

WATER PERMIT NO. 5879-3

Name of Applicant: Jorgensen Pork, Inc.

Address: HCR 57, Box 91, Ideal SD 57541

Phone: 842-3217

Amount of Water Claimed: 0.14 cfs (add'l)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Depth of Well: 2060 feet deep

Water to be used for: commercial (swine operation)

County: Sully

Type of Waste Disposal System: lagoons

Location: 4 miles west and 1 south of Onida

PRIORITY

Date Received: 8-21-95

Fee: \$150.00

Corrected Application Received: NA

Period of Annual Use: January 1 - December 31

Remarks: Additional diversion rate to that authorized by Permit No. 5739-3

Diversion Point: NE 1/4 NE 1/4 Sec 13-

T114N-R78W

Land to be Irrigated: NA

					deep well
					shallow well

13

Reviewed and the Number Assigned on: 8-21-95

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(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.) _____

- Name of Applicant Jorgensen Park, Inc., % Greg Jorgensen Phone (605) 842-3217
(check one) ____ Owner ____ Tenant/lessee
- Mailing Address HCR 57, Box 91 Ideal State SD 57541
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.14 *CFS or 62 **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet – storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Inyan Kara Aquifer, 2060' artesian well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 290 feet S. and 348 feet
W of NE corner Section 13, T114N, R78W.
- County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used January 1 - December 31
- 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)
This application is for additional diversion to Permit No. 5739-3 for an artesian well for a swine operation. Permit No. 5739-3 authorizes 18 gpm from the artesian well.

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 Tripp SS

Greg Jorgensen, 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 Greg Jorgensen Jorgensen Park, Inc.

Subscribed and sworn to before me this 7 day of August 19 95

Brenda Jorgensen
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5879-3**

Date of first receipt of application August 21, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5879-3 to Jorgensen Pork, Inc., %Greg Jorgensen, HCR 57, Box 91, Ideal SD 57541 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. 5879-3 appropriates 0.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 5739-3. Water Permit No. 5739-3 appropriates 0.093 cfs from two wells, 88 feet deep (Unnamed Pleistocene Aquifer-0.053 cfs) and 2060 feet deep(Inyan Kara Formation-0.04 cfs) located in the NE 1/4 NE 1/4 Section 13-T114N-R78W. This permit increases the water appropriation from the deep well from 0.04 cfs to 0.18 cfs. Wastewater is stored in two existing lagoons with a total capacity of 58 acre-feet.
2. The water appropriated shall be used for the purpose of supplying water to a swine breeding/farrowing 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 of approval of Permit No. 5879-3 is January 22, 1996.
5. The date from which applicant may claim right is August 21, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. Approval of Permit No. 5879-3 deletes the requirements from 5739-3 to install a pressure gauge and to record pressure fluctuations.
3. The wastewater storage lagoons shall be maintained so that they do not receive surface runoff from the surrounding area.
4. No wastewater may be released from the wastewater lagoon except through a disposal system, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.

(continued)

5. Operation of a disposal system, if necessary to dispose of water and wastewater shall be in a manner that prevents runoff from the disposal sites from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
6. Permit No. 5879-3 is subject to compliance with the following existing and applicable Water Management Board rules:
 - a) Chapter 74:03:15, Ground Water Quality Standards
 - b) Chapter 74:03:16, Ground Water Discharge Permit
 - c) Chapter 74:03:02, Surface Water Quality Standards
 - d) Chapter 74:03:04, Uses Assigned to Streams
 - e) Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 1995

Greg Jorgensen
Jorgensen Pork Inc.
HCR 57, Box 91
Ideal, SD 57541

Dear Mr. Jorgensen:

Please find enclosed a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.d) on the instruction sheet. I have already prepared one. The enclosed copy of the map is yours to keep.

An inspection of Permit No. 5739-3 found that the artesian well is used at 80 gallons per minute (gpm) during the flushing operation at the swine confinement. Permit No. 5739-3 authorizes 18 gpm from the artesian well.

This application is for an additional 62 gpm (0.14 cubic feet per second) and the application fee is \$150.00. Also associated with obtaining your licenses is the inspection fee of \$50.00. This can be paid once for both Permit No. 5739-3 and the new application. Once the application is approved an inspection is not necessary since I have already inspected the well.

After an application has been submitted and approved and the fees paid, the permits will be licensed.

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

Sincerely,

Lynn Beck
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

enclosures

RECEIPT

414591

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 21, 19 95

RECEIVED OF Jorgensen Pork, Inc., HC 57 Box 91, Ideal, SD 57541-9230

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

Fee for Application for Permit No. <u>5739-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

RECEIPT

414592

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 21, 19 95

RECEIVED OF Jorgensen Pork, Inc., HC 57 Box 91, Ideal, SD 57541-9230

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>5739-3</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

Chief Engineer

John Hatch/gmk

REPORT ON WATER PERMIT APPLICATION NO. 5879-3

for Jorgensen Pork, Inc.

September 14, 1995

Application No. 5879-3 proposes to appropriate 0.14 cfs (63 gpm) from an existing deep well authorized by Water Permit No. 5739-3. Water Permit No. 5739-3 appropriates 0.093 cfs from two wells, 88 feet and 2060 feet deep located in the NE 1/4 NE 1/4 of section 13, T114N R78W in Sully County. This application increases the diversion rate from the deep well from 0.04 cfs to 0.18 cfs. The water is used for commercial use at a swine breeding/farrowing facility. Wastewater is stored in two existing lagoons with a total capacity of 58 acre-feet.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara is an assemblage of sandstone, siltstone and shale which is buried and under confined conditions. The aquifer underlies 1058 square miles and contains an estimated 8.88 million acre feet of recoverable water in storage in Sully County (Hedges, 1982). The Inyan Kara free flows at the land surface and may be under high pressure when shut in. The completion report indicates this well was drilled to a depth of 2060 feet and was capable of free flowing 70 to 80 gpm. The well completion does not meet SD Well Construction Standards.

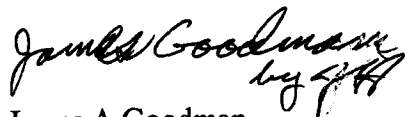
The Water Rights Program does not monitor any observation wells completed into the Inyan Kara aquifer in this area. Very little information is available concerning water level data for the Inyan Kara. In general, the Inyan Kara aquifer may be under high "shut in" pressure at the land surface. The well must be controlled to prevent the waste of water.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Inyan Kara aquifer.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is confined and under artesian conditions. The aquifer free flows at the land surface and must be controlled in order to prevent the waste of water.
3. This well does not comply with SD Well Construction Standards.
4. This application was made as a result of an inspection by the Water Rights Program which found that the use of the deep well had been increased from 18 gpm to 80 gpm (0.04 cfs to 0.18 cfs) resulting in this application for 0.14 cfs (62gpm). Approval of this application will allow licensing of this facility for the amount of water actually used.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5879-3, Jorgensen Pork, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5879-3, Jorgensen Pork, Inc., %Greg Jorgensen, HCR 57, Box 91, Ideal, SD 57541.

The Chief Engineer is recommending DEFERRAL of Application No. 5879-3 to allow time to investigate and make a decision on requirement for pressure gauge on Permit No. 5739-3.

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

JOHN HATCH, Chief Engineer
October 18, 1995



**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.

December 21, 1995

Jorgensen Pork, Inc.
%Greg Jorgensen
HCR 57, Box 91
Ideal, SD 57541

Dear Mr. Jorgensen:

Water Permit Application No. 5879-3 for commercial (swine operation) 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 Onida Watchman printed at Onida, SD (Ph # (605) 258-2724 or 224-6982). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



December 21, 1995

The Onida Watchman
Box 205
Onida, SD 57564-0205

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5879-3 to be published twice. Please publish the first notice on January 4, 1996, 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 Jorgensen Pork, Inc., %Greg Jorgensen, HCR 57, Box 91, Ideal, SD 57541 (Ph # (605) 842-3217).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 January 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5879-3 to Appropriate Water

Notice is given that Jorgensen Pork, Inc., %Greg Jorgensen, HCR 57, Box 91, Ideal, SD 57541 has filed an application for a water permit to appropriate 0.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 5739-3. Water Permit No. 5739-3 appropriates 0.093 cfs from two wells, 88 feet deep (Unnamed Pleistocene Aquifer - 0.53 cfs) and 2060 feet deep (Inyan Kara Formation - 0.04 cfs) located in the NE 1/4 NE 1/4 Section 13-T114N-R78W. This permit proposes to increase the water appropriation from the deep well from 0.04 cfs to 0.18 cfs. The water is for commercial use at a swine breeding/farrowing facility. Wastewater is stored in two existing lagoons with a total capacity of 58 acre-feet.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5879-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 January 22, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5879-3, Jorgensen Pork, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5879-3, Jorgensen Pork, Inc., %Greg Jorgensen, HCR 57, Box 91, Ideal, SD 57541.

The Chief Engineer is recommending APPROVAL of Application No. 5879-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. Approval of Permit No. 5879-3 deletes the requirements from Permit No. 5739-3 to install a pressure gauge and to record pressure fluctuations.
3. The wastewater storage lagoons shall be maintained so that they do not receive surface runoff from the surrounding area.
4. No wastewater may be released from the wastewater lagoon except through a disposal system, unless an extended period of above normal precipitation results in excess stored waters and prevents operation of equipment to lower water levels due to field and weather conditions.
5. Operation of a disposal system, if necessary to dispose of water and wastewater shall be in a manner that prevents runoff from the disposal sites from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
6. Permit No. 5879-3 is subject to compliance with the following existing and applicable Water Management Board rules:
 - a. Chapter 74:03:15, Ground Water Quality Standards
 - b. Chapter 74:03:16, Ground Water Discharge Permit
 - c. Chapter 74:03:02, Surface Water Quality Standards
 - d. Chapter 74:03:04, Uses Assigned to Streams
 - e. Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 17, 1995

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
County of Sully

Alice Olson of said County and State, being first duly sworn on her oath, says that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Alice Olson, and has been admitted to the United States mail under the second class mailing privilege at all the times hereinafter mentioned, and for more than one year immediately preceding the first publication herein mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

Notice of Application No. 5879-3
to appropriate water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on THURSDAY, the 4 day of January, 1996, and the last publication on THURSDAY, the 11th day of January, 1996, and that \$33.54, being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Alice Olson
Subscribed and sworn to before me this 18 day of Jan, 1996
(SEAL)
My commission expires 9/9/96
John H. Stark
Notary Public in and for Sully County, South Dakota

**NOTICE OF APPLICATION
NO. 5879-3
to Appropriate Water**

Notice is given that Jorgensen Pork, Inc., % Greg Jorgensen, HCR 57, Box 91, Ideal, SD 57541 has filed an application for a water permit to appropriate 0.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 5739-3. Water Permit No. 5739-3 appropriates 0.093 cfs from two wells, 88 feet deep (Unnamed Pleistocene Aquifer - 0.53 cfs) and 2060 feet deep (Juryan Kara Formation - 0.04 cfs) located in the NE 1/4 NE 1/4 Section 13-T114N-R78W. This permit proposes to increase the water appropriation from the deep well from 0.04 cfs to 0.18 cfs. The water is for commercial use at a swine breeding/farrowing facility. Wastewater is stored in two existing lagoons with a total capacity of 58 acre-feet.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5879-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 January 22, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
52-53



REPORT ON INSPECTION OF PERMIT NO. 5739-3

DATE: 7-26-95

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: Well #1: 290 feet S and 348 feet W and well #2: 1009 feet S and 68 feet W of the NE corner Section 13, T114N, R78W, which is in the NE 1/4 NE 1/4 Section 13.

WELL INFORMATION: Well #1

- 1) Well Drilling Firm: Huron Well Drilling
- 2) No. of Wells
- 3) Depth(s) 2060 feet
- 4) Well log is available Y
- 5) Comment: Well #1 is an artesian well.

Casing:

- 1) Diameter 1.5 inches
- 2) Length 1900 feet
- 3) Type copper

Screen:

- 1) Type perforated copper
- 2) Length 160 feet
- 3) Static water level N/A feet

Well capacity: 80 gpm, valved to

WELL INFORMATION: Well #2

- 1) Well Drilling Firm: Huron Well Drilling Inc.
- 2) No. of Wells
- 3) Depth(s) 88 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 4 inches
- 2) Length 88 feet

3) Type steel

Screen:

1) Type steel

2) Length feet

3) Static water level feet

Pump:

1) Make Submersible

2) Model

3) Size

4) Capacity 18 GPM

Motor:

1) Make submersible

2) Model No.

3) Horsepower rating 1 hp

DISTRIBUTION LINES OR CANALS:

1) Type pvc 2) Size 2 inches 3) Length 680 feet

SYSTEM TYPE:

The wells supply a swine operation and a household. The waste water from the swine operation is carried to two lagoons. The lagoons are each 175 feet by 600 feet and are 12 feet deep, storage capacity is 29 acre-feet each.

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y/N

2) All structures, wells and lands on map Y

Comments: The artesian well is run at capacity during the flushing operation, 80 gpm. Permit No. 5739-3 authorizes 18 gpm use from the artesian well, therefore an application for the additional water is needed.

The above taken care of by permit no. 5879-3. LB

Permit No. 5739-3/5879-3

Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Jorgensen Pork Inc., c/o Greg Jorgensen of HCR 57, Box 91, Ideal, SD 57541 holder of Permit No. 5739-3, bearing the priority of November 25, 1992 authorizing the diversion of 0.093 total cu. ft. per second and Permit No. 5879-3, bearing the priority of August 21, 1995, authorizing the diversion of 0.14 cu. ft. per second of the waters of Unnamed Pleistocene Aquifer(.053 cfs) and the Inyan Kara Aquifer(.18 cfs) for commercial purposes, in Sully County.

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

A. Works used to divert the water:

Well #1 is an artesian well 80 gpm capacity with 1900 feet of 1.5 inch copper casing and 160 feet of 1.5 inch perforated copper screen.

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

2 inch pvc pipe.

C. Works used to apply water to beneficial use:

Swine operation.

The system is in the following condition good. The points of diversion are located well #1: 290 feet S and 348 feet W and well #2: 1009 feet S and 68 feet W of the NE corner Section 13, T114N, R78W. The works are capable of diverting and conveying to the place of use 0.053 and 0.40 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Swine operation.

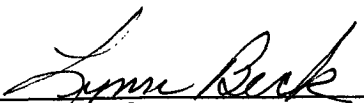
the license should be issued for 0.053 and 0.04 cfs.

Applicable permit qualifications have been complied with: Yes No

Exceptions to compliance are: Date: 8-3-95

Comments:

The artesian well is run at capacity during the flushing operation, 80 gpm. Permit No. 5739-3 authorized 18 gpm from the artesian well, therefore an application for the additional water is needed.



Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHT PROGRAM**

November 9, 1995

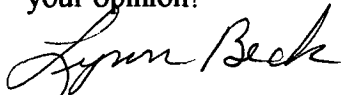
**RE: REQUIRED INSTALLATION OF A PRESSURE GAGE ON THE
ARTESIAN WELL ON APPLICATION 5879-3.**

Application qualification number two states "The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations". This qualification is also on the original permit, Permit No. 5739-3. An inspection of the well found that a pressure gage had not been installed.

The well has leaked in the past. The well owner expressed concern about the well leaking again if he is required to shut in the well to install a pressure gage and take pressure readings. Construction of the well is "not to SD well standards", constructed in September of 1974.

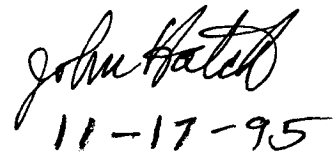
I spoke with Jim Goodman about this matter. He said that the well is not built to standards. It is cemented to only 215 feet. If it has leaked in the past, it could leak again under shut in pressure. A gage could be installed in the line somewhere and flowing pressures taken, but this doesn't mean anything as to the pressure in the aquifer. It could tell the well owner that if pressure drops while running at the same gpm as before, the well may be leaking.

If the well owner is adamant about not putting on a pressure gage, does he need to write a letter asking for the qualification to be removed? If he does write such a letter what is your opinion?



Lynn Beck
Natural Resources Engineer

Since the well was drilled in 1974 and cannot be shut down to install a pressure gauge, approval of permit No. 5879-3 will delete the requirement for a pressure gauge from No. 5739-3.



11-17-95

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5879-3

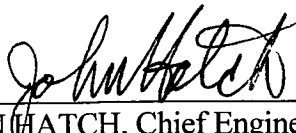
(1) Jorgensen Pork, Inc., c/o Greg Jorgensen, HCR 57 Box 91, Ideal SD 57541 made Application No. 5879-3, August 21, 1995 for a water permit to divert 0.14 cubic feet of water per second (cfs) from groundwater (one well), Sully County, South Dakota for commercial use purposes. Permit No. 5879-3, with a priority date of August 21, 1995 was approved January 22, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5879-3 authorizes an increase in the diversion rate that was developed but not permitted under Water Permit No. 5739-3. Water Permit No. 5739-3 authorizes a total of 0.093 cfs from two wells (0.053 cfs - Unnamed Pleistocene Aquifer and 0.04 cfs - Inyan Kara Formation) with a priority date of November 25, 1992. Water Permit No. 5879-3 increased the water appropriation from the Inyan Kara Formation well from 0.04 cfs to 0.18 cfs. A priority date of August 21, 1995 is retained for the additional 0.14 cfs from the Inyan Kara Formation well. The applicable portions of Water Permit No. 5739-3 have been incorporated into this Water License No. 5879-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.71 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 (Inyan Kara Formation) - 290 feet south and 348 feet west; Well #2 (Unnamed Pleistocene Aquifer) - 1,009 feet south and 68 feet west of the northeast corner; all in Section 13-T114N-R78W (NE 1/4 NE 1/4). Wastewater is stored in two lagoons with a total capacity of 58 acre-feet.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jorgensen Pork, Inc., c/o Greg Jorgensen, HCR 57 Box 91, Ideal SD 57541 the holder and/or owner of Incorporated Water Permit No. 5879-3 is issued a license to appropriate water, the right to use 0.71 cubic feet of water per second from groundwater (two wells) with priority dates of November 25, 1992 (0.093 cfs) and August 21, 1995 (0.14 cfs) from the location specified in (2) of this license. The water is used for the purpose of commercial use in a swine breeding/farrowing facility. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5879-3 and subject to South Dakota State Law.



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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5879-3

Jorgensen Pork, Inc.
%Greg Jorgensen
HCR 57, Box 91
Ideal, SD 57541

Dear Mr. Jorgensen:

Enclosed are Water Permit No. 5879-3 and Water License No. 5879-3. These documents complete the process of obtaining a Water Right. Enclosed is Receipt No. 414592 in the amount of \$50.00 which you paid for the inspection 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. 5879-3, 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

NOTE: The applicable portions of Water Permit No. 5739-3 have been incorporated into this Water License No. 5879-3.

5879-3

MORRISON ENTERPRISES

3303 West 12th Street • Post Office Box 609 • Hastings, Nebraska 68902-0609
Telephone (402) 463-3191 • Fax (402) 462-8542

27 May 2004

Chief Engineer
Water Rights Program
DNER
523 East Capitol
Pierre, SD 57501-3181

RECEIVED
JUN 01 2004
WATER RIGHTS
PROGRAM

RE: Water Right Numbers 5879-3, 2261-2

Dear Sir:

Enclosed are Notices of Transfer of Ownership with reference to the real estate on which these water rights are located.

We also enclose a check for your fees. If any other information is needed, please contact us.

Yours truly,

MORRISON ENTERPRISES



Anna L. Stehlik
Attorney

ALS/lis
Enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 1, 20 04

RECEIVED OF Danbred Production Partnership, 1341 28th Rd., Box 99, Seward NE 68434

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	2	50
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>5879-3</u>		
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	2.50

No.

001336

By

Darland E. White
Chief Engineer *gm*

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 5879-3

Date: May 27, 2004

I/We request that Water Right/Permit No. 5879-3 formerly owned by:
Jorgensen Pork, Inc. be transferred to:

New Owner Name: Danbred Production Partnership
Address: PO Box 99, 1341 285th Road
City, State, Zip Seward NE 68434 Telephone No. 402-469-3191

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

NE1/4NE1/4 of Section 13, Township 114, Range 78, Sully County, South Dakota

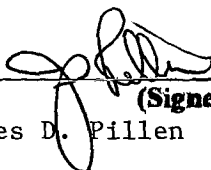
☐ I understand that the validity of Water Right/Permit No. 5879-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Danbred Production Partnership, the new owner, certify that the above information is true and correct.

DANBRED PRODUCTION PARTNERSHIP

By: 

(Signed by new owner)

James D. Pillen

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.



5879-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 1, 2004

2261-2
5879-3

James D Pillen
Danbred Production Partnership
PO Box 99
Seward NE 68434

Anna L Stehlik, Attorney
Morrison Enterprises
PO Box 609
Hastings NE 68902-0609

Dear Mr. Pillen and Ms. Stehlik:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees submitted for transferring ownership of Water Permit No. 2261-2 and Water Right No. 5879-3. The transfers have been completed. The water permit and water right, formerly held by Jorgensen Pork, Inc are now listed in the name of Danbred Production Partnership.

The transfer form for Water Permit No. 2261-2 contained an error in legal description. I reviewed the water permit and corrected the form by typing in the description for the diversion point in Tripp County (as opposed to the description for the unit in Sully County). Enclosed is a corrected copy. I called and confirmed the need for the correction with Ms. Stehlik.

Enclosed are your Receipt Nos.. 001336 and 001337 in the amount of \$2.50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOT TO SCALE

