

WATER PERMIT NO. 6150-3

Name of Applicant: Classic Farm LLC, Stuart Wolter, President

Address: 39298 236th St, Woonsocket SD 57385

Phone: 605 796-4835

Amount of Water Claimed: 0.333 cfs (150 gpm)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial use (Swine operation)

County: Charles Mix

Type of Waste Disposal System:

Location: 8 miles north of Lake Andes

PRIORITY Date Received: 8-25-1999

Fee: \$225

Corrected Application Received: 9-19-1999

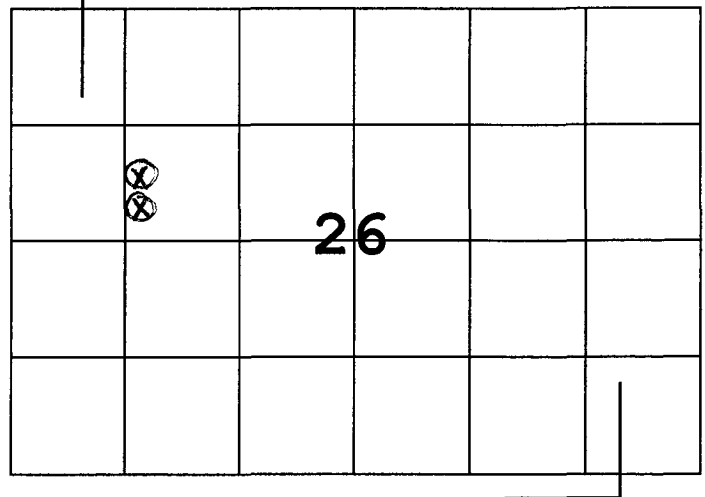
Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ NE ¼

Sec 26-T98N-R65W

Land to be Irrigated: NA



Depth of Well: 470 feet deep

Well Driller: Grosz Drilling

Remarks:

Type of Map: plat

Prepared by: Mark E Johnson, RLS

Reviewed and the Number Assigned on: 10-4-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
REISSUED WATER PERMIT NO. 6150-3

Date of first receipt of application August 25, 1999.

Date of return to applicant for corrections, amendments or changes August 25, 1999.

Date of receipt of corrected application September 9, 1999.

The Water Management Board approved Water Permit Application No. 6150-3 on December 1, 1999 for Red Rock Cooperative Association, PO Box 207, Corsica SD 57328 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. 6150-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells (**Dakota Formation**) 870 and 880 feet deep located in the SW ¼ NW ¼ Section 26-T98N-R65W. This water permit was readvertised and approved on March 20, 2000 to correctly identify the Dakota Formation as the water source.
2. The water appropriated shall be used for the purpose of commercial use in a swine operation and may not exceed the amount of water needed for beneficial 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 August 25, 1999.
5. One-fifth of the construction is to be completed on or before June 1, 2001.
6. All construction is to be completed on or before December 1, 2004.
7. Water is to be put to beneficial use on or before December 1, 2008.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6150-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6150-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 10 2000

date



SOUTH DAKOTA
WATER PERMIT NO. 6150-3

Date of first receipt of application August 25, 1999.

Date of return to applicant for corrections, amendments or changes August 25, 1999.

Date of receipt of corrected application September 9, 1999.

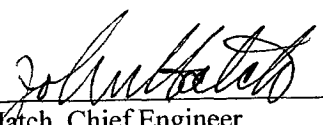
The Water Management Board approved Water Permit Application No. 6150-3 on December 1, 1999 for Red Rock Cooperative Association, PO Box 207, Corsica SD 57328 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6150-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Codell Formation) 470 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26-T98N-R65W.
2. The water appropriated shall be used for the purpose of commercial use in a swine operation and may not exceed the amount of water needed for beneficial 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 August 25, 1999.
5. One-fifth of the construction is to be completed on or before June 1, 2001.
6. All construction is to be completed on or before December 1, 2004.
7. Water is to be put to beneficial use on or before December 1, 2008.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6150-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6150-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

DEC 10 1999
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>6150-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Platte Enterprise, Platte, 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.) _____

1. Name of Applicant Classic Farm, LLC (President-Stuart Wolter) Phone (605) - 796-4835
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39298 236th Street, Woonsocket State SD 57385
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.333 *CFS or 150 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ~~Dakota~~ Aquifer ~~Edgett~~ Dakota

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
2 wells SW 1/4, NW 1/4, of Section 26, T98N, R65W (primary well for normal operations, second well for backup and recharging treatment system which requires approximately 20 pumping days during the fall season).

County Charles Mix

5. County or counties where water will be used CHARLES MIX

6. Annual period during which water is to be used January ~~to January~~ 1 - December 31

7. Give a description of the project. This project consists of a new 16,000 head swine operation to be located in the NW 1/4, Section 26, T98N, R65W-Charles Mix County. Plans and specifications for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations have been submitted to SD-DENR.

STATE OF SOUTH DAKOTA)
County of Jerauld SS

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)

I, Stuart Wolter, 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 Stuart Wolter, Pres. Classic Farm LLC

Subscribed and sworn to before me this 23rd day of August 1999

Jackie R. Evers
Notary Public

My Commission Expires: 11-8-2001

Supplemental Information

(Complete applicable portions only)

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 inch Depth 800 feet
- b) Casing Type Plastic Diameter 5 inch Thickness _____
- c) Screen Type Manufactured Diameter 5 inch Thickness _____
- d) Gravel Pack YES Length of Gravel Pack feet
- e) Depth to Top of Water Bearing Material ~ 770 feet
- f) Depth to Water (ground surface to water level) ~ 100 feet
- g) Distance to nearest existing domestic well: 0.5 miles
- On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Two earthen containment basins
- b) System Capacity (gallons) See AWMS Permit Year Constructed NEW CONSTRUCTION
- c) Connected to the City of NA Sanitary System

3. Dugout Information

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

4. Water Storage Dams – Not Applicable

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:

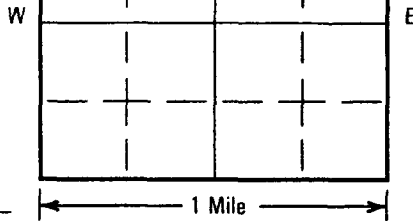
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 Sec 26 Twp 99N Rg 65WCounty Charles Mix

Please mark well location with an "X"



Well Completion Date

12-5-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 200 ft. from Confinement Barn (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>25.0</u> LB/FT	<u>5</u> IN	<u>6</u> FT	<u>472</u> FT	<u>9 3/8</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>15</u>	_____ lb./gal	<u>6</u> ft.	<u>55</u> ft.
<u>Bentonite</u>	<u>53</u>	_____ lb./gal	<u>55</u> ft.	<u>430</u> ft.

Describe grouting procedure TrimmySCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 35 FEETMaterial 250# Plastic PipeSlot Size 10/0 Set From 437 Feet to 472 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Bentonite

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

Laboratory sent to for water quality analysis

Sample will be sent in the spring
Before they start using well.

Well Owner: Class: c Farms
 Business Name: Farm Credit Services
 Address: 2201 North Main - Box 1244
Mitchell SD 57301-7248

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow clay	0	35
Blue clay	35	180
Black chert	180	240
White chert	240	380
White chert & Hard layers	380	435
Hard Hard Kodel	435	472

STATIC WATER LEVEL 170 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: 5-HP Sub☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

295 ft. After 40 Hrs. pumped 25 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 25 GPM

REMARKS

This well was drilled under license # 49

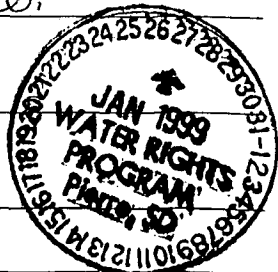
And this report is true and accurate.

Drilling firm Bruce Drilling Co.

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

[Signature]Date: 1-19-99

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 26 Twp 98 Rg 65

County

Charles Mix

North

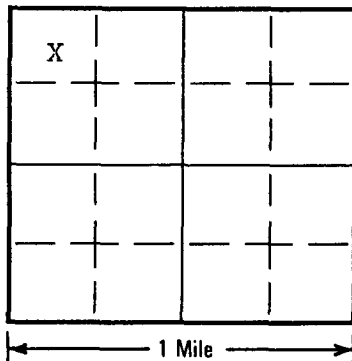
Please mark well location with an "X"

W

E

Well Completion Date

11-5-99



LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
#80 LB/FT	6 IN	0 FT	800 FT	10 IN
#80 LB/FT	2 IN	800 FT	870 FT	6 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	100	lb./gal	0 ft	800 ft
		lb./gal	ft	ft

Describe grouting procedure Pressure plug

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 2 IN Length 70 FEET

Material PVC

Slot Size 25 Set From 800 Feet to 870 Feet

Other information Gravel packed

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Portland cement

Describe packer(s) and location? 0-800

DISINFECTION: Was well disinfected upon completion?

X YES, How: HTH

NO, Why Not?

Laboratory sent to for water quality analysis

Pierre, SD

Well Owner: Classic Farms

Business Name:

Address: Box 207 Corsica, SD 57328

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top soil	0	5
Yellow clay	5	20
Blue clay	20	100
Sand blue clay	100	180
Shale-chalk-codell-shale	180	410
Greenhorn	410	420
Shale	420	765
Dakota	765	870

STATIC WATER LEVEL 90 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: Submersible pump☐ Bailed☐ Other

Pumping Level Below Land Surface

150 ft. After 12 Hrs. pumped 75 GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling, Inc.

Signature of License Representative

Signature of Well Owner or Equipment Holder:

Date: 1-31-00

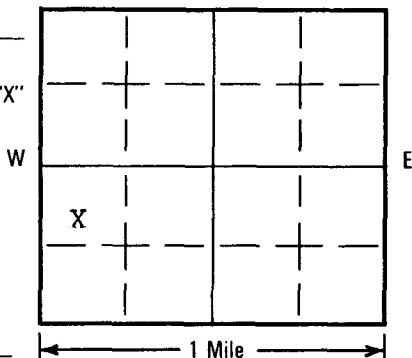


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SW 1/4 Sec 26 Twp 98 Rg 65County Charles Mix North

Please mark well location with an "X"



Well Completion Date

11-20-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 700 ft. from Septic (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
<u>80</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>800</u> FT	<u>10</u> IN
<u>#80</u> LB/FT	<u>2</u> IN	<u>800</u> FT	<u>880</u> FT	<u>6</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>100</u>	_____ lb./gal	<u>0</u> ft	<u>800</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure plugSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 IN Length 80 FEETMaterial PVCSlot Size 25 Set From 800 Feet to 880 FeetOther information Gravel packedWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Portland cementDescribe packer(s) and location? 0-800

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis

Pierre, SDWell Owner: Classic Farms

Business Name: _____

Address: Box 207Corsica, SD 57328

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	5
Yellow clay	5	20
Blue clay	20	100
Sand-blue clay	100	155
Shale-chalk-codell-shale	155	405
Greenhorn	405	415
Shale	415	765
Dakota	765	880

STATIC WATER LEVEL 95 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: Submersible pump
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

140 ft. After 12 Hrs. pumped 75 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

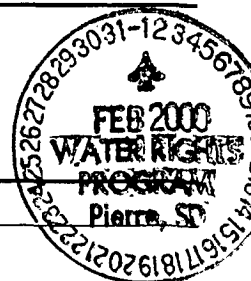
This well was drilled under license # 94

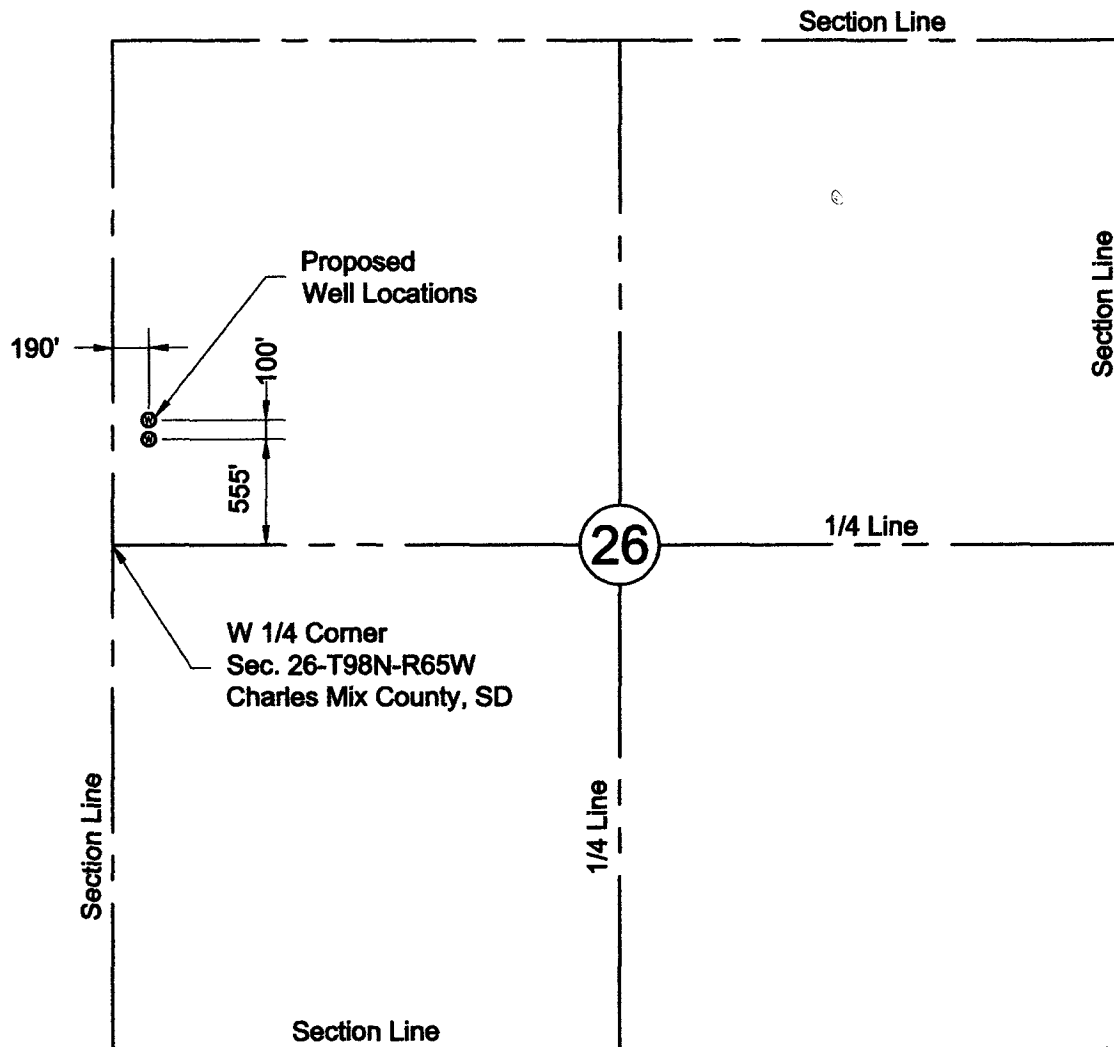
And this report is true and accurate.

Drilling firm Huron Drilling, Inc.

Signature of License Representative: _____

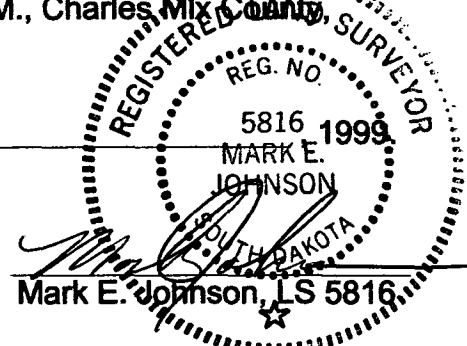
Signature of Well Owner or Equitable Property Holder: _____

Date: 1-31-00



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Stuart Wolter did prepare this map depicting the proposed location of two wells in the NW 1/4 of Section 26, Township 98 North, Range 65 West of the 5th P.M., Charles Mix County, South Dakota.

Dated this 20th day of AUGUST



6150-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1999

Classic Farm, LLC
Stuart Wolter, President
39298 236th St
Woonsocket SD 57385

Dear Mr. Wolter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. We are in receipt of the \$225 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

c: John Childs, Eisenbraun & Associates

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416204

Pierre, September 29 19 899

RECEIVED OF Classic Farm, LLC, 39298 336th St., Woonsocket, SD 57385
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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416173

Pierre, _____ August 25, 19 99

RECEIVED OF Classic Farm, LLC, 39298 236th St., Woonsocket, SD 57385
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6150-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By Joh. Hatcher
Chief Engineer

Eisenbraun and Associates

Professional Engineers • Licensed Land Surveyors

November 19, 1999

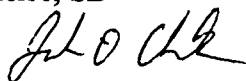
Mr. Jason Roggow
SD-DENR - Surface Water Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RE: Classic Farm Finisher AWMS 38495 283rd Street, Armour South Dakota

Dear Mr. Roggow,

The owners of the Classic Farms project have informed me that they are changing their business structure and name to Red Rock Cooperative Association. Von Denning continues to be the signatory for the applicant with no changes in mailing addresses or participating owners. They are requesting that SD-DENR acknowledge this name change in its file and that the operating permit be issued to Red Rock Cooperative Association rather than Classic Farms LLC. If you have questions pertaining to this name change please call me at 945-2136 or Mr. Bill Mulder of Corsica Coop at 605-946-5491. Please provide a written response to this request at your earliest convenience.

Sincerely,
Eisenbraun and Associates, Inc.
910 N. Central
Pierre, SD



John D. Childs P.E.
Project Engineer

cc. Todd Van Maanen P.E.
Bill Mulder – Corsica Coop

NOTICE OF TRANSFER OF OWNERSHIP

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



No. _____

Date: 12/2/99

I/We request that Water Permit/Right No. 6150-3

formerly owned by: CLASSIC FARMS

be transferred to: (name & address) RED ROCK COOPERATIVE ASSN.

Box 207, Corsica, SD 57328

Telephone No. 605-724-2342

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

WARRANTY DEED

I/We understand that the validity of Water Permit/Right No. 6150-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 attached to cover the filing fees as required under SDCL 46-2-13.

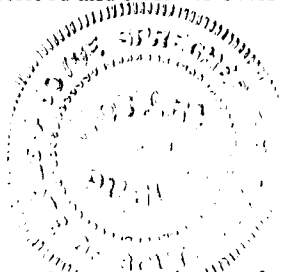
STATE OF SOUTH DAKOTA)

County of CHARLES MIX)

I/We VON DENNING being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Von Denning
(Signed)

Subscribed and sworn to before me this 2ND day of December, 19 99.



Joyce Sprecher
(Notary Public)

JOYCE SPRECHER
NOTARY PUBLIC
MY COMMISSION EXPIRES 07-01-2005

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416283

Pierre, December 3, 19 99

RECEIVED OF Classic Farm, LLC (Red Rock Cooperative Assn.), P.O. Box 207, Corsica, SD 57328
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 6150-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatcher
Chief Engineer

REPORT ON WATER PERMIT NO. 6150-3
Red Rock Cooperative Association
February 11, 1999

Water Permit No. 6150-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26-T98N-R65W for commercial use in a swine operation. Readvertisement of this permit is necessary to correct the well depths and aquifer designation. The two wells are 870 and 880 feet deep and located in the Dakota Formation. The public notice published October 21 and 28, 1999 stated the wells were 470 feet deep and located in the Codell Formation. This readvertisement does not authorize any increase in the diversion rate.

The error in determining the well depths and aquifer designation occurred when Application No. 6150-3 was originally filed. The well completion reports for two Codell Aquifer wells associated with Classic Farm's facility in the NE quarter of Section 26, T98N, R65W were inadvertently used when processing the application. The actual application stated that two 800 foot Dakota wells would be drilled to supply water to this facility in the NW quarter of Section 26. This error was not discovered until the well completion reports for the Dakota Formation were submitted on February 1, 2000.

Conclusions

1. This is a readvertisement of the Notice of Application No. 6150-3 to Appropriate Water.
2. This readvertisement is necessary to correct the well depths and aquifer designation. The correct well depths and aquifer designation were identified on the permit application.
3. The correct well depths are 870 and 880 feet deep and located in the Dakota Formation.

Karen Schlaak

Karen Schlaak
Environmental Scientist

approved by

Eric Gronlund

Eric Gronlund
Natural Resources Engineer

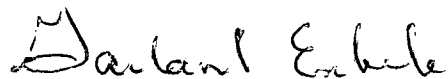
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
WATER PERMIT APPLICATION NO. 6150-3, Classic Farm, LLC**

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 readvertised Water Permit Application No. 6150-3, Classic Farm, LLC, c/o Stuart Wolter, President, 39298 236th Street, Woonsocket SD 57385.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 6150-3 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 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. 6150-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6150-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



Garland Erbele, Chief Engineer
February 22, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6150-3
for Classic Farm, LLC.
October 5, 1999

Application No. 6150-3 proposes to appropriate 0.333 cfs (150 gpm) from two wells approximately 470 feet deep located in the SW 1/4 NW 1/4 of section 26, T98N R65W in Charles Mix County. The water is for commercial use in a swine operation.

AQUIFER - CODELL SANDSTONE (CDLL)

The Codell Sandstone is composed of a light brownish gray, dark greenish black and brown, fine to coarse, loose to tightly packed sandstone (Kume, 1977). The aquifer is confined and under artesian conditions with ground water movement from northwest to southeast across this area. The aquifer underlies 1,134 square miles and contains an estimated 1.45 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas County to the north, into Gregory County to the south, Bon Homme and Hutchinson Counties to the east and disappears in the subsurface in the western one third of Charles Mix County (Kume, 1977).

Well logs filed with the application indicate "good" sandstone encountered at a depth of about 435 feet to about 470 feet. Two wells have been constructed at this site and both are capable of producing 25 gpm with a drawdown of about 100 to 125 feet. These wells have been constructed in accordance with SD Well Construction Standards.

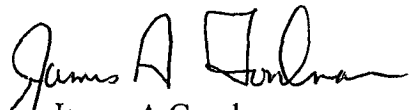
The Water Rights Program does monitor an observation well DG-80F located about 12 miles northeast of this application and completed into the Codell aquifer. Water levels for this well have risen about 16 feet since the well was installed in 1980. In general, the hydrograph for DG-80F shows favorable recharge conditions have existed since the early 90's and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1999). The hydrograph is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is another existing water right No. 5823-3 located about six miles north of this application which also obtains water from the Codell aquifer. Interference is not a concern. Significant drawdown created by pumping should not very far from the individual production wells. The Codell aquifer is widely used as a source of domestic water in this area but pumping at the requested rate should not adversely affect existing users.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The aquifer is confined and under artesian conditions at this site. Drawdown will occur as a result of pumping. Drawdown is not expected to be significant very far from the production well or cause adverse effects.
3. There are no other nearby permitted users from the Codell aquifer. The nearest water right from the same aquifer is located about six miles to the north and interference is not expected to be a concern.
4. The wells have already been constructed for this application. Both have been completed in accordance with SD Well Construction Standards.
5. Plans and Specifications for the animal waste management system have been submitted to and are presently under review by the department

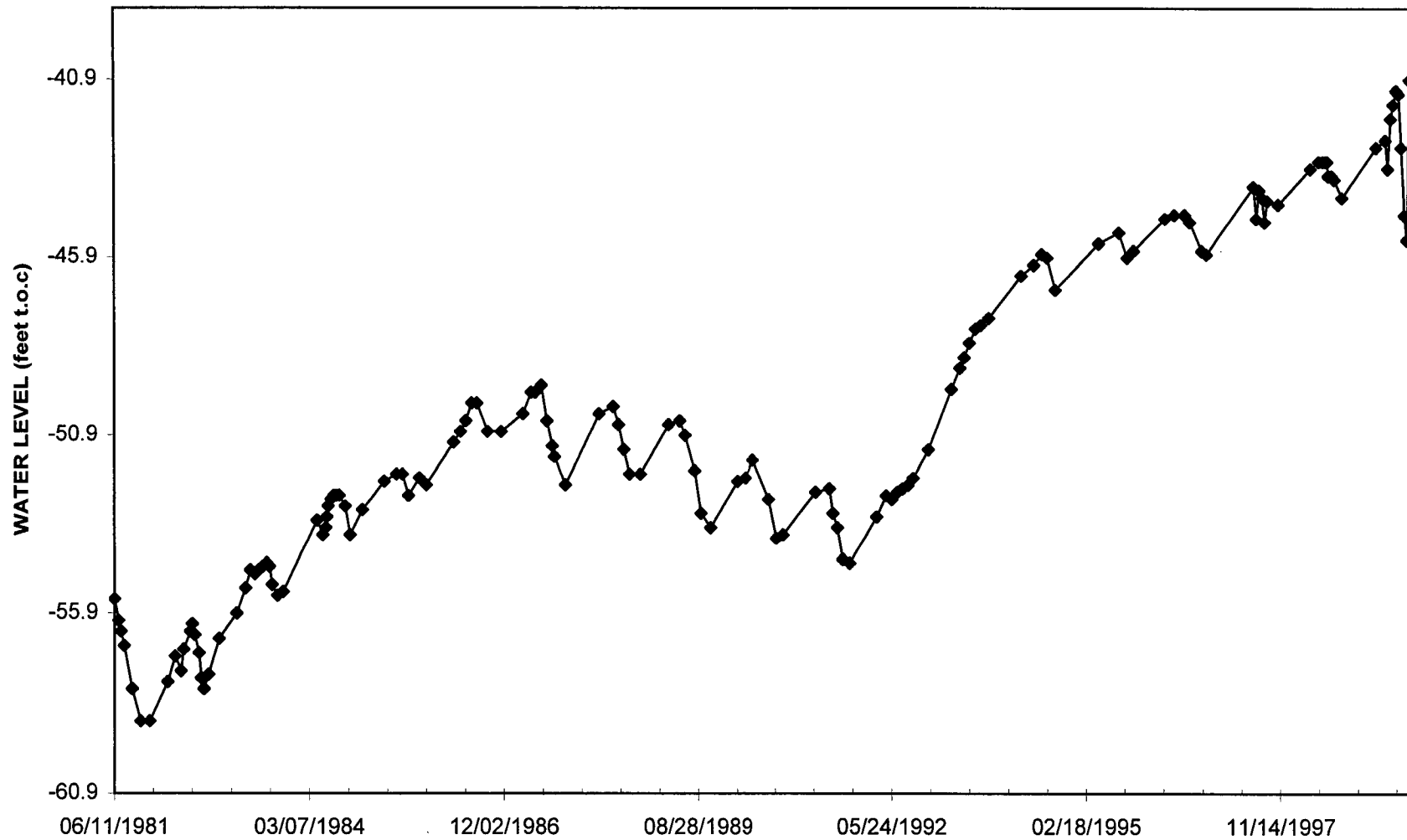


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1999, Unpublished Observation Well Data for Douglas and Charles Mix Counties, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
DG-80F**



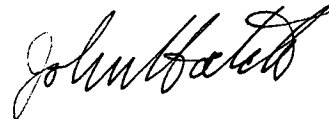
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6150-3, Classic Farm, LLC**

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. 6150-3, Classic Farm, LLC, c/o Stuart Wolter, President, 39298 236th Street, Woonsocket SD 57385.

The Chief Engineer is recommending APPROVAL of Application No. 6150-3 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 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. 6150-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6150-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 7, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 13, 1999

Classic Farm LLC
Stuart Wolter, President
39298 236th St.
Woonsocket, SD 57385

Dear Mr. Wolter:

Water Permit Application No. 6150-3 for commercial use (swine operation) 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 Platte Enterprise printed at Platte, SD (Ph # (605) 337-3101). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 1999

Platte Enterprise
Box 546
Platte, SD 57369-0546

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6150-3 to Appropriate Water to be published twice. Please publish the first notice on October 21, 1999, 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 Classic Farm LLC, Stuart Wolter, President, 39298 236th St., Woonsocket, SD 57385 (Ph # (605) 796-4835).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6150-3

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

Date _____

We are in receipt of your letter of October 13, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6150-3 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 21, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6150-3 to Appropriate Water

Notice is given that Classic Farm LLC, Stuart Wolter, President, 39298 236th St, Woonsocket SD 57385 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Codell Formation) 470 feet deep located in the SW ¼ NW ¼ Section 26-T98N-R65W. The water is for commercial use in a swine operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6150-3 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 19, 1999. 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 1:30 p.m., December 1, 1999, Floyd Matthew Training Center, Joe Foss Building, 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 1, 1999, 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 19, 1999.

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 19, 1999, 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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) SS

I, Sharon Thuzanga
certify that the attached printed Notice was
taken

from the The Platte
Entrepreneur

printed and published in Platte

County of Charles Mix and
state of South Dakota. The notice was published

in the newspaper on the following two dates:

10-21-99

10-28-99

Cost of Printing \$ 52.12

Sharon Thuzanga
(Signature)

Publisher
(Title)

10-28-99
(Date Signed)

NOTICE OF APPLICATION NO. 6150-3 TO APPROPRIATE WATER

Notice is given that Classic Farm LLC, Stuart Wolter, President, 39298 236th St., Woonsocket, SD 57385 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from two wells (Codell Formation) 470 feet deep located in the SW 1/4 NW 1/4 Section 26-T98N-R65W. The water is for commercial use in a swine operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6150-3 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 19, 1999. 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 1:30 p.m., December 1, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E. 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 1, 1999, 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 19, 1999.

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 19, 1999, 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, 46-5-25, 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.

(Oct. 21, 28)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1999

Red Rock Cooperative Association
%Von Denning
P.O. Box 207
Corsica, SD 57328

Dear Mr. Denning:

Enclosed is Water Permit No. 6150-3 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 Receipt No. 416283 in the amount of \$2.50 which was submitted for the Transfer of Ownership on this Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2000

Von Denning
Red Rock Cooperative Association
PO Box 207
Corsica SD 57328

Bill Mudder
PO Box 65
Corsica SD 57328

Gentlemen:

The original notice of hearing for Water Permit No. 6150-3 was published with an error in the well depths and aquifer designation. Therefore, readvertisement of the notice of hearing is necessary to ensure proper public notice to avoid future question on the legality of the water permit. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner SD (Ph # 605 384-5616). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The error in the well depths and aquifer designation occurred when the original application was filed. The well completion reports for the two Codell Aquifer wells associated with Classic Farms' facility located in the NE ¼ of Section 26 were inadvertently used in processing this application which is located in the NW 1/4 of Section 26. The actual water source is the Dakota Formation.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: John Childs, Eisenbraun & Associates, 910 N Central Ave, Pierre SD



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2000

Wagner Post
Box 187
Wagner, SD 57380-0187

ATTENTION: Legal Public Notice

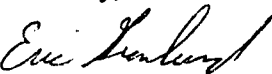
Enclosed is a Notice of Hearing on Application No. 6150-3 to Appropriate Water to be published twice. Please publish the first notice on March 1, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the WATER RIGHTS PROGRAM for the cost of publication.**

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6150-3

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

Date _____

We are in receipt of your letter of February 23, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6150-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 1, 2000, with the second publication 7 days later. The Water Rights Program is responsible for payment.

READVERTISEMENT OF
NOTICE OF PERMIT NO. 6150-3 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 6150-3 held by Red Rock Cooperative Association, PO Box 207, Corsica SD 57328. Water Permit No. 6150-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26-T98N-R65W for commercial use in a swine operation. Readvertisement of this permit is necessary to correct the well depths and aquifer designation. The two wells are 870 and 880 feet deep and located in the Dakota Formation. The public notice published October 21 and 28, 1999 stated the wells were 470 feet deep and located in the Codell Formation. This readvertisement does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Permit No. 6150-3 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 March 20, 2000.

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 Charles Mix) SS

I, Carol M. Harrell

certify that the attached printed Notice was taken

from the The Wagner Post

printed and published in Wagner

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 1, 2000

march 8, 2000

Cost of Printing 45.05

Carol M. Harrell
(Signature)

Publisher
(Title)

March 2, 2000
(Date Signed)

Public Notice

READVERTISEMENT OF NOTICE OF PERMIT NO. 6150-3 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 6150-3 held by Red Rock Cooperative Association, PO Box 207, Corsica SD 57328. Water Permit No. 6150-3 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from two wells located in the SW 1/4 NW 1/4 Section 26-T98N-R65W for commercial use in a swine operation. Readvertisement of this permit is necessary to correct the well depths

and aquifer designation. The two wells are 870 and 880 feet deep and located in the Dakota Formation. The public notice published October 21 and 28, 1999, stated the wells were 470 feet deep and located in the Codell Formation. This readvertisement does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvised Permit No 6150-3 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 March 20, 2000.

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.
Pub: March 1 and 8, 2000



PAYMENT REQUEST FORM

PAYEE: The Wagner Post
P.O. Box 187
Wagner, SD 57380-0187

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement of Notice of Permit No.
6150-3 to Appropriate Water, published on March 1 & 8, 2000.

AMOUNT: \$45.05

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: Daniel E. Eble 3/16/2000

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

Red Rock Cooperative Association
%Von Denning
P.O. Box 207
Corsica, SD 57328

Bill Mudder
P.O. Box 65
Corsica, SD 57328

Dear Mr. Denning and Mr. Mudder:

Enclosed is Reissued Water Permit No. 6150-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

c: John Childs, Eisenbraun & Associates, 910 N. Central Ave., Pierre, SD 57501

Permit No. 6150-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, July 12, 2006, made a thorough examination of the water use system constructed by Red Rock Cooperative Assn., PO Box 207, Corsica SD 57328 holder of Permit No. 6150-3, bearing the priority of August 25, 1999 authorizing the diversion of 0.333 cu. ft. per second of the waters of ground water (Dakota formation) for commercial purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Leroy Blom, operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 2
- 3) Depth(s) 880 & 870 feet
- 4) Well log is available Y (both)

Casing:

- 1) Diameter both 6 inches
- 2) Length both 800 feet
- 3) Type Plastic

Screen:

- 1) Type both PVC
- 2) Length 80 & 70 feet
- 3) Static water level 95 and 90 feet

Motor/Pump:

- 1) Make Unknown
- 2) Model submersible
- 3) Capacity 150 GPM (combined)

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

Water diverted from the wells is used to supply a swine confinement operation.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the points of diversion located as follows: North well: 1,950 feet S and 150 feet E (Latitude 43.28025 Longitude -98.50489, SW $\frac{1}{4}$ NW $\frac{1}{4}$); South well: 2,300 feet S and 150 feet E (43.27929 Longitude -98.50491, SW $\frac{1}{4}$ NW $\frac{1}{4}$); both from the NW corner section 26-T98N-R65W. The works are capable of diverting and conveying to the place of use 0.333 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.333 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Use of the wells is alternated as needed to supply the unit. One well is capable of keeping up with typical demand.**



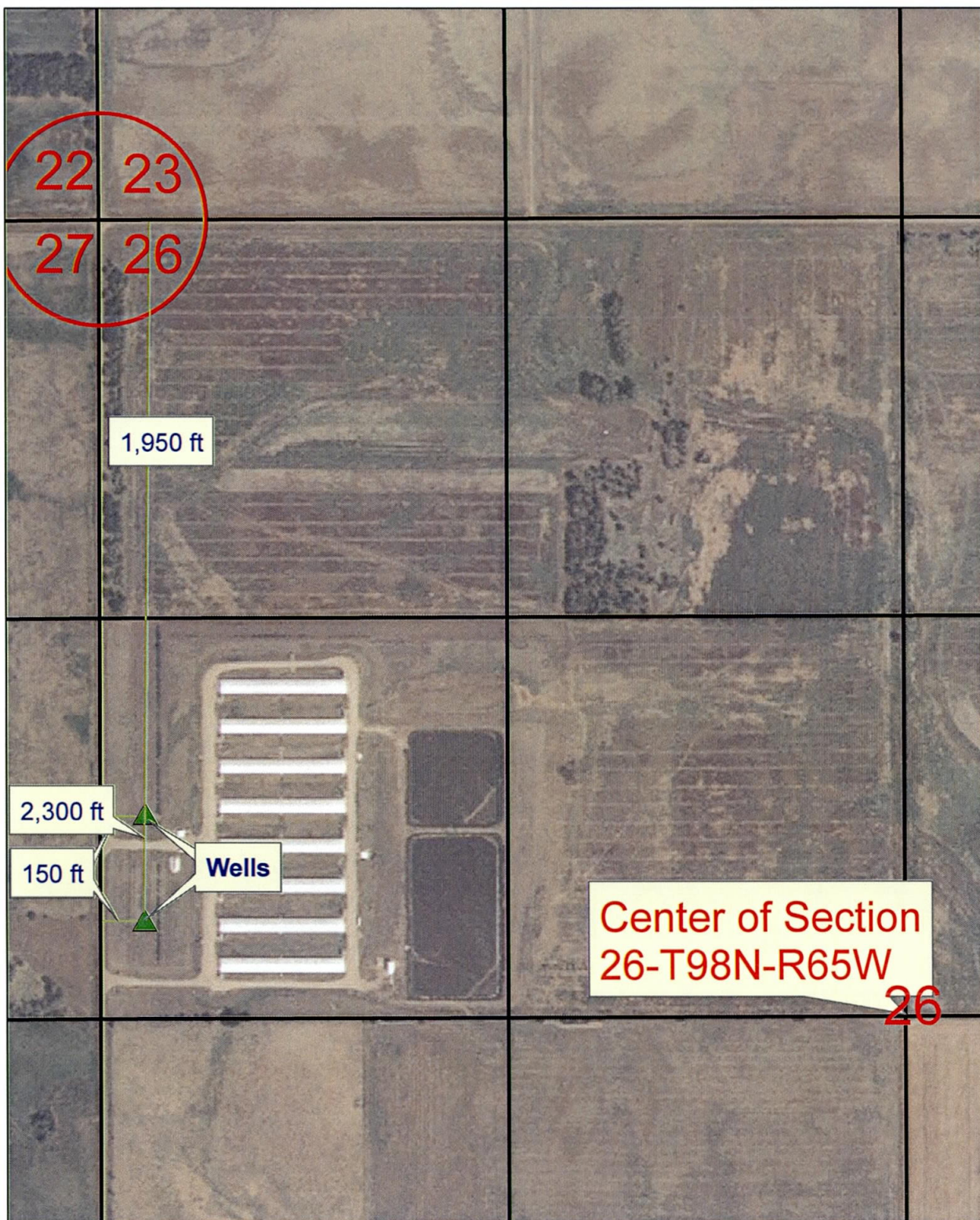
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 31, 2006

Scale: 1 inch equals 494 feet

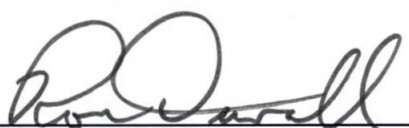
660

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Aug 30, 2006

Water Right No. 6150-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

SEP 12 2006

6150-3

LeRoy Blom
Red Rock Cooperative Association
28340 384th Ave
Armour SD 57313

Dear Mr. Blom:

Enclosed is Water License No. 6150-3. This is the final water right document completing the process of obtaining a Water Right. Also included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6150-3, 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6150-3**

(1) Red Rock Cooperative Association, PO Box 207, Corsica SD 57328 was issued Water Permit No. 6150-3 for a water permit to divert 0.333 cubic feet of water per second (150 gallons per minute) from ground water (two wells – Dakota Formation), Charles Mix County, South Dakota for commercial purposes. Permit No. 6150-3, with a priority date of August 25, 1999 was approved March 20, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 1, 2004 and for the application to beneficial use of said water on or before December 1, 2008.

(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 0.333 cubic feet of water per second for beneficial use. The location of the diversion points are:

- North well: 1,950 feet S and 150 feet E of the NW corner of Section 26, T98N, R65W (SW ¼ NW ¼);
- South well: 2,300 feet S and 150 feet E of the NW corner of Section 26, T98N, R65W (SW 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 in a commercial swine operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Red Rock Cooperative Association the holder and/or owner of Water Right No. 6150-3 is issued a license to appropriate water, the right to use 0.333 cubic feet of water per second (150 gallons per minute) from ground water (two wells – Dakota Formation) with a priority date of August 25, 1999 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6150-3 and subject to the following qualifications:

- The wells approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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 Right No. 6150-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
- Water Right No. 6150-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 12 2006

date

