

WATER PERMIT NO. 6018-3

Name of Applicant: National Foods Corporation

Address: PO Box 33745, Seattle WA 98133

Phone: 206 546-6533

Amount of Water Claimed: 0.05 add'l cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Aurora

Type of Waste Disposal System:

Location: 2 miles east of Plankinton

PRIORITY

Date Received: 8-6-97

Fee: \$50.00

Corrected Application Received:

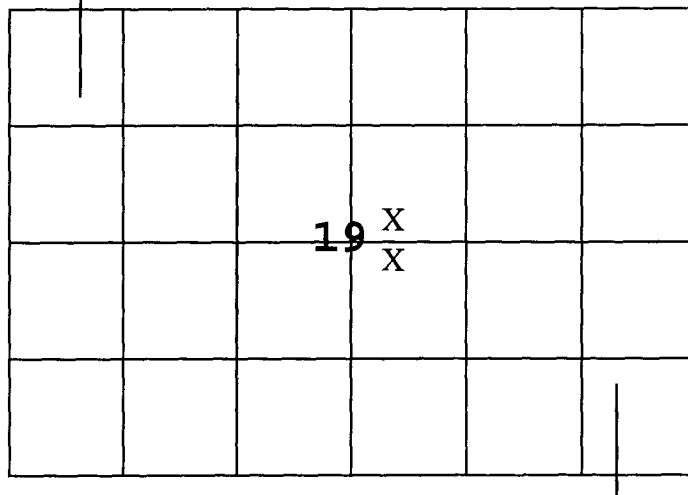
Period of Annual Use: January 1 - December 31

Remarks: Based on inspection by Barry. Add'l cfs and changes location of one of the diversion points

Diversion Point: SW 1/4 NE 1/4, NW 1/4 SE 1/4

Sec 19-T103N-R63W

Land to be Irrigated:



Depth of Well: 250 and 255 feet deep

Well Driller: Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 8-6-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6018-3

Date of first receipt of application August 6, 1997.

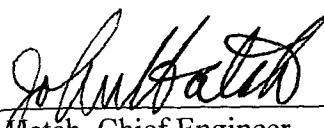
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6018-3 to National Foods Corporation, PO Box 33745, Seattle WA 98133 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6018-3 appropriates 0.05 cubic feet of water per second (cfs) [25 gpm] by increasing the diversion rate authorized by Water Permit No. 5147-3 and correct the location of an existing well. Water Permit No. 5147-3 appropriates 0.22 cfs (100 gpm) from two wells located in the W 1/2 SE 1/4 Section 19-T103N-R63W. A licensing investigation of Permit No. 5147-3 found two wells capable of diverting 0.27 cfs (125 gpm). The correct location of one of the existing wells is the SW 1/4 NE 1/4 Section 19-T103N-R63W. This permit does not authorize any increase in the developed diversion rate from the two wells.
2. The water appropriated shall be used for the purpose of supplying water to a hen house egg-laying and egg processing 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. 6018-3 is October 6, 1997.
5. The date from which applicant may claim right is August 6, 1997.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6018-3 is subject to the applicable provisions of qualification Nos. 1, 6, 7, 8, 9 and 10 on Permit No. 5147-3.

WATER MANAGEMENT BOARD

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

NOV 19 1997
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>6018-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper _____



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.)
Additional 25 GPM (0.05 CFS)

1. Name of Applicant National Foods Corporation Phone (206) 546-6533
(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address P.O. Box 33745 Seattle, State WA 98133
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.05 add'l *CFS or 25 **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 Ground water - 2 wells

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW⁴ NE⁴ Section 19
T103N R63W.

County Aurora

5. County or counties where water will be used Aurora

6. Annual period during which water is to be used Continuous

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)

This application is for an additional 0.05 CFS (25 GPM) for the wells authorized under water permit No. 5147-3. This application also changes the location of one of the wells from the NW⁴ SE⁴ Section 19; T103N R63W to the SW⁴ NE⁴ of Section 19; T103N R63W.

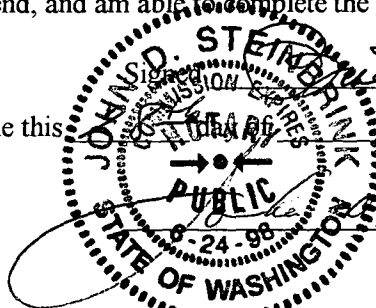
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF ~~SOUTH DAKOTA~~ WASHINGTON
SS

County of King

I, National Food Corporation
By: Brian V. Boakey, Pres 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.

Subscribed and sworn to before me this



Brian V. Boakey
July 1997
Steinkirk
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 14" Depth 220'
- b) Casing Type PVC Diameter 8" Thickness _____
- c) Screen Type PVC Diameter 8" Thickness _____
- d) Gravel Pack Thickness Approx. 2 1/2" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 212'
- f) Depth to Water (ground surface to water level) 108'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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 _____ Sanitary System.



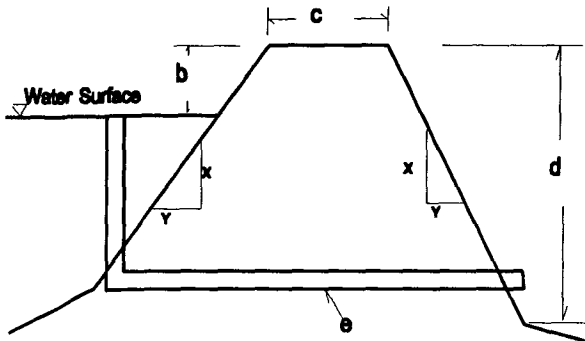
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

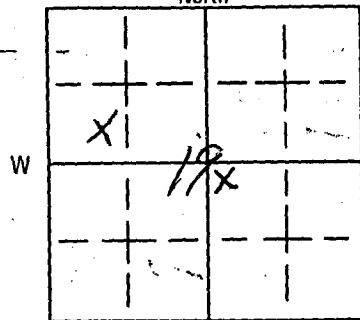
①

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NW 1/4 Sec 19 Twp 103-N Rg 63-W
NW 1/4 SE 1/4 19 103-N 63-W
County Aurora North

Please mark well
location with
an "X"



Well Completion Date 10-7-88

PROPOSED USE:

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

Method of Drilling:

reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>8</u> IN	<u>0</u> FT	<u>80</u> FT	<u>14</u> IN
_____ LB/FT	<u>8</u> IN	<u>80</u> FT	<u>220</u> FT	<u>14</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 210 FEET

What is grouting material? Cement

If cement, number of sacks? 140

Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8 IN Length 34 FEET

Material _____

Slot Size .016 Set From 220 Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

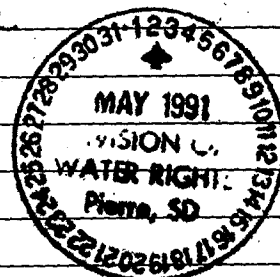
Name National Foods

Address Box 33745 Seattle Wash. 98133

Well Log:

Depth

Formation	From	To
yellow clay	0	30
blue clay	30	80
blue clay w/ sand streaks	80	100
blue clay w/ sand streaks ^{107 1/2 ft} chalk	100	107
chalk	107	200
chalk w/ good coal w/ hard spots	200	220
good coal	220	253
Shale	253	255



STATIC WATER LEVEL 108 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Ralph Pullman

Signature of Well Owner:

Date

2-10-89

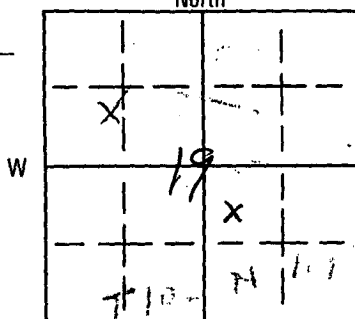
2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NW 1/4 Sec 10 Twp 103-N Rg 63-W
NW 1/4, SE 1/4 19 103-N 63-W
County Aurora North

Please mark well location with an "X"



1 mile

Well Completion Date 10-25-88

PROPOSED USE:

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

Method of Drilling:

Reverse

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8 IN	0 FT	80 FT	14 IN
LB/FT	8 IN	80 FT	220 FT	14 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 210 FEET

What is grouting material? Cement

If cement, number of sacks? 140

Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8 IN Length 30 FEET

Material _____

Slot Size 1/16 Set From 220 Feet To 250 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name National Foods

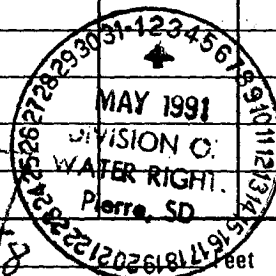
Address Box 33745 Seattle, Wash. 98133

Well-Log:

Depth

Formation	From	To
yellow clay	0	38
blue clay	38	50
rocks	50	52
blue clay	52	93
gravel	93	95
chalk	95	212
coel	212	214
hard sand	214	2110
coel	240	250

TD 250



STATIC WATER LEVEL 101.8 feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: _____

150 g.p.m w/ sub 7 1/2

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Barry A. Chum

Signature of Well Owner:

Date

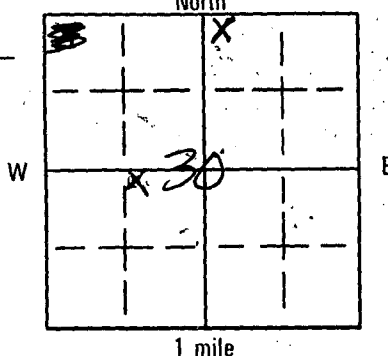
2-10-89

3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 SE 1/4 Sec 19 Twp 103-N Rg 63-W
NW 1/4, NE 1/4, 30 103-N 63-W
County Aurora



Please mark well location with an "X"

Well Completion Date 11-4-88

PROPOSED USE:

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

Method of Drilling:

forward rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>240</u> FT	<u>83.14</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 210 FEET

What is grouting material? betonite & cement

If cement, number of sacks? 20

Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 30 FEET

Material pvc

Slot Size .010 Set From 240 Feet To 270 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name National Fuels

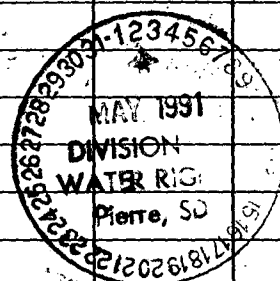
Address Box 33745 Seattle Wash. 98133

Well Log:

Depth

Formation	From	To
yellow clay	0	50
blue clay w/ gravel streaks	50	105
chalk	105	215
good codel	215	257
sandy shale	257	260
codel	260	270
shale	270	

TD 270



STATIC WATER LEVEL 110 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: _____

100 g.p.m. w/air

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

2 grains hard

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Barry Pullman

Signature of Well Owner:

Date _____

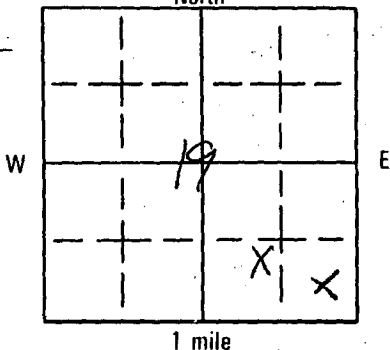
4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 22 Twp 103-N Rg 63-W
SW 1/4 SE 1/4 19 103-N 63-W
County Aurora North

Please mark well location with an "X"



Well Completion Date 7-19-89

PROPOSED USE:

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

Method of Drilling:

forward rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>240</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 230 FEET

What is grouting material? Cement & Bent

If cement, number of sacks? 20

Describe grouting procedure Line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 20 FEET

Material BVC

Slot Size 5/16 Set From 240 Feet To 260 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to Pub. Health Lab. S.D.

Well Owner:

Name National Foods

Address Box 33745 Seattle Wash. 98133

Well Log:

Formation	From	To
<u>yellow clay</u>	<u>0</u>	<u>20</u>
<u>blue clay</u>	<u>20</u>	<u>60</u>
<u>blue clay w/ sand streak</u>	<u>60</u>	<u>110</u>
<u>white chalk</u>	<u>110</u>	<u>120</u>
<u>black chalk</u>	<u>120</u>	<u>215</u>
<u>med sand - corbell</u>	<u>215</u>	<u>220</u>
<u>med. sand</u>	<u>220</u>	<u>240</u>
<u>med. sand w/ shale breaks</u>	<u>240</u>	<u>260</u>

TD 260'



STATIC WATER LEVEL 12' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Signature of Well Owner:

Date

9-22-89

RECEIPT

415431

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 6, 19 97

RECEIVED OF National foods Corporation, P.O. Box 33745, Seattle, WA 98133

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

Fee for Application for Permit No. <u>6C18-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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	50 00

By John Hatcher 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1996

National Foods Corporation
Attn: Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

After being assisted by Jerry Bookey on a water permit inspection for National Foods Corporation, Plankinton, SD on June 26, 1995, I found some things that needed attention.

Water Permit No. 5147-3 allows a combined diversion rate of 100 GPM (0.22 CFS) from two wells located in the NW1/4 SE1/4 Section 19; T103N R63W. The inspection found the two wells capable of diverting 125 GPM (0.27 CFS) and one of the wells located outside of the authorized area on the permit. (Actual well location is in the SW1/4 NE1/4 Section 19).

The enclosed application is for a new permit to appropriate an additional 25 GPM (0.05 CFS) for the wells authorized under Water Permit No. 5147-3. This application also changes the location of one of the wells from the NW1/4 SE1/4 Section 19 to the SW1/4 NE1/4 of Section 19; both in T103N R63W in Aurora County, South Dakota.

Please complete and return the application form with a \$50.00 application fee to this office by February 29, 1996. If you have questions or need assistance, please feel free to contact me at (605) 773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1996

National Foods Corporation
ATTN: Brain V. Bookey, Secretary
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

On February 13, 1996, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 5147-3 by Barry McLaury, with this office. This inspection showed that the system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect the actual water use. To date, we have not received a response regarding this application.

Enclosed is another set of partially completed application forms. Please review the application, have it signed, notarized and return the application forms. The filing fee for the application is \$50.00. After the application for the additional diversion rate is processed, the water license can then be issued. A fee of \$50 is charged for the inspection and issuance of the water license. If you prefer the total amount (\$100) can be submitted with the application.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 5147-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1996

5549-3 and 5147-3

National Foods Corporation
Attn: Brian V. Bookey, Secretary
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

The investigation of National Foods Corporation's water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5549-3, has been completed. This permit is located in Section 22-T103N-R63W, Aurora County near Plankinton SD. The final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License.

Also, on February 13, 1996 and April 10, 1996 you were notified that Water Permit No. 5147-3 was not developed as originally permitted. This permit is located in Section 19-T103N-R63W, Aurora County. Enclosed is a copy of the letter and application forms which need to be reviewed, signed, notarized and returned to this office. The filing fee for the application is \$50.00. After the application for the additional diversion rate is processed, the water license can then be issued for Water Permit No. 5147-3. As stated above, the fee for investigation and issuance of the water license is \$50.00.

Please return the application form and fees (total of \$150.00) to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures



July 10, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

THIRD NOTICE
Permit No. 5549-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 5549-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

On October 30, 1996, and May 7, 1997, you were notified the final inspection fee of \$50.00 is due before Water License No. 5549-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 5549-3 until the \$50.00 fee is paid.

Also, on February 13, 1996, April 10, 1996, and October 30, 1996, you were notified that Water Permit No. 5147-3 was not developed as originally permitted. This permit is located in Section 19-T103N-R63W, Aurora County. Enclosed is a copy of the letters and application forms which need to be reviewed, signed, notarized and returned to this office. The filing fee for the application is \$50.00. After the application for the additional diversion rate is processed, the water license can then be issued for Water Permit No. 5147-3. As stated above, the fee for investigation and issuance of the water license is \$50.00

Please return the application form and fees (total of \$150.00) to:

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

Very truly yours,

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

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6018-3
for National Foods Corporation
August 18, 1997

Application No. 6018-3 proposes to appropriate 0.05 cfs (25 gpm) by increasing the diversion rate authorized by Water Permit No. 5147-3 and correct the location of an existing well. Water Permit No. 5147-3 appropriates 0.22 cfs (100 gpm) from two wells located in the W 1/2 SE 1/4 of Section 19, T104N-R63W. A licensing investigation of Water Permit No. 5147-3 found two wells capable of diverting 0.27 cfs (125 gpm). The actual location of one of the existing wells is the SW 1/4 NE 1/4 of Section 19, T103N-R63W in Aurora County. This application does not authorize any increase in the developed diversion rate from the two wells. The water is for commercial use in an egg-laying and egg processing facility.

AQUIFER - CODELL (CDLL)

The Codell is a buried sand and sandstone which under confined or artesian conditions at this site. The aquifer consists of up to 136 feet of gray, brown, green or black cemented, fine to medium grained sandstone, siltstone and much soft, fine to medium sand and silty shale (Hamilton, 1985). The Codell underlies approximately 707 square miles and contains an estimated 905,000 acre feet of recoverable in storage in Aurora County (Hedges, 1982). The aquifer is areally extensive both geologically and hydraulically into Davison County to the east and into Jerauld and Sanborn Counties to the north and into Douglas and Hutchinson Counties to the south.

Ground water movement is from southwest to northeast through the area of this application (Hamilton, 1985) and the wells for this existing permit have a static water level of 91 to 93 feet below land surface. There are two nearly identical wells on site which are each capable of producing 130 gpm. An inspection of the facility indicated that one well had a 50 gpm pump and the other well a 75 gpm pump installed. Both wells are completed in accordance with SD Well Construction Standards.

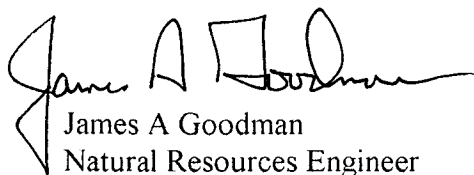
The Water Rights Program monitors an observation well AU-77D located about four miles north of this application and completed into the Codell aquifer. Water levels for this well do not fluctuate significantly annually but there appears to be an effect of pumping on the aquifer as shown by the downward trend in water levels. This trend begins about the same time period that the diversions began for the commercial use for National Foods. Since about 1987, water levels have declined about 10 feet in observation well AU-77D. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for this well is supplied with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights within a three mile radius of this application. Interference is not a concern. This application is being considered because of an inspection of water permit No. 5147-3 which discovered that an additional 25 gpm was being diverted. No change in the developed diversion rate is authorized by this application.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The Codell is confined and under artesian conditions. Drawdown will result from pumping but the additional request by this application will not result in significant changes over existing conditions. Interference is not a concern. These wells have been in use with no apparent problems.
3. The wells for this application have been in use for about nine years and are constructed in accordance with SD Well Construction Standards.
4. Approval of this application will allow licensing of Water Permit No. 5147-3 to reflect the system as developed.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

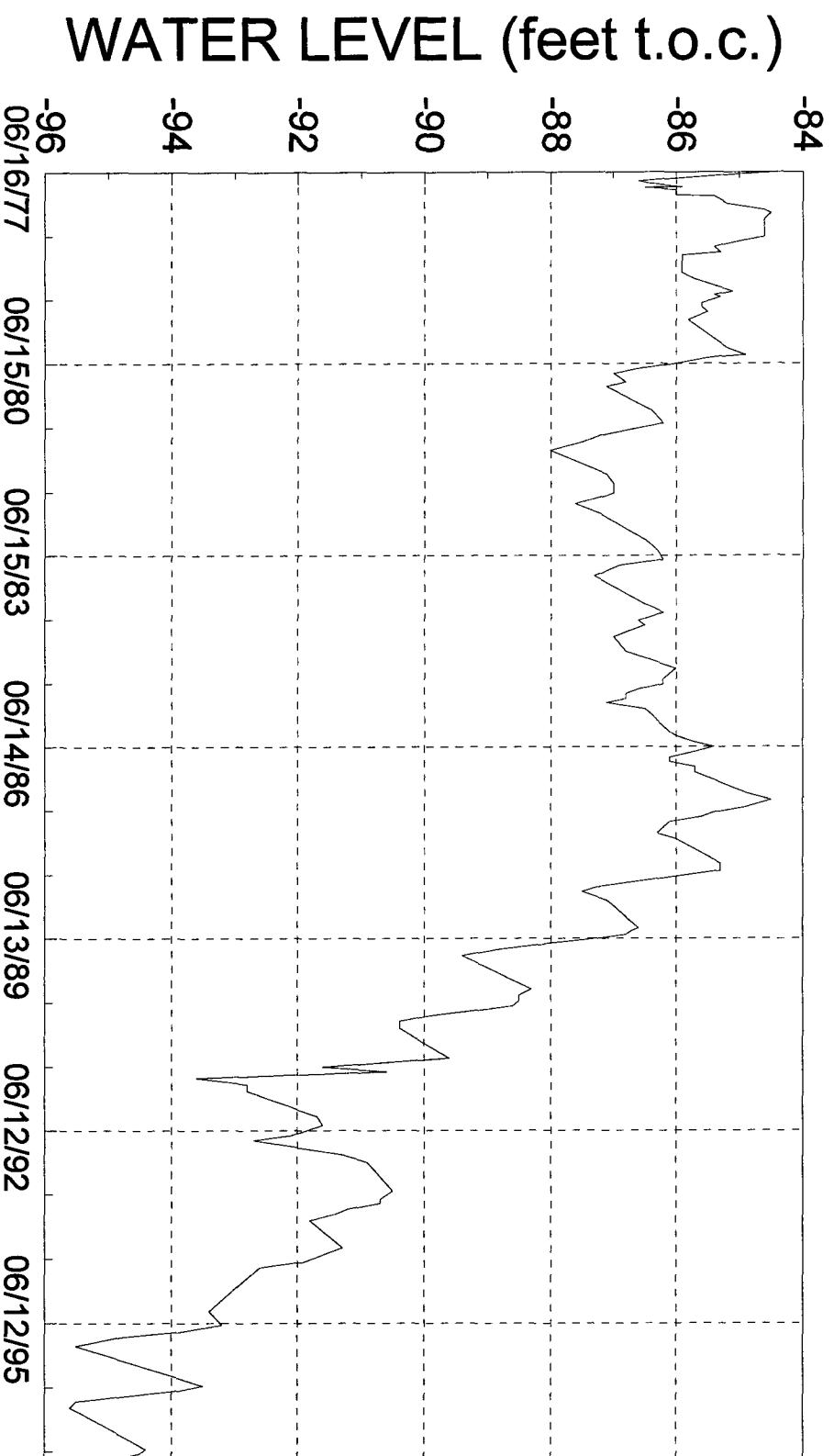
Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, USGS WRI 84-4030, USGS, Huron, SD, 57350.

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.

Water Rights, 1997, Unpublished Observation Well Data for Aurora County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

AU-77D



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6018-3, National Foods Corporation

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. 6018-3, National Foods Corporation, PO Box 33745, Seattle, WA 98133..

The Chief Engineer is recommending APPROVAL of Application No. 6018-3 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) it is 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. Permit No. 6018-3 is subject to the applicable provisions of qualification Nos. 1, 6, 7, 8, 9 and 10 on Permit No. 5147-3.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
September 5, 1997



**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.

September 10, 1997

National Foods Corporation
%Brian V. Bookey, Secretary
P.O. Box 33745
Seattle, WA 98133

Dear Mr. Bookey:

Water Permit Application No. 6018-3 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 South Dakota Mail printed at Plankinton, SD (Ph # (605) 942-7770). 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 /ks

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: Jerry Bookey, National Foods Corporation, RR 3, Box 32, Plankinton, SD 57368.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 1997

South Dakota Mail
Box 367
Plankinton, SD 57368-0367

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6018-3 to be published twice. Please publish the first notice on September 18, 1997, 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 National Foods Corporation, %Brian V. Booke, Secretary, P.O. Box 33745, Seattle, WA 98133 (Ph # (206) 546-6533).

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 /ks
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 September 18, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6018-3 to Appropriate Water
and to Amend Water Permit No. 5147-3

Notice is given that National Foods Corporation, PO Box 33745, Seattle WA 98133 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second (cfs) [25 gpm] by increasing the diversion rate authorized by Water Permit No. 5147-3 and correct the location of an existing well. Water Permit No. 5147-3 appropriates 0.22 cfs (100 gpm) from two wells located in the W 1/2 SE 1/4 Section 19-T103N-R63W. A licensing investigation of Permit No. 5147-3 found two wells capable of diverting 0.27 cfs (125 gpm). The correct location of one of the existing wells is the SW 1/4 NE 1/4 Section 19-T103N-R63W. This application does not authorize any increase in the developed diversion rate from the two wells. The water is for commercial use in a hen house egg-laying and egg processing facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6018-3 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 October 6, 1997.

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.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Aurora) SS

I, J. P. Studeny, Jr.

certify that the attached printed Notice was taken

from the South Dakota Mail
Newspaper

printed and published in Plankinton

County of Aurora and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

September 18, 1997

September 25, 1997

Cost of Printing \$46.97

[Signature]
 (Signature)

Bookkeeper
 (Title)

9-25-97
 (Date Signed)

NOTICE OF APPLICATION NO. 6018-3 to Appropriate Water and to Amend Water Permit No. 5147-3

Notice is given that National Foods Corporation, PO Box 33745, Seattle, WA 98133 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second (cfs) [25 gpm] by increasing the diversion rate authorized by Water Permit No. 5147-3 and correct the location of an existing well. Water Permit No. 5147-3 appropriates 0.22 cfs (100 gpm) from two wells located in the W1/2 SE1/4 Section 19-T103N-R63W. A licensing investigation of Permit No. 5147-3 found two wells [capable of diverting 0.27 cfs (125 gpm)]. The correct location of one of the existing wells is the SW1/4 NE1/4 Section 19-T103N-R63W. This application does not authorize any increase in the developed diversion rate from the two wells. The water is for commercial use in a hen house, egg-laying, and egg processing facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6018-3 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 the 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 East 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 October 6, 1997.

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

24c.-SEPT. 25

REPORT ON INSPECTION OF PERMIT NO. 6018-3

Other permit(s) associated with the project: 5147-3

DATE OF INSPECTION: 6-26-95

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Jerry Bookey, CEO for National Foods Corporation (Plankinton, SD).

NAME & ADDRESS OF PERMIT HOLDER: National Foods Corporation, PO Box 33745, Seattle, WA 98133 & RR3 Box 32, Plankinton, SD 57368.

DIVERSION POINTS LEGAL LOCATIONS: #1: 500 feet S and 2250 feet W (SW1/4 NE1/4) from the NE corner of Section 19; #2: 2300 feet N and 2310 feet W (NW1/4 SE1/4) from the SE corner of Section 19; both in T103N R63W.

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

3) Depth(s) 250 & 255 feet

2) No. of Wells 2

4) Well log is available Y

Casing:

1) Diameter 8 inches

2) Length 220 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 30 (N) & 34 (S) feet

3) Static water level 108 feet

Pumps:

1) Make submersibles

2) Model ?

3) Capacity 50 (N) & 75 (S) GPM

Motors:

1) Make Submersibles

2) Model Nos. ?

3) Horsepower ratings 5 hp

BOOSTER PUMPS: (2 identical)

Pumps:

1) Make Armstrong

2) Serial No. 500 670

3) Capacity 125 GPM

Motors:

1) Make US Electrical

2) Model Nos. 213JP

3) Horsepower ratings 10 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **3** inches 3) Length **600** feet

SYSTEM USE:

Supplies water to 1.1 million chickens in egg laying hen houses in Aurora County, South Dakota.

Comments: There is a 200,000 gallon storage tank located next to the North well which is used for back-up in an emergency situation. An application was made on February 9, 1996 for an additional 0.05 cfs (25 GPM) and to correct the location of the north well. The well was described as being in the NW1/4 SE1/4 of Section 19; Its actual location is in the SW1/4 NE1/4 of the same Section. Water Permit No. 5147-3 will be incorporated into No. 6018-3 during licensing.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by **Y**
- 3) All structures, wells and lands on map **Y**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

Permit No. 6018-3 & 5147-3

James 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, **June 26, 1995**, made a thorough examination of the water use system constructed by **National Foods Corporation** of **PO Box 33745, Seattle, WA 98133 & RR3 Box 32, Plankinton, SD 57368** holder of Permit No. **6018-3 & 5147-3**, bearing the priority of **August 6, 1997 & August 4, 1987** authorizing the diversion of **0.05 & 0.22** cu. ft. of water per second from **groundwater** for **commercial** purposes, in **Aurora** County.

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

A. Works used to divert the water:

2 submersible pumps with a combined pumping capacity of 125 GPM.

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

600 feet of 3 inch PVC and numerous sizes of PVC inside & between the chicken barns.

C. Works used to apply water to beneficial use:

1.1 million egg laying chickens.

The system is in the following condition **excellent**. The point of diversion is located **#1: 500 feet S and 2250 feet W (SW1/4 NE1/4) from the NE corner of Section 19; #2: 2300 feet N and 2310 feet W (NW1/4 SE1/4) from the SE corner of Section 19; both in T103N R63W.** The works are capable of diverting and conveying to the place of use **0.27** cfs which is to be used for **commercial** use and the license should be issued for **0.27** cfs.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None**

Inspected **June 26, 1995** by Barry A McLaury, Natural Resources Scientist. Inspection report reviewed by:



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

10/21/97
date

5147-3



NOT TO SCALE

103-63

T2285
86.7

(109B)

U

53.6
2500'S

49.4

T2284 3.7
4.2

23.4

2

19

20.0

117.6

T10B

76.6

Storage Tank
Diversion Point

2250' W

Diversion Point

2310' W

2200' N

Barry McLaury *Barry A. McLaury*
 Environmental Scientist
 Division of Water Rights
 Date *February 9, 1996*

4

5

103-63

5147-3
6018-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6018-3

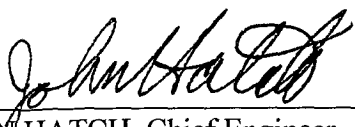
(1) National Foods Corporation, PO Box 33745, Seattle WA 98133 made Application No. 6018-3, August 6, 1997 for a water permit to divert an additional 0.05 cubic feet of water per second (cfs) from groundwater (two wells), Aurora County, South Dakota for commercial purposes. Permit No. 6018-3, with a priority date of August 6, 1997 was approved October 6, 1997 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. 5147-3 with a priority date of August 4, 1987 authorized the diversion of 0.22 cfs from the two wells. Water Permit No. 6018-3 increased the diversion rate and corrected the location of one of the existing wells. The applicable portions of Water Permit No. 5147-3 have been incorporated into this Water License No. 6018-3.

(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 0.27 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 - 500 feet south and 2,250 feet west (SW 1/4 NE 1/4) from the northeast corner of Section 19; and Well No. 2 - 2,300 feet north and 2,310 feet west (NW 1/4 SE 1/4) from the southeast corner of Section 19; both in T103N-R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a hen house egg-laying and egg processing facility.

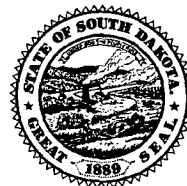
(4) Pursuant to South Dakota Water Law 46-5-30.1 National Foods Corporation, PO Box 33745, Seattle WA 98133 the holder and/or owner of Incorporated Water Permit No. 6018-3 is issued a license to appropriate water, the right to use 0.27 cubic feet of water per second from groundwater (two wells) with priority dates of August 4, 1987 (0.22 cfs) and August 6, 1997 (0.05 cfs) from the locations specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 6018-3 and subject to South Dakota State Law.



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

NOV 19 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 1997

5549-3 and 6018-3

National Foods Corporation
Attn: Brian V. Bookey, Secretary
PO Box 33745
Seattle WA 98133

Dear Mr. Bookey:

Enclosed are Water License No. 5549-3, Water Permit & Water License No. 6018-3, and receipts for payment of the fee assessed for the inspection and issuance of the licenses. The applicable portions of Water Permit No. 5147-3 have been incorporated into Water License No. 6018-3. These water licenses are the final documents which complete the process of obtaining a water right.

As long as National Foods Corporation uses the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks

enclosures