

WATER PERMIT NO. 6219-3

Name of Applicant: Heartland Pork, LLC

Address: 39486 215 St, Alpena SD 57312

Phone: 605 352-7330

Amount of Water Claimed: 75 gpm (0.17 cfs)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Beadle

Type of Waste Disposal System:

Location: 8 miles southwest of Huron

PRIORITY

Date Received: 6-28-2000

Fee: \$150

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 6-T109N-R62W

Land to be Irrigated: NA

Depth of Well: 1090 feet deep

Well Driller: : Huron Drilling

Remarks:

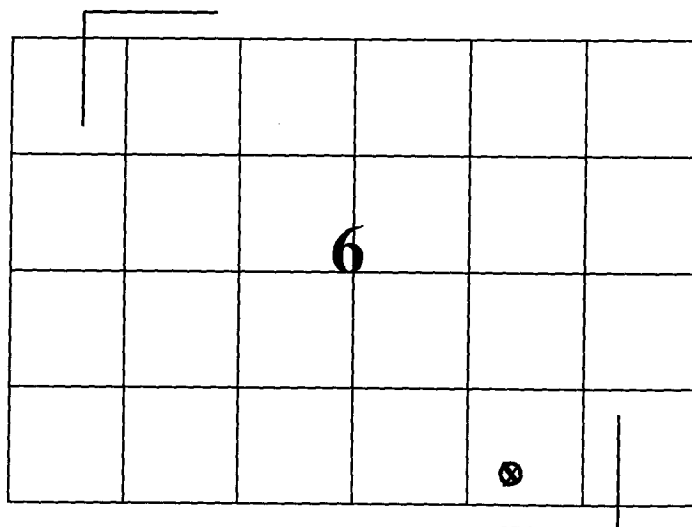
Type of Map: topo

Prepared by: Stacy Johnson

Reviewed and the Number Assigned on: 6-28-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6219-3**

Date of first receipt of application June 28, 2000.

The Water Management Board approved Water Permit Application No. 6219-3 on September 28, 2000 for Heartland Pork, LLC, 39486 215th St, Alpena SD 57312 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. 6219-3 appropriates 0.17 cubic feet of water per second (75 gallons per minute) from one existing well (Dakota Formation) 1090 feet deep located in the SE ¼ Section 6-T109N-R62W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use for a hog confinement facility 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 June 28, 2000.
5. One-fifth of the construction is to be completed on or before March 28, 2003.
6. All construction is to be completed on or before September 28, 2005.
7. Water is to be put to beneficial use on or before September 28, 2009.
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 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. Water Permit No. 6219-3 shall comply with Qualification Nos. 2 through 7 as set forth in Water Permit No. 5797-3.

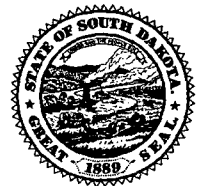
WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 15 2001

date



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

294 66

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6919-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Plainsman, Huron</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.) New well that is taking water from the Dakota Formation Aquifer instead of the Warren: West James Aquifer as originally permitted. (5797-3)

- Name of Applicant Heartland Pork, L.L.C. Phone 352-7330 or 849-3460
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 96 Alpena 39486 215th St Alpena State SD 57312
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.17 *CFS or 30 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply One well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One well in SW 1/4 SE 1/4 Section 6 T109N-R62W
County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used January 1-December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)
County of Beadle) 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, David Uttech, 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.

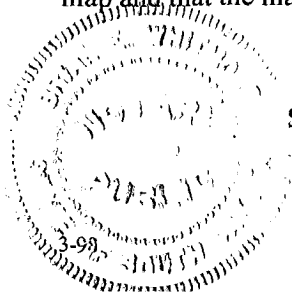
Applicant's signature David Uttech

Subscribed and sworn to before me this 23 day of June 19 2000

My Commission Expires 12/13/05

Brian E. Whitmore

Notary Public signature



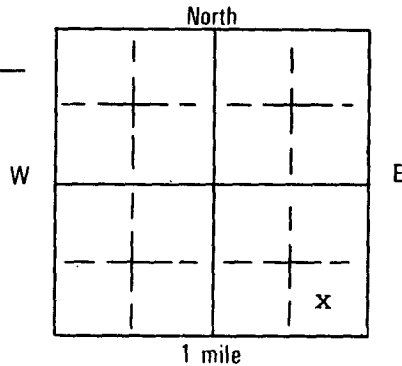
SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SE 1/4 SE 1/4 Sec 6 Twp 109 Rg 62

County Beadle

Please mark well location with an "X"



Well Owner:

Name Heartland Pork

Address 39486 215th St

Alpena SD 57312

Plugging completion Date 8-24-00

CHECK APPROPRIATE BOX

EXISTING WELL ☒

TEST HOLE ☐

Well depth 110'

Hole depth _____

Casing material PVC

Hole size _____

Casing size(s) 4"

Casing condition Good

Describe plugging procedure: Triemie pipe was installed to bottom of aid well -
pumped cement grout into existing well from bottom to surface

Describe grout or plugging material: Portland cement 6 to 1 mix

Type of non-slip plug: none

This well or test hole was plugged under license # 94 And this report is true to the best of my knowledge.

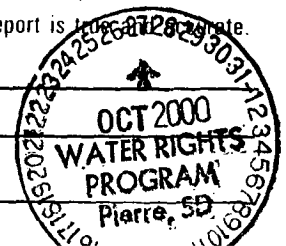
Drilling firm Huron Drilling Inc.

Signature of Licensed Representative _____

Signature of Well Owner _____

Date

10-26-00



700 0 700 Feet




Ron Duvall, Nat. Res. Engineer
August 7, 2001

No. 6219-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416565

Pierre, July 5, 2000

RECEIVED OF Heartland Perk, LLC, 39486 215 St, Alpena SD 57312
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6219-3 to Appropriate Water, to construct and to put water to beneficial use	15	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. 6219-3	50	00
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law)	Total	200 00

By

Chief Engineer

Marland Erbele

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 2000

David Uttecht
Heartland Pork, L.L.C.
Box 96
Alpena, SD 57312

Dear Mr. Uttecht:

Heartland Pork obtained a water right permit in 1994 which appropriates water from two wells to supply a hog confinement facility. Specifically, Water Permit No. 5797-3 was issued authorizing diversion of 75 gallons per minute (gpm) from two existing wells constructed into the Warren West James Aquifer.

On May 23rd, Stacy Johnson conducted an onsite visit of the water use system for the purpose of licensing the permit. Licensing is a step required by law to ensure the system was developed as proposed and to quantify the amount of water being placed to beneficial use. Ms. Johnson found that one of the two wells had been abandoned and replaced with a Dakota Formation well that was drilled in August of 1994. This Dakota Formation well is not authorized by the facility's current permit

A new water right permit will need to be obtained for the use of water from the Dakota Formation well. I have enclosed a partially completed water right permit application. The amount of water from the Dakota Formation well is listed as 30 gallons per minute (gpm) on this application. The application will also need to be signed, notarized and submitted with the appropriate application filing fee. The fee for an application appropriating 30 gpm is \$100. If the amount of water claimed is greater than 30 gpm, the fee may change. We already have the necessary well information on file and Ms. Johnson prepared a map showing the location of the well. Finally, I want to make you aware that this application will need to be public noticed and you will be responsible for this cost at the time of publishing.

Please review the application carefully and make any corrections you believe are necessary. If you have any questions on the need to file a new application for this Dakota Formation well or the application process, feel free to contact Stacy Johnson or myself at (605) 773-3352.

Sincerely,


Eric Gronlund
Water Rights Program

enclosure

Water Rights Program - File Documentation

NAME: Heartland Pork, LLC

ADDRESS: Alpena

DATE: 6-28-2000 **COUNTY:** BD **TELEPHONE:** 605 352-7330

RE: Inspection of 5797-3

COMMENTS:

Stacy Johnson investigated Water Permit No. 5797-3 on May 23, 2000. At that time, Stacy found that one of the two shallow wells authorized by the permit had been abandoned. The existing shallow well was capable of diverting 5 gpm and will be licensed for that amount.

A deeper Dakota Aquifer well had been drilled as a replacement well. Therefore, a new permit is required since the well was a different formation than authorized by No. 5797-3. Stacy's investigation had found that the deeper well had a pump capacity of 30 gpm.

When David Uttecht submitted the application for the deeper well he requested 75 gpm instead of the 30 gpm. It will be necessary for Permit No. 6219-3 to be investigated once the increased diversion rate is developed.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6219-3
for Heartland Pork, LLC.
July 25, 2000

Application No. 6219-3 proposes to appropriate 0.17 cfs (75 gpm) from one existing well approximately 1090 feet deep located in the SW 1/4 SE 1/4 of section 6, T109N R62W in Beadle County. The water is for commercial use in a hog confinement facility.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale aquifer which is under artesian conditions in this area. The driller's log filed with the application indicates the top of the Dakota Formation was at 775 feet below land surface. The total depth of the well is 1090 feet and the well as completed was capable of flowing 20 gpm through a 2 inch pipe. The shut in pressure of the well was reportedly 20 psi. Information is not available from the well completion report to determine if this well was constructed in accordance with SD Well Construction Standards.

The Dakota Formation underlies 1,250 square miles and contains an estimated 18 million acre feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer is areally extensive into all the counties surrounding Beadle County and underlies about 85 percent of South Dakota (Schoon, 1971). Ground water movement is from west to east across Beadle County.

The Water Rights Program does monitor an observation well, HD-87A, completed into the Dakota Formation and located about 22 miles west and three miles north of this application. Water levels for this observation well have been declining since the observation well was drilled. In fact, water levels have been declining in Beadle County since development of the Dakota formation began in the 1890's (Howells, 1968). The rate of decline for observation well, HD-87A, since the well was drilled is about one foot per year but over the last five years has averaged about 0.8 foot per year (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

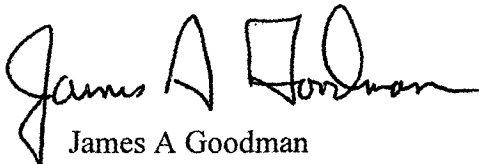
There are two existing water right Nos. 5504-3 and 4256-3 from the Dakota Formation and located about five miles east and six miles west, respectively from this application. Interference is not a concern. Drawdown created by pumping is not significant at this rate of production and should not extend to the existing permits.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions. All of the Dakota Formation wells in this area including the well for this application are free-flowing wells at the land surface.

This well reportedly flowed 20 gpm and would have to be pumped to yield the requested rate of 75 gpm.

3. Interference is not expected to be a problem. Drawdown created by pumping this well should not significantly affect other wells in the area. It may be necessary to install pumps in the wells to maintain the amount of water needed.
4. This is an existing well and the completion report indicates that this well was probably not constructed in accordance with SD Well Construction Standards. Grouting of the entire casing from above formation to the land surface is required for this type of water use.
5. This application is a result of an inspection by Water Right staff which discovered that a Dakota Formation well had been drilled and was being used instead of and in addition to the permitted Warren West James water source. The inspection indicates that the Dakota Formation well was being used at a rate of 30 gpm at that time. This permit if approved will have to be inspected again prior to licensing.
6. The Water Management Board has determined that permits can be issued from the Dakota Formation even though water levels are declining. The Board has determined that the major reason for declining water levels is the large number of uncontrolled wells flowing to waste. The Board determined that it would not be in the public interest to deny a permit when the effects of the withdrawal will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Formation (see Farmland Industries Permit No. 5136-3).



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

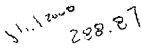
Hedges, L.S., et al., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Howells, L.W., J.C. Stephens, 1968, Geology and Water Resources of Beadle County South Dakota, Bulletin 18, SDGS, Vermillion, SD, 57069.

Schoon, R. A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2000, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

HD-87A





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6219-3, Heartland Pork, L.L.C.**

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. 6219-3, Heartland Pork, L.L.C., c/o David Uttecht, 39486 215th Street, Alpena, SD 57312.

The Chief Engineer is recommending APPROVAL of Application No. 6219-3 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. Water Permit No. 6219-3 shall comply with Qualification Nos. 2 through 7 as set forth in Water Permit No. 5797-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 22, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 23, 2000

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6219-3 to Appropriate Water to be published twice. Please publish the first notice on August 30, 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 APPLICANT for the cost of publication.** The APPLICANT is Heartland Pork, LLC, c/o David Uttecht, 39486 215 St, Alpena SD (Ph # 605 352-7330).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6219-3

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

Date _____

We are in receipt of your letter of August 23, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6219-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

August 23, 2000

Heartland Pork, LLC
c/o David Uttecht
39486 215 St
Alpena SD 57312

Dear Mr Uttecht:

Water Permit Application No. 6219-3 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 The Plainsman printed at Huron, SD (Ph # 605 352-6401). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on August 30, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6219-3 to Appropriate Water

Notice is given that Heartland Pork, LLC, 39486 215 St, Alpena SD 57312 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second (75 gallons per minute) from one existing well (Dakota Formation) 1090 feet deep located in the SW ¼ SE ¼ Section 6-T109N-R62W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 6219-3 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 September 18, 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.

The Water Management Board will consider this application at 8:30 am, September 28, 2000, Radisson (Angostura Room), 445 Mt. Rushmore Road, Rapid City 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 September 28, 2000 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 September 18, 2000.

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 September 18, 2000, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PRINTER'S AFFIDAVIT



STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Cheri Biorke, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SD Department of Environment & Natural Resources,
Notice of Hearing on Application No. 6219-3 to Appropriate Water

was published for two days, once each week, on the same day each week, in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 30th day of August, 2000, and the last publication on the 6th day of September, 2000. That the full amount of the fee charged for publishing the same, to One Hundred Twelve and 20/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cheri Biorke

Subscribed and sworn to before me this 6th day of
September, 2000.

Gessie Frazer

Notary Public, South Dakota

My term expires 7/15/2004

Legal # 337

F.P. 8-30-00 L.P. 9-6-00
NOTICE OF HEARING
on Application No. 6219-3 to
Appropriate Water

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Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
No. 337 (adv.)

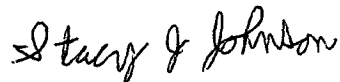
11 (2) x 5.10 = 112.20

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Dave Uttecht **File No.** 6219-3
Address: 39486 215th Street, Alpena, SD 57312 **County:** Beadle
Date: December 15, 2000 **Telephone:** (605) 352-7330
RE: Permit No. 6219-3

Comments: I talked to Dave Uttecht of Heartland Pork about this permit for a well. I told that when I did my inspection this summer that I found that this well has the capacity of pumping 30 gpm. He wants to be able to have the capacity of pumping 75 gpm from this well. I asked him if the well is capability of pumping 75 gpm right now. He told me that some work will need to be done to the well get it up to the 75 gpm. I told him that once this work was completed that some one from the office would come out and look at the well again.



Stacy J. Johnson
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 15 2001

6219-3

Heartland Pork, LLC
39486 215th St.
Alpena, SD 57312

Dear Sir:

Enclosed is Water Permit No. 6219-3 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

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

Date 2/20/2001

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

FROM: Heartland Pork, LLC
(name)

39486 215th St
(address)

Alpena, SD 57312
(city, state, zip)

(605) 352-7330
(phone)

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

Water Permit No. 6219-3 states that the water use system is to be constructed by

9/28/05
(date)

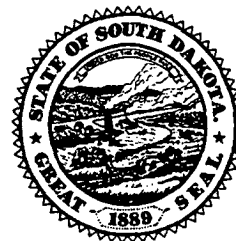
, and water is to be put to beneficial use by 9/28/09
(date)

The water use system was completed on 11/01/00
(date)

Applying the water to beneficial use was completed on 11/01/00
(date)

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

D. J. Utter, Managing Partner
(signature)



Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Stacy J. Johnson **File No.** 6219-3

Address: 523 E Capitol Pierre SD 57501-3181 **County:** Hughes

Date: January 9, 2001 **Telephone:** 773-5671

RE: Location of well

Comments: I found out when I was writing up my inspection report for Water Permit No. 5797-3 that the map I created for Water Permit Nos. 5797-3 and 6219-3 did not have the wells in the correct quarter quarter section. I have made the needed corrections and have copies of the map in each file.

The permit was incorrectly advertised with the well location in the [REDACTED] Section 6 T109N-R62W. The actual location is [REDACTED] Section 6 T109N-R62W.

The well location will need to be corrected at the time of licensing.



Stacy J. Johnson

Natural Resources Engineer

Permit No. 6219-3
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, 2001, made a thorough examination of the water use system constructed by Heartland Pork, LLC of 39486 215th St, Alpena SD 57312 holder of Permit No. 6219-3, bearing the priority of June 28, 2000 authorizing the diversion of 0.17 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial purposes, in Beadle County.

Inspection contact & relationship to permit holder, if applicable: **David Uttecht**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 1090 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 & 2 inches
- 2) Length 850 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 240 feet
- 3) Static water level flowing

Pump\Motor:

- 1) Make Submersible unit
- 2) Size 4 hp
- 3) Capacity 75 GPM

B. Works used to transport\apply water to beneficial use:

Water is used to supply a swine confinement operation. The size of the submersible pump has been increased to allow pumping at the permitted diversion rate.

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 point of diversion located as follows: Well: $\approx$ 330 feet N and $\approx$ 875 feet W from the SE corner section 6-T109N-R62W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)*. The works are capable of diverting and conveying to the place of use 0.17 cu. ft. per second of water which is to be used to supply a swine confinement operation. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.17 cfs.

Comments or other permit(s) associated with the project: 5797-3 | All structures, wells and lands on map Y

*The location of the well needs to be corrected from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ – see attached file documentation dated August 7, 2001.



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 7, 2001



Stacy J. Johnson 12-18-00

Stacy J. Johnson
Natural Resources Engineer
SD DENR Water Rights Program



Approval of Diversion Point Location Change

NAME: Heartland Pork LLC

ADDRESS: 39486 215th St, Alpena SD 57312

DATE: August 7, 2001 **COUNTY:** Beadle **TELEPHONE:** 849-3460

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well is developed into the Dakota formation as specified on the water permit application. There has been no increase in the permitted diversion rate of 75 gallons per minute.

- **If irrigation, no new land is irrigated**

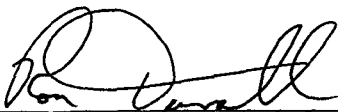
Not applicable – water is used in a swine confinement operation

- **Review of Existing Diversions**

The nearest other permitted diversions from the Dakota formation are Nos. 5504-3 and 4256-3 located five east and six miles west, respectively from No. 6219-3. No interference was expected at the time of application and no interference has been reported.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6219-3

(1) Heartland Pork, LLC, 39486 215th St, Alpena SD 57312 made Application No. 6219-3, June 28, 2000 for a water permit to divert 0.17 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial use purposes. Permit No. 6219-3, with a priority date of June 28, 2000 was approved September 28, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 2005 and for the application to beneficial use of said water on or before September 28, 2009.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on February 21, 2001. The *Notice* stated the diversion system was completed and the water placed to beneficial use on November 1, 2000.

An investigation conducted for licensing purposes found the well under Water Permit No. 6219-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(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 0.17 cubic feet of water per second for beneficial use. The location of the diversion point is 300 feet N and 875 feet W from the SE corner of Section 6-T109N-R62W (SE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heartland Pork, LLC, 39486 215th St, Alpena SD 57312 the holder and/or owner of Water Right No. 6219-3 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from groundwater (one well) with a priority date of June 28, 2000 from the location specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 6219-3 and subject to South Dakota State Law.



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

AUG 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 13 2001

6219-3

Heartland Pork, LLC
% David Uttecht
39486 215th St.
Alpena, SD 57312

Dear Mr. Uttecht:

Enclosed is Water License No. 6219-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures