

WATER PERMIT NO. 7324-3

Name of Applicant: Northern Beef Packers

Address: 13 135th St, Aberdeen SD 57401

Phone: 605 262-2333

Amount of Water Claimed: 0.089 cfs

Total Acres: NA

Source of Water Supply: dewatering project

Water to be used for: commercial

County: Brown

Type of Waste Disposal System:

Location: south side of Aberdeen

PRIORITY

Date Received: 2-16-201²

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 30

Remarks:

Diversion Point: NW ¼ NE ¼ Sec 36-T123N-
R64W

Land to be Irrigated: NA

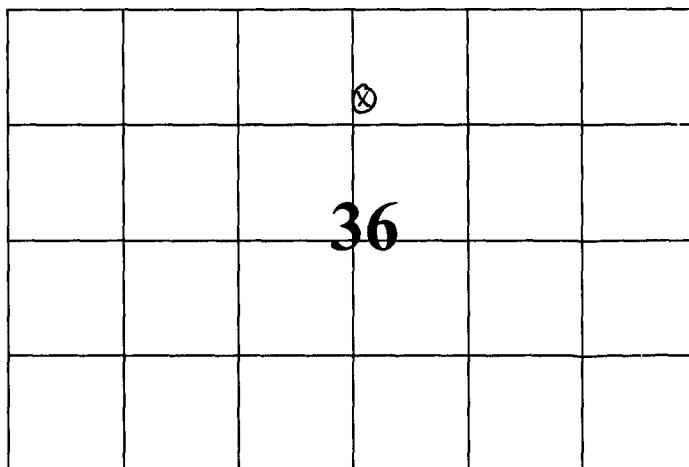
Depth of Well:

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Francis Brink, PE



Reviewed and the Number Assigned on: 2-16-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: PMR 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7324-3</u>	Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News PO Box 4430</u> <u>605-225-4100</u> <u>Aberdeen 57402</u>	

RECEIVED
FEB 16 2012
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.)

1. Name of Applicant Northern Beef Packers

Phone 605-262-2333

(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address PO Box 1765 Aberdeen SD 57402
 (Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.089 *CFS or 40 **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Ground water collected by drain tile

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brown
93' East and 990' South of the North 1/4 corner of section 36-123-64 (NW1/4 NE1/4)

5. County or counties where water will be used Brown

6. Annual period during which water is to be used Jan.1 to Dec. 31 Annually

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Drain tile collects ground water from around the footings and drains to the point of diversions described in No.4. (See Included drawings) WATER WILL BE HELD @ ELEVATION 1294 TO BE USED FOR FIRE SUPPRESSION

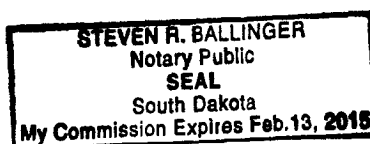
STATE OF SOUTH DAKOTA)
 County of Brown) SS

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

I, DIRK ROGERS, 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 DIRK ROGERS

Subscribed and sworn to before me this 14th day of FEB 20 12



Notary Public signature [Signature]

**SOUTH DAKOTA
WATER PERMIT NO. 7324-3**

Date of first receipt of application February 16, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7324-3 to Northern Beef Packers, PO Box 1765, Aberdeen SD 57402 authorizing the construction of the dewatering project and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7324-3 appropriates 40 gallons per minute (0.089 cubic feet of water per second) of groundwater. Water will be collected in drain tile from around the facility. The water will be pumped at collection well located in NW ¼ NE ¼ Section 36-T123N-R64W. The water will discharge to a 5.2 acre foot storage pond and held for fire suppression purposes. Excess water will be discharged to Foot Creek.
2. The water appropriated shall be used for the purpose of dewatering the facility's footings and fire suppression 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. 7324-3 is April 30, 2012.
5. The date from which applicant may claim right is February 16, 2012.
6. One-fifth of the construction is to be completed on or before October 30, 2014.
7. All construction is to be completed on or before April 30, 2017.
8. Water is to be put to beneficial use on or before April 30, 2021.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAY 24 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter NA Depth NA
- b) Casing Type CMP Diameter 54" Thickness
- c) Screen Type Diameter Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:

On applicant's property None

On property owned by others 1800' east city plant

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:

Brink Engineering
616 North 4th Street
Aberdeen, SD 57401

b) Freeboard 3'

c) Crest Width 10'

Crest Length 120'

d) Height 7'

e) Primary Outlet Capacity

If pipe, diameter 10" (FIRE LINE)

f) Secondary Spillway Capacity

Spillway Width 12" PIPE @ ELEV 1294

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

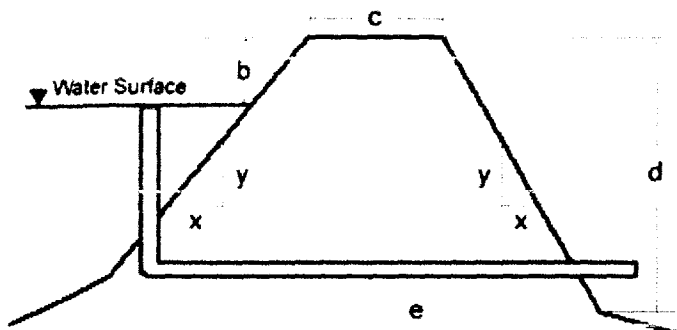
Upstream 3 to 1

Downstream 3 to 1

h) Surface Area of Impoundment 60,000 ft sq

i) Storage 5.2 Acre Feet

j) Drainage Area Above Dam 1.3 Acres



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

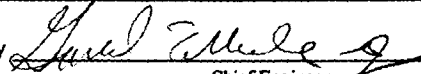
Date 2/16, 2012

RECEIVED OF Northern Beef Packers Ltd 38749 135th St Aberdeen SD 57401

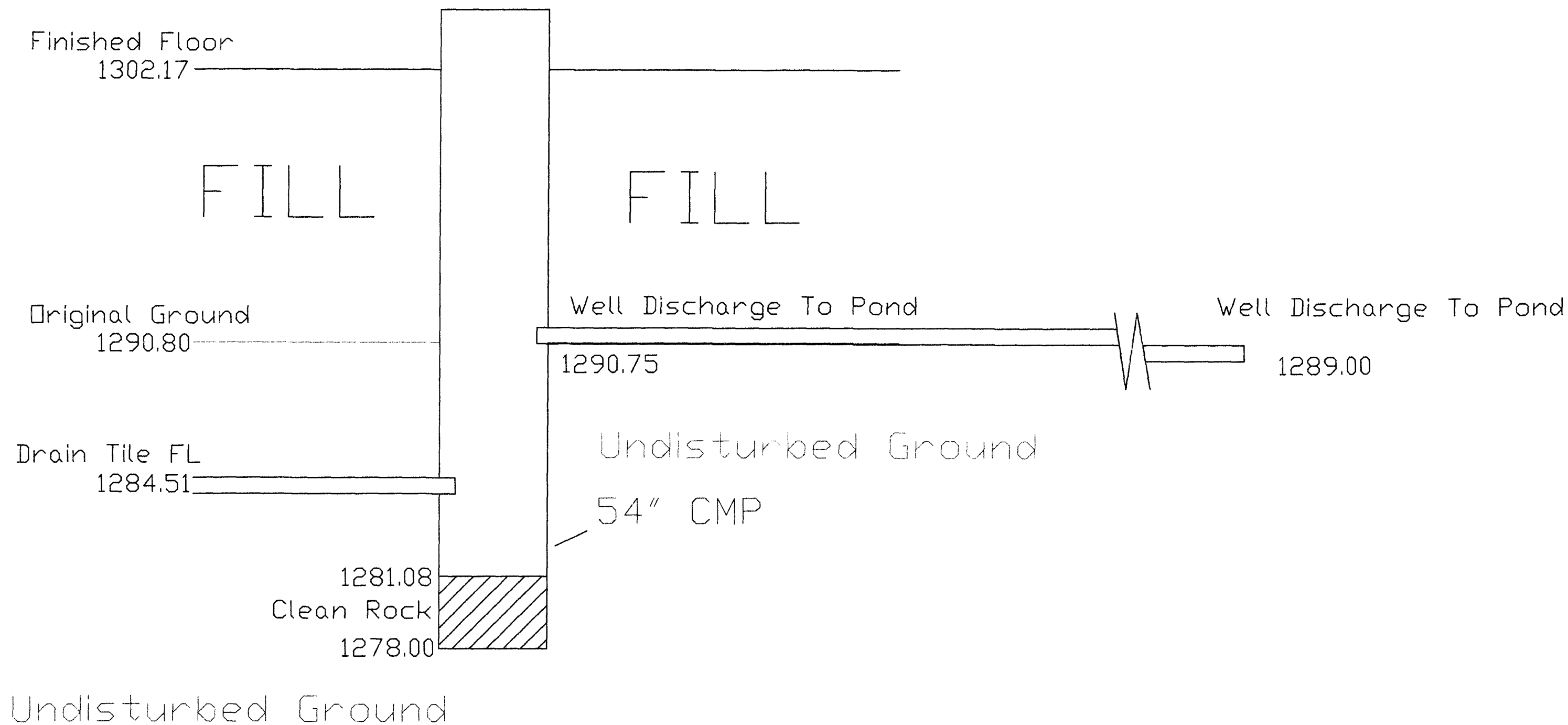
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7324-3</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>7324-3</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. 05359

By 
Chief Engineer

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FEB 16 2012
WATER RIGHTS
PROGRAM



Gronlund, Eric

From: McMath, Genny
Sent: Wednesday, December 14, 2011 9:00 AM
To: Gronlund, Eric; Buscher, Kelli
Subject: RE: Northern Beef

I do not have anything issued under Northern Beef. Is there a legal description I could search by to see if maybe it was issued under something besides Northern Beef?

If this project came in under a stormwater discharge permit instead of a temporary dewatering application – chances are I did not get a copy.

Also, if they already have one under any name, it will expire on Dec 31st and need to be issued again anyway.

From: Gronlund, Eric
Sent: Wednesday, December 14, 2011 8:55 AM
To: Buscher, Kelli; McMath, Genny
Subject: Northern Beef

Dirk Rogers called regarding water permitting for dewatering at Northern Beef. I got a little better idea of what they have. Mr. Rogers said they have drain tile around the structures that direct water to a wet well (sump) where it is pumped and discharged to Foot Creek. He asked if this was allowed under their stormwater discharge permit. While I think he may be using the wrong name, did Northern Beef file the joint temporary discharge / temporary water permit that has been in place during construction? Genny, if so does that need to be renewed on January 1st, since temporary permits expire at the end of the year?

Northern Beef will ultimately have the ability to pump this water to a 1.7 million gallon retention pond for fire suppression to meet fire marshall and insurance requirements. There is no question a water right permit is needed for this purpose. Once the pond is full, additional water will be discharged to the creek. I told him the standard water permit can incorporate both the dewater and fire suppression components so there is no question they are covered.

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FEB 16 2012

**WATER RIGHTS
PROGRAM**

Feb. 10, 2012

Eric Gronlund

PMB 2020

DENR Water Rights

523 E. Capitol Ave.

Pierre, SD 57501-3182

Dear Eric:

Enclosed is two copies of Form 2, a stamped map showing the location of the well and pond, and a cross section of our constructed well in lieu of a bore log. Also enclosed is a \$300 permit fee. Please let me know if you are needing anything else.

Sincerely,

Dirk Rogers

A handwritten signature in black ink, appearing to read 'DR', with a stylized flourish at the end.

Northern Beef Packers

13 135th Street

Aberdeen, SD 57401

DeFea, Michael

From: Gronlund, Eric
Sent: Monday, March 05, 2012 2:44 PM
To: DeFea, Michael
Subject: FW: Northern Beef Packers

From: Buscher, Kelli
Sent: Tuesday, February 21, 2012 1:34 PM
To: Gronlund, Eric
Cc: Goodman, Jim
Subject: RE: Northern Beef Packers

We will require a storm water discharge permit for them. This should be covered under that.
Thanks!

From: Gronlund, Eric
Sent: Friday, February 17, 2012 2:54 PM
To: Buscher, Kelli
Cc: Goodman, Jim
Subject: Northern Beef Packers

Obtained the water right permit application for diverting/dewatering groundwater around the facility. Water diverted to a pond to meet potential fire suppression needs. I believe excess, if any, will be discharged to Foot Creek. Not sure if that will be a discharge permitting issue for the SWQ Program.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 5, 2012

David Palmer, CEO
Northern Beef Packers Management, LLC
38749 135th Street
Aberdeen, SD 57401

Dear Mr. Palmer:

From recent news reports it appears you continue to make substantial progress on constructing the Northern Beef Packing Plant and are hoping to begin operations yet this spring. Again, we are also looking forward to the opening of this plant and watching the positive impact your new facility will have on the economy in South Dakota.

Several staff members from DENR have been in contact with you or your consultants during the last few months to discuss the remaining environmental issues that need to be addressed before the plant begins operation. We wrote to you about these same issues last fall and felt it important to follow up with a second letter to identify any remaining issues. We have briefly summarized those issues below.

Solid Waste

We understand the plant will render all of the inedible offal, blood, and grease/solids from a dissolved air flotation wastewater treatment unit. However, it is our understanding a disposal option for paunch and pen manure still has not been secured. DENR staff was recently informed that you continue to pursue approval to landfill the paunch and pen manure at the Brown County Landfill. Landfill approval for the manure needs to be secured prior to the plant becoming operational because other options for disposal, such as land application, cannot occur without the appropriate permits from DENR. Jim Wendte (605.773.3153) is the department contact for solid waste issues.

Domestic Water and Wastewater

We understand that domestic wastewater from the processing plant is still planned to be piped separately to the city of Aberdeen's wastewater treatment plant. This wastewater will flow by gravity to the city's wastewater treatment plant. In February of 2012, the department provided Northern Beef Packers with comments on the preliminary plans we received for the domestic wastewater/drinking water line systems. These comments need to be addressed by Northern Beef Packers and final plans submitted so we can approve the domestic wastewater and water

David Palmer
April 5, 2012
Page 2

line plans. The plans and specifications must be approved by DENR prior to construction of the domestic sewer and water lines. Kent Woodmansey (605.773.3351) is the department contact for this issue.

Process Wastewater

Your engineer designed a pretreatment system for reducing the strength of process wastewater prior to discharge to the city sewer system. This pretreatment system includes a dissolved air flotation system and wastewater lagoons. DENR approved the design of this system on September 15, 2011, but the construction is not yet complete. This pretreatment system must be constructed and be able to be operated in its entirety as approved by DENR prior to the plant beginning operations. Please contact Kelli Buscher at 605.773.3351 when construction of the pretreatment system is complete so we can schedule another inspection if necessary.

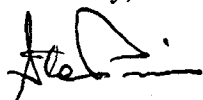
Water Right Permit

Northern Beef Packers submitted a water right permit application in mid-February to dewater shallow groundwater. The water is to be discharged to a storage pond for fire suppression purposes with excess water to be discharged to Foot Creek. We will be sending you the public notice next week for your review and, if the notice is satisfactory, for you to contact the newspaper to authorize publication. If no one opposes the application during the public notice period, the water right permit will be issued. This normally takes about 30 days to complete the public notice process and issue a permit. However, if the application is contested, a formal hearing will be scheduled before the Water Management Board. The contested case hearing process can take more than six months to complete before obtaining the permit depending on the board's decision on the permit application.

It is DENR's understanding that the water supply within the facility and in the cattle lot will be supplied by the city of Aberdeen authorized by the city's existing water rights. If Northern Beef Packers drills a private well for supplemental purposes or for use in the cattle lot, a water right permit would be also required for those uses prior to water being put to use. Questions regarding the water right permitting process may be directed to Eric Gronlund at 605.773.3352.

Please do not hesitate to contact the staff members identified above if there are any questions. Thank you for your help.

Sincerely,



Steven M. Pirner
Secretary

cc: Pat Costello, Commissioner, Governor's Office of Economic Development
Nathan Sanderson, Policy Advisor, Governor Daugaard's Office
Richard Benda



**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. 7324-3, Northern Beef Packers**

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. 7324-3, Northern Beef Packers, c/o Dirk Rogers, 13 135th Street SW, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 7324-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 6, 2012

NOTE: The water right permit is one of the remaining environmental issues that need to be addressed before the plant begins operation. They include solid waste disposal options for paunch and pen manure, final plans for the domestic wastewater and water line plans to the city of Aberdeen's wastewater treatment plant and construction and final approval of the operating pretreatment system.

Finally, this water right permit application is for the dewatering of shallow groundwater and potential use for fire suppression. It is our understanding the water for the facility and cattle lot will be supplied by the city. If Northern Beef Packers drills a private well for supplemental water within the facility or in the cattle lot, a separate water permit will be required.

REPORT ON WATER PERMIT APPLICATION NO. 7324-3

**Northern Beef Packers
13 135th St.
Aberdeen, SD 57401
April 2, 2012**

Water Permit Application No. 7324-3-3, Northern Beef Packers, proposes to appropriate 0.089 cubic feet per second (cfs) of water from groundwater. Water will be collected in drain tile for dewatering from around the facility and collected in a wet well inside the building. Water from the well will then be pumped to a 5.2 acre-feet storage pond and held for fire suppression purposes. Excess water will be discharged into Foot Creek.

The proposed project is located approximately one mile south of Aberdeen, SD in Brown County. The annual period of requested use is January 1st through December 31st.

Project Review and Existing Water Rights

The applicant proposes to use groundwater for the water source. Water will be collected in drain tile for dewatering from around the facility and collected in a wet well inside the building located in the NW ¼ NE ¼ Section 36-T123N-R64W. Water from the well will then be pumped to a retention pond with 5.2 acre-feet (1.7 million gallons) of storage and held for fire suppression purposes. Water is also available from incidental surface water runoff. Excess water will be discharged into Foot Creek.

It appears the likely groundwater connection is the Quaternary Alluvium (Qal) aquifer (Jim Goodman, DENR, Water Rights Program). The alluvium is a surficial outwash of clay, silt and minor amounts of sand and gravel under water table conditions in this area and is likely hydraulically connected to Foot Creek.

Recharge to the aquifer is by percolation of precipitation, snowmelt, and during dry years, the water levels may decline such that water availability may be a problem. This aquifer and the amount of saturated thickness can vary from year to year because of drought.

There are no monitoring wells in the alluvium in the area and there are no water rights authorized to divert water from the alluvium.

Conclusion

1. Water Permit Application No. 7324-3, Northern Beef Packers, proposes to appropriate 0.089 cfs of water from the Quaternary Alluvium aquifer for dewatering collected through drain tile and transported through the tile into a wet well. Water from the well will then be pumped to a storage pond to be used for fire suppression. Excess water will be pumped into Foot Creek.
2. Water is available from ground water and incidental surface water runoff. During dry years, the water levels may decline such that water availability from aquifer may be problematic.
3. The aquifer is under water table conditions in this area and drawdown should not be significant.

4. There are no water rights/permits authorized to divert water from this aquifer.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Reviewed by:



Mark Rath
Natural Resources Engineer Specialist
DENR, Water Rights Program

RECEIVED

APR 23 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, _____

certify that the attached printed Notice was
taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

4/12/12

4/19/12

Cost of Printing 86.34

Mary Baskin
(Signature)

Adv. Billing Specialist
(Title)

April 20, 2012
(Date Signed)

(No. 1351859)
(April 12, 19, 2012 - 2T)

NOTICE OF APPLICATION NO. 7324-3
to Appropriate Water

Notice is given that Northern Beef Packers, PO Box 1765, Aberdeen SD 57402 has filed an application for a water permit to appropriate 40 gallons per minute (0.089 cubic feet of water per second) of groundwater. Water will be collected in drain tile from around the facility. The water will be pumped at collection well located in NW 1/4 NE 1/4 Section 36-T123N-R64W. The water will be discharged to a 5.2 acre foot storage pond and held for fire suppression purposes. Excess water will be discharged to Foot Creek.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7324-3 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 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 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 April 30, 2012.

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 twice at the total approximate cost of \$86.34



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2012

American News
PO Box 4430
Aberdeen SD 57401

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7324-3 to Appropriate Water to be published twice. Please publish the first notice on xx 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 Northern Beef Packers, c/o Dirk Rogers, PO Box 1765, Aberdeen SD 57402 (Ph # 605-262-2333).

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. 7324-3

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

Date _____

We are in receipt of your letter of April 6, 2012 enclosing Notice to Appropriate Water by Application No. 7324-3 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.

April 6, 2012

Northern Beef Packers
Dirk Rogers
PO Box 1765
Aberdeen SD 57402

Dear Mr. Rogers:

Water Permit Application No. 7324-3 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 American News printed at Aberdeen SD (Ph # 605-225-4100). 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

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 April 13, 2012 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. 7324-3 to Appropriate Water

Notice is given that Northern Beef Packers, PO Box 1765, Aberdeen SD 57402 has filed an application for a water permit to appropriate 40 gallons per minute (0.089 cubic feet of water per second) of groundwater. Water will be collected in drain tile from around the facility. The water will be pumped at collection well located in NW ¼ NE ¼ Section 36-T123N-R64W. The water will be discharged to a 5.2 acre foot storage pond and held for fire suppression purposes. Excess water will be discharged to Foot Creek.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7324-3 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.

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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

MAY 24 2012

Northern Beef Packers
Dirk Rogers
PO Box 1765
Aberdeen SD 57402

Dear Mr. Rogers:

Enclosed is Water Permit No. 7324-3 authorizing construction of your dewatering project 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