

WATER PERMIT NO. 2208A-3

Name of Applicant: **Riverview LLP**

Address: **26406 470th Ave, Morris MN 56267** Phone: **520 392-5609**

Amount of Water Claimed: **no add'l** Total Acres: **no add'l**

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

Water to be used for: **irrigation** County: **Spink**

Type of Waste Disposal System:

Location: **2 miles west of Doland**

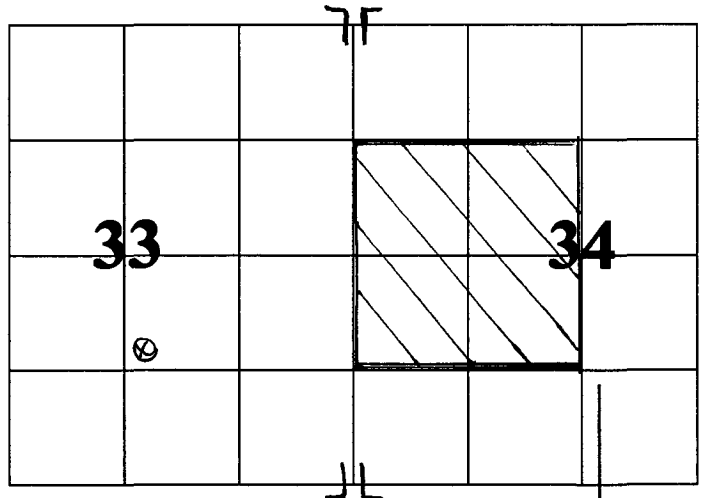
PRIORITY Date Received: **3-15-10** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **April 1 – September 30**

Remarks: **Proposing to transfer diversion authority and acreage irrigated by Water Right No. 2208-3 approximately 6 miles northeast**

Diversion Point: **NW ¼ SE ¼ Sec 33-T117N-R61W**

Land to be Irrigated: **S ½ NW ¼, N ½ SW ¼ Sec 34-T117N-R61W**



Depth of Well: **90 feet**

Well Driller: **Steffl Drilling & Pump Inc.**

Remarks:

Type of Map: **aerial**

Prepared by: **Stephen Westerbuhr, PE**

Reviewed and the Number Assigned on: **3-15-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2208A-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u> <u>PO Box 440</u>
	<u>605-472-0822</u> <u>57469</u>

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MAR 15 2010

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2208-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Remove permit from NW 1/4 Section 19 T116N R61W as effluent water from the adjacent feedlot is irrigated on this 1/4. Permit no longer economical here. Move permit to NW 1/4 S34 T117 R61W.

1. Name of Applicant Riverview, LLP Phone 320-392-5609

(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 26406 470th Avenue Morris MN 56267
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.67 *CFS or 1.67 **GPM 1.67 ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
SE 1/4 Section 33 T117N R61W (NW 1/4 SE 1/4)

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
S 1/2 of the NW 1/4 S34 T117N R61W	66		
N 1/2 of the SW 1/4 S34 T117N R61W	66		

8. Give a description of the project. (Attach sheet if more space is needed)

Well to appropriate the same amount of water currently allowed by the permit. Permit is being moved to different location as current location is no longer practical/economical as an alternative source of irrigation water is utilized on the quarter that the permit currently exists on.

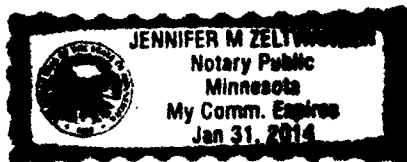
STATE OF SOUTH DAKOTA)
County of Out of State) SS

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

I, Brady Janzen, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Brady Janzen

Subscribed and sworn to before me this 9th day of March 20 10



Jennifer M Zeltwanger
Notary Public signature
Stevens County, Minnesota

SOUTH DAKOTA
WATER PERMIT NO. 2208A-3

Date of first receipt of application March 15, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2208A-3 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. 2208A-3 amends Water Right No. 2208-3. Water Right No. 2208-3 appropriates 1.67 cubic feet of water per second from one well completed into the Tulare:East James Aquifer located in NE1/4 NW1/4 Section 19 to irrigate 160 acres located in the NW1/4 Section 19; all in T116N-R61W. This permit authorizes moving the irrigation project approximately 6 miles to the northeast with the well to be located in the NW1/4 SE1/4 Section 33 to irrigate 132 acres located in the S1/2 NW1/4, N1/2 SW1/4 Section 34; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 10, 1974.
4. The date of approval of Permit No. 2208A-3 is June 1, 2010.
5. One-fifth of the construction is to be completed on or before December 1, 2012.
6. All construction is to be completed on or before June 1, 2015.
7. Water is to be put to beneficial use on or before June 1, 2019.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2208A-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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 21 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 Depth 90
- b) Casing Type PVC Diameter 12" Thickness
- c) Screen Type Stainless Steel Diameter 12" Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:
- On applicant's property On property owned by others 1,000

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

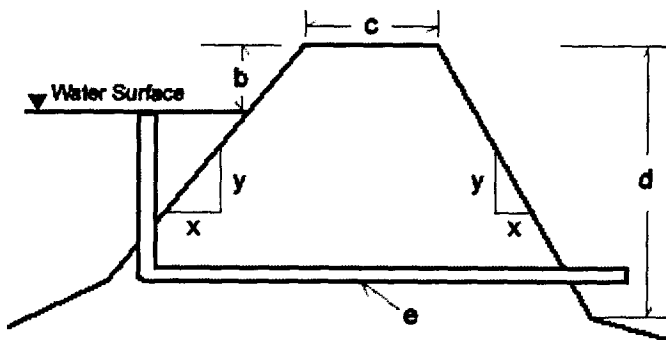
3. Dugout Information

- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

4. Water Storage Dams

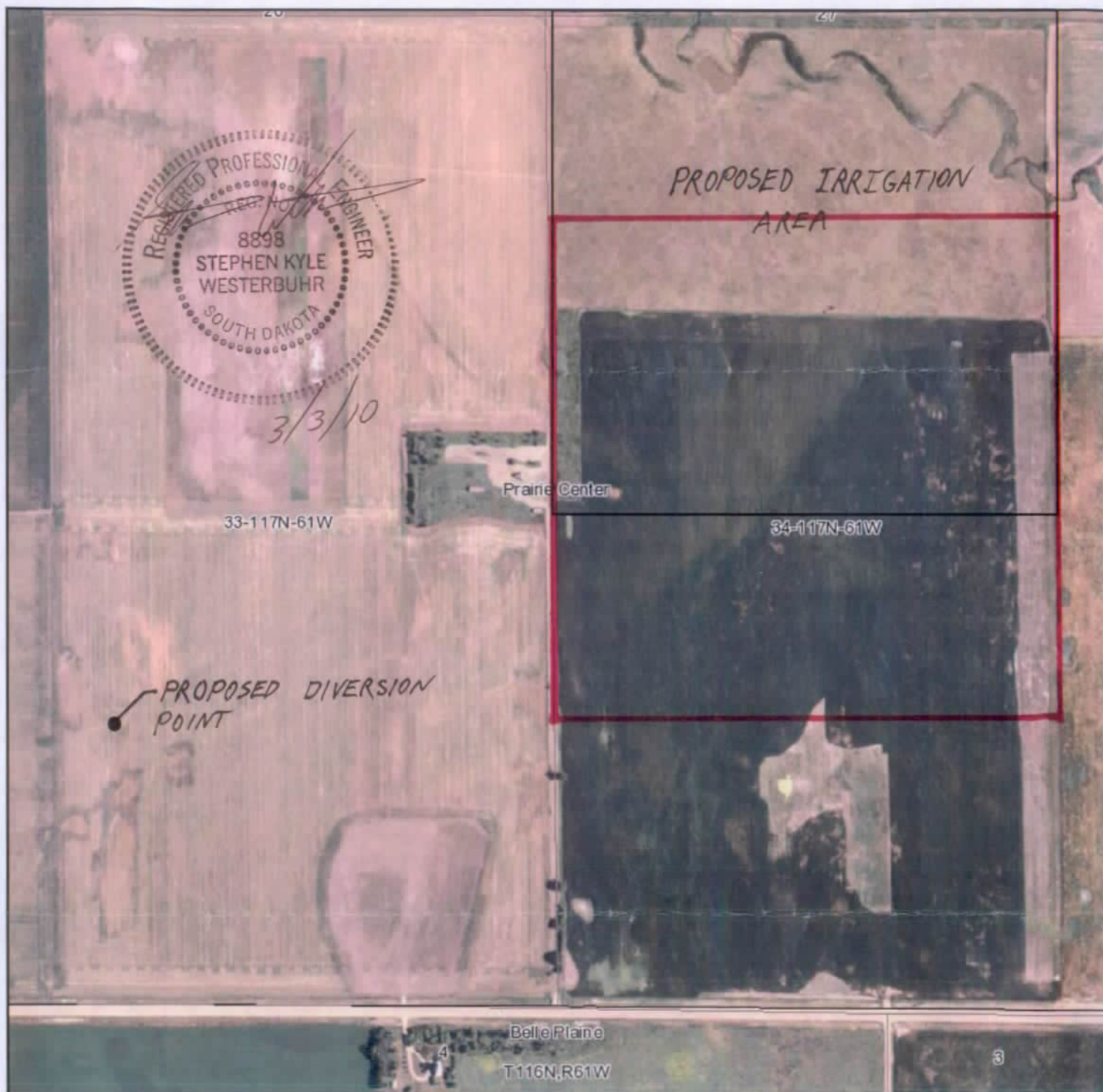
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Aerial Map



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34-117N-61W

Spink County

South Dakota

map center: 44° 54' 1.51, 98° 9' 58.35

scale: 10102



3/3/2010

Maps provided by:



©AgriData, Inc. 2010

www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/23/2008. Aerial photography provided by Aerial Photography Field Office.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

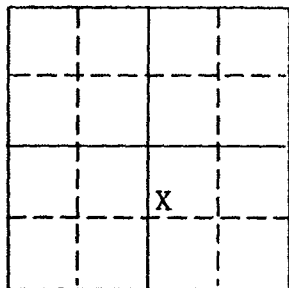
Location NW ¼ SE ¼ Sec 33 Twp 117 Rg 61

County

Spink

North

Please mark well location with an "X"



Well completion Date

Feb 18, 2010

1 Mile

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

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

- ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

- ☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

- ☐ Yes, How?

Lab sample sent to for water quality analysis

- ☐ No, Why Not?

Well Owner: United Feeders

Business Name:

17456 SD HWY 37

Address1:

Address2:

City, State, Zip: Frankfort SD 57440

WELL LOG:

page 2

FORMATION	DEPTH	
	FROM	TO
clay blue	62	62½
sand shale	62½	85
shale	85	86
sand/small strks shale	86	91

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

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This well was drilled under license # 463

And this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: Feb 27, 2010

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 10

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>2208A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2208A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

04508

By

Harold Erbe
Chief Engineer



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WATER RIGHTS
PROGRAM

26406 470th Avenue Morris, MN 56267
Office: (320) 392-5609 Fax: (320) 392-5319

March 10, 2010

Eric Gronlund
SD DENR – Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

Eric,

Please find enclosed all the required application materials to move water appropriate permit number 2208-3. We have recently purchased this quarter and will provide ownership documentation shortly.

Otherwise, let me know if you need any other information from me.

Thank you,

A handwritten signature in cursive script that reads "Brady Janzen".

Brady Janzen

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, May 06, 2010 3:48 PM
To: 'Brady Janzen'
Subject: Riverview's water permit application

Brady

We spoke the other day regarding Riverview's water permit application No. 2208A-3 to transfer the diversion and irrigate acreage. Initially, Riverview would utilize the well authorized by Water Right No. 3175A-3 to irrigate its existing acres and to supply the acreage currently be public noticed for transfer.

Water Right No. 3175A-3 appropriates 1.35 cubic feet of water per second (cfs) from one well completed into the Tulare:East James Aquifer to irrigate 132 acres in the SE 1/4 Section 33, T117N, R61W. The well is located in the approximate center of SE 1/4 Section 33.

Proposed Application No. 2208A-3 is to transfer 1.67 cfs to irrigate 132 acres in the S 1/2 NW 1/4 & N1/2 SW 1/4 Section 34, T117N, R61W.

Based on our discussion, Water Rights understands that Riverview's current plan is to utilize the same well for irrigating both parcels (this assumes that Application No. 2208A-3 is approved). However, the diversion capability from the well will not change. I cautioned you that this may result in the diversion rate being limited to the diversion capability of the well.

If No. 2208A-3 is approved, the combination of the water permits will be 3.02 cfs for irrigation of 264 acres. But in actuality the well only produces [1.67 cfs (750 gpm) – this is a fictitious number for demonstration purposes as I don't know the well's capacity]. And the well will be used on a rotational basis between the two pivots since it does not have the ability to run both pivots at the same time. I cautioned you that this will likely result in the water rights at some point in the future being limited to the actual diversion capability. Under my previous example the water rights could become limited to 1.67 cfs to irrigate 264 acres. Normally, this would not be a problem because if sometime in the future if Riverview wanted to get a permit to drill a new well so the pivots can run independent of each other, we'd process an application for a new well and additional diversion authority. However, the Tulare:East James is deemed fully appropriated and as such, Water Rights may not be able to recommend favorably.

The rationale behind my position is that South Dakota is a "use it or lose it" state and all or an part of a water right can be forfeited if not used. Meaning the authorized diversion capacity can be reduced if the well is only capable of producing "X" cfs even though the combined paper water rights is at a higher amount. In addition, when an irrigator uses one well to irrigate two pivots on a rotational basis you inevitably use less water than if the systems each had their own well and operated independent of each other.

Finally, I believe the way the public notice is drafted on pending Application No. 2208A-3, Riverview may use the existing well (3175A-3) and has a 5 year construction window to drill a new well so that the two systems are independent of each year. After 5 years, if an additional well has not been drilled, the water right is likely to contract to the diversion capability of the single well.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2208A-3, Riverview LLP**

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. 2208A-3, Riverview, LLP, c/o Brady Janzen, 25406 470th Avenue, Morris MN 56267.

The Chief Engineer is recommending APPROVAL of Application No. 2208A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2208A-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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 30, 2010

REPORT ON WATER PERMIT APPLICATION NO. 2208A-3
For Riverview LLP
April 20, 2010

Application No. 2208A-3 proposes to amend Water Permit No. 2208-3. Water Permit No. 2208-3 appropriates 1.67 cfs from one well located in the NE ¼ NW ¼ of section 19 to irrigate 160 acres located in the NW ¼ of section 19; all in T116N R61W in Spink County. This application proposes to move the location of the 160 acres approximately six miles northeast with the well to be located NW ¼ SE ¼ of section 33 to irrigate 132 acres located in the S ½ NW ¼, N ½ SW ¼ of section 34; all in T117N R61W. No increase in the diversion rate or the number of irrigated acres is authorized by this amendment.

AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James aquifer is considered fully appropriated based upon water use as determined by the Water Management Board at their July 12, 2006 hearing (Goodman, 2006). The Tulare East James is primarily a surficial outwash (sand and gravel) under water table conditions in the area of this application.

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

Test well data indicates sand and gravel down to a depth of about 85 to 90 feet. Until the well is drilled and tested for production this is basically a guess.

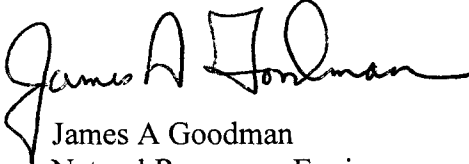
The Water Rights Program does monitor an observation well SP-79D located about one half mile southwest of this proposed well site and completed into the Tulare East James aquifer. A hydrograph for this observation well is included with this report. In general, the hydrograph indicates the aquifer is capable of sustaining this withdrawal (Water Rights, 2010). In fact, the general trend of the water levels has been slightly increasing since the early 1990's.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 3175A-3 (1.35 cfs, 132 acres) located in the SE ¼ of section 33, T117N R61W. The well for 3175A-3 will be shared with this application. The total diversion rate from the well could be 1.67 cfs + 1.35 cfs for a total of 3.02 cfs for irrigation of 264 acres. This would be the combination of two permits (3175A-3 and 2208A-3) transferred to this area. However, the applicant (Brady Janzen, in a phone conversation with Jim Goodman on April 20, 2010) indicated that only one pivot would be operated at any one time. Interference with existing wells is not expected to be a concern. Those existing irrigation wells are located over ½ mile to the west or northwest of this site and authorized by Water Right Nos. 2553-3 and 1120-3. Drawdown at this distance between wells is not expected to be significant. This is confirmed by the observation well record for SP-79D.

CONCLUSIONS

1. The statutes allow for permit No. 2208-3 to be amended.
2. Interference is not expected to be a concern. Even though this application is being transferred into a different area of the aquifer drawdown is not expected to be significant nor cause any adverse effects.
3. The Tulare East James aquifer is the source of water for both Water Permit No. 2208-3 and this application site.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Any existing well or wells that were constructed under water permit No. 2208-3 that have been abandoned must be plugged in accordance with SD Well Construction Standards.
6. The well for this application No. 2208A-3 is the same well authorized by water permit No. 3175A-3. According to the applicant only one system will operate at any given time. If this proves to be case, some rate of water may be lost during licensing but the volume of water authorized would remain at two acre-feet per developed acre. It also appears that some 28 acres will be lost in the transfer to 2208A-3.



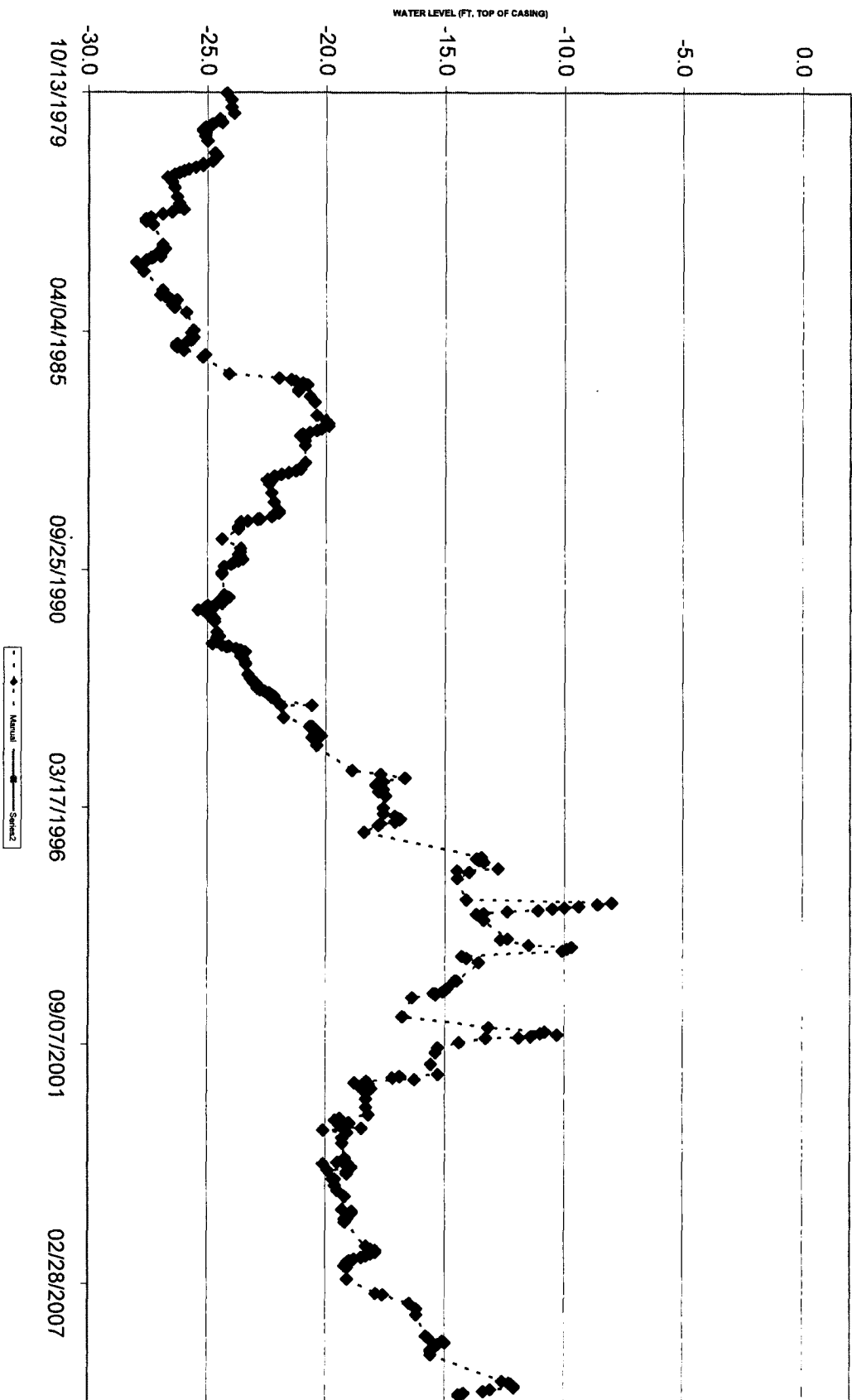
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar, Inc., and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2010, Unpublished Observation Well Data for the Tulare East James Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
SP-79D**



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JUN 17 2010

Affidavit of Publication

WATER RIGHTS

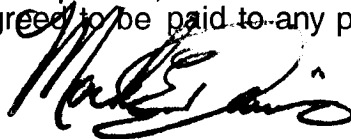
PROGRAM

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, 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 legal or official notice entitled:

312 Notice of Application

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on May 12th and the last publication being made on May 19th that the Fifty-four and .18/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, 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.



Subscribed and sworn to before me this 19th day of May, 2010.



Notary Public, South Dakota

My commission expires 04/06/2016

Notice of Application

#312

NOTICE OF APPLICATION NO.
2208A-3

Notice is given that Riverview, LLP, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application to amend Water Right No. 2208-3. Water Right No. 2208-3 appropriates 1.67 cubic feet of water per second from one well completed into the Tulare:East James Aquifer located in NE1/4 NW1/4 Section 19 to irrigate 160 acres located in the NW1/4 Section 19; all in T116N-R61W. This application proposes to move the irrigation project approximately 6 miles to the northeast with the well to be located in the NW1/4 SE1/4 Section 33 to irrigate 132 acres located in the S1/2 NW1/4, N1/2 SW1/4 Section 34; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Janzen indicates his justification for this change is that the current location is no longer practical or economical at the present site since these acres receive effluent from the wastewater system at the adjacent feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 1, 2010.

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

Published at the total approximate cost of \$ (May 12, 19)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 30, 2010

The Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

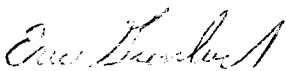
Enclosed is a Notice on Application No. 2208A-3 to Appropriate Water to be published twice. Please publish the first notice on May 12, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Riverview LLP, c/o Brady Janzen, 26406 470th Ave., Morris MN 56267 (Ph # 320-392-5609).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2208A-3

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

Date _____

We are in receipt of your letter of April 30, 2010 enclosing Notice to Appropriate Water by Application No. 2208A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 30, 2010

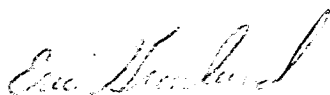
Riverview LLP
Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Water Permit Application No. 2208A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


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

enclosures

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

Instruction to Newspaper - Publish first Notice on May 12, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2208A-3

Notice is given that Riverview, LLP, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application to amend Water Right No. 2208-3. Water Right No. 2208-3 appropriates 1.67 cubic feet of water per second from one well completed into the Tulare:East James Aquifer located in NE1/4 NW1/4 Section 19 to irrigate 160 acres located in the NW1/4 Section 19; all in T116N-R61W. This application proposes to move the irrigation project approximately 6 miles to the northeast with the well to be located in the NW1/4 SE1/4 Section 33 to irrigate 132 acres located in the S1/2 NW1/4, N1/2 SW1/4 Section 34; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Janzen indicates his justification for this change is that the current location is no longer practical or economical at the present site since these acres receive effluent from the wastewater system at the adjacent feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 1, 2010.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 21 2010

Riverview LLP
Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Enclosed is Water Permit No. 2208A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbe, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2208A-3

11-02

Location NW 1/4 SE 1/4 Sec 33 Twp 117 Rg 61

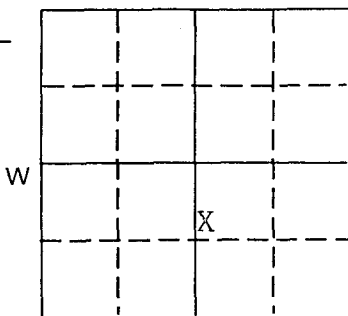
County

Spink

North

44 53' 51.1"
98 10' 35.2"

Please mark well location with an "X"



Well completion Date

Feb 18, 2010

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

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12 IN	+2 FT	66 FT	18 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
quick grout	15	Lb/gal	0 Ft	61 Ft
Red Flint #80	26 bags	Lb/gal	61 Ft	91 Ft

Describe grouting procedure

psi tremmie

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 25 Feet

Material stainless steel

Slot Size 80 Set From 66 Feet to 91 Feet

Other information

WAS A PACKER OR SEAL USED?

- ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

- ☒ Yes, How? granular chlorine

- ☐ No, Why Not?

Lab sample sent to for water quality analysis

Energy Laboratories

Well Owner: United Feeders

Business Name:

Address1: 17456 SD Hwy 37

Address2:

City, State, Zip: Frankfort SD 57440

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	3
clay	3	17
sand	17	25
shal/pet.wood	25	28
sand/shale	28	41
shale	41	42
sand	42	46
shale	46	48
shale /pet wood	48	62

STATIC WATER LEVEL

16

FEET

If flowing: closed in pressure

N/A

PSI

GPM flow through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

38' 6" Ft. After 15 Hrs. pumped 1300 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

DEC 21 2011

WATER RIGHTS PROGRAM

This well was drilled under license # 463

And this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: Feb 18, 2010

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

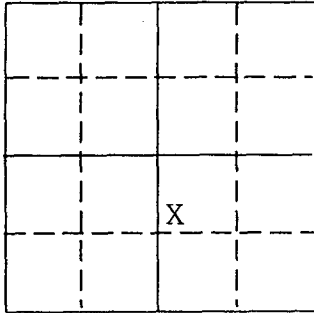
Location NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33 Twp 117 Rg 61County
Spink

North

Please mark well
location with an "X"

W

E



Well completion Date

Feb 18, 2010

1 Mile

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

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

- ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

- ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

- ☐ Yes, How?

- ☐ No, Why Not?

Lab sample sent to for
water quality analysis _____Well Owner: United Feeders

Business Name: _____

Address1: _____

17456 SD HWY 37

Address2: _____

City, State, Zip: Frankfort SD 57440

WELL LOG:

page 2

DEPTH

FORMATION	FROM	TO
clay blue	62	62½
sand shale	62½	85
shale	85	86
sand/small strks shale	86	91

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

GPM

REMARKS

RECEIVED

DEC 21 2011

WATER RIGHTS
PROGRAMThis well was drilled under license # 463

And this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: Feb 27, 2010

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501



ENERGY LABORATORIES, INC. * 2821 Plant St * Rapid City, SD 57702
Toll Free 888.672.1225 * 605.342.1225 * FAX 605.342.1397 * rapid_city@energylab.com

ANALYTICAL SUMMARY REPORT

March 15, 2010

Susan Yeo

Steffl Drilling and Pump

2295 66th Ave NE

Willmar, MN 56201

Workorder No.: R10020282

Project Name: United Feeders

Energy Laboratories Inc. received the following 1 sample for Steffl Drilling and Pump on 2/24/2010 for analysis.

Sample ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
R10020282-001	New Well	02/23/10 14:00	02/24/10	Drinking Water	Metals by ICP/ICPMS, Dissolved Bacteria, Private Water Supply Conductivity Anions by Ion Chromatography

Thank you for submitting your samples to Energy Laboratories, Inc. - Rapid City. The following pages contain the results of your sample analysis.

The samples were analyzed in accordance with the methods specified on the analytical reports. All analyses were accompanied by applicable quality assurance samples throughout the test. Where applicable, the results of these quality assurance samples will be included with your analytical data.

If you have any questions regarding the analyses performed or the results of these analyses, please feel free to call (888)672-1225, (605)342-1225 or llarson@energylab.com.

Sincerely,

Linda Larson
Branch Manager
Energy Laboratories, Inc.
Rapid City, SD

Report Approved By:



ENERGY LABORATORIES, INC. * 2821 Plant St * Rapid City, SD 57702
Toll Free 888.672.1225 * 605.342.1225 * FAX 605.342.1397 * rapid_city@energylab.com

CLIENT: Steffl Drilling and Pump
Project: United Feeders
Sample Delivery Group: R10020282

Report Date: 03/15/10

CASE NARRATIVE

Tests Associated with Analyst identified as ELI-B were subcontracted to Energy Laboratories Billings Branch, EPA Number MT00005.



ENERGY LABORATORIES, INC. * 2821 Plant St * Rapid City, SD 57702
Toll Free 888.672.1225 * 605.342.1225 * FAX 605.342.1397 * rapid_city@energylab.com

LABORATORY ANALYTICAL REPORT

CLIENT: Steffi Drilling and Pump
Project: United Feeders

Report Date: 03/15/10

Lab ID: R10020282-001 **Matrix:** DRINKING WATER

Collection Date: 02/23/10 14:00

Client Sample ID: New Well

Received Date: 02/24/10 11:00

Sampled By: RW

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	02/24/10 12:25 / tb
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	02/24/10 12:25 / tb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



LABORATORY ANALYTICAL REPORT

Client: Steffl Drilling and Pump
Project: United Feeders
Lab ID: R10020282-001
Client Sample ID: New Well

Report Date: 03/15/10
Collection Date: 02/23/10 14:00
Date Received: 02/24/10
Matrix: DRINKING
WATER

Analyses	Result	Units	Qual	RL	MCL/ QCL	DF	Method	Analysis Date / By
PHYSICAL PARAMETERS								
Conductivity @ 25 C	1740	umhos/cm		5.0		1	A2510 B	03/02/10 15:54/tb
INORGANIC PARAMETERS								
Nitrogen, Nitrate as N	ND	mg/L		0.1	10	1	E300.0	02/25/10 13:21/jmh
Sulfate	481	mg/L		1		10	E300.0	03/05/10 21:17/jmh
DISSOLVED METALS ANALYSES								
Sodium	117	mg/L	D	2		5	E200.7	03/01/10 13:35/eli-bf

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.
D - RL increased due to sample matrix interference.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 2208A-3 & 3175A-3

I have this day, May 23, 2012, made a thorough examination of the water use system constructed by Riverview LLP, 26406 470th Avenue, Morris MN 56267 of Permit Nos. 2208A-3 & 3175A-3, bearing the priority of December 10, 1974 and October 21, 1976 authorizing the diversion of 1.67 cfs and 1.35 cfs respectively of Tulare:East James aquifer for irrigation purposes, in Spink County.

Inspection contact & relationship **Anthony Ekren**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump Inc
- 2) No. of Wells 1
- 3) Depth(s) 91 feet
- 4) Well log is available Yes If no, explain in comments

Comments: **one well serves both pivots on a alternating basis**

Casing:

- 1) Diameter 12 inches
- 2) Length 66 feet
- 3) Type plastic

Screen:

- 1) Type manufactured
- 2) Length 25 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Unknown submersible
- 2) Model
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make
- 2) Model No.

3) Horsepower rating _____ hp

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

1) Type plastic 2) Size _____ inches 3) Length approx. 4,500 feet

Comments: Well is located along the north-south $\frac{1}{4}$ line which is along the west edge of western most center pivot's coverage. Water is conveyed from the well underground to the western pivot and then to the pivot northwest of there.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make both are Valley pivots at the time of the inspection
- 2) Overall length 1,360 feet (including endgun throw)
- 3) Number of towers 7 (each pivot)
- 4) End gun Yes
- 5) Capacity 800 GPM (each)

Chemigation Equipment:

- 1) Does chemigate none in place at time of inspection

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: None

- 3) Exceptions to compliance are: describe

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 1,480 feet north and 2,630 feet west of southeast corner (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33- T117N-R61W (Lat 44.89772 Lon - 98.17642

2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
NW ¼ SE ¼ Section 33-T117N-R61W 33	SW ¼ NW ¼ Section 34-T117N-R61W 33
NE ¼ SE ¼ Section 33-T117N-R61W 33	SE ¼ NW ¼ Section 34-T117N-R61W 33
SW ¼ SE ¼ Section 33-T117N-R61W 33	NW ¼ SW ¼ Section 34-T117N-R61W 33
SE ¼ SE ¼ Section 33-T117N-R61W 33	NE ¼ SW ¼ Section 34-T117N-R61W 33

comprising a total of 264* acres of land and the license should be issued for 1.78 cfs.

* the irrigation questionnaire submitted for each water permit states 133 acres being irrigated which would be a total of 266 acres. The license may only be issued for 264 acres.

3. All structures, wells and lands on map Yes

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

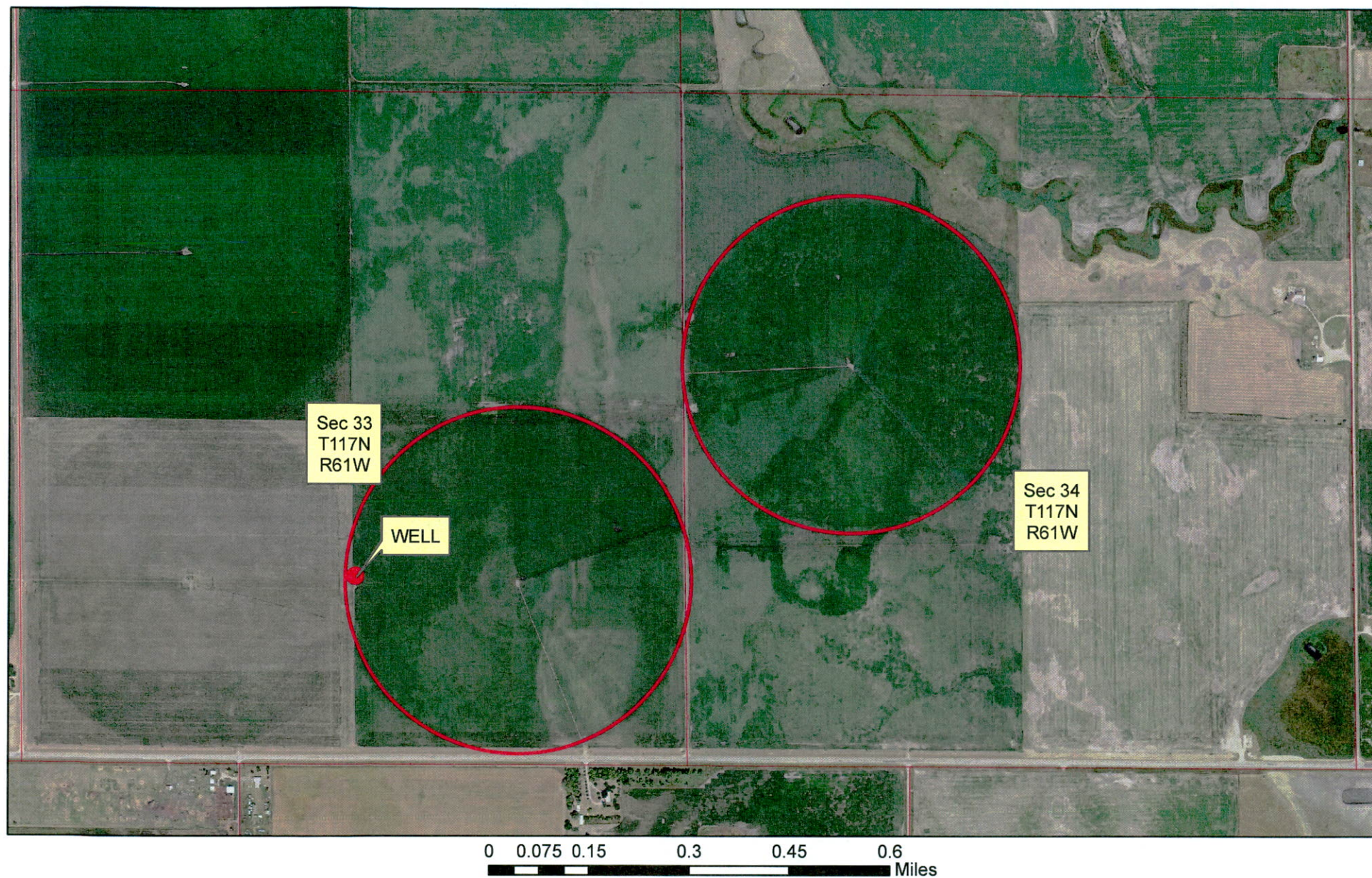
At the time of the site visit in 2012 both Permit Nos. 2208A-3 and 3175A-3 were still in their construction period. Mr. Ekren did not want the two water permits to be incorporated into one water license. I informed him of the need to construct another well or otherwise increase the diversion rate to the permitted amount or the undeveloped portions would be lost due to non-construction. I started dialogue with Mr. Ekren in 2017 and found that only one well was constructed that was capable of producing 800 gpm and the two center pivots were operated on an alternating basis. He understood the undeveloped portion of the diversion rate authority would be lost during licensing and the best course of action was to incorporate into one water license.

In addition, Water Permit Nos. 2208A-3 and 3175A-3 are a result of amendments to the originating water rights (2208-3 & 3175-3) that transferred the diversion point and acres to a new location. The priority date for the appropriation of water and number of acres was established by the date of filing of the original permits. In issuance of the water license Water Right Nos. 2208-3 & 3175-3 and Water Permit Nos. 2208A-3 & 3175A-3 should all be incorporated into one water license to reflect the water use system in place.



Eric Gronlund
Natural Resources Engineer III
DENR, Water Rights Program

Date report completed: November 1, 2017



Well located approximately 1,480 feet north and 2,630 feet west of
southeast corner of Section 33, T117N, R61W (Lat 44.89772 Lon -98.17642)

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Nos. 2208A-3 and 3175A-3, RiverView LLP

ADDRESS: COUNTY: Spink County

DATE: June 16, 2017 TELEPHONE:

RE: discussion on diversion rate for Water Permit Nos. 2208A-3 & 3175A-3

Water Permit No. 3175A-3 amended Water Right No. 3175-3 by transferring irrigated acres and the diversion point to a new location. Water Permit No. 3175A-3 as transferred authorizes 1.35 cubic feet of water per second (606 gallons per minute) from a well to be in the approximate center of the SE ¼ Section 33 to irrigate 132 acres located in the SE ¼ Section 33, T1117N, R61W, Spink County.

Water Permit No. 2208A-3 did the same thing and amended the location of acres and diversion point for the appropriation of 1.67 cfs (750 gpm) with the well to be in the NW ¼ SE ¼ Section 33 to irrigate 132 acres located in the S ½ NW ¼ and N ½ SW ¼ Section 34: all in T117N, R61W.

An inspection on May 23, 2012 found one well supplying two center pivots on an alternating basis. Since the time to complete construction was not past, the license was not issued. In later years, Anthony Ekren was contacted about the diversion rate from the well and the likelihood that some quantity of the diversion rate authority may be lost. At that time, he wanted to consult with other representatives of Riverview and didn't think they wanted the two permits incorporated into one water license.

Over the years, efforts to get together and discuss did not materialize. I again made an effort to jump start the discussion about licensing. Mr. Ekren indicated he would check into and get back with me. On Friday, June 16, 2017, Mr. Ekren called. He stated they only have one well capable of producing 800 gpm that supplies the two center pivots on an alternating basis. He understood that the license would need to be issued for 800 gpm. Also he stated that Riverview LLP was not opposed to incorporating 2208A-3 and 3175A-3 into one water license.

Based on this I will proceed with licensing based on the 2012 on-site licensing investigation.

NAME: Erik Thompson

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 22 2019

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: Water Permit/Right Nos. 2208-3, 2208A-3, 3175-3 and 3175A-3

Dear Mr. Ekren:

Enclosed is Water License No. 2208A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right Nos. 2208-3, 3175-3 and Water Permit No. 3175A-3 were incorporated into Water License No. 2208A-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2208A-3

(1) Riverview LLP, 26406 470th Avenue, Morris MN 56267 made Application No. 2208A-3, March 15, 2010 for a water permit to amend existing Water Right No. 2208-3 by transferring the entire irrigation project approximately 6 miles to the northeast of its current location with irrigated acres to be located in the W ½ Section 34, T117N, R61W. The water source for the irrigation system is the Tulare East James Aquifer. No additional diversion rate or acres irrigated were authorized. Permit No. 2208A-3 with a priority date of December 10, 1974 (established under No. 2208-3) was approved June 1, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 1 2015 and for the application to beneficial use of water on or before June 1, 2019.

Water Permit No. 3175A-3 amended Water Right No. 3175-3 by transferring irrigated acres and the diversion point to a new location. No. 3175A-3 authorized moving the center pivot approximately 2 miles north and 2 miles east to the SE ¼ Section 33, T117N, R61W with a new well to be constructed. A priority date of October 21, 1976 was retained (established under No. 3175-3).

An inspection of the water use system found one well supplying two center pivots on an alternating basis. The well supplies water to the pivots authorized under Nos. 2208A-3 and 3175A-3. Based on the inspection, the applicable portions of Water Right Nos. 2208-3, 3175-3 and Water Permit No. 3175A-3 are being incorporated into this Water License No. 2208A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,480'N and 2,630'W of the SE corner of Section 33, T117N, R61W (NW ¼ SE ¼)
Latitude 44.89772; Longitude -98.17642

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 33, T117N, R61W		Section 34, T117N, R61W	
October 21, 1976 priority		December 10, 1974 priority	
NW ¼ SE ¼	33 acres	SW ¼ NW ¼	33 acres
NE ¼ SE ¼	33 acres	SE ¼ NW ¼	33 acres
SW ¼ SE ¼	33 acres	NW ¼ SW ¼	33 acres
SE ¼ SE ¼	33 acres	NE ¼ SW ¼	33 acres

Total 264 acres

October 21, 1976 established under Nos. 3175-3 and 3175A-3

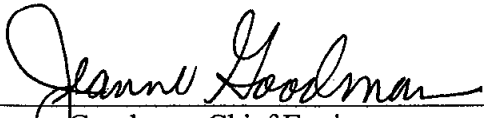
December 10, 1974 priority date established under Nos. 2208-3 and 2208A-3

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Riverview LLP, 26406 470th Avenue, Morris MN 56267 the holder and/or owner of Incorporated Water Right No. 2208A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Tulare East James Aquifer) with priority dates of December 10, 1974 and October 21, 1976 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2208A-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2208A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in February, 2010 by Steffl Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 22 2019

date





February 24, 2020

26406 470th Ave
Morris, MN 56267
(320) 392-5609

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

I will no longer be with Riverview at the end of March, please remove me as the contact person for the Riverview water rights permits. Please make the following changes:

Please make the following person the main contact person for Riverview water rights permits:

Brady Janzen
320-349-0318
Brady.janzen@riverviewllp.com

Additionally, please make the following person a secondary contact person for Riverview water rights permits:

Matt Waldbeser
320-287-1028
Matt.waldbeser@riverviewllp.com

Thank you,



Anthony Ekren

SD DANR, WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Carson Tevelde

ADDRESS: 47853 236th St, Egan SD 57024

DATE: June 10, 2021

TELEPHONE: 559-805-3249

RE: Complaint concerning irrigation of property not covered by a water right

COMMENTS:

Dan Wilson (ph. 605-460-1172) called indicating that the NW1/4 section 19-116N-R61W was being irrigated and the property was no longer covered by a water right.

After reviewing the file, it was found that the property was covered for irrigation from a well in the NE1/4 NW1/4 section 19 completed into the Tulare East James aquifer. The permit authorizing the irrigation was No. 2208-3. An application was filed to transfer the location of the irrigated acreage approximately six miles to the northeast. Application No. 2208A-3 was approved so the NW1/4 section 19 is currently NOT covered for irrigation from the Tulare East James aquifer.

I contacted Dairy Wise Builders (in process of transferring the feedlot to themselves – currently in name of Riverview LLP) and spoke to Carson Tevelde. I informed Mr. Tevelde I had been told that the NW1/4 was being irrigated from the aquifer and not the lagoons. We discussed the transfer of the water right from the NW1/4 and he was aware of that. Mr. Tevelde contacted Eric (the manager) who is learning about operation of the other irrigation water rights (No. 1073-3 and 1072-3) and how the systems are interconnected with the lagoons for disposal of wastewater.

After contacting the manager, Mr. Tevelde confirmed that while experimenting with switching valves water had been diverted from the well in the NE1/4 section 19 to the NW1/4 section 19. The well located in the NE1/4 NW1/4 section 19 which was used under No. 2208-3 is no longer connected to the delivery system. I informed Mr. Tevelde water could not be used under Water Right No. 1073-3 to irrigate the NW1/4 of section 19. Mr. Tevelde indicated that the valve has been closed and the well will not be used to irrigate the NW1/4 which has grass on it. He understood that the only water that could be placed on the NW1/4 would be wastewater from the lagoon system.

I contacted Mr. Wilson and advised him of what I found out and he thanked me. Mr. Wilson also mentioned that the artesian wells used to supply the feedlot had caused his well to stop flowing and he was not pleased about that. Water Permit No. 6724-3 authorizes use of three Dakota aquifer wells to supply the feedlot.

RECOMMENDED ACTION:

Recommending no action provided no further water gets applied from the Tulare East James aquifer on the NW1/4 section 19-T116N-R61W. The initial application may have been inadvertent while learning how the manifold system operates but any future applications may be subject to pursuing board or civil action.



Ron Duvall
Water Rights Permitting Administrator
SD DANR, Water Rights Program