

WATER PERMIT NO. 6416-3

Name of Applicant: Haverhals Feedlot, Inc.

Address: 29457 482nd Ave, Hudson SD 57034-6627 Phone: 605 984-2352

Amount of Water Claimed: 0.06 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Lincoln

Type of Waste Disposal System:

Location: 12 miles south of Canton

PRIORITY Date Received: 4-11-2003

Application/License Fee: \$100

Corrected Application Received: 5-1-2003

Period of Annual Use: January 1 - December

Remarks: Existing feedlot since 1970's

Diversion Point: NE ¼ SE ¼ Sec 24-T96N-R49W

Land to be Irrigated: NA

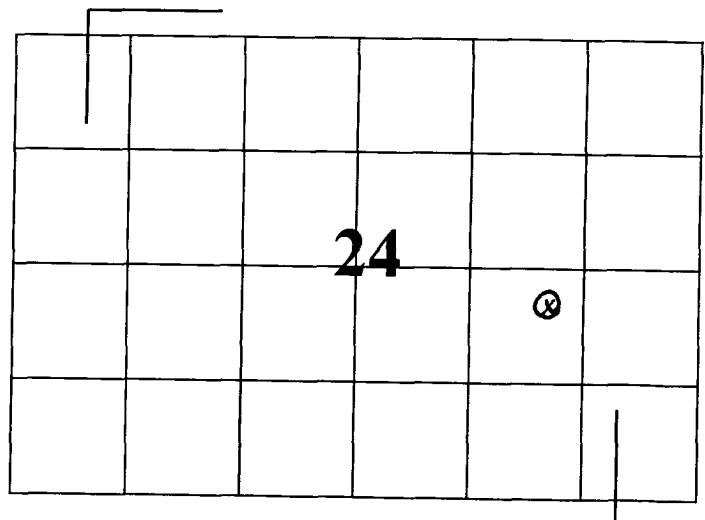
Depth of Well: unknown

Well Driller :

Remarks:

Type of Map: topo

Prepared by: Dale F Leffers, PE



Reviewed and the Number Assigned on: 5-1-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

APR 11 2003

SURFACE WATER PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6416-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Sioux Valley News</u> <u>Centon</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: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

- Name of Applicant Haverhals Feedlot, Inc. Phone (605) 984-2352
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 29457 482nd Ave Hudson State SD 57034-6627
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.06 *CFS or 26 **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lincoln
1 well in NE1/4, SE1/4 S24-T96N-R49W
- County or counties where water will be used Lincoln
- Annual period during which water is to be used Continuously Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This well was drilled in the early 1970's and has been in continuous use for domestic and livestock use since that time.

STATE OF SOUTH DAKOTA)
County of Lincoln) 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, John Haverhals, 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 John Haverhals

Subscribed and sworn to before me this 1st day of April 20 03

Jeanne Schlup exp 6-7-06
JEANNE SCHLUP
NOTARY PUBLIC
SOUTH DAKOTA

SOUTH DAKOTA
WATER PERMIT NO. 6416-3

Date of first receipt of application April 11, 2003.

Date of return to applicant for corrections, amendments or changes April 15, 2003.

Date of receipt of corrected application May 1, 2003.

The Water Management Board approved Water Permit No. 6416-3 on July 10, 2003 for Haverhals Feedlot, Inc., 29457 482nd Ave, Hudson SD 57034 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. 6416-3 appropriates 0.06 cubic feet of water per second (26 gallons per minute) from one well (Dakota Formation) located in the NE ¼ SE ¼ Section 24-T96N-R49W.
2. The water appropriated shall be used for the purpose of commercial use in an existing cattle feedlot 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 April 11, 2003.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

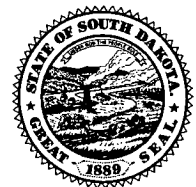
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6416-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6416-3 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.
4. Permit No. 6416-3 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

SEP 11 2003

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter UN Depth UN
- b) Casing Type UN Diameter Un Thickness UN
- c) Screen Type UN Diameter UN Thickness UN
- d) Gravel Pack UN Length of Gravel Pack UN
- e) Depth to Top of Water Bearing Material UN
- f) Depth to Water (ground surface to water level) UN
- g) Distance to nearest existing domestic well:
On applicants property only 1 well On property owned by others more than 1 mile

2. Wastewater Disposal System Information

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

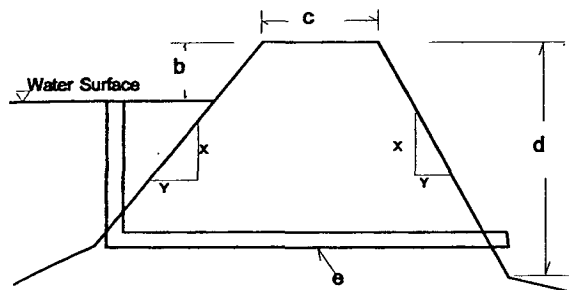
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 1, 20 03

RECEIVED OF Haverhals Feedlot Inc., 29457 482nd Ave., Hudson SD 57034

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

Fee for Application for Permit No. <u>6416-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6416-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

000738

By

Darland Ebele
Chief Engineer *gm*



Holding Pond & Basin

Cattle Pens - West Yard

Haverhals Feedlot, Inc.

John Haverhals - Lincoln Co.

West Yard NE1/4SE1/4 S24 T96N R49W
SE1/4NE1/4 S24 T96N R49W

East View Sch

60416-3

Haverhals, Inc. - West



0.3 0 0.3 0.6 Miles

- Well
Facility Components
Facility
Pond



6416-3

SDGS Homepage

Results for Location = "096N49W13"

Record 1 of 3

Location Information

Legal Location: NW NW NW NE SEC. 13, T. 096 N., R. 49 W.
County: LINCOLN
Basin: BIG SIOUX
Hydrologic Unit Code: 10170203
Land Owner:

Location: 096N-49W-13ABBB
Latitude: 43 08' 30"
Longitude: 96 34' 42"
Ground Surface Elev. (ft.): 1400

Project Information

Project: LINCOLN-UNION CO. STUDY
Drill Date: 07/15/1986
Company: SDGS
Drilling Method: AUGER
Test Hole Number: A1-86-170
Samples:

Geologist: M. JARRETT
Geologist's Log: X
Driller: K. WUNDER
Driller's Log:
Total Drill Hole Depth (ft.): 28

Geophysical Information

Spontaneous Potential:
Natural Gamma:

Single Point Resistivity:
Extra:

Elevation (ft.)	Depth (ft.)	Description
1400.0 - 1393.0	0.0 - 7.0	CLAY, BLACK, SILTY, SANDY; OXIDIZED, MOIST
1393.0 - 1389.0	7.0 - 11.0	CLAY, TAN-BROWN, SILTY, SANDY; OXIDIZED, MOIST (TILL)
1389.0 - 1379.0	11.0 - 21.0	CLAY, TAN-BROWN, VERY SILTY, SANDY; OXIDIZED, SATURATED (TILL)
1379.0 - 1372.0	21.0 - 28.0	CLAY, GRAY, VERY SILTY, SLIGHTLY SANDY; UNOXIDIZED, SATURATED (TILL)

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SURFACE WATER PROGRAM

Record 2 of 3

Location Information

Legal Location: SW SE SW SW SEC. 13, T. 096 N., R. 49 W.
County: LINCOLN
Basin: BIG SIOUX
Hydrologic Unit Code: 10170203
Land Owner:

Location: 096N-49W-13CCDC
Latitude: 43 07' 38"
Longitude: 96 35' 08"
Ground Surface Elev. (ft.): 1385

Project Information

Project: LINCOLN-UNION CO. STUDY
Drill Date: 07/15/1986
Company: SDGS
Drilling Method: AUGER
Test Hole Number: A1-86-171
Samples:

Geologist: M. JARRETT
Geologist's Log: X
Driller: D. BLANKENAU
Driller's Log:
Total Drill Hole Depth (ft.): 28

Geophysical Information

Spontaneous Potential:
Natural Gamma:

Single Point Resistivity:
Extra:

Elevation (ft.)	Depth (ft.)	Description
1385.0 - 1383.0	0.0 - 2.0	CLAY, DARK-BROWN, SILTY, SLIGHTLY SANDY; OXIDIZED, DRY (ROADFILL)
1383.0 - 1375.0	2.0 - 10.0	CLAY, BLACK, SILTY; OXIDIZED, DRY
1375.0 - 1369.0	10.0 - 16.0	CLAY, BROWN, SILTY, SANDY; OXIDIZED, MOIST (TILL)
1369.0 - 1357.0	16.0 - 28.0	CLAY, BROWN, SANDY; OXIDIZED, SATURATED

Record 3 of 3

Location Information

Legal Location: SW SW SE SE SEC. 13, T. 096 N., R. 49 W.
County: LINCOLN
Basin: BIG SIOUX
Hydrologic Unit Code: 10170203
Land Owner:

Location: 096N-49W-13DDCC
Latitude: 43 07' 38"
Longitude: 96 34' 25"
Ground Surface Elev. (ft.): 1393

Project Information

Project: LINCOLN-UNION CO. STUDY
Drill Date: 07/15/1986
Company: SDGS
Drilling Method: AUGER
Test Hole Number: A1-86-172
Samples:

Geologist: M. JARRETT
Geologist's Log: X
Driller: K. WUNDER
Driller's Log:
Total Drill Hole Depth (ft.): 28

Geophysical Information

Spontaneous Potential:
Natural Gamma:

Single Point Resistivity:
Extra:

Elevation (ft.)	Depth (ft.)	Description
1393.0 - 1387.0	0.0 - 6.0	CLAY, BLACK, SILTY; OXIDIZED, MOIST
1387.0 - 1376.0	6.0 - 17.0	CLAY, TAN-BROWN, SILTY; OXIDIZED, MOIST
1376.0 - 1365.0	17.0 - 28.0	CLAY, GRAYISH-BROWN, SILTY; PARTIALLY OXIDIZED, MOIST; SMALL SAND LENSES THROUGHOUT

APR 11 2003

SURFACE WATER PROGRAM

April 7, 2003

Kent Woodmansey
Joe Fogs Building
523 East Capitol Ave
Pierre, SD 57501

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APR 11 2003

SURFACE WATER PROGRAM

Dear Kent,

We are not enclosing a check with this permit as we plan on closing this well after a new well has been successfully drilled.

An application for a new well has been sent in to the Water Rights Program.

Should you have any questions we can be reached at (605) 984-2478.

Thank you,

John Haverhals for Haverhals Feedlot Inc.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Haverhals Feedlot, Inc.

ADDRESS: COUNTY: Lincoln

DATE: April 15, 2003 TELEPHONE: 624-6100

RE: Phone conversation about applications we received

COMMENTS:

I had contact Mr. Haverhal to clarify the two applications he submitted for water right permits.

The one application is for a new well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T96N, R48W. This well is to replace a well that is going bad. A water right permit had not been obtained for the existing well. The well driller, Dick Hammond, had helped him with this application.

The other application is for an existing well located west of the highway (in the west feedyard). This well is working fine but also had never had a permit obtained for its use. This well being not permitted became an issue when working to get a General Permit through the Surface Water Quality Program of DENR. I told him that the fee needed to be submitted (\$100) and that the map needed to be properly signed. I indicated we would send him a letter requesting the proper fee and that we'd contact his engineer, Setje Consultants, about the map requirement.

Neither of these applications are affiliated with any of the wells authorized by Water Permit No. 6252-3 that he obtained in 2001.

Mr. Haverhal indicated a desire to get the permit applications processed as soon as possible.

NAME: Eric Hender



April 15, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Haverhals
Haverhals Feedlot, Inc.
29457 482nd Ave
Hudson SD 57034-6627

Dear Mr. Haverhals:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in your "west feedlot". As indicated in your phone conversation with Eric Gronlund, the following is needed to complete the application.

- The application/license fee will be \$100.
- Form 2A, Supplemental Information requests well information. The form states everything is unknown. Please give an estimate on the well depth for this existing well.
- Duane Gangwish, Settje Agri-Services & Engineering, Inc. has been contacted. He indicated he prepared the map and he would mark the location of the well and sign the map as required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Settje Agri-Services & Engineering

SETTJE **Agri-Services & Engineering**

4700 W. Rock Creek Rd.
Raymond, Ne 68428
office (402) 783-2100
fax (402) 783-2104

April 24, 2003

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APR 28 2003

WATER RIGHTS
PROGRAM

Karen Schlaak
Joe Foss Building
523 East Capital Avenue
Pierre, SD 57501-3181

Reference:

Well Location
Haverhals Feedlot, Inc. - West
NE1/4 S24, T96N, R49W - Lincoln County

Dear Karen,

Enclosed as requested are PE-stamped maps of the location of the well.

If you have any further questions or concerns please do not hesitate to contact either Duane Gangwish or myself. On behalf of John Haverhals, thank you for your consideration of these matters.

Sincerely,



Dale Leffers, PE

USGS Map

GIS Image



April 29, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Haverhals
Haverhals Feedlot, Inc.
29457 482nd Ave
Hudson SD 57034-6627

Dear Mr. Haverhals:

Just a note to let you know that we have received the signed map from Settje Agri-Services & Engineering, Inc. regarding your application for the "west feedlot". Upon receipt of the application/license fee of \$100 and the estimate on the well depth, further processing of your application will proceed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

c: Settje Agri-Services & Engineering

REPORT ON WATER PERMIT NO. 6416-3
For Haverhols Feedlot, Inc.
May 22, 2003

Application No. 6416-3 proposes to appropriate 0.06 cfs (26 gpm) from one well located in the NE ¼ SE ¼ of section 24, T96N R49W in Lincoln County. The water is for commercial use in an existing cattle feedlot.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under artesian conditions at this site. The aquifer underlies 484 square miles and contains an estimated 4.297 million acre-feet of recoverable water in storage in Lincoln County (Hedges, 1982). The aquifer is areally extensive and extends into Iowa to the east, Union County to the south and into Turner and Clay Counties to the west. The study for Lincoln and Union County (Niehus, 1994) reports the Dakota aquifer underlies 935 square miles (nearly all of) Lincoln and Union Counties and contains an estimated 19.4 million acre feet of water in storage. The general direction of water movement in the Dakota aquifer is southerly (Niehus, 1994).

No well log is available for this site. It is assumed the source of water is the Dakota Formation meaning the well should be approximately 600 to 700 feet deep.

The Water Rights Program monitors 35 observation wells completed into the Dakota Formation in Lincoln County. One of these observation wells, LN-81P, is located about seven miles north of this application. Water levels for these well shows some response to climatic effects and does exhibit some seasonal fluctuation. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

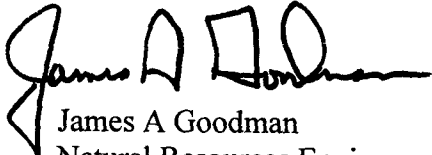
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 6252-3 and water permit application No. 6406-3 which are both for Haverhols and for a feedlot. This well will be about one-half mile southwest of the nearest existing permitted well. Interference is not a concern. These area relatively low yields wells and pumping at this rate with this distance between wells should not create significant drawdown.

CONCLUSIONS

1. Water is available from the Dakota aquifer.
2. The aquifer is under artesian conditions. Pumping will create some drawdown but at this requested rate and at the distance between wells drawdown should not be significant. Interference is not a concern.

3. This is an existing well and has been used for many years. No construction data is available to determine if the well is constructed in accordance with well construction standards.
4. Plans and specifications for this facility have been submitted to and approved by the Department.



James A Goodman
Natural Resources Engineer

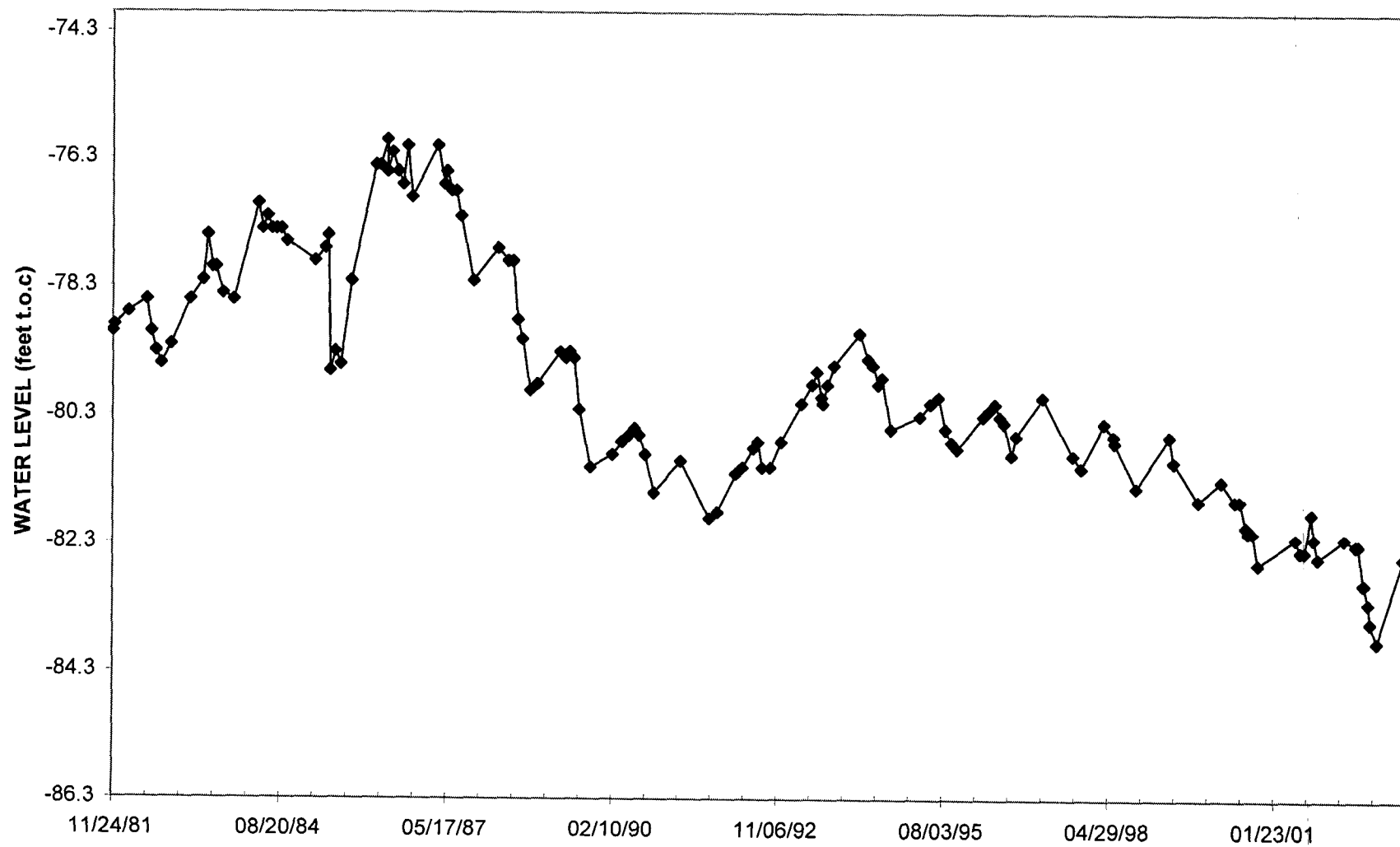
BIBLIOGRAPHY

Hedges, L.S., etal., 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.

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, WRI 93-4195, USGS, Rapid City, SD, 57702.

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

WATER RIGHTS' OBSERVATION WELL
LN-81P





**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. 6416-3, Haverhals Feedlot, Inc**

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. 6416-3, Haverhals Feedlot, Inc., c/o John Haverhals, 29457 482nd Avenue, Hudson SD 57034.

The Chief Engineer is recommending APPROVAL of Application No. 6416-3 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. The well authorized by Permit No. 6416-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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4. Permit No. 6416-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
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 - 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 6, 2003



**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 6, 2003

Haverhals Feedlot Inc
% John Haverhals
29457 482nd Ave
Hudson SD 57034

Dear Mr. Haverhals:

Water Permit Application Nos. 6406-3 & 6416-3 for commercial, livestock use have 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 Sioux Valley News printed at Canton, SD (Ph # 605-764-2000). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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. Upon receiving authorization, 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 also 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 recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2003

Sioux Valley News
PO Box 255
Canton SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 6406-3 & 6416-3 to Appropriate Water to be published twice. Please publish the first notice on June 12, 2003 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 Haverhals Feedlot Inc., % John Haverhals, 29457 482nd Ave., Hudson SD 57034-6627 (Ph # 605-984-2352).

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-----

Nos. 6406-3 & 6416-3

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

Date _____

We are in receipt of your letter of June 6, 2003 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6406-3 & 6416-3 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 12, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6406-3 and 6416-3 to Appropriate Water

Notice is given that Haverhals Feedlot, Inc., c/o John Haverhals, 29457 482nd Ave, Hudson SD 57034 has filed two applications for water permits.

Application No. 6406-3 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Dakota Formation) 600 feet deep located in the SE ¼ NW ¼ Section 19-T96N-R48W. The water is for commercial use in an existing cattle feedlot.

Application No. 6416-3 appropriates 0.06 cubic feet of water per second (26 gallons per minute) from one well (Dakota Formation) located in the NE ¼ SE ¼ Section 24-T96N-R49W. The water is for commercial use in an existing cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6406-3 & 6416-3 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 these applications 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 recommendations. 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 June 30, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:00 A.M. July 10, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The July 10, 2003 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 applications. The request for an automatic delay must be filed by June 30, 2003.

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 June 30, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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.

OK

Affidavit of Publication

RECEIVED

JUN 23 2003

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

CONNIE RENLI

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF APPLICATION NOS. 6406-3 AND 6416-3 TO APPROPRIATE WATER (JOHN HAVERHALS)

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

JUNE 12, 2003
JUNE 19, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$54.70** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Connie Renli

Subscribed and sworn to before me this **19th** day of **JUNE, 2003**.

Jeann My Con
Notary Public, South Dakota

(Seal)

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(6-12, 19)

NOTICE OF APPLICATION NOS. 6406-3 AND 6416-3 TO APPROPRIATE WATER

Notice is given that Haverhals Feedlot, Inc., c/o John Haverhals, 29457 482nd Avenue, Hudson, SD 57034 has filed two applications for water permits.

Application No. 6406-3 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Dakota Formation) 600 feet deep located in the SE1/4NW1/4 Section 19-T96N-R48W. The water is for commercial use in an existing cattle feedlot.

Application No. 6416-3 appropriates 0.06 cubic feet of water per second (26 gallons per minute) from one well (Dakota Formation) located in the NE 1/4SE1/4 Section 24-T96N-R49W. The water is for commercial use in an existing cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6406-3 & 6416-3 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 these applications 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 recommendations. 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 June 30, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:00 a.m. July 10, 2003 in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre, SD. The chief Engineer's recommendations are not final or binding upon the board. The board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The July 10, 2003 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 applications. The request for an automatic delay must be filed by June 30, 2003.

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SEP 11 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Haverhals Feedlot
% John Haverhals
29457 482nd Ave
Hudson SD 57034

Dear Mr. Haverhals:

Enclosed are Water Permit Nos. 6406-3 and 6416-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

Permit No. 6416-3
Big Sioux River - Water District

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

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

I have this day, July 26, 2005, made a thorough examination of the water use system constructed by Haverhals Feedlot, Inc. of 29457 482nd Ave, Hudson SD 57034 holder of Permit No. 6416-3, bearing the priority of April 11, 2003 authorizing the diversion of 0.06 cu. ft. per second of the waters of Dakota Formation for commercial purposes, in Lincoln County.

Inspection contact & relationship **John Haverhals - owner**
to permit holder, if applicable:

Well Information: Well Drilling Firm: <u>unknown – drilled in 1969</u> No. of Wells <u>1</u> Depth(s) <u>580</u> feet Well log is available <u>no</u> Comment: Casing: Diameter <u>1½</u> inches Length <u>160</u> feet Type <u>pvc</u> Screen: Type <u>pvc</u> Length _____ feet Static water level <u>160</u> feet Pump: Make <u>Goulds submersible</u> Model _____ Size _____ Capacity <u>40</u> GPM Motor: Make <u>submersible</u> Model No. _____ Horsepower rating <u>3</u> hp	Cistern Information: pump from cistern to feedlot Capacity <u>20,000</u> gallons Pump: Make <u>Goulds submersible</u> Model _____ Size _____ Capacity <u>100</u> GPM Motor: Make <u>submersible</u> Model No. _____ Horsepower rating <u>5</u> hp
--	---

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

- 1) Type pvc 2) Size 1½ inches 3) Length 50 feet

C. Works used to apply water to beneficial use:

Water is pumped from the well at 26 gpm to a 20,000 gallon cistern and pumped from there to the feedlot.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes

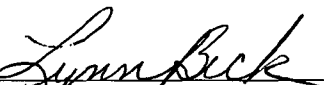
The system is in good condition with the point(s) of diversion located as follows: 352' W and 2265' N of the SE corner Section 24-T96N-R49W. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water from the well and 0.22 cu. ft. per second of water from the cistern which is to be used for commercial use in a cattle feedlot. Water has been put to beneficial use to the maximum extent as follows:

The feedlot is located in the NE¼ SE¼ Section 24-T96N-R49W.

The license should be issued for 0.06 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project: **6252-3 and 6406-3**



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: August 17, 2005

Lat: 43.118809
Long: -96.570206

WATER RIGHT NO. 6416-3
HAVERHALS FEEDLOT INC.

R49W

R48W



SCALE

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
August 17, 2005



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6416-3

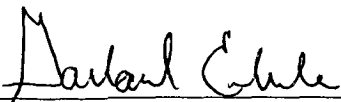
(1) Haverhals Feedlot, Inc., 29457 482nd Ave, Hudson SD 57034 made Application No. 6416-3, April 11, 2003 for a water permit to divert 0.06 cubic feet of water per second from groundwater (one well), Lincoln County, South Dakota for commercial purposes. Permit No. 6416-3, with a priority date of April 11, 2003 was approved July 10, 2003 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

(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. 6416-3 is issued a license, bearing a priority date of April 11, 2003 to appropriate 0.06 cubic feet of water per second from groundwater (one well) for commercial purposes in cattle feedlot.

The diversion point is located: 352 feet west and 2,265 feet north of the southeast corner of Section 24-T96N-R49W (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6416-3 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.
- The well authorized by Permit No. 6416-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Permit No. 6416-3 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. 6416-3 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

SEP 30 2005

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

SEP 30 2005

6406-3
6416-3

Haverhal Feedlot Inc
% John Haverhals
29457 482nd Ave
Hudson SD 57034

Dear Mr. Haverhals:

Enclosed are Water License Nos. 6406-3 & 6416-3. These are 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 Licenses, 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 25, 2024

6416-3
7162-3

East River Genetic Services, LLC
c/o Joshua Vander Well
29440 482nd Ave
Hudson SD 57034

Dear Mr. Vander Well:

I have received your "Notice of Transfer of Ownership" forms and the required fees for the transfer of Water Right Nos. 6416-3 & 7162-3. Enclosed are receipts of payment for your records.

Water Right Nos. 6416-3 & 7162-3 previously owned by Haverhals Feedlot Inc, are now listed under East River Genetic Services, LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the licenses, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

RECEIVED

JUL 24 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6416-3

Date: 7/24/24

I/We request that Water Right/Permit No. 6416-3 formerly owned by:
Haverhals Feedlot Inc be transferred to:

New Owner Name: East River Genetic Services, LLC

Address: 29440 482nd Ave mobile: 909-957-6525

City, State, Zip Hudson, SD 57034 email: office@eastrivergs.com

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

352 feet west and 2,265 feet north of the southeast corner of Section 24-
T96N-R49W (NE ¼ SE ¼).

☒ I understand that the validity of Water Right/Permit No. 6416-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Joshua L Vander Well, the new owner, certify that the above information is true and correct.

Joshua L Vander Well
Joshua L Vander Well (Jul 24, 2024 11:14 CDT)
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

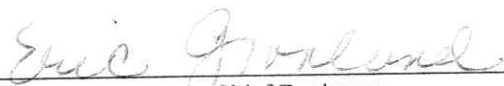
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 24th, 2024

RECEIVED OF Josh VanderWell for East River Genetic Service LLC 29440 482nd Ave Hudson SD

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6416-3</u>	\$ <u>51.25</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>51.25</u>

By 
Chief Engineer

