

WATER PERMIT NO. 7162-3

Name of Applicant: **Haverhals Feedlot Inc.**

Address: **29457 482nd Ave, Hudson SD 57034**

Phone: **605 984-2478**

Amount of Water Claimed: **0.067 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **Lincoln**

Type of Waste Disposal System: **NA**

Location: **12 northeast of Beresford**

PRIORITY

Date Received: **9-28-09**

Application/License Fee: **\$300**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks: **This is 1 of 3 wells authorized by No. 6252-3 which wasn't completed within the construction period.**

Diversion Point: **SW ¼ NW ¼ Sec 18^a-T96N-R48W**

Land to be Irrigated: **NA**

Depth of Well: **680 feet deep**

Well Driller:

Remarks:

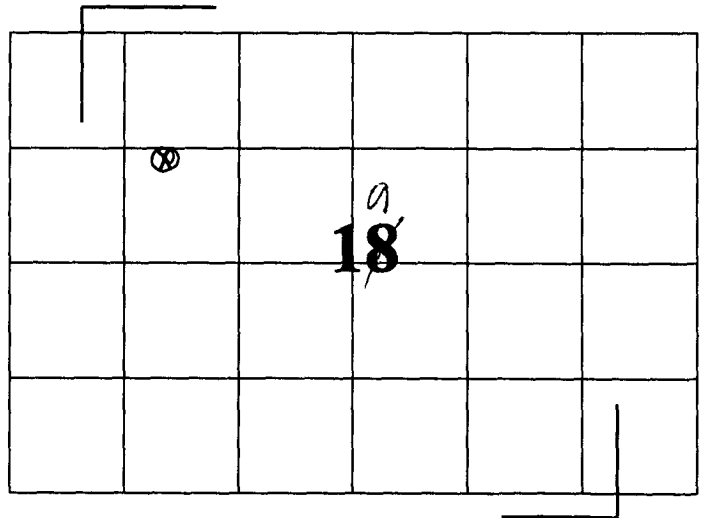
Type of Map: **topo**

Prepared by: **Layne O Schultz, Geological Survey**

Reviewed and the Number Assigned on: **9-28-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7162-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News, PO Box 255</u>	
	<u>605-764-2000</u>	<u>Canton 57013</u>

RECEIVED
SEP 28 2009
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: (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) 984-2478
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 29457 482nd Avenue Hudson State SD 57034
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.067 *CFS or 30 **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 Dakota Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lincoln
SW 1/4 NW 1/4 Section 19, T96N, R48W
- County or counties where water will be used Lincoln
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This well was one of three wells authorized by Permit No. 6252-3. While the other two wells are completed this third well was not completed within the construction period. This application is to authorize the well for up to 30 gallons per minute

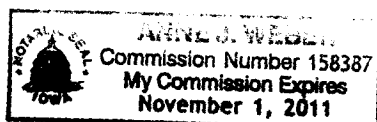
Iowa
STATE OF SOUTH DAKOTA)
County of Lincoln Sioux) SS

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 Haverhals Feedlot Inc John Haverhals

Subscribed and sworn to before me this 24th day of September 2009



Anne J. Weber
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7162-3

Date of first receipt of application September 28, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7162-3 to 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. 7162-3 appropriates 0.067 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 680 feet deep) located in SW ¼ NW ¼ Section 19-T96N-R48W.
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 of approval of Permit No. 7162-3 is November 30, 2009.
5. The date from which applicant may claim right is September 28, 2009.
6. One-fifth of the construction is to be completed on or before May 30, 2012.
7. All construction is to be completed on or before November 30, 2014.
8. Water is to be put to beneficial use on or before November 30, 2018.
9. 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. 7162-3 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. 7162-3 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.

(continued)

Water Permit No. 7162-3
Haverhals Feedlot, Inc.
Page 2

4. Permit No. 7162-3 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

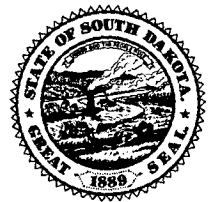
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 28 2010

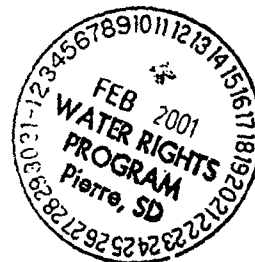
date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter 9" Depth 680'
- b) Casing Type PVC - Sch 80 Diameter 5" Thickness .327"
- c) Screen Type SLOTTED (MFG) Diameter 5" Thickness .327"
- d) Gravel Pack 1/16 - 3/8" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 640
- f) Depth to Water (ground surface to water level) 290'
- g) Distance to nearest existing domestic well:

On applicants property 1300'On property owned by others 1 1/2 miles**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 _____

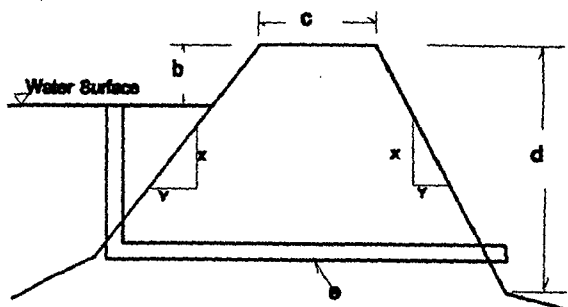
3. Dugout Information

- 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

Alcester SE Quad (7 1/2')

Jayme O. Soluly
SD. Geological Survey

proposed
well site



Haverhals Feedlot - Location of wells
Section 19, T96N, R48W



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 2009

RECEIVED OF Haverhals Feedlot Inc 29440 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>7162-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7162-3</u>	200	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	300 00

No. 04219

By Richard Erbelle
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 2009

John Haverhals
Haverhals Feedlot Inc.
29457 482nd Avenue
Hudson SD 57034

Dear Mr. Haverhals:

The Water Rights Program is in receipt of your application for a new well to supply the feedlot. This well was originally intended to be completed as authorized by Water Permit No. 6252-3. However, the time to complete construction under the permit expired on May 2, 2006.

Water Permit No. 6252-3 appropriates 75 gallons per minute from three Dakota Formation wells (one existing at the time and two new wells) all to be located in the SW ¼ NW ¼ Section 19, T96N, R48W. Our understanding is that only one of the new wells was constructed.

You have filed an application to allow the construction of this third well. In order to do this the following is necessary.

- 1) The current permit authorizes 75 gpm but since construction period has expired the permit is limited to the two wells combined diversion capability. This application for the third well should include under Item No. 2 (amount of water claimed) the maximum diversion from this new well. [Example – if the two existing wells are capable of 45 gpm total and you still want 75 gpm total diversion rate authority for the feedlot – this application will be for an additional 30 gpm].
- 2) Will the water source for this well still be the Dakota Formation at a depth of approximately 680 feet? Is the Supplemental Information form submitted with the previous application still applicable?
- 3) Enclosed is a map submitted with the original application. Does this still reflect the proposed well site? If not, please show the location of the well on the enclosed aerial map. This map will then need to be signed by a government employee that prepares maps as a normal part of their duties. Commonly, ag producers go their county NRCS or FSA office for assistance meeting the map requirement.
- 4) Finally, the application filing fee (assuming the request is for less than 45 gpm) is \$300.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7162-3, 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. 7162-3, Haverhals Feedlot, Inc., c/o John Haverhals, 29457 482nd Avenue, Hudson SD 57034.

The Chief Engineer is recommending APPROVAL of Application No. 7162-3 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. 7162-3 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. 7162-3 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. 7162-3 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
November 4, 2009

**Report on Water Permit Application No. 7162-3
for Haverhals Feedlot, Inc.
October 7, 2009**

Application No. 7162-3 proposes to appropriate 30 gallons per minute (0.067 cfs) from one well approximately 680 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T96N R48W in Lincoln County. The water is to be for commercial use in an existing cattle feedlot in Section 19 in T96N R48W. The annual period during which water will be used is January 1 through December 31. Information submitted with the application indicates that the applicant did not submit a well log. This well was originally permitted under Permit Number 6252-3, but was not completed before the designated construction deadline.

AQUIFER: Dakota Aquifer

This report will address the availability of unappropriated water from the Dakota aquifer.

**WATER AVAILABILITY
Aquifer Characteristics:**

The Dakota aquifer is a bedrock aquifer consisting of the sand and sandstone units of the Dakota Formation. The aquifer underlies 484 square miles and contains an estimated 4.29 million acre feet of water in storage in Lincoln County (Hedges, 1982). The aquifer is laterally extensive throughout much of eastern South Dakota and extends into Nebraska to the south and Iowa to the east. Groundwater movement in this area of the Dakota is basically from north to south (Niehus, 1994). The aquifer is under confined conditions at this site.

Observation Well Data:

The nearest Water Rights Division observation wells are LN-81P and LN-82C, are located approximately 8 miles northeast and twelve miles northwest of this site. Water levels for these wells show mild response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these observation wells are provided with this report.

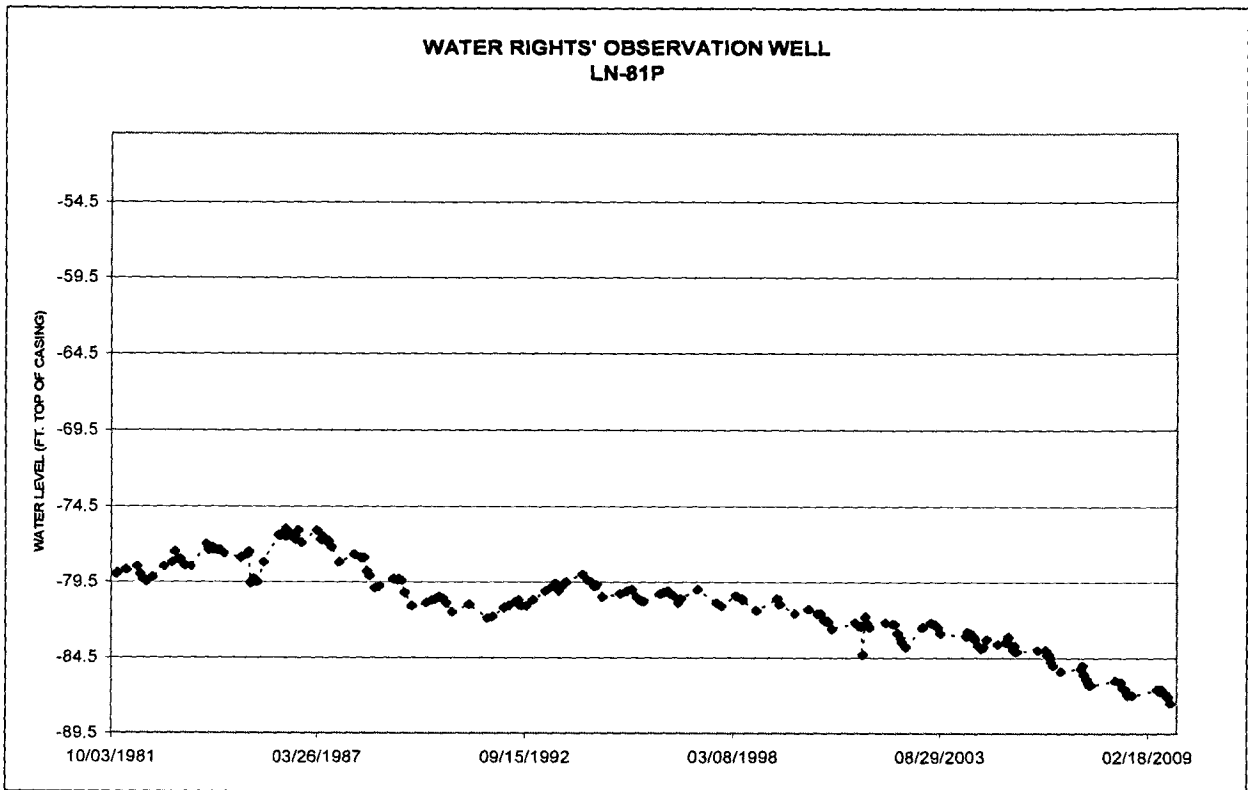


Figure 1. Hydrograph for Water Rights Observation Well LN-81P, completed into the Dakota Aquifer within eight miles of 7162-3

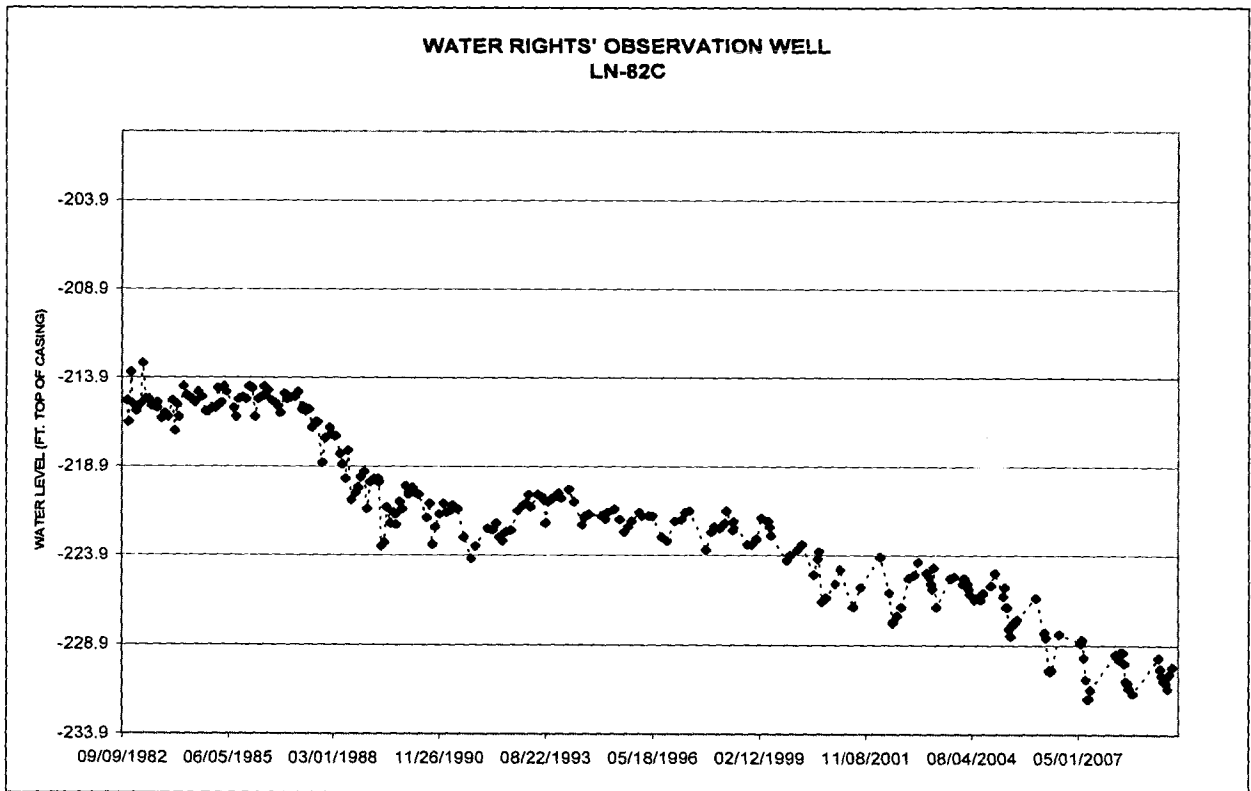


Figure 2. Hydrograph for Water Rights Observation Well LN-82C, completed into the Dakota Aquifer within twelve miles of 7162-3

In general, the hydrographs show gradually declining water levels since the mid nineties.

Review of Existing Water Permits/Rights/Water Use:

The nearest existing water permit is No. 6252-3 and No. 6406-3 which are also for Haverhals feedlot. These wells are about ¼ mile apart. Interference is not a concern since these are relatively low yield wells and pumping at this rate and distance should not create significant drawdown.

Conclusions:

1. Water is available from Dakota Formation aquifer.
2. The aquifer is under confined conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards and complete well driller's logs must be submitted to the Water Rights Division.
5. The well for this permit application was originally permitted under Permit No. 6252-3 but was not completed before the construction deadline. Plans and specifications for this facility have been submitted to and approved by the Department.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2009, Unpublished Observation Well Records for Lincoln County, SD DENR, Division of Water Rights, Pierre, SD, 57501

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his 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 he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**Notice of Application NO. 7162-3
to Appropriate Water**

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

November 12, 2009

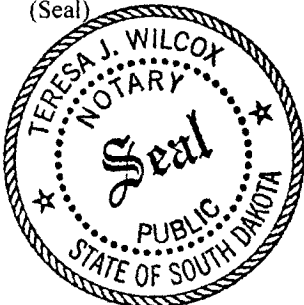
November 19, 2009

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$41.58** 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.

Andy Wilcox
Subscribed and sworn to before me this **19th** day of
November, 2009.

L. J. Wilcox
Notary Public, South Dakota

(Seal)



**My Commission Expires
12/9/2014**

**NOTICE OF APPLICATION NO. 7162-3
to Appropriate Water**

Notice is given that Haverhals Feedlot, Inc., c/o John Haverhals, 29457 482nd Ave, Hudson SD 57034 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 680 feet deep) located in SW 1/4 NW 1/4 Section 19-T96N-R48W. 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. 7162-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or

contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 East 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 30, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on November 12 and 19, 2009 at the total approximate cost of \$41.58.

RECEIVED

DEC - 2 2009

**WATER RIGHTS
PROGRAM**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2009

Sioux Valley News
PO Box 255
Canton SD 57013

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7162-3 to Appropriate Water to be published twice. Please publish the first notice on November 12, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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., c/o John Haverhals, 29457 482nd Ave, Hudson SD 57034 (Ph # 605-984-2478).

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. 7162-3

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

Date _____

We are in receipt of your letter of November 4, 2009 enclosing Notice to Appropriate Water by Application No. 7162-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 4, 2009

Haverhals Feedlot Inc
29457 482nd Ave
Hudson SD 57034

Dear Mr. Haverhals:

Water Permit Application No. 7162-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 reports 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 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. 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

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

Instruction to Newspaper - Publish first Notice on November 12, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7162-3 to Appropriate Water

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Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 28 2010

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

Dear Mr. Haverhals:

Enclosed is Water Permit No. 7162-3 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

7162-3
RECEIVED

JUN 07 2010

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 6-1-10

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

FROM:

Haverhab Feedlot Inc
(name)29457 482nd AVE
(address)Hudson SD 57034
(city, state, zip)

(phone)

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

Water Permit No. 7162-3 states that the water use system is to be constructed by

11-30-2014, and water is to be put to beneficial use by 11-30-2018.
(date) (date)

The water use system was completed on 5-20-2010.
(date)

Applying the water to beneficial use was completed on 5-30-2010.
(date)

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

John Haverhab
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2010

7162-3

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

Dear Mr. Haverhals:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, 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

7162-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7162-3**

I have this day, April 17, 2023, made a thorough examination of the water use system constructed by Haverhals Feedlot, Inc.; 29457 482nd Ave, Hudson, SD 57034 of Permit No. 7162-3, bearing the priority of September 28, 2009 authorizing the diversion of 0.067 cu. ft. per second of the waters of Dakota Formation for commercial use purposes, in Lincoln County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 680 feet
- 4) Well log is available N If no, explain in comments

Comments: See a log for adjacent well - Permit 6252-3

Casing:

- 1) Diameter 5 inches
- 2) Length Unknown feet
- 3) Type PVC

Screen:

- 1) Type Slotted (mfg)
- 2) Length Unknown feet
- 3) Static water level 290 feet

Pump:

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

Motor:

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

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

- 1) Type Unknown 2) Size Unknown inches 3) Length Unknown feet

Comments: xx

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS From the NW corner Sec 19 T96N R48W: WELL "W" 1600 ft S & 210 ft E Lat 43.12262 Long -96.56842 & WELL "E" 1610 ft S & 240 ft E Lat 43.12257 Long -96.56821 (SW ¼ NW ¼).
2. All structures, wells and lands on map Y

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

There are two (2) permits that pertain to the feedlot. Permit 6252-3 authorizes for the construction of two (2) wells and Permit 7162-3 for the construction of one (1) well for a total of three (3) wells.

The BIG news is that feedlot land has been sold and earth work was taking place for a new dairy unit on the property. The name of the new property owners is not known (did not try to determine) but the name and phone number of the new contact person is Josh Vander Well (spelling ??) and 909/957-6525 in California. This will be a big dairy with about 20 acres under roof which will require a large amount water.

I was told by the construction foreman on the dairy project that one (1) of the three (3) wells was plugged with bentonite and capped. The two (2) remaining wells are shown on the map.

Not sure what the next appropriate step should be.



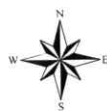
Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 18, 2023

7-7-23 Amanda Dewell spoke with Josh (contact) and confirmed that only the 2 wells in DD's report were operational. The small rural well and the well in the NE ¼ had been plugged. Josh was unsure as to pump rate.

7-12-23 Amanda Dewell spoke with Josh again and he was able to confirm pump rates of 50gpm from first well and 35gpm from second well. License will be issued for combined rate of 85gpm as wells are used together.

****side note**** contacts for new dairy were informed of pending water license and were instructed to contact Ron Duvall for upcoming ownership transfer and new permit applications



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7162-3

(1) Haverhals Feedlot Inc; 29457 482nd Ave., Hudson SD 57034, made Application No. 7162-3, September 28, 2009, for a water permit to divert 0.067 cubic feet of water per second (cfs) from groundwater, one well (Dakota Formation), Lincoln County, South Dakota for commercial use in a cattle feedlot. Permit No. 7162-3, with a priority date of September 28, 2009, was approved November 30, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 30, 2014, and for the application to beneficial use of water on or before November 30, 2018.

Water Permit No. 6252-3 authorized the diversion of 0.166 cfs. The applicable portions of Permit No. 6252-3 are incorporated into this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.19 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- West Well: 1,600 ft S & 210 ft E of the NW corner of Section 19, T96N, R48W (SW ¼ NW ¼) (Latitude 43.12262 Longitude -96.56842)
- East Well: 1,610 ft S & 240 ft E of the NW corner of Section 19, T96N, R48W (SW ¼ NW ¼) (Latitude 43.12257 Longitude -96.56821)

(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, located in the S ½ NW ½ of Section 19, T96N, R48W, approximately 5 miles W of Hudson SD.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Haverhals Feedlot Inc, the holder and/or owner of Water Right No. 7162-3 is issued a license to appropriate water, the right to use 0.19 cubic feet of water per second from groundwater, two wells (Dakota Formation), with priority dates of February 12, 2001, for 0.166 cfs established under Permit No. 6252-3 and September 28, 2009, for 0.024 cfs established under Permit No. 7162-3 from the location specified in (2) of this license for commercial cattle feedlot purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7162-3 and subject to the following qualifications:

1. The well approved under this Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Right shall control their 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. 7162-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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.

continued

3. Permit No. 7126-3 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. 7126-3 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
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 14 2023

date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 14 2023

Haverhals Feedlot Inc.
c/o John Haverhals
29457 482nd Ave
Hudson SD 57034

7162-3
6252-3

Dear Mr. Haverhals:

Enclosed is Water License No. 7162-3. 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 in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Water Permit No. 6252-3 have been incorporated into Water Right No. 7162-3.

NOTE: It has been brought to the attention of our office that a change in ownership may have occurred. If that is the case, please contact Ron Duvall or Amanda Dewell with the Water Rights Program for instruction on the transfer of this and any other water rights.

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 24 2024

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

Water Right/Permit No. 7162-3

OFFICE OF
WATER

Date: 7/24/24

I/We request that Water Right/Permit No. 7162-3 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:

- West Well: 1,600 ft S & 210 ft E of the NW corner of Section 19, T96N, R48W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.12262 Longitude -96.56842)
- East Well: 1,610 ft S & 240 ft E of the NW corner of Section 19, T96N, R48W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 43.12257 Longitude -96.56821)

☒ I understand that the validity of Water Right/Permit No. 7162-3 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 10:55 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>7162-3</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 Eric Gronlund
Chief Engineer

SK