

WATER PERMIT NO. 6264-3

Name of Applicant: Yankton Livestock Auction Market & Feedlot

Address: PO Box 603
30651 US Hwy 81, Yankton SD 57078

Phone: 605 665-2995

Amount of Water Claimed: 0.56 cfs (250 gpm)

Total Acres: NA

Source of Water Supply: groundwater (1 existing well)

Water to be used for: commercial use

County: Yankton

Type of Waste Disposal System:

Location: 2 miles north of Yankton

PRIORITY

Date Received: 5-25-2001

Fee: \$275

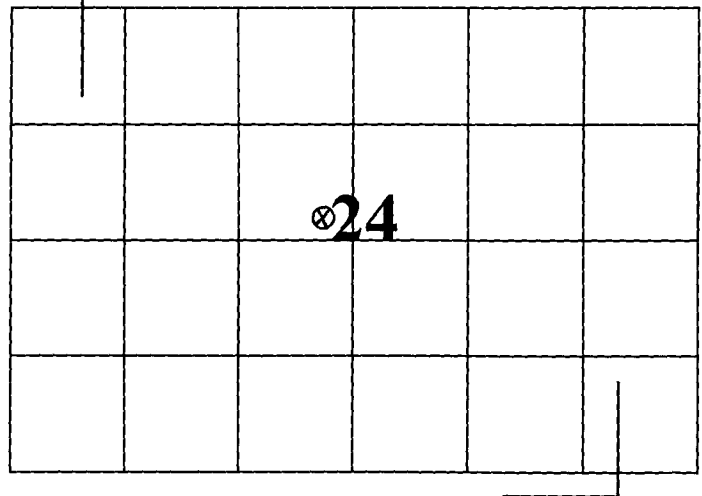
Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NW ¼ Sec 24-T94N-R56W

Land to be Irrigated: NA



Depth of Well: 260 feet deep

Well Driller: : Wetmore Drilling

Remarks:

Type of Map: plat

Prepared by: Mark E Johnson, LS

Reviewed and the Number Assigned on: 5-29-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6264-3**

Date of first receipt of application May 25, 2001.

The Water Management Board approved Water Permit Application No. 6264-3 on July 11, 2001 for Yankton Livestock Auction Market and Feedlot, PO Box 603, Yankton SD 57078 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6264-3 appropriates 0.56 cubic feet of water per second (250 gallons per minute) from one existing well (Lower James Missouri Aquifer) 260 feet deep located in the SE ¼ NW ¼ Section 24-T94N-R56W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in an existing cattle feeding operation and livestock auction barn 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 May 25, 2001.
5. 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. Permit No. 6264-3 will be subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6264-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

JUL 26 2001

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	No. <u>6264-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Daily Press & Dakotan, Yankton SD</u>	<u>57078</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 <u>Agricultural</u>	

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 Yankton Livestock Auction Market and Feedlot Phone (605) - 665 - 2995
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30651 US Highway 81, Yankton PO Box 603, Yankton State SD 57078
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.56 *CFS or 250 **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 Lower James Missouri Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____

SE 1/4 NW 1/4, Section 24, T94N, R56W County Yankton

5. County or counties where water will be used Yankton

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

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) This is an existing 14,720 head cattle feeding operation and livestock auction barn that has elected to obtain coverage under the South Dakota General Water Pollution Control Permit For Concentrated Animal Feeding Operations. Plans and specifications for the CAFO permit are being prepared for submission to the SD DENR. The permit application is anticipated to be submitted June 15, 2001. The water well under consideration was constructed in 1978.

STATE OF SOUTH DAKOTA)
County of Yankton 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, Larry Ryken, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Larry Ryken

Subscribed and sworn to before me this 24th day of May 2001

Lois E. Bottolfsen
Notary Public

(type or print in ink)

a) Drill Hole Diameter 18 in. Depth 260 ft.

b) Casing Type Steel Diameter 10 in. Thickness _____

c) Screen Type Slot Diameter 10 in. Thickness _____

d) Gravel Pack Yes Length of Gravel Pack 60 ft.

e) Depth to Top of Water Bearing Material 126 ft.

f) Depth to Water (ground surface to water level) 160 ft.

g) Distance to nearest existing domestic well:

On applicants property NA On property owned by others _____ $\frac{1}{2}$ mile to the NW _____

a) Type of System (i.e. septic tank, drain field) See CAFO Plans & Specifications

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of NA Sanitary System _____

a) Surface Dimensions NA Depth NA

b) Depth to water (ground surface to water level) NA

b) Freeboard NA

c) Crest Width NA
Crest Length NA

d) Height NA

e) Primary Outlet Capacity NA
If pipe, diameter NA

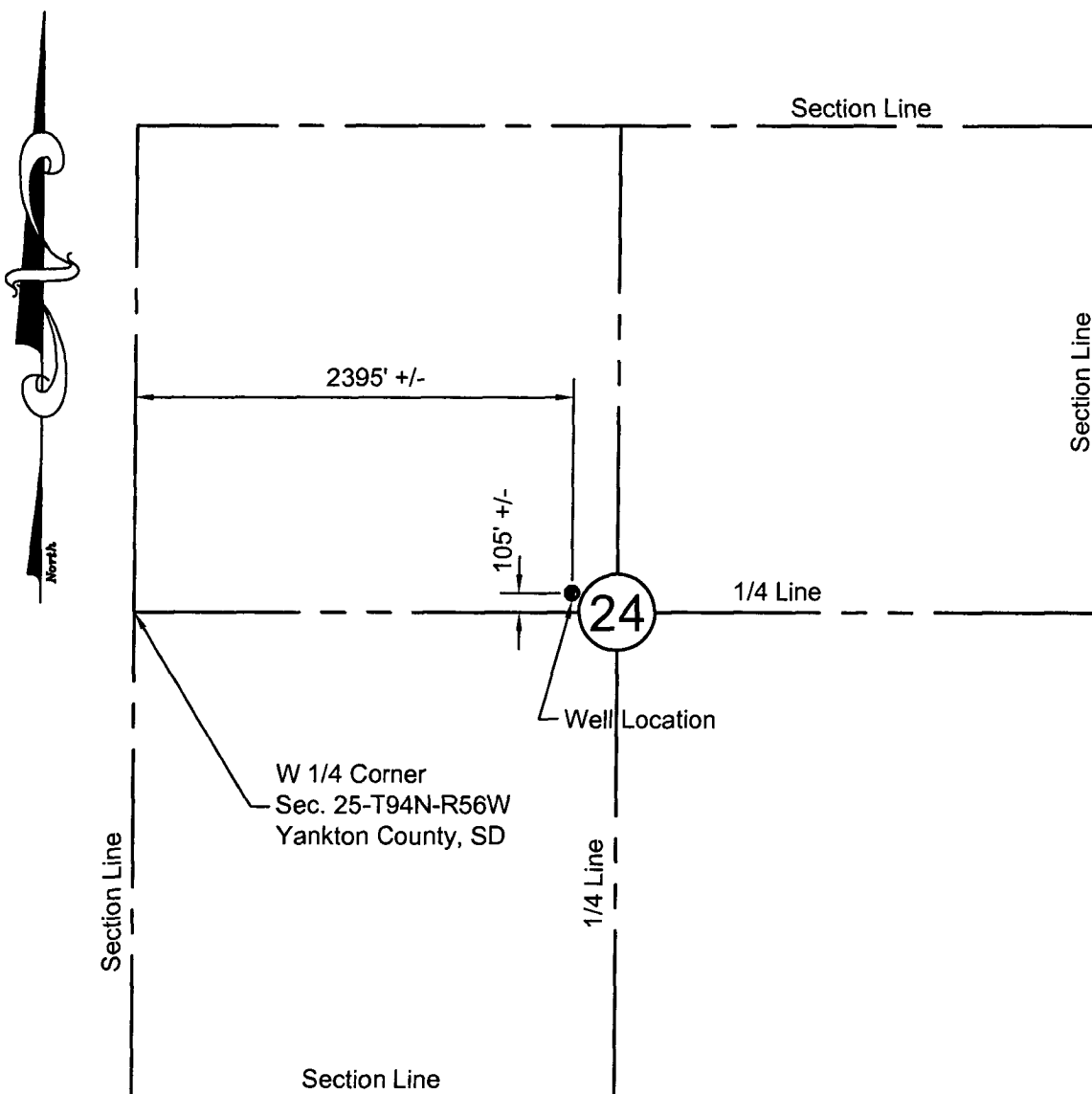
f) Secondary Spillway Capacity NA
Spillway Width NA

g) X & Y Slope NA
Upstream NA
Downstream NA

h) Surface Area of Impoundment NA

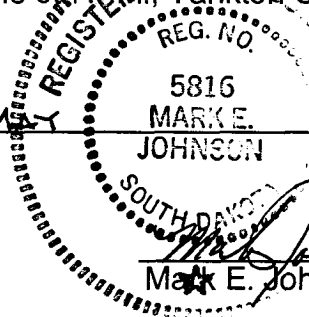
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Larry Ryken did prepare this map depicting the location of one well in the NW 1/4 of Section 24, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota.

Dated this 24th day of May, 2001.



Mark E. Johnson, LS 5816

6264-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NS 416841

Pierre, May 25, 20 01

RECEIVED OF Yankton Livestock Auction Market, 30651 US Highway 81, Yankton, SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6264-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	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. <u>6264-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	325 00

By

Darland Erbe

Chief Engineer

gm

EISENBRAUN AND ASSOCIATES

215 Walnut Street
Yankton, South Dakota
(605) 665-8092
Fax (605) 665-0523

LETTER OF TRANSMITTAL

TO: Mr. Eric Gronlund
SD-DENR Water Rights Program
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3182

DATE: 5/25/2001

EA #: Y01142

SUBJECT: Yankton Livestock Auction & Feedlot Water Rights Application

WE ARE SENDING YOU:

☒ Attached ☐ Under Separate Cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Specifications
☐ Copy of letter ☐ Change Order ☐ Water Right Application

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ For Approval ☐ Approved as submitted ☐ Corrected as requested
☒ For your use ☐ Approved as noted ☐ Documents returned after loan to us
☐ As requested ☐ Returned for corrections ☐ FOR BIDS DUE
☒ For review and comments ☐ _____

REMARKS : Mr. Gronlund, At the request of Yankton Livestock Auction I am submitting a water rights application (2 copies) for review and processing. I am also including a check in the amount of \$325 from Yankton Livestock Auction to SD-DENR. Please call me if you have comments or questions.

Thank you for a prompt review of this application. John Childs

If enclosures are not as noted, kindly notify us at once.

Copy To: Todd VanMaanen P.E.

Signed: _____

John D Childs

REPORT ON WATER PERMIT APPLICATION NO. 6264-3
for Yankton Livestock Auction Market and Feedlot
June 1, 2001

Application No. 6264-3 proposes to appropriate 0.56 cfs (250 gpm) from one existing well approximately 260 feet deep located in the SE 1/4 NW 1/4 of section 24, T94N R56W in Yankton County. The water is for commercial use in an existing cattle feeding operation and livestock auction barn.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash (sand and gravel) and under water table conditions in this area. The aquifer underlies 238 square miles of Yankton County extends into Clay county to the east, Hutchinson county to the north and into Bon Homme County to the west (Bugliosi, 1986). The aquifer is also hydraulically connected to the James and Missouri Rivers. Bugliosi divided the aquifer into northern and southern areas because of different depositional episodes which roughly correlate to the Lower James Missouri and Missouri Elk Point aquifers as described by Hedges. The Lower James Missouri aquifer underlies 92,500 acres and contains an estimated 2.08 million acre feet of recoverable water in storage in Yankton County (Hedges, 1982).

The driller's log filed with the application indicates clay from near the surface to a depth of 126 feet followed by sand and gravel from 126 feet to a depth of 260 feet below land surface. The well had a static water level of 160 feet below land surface and was capable of producing 250 gpm with eight feet of drawdown. This equates to a specific capacity of about 31 gpm/ft of drawdown.

The Water Rights Program monitors two observation wells, YA-78H and YA-78G, which are located within two miles of this application. YA-78H is located about one-half mile northeast and YA-78G is located about one and one-half miles northwest of the well for this application. Water levels for these wells show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record for these wells indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2001). Hydrographs for these two observation wells are included with this report.

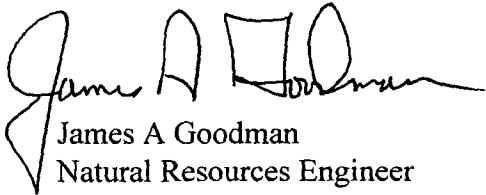
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation wells for Water Right Nos. 3369A-3 and 3369B-3 which are located in the W 1/2 of section 19, T94N R55W and are approximately three-fourths mile east of the well for this application. Also Water Permit No. 6178-3 proposes to use the well authorized by Water Right No. 3369A-3 for irrigation of additional acreage. Another irrigation well for Water Right No. 4209-3 is located about one and one-half miles south of the well for this application. Interference is not a concern. The well for this application is an existing well and has been in use for many years (drilled in 1977).

The irrigation wells have also been in use for many years with no apparent problems. The hydrographs for the observation wells verify this conclusion and illustrate very little drawdown occurs as a result of pumping.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well for this application has been used for many years with no apparent water availability problems or concerns.
4. The observation well hydrographs clearly show the effects of recharge to the system and also the lack of impact by pumping of the existing high capacity wells.
5. The application states that this facility will be submitting plans and specifications for coverage under the General Water Pollution Control Permit for Concentrated Animal Feeding Operations (CAFO).
6. The proposed water use for this application is consistent with the beneficial use definition in SDCL 46-1-6(3) and with previous Water Management Board decisions.



James A Goodman
Natural Resources Engineer

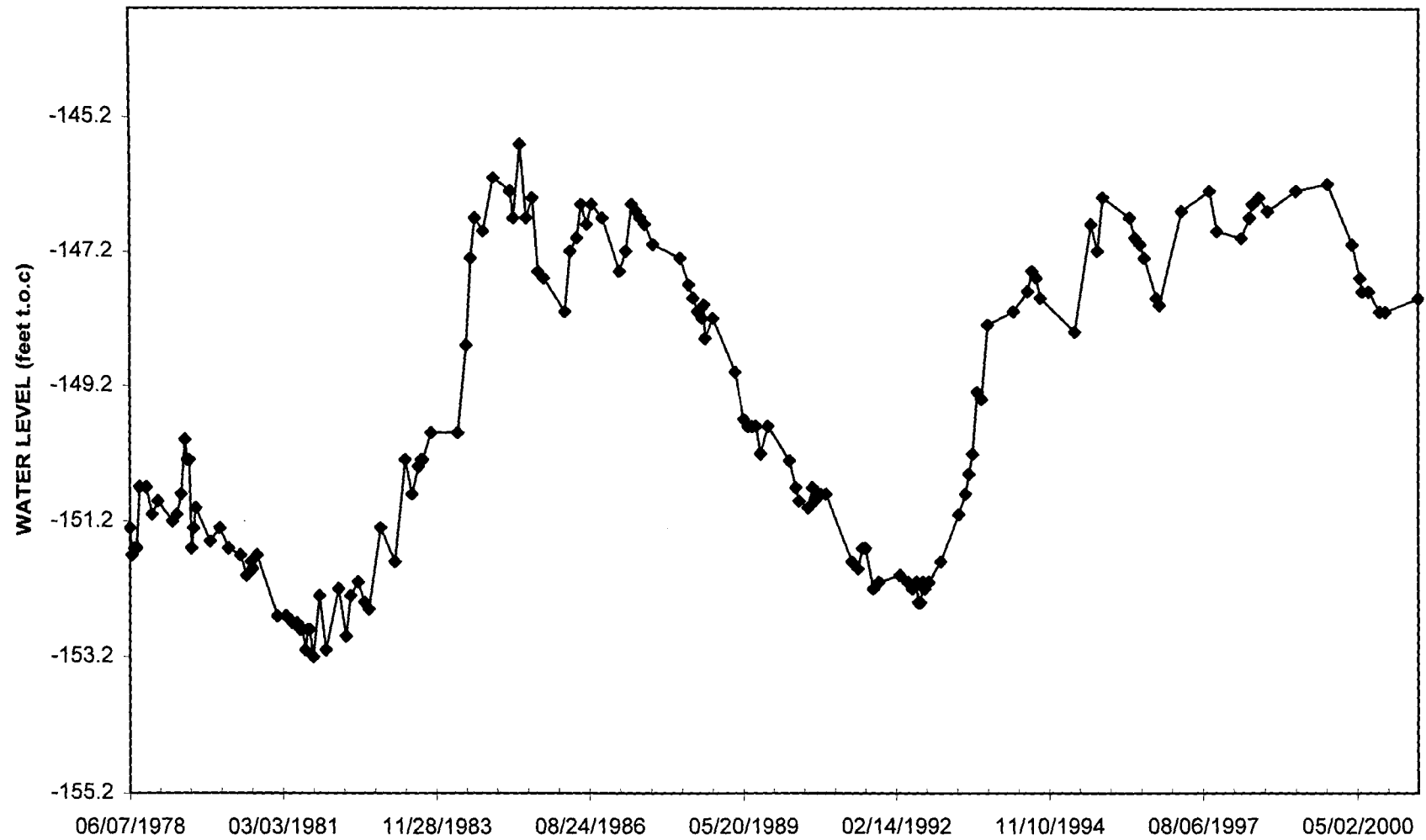
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, WRI 84-4241, USGS, Huron, SD, 57350.

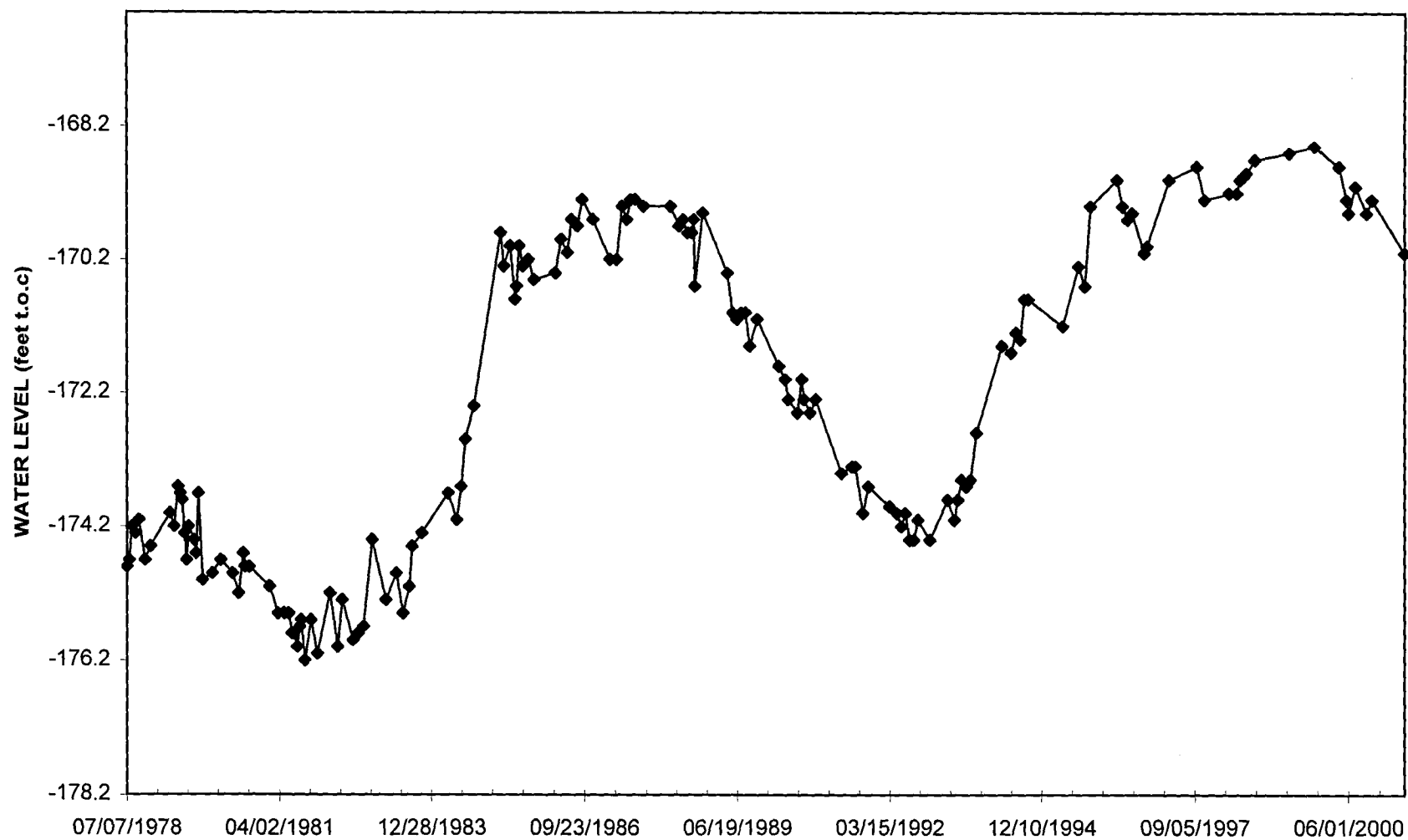
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2001, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
YA-78H**



**WATER RIGHTS' OBSERVATION WELL
YA-78G**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6264-3, Yankton Livestock Auction Market and Feedlot**

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. 6264-3, Yankton Livestock Auction Market and Feedlot, c/o Larry Ryken, 30651 US Highway 81, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6264-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6264-3 will be subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6264-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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
June 7, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 7, 2001

Yankton Livestock Auction Market & Feedlot
% Larry Ryken
30651 US Highway 81
Yankton, SD 57078

Dear Mr. Ryken:

Water Permit Application No. 6264-3 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 Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). 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

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

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 57501-3182
www.state.sd.us/denr

June 7, 2001

Daily Press & Dakotan
PO Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6264-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2001 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 Yankton Livestock Auction Market & Feedlot, % Larry Ryken, 30651 US Highway 81, Yankton, SD 57078 (Ph # 605-665-2995).

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. 6264-3

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

Date _____

We are in receipt of your letter of June 7, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6264-3 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 June 13, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6264-3 from
Yankton Livestock Auction Market and Feedlot to Appropriate Water

Notice is given that Yankton Livestock Auction Market and Feedlot, 30651 US Highway 81, Yankton SD 57078 has filed an application for a water permit to appropriate 0.56 cubic feet of water per second (250 gallons per minute) from one existing well (Lower James Missouri Aquifer) 260 feet deep located in the SE ¼ NW ¼ Section 24-T94N-R56W. The water is for commercial use in an existing cattle feeding operation and livestock auction barn.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6264-3 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 July 2, 2001. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M. on July 11, 2001 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., 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 July 11, 2001 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 July 2, 2001.

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 July 2, 2001, 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.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN



6+13 & 20

NOTICE OF APPLICATION NO. 6264-3 from Yankton Livestock Auction Market and Feedlot to Appropriate Water

Notice is given that Yankton Livestock Auction Market and Feedlot, 30651 US Highway 81, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.56 cubic feet of water per second (250 gallons per minute) from one existing well (Lower James Missouri Aquifer) 260 feet (drop) located in the SE 1/4 NW 1/4 Section 24-T94N-R56W. The water is for commercial use in an existing cattle feeding operation and livestock auction barn.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6264-3 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 July 2, 2001. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M. on July 11, 2001 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., 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 July 11, 2001 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 July 2, 2001.

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 July 2, 2001, 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. Pimer, Secretary
Department of Environment and Natural Resources

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 20TH DAY OF JUNE, 2001
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$86.70 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 06/13/01; 06/20/01

FILED ON: 06/20/2001

Rita L. Thomas
SUBSCRIBED AND SWORN TO BEFORE ME THIS 20TH DAY OF JUNE, 2001.

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/03



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 26 2001

Yankton Livestock Auction Market & Feedlot
% Larry Ryken
PO Box 603
Yankton, SD 57078

Dear Mr. Ryken:

Enclosed is Water Permit No. 6264-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2002

Gary and Ron Heine
55979 987th Road
Fordyce, NE 68736-3035

RE: Requirements for Transfer of Permit Application Approval

Gentlemen:

I was recently contacted by Eisenbraun and Associates asking about the process to transfer the department's approval of the general permit application for the Yankton Livestock Market and Yankton Feedyards to you.

The following items must be completed for transferring permit application approval:

1. The current owner must notify the Secretary of the proposed transfer date. We make any transfer a priority, but ask that you give us as much time as possible to review the submitted information and complete our transfer;
2. The notice must include a written agreement between the existing and new owners containing a specific date for transfer of permit application approval, responsibility, and liability between them.
3. The new owner needs to submit a Certification of Applicant form (in appendix A of the enclosed permit);
4. The new owner needs to submit a signed Operation and Maintenance Guideline. Unless changes are planned we generally see the new owner sign the same guideline that was submitted in the original application;
5. The new owner or operator will be required to attend a DENR approved Environmental Training Class. Currently, the department has approved the Environmental Training Program developed by the SDSU Ag Engineering Department. For more information on this training program, contact Chuck Ullery at 605-688-5141. Janet and Steve Heine have already attended an approved training class. If they are going to be the operator of this facility, please submit a copy of their training course certificate(s); and

6. The new owner must review the information in the existing nutrient management plan to determine if he will still follow these practices. Lease agreements/manure easements must also be reviewed and may need to be resubmitted if the name of the owner on the agreements or easements will change. Revisions to the nutrient management plan must be submitted to DENR for approval.
7. Water Right Permit No. 6264-3 held by Yankton Livestock Auction Market and Feedlot for the use of existing wells at the facility will need to be transferred to the new owner within ninety days of the sale of the facility. This is accomplished by the new owner completing and submitting the enclosed "Notice of Transfer of Ownership" form to the Water Rights Program of DENR.
8. The new owner is responsible for contacting local governments to determine if local permits or approvals need to be transferred.

The department may conduct an inspection to ensure all requirements have been met and to go over requirements with the new owner. **If the new owner plans to increase or decrease the animal numbers from what is in the DENR approved application or plans to make changes to the approved manure management system, the new owner must first receive DENR approval.**

If you have any questions or comments, please feel free to contact me at (605) 773-3351.

Sincerely,



Kent R. Woodmansey, PE
Natural Resources Engineering Director
Surface Water Quality Program

Enclosure

Cc: Larry Ryken, Yankton Livestock Auction Market & Yankton Feedyards
Garland Erbele, DENR – Water Rights
Yankton County Commission



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 11, 2001

Larry Ryken
Yankton Livestock Auction Market & Feedlot
30651 US Highway 81
Yankton SD 57078

Dear Mr. Ryken:

The enclosed material on the Auction Market & Feedlot's water right permit application was originally sent to you on June 7th. The postal service returned the mailing to us marked "Unable To Forward". I called your engineering consultants, Eisenbraun & Associates, who informed me that the information was sent to the correct address. Therefore, I am sending this information again.

You were to review the documents and if everything met with your approval, the letter directed you to contact the Yankton newspaper to authorize publication of the notice of hearing. It is my understanding that Eisenbraun & Associates was to contact you and the newspaper to ensure notice of hearing was published in order to schedule for hearing before the Water Management Board on July 11, 2001.

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

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

June 12, 2002



Mr. Garland Eberle, Chief Engineer
Water Rights Program
South Dakota Department of Environment and
Natural Resources
Joe Foss Building, 523 E. Capital
Pierre, SD 57501-3181

RE: Yankton Land and Cattle Company dba Yankton Livestock Auction Market and
Yankton Feedyards, Yankton, South Dakota
E/A Project No. Y02141.P01

Dear Mr. Eberle:

Please find enclosed a Notice of Transfer of Ownership for Water Rights Permit No. 6264-3 which was formerly owned by Larry Ryken dba Yankton Livestock Auction Market and Yankton Feedyards. It is being transferred to Yankton Land and Cattle Company dba Yankton Livestock Auction Market and Yankton Feedyards. A check for \$2.50 is also enclosed.

Today we are also submitting to Kent Woodmansey, AWMS Program, a letter notice of the transfer of ownership of the Yankton Livestock Auction Market and Yankton Feedyards from Larry Ryken to the Yankton Land and Cattle Company, Gary Heine, President. Included with that letter is all requested documentation substantiating the transfer of ownership.

Thank you for your attention and assistance.

Sincerely,

Eisenbraun & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Todd Van Maanen', followed by a long horizontal line.

Todd Van Maanen, PE
Vice President

TVM/njh

Enclosures

cc: Larry Ryken
Gary Heine

RECEIVED

JUN 17 2002

WATER RIGHTS
PROGRAM

June 12, 2002

Eisenbraun & Associates
Professional Engineers & Surveyors

Mr. Kent Woodmansey
AWMS Program
SD Department of Environment and
Natural Resources
523 E. Capital
Pierre, SD 57501-3181

RECEIVED

JUN 17 2002

SURFACE WATER PROGRAM

RE: Yankton Land and Cattle Company dba Yankton Livestock Auction Market and
Yankton Feedyards, Yankton, South Dakota
E/A Project No. Y02141.P01

Dear Mr. Woodmansey:

This letter is to inform you and Secretary Pirner that Larry Ryken dba Yankton Livestock Auction Market and Yankton Feedyards has been sold to the Yankton Land and Cattle Company dba Yankton Livestock Auction Market and Yankton Feedyards. The president of the Yankton Land and Cattle Company is Gary Heine. His address is 803 Hillcrest Grand Avenue, Yankton, South Dakota 57078. The manager of the facility will be Steve Bach, and his address is Yankton Land and Cattle Company, P. O. Box 774, Yankton, South Dakota 57078.

This response shall follow the format in your letter to Gary and Ron Heine dated June 7th, 2002. In your letter, you detailed the requirements needed to transfer a General Water Pollution Control Permit for Concentrated Animal Feeding Operations from one applicant to another. The supporting data and explanations are as follows:

1. This letter shall serve as notice to the South Dakota Department of Environment and Natural Resources and Secretary Pirner that the Yankton Land and Cattle Company has purchased and intends to operate the Yankton Livestock Auction Market and Yankton Feedyards. Their intent is to complete the updating and repair of the existing facility as detailed in the approved permit application package submitted originally by Larry Ryken dba Yankton Livestock Auction Market and Yankton Feedyards, and approved on May 21, 2002.
2. Find enclosed a copy of the Purchase Agreement and Bill of Sale between Larry Ryken and the Yankton Land and Cattle Company for the transfer of property, facilities, and business interests of the Yankton Livestock Auction Market and Yankton Feedyards. The effective date of the Agreement is June 4th, 2002. Note the purchase price for the facility has been removed from the documents for privacy protection.
3. Find enclosed a Certification of Applicant for the Yankton Land and Cattle Company dba Yankton Livestock Auction Market and Yankton Feedyards signed by its president, Gary Heine.
4. Find enclosed a signed Operation and Maintenance Guideline statement signed by Gary Heine for the Yankton Land and Cattle Company dba Yankton Livestock Auction Market and Yankton Feedyards. The signed Operation and Maintenance Guideline statement is the same one as originally submitted with Larry Ryken's approved permit application. It is understood that during the final permit process, a revised Operation and Maintenance Guideline shall be developed and submitted for final approval.

5. As stated above, Steve Bach shall be the manager of the Yankton Land and Cattle Company's facility. Find enclosed a copy of his Certificate for Environmental Training for South Dakota Livestock Producers dated May 15, 2002.
6. Find enclosed an assignment of the Nutrient Management Plan manure easements which were part of the approved permit application, also approved on May 21, 2002.
7. Find enclosed a Notice of Transfer of Ownership for Water Rights Permit No. 6264-3 which was formerly owned by Larry Ryken dba Yankton Livestock Auction Market and Yankton Feedyards. It is being transferred to Yankton Land and Cattle Company dba Yankton Livestock Auction Market and Yankton Feedyards. The original Notice of Transfer of Ownership has been submitted to the Chief Engineer of the Water Rights Program on June 12th, 2002.
8. Mike Marlow, the attorney representing Larry Ryken, has contacted Brian McGinnis with the Planning District III, which has been retained by Yankton County to advise them in zoning issues. Mr. McGinnis indicated that there are no requirements for transferring the conditional use permit and building permit submitted by Larry Ryken for the aforementioned project. The conditional use permit and building permit automatically transfer with a change in ownership of the property.

It is our belief that the aforementioned explanations and supporting attachments have met your requirements for transferring a General Water Pollution Control Permit for Concentrated Animal Feeding Operations from Larry Ryken to the Yankton Land and Cattle Company. The new owner does not plan on increasing or decreasing the animal numbers from DENR's approved application, nor do they plan to make changes to the approved manure management system. It is their intent to begin the required improvements to their animal waste management system as soon as possible such that they can meet the mandated August 1, 2002, deadline imposed by the South Dakota Department of Environment and Natural Resources. Your timely assistance would be greatly appreciated. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Eisenbraun & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Todd Van Maanen', with a long horizontal flourish extending to the right.

Todd Van Maanen, PE
Vice President

Enclosures

cc: Larry Ryken
Gary Heine
Yankton County Commission



January 29, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6264-3

VIA FACSIMILE

Ron Heine
Heine Farms
55969 897 Rd
Fordyce, NE 68736

Dear Mr. Heine:

The attached "Notice of Transfer of Ownership" form has been partially completed for ease in filing the ownership change for Water Permit No. 6264-3.

The form should be completed and then signed in the presence of a notary public by the new owner. A \$2.50 filing fee is required for filing an ownership change. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions when completing the transfer form, please get in touch with us.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

faxed to (402) 357-3369

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
JUN 17 2002
WATER RIGHTS
PROGRAM

No. 6264-3

Date: June 13, 2002

I/We request that Water Right/Permit No. 6264-3

formerly owned by: Larry Ryken dba Yankton Livestock Auction Market and Yankton Feedyards
Yankton Land and Cattle Company

be transferred to: (name & address) dba Yankton Livestock Auction Market and Yankton Feedyards
30651 U.S. Highway 81, Yankton, SD 57078 Telephone No. 605-665-2995

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

(See ATTACHMENT 1 for legal description)

I/We understand that the validity of Water Right/Permit No. 6264-3 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)
County of Yankton)

I/We Gary Heine 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.

Gary Heine
(Signed by new owner)

Subscribed and sworn to before me this 13th day of June, 2002

Lois L. Battalisen
(Notary Public)

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

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

ATTACHMENT 1

Legal Description of
Yankton Livestock Auction Market and Yankton Feedyards

Southeast Quarter of Section Twenty-four (24), Township Ninety-four (94), Range Fifty-six (56), Excepting therefrom the following parcels; Anderson's Addition in the Southeast Quarter (SE¼) as platted in Book S6, page 38A; Leach Addition in the Southeast Quarter (SE¼) as platted in Book S7, page 44; the North Three Hundred feet (N300') of the South Four Hundred feet (S400') of the North Six Hundred eighty-four feet (N684') of the West Three Hundred feet (W300') of the East Four Hundred feet (E400') of the Northeast Quarter of the Southeast Quarter (NE¼SE¼); JoDeans Addition in the East Half of the Southeast Quarter (E½SE¼) as platted in Book S17, page 6; Lot Three (3) in the Northeast Quarter of the Southeast Quarter (NE¼SE¼) as platted in Book S8, page 144; Lot One (1) and Lot Two (2) in the Northeast Quarter of the Southeast Quarter (NE¼SE¼) as platted in Book S8, page 123; and finally excepting the South Thirty-eight and Eighty-two hundredths Acres (S38.82A);

East Half of the Southwest Quarter (E½SW¼), Section Twenty-four (24), Township Ninety-four (94), Range Fifty-six (56);

Northeast Quarter (NE¼), including Cook's Addition as platted in Book S7, page 12, but excluding Lots One (1) and Two (2) in the Southeast Quarter of the Northeast Quarter (SE¼NE¼) as platted in Book S8, page 144, Section Twenty-four (24), Township Ninety-four (94), Range Fifty-six (56);

Southeast Quarter of the Northwest Quarter (SE¼NW¼), Section Twenty-four (24), Township Ninety-four (94); Range Fifty-six (56)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417184

Pierre, June 17, 2002

RECEIVED OF Steven J. Aach, 813 James Pl., Yankton SD 57078
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 6264-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

Darlene E. Ebel

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 2002

6264-3

Gary Heine
Yankton Land & Cattle Company
Yankton Livestock Auction Market & Yankton Feedyards
30651 US Hwy 81
Yankton, SD 57078

Dear Mr. Heine:

The Department of Environment and Natural Resources has received the completed notice of transfer of ownership for Water Right Permit No. 6264-3. This water right permit appropriates 250 gallons per minute from one well for commercial use in an existing cattle feeding operation and livestock auction barn.

The transfer of ownership is complete. The water right permit is now held in the name of Yankton Land and Cattle Company, dba Yankton Livestock Auction Market and Yankton Feedyards in care of Gary Heine, 30651 U.S. Highway 81, Yankton SD 57078.

Enclosed is Receipt No. 417184 for the \$2.50 transfer filing fee. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure

c: Todd Van Maanen, PE, Eisenbraun & Associates
Steven J Bach, Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2002

6264-3

Gary Heine
55979 987th Rd
Fordyce NE 68736-3035

RE: Yankton Land and Cattle Company

Dear Mr. Heine:

Enclosed is our June 26th letter to you confirming the transfer of ownership of Water Permit No. 6264-3.

I forwarded the letter to the address you included on the Notice of Transfer of Ownership form. The Post Office returned the letter to us indicating they were unable to forward the piece of mail.

I apologize for the delay and will use your Fordyce, Nebraska address when mailing out future correspondence. If you have any questions, please give me a call.

Sincerely,

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

enclosure

Permit No. 6264-3
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, **August 23, 2004**, made a thorough examination of the water use system constructed by **Yankton Livestock Auction Market and Feedlot** of **PO Box 603, Yankton** holder of Permit No. **6264-3**, bearing the priority of **May 25, 2001** authorizing the diversion of **0.56** cu. ft. per second of water of **Lower James Missouri Aquifer** for **commercial** purposes, in **Yankton** County.

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

A. Works used to divert the water:

260 foot deep well – very little is known by the current owner about the pump in the well

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

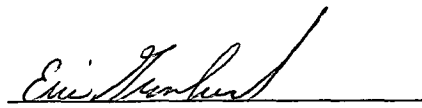
Underground pipeline distributes water to the market and feedlot areas

C. Works used to apply water to beneficial use:

The system is in the following condition **good**. The point of diversion is located **approximately 2,395 feet east and 2535 feet south of the NW ¼ (SE ¼ NW ¼) Section 24, T94N, R56W (Lat/Lon N42.94533 W-097.40807)**. The works are capable of diverting and conveying to the place of use **.56** cu. ft. per second of water which is to be used for **commercial use**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.56** cfs

Applicable permit qualifications have been complied with: Yes **X** (has obtained coverage under general water pollution control permit for concentrated animal feeding operations)

Exceptions to compliance are: **none** Date Report Completed: **October 22, 2004**



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO.

DATE OF INVESTIGATION:	August 23, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Conducted inspection with Brad Contact person is: Ron Heine Heine Farms 55969 897th Rd Fordyce NE 68736
NAME & ADDRESS OF PERMIT HOLDER	Yankton Livestock Auction Market and Feedlot PO Box 603 Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	<u>approximately 2,395 feet east and 2535 feet south of the NW ¼ (SE ¼ NW ¼) Section 24, T94N, R56W (Lat/Lon N42.94533 W-097.40807).</u>

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: **Wetmore**
- 2) No. of Wells **1**
- 3) Depth(s) **260** feet
- 4) Well log is available **Yes**
- 5) Comment: **it appears from the well log on file that the log identifies the wrong section.**

Pump: Unknown (Heine Farms took over the facility and transferred water right in June 2002

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity GPM

Casing:

- 1) Diameter **10** inches
- 2) Length **200** feet
- 3) Type **Steel**

Screen:

- 1) Type
- 2) Length **60** feet
- 3) Static water level **160** feet

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating hp

DISTRIBUTION LINES OR CANALS:

System of pipelines distributes water throughout the facility.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y/N
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

COMMENTS: I asked Jeanie Votava with the Surface Water Quality Program about the facilities compliance with the General Permit. She said they were currently in good standing with them.

PICTURE OF WELL



Water Permit No. 6264-3, Yankton Livestock Auction Market & Feedlot



Well is located approximately 2,395 feet east and 2,535 feet south of the NW corner (SE 1/4 NW 1/4) of Section 24, T94N, R56W (Lat/Lon N42.94533 W-097.40807))



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 23, 2004

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6264-3

(1) Yankton Livestock Auction Market and Feedlot, PO Box 603, Yankton SD 57078 made Application No. 6264-3, May 25, 2001 for a water permit to divert 0.56 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for commercial purposes. Permit No. 6264-3, with a priority date of May 25, 2001 was approved July 11, 2001 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

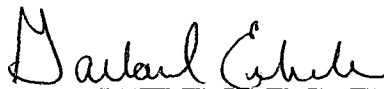
On June 17, 2002, Water Permit No. 6264-3 was transferred to Yankton Land & Cattle Company, dba Yankton Livestock Auction Market and Yankton Feedyards, c/o Gary Heine.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6264-3 is issued a license, bearing a priority date of May 25, 2001 to appropriate 0.56 cubic feet of water per second from groundwater (one well) for commercial use.

The diversion point is located: approximately 2,395 feet east and 2,535 feet south of the NW ¼ Section 24-T94N-R56W (SE ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6264-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6264-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6264-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

NOV 19 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

6264-3

Yankton Land & Cattle Company
dba Yankton Livestock Auction Market
% Gary Heine
30651 US Highway 81
Yankton SD 57078

Dear Mr. Heine:

Enclosed is Water License No. 6264-3. 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

0264-3

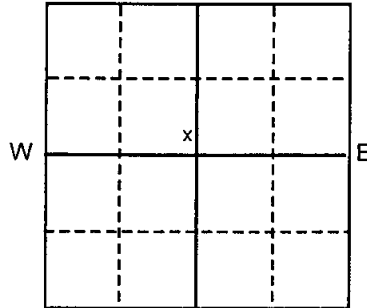
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se ¼ nw ¼ Sec 24 Twp 94n Rg 56wCounty Yankton

North

Please mark well
location with an "X"

Well Completion Date

dec 1, 2015

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

185.0 ft. from feedlot (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	6.0 FT	160.0 FT	13.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	15	9.5 Lb/gal	6.0 Ft	150.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length FeetMaterial pvcSlot Size .040 Set From 160.0 Feet to 220.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tabs
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: Yankton Land & Livestock Co.

Business Name:

Address: PO Box 774City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, black	0	2
Clay, brown, with gravel layers	2	20
clay, gray, sandy	20	40
glacial till	40	50
sand	50	55
glacial till	55	125
glacial till with gravel layers	125	160
gravel	160	220
shale, gravel layers	220	235

STATIC WATER LEVEL 168.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

180.0 Ft. After 4.0 Hrs. pumped 200.0 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: 150.0 GPM

REMARKS

Replacement well for 10" steel cased well drilled in 1977.

Lower James - Missouri JBThis well was drilled under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JAN 29 2016

Date: WATER RIGHTS
PROGRAM

Water Right No. 6264-3

Water Rights Program – DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 6264-3
Yankton Land and Cattle Company

ADDRESS: PO Box 774, Yankton, SD COUNTY: Yankton

DATE: April 30, 2021 TELEPHONE: 605 660-5312 Wiatt Tesch

RE: Changes with Water Right No. 6264-3

COMMENTS:

I visited the Yankton Land and Cattle Company site to inspect Water Right No. 6795A-3. While there, Wiatt Tesch mentioned that they had two other wells at the site. He showed me the wells and I compared what I saw with the information available for licensed Water Right No. 6264-3.

There is one old well at the site that was noted as being built in 1977 in the inspection report. This well is still in use and kicks on if the new well can't keep up with the demand. In 2015, a new well was installed within about 15 feet of the old well. The log for this new well is in the file for this water right.

I called Dick Hammond with Heine Electric & Irrigation, Inc. about the pump and motor for this new well. He stated that the pump is a Grundfos 230S250-9BB that is rated for 220 gpm with a 30 horsepower Grundfos MS-600 motor with a variable speed drive. He stated that the old well had problems for many years and he suspects that it only puts out about 20 or 30 gpm.

Also, the owner of this water right is Yankton Land and Cattle Company instead of Yankton Livestock Auction Market & Feedlot.

Keith DeJong, PE
Staff Engineer