

WATER PERMIT NO. 6230-3

Name of Applicant: **Milbank Community Foundation**

Address: PO Box 446, Milbank SD 57252 Phone: 605 432-9229

Amount of Water Claimed: **1.022 cfs (460 gpm)** Total Acres: **NA**

Source of Water Supply: groundwater (3 wells)

Water to be used for: **commercial** County: **Grant**

Type of Waste Disposal System:

Location: 4 miles southeast of Milbank

PRIORITY Date Received: 9-20-2000 Fee: \$\$\$50

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

Remarks: **Permit will be used to train people for dairy operation.**

Diversion Point: NE ¼ NW ¼ and NW ¼ NE ¼

Sec 33-T120N-R48W

Land to be Irrigated: **NA**

Depth of Well: 60, 70 & 70 feet deep

Well Driller: : Kranz Well & Excavation

Remarks:

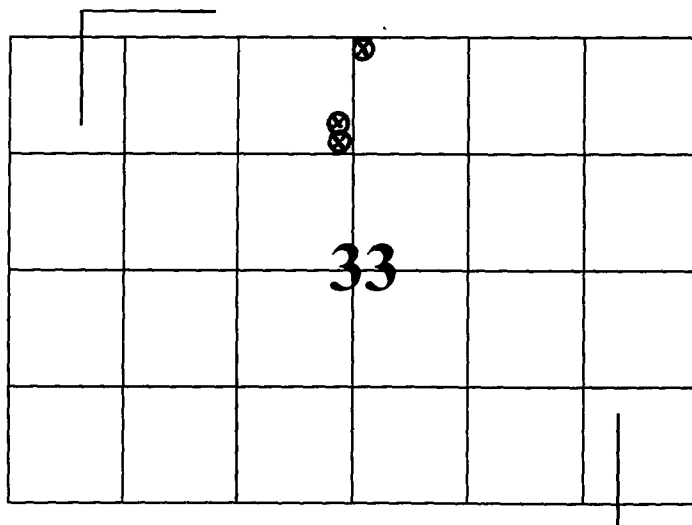
Type of Map: plat

Prepared by: **Donald R Larson, LS**

Reviewed and the Number Assigned on: **10-4-00**

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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	No. <u>6230-3</u>	(office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota Whetstone</u>	
	Newspaper <u>Grant Co. Review, Milbank</u>	



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

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation

(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

☐ Amendment/Correction to Permit No. _____

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

Name of Applicant Milbank Community Foundation Phone 605 432-9229

(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address Post Office Box 446 Milbank State SD 57252

(Street, RR, or Box and City)

(Zip Code)

2. Amount of water claimed 1.022 *CFS or 3 wells = 460 **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

2 wells in East 1/2, NW 1/4 & 1 well in West 1/2 NE 1/4 all in Section 33 Township 120 N R48W;

NE 1/4 NW 1/4 and

NW 1/4 NE 1/4 Sec. 33 - T120N - R48W

County Grant

5. County or counties where water will be used Grant

6. Annual period during which water is to be used January 1 through 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)

The water in this permit is to be used for a dairy used to train people for the dairy industry.

STATE OF SOUTH DAKOTA) SS

County of Grant)

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, Rudolph A. Nef, President of the Board of the Milbank Community Foundation, 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 Rudolph A. Nef

Subscribed and sworn to before me this 19th day of September 2000

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6230-3**

Date of first receipt of application September 20, 2000.

The Water Management Board approved Water Permit Application No. 6230-3 on December 6, 2000 for Milbank Community Foundation, PO Box 446, Milbank SD 57252 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6230-3 appropriates 1.022 cubic feet of water per second from three wells (Veblen Aquifer) 60 – 70 feet deep located in the NE ¼ NW ¼ and NW ¼ NE ¼ Section 33-T120N-R48W.
2. The water appropriated shall be used for the purpose of suppling water for commercial use in a dairy used to train people for the dairy industry 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 from which applicant may claim right is September 20, 2000.
5. One-fifth of the construction is to be completed on or before June 6, 2003.
6. All construction is to be completed on or before September 20, 2005.
7. Water is to be put to beneficial use on or before September 20, 2009.
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. 6230-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6230-3 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.

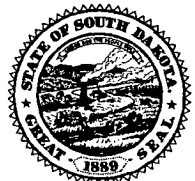
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 29 2001

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 1,2 -12'; 3 8.5' Depth 1-60';2-70';3-70'
- b) Casing Type 1,2,3-SDR 21 Diameter 1,2-8"; 3-5" Thickness 1-40';2-48';3-10'
- c) Screen Type 1,2,3-S. Steel Diameter 1,2-8"; 3-5" Thickness 1,2,3-10'
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 1-10'; 2-20'; 3-10'
- g) Distance to nearest existing domestic well:
- On applicants property 1,2-75'; 3-500' On property owned by others 1,2,3-2000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic system
- b) System Capacity (gallons) 3000 Year Constructed 1999
- c) Connected to the City of _____ Sanitary System _____

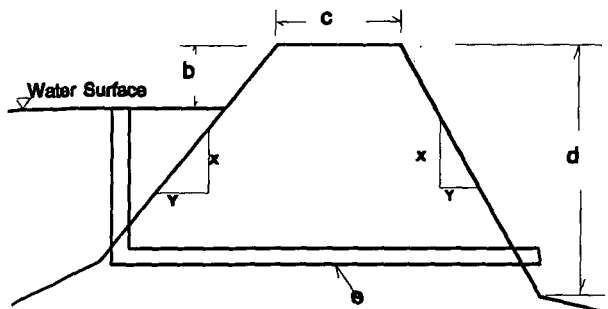
3. Dugout Information

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

4. Water Storage Dams

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

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



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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 33 Twp 120N Rg 31W48W
County Grant North

Please mark well location with an "X"

W E

Well Completion Date

April 14, 2000

1 Mile

Well Owner: Midwest Dairy Institute

Business Name:

Address: 301 S. Main

Milbank, SD 57252

WELL LOG:

DEPTH

FORMATION

FROM

TO

sandy clay

0

15

clay

15

28

sand

28

30

clay

30

48

sand

48

56

coarse sand

56

70

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? 1000 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING: Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
5dr21 LB/FT	8 IN	0 FT	43 FT	12 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
benetomite	6	lb./gal	40 ft	20 ft
cement	6	lb./gal	20 ft	0 ft

Describe grouting procedure tremied

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8 IN Length 10 FEET

Material stainless steel

Slot Size .045 Set From 48 Feet to 58 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

bleach

NO, Why Not?

Laboratory sent to for water quality analysis

STATIC WATER LEVEL 27 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:

☒ Pumped Describe: fired☐ Bailed☐ Other

Pumping Level Below Land Surface

40 ft. After 2 Hrs. pumped 200 GPM

55 ft. After 3 Hrs. pumped 300 GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 598

And this report is true and accurate.

Drilling firm: Trans Well & Excavation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

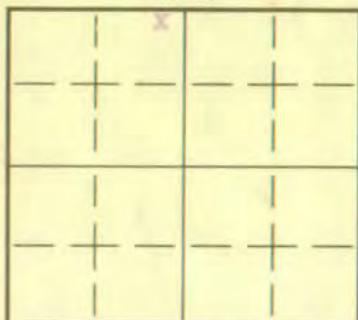
Date:

4-16-2000



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NB 1/4 NW 1/4 Sec 33 Twp 120N Rg 48W
County _____ NorthGrantPlease mark well location with an "X"
75' north of well
drilled 4-14-00 W

Well Completion Date

5-20-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,
feed lot, etc.)? 1000 ft. from septic tank (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring wellMETHOD OF DRILLING: RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>220</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>40</u> FT	<u>12</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>3</u>	_____ lb./gal	<u>30</u> ft.	<u>17</u> ft.
<u>Cement</u>	_____	_____ lb./gal	<u>17</u> ft.	<u>0</u> ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 10 FEETMaterial stainless steelSlot Size .035 Set From 40 Feet to 50 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

NO, Why Not? _____

Laboratory sent to for water
quality analysis _____Well Owner: Midwest Dairy Institute

Business Name: _____

Address: 301 S. Main
Milbank, SD 57252

WELL LOG:

DEPTH

FORMATION	FROM	TO
Brown clay	0	10
Brown sandy clay	10	20
Gray sandy clay	20	40
Sand	40	50
Clay	50	60

STATIC WATER LEVEL 10 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:

☒ Pumped Describe: Air☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

40 ft. After 1 Hrs. pumped 2000 GPM45 ft. After 1 Hrs. pumped 300 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 598

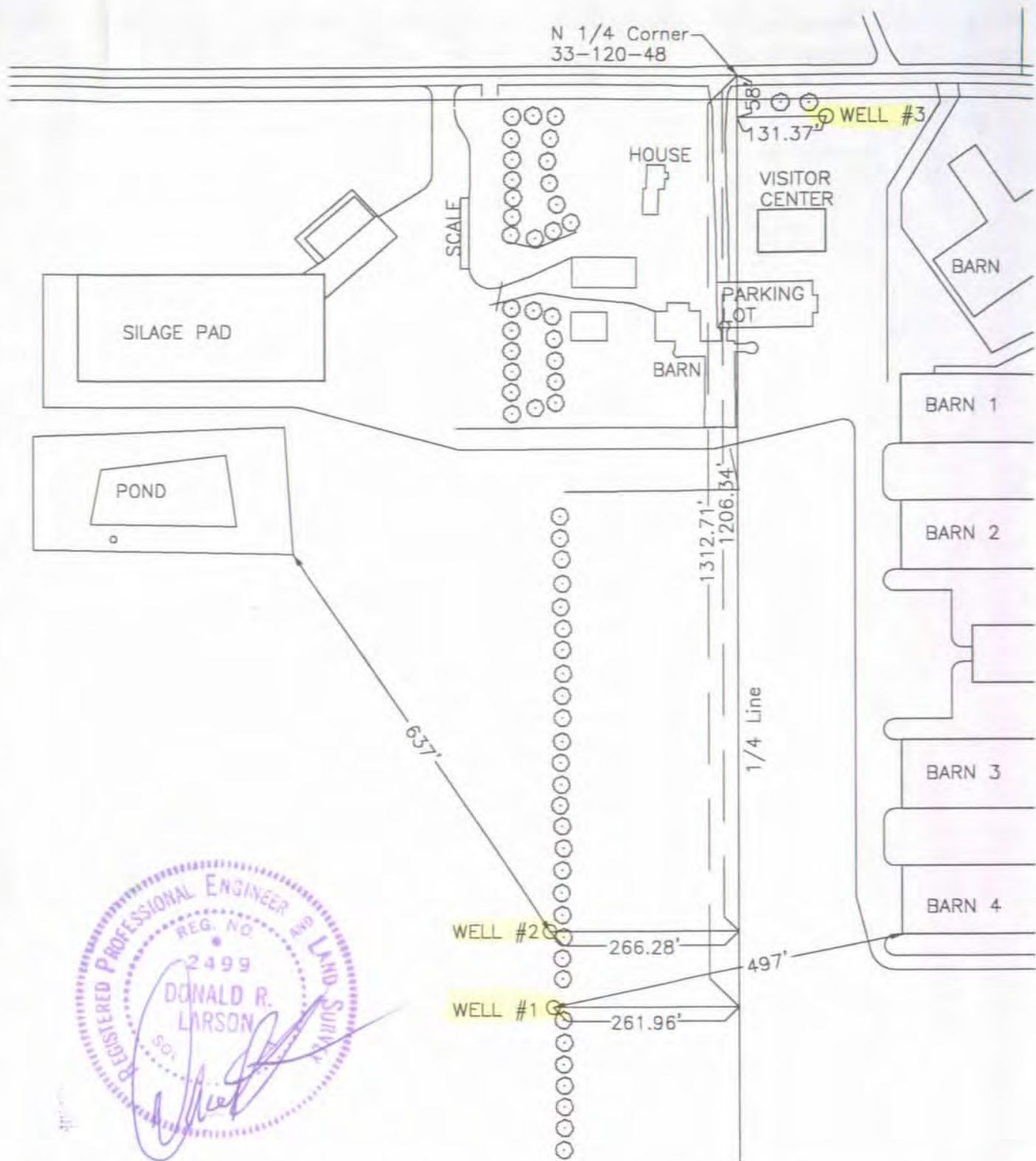
And this report is true and accurate.

Drilling firm Arann Well & Excavation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 5-31-00



WELL LOCATIONS
MIDWEST DAIRY INSTITUTE
E 1/2, NW 1/4 and W 1/2,
NE 1/4-33-120-48
MILBANK, SOUTH DAKOTA

June 8, 2000

LARSON ENGINEERING

102 South Dakota Street Milbank, South Dakota 57252
605-432-4069

6230-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416643

Pierre, September 22, 2000

RECEIVED OF Milbank Community Foundation, PO Box 446, Milbank, SD 57252-0446
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6230-3 to Appropriate Water, to construct
and to put water to beneficial use _____

350 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. 6230-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

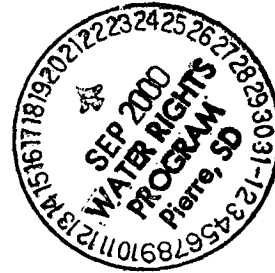
~~x50x00~~ \$400.00

By

Chief Engineer

Garland Erbele

19
September 27, 2000



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

Dear Mr. Gronlund:

The purpose of this letter is to transmit to you two completed copies of Form 2 "Application for Water Permit—other than irrigation". In addition I am enclosing a map completed by Don Larson, a registered professional engineer, with each copy.

Filing fees in the amount of \$400.00 are included with this letter. Thank you for your consideration in this matter. Please contact me at your earliest convenience if you have any questions.

Sincerely,


Carole J. Boos
Director

REPORT ON WATER PERMIT APPLICATION NO. 6230-3
for Milbank Community Foundation
October 31, 2000

Application No. 6230-3 proposes to appropriate 1.022 cfs (460 gpm) from three wells approximately 60 to 70 feet deep located in the NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 of section 33, T120N R48W in Grant County. The water is for commercial use in a dairy used to train people for the dairy industry.

AQUIFER - VEBLEN (VEB)

The Veblen is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The Veblen underlies 260 square miles and contains an estimated 700,000 acre feet of water in storage in Grant County (Hansen, 1990). Ground water movement is from southwest to northeast across Grant County (Hansen, 1990). The well logs submitted with the application indicate sand (aquifer) was encountered at depths of 48 (well # 1), 40 (well # 2) and 50 (well # 3) feet below land surface and extended to depths of 70 , 50 and 70 feet, respectively. The wells were capable of producing 300 gpm (specific capacity of 8.6 gpm/ft of drawdown), 300 gpm (specific capacity of 8.6 gpm/ft of drawdown) and 60 gpm, respectively. These wells are all constructed in accordance with SD Well Construction Standards.

The Water Rights Program does monitor observation wells completed into the Veblen aquifer in this area. Observation wells, GT-79G located about three miles southeast of this site, GT-83C located about five mile south of this site, GT-77P located about three miles northeast of this site and GT-77Q located about four miles northeast of this site. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2000). One of these observation wells, GT-79G shows the seasonal effects of a nearby irrigation well. Hydrographs of these observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

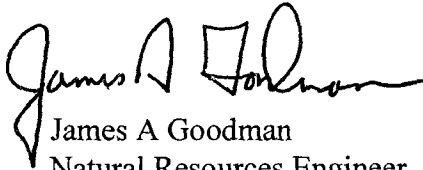
There is an existing water permit No. 5918-3 (Schenk Farms Dairy, 0.37 cfs, three wells, 85 to 100 feet deep) which is located about one and one-half miles directly east of this facility. Drawdown created by pumping is not expected to be significant but will extend between the sites. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer is under confined or artesian conditions. Pumping at the requested rate will create drawdown which will likely overlap with existing pumping by Water

Permit No. 5918-3. This is not expected to be significant and not cause adverse impacts.

3. The wells for this application have been constructed and appear to be completed in accordance with SD Well Construction Standards.
4. Plans and Specifications for the waste management for this facility have been approved by the Division of Environmental Services, Surface Water Quality Program.

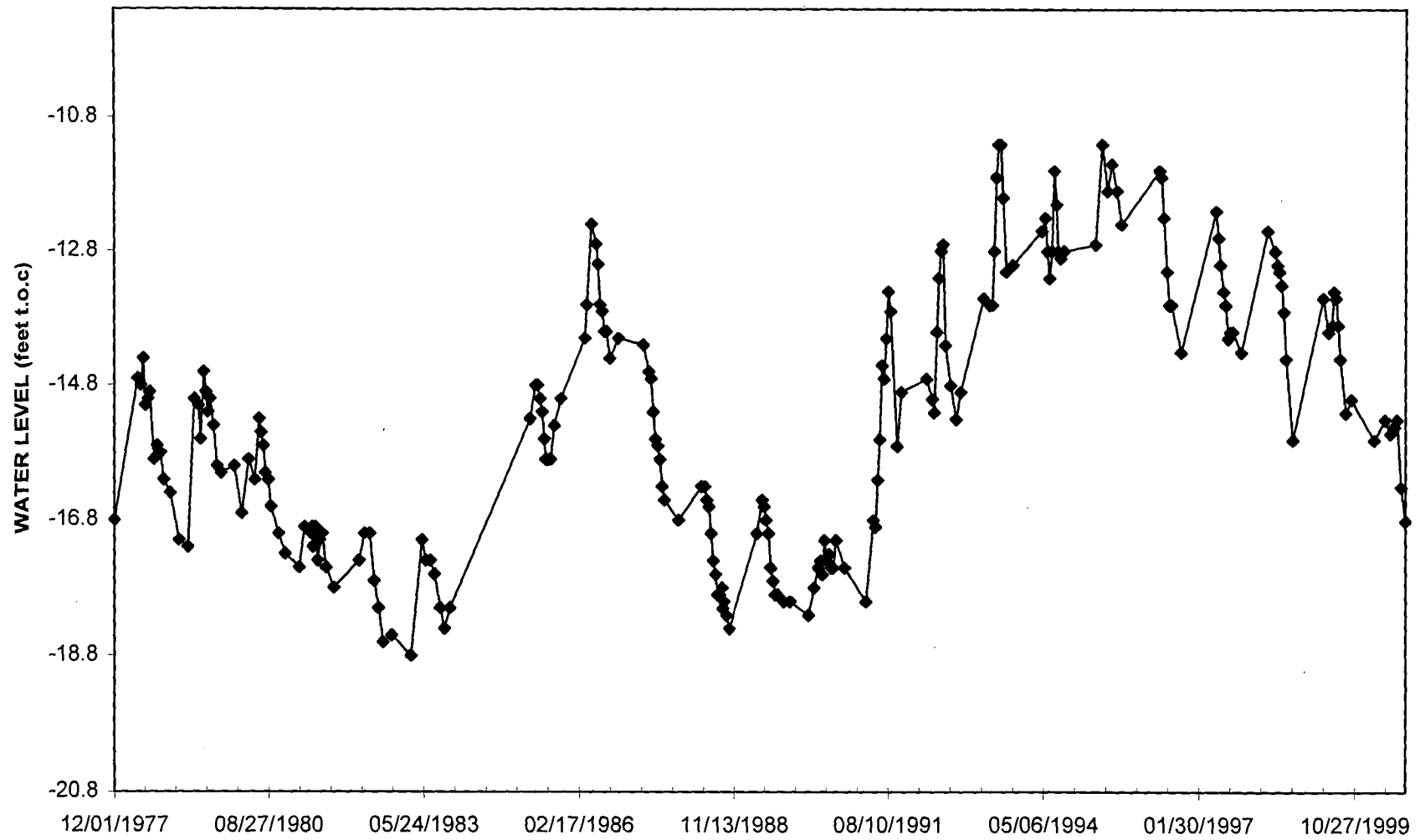

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

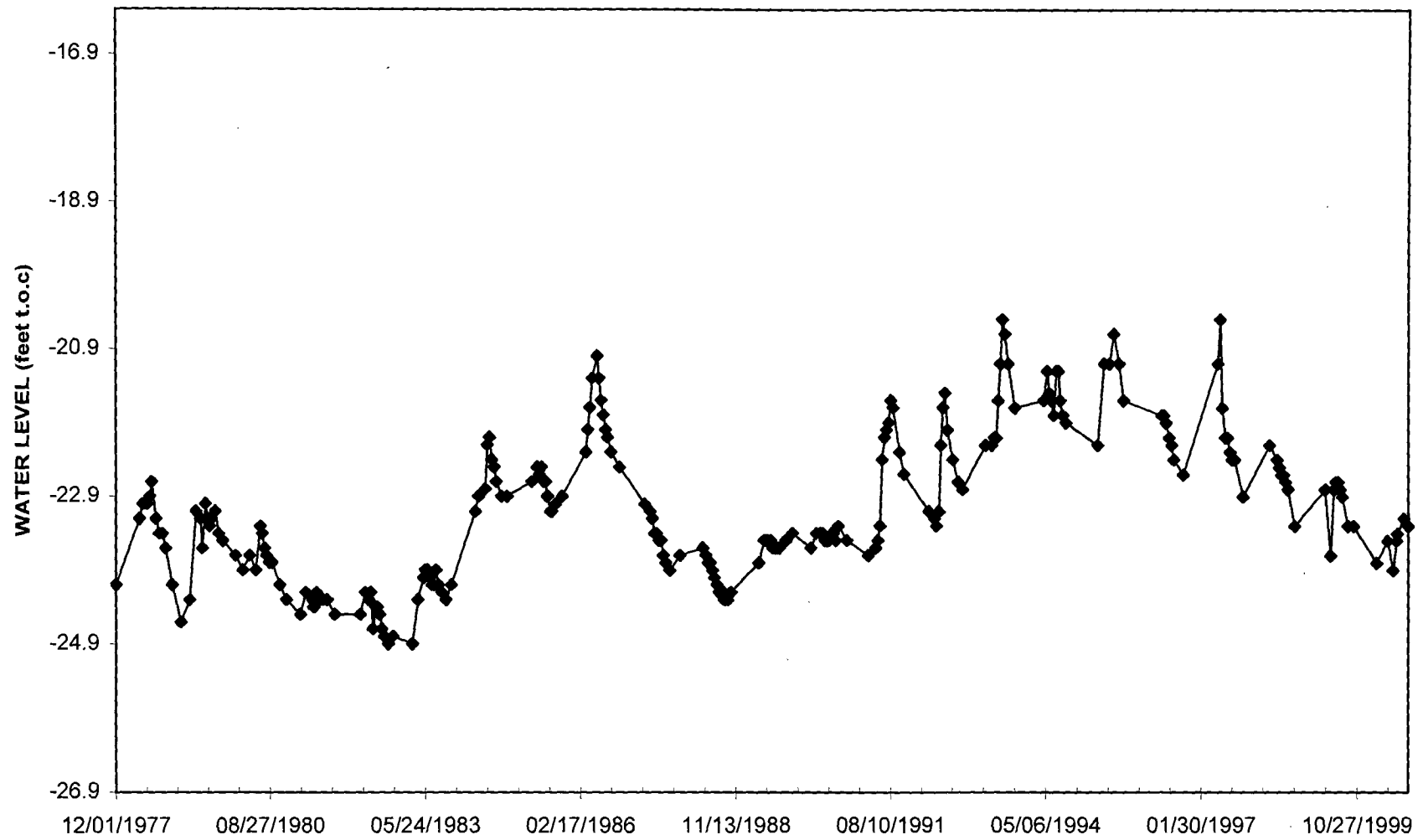
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water-Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 2000, Unpublished Observation Well Data for Grant County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

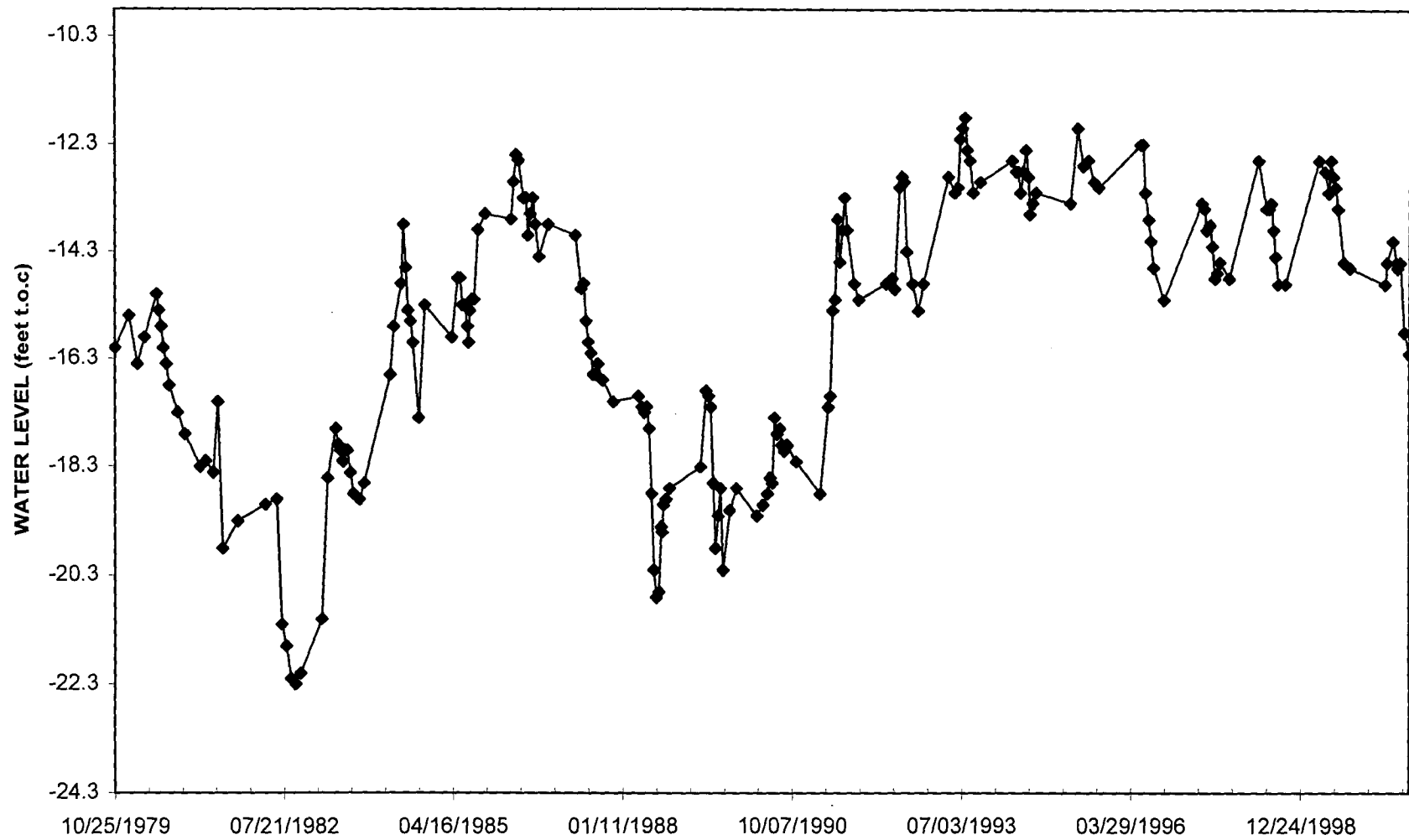
WATER RIGHTS' OBSERVATION WELL
GT-77P



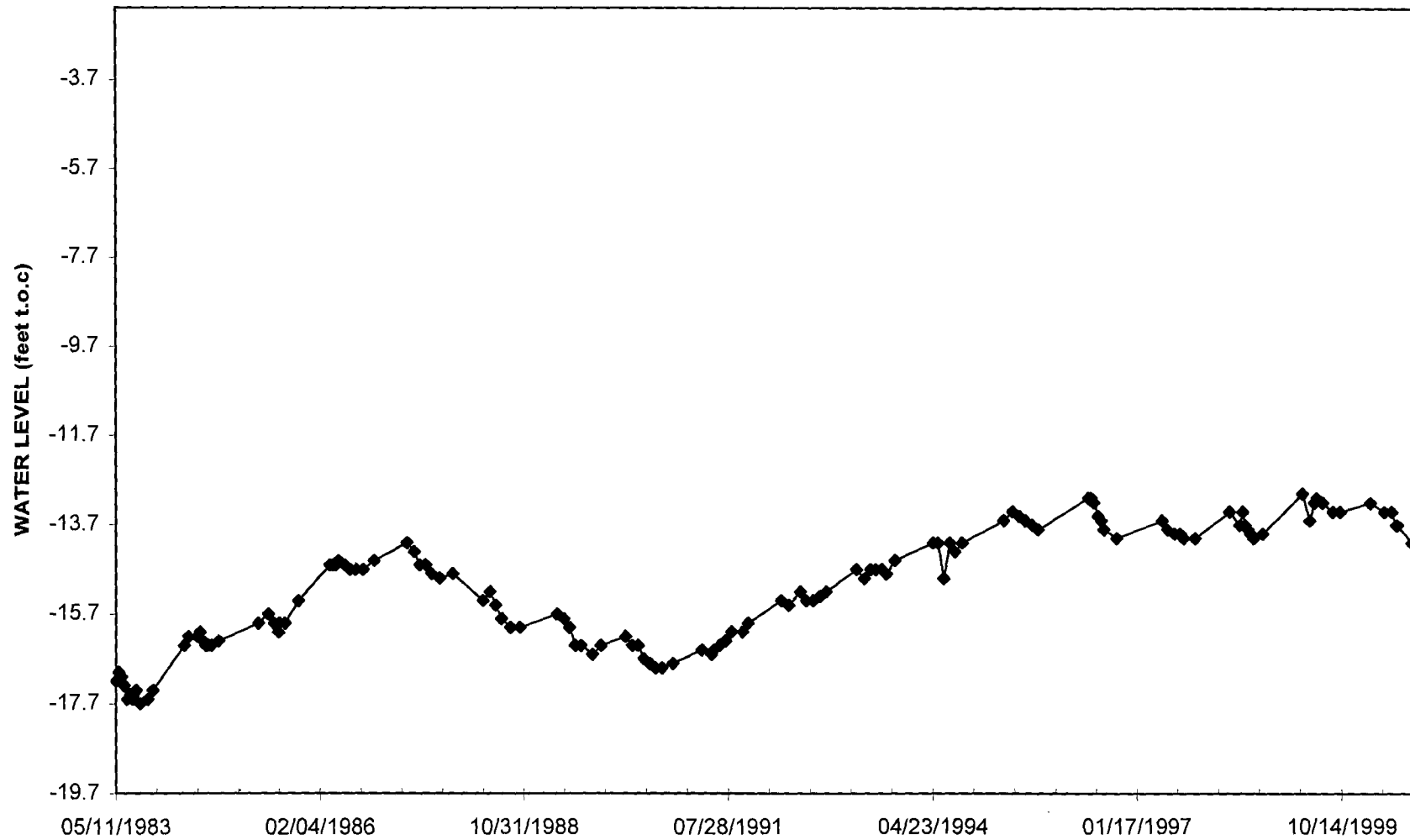
WATER RIGHTS' OBSERVATION WELL
GT-77Q



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



**WATER RIGHTS' OBSERVATION WELL
GT-83C**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6230-3, Milbank Community Foundation**

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. 6230-3, Milbank community Foundation, c/o Rudolph A. Nef, PO Box 446, Milbank SD 57252..

The Chief Engineer is recommending APPROVAL of Application No. 6227-3 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. 6230-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6230-3 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.

Garland Erbele, Chief Engineer
November 1, 2000



**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.

November 1, 2000

Milbank Community Foundation
c/o Rudolph A Nef, President
PO Box 446
Milbank SD 57252

Dear Mr. Nef:

Water Permit Application No. 6230-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant 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

November 1, 2000

Grant Co. Review
Box 390
Milbank SD 57252-0390

ATTENTION: Legal Public Notice

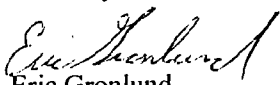
Enclosed is a Notice of Hearing on Application No. 6230-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 2000 with the second publication 7 days later.

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 Milbank Community Foundation, c/o Rudolph A Nef, President, PO Box 446, Milbank SD 57252 (Ph # 605 432-9229).

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. 6230-3

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

Date _____

We are in receipt of your letter of November 1, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6230-3 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 November 8, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6230-3 to Appropriate Water

Notice is given that Milbank Community Foundation, c/o Rudolph A Nef, President, PO Box 446, Milbank SD 57252 has filed an application for a water permit to appropriate 1.022 cubic feet of water per second from three wells (Veblen Aquifer) 60 – 70 feet deep located in the NE ¼ NW ¼ and NW ¼ NE ¼ Section 33-T120N-R48W. The water is for commercial use in a dairy used to train people for the dairy industry.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6230-3 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 27, 2000. 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 am, December 6, 2000, Floyd Mathew Training Center, Joe Foss Building, 523 E 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 6, 2000 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 27, 2000.

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 27, 2000 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF GRANT

} ss.

Clarence Justice

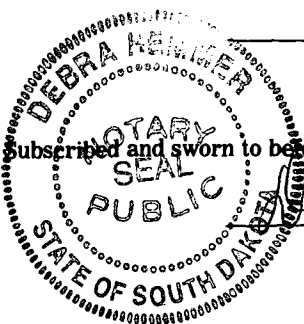
of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned Associate Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing On Application No. 6230-3 to appropriate Water

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>November 8 19 2000</u>	_____	19
<u>November 15 19 2000</u>	_____	19
_____	_____	19

That \$ 54.66, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice

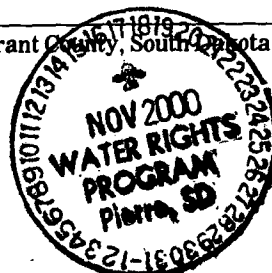


Subscribed and sworn to before me this 15th day of November 19 2000

Debra L. Hemminger

Notary Public, Grant County, South Dakota

DEBRA HEMMINGER
Notary Public, Grant County, S. DAK.
My Commission Expires OCT 27, 2003



NOTICE OF HEARING On Application No. 6230-3 to Appropriate Water

Notice is given that Milbank Community Foundation, c/o Rudolph A. Nef, President, PO Box 446, Milbank, SD 57252 has filed an application for a water permit to appropriate 1.022 cubic feet of water per second from three wells (Veblen Aquifer) 60-70 feet deep located in the NE 1/4NW1/4 and NW1/4NE1/4 Section 33-T120N-R48W. The water is for commercial use in a dairy used to train people for the dairy industry.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6230-3 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 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 AM, December 6, 2000, Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

Publication Fee	\$ <u>54.66</u>
Notarial Fee	\$ _____
Total	\$ <u>54.66</u>

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 6, 2000 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 27, 2000.

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 27, 2000 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Nov. 8

Nov. 15



JAN 29 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Milbank Community Foundation
PO Box 446
Milbank SD 57252

Dear Sir:

Enclosed is Water Permit No. 6230-3 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

Permit No. 6230-3
Minnesota-Whetstone - Water District

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

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

I have this day, **July 10, 2006**, made a thorough examination of the water use system constructed by **Milbank Community Foundation** of **P.O. Box 446, Milbank, SD 57252** holder of Permit No. **6230-3**, bearing the priority of **September 20, 2000** authorizing the diversion of **1.022** cu. ft. per second of the waters of **Veblen aquifer** for **Commercial** purposes, in **Grant** County.

Inspection contact & relationship **Rudolph Nef 432-9229**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information for Well 1:

Well Drilling Firm: **Kranz Well Drilling and Excavating**

No. of Wells **1**

Depth(s) **70** feet

Well log is available **Y**

Casing:

Diameter **8** inches

Length **48** feet

Type **Plastic**

Screen:

Type **Stainless steel**

Length **20** feet

Static water level **20** feet

Pump:

Make **Aqua Science**

Model **A 75SS-300**

Size **3 hp**

Capacity **75** GPM

Well Information for Well 2:

Well Drilling Firm: Kranz Well Drilling and Excavating

No. of Wells 1

Depth(s) 60 feet

Well log is available Y

Casing:

Diameter 8 inches

Length 40 feet

Type Plastic

Screen:

Type Stainless steel

Length 10 feet

Static water level 10 feet

Pump:

Make Aqua Science

Model A 75SS-300

Size 3 hp

Capacity 75 GPM

Well Information for Well 3:

Well Drilling Firm: Kranz Well Drilling and Excavating

No. of Wells 1

Depth(s) 70 feet

Well log is available N

Casing:

Diameter 5 inches

Length 10 feet

Type SDR 21

Screen:

Type Stainless steel

Length 10 feet

Static water level 10 feet

Pump:

Make Sta-Rite

Model

Size 2 hp

Capacity 25 GPM

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

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

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

Well 1: Approximately 1280 feet south and 2380 feet east of the NW corner of Section 33-T120N-R48W (N 45.16480, W -96.58879).

Well 2: Approximately 1175 feet south and 2380 feet east of the NW corner of Section 33-T120N-R48W (N 45.16167, W -96.59021).

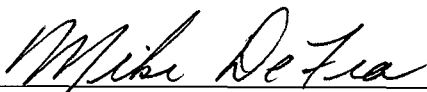
Well 3: Approximately 50 feet south and 2520 feet west of the NE corner of Section 33-T120N-R48W (N 45.16141, W -96.59022).

The works are capable of diverting and conveying to the place of use 0.39 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use.

The license should be issued for 0.39 cfs.

All structures, wells and lands on map Y

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



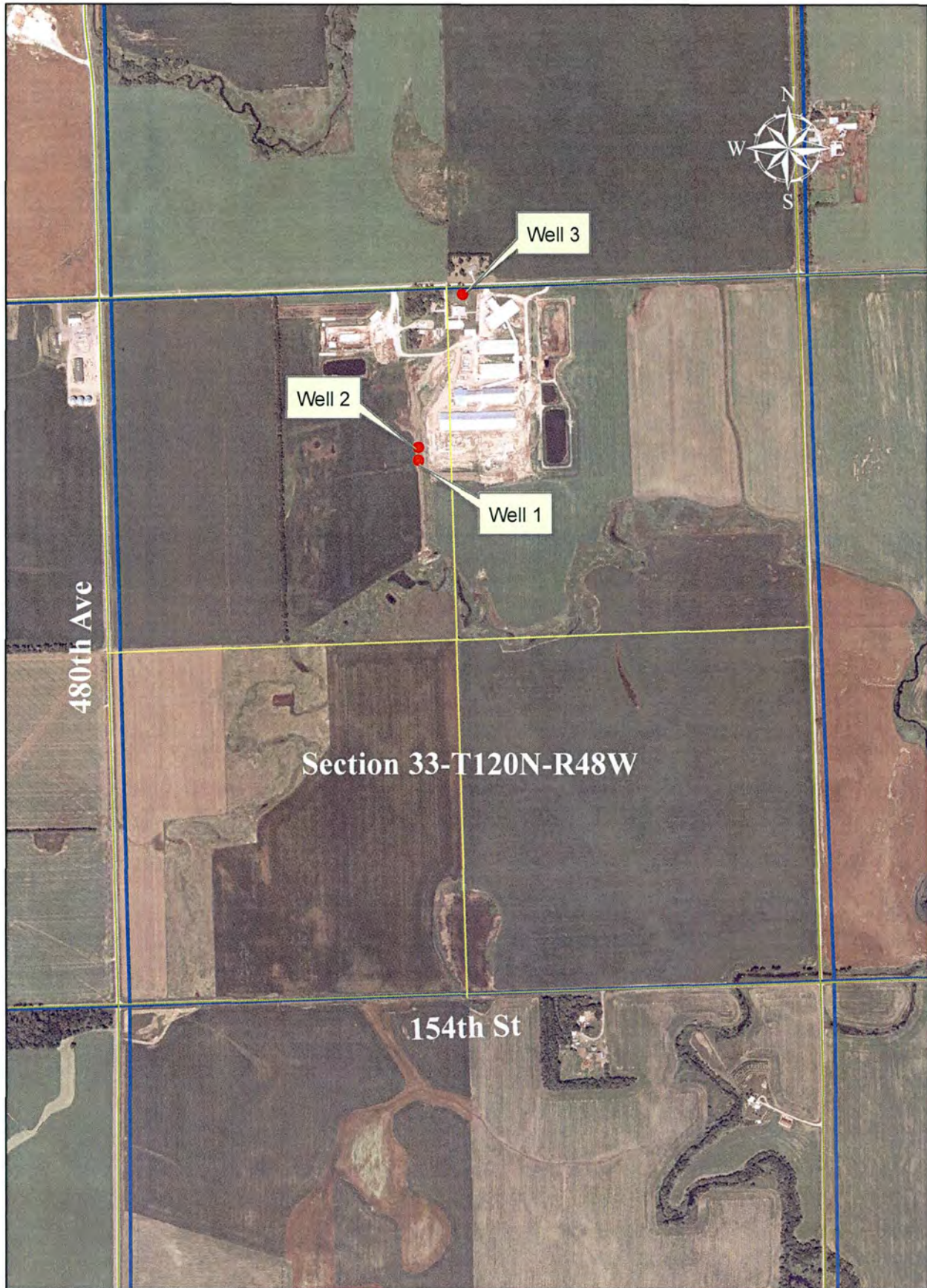
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: February 7, 2007

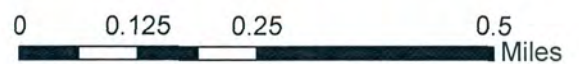
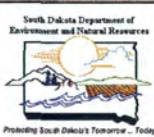
Milbank Community Foundation
P.O. Box 446
Milbank, SD 57252
432-9229

Water Permit No. 6230-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 7, 2007



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6230-3

(1) Milbank Community Foundation, PO Box 446, Milbank SD 57252-0446 made Application No. 6230-3, September 20, 2000 for a water permit to divert 1.022 cubic feet of water per second from ground water (three wells – Veblen Aquifer), Grant County, South Dakota for commercial purposes. Permit No. 6230-3, with a priority date of September 20, 2000 was approved December 6, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 20, 2005 and for the application to beneficial use of said water on or before September 20, 2009.

(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 0.39 cubic feet of water per second for beneficial use. The diversion points are located:

Well #1 – 1,280 feet south and 2,380 feet east of the NW corner of Section 33, T120N, R48W (NE ¼ NW ¼);

Well #2 – 1,175 feet south and 2,380 feet east of the NW corner of Section 33, T120N, R48W (NE ¼ NW ¼);

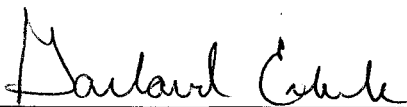
Well #3 – 50 feet south and 2,520 feet west of the NE corner of Section 33, T120N, R48W (NW ¼ NE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Milbank Community Foundation the holder and owner of Water Right No. 6230-3 is issued a license to appropriate water, the right to use 0.39 cubic feet of water per second from ground water (three wells – Veblen Aquifer) with a priority date of September 20, 2000 from the locations specified in (2) of this license. The water is used for commercial purposes in a dairy used to train people for the dairy industry.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6230-3 and subject to the following qualifications:

- The wells approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner 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.
- Water Right No. 6230-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
- Water Right No. 6230-3 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



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

MAR 16 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 16 2007

6230-3

Rudolph Nef
Milbank Community Foundation
PO Box 446
Milbank SD 57252

Dear Mr. Nef:

Enclosed is Water License No. 6230-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed 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. 6230-3, 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

RECEIVED

OCT 27 2011

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

Water Right/Permit No. 6230-3 **WATER RIGHTS PROGRAM**

Date: August 1, 2011

I/We request that Water Right/Permit No. 6230-3 formerly owned by:
Milbank Community Foundation be transferred to:

New Owner Name: Riverview LLP (contact person: Anthony Ekren)Address: 26406 470th AvenueCity, State, Zip Morris MN 56267 Telephone No. 320-392-5609

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

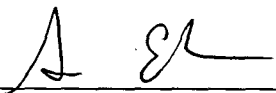
Three wells in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 33, T120N, R48W

☒ I understand that the validity of Water Right/Permit No. 6230-3 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, Anthony Ekren, 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 10/27, 2011

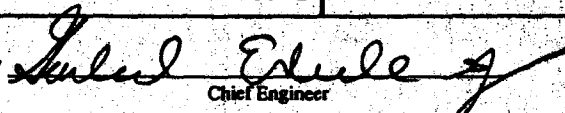
RECEIVED OF Riverview LLP Anthony Ekren 26406 470th Ave Morris MN 56267

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6230-3</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. **06083**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2011

6230-3

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Ekren:

I am writing to acknowledge receipt of the transfer of ownership and filing fee you submitted for Water Right No 6230-3.

The ownership change has been completed. Water Right No 6230-3 formerly held by Milbank Community Foundation is now listed in the name of Riverview LLP.

Enclosed for your records is Receipt No. 05053 in the amount of \$50.00. I have included a copy of the water right as we discussed through an email communication.

Sincerely,

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

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

enclosures



February 24, 2020

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

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

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

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

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

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

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

Thank you,

A handwritten signature in black ink, appearing to be "A. Ekren", written over a horizontal line.

Anthony Ekren

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

FEB 1 2021

Ck# 26644

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

RECEIVED

FEB 01 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 6230-3Date: January 8, 2021

I/We request that Water Right/Permit No. 6230-3 formerly owned by:
Riverview, LLP be transferred to:

New Owner Name: Whetstone Land Co., LLCAddress: 165401 Hanks RoadCity, State, Zip Grandview WA 98930 Telephone No. 509-952-4648

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

Grant County, SD
Parcel ID: 0248331001
S28 & 33, T120N, R48W

☒ I understand that the validity of Water Right/Permit No. 6230-3 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, John Koopmans, 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**

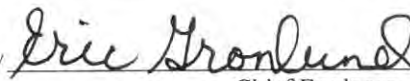
South Dakota Department of Environment and Natural Resources

Date February 1, 2021RECEIVED OF Settje Agri-Services & Engineering Inc. 15460 NW 48th St. Raymond NE 68428

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>6230-3</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


 Chief Engineer




DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2021

6230-3

John Koopmans
Whetstone Land Co LLC
165401 Hanks Rd
Grandview WA 98930

Dear Mr. Koopmans:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 6230-3.

The ownership change has been completed. The water right formerly held by Riverview LLP is now listed under Whetstone Land Co., LLC.

The receipt for the \$50 filing fee is being sent by copy of this letter to Settje Agri-Services & Engineering in Raymond NE. If you have any questions, please let me know.

Sincerely,

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

C: Settje Agri Services & Engineering Inc., 15460 NW 48th St, Raymond NE 68428