

WATER PERMIT NO. 6100-3

Name of Applicant: NorSwiss Dairy, Inc.

Address: 45240 146 St, Summit SD 57266

Phone: 605 432-5435

Amount of Water Claimed: 0.444 cfs (200 gpm)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial (dairy facility)

County: Grant

Type of Waste Disposal System:

Location: 6 miles southwest of Summit

PRIORITY Date Received: 8-20-1998

Fee: \$250.00

Corrected Application Received: 8-27-1998

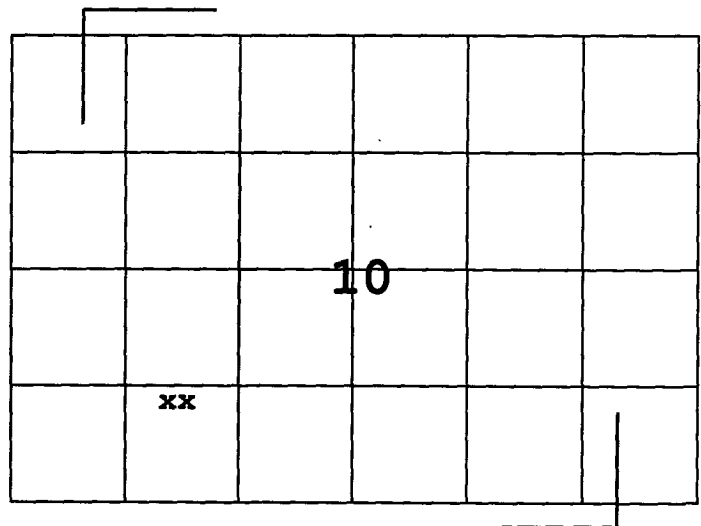
Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SW 1/4

Sec 10-T121N-R52W

Land to be Irrigated:



Depth of Well: 169 feet deep

Well Driller: Kranz Well & Excav.

Remarks:

Type of Map: plat

Prepared by: Donald R Larson, PE

Reviewed and the Number Assigned on: 8-27-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6100-3

Date of first receipt of application August 20, 1998.

Date of return to applicant for corrections, amendments or changes August 24, 1998.

Date of receipt of corrected application August 27, 1998.

The Water Management Board approved Water Permit Application No. 6100-3 on December 2, 1998 for NorSwiss Dairy, Inc., 45240 146 St, Summit SD 57266 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. 6100-3 appropriates 0.444 cubic feet of water per second (200 gallons per minute) from two wells (Prairie Coteau Aquifer) 189 and 165 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10-T121N-R52W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use for a dairy cow facility.
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 August 20, 1998.
5. One-fifth of the construction is to be completed on or before June 2, 2001.
6. All construction is to be completed on or before December 2, 2003.
7. Water is to be put to beneficial use on or before December 2, 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. Permit No. 6100-3 is subject to compliance with requirements of the general Water Pollution Control Permit for concentrated animal feeding operation.
3. The wells authorized by Permit No. 6100-3 shall be constructed by a licensed well driller and construction 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.

(continued)

4. Permit No. 6100-3 is subject to compliance with the existing and applicable Water Management Board Rules:
- 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: _____

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

JAN 19 1999

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>6100-3</u> Hydrologic Unit <u>10/70202</u> Basin <u>SiouX River</u> Newspaper <u>Grant Co. Review, Milbank, SD</u>
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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.) _____

- 1 Name of Applicant NorSwiss Dairy, Inc. Phone 605-432-5435
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 45240 146 Street Summit State SD 57266
(Street, RR. or Box) (Zip Code)
- 2 Amount of water claimed 0.444 *CFS or 2 @ 100 = 200 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- 3 Source of water supply wells
- 4 Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in the ~~SW 1/4~~ 10-121-52 (SW 1/4 SW 1/4)
County Grant
- 5 County or counties where water will be used Grant
- 6 Annual period during which water is to be used January 1 to December 31
- 7 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 information

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, JOHN SEFFROOD, President, 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.

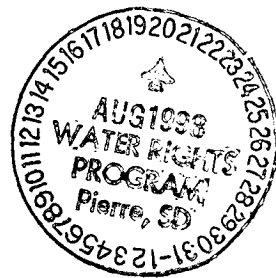
Signed J. S. Seffrood

Subscribed and sworn to before me this 19th day of August, 19 98

Arcy J. [Signature]
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 169'
- b) Casing Type ALC2000 SDR21 Diameter 6" Thickness 169'
- c) Screen Type stainless steel Diameter 6" Thickness 20'
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 53', 52'
- g) Distance to nearest existing domestic well:
On applicants property 1900' On property owned by others 1700'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank & drain field
- b) System Capacity (gallons) 1500 c) Year Constructed to be constructed
- 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

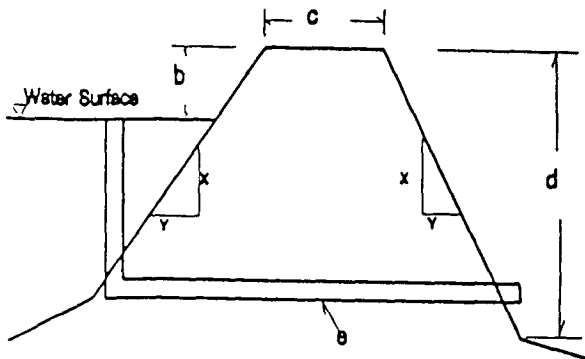
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





AWMS-NORSWISS DAIRY

SW 1/4 SECTION 10, T121N, R52W
GRANT COUNTY, SOUTH DAKOTA

OWNER: NorSwiss Dairy, Inc.
Annelies and John Seffrood
45240 146th Street
Summit, SD 57266
Phone: 605-432-5435

ENGINEER: Donald R. Larson, P.E.
LARSON ENGINEERING
102 S. Dakota St.
Milbank, SD 57252
Phone: 605-432-4069

NorSwiss Dairy is constructing a new dairy facility in the SW 1/4 Section 10, T121N, R52W, Grant County, South Dakota. The facility will include four connected barns, a milk parlor, a dry cow lot and associated waste facilities.

The Dairy will hold 850 milking cows (1190 A.U.) and provide for 150 cows (210 A.U.) in a dry cow lot. The total is 1000 cows (1400 A.U.). The barns will include a flush system for manure removal to a solids separator.

The solids pond will be pumped each year and applied according to the Nutrient Management Plan.

The facility expects to use 60,000 gallons of water per day from wells to be drilled near the site. A water permit will be requested prior to use.

The Soil Report did not show any ground water to the depths drilled. The report shows a significant thickness of unweathered clay.

The facility construction site is 17 acres with a storm water permit being requested prior to construction.

The barns will include a gutter flush system for manure removal to a solids separator. The screened solids will be moved to the solids storage area which also will have a space for solid manure if needed in cold weather. The separated liquid will be held in pond No. 1 allowing the solids to settle and the liquid will move to pond No. 2. The system will provide storage for 365 days of manure.

The manure in the solids storage area will be applied with spreaders, the manure in pond No. 1 will be hauled or pumped and injected into the ground. The water in pond No. 2 will be surface applied to nearby alfalfa fields during the growing season.

The solids storage area will have a drain to pond No. 1.

The 2.5 acre dry cow lot will have a manure sediment basin with the overflow piped to pond No. 1.

The feed storage bunker will have a drain connected to pond No. 1.

Rest room facilities in the barn will be connected to a drain field.

Permeability tests have been run on the material from the test borings to test suitability for liner construction. Results indicated a permeability potential of 5.4×10^{-8} cm/sec at 90% compaction to 6.9×10^{-9} cm/sec at 100% compaction. Specifications will require 95% compaction for construction of the liner.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 19, 1998

John and Annelies Seffrood
45240 146th Street
Summit, SD 57266-5111

Dear Mr. and Mrs. Seffrood:

I am writing to ensure that you are aware of water right permit requirements in South Dakota for your proposed cow dairy. NorSwiss Dairy's proposed facility was brought to my attention when plans were submitted for coverage under the general water pollution permit for a concentrated animal feeding operation.

I believe the submitted plan indicates water usage of 60,000 gallons per day for the cow dairy. State law requires that a water right permit be obtained to supply a livestock confinement feeding operation if the amount of water for **all** uses from wells at the site exceeds 25,920 gallons per day or if the **maximum** pump rate is greater than 25 gallons per minute. It certainly appears that water usage at the cow dairy will require a water right permit. The exception to this is if the cow dairy receives its water supply from a rural water system which has existing water rights.

I believe in submitting plans you acknowledged that you will need to obtain a water right permit. Since we had not yet received an water right permit application for the cow dairy I decided to send you a quick letter reminding you of the water right permitting requirement. I am enclosed a water right permit application form and instruction sheet.

The water right permitting process can take up to six months to complete or even longer if the application is contested and appealed to the court system. I want you to be aware of these times frames for planning purposes. Construction of the facility may be delay until the necessary water right permit is secured.

If you have questions about the water right permitting process or do not believe a water right permit is necessary for your proposed use, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

Larson Engineering

DONALD R. LARSON

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR



PHONE (605) 432-4069
102 S. DAKOTA STREET
MILBANK, SOUTH DAKOTA 57252

August 21, 1998

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

RE: NorSwiss Dairy, Inc.
45240 146th Street
Summit, SD 57266

Enclosed are 2 revised location maps for the above permit application. The map shows the actual location of the wells to be in the SW 1/4 SW 1/4 10-121-52.

If you have any questions, please contact me.

Sincerely,

Donald R. Larson, PE
LARSON ENGINEERING

encl.

CC: NorSwiss Dairy

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415846

Pierre, August 27, 19 98

RECEIVED OF NorSwiss Dairy, Inc., 45240 146th Street, Summit, SD 57266
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6100-3</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 _____
Chief Engineer

John Hatch (Signature)

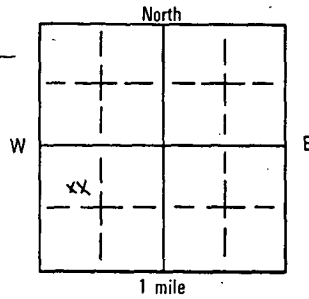
10-85

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 SW 1/4 Sec 10 Twp 121 N Rg 52 WCounty Grant

Please mark well location with an "X"

Well Completion Date Spring '99

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR 21 LB/FT	6" IN	0 FT	169 FT	IN
_____ 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? 20' to 150' FEETWhat is grouting material? neet cementIf cement, number of sacks? 15Describe grouting procedure Pumped down through tremmy lineWhat was grout weight? 6 gal mix LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 50" IN Length 20' FEETMaterial Stainless steelSlot Size 20 Set From 169 Feet To 189 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? 5x6 K-packer

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NOExplain not completed yetBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Nor Swiss DairyAddress 45240 146th St.Well Log: Summit, SD Depth 57266

Formation

Formation	From	To
Black dirt	0	2
Clay	2	55
Sand & clay	55	118
Rock	118	122
Sand	122	140
Rock	140	143
Sand	143	155
Slate	155	159
Clay	159	175
Sand	175	170
Clay & Slate	170	200

STATIC WATER LEVEL 52' 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:

☐ Pumped☐ Bailed☐ Other
Not tested
 Describe: (Air Lifted)
100+ GPM

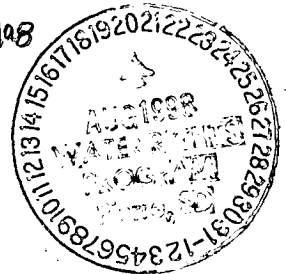
Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

CHANGES PER TELEPHONE 9/3/98JAGThis well was drilled under license # 598

And this report is true and accurate.

Drilling firm Krang Well & Excav

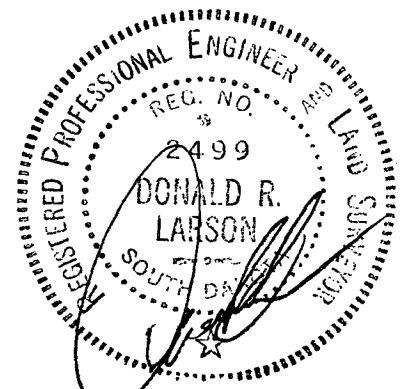
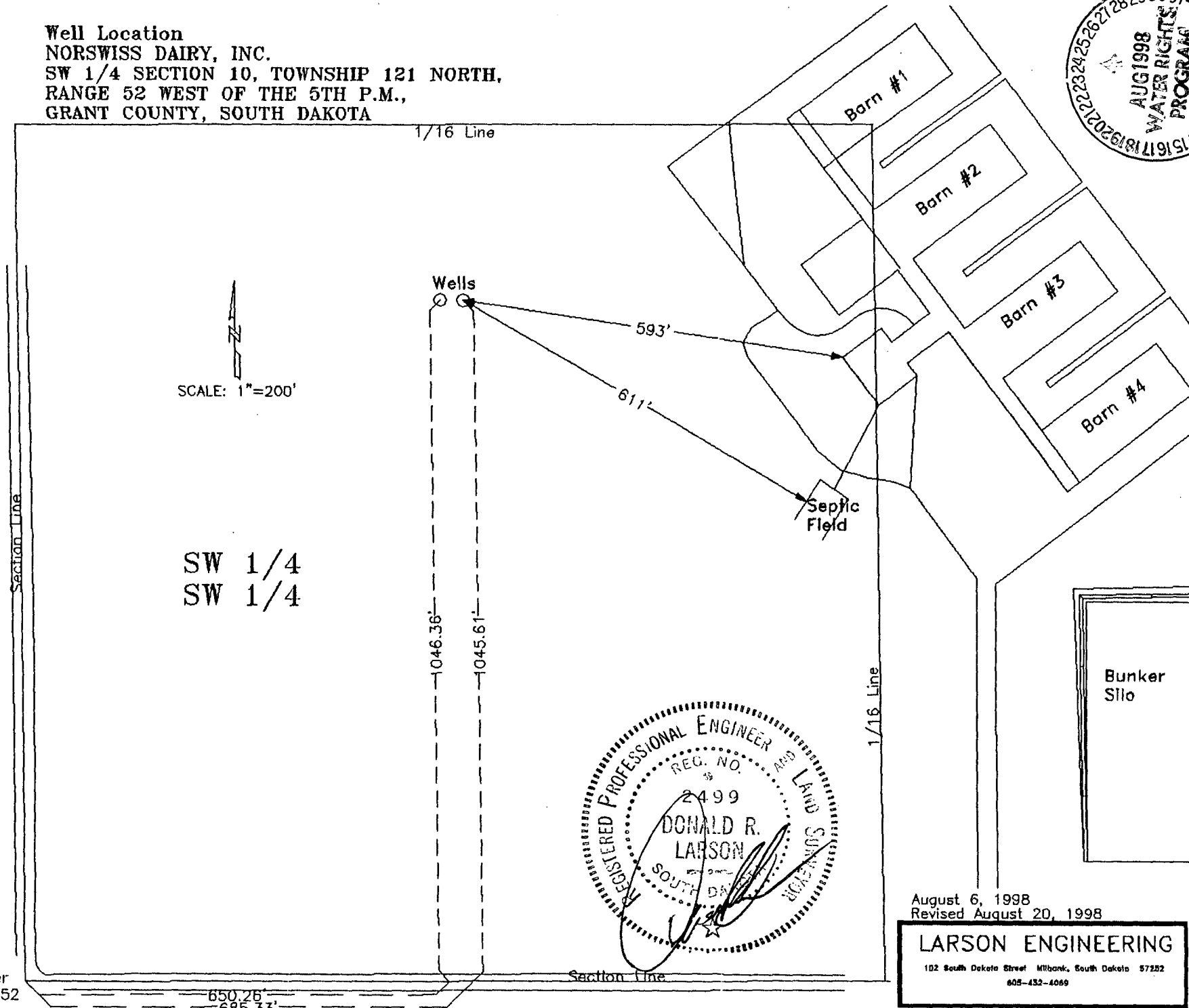
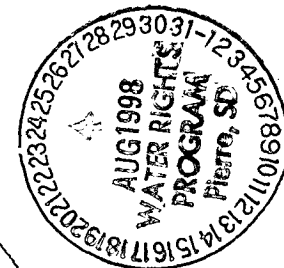
Signature of License Representative:

Charles Krang

Signature of Well Owner:

Ernest J. Self PresidentDate 7-24-98

Well Location
 NORSWISS DAIRY, INC.
 SW 1/4 SECTION 10, TOWNSHIP 121 NORTH,
 RANGE 52 WEST OF THE 5TH P.M.,
 GRANT COUNTY, SOUTH DAKOTA



August 6, 1998
 Revised August 20, 1998
LARSON ENGINEERING
 102 South Dakota Street, Milbank, South Dakota 57252
 605-432-4069

6100-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 24, 1998

John Seffrood, President
NorSwiss Dairy, Inc.
45240 146 St
Summit SD 57266-5111

Dear Mr. Seffrood:

Thank you for submitting your *Application for a Permit to Appropriate Water*. In order to complete the application, a filing fee of \$250.00 is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6100-3
for NorSwiss Dairy, Inc.
September 2, 1998

Application No. 6100-3 proposes to appropriate 0.444 cfs (200 gpm) from two wells approximately 189 and 165 feet deep located in the SW 1/4 SW 1/4 of Section 10, T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation in Grant County. The water is for commercial use in a dairy cow facility.

AQUIFER - PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 760 square miles and contains an estimated 1.5 million acre feet of water in storage in Grant and Codington Counties (Hansen, 1990). The aquifer extends into Roberts and Day to the north, Clark County to the west and into Hamlin County to the south. Ground water movement is basically from north to south.

Two test hole logs are provided with the application. The test wells are about 35 feet apart. Information from the logs indicate sand (aquifer) beginning at about 122 feet and extending to a depth of 190 feet. Also, the logs indicate clay layers within the sand. Both wells had a static water level of 52 to 53 feet below land surface. Production test information is available from the driller and each well was capable of producing about 100 gpm using air to develop.

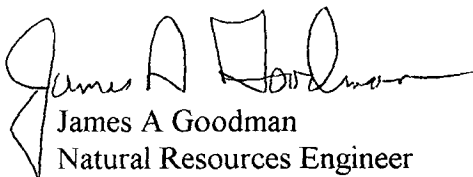
The Water Rights Program monitors two observation wells, GT-79A and GT-77C, both completed into the Prairie Coteau aquifer and within a two mile radius of this application. Both of these wells show the effects of pumping by irrigation wells located to the south. This effect is shown by the seasonal fluctuation in water levels, occurring during the summer months, and can approach 13 feet annually. Hydrographs for these two observation wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is located about six miles south and southeast of this application. Interference is not a concern. Drawdown will be created by pumping but at this distance between permitted users will not be significant. There may be domestic wells in the area which also obtain water from the Prairie Coteau aquifer but this facility will only require an average use of about 42 gpm on a daily basis even though the requested rate is 200 gpm. This means that pumping will be intermittent and the aquifer will have a chance to recover between each pumping event thereby minimizing the effect of drawdown.

CONCLUSIONS

1. Water is available from the Prairie Coteau aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. Since there are no other nearby permitted users interference is not expected to be a concern. The actual drawdown created by pumping is not expected to be significant at the requested rate.
3. The applicant indicates the basic water requirement for this facility will be about 60,000 gallons per day. This equates to an average pumping rate of about 42 gpm. The application also indicates that each well is capable of producing about 100 gpm. It appears the second well will serve as a backup well.
4. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards. The two existing test wells have been constructed in accordance with well construction standards.
5. Plans and Specifications for this facility must be submitted to and approved by the SD DENR, Division of Environmental Services Surface Water Quality Program. At this time the Plans and Specifications are under review by the Department.



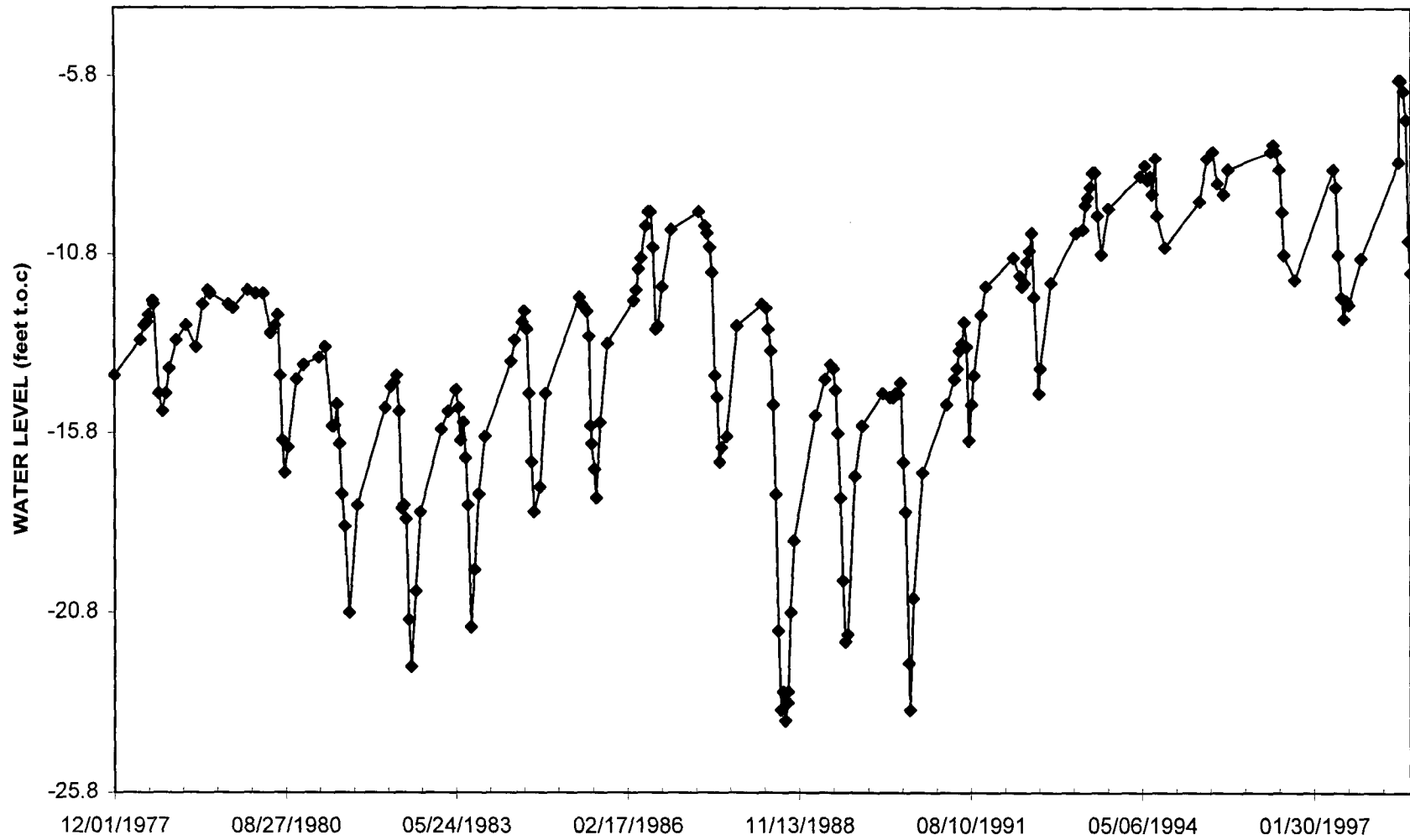
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

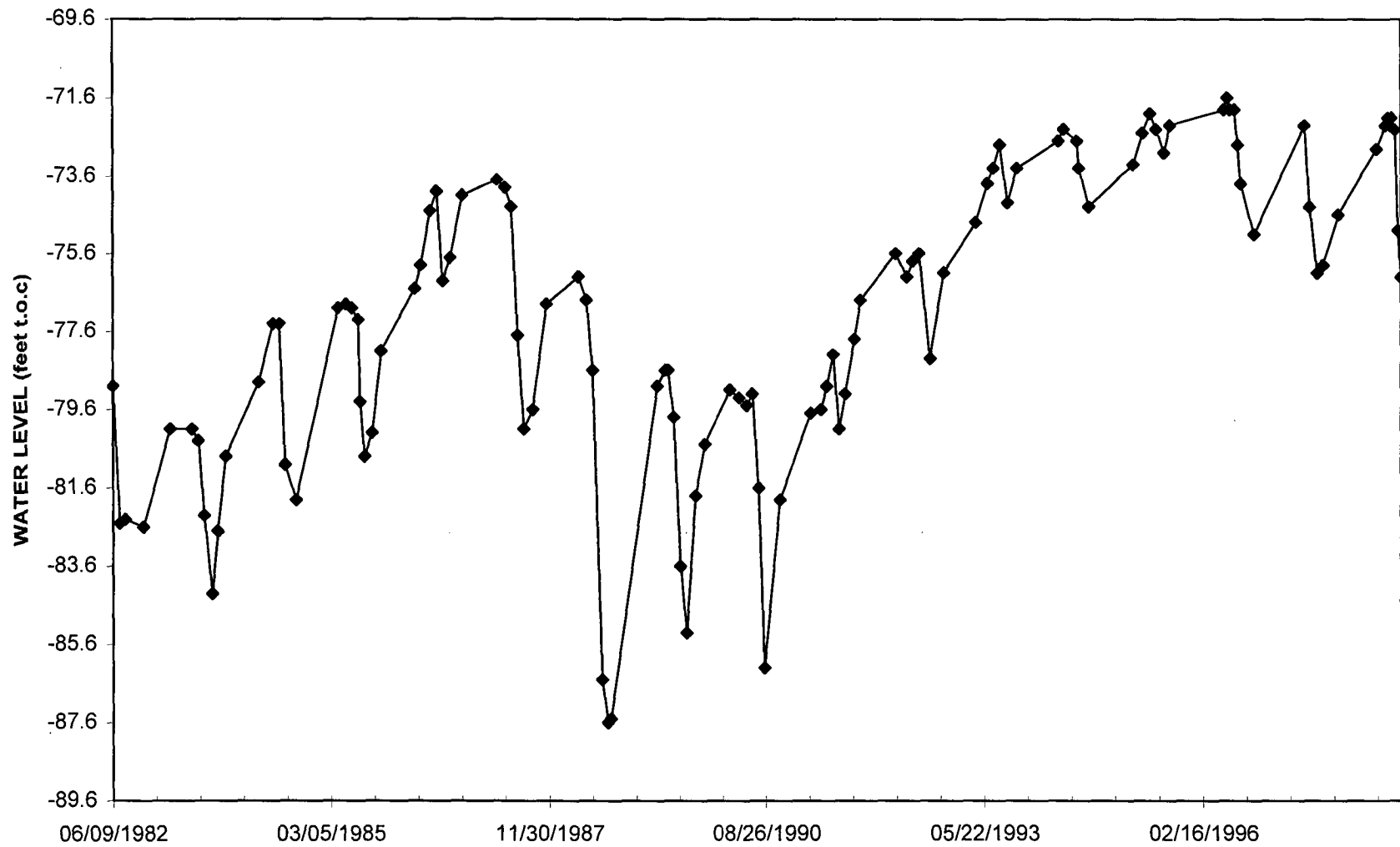
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 1998, Unpublished Observation Well Records for the Prairie Coteau Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-77C



**WATER RIGHTS' OBSERVATION WELL
GT-79A**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6100-3, NorSwiss 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. 6100-3, NorSwiss Dairy, Inc., c/o John Seffrood, President, 45240 146 Street, Summit, SD 57266

The Chief Engineer is recommending APPROVAL of Application No. 6100-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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. Permit No. 6100-3 is subject to compliance with requirements of the general Water Pollution Control Permit for concentrated animal feeding operation.
3. The wells authorized by Permit No. 6100-3 shall be constructed by a licensed well driller and construction 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.
4. Permit No. 6100-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - 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.



JOHN HATCH, Chief Engineer
September 4, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

October 6, 1998

NorSwiss Dairy, Inc.
%John Seffrood
45240 146 St.
Summit, SD 57266

Dear Mr. Seffrood:

Water Permit Application No. 6100-3 for commercial use (dairy facility) 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 Co. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6100-3 to Appropriate Water to be published twice. Please publish the first notice on October 14, 1998, 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 NorSwiss Dairy, Inc., %John Seffrood, 45240 146 St., Summit, SD 57266 (Ph # (605) 432-5435).

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

-----CU T HERE-----

No. 6100-3

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

Date _____

We are in receipt of your letter of October 6, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6100-3 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 October 14, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6100-3 to Appropriate Water

Notice is given that NorSwiss Dairy, Inc., c/o John Seffrood, 45240 146 St, Summit SD 57266 has filed an application for a water permit to appropriate 0.444 cubic feet of water per second (200 gallons per minute) from two wells (Prairie Coteau Aquifer) 189 and 165 feet deep located in the SW ¼ SW ¼ Section 10-T121N-R52W. The water is for commercial use in a dairy cow facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6100-3 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 November 20, 1998. 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., December 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, 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 December 2, 1998, 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 November 20, 1998.

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 November 20, 1998, 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.

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 and

state of South Dakota. The notice was published in the newspaper on the following two dates:

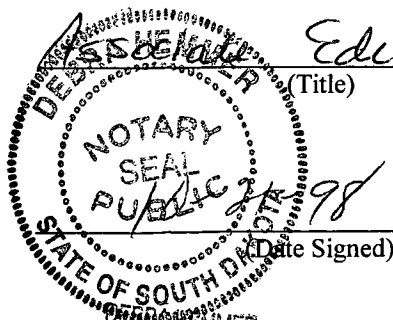
Oct. 14, 1998

Oct. 21, 1998

Cost of Printing 54.13

Clarence Justice
 (Signature)

Editor
 (Title)



(Date Signed)

Notary Public, GRANT COUNTY, S. DAK.
 My Commission Expires OCT 27, 2003



NOTICE OF APPLICATION NO. 6100-3 to Appropriate Water

Notice is given that NorSwiss Dairy, Inc., c/o John Seffrood, 45240 146 St, Summit SD 57266 has filed an application for a water permit to appropriate 0.444 cubic feet of water per second (200 gallons per minute) from two wells (Prairie Coteau Aquifer) 189 and 165 feet deep located in the SW 1/4 SW 1/4 Section 10-T121N-R52W. The water is for commercial use in a dairy cow facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6100-3 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 November 20, 1998. 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., December 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, 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 December 2, 1998, 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 November 20, 1998.

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 November 20, 1998, 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.
 Oct. 14

Oct. 21



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

NorSwiss Dairy, Inc.
%John Seffrood, President
45240 146 St.
Summit, SD 57266

Dear Mr. Seffrood:

Enclosed is Water Permit No. 6100-3 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.

Very truly yours,

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

enclosures

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



Dear Mr. Gronlund

I am writing this letter in explanation of our water usage and well situation. This fall we became aware that our well would not deliver the needed gallons per minute to operate the equipment properly. How I understand it the wells have a good source of water but the structure and type of sand do not allow for the flow rates. Although we only need 42 gallons per minute on average, when we are washing our milk line or loading our water storage tanks we need upwards of 100 gallons per minute. The two wells together would not deliver this amount.

To remedy the problem we were forced to find a better source of water. Kranz Well drilled test wells and found two new spots for water. The first didn't deliver as hoped, casing was done but no pump will be installed. The second well delivered enough water and was tested at 150 gallons per minute.

We have connected the first two wells together and are running them in tandem with the third high producing well as an alternate well. When the pressure drops the first two well come on line, if the pressure continues to drop the high producing well comes on line.

We have a 100 gallon per minute pump installed in the third well and two 35 gallon per minute pumps installed in the other two wells.

Kranz Well has sent in the well completion reports. Please notify us if there is any more information we need to supply for our water rights on this new well. The location and the specifications of the new wells are on the well completion reports.

Sincerely,

John G. Seffrood
NorSwiss Dairy Inc.
45240 146th ST
Summit SD, 57266

10-85

Date Sept 20, 1999

Approval of an Additional Diversion Point

NAME: NorSwiss Dairy, Inc., c/o John G. Seffrood

ADDRESS: 45240 145th Street, Summit SD 57266

DATE: February 1, 2000 **COUNTY:** Grant **TELEPHONE:**

BACKGROUND:

NorSwiss Dairy holds Water Permit No. 6100-3 to appropriate 0.444 cubic feet of water per second (200 gpm) from two wells (Prairie Coteau Aquifer) located in the SW ¼ SW ¼ Section 10, T121N, R52W. John Seffrood, on behalf of NorSwiss Dairy, wrote a letter to the Water Rights Program stating that they did not get the production they anticipated from the two wells to meet peak demands at the facility. To meet peak demands periods the dairy needs approximately 100 gpm, however, the two wells are only capable of providing 70 gpm. NorSwiss Dairy hired Kranz Well & Excavation to drill an additional well for the facility (well completion report on file). This well is located in the NW¼ SW¼ Section 10, T121N, R52W and is constructed into the Prairie Coteau Aquifer. A 100 gpm pump has been installed in this additional well. The water supply system is configured such that if the two 35 gpm wells are not sufficient to meet demand, the 100 gpm will come on-line. Mr. Seffrood's letter also states a fourth well was drilled and cased but a pump was not installed because of poor production.

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 wells authorized under Water Permit No. 6100-3 are constructed into the Prairie Coteau Aquifer. The additional well completed on September 17, 1999 is 112 feet deep and is constructed into the Prairie Coteau Aquifer.

No additional appropriation of water is being requested. The original water permit appropriates 200 gpm with a date to complete construction by December 2, 2003. The total diversion capacity with all three wells operating will be 175 gpm.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells on file within a two mile radius of the Norswiss Dairy wells. There is developed irrigation to the northwest of the dairy's wells, however, the water source for all irrigation is the Big Sioux:North Aquifer. The nearest irrigation from the Prairie Coteau Aquifer is ¾ miles south of the dairy's wells.

A review of well completion records in Water Right files found no domestic/stock wells within this radius constructed into the Prairie Coteau Aquifer. This review reflects only those well completion reports on file with the Water Rights Program.

CONCLUSION

- This additional well does not appropriate additional water.
- The additional well is constructed into the Prairie Coteau which is the same water source as the two existing wells authorized by Water Permit No. 6100-3.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.
- Water Permit No. 6100-3 was approved December 2, 1998, since that time there has been no record of complaint on NorSwiss Dairy's diversion of water adversely impacting neighboring wells.

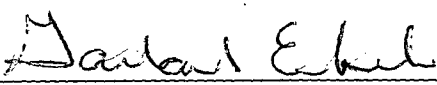
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be authorized by Water Permit No. 6100-3.


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 additional diversion point does not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 14, 2000

John G. Seffrood
NorSwiss Dairy Inc.
45240 146th Street
Summit SD 57266

Dear Mr. Seffrood:

I am writing in regard to NorSwiss Dairy's request for an additional well under Water Permit No. 6100-3. Water Permit No. 6100-3 to appropriate 0.444 cubic feet of water per second (200 gpm) from two wells (Prairie Coteau Aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T121N, R52W.

NorSwiss is requesting authorization for an additional well that was drilled in September 1999, to enable the dairy to meet peak water supply needs. The new well is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T121N, R62W and is constructed into the same water source as the existing wells. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well drilled for NorSwiss Dairy's facility is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. However, a new water right permit will be necessary if more than 200 gallons per minute will be pumped.

Your letter also referred to a fourth well that was drilled and cased but that a pump was not installed because it didn't produce sufficient water. It is unclear what NorSwiss Dairy's intended use is for this well. If the well is permanently abandoned, the well should be plugged in accordance with SD well construction standards. If the well will be used for monitoring purposes or is not being permanently abandoned then the well must be sealed with a watertight cap.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

6100-3

Water Rights Program, DENR
Karen Schlaak
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3181

RECEIVED

JUL 14 2005

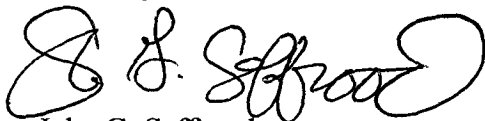
WATER RIGHTS
PROGRAM

Dear Ms. Schlaak

Per our phone conversation of 7.12.05, and your letter dated 7.11.05. We have drilled a new well located 60 feet east of the 112 ft well. The 198 ft well and 165 ft wells are still in use but smaller pumps have been installed. They both have 15 gpm pumps. The new well has a 35 gpm pump. The 112 ft well has a 60 gpm pump. The peak diversion rate would be 125 gpm.

We are currently using between 30000 – 50000 gallons of water per day (21-35 gpm). The new well was drilled as a back up because if the larger well (112) went down the two deeper wells do not produce enough water to keep up. It was also needed for peak needs during the summer, and washing the equipment.

Sincerely,



John G. Seffrood
NorSwiss Dairy Inc.
45240 146th ST
Summit SD, 57266



**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 27, 2005

John G. Seffrood
NorSwiss Dairy Inc.
45240 146th Street
Summit SD 57266

Dear Mr. Seffrood:

I am writing in regard to NorSwiss Dairy's request for an additional fourth well to be authorized Water Permit No. 6100-3. Water Permit No. 6100-3 to appropriate 0.444 cubic feet of water per second (200 gpm) from three wells (Prairie Coteau Aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T121N, R52W.

NorSwiss is requesting authorization for an additional well that was drilled in May 2005, to act as a back-up well for the dairy to meet peak water supply needs. The new well is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T121N, R62W and is constructed into the same water source as the existing wells. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional fourth well drilled for NorSwiss Dairy's facility is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. However, a new water right permit will be necessary if more than 200 gallons per minute will be pumped.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Approval of an Additional Diversion Point

NAME: NorSwiss Dairy, Inc., c/o John G. Seffrood

ADDRESS: 45240 146th Street, Summit SD 57266

DATE: July 25, 2005 **COUNTY:** Grant **TELEPHONE:**

BACKGROUND:

NorSwiss Dairy holds Water Permit No. 6100-3 to appropriate 0.444 cubic feet of water per second (200 gpm) from three wells (Prairie Coteau Aquifer) located in the SW ¼ SW ¼ and NW ¼ SW ¼ Section 10, T121N, R52W. John Seffrood, on behalf of NorSwiss Dairy, wrote a letter to the Water Rights Program stating that the dairy constructed a fourth well as a back-up well in the event their largest producing well becomes non-operational and the two original wells can not meet peak demand. Currently, the two original wells have 15 gpm pumps in place. In 2000, they requested and were granted authorization for the third well that is capable of producing 60 gpm. Kranz Well & Excavation drilled a fourth well for the facility in May 2005 (well completion report on file). This well is located 60 feet east of their third well in the NW¼ SW¼ Section 10, T121N, R52W and is constructed into the Prairie Coteau Aquifer. A 35 gpm pump has been installed in this well. The system currently has a peak production of 125 gpm which is within their permitted appropriation.

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 wells authorized under Water Permit No. 6100-3 are constructed into the Prairie Coteau Aquifer. The additional well completed on May 23, 2005 is 100 feet deep and is constructed into the Prairie Coteau Aquifer.

No additional appropriation of water is being requested. The original water permit appropriates 200 gpm with a date to place water to beneficial use of December 2, 2007. The total diversion capacity of all four wells with the pumps in place is 125 gpm according to Mr. Seffrood.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells on file within a two mile radius of the Norswiss Dairy wells. There is developed irrigation to the northwest of the dairy's wells, however, the water source for all irrigation is the Big Sioux:North Aquifer.

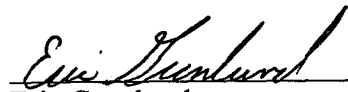
The nearest irrigation from the Prairie Coteau Aquifer is a little over 3 miles southwest of the dairy's wells. A review of well completion records in Water Right files found three domestic/stock wells within this radius constructed at depth that may be constructed into the Prairie Coteau Aquifer. They are: 1) Richter well located over 2 miles to the southeast in Section 23 constructed to a depth of 190 feet; 2) Dorsett well over 2 miles to the southwest in Section 20 constructed to a depth of 153 feet; and 3) Pearson well approximately 2 miles to the northeast in Section 35 completed to a depth of 202 feet. This review reflects only those well completion reports on file with the Water Rights Program.

CONCLUSION

- This additional well does not appropriate additional water.
- The additional well is constructed into the Prairie Coteau which is the same water source as the three existing wells authorized by Water Permit No. 6100-3.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.
- Water Permit No. 6100-3 was approved December 2, 1998, since that time there has been no record of complaint on NorSwiss Dairy's diversion of water adversely impacting neighboring wells.

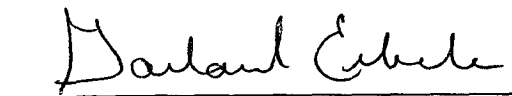
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be authorized by Water Permit No. 6100-3.


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 additional diversion point does not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program

Permit No. 6100-3
Sioux 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, August 9, 2005, made a thorough examination of the water use system constructed by NorSwiss Dairy, Inc of 45240 146th St. Summit, SD 57266 holder of Permit No. 6100-3, bearing the priority of August 20, 1998 authorizing the diversion of 0.444 cu. ft. per second from two wells of the waters of Prairie Coteau Aquifer for Commercial Use (dairy facility) purposes, in Grant County.

Inspection contact & relationship **John Seffrood, President (605) 432-5435**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kranz Well and Excavating
- 2) No. of Wells 4
- 3) Depth(s) 200, 167, 112 and 100 feet
- 4) Well log is available Y
- 5) Comment:

Casing: 200 ft Well

Diameter 5 inches

Length 150 feet

Type Plastic

Screen:

Type Stainless Steel

Length 20 feet

Static water level 52 feet

Pump:

Make Sta-Rite

Model 2000

Size 1.5 hp

Capacity 15GPM

Motor:

Horsepower rating 1.5 hp

Casing: 167 ft Well

Diameter 5 inches

Length 145 feet

Type Plastic

Screen:

Type Stainless Steel

Length 20 feet

Static water level 53 feet

Pump:

Make Sta-Rite

Model 2000

Size 1 hp

Capacity 10GPM

Motor:

Horsepower rating 1 hp

Casing: 112 ft Well

Diameter 6 inches

Length 94 feet

Type Plastic

Screen:

Type Stainless Steel

Length 15 feet

Static water level 30 feet

Pump:

Make Sta-Rite

Model 2000

Size 7.5 hp

Capacity 60GPM

Motor:

Horsepower rating 10 hp

Casing: 100 ft Well

Diameter 6 inches

Length 92 feet

Type Plastic

Screen:

Type Stainless Steel

Length 8 feet

Static water level 40 feet

Pump:

Make Sta-Rite

Model 2000

Size 3 hp

Capacity 35GPM

Motor:

Horsepower rating 5 hp

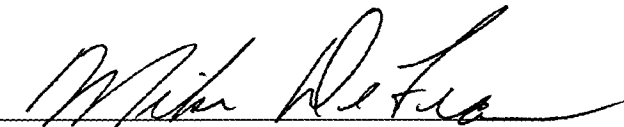
B. Compliance with Permit Requirements:

- 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: Original two wells are located together approximately 1050 ft North and 665 ft East of the SW corner of Section 10 (N 45.27125, W -97.162868). Well No. 3 is approximately 2050 ft North and 525 ft East of the SW corner of Section 10 (N 45.274078, W -97.162868). Well No. 4 is approximately 2050 ft North and 585 ft East of the SW corner of Section 10 (N 45.274085, W -97.162559): all in T121N-R52W. The works are capable of diverting and conveying to the place of use 0.267 cu. ft. per second of water which is to be used for Commercial use at a dairy facility. Water has been put to beneficial use and the license should be issued for 0.267 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Originally Water Permit No. 6100-3 was authorized to appropriate 0.444 cfs of water from two wells in the Prairie Coteau Aquifer in Section 10-T121N-R52W in Grant County. In January 2000, WR received a letter from NorSwiss Dairy indicating that theses two wells did not produce the amount of water needed to meet peak demand. At that time they requested an additional diversion point and were granted authorization for the third well which is capable of producing 60 gpm. In July 2005, NorSwiss requested and was granted authorization for a fourth well for use as a back-up well in the event their largest producing well becomes non-operational and the two original wells cannot meet peak demand. This well was drilled in May 2005 and is capable of producing 35 gpm.**

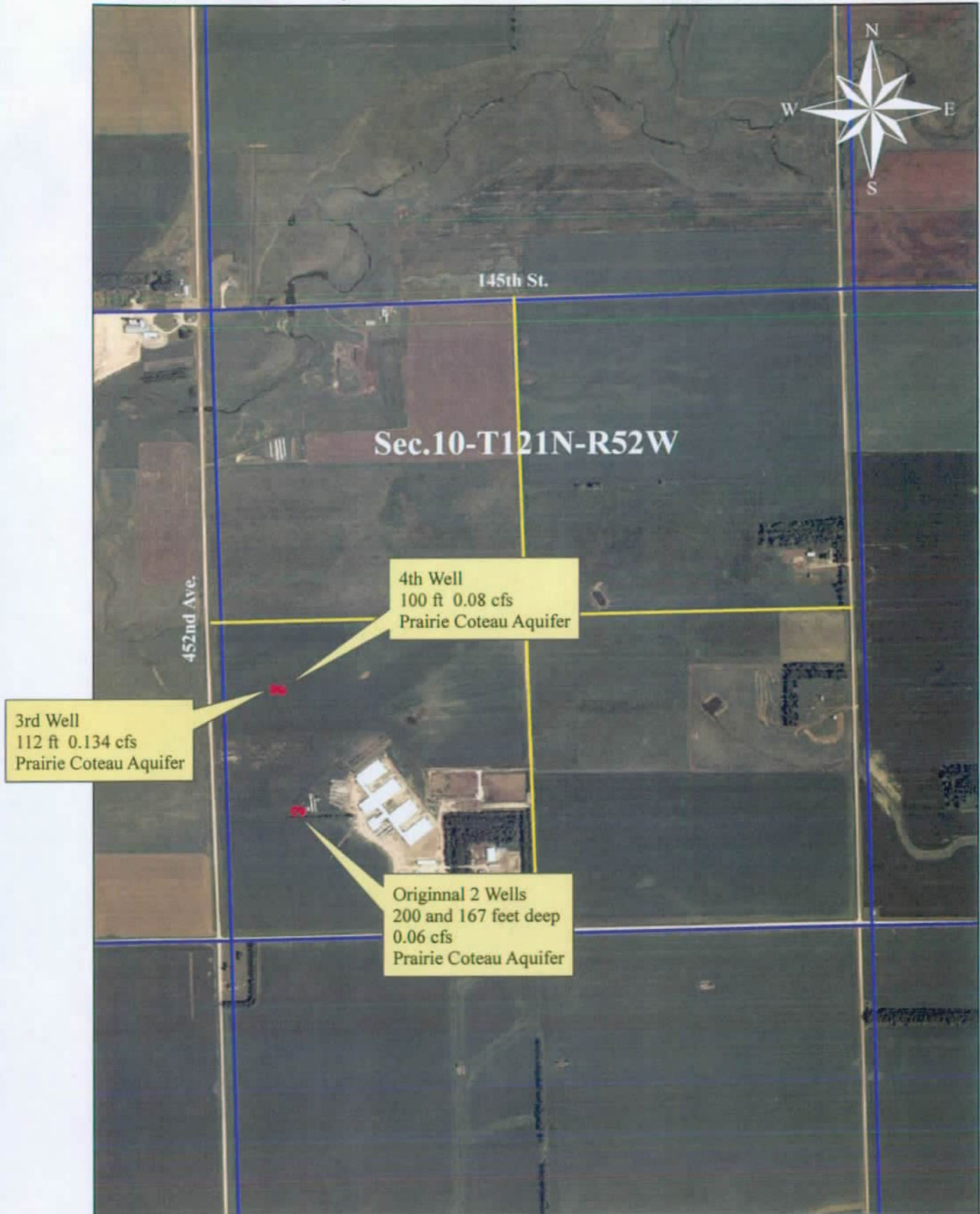


Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: October 12, 2005

NorSwiss Dairy, Inc.
45240 146th St.
Summit, SD-Grant County

Water Permit No. 6100-3



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
10/12/05



0 0.125 0.25 0.5 Miles



**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 13, 2005

6100-3

NorSwiss Dairy, Inc
c/o John Seffrood, President
45240 146th St
Summit SD 57266

Dear Mr. Seffrood:

On August 9, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6100-3, 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 check or money order for the fee should 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 or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 28, 2005

RECEIVED OF Norswiss Dairy Inc., 45230 146th Street, Summit SD 57266

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>6100-3</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	50.00

No.

1923

By

Darland E. White
Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2005

6100-3

NorSwiss Dairy Inc
% John Seffrood President
45240 146th St
Summit SD 57266

Dear Mr. Seffrood:

Enclosed is Water License No. 6100-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001993 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6100-3

(1) NorSwiss Dairy Inc., c/o John Seffrood, President, 45240 146th St, Summit SD 57266 made Application No. 6100-3, August 20, 1998 for a water permit to divert 0.444 cubic feet of water per second from groundwater (two wells), Grant County, South Dakota for commercial use purposes. Permit No. 6100-3, with a priority date of August 20, 1998 was approved December 2, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 2, 2003 and for the application to beneficial use of water on or before December 2, 2007.

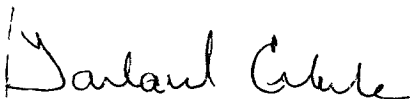
On February 1, 2000 and July 25, 2005, pursuant to SDCL 46-5-13.1, the Chief Engineer made the finding that two additional diversion points did not increase the potential for interference with existing water rights.

(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, the holder and/or owner of Water Right No. 6100-3 is issued a license, bearing a priority date of August 20, 1998 to appropriate 0.267 cubic feet of water per second from groundwater (four wells) for commercial use at a dairy facility.

The diversion points are located: Wells #1 and #2 (located together) – 1,050 feet north and 665 feet east of the southwest corner Section 10 (SW ¼ SW ¼); Well #3 – 2,050 feet north and 525 feet east of the southwest corner Section 10 (NW ¼ SW ¼) and Well #4 (backup well) – 2,050 feet north and 585 feet east of the southwest corner Section 10 (NW ¼ SW ¼); all in T121N-R52W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6100-3 including the following now applicable 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. Permit No. 6100-3 is subject to compliance with requirements of the general Water Pollution Control Permit for concentrated animal feeding operations.
3. The wells authorized by Permit No. 6100-3 shall be constructed by a licensed well driller and construction 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.
4. Permit No. 6100-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

DEC 15 2005

date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

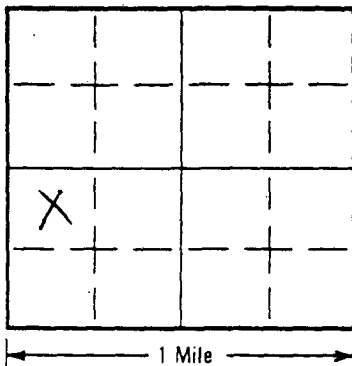
6100-3

07-92

Location 4th 1/4 Sec 10 Twp 12N Rg 52WCounty Grant North

Please mark well location with an "X"

Well Completion Date

5/23/05

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>22</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>92</u> FT	<u>10</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>Cement</u>	_____	<u>15</u> lb./gal	<u>0</u> ft	<u>20</u> ft
<u>High Solids</u>	_____	<u>9.4</u> lb./gal	<u>20</u> ft	<u>85</u> ft

Describe grouting procedure Tremie pipe

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6" feli IN Length 8 ft FEETMaterial Stainless SteelSlot Size 20 Set From 92 Feet to 100 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

INFECTIO: Was well disinfected upon completion?

YES, How: Chlorine solution

_____, NO, Why Not? _____

Laboratory sent to for water quality analysis

Lab. Water testingAlex MN 56308Well Owner: Nor Swiss Dairy / John SeffroadBusiness Name: Nor Swiss DairyAddress: 45240 146th StSummit S.D. 57266

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>2</u>
<u>Sand</u>	<u>2</u>	<u>4</u>
<u>clay</u>	<u>4</u>	<u>23</u>
<u>clay (stiky)</u>	<u>23</u>	<u>92</u>
<u>Sand & gravel</u>	<u>92</u>	<u>100</u>
<u>clay</u>	<u>100</u>	

STATIC WATER LEVEL 40 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air Compressor☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 65 CPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

25-Hard
1-Iron

RECEIVED

DEC 22 2005

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]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 21, 2020

6100-3

Josh TeVelde
Blooming Prairie Dairy LLC
1515 Windermere Circle
Brookings SD 57006

Dear Mr. TeVelde:

I am writing to acknowledge receipt of the transfer of ownership form you submitted for Water Right No. 6100-3. The water right is currently listed in the name of NorSwiss Dairy Inc.

Filing of an ownership change requires a \$50 fee. Please remit a check or money order for \$50 payable to the Water Rights Program. Upon receipt of the fee, we will process the ownership change.

The water permit application and fee you submitted was also received and is currently being processed.

I have enclosed a postage paid envelope for your convenience in submitting the fee. Please include "transfer of Water Right No. 6100-3" on the form of payment. If you have any questions, please let me know.

Thank you in advance,

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 2020

6100-3

Josh TeVelde
Blooming Prairie Dairy LLC
1515 Windermere Circle
Brookings SD 57006

Dear Mr. TeVelde:

In August 2020 a transfer of ownership form was received from you for Water Right No. 6100-3 held by NorSwiss Dairy Inc.

The ownership change has not been processed due to lack of the \$50 filing fee. Please remit a check or money order payable to the Water Rights Program. Upon receipt of the \$50 fee, we will process the ownership change.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG 20 2020

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6100-3Date: 13Aug2020

I/We request that Water Right/Permit No. 6100-3 formerly owned by:
NorSwiss Dairy, Inc c/o John Seffrood, President be transferred to:

New Owner Name: Blooming Prairie Dairy, LLC. c/o Josh TeVelde *Address: 1515 Windermere CircleCity, State, Zip Brookings ☒ SD ☒ 57006 Telephone No. 559-805-3271

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

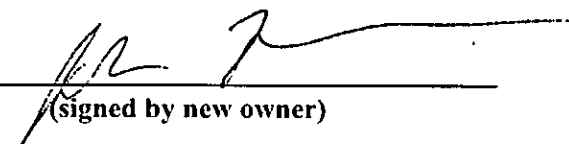
sw 1/4 of Section 10, T121nR52w

☒ I understand that the validity of Water Right/Permit No. 6100-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Josh TeVelde, 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.

10-5-2020: Clarification received on "New Owner Name" listed above. Josh TeVelde confirmed the new owner is Blooming Valley Dairy LLC.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 6, 2020

RECEIVED OF Northern Sky Dairy, LLC 20165 468th Ave Bruce SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>6100-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer VM



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 6, 2020

6100-3

Josh TeVelde
Blooming Valley Dairy LLC
1515 Windermere Circle
Brookings SD 57006

Dear Mr. TeVelde:

The transfer of ownership for Water Right No. 6100-3 has been completed. The water right formerly held by NorSwiss Dairy Inc is now listed under Blooming Valley Dairy LLC.

Your original transfer form indicated the new owner was "Blooming Prairie Dairy LLC". Clarification of the exact name was received on October 5th. "Blooming Valley Dairy LLC" was added to the transfer form. Enclosed is a copy of what is being added to the administrative record.

A copy of the receipt for the \$50 filing fee paid by Northern Sky Dairy LLC is also enclosed. The original copy will be directed to Northern Sky Dairy at their Bruce address.

Thank you for following up on the ownership change. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Enclosures

c: Northern Sky Dairy, LLC, 20165 468th Ave, Bruce SD 57220



DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

February 8, 2024

Eric Gronlund
South Dakota DENR Water Rights
523 East Capitol
Pierre, SD 57501

RECEIVED

SEP 16 2024

OFFICE OF
WATER

Re: Blooming Valley Dairy, Grant County, SD
DEC Project No. 1114

Dear Mr. Gronlund:

Please find included with this letter materials regarding the addition of a withdrawal point to the existing water rights permits at the above referenced project site.

Blooming Valley Dairy is currently served by numbers 6100-3 and 8438-3. The last installed wells are numbered 5 and 6, as detailed in application 8438-3.

The applicant desires to install an additional withdrawal point, labelled as proposed well #7 on the attached site map. This well would serve as a backup for the existing wells, and would be constructed into the Prairie Coteau Aquifer using construction details similar to the existing wells. The proposed well would be utilized if one of the existing wells is out of service. No additional amount or flow rate of water is being applied for as part of this request.

We hope you will find the enclosed information adequate for review. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer



DATE: 9/16/24
DRAWN: RR
CHECKED: BF
DWG: 1

SCALE:
1"=600'
JOB NO:
1114

WATER RIGHTS MAP

BLOOMING VALLEY DAIRY LLC

DAKOTA ENVIRONMENTAL INC. P.O. BOX 636 HURON, SD 57350 605-352-5610

Approval of Location Change and/or Additional Diversion Point(s)

Name: Blooming Valley Dairy

Date: September 17, 2024

Address: 1515 Windermere Circle, Brookings SD 57006

County: Grant

General Description of Authorized Project: Water Right No. 6100-3 authorizes the appropriation of 0.267 cfs from four wells for commercial use at a dairy. Water Permit No. 8438-3 authorized the plugging of wells #1 & #2, completion of replacement wells #5 & #6, and appropriation an additional 120 acre-feet, at a maximum rate of 0.289 cfs. Water Right No. 6100-3 & Permit No. 8438-3 authorize a maximum combined diversion rate of 0.556 cfs from Well #3, #4, #5, and #6. All wells are completed into the Prairie Coteau Aquifer (PCO) and located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N, R52W.

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

Developed Water Source is the Same is Permitted, with no Additional Appropriations: The permit holder has submitted a request for the development of an additional well (Well # 7) to be used as a backup source in the event that one of the existing wells be out of service. The new well will be completed into the same source as permitted (PCO) and located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N-R52W. No additional diversion is requested or authorized.

Review of Existing Diversions: There are 7 existing permit/rights located within 2 miles of the proposed well, only one of which also authorizes appropriations from the PCO (8499-3 Norswiss Dairy Inc) located 0.6 miles to the northeast. The next closest permit authorizing diversion from the PCO is located 2.4 miles east (8505-3 Dakota range III O&M). It was determined during the review of Permit No. 8438-3 that there was reasonable probability any well interference due to pumping would not adversely or unlawfully impair existing rights. The same would be expected for the new well proposed to be used as a backup source.

The nearest domestic well completed into the same source (PCO) is owned by Norswiss Dairy Inc (8499-3) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T121N, R53W, approx. 0.6 miles northeast of the proposed well. The next nearest domestic well, not tied to a water permit/right is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T121N, R52W, on property owned by Kristopher Bronson, according to Regrid. The proposed well is located approximately 1 mile northwest of Bronson's well.

The location of the domestic wells in the Well Completion Database, maintained by the Water Rights Program, is based on the location listed by the well driller on the well completion report.

Recommended Action: Based on the above criteria, it is recommended that the request for additional diversion point (Well #7) be granted, with no increase to the rate of diversion.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01 that: The additional diversion does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 18 2024

6100-3
8438-3

Blooming Valley Dairy
c/o Joshua Tevelde
1515 Windermere Cir
Brookings SD 57006

Dear Mr. Tevelde:

This letter is in regard to a recent request, submitted on behalf of Blooming Valley Dairy, for an additional diversion point to be authorized under Water Right No. 6100-3 and Water Permit No. 8438-3.

The map submitted with the request indicated that the new well (Well #7) will be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N, R52W, Grant County. The request was made for the new well to be operated as a backup source in the event that one of the existing wells be out of service.

Water Right No. 6100-3 and Water Permit No. 8438-3 authorizes a combined appropriation of up to 313.1 acre-feet, with a maximum diversion rate of 0.556 cfs, from four wells for commercial use in dairy cattle facility.

Upon review of the request and pursuant to SDCL 46-5-13.1, the addition of Well #7 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase to the annual appropriation or the maximum diversion rate is authorized by the approval of this request.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

NOTE: Any well must be located no less than 100 feet from a pollutant source, such as wastewater ponds.

Cc: Dakota Environmental Inc, c/o Brian Friedrichsen PE, PO Box 636, Huron SD 57350