

WATER PERMIT NO. 6612-3

Name of Applicant: Dean Foods / Land O Lakes Milk

Address: 1200 W Russell St, Sioux Falls SD 57104

Phone: 605 336-1958

Amount of Water Claimed: 0.67 cfs

Total Acres: 1

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Minnehaha

Type of Waste Disposal System:

Location: in Sioux Falls near arena

PRIORITY Date Received: 3-10-05

Application/License Fee: \$100

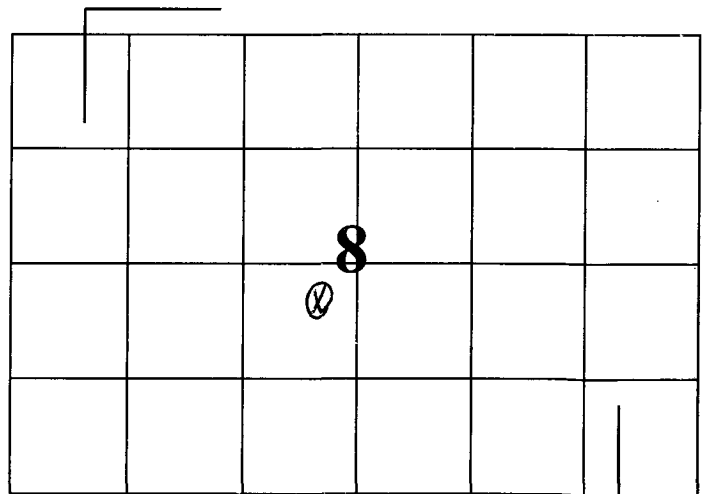
Corrected Application Received: 3-30-05

Period of Annual Use: May 1 – October 31

Remarks: water grounds around facility

Diversion Point: NE ¼ SW ¼ Sec 8-T101N-R49W

Land to be Irrigated: NE ¼ SW ¼ Sec 8-T101N-R49W



Depth of Well: 26 feet deep

Well Driller: : Lacey Well Drilling Inc.

Remarks:

Type of Map: aerial

Prepared by: Christopher Laingen

Reviewed and the Number Assigned on: 3-30-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6612-3</u> (office use only) <u>10170203</u>	RECEIVED MAR 10 2005 WATER RIGHTS PROGRAM
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader, Sioux Falls</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
We abandoned an old well on the west side of the plant.

- Name of Applicant Dean Foods Rural Outlets M.M. Phone 605-336-1958
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1200 west Russell St, Sioux Falls State SD 57104
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.027 *CFS or 12 **GPM ***AF Total Acreage 1
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply New well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well on South
side of the plant at 1200 west Russell St Sioux Falls
South Dakota 57104 (NE1/4 SW1/4) Sec 8-T104N County Minnehaha
R49W
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used May 1 - Oct. 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Lower South of Plant</u>	<u>1</u>		
<u>NE1/4 SW1/4 Sec 8-T104N-R49W</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
(see Attached) - capped old well to make
room to expand the plant. Drilled a new well to
irrigate the property.

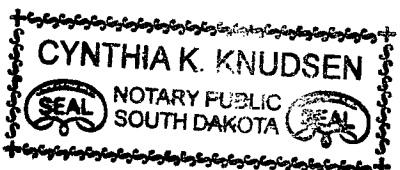
STATE OF SOUTH DAKOTA) SS
County of Minnehaha

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, Garrod D. Otter, 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 Garrod D. Otter

Subscribed and sworn to before me this 8th day of March 20 05



Cynthia K. Knudsen
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6612-3**

Date of first receipt of application March 10, 2005.

Date of return to applicant for corrections, amendments or changes March 10, 2005.

Date of receipt of corrected application March 30, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6612-3 to Dean Foods / Land O Lakes Milk, 1200 W Russell, Sioux Falls SD 57104 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. 6612-3 appropriates 0.027 cubic feet of water per second from one well completed into the Big Sioux: Sioux Falls Aquifer (26 feet deep) located in the NE ¼ SW ¼ Section 8 to irrigate approximately 1 acre around the facility located in the NE ¼ SW ¼ Section 8; T101N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is March 10, 2005.
4. The date of approval of Permit No. 6612-3 is July 1, 2005.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water appropriated by this permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUL 29 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 30'
- b) Casing Type Plastic Diameter 8" Thickness PVC .080
- c) Screen Type Manufactured Diameter 8" Thickness PVC .080
- d) Gravel Pack 12-26' Length of Gravel Pack 14'
- e) Depth to Top of Water Bearing Material 14'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others X ^{Know} ~~Don't know~~ ^{where?}

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) City Sewer
- b) System Capacity (gallons) 420 GPM Year Constructed 1963
- c) Connected to the City of Sioux Falls Sanitary System _____

3. Dugout Information

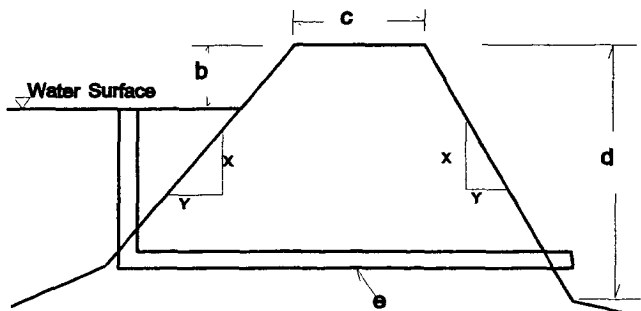
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) N/A

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:

N/A



- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 30, 20 05

RECEIVED OF Dean Foods, 3600 Piver Road, Franklin Park IL 60131

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

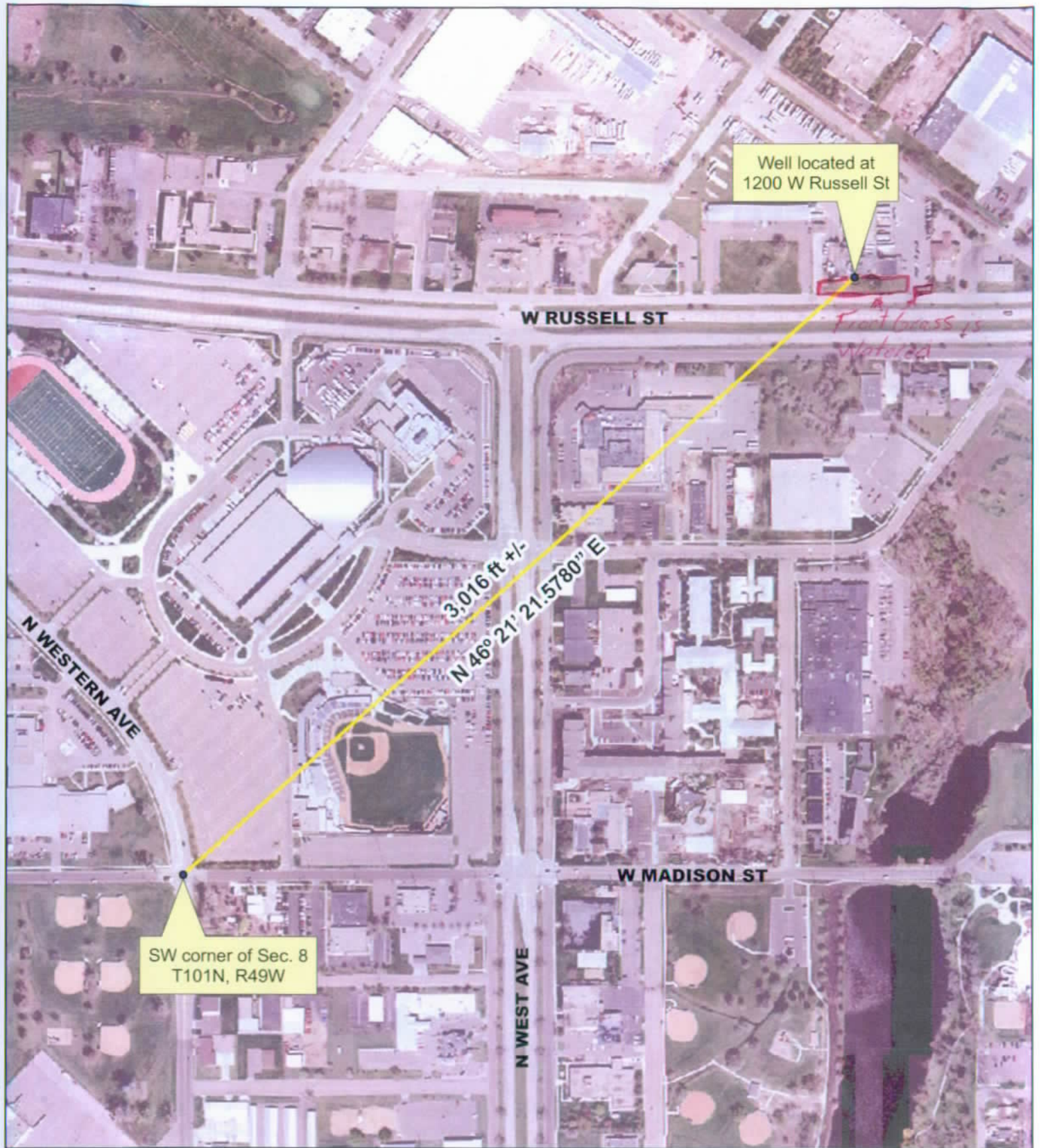
Fee for Application for Permit No. <u>6619-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6619-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

004 027

By

David E. Elch
Chief Engineer



Christopher R. Laingen
GIS Technician
City of Sioux Falls - GIS Division
224 W 9th St
Sioux Falls, SD 57104

0 200 400 800 Feet



3/16/05

6612-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

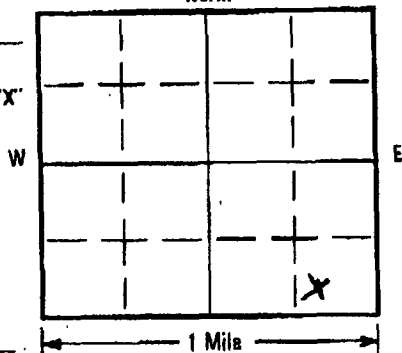
Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 Twp 10N Rg 4W

County

Minnehaha

North

Please mark well location with an "X"



Well Completion Date

8-2-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket-Fake Casing

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20</u> LB/FT	<u>8</u> IN	<u>11</u> FT	<u>26</u> FT	<u>20</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>Concrete</u>	_____	_____ lb./gal	<u>6</u> ft.	<u>10</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Tremic to 10'SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 5 FEETMaterial PVCSlot Size 080 Set From 21 Feet to 26 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____☐ NO, Why Not? _____Chlorine

Laboratory sent to for water quality analysis _____

Well Owner: Land O-Lakes ProcurementBusiness Name: Go Krier & Blain, Inc.Address: 1200 W. Russell St.Sioux Falls S.Dak. 57124

WELL LOG:

DEPTH

FORMATION	FROM	TO
Fill	0	8
Sand	8	12
Clean Gravel	12	26
Blue Clay	26	

STATIC WATER LEVEL 12' 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: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

14' ft. After 1 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Really Good WellThis well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling, Inc.

Signature of License Representative:

Jean Redden

Signature of Well Owner or Equitable Property Holder:

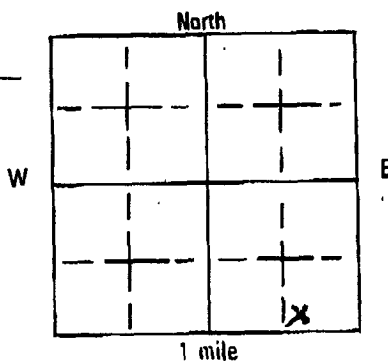
Michael J. KrierDate: 10/25/04

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SE 1/4 SE 1/4 Sec 8 Twp 101-N Rg 49-W

County

Minnehaha1200 W. Russell St.Please mark well
location with
an "X"Well Owner: Land O Lakes ProcurementName % Krier & Blain, Inc.Address 1200 W. Russell St.Sioux Falls, S.D. 57104Plugging completion Date 6-22-04

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

30'

Casing material

PVC

Casing size(s)

8"

Casing condition

Good

Hole depth

Hole size

Describe plugging procedure: Fill w/ gravel from 30' to 12'Describe grout or plugging material: Bentonite 12' to 7'Cut off 7' Below grade

Type of non-slip plug:

This well or test hole was plugged under license # 111 And this report is true and accurate.Drilling firm Lacey Well Drilling, Inc.

Signature of Licensed Representative

Signature of Well Owner

Date

10/25/04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2004

Land-O-Lakes Procurement
c/o Krier & Blaine, Inc.
1200 W Russell
Sioux Falls SD 57104

Dear Sir:

A well driller's report filed by Lacey Well Drilling, Inc. shows that they completed a new well for you for irrigation use. Based on the information in the report, it appears you will need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E Capitol, Pierre SD 57501".

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2005

Jarrold D Otter
Dean Foods/Land O Lakes Mills
1200 W Russell St
Sioux Falls SD 57104

*Mike Noble
605 940-1136*

Dear Mr. Otter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation around your facility. In order to complete the application the following is required.

- Please submit a map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. On the map, please outline the area to be irrigated. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- Our suggestion is obtaining an aerial photo map from the local Natural Resource Conservation Service office. Someone from that office will be qualified to sign the map.
- The application/license filing fee will be \$100.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



Dean Foods North Central, Inc.
1200 WEST RUSSELL STREET
SIOUX FALLS, SD 57104



Telephone: (605) 336-1958 Fax: (605) 336-7206

March 24, 2005

Department of Environment and
Natural Resources
Joe Foss Building
Water Rights Program
523 East Capital
Pierre, SD 57501-3182

RECEIVED
MAR 30 2005
WATER RIGHTS
PROGRAM

Dear Karen Schlaak:

RE: Application for a Permit to Appropriate Water

Enclosed you will find an aerial photo of the Land O' Lakes Milk Plant at 1200 West Russell Street Sioux Falls, SD 57104 indicating the area to be watered, the location of the well from a government section corner, and a check for \$100.00 for the application fee. Please do not hesitate to call if you have any further questions or needs from Dean Foods/Land O' Lakes Milk.

Sincerely,

Mike Noble
Plant Superintendent
605-336-1958

Good Things From The Land.™



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2005

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th Street
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

Enclosed is a copy of the report, recommendation and public notice on Water Permit Application No. 6612-3 filed by Dean Foods/Land O Lakes Milk. The notice of hearing is scheduled to be published in the Argus Leader on June 13 and 20, 2005.

This information is being sent to keep you informed of water right permitting issues within Sioux Falls.

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

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

WATER PERMIT APPLICATION NO. 6612-3
DEAN FOODS/LAND O LAKES
MAY 26, 2005

Water Permit Application No. 6612-3 proposes to appropriate 0.027 cubic feet of water per second from one well, 26 feet deep, completed into the Sioux Falls Management Unit of the Big Sioux aquifer located in the NE¼ SW¼ Sec. 8 to irrigate approximately one acre around the facility located in the NE¼ SW¼ Sec. 8, T101N-R49W, Minnehaha County.

AQUIFER: Big Sioux: Sioux Falls (BS: SF)

AQUIFER CHARACTERISTICS:

The Sioux Falls Management Unit of the Big Sioux Aquifer is an alluvium mantled, glacial outwash deposit, which consists of silt, fine to coarse sand, and gravel. The management unit underlies approximately 22,900 acres in Minnehaha County and contains an estimated 103,050 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The aquifer is restricted to the Big Sioux alluvial valley, and is bounded both to the north (near Dell Rapids) and on the south (Sioux Falls) by the relatively impermeable Sioux Quartzite. The aquifer is under unconfined conditions. The direction of water movement in the aquifer is generally to the south and towards the Big Sioux River (Lindgren and Niehus, 1992). The aquifer attains a maximum thickness of approximately 48 feet.

The Water Rights Program monitors 14 observation wells completed into the Sioux Falls management unit of the Big Sioux aquifer. Water Rights' Observation Well MA-57H is located within three-quarters of a mile of this proposed well location. The hydrograph for the well is shown in figure 1.

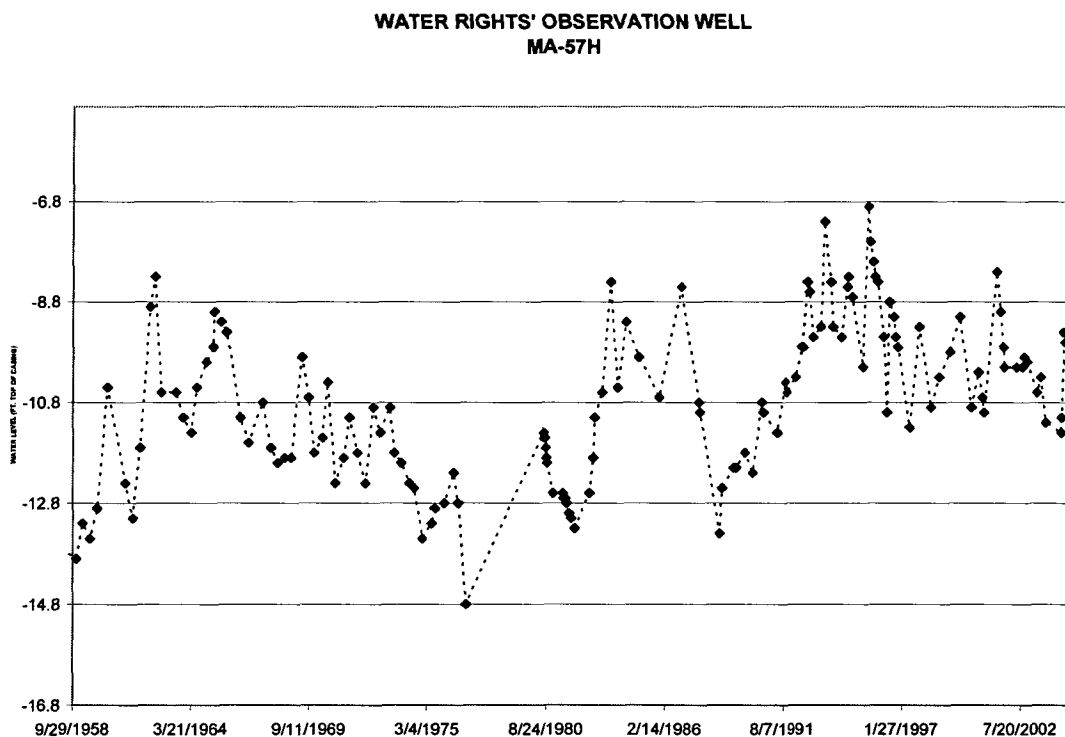


Figure 1. Hydrograph of Water Rights' observation well located approximately three-fourths of a mile from this proposed well site.

Data from the observation wells indicate the water levels rise during the late winter and spring due to recharge, if available. The water level of the aquifer fluctuates rapidly in response to recharge. The response to withdrawals is less obvious and tends to be represented by a slow gradual decline. The decline of water levels during the summer months is due to increased evapotranspiration, reduced recharge, and pumpage. Data from the observation wells indicate the aquifer is capable of sustaining additional withdrawals.

WATER AVAILABILITY:

This application, if approved will appropriate only a minuscule amount of water (2 acre-feet annually).

Although there are a number of permits/right for water from the Sioux Falls Management Unit, historically, the average annual use has been less than 15% of the maximum that could be pumped. Average annual pumpage (total) from the Unit was estimated in 1983 to be 17,370 acre-feet per year (Hedges, 1983). The average daily use (total) from the aquifer was estimated in 1989 to be 20.0 MGD (22,627 ac-ft/yr), (Barari, 1989). Reported withdrawals in acre-feet annually from the Sioux Falls Management Unit by appropriate users are shown in Table 1 (Water Rights, 2005c).

	City of Sioux Falls	MCWC	Irrigation	TOTAL
1990	17,788	1,253	473	19,514
1991	10,257	1,400	409	12,066
1992	12,334	1,458	160	13,952
1993	9,956	1,489	124	11,569
1994	10,597	1,722	253	12,572
1995	8,211	1,752	240	10,203
1996	10,586	1,967	246	12,799
1997	12,382	1,841	467	14,690
1998	11,647	1,967	294	13,908
1999	11,507	2,098	414	14,019
2000	9,014	2,219	494	11,727
2001	12,873	2,314	359	15,546
2002	6,788	2,405	459	9,652
2003	11,402	2,630	440.05	14,472.05
2004	12,284	2,636	420.93	15,340.92

Table 1. Water Use Reported from the Sioux Falls Management Unit

Declaratory ruling:

On November 14, 1991, through a declaratory ruling, the Water Management Board (Board) established a limitation on the annual withdrawals due to pumping by Water Permit/Right holders from the Sioux Falls Management Unit of 32,200 acre-feet per year (ac-ft/yr).

Water use from the Sioux Falls Management Unit in the future will be limited to a total withdrawal of 32,200 ac-ft/yr. When this limit is approached, water use will be restricted on a priority basis until withdrawals do not exceed 32,200 ac-ft/yr. The practical effect of the 32,200 ac-ft/yr limit allows for management of the aquifer, and on a priority basis if necessary. The increased use by this permit will not cause withdrawals from the

management unit to exceed 32,200 ac-ft/yr. Development of water reserved by future use permits could however, result in withdrawals from the aquifer exceeding 32,200 ac-ft/yr with existing appropriations. If pumping from the aquifer exceeds 32,200 ac-ft/yr, junior water right holders will have to limit their pumping.

There are 66 Water Rights/Permits appropriating water from the Sioux Falls management unit of the Big Sioux aquifer, including five Future Use Permits.

Effects on Existing Rights:

Unlawful impairment of groundwater rights may be due to "well interference", which is the overlapping of drawdown cones of depression of two or more wells; or from a "cumulative affect" in which the water level throughout the entire aquifer are lowered, as the result of an extended interim between withdrawal and recharge causing an "overdraft" from storage. In either case mitigation may be necessary, if the pumping authorized by junior priority rights is to continue.

Well interference:

The nearest existing Water Right to the site proposed for this well is Water Right No. 4880-3, Mrs. Dale Swartz, and it is located approximately 500 feet to the southeast. Any interference caused by this appropriation is not expected to be adverse due to the low diversion rate proposed.

Cumulative affect:

Annual withdrawal limitation:

Although the Board has established an annual withdrawal limitation of 32,200 ac-ft/yr, the potential of adverse impact to existing rights is independent of the amount of water that can be appropriated from the aquifer. Water rights could be adversely impacted even though substantially less than 32,200 acre-feet per year is pumped. The Board adopted a declaratory ruling on November 14, 1991 stating (in part):

"That private domestic wells are being impacted and deprived of reasonable use of water for domestic purposes by appropriative permit holders' withdrawals from the Big Sioux Aquifer: Sioux Falls Management Unit."

The City of Sioux Falls offered a seven point proposal that would eliminate the problem addressed in the declaratory ruling issued November 14, 1991. Since the problem was addressed and corrected through the proposal, the board did not need to order mitigation.

Following the declaratory ruling, the Board approved a reservation for future use by the City of Sioux Falls, (Permit No. 5523-3). The consequence of the declaratory ruling was the inclusion of the following qualification on the permit:

"If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5523-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."

CONCLUSIONS:

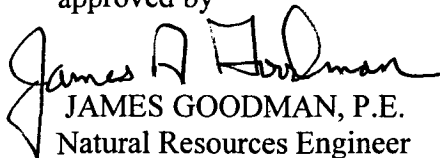
1. Water Permit Application No. 6612-3 proposes to appropriate 0.027 cfs to irrigate approximately one acre.
2. There is a reasonable probability unappropriated water is available for this appropriation.
3. There is a reasonable probability this appropriation can be made without adversely affecting existing rights.
4. The appropriation proposed by this application will not cause withdrawals to exceed the annual limitation that was established for the management unit by Board's November 14, 1992 "Declaratory Ruling on Establishment of a Maximum Annual Withdrawal Limitation for the Big Sioux Aquifer: Sioux Falls Management Unit" (32,200 acre-feet per year).
5. Since the Water Management Board's November 14, 1991 "Declaratory Ruling Regarding the Decline of the Water Levels in Private Domestic Wells in the Big Sioux Aquifer: Sioux Falls Management Unit", new appropriations from the management unit have included the following qualification:

"If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water appropriated by this permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."



KEN BUHLER
Natural Resources Engineer

approved by



JAMES GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Barari, A., Iles, D., Cowman, T., 1989, Assessment of Water Resources and Conceptual Evaluation of a Regional Water Supply for Southeastern South Dakota, SD Dept. of Environment and Natural Resources, Geological Survey Program, Open-File Report 60-UR

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-80-C-0185
- Hedges, L.S., Burch, S., Iles, D., 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 6: Average Annual Water Use by Aquifer, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Lindgren, R.J., and Niehus, C.A., 1992, Water Resources of Minnehaha County, South Dakota: USGS, Water-Resources Investigations Report 91-4101
- Water Rights Program, 1992, "November 14, 1992 Water Management Board Minutes", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005a, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005b, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005c, "Irrigation Summary By Aquifer", DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6612-3, Dean Foods / Land O Lakes Milk**

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. 6612-3, Dean Foods / Land O Lakes Milk, c/o Mike Noble, Plant Superintendent, 1200 W Russell Street, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 6612-3 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. If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water appropriated by this permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 6, 2005

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 841906

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Monday, the 13 day of June 2005 ,
Monday, the 20 day of June 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,

and that \$96.40 was charged for publishing the same including A \$5.00 affidavit fee.

Linda Schulte
Subscribed and sworn to before 6/20/2005.

JOAN STAHL
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public, South Dakota

My Commission expires June 30, 2005

NOTICE OF APPLICATION NO. 6612-3

to Appropriate Water
Notice is given that Dean Foods/Land O Lakes Milk, c/o Mike Noble, Plant Superintendent, 1200 W Russell St, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.027 cubic feet of water per second from one well completed into the Big Sioux: Sioux Falls Aquifer (26 feet deep) located in the NE 1/4 SW 1/4 Section 8 to irrigate approximately 1 acre around the facility located in the NE 1/4 SW 1/4 Section 8; T101N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6612-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3362)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
841906 June 13 & 20, 2005

RECEIVED
JUN 22 2005
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on June 13, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6612-3 to Appropriate Water

Notice is given that Dean Foods / Land O Lakes Milk, c/o Mike Noble, Plant Superintendent, 1200 W Russell St, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.027 cubic feet of water per second from one well completed into the Big Sioux: Sioux Falls Aquifer (26 feet deep) located in the NE ¼ SW ¼ Section 8 to irrigate approximately 1 acre around the facility located in the NE ¼ SW ¼ Section 8; T101N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6612-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2005

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6612-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dean Foods/Land O Lakes Milk, % Mike Noble, Plant Superintendent, 1200 W Russell St., Sioux Falls SD (Ph # 605-336-1958).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6612-3

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

Date _____

We are in receipt of your letter of June 6, 2005 enclosing Notice to Appropriate Water by Application No. 6612-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 6, 2005

Dean Foods/Land O Lakes Milk
% Mike Noble, Plant Superintendent
1200 W Russell St.
Sioux Falls SD 57104

Dear Mr. Noble:

Water Permit Application No. 6612-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

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

JUL 29 2005

Dean Foods/Land O Lakes Milk
% Mike Noble Plant Superintendent
1200 W Russell St
Sioux Falls SD 57104

Dear Mr. Noble:

Enclosed is Water Permit No. 6612-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures

Permit No. 6612-3
Big 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, June 27, 2006, made a thorough examination of the water use system constructed by Dean Foods/Land O Lakes Milk of 1200 W Russell St., Sioux Falls, SD 57104 holder of Permit No. 6612-3, bearing the priority of March 10, 2005 authorizing the diversion of 0.027 cu. ft. per second of the waters of Big Sioux: Sioux Falls Aquifer for irrigation purposes, in Minnehaha County.

Inspection contact & relationship **Mike Koval – Facility Maintenance 605-336-1958 ext. 3070**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacy Well Drilling Inc.
- 2) No. of Wells 1
- 3) Depth(s) 26 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 8 inches
- 2) Length 21 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 5 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Aermotor Submersible
- 2) Model A + 1255-75 230-3W
- 3) Size 4"
- 4) Capacity 12 GPM

Motor:

- 1) Make Franklin Electric
- 2) Model No.
- 3) Horsepower rating 3/4 hp

B. Works used to transport water to place of use:

- 1) Type plastic
- 2) Size 3/4 inches
- 3) Length feet

C. Works used to apply water to beneficial use:

Rainbird lawn sprinkler system.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

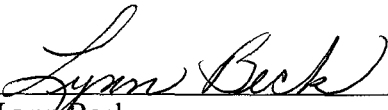
The system is in good condition with the point(s) of diversion located as follows: 2050' N and 2360' E of the SW corner Section 8-T101N-R49W; 43.563956, -96.742556. The works are capable of diverting and conveying to the place of use 0.027 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 8-T101N-R49W
NE SW 0.30 acres

comprising a total of 0.3 acres of land and the license should be issued for 0.027 cfs.

All structures, wells and lands on map yes

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



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: July 14, 2006

WATER RIGHT NO. 6612-3
Dean Foods/Land O Lakes Milk

R49W

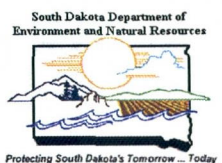


SCALE

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
July 14, 2006





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

NOV 01 2008

6612-3

Dean Foods/ Land O Lakes Milk
% Mike Noble, Plant Superintendent
1200 W Russell St
Sioux Falls SD 57104

Dear Mr. Noble:

Enclosed is Water License No. 6612-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6612-3, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6612-3

(1) Dean Foods / Land O Lakes Milk, 1200 W Russell St, Sioux Falls SD 57104 made Application No. 6612-3, March 10, 2005 for a water permit to divert 0.027 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for irrigation purposes. Permit No. 6612-3, with a priority date of March 10, 2005 was approved July 1, 2005 and issued to the applicant for diversion of water with construction of the described water supply system the application to beneficial use of water completed.

(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. 6612-3 is issued a license, bearing a priority date of March 10, 2005 to appropriate 0.027 cubic feet of water per second from groundwater (one well) to irrigate 0.3 acres.

The diversion point is located: 2,050 feet north and 2,360 feet east of the southwest corner Section 8-T101N-R49W (NE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 8-T101N-R49W NE ¼ SW ¼ 0.3 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6612-3 including the following now applicable qualification:

- If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water appropriated by this permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravels; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.


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

NOV 01 2006
date

