

WATER PERMIT NO. 8031-3

Name of Applicant: **Dakota Protein Conversion, Inc.**

Address: **31281 456th Ave, Meckling SD 57069** Phone: **605 553-3030**

Amount of Water Claimed: **0.22 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater** ^{two} ~~(one well)~~

Water to be used for: **commercial** County: **Clay**

Type of Waste Disposal System:

Location: **8 miles northwest of ~~Yankton~~ Vermillion**

PRIORITY Date Received: **6-18-14**

Application/License Fee: **\$ 950**

Corrected Application Received: **6-26-14**

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

Remarks:

Diversion Point: **NE 1/4 SE 1/4 Sec 22-T93N-
R53W**

Land to be Irrigated: **NA**

Depth of Well: **120 feet deep**

Well Driller:

Remarks:

Type of Map: **plat**

Prepared by:

			22		
				⊗	

Reviewed and the Number Assigned on: **6-26-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8031-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u> <u>605-624-2695</u>
	Newspaper <u>Plain Talk, 201 W Cherry St. Vermillion 57069</u> <u>605-665-7811</u>
	<u>Press & Dakotan, 319 Walnut Yankton 57028</u>

RECEIVED

JUN 18 2014

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 to Appear on Water Permit Dakota Protein Conversion, Inc.(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Ray Spangler

(name and complete address if different than above name)

Mailing Address 50757 Wellington Rd Ewing NE 68735

(Address)

(City)

(State)

(Zip Code)

Home Phone (866) 686-1103 Cell (605) 553-3030 Email retta005@hotmail.com2. Amount of water claimed _____ *CFS or 100 **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 Missouri-Elkpoint formation (2 wells)4. Location of point of diversion NE-SE, 22-93-53 County Clay

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Clay6. Annual period during which water is to be used Year round Jan 1 - Dec 31

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

The facility will be a livestock rendering operation. The system will require approximately 50 gpm for a 20 hour operating day. Preliminary wastewater treatment will be completed in the plant. Effluent from the plant will be stored in holding ponds and land applied as part of an approved nutrient management plan. The primary products from the plant will include bone meal, oil/grease and hides.

I, Ray Spangler, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 8031-3

Date of first receipt of application June 18, 2014.

Date of return to applicant for corrections, amendments or changes June 18, 2014.

Date of receipt of corrected application June 26, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8031-3 to Dakota Protein Conversion Inc., c/o Ray Spangler, 50757 Wellington Rd, Ewing NE 68735 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. 8031-3 appropriates 0.22 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 22-T93N-R53W.
2. The water appropriated shall be used for the purpose of commercial use in livestock rendering operation 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. 8031-3 is September 15, 2014.
5. The date from which applicant may claim right is June 18, 2014.
6. One-fifth of the construction is to be completed on or before March 15, 2017.
7. All construction is to be completed on or before September 15, 2019.
8. Water is to be put to beneficial use on or before September 15, 2024.
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 wells 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 wells authorized by Permit No. 8031-3 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. The Water Permit Holder, shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.

WATER MANAGEMENT BOARD

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

SEP 22 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 2 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Hammond-Wetmore Drilling

c) Well Depth 120 Depth to Top of Water Bearing Material 65 Depth to Water from Surface 65

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others 1,800' abandoned

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Facility will use a septic-drain field for domestic use

b) System Capacity (gallons) 1,000.00 Year Constructed 2014

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 (e.g. 3 to 1 is a typical slope)

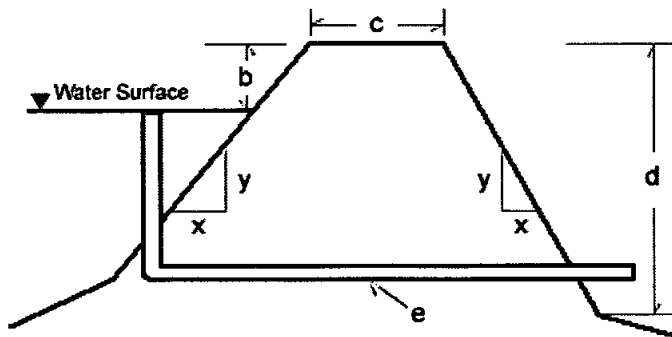
Upstream _____

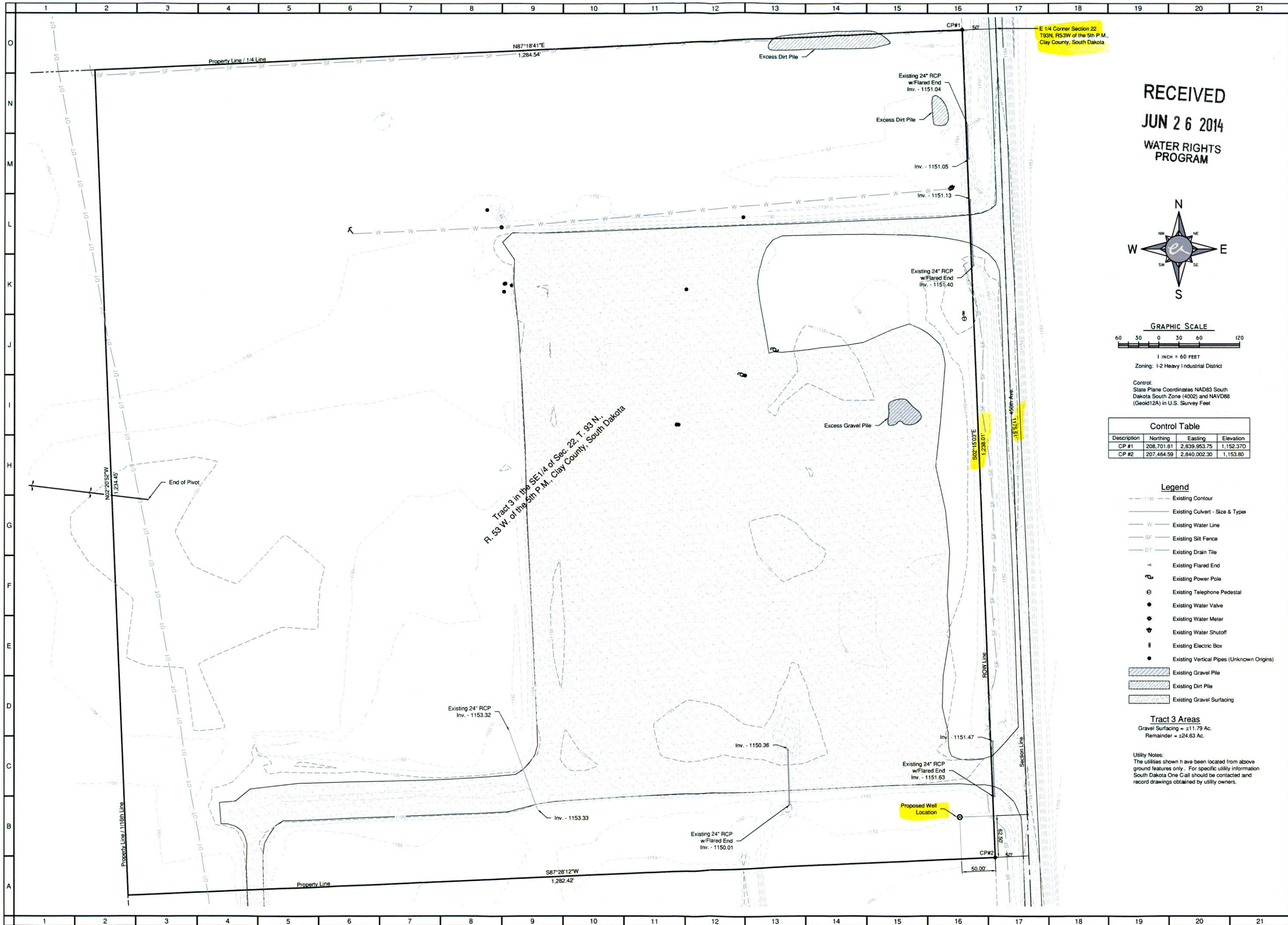
Downstream _____

h) Surface Area of Impoundment _____

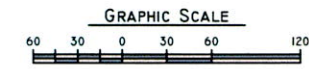
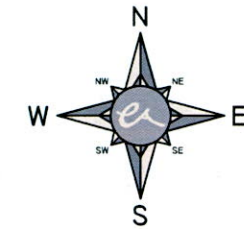
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





RECEIVED
JUN 26 2014
WATER RIGHTS
PROGRAM



Zoning: I-2 Heavy Industrial District

Control:
State Plane Coordinates NAD83 South
Dakota South Zone (4002) and NAVD88
(Geoid12A) in U.S. Survey Feet

Control Table

Description	Northing	Easting	Elevation
CP #1	208,701.61	2,839,953.75	1,152.370
CP #2	207,464.59	2,840,002.30	1,153.80

Legend

- Existing Contour
- Existing Culvert - Size & Type
- Existing Water Line
- Existing Silt Fence
- Existing Drain Tile
- Existing Flared End
- Existing Power Pole
- Existing Telephone Pedestal
- Existing Water Valve
- Existing Water Meter
- Existing Water Shutoff
- Existing Electric Box
- Existing Vertical Pipes (Unknown Origins)
- Existing Gravel Pile
- Existing Dirt Pile
- Existing Gravel Surfacing

Tract 3 Areas

Gravel Surfacing = ±11.79 Ac.
Remainder = ±24.63 Ac.

Utility Notes:
The utilities shown have been located from above
ground features only. For specific utility information
South Dakota One Call should be contacted and
record drawings obtained by utility owners.

Prepared By
Eisenbraun & Associates
Professional Engineers - Surveyors
Innovative Solutions - Long Term Value
215 Walnut
Yankton, South Dakota 57178
605.466.5022
FAX 605.466.5023
www.eisen.com

REV. NO.	DATE	DESCRIPTION

Dakota Protein Conversion
Meckling, South Dakota

PROJECT NO: Y12117
CAD DWG FILE: V-SV02-12117
DRAWN BY: BRETTK
REVIEWED BY: TODDVM
DATE: Jun. 23, 2014
COPYRIGHT: 2014 EISENBRAUN
& ASSOCIATES

SHEET TITLE
TOPOGRAPHIC MAP
CS-101
SHEET 1 OF 1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw $\frac{1}{4}$ se $\frac{1}{4}$ Sec 22 Twp 93n Rg 53w

County

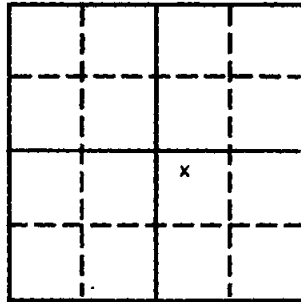
clay

North

Please mark well location with an "X"

W

E



Well Completion Date

8/3/2006

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

1,800.0 ft. from abandoned well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	5.00	0.0	97.0	9.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
ement grt	7	9.5	0.0	90.0

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe
 ☐ Manufactured
 Diameter 5.00 Inches Length 20.0 FeetMaterial pvcSlot Size .040 Set From 97.0 Feet to 117.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes
 ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Glacial Lakes Energy LLC

Business Name:

Address: 301 20th AveCity, State, Zip: Watertown, SD 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, gray-brown, silty	0	22
Sand, brown, fine, silty	22	27
Clay, gray-brown, silty	27	52
Silt, dk gray, sandy	52	57
Sand, medium to coarse, silty	57	65
Gravel, coarse, boulders at 90-97	65	121
Shale, dk gray, sticky	121	130

STATIC WATER LEVEL 11.6 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

RECEIVED

FEB 01 2007

WATER RIGHTS PROGRAM

Pumping Level Below Land Surface

16.0 Ft. After 2.0 Hrs. pumped 130.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test well for new ethanol plant-- abandonment date yet unknown.

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.

RECEIVED

JUN 18 2014

WATER RIGHTS PROGRAM

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/18, 20 14

RECEIVED OF Dakota Protein Conversion 50757 Wellington Rd Ewing NE 68735

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

Fee for Application for Permit No. <u>8031-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8031-3</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	950 00

No. **06888**

By Jeanne Goodman
Chief Engineer

RECEIVED

JUN 18 2014

WATER RIGHTS
PROGRAM

Eisenbraun & Associates
Professional Engineers & Surveyors
Innovative Solutions Long Term Value

June 5, 2014

SD Water Right Program
c/o Eric Gronlund
Foss Building, 523 E. Capitol
Pierre, South Dakota 57501

RE: Dakota Protein Conversion, Clay County, SD
E/A Project No. Y12117.D01

Dear Mr. Gronlund:

This letter and the attached documentation shall serve as the informational submittal for Dakota Protein Conversion's Water Rights permit application. The proposed operation will be located in the NE-SE $\frac{1}{4}$, Section 22, T93N, R53W, Clay County, South Dakota.

The Dakota Protein Conversion project will recycle animal losses via a pressure cooked method to produce bone meal, oil/grease and hides. The effluent will be land applied as part of the nutrient management plan. The owner is in the process of applying for a conditional use permit from Clay County and SD DENR Waste management Permit concurrently.

Included with the application are fee and location map. If you have any questions, please contact us.

Sincerely,
Eisenbraun & Associates, Inc.



Todd Van Maanen, PE
Project Engineer

Enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 18, 2014

Todd Van Maanen
Eisenbraun & Associates
215 Walnut St
Yankton SD 57078

RE: Water Permit Application for Dakota Protein Conversion, Inc.

Dear Mr. Van Maanen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Clay County. In order to complete the application, the following is required.

- Enclosed is the map submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



June 23, 2014

SD Water Right Program
c/o Karen
Foss Building, 523 E. Capitol
Pierre, South Dakota 57501

RECEIVED

JUN 26 2014

WATER RIGHTS
PROGRAM

RE: Dakota Protein Conversion, Clay County, SD
E/A Project No. Y12117.D01

Dear Ms Schlaak:

As per your request find attached a revised map for Dakota Protein Conversion's Water Rights permit application. The proposed operation will be located in the NE-SE $\frac{1}{4}$, Section 22, T93N, R53W, Clay County, South Dakota.

Sincerely,
Eisenbraun & Associates, Inc.

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

Todd Van Maanen, PE
Project Engineer

Enclosures

Water Rights Program - File Documentation

NAME: Todd Van Maanen, Eisenbraun & Associates

ADDRESS: Yankton

DATE: 6-30-2014 **COUNTY:** CLay **TELEPHONE:** 605 665-8092

RE: Application for Dakota Protein Conversion, Inc.

COMMENTS:

Todd Van Maanen stated this application should be for two wells. The second well would be a back-up. The second well would be located in close proximity to the first well. Both wells will be located in the NE 1/4 SE 1/4 Section 22-T93N-R53W.



Karen Schlaak
Water Rights Program

Water Rights Program - File Documentation

NAME: Ray Spangler

ADDRESS: 50757 Wellington Rd, Ewing NE 68735

DATE: 9-10-14 **COUNTY:** Clay **TELEPHONE:** 605 553-3030

RE: Address change

COMMENTS:

We received the information regarding the public notice back because of no mail receptacle.
I talked with Ray Spangler and he stated to use the above address.



Karen Schlaak
Water Rights Program



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8031-3, Dakota Protein Conversion, 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. 8031-3, Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Avenue, Meckling SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 8031-3 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 qualification:

1. The wells 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 wells authorized by Permit No. 8031-3 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. The Water Permit Holder, shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 26, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8031-3
DAKOTA PROTEIN CONVERSION, INC,
C/O RAY SPANGLER
AUGUST 26, 2014

Water Permit Application No. 8031-3 proposes to divert groundwater at a maximum rate of 0.22 cubic feet of water per second (cfs) from up to two wells to be completed into the Elk Point management unit of the Missouri aquifer. The wells are expected to be approximately 120 feet deep and are to be located in SE ¼ SE ¼ Section 22; T93N-R53W in Clay County. The water is to be used for commercial purposes in a livestock rendering operation.

AQUIFER: Elk Point management unit of the Missouri aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying large portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges et. al, 1982). The aquifer connects to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, overlies and is often hydrologically connected to the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is predominantly under water table conditions.

The test well log submitted with the application is from 2007 for Glacial Lakes Energy LLC but is in close proximity to the proposed well sites. The test well log indicates sand and gravel from 57 to 121 feet below ground surface, with overlying silt and silty clay (probably alluvial deposits). The static water level was 11.6 feet below grade in August 2006. The proposed well sites are approximately five miles from the Missouri River.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights

and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court’s rulings ultimately stated that data must be present to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l Resources*) (Memorandum Decision, May 17, 2012).

Hydrologic Budget:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of June 24, 2013 (Stonesifer, 2013). Water rights/permits/future use permits are expected to use 81,108 ac-ft/yr, which includes “expected use by newer irrigation water permits (permits authorized between 2006 and June 24, 2013)” (Stonesifer, 2013). Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers recharge induced from the Missouri River by wells for Lewis and Clark Rural Water System. However, this recharge estimate does not account for the induced recharge by irrigation wells pumping near the river. Therefore, approximately 10,856 ac-ft/yr of unappropriated water was available at that stage of development (Stonesifer, 2013).

Since the completion of Stonesifer’s (2013) report, 17 water permits have been approved, one permit has been re-instated (7074A-3), and there are five pending permits, all for irrigation Water Rights, 2014b). Thus, the data used to calculate expected irrigation pumpage has been

updated. The 23 permits and pending permits are shown in Table 1. Stonesifer (2013) stated that water rights/permits withdrawing water from the Missouri: Elk Point aquifer pump on average 13.7% of the total appropriation. However, after updating with 2013 irrigation data and recalculating, the proportion is now 14.0 %. The methodology used still follows Stonesifer's (2013). Therefore, it still accounts for the continuing development of irrigation from the Missouri: Elk Point aquifer, especially during the period of 2006 to 2013. This was accomplished by only considering the pumpage compared to appropriation of water rights/permits that were past the end of their respective construction period (five years after approval).

Applying that proportion, 14.0 %, to the new appropriations and the reinstatement, estimated expected use is 785 ac-ft/yr. Consequently, there is approximately 10,071 ac-ft/yr of recharge in excess of average annual withdrawal. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Permit No.	Name	County	Priority Date	Permit CFS	Permit Acres	Permit Appropriation (ac-ft)
7848-3	Missouri Valley Farms Inc.	Union	05/31/2013	3.04	213	426
7856-3	Mike & Steve Allard	Union	07/01/2013	1.78	129.3	258.6
7895-3	Todd Hansen	Union	09/09/2013	1.89	180	360
7898-3	James Orr	Clay	09/12/2013	1.56	132	264
7899-3	Justin Orr	Clay	09/12/2013	1.56	97	194
7904-3	Craig S. McInerney	Union	09/23/2013	1.78	160	320
7933-3	Doug Bye	Clay	12/12/2013	0.89	80	160
7936-3	Donald Johnson	Yankton	12/17/2013	1.39	83	166
7938-3	Russell M. Hall	Union	01/02/2014	n/a	53	106
7941-3	Joseph F. Chicoine	Union	01/14/2014	1	37.69	75.8
7074A-3*	Calvin Hanson	Clay	01/21/2014	1.78	162	324
7951-3	Allen Pace	Union	01/24/2014	1.78	150	300
7955-3	Karl M. Schenk	Yankton	02/03/2014	1.78	140	280
7971-3	Barry Van Osdel	Yankton	02/20/2014	1.11	68	136
7980-3	Francis Heine	Clay	02/24/2014	0	5	10
7987-3	Francis M. Armstrong Living Trust	Clay	03/17/2014	1.78	102	204
8010-3	Ryan Rusher	Yankton	04/28/2014	0.1	2.5	5
8016-3	Amelia Bertrand Trust	Union	05/12/2014	1.67	66	132
8022-3	Redwood Holdings LLP	Clay	pending	1.91	134	268
8023-3	Redwood Holdings LLP	Clay	pending	4.14	290	580
8024-3	Redwood Holdings LLP	Clay	pending	3.36	235.2	470.4
8025-3	Redwood Holdings LLP	Clay	pending	3.82	267.2	534.4
8029-3	Dakota Dunes Community Improvement District	Union	pending	0.78	17.8	35.6

* This permit is a re-instatement of Permit No. 7074-3

Table 1- Approved water permits and pending permits from the Missouri Elk: Point aquifer since June 10, 2013 (Water Rights, 2014b)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2014a). The nearest of these wells, CL-80A, CL-80B, and YA-80KA, are

located approximately 2.9 miles northeast, 4.2 miles south, and 5.3 miles west-southwest of the proposed well sites, respectively. A hydrograph showing the water level of the aquifer in these three observation wells is shown in Figure 1. The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the effects or lack thereof of nearby pumping on the aquifer. Observation well data indicates that at the current level of development temporal well withdrawal is greatly masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline in the water table. This has been attributed to entrenching of the Missouri River and a strong hydraulic connection between the river and the aquifer (Goodman, 2007; Stephens, 1967). The Missouri River stage near the City of Yankton has decreased approximately ten feet since the Gavin's Point Dam was completed, as shown in Figure 2. Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous elevations. Also shown in the hydrograph in Figure 1 is Missouri River water levels near the City of Yankton. The trends in water levels between groundwater and surface water are very similar. This indicates that a strong hydraulic connection exists, where groundwater levels are to some extent dependent on the Missouri River stage. Therefore, water levels in the aquifer are not decreasing due to well withdrawal, and unappropriated water is available. The Missouri River gage site, nearby observation wells, and the proposed well sites are shown in Figure 3.

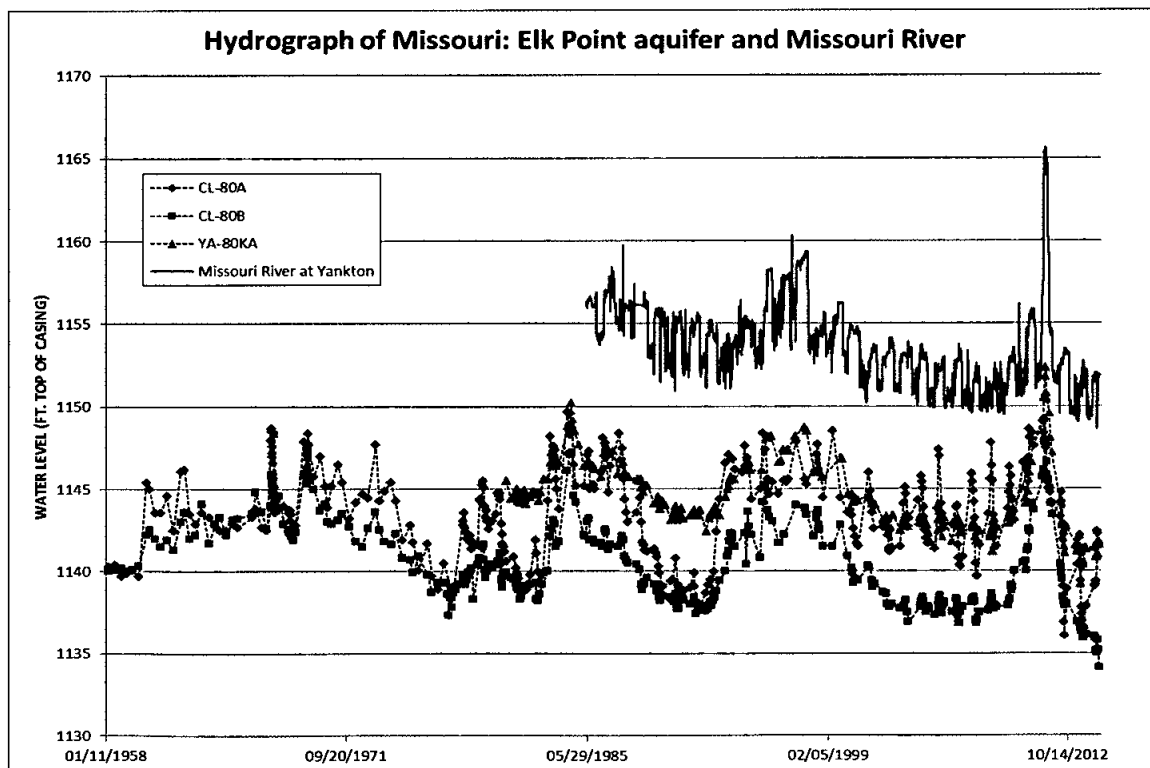


Figure 1- Hydrograph for observation wells CL-80A, CL-80B, and YA-80KA, and the Missouri River stream gage near the City of Yankton (USGS, 2014; Water Rights, 2014a)

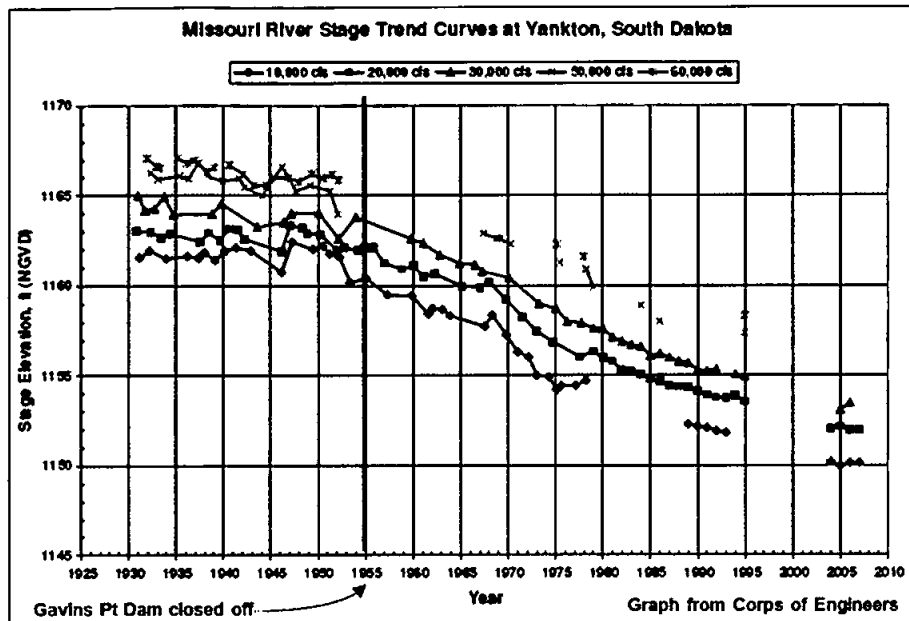


Figure 2- Missouri River Stage Trend Curves at Yankton, South Dakota (Cowman, 2014)

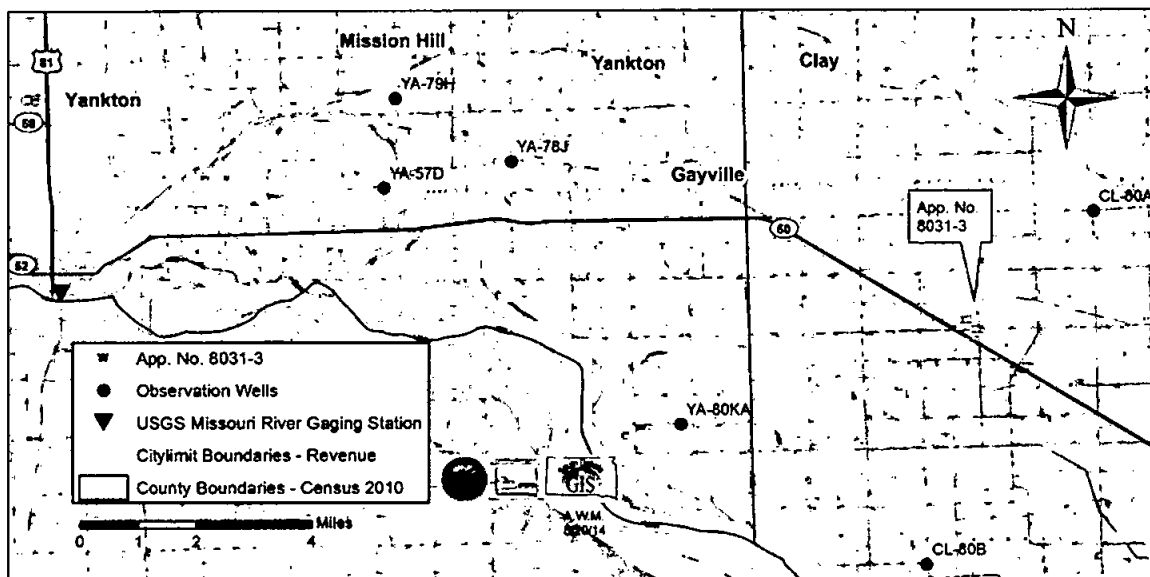


Figure 3- Map of observation wells and USGS Missouri River gaging station near App No. 8031-3 (USGS, 2014; Water Rights, 2014a)

EXISTING WATER RIGHTS:

There are four permits, Water Permit Nos. 6978-3 for Marquardt Farms and 7447-3 for Michael Hauck, and Water Permit Nos. 7800-3 and 7802-3 for Ralph Marquardt, authorizing wells to withdraw water from the Missouri: Elk Point aquifer within approximately one mile of the proposed well sites (Water Rights, 2014b). The nearest well authorized by a water permit is approximately 0.4 miles away from the nearest of the proposed wells (Water Rights, 2014b). There are no domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well sites (Water Rights, 2014c). However, there are

located approximately 2.9 miles northeast, 4.2 miles south, and 5.3 miles west-southwest of the proposed well sites, respectively. A hydrograph showing the water level of the aquifer in these three observation wells is shown in Figure 1. The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the effects or lack thereof of nearby pumping on the aquifer. Observation well data indicates that at the current level of development temporal well withdrawal is greatly masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline in the water table. This has been attributed to entrenching of the Missouri River and a strong hydraulic connection between the river and the aquifer (Goodman, 2007; Stephens, 1967). The Missouri River stage near the City of Yankton has decreased approximately ten feet since the Gavin's Point Dam was completed, as shown in Figure 2. Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous elevations. Also shown in the hydrograph in Figure 1 is Missouri River water levels near the City of Yankton. The trends in water levels between groundwater and surface water are very similar. This indicates that a strong hydraulic connection exists, where groundwater levels are to some extent dependent on the Missouri River stage. Therefore, water levels in the aquifer are not decreasing due to well withdrawal, and unappropriated water is available. The Missouri River gage site, nearby observation wells, and the proposed well sites are shown in Figure 3.

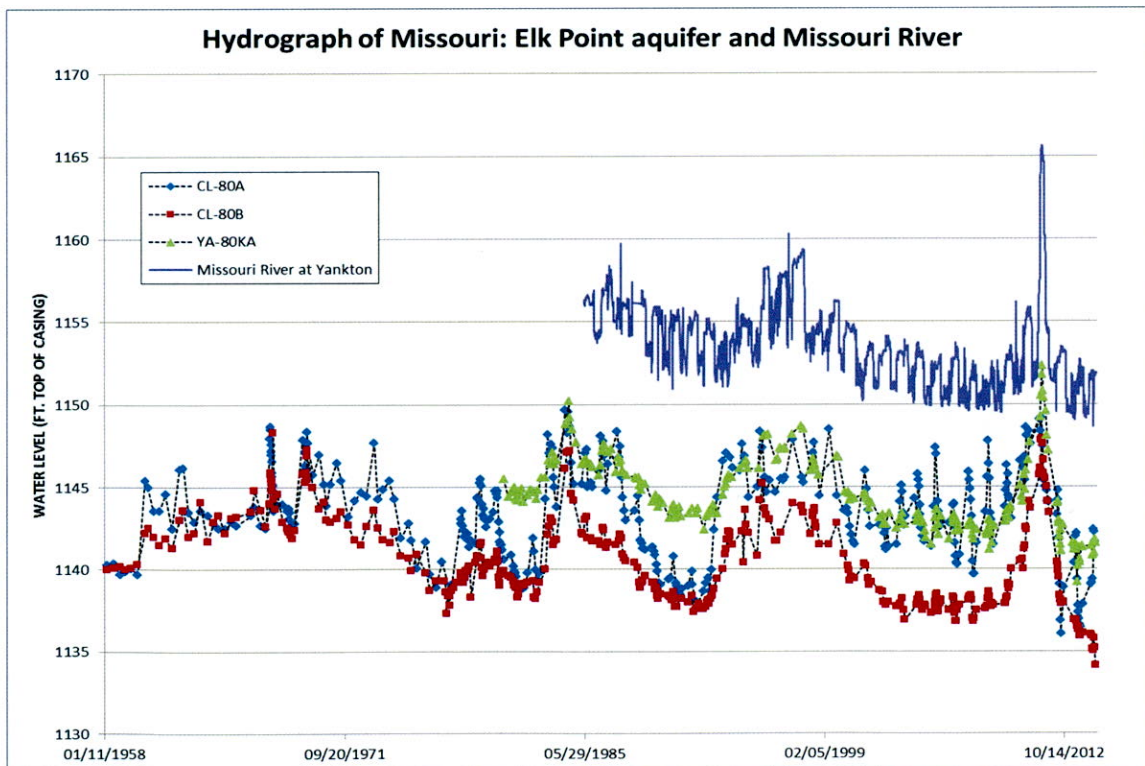


Figure 1- Hydrograph for observation wells CL-80A, CL-80B, and YA-80KA, and the Missouri River stream gage near the City of Yankton (USGS, 2014; Water Rights, 2014a)

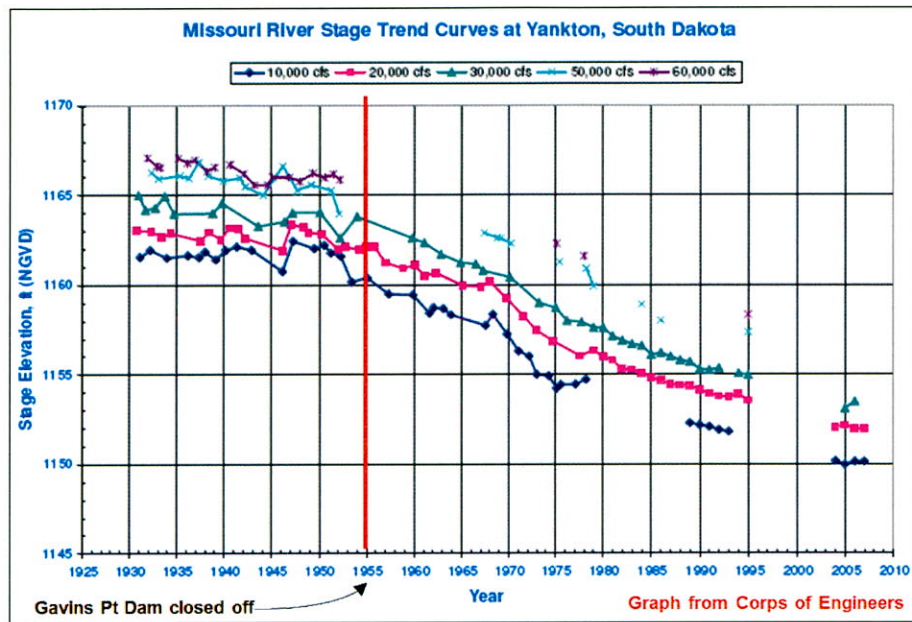


Figure 2- Missouri River Stage Trend Curves at Yankton, South Dakota (Cowman, 2014)



Figure 3- Map of observation wells and USGS Missouri River gaging station near App. No. 8031-3 (USGS, 2014; Water Rights, 2014a)

EXISTING WATER RIGHTS:

There are four permits, Water Permit Nos. 6978-3 for Marquardt Farms and 7447-3 for Michael Hauck, and Water Permit Nos. 7800-3 and 7802-3 for Ralph Marquardt, authorizing wells to withdraw water from the Missouri: Elk Point aquifer within approximately one mile of the proposed well sites (Water Rights, 2014b). The nearest well authorized by a water permit is approximately 0.4 miles away from the nearest of the proposed wells (Water Rights, 2014b). There are no domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well sites (Water Rights, 2014c). However, there are

farmsteads and the Town of Meckling within approximately one mile of the proposed well sites that may have domestic wells.

Using a specific capacity from the test well log submitted with the application and the Theis Equation, the drawdown at a well that would be created from pumping the proposed wells in the manner stated in the application (one at a time) is shown in Table 2 ("Transmissivity from Specific Capacity"; "Theis Equation Calculator"). There is generally 50 feet or more of saturated thickness in the immediate area of the proposed well site (SDGS, 2014; Water Rights, 2014c).

Storage Coefficient	³ Specific Capacity (gpm/ft)	¹ Transmissivity (gpd/ft)	Time (days)	Discharge (gpm)	Distance from pumped well (ft)	² Drawdown (ft)	Distance from pumped well (ft)	² Drawdown (ft)
0.1	29.5	44,250	185	100	5,280	0.11	1,320	0.7
¹ = "Transmissivity from Specific Capacity", ² = "Theis Equation Calculator", ³ = Water Rights, 2014c								

Table 2- Theis Equation variables

The water table conditions of the Missouri: Elk Point aquifer, combined with the relatively large saturated thickness and high transmissivity, indicate the effects of drawdown due to pumpage would be minimal. This is illustrated by the proliferation of high capacity wells in the area with no history of well interference issues. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells, as defined in ARSD 74:02:20(6), are not expected to be adversely or unlawfully impaired due to the proposed wells.

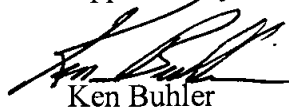
CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 0.22 cfs from two wells to be completed into the Missouri: Elk Point aquifer for commercial use in a livestock rendering operation.
2. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. This proposed diversion is not expected to adversely or unlawfully impair existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.
- Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.
- Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.
- Cowman, Tim. 2014. "Bed Degradation." Message to Ken Buhler. 20 February, 2014. E-mail.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, South Dakota.
- SDGS. Lithologic Logs Database Search. <<http://sddenr.net/lithdb/>>. Accessed: June 6, 2014. SD DENR-Geological Survey. Vermillion, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.
- Stonesifer, J.R. 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- "Theis Equation Calculator". <<http://www.icalcul8.com/theis.php>>. Accessed: August 21, 2014.
- "Transmissivity from Specific Capacity". <<http://www.aqtesolv.com/forum/transcap.asp>>. Accessed: August 21, 2014.
- USGS. 2014. Surface Water Data for South Dakota: USGS Surface-Water Annual Statistics: USGS 06467500 Missouri River at Yankton, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED
SEP 08 2014
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

Dakota Protein Conversion, Inc.
Ray Spangler
31281 456th Ave.
Meckling, SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED

Notice of Application No. 8031-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 5 DAY OF September 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 9/5/2014

FILED ON: 9/4/2014

Notice is given that Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Ave. Meckling SD 57069 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 22-T93N-R53W for commercial use in a livestock rendering operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8031-3 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 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 September 15, 2014.

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 once at the total approximate cost of \$26.32.

Published September 5, 2014.

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8 DAY OF September 2014

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NO. 8031-3 to Appropriate
Water

RECEIVED

SEP 08 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 8031-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 5th DAY OF September 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 9/5/2014

FILED ON: 9/8/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF September 2014

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

Notice is given that Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Ave, Meckling SD 57069 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 22-T93N-R53W for commercial use in a livestock rendering operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8031-3 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 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 September 15, 2014.

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 once at the total approximate cost of \$26.32.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov



August 26, 2014

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8031-3 to Appropriate Water. Please publish the notice once on September 5, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Ave, Meckling SD 57069 (Ph # 605-686-1103).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182



denr.sd.gov

August 26, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8031-3 to Appropriate Water. Please publish the notice once on September 5, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Ave, Meckling SD 57069 (Ph # 605-686-1103).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

August 26, 2014

Dakota Protein Conversion Inc
Ray Spangler
31281 456th Ave
Meckling SD 57069

Dear Mr. Spangler:

Water Permit Application No. 8031-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

C: Todd Van Maanen, Eisenbraun & Associates, 215 Walnut, Yankton SD 57078

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 the Notice on September 5, 2014. 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. 8031-3 to Appropriate Water

Notice is given that ~~Dakota Protein Conversion, Inc., c/o Ray Spangler, 31281 456th Ave, Meckling SD 57069~~ has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 22-T93N-R53W for commercial use in a livestock rendering operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8031-3 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 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 September 15, 2014.

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 once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



SEP 22 2014

Dakota Protein Conversion Inc
Ray Spangler
50757 Wellington Rd
Ewing NE 68735

Dear Mr. Spangler:

Enclosed is Water Permit No. 8031-3 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,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 11, 2024

8031-3

Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

Dakota Protein Conversion Inc. recently contacted our office to report that the property they owned, authorized under Water Permit No. 8031-3, had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to review, sign and return, in the pre-paid envelope. I've also included a copy of the water permit and map of the designated area for you to reference.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the use of water as authorized in the permit, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2024

8031-3

Marquardt Family Limited Partnership
c/o Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Permit No. 8031-3 previously owned by Dakota Protein Conversion Inc., is now listed under Marquardt Family Limited Partnership. 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 permit, 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 permit 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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

APR 22 2024
Ck# 15613
Rec't# _____

No. 8031-3

Date: 4/16/2024

I/We request that Water Permit No. 8031-3

formerly owned by: Dakota Protein Conversion Inc; 50757 Wellington Rd, Ewing NE 68735

be transferred to: (name & address) Marguardt Family Ltd. Psp.
PO Box 1040 Yankton SD 57078

Email: ralphm@margcompanies.com Telephone No. 605 660 6400

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

2 wells located in NE 1/4 SE 1/4 Section 22, T93N, R53W, Clay County

Water supply to commercial livestock operation

I/We understand that the validity of Water Permit No. 8031-3 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 Fifty Dollars (\$50.00) 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 Ralph Marguardt, the new owner, certify that the above information is true and correct.

Gen Partner: Marguardt Family
Limited Partnership


(Signed by new owner)

NOTE: Water permits may be cancelled for non-construction 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.

RECEIVED

APR 22 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 22, 2024

RECEIVED OF Marquardt Family Limited Partnership PO Box 1040 Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>8031-3</u>	<u>\$50.00</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>\$50.00</u>

By Eric Gronlund
Chief Engineer
me