

WATER PERMIT NO. 8422-3

Name of Applicant: New Fashion Pork

Address: PO Box 244, Jackson MN 56143 Phone: 605 933-1326

Amount of Water Claimed: 0.11 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Miner

Type of Waste Disposal System:

Location: 15 miles west and 6 miles south of Howard

PRIORITY Date Received: 1-21-20 Application/License Fee: \$ 700

Corrected Application Received: 1-31-20 Period of Annual Use: Jan 1 – Dec 31

Remarks: An existing swine farrowing operation

Diversion Point: NE 1/4 NE 1/4 Sec 6-T105N-R58W

Feedlot Location: Same area as above

Depth of Well: 150 feet deep

Well Driller:

Remarks:

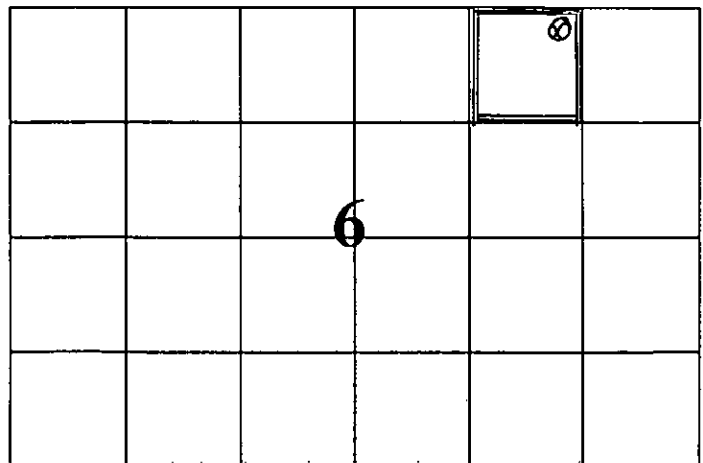
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-3-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8422-3**

Date of first receipt of application January 21, 2020.

Date of return to applicant for corrections, amendments or changes February 3, 2020.

Date of receipt of corrected application February 3, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8422-3 to New Fashion Pork, c/o Jay Moore, PO Box 244, Jackson MN 56143 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. 8422-3 appropriates 46 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one well to be completed into the Floyd:East James Aquifer (150 feet deep) located in the NE 1/4 NE 1/4 Section 6-T105N-R58W for commercial use in an existing swine farrowing operation located in the same area described above. This site is located 15 miles west and 6 miles south of Howard SD.
2. The water appropriated shall be used for the purpose of commercial use 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. 8422-3 is May 4, 2020.
5. The date from which applicant may claim right is January 21, 2020.
6. One-fifth of the construction is to be completed on or before November 4, 2022.
7. All construction is to be completed on or before May 4, 2025.
8. Water is to be put to beneficial use on or before May 4, 2029.
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 Water Permit No. 8422-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control 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. 8422-3 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.

(continued)

3. Water Permit No. 8422-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8422-3 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
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Floyd:East James aquifer.
6. Water Permit No. 8422-3 authorizes a total annual diversion of 46 acre feet of water from the Floyd:East James aquifer.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 12 2020

date



PAID
JAN 21 2020
Ck# 15192

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8422-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Miner County Pioneer, Howard</u> <u>Daily Republic, Mitchell</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☒ 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 New Fashion Pork

Mailing Address PO Box 244 Jackson MN 56143
(Address) (City) (State) (Zip Code)

Phone 6055272490 Mobile 6059331326 Email minercofork@nfpinc.com

2. Amount of water claimed 0.11 *CFS or 50 **GPM and 46 ***AF or 15M Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply Well4. Location of point of diversion 1 well in NE 1/4 NE 1/4 Section 6-T105N-R58W County Miner
(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 ☒ NoIf "Yes," where will water be used? Facility location: NE 1/4 NE 1/4 Sec 6 - T105N-R58W
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Miner6. Annual period during which water is to be used Continuous 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)

An existing 7,807 head swine farrowing operation is proposing to close an existing well due to the well's proximity to a waste storage facility. A proposed well will be built outside of the minimum setbacks. The well will provide water for the entire site

RECEIVED

JAN 21 2020

WATER RIGHTS
PROGRAMI, Jay Moore

Name of Person

NFP Representative

Title (if applicable)

, the applicant, certify under

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by Pullman Drilling
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

For either Existing or Proposed Wells:

c) Well Depth (required) 150 Depth to Top of Water Bearing Material Depth to Water from Surface 45

d) Distance to nearest domestic well on applicant's property Property owned by others

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

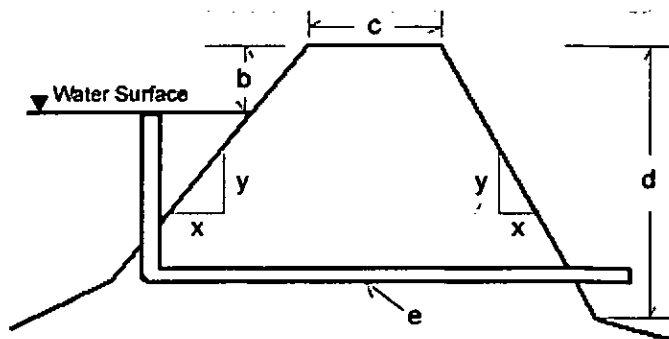
Upstream

Downstream

h) Surface Area of Impoundment

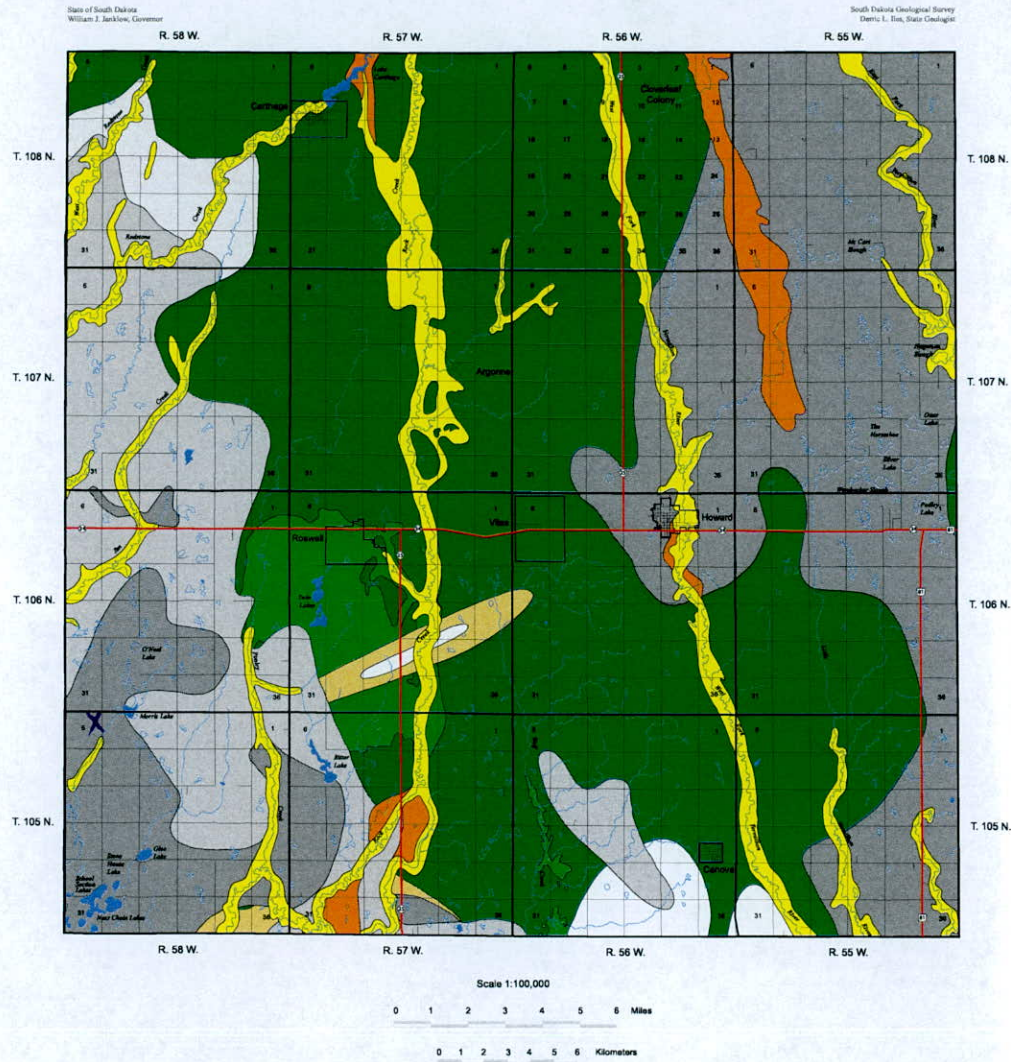
i) Storage Acre Feet

j) Drainage Area Above Dam Acres



First Occurrence of Aquifer Materials in Miner County, South Dakota

Department of Environment and Natural Resources
Division of Financial and Technical Assistance
Geological Survey
Aquifer Materials Map 12
Ann R. Jensen, 2002



Explanation

This map is intended for use as a tool to aid in identifying areas underlain by aquifer material. The aquifer materials shown on this map are categorized below. This map does not show individual aquifers. There may be more than one type of aquifer material present in an area. However, only the aquifer material that would be first encountered is shown. Within the boundaries of any given map unit, there may be localized areas where aquifer material is absent. The thickness and permeability of aquifer material may vary significantly. Also, no attempt was made to distinguish between saturated and unsaturated material. Therefore, not all of the areas defined on this map may be an aquifer. Site-specific information should always be examined when making land management or water development decisions.

First occurrence is generally less than or equal to 50 feet below land surface

- Alluvium:** Consists of clay and silt with minor amounts of sand and gravel; occurs at land surface
- Sand and Gravel:** First occurrence is generally at land surface
- Sand and Gravel:** First occurrence is generally below land surface. May not be uniform in depth and thickness and may be discontinuous in lateral extent.

First occurrence is generally greater than 50 feet and less than or equal to 100 feet below land surface

- Sand and Gravel:** May not be uniform in depth and thickness and may be discontinuous in lateral extent
- Niobrara Formation:** Consists of a calcareous chalk

First occurrence is generally greater than 100 feet below land surface

- Sand and Gravel:** May not be uniform in depth and thickness and may be discontinuous in lateral extent. Minor occurrences of aquifer material may be encountered less than 100 feet below land surface.
- Niobrara Formation:** Consists of a calcareous chalk
- Codell Sandstone Member of the Carlile Shale:** Consists of a fine- to medium-grained sandstone interbedded with Carlile Shale

Area where mappable aquifer material has not been identified between the land surface and the Sioux Quartzite

Major highway
Road
Township boundary
River or stream
Lake
Slough or intermittent lake

For township section numbering system, see T. 108 N., R. 56 W.

This map was developed from lithologic logs and published reports. The major sources of information were:

Koch, N.C., and McGarvie, S.D., 1988, *Water resources of Miner County, South Dakota*. U.S. Geological Survey Water Resources Investigations Report W-4035, 37 p.

McGarvie, S.D., 1983, *Aquifer aquifers in Miner County, South Dakota*. South Dakota Geological Survey Information Pamphlet 10, 16 p.

Schneider, W., 1978, *Sand and gravel resources in Miner County, South Dakota*. South Dakota Geological Survey Information Pamphlet 10, 17 p.

1988, *Geology and water resources of Miner County, South Dakota, Part I: Geology*. South Dakota Geological Survey Bulletin 31, 38 p.

South Dakota Geological Survey, Lithologic logs database

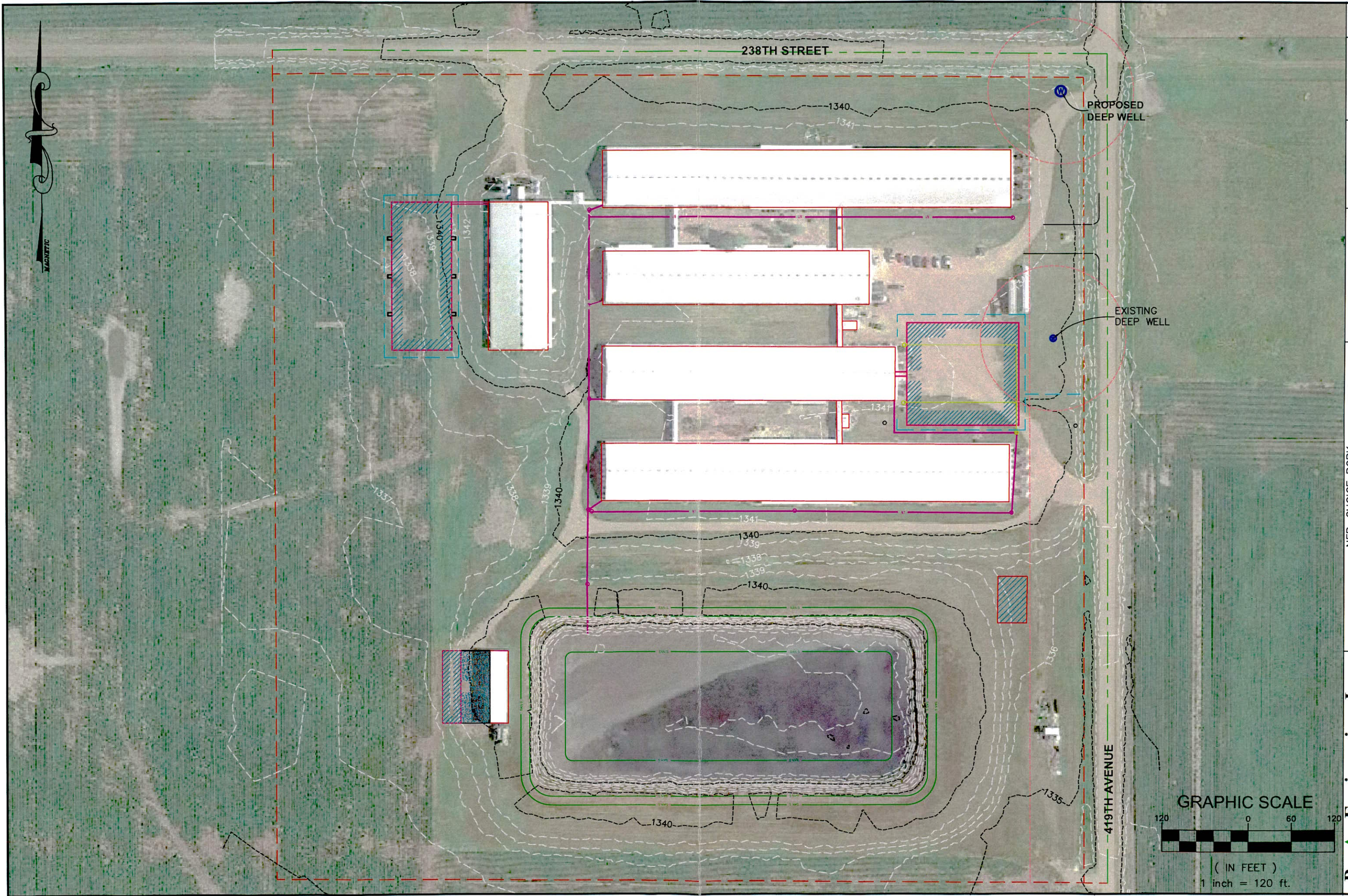
The Geological Survey, Department of Environment and Natural Resources, engages in an ongoing data collection and interpretation process. An outcome of this process is to reflect those interpretations on maps such as this one. Reasonable efforts have been made to ensure that this map accurately reflects the source data used in its preparation. This map is date specific. As additional data become available, geologic interpretations may be revised and the map may be updated by the Geological Survey. This map should not be enlarged or otherwise used in an attempt to interpret more detail than can be seen at the 1:100,000 scale.



Index map of South Dakota showing the location of Miner County



Publication Date: February 26, 2002
Revision Date: February 19, 2003



ProAg Engineering, Inc. 77402 U.S. Highway 71, P.O. Box 181 Jackson, MN 56143 (507) 849-7200		NFP-CHOICE PORK EXISTING SWINE CONFINEMENT BARN NE 1/4, SECTION 6, T-105-N, R-58-W MINER COUNTY, SOUTH DAKOTA		Date	1/03/2020	Checked By	Project No.	SHEET
				Drawn	A.J.R.	N.J.R.	16-074	1/1

106N 59W
Section: 36

106N 58W
Section: 31

106N 58W
Section: 32

105N 59W
Section: 01

105N 58W
Section: 06

105N 58W
Section: 05

105N 59W
Section: 12

105N 58W
Section: 07

105N 58W
Section: 08

Water Supply Information

Water Supply Information

The facility is supplied with water by both rural water and private water well.

The Kingbrook Rural Water provides service for the office, employee area, farm cool cell operations, and for general cleaning. NFP uses on an average of 950,000 gallons annually.

The private water well provides water for the livestock. The average annual water usage for the farm is 9,000,000 gallons.

Water Well Information

The existing private water well will be abandon and capped per state and county regulations. A new private water well will be constructed, which will comply with all state and county setback distances and regulations (See site Map). Also attached are well logs obtained from the South Dakota, Department of Environment and Natural Resources website. The well-logs are located near the NFP farm, which is in the northeast quarter of section 6, Beaver Township (T-105-N; R-58-W), Miner County.

Location Information

Legal Location: SW SW NE NE SEC. 06, T. 105 N., R. 58 W.
County: MINER
Basin: JAMES
USGS Hydrologic Code: 10160011
Land Owner: C. PETERSON

Location: 105N-58W-06AACC
Latitude: 43 56' 00"
Longitude: 97 30' 07"
Ground Surface Elevation (ft.): 1340.00 T

Project Information

Project: IRRIGATION TEST
Date Drilled: 02/20/1965
Drilling Company: EMPIRE IRRIGATION
Drilling Method:
Test Hole Number:
Samples:

Geologist:
Geologist Log:
Driller:
Drillers Log:
Total Drill Hole Depth (ft.): 160.0

Geophysical Information

Spontaneous Potential:
Natural Gamma:

Single Point Resistivity:
Extra:

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description:</u>
1340.00 - 1338.00	0.0 - 2.0	TOPSOIL
1338.00 - 1325.00	2.0 - 15.0	TILL, YELLOW
1325.00 - 1315.00	15.0 - 25.0	TILL, GRAY
1315.00 - 1314.00	25.0 - 26.0	GRAVEL
1314.00 - 1234.00	26.0 - 106.0	TILL, GRAY
1234.00 - 1219.00	106.0 - 121.0	TILL, GRAY; WITH SAND LAYERS
1219.00 - 1212.00	121.0 - 128.0	TILL, GRAY; WITH GRAVEL LAYERS
1212.00 - 1189.00	128.0 - 151.0	SAND, VERY FINE
1189.00 - 1180.00	151.0 - 160.0	ROCKS

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Location Information

MR-79D

Legal Location: NW NW NW NW SEC. 08, T. 105 N., R. 58 W.
 County: MINER Location: 105N58W08BBBB
 Latitude: 43.922168
 Hydrologic Unit Code: 10160011 Longitude: - 97.830245
 Land Owner: Ground Surface Elev. (ft.): 1332 T

Project Information

Project: WATER RIGHTS
 Drill Date: 05/16/1979 Geologist: J. GOODMAN
 Company: SDGS Geologist's Log: X
 Drilling Method: ROTARY Driller: M. THOMPSON
 Test Hole Number: 13 Driller's Log:
 Total Drill Hole Depth (ft.): 140.0

Well Information

SDGS Well Name: Aquifer: FLOYD
 Water Rights Well: MR-79D Management Unit: EAST JAMES
 Other Well Name: Casing Top Elev. (ft.): 1338.1 T
 Casing Type: PVC Casing Diameter (in.): 2.0
 Screen Type: PVC Screen Length (ft.): 10.0
 Total Casing and Screen (ft.): 134.8 Casing Stick-up (ft.): 4.10 T

Geophysical Information

E-logs Available: NO

Notes

CASING WAS SLOTTED 5 FEET ABOVE SANDPOINT.

Lithologic Information

Elevation (ft.)	Depth (ft.)	Description
1332.0 - 1331.0	0.0 - 1.0	TOPSOIL, BLACK
1331.0 - 1318.0	1.0 - 14.0	CLAY, YELLOW-BROWN, SILTY, PEBBLY (TILL)
1318.0 - 1310.0	14.0 - 22.0	CLAY, GRAY, SILTY, PEBBLY (TILL)
1310.0 - 1308.0	22.0 - 24.0	SAND, COARSE; FINE GRAVEL
1308.0 - 1237.0	24.0 - 95.0	CLAY, GRAY, SILTY, PEBBLY (TILL)
1237.0 - 1214.0	95.0 - 118.0	CLAY, GRAY, SANDY, GRAVELLY, ROCKY (TILL)
1214.0 - 1200.0	118.0 - 132.0	SAND AND GRAVEL, MEDIUM TO COARSE
1200.0 - 1192.0	132.0 - 140.0	CLAY, GRAY, GRAVELLY (TILL)

Location Information

Legal Location: NW NW NW NE SEC. 23, T. 105 N., R. 58 W.
 County: MINER Location: 105N58W23ABBB
 Latitude: 43.892964
 Hydrologic Unit Code: 10160011 Longitude: - 97.759944
 Land Owner: Ground Surface Elev. (ft.): 1338 T

Project Information

Project: MINER COUNTY STUDY
Drill Date: 08/08/1978
Company: SDGS
Drilling Method: ROTARY
Test Hole Number: MR-11-78
Geologist: W. SCHROEDER
Geologist's Log: X
Driller: L. HELSETH
Driller's Log:
Total Drill Hole Depth (ft.): 200.0

Well Information

SDGS Well Name:
Water Rights Well: MR-78C
Other Well Name:
Casing Type: PVC
Screen Type: PVC, HM.
Total Casing and Screen (ft.): 158.3
Aquifer: FLOYD
Management Unit: EAST JAMES
Casing Top Elev. (ft.): 1337.4 T
Casing Diameter (in.): 1.5
Screen Length (ft.): 40.0
Casing Stick-up (ft.): 1.40 T

Geophysical Information

E-logs Available: YES

Notes

BOTTOM 40 FEET OF CASING IS SLOTTED.

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1338.0 - 1318.0	0.0 - 18.0	CLAY, YELLOW-BROWN, SILTY, PEBBLY; OXIDIZED (TILL)
1318.0 - 1317.0	18.0 - 19.0	SAND, BROWN, MEDIUM
1317.0 - 1314.0	19.0 - 22.0	CLAY, YELLOW-BROWN, SILTY, PEBBLY; OXIDIZED (TILL)
1314.0 - 1238.0	22.0 - 98.0	CLAY, GRAY, SILTY, PEBBLY; UNOXIDIZED (TILL)
1238.0 - 1189.0	98.0 - 147.0	GRAVEL AND SAND, MEDIUM TO COARSE SAND, VERY SHALEY; COAL
1189.0 - 1164.0	147.0 - 172.0	CHALK, LIGHT-GRAY; VERY CALCAREOUS (NIOBRARA FORMATION)
1164.0 - 1162.0	172.0 - 174.0	CLAY, DARK-GRAY (CARLILE SHALE)
1162.0 - 1138.0	174.0 - 200.0	SANDSTONE, BROWN, MEDIUM (CODELL MEMBER OF CARLILE SHALE)

Location Information

Legal Location: SE SW SW SW SEC. 33, T. 105 N., R. 58 W.
County: MINER
Location: 105N58W33CCCD
Latitude: 43.848714
Hydrologic Unit Code: 10160011
Longitude: -97.808660
Land Owner: Ground Surface Elev. (ft.): 1325 T

Project Information

Project: WATER RIGHTS
Drill Date: 05/12/1980
Company: SDGS
Drilling Method: ROTARY
Test Hole Number:
Geologist:
Geologist's Log:
Driller: T. CONNER
Driller's Log: X

Total Drill Hole Depth (ft.): **155.0**

Well Information

SDGS Well Name:	MR-1-80	Aquifer:	FLOYD
Water Rights Well:	MR-80B	Management Unit:	EAST JAMES
Other Well Name:		Casing Top Elev. (ft.):	1328.5 T
Casing Type:	PVC	Casing Diameter (in.):	2.0
Screen Type:	PVC, MFG.	Screen Length (ft.):	0.0
Total Casing and Screen (ft.):	144.3	Casing Stick-up (ft.):	3.50 T

Geophysical Information

E-logs Available: NO

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1325.0 - 1323.0	0.0 - 2.0	TOPSOIL, BLACK
1323.0 - 1298.0	2.0 - 29.0	CLAY, YELLOW-BROWN, SILTY, SANDY; COLOR TO DARK-BROWN FROM APPROXIMATELY 18 FEET
1298.0 - 1219.0	29.0 - 108.0	CLAY, GRAY, SILTY, SANDY, SLIGHTLY GRAVELLY; ROCK AT 58 FEET
1219.0 - 1187.0	108.0 - 138.0	GRAVEL, FINE TO MEDIUM, SANDY
1187.0 - 1170.0	138.0 - 155.0	SHALE, DARK-GRAY-BLACK

Location Information

Legal Location:	SW SW SW SW SEC. 34, T. 105 N. , R. 58 W	Location:	105N58W34CCCC
County:	MINER	Latitude:	43.850094
Hydrologic Unit Code:	10160011	Longitude:	- 97.780094
Land Owner:		Ground Surface Elev. (ft.):	1338 T

Project Information

Project:	HANSON COUNTY STUDY	Geologist:	C. CHRISTENSEN
Drill Date:	07/16/1979	Geologist's Log:	
Company:	SDGS	Driller:	M. KOFFLER
Drilling Method:	ROTARY	Driller's Log:	
Test Hole Number:	HS-22-79	Total Drill Hole Depth (ft.):	215.0

Well Information

SDGS Well Name:		Aquifer:	FLOYD
Water Rights Well:	MR-79F	Management Unit:	EAST JAMES
Other Well Name:		Casing Top Elev. (ft.):	1341.6 T
Casing Type:	PVC	Casing Diameter (in.):	1.5
Screen Type:	UNKNOWN	Screen Length (ft.):	0.0
Total Casing and Screen (ft.):	208.5	Casing Stick-up (ft.):	2.60 T

Geophysical Information

E-logs Available: YES

Notes

SCREEN LENGTH IS UNKNOWN.

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1339.0 - 1337.0	0.0 - 2.0	TOPSOIL, BLACK, SANDY
1337.0 - 1313.0	2.0 - 28.0	CLAY, BROWN-ORANGE, SLIGHTLY SANDY; VERY OXIDIZED (TILL)
1313.0 - 1278.0	28.0 - 61.0	CLAY, GRAY, SANDY; SOMEWHAT GRITTY (TILL)
1278.0 - 1278.0	61.0 - 63.0	GRAVELLY LAYER; ROUGH DRILLING
1278.0 - 1235.0	63.0 - 104.0	CLAY, GRAY, SLIGHTLY SANDY; SHALE PEBBLES, (TILL)
1235.0 - 1233.0	104.0 - 106.0	HARD LAYER (COAL?)
1233.0 - 1228.0	106.0 - 111.0	CLAY, GRAY, SANDY, CLAYEY; GRITTY (TILL)
1228.0 - 1215.0	111.0 - 124.0	CLAY; SOME SAND, EASY DRILLING TO 124 FEET
1215.0 - 1124.0	124.0 - 215.0	SAND, COARSE; GRAVEL, FINE TO MEDIUM; LOT OF COAL, AHRD LAYER FROM 180 TO 182 FEET

Site	Address	County	TwnShp	Yr	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	
Truesdell 197	348 70th St Dunnell, MN	Martin	Jay	33	2017	88,282	54,189	28,351	92,527	81,541	166,822	161,735	124,824	38,291	78,018	126,293	91,234	1,132,228
Vos 029	28125 Monroe Ave Worthington, MN	Nobles	Ransom	12	2018												11,300	11,300
Vos 029	28125 Monroe Ave Worthington, MN	Nobles	Ransom	12	2017	33,100	33,700	79,600	87,800	72,600	59,300	38,300	78,200	100,100	80,700	37,402	65,000	743,802
Watkins 164	495 170th St Sherburn, MN	Martin	Elm Creek	15	2016												22,900	22,900
Watkins 164	495 170th St Sherburn, MN	Martin	Elm Creek	15	2017	67,365	24,881	20,030	33,761	41,163	138,400	81,244	39,672	66,006	59,810	25,591	42,858	640,781
Whisney 203	49394 770 Street Jackson, MN	Jackson	Des Moines	30	2016													
Whisney 203	49394 770 Street Jackson, MN	Jackson	Des Moines	30	2017	74,920	103,856	183,808	132,395	54,883	137,898	187,534	181,353	232,317	75,771	111,646	138,093	1,614,275
Wing 162	2077 - 10th Ave Alpha, MN	Jackson	Kimball	25	2016												12,310	12,310
Wing 162	2077 - 10th Ave Alpha, MN	Jackson	Kimball	25	2017	81,240	71,220	92,520	12,840	48,340	113,670	188,200	92,274	60,430	94,620	105,650	55,224	997,228
Wintz 080	28595 State Street Round Lake, MI	Nobles	Indian Lake	1	2018												45,500	45,500
Wintz 080	28595 State Street Round Lake, MI	Nobles	Indian Lake	1	2017	119,700	68,480	173,000	187,600	184,600	48,200	159,400	189,700	250,300	100,100	99,200	144,800	1,728,080
NE																		
Cunningham 404	54385 874 Rd Wausa, NE	Knox	Columbia	10	2016													
Cunningham 404	54385 874 Rd Wausa, NE	Knox	Columbia	10	2017													
SD																		
KP Sow	25277 372nd Ave White Lake, SD	Aurora		0	2016													
KP Sow	25277 372nd Ave White Lake, SD	Aurora		0	2017													
Miner Sow	23809 419th Ave Fedora, SD	Miner	Beaver	6	2016													
Miner Sow	23809 419th Ave Fedora, SD	Miner	Beaver	6	2017	116,010	90,518	91,318	115,890	92,018	93,112	122,218	94,111	91,027	110,810	90,010	91,014	1,188,056
WI																		
Wilbur	W8812 Bills Rd Thorp, WI	Clark	Reseburg	21	2016												14,805	14,805
Wilbur	W8812 Bills Rd Thorp, WI	Clark	Reseburg	21	2017	71,950	85,000	88,000	91,000	69,000	89,000	47,500	93,660	117,500	69,000		74,700	874,310
WY																		
Wy Sow 01	5320 County Road 228 Albin, WY	Laramie		26	2016												270,885	270,885
Wy Sow 01	5320 County Road 228 Albin, WY	Laramie		26	2017	1,035,591	924,467	879,924	708,565	926,704	308,288	41,203	567,477	183,518	553,482	4,272,415	2,660,075	13,071,707
Wy Sow 02	5220 County Road #228 Albin, WY	Laramie		25	2016												270,885	270,885
Wy Sow 02	5220 County Road #228 Albin, WY	Laramie		25	2017	1,035,591	924,467	879,924	708,565	926,707	308,288	8,952	567,477	183,518	553,482	4,272,415	3,003,123	13,382,508

Miner County Pork, Kingbrook Rural Water System, 2017 Water Usage

Month	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Total Gallons	68,000	74,000	57,000	64,000	66,000	119,000	333,000	330,000	304,000	283,000	239,000	100,000

Site	Address	County	TwnShp	Yr	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	
Truesdell 187	348 70th St Dunnell, MN	Martin	Jay	33	2017	85,282	54,199	29,351	92,527	81,541	168,822	161,735	124,924	38,291	79,019	126,293	121,719	1,162,713
Vos 029	28125 Monroe Ave Worthington, MN	Nobles	Ransom	12	2018												11,300	11,300
Vos 029	29125 Monroe Ave Worthington, MN	Nobles	Ransom	12	2017	33,100	33,700	79,800	87,800	72,800	59,300	38,300	76,200	100,100	80,700	37,402	83,200	762,002
Watkins 164	485 170th St Sherburn, MN	Martin	Elm Creek	15	2018												22,900	22,900
Watkins 164	485 170th St Sherburn, MN	Martin	Elm Creek	15	2017	67,385	24,881	20,030	33,761	41,163	138,400	81,244	39,872	66,008	59,810	25,591	54,516	652,438
Whisney 203	49394 770 Street Jackson, MN	Jackson	Des Moines	30	2016													
Whisney 203	49394 770 Street Jackson, MN	Jackson	Des Moines	30	2017	74,920	103,856	183,809	132,395	54,883	137,898	187,534	181,353	232,317	75,771	111,646	170,289	1,648,471
Wing 162	2077 - 10th Ave Alpha, MN	Jackson	Kimball	25	2016												12,310	12,310
Wing 162	2077 - 10th Ave Alpha, MN	Jackson	Kimball	25	2017	81,240	71,220	92,520	12,840	49,340	113,870	188,200	92,274	80,430	84,620	105,650	71,784	1,013,788
Wintz 090	28585 State Street Round Lake, MI	Nobles	Indian Lake	1	2016												45,500	45,500
Wintz 090	28585 State Street Round Lake, MI	Nobles	Indian Lake	1	2017	119,700	68,480	173,000	187,600	184,600	49,200	159,400	189,700	250,300	100,100	99,200	185,600	1,788,880
NE																		
Cunningham 404	54385 874 Rd Wausa, NE	Knox	Columbia	10	2016													
Cunningham 404	54385 874 Rd Wausa, NE	Knox	Columbia	10	2017													
SD																		
KP Sow	25277 372nd Ave White Lake, SD	Aurora		0	2016													
KP Sow	25277 372nd Ave White Lake, SD	Aurora		0	2017													
Miner Sow	23809 419th Ave Fedora, SD	Miner	Beaver	6	2016													
Miner Sow	23809 419th Ave Fedora, SD	Miner	Beaver	6	2017	116,010	90,518	91,318	115,890	92,018	93,112	122,218	94,111	91,027	110,810	90,010	91,014	1,198,058
WI																		
Wilbur	W8812 Bills Rd Thorp, WI	Clark	Reseburg	21	2016	68000	74000	57000	64000	66000	119000	337000	370000	304000	283000	257000	100000	2,041,000
Wilbur	W8812 Bills Rd Thorp, WI	Clark	Reseburg	21	2017	71,950	85,000	86,000	91,000	69,000	89,000	47,500	93,880	117,500	69,000		114,200	813,810
WY																		
Wy Sow 01	5320 County Road 228 Albin, WY	Laramie		28	2016												270,885	270,885
Wy Sow 01	5320 County Road 228 Albin, WY	Laramie		28	2017	1,035,591	924,487	878,924	708,565	926,704	308,288	41,203	587,477	193,518	553,482	4,272,415	2,994,028	13,405,860
Wy Sow 02	5220 County Road #228 Albin, WY	Laramie		25	2016												270,885	270,885
Wy Sow 02	5220 County Road #228 Albin, WY	Laramie		25	2017	1,035,591	924,467	878,924	708,565	926,707	308,288	8,852	587,477	193,518	553,482	4,272,415	3,337,088	13,716,451

ProAg Engineering, Inc.

Nicholaus J. Rowe, P.E.
77402 US Hwy 71
P.O. Box 181
Jackson, MN 56143
507-841-3269
nic@proageng.com

January 3, 2020

SD DENR – Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RECEIVED

JAN 21 2020

**WATER RIGHTS
PROGRAM**

RE: New Fashion Pork, LLP
Existing Swine Confinement Barns
Miner County, South Dakota
ProAg Project #16-074

On behalf of New Fashion Pork, LLP we are submitting the SD DENR Water Use Permit application for an existing 7,807 head swine farrowing confinement operation located in Miner County. The confinement operation constructed a farrowing barn and a gilt development unit barn in addition to their 5 existing barns.

The farm currently uses a combination of rural water and an existing deep well. The existing deep well is located within the required separation distance to the newly constructed farrowing barn and will be closed and filled immediately according to SD DENR requirements. A new deep well is proposed at the far northeast corner of the property that will meet all the separation distances. The new well will supply water for the entire site. Enclosed is a copy of NFP's 2017 water usage report with the Miner County Sow Farm (Choice Pork) highlighted for reference. Also attached is the 2017 Kingbrook Rural Water System water usage spread sheet.

No confinement buildings or manure storage structures are located over a shallow aquifer area. None of the other borings encountered material defining a shallow aquifer. Multiple irrigation test wells have been drilled around the site and the first occurrence of aquifer materials ranges from depths of 128-151 feet below ground. There is a minimum of 50 feet of firm, dense, and extremely impermeable glacial till that overlays these deep aquifer formations. There is a low potential for aquifer contamination and a low potential for bedrock well contamination.

Enclosed please find a copy of the following:

1. Completed Water Use Permit for Nonirrigation Uses w/ \$700.00 check for permit fee
2. Well Logs
3. Site Plan Drawing

The proposed well is located in the far northeast corner of the NE ¼ of the SE ¼, Section 6, T-105-N, R-58-W, Miner County. The existing permitted swine farrowing operation is located in NE ¼, Section 6, T-105-N, R-158-W, Miner County, South Dakota. We trust the above information is adequate for your review and approval. Should you have any questions please do not hesitate to contact me at 507-849-7200.

Respectfully Submitted,



Nicholaus J. Rowe, P.E.
ProAg Engineering, Inc.



NEW FASHION PORK

PO Box 244 • 164 Industrial Parkway • Jackson, MN 56143

RECEIVED

FEB 03 2020

WATER RIGHTS
PROGRAM

Date: January 31, 2020

To: Karen Schlaak, Water Rights Program
South Dakota, Department of Environment and Natural Resources

From: Dr, Brad Freking, Managing Partner
New Fashion Pork, LLP

Re: Granting Authorization to Represent New Fashion Pork, LLP

Dear Ms. Schlaak;

Mr. Jay Moore, Director of Environmental Services, for New Fashion Pork (NFP), has full authority to act on behalf of NFP for all permitting issues. As the Managing Partner and principle owner, please accept this letter authorizing Mr. Moore to represent the ownership of NFP.

Signature: _____

Dr. Brad Freking, Managing Partner

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date January 21, 2020

RECEIVED OF NFP construction Inc. PO Box 244 Jackson MN 56143

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

Fee for Application for Permit No. <u>8422-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
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>8422-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$700.00

By Joanne Goodman
Chief Engineer vm

Schlaak, Karen

From: Nic Rowe <nic@proageng.com>
Sent: Wednesday, January 22, 2020 7:52 AM
To: Schlaak, Karen
Subject: RE: [EXT] Water Permit Application for New Fashion Park

Hi Karen,

No the old well needs to be closed and plugged immediately as it is within the required separation distance to the barn that was recently constructed.

Thanks, Nic Rowe, PE
ProAg Engineering, Inc.
77402 US Hwy 71
PO Box 181
Jackson, MN 56143
507-849-7200 (office)
507-841-3269 (cell)
nic@proageng.com

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Tuesday, January 21, 2020 4:44 PM
To: 'nic@proageng.com' <nic@proageng.com>
Subject: FW: Water Permit Application for New Fashion Park

Also, it appears that this application should include both wells, the old and new. Do you agree?

From: Schlaak, Karen
Sent: Tuesday, January 21, 2020 4:35 PM
To: Nic Rowe <nic@proageng.com>
Subject: Water Permit Application for New Fashion Park

Nic Rowe,
We received the water permit application today.

A review of the Secretary of State's corporation website finds New Fashion Pork LLP listed. The name on the application is Jay Moore. He is not listed as one of its partners for New Fashion Pork LLP. DENR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of New Fashion Pork on all matters involving the water permit application.

If a letter should be directed to someone else, please let me know. Thanks.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352

Schlaak, Karen

From: Abby Repenning <abby@proageng.com>
Sent: Monday, February 3, 2020 3:53 PM
To: Schlaak, Karen
Cc: 'Nic Rowe'
Subject: RE: [EXT] New Fashion Pork

Karen,

New Fashion Pork constructed two barns and remodeled an existing barn this past year. The 9,000,000 gallons is the amount of water used before the expansion. Due to the increase in swine, the operation will need more water.

Thank you,
Abby Repenning



77402 US Hwy 71
PO Box 181
Jackson, MN 56143
507-849-7200 (office)
605-770-7970 (cell)
Abby@proageng.com

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Monday, February 3, 2020 2:17 PM
To: 'nic@proageng.com' <nic@proageng.com>
Subject: New Fashion Pork

Nic Rowe

The application for New Fashion Pork requests a total of 15M gallons of water per year. When reviewing the documentation submitted with the application, on the sheet titled "Water Supply Information", the last paragraph indicates the average annual water usage for the farm is 9,000,000 gallons. Just questioning the discrepancy between the two amounts. Please explain.

If you have questions, contact Eric Gronlund or me.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 3, 2020 7:39 AM
To: Jay Moore
Cc: 'abby@proageng.com'; Rowe, Nic
Subject: RE: [EXT] New Fashion Pork, Granting Authorization

Thank you for the email. The application is complete. We now have 60 days to prepare a report and recommendation on the application. At that time, you will be notified what you need to do regarding the public notice. If you have any questions, please let me know.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



From: Jay Moore <jdmoore@nfpinc.com>
Sent: Friday, January 31, 2020 1:18 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: 'abby@proageng.com' <abby@proageng.com>; Rowe, Nic <nic@proageng.com>
Subject: [EXT] New Fashion Pork, Granting Authorization

Dear Karen Schlaak:

Attached is a letter from our CEO, Dr. Brad Freking, authorizing me as New Fashion Pork's representative for permitting issues. Hopefully the attached statement will satisfy the SD DENR requirements. Please let me know if you need anything else. The original letter has been mail today as well.

Thanks you, Jay

Jay D. Moore
Director of Environmental Services
New Fashion Pork
PO Box 244
164 Industrial Parkway
Jackson, Minnesota 56143
Office: (507) 847-4610
Cell: (507) 841-0120
jdmoore@nfpinc.com



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8422-3, New Fashion Pork**

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. 8422-3, New Fashion Pork, c/o Jay Moore, PO Box 244, Jackson MN 56143.

The Chief Engineer is recommending APPROVAL of Application No. 8422-3 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 Water Permit No. 8422-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control 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. 8422-3 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. Water Permit No. 8422-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8422-3 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

(continued)

Recommendation for Application No. 8422-3

Page 2

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Floyd:East James aquifer.
6. Water Permit No. 8422-3 authorizes a total annual diversion of 46 acre feet of water from the Floyd:East James aquifer.

See report on application for additional information.

A handwritten signature in cursive script, reading "Eric S. Gronlund", written in black ink.

Eric Gronlund, Chief Engineer

April 14, 2020

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8422-3
NEW FASHION PORK
C/O JAY MOORE
APRIL 2, 2020

Water Permit Application No. 8422-3 proposes to appropriate 46 acre-feet/year of water from the East James management unit of the Floyd aquifer. The applicant intends to divert water from a single, 150-foot deep well, to be located within the NE ¼ NE ¼ Sec. 6-T105N-R58W, at a maximum diversion rate of 0.11 cubic feet per second (cfs). The water is to be used in a commercial swine farrowing operation located 15 miles west and 6 miles south of the Howard, South Dakota.

AQUIFER: Floyd: East James (F: EJ)

Aquifer Characteristics:

The Floyd: East James aquifer, as shown in Figure 1, underlies approximately 444,000 acres of Beadle, Hanson, McCook, Miner and Sanborn Counties (modified from: Steen, 2020). Hedges, et al. (1982), included this aquifer in a series of hydrologically interconnected deposits usually in direct contact with underlying bedrock units. These bedrock units include the Pierre Shale, Niobrara Formation, Carlile Shale, Sioux Quartzite, and undifferentiated sediments of Cretaceous age (Holmes, 2019; Tomhave and Schulz, 2004). The material composing this aquifer was deposited by meltwater as outwash drift from receding glaciers. It is described as sand and gravel layers, intermixed and confined by a gray pebbly till (Hansen, 1983) and stratified beds of gravel, sand, silt, and clay (Howels and Stephens, 1968). The Floyd: East James aquifer is primarily under confined conditions with an average thickness of 30 feet and water depths ranging from 70 feet below the ground surface to flowing at the ground surface (Buhler, 2012; Water Rights, 2020a and 2020b).

The depth to the top of the aquifer and aquifer thickness varies considerably in Miner County (McGarvie, 1983; Water Rights, 2020a and 2020b). Near the proposed location, it is buried underneath 60 to 175 feet of glacial till and ranges in thickness between 10 and 90 feet thick (Water Rights, 2020a). Depth to water from the surface ranges from 3 to 50 feet and averages 27 feet.

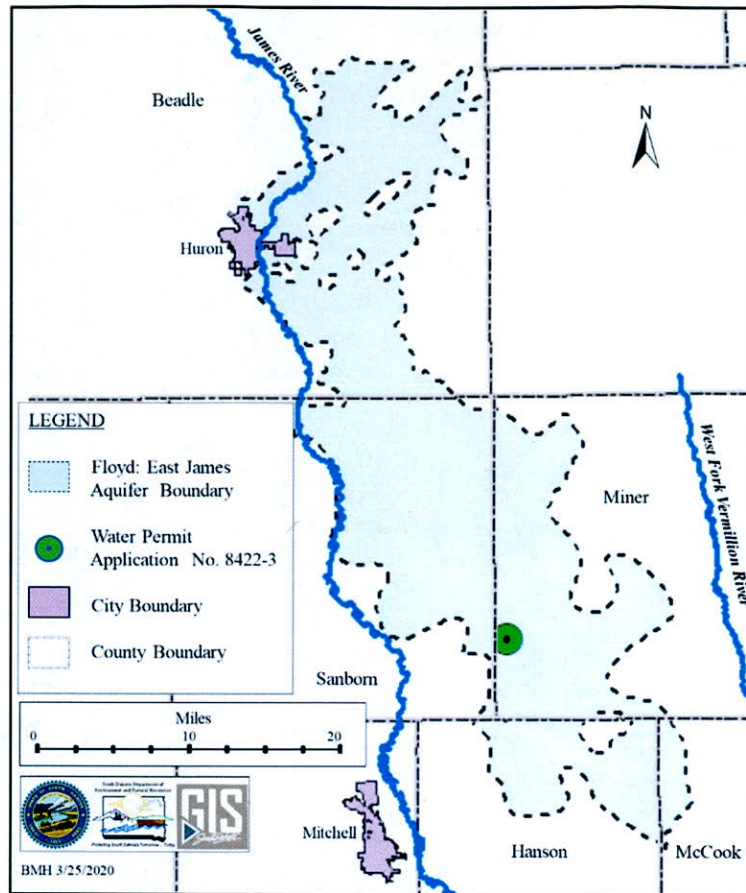


Figure 1. Floyd: East James East Fork aquifer boundary (modified from: Steen, 2020).

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 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 water availability and potential for unlawful impairment of existing water rights only.

WATER AVAILABILITY:

Water Permit Application No. 8422-3 proposes to appropriate water from the Floyd: East James aquifer. The probability of unappropriated water being available from an 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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

Observation Well Data:

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

The DENR – Water Rights Program monitors 57 observation wells completed into the Floyd: East James aquifer (Water Rights, 2020a). Approximately half of these are in Beadle County, twenty to forty-five miles north of this proposed application. Figure 2 shows the locations of selected observation wells in the vicinity of the proposed location. The closest is well MR-79D, approximately one mile to the south, with its hydrograph shown in Figure 3. Figures 4 through 6 show hydrographs that are representative of the Floyd: East James aquifer.

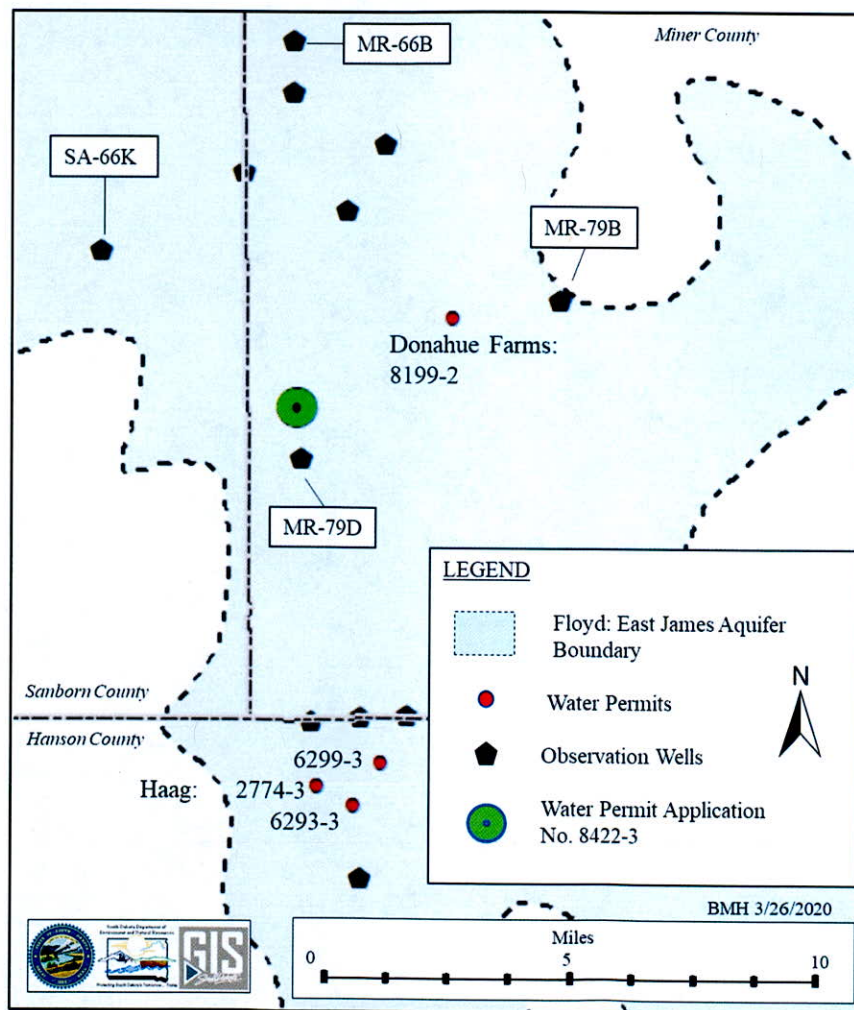


Figure 2. Existing water rights/permits and Floyd: East James aquifer observation wells in the vicinity of Water Permit Application No. 8422-3 (Water Rights 2020a and 2020b).

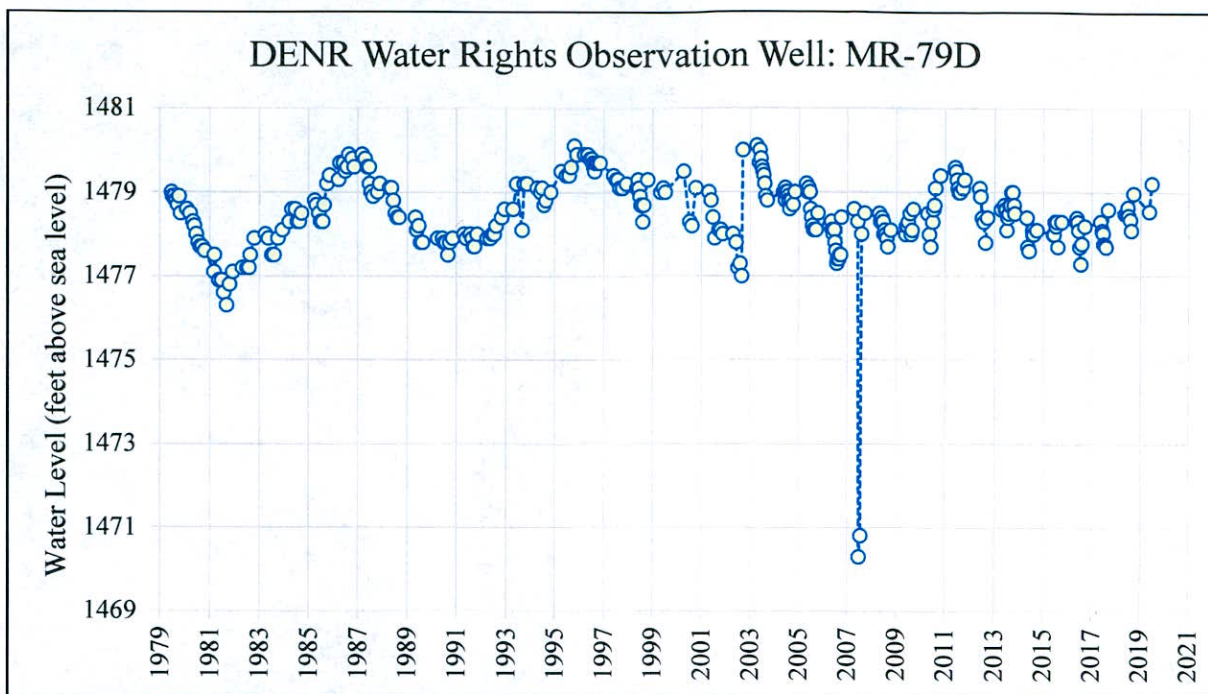


Figure 3. Hydrograph for observation well MR-79D. It is approximately 1 mile south of the proposed well location for Water Permit Application No. 8422-3 (Water Rights, 2020a).

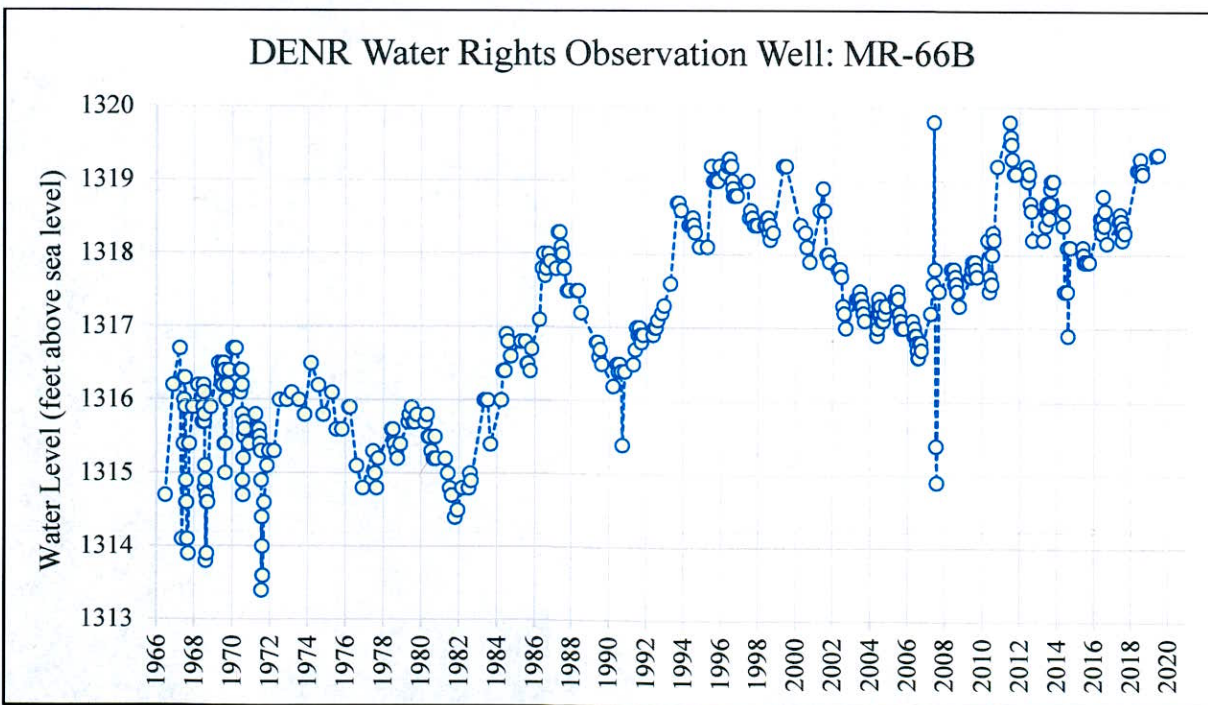


Figure 4. Hydrograph for observation well MR-66B, located approximately 7.0 miles north of the proposed well location for Water Permit Application No. 8422-3 (Water Rights, 2020a).

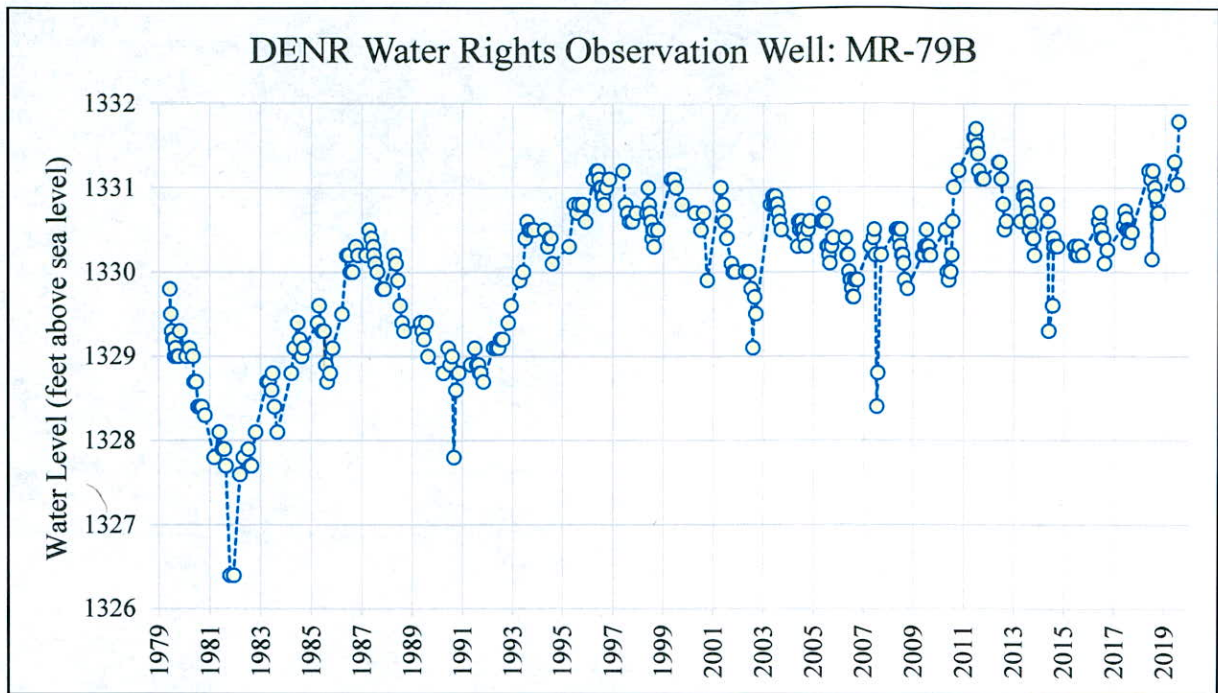


Figure 5. Hydrograph for observation well MR-79B, located approximately 5.4 miles northeast of the proposed well location for Water Permit Application No. 8422-3 (Water Rights, 2020a).

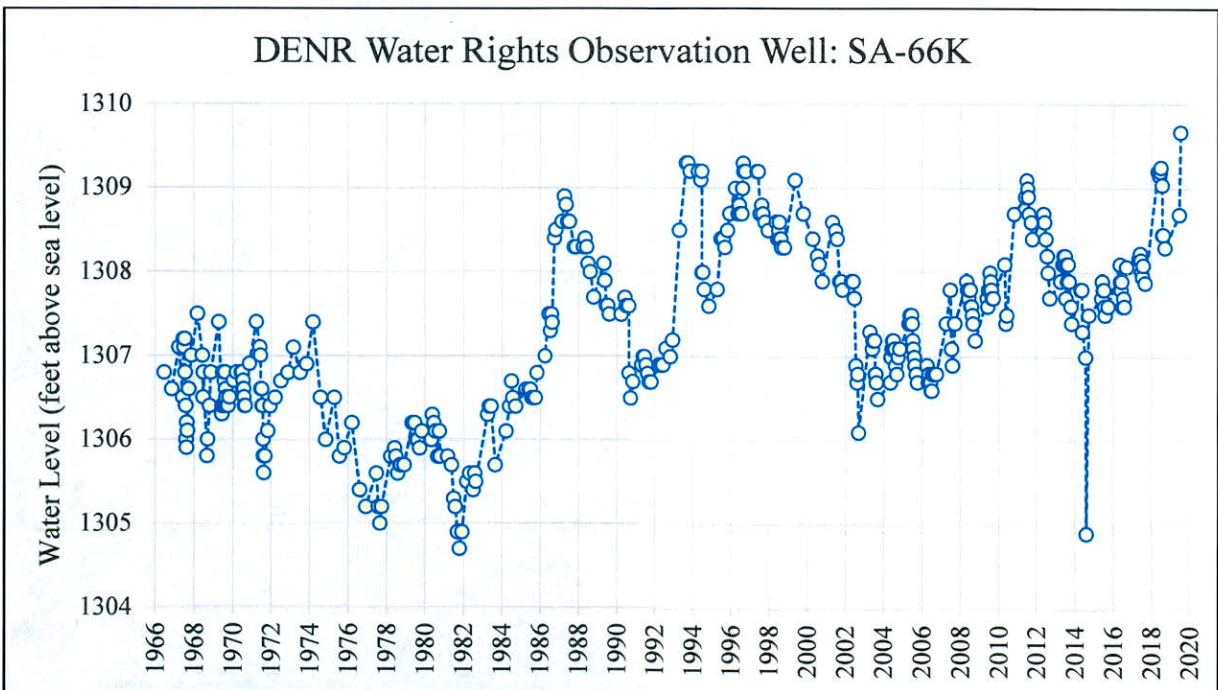


Figure 6. Hydrograph for observation well SA-66K, located approximately 4.8 miles northwest of the proposed well location for Water Permit Application No. 8422-3 (Water Rights, 2020a).

The data points utilized to construct the hydrographs are measurements of the static water level. The observation wells show that water levels have been rising or stable over the period of record.

Figures 3 through 6 demonstrate that the aquifer responds in a predictable pattern to climatic precipitation changes by rising during wet periods and declining during drier periods. The hydrographs also show the aquifer consistently recovers its water level after the irrigation season is finished. This indicates that climatic conditions rather than pumping dominate the water level in the aquifer. As a result, recharge to and natural discharge from the aquifer exceed withdrawals. Because natural discharge can be captured for pumping, the observation well hydrographs show there is a reasonable probability unappropriated water is available for this proposed appropriation.

Hydrologic Budget:

Recharge:

Howells and Stephens (1968) noted that recharge in the east central portion of Beadle county is from direct infiltration of precipitation and runoff into the permeable surface deposits. Hedges, et al. (1985) also referenced a non-delineated, unconfined portion but, concluded that the aquifer is primarily under confined conditions. Hedges, et al. (1985) described the potentiometric surface of the bedrock aquifers as being at the same elevation, or above, the potentiometric surfaces for other water bearing units in this region. As a result, the Floyd: East James aquifer receives recharge by from upward migration of water from the underlying bedrock aquifer units (Hedges, et al., 1985). The majority of recharge is not a result of percolation through the thick, impermeable till material overlying the aquifer (Buhler, 2012). In Miner County, the Floyd: East James aquifer is hydraulically connected to the Niobrara and Codell aquifers (McGarvie, 1983; Koch and McGarvie, 1988).

Several studies have been conducted to estimate recharge to the Floyd: East James aquifer. The results are listed in Table 1. Hedges, et al. (1985), used a flow net analysis to determine a recharge rate of 0.3 inches/year (in/yr) for the confined portions of the aquifer and used observation well data to determine the recharge rate of 3.4 in/yr for unconfined portions of the aquifer. It should be noted that the unconfined portion is a non-delineated area in Beadle County. Additionally, the calculations did not include the portion of the Floyd: East James aquifer underlying McCook County. Emmons (1988) determined a recharge rate of 0.487 in/yr, if the aquifer was under steady state conditions, with a broader range of 0.24 to 0.72 in/yr in the confined portions of the aquifer. It should be noted that the study area encompassed most of the Warren and Floyd aquifers and a small portion of the Tulare and Bad-Cheyenne aquifers. He considered all the aquifers as possessing similar hydraulic conductivities and, because each unit was only separated from each other by thin confining layer of till, there is likely flow of water occurring between the aquifers. Thus, he treated the aquifers in his study area as a single-system and did not address the Floyd: East James as an individual unit. Similar as Hedges, et al. (1985), Buhler (2012) used a regional flow net analysis to determine a recharge rate of at least 0.42 in/yr for the area including the Floyd: East James and the Floyd: Pearl Creek aquifers. Hedges, et al. (1985) and Buhler (2012) also calculated transmissivity in a different manner. Hedges, et al. (1985) multiplied the average thickness of the aquifer by 1,000 gallons per day per thickness of the aquifer. Buhler (2012) used the average hydraulic conductivity based on specific capacities calculated from irrigation wells completed into the Floyd: East James.

Table 1. Average annual recharge to the Floyd: East James aquifer (modified from Kilts, 2016).

Publication	Method	Recharge Rate (in/yr)	Estimated Volume (acre-feet)
Hedges et al., 1985	Observation well analysis (unconfined)	3.4	area undefined
	Regional flow-net analysis (confined)	0.3	11,100
Emmons, 1988	Digital Simulation	0.24 - 0.72	8,880 - 26,640
	Digital Simulation (steady state)	0.487	18,019
Buhler, 2012	Flow-net analysis based on DENR - Water Rights observation well data	0.42	15,540

Discharge:

Discharge from the Floyd: East James aquifer is through well withdrawal and leakage to underlying bedrock aquifers (Hansen, 1983; Koch and McGarvie, 1988). Currently, there are 67 water rights/permits appropriating and 1 pending irrigation permit to appropriate water from the Floyd: East James aquifer (Water Rights, 2020c). Eight of those water rights/permits are for non-irrigation use and comprise two institutional, three municipal and three commercial water rights (Table 2). In order to estimate annual volume withdrawal, Use designations are calculated differently. For non-irrigation water rights/permits (INS, MUN, and COM), withdrawals are either assumed to pump 60 percent of the time at their authorized diversion rate if limited only by diversion rate or, will pump their full permitted appropriation if limited by an annual volume. Of the permits listed in Table 2, the Beadle County permits are assumed to pump at 60% of their diversion rate and the Donahue Farms permit in Miner County is limited by an annual volume. The City of Huron's Water Permits 6321-3 and 8214-3 are authorized to have a combined annual appropriation volume limit of five acre-feet.

Table 2. Estimated Annual Pumping for Non-Irrigation Appropriations in Floyd: East James aquifer (Water Rights, 2020c).

Permit Number	Name	County ^a	Status ^b	Use ^b	CFS	Estimated Annual Volume (acre-feet)
5397-3	Our Home, Inc.	Beadle	LC	INS	0.056	24.3
5488-3	Faith Mennonite Church		LC	INS	0.050	21.7
5734-3	City of Huron		LC	MUN	0.020	8.7
6025-3	Edney Distributing Company		LC	COM	0.022	9.6
6290-3	Lindberg Specialties, LLC		LC	COM	0.022	9.6
6321-3	City of Huron		LC	MUN	0.040	5.0 ^c
8214-3			PE	MUN	0.282	
8199-3	Donahue Farms	Miner	PE	COM	0.162	72.6
					Total:	151.4
a - The Beadle County Permits are assumed to pump at 60% of their volume and the Miner County Permit is an Annual Volume Limit						
b - LC: Licensed Water Right; PE: Water Permit; INS: Institutional; MUN: Municipal; COM: Commercial						
c - This is a Total Volume accounted for in Permit 8214-3						

Table 3. Reported historic irrigation use from the Floyd: East James (Water Rights, 1979-2019).

Year	Number of Permits Reporting	Appropriation	Pumpage
		(acre-feet/year)	(acre-feet/year)
1979	78	40,002.0	2,628.00
1980	83	42,399.0	2,854.00
1981	93	44,923.0	5,180.00
1982	57	25,059.2	2,228.00
1983	56	24,943.2	3,337.73
1984	68	32,877.2	1,842.00
1985	65	28,815.2	1,680.00
1986	63	27,027.2	1,078.00
1987	57	24,454.2	2,470.00
1988	55	23,386.2	4,782.20
1989	54	22,981.2	4,158.40
1990	55	22,325.2	2,146.70
1991	53	22,319.2	2,994.10
1992	49	20,737.0	1,774.50
1993	48	20,399.0	303.30
1994	47	20,062.0	2,636.75
1995	48	20,683.0	1,326.21
1996	47	20,050.0	2,412.31
1997	48	20,575.0	1,580.00
1998	46	19,936.0	1,718.61
1999	46	19,936.0	1,258.00
2000	46	19,793.0	1,535.38
2001	46	19,868.0	1,875.00
2002	48	20,508.0	3,591.92
2003	50	20,899.0	3,393.92
2004	55	22,332.0	2,704.98
2005	54	22,124.0	2,982.73
2006	54	22,122.0	3,799.91
2007	54	22,122.0	2,403.50
2008	53	21,944.0	2,356.11
2009	53	21,896.0	1,203.88
2010	50	20,882.0	312.05
2011	52	21,018.0	703.01
2012	53	21,500.0	2,911.63
2013	56	22,330.0	2,234.45
2014	58	22,950.0	2,364.78
2015	58	23,214.0	1,537.47
2016	58	23,214.0	2,735.04
2017	57	22,942.0	3,026.83
2018	56	22,480.0	2,343.31
Maximum:	93	44,923.0	5,180.00
Minimum:	46	19,793.0	303.30
Average:	55.7	23,950.7	2,360.12

The estimated water use volume by irrigation water rights/permits (IRR) is the average annual pumpage determined from annual irrigation questionnaire summaries. Historic irrigation water use, developed from reported irrigation questionnaire summaries, is displayed in Table 3. The average annual appropriation for irrigation is 23,950.70 acre-feet, however, the average annual reported pumping is 2,360.12 acre-feet (Water Rights, 1979-2019). Many domestic wells have been completed in the Floyd: East James aquifer, but domestic users are not required to report their annual water usage. Buhler (2012) estimated non-appropriated water use ranges between 88 to 243 acre-feet/year based on the average household's typical water usage.

Water Balance:

The Floyd: East James aquifer estimated average annual withdrawal rate is 3,130.56 acre-feet/year (irrigation: 2,360.12 acre-feet/year, non-irrigation: 151.4 acre-feet/year, average household: 243 acre-feet/year, and pending Permit Number 8419-3: limited to 376 acre-ft/year). When considering the Hedges (1985) value from Table 1, The Floyd: East James aquifer is conservatively estimated to have an annual recharge rate 11,100 acre-feet/year. The request for an appropriation of 46 acre-feet/year for this application does not result in an exceedance of the estimated average annual recharge of this aquifer. Therefore, there is a reasonable probability that unappropriated water is available to support the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are 67 existing water rights/permits appropriating and 1 pending application to appropriate from the Floyd: East James aquifer. There are 4 permits (Table 4) within 8 miles of the proposed location and are shown in Figure 2. The closest is the Donahue Farms permit which is located approximately 3.4 miles to the northeast of the proposed well location. The remainder of the permits are near the City of Huron, over 30 miles north of the proposed well location.

Table 4. Existing water rights/permits within eight-mile radius of the proposed diversion site for Water Permit Application Number 8422-3 (Water Rights, 2020c).

Name	Permit Number	Status ^a	Use ^b	Rate (cfs)	Acres
Donahue Farms	8199-3	PE	COM/DOM	0.162	NA
Haag	6292-3	LC	IRR	1.37	96
	2774-3			1.55	216
	6293-3			2.07	145
a - PE: Water Permit; LC: Licensed Water Right					
b - COM: Commercial; DOM: Domestic; IRR: Irrigation					

In Miner County, the Floyd: East James aquifer is under confined conditions with considerable variation in the depth to the top of the aquifer and aquifer thickness (McGarvie, 1983; Water Rights, 2020a and 2020b). Within eight miles of this proposed application, the aquifer is buried underneath 60 to 175 feet of glacial till, ranges between 10 and 90 feet in thickness, and has a water depth range between 3 to 50 feet from the surface (Water Rights, 2020a and 2020b). With

the average depth to the top of aquifer at 110 feet and an average depth to water at 27 feet, there exists an average of 83 feet of artesian head pressure near the proposed application.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”.

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995).

Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). However, some existing well owners may need to lower their pumps to accommodate for deeper water levels depending on the specific characteristics of the Floyd: East James aquifer at their location, particularly since the aquifer is under confined conditions near the proposed diversion point for this permit. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (7)), and the lack of well complaints (Water Rights, 2020d), there is a reasonable probability that any well drawdown created by pumping from this proposed diversion is not expected to cause an unlawful impairment on existing water rights/permits or domestic users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8422-3 proposes to appropriate 46 acre-feet/year of water from the East James management unit of the Floyd aquifer. The applicant intends to divert water, at a maximum diversion rate of 0.11 cubic feet per second (cfs), for use in a commercial swine farrowing operation.
2. Based on the observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

3. Based on observation well data, drawdown will occur in nearby wells. However, it is not expected to cause an unlawful impairment on existing water rights/permits or domestic users with adequate wells.



Blaise M. Hansen
SD DENR – Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
SD DENR – Water Rights Program

REFERENCES:

- Buhler, K.A., 2012. Report to the Chief Engineer on Water Permit Application No. 7239-3, Hanson County Dairy, SD DENR-Water Rights Program, Joe Foss Bldg. Pierre, SD.
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- Water Rights, 2020a. Observation Well Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights, 2020b. Well Completion Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights, 2020c. Water Right/Permit Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights, 2020d. Miner County Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 15, 2020 12:05 PM
To: minercopork@nfpinc.com
Cc: 'nic@proageng.com'
Subject: Water Permit Application No. 8422-3
Attachments: Application No. 8422-3.pdf

Attached is the report, recommendation and information regarding the public notice for your Water Permit Application No. 8422-3. As stated in the letter it is important that someone contact the two papers to authorize publication and arrange for payment ASAP. This same information is being mailed to you today.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



MAY 01 2020

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed

Notice of Application No 8422-3

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for successive weeks, the first publication being made on the day of 20.....

And the last publication on the day of 20.....

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

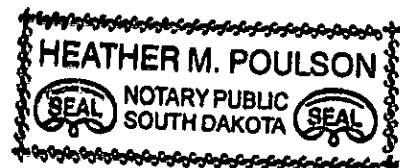
The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$ and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this day of 20.....

My commission expires the day of 20.....



Notice is given that New Fashion Pork, c/o Jay Moore, PO Box 244, Jackson MN 56143 has filed an application for a water permit to appropriate 46 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one well to be completed into the Floyd:East James Aquifer (150 feet deep) located in the NE 1/4 NE 1/4 Section 6-T105N-R58W for commercial use in an existing swine farrowing operation located in the same area described above. This site is located 15 miles west and 6 miles south of Howard SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8422-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/> public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 May 4, 2020.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

RECEIVED

MAY 01 2020

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

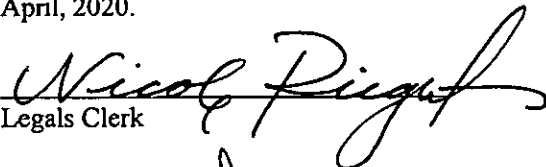
ss.

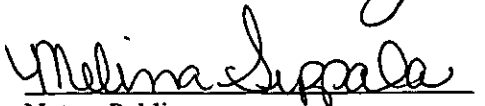
COUNTY OF DAVISON

Nicole Riegert, of said county, being first duly sworn, on oath, states as follows:

1. I am the designated agent of *The Daily Republic*, a daily newspaper published in the city of Mitchell, in said County of Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.
2. The newspaper listed on the exhibit published the advertisement of: *Legal Notice; (1) time: April 22, 2020*, as required by law or ordinance.
3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or 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, that the fees charged for the publication thereof are: \$63.75

Subscribed and sworn to before me this 22nd day of April, 2020.


Legals Clerk


Notary Public
My Commission Expires: 4-15-26



NOTICE OF
APPLICATION
NO. 8422-3
to Appropriate Water

Notice is given that New Fashion Park, c/o Jay Moore, PO Box 244, Jackson MN 56143 has filed an application for a water permit to appropriate 46 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one well to be completed into the Floyd-East James Aquifer (150 feet deep) located in the NE 1/4 NE 1/4 Section 6-T105N-R56W for commercial use in an existing swine farrowing operation located in the same area described above. This site is located 15 miles west and 6 miles south of Howard SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8422-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

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 May 4, 2020.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to

the recommendation with no hearing held before the Water Management Board. 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.

Published once at the total approximate cost of \$63.75

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 15, 2020 11:24 AM
To: Mitchell Daily Classifieds
Subject: RE: [EXT] 8422-3, New Fashion Pork

Wednesday will be okay.. April 22, 2020.

From: mseppala@mitchellrepublic.com <mseppala@mitchellrepublic.com> **On Behalf Of** Mitchell Daily Classifieds
Sent: Wednesday, April 15, 2020 11:03 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] 8422-3, New Fashion Pork

Shoot I should have clarified that our legals run on Wednesday and Saturday.. what day would work for you. Thanks

Customer Service Rep

t: 605-996-5515 | e: dailyclass@mitchellrepublic.com
The Daily Republic, A Forum Communications Company
514 N. Main Mitchell, SD 57301

On Wed, Apr 15, 2020 at 10:43 AM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:---

Attached is a notice to be published on April 23, 2020.

New Fashion Pork, c/o Jay Moore, PO Bxo 244, Jackson MN 56143 (605 933-1326 or 605 527-2490) has been notified to contact you to authorize publication and arrange for payment.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 15, 2020 10:43 AM
To: Miner County Pioneer News (news@minercountypioneer.com)
Subject: 8422-3, New Fashion Pork
Attachments: 8422-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 23, 2020.

New Fashion Pork, c/o Jay Moore, PO Bxo 244, Jackson MN 56143 (605 933-1326 or 605 527-2490) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 15, 2020 10:43 AM
To: 'dailyclass@mitchellrepublic.com'
Subject: 8422-3, New Fashion Pork
Attachments: 8422-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 23, 2020.

New Fashion Pork, c/o Jay Moore, PO Bxo 244, Jackson MN 56143 (605 933-1326 or 605 527-2490) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



NOTICE OF APPLICATION NO. 8422-3 to Appropriate Water

Notice is given that New Fashion Pork, c/o Jay Moore, PO Box 244, Jackson MN 56143 has filed an application for a water permit to appropriate 46 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one well to be completed into the Floyd:East James Aquifer (150 feet deep) located in the NE 1/4 NE 1/4 Section 6-T105N-R58W for commercial use in an existing swine farrowing operation located in the same area described above. This site is located 15 miles west and 6 miles south of Howard SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8422-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 May 4, 2020.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

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

April 15, 2020

New Fashion Park
c/o Jay Moore
PO Box 244
Jackson MN 58143

Dear Mr. Moore:

Water Permit Application No. 8422-3 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 Miner County Pioneer printed at Howard SD (Ph # 605 772-5644) and the Daily Republic printed at Mitchell SD (Ph # 605 996-5514). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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,

Karen Schlaak

Karen Schlaak
Water Rights
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 12 2020

New Fashion Park
c/o Jay Moore
PO Box 244
Jackson MN 56143

Dear Mr. Moore:

Enclosed is Water Permit No. 8422-3 authorizing construction of the 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,

Eric Gronlund, 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

September 5, 2024

8422-3

8436-3

New Fashion Pork
c/o Brad Freking
PO Box 244
Jackson MN 56143

Dear Mr. Freking:

On July 15, 2024, a staff engineer from the Water Rights Program made a site visit to conduct an inspection of the water use system authorized under Permit Nos. 8422-3 & 8436-3 for a commercial swing farrowing operation.

With the inspection having been conducted and the report completed, we are ready to proceed with the licensing of your water use system. However, as stated in Permit Nos. 8422-3 & 8436-3, you have until May 4 & September 21, 2025, to complete the construction of your water use system and until May 4 & September 21, 2029, to put that water to beneficial use, respectively.

If you have finished the construction and are satisfied with your water use system, please complete the highlighted portions of the enclosed "Notice of Completion of Works" forms and return them in the postage paid envelope. Once we have these completed forms back from you, we will proceed with the licensing of your system.

If you have any questions, please reach out.

Sincerely,

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

enclosures