

WATER PERMIT NO. 6439-3

Name of Applicant: Norway Dakota

Address: 47468 280th St, Worthing SD 57077

Phone: 605 372-4228

Amount of Water Claimed: 0.155 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: 9 miles south of Canton

PRIORITY

Date Received: 9-2-2003

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: feedlot has been existence since 1975

Diversion Point: SW ¼ SW ¼ Sec 34-T97N-R49W

Land to be Irrigated:

Depth of Well: 580 feet

Well Driller: : Hammond-Wetmore Drilling

Remarks:

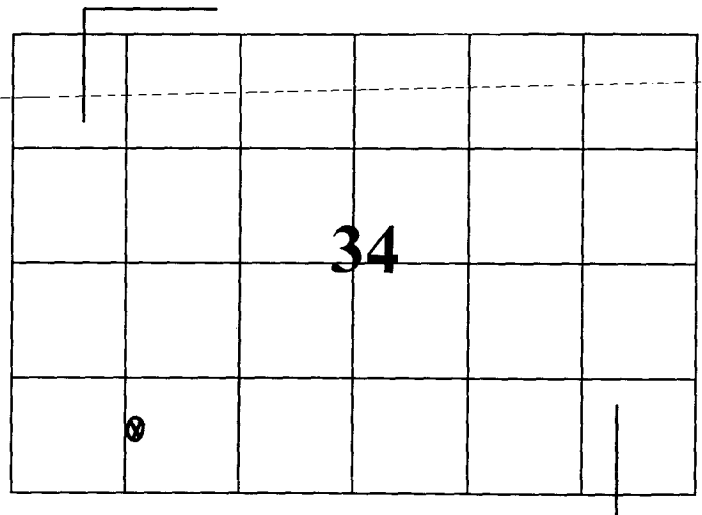
Type of Map: aerial

Prepared by: Kyle S Habernus, NRCS

Reviewed and the Number Assigned on: 9-2-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6439-3**

Date of first receipt of application September 2, 2003.

The Water Management Board approved Water Permit No. 6439-3 on December 3, 2003 for Norway Dakota, 47468 280th St, Worthing SD 57077 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. 6439-3 appropriates 0.155 cubic feet of water per second (70 gallons per minute) from one well (Dakota Formation) 752 feet deep located in the SW 1/4 SW 1/4 Section 34-T97N-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 September 2, 2003.
5. One-fifth of the construction is to be completed on or before June 3, 2006.
6. All construction is to be completed on or before December 3, 2008.
7. Water is to be put to beneficial use on or before December 3, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

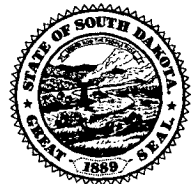
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6439-3 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.
3. Permit No. 6439-3 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

DEC 29 2003

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>6439-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
Newspaper <u>Sioux Valley News, Canton</u>	

 RECEIVED
 SEP - 2 2003
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota
Check use(s) of water:

☐ Municipal	☒ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

 Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
 (check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
 Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Facility has existed since 1975 - well was replaced in 2000

- Name of Applicant Norway Dakota (check one) ☒ Owner ☐ Tenant/lessee Phone 605-372-4028
 Mailing Address 47468 280th St Warthing 57077 State South Dakota
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.55 *CFS or 70 **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)
SW 1/4, SW 1/4 Sec 34 Twp 92N Rg 49W County Lincoln
- County or counties where water will be used Lincoln
- Annual period during which water is to be used 365 days 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)
2600 Head feedlot.

 STATE OF SOUTH DAKOTA)
 County of Lincoln SS

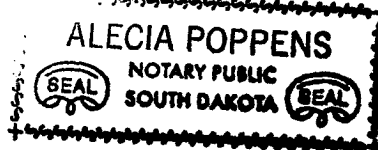
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

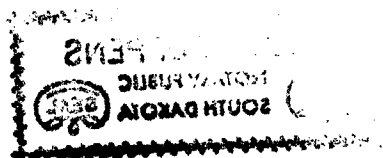
 I, Dwayne Pederson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

 Applicant's signature Dwayne Pederson

 Subscribed and sworn to before me this 27th day of August 20 03
Alecia Poppens
 Notary Public signature

commission ends 7-24-09





Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 13 inch Depth 580 ft
- b) Casing Type sch 80 Plastic Diameter 8 inch Thickness _____
- c) Screen Type open completion Diameter _____ Thickness _____
- d) Gravel Pack Bubber Length of Gravel Pack 579 ft Double Shale traps
- e) Depth to Top of Water Bearing Material 413 ft
- f) Depth to Water (ground surface to water level) 449 ft
- g) Distance to nearest existing domestic well: _____

On applicants property 180 ft from Feedlot On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) applied for general permit have obtained coverage
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

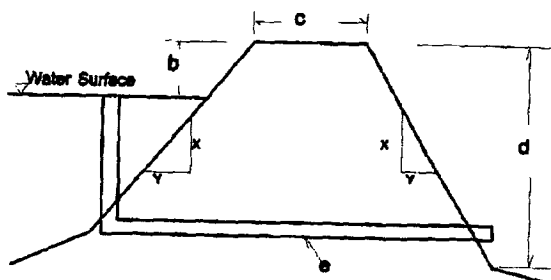
3. Dugout Information

- 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 September 2, 2003

RECEIVED OF Dakota Aeration Inc., 47468 280th Street, Worthing SD 57077

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

Fee for Application for Permit No. <u>16439-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>16439-3</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	200.00

No.

000000

By

Darland Erbe

Chief Engineer

gm

6439-3

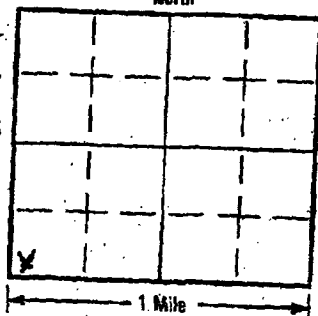
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SW 1/4 Sec 34 Twp 97N Rg 49WCounty Lincoln

Please mark well location with an "X"

Well Completion Date

July 8, 2000

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 180 ft. from Feld 10TT (identify source).

PROPOSED USE:

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

METHOD OF DRILLING

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5480</u> LB/FT	<u>8</u> IN	<u>580</u> FT	<u>0</u> FT	<u>13</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Best GAT</u>	<u>58</u>	<u>79.4</u> lb./gal	<u>580</u> ft.	<u>23</u> ft.
<u>N Cement</u>	<u>9</u>	<u>21.99</u> lb./gal	<u>23</u> ft.	<u>6</u> ft.

Describe grouting procedure Tremie MethodSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information open Completion from 580 to 752'WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? 579'; Double shale traps

DISINFECTION: Was well disinfected upon completion?

Y YES, How: HT Hops

_____ NO, Why Not?

Laboratory sent to for water quality analysis

St. HealthWell Owner: BAR-K FARMS (Dakota Aeration)

Business Name:

Address: 3577 GRANT AVE
Sioux Center Ia 51250

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, yellow-brn, sandy	0	26
Clay, Gray, sandy, pebbly	26	62
Clay, yellow-brn to gray, pebbly	62	239
Shale, dk gray, silty	239	430
Limestone, gray, v. clayey	430	463
Shale, gray, some ss. beds	463	545
Thin bedded sandstone & shale	545	575
Sandstone, fine to med. shale beds	575	752

STATIC WATER LEVEL 413 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pip

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

447 ft. After 4 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 70 GPM

REMARKS

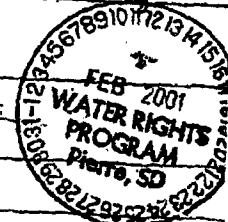
This well was drilled under license # 666

And this report is true and accurate.

Drilling firm Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: July 10, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6439-3
For Norway Dakota
October 16, 2003

Application No. 6439-3 proposes to appropriate 0.155 cfs (70 gpm) from one well approximately 752 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 34, T97N 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 in this area. The Dakota underlies 484 square miles and contains an estimated 4.297 million acre-feet of water in storage in Lincoln County (Hedges, 1982). The aquifer extends into Iowa to the east, into Turner and Clay Counties to the west and into Union County to the south. The USGS study for Union and Lincoln Counties (Niehus, 1994) reports the Dakota aquifer underlies 935 square miles and contains an estimated 19.4 million acre feet of water in storage in Lincoln and Union Counties. The general direction of ground water movement in the Dakota aquifer is southerly (Niehus, 1994).

The well log supplied with this application indicates interbedded sandstone and shale from a depth of about 463 feet below land surface to a total depth of 752 feet. The driller's log also indicates sandstone with shale from 575 feet to 752 feet and this is the section the driller left "open hole" below the casing which was set to a depth of 580 feet. The completed well had a static water level of 413 feet below land surface and was capable of producing 50 gpm with 36 feet of drawdown (specific capacity of about 1.4 gpm/ft of drawdown).

The Water Rights Program monitors 35 observation wells completed into the Dakota Formation in Lincoln County. Two of these observation wells, LN-82C and LN-81P are located 7.3 miles northwest and 7.6 miles northeast of this facility respectively. Hydrographs for these two wells are included with this report (Water Rights, 2003).

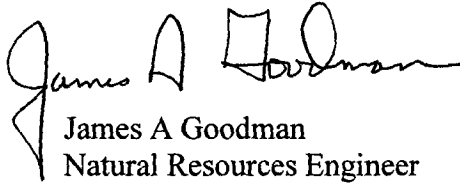
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights which obtain water from the Dakota Formation. There are domestic wells in the area which use the Dakota as a water source. The nearest permitted use is located about 4.5 miles southeast of this application. At this distance and with the permitted pumping rates interference is not a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under confined conditions. Drawdown will be a result of pumping. Pumping at this requested rate should not cause significant drawdown and interference is not a concern.

3. This well has been completed in accordance with SD Well Construction Standards.
4. Plans a specifications for this facility have been submitted to and approved by the Department.


James A Goodman
Natural Resources Engineer

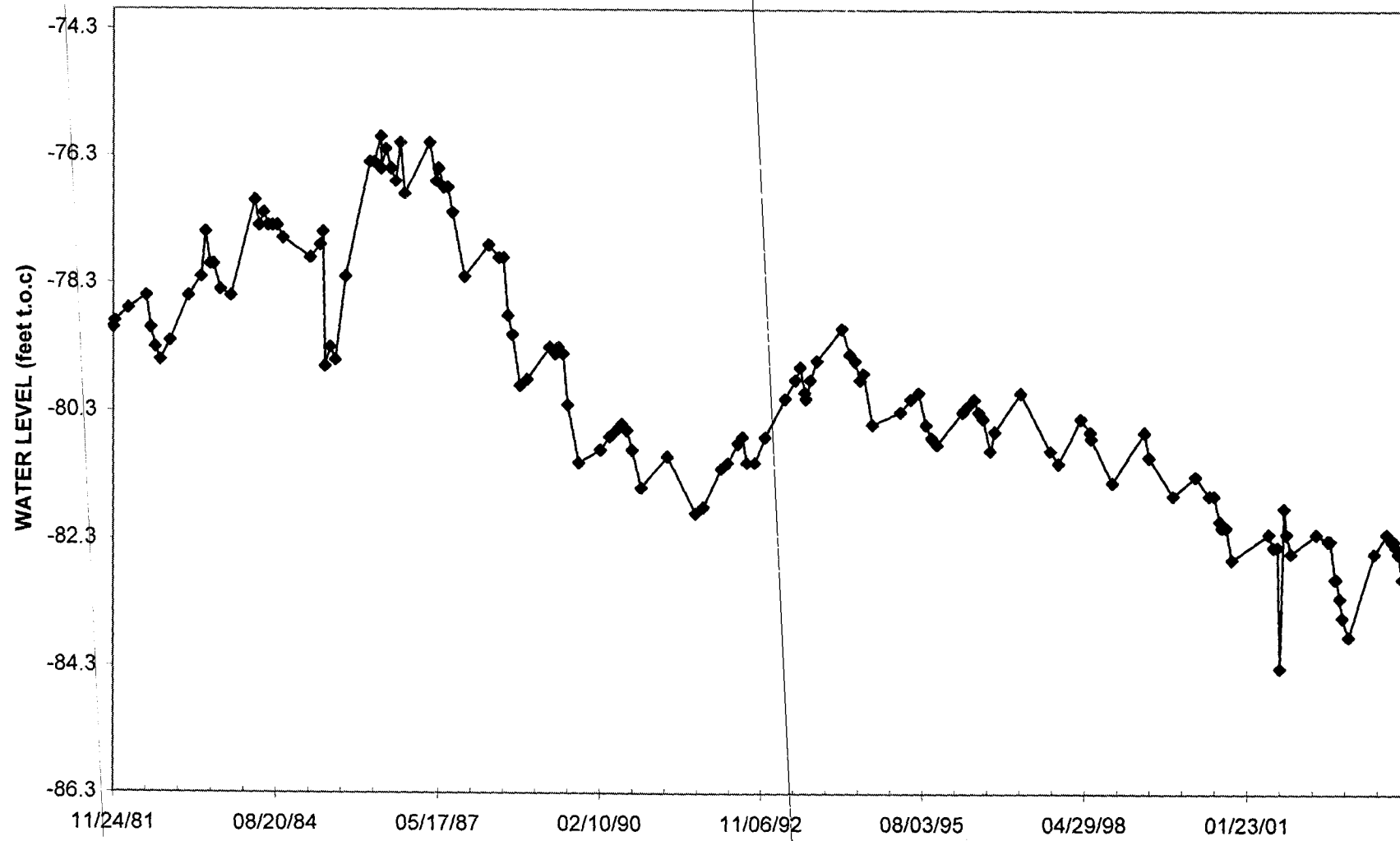
BIBLIOGRAPHY

Hedges, L.S., and others, 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.

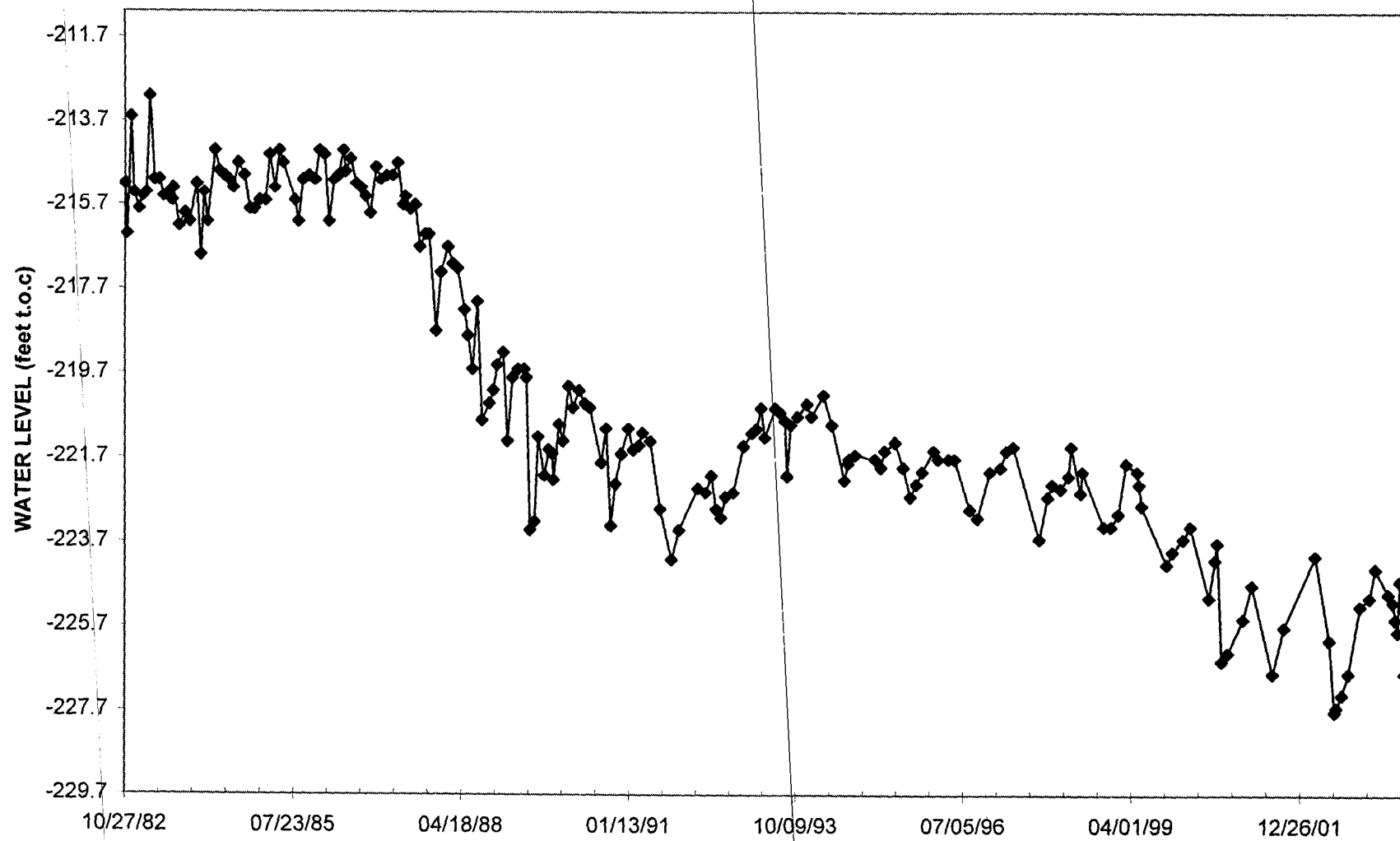
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2003, Unpublished Observation Well Records for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
LN-81P



WATER RIGHTS' OBSERVATION WELL
LN-82C





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

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. 6439-3. Norway Dakota**

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. 6439-3, Norway Dakota, c/o Dwayne Pederson, 47468 280th Street, Worthing SD 57077

The Chief Engineer is recommending APPROVAL of Application No. 6439-3 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. 6439-3 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.
3. Permit No. 6439-3 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
October 29, 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

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

October 29, 2003

Norway Dakota
%Dwayne Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

Water Permit Application No. 6439-3 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 Sioux Valley News printed at Canton, SD (Ph # 605-764-2000). The notice was sent to the Sioux Valley News because of the close proximity of Canton to this application location. You will need to contact the newspaper and authorize publication of this notice. 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. 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 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

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

October 29, 2003

Sioux Valley News
PO Box 255
Canton, SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6429-3 to Appropriate Water to be published twice. Please publish the first notice on November 6, 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 Norway Dakota, % Dwayne Pederson, 47468 280th St., Worthing SD 57077 (Ph # 605-372-4228).

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

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

Sincerely,

Eric Gronlund /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

No. 6439-3

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

Date _____

We are in receipt of your letter of November 29, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6439-3 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 November 6, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6439-4 to Appropriate Water

Notice is given that Norway Dakota, 47468 280th St, Worthing SD 57077 has filed an application for a water permit to appropriate 0.155 cubic feet of water per second (70 gallons per minute) from one well (Dakota Formation) 752 feet deep located in the SW ¼ SW ¼ Section 34-T97N-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 No. 6439-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 24, 2003. 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., December 3, 2003 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 December 3, 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 application.~~ The request for an automatic delay must be filed by November 24, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 24, 2003, 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

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

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 HEARING ON APPLICATION NO. 6439-4

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:

NOVEMBER 6, 2003
NOVEMBER 13, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$49.41** 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.

Subscribed and sworn to before me this **13th** day of **NOVEMBER, 2003**.

[Signature]
Notary Public, South Dakota

(Seal)

Jeanne M. Limoges
My Commission Expires
November 18, 2009

RECEIVED
NOV 17 2003
WATER RIGHTS
PROGRAM

NOTICE OF HEARING

on Application No. 6439-4
to Appropriate Water

Notice is given that Norway Dakota, 47488 280th St, Worthing SD 57077 has filed an application for a water permit to appropriate 0.155 cubic feet of water per second (70 gallons per minute) from one well (Dakota Formation) 752 feet deep located in the SW 1/4 SW 1/4 Section 34-T97N-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 No. 6439-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 24, 2003. 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., December 3, 2003 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 December 3, 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 application. The request for an automatic delay must be filed by November 24, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 24, 2003, 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. (11-8, 13)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 29 2003

Norway Dakota
% Dwayne Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

Enclosed is Water Permit No. 6439-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.denr.sd.gov

October 28, 2013

6439-3

Kelly Hulstein
Hulstein Feedyards LLC
1275 7th Ave NE
Sioux Center IA 51250

Dear Mr. Hulstein:

I am writing to acknowledge receipt of the transfer of ownership form and the \$2.50 filing fee you submitted for transferring Water Permit No. 6439-3 from Norway Dakota to Hulstein Feedyards LLC.

The fee for filing an ownership change was raised in July, 2009 from \$2.50 to \$50.00. The form you completed is an older form and does say \$2.50 however that amount is no longer correct. We are returning the fee to you and will need a total of \$50 for filing the ownership change. The check or money order for the fee can be made payable to the "Water Rights Program".

As soon as we receive the corrected fee from you, the ownership change can be processed. Thank you in advance for your assistance. If you have any questions, please contact me.

Sincerely,

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

enclosure: \$2.50 cash

RECEIVED

NOV 14 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 25 2013

WATER RIGHTS
PROGRAM

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

No. 6439-3

Date: Oct 16, 2013

I/We request that Water Right/Permit No. 6439-3

formerly owned by: Norway Dakota - ~~Dan~~ Peterson

be transferred to: (name & address) Hulstein Feedyards LLC

Incare of Kelly Hulstein 1275 7th ave NE Sioux Center
Iowa 51250 Telephone No. cell 712-441-1665

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

SW 1/4 of SW 1/4 of Sec 34 T097N R49W

I/We understand that the validity of Water Right/Permit No. 6439-3 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.

I/We Kelly Hulstein, the new owner, certify that the above information is true and correct.

Kelly Hulstein
(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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/14, 2013

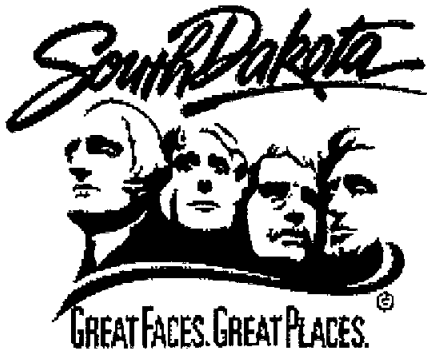
RECEIVED OF Bar K Cattle, LLC 1275 7th Ave NE Sioux Center IA 51250

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6439-3</u>		
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	50 00

No. **06483**

By Jeanne Goodman
Chief Engineer 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 14, 2013

6439-3

Kelly Hulstein
Hulstein Feedyards LLC
1275 7th Ave NE
Sioux Center IA 51250

Dear Mr. Hulstein:

Thank you for sending in the filing fee for transferring Water Permit No. 6439-3.

The ownership change has been completed. Water Permit No. 6439-3 formerly held by Norway Dakota is now listed in the name of Hulstein Feedyards LLC.

Enclosed for your records is Receipt No. 06483 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

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

enclosure

Permit No. 6439-3
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, **October 16, 2013**, made a thorough examination of the water use system constructed by **Hulstein Feedyards, LLC** of **1275 7th Ave NE, Sioux Center, IA 51250** holder of Permit No. **6439-3**, bearing the priority of **September 2, 2003** authorizing the diversion of **0.155** cu. ft. per second of the waters of **Dakota Formation** for **commercial use in a cattle feedlot**, in **Lincoln** County.

Inspection contact & relationship **Kelly Hulstein – owner 712.441.1665**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond – Wetmore Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **752** feet
- 4) Well log is available **yes**
- 5) Comment: **completed 7/8/2000**

Casing:

- 1) Diameter **8** inches
- 2) Length **580** feet
- 3) Type **plastic**

Screen:

- 1) Type **open completion**
- 2) Length **172** feet
- 3) Static water level **413** feet

Pump:

- 1) Make **submersible**
- 2) Model
- 3) Size
- 4) Capacity **30** GPM

Motor:

- 1) Make **submersible**
- 2) Model No.
- 3) Horsepower rating **5** hp

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

- 1) Type pvc 2) Size 2 inches 3) Length 1360 feet
1) Type black plastic 2) Size 1 inches 3) Length 1380 feet

C. Works used to apply water to beneficial use:

Pumped to 4,000 gallon cistern and then used in a cattle feedlot for watering and washing.

D. Compliance with Permit Requirements:

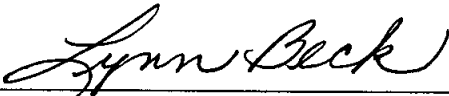
- 1) Permit qualifications being abided by yes
2) Exceptions to compliance are: none

The system is in goof condition with the point of diversion located as follows: 910' N and 130' E of the SW corner of Section 34-T97N-R49W (43.17301022M -96.62808092). The works are capable of diverting and conveying to the place of use 0.07 cu. ft. per second of water which is to be used for commercial use in a cattle feedlot.

The license should be issued for 0.07 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

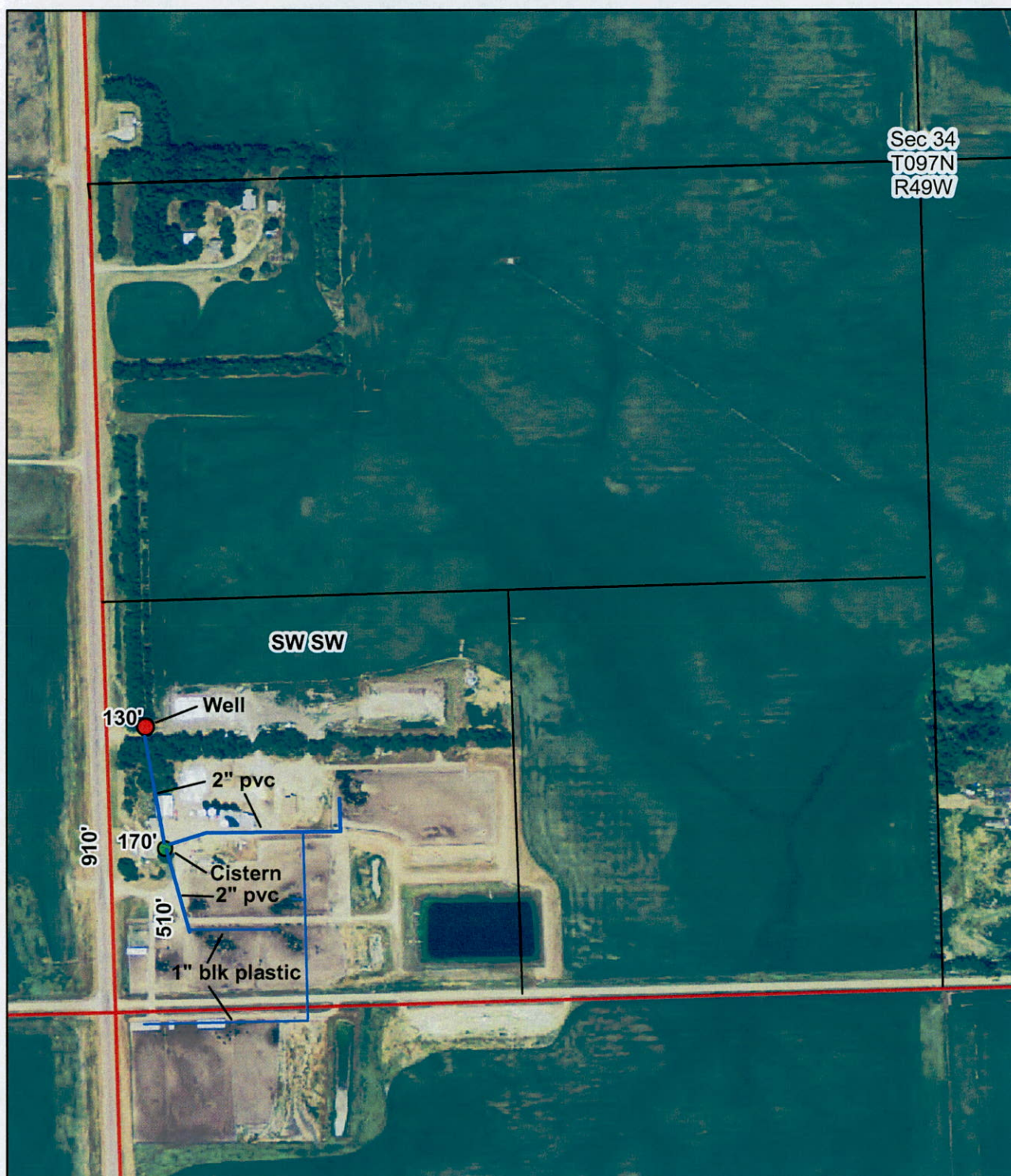


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

Date report completed: December 5, 2013



WATER LICENSE NO. 6439-3
HULSTEIN FEEDYARDS, LLC
December 5, 2013



SCALE

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

Lynn Beck

Lynn Beck
Natural Resources Engineer III
SD DENR - Water Rights Program



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



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denr.sd.gov

DEC 20 2013

6439-3

Kelly Hulstein
Hulstein Feedyards LLC
1275 7th Ave NE
Sioux Center IA 51250

Dear Mr. Hulstein:

Enclosed is Water License No. 6439-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6439-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6439-3**

(1) Norway Dakota made Application No. 6439-3, September 2, 2003 for a water permit to divert 0.155 cubic feet of water per second from ground water (Dakota Formation), Lincoln County, South Dakota for commercial purposes. Permit No. 6439-3, with a priority date of September 2, 2003 was approved December 3, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 2008 and for the application to beneficial use of water on or before December 3, 2012.

On October 25, 2013, Water Permit No. 6439-3 was transferred to Hulstein Feedyards LLC, 1275 7th Ave NE, Sioux Center IA 51250.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is 910 feet north and 130 feet east of the SW corner of Section 34, T97N, R49W (SW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial cattle feedlot.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hulstein Feedyards LLC, 1275 7th Ave NE, Sioux Center IA 51250 the holder and/or owner of Water Right No. 6439-3 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from ground water (one well – Dakota Formation) with a priority date of September 2, 2003 from the location specified in (2) of this license.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6439-3 and subject to the following 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. 6439-3 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. 6439-3 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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 20 2013

date

