

WATER PERMIT NO. 3175A-3

Name of Applicant: **United Feeders, LLP**

Address: **26404 470th Ave, Morris MN 56267** Phone: **329 392-5609**

Amount of Water Claimed: **1.35 cfs** Total Acres: **132**

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

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

Type of Waste Disposal System:

Location: **3 miles west of Doland**

PRIORITY Date Received: **3-2-09** Application/License Fee: **\$100**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **Change of the location of Water Permit No. 3175-3**

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

Land to be Irrigated: **SE ¼ Sec 33-T117N-R61W**

Depth of Well: **100 feet deep**

Well Driller:

Remarks:

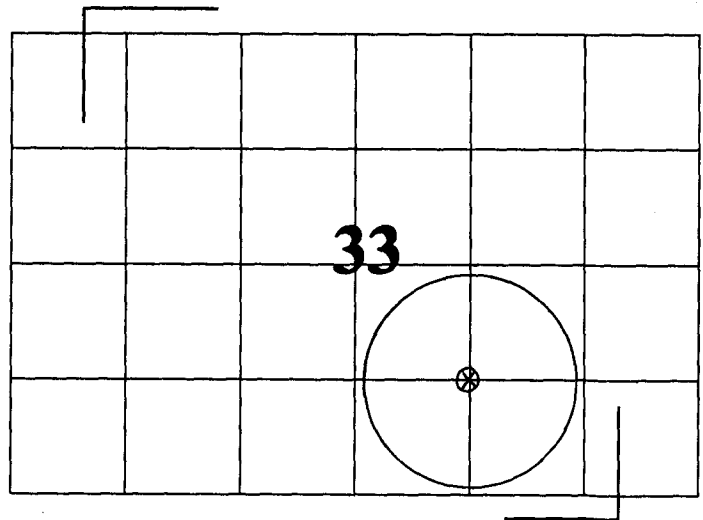
Type of Map: **aerial**

Prepared by: **Stephen Westerbuhr, PE**

Reviewed and the Number Assigned on: **3-2-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>3175A-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press PO Box 440</u>
	<u>1005-472-01822</u> <u>57469</u>

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 2
MAR - 3 2009
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3175-3
 (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 SW 1/4 Section 18 T116N R61W as land has been used for a feedlot and is no longer practical for irrigation permit. Moving permit to SE 1/4 Section 33 T117N R61W.

- Name of Applicant United Feeders, LLP Phone (320) 392-5609
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 26406 470th Avenue Morris State MN 56267
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.35 *CFS or 600 **GPM ***AF Total Acreage 132
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
One well in SE 1/4 Section 33 T117N R61W.
- County or counties where water will be used Spink
- Annual period during which water is to be used April - October
- 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
SW 1/4 SE 1/4 S33 T117N R61W	33		
SE 1/4 SE 1/4 S33 T117N R61W	33		
NW 1/4 SE 1/4 S33 T117N R61W	33		
NE 1/4 SE 1/4 S33 T117N R61W	33		

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

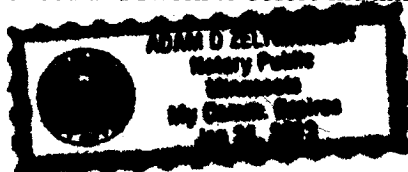
Well will be drilled to the same depth as current permit allows to appropriate the same amount of water currently allowed by the permit. Permit is being moved to different location as current location is no longer practical or economical.

STATE OF SOUTH DAKOTA) SS
 County of Spink)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. 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 26th day of February 20 09



Adam D. Zellweger
 Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 3175A-3

Date of first receipt of application March 2, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3175A-3 to United Feeders, LLP, c/o Brady Janzen, 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. 3175A-3 amends Water Right No. 3175-3 by transferring the irrigated acres and diversion point to other land. Water Right No. 3175-3 appropriates 1.35 cubic feet of water per second from one well completed into the Tulare:East James Aquifer (68 feet deep) located in SE 1/4 SW 1/4 Section 18 to irrigate 132 acres located in the SW 1/4 Section 18; all in T116N-R61W. This permit authorizes moving the center pivot approximately 2 miles north and 2 miles east with a new well to be constructed in the approximate center of the SE 1/4 Section 33 to irrigate 132 acres located in the SE 1/4 Section 33; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer. 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 – November 1.
3. The date from which applicant may claim right is October 21, 1976.
4. The date of approval of Permit No. 3175A-3 is June 8, 2009.
5. One-fifth of the construction is to be completed on or before December 8, 2011.
6. All construction is to be completed on or before June 8, 2014.
7. Water is to be put to beneficial use on or before June 8, 2018.
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. 3175A-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 Erbele

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

AUG 04 2009

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth Approx. 100'
- b) Casing Type Steel 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 applicants property 2,600' On property owned by others

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

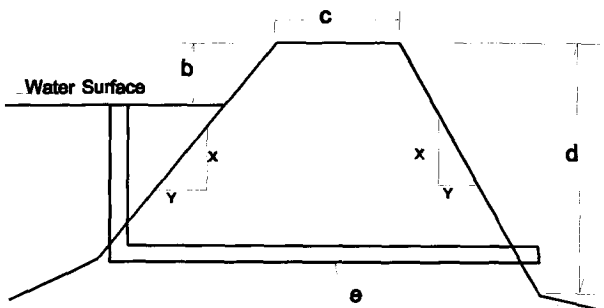
3. Dugout Information

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

4. Water Storage Dams

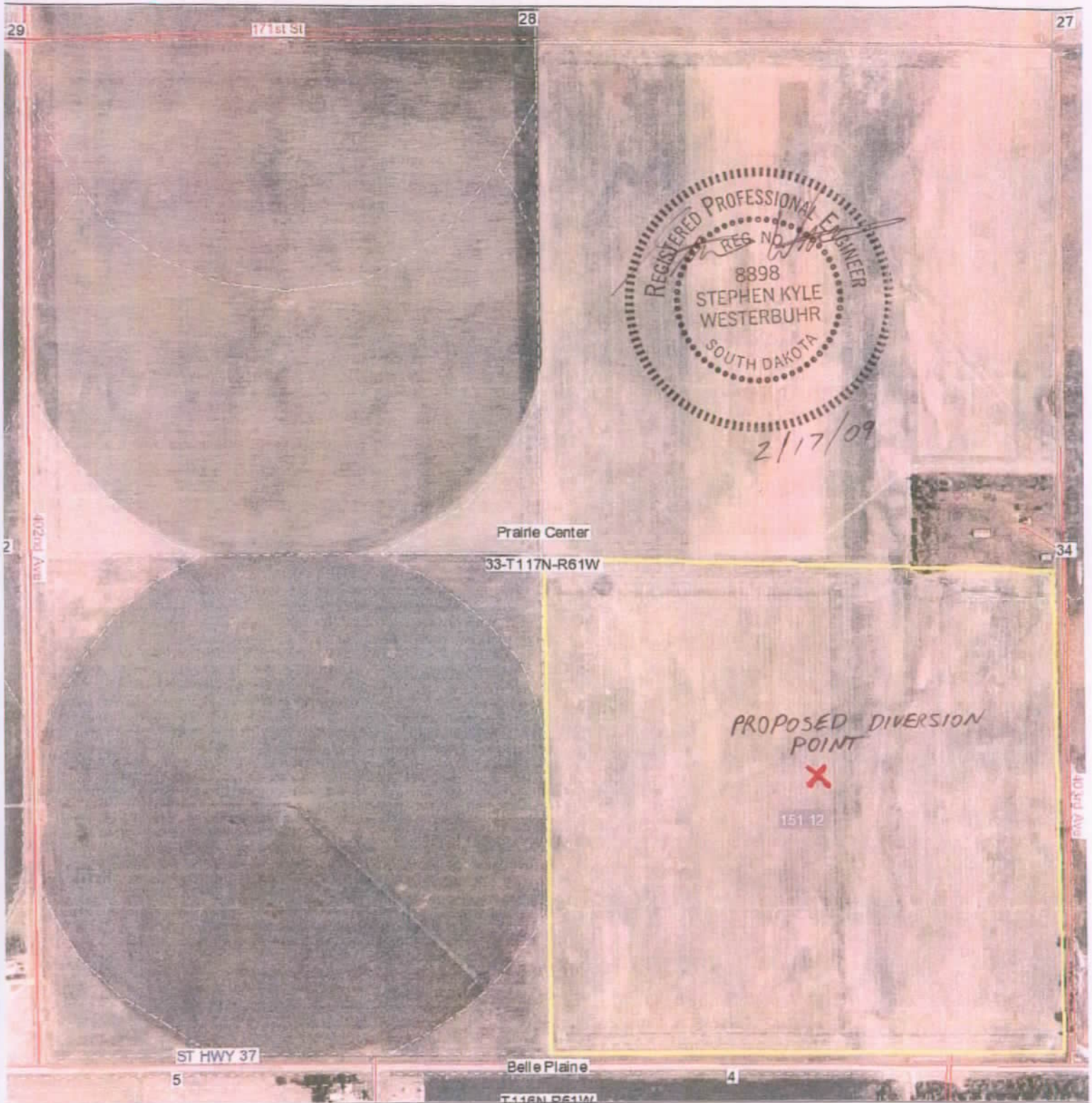
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

Aerial Map



map center: 44° 54' 3.98, 98° 10' 35.33
scale: 1:8555

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2/17/2009

Map Provided by



©AgriData, Inc. 2008
www.AgriDataInc.com

all borders provided by Farm Service Agency. Aerial photography provided by Aerial Photography Field Office.

33-117N-61W
Spink County
South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/2, 2009

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>3175A-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>3175A-3</u>	50	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.

04044

By

Isabel Erbe
Chief Engineer

08/05/2009

PAYMENT REQUEST FORM

**PAYEE: United Feeders
Brady Janzen
26406 470th Ave
Morris MN 56267**

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Right Permit 3175A-3

AMOUNT: \$200.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS :

AUTHORIZATION:

Barland C. C. Aug 5/2009

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 6, 2009

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

Dear Mr. Janzen:

I am writing in regard to Water Permit No. 3175A-3 which you should have received earlier this week. An application/license filing fee of \$300.00 was submitted in February. The correct fee is \$100.00. Therefore, \$200.00 will be refunded to you. The refund check should be received within the next couple of weeks.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



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MAR - 3 2009

WATER RIGHTS
PROGRAM

26410 470th Avenue Morris, MN 56267
Office: (320) 392-5609 Fax: (320) 392-5319

February 27, 2009

Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

The enclosed Application for Permit to Appropriate Water for Irrigation requests that irrigation permit 3175-3 be moved from its existing location to the SE ¼ of Section 33, T117N R61W, Spink County, SD. United Feeders would like to remove the permit from its existing location as a dairy heifer feedlot has been constructed at that location and makes the irrigation permit no longer practical or economical.

The new location is a quarter of land that is owned by West Central Land, LLP, a partnership that has common ownership and a regular working relationship with the partnership that owns United Feeders. Management of the feedlot and of the farmland the permit is being moved to will be handled by the same individuals.

If any other documentation is required to move the irrigation permit please let me know. Do not hesitate to call with any questions.

Thank you,

Brady Janzen
United Feeders/West Central Land, General Partner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3175A-3, United Feeders, 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. 3175:-3, United Feeders, LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267.

The Chief Engineer is recommending APPROVAL of Application No. 3175A-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. 3175A-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
May 12, 2009

REPORT ON WATER PERMIT APPLICATION NO. 3175A-3

For United Feeders, LLP

March 25, 2009

Application No. 3175A-3 proposes to amend water right No. 3175-3 by transferring the irrigated acreage and diversion point to other lands. Water Right No. 3175-3 appropriates 1.35 cfs (606 gpm) from one well approximately 68 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 18 to irrigate 132 acres located in the SW $\frac{1}{4}$ of section 18, all in T116N R61W. This application proposes to move the irrigation approximately two miles north and two miles east of the present site. A new well will be constructed in the approximate center of the SE $\frac{1}{4}$ of section 33 to irrigate 132 acres located in the SE $\frac{1}{4}$ of section 33; all in T117N R61W. The water source will be the Tulare East James aquifer and there is no increase in the amount of acres irrigated or the authorized diversion rate

AQUIFER - TULARE EAST JAMES (T-EJ)

The Tulare East James aquifer is fully appropriated based upon water use as determined by the Water Management Board at their July 12, 2006 hearing (Goodman, 2006).

At this proposed site the aquifer is under water table conditions. At the original site the aquifer is also under water table conditions. Test wells have not been drilled at the proposed location. There are existing irrigation wells located in both the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of section 33 just to the west and northwest of this proposed site. This information along with the county study drilling and mapping, observation wells in the area and other irrigation wells and domestic wells in the general area allow for evaluation of this application. This proposed site is very near to the east border of the Tulare East James aquifer and test drilling should be completed prior to constructing a production well to determine the best potential well site.

There are two nearby observation wells SP-79D (located about $\frac{1}{2}$ miles southwest of the proposed well for this application) and SP-77R (located about 1 $\frac{1}{2}$ miles northwest of the proposed well site) completed into the Tulare East James aquifer. Water levels for these wells show good response to climatic conditions. Water levels rise in response to wet conditions (recharge) and gradually decline in response to dry years and pumping for irrigation. Hydrographs for these wells do not indicate that pumping creates much of an effect (drawdown) also the water level record indicates the aquifer is capable of sustaining this development. Hydrographs for these observation wells are included with this report (Water Rights, 2009).

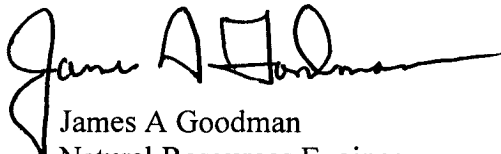
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 2553-3 (2.11 cfs, irrigation of 237 acres) with the well located 1250 feet north and 50 feet east of the SW corner of section 33 and Water Right No. 1120-3 (3.42 cfs, irrigation of 240 acres) with the closest well located 1320

feet south and 1320 feet east of the NW ¼ corner of section 33; all in T117N R61W. This proposed well would be approximately ¾ mile east or southeast of the two nearest existing irrigation wells. At this distance drawdown is not expected to be significant nor cause any adverse effects. Interference is not a concern.

CONCLUSIONS

1. This is an existing water right and may be transferred pursuant to SDCL 46-5-34. The justification provided by the applicant indicates a feedlot has been constructed at this site and this makes irrigation no longer practical or economical.
2. The amount of water requested and amount of irrigated acres will not be changed by this transfer.
3. The aquifer for both the existing and proposed sites is the Tulare East James aquifer.
4. The aquifer is under water table conditions at this site. Drawdown created by pumping is not expected to be significant. Interference is not a concern.



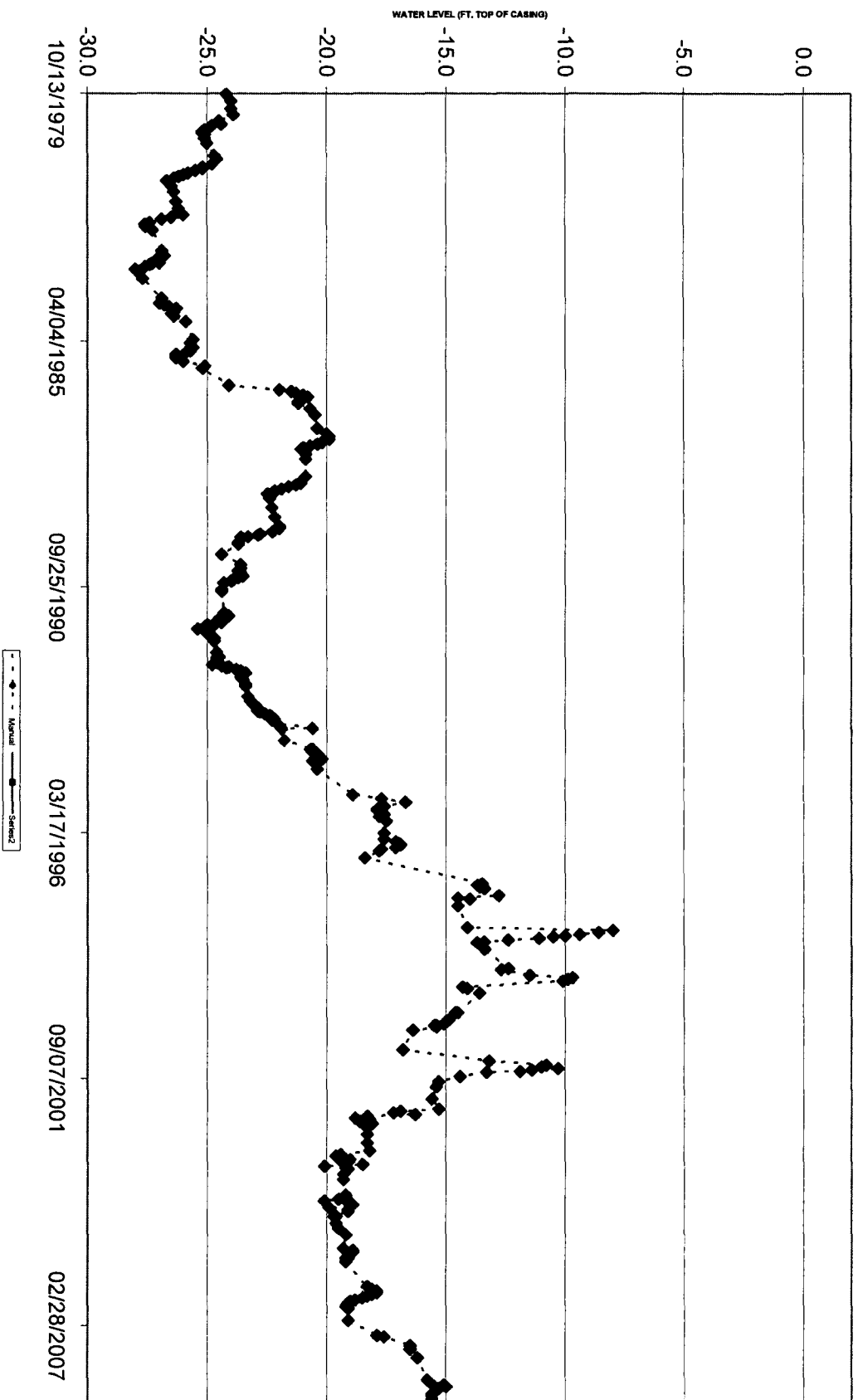
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

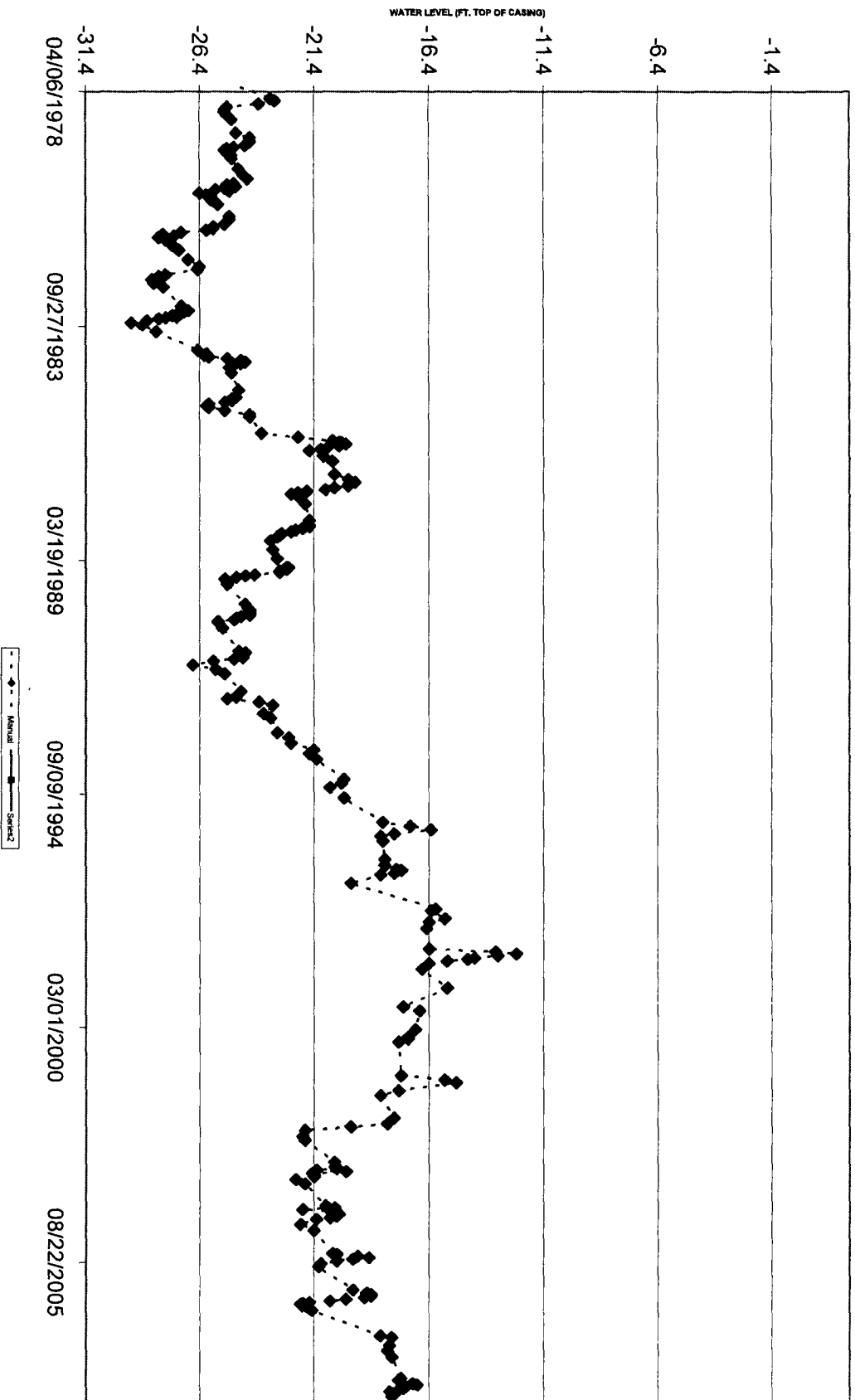
Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar Inc. and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2009, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

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



**WATER RIGHTS' OBSERVATION WELL
SP-77R**



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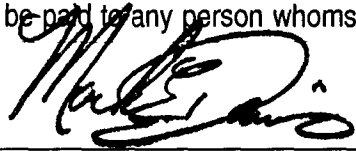
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

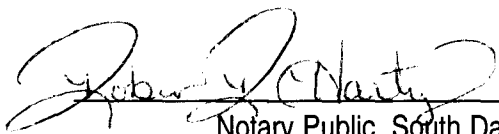
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#316 Notice

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 20th, 2009 and the last publication being made on May 27th, 2009 that the full amount of Forty Seven and .34/100 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 27th day of May, 2009.



Notary Public, South Dakota

My commission expires 06/20/2012

Notice

#316

**NOTICE OF APPLICATION
NO. 3175A-3**

Notice is given that United Feeders, LLP, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application to amend Water Right No. 3175-3 by transferring the irrigated acres and diversion point to other land. Water Right No. 3175-3 appropriates 1.35 cubic feet of water per second from one well completed into the Tulare:East James Aquifer (68 feet deep) located in SE 1/4 SW 1/4 Section 18 to irrigate 132 acres located in the SW 1/4 Section 18; all in T116N-R61W. This application proposes to move the center pivot approximately 2 miles north and 2 miles east with a new well to be constructed in the approximate center of the SE 1/4 Section 33 to irrigate 132 acres located in the SE 1/4 Section 33; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3175A-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 8, 2009.

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.

(May 20, 27)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 13, 2009

The Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

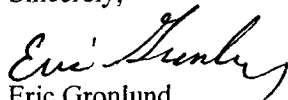
Enclosed is a Notice on Application No. 3175A-3 to amend Water Right No. 3175-3 to be published twice. Please publish the first notice on May 20, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 United Feeders 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. 3175A-3

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

Date _____

We are in receipt of your letter of May 13, 2009 enclosing Notice to Appropriate Water by Application No. 3175A-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
www.state.sd.us/denr

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

May 13, 2009

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

Dear Mr. Janzen:

Water Permit Application No. 3175A-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 recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on May 20, 2009 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. 3175A-3

Notice is given that United Feeders, LLP, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 has filed an application to amend Water Right No. 3175-3 by transferring the irrigated acres and diversion point to other land. Water Right No. 3175-3 appropriates 1.35 cubic feet of water per second from one well completed into the Tulare:East James Aquifer (68 feet deep) located in SE ¼ SW ¼ Section 18 to irrigate 132 acres located in the SW ¼ Section 18; all in T116N-R61W. This application proposes to move the center pivot approximately 2 miles north and 2 miles east with a new well to be constructed in the approximate center of the SE ¼ Section 33 to irrigate 132 acres located in the SE ¼ Section 33; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3175A-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 8, 2009.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 04 2009

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

Dear Mr. Janzen:

Enclosed is Water Permit No. 3175A-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 Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

3175A-3

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**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 18, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: United Feeders LLP and West Central Land LLP Water Rights and Permits

I am writing in follow-up to your email communication with Eric Gronlund concerning the recent merger of West Central Land LLP and United Feeders LLP into Riverview LLP.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for the following Water Permits or Rights:

- West Central Land LLP - 1776-3, 6883-3 and 7105-3
- United Feeders - 6724-3, 1072-3, 1073-3, 3035-3, 6998-3, 7063-3 and 3175A-3

Please complete the forms and return them to our office with a required filing fee of \$50.00 each (total of \$500.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

OCT 25 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3175A-3
Date: 10-21-10

I/We request that Water Permit No. 3175A-3

formerly owned by: United Feeders LLP

be transferred to: (name & address) Riverview, LLP
26406 470th Ave
Morris, MN 56267 Telephone No. 320-390-5609

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

132 acres - SE 1/4 Section 33, T117N, R61W

I/We understand that the validity of Water Permit No. 3175A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Riverview, LLP, the new owner, certify that the above information is true and correct.

Grady Langer, Partner
(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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/25, 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. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>3175A-3</u>		
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	50 00

No.

04640

By

Garland E. White
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 26, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

Re: Water Permit or Right Nos. 7105-3, 7063-3, 6998-3, 6883 3, 6724-3, 3175A-3,
3035-3, 1776-3, 1073-3, 1072-3

Dear Mr. Janzen:

The recent ownership changes you filed for Riverview LLP have been completed. The water rights or permits formerly held by West Central Land LLP and United Feeders are now listed in the name of Riverview LLP.

The receipts for the filing fees are enclosed. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

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

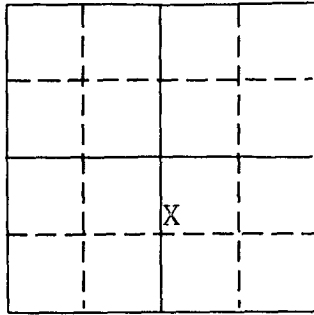
11-02

Location NW ¼ SE ¼ Sec 33 Twp 117 Rg 61

County

Spink

North

44 53' 51.1"
98 10' 35.2"Please mark well
location with an "X"

1 Mile

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:

DEPTH

FORMATION	FROM	TO
top soil blk	0	3
clay yell	3	17
sand tan/opaque	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

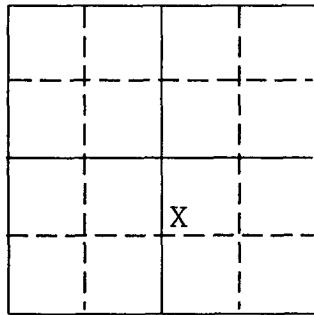
11/19/2011

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

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

☐ 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 57440WELL 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, 2010Please 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: Steffl Drilling and Pump
Project: United Feeders

Report Date: 03/15/10

Lab ID: R10020282-001 **Matrix:** DRINKING WATER
Client Sample ID: New Well

Collection Date: 02/23/10 14:00

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-bx

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.

3175A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

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.