropped. Do I have any recourse if this Application is approved and should the same thing happens in the future?

I am wondering if this is a reasonable appropriation of water on this Application.

(b). It is not in the Public Interest, both environmently or economically, the odor from the facility will affect the quality of living conditions in the local area. There will be a degrading effect on valuation of local area Farms, the cost of servicing this facility would have a great finanical effect on the local Government, in that there would be an increase in local real estate taxes to the local tax payers. There has been no proof shown that this facility would generate enough taxes to offset the expense to local Government.

I am opposing this application and request an automatic delay.

Yours truly,


Lloyd Vanden Berge
R.R. 2, Box 303
Corsica, So. Dak. 57328

c: John Hatch, Chief Engineer, Water Rights Division, Foss Building, 523 E. Capitol,
Pierre, So. Dak. 57501
Mid River Pork, LLC, c/o Douglas Luebke, PO Box 267, Corsica, SD 57328

R.R. 2 Box 69
Corsica, SD 57328
June 14, 1994



Mr. John Hatch
Chief Engineer
Water Rights Division
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch;

I am writing in regard to my opposition of the Mid River Pork, LLC, Water Permit Application No. 5823-3.

My opposition is based on the following items:

- 1) I am concerned with the impact that it will have on my two wells located in the SE 1/4 of 13-99-65. I have just spent \$6,000 upgrading our wells and water system in the spring of 1994. Our wells are used for both livestock and personal use. Our livelihood is from the livestock business. Without an adequate supply of water, our livelihood would be seriously jeopardized.
- 2) I am also concerned with the impact of the Mid River Pork's facility on the environment and the economics of the area. The odor from the facility will affect the quality of life in the local area. There will be a degrading effect on the valuation of the local area farms. The cost of servicing this facility would have a great financial effect on the local government and in turn on the local taxpayers' real estate taxes.

Sincerely,

Ronald L. Vanden Berge



Dear Sir

I am opposing to giving
mid River Park two well
permits,

it affects 15 wells in
a two mile Radius I feel
we should have our water
protected

If we would want wells
of this size our self we
could not get it

Claron Sandengen



Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501

June 16, 1994

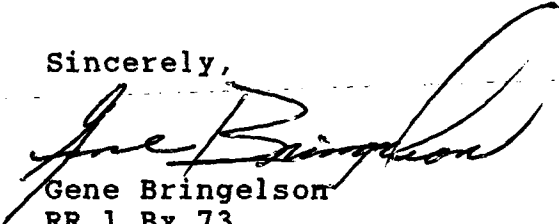
Mid River Pork, LLC
c/o Douglas Luebke
PO Bx 267
Corsica, SD 57328

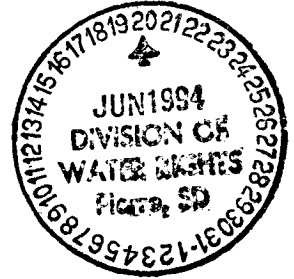
Dear Sir:

I am writing a letter in protest in the construction of proposed large scale hog confinement that lies in NW 1/4 Sec. 25, 99-65 which is Iowa Township, Douglas County South Dakota.

I am a land owner in the same Section of proposed area and am gravely concerned that in due time the heavy manure and water placement on the land will begin to drain into my property in which I have a dugout for the purpose of watering cattle. Also of extreme adverse odors which I am unable to tolerate. Therefore, I oppose the granting of the permit for water.

Sincerely,


Gene Bringelson
RR 1 Bx 73
Armour, SD 57313



June 16, 1994

R. E. Mid River Pork, LLC

Douglas Luebke

We are opposed to the issuance of proposed water permit.

We live and operate farms in this neighborhood and feel it is not in the best interest of our community.

The proposed unit drains into neighboring ponds, dugouts, and natural waterways. It will diminish our quality of life due to odors and the complications arising from waste disposal.

We feel this unit will adversely affect our property values.

We therefore ask that the permit not be granted as we do not feel it is in the public's interest.

Lelan VanDerWerff

Carol VanDerWerff

RR1 Box 15
Armour SD 57313



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 1994

NOTICE

TO: Douglas Luebke
Mid River Pork, LLC
PO Box 267, Corsica, SD 57328
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Automatic Delay of Hearing for Water Permit Application No. 5823-3, Mid River Pork, LLC

Petitions in opposition to Water Permit Application No. 5823-3 have been filed with the Water Rights Division. Some of the petitions also requested an automatic delay of the hearing. Therefore, the hearing on Application No. 5823-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on June 29, 1994.

The Water Management Board will now consider Application No. 5823-3 at their August 31 and September 1, 1994, meeting. Future notice of the date, time and place of the hearing will be provided to all parties of record.

A copy of the report and recommendation for Application No. 5823-3 is enclosed to all petitioners. A copy of the petitions submitted in opposition to Application No. 5823-3 are enclosed in the mailing to the applicant.

Please contact Eric Gronlund, staff engineer at (605) 773-3352, if you have any questions.

enclosures

c: Diane Best, Assistant Attorney General
Jay Larson, Schmucker, Paul, Nohr & Associates, 620 No. Lawler, Mitchell, SD 57301

CERTIFICATION

I hereby certify that on June 20, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 20, 1994, regarding Automatic Delay of Hearing for Water Permit Application No. 5823-3, Mid River Pork, LLC, along with a copy of the Parties of Record List, addressed as stated below and on the attached list:

Douglas Luebke, Mid River Pork, LLC, P.O. Box 267, Corsica, SD 57328.

Jay Larson, Schmucker, Paul, Nohr & Associates, 620 N. Lawler, Mitchell, SD 57301.

Copy Sent Inter-office to:

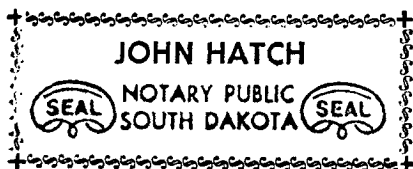
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of June, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



June 21, 1994

The Water Management Board
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181

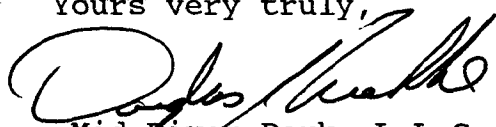
RE: Water Permit Application No. 5823-3, Mid-River Pork, L.L.C.

Several petitioners have requested an automatic stay of the hearing on the above application. It is the belief of Mid-River Pork, L.L.C. that the sole purpose for the request for the stay is to delay the project.

We respectfully request a hearing upon our application immediately after the 20 day stay.

You careful consideration of this request is appreciated.

Yours very truly,


Mid-River Pork, L.L.C.
Douglas J. Luebke
Secretary



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 1, 1994

NOTICE

TO: Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Rescheduling Consideration of Water Permit Application No. 5823-3, Mid River Pork, LLC

The Water Management Board will consider Water Permit Application No. 5823-3 on July 26, 1994 at 10:00 am in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Ave., Pierre, SD. The June 29, 1994 hearing on this application was automatically delayed by petitioners in opposition to the application.

The previous notice dated, June 20, 1994, stated that Application No. 5823-3 would be considered by the Water Management Board at their August 31 and September 1, 1994 meeting. The Board has since scheduled a special meeting on July 26, 1994 to consider this application.

Applicable provisions of the Notice of Hearing published May 31 and June 7, 1994 in the Corsica Globe will still apply at this hearing. This hearing is an adversary proceeding. Any party of record has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are 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 July 15, 1994 at (605) 773-3352 to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General
Charles Schroyer, Attorney, 124 S Euclid Ave., Pierre, SD 57501

CERTIFICATION

I hereby certify that on July 1, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated July 1, 1994, regarding Rescheduling Consideration of Water Permit Application No. 5823-3, Mid River Pork, LLC addressed to:

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328
and Parties of Record (see attached list)

A copy of the Notice was sent to:

Charles Schroyer, Attorney, 124 S Euclid Avenue, Pierre, SD

A copy of the Notice was sent by Inter-Office mail to:

Diane Best, Assistant Attorney General

Jaci R Konop

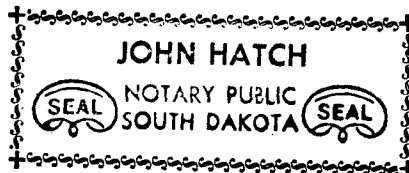
JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1994.

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1994

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Re: Water Management Board hearing on Water Permit Application No. 5823-3, Mid River Pork, LLC

Dear Mr. Luebke:

Mid River Pork's Water Permit Application No. 5823-3 will be considered by the Water Management Board on July 26, 1994 in Pierre. The following is the planned order of presentation for the hearing before the Board.

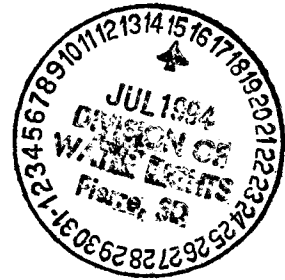
The Division staff will first present to the Board the report and recommendation prepared on the application including the location of the facility, the water source (aquifer), review of existing water permits in the area and a hydrograph of a nearby water rights observation well. Mid River Pork will then present the Board information on the facility plans and specifications, environmental considerations and site location considerations that went into the design of the facility. Mid River Pork may have their consultants provide expert testimony on the proposed facility. Mid River Pork should also be prepared to address concerns raised by petitioners. Finally, petitioners will be provided an opportunity to testify on their opposition to approval of the application. Throughout the hearing process, the Division, applicant and petitioners may cross examine anyone presenting testimony before the Board.

Please feel free to contact Eric Gronlund at 773-3352 if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
605 773-3352

c: Diane Best, Assistant Attorney General
Charles Schroyer, Attorney, 124 S. Euclid Ave., Pierre, SD 57501



Date: July 14, 1994

To: Chief Engineer, Water Rights Division

From: Todd Yeaton, Mid River Pork, LLC

Re: Mid River Pork Application #5823-3

For the special hearing granted to Mid River Pork regarding our water rights application we would request the following people to testify on our behalf on July 26, 1994.

Representative of Mid River Pork

Representative of Corsica Co-op Assn.

Representative of Corsica Development Corp.

Representative from Division of Agricultural Development,
State of South Dakota

Representative from Schmucker, Paul and Nohr and Associates

Individuals from these organizations will be present on the hearing date.

Thank-you for your time and consideration.

Sincerely yours,



Todd Yeaton



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 1994

Lloyd Vanderberge
RR 2 Box 303
Corsica, SD 57328

Dear Mr. Vanderberge:

As per your phone conversation with Eric Gronlund, enclosed is the list of Water Management Board members that you requested.

Sincerely,

A handwritten signature in cursive script that reads "Jaci R. Konop".

Jaci R. Konop
Water Rights Division

Encl.



July 26, 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Ronald L. VandenBerge
RR 2 Box 69
Corsica, SD 57328

Lloyd VandenBerge
RR 2 Box 303
Corsica, SD 57328

Claire VanderWal
Rte 2 Box 64
Corsica, SD 57328-9410

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

John Hatch

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision to approve Water Permit Application No. 5823-3, Mid River Pork, LLC. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 p.m., Wednesday, August 31, 1994, Floyd Matthew Training Center, 523 East Capitol, Pierre, SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and the above Parties by August 11, 1994. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision, are to be mailed to each Board member, the Board attorney and the above Parties of Record by August 22, 1994.

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision, may be made on April 6, 1994. The public hearing was completed July 26, 1994. No additional testimony will be received on August 31, 1994.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Charles Schroyer, Attorney, 124 S Euclid Ave., Pierre, SD

CERTIFICATION

I hereby certify that on July 26, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 26, 1994, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision, on Water Permit Application No. 5823-3, Mid River Pork, LLC, addressed as stated below:

Douglas Luebke
Mid River Pork, LLC
P.O. Box 267
Corsica, SD 57328

Ronald L. VandenBerge
RR 2, Box 69
Corsica, SD 57328

Lloyd VandenBerge
RR 2, Box 303
Corsica, SD 57328

Claire VanderWal
Rt 2, Box 64
Corsica, SD 57328-9410

Charles Schroyer, Attorney
124 S. Euclid Ave.
Pierre, SD 57501

A Copy Was Sent Inter-office to:

John Guhin, Deputy Attorney General, Capitol Building.

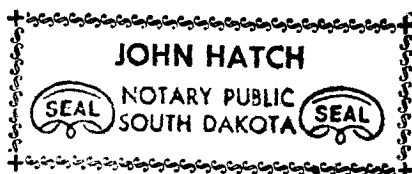
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of July, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Leadership for
a better
South Dakota

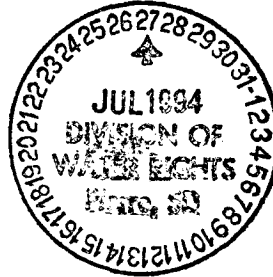
FRANK J. KLOUCEK

District #19 State Senate
Bon Homme - Hutchinson- Douglas
RR 1 Box 56
Scotland, South Dakota 57059
605/583-4468



Diane Best
Staff Attorney
DENR

July 26, 1994



Dear Diane:

I request that a copy of the
findings of fact ^{and conclusions} be sent to me as soon
as they become available on the
Mid ~~REIVER~~ River Project!

Frank



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 28, 1994

NOTICE

TO: Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Ronald L. VandenBerge
RR 2 Box 69
Corsica, SD 57328

Lloyd VandenBerge
RR 2 Box 303
Corsica, SD 57328

Claire VanderWal
Rte 2 Box 64
Corsica, SD 57328-9410

FROM: John Hatch, Chief Engineer
for Water Rights Division
(605)773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision to approve Water Permit Application No.
5823-3, Mid River Pork, LLC.

On Tuesday, July 26, 1994, a Notice was sent to you in regard to the above-referenced matter. The Notice stated that oral arguments by parties filing written comments in opposition or support of the proposed Findings of Fact, Conclusions of Law and a Final Decision, or alternative Findings, Conclusions and Final Decision, may be made on April 6, 1994. The date was in error. The correct date for the oral arguments by the parties filing written comments may be made on August 31, 1994. The public hearing was completed July 26, 1994. No additional testimony will be received on August 31, 1994.

The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 p.m., Wednesday, August 31, 1994, Floyd Matthew Training Center, 523 East Capitol, Pierre, SD. The agenda time is an estimate.

If you have any questions regarding this correction, please feel free to contact Eric Gronlund at the address listed above or at (605)773-3352.

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Charles Schroyer, Attorney, 124 S Euclid Ave., Pierre, SD

CERTIFICATION

I hereby certify that on July 28, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated July 29, 1994, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision to approve Water Permit Application No. 5823-3, Mid River Pork, LLC addressed to:

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Ronald L. VandenBerge
RR 2 Box 69
Corsica, SD 57328

Lloyd VandenBerge
RR 2 Box 303
Corsica, SD 57328

Claire VanderWal
Rte 2 Box 64
Corsica, SD 57328-9410

A copy of the Notice was sent to:

Charles Schroyer, Attorney, 124 South Euclid, Pierre, SD 57501

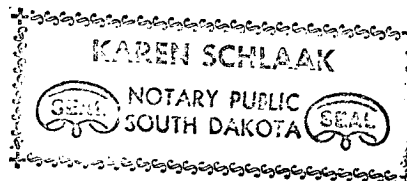
A copy of the Notice was also sent by inter-office mail to:

John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

ERIC GRONLUND
Natural Resources Engineer

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of July, 1994.

Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

August 5, 1994



Todd Yeaton
Corsica Coop
Box 65
Corsica, SD 57328

Dear Mr. Yeaton:

Enclosed is a copy of the analysis of your water sample which you submitted to us for testing. We have identified the source of your water as taken from a unknown source at an unknown depth in an unknown location. We have assigned it lab number 94-0320.

Your water, as represented by this sample, is classified as a very high salinity, medium sodium hazard for irrigation usage. The electrical conductivity (EC) of this water is 5400 micromhos/cm. The main ions in this water are: sodium (Na) and sulfate (SO₄).

I have plotted your approximate water quality in red on the outside back cover of the enclosed pamphlet (AES 13). The range in the sodium hazard, from 4.17 to 15.14, is dependent upon the leaching fraction that may result if irrigation water is applied. The higher sodium hazard is associated with no leaching, and the lower sodium hazard is associated with normal leaching fractions (0.03-0.05). The leaching fraction is defined as the amount of water lost below the root zone annually, divided by the total amount received into the soil profile.

This water is high in total salinity and should not be used for irrigation purposes for most normal soils due to the likelihood of salinization of the soil profile. The probability for soil salinization from this water is high. My recommendation is not to use this water unless artificial drains are installed to allow sufficient drainage to occur or further investigations are undertaken to determine if sufficient natural drainage is present.

The boron level 0.76 ppm for this water poses a low toxicity level for most normal crops in this area. I have enclosed a sheet that tells the boron toxicity levels for major crops.

I am forwarding a copy of this letter and water analysis to the Department of Environment and Natural Resources in Pierre for their information and/or action.

If you have further questions regarding this water analysis, please do not hesitate to call or write.

Sincerely,

A handwritten signature in cursive script that reads "John Bischoff".

John H. Bischoff, Assistant Professor
Water Resources Institute

Enclosures
cc: DENR

REPORT OF WATER ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, SD 57007

08/05/1994

Bill To: Corsica Coop Attn. Todd Y
Box 65
Corsica, SD 57328

Date Rec'd 08/04/1994
Lab Sample No 94-0320
Source
Depth
Legal ID:

cc:

Calcium (Ca)	480	ppm	24.00	me/l
Magnesium (Mg)	395	ppm	32.48	me/l
Sodium (Na)	510	ppm	22.17	me/l
Potassium (K)	14	ppm	0.36	me/l
Sulfate (SO4)	1920	ppm	39.98	me/l
Nitrate as N (NO3)		ppm		me/l
Organic Nitrogen as N		ppm		
Ammonia Nitrogen as N		ppm		
Nitrite as N (NO2)		ppm		
Ortho Phosphorus		ppm		
Total Phosphorus		ppm		
Chloride (Cl)	248	ppm	6.99	me/l
Bicarbonate (HCO3)	1684	ppm	27.60	me/l
Carbonate (CO3)	0	ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.76	ppm		
Hardness (EDTA as CaCO3)	2824	ppm	165.15	gpg
Total Solids		ppm		
Total Cations			79.01	me/l
Total Anions			74.57	me/l
Alkalinity (Methyl Orange)	1380	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	5400	micromhos per cm at 25°C		
Sodium Adsorption Ratio (SAR)	4.17	Adjusted SAR	15.14	
Sodium	28.06	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.64			

gpg = grains per gallon
me/l = milliequivalents per liter

ppm = parts per million

COMMENTS:

Analysis By: Shirley Mittan

Service Performed:	Analysis Cost:	50.00	Amount Received:	.00
	Sales Tax:	2.50	AMOUNT DUE:	52.50
Irrigation Analysis	Total Cost:	52.50		

Make checks payable to: SDSU Water Quality Lab
Please write lab number on your check!
Lab Sample No. 94-0320

This letter is to comment on the Findings of Fact, Conclusions of Law and Final Decision in the matter of permit application No. 5823-3, Mid River Park. Comments will be made on applicable items.

FINDINGS OF FACT

Item VI. In the notice of hearing, the chief engineer recommends approval because unappropriated water was available. There was no mention in the notice of domestic water users having to prove that they had adequate wells. Having a forty year old well does not make such a well inadequate. From the testimony presented, the domestic wells are removing water from the Codell formation. There was no proof given that these domestic wells were inadequate wells.

Item VII. If the Public Interest criterion of imposing restrictions on the applicant is applied, the domestic wells in this area would be protected. Any drawdown in the area would have a significant impact on the domestic users. If the drawdown is unlikely as proposed in the findings of fact, a restriction on the applicant would not pose a problem for the applicant and would offer protection to surrounding domestic well users.

Item IX. The applicant's steps to minimize the odor problem by diluting the waste and surface applying with a traveling gun in all likelihood would increase the odor problem as compared to knifing the volatile solids into the ground. If this irrigation process is not done in a timely manner and the ground is frozen, the potential for runoff is greatly increased and contamination of local area stock dams and surface water is increased. No evidence was presented that dilution of the volatile solids will decrease odor.

Item XI. Historically, facilities of this nature normally buy products and services where they can be bought the cheapest. The evidence submitted in the form of a petition in opposition to the project shows that people living in the area are not supportive of the proposed facility. The nearest shareholder (or partial shareholder) lives five miles from the proposed facility and some of the shareholders reside outside of Douglas county.

Item XII. The proposed facility will have a negative effect on Iowa township because of the necessary road upgrading and maintenance.

CONCLUSIONS OF LAW

Item III. Since there is no test for measuring the effects of odor or the amount of odor this facility will produce, it would not be possible to determine at what level of odor the persons in the area would be deprived of their existing rights. Living with a constant odor would infringe on local residents' rights. This facility is located in such a position that the predominant southeasterly summer winds would adversely effect many farms. See attached map of the residents of Iowa township.

In conclusion, as stated in South Dakota laws, domestic use of water takes precedence over appropriative rights. Therefore, there should be a qualification in this permit which gives domestic well owners protection in case of drawdown and/or funneling effect from the proposed wells.

Dated this 16th day of August, 1994.
Ron Vanden Berge



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In conclusion, as stated in South Dakota laws, domestic use of water takes precedence over appropriative rights. Therefore, there should be a qualification in this permit which gives domestic well owners protection in case of drawdown and/or funneling effect from the proposed wells.

Dated this 16th day of August, 1994.
Ron Vanden Berge

August 17, 1994

State of South Dakota
Water Management Board

Water Permit Application No. 5823-3
Mid River Pork, LLC



Dear Board Members:

I was unaware that my responsibility to prove that I had an Adequate Well. If in a future date that I prove that my well is Adequate under ARSD 74:02:04:20(7), am I going to have any protection? Mid River proposed plan was very vague in the amount of water that they would be using. The amounts of 40 gallons per minute to 100 gallons per minute. I realize that there are variables but under such a plan, Mid River Pork should have more exact figures. I submit that 150 gallons per minute is far in excess of what they will be needing.

In Public Interest it was stated that it was a thinly populated area. There are 44 Families living in a straight line radius of the proposed location, which for South Dakota is not sparsely populated.

Five Members of Mid River Pork are also Directors on the local Co-op, that had a negative balance the last two years, and one year it was in the six figures. One would question whether they can give positive direction in operating a high tech operation as this and be successful within the guide lines that have been set by the State.

This proposed site is within the proposed Lake Andes Shed Project.

As far as a negative effect on the local Township, I did not speak out as much as I should have. As one of the Township Supervisor's I will submit that the Township operates on a \$7000.00 yearly Budget, which is on record. We try to maintain 41 miles of all weather roads for our residents. This road to the proposed site will most likely be one of the most highly traveled roads with very heavy truck traffic. To upgrade this road the Township could easily spend two years budget. Which would leave practically nothing for maintaining the balance of our roads.

I cannot see where in Public Interest that, this project is a positive economic impact on the community, if anything a complete negative impact.

I am hoping that my comments may have some impact on your Final Decision.

Dated this 16th day of August, 1994.

Yours truly,

Lloyd Vanden Berge
R.R. 2, Box 303
Corsica, So. Dak. 57328

AUG 23 1994

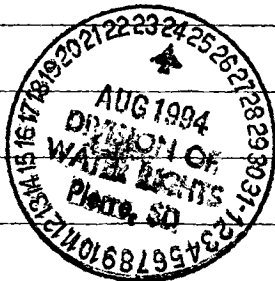
August 22, 1994

Matter of Water

Deane Best,

$\frac{1}{16}$ of an inch maybe standard seepage rate, but on that size lagoon it still adds up quite a bit. If my figures are correct it would be 9,024 gallons a day and that adds up to 3,293,760 gallons a year. When lagoons seep they don't seep off the top where nice clear water is, its from the bottom where most of the solid waste is. That seepage water will not be very clear.

Personally, I object to any seepage at all.



Yours truly

Claire VanderWal

Rt 2 Box 64

Corvina S D 57328-9410

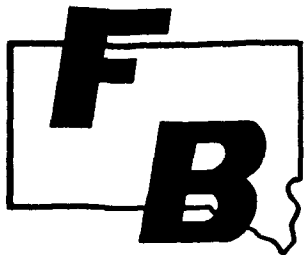


This letter is to make additional comments on the water permit application No. 5823-3; Mid-River Pork, LLC.

FINDINGS OF FACT No. 1 states that the purpose of the water permit is for commercial purposes in a hog confinement facility. This permit should not be granted when South Dakota law SDCL 47-9A-1 specifically states "no domestic limited liability company shall be formed or licensed under South Dakota Limited Liability Company Act for the purpose of owning, leasing, holding or otherwise controlling agricultural land to be used in the business of agriculture." As per testimony of Mid-River Pork, they have purchased the NE 1/4 of 25-99-65 in Douglas County for the purpose of operating a farrow to finish hog confinement facility. Please find enclosed copy of letter from Farm Bureau reiterating our point.

Dated this 22nd date of August, 1994
Ron Vanden Berge

Enclosure



SOUTH DAKOTA FARM BUREAU

2225 DAKOTA AVENUE SOUTH
P. O. BOX 1426
HURON, SOUTH DAKOTA 57350
PHONE (605) 352-6731



August 17, 1994

Mr. Elwood Vanden Berge
HC 71 Box 61
Corsica, South Dakota 57328

Dear Elwood,

I have received copies of your letter to Mr. Mike Held voicing your concerns of South Dakota's hog corporate farm laws.

Your letter contains three main points in which you question Mid River Pork as an entity.

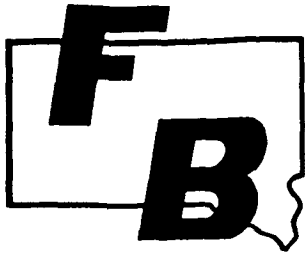
Your first question asks if Mid River Pork can raise hogs as a limited liability company. You are correct in saying that Mid River Pork can NOT. SDCL 47-9A-1 specifically states, "no domestic limited liability company shall be formed or licensed under South Dakota Limited Liability Company Act for the purpose of owning, leasing, holding or otherwise controlling agricultural land to used in the business of agriculture."

Your second point concerns Mid River Pork qualifying as a "family farm corporation."

There are two different qualifications in determining whether or not you are a family farm corporation. They are both found in SDCL 47-9A-14. The first "qualifer" is where a majority of the voting stock is held by stockholders who are related to each other within the third degree of kindred. The second "qualifer" is a little further on in the section where it states, "Or a corporation founded for the purpose of farming and the ownership of agricultural land in which a majority of the voting stock is held by resident stockholders who are family farmers and are actively engaged in farming as their primary economic activity."

Individuals who are interested in using the family farm corporation laws can qualify using either one of the above mentioned definitions.

9



SOUTH DAKOTA FARM BUREAU

2225 DAKOTA AVENUE SOUTH
P. O. BOX 1426
HURON, SOUTH DAKOTA 57350
PHONE (605) 352-6731

Your third point concerns corporation using South Dakota's "collection" laws to purchase hog facilities.

While your basic premise in the reading of SDCL 47-9A-13.1 is correct your use of the word "purchase" is not really accurate. When corporation "loan" monies to operations it is standard procedure to have "collateral" to protect the corporation investment. When debts exceed the worth of the operation and there is general agreement among both parties, then the corporation could take over to attempt to recover their investment. While it does not specifically say so in SDCL 47-9A-13.1 it is referred to in SDCL 47-9A-7 that the corporations could not hold on to the operation for longer than ten years.

I trust this answers some of your questions and by all means if you have more Farm Bureau will try to assist you in answering them as well.

Thank you for your time and interest.

Sincerely,

Rick Vallery
South Dakota Farm Bureau
Director of State Affairs

RAV:rav
cc: Mike Held



August 18, 1994

Dear Mr. Pollag,

At the Mid-River Pork hearing on July 26 Mr Metzger stated that the more product you put on the market the more the price will go up. This is wrong, as Ron Vanden Berge said the Market can only handel so much product.

Mr Metzger also stated that they are negotiating for a price for their buyers. Most hog producers either contract their hogs for a price or take what they can get on the open market. Small hog producers don't have the opportunity to negotiate a price we would like.

Mr Luebke listed a number of impressive figures about the economic impact of feed, veterinary expense, hired labor, and utilities. Small hog producers could list more impressive figures if you would consider the number of small hog producers it takes to produce 20,000 animals over a years period. The small hog producers would do the local community more good than on commercial outfit.

So when you make the final decision please consider what will do South Dakota more good, small hog farmers or a commercial outfit. If more commercial outfits come to South Dakota they will drive the small hog producers out of business.

Sincerely yours

Clair VanderWal

Route 2 Box 64

Cossiga, SD 57328-9410

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	FINDINGS OF FACT
PERMIT APPLICATION	)	CONCLUSIONS OF LAW
NO. 5823-3; MID RIVER	)	AND FINAL DECISION
PORK, LLC	)	

FINDINGS OF FACT

I

This is an application to appropriate .33 cfs (150 gallons per minute) from two wells approximately 425 to 474 feet deep in Douglas County. The water is to be used for commercial purposes in a hog confinement facility.

II

The source of the water is the Codell Formation. The Formation underlies 435 square miles and contains an estimated 556,800 acre feet in recoverable water in Douglas County.

III

The Codell Formation is confined and under artesian conditions. Water pressure forces the water well over 100 feet from the top of the formation in wells drilled into the formation.

IV

The hydrographic information available to the Board indicates rising levels of water within the Formation.

V

In light of the substantial amount of water in the formation in Douglas County, the rising levels in the Formation, and the substantial artesian pressure of the Formation, the Board finds that there is a reasonable probability that there is unappropriated water available for the applicant's proposed use.

VI

Three domestic water users in the immediate area of the proposed diversion challenge the grant of the Application. The Board finds that none of the three opponents were able to demonstrate that their wells, which are apparently over 40 years old, are "adequate wells" pursuant to ARSD 74:02:04:20(6). The Board finds, in particular, that none of the opponents were able to demonstrate that their wells allowed a pump to be placed not less than twenty (20) feet into the saturated aquifer. Likewise, none of the well owners were able to demonstrate that the domestic wells in question would classify as "adversely impacted domestic wells" under ARSD 74:02:04:20(7).

VII

The Board may, although it is not bound to, protect the delivery of water through artesian head pressure to the well owners under the public interest criterion by imposing restrictions on the Applicants here. The Board, however, finds insufficient evidence to consider a restriction on the Applicants in this case because the hydrology of the area indicates the unlikelihood that any of the opponents will be seriously or significantly impacted by the applicant's proposed use.

VIII

The Applicant intends to create a hog confinement facility capable of handling over twelve thousand (12,000) animals at one time and approximately twenty thousand (20,000) animals over the period of a year. The waste treatment facility "plans and

specifications" have been submitted to the Department of Environment and Natural Resources and have been approved by the Department.

IX

The Applicant has taken reasonable steps to minimize any problem with odor. The Applicant's proposed plan allows a concentration of volatile solids which is only about 57% of the allowable limit. The Applicant's plan to extensively dilute the volatile solids produced by the hog confinement facility should substantially decrease any problem with odor.

X

Additional potential protection from the odor problem is found in the depth of the lagoon of seventeen feet. The extensive depth of the lagoon will allow the placement of an aerator away from the bottom of the lagoon should an odor problem develop.

XI

The Applicant has demonstrated a significant positive effect from the construction of the facility. That effect includes the economic impact of the purchase of approximately one million dollars annually for feed, forty thousand dollars in veterinary expenses, one hundred fifty thousand dollars in hired labor and one hundred thousand dollars in utilities. The local co-op will most likely be able to hire two additional persons as a result of the Applicant's activities.

XII

The negative effects on the township at large, including the potential costs of road improvement, were not demonstrated to outweigh the positive benefits to the local economy.

CONCLUSIONS OF LAW

I

The Board has jurisdiction of the matter.

II

There is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

III

The proposed diversion can be developed without unlawful impairment of existing rights. Neither the possibility of a minor decline in head pressure to surrounding domestic users nor the possibility of the development of odor unlawfully deprives these persons of their existing rights, as set forth above.

IV

The proposed use in a swine production facility is a beneficial use.

V

The proposed use is the public interest. The Board has considered, in making its determination, the public interest ramifications of protecting or not protecting artesian head pressure. In this case, the Board has weighed the extensive head pressure now available to the domestic users, the fact that strict protection of over one hundred feet of head pressure could severely

limit the most productive use of water in this locality and in the State, the fact that the domestic wells at issue are apparently over forty years old, the unlikelihood of significant impact on the domestic wells and the probable substantial economic benefit of the project. The Board has also considered the potential for odor and has found that the efforts of the Applicant to minimize odor in this case are substantial and that it appears unlikely that odor will be a major problem. When the factors are all weighed together, the Board finds the proposed use is in the public interest.

FINAL DECISION

The application for Water Permit No. 5823-3 is granted subject to the following qualifications:

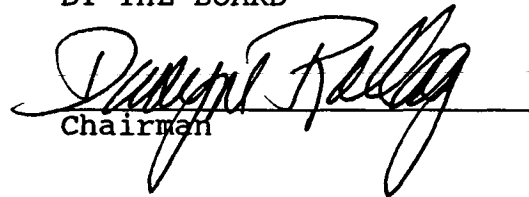
1. The wells authorized by Permit No. 5823-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Approval of this Permit is subject to submission of plans and specifications for the animal waste management system to the Chief Engineer and the Division of Environmental Regulation prior to construction, for review and approval. The plans and specifications shall be prepared by a person who is registered as a professional engineer pursuant to SDCL 36-18.
4. Operation of the disposal systems to dispose of waste and wastewater shall be 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.

5. The wastewater storage lagoon shall be designed so that it does not receive surface runoff from the surrounding area.
6. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
7. Design, construction and management of the lagoons shall be sufficient to maintain a seepage rate of less than 1/16 of an inch per day. Compaction of the soils in the bottom of the wastewater lagoon must be at least ninety-five percent of the Standard Procter Density (ASTM D6980-70).
8. Approval of Permit No. 5823-3 is subject to compliance with the following then 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. Chapters 74:03:17 through 74:03:26 Surface Water Discharge Provisions

Dated this 24th day of September, 1994

BY THE BOARD


Chairman



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 1994

NOTICE

TO: Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328

Ronald L. VandenBerge
RR 2 Box 69
Corsica, SD 57328

Lloyd VandenBerge
RR 2 Box 303
Corsica, SD 57328

Claire VanderWal
Rte 2 Box 64
Corsica, SD 57328-9410

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact and Conclusions of Law, was adopted by the Water Management Board for approval of Water Permit Application No. 5823-3, Mid River Pork, LLC at the August 31, 1994, meeting.

A copy of the signed final Decision, Findings and Conclusions is enclosed for the applicant and Parties of Record. South Dakota Statutes provide that decisions of the Board may be appealed to the Courts.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Charles Schroyer, Attorney, 124 S Euclid Ave, Pierre, SD

CERTIFICATION

I hereby certify that on September 12, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated September 12, 1994, regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision for approval of Water Permit Application No. 5823-3, Mid River Pork, LLC addressed to:

Douglas Luebke, Mid River Pork, LLC, PO Box 267, Corsica, SD 57328

Ronald L. VandenBerge, RR 2 Box 69, Corsica, SD 57328

Lloyd VandenBerge, RR 2 Box 303, Corsica, SD 57328

Claire VanderWal, Rte 2 Box 64, Corsica, SD 57328-9410

A copy of the Notice was sent to:

Charles Schryver, Attorney, 124 S Euclid Ave, Pierre, SD 57501

A copy of the Notice was also sent by Inter-Office mail to:

John Guhin, Deputy Attorney General

Diane Best, Assistant Attorney General

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 13th day of September, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 1994

Senator Frank J. Kloucek
RR 1 Box 56
Scotland, SD 57059

RE: Water Permit Application No. 5823-3, Mid River Pork, LLC

Dear Senator Kloucek:

We received a letter from you dated July 26, 1994, requesting a copy of the Findings of Fact, Conclusions of Law and Final Decision in regard to the above-referenced matter.

The Findings, Conclusions and Final Decision were adopted by the Water Management Board at the August 31, 1994, meeting. Enclosed is a copy of the signed Findings, Conclusions and Final Decision for your records.

If you have any questions, please contact Eric Gronlund at (605)-773-3352.

Sincerely,

Jaci R Konop

Jaci R. Konop
Senior Secretary
Water Rights Division

Encl.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 24 1994

Douglas Luebke
Mid River Pork, LLC
PO Box 267
Corsica, SD 57328-0267

Dear Mr. Luebke:

Enclosed is Water Permit No. 5823-3 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.

WATER USE FOR 1995

PERMIT NO. 5823-3

NAME FIRST _____ 5823-3
MID RIVER PORK, LLC.
ADDRESS 1 _____ DOUGLAS LUEBKE
PO BOX 267
ADDRESS 2 _____ CORSICA, SD 57328
CITY _____ STATE _____ ZIPCODE _____

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER ✓ NUMBER AND DEPTH OF WELLS _____

2 wells, 450', 420'

SURFACE WATER _____ NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERICAL X INSTITUTIONAL _____

GEOTHERMAL _____ POWER _____ MINING _____

MUNICIPAL WATER SUPPLY

we'll use Feb '95 - Feb '96

ESTIMATED TOTAL 1995 WATER USE Well 1 Well 2 GALLONS

3,066,000 912,500

NAME OF CONTACT PERSON Thomas Redlin, Farm Manager

TELEPHONE NO. 605-724-2825

ADDRESS CORRECTION Rt. 1, Box 64

RT. 1, Box 64
Armour, S.D. 57313



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 25, 1996

5823-3

Douglas Luebke
Mid River Pork, LLC
P.O. Box 267
Corsica, SD 57238-0267

Dear Mr. Luebke:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5823-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

Division of Water Rights

415153

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 15, 19 96

RECEIVED OF Mid River Pork LLC, %Tom Redlin, Rt 1, Box 64, Armour, SD 57313

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>5823-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

(f)

Permit No. 5823-3
Missouri River - Water District

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

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

I have this day, **March 19, 1996**, made a thorough examination of the water use system constructed by **Mid River Pork** of **c/o Douglas Luebke, PO Box 267, Corsica, SD 57328-0267** holder of Permit No. **5823-3**, bearing the priority of **May 11, 1994** authorizing the diversion of **0.33** cu. ft. of water per second from **ground water** for **commercial** purposes, in **Douglas** County.

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

A. Works used to divert the water:

Two 10 HP Franklin electric motors with a 55 GPM Grundfos pump in well #1 and a 45 GPM Grundfos pump in well #2.

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

400 feet of 4" PVC and 2" PVC throughout the barns..

C. Works used to apply water to beneficial use:

N/A

The system is in the following condition **good**. The points of diversion are located **Well #1: 100 feet E and 50 feet S; Well #2: 5 feet E and 375 feet S; both from the NW corner of Section 25; T99N R65W (NW1/4 NW1/4)**. The works are capable of diverting and conveying to the place of use **0.22** cu. ft. of water per second which is to be used for **commercial** use and the license should be issued for **0.22** cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **None** Date Report Completed: **September 21, 1996**


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

REPORT ON INSPECTION OF PERMIT NO. 5823-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: March 19, 1996

NAME OF INSPECTION CONTACT: Thomas Redlin, Farm Manager

NAME & ADDRESS OF PERMIT HOLDER: Mid River Pork, c/o Douglas Luebke, PO Box 267, Corsica, SD 57328

DIVERSION POINT LEGAL LOCATIONS: Well #1: 100 feet E and 50 feet S; Well #2: 5 feet E and 375 feet S; both from the NW corner of Section 25; T99N R65W (NW1/4 NW1/4).

WELL INFORMATION:

- | | |
|--|---|
| 1) Well Drilling Firm: <u>Grosz Drilling</u> | 3) Depth(s) <u>473 (N) & 492 (S)</u> feet |
| 2) No. of Wells <u>2</u> | 4) Well logs are available <u>Y</u> |

Casing: (North Well)

- 1) Diameter 6 inches
- 2) Length 430 feet
- 3) Type steel

Casing: (South Well)

- 1) Diameter 6 inches
- 2) Length 430 feet
- 3) Type steel

Screen: (North Well)

- 1) Type steel
- 2) Length 50 feet
- 3) Static water level 253 feet

Screen: (South Well)

- 1) Type steel
- 2) Length 50 feet
- 3) Static water level 253 feet

Motors: (identical for both wells)

- 1) Make Franklin
- 2) Model No. submersible
- 3) Horsepower rating 10 HP

Pumps: (identical for both wells)

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Capacity 55 (north) & 45 (south) GPM

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>4</u> inches | 3) Length <u>400</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>2</u> inches | 3) Length <u>alot</u> feet |

SYSTEM TYPE:

Commercial use of water for a hog operation.

PERMIT QUALIFICATIONS AND REGULATIONS:

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



Memorandum

To: Genny McMath, WR

From: Gary Lemon, SWQ *D.L.*

Date: February 4, 1999

Re: Mid-River Pork, L.L.C.

I have reviewed the Mid-River Pork folder and have determined that all of the qualifications of the water permit, No. 5823-3, have been complied with according to the surface water quality regulations that were in affect for at that time.

Please contact me if you have any additional questions concerning this matter

5823-3

Barry A. McLaury
Environmental Scientist
Water Rights Program
Date September 21, 1996

Barry A. McLaughlin
Dentist

Water Rights Program

Date September 21, 1996

5823-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5823-3

(1) Mid River Pork, LLC, PO Box 267, Corsica SD 57328-0267 made Application No. 5823-3, May 11, 1994 for a water permit to divert 0.33 cubic feet of water per second from groundwater (two wells), Douglas County, South Dakota for commercial use purposes. Permit No. 5823-3, with a priority date of May 11, 1994 was approved August 31, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 31, 1999 and for the application to beneficial use of said water on or before August 31, 2003.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 19, 1996. The *Notice* stated the diversion system was completed on October 31, 1995 and the water placed to beneficial use on October 31, 1995.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is Well #1 - 100 feet east and 50 feet south; Well #2 - 5 feet east and 375 feet south; both from the northwest corner Section 25-T99N-R65W (NW 1/4 NW 1/4)

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

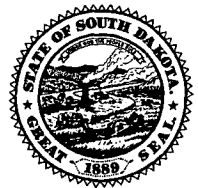
(4) Pursuant to South Dakota Water Law 46-5-30.1 Mid River Pork, LLC., PO Box 267, Corsica SD 57328-0267 the holder and/or owner of Water Right No. 5823-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (two wells) with a priority date of May 11, 1994 from the location specified in (2) of this license, for commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 5823-3 and subject to South Dakota State Law.



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

FEB 22 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FER 2 2 1999

5823-3

Douglas Luebke
Mid River Pork, LLC
P.O. Box 267
Corsica, SD 57328-0267

Dear Mr. Luebke:

Enclosed is Water License No. 5823-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415153 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. 5823-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 17 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 5823-3Date: June 27, 2014

I/We request that Water Right/Permit No. 5823-3 formerly owned by:
Mid-River Pork, LLC be transferred to:

New Owner Name: DNA Productions, LLCAddress: 3214 25th St.City, State, Zip Columbus NE 68601 Telephone No. 402-564-0407

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

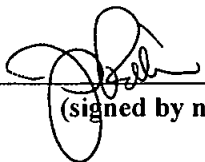
Northwest Quarter of Section 25, Township 99 North, Range 65 West of the 5th P.M., Douglas
County, South Dakota.

- ☒ I understand that the validity of Water Right/Permit No. 5823-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Jim Pillen, DNA Production, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date

July 17, 2014

DNA Production LLC, 2415 13th St, Columbus NE 68601

RECEIVED OF

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 <u>Water Permit No. 5823-3</u>	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 06905

By

Jeanne Goodman
Chief Engineer

JKS



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 17, 2014

5823-3

Jim Pillen
DNA Production LLC
3214 25th St
Columbus NE 68601

Dear Mr. Pillen:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 5823-3.

The ownership change has been completed. Water Right No. 5823-3 formerly held by Mid-River Pork LLC is now listed in the name of DNA Production LLC.

Enclosed for your records is Receipt No. 06905 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure