

WATER PERMIT NO. 5955-3

Name of Applicant: South Dakota Soybean Processors

Address: PO Box 500, Volga SD 57071

Phone: 605 627-6100

Amount of Water Claimed: 0.444 cfs (200 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: industrial use

County: Brookings

Type of Waste Disposal System: connected to City of Volga sanitary sewer

Location:

PRIORITY Date Received: 9-12-96

Fee: \$250.00

Corrected Application Received: 9-19-96

Period of Annual Use: Jan 1 - Dec 31

Remarks:

Diversion Point: NW 1/4 NW 1/4

Sec 24-T110N-R51W

Land to be Irrigated: NA

Depth of Well: 235 feet

Well Driller: Pullman Well Drilling

Remarks:

Type of Map: plat

Prepared by: Stevan G. DeWald, PE

Reviewed and the Number Assigned on: 9-19-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

	⊗				
		24			

**SOUTH DAKOTA
WATER PERMIT NO. 5955-3**

Date of first receipt of application September 12, 1996.

Date of return to applicant for corrections, amendments or changes September 12, 1996.

Date of receipt of corrected application September 19, 1996.

The Water Management Board approved Water Permit Application No. 5955-3 on December 4, 1996 for South Dakota Soybean Processors, PO Box 500, Volga SD 57071 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. 5955-3 appropriates 0.444 cubic feet of water per second (200 gallons per minute) from one well (Howard Aquifer) 235 feet deep located in the NW 1/4 NW 1/4 Section 24-T110N-R51W.
2. The water appropriated shall be used for the purpose of supplying water for the soybean processing plant and may not exceed the amount of water needed for beneficial use for industrial use.
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 September 12, 1996.
5. One-fifth of the construction is to be completed on or before June 4, 1999.
6. All construction is to be completed on or before December 4, 2001.
7. Water is to be put to beneficial use on or before December 4, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

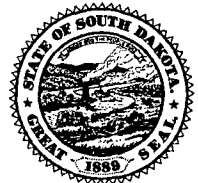
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

DEC 26 1996

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>59553</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Register, Brookings, SD</u>



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

Check use(s) of water:

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

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.) Change use
from Temporary to Permanent

- Name of Applicant South Dakota Soybean Processors Phone 605-627-6100
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 500, Volga State SD 57071
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.444 *CFS or 200 **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 Big Sioux Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in NW 1/4 Section 24
T110N, R51W (NW 1/4 NW 1/4)
County Brookings
- County or counties where water will be used Brookings
- Annual period during which water is to be used Continuous Jan 1 - Dec 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)

Industrial use for Soybean Processing Plant.

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)

SS

County of Brookings

I, Larry Mahlum, 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 Larry Mahlum

Subscribed and sworn to before me this 11th day of September 19 96

Tommy L. Hore
Notary Public

My Commission Expires: 9-28-98

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10-3/4" Depth 235 ft.
- b) Casing Type Plastic Diameter 6" Thickness 0.28"
- c) Screen Type Mfg. PVC Diameter 6" Thickness 0.28"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 40 ft.
- e) Depth to Top of Water Bearing Material 195
- f) Depth to Water (ground surface to water level) 12
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 1320'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of Volga Sanitary System.



3. Dugout Information N/A

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

4. Water Storage Dams N/A

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

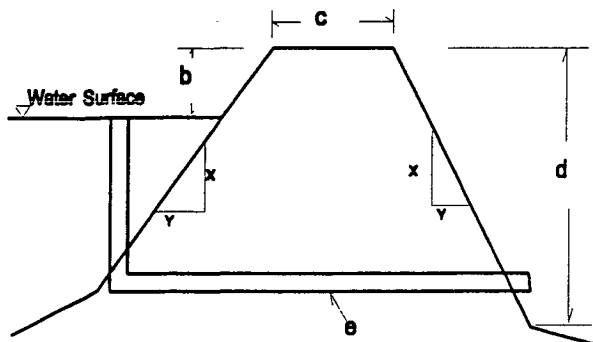
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

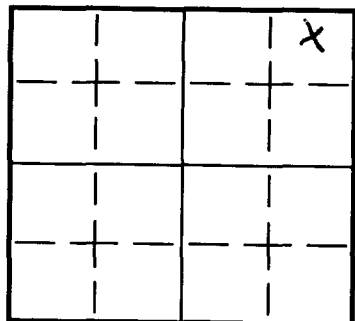
Location NE 1/4 NE 1/4 Sec 23 Twp 11S Rg 51County Brookings

North

Please mark well location with an "X"

W

E



1 Mile

Well Completion Date Aug 1 96

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>6</u> IN	<u>0</u> FT	<u>195</u> FT	<u>10 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>8</u>	_____ lb./gal	<u>0</u> ft.	<u>20</u> ft.
<u>Vol Clay</u>	<u>19</u>	_____ lb./gal	<u>20</u> ft.	<u>170</u> ft.

Describe grouting procedure _____

Line to 170 ft.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 40 FEETMaterial Pvc.Slot Size 1/16 Set From 195 Feet to 235 Feet

Other information _____

Gravel Packed thro-lineWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: Belbato

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: South Dakota Day Beam Proc.

Business Name: _____

Address: Volga S.P.

WELL LOG:

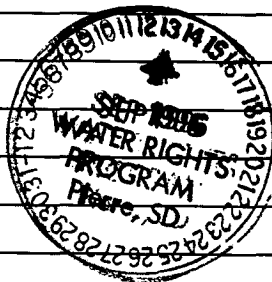
DEPTH

FORMATION

FROM

TO

<u>Fine sand</u>	<u>0</u>	<u>14</u>
<u>yellow clay</u>	<u>14</u>	<u>120</u>
<u>Blue clay</u>	<u>120</u>	<u>195</u>
<u>Fine sand</u>	<u>195</u>	<u>200</u>
<u>Fine to med. sand</u>	<u>200</u>	<u>235</u>

STATIC WATER LEVEL 12 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: 150 gpm
☐ Bailed sub pump.
☐ Other _____

Pumping Level Below Land Surface

30 ft. After 6 Hrs. pumped 150 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

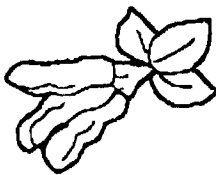
Drilling firm Gallman Well Drilling

Signature of License Representative: _____

RF Stahl

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

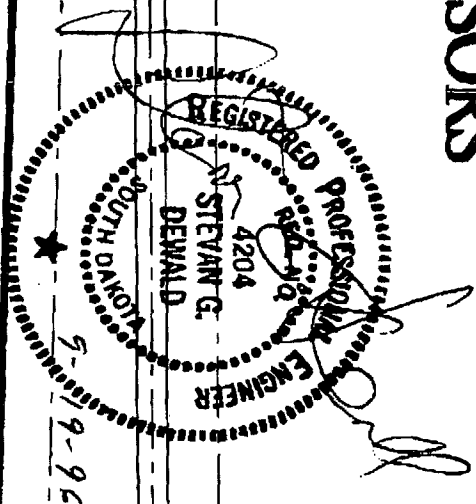
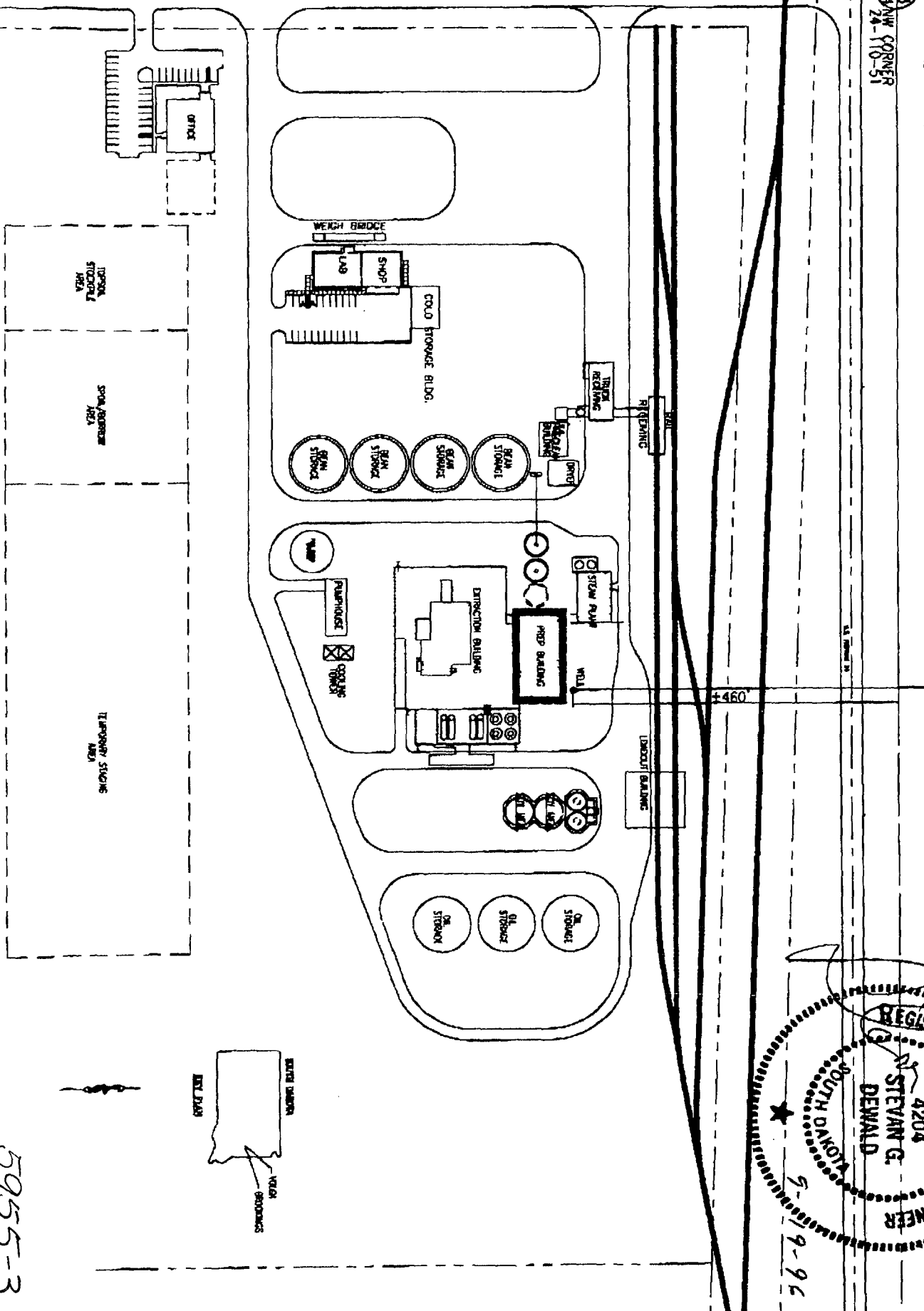


SOUTH DAKOTA SOYBEAN PROCESSORS SOYBEAN PROCESSING FACILITY

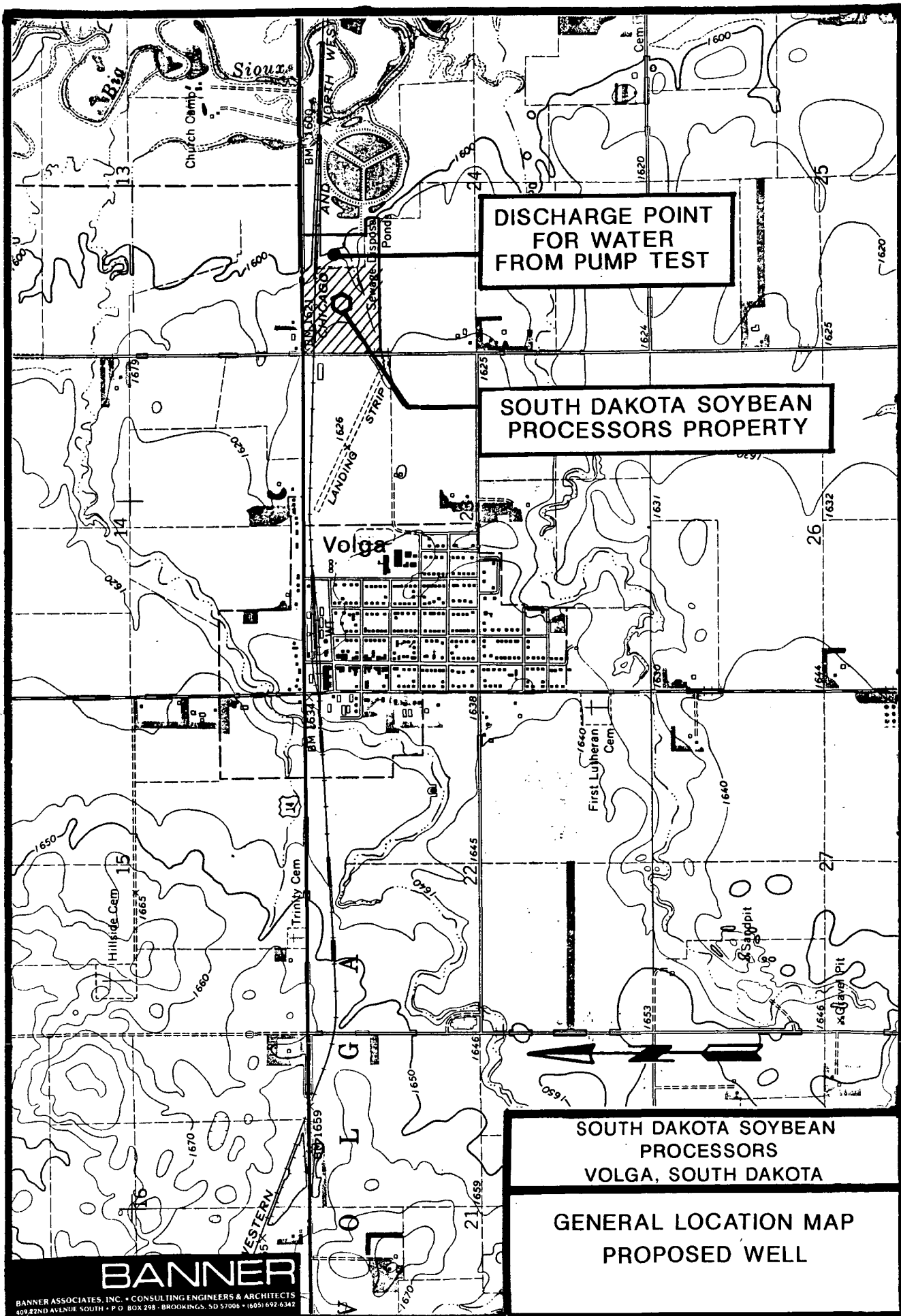
WELL LOCATION - 1 WELL NW 1/4 SECTION 24, T10N, R1W

1:1000'

1413
24-10-51
24-10-51



5955-3



DISCHARGE POINT
FOR WATER
FROM PUMP TEST

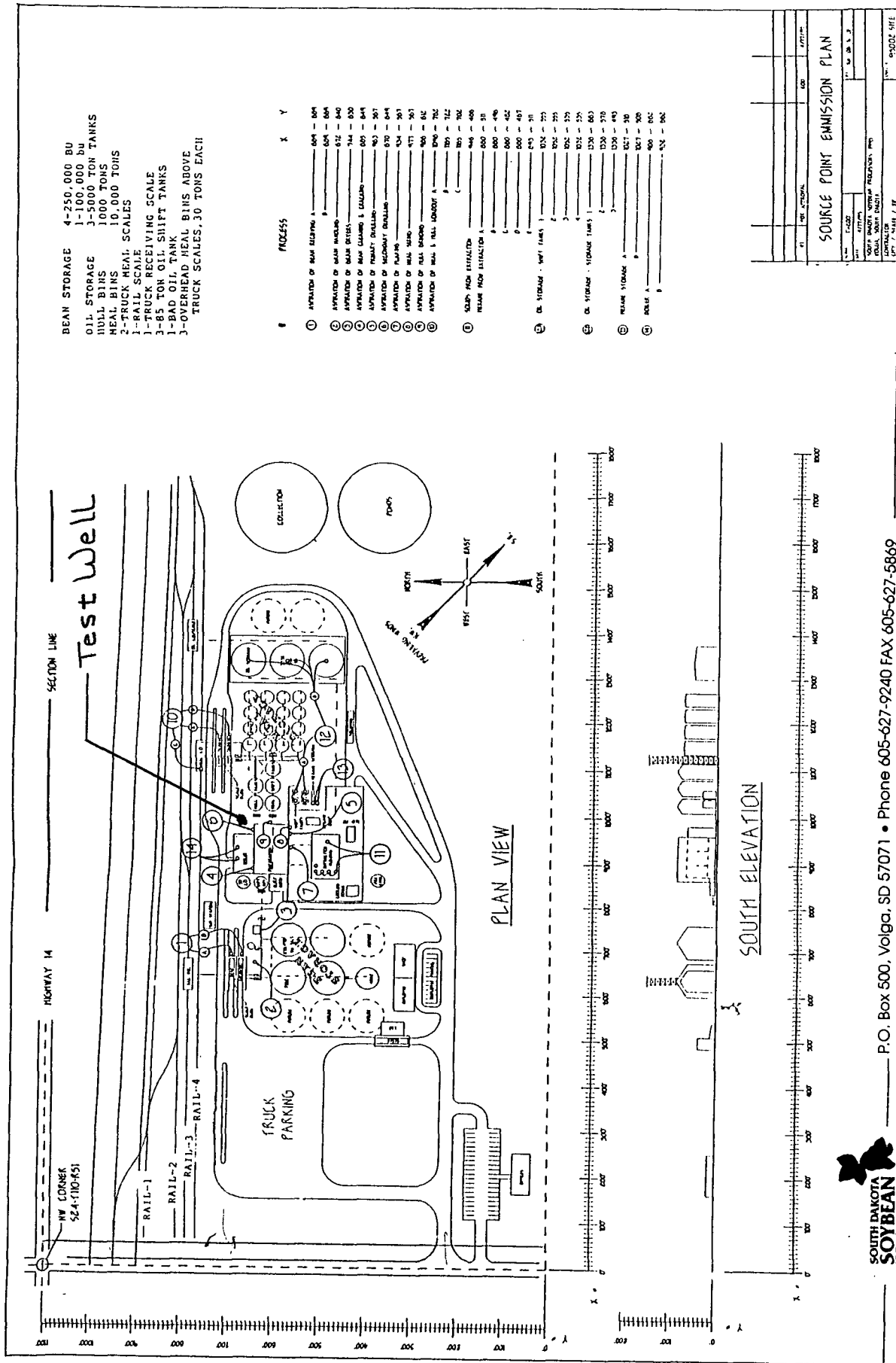
SOUTH DAKOTA SOYBEAN
PROCESSORS PROPERTY

SOUTH DAKOTA SOYBEAN
PROCESSORS
VOLGA, SOUTH DAKOTA

GENERAL LOCATION MAP
PROPOSED WELL

BANNER

BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
409 22ND AVENUE SOUTH • P.O. BOX 298 • BROOKINGS, SD 57006 • (605) 692-6342



P.O. Box 500, Volga, SD 57071 • Phone 605-627-9240 FAX 605-627-5869

RECEIPT

Division of Water Rights

415092

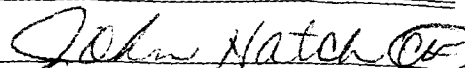
South Dakota Department of Environment and Natural Resources

Pierre, _____ September 12, 1996

RECEIVED OF S.D. Soybean Processors, Inc., 100 Caspian Ave., Box 500, Volga, SD 57071
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5955-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By John Hatch 
Chief Engineer

BANNER ASSOCIATES, INC.
409 22nd Avenue South • P.O. Box 298
Brookings, South Dakota 57006-0298
(605) 692-6342
FAX: (605) 692-5714



May 2, 1995

Division of Water Rights
South Dakota Department of Environment
and Natural Resources
Foss Building
Pierre, South Dakota 57501

Attn. James Goodman

RE: Water Supply Well for South
Dakota Soybean Processors,
Volga, SD Banner # 7734-02

Dear Mr. Goodman:

The South Dakota Soybean Processors is hereby requesting permission to construct a test well on the proposed plant site. Permission to discharge the water to the wetlands adjacent to the Big Sioux River during the pump test is also requested. Specific information related to the proposed production well is summarized below:

Use of water: Industrial ☒ Commercial ☐ Municipal ☐

Type of Application: Request for permission to drill test well

1. Name Of Applicant South Dakota Soybean Processors
Phone No. 605-627-9240
Address P.O. Box 5000, Volga, South Dakota 57071
2. Capacity of Well Desired: 150 to 200 gpm, intent is to reserve up to 360 acre-ft. of water annually
3. Source of water supply Big Sioux Aquifer
4. Location of point of diversion NW 1/4, Section 24, T110N, R51W
5. County where water will be used Brookings County, South Dakota
6. Annual Period during which water is to be used Year-round use
7. Brief description of proposed project.

The purpose of the well is to provide an emergency water supply for the proposed soybean processing plant at Volga South Dakota. The soybean processing plant will produce soybean meal, soybean oil and other related products from soybeans delivered to the site.

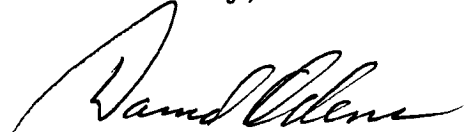
A map showing location of proposed plant site, area where wells are planned, and point of discharge of the water during the test pumping period is attached. The pump test period is may be extended to 72 hours.

The South Dakota Soybean Processors will utilize the services of a South Dakota licensed well driller. The test well will be constructed in such a manner that it can be used as a production well upon demonstration of suitable capacity and water quality and receipt of a water right. The test drilling work will

include construction of two observation wells and a test well. The observation wells will be used to monitor the water table during the test pumping of the test well. Permission to observe levels in the observation well installed by the South Dakota Department of Environment and Natural Resources is also requested.

Thank you for your assistance and prompt attention to this matter. If you have any further questions regarding this matter please contact either David Odens at 605-692-6342 or Bill Riechers at 605-627-9240.

Sincerely,



David Odens, PE

Enclosure

cc: South Dakota Soybean Processors
PO Box 5000
Volga, SD 57071



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 1995

Bill Riechers
SD Soybean Processors
PO Box 5000
Volga, SD 57071

Dear Mr. Riechers:

Enclosed is a Temporary Water Permit authorizing withdrawal of water for test pumping purposes.

It is our understanding that the test well will be constructed in such a manner that it can be used as a production well upon demonstration of suitable capacity and water quality. Depending on the results of the pump test, an appropriate water permit may be needed. Pursuant to South Dakota Well Construction Standard 74:02:04:21, the South Dakota Soybean Processors of Volga is authorized to construct a test well into the Big Sioux Aquifer, prior to approval of a water permit. A water permit must be approved prior to any use of water. The well is to be located in the NW 1/4 Sec. 24, T110N-R51W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

If you have any questions, please contact us.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosure

c: Dave Odens, PE, Banner Associates, Inc., PO Box 298, Brookings, SD 57006-0298



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 1996

South Dakota Soybean Processors
Larry Mahlum
PO Box 500
Volga SD 57071

Dear Mr. Mahlum:

We received your *Application for a Permit to Appropriate Water* on September 12, 1996.

The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Also, the location of the well needs to reference distance from a section corner. It appears that this reference is on the map, but it is not legible. Please make the necessary changes.

A well log or driller's test log signed by a South Dakota licensed well driller is also required.

If you have any questions while completing the application, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 5955-3
for South Dakota Soybean Processors
October 3, 1996

Application No. 5955-3 proposes to appropriate 0.444 cfs (200 gpm) from one well approximately 235 feet deep located in the NW 1/4 NW 1/4 of Section 24, T110N-R51W in Brookings County. The water is for industrial use for the soybean processing plant.

AQUIFER - HOWARD (HO)

The Howard aquifer is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 835 square miles of eastern Kingsbury and western Brookings counties and contains an estimated 3.0 million acre feet of water in storage in this area (Hamilton, 1989). The aquifer extends into Hamlin, Clark and Deuel counties to the north and into Miner, Lake and Moody counties to the south. According to the driller's log submitted with the application, the top of the aquifer was encountered at a depth of 195 feet and extended to a depth of 235 feet. The well as completed had a static water level of 12 feet below land surface and was capable of producing 150 gpm at a pumping level of 30 feet below land surface. This converts to a specific capacity of about 8.3 gpm/ft of drawdown.

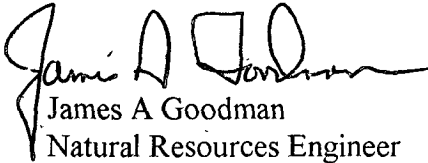
The Water Rights Program does not monitor any observation wells completed into the Howard aquifer in this immediate area. The nearest observation well completed into the Howard aquifer is located about 16 miles south and west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years (Water Rights, 1996). This observation well is too distant from this application to measure any potential effects of pumping but the records should be a good indication of the general trends for the Howard aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no nearby existing water permits/rights which obtain water from the Howard aquifer. The nearest existing Water Right is No. 5789-3 (Ramsdell Fertilizer, 0.18 cfs) which is located about 7 miles east of this application. Also, there are existing domestic wells in the area. Drawdown will occur due to pumping. This is not expected to be adverse or affect the availability of water from the aquifer.

CONCLUSIONS

1. Water is available from the Howard aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. This is not expected to be adverse. There will be some drawdown in domestic wells completed into the Howard aquifer in this area but this is not expected to be a concern.
3. The well for this application is completed in accordance with SD Well Construction Standards.
4. South Dakota Soybeans has obtained discharge permits needed for the facility and is connected to the City of Volga wastewater system.



James A Goodman
Natural Resources Engineer

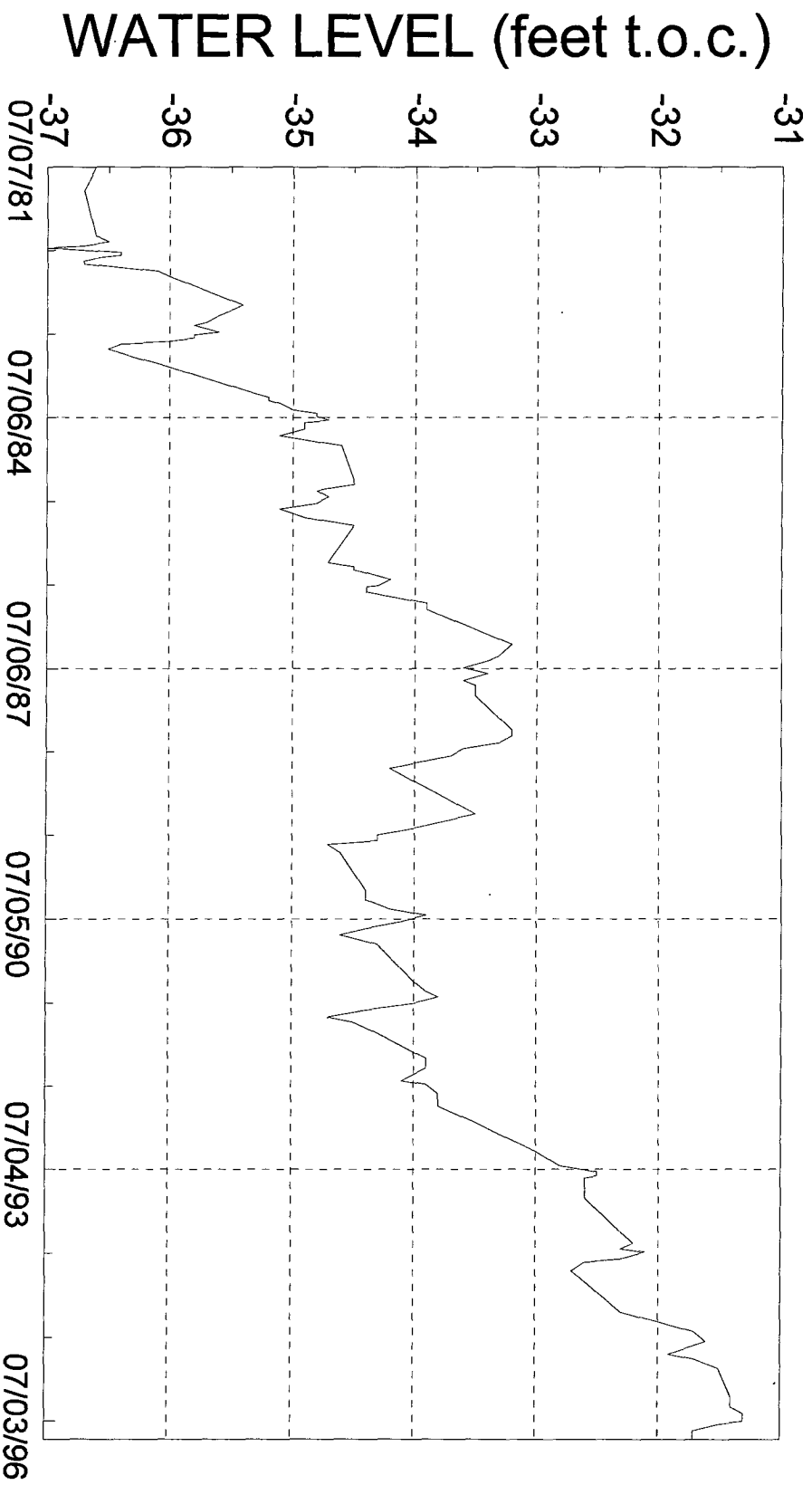
BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for the Howard Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

LK-81A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5955-3, South Dakota Soybean Processors**

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. 5955-3, South Dakota Soybean Processors, %Larry Mehlum, P.O. Box 500, Volga, SD 57071.

The Chief Engineer is recommending APPROVAL of Application No. 5955-3 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:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
October 11, 1996



**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.

October 16, 1996

South Dakota Soybean Processors
%Larry Mehlum
P.O. Box 500
Volga, SD 57071

Dear Mr. Mehlum:

Water Permit Application No. 5955-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Brookings Daily Register printed at Brookings, SD (Ph # (605) 692-6271). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1996

Brookings Daily Register
P.O. Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5955-3 to be published twice. Please publish the first notice on October 24, 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 South Dakota Soybean Processors, %Larry Mehlum, P.O. Box 500, Volga, SD 57071 (Ph # (605) 627-6100).

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 October 24, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5955-3 to Appropriate Water

Notice is given that South Dakota Soybean Processors, P.O. Box 500, Volga, SD 57071 has filed an application for a water permit to appropriate 0.444 cubic feet of water per second (200 gallons per minute) from one well (Howard Aquifer) 235 feet deep located in the NW 1/4 NW 1/4 Section 24-T110N-R51W. The water is for industrial use for the soybean processing plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5955-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 November 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.

The Water Management Board will consider this application at 10:00 a.m., December 4, 1996, Floyd Matthew Training Center, 523 East Capitol, 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 December 4, 1996, 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 November 22, 1996.

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 November 22, 1996, at the above Water Rights Program 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brookings) SS

Nancy P Skyberg

certify that the attached printed Notice was

taken from the Brookings
Register

printed and published in Brookings

County of Brookings and State of

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

October 24, 1996

October 31, 1996

Cost of Printing: forty-eight dollars
and sixty-one cents \$48.61

Nancy P Skyberg
 (Signature)

Legal Ad Coordinator
 (Title)

10-31-96

(Date Signed)



Legal 884, 2x, Oct 24, 31
 NOTICE OF HEARING on Application
 No. 5955-3 to Appropriate Water

Notice is given that South Dakota Soybean Processors, P.O. Box 500, Volga, SD 57071 has filed an application for a water permit to appropriate 0.444 cubic feet of water per second (200 gallons per minute) from one well (Howard Aquifer) 235 feet deep located in the NW 1/4 NW 1/4 Section 24-T110N-R51W. The water is for industrial use for the soybean processing plant.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

South Dakota Soybean Processors
%Larry Mehlum
P.O. Box 500
Volga, SD 57071

Dear Mr. Mehlum:

Enclosed is Water Permit No. 5955-3 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 9 September 1999

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

FROM: South Dakota Soybean Processors
(name)
100 Caspian Ave. PO Box 500
(address)
Volga, SD 57071
(city, state, zip)

605-627-6121
(phone)



I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

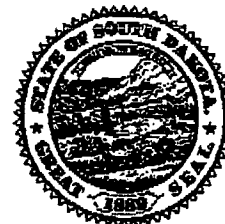
Water Permit No. 5955-3 states that the water use system is to be constructed by
4 December 2001, and water is to be put to beneficial use by 4 December 2005.
(date) (date)

The water use system was completed on 9 September 1999.
(date)

Applying the water to beneficial use was completed on 9 September 1999.
(date)

You may schedule an investigation so that the water license may be issued.

John Robert
(signature)



Permit No. 5955-3

Big Sioux River - Water District

Contact Person & Address: John Perhaska, 100 Caspian Ave, Volga Sd 57057

Report Of Examination Of Works

On, May 24, 2000, I made a thorough examination of the water use system constructed by South Dakota Soybean Processors of 100 Caspian Ave, Volga SD 57057 holder of Permit No. 5955-3, bearing the priority of September 12, 1996, authorizing the diversion of 0.444 cu. ft. per second of the waters of ground water for industrial use purposes, in Brookings County.

The system is in the following condition good. The point of diversion is located from the NW corner of section 24 T110N-R51W: 430 ft S and 620 ft E with a longitude of -96.90373 and a latitude of 44.32458. The works are capable of diverting and conveying to the place of use 0.444 cu. ft. per second of water which is to be used for industrial. Water has been put to beneficial use and the license should be issued for 0.444 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- | | |
|---------------------------------------|--|
| 1) Well Drilling Firm: <u>Pullman</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>235</u> feet | 4) Well log is available <u>yes, (legal description on log is wrong)</u> |

Casing:

- | | |
|-----------------------------|---------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>195</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

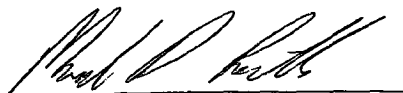
- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>40</u> feet |
| 3) Static water level <u>12</u> feet | |

Pump\ Motor:

- | | |
|---------------------------------|------------------------------|
| 1) Pump Make <u>submersible</u> | 2) Pump Model <u>unknown</u> |
| 3) Capacity <u>200</u> GPM | 4) Motor Make <u>unknown</u> |

Distribution System:

- 1) Type pvc System Type:



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

8-16-2000

Date



Sec 24 T110N-R51W

Diversion
Point

620 ft

430 ft

0.5 0 0.5 1 Miles

Mark D. Rath
Mark D. Rath
Natural Resources Engineer
SD Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5955-3

(1) South Dakota Soybean Processors, PO Box 500, Volga SD 57071 made Application No. 5955-3, September 12, 1996 for a water permit to divert 0.444 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for industrial purposes. Permit No. 5955-3, with a priority date of September 12, 1996 was approved December 4, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 4, 2001 and for the application to beneficial use of said water on or before December 4, 2005.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 13, 1999. The *Notice* stated the diversion system was completed on September 9, 1999 and the water placed to beneficial use on September 9, 1999.

(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 0.444 cubic feet of water per second for beneficial use. The location of the diversion point is 430 feet south and 620 feet east of the northwest corner of Section 24-T110N-R51W (NW ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 South Dakota Soybean Processors, PO Box 500, Volga SD 57071 the holder and/or owner of Water Right No. 5955-3 is issued a license to appropriate water, the right to use 0.444 cubic feet of water per second from groundwater (one well) with a priority date of September 12, 1996 from the location specified in (2) of this license for industrial use. This license is subject to any limitations or qualifications listed in Water Right No. 5955-3 and subject to South Dakota State Law.



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

OCT 10 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 2000

5955-3

South Dakota Soybean Processors
PO Box 500
Volga SD 57057

Dear Sir:

On May 24, 2000 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5955-3, was completed by Mark D. Raht, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416624

Pierre, September 8, 2000

RECEIVED OF SD Soybeans Processors, Inc., Box 500, Volga SD 57071

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. 5955-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By Harland Erbelev
Chief Engineer

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 10 2000

5955-3

South Dakota Soybean Processors, Inc.
PO Box 500
Volga SD 57071

Dear Sir:

Enclosed is Water License No. 5955-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416624 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. 5955-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures