

WATER PERMIT NO. 2021-1

Name of Applicant: Riverview LLP

Address: 26406 470th Ave, Morris MN 56267

Phone: 320-287-1028

Amount of Water Claimed: 0.50 cfs

Total Acres: NA

Source of Water Supply: groundwater (5 wells)

Water to be used for: commercial use

County: Corson

Type of Waste Disposal System:

Location: northeast edge of McLaughlin SD

PRIORITY

Date Received: 6-1-21

Application/License Fee: \$ 1,050

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SE 1/4 Sec 5-T21N-R27E

Facility Location: E 1/2 NW 1/4, NE 1/4 Sec 5-T21N-R27W

Depth of Well: 125 feet deep

Well Driller:

Remarks:

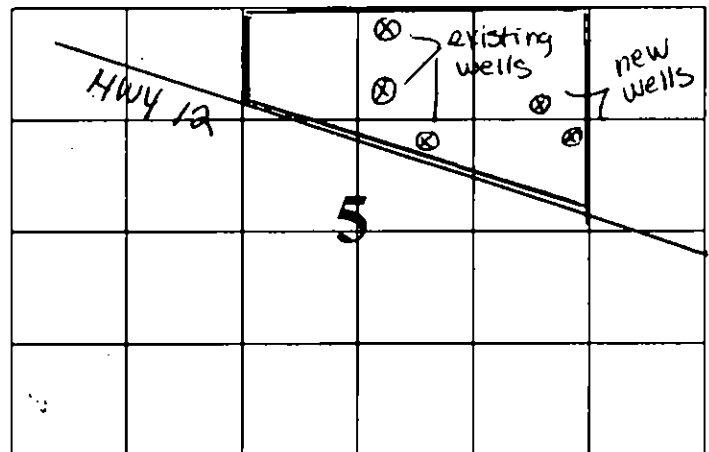
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-1-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2021-1**

Date of first receipt of application June 1, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2021-1 to Riverview LLP, 26406 470th Ave, Morris MN 56267 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. 2021-1 appropriates 303 acre-feet of water annually at a maximum pump rate of 0.50 cubic feet of water per second from three existing wells and two proposed wells all completed into the Fox Hills Aquifer (approximately 125 feet deep) located in the NE 1/4 Section 5 for commercial use in an existing cattle feedlot facility located in the E 1/2 NW 1/4, NE 1/4 Section 5; all in T21N-R27E. This site is located on the northeast edge of McLaughlin 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. 2021-1 is August 1, 2022.
5. The date from which applicant may claim right is June 1, 2022.
6. One-fifth of the construction is to be completed on or before February 1, 2025.
7. All construction is to be completed on or before August 1, 2027.
8. Water is to be put to beneficial use on or before August 1, 2031.
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 Water Permit No. 2021-1 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 wells authorized by Permit No. 2021-1 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. 2021-1 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCI. 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

4. Water Permit No. 2021-1 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 Fox Hills aquifer.
6. Water Permit No. 2021-1 authorizes a total annual diversion of 303 acre-feet of water from the Fox Hills aquifer.

WATER MANAGEMENT BOARD

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

AUG 22 2022
date



JUN 01 2022

OFFICE OF
WATER

PAID

JUN 1 2022

Ck# 270118

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. <u>2021-1</u> Hydrologic Unit <u>10130102</u> Basin <u>Missouri R</u> Newspaper <u>Corson/Sioux County News,</u> <u>American News</u>
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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.)

- Name to Appear on Water Permit Riverview LLP.
Mailing Address 26406 470th Ave Morris MN 56267
(Address) (City) (State) (Zip Code)
Phone 320-392-5609 Mobile 320-287-1028 Email matt.waldbesere@riverviewllp.com
 - Amount of water claimed .50 *CFS or 225 **GPM and 303 ***AF or 99mil 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)
 - Source of water supply Fox Hills Aquifer SE 1/4 Sec 5-T21N-R27E
 - Location of point of diversion 5 wells within parcels identified on attached survey document. County Corson
(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? Facility Location: E 1/2 NW 1/4, NE 1/4 Sec 5-T21N-R27E
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Corson
 - Annual period during which water is to be used Daily Jan 1 to Dec 31
 - Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

- Supply water to beef feedlot

I, Brady Janzen (Brady Janzen), Authorized Partner, Riverview, LLP, the applicant, certify under
Name of Person Title (if applicable)

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

b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by Greggs Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) 125 Depth to Top of Water Bearing Material 65' Depth to Water from Surface 50.6'

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) N/A

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)

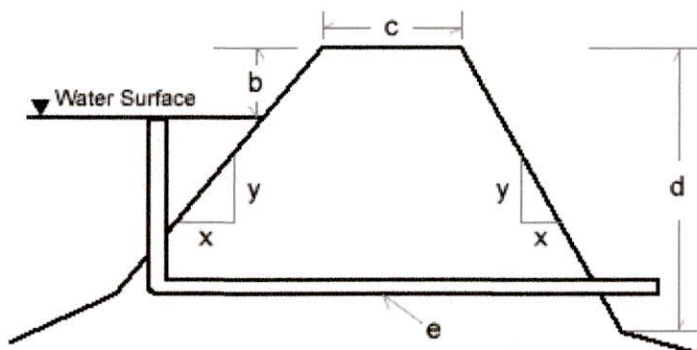
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



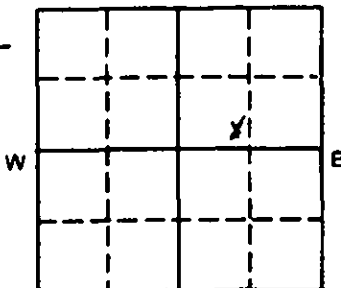
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 5 Twp 21 R27County South WellCarson

North

Please mark well location with an "X"



Well Completion Date

11-5-2004

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

? ft. from _____ (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
4.13 LB/FT	6" I.D.	IN/VALVE	FT 125	FT 10"
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Neat Cement	5	15.0 Lb/sack	10	30
Bentonite Grout	28	9.5 Lb/sack	30	55

Describe grouting procedure Pumped in from bottom up through tremie pipe.

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
 Diameter 6" I.D. Inches Length 60' FeetMaterial PVC SDR 21 Slotted pipeSlot Size 0.20 Set From 6.5' Feet to 12.5' FeetOther information Gravel packed screen w/ #30 Red Flint screen pack from 5.5' to 12.5'

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? Chlorine solution circulated in well
☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

WELL LOG:

DEPTH

FORMATION	FROM	TO
Topsoil	0	1
Brown clay to sandy clay	1	8
Brown-green sandstone	8	10
Brown-green-yellow sandstone	10	58
Blue-gray sand & sandstone	58	64
Gray hard sandstone	64	65
Gray-blue sand & sandstone stringers	65	123
Gray clay and sandy clay to clay	123	125

STATIC WATER LEVEL

50.6

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

☐ Bailed

☒ Other
 Describe: Developed well by air lift for 5 hours

Pumping Level Below Land Surface

99Ft. After 2Hrs. pumped 55

GPM

Ft. After _____

Hrs. pumped _____

GPM

If pump installed, pump rate: _____

GPM

REMARKS

Well will be used for watering livestock in feed lot,This well was drilled under license # 231

And this report is true and accurate.

Drilling firm:

Bregg's Drilling & Excavating

Signature of License Representative:

Gregg Muenster

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 29 2004

Date: _____

WATER RIGHTS PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 5 Twp 21 Rg 27

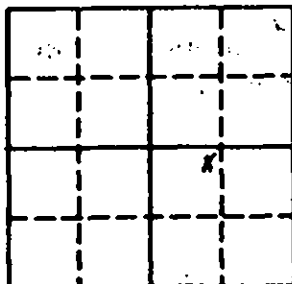
County

North Well

North

Carson

Please mark well location with an "X"



Well Completion Date

11-3-2004

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

? ft. from _____ (Identify source)

PROPOSED USE:

☒ Domestic/Stock
☐ Irrigation

☐ Municipal
☐ Industrial

☐ Business
☐ Institutional

☐ Test Holes
☐ Monitoring well

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

4.13 LB/FT 6" I.D. IN 1' above 135' FT 10" IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To

Neat cement 5 15 Lb/sft 10' R 30' RBentonite grout 9.5 9.5 Lb/sft 30' R 55' R

Describe grouting procedure

Pumped in from bottom upthrough tremie pipe.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6" I.D. inches Length 60' FeetMaterial ARC 21 Slotted pipeSlot Size 0.020 Set From 65' Feet to 625' FeetOther information Gravel packed screen w/ 1220Gold Silica Screen pack from 55' to 625'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? Chlorine solutioncirculated in well☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner:

Business Name: Dallas Schott

Address:

City, State, Zip: McLaughlin S. Dak. 57642

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Brown clay to sandy clay</u>	<u>1</u>	<u>7</u>
<u>Brown-green sandstone</u>	<u>7</u>	<u>9</u>
<u>Brown-yellow-green sandstone</u>	<u>9</u>	<u>56</u>
<u>Blue-gray sand</u>	<u>56</u>	<u>58</u>
<u>Gray sandstone</u>	<u>58</u>	<u>59</u>
<u>Blue-gray sand sandstone shingles</u>	<u>59</u>	<u>124</u>
<u>Gray clay</u>	<u>124</u>	<u>125</u>

STATIC WATER LEVEL

54.4 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: Developed well by air
☐ Bailed 1 ft for 4 1/2 hours till
☒ Other water cleared up.

Pumping Level Below Land Surface

106 Ft. After 2 Hrs. pumped 60 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Well will be used for watering livestock in feedlot.This well was drilled under license # 231

And this report is true and accurate.

Drilling firm: Gregg's Drilling & Excavating

Signature of License Representative:

Magg Skiewski

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

DEC 29 2004

WATER RIGHTS PROGRAM

11-02-04

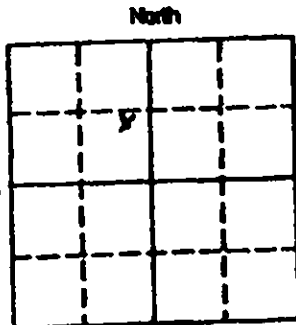
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-82

Location SE 1/4 NW 1/4 Sec 5 Twp 21N Rg 71E

County
Corson

Please mark well location with an "X"



Well Completion Date
8-10-2006

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
220' from From side of feed lot fence (Specify source)

PROPOSED USE

☒ Domestic Stock Intake ☐ Municipal Industrial ☐ Business Institutional ☐ Test Hole Monitoring well

METHOD OF DRILLING:

Med Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PREHEAVY	DIAMETER	FROM	TO	HOLE DIAMETER
WEIGHT	IN	FT	FT	IN
<u>4.13</u>	<u>6" I.D.</u>	<u>220</u>	<u>122'</u>	<u>10"</u>

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lbs	FT	FT
<u>Next Cement</u>	<u>3</u>	<u>150</u>	<u>8</u>	<u>15'</u>
<u>Portland cement</u>	<u>3</u>	<u>9.5</u>	<u>15'</u>	<u>55'</u>

Describe grouting procedure: Pumped in from bottom up through tremie pipe.

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 6" I.D. inches Length 55' Feet

Material RVC SDR-21 Stuffed pipe

Slot Size 0.25 Set From 67' Feet to 122' Feet

Other information Gravel packed well with 12-20 Gold Silica sand from 55' to 122'.

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? Chlorine solution circulated in well.

Lab sample sent to for water quality analysis? ☐ No, Why Not? _____

Well Owner: Dallas Schott

Business Name: _____

Address: _____

City, State, Zip: McLaughlin, S. Dak. 57642

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Light brown sandy clay</u>	<u>1</u>	<u>9</u>
<u>light brown-green sandstone</u>	<u>9</u>	<u>10</u>
<u>Brown-green-yellow sand & sandstone</u>	<u>10</u>	<u>54</u>
<u>Blue-gray sand & sandstone</u>	<u>54</u>	<u>98</u>
<u>Blue-gray sand & clay stringers</u>	<u>98</u>	<u>112</u>
<u>Blue-gray sand & sandstone</u>	<u>112</u>	<u>121</u>
<u>Gray clay</u>	<u>121</u>	<u>122</u>

STATIC WATER LEVEL

31.5 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: Developed well by air lift and on till water cleared up for 4 hours

☐ Bailed

☐ Other

Pumping Level Below Land Surface

108 R. After 2 Hrs. pumped 58 GPM

R. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS:

Well will be used for adding water for fill compaction for spurline railroad edition temporarily.

This well was drilled under license # 231

And this report is true and accurate.

Drilling firm: Gregg's Drilling & Excavation

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: Magg Schott

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: OCT 23 2006

WATER RIGHTS PROGRAM



22N 27E
Section: 31

22N 27E
Section: 32

22N 27E
Section: 33

21N 27E
Section: 06

21N 27E
Section: 05

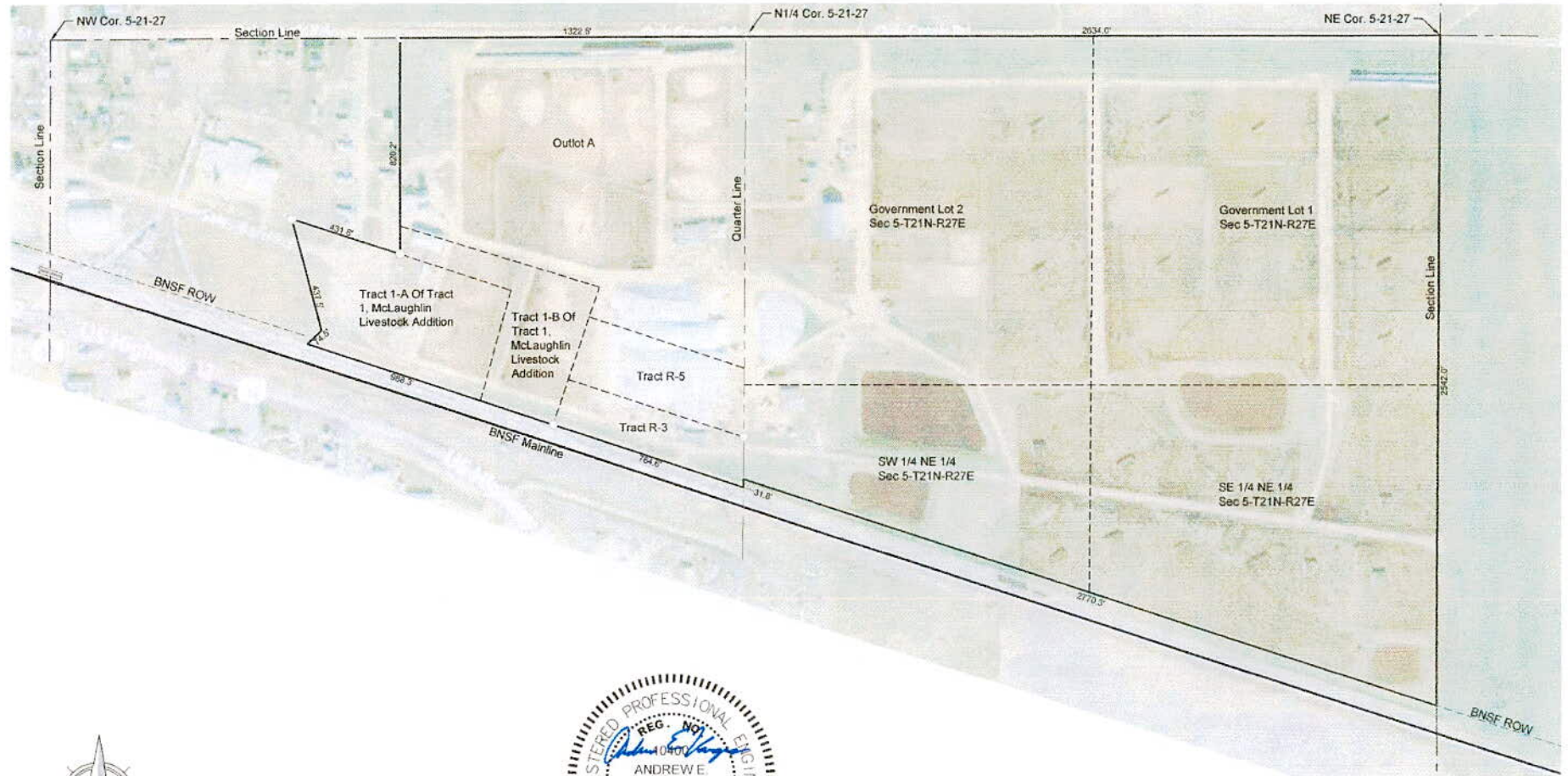
21N 27E
Section: 04

21N 27E
Section: 07

21N 27E
Section: 08

21N 27E
Section: 09

Survey Exhibit



Scale: 1" = 400'



September, 2021

Scale: 1" = 400'

○ Monument Recovered



Riverview, LLP

CAD Filename:

Boundary

CDI Project No.

2021-160

Drawn By:

JDS

Checked By:

AEK

Scale:

1" = 400'

Date:

09/09/2021



609 Main Ave S
Brookings, SD
605-696-3200

Sheet No.

of No.



531333321

B0197-0786 10/27/2021 6:25PM Rec'd by SD SOS

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Foreign Limited Liability Partnership
SDCL 48-7A-1003; 59-11-6; 59-11-24.1

Please Type or Print Clearly In Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2021
FILING YEAR

1. Business ID and Name:

FR000197
BUSINESS ID

RIVERVIEW, LLP
BUSINESS NAME

2. The jurisdiction under whose law it is formed **MINNESOTA**

3. The address of the principal executive office (business address):

Actual Street Address

26406 470TH AVE
MORRIS, MN 56267-5370

Mailing Address

26406 470TH AVE
MORRIS, MN 56267-5370

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **NATIONAL REGISTERED AGENTS, INC. (0000011)**

Actual Street Address in this State

319 COTEAU ST
PIERRE, SD 57501-3187

Mailing Address in this State

5. The names and business addresses of the partners.

Name

Address

Bradley Alan Fehr **26339 470th Ave, Morris, MN 56267**

Kurtis Jon Domnick **29677 US Highway 59, Morris, MN 56267**

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 22-39-36; 47-15-51).

10/27/2021

Dated

Email (Optional)

Brady Janzen

Signature of an Authorized Person

Brady Janzen

Printed Name

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 1, 2022

RECEIVED OF Riverview LLP 26406 470th Ave. Morris MN 56267

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

Fee for Application for Permit No. <u>2021-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
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>2021-1</u>	\$ <u>200.00</u>
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	\$ <u>1050.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2021-1, Riverview LLP.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2021-1, Riverview LLP., 26406 470th Avenue, Morris MN 56267.

The Chief Engineer is recommending APPROVAL of Application No. 2021-1 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 2021-1 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 wells authorized by Permit No. 2021-1 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. 2021-1 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. 2021-1 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
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 - 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)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Fox Hills aquifer.
6. Water Permit No. 2021-1 authorizes a total annual diversion of 303 acre-feet of water from the Fox Hills aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer
July 11, 2022

Report to the Chief Engineer
On Water Permit Application No. 2021-1

Riverview LLC
c/o Brady Janzen

July 11, 2022

Water Permit Application No. 2021-1 proposes to appropriate up to 303 acre-feet of water annually at a maximum instantaneous diversion rate of 0.5 cubic feet of water per second (cfs) from three existing wells completed into Fox Hills aquifer (125 feet deep) and two proposed wells to be completed into the Fox Hills aquifer (approximately 125 feet deep) located in the NE $\frac{1}{4}$ of Section 5 for commercial use in an existing cattle feedlot facility located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 5; all in T21N-R27E. The site of interest is located in Corson County on the northeast edge of McLaughlin, SD.

AQUIFER: Fox Hills (FXHL)

HYDROGEOLOGY:

The Fox Hills aquifer consists of the permeable and saturated portions of the late-Cretaceous-aged, Fox Hills Sandstone, which underlies most of northwestern South Dakota and extends into North Dakota, eastern Montana, and Wyoming (Aurand, 2013; Martin et al., 2004). The Fox Hills Sandstone consists of very fine to coarse grained, carbonaceous, iron-stained, cross-bedded, sandstone and siltstone, that can be interbedded with shale and silty shale (Martin et al., 2004). In South Dakota, the Fox Hills Sandstone ranges from 25 to 400 feet thick (Martin et al., 2004), underlies approximately 7,442,000 acres, and contains an estimated 55,814,000 acre-feet of recoverable water in storage (Allen et al., 1985). In Corson County, the Fox Hills Sandstone underlies approximately 1,326,770 acres and contains approximately 9,950,400 acre-feet of recoverable water in storage (Allen et al., 1985).

There are well completion reports on file with the DANR-Water Rights Program for the three existing wells proposed to be used by Water Permit Application No. 2021-1 (Water Rights, 2022d). A reiteration of each water well completion report is displayed in Tables 1 to 3 (Water Rights, 2022d). Based on the well completion reports for the existing wells proposed to be used, the Fox Hills aquifer is unconfined at the existing well and proposed diversion points (Water Rights, 2022d).

Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Fox Hills aquifer within approximately one mile of the existing wells and proposed diversion points for this application have saturated aquifer thicknesses ranging from approximately 50 to 75 feet, and static water levels at well completion generally varying between 40 to 55 feet below the ground surface (Water Rights, 2022d).

Table 1. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022d)

Formation Log	From (feet below ground surface)	To (feet below ground surface)
Top Soil	0	1
Brown Clay to Sandy Clay	1	7
Brown-Green Sandstone	7	9
Brown-Yellow-Green Sand and Sandstone	9	56
Blue-Gray Sand	56	58
Gray Sandstone	58	59
Blue-Gray Sand & Sandstone Stringers	59	124
Gray Clay	124	125
Date of Well Completion	11/03/2004	
Est. Static Water Level (at well completion)	54.4 feet	
Screen Interval	65 to 125 feet	
Applicant's Name For Well	North Well	

Table 2. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022d)

Formation Log	From (feet below ground surface)	To (feet below ground surface)
Top Soil	0	1
Brown Clay to Sandy Clay	1	8
Brown-Green Sandstone	8	10
Brown-Yellow-Green Sand and Sandstone	10	58
Blue-Gray Sand & Sandstone	58	64
Gray Hard Sandstone	64	65
Blue-Gray Sand & Sandstone Stringers	65	123
Gray Clay and Sandy Clay to Clay	123	125
Date of Well Completion	11/05/2004	
Est. Static Water Level (at well completion)	50.6 feet	
Screen Interval	65 to 125 feet	
Applicant's Name For Well	South Well	

Table 3. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022d)

Formation Log	From (feet below ground surface)	To (feet below ground surface)
Top Soil	0	1
Light Brown Sandy Clay	1	9
Light Brown-Green Sandstone	9	10
Brown-Yellow-Green Sand and Sandstone	10	54
Blue-Gray Sand & Sandstone	54	98
Blue-Gray Sand & Clay Stringers	98	112
Blue-Gray Sand & Sandstone	112	121
Gray Clay	121	122
Date of Well Completion	08/10/2006	
Est. Static Water Level (at well completion)	51.5 feet	
Screen Interval	67 to 122 feet	
Applicant's Name For Well	100 Alley Well	

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 diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Fox Hills aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2021-1 proposes to appropriate water from the Fox Hills aquifer. The probability of unappropriated water being 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Fox Hills aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Fox Hills aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Fox Hills aquifer is primarily through the infiltration of precipitation as it falls on the outcrop and supplemental recharge through leakage from overlying formations (Rahn, 1979). Hedges and Burch (1985) attempted to quantify an estimated recharge rate to the Fox Hills and Hell Creek Formations in South Dakota using base flow recession analysis for the Moreau River. Hedges and Burch (1985) estimated a recharge rate of 0.25 to 0.29 inches per year for both the Fox Hills and Hell Creek Formations. Hedges and Burch (1985) noted that it is possible that a substantial amount of baseflow in the Moreau River may be from alluvium rather than the Fox Hills and Hell Creek Formations; therefore, the recharge rate to the Fox Hills and Hell Creek Formations may be lower than 0.25 to 0.29 inches per year.

Aurand (2013) quantified recharge across the Williston and Powder River Basins including the Fox Hills aquifer utilizing two methods, a chloride-mass balance, and a soil water balance. The median recharge rate to the Fox Hills aquifer in the Williston Basin using the chloride-mass balance was estimated to be approximately 0.052 inches per year. The soil water balance method analyzed in Aurand's (2013) thesis did not distinguish between the different aquifers within the Williston Basin. The soil water balance method estimated a recharge rate ranging from 0.05 to 1 inch per year, with most of the aquifer area in South Dakota within the 0.5 to 1 inch per year range.

By multiplying the recharge rate of 0.052 inches per year by the estimated areal extent of the Fox Hills Formation in South Dakota (7,442,000 acres), the estimated average annual recharge rate to the Fox Hills aquifer is approximately 32,250 acre-feet per year. This is likely a probable minimum recharge rate to the Fox Hills aquifer. Utilizing Hedges and Burch (1985) estimated recharge rate of 0.25 to 0.29 inches per year, the estimated average annual recharge rate to the Fox Hills aquifer ranges between approximately 155,042 to 179,848 acre-feet per year. It is important to note not all of the recharge or water in storage is available everywhere in the aquifer. These recharge rates and the volume of water in storage demonstrates the Fox Hills aquifer is an immense resource.

Discharge

Discharge from the Fox Hills aquifer is primarily through leakage to overlying formations (where the aquifer is under confined conditions), loss to streams and rivers located within outcrop areas, and through well withdrawals (Rahn, 1979; Water Rights, 2022d). Currently there are 33 water rights/permits authorized to divert water from the Fox Hills aquifer (Water Rights, 2022c).

Table 4 summarizes the 30 non-irrigation water rights/permits authorized to appropriate water from the Fox Hills aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited

by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Twelve municipal water rights were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2022; Water Rights, 2022c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 4. Overall, the estimated average annual withdrawal rate from the Fox Hills aquifer by the non-irrigation water rights/permits is approximately 1,122 acre-feet per year (Table 4) (Water Rights, 2022c).

Table 4. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Fox Hills aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
1319-1	Timber Lake Cheese Co Inc	PE	COM	0.05		21.7
1339-1	Siesta Motel	PE	COM	0.45		195.5
1367-1	Dew Drop Inn	LC	COM	0.1		43.4
1505-1	Cattlemen's Saloon	PE	COM	0.03		13.0
1535-1	Continental Resources Inc	LC	COM	0.033		14.3
1627-1	Koch Exploration Company	PE	COM	0.056		24.3
1810-1	Little Moreau Elk Ranch LLC	PE	COM	0.044		19.1
1829-1	Gary I. Cammack	LC	COM	0.09		39.1
1946-1	Nellies Mercantile & Saloon	LC	COM	0.022		9.6
1393-1	SD Dept of Transportation	LC	DOM	0.02		8.7
1543-1	Klein Ranch	LC	INS	0.04		17.4
1984-1	Meade School District 46-1	LC	INS	0.04	1	1
1097-1	Town of Bison	LC	MUN	0.67		0*
1309-1	Town of Bison	LC	MUN	0.02		0*
1310-1	Town of Bison	LC	MUN	0.01		0*
1352-1	City of Lemmon	LC	MUN	0.21		0*
1364-1	City of McLaughlin	LC	MUN	0.62		0*
1418-1	Town of Bison	LC	MUN	0.06		0*
1468-1	City of Timber Lake	LC	MUN	0.47		204.2
445-1	City of McLaughlin	LC	MUN	0.26		0*
624-1	Town of Bison	LC	MUN	0.02		0*
898-1	City of Lemmon	LC	MUN	0.2		0*
971-1A	City of McIntosh	LC	MUN	0.5		217.2
1611-1	City of Lemmon	LC	MUN	0.16		0*
739A-1	City of Lemmon	LC	MUN	0.2		0*
739B-1	City of Lemmon	LC	MUN	0.19		0*
1530-1	T C & G Water Association	LC	RWS	0.09		39.1
972-1	T C & G Water Association	LC	RWS	0.31		134.7
1805-1	T C & G Water Association	PE	RWS	0.22		95.6
1977-1	T C & G Water Association	PE	RWS	0.033	24.5	24.5
					TOTAL:	1,122
* Identified as being connected to a rural water system						
LC: Licensed Water Right, PE: Water Permit, COM: Commercial						
DOM: Domestic, INS: Institutional, MUN: Municipal, RWS: Rural Water System						

Currently, there are three irrigation water rights/permits authorized to appropriate water from the Fox Hills aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically

required to report their annual usage on an irrigation questionnaire. The first water permit authorized for irrigation from the Fox Hills aquifer was obtained in 1995. The estimated average annual withdrawal rate for the Fox Hills aquifer irrigation water rights/permits that have reported over the period of record is approximately 20.2 acre-feet per year (Table 5) (Water Rights, 2022a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 40.6 acre-feet per year (Table 2) (Water Rights, 2022a).

Table 5. Reported historic irrigation use from the Fox Hills aquifer, not including Water Right No. 1260-2 (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1996	1	0.02
1997	1	0
1998	1	0.78
1999	1	0.64
2000	1	1.27
2001	1	0.42
2002	1	0.99
2003	1	1.7
2004	1	1.34
2005	1	1.77
2006	1	0
2007	1	0.35
2008	2	13.92
2009	2	17.61
2010	2	32.14
2011	2	46.95
2012	2	48.8
2013	2	35.8
2014	2	27.8
2015	2	33.2
2016	2	36.9
2017	2	44.4
2018	3	45.3
2019	3	38.5
2020	3	42.9
2021	2	52.5
Min	1	0
Max	3	52.5
Avg (1996 to 2021)	1.7	20.2
Avg (2012 to 2021)	2.3	40.6

There are domestic wells completed into the Fox Hills aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2022d). Since the introduction of rural water systems, many domestic wells may no longer be in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water in some areas, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Fox Hills aquifer.

Hydrologic Budget Summary

The probable minimum estimated average annual recharge rate to the Fox Hills aquifer is approximately 32,250 acre-feet per year. The estimated average annual withdrawal rate from the Fox Hills aquifer is approximately 1,465.6 acre-feet per year (non-irrigation: 1,122 acre-feet/year; irrigation (average from 2012 to 2021): 40.6 acre-feet/year; Water Permit Application No. 2021-1 (if approved, assuming full volume): 303 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Fox Hills aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall 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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors nine observation wells completed into the Fox Hills aquifer (Water Rights, 2022b). The four closest observation wells to the existing wells and proposed diversion points are CN-57BR (approximately 23 miles southwest), CN-57AR (approximately 26 miles southwest), DW-57AR (approximately 32 miles southwest), and DW-57CR (approximately 38 miles southwest) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 1 to 4 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DNR Water Rights Observation Well on the hydrographs.

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Fox Hills aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the hydrographs showing minimal to no signs of being significantly impacted by drawdown caused by pumping over the respective periods of record. Aquifer water levels over time indicate that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Fox Hills aquifer. By

recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

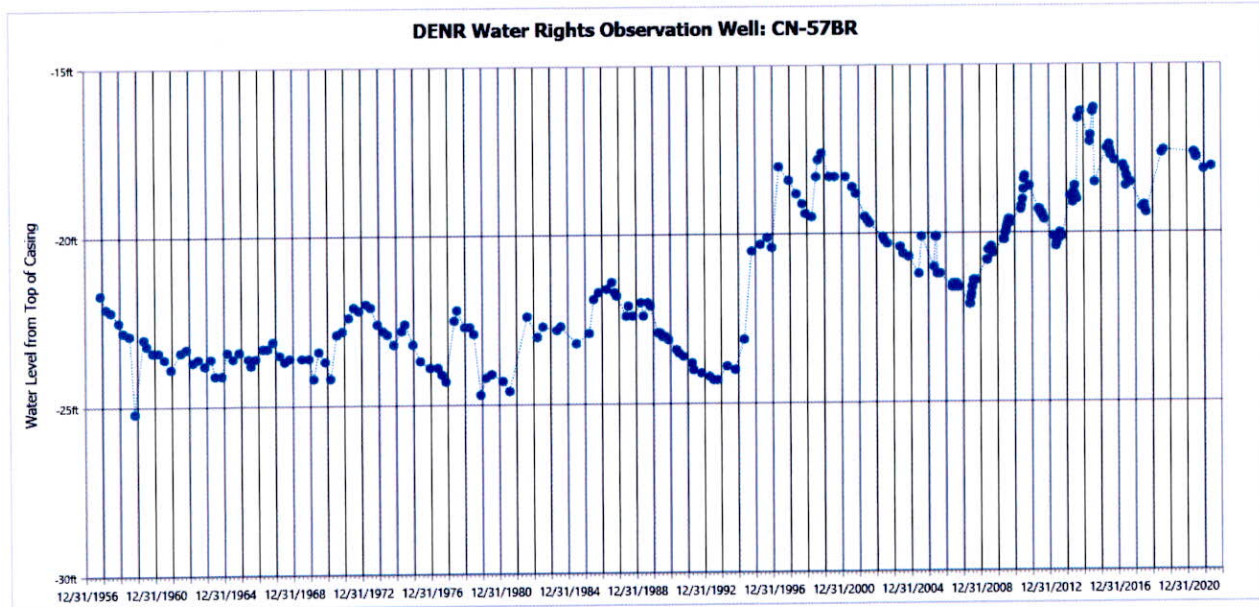


Figure 1. Hydrograph for observation well CN-57BR (Water Rights, 2022b)

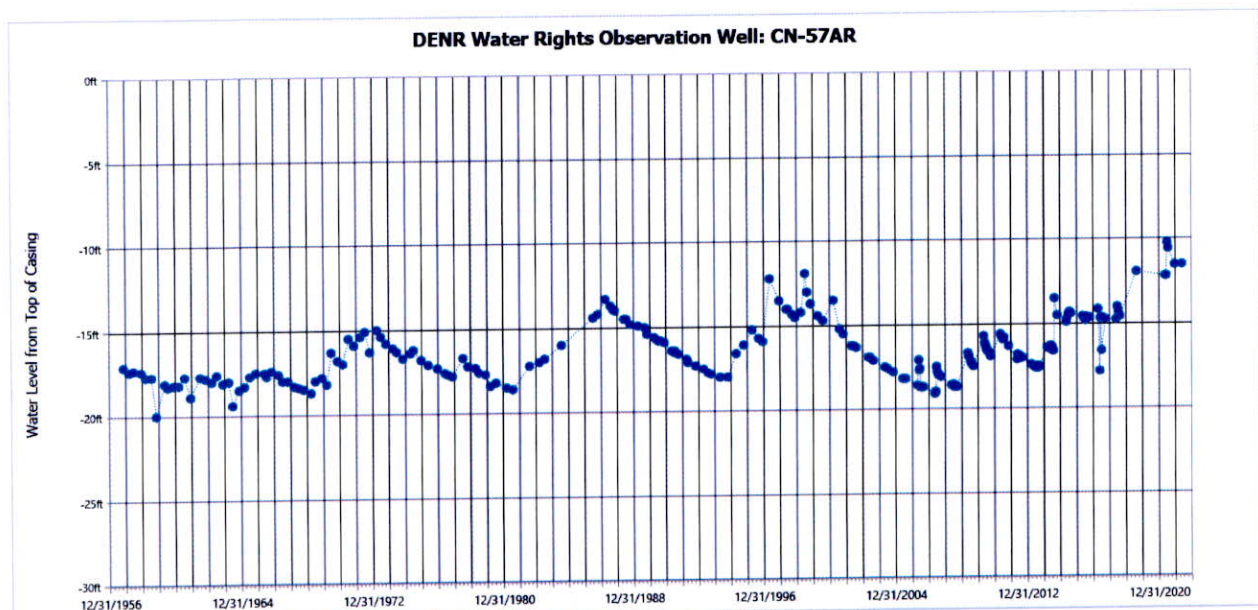


Figure 2. Hydrograph for observation well CN-57AR (Water Rights, 2022b)

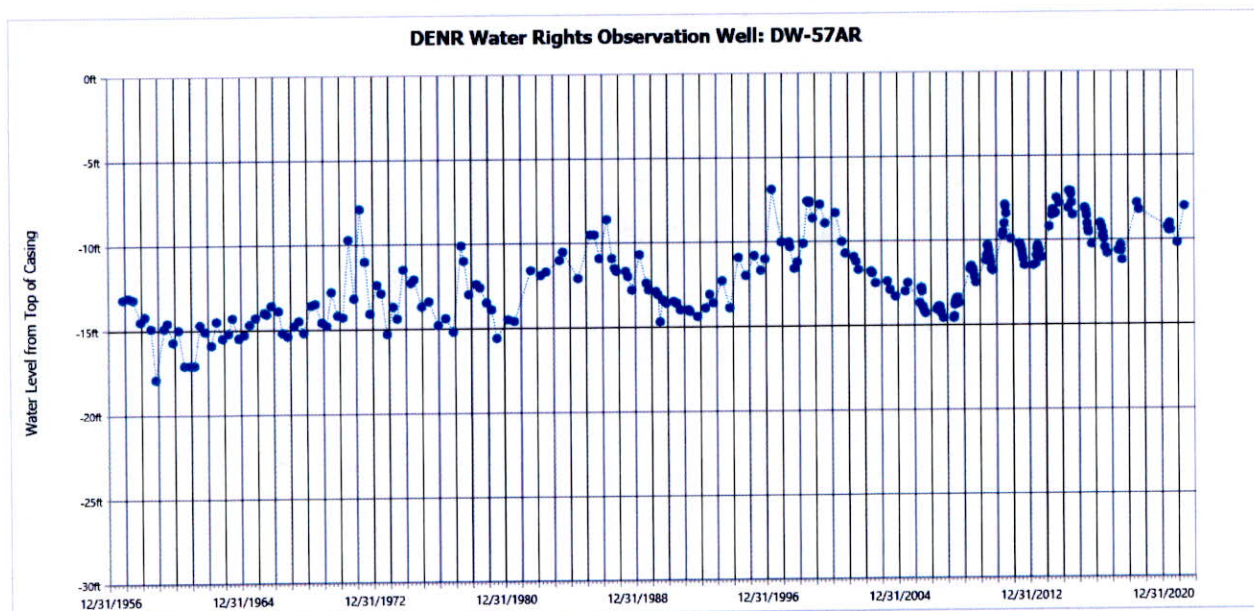


Figure 3. Hydrograph for observation well DW-57AR (Water Rights, 2022b)

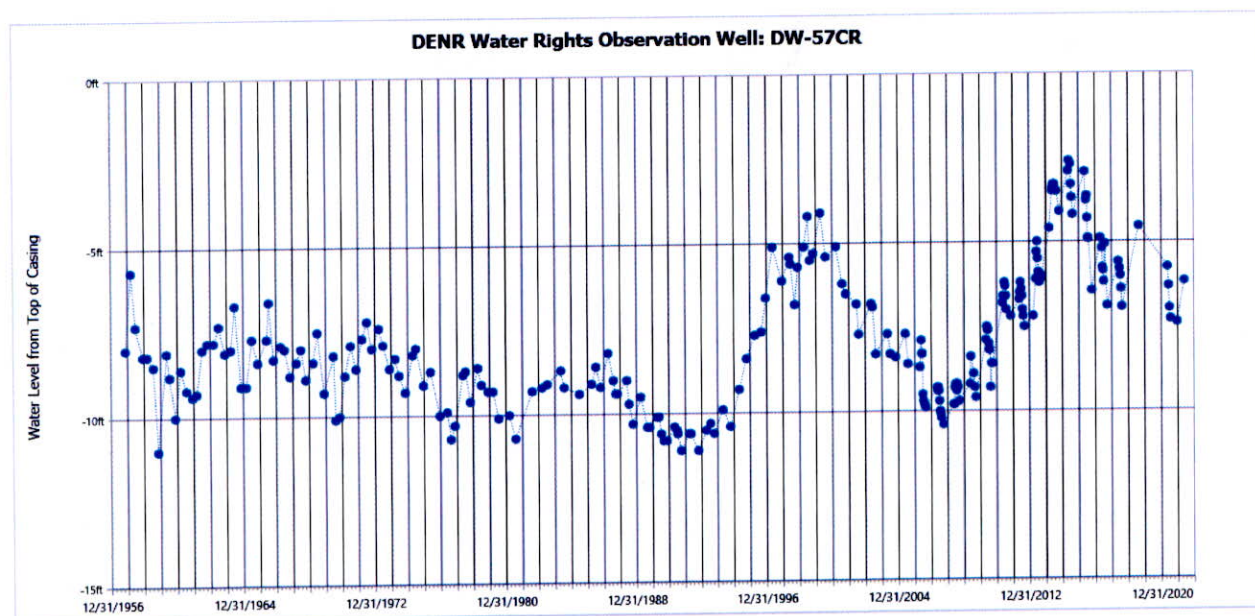


Figure 4. Hydrograph for observation well DW-57CR (Water Rights, 2022b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 33 water rights/permits authorized to appropriate water from the Fox Hills aquifer (Water Rights, 2022c). The closest water right/permit to the existing wells and proposed diversion points is Water Permit No. 1505-1, which is held by Cattlemen's Saloon. The diversion point for Water Permit No. 1505-1 is located approximately 0.5 miles south of the existing wells and proposed diversion points for this application (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Fox Hills aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.6 miles southwest of the existing wells and proposed diversion points (Water Rights, 2022d). There could potentially be other domestic wells completed into the Fox Hills aquifer near the existing wells and proposed diversion points that are not on file with the DANR-Water Rights Program.

The Fox Hills aquifer is locally under unconfined conditions with some variation in depth to the top of the aquifer materials and saturated aquifer thickness (Water Rights, 2022b and 2022d). Based on the submitted well completion report, the Fox Hills aquifer is unconfined at the existing well sites and proposed diversion points (Water Rights, 2022d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Fox Hills aquifer within approximately one mile of the existing wells and proposed diversion points for this application have saturated aquifer thicknesses ranging from approximately 50 to 75 feet (Water Rights, 2022d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Corson County, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Fox Hills aquifer (Water Rights, 2022e).

Examination of the hydrographs for observation wells completed into the Fox Hills aquifer show minimal to no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a few miles of high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2022b and 2022c). When considering the saturated aquifer thickness of the aquifer at the existing well sites and proposed diversion points, the lack of drawdown in the Fox Hills observation wells shown on the hydrographs, and the lack of well interference complaints for adequate wells completed into the Fox Hills aquifer in Corson County, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, of the five wells proposed to be used, three are existing

and are presumed to have been in use since roughly 2005/2006 with no reported well interference complaints (Water Rights, 2022e). Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 2021-1 will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 2021-1 proposes to appropriate up to 303 acre-feet of water annually at a maximum instantaneous diversion rate of 0.5 cfs from three existing wells completed into Fox Hills aquifer (125 feet deep) and two proposed wells to be completed into the Fox Hills aquifer (approximately 125 feet deep) for commercial use in an existing cattle feedlot facility. The site of interest is located in Corson County on the northeast edge of McLaughlin, SD.
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Fox Hills aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2021-1 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.

Nakaila Steen

Nakaila Steen

Natural Resources Engineer II

SD DANR - Water Rights Program

Reviewed by:

for Eve Mathiowetz

Adam Mathiowetz, PE

Natural Resources Engineer IV

SD DANR - Water Rights Program

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Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 11, 2022 1:02 PM
To: Matt Waldbeser
Subject: Water Permit Application No. 2021-1
Attachments: 3698.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



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The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

07/21/2022

That said newspaper is a legal newspaper published five days or more each week, with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 07/21/2022

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NOTICE OF
APPLICATION NO. 2021-1
to Appropriate Water

Notice is given that River-view LLC, c/o Brady Jonzen, 26406 470th Ave, Morris MN 56267 has filed an application for a water permit to appropriate 363 acre-feet of water annually at a maximum pump rate of 0.50 cubic feet of water per second from three existing wells and two proposed wells all completed into the Fox Hills Aquifer (approximately 125 feet deep) located in the NE 1/4 Section 5 for commercial use in an existing cattle feedlot facility located in the E 1/2 NW 1/4, NE 1/4 Section 5; all in T21N-R27E. This site is located on the northeast edge of McLaughlin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2021-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.sd.gov/public> or contact Ken Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person

or the applicant must be filed by August 1, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://canr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 1, 2022.

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.

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) SS
COUNTY OF CORSON)

Zach Buechler (and/or Lois Buechler) of said county and state, being first duly sworn, on his/her oath says that the Corson/Sioux County News-Messenger is a weekly newspaper of general circulation, printed and published for more than fifty-two successive weeks prior after mentioned and that I, Zach Buechler (and/or Lois Buechler), am Editor of said newspaper, in charge of advertising department thereof, the undersigned, and have personal knowlesdge of the facts stated in the affidavit and that the advertisement headed,

NOTICE OF APPLICATION NO. 2021-1 to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, an not in supplement, once each week for 1 weeks, the first publication being made on the 21 day of July , 2022 and the last publication being made on the 21 day of July , 2022 .

The 1st publication being on 21 day of July , 2022
The 2nd publication being on day of ,
The 3rd publication being on day of ,
The 4th publication being on day of ,
The 5th publication being on day of ,
The 6th publication being on day of ,
The 7th publication being on day of ,
The 8th publication being on day of ,
The 9th publication being on day of ,

That said newspaper is a legal newspaper and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Corson for more than fifty-two successive weeks prior to the first publication of said notice and is printed in English in an office maintained at McLaughlin, SD, the place of publication of said newspaper. That the full amount of the fee for the publication of annexed notice is \$ 46 .86 and incures solely to the benefit of said publisher, that no agreement or understanding of a division there of has been made with any other person whomsoever.

Zach Buechler

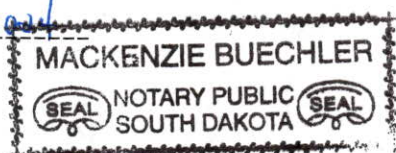
Subscribed and sworn to before me this

28 day of July , 2022

Mackenzie M Buechler

My Commission Expires July 10, 2024

Notary Public



RECEIVED

AUG 01 2022

OFFICE OF
WATER

**NOTICE OF APPLICATION NO.
2021-1 TO APPROPRIATE WATER**

Notice is given that Riverview LLC, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application for a water permit to appropriate 303 acre-feet of water annually at a maximum pump rate of 0.50 cubic feet of water per second from three existing wells and two proposed wells all completed into the Fox Hills Aquifer (approximately 125 feet deep) located in the NE 1/4 Section 5 for commercial use in an existing cattle feedlot facility located in the E 1/2 NW 1/4, NE 1/4 Section 5; all in T21N-R27E. This site is located on the northeast edge of McLaughlin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2021-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an

July 21, 2022

interested person or the applicant must be filed by August 1, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 1, 2022.

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.

May be viewed free of charge at www.sdpublicnotices.com

Published once at the total approximate cost of \$46.86

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 11, 2022 11:38 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 2021-1, Riverview LLP
Attachments: 2021-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 21, 2022.

Riverview LLP, Brady Janzen, 26406 470th Avenue Morris MN 56267 (320 287-1028) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 11, 2022 11:37 AM
To: Corson/Sioux Co News-Messenger (macnews@westriv.com)
Subject: 2021-1, Riverview LLP
Attachments: 2021-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 21, 2022.

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

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 11, 2022

Riverview LLP
c/o Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Water Permit Application No. 2021-1 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Corson/Sioux County News printed at McLaughlin SD (Ph # 605 823-4490) and the American News printed at Aberdeen SD (Ph # 605 225-4100). 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 publishers have been instructed to publish your notice. The newspapers have 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 Program
(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.

NOTICE OF APPLICATION NO. 2021-1 to Appropriate Water

Notice is given that Riverview LLC, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application for a water permit to appropriate 303 acre-feet of water annually at a maximum pump rate of 0.50 cubic feet of water per second from three existing wells and two proposed wells all completed into the Fox Hills Aquifer (approximately 125 feet deep) located in the NE 1/4 Section 5 for commercial use in an existing cattle feedlot facility located in the E 1/2 NW 1/4, NE 1/4 Section 5; all in T21N-R27E. This site is located on the northeast edge of McLaughlin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2021-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 1, 2022.

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 AGRICULTURE
and NATURAL RESOURCES**

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

July 18, 2022

Standing Rock Sioux Tribe
Mike Faith, Chairman
PO Box D
Ft. Yates ND 58538-0520

Mr. Faith:

Riverview LLC has filed a water right permit application with the state of South Dakota for commercial use in an existing cattle feedlot facility utilizing wells from the Fox Hills Aquifer. Enclosed is a copy of the public notice, report and recommendation regarding Application No. 2021-1.

This information is being sent to you as part of the DANR's commitment to keep the Standing Rock Sioux Tribe informed of water permitting issues in Corson County.

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

AUG 22 2022

Riverview LLP
c/o Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Enclosed is Water Permit No. 2021-1 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**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2021-1

Name of Applicant: Riverview LLP

Date of Posting: 7/18/2022

Date of Removal: 8/22/2022



Ron Duvall, Water Rights Permitting Administrator

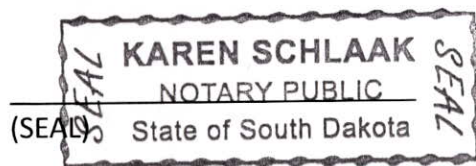
8/22/22

Date

Subscribed and sworn to before me, a notary public, this 22 day of August, 2022



Notary Public - South Dakota
My commission expires: 4-1-2025





RECEIVED

AUG 27 2024

OFFICE OF
WATER

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date August 26, 2024

FROM: Riverview LLP- Matt Waldbeser
(name) 320.287.1028
(phone)
26406 470th Ave
(address) matt.waldbeser@riverviewllp.com
(email)
Morris, MN 56267
(city, state, zip)

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

Water Permit No. 2021-1 states that the water use system is to be constructed by
August 1, 2027 , and water is to be put to beneficial use by August 1, 2031 .
(date) (date)

The water use system was completed on August 16, 2024
(date)

Applying the water to beneficial use was completed on August 16, 2024
(date)

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2024

2021-1

Riverview LLP
c/o Matt Waldbeser
26406 407th Ave
Morris MN 56267

Dear Mr. Waldbeser:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that the water use system authorized by Permit No. 2021-1 is complete.

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

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

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

PAID

OCT 07 2026

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Ck# 205

Rec't# _____

Water Right/Permit No. 2021-1

Date: 10-1-2026

I/We request that Water Right/Permit No. 2021-1 formerly owned by:

Riverview LLP

be transferred to:

New Owner Name: Golden Hills LLP

Address: 3388 140th St. mobile: 712-330-1728

City, State, Zip Rock Rapids, IA 51246 email: nedd.k@goldenhillsllp.com

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

E '12 NW '14, NE '14 Section 5 T21N-R27W

RECEIVED

OCT 07 2026

OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 2021-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Golden Hills LLP by Nedd Knobloch, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

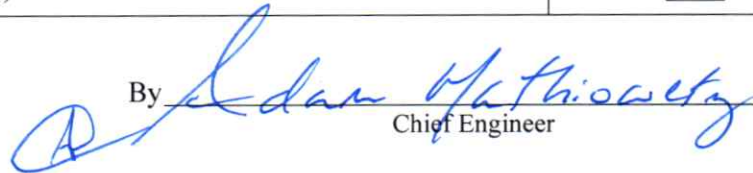
Date October 07, 2026

RECEIVED OF Golden Hills LLP 3388 140th St Rock Rapids, IA 51246

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 #2021-1	\$ <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


Chief Engineer



DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

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

Golden Hills LLP
c/o Nedd Knobloch
3388 140th St
Rock Rapids, IA 51246

2021-1

Dear Mr. Knobloch:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the fee you submitted for Water Permit No. 2021-1, enclosed is a \$50.00 receipt of payment for your records.

Water Permit No. 2021-1, previously held by Riverview LLP, is now listed under Golden Hills LLP. 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/License (copy enclosed), 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/License will be subject to cancellation.

I am happy to answer any questions that you may have.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 2021-1 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures