

WATER PERMIT NO. 6041A-3

Name of Applicant: AgStar Financial Services

Address: 24050 393rd Ave, Letcher SD Phone: 507 344-5048

Amount of Water Claimed: 0.33 cfs (no add'l) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Aurora

Type of Waste Disposal System:

Location: 15 miles northeast of Plankinton

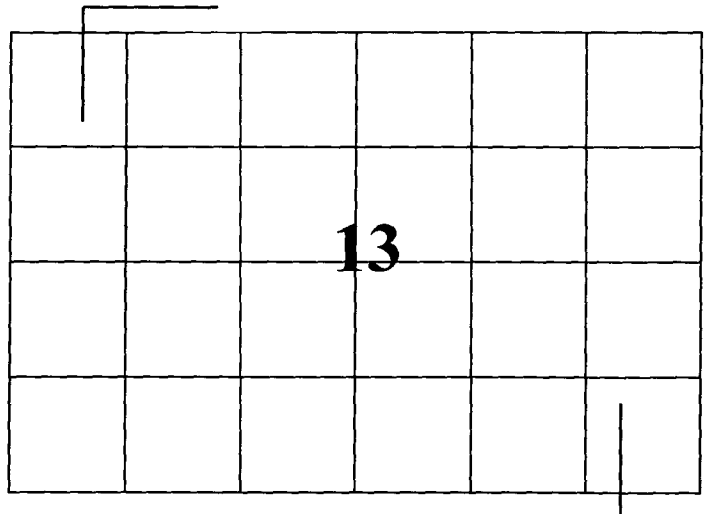
PRIORITY Date Received: 2-18-03 Application/License Fee: \$50

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Extension of time request

Diversion Point: SW ¼ NW ¼ Sec 13-T105N-
R63W

Land to be Irrigated: NA



Depth of Well: 200 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map: NA

Prepared by: NA

Reviewed and the Number Assigned on: 3-4-03

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6041A-3

Date of first receipt of application February 18, 2003.

Date of receipt of corrected application February 24, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6041A-3 to AgStar Financial Services, 24050 393rd Ave, Letcher SD 57359 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. 6041A-3 extends the length of time allowed to complete construction of works as authorized by Water Permit No. 6041-3. Water Permit No. 6041-3 appropriates 0.333 cubic feet of water per second from three wells (Codell Aquifer) 200 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13-T105N-R63W. At this time only two of the wells have been constructed.
2. The water appropriated shall be used for the purpose of commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6041A-3 is May 12, 2003.
5. The date from which applicant may claim right is January 22, 1998 (established by No. 6041-3).
6. All construction is to be completed on or before February 25, 2007.
7. Water is to be put to beneficial use on or before February 25, 2007.
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. The wells authorized by Permit Nos. 6041-3 and 6041A-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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit Nos. 6041-3 and 6041A-3 are subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

4. Permit Nos. 6041-3 and 6041A-3 are subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JUN 13 2003

date



SD EForm - 1585 V1
FORM 2: Application for uses other than irrigation
(Type or print)

RECEIVED

FEB 18 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6041A-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>South Dakota Mail, Plankinton</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: (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. 6041-3

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

Request for an extension of time to complete construction pursuant to SDCL 46-5-26. The third well has not been constructed due to delays which could not have been anticipated and legal matters

- Name of Applicant AgStar Financial Services Phone 507-344-5048
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 24050 393rd Ave., Letcher State SD 57359
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.330 *CFS or 150 **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 groundwater (Codell Aquifer)
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Aurora
 two existing well and the one yet to be constructed are located in the SW 1/4 NW 1/4 Section 13, T105N. R63W
- County or counties where water will be used Aurora
- Annual period during which water is to be used January 1 - 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)

No increase in the diversion rate is requested by this extension. The third well has not been constructed. This is due to that fact that after construction a winter snow storm collapsed one of the barns that then need to be rebuilt. In addition, the facility has been in court regarding obtaining county authorization to build the second barn. And finally, the sale of the facility is pending.

STATE OF ~~SOUTH DAKOTA~~ MINNESOTA
 County of Blue Earth

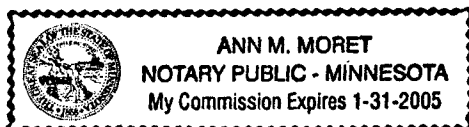
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Rick D. Kjolsing for AgStar Financial Services, 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 Rick D. Kjolsing for AgStar Fin. Services

Subscribed and sworn to before me this 14th day of Feb 20 03

Ann M. Moret
 Notary Public signature





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2003

Keith Thompson
Thompson Farms Ltd.
39313 240th Street
Letcher SD 57359

Dear Mr. Thompson:

As we spoke about on the phone, enclosed is a partially completed application to file for an extension of time to complete construction under Water Permit No. 6041-3. Please review this carefully and complete Item No. 1 (name of applicant) and submit with a \$50 application filing fee.

I have made the assumption that the 3rd well will still be constructed in the SW ¼ NW ¼ of Section 13, T105N, R63W.

Also note that I have tried to provide the justification for the extension of time under Item No. 7. I based this on the notes I took last summer when I met with you. If any of this is incorrect or a misrepresentation, I have included a blank form for you to complete. In order to qualify for an extension of time the application must be submitted prior to February 25, 2003.

Finally, at the time the sale of the property is final, a transfer of ownership will need to be completed by the new owner.

If you have any questions, please let me know.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure



| agstar.com

RECEIVED
FEB 18 2003
WATER RIGHTS
PROGRAM

February 14, 2003

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

Dear Mr. Gronlund:

Enclosed you will find the signed and notarized original Application for the SoDak Dairy in Letcher, South Dakota.

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

Sincerely,


Rick D. Kjolsing
Sr Lending Services Executive

Enc.

1921 Premier Drive | P.O. Box 4249 | Mankato, MN 56002-4249
(507) 387-4174 | (800) 598-5502 | Fax: (507) 387-4177

Equal Opportunity Employer

Thompson Farms. Ltd

39313 240th Street

Letcher, SD 57359

Voice (605)248-2550

Fax (605)248-2550

RECEIVED

FEB 24 2003

WATER RIGHTS
PROGRAM

February 21, 2003

Eric Gronlund
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Eric:

I am enclosing a check for \$50.00 to cover the cost of the Amendment to Permit No. 6041-3. I will have AgStar Farm Credit send you the original copy of the application which they signed and notarized.

If I can be of any further help, let me know.

Thank you.

Sincerely,



Keith Thompson
Thompson Farms, Ltd.
39313 240th Street
Letcher, SD 57359

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 24, 20 02

RECEIVED OF Dakota Precast Inc., 24550 353rd ave., Bletcher SD 57350

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 _____		
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. 000000

By Darlene S. White

Chief Engineer gm

REPORT ON WATER PERMIT APPLICATION NO. 6041A-3
For AgStar Financial Services
April 1, 2003

Application No. 6041A-3 proposes to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit No. 6041-3. Water Permit No 6041-3 appropriates 0.333 cfs (150 gpm) from three wells approximately 200 feet deep located in the SW ¼ NW ¼ of section 13, T105N 63W in Aurora County. The water is for commercial use in a dairy operation and at this time only two of the wells have been constructed.

Water Permit No. 6141-3 was approved February 25, 1998 and the proposed project was to be completed by February 25, 2003, with water being put to beneficial use by February 25, 2007. Application No. 6041A-3 is to extend the length of time allowed to construct from February 25, 2003 to February 25, 2007. The time to place to beneficial use will remain February 25, 2007. This application, if approved, will retain the January 22, 1998 priority date assigned to Water Permit No. 6041-3.

Application No. 6041A-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This request for an extension of time is based on the collapse and reconstruction of one of the barns due to a winter snow storm, court litigation regarding county authorization to reconstruct and the pending sale of the facility.

AQUIFER – CODELL (CDLL)

The Codell is a buried bedrock aquifer which is under artesian conditions at this site. The aquifer consists of gray, reddish brown, green, or black cemented, fine to medium sandstone, siltstone, and much soft, fine to medium sand and silty shale (Hamilton, 1985). Ground water movement is from southwest to northeast across northern Aurora County. The aquifer extends into Jerauld County to the north and into Sanborn County to the east and into Davison County to the southeast. The aquifer underlies 900 square miles and contains an estimated 6 million acre-feet of water in storage in Jerauld and Aurora Counties (Hamilton, 1985).

Two wells have been completed at this site. The log indicates Codell was encountered at a depth of 170 feet and extended to a depth of 200 feet below land surface. As completed one of the wells had a static water level of 30 feet below land surface and was capable of producing 60 gpm using air to develop. According to a partial inspection report each well has a pump installed which although larger has been reduced back to 37 gpm.

The Water Rights Program monitors two Codell observation wells AU-78G and SA-77A located about 4 miles southeast and 5.7 miles east of this site, respectively. Water levels

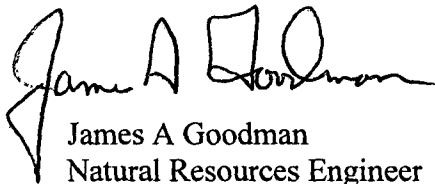
for these wells do not fluctuate much but do show the effects of climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for both of these observation wells are included with this report. In general, the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is only one existing Water Right No. 5598-3 located about three miles south of this application which obtains water from the Codell aquifer. Interference is not a concern. Drawdown will be created but this is not expected to be significant.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. Since development of this facility began, there have been no reported water availability problems in this area.
3. Interference is not a concern.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Any wells which are to be abandoned at this facility must be plugged according to SD Well Construction Standards.
6. This facility is permitted by the Department as a dairy operation under a Water Pollution Control Permit for concentrated animal feeding operations.



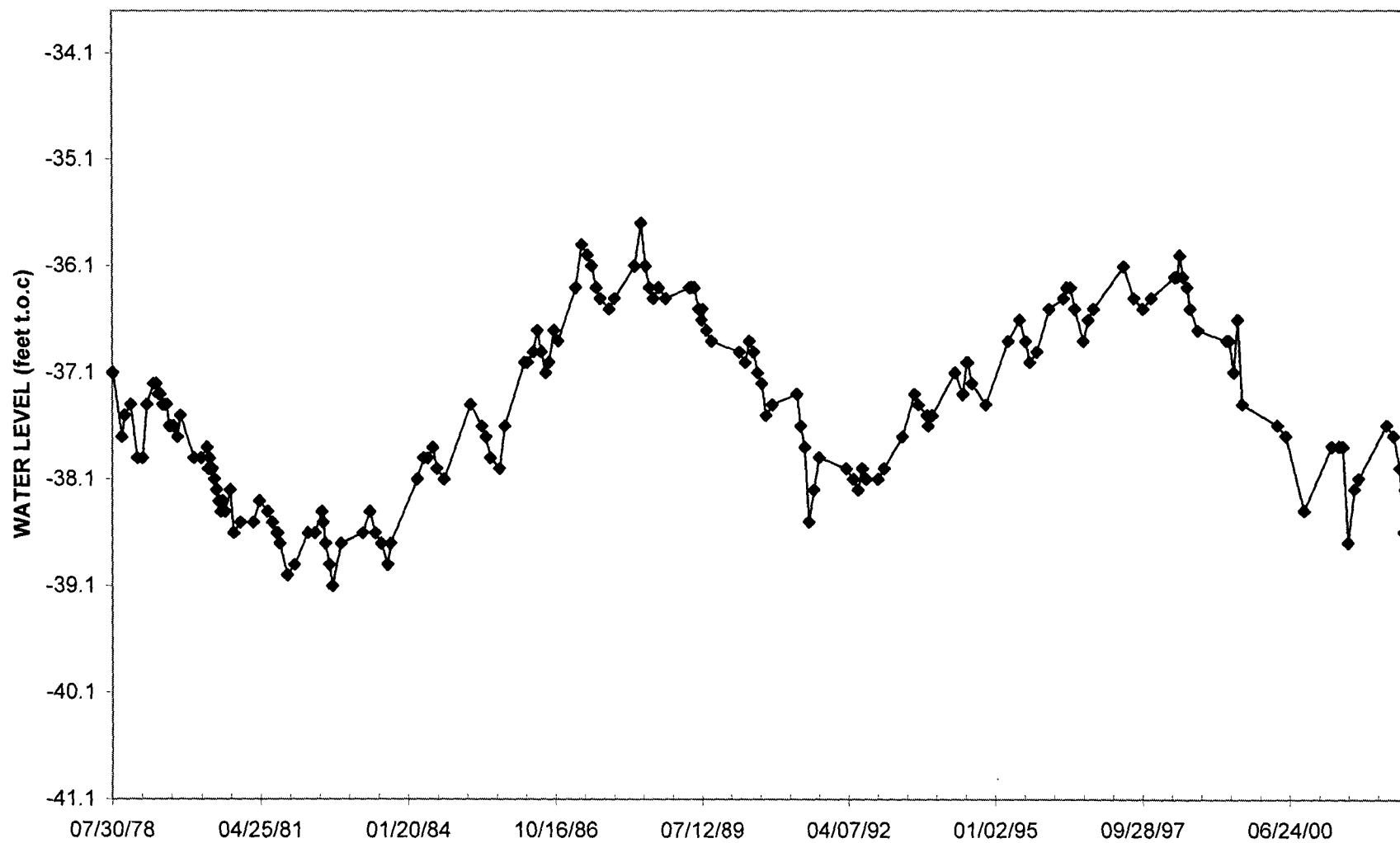
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

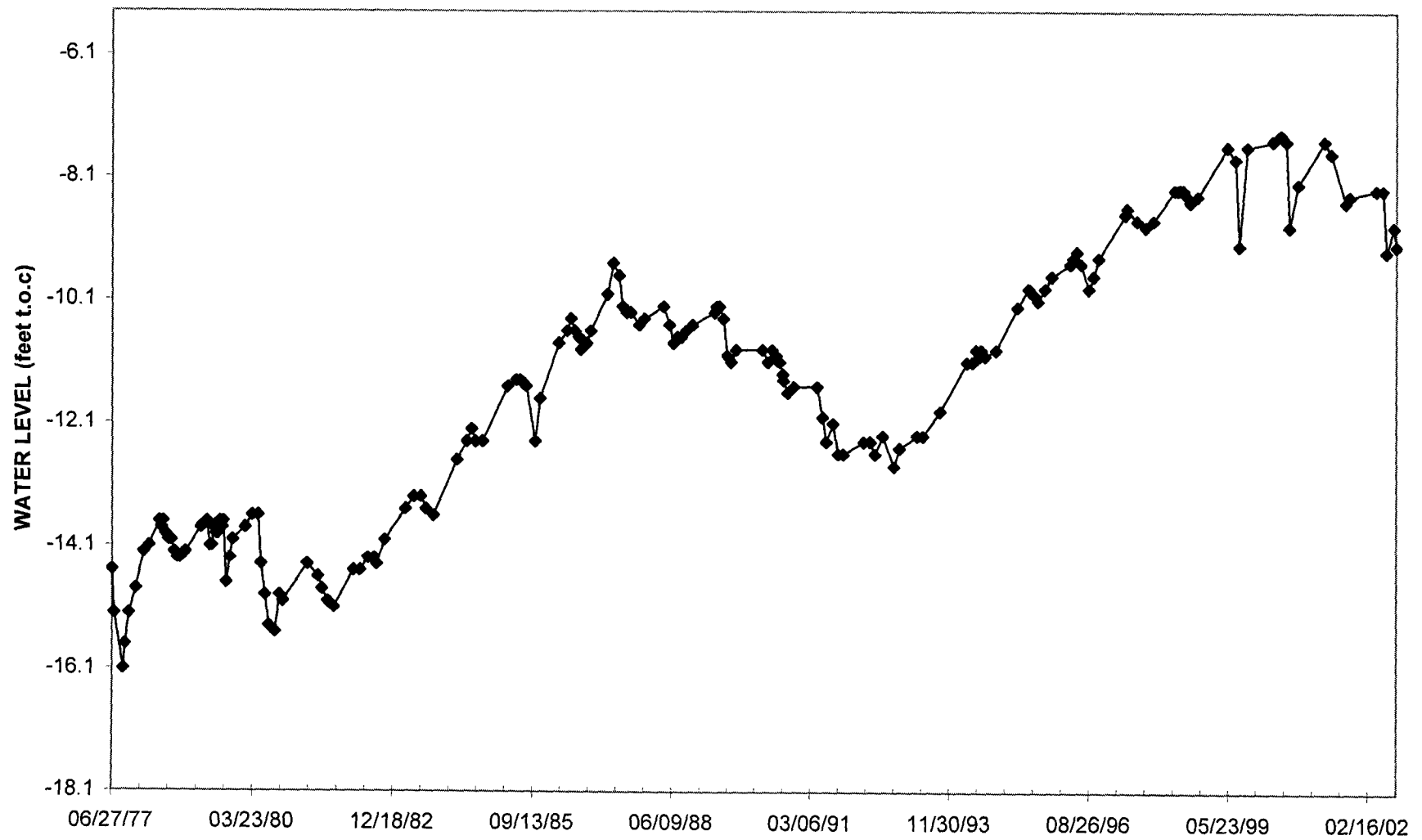
Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, WRI 84-4030, USGS, Huron, SD, 57350.

Water Rights, 2003, Unpublished Observation Well Data for the Codell Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
AU-78G**



**WATER RIGHTS' OBSERVATION WELL
SA-77A**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6041A-3, AgStar Financial Services**

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. 6041A-3, AgStar Financial Services, c/o Rick D. Kjolsing, 24050 393rd Avenue, Letcher SD 57359.

The Chief Engineer is recommending APPROVAL of Application No. 6041A-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 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. The wells authorized by Permit Nos. 6041-3 and 6041A-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) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit Nos. 6041-3 and 6041A-3 are subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit Nos. 6041-3 and 6041A-3 are subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 17, 2003

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

SS

COUNTY OF AURORA)

J.P. Studeny, Jr.

of said County and State, being first duly sworn, on his/her oath says:

THE SOUTH DAKOTA MAIL is a weekly newspaper of general circulation, printed and published in Plankinton, in Aurora County and State of South Dakota by John Paul Studeny, Jr. and Gayle A. Van Genderen and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said county of Aurora in the English language for more than fifty-two successive weeks next prior to the publication of the notice hereinafter mentioned, and has been printed during said period and at the present time, in whole or in part in an office maintained at the said place of publication; and that I, the undersigned, am

Publisher

of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts in this affidavit; that the advertisement headed

Notice of Application NO. 6041A-3
to Amend Water Permit No. 6041-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for two weeks; that said notice was published in the issues of said newspaper on the dates as follows, to-wit:

The first publication being made on April 24, 2003;
the second publication on May 1, 2003;
the third publication on _____, 20____;
the fourth publication on _____, 20____;
and subsequent publications on _____, 20____;

that \$ 60.31, the full amount of the fee charged for publication of the annexed notice, insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to be any person whomsoever.

[Signature]
subscribed and sworn to before me this 3rd

day of May, 2003

[Signature]
Notary Public, Aurora County ED

My Commission Expires _____

NOTICE OF APPLICATION NO. 6041A-3 to Amend Water Permit No. 6041-3

Notice is given that AgStar Financial Services, c/o Rick D Kjolsing, 24050 393rd Ave, Letcher SD 57359 has filed an application for a water permit to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit No. 6041-3. Water Permit No. 6041-3 appropriates 0.333 cubic feet of water per second from three wells (Codell Aquifer) 200 feet deep located in the SW 1/4 NW 1/4 Section 13-T105N-R63W for commercial use in a dairy operation. At this time only two of the wells have been constructed.

Permit No. 6041-3 was approved February 25, 1998 and the proposed project was to be completed by February 25, 2003, with water being put to beneficial use by February 25, 2007. Application No. 6041A-3 is to extend the length of time allowed to construct from February 25, 2003, to February 25, 2007. The time to place to beneficial use will remain February 25, 2007. This application, if approved, will retain the January 22, 1998 priority date assigned to Permit No. 6041-3.

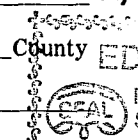
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RECEIVED

MAY 06 2003

WATER RIGHTS
PROGRAM

EDWIN C. FETT, Notary Public
Aurora County, South Dakota
My Commission Expires June 27, 2006



Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6041-3 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 the 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 the 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 May 12, 2003.

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.

Instruction to Newspaper - Publish first Notice on April 24, 2003 with the second page
applicant is responsible for payment.

*Amended
copy*

NOTICE OF APPLICATION NO. 6041A-3
to Amend Water Permit No. 6041-3

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Application No. 6041A-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This request for an extension of time is based on the collapse and reconstruction of one of the barns due to a winter snow storm, court litigation regarding county authorization to finish construction and the pending sale of the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6041-3 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 the 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 17, 2003

South Dakota Mail
PO Box 367
Plankinton SD 57368-0367

ATTENTION: Legal Public Notice

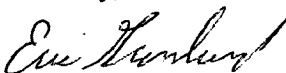
Enclosed is a Notice of Hearing on Application No. 6041A-3 to Appropriate Water to be published twice. Please publish the first notice on April 24, 2003 with the second publication 7 days later.

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 AgStar Financial Services, % Rick D Kjolsing, 24050 393rd Ave., Letcher SD 57359 (Ph # 507-344-5048).

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

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

No. 6041A-3

Date _____

We are in receipt of your letter of April 17, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6041A-3 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 24, 2003 with the second publication 7 days later. The applicant is responsible for payment.

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to Amend Water Permit No. 6041-3

Notice is given that AgStar Financial Services, c/o Rick D Kjolsing, 24050 393rd Ave, Letcher SD 57359 has filed an application for a water permit to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit No. 6041-3. Water Permit No. 6041-3 appropriates 0.333 cubic feet of water per second from three wells (Codell Aquifer) 200 feet deep located in the SW ¼ NW ¼ Section 13-T105N-R63W for commercial use in a dairy operation. At this time only two of the wells have been constructed.

Permit No. 6041-3 was approved February 25, 1998 and the proposed project was to be completed by February 25, 2003, with water being put to beneficial use by February 25, 2007. Application No. 6041A-3 is to extend the length of time allowed to construct from February 25, 2003, to February 25, 2007. The time to place to beneficial use will remain February 25, 2007. This application, if approved, will retain the January 22, 1998 priority date assigned to Permit No. 6041-3.

Application No. 6041A-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This request for an extension of time is based on the collapse and reconstruction of one of barns due to a winter snow storm, court litigation regarding county authorization to reconstruct and the pending sale of the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6041-3 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 the 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 the 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 May 12, 2003.

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

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

April 17, 2003

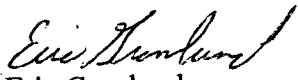
AgStar Financial Services
%Rick D Kjolsing
24050 393rd Ave
Letcher SD 57359

Dear Mr. Kjolsing:

Water Permit Application No. 6041A-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 South Dakota Mail printed at Plankinton, SD (Ph # 605-942-7770). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Keith Thompson, Thompson Farms, 39313 240th St., Letcher SD 57359

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

AgStar Financial Services
% Rick D Kjolsing
24050 393rd Ave
Letcher SD 57359

Dear Mr. Kjolsing:

Enclosed is Water Permit No. 6041A-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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 3, 2010

6041-3
6041A-3

Rick Kjolsing
AgStar Financial Services
1921 Premier Dr
Mankato MN 56002

Dear Mr. Kjolsing:

I am writing in follow up to our phone conversation of September 2nd concerning Water Permit Nos. 6041-3 (Thompson Farms) and 6041A-3 (AgStar Financial Services).

The project was inspected for licensing purposes in the summer of 2008. The only thing that needs to be done prior to the license being issued is to update the ownership. Once both permits are transferred, they will be incorporated into one license.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. They will need to be completed; signed by the new owner (or a representative) and returned to our office with a required filing fee of \$50.00 each **(total of \$100)**. The check or money order for the fee can be made payable to the Water Rights Program. I am enclosing a postage paid envelope for use in returning the completed forms and fee to our office.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 2, 2009

No. 6041-3
6041A-3

Rick Kjolsing
1921 Premier Dr.
Mankato MN 56002

Dear Mr. Kjolsing:

Enclosed are partially completed "Notice of Transfer" forms for filing an ownership change on Water Permit Nos. 6041-3 and 6041A-3. These permits authorize two wells for a commercial dairy facility located in the NW ¼ Section 13-T105N-R63W, Aurora County. The water permits are currently listed in the name of Thompson Farms Ltd and AgStar Financial Services.

The transfer forms should be completed, checked over for accuracy and **signed by the current owner**. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 9, 2011

6041-3
6041A-3

Rick Kjolsing
AgStar Financial Services
1921 Premier Dr
Mankato MN 56002

Dear Mr. Kjolsing:

I am writing in regard to Water Permit Nos. 6041-3 (Thompson Farms) and 6041A-3 (AgStar Financial Services). On September 3, 2010, I forwarded transfer forms to you for changing ownership of the water permits. To date, we have not received anything back from you.

The project was inspected for licensing purposes in the summer of 2008. The only thing that needs to be done prior to the license being issued is to update the ownership. Once both permits are transferred, they will be incorporated into one license.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. They will need to be completed; signed by the new owner (or a representative) and returned to our office with a required filing fee of \$50.00 each (**total of \$100**). The check or money order for the fee can be made payable to the Water Rights Program. I am enclosing a postage paid envelope for use in returning the completed forms and fee to our office.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

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

enclosures



RECEIVED
APR 11 2012
WATER RIGHTS
PROGRAM

C O P Y

April 10, 2012

Elizabeth A. Lewis
Elizabeth.Lewis@woodsfuller.com
Extension 673

Mr. Calvin Berwald
24050 393rd Avenue
Letcher, SD 57359

Re: Water Permits

Dear Calvin:

Genny McMath, a specialist in the water rights division at DENR, forwarded me the enclosed forms to transfer the ownership of two water permits for the dairy into your name. Will you please look over the enclosed forms, sign them, and return them to me in the enclosed envelope as soon as possible? I listed you as the new owner (rather than ChanceAlot Dairy) since you are the owner of record of the real estate.

Feel free to call me at (605) 336-3890 or Genny McMath at (605) 773-5455 if you have any questions.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Elizabeth A. Lewis

Enclosures

cc: Genny McMath (w/o enc)
Rick Kjosling (w/enc)



RECEIVED

MAY 04 2012

WATER RIGHTS
PROGRAM

May 3, 2012

Elizabeth A. Lewis
Elizabeth.Lewis@woodsfuller.com
Extension 673

Ms. Genny McMath
Water Rights Program
SD DENR
523 E. Capitol
Pierre, SD 57501

Re: Water Permit Transfers

Dear Genny:

Enclosed are the two signed Notices of Transfer of Ownership that you requested. Also enclosed is a check in the amount of \$150 to cover the inspection and licensing fees.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

A handwritten signature in cursive script that reads 'Elizabeth A. Lewis'.

Elizabeth A. Lewis

Enclosures

cc: Rick Kjolsing w/enc.

01166499.1

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 04 2012

WATER RIGHTS
PROGRAM

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

No. 6041A-3

Date:

4-12-12

I/We request that Water Permit No. 6041A-3

formerly owned by: AgStar Financial Services

be transferred to: (name & address) Calvin Berwald, 24050 393rd Avenue, Letcher, SD 57359

Telephone No. (605) 690-8099

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

Wells located in the SW ¼ NW ¼ Section 13, T105N, R63W

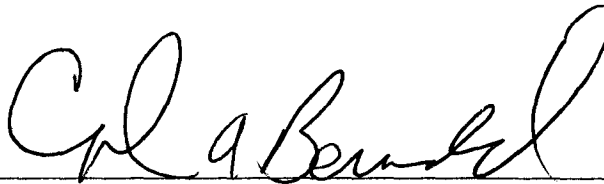
I/We understand that the validity of Water Permit No. 6041A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Calvin Berwald

, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/4, 20 12

RECEIVED OF Woods Fuller Schultz & Smith P C PO Box 5027 Sioux Falls SD 57117

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>6041A-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. 05433

By 
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/4, 20 12

RECEIVED OF Woods Fuller Schultz & Smith PC PO Box 5027 Sioux Falls SD 57117

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. <u>6041A-3</u>		
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. _____	50	00]
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 05432

By Harold Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 20 2012

6041-3
6041A-3

Calvin Berwald
24050 393rd Ave
Letcher SD 57359

Dear Mr. Berwald:

The transfer of ownership for Water Permit Nos. 6041-3 and 6041A-3 has been completed. The permits formerly listed in the names of Thompson Farms Ltd and AgStar Financial Services are now listed in your name. Once the transfers were completed, the permits were licensed and incorporated together. The receipts for the transfer and licensing fees will be directed to Woods, Fuller, Shultz & Smith PC.

Enclosed is Water License No. 6041A-3. This is the final water right document completing the 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 the owner of an existing well, such as the wells authorized by Water Right No. 6041A-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

c: Woods, Fuller, Shultz & Smith PC w/Receipt Nos. 05432, 05433 and 05434

Permit No. 6041-3 and 6041A-3**James River** - 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, **July 14, 2008**, made a thorough examination of the water use system constructed by **AgStar Financial Services** of **24050 393rd Ave., Letcher, SD 57359** holder of Permit No. **6041-3 and 6041A-3**, bearing the priority of **January 22, 1998** authorizing the diversion of **0.33** cu. ft. per second of the waters of the **Codell Aquifer** for **Commercial** purposes, in **Aurora** County.

Inspection contact & relationship
to permit holder, if applicable:

Rick Kjolsing (507) 344-5048**1921 Premier Dr.****Mankato, MN 56002****A. Works used to divert the water:****Well Information:**

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **200** feet
- 4) Well log is available **Y**
- 5) Comment: Both well logs are identical and only one GPS waypoint was taken since both wells are within a few feet of each other.

Casing:

- 1) Diameter **5** inches
- 2) Length **167** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **33** feet
- 3) Static water level **30** feet

Pump:

- 1) Make **(2) Goulds Submersibles**
- 2) Model **18GS1S412**
- 3) Size **1.5 hp**

Report of Examination of Works

Permit No. 6041-3 and 6041A-3

4) Capacity 18 GPM

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 NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2495 feet south and 120 feet east ^{of} the NW corner of Section 13-T105N-R63W
(N 43.90188, W -98.35086) (SW ¼ NW ¼)

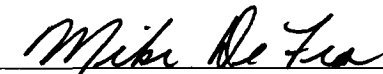
The works are capable of diverting and conveying to the place of use 0.08 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to the maximum extent as follows:

The license should be issued for 0.08cfs.

All structures, wells and lands on map Y

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

Permit No. 6041A-3 extended the length of time to complete construction of works as authorized by Water Permit No. 6041-3. Pump information received 7/25/2009 from Pullman Well Drilling.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: August 25, 2009

Water Permit Nos. 6041-3 & 6041A-3

AgStar Financial Services



0 900 1,800 3,600 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 25, 2009



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6041A-3

(1) Ag Star Financial Services made Application No. 6041A-3, February 18, 2003 for a water permit to extend the length of time allowed to complete construction of works as authorized by Water Permit No. 6041-3. The project located in Aurora County, South Dakota utilizes water for commercial purposes in a dairy operation. Permit No. 6041A-3, with a priority date of January 22, 1998 (established by No. 6041-3) was approved May 12, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed and water applied to beneficial use on or before February 25, 2007.

On May 4, 2012, Water Permit Nos. 6041-3 and 6041A-3 were transferred to Calvin Berwald.

Permit No. 6041-3 authorized diversion of water from three wells (Codell Aquifer) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T105N, R63W. An inspection conducted for licensing purposes found two wells had been constructed. The applicable portions of Water Permit No. 6041-3 are incorporated into Water License No. 6041A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.08 cubic feet of water per second for beneficial use.

The location of the diversion points are 2,495 feet south and 120 feet east of the NW corner of Section 13, T105N, R63W (both wells are within a few feet of each other in the SW $\frac{1}{4}$ NW $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial dairy operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Calvin Berwald, 24050 393rd Ave., Letcher SD 57359 the holder and/or owner of Water Right No. 6041A-3 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from ground water – two wells (Codell Aquifer) with a priority date of January 22, 1998 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6041A-3 and subject to the following qualifications:

- The wells approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit Nos. 6041-3 and 6041A-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.

Water License No. 6041A-3

- Permit Nos. 6041-3 and 6041A-3 are subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit Nos. 6041-3 and 6041A-3 are subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

JUN 20 2012

date

