

WATER PERMIT NO. 5918-3

Name of Applicant: Schneck Farms Dairy, Inc.

Address: RR 1, Box 37, Milbank SD 57252

Phone: 605432-500

Amount of Water Claimed: 0.37 cfs (165 gpm)

Total Acres: NA

Source of Water Supply: groundwater (three wells)

Water to be used for: commercial use

County: Grant

Type of Waste Disposal System: septic tank, drain field and holding ponds

Location: 4 miles southeast of Milbank

PRIORITY

Date Received: 3-19-1996

Fee: \$250

Corrected Application Received:

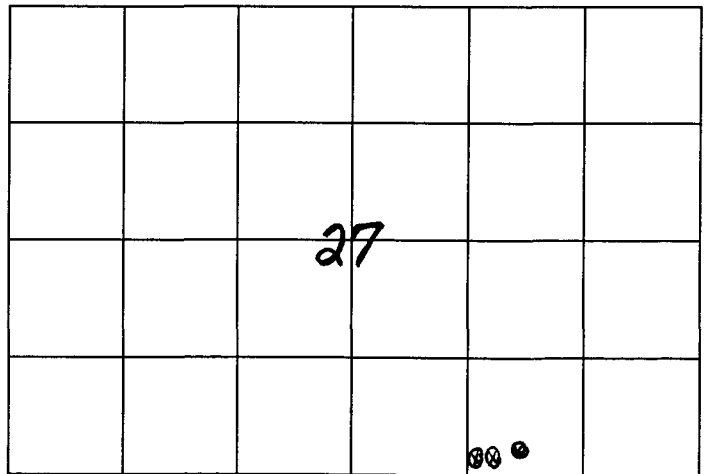
Period of Annual Use: January 1 - December 31

Remarks: For use in a dairy operation

Diversion Point: SE 1/4 SE 1/4 Sec 27-

T120N-R48W

Land to be Irrigated:



Depth of Well: 85, 90 and 100 feet deep

Well Driller: Lee Well Drilling

Remarks:

Type of Map: plat

Prepared by: Donald R. Larson, P.E.

Reviewed and the Number Assigned on: 3-19-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5918-3

Date of first receipt of application March 19, 1996.

The Water Management Board approved Water Permit Application No. 5918-3 on May 1, 1996 for Schneck Farms Dairy, Inc., RR 1, Box 37, Milbank SD 57252 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. 5918-3 appropriates 0.37 cubic feet of water per second (165 gallons per minute) from three wells (Veblen Aquifer) 85, 90 and 100 feet deep located in the SE 1/4 SE 1/4 Section 27-T120N-R48W.
2. The water appropriated shall be used for the purpose of operating a dairy and may not exceed the amount of water needed for beneficial use for a commercial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is March 19, 1996.
5. One-fifth of the construction is to be completed on or before November 1, 1998.
6. All construction is to be completed on or before May 1, 2001.
7. Water is to be put to beneficial use on or before May 1, 2005.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is subject to review and approval of the plans and specifications for the animal waste management system by the Division of Environmental Services prior to construction.
3. The facility shall be designed so that surface runoff from the surrounding drainage area is routed around the confinement lot area.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that 1) prevents discharge of runoff from the disposal sites and 2) prevents disposal site runoff water from entering the waters of the State.
5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 1/16 inches per day. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).

(continued)

Water Permit No. 5918-3

Schneck Farms Dairy

Page 2

6. Permit No. 5918-3 is subject to compliance with the following applicable Water Management Board rules:

- a) Chapter 74:03:15 Ground Water Quality Standards,
- b) Chapter 74:03:16 Ground Water Discharge Standards,
- c) Chapter 74:03:02 Surface Water Quality Standards,
- d) Chapter 74:03:04 Uses Assigned to Streams, and
- e) Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 27 1996

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5918-3</u> Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota-Milbank</u>
	Newspaper <u>Grant Co. Review, Milbank, SD</u>



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Schneck Farms Dairy Inc. Phone 432-5000
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR 1 Box 37 Milbank State SD 57252
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.37 *CFS or 165 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
3 wells in SE 1/4 SE 1/4 Section 27-T120N-R48W
County Grant
- County or counties where water will be used Grant
- Annual period during which water is to be used January 1 to December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See attached sheet

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)

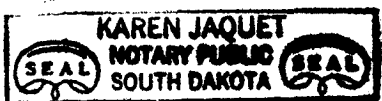
STATE OF SOUTH DAKOTA)

County of Grant SS

I, Schneck Farms Dairy Inc. 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.

Signed Alan Schneck Pres

Subscribed and sworn to before me this 18th day of MARCH 19 96



my Commission expires 3-19-98

Karen Jaquet
Notary Public



Applicant: Schneck Farms Dairy, Inc.
Alan Schneck
RR 1 Box 37
Milbank, SD 57252
Phone: 605-432-5000

Schneck Farms Dairy is in the process of constructing a new dairy operation in the SE 1/4 of Section 27-T120N-R48W, Grant County, South Dakota to house 2050 milk cows.

The cows are held in confinement and milked in either the 60 cow or 24 cow parlor.

The water consumption has been estimated as follows:

Drinking water		
2050 cows x 40 gal/day/cow =	82,000 gal/day	
Milk parlor (2 parlors)		
2050 cows x 9 gal/day/cow =	18,450 gal/day	
Total	100,450 gal/day	
Annual use		
100,450 gal/day x 365 days =	36,664,250 gal/day	year
	= 112.5 acre feet	

Well pumps were sized to provide daily use within a 10 hour period. A pumping rate of 165 gallons per minute is provided by 3 wells pumping at 55 gallons per minute.

The animal waste is stored in a type II AWMS holding pond which has a capacity of 3,063,400 cubic feet (23 M gal). The domestic waste is handled by a 1500 gallon septic tank system and drain field.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9"-9"-9" Depth 90-95-106
- b) Casing Type PVC 200 PSI SDR-21 Diameter 5 Thickness 65-70-80
- c) Screen Type Slotted Stainless Steel Diameter 5 Thickness 20-20-20
- d) Gravel Pack Thickness X Length of Gravel Pack X
- e) Depth to Top of Water Bearing Material 65-70-80
- f) Depth to Water (ground surface to water level) 23-23-23
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1/2 mile



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank, drain field, AWMS Type II holding pond
- b) System Capacity (gallons) septic-1500 gal. AWMS-23M gal. c) Year Constructed 1995
- d) 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

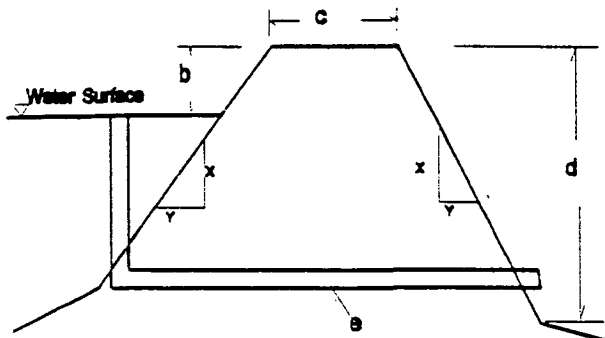
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 17, 1995

David A. Lee
Lee Well Drilling, Inc.
P.O. Box 143
Hoffman, MN 56339

Dear Mr. Lee:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, the construction of test wells prior to approval of a water permit for Schneck Farms, Inc., (Alan Schneck, SE 1/4 Section 27, T120N-R48W, Grant County) is authorized. The test well(s) must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

James A. Goodman, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

c: Schneck Farms, Inc., Alan Schneck, RR 1, Box 37, Milbank, SD 57252

10-85

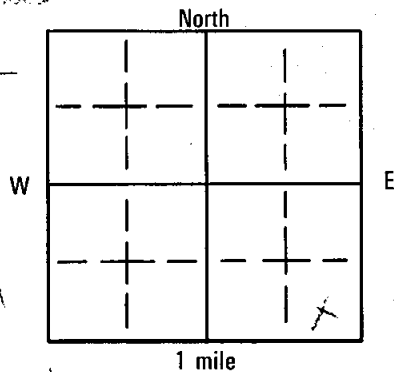
Date 12/23/95

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 27 Twp 120 Rg 48County Alberta WestGrant

Please mark well location with an "X"



1 mile

Well Completion Date 9/14/95

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

Total Depth
100ft.

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>3.5 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>80 FT</u>	<u>9 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 80 FEETWhat is grouting material? High Solids Bentonite 30-80'If cement, number of sacks? New Cement 0-30'

Describe grouting procedure _____

Pressure Grouted through tremie pipeWhat was grout weight? New Cement 15 lbs/Gal LB/GALBentonite 20% solidsSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial Stainless SteelSlot Size 25 Set From 80 Feet To 95 FeetSlot Size 18 Set From 95 Feet To 100 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NOIf so, what material? Direct Connect

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Disinfected with chlorine solutionBacteriological analysis ☒ YES ☐ NOLaboratory sent to Water Laboratory Inc.

Well Owner:

Name Schreck Farms Inc.Address RR1 Box 37 M. Hawks D. S. 57422

Well Log:

Depth

Formation

From

To

<u>topsoil-dark soft</u>	<u>0</u>	<u>3</u>
<u>clay-yellow-medium</u>	<u>3</u>	<u>18</u>
<u>clay-blue-medium</u>	<u>18</u>	<u>30</u>
<u>Coarse sand-dark soft</u>	<u>30</u>	<u>95</u>
<u>medium-sand-dark-soft</u>	<u>95</u>	<u>101</u>
<u>clay-blue-medium</u>	<u>101</u>	<u>106</u>

STATIC WATER LEVEL 23 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

Blow 120 GPM w/ Air Compressor☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

Submersible30 ft. After 4 Hrs. pumped 55 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc.

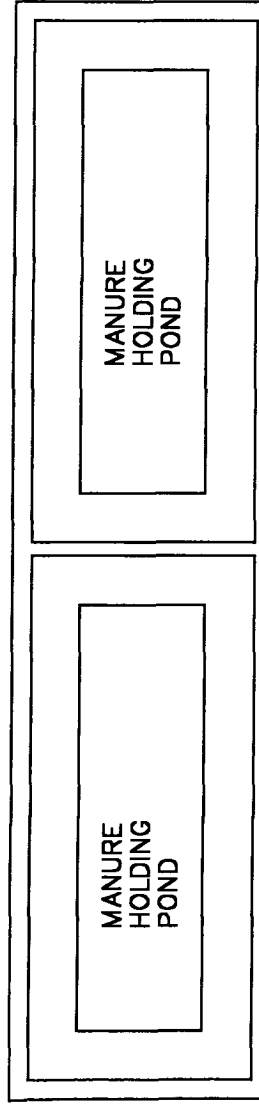
Signature of License Representative: _____

Signature of Well Owner:

Alan SchreckDate 12/28/95

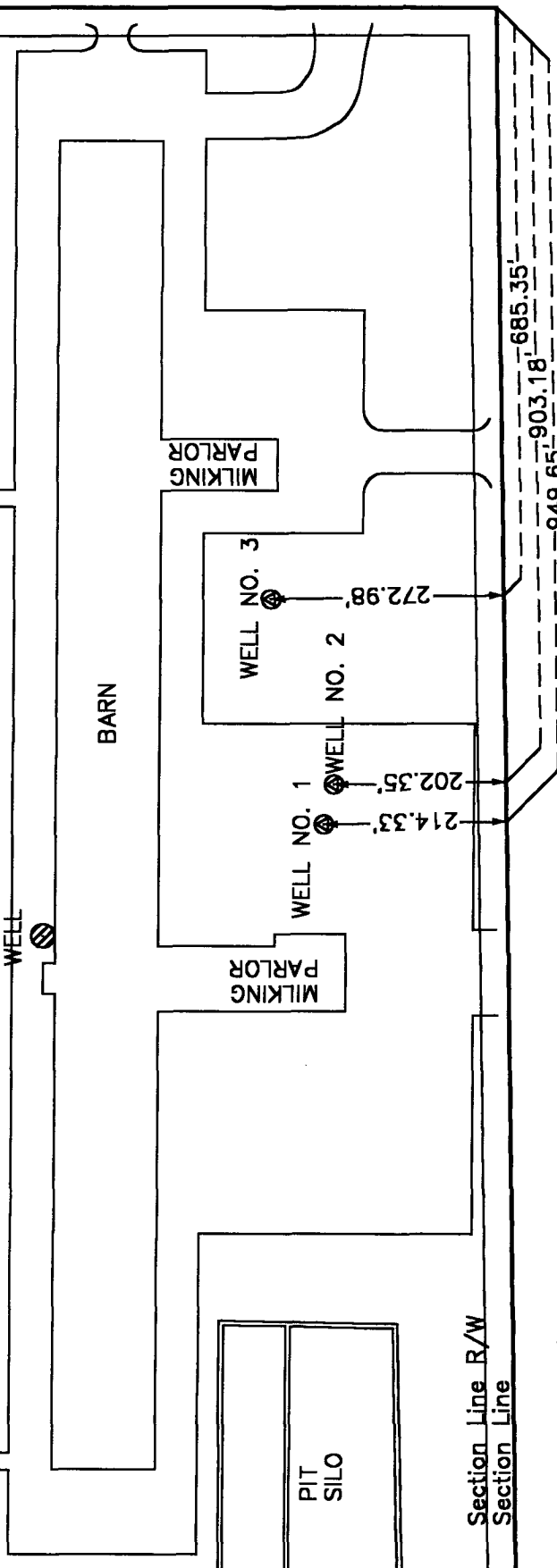
MONITORING
WELL

MONITORING
WELL

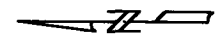


Top of Casing Elevation
Well No. 1 1142.82
Well No. 2 1142.82
Well No. 3 1142.79

MONITORING
WELL

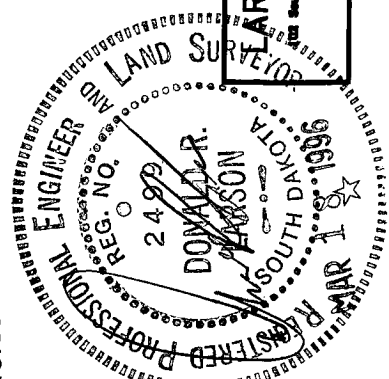


PIT
SILO



SCALE: 1"=200'
March 15, 1996

SCHNECK FARMS DAIRY, INC.
Alan and Linda Schneck
SE 1/4-27-120-48
Milbank, Douth Dakota



LAND SURVEYOR
DONALD R. LARSON
2499
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
STATE OF SOUTH DAKOTA
MAR 18 1996
100-420-4000
201 South Dakota Street, Milbank, South Dakota 57152

5918-3

RECEIPT

414862

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 19, 19 96

RECEIVED OF Schneck Farms, RR 1, Box 37, Milbank, SD 57252

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

Fee for Application for Permit No. <u>5918-3</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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5918-3
for Schneck Farms Dairy, Inc.
March 20, 1996

Application No. 5918-3 proposes to appropriate 0.37 cfs (165 gpm) from three wells 85, 90 and 100 feet deep located in the SE 1/4 SE 1/4 of section 27, T120N R48W in Grant County. The water is for commercial use in a dairy operation.

AQUIFER - VEBLEN (VEB)

The Veblen is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions over much of Grant County. Ground water movement is basically from west to east across Grant County (Hansen, 1990). The aquifer underlies 260 square miles and contains an estimated 700,000 acre feet of water in storage in Grant County (Hansen, 1990). The aquifer extends into Roberts and Marshall Counties to the north, into Deuel County to the south and into Minnesota to the east. The driller's logs submitted with the application indicate the top of the aquifer was encountered at 65, 70 and 80 feet and extended to a depth of 85, 92 and 101 feet, respectively. Test pumping indicate the wells were capable of producing 100 to 120 gpm each, using air to develop and the wells had specific capacities ranging from 7.9 to 6.5 gpm per foot of drawdown.

The Water Rights Program monitors four observation wells, (GT-77P, GT-77Q, GT-79F and GT-79G), which are completed into the Veblen aquifer and also located within a three mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. One of these wells, GT-79G, also shows the seasonal effects of withdrawals by a nearby irrigation well. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). Hydrographs for these wells are included with this report.

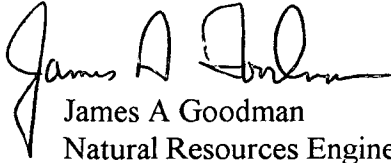
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right obtaining water from the Veblen aquifer is Water Right No. 4084A-3 which is located about three miles south of this application. Interference is not a concern. The distance between permitted wells is sufficient to minimize any potential impacts. The three wells for this application are close together and will impact one another, however, this is not expected to be significant at these pumping rates.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer is confined and under artesian conditions. Interference is not a concern. There, are no other nearby permitted users. The production wells for this application are close enough together to cause overlapping drawdown. Drawdown should not be significant at the requested pumping rates.

3. The wells for this application have been completed in accordance with SD Well Construction Standards.
4. Plans and Specifications for the waste handling for this facility are currently under review by the Air and Surface Water Program.



James A Goodman
Natural Resources Engineer

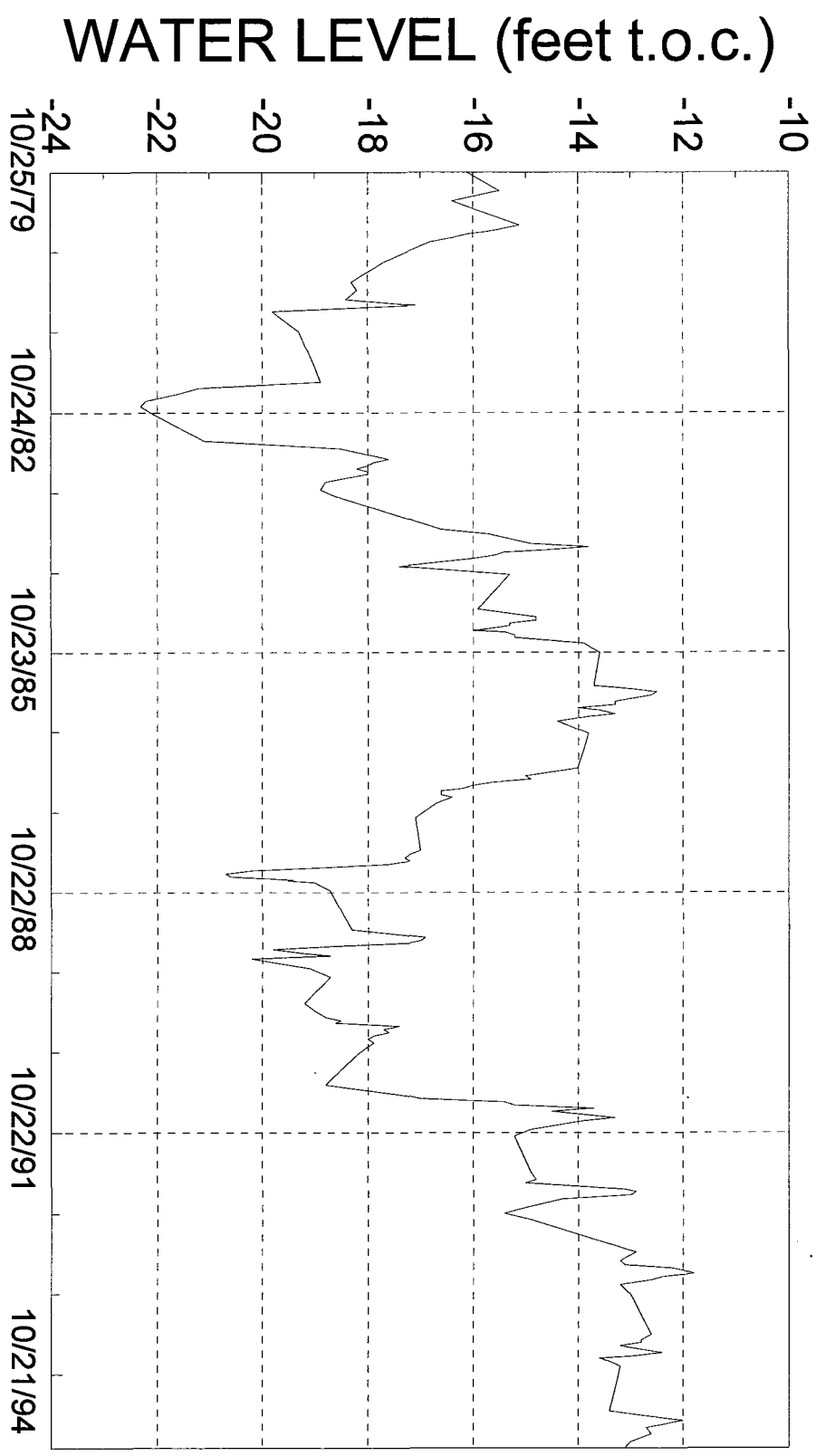
BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Records for Grant County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

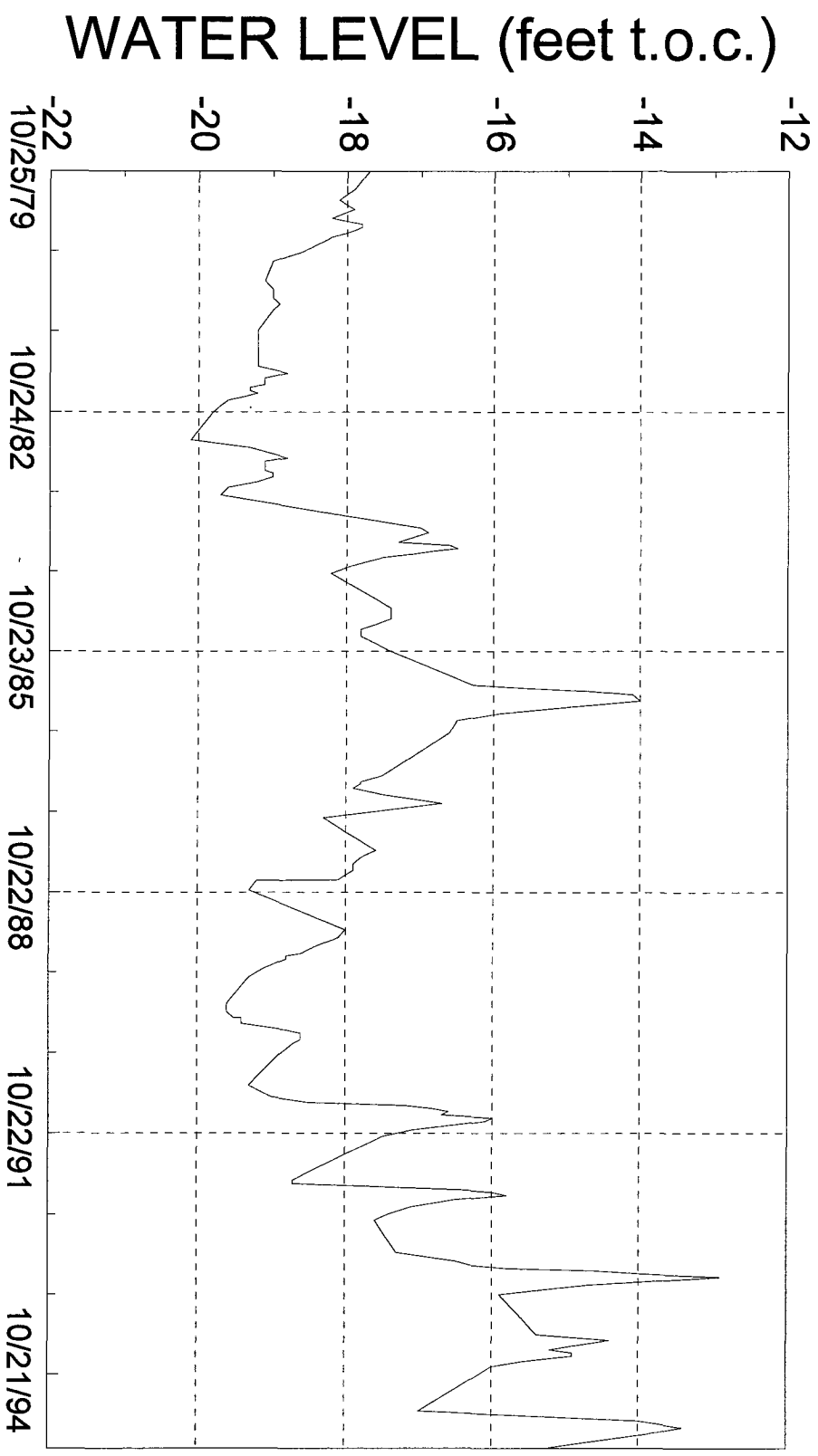
WATER RIGHTS OBSERVATION WELL

GT-79G



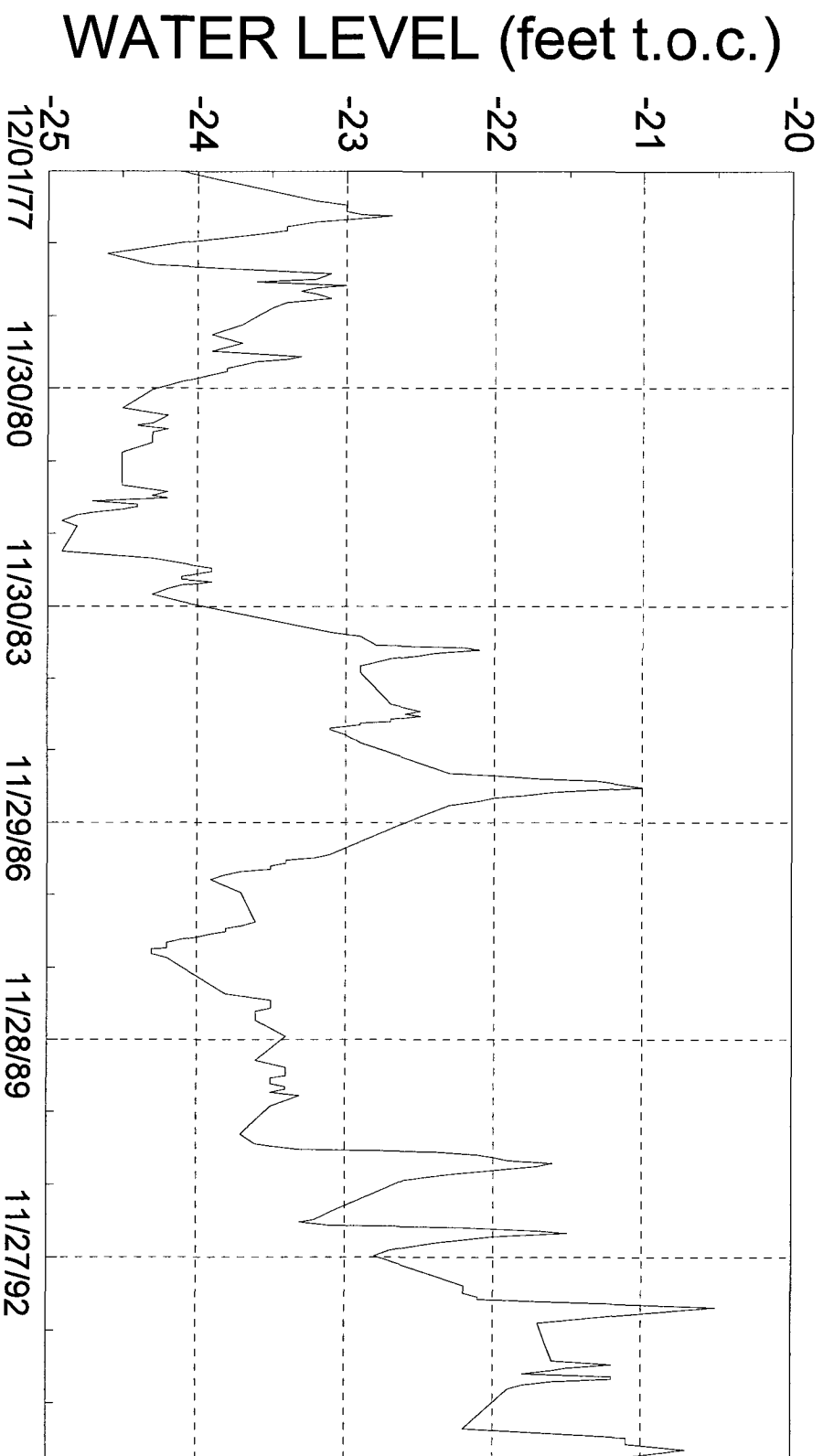
WATER RIGHTS OBSERVATION WELL

GT-79F



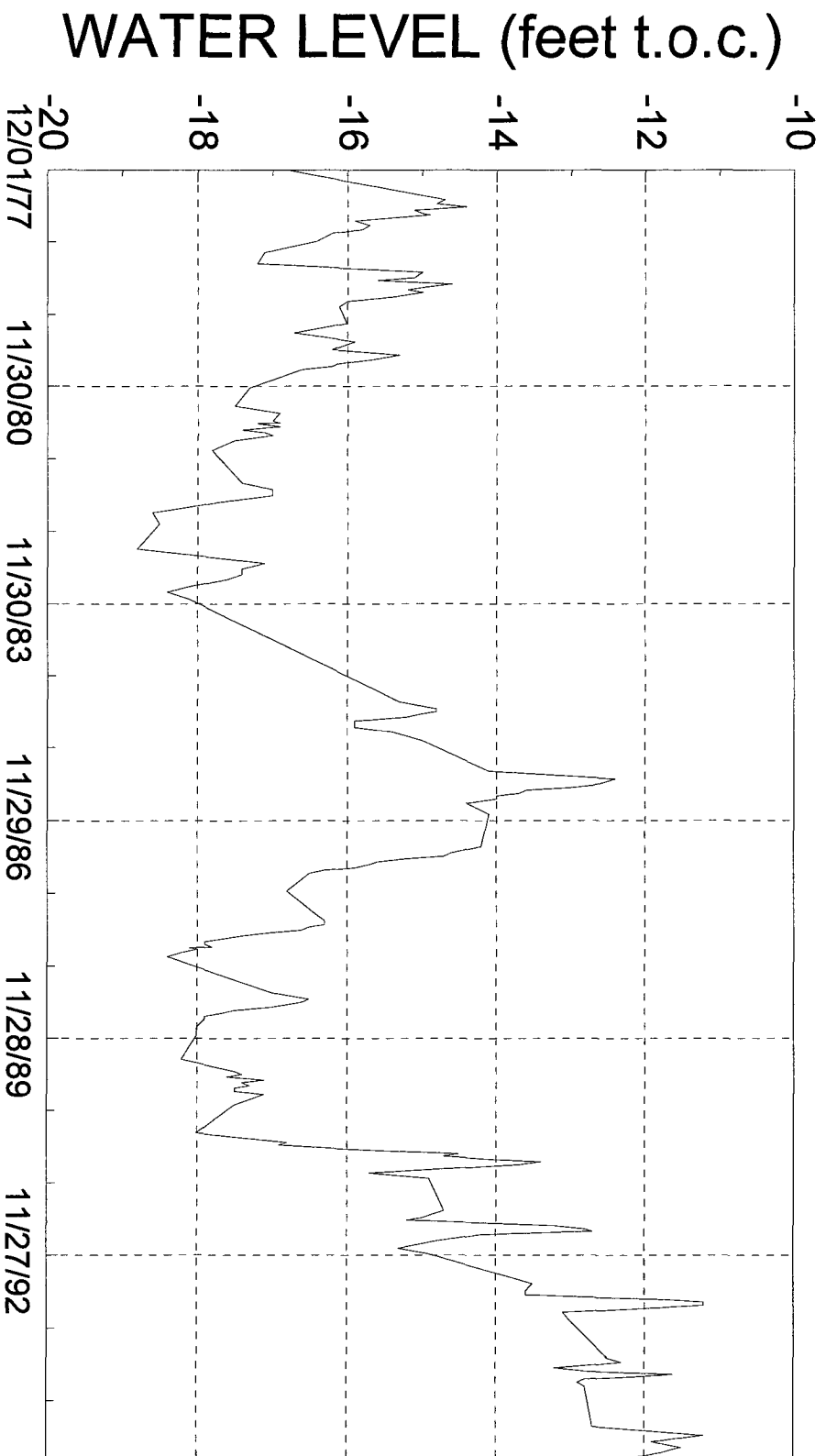
WATER RIGHTS OBSERVATION WELL

GT-77Q



WATER RIGHTS OBSERVATION WELL

GT-77P



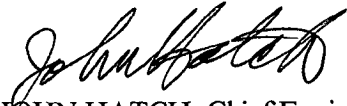
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5918-3, Schneck Farms Dairy, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5918-3, Schneck Farms Dairy, %Alan Schneck, RR 1, Box 37, Milbank, SD 57252.

The Chief Engineer is recommending APPROVAL of Application No. 5918-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is subject to review and approval of the plans and specification for the animal waste management system by the Division of Environmental Services prior to construction.
3. The facility shall be designed so that surface runoff from the surrounding drainage area is routed around the confinement lot area.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that 1) prevents discharge of runoff from the disposal sites and 2) prevents disposal site runoff water from entering the waters of the State.
5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 1/16 inches per day. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
6. Permit No. 5918-3 is subject to compliance with the following applicable Water Management Board rules:
 - a. Chapter 74:03:15 Ground Water Quality Standards,
 - b. Chapter 74:03:16 Ground Water Discharge Permit,
 - c. Chapter 74:03:02 Surface Water Quality Standards,
 - d. Chapter 74:03:04 Uses Assigned to Streams, and
 - e. Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 26, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

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

March 28, 1996

Schneck Farms Dairy, Inc.
%Alan Schneck
RR 1, Box 37
Milbank, SD 57252

Dear Mr. Schneck:

Water Permit Application No. 5918-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant County Review printed at Milbank, SD (Ph # (605) 432-4516). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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.

c: Donald R. Larson, P.E., Larson Engineering, 102 South Dakota Street, Milbank, SD 57252



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 28, 1996

Grant County Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5918-3 to be published twice. Please publish the first notice on April 3, 1996, with the second publication 7 days later.

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 Schneck Farms Dairy, Inc., %Alan Schneck, RR 1, Box 37, Milbank, SD 57252 (Ph # (605) 432-5000).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 3, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5918-3 to Appropriate Water

Notice is given that Schneck Farms Dairy, Inc., %Alan Schneck, RR 1, Box 37, Milbank, SD 57252 has filed an application for a water permit to appropriate 0.37 cubic feet of water per second (165 gallons per minute) from three wells (Veblen Aquifer) 85,90 and 100 feet deep located in the SE 1/4 SE 1/4 Section 27-T120N-R48W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5918-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 April 22, 1996. 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.

The Water Management Board will consider this application at 10:00 a.m., May 1, 1996, Education Center Room - Third Floor, First Dakota National Bank, 225 Cedar Street, Yankton, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 1, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Grant) SS

I, Clarence Justice

certify that the attached printed Notice was

taken from the _____

Grant County Review

printed and published in Milbank

County of Grant

South Dakota. The notice was put
the newspaper on the following two

April 3, 1996

April 10, 1996

Cost of Printing: 51.76

Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

April 3

April 10



(Signature)

Foreman

(Title)

April 10, 1996

(Date Signed)

NOTICE OF HEARING On Application No. 5918-3 to Appropriate Water

Notice is given that Schneck Farms Dairy, Inc., %Alan Schneck, RR 1, Box 37, Milbank, SD 57252 has filed an application for a water permit to appropriate 0.37 cubic feet of water per second (165 gallons per minute) from three wells (Veblen Aquifer) 85,90 and 100 feet deep located in the SE 1/4 SE 1/4 Section 27-T120N-R48W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5918-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 April 22, 1996. 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.

The Water Management Board will consider this application at 10:00 a.m., May 1, 1996, Education Center Room - Third Floor, First Dakota National Bank, 225 Cedar Street, Yankton, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 1, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 29, 1996

Darla Johanson
RR 1 Box 96
Corona, SD 57227

Dear Ms. Johanson:

At the request of Frank James, I am sending you a copy of the application, report and recommendation for Water Permit Application No. 5918-3, Schneck Farms Dairy.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

JUN 27 1996

Schneck Farms Dairy, Inc.
Alan Schneck, President
RR 1, Box 37
Milbank, SD 57252

Dear Mr. Schneck:

Enclosed is Water Permit No. 5918-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 26, 2005

5918-3

Kevin Souza, Mgr
Victory Farms
48176 153rd St
Milbank SD 57252

Dear Mr. Souza:

On July 20, 2005 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5918-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license.

The water permit is currently listed in the name of Schneck Farms. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please complete the form and sign in the area provided. A filing fee of \$2.50 is required for filing an ownership change.

The total due for licensing and transfer is **\$52.50**. The check or money order for the fee can be made payable to the Water Rights Program.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system, the transfer of ownership or payment of the fees, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5918-3

Date: 8-16-05

I/We request that Water Permit No. 5918-3

formerly owned by: Schneck Farms

be transferred to: (name & address) Victory Farms
48176 453rd St
milbank, SD 57252 Telephone No. _____

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

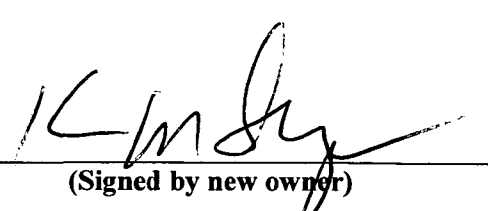
Diversion points: three wells located in the SE ¼ SE ¼ Section 27, T120N, R48W

I/We understand that the validity of Water Permit No. 5918-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Victory Farms, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIVED
AUG 18 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 18, 20 05

RECEIVED OF Victory Farms, 48176 153rd St., Milbank SD 57252

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5918-3</u>	50	00
Fee for Filing Transfer Form <u>5918-3</u>	2	50
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	52.50

No. 004872

By Darlene Ables
Chief Engineer grm

Permit No. 5918-3
Minnesota-Whetstone - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 07/20/05, made a thorough examination of the water use system constructed by Schneck Farms (Now owned by Victory Farms) of 48176 153rd St., Milbank, SD 57252 holder of Permit No. 5918-3, bearing the priority of 03/19/96 authorizing the diversion of 0.37 cu. ft. per second of the waters of Veblen Aquifer for Commercial purposes, in Grant County.

Inspection contact & relationship **Kevin Souza (Manager)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lee Well Drilling
- 2) No. of Wells 3
- 3) Depth(s) Well 1 85 ft, Well 2 95 ft, Well 3 106 ft
- 4) Well log is available Y
- 5) Comment **All three wells have the same pumps, motors and model numbers, casing diameter, screen diameter, screen length and static water levels.**

Casing:

- 1) Diameter 5 inches
- 2) Length Well 1 65 ft, Well 2 70 ft, Well 3 80 feet
- 3) Type Plastic PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 23 feet

Pump:

- 1) Make Sta-Rite
- 2) Model L50P4JH-03
- 3) Capacity 50 GPM

Motor:

- 1) Make Franklin
- 2) Model No. S/N 01B18203715
- 3) Horsepower rating 5 hp

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: NONE

The system is in good condition with the point(s) of diversion located as follows: Well 1 (214 ft North and 950 ft West of the SE1/4 corner, N 45.16565, W 96.562383), Well 2 (202 ft North and 903 ft West of the SE1/4 corner, N 45.1656, W 96.562233), Well 3 (273 ft North and 685 ft West of the SE1/4 corner, N 45.165817, W 96.5614), all in SEC. 27-T120N-R48W.

The works are capable of diverting and conveying to the place of use 0.33 cu. ft. per second of water which is to be used for Commercial Use. Water has been put to beneficial use to the maximum extent as follows:

The license should be issued for 0.33 cfs.

All structures, wells and lands on map Y

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



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: July 26, 2005

Schneck Farms Dairy, Inc.
RR1 Box 37
Milbank, SD-Grant County
Water Permit No. 5918-3

3 mi to Hwy 77

4 mi to Hwy 12



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
07/26/05



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5918-3

(1) Schneck Farms made Application No. 5918-3, March 19, 1996 for a water permit to divert 0.37 cubic feet of water per second from ground water (three wells – Veblen Aquifer), Grant County, South Dakota for commercial purposes in the operation of a dairy. Permit No. 5918-3, with a priority date of March 19, 1996 was approved May 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 2001 and for the application to beneficial use of water on or before May 1, 2005.

On August 18, 2005, Water Permit No. 5918-3 was transferred from Schneck Farms to Victory Farms, 48176 153rd St, Milbank SD 57252.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Victory Farms, 48176 153rd St, Milbank SD 57252 the holder and/or owner of Water Right No. 5918-3 is issued a license, bearing a priority date of March 19, 1996 to appropriate 0.33 cubic feet of water per second from ground water (three wells – Veblen Aquifer) for commercial use in a dairy operation.

The diversion points are located:

- Well #1 – 214 feet north and 950 feet west of the SE corner (SE ¼ SE ¼) Section 27, T120N, R48W;
- Well #2 – 202 feet north and 903 feet west of the SE corner (SE ¼ SE ¼) Section 27, T120N, R48W;
- Well #3 – 273 feet north and 685 feet west of the SE corner (SE ¼ SE ¼) Section 27, T120N, R48W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5918-3 including the following qualifications (*the wells and facility have been completed*):

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is subject to review and approval of the plans and specifications for the animal waste management system by the Division of Environmental Services prior to construction.
3. The facility shall be designed so that surface runoff from the surrounding drainage area is routed around the confinement lot area.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that 1) prevents discharge of runoff from the disposal sites and 2) prevents disposal site runoff water from entering waters of the state.

continued

5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 1/16 inches per day. Compaction of the soils with the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
6. Permit No. 5918-3 is subject to compliance with the following applicable Water Management Board rules:
 - a: Chapter 74:03:15, Ground Water Quality Standards;
 - b: Chapter 74:03:16, Ground Water Discharge Standards;
 - c: Chapter 74:03:02, Surface Water Quality Standards;
 - d: Chapter 74:03:04, Uses Assigned to Streams, and
 - e: Chapter 74:03:17 through 74:03:26, Surface Water Discharge Provisions.



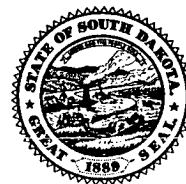
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 30 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 30 2005

5918-3

Kevin Souza Mgr
Victory Farms
48176 153rd St
Milbank SD 57252

Dear Mr. Souza:

Enclosed is Water License No. 5918-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is Receipt No. 001933 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and the transfer of ownership.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5918-3, 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,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2005

5918-3

Victory Farms
48176 153rd St
Milbank SD 57252

Dear Sirs:

Recently you should have received your Water License No. 5918-3. Typically when sending out the license, we include a copy of the map prepared by the staff engineer who conducted the field investigation. We realized after sending the license that the map had been omitted.

Enclosed is the map prepared as part of water license. You may keep this for your records.

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

enclosure

Nov 09 11 04:18p Kranz Well And Excavation 6054326000

P.2

5918-3

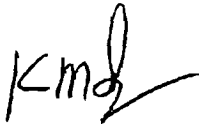
VICTORY FARMS
48176 153rd STR
MILBANK, SD 57252

To: Eric Gronlund, Water Rights
From: Kevin Souza, Mgr

Nov 9, 2011

Victory Farms Inc. would like permission from the South Dakota Water Rights Division to seal 2 existing, working wells and to drill 2 new wells due to expansion of our dairy parlor. Drilling and sealing will be done by Kranz Well & Excavation, Milbank, SD. License # 598.

Thank you,



Kevin Souza, mgr

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NOV 14 2011

WATER RIGHTS
PROGRAM

Schneck Farms Dairy, Inc.
RR1 Box 37
Milbank, SD-Grant County
Water Permit No. 5918-3

3 mi to Hwy 77

4 mi to Hwy 12



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
07/26/05



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

RECEIVED
NOV 09 2011
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name of Applicant Victory Farms LLC. Phone _____
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 48176 153rd st Milbank SD 57252
(Address) (City) (State) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Grant
1
- County or counties where water will be used Grant
- Annual period during which water is to be used all year
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
capping 3 wells and moving 2 wells for purpose of Building a new Barn

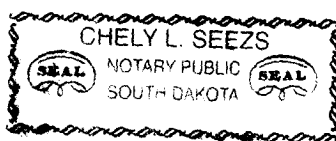
STATE OF SOUTH DAKOTA)
County of Grant) SS

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, Kevin Sauer Victory Farms 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 K Sauer

Subscribed and sworn to before me this 8 day of November 20 11



Notary Public signature Chely L. Seezs

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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 _____

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 _____

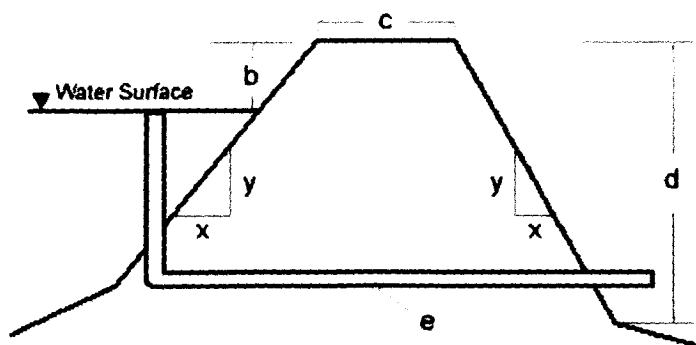
3. Dugout Information

- 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



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NOV 14 2011

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2011

Victory Farms LLC
Kevin Souza
48176 153rd St
Milbank SD 57252

Dear Mr. Souza:

Thank you for submitting the *Application for a Permit to Appropriate Water* to change the location of the wells authorized by Water Right No. 5918-3.

- Enclosed is an aerial photo map showing the location of the 3 existing wells. On this map, please mark with an "X" the proposed locations for the two new wells.
- The 3 existing wells are 85, 95 and 106 feet deep (Veblen Formation). Will the two new wells be approximately the same depth? *yes*
- Also, the existing permit authorizes 0.33 cubic feet of water per second (approximately 150 gallons per minute). Will you be using any additional water beyond the 150 gallons per minute? *NO*

If you have any questions, please contact me.

Sincerely,

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

enclosure

Approval of a Change of Diversion Point

NAME: Victory Farms, LLC

ADDRESS: 48176 153rd Street, Milbank SD 57252

DATE: November 18, 2011 **COUNTY:** Grant **TELEPHONE:**

BACKGROUND:

Water Right No. 5918-3 appropriates 0.33 cubic feet of water per second from three wells completed into the Veblen Aquifer and located in the SE ¼ SE ¼ Section 27, T120N, R48W. The water is used in a dairy operation

Kevin Souza with Victory Farms filed an application to change the location of the three wells authorized by Water Right No. 5918-3. The change is needed to accommodate building a new barn. The existing wells are within the footprint of the new barn location. The proposed plan is to replace the three wells with two wells located approximately 250 feet southwest of the existing wells.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 5918-3 is the Veblen Aquifer. The new wells will be approximately the same depth as the present wells and therefore also in the Veblen Aquifer.

No additional appropriation of water is requested or authorized by this action.

- **Review of Existing Diversions**

The nearest water right in the area is held by Riverview LLP approximately 1.3 miles the west in the N ½ NE ¼ Section 33, T120N, R48W. This proposed change moves the wells approximately 250 feet closer to Riverview's wells. Given the distance and minor change in proximity, interference should not increase.

The nearest domestic well in the area on file is located in the quarter section to the east in SW ¼ Section 26. It was drilled in 1986. The proposed change moves the wells slightly farther away.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The well is to be completed into the Veblen Aquifer.
- Interference is not expected to be a concern for water rights held by others.
- Existing domestic wells should not be adversely impacted by authorizing this change.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion points be authorized under Water Right No. 5918-3.



Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion points does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

Water Rights Program

Requeust for change of well location for Water Right No. 5918-3





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 22, 2011

Victory Farms LLC
Kevin Souza
48176 153rd Street
Milbank SD 57252

Dear Mr. Souza

Victory Farms has filed a request to change the location of wells authorized by Water Right No. 5918-3. This accommodates construction of a new barn at the location of the existing wells. Two wells will be constructed to replace the existing three wells.

Water Right No. 5918-3 appropriates 0.33 cubic feet of water per second from three wells completed into the Veblen Aquifer and located in the SE ¼ SE ¼ Section 27, T120N, R48W. The water is used in a dairy operation.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well locations is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 0.33 cfs (150 gpm) from the Veblen Aquifer is authorized. If the total diversion rate increases or the wells are developed into another aquifer, a new water right permit will need to be obtained.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

East well

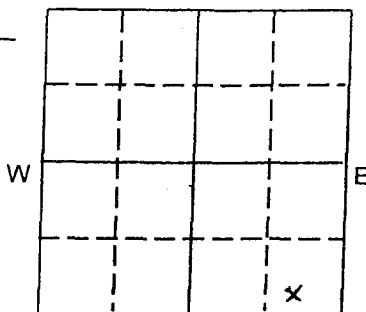
5918-3

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27 Twp 120 N Rg 48WCounty
Grant

North

Please mark well
location with an "X"

1 Mile

Well completion Date

Jan 10, 2012

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

? 175 ft. from Compost barn (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
<u>5</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>77</u> FT	<u>8 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>7</u>	<u>Lb/gal</u>	<u>77</u> Ft	<u>20</u> Ft
<u>Neat cement</u>	<u>1</u>	<u>Lb/gal</u>	<u>20</u> Ft	<u>0</u> Ft

Describe grouting procedure

Tremmie line from bottom to top

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial Stainless steelSlot Size .020 Set From 77 Feet to 87 FeetOther information .018 87 97

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? Lig. Bleach
☐ No, Why Not?
Lab sample sent to for
water quality analysisD Public Health

Well Owner:

Victory Farms

Business Name:

Address1:

48176 153rd Str

Address2:

City, State, Zip:

Milbank SD 57252

WELL LOG:

DEPTH

FORMATION

FROM

TO

Topsoil03Yellow clay326Blue clay2670Coarse sand7087Fine sand8793

STATIC WATER LEVEL

22

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:

Air lifted 100 gpm
☐ 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

JAN 13 2012

WATER RIGHTS
PROGRAM

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excav.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-29-2011

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

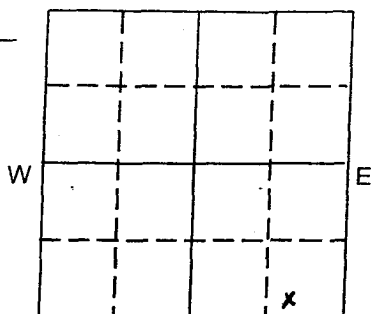
West well

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 27 Twp 120 N Rg 48 WCounty
Grant

North

Please mark well
location with an "X"

1 Mile

Well completion Date

Jan 10, 2012

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

155 ft. from Compost barn (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
<u>sdr 21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>77</u> FT	<u>8 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>7</u>	Lb/gal	<u>77</u> Ft	<u>20</u> Ft
<u>Neat cement</u>	<u>1</u>	Lb/gal	<u>20</u> Ft	<u>0</u> Ft

Describe grouting procedure tremmie line from bottom up

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial stainless steelSlot Size .020 Set From 77 Feet to 87 Feet

Other information

.018 87' to 97'

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? Liq. Bleach
☐ No, Why Not?
Lab sample sent to for
water quality analysisSD Public Health

Well Owner:

Victory Farms

Business Name:

Address1:

48176 153rd Str

Address2:

City, State, Zip:

Milbank SD 57252

WELL LOG:

DEPTH

FORMATION

FROM

TO

Dark topsoil03Yellow clay325Blue clay2565Coarse sand6585Blue clay8590

STATIC WATER LEVEL

22

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:

Air lifted 100 gpm
☐ 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

JAN 13 2012

WATER RIGHTS
PROGRAM

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excav.

Signature of License Representative:

Charles Kranz

Signature of Well Owner or Equitable Property Holder:

Date:

12-29-2011

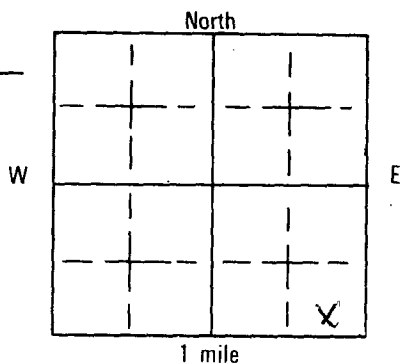
Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SE 1/4 SE 1/4 Sec 27 Twp 120 Rg 48 WCounty Grant

Please mark well location with an "X"

Middle well
well #2

Well Owner:

Name Victory FarmsAddress 48176 153 StrMilbank SD 57252Plugging completion Date 1-9-2012

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

90

Casing material

pvc

Casing size(s)

5

Casing condition

good

Hole depth

Hole size

RECEIVED

JAN 13 2012

WATER RIGHTS
PROGRAM

Describe plugging procedure:

tremmie line from bottom up

Describe grout or plugging material:

6 bags bentonite + 1 bag portland

Type of non-slip plug:

This well or test hole was plugged under license #

598

And this report is true and accurate.

Drilling firm

Kranz Well & Equip.

Signature of Licensed Representative

Charles Kranz

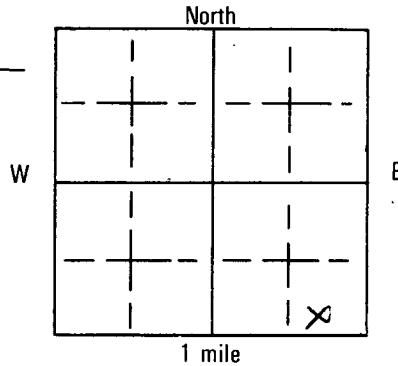
Signature of Well Owner

Date

1-12-2012

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SE 1/4 SE 1/4 Sec 27 Twp 120N Rg 48WCounty GrantPlease mark well
location with
an "X"well #1
west well

Well Owner: .

Name Victory FarmsAddress 48176 153 Str.Milbank SD 57252Plugging completion Date 1-9-2012

CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐Well depth 85Casing material pvcCasing size(s) 5"Casing condition good

Hole depth _____

Hole size _____

RECEIVED
JAN 13 2012
WATER RIGHTS
PROGRAM

Describe plugging procedure: tremmie line from bottom upDescribe grout or plugging material: 6 bags bentonite + 1 bag portland

Type of non-slip plug: _____

This well or test hole was plugged under license # 598 And this report is true and accurate.Drilling firm Kranz Well + ExcavSignature of Licensed Representative Charles Kranz

Signature of Well Owner _____

Date 1-12-2012