

WATER PERMIT NO. 6620-3

Name of Applicant: RedStone Feeders, LLC

Address: PO Box 29, DeSmet SD 57231 Phone: 605 854-3378

Amount of Water Claimed: 0.2 cfs Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial County: Kingsbury

Type of Waste Disposal System:

Location: 8 miles southwest of DeSmet

PRIORITY Date Received: 4-29-05 Application/License Fee: \$275

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

Remarks: Cattle feedlot operation

Diversion Point: SE ¼ NE ¼ Sec 19-T110N-R57W

Land to be Irrigated: NA

Depth of Well: 1200 feet deep

Well Driller:

Remarks:

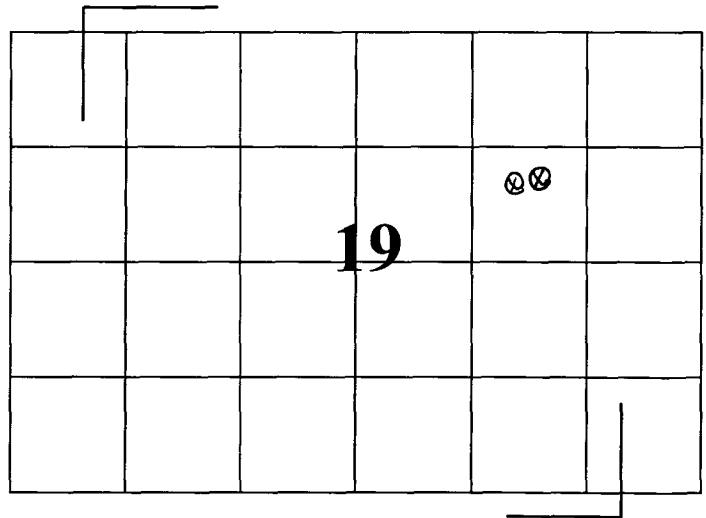
Type of Map: aerial

Prepared by: Mark E Johnson, RLS

Reviewed and the Number Assigned on: 4-29-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V1
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. 0620-3 (office use only)
Hydrologic Unit 10160006
Basin James River
Newspaper DeSmet News, DeSmet

RECEIVED
APR 29 2005
WATER RIGHTS
PROGRAM

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 Agricultural

Type of Application:
(check one)

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

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

1. Name of Applicant RedStone Feeders, L.L.C. Phone (605) 854-3378
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 103 Joliet Avenue SE, PO Box 29 DeSmet State SD 57231
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.2 *CFS or 90 **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 groundwater (2 wells)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Kingsbury
NE1/4 Section 19 T110N R57W (SE 1/4 NE 1/4)
5. County or counties where water will be used Kingsbury
6. Annual period during which water is to be used Year around Jan 1-Dec 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 will be used for the RedStone Feeders, L.L.C. Water consumption will be used for agricultural purposes. The facility is in the process of obtaining a General Permit for Concentrated Animal Feeding Operations. (cattle confinement)

STATE OF SOUTH DAKOTA)

County of Kingsbury

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, Todd Wilkerson for RedStone Feeders LLC, 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 Todd Wilkerson for RedStone Feeders LLC

Subscribed and sworn to before me this 28th day of April 20 05

Mallory Smith

Notary Public signature

My Com. Exp. 3-10-06

**SOUTH DAKOTA
WATER PERMIT NO. 6620-3**

Date of first receipt of application April 29, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6620-3 to RedStone Feeders LLC, PO Box 29, DeSmet SD 57231 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. 6620-3 appropriates 0.2 cubic feet of water per second from two wells to be completed into the Dakota Formation (approximately 1200 feet deep) located in the SE ¼ NE ¼ Section 19-T110N-R57W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6620-3 is June 20, 2005.
5. The date from which applicant may claim right is April 29, 2005.
6. One-fifth of the construction is to be completed on or before December 20, 2007.
7. All construction is to be completed on or before June 20, 2010.
8. Water is to be put to beneficial use on or before June 20, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6620-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6620-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

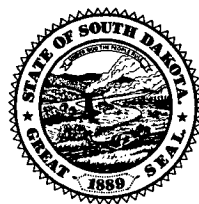
4. Permit No. 6620-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JUL 29 2005

date



(type or print in ink)

Red Stone Feeders L.L.C. is currently applying for coverage under the SWD General Permit for Storm Water Discharge Associated with Industrial or Construction Activities.

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7.75"4.5" Depth 1200'
- b) Casing Type Seh 80 PVC Diameter top 5", btm 2", 2.5" Thickness 0.250"
- c) Screen Type Sch 80 PVC Diameter 2.5" Thickness 0.250"
- d) Gravel Pack if needed Length of Gravel Pack 200' if needed
- e) Depth to Top of Water Bearing Material 800'
- f) Depth to Water (ground surface to water level) 40' - 50'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

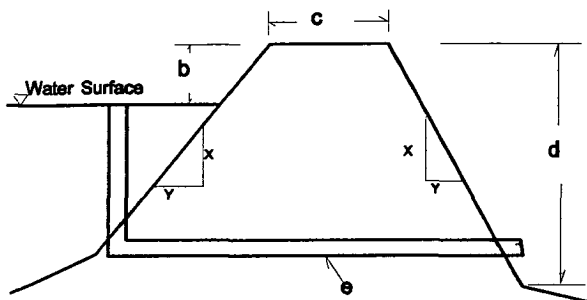
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
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 April 29, 2005

RECEIVED OF Redstone Feeders LLC, PO Box 29, DeSmet SD 57231-0029

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

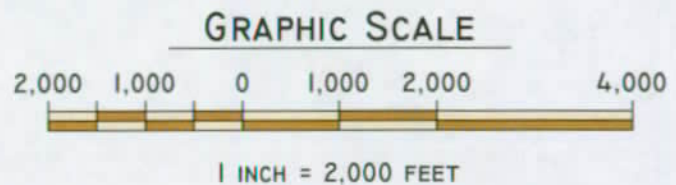
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	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	275.00

No. 000009

By

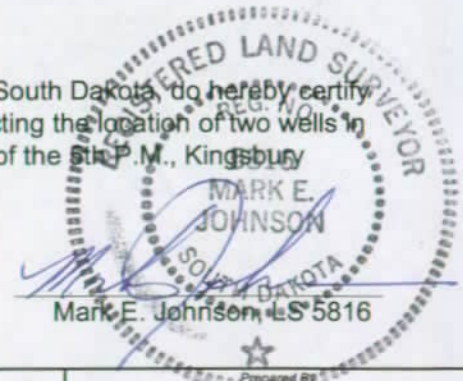
Darlene E. Eide
Chief Engineer

Site Location Map of the NE 1/4, Sec. 19, T 110 N, R 57 W, Kingsbury County, South Dakota



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Todd Wilkinson did prepare this map depicting the location of two wells in the NE 1/4 of Section 19, Township 110 North, Range 57 West of the 6th P.M., Kingsbury County, South Dakota.

Dated this 26th day of April, 2005.



Title: Site Location Map for the RedStone Feeders, LLC Kingsbury County, SD	Project Name: RedStone Feeders, LLC Kingsbury County, SD Sheet Name: Site Location Map Proj. No.: Y05115 Dep. No.: Proposal	Prepared By: Eisenbraun & Associates Professional Engineers & Surveyors 215 Walnut Yankton, South Dakota 57108 605-665-8092 FAX 605-665-0523 "www.esweb.com"

6620-3

Red Stone Feeders, LLC

QUALITY PAYS

P.O. Box 29
De Smet, S.D. 57231

Phone: 605-854-3378

Fax: 605-854-9006

tjwilk@msn.com

Water Rights Program, DENR
Joe Foss Building
Attn: Eric Gronlund
523 East Capitol
Pierre, SD 57501-3181

RECEIVED

APR 29 2005

WATER RIGHTS
PROGRAM

Dear Mr. Gronlund:

Enclosed find two Site Location Map for Redstone Feeders, LLC, SD EForm
1585 V1, and Application fee of \$275.00.

If you have any questions please advise.

Sincerely,



Todd D. Wilkinson
Redstone Feeders, LLC

April 26, 2005

Water Rights Program, DENR
Joe Foss Building
Attn: Eric Gronlund
523 East Capitol
Pierre, SD 57501-3181

RECEIVED
APR 28 2005
WATER RIGHTS
PROGRAM

RE: RedStone Feeders, L.L.C., Kingsbury County, SD
E/A Project No. Y05115.D01

Dear Mr. Gronlund:

Enclosed are the forms and other required submittal information for the RedStone Feeders, L.L.C. Water Rights Permit. The information is being submitted to your office for review and approval. The proposed wells will be located in the Northeast Quarter (NE ¼) of Section 19, T110N, R57W, Kingsbury County, South Dakota. The contact information for RedStone Feeders, L.L.C. is as follows: Todd Wilkinson, 103 Joliet Ave. SE, DeSmet, SD, 57231, (605) 854-3378.

An included map shows the approximate locations of the wells. The proposed well locations are north of the proposed cattle confinement barn. Water from the wells will be pumped to a reservoir tank located adjacent the west wall of the proposed shop building. The reservoir will contain storage for 25,000 gallons of water to ensure an appropriate amount of water is available for feedlot purposes. The tank will be approximately 40' high and 15' in diameter. The supplemental well information on Form 2A applies to both wells and has been completed using information provided by Ken Palmer from Pullman Drilling.

The reservoir, wells and their approximate locations are shown on a map (aerial photograph) that is signed by a registered land surveyor. Two completed copies of Form 2A have been submitted with the two copies of Form 2. RedStone Feeders, L.L.C. is currently applying for coverage under the SWD General Permit for Storm Water Discharge Associated with Industrial or Construction Activities.

The submittal package has been assembled utilizing the requirements as set forth in the Application Instructions for a Non Irrigation Use Water Permit. It is our belief that all of the required information for your review of RedStone Feeders, L.L.C. water rights permit application has been provided.

We welcome your favorable review of the information. If you have any questions or need additional information, please do not hesitate to contact us. Thank You.

Sincerely,

EISENBRAUN AND ASSOCIATES, INC.

Barbie A. Greer

Barbie G. Greer
Project Engineer

cc: RedStone Feeders, L.L.C.

REPORT ON WATER PERMIT APPLICATION NO. 6620-3
For Redstone Feeders Inc.
May 17, 2005

Application No. 6620-3 proposes to appropriate 0.2 cfs (90 gpm) from two wells approximately 1,200 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 19, T110N R57W in Kingsbury County. The water is for commercial use in a cattle feedlot operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is composed of as much as 500 feet of very fine to coarse-grained, silty sandstone, siltstone and shale (Hamilton, 1989). The aquifer underlies 814 square miles and contains an estimated 8.6 million acre-feet of recoverable water in storage in Kingsbury County (Hedges, 1982). The aquifer top should be about 930 feet below land surface and the Dakota should be more than 60 feet in thickness in this area and the general direction of ground water movement is from northeast to southwest across Kingsbury County (Hamilton, 1989).

No well data was supplied with this application. Based upon the county study and area domestic wells the Dakota Formation should be present below this site, the anticipated depth is reasonable and the requested pump rate is certainly possible. There is sufficient information available to evaluate this application.

The Water Rights Program does not monitor any observation wells completed into the Dakota Formation in this area. Hamilton reported water level declines for the Dakota Formation of about 200 feet since 1890. Hamilton also estimated a present day rate of decline of about 0.2 feet per year. Most of the decline can be attributed to the large number of free flowing wells that were allowed to flow uncontrolled to waste.

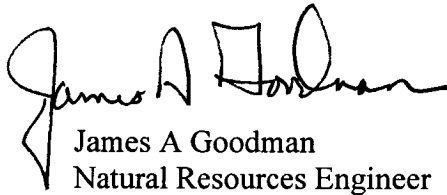
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permits/right that obtain water from the Dakota Formation. The nearest water right for water from the Dakota Formation would be for the City of Iroquois located about seven miles northwest of this site. Also the town of Iroquois now obtains water from Kingbrook Rural Water System and the wells are for backup purposes. Interference is not a concern. At this distance between wells it is not expected that drawdown from pumping would be noticed. There are other domestic wells in this area that obtain water from the Dakota Formation.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions. Drawdown will be created by pumping but at a rate of about 90 gpm should not be significant nor cause any adverse effects. It may become necessary to lower pumps in domestic wells in the area.

3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The plans and specifications for this facility have been reviewed by and approved by the Department in May of 2005.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S. and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDG, Vermillion, SD, 57069.
- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Investigations Report 88-4185, USGS, Huron, SD, 57350.



**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. 6620-3, RedStone Feeders, LLC**

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. 6620-3, RedStone Feeders, LLC, c/o Todd Wilkinson, PO Box 29, DeSmet SD 57231.

The Chief Engineer is recommending APPROVAL of Application No. 6620-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6620-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6620-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6620-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 26, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Kingsbury)

I, Dale Blegen

certify that the attached printed Notice was
 taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

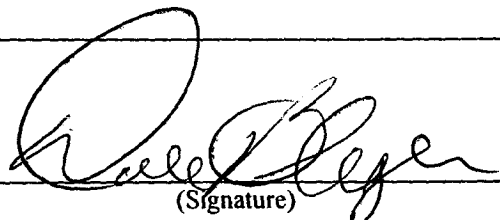
state of South Dakota. The notice was published

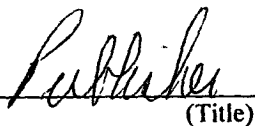
in the newspaper on the following two dates:

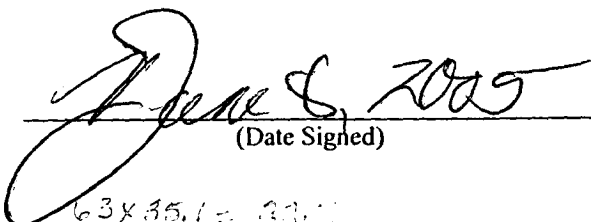
June 1, 2005

June 8, 2005

Cost of Printing 39.80


 (Signature)


 (Title)


 (Date Signed)

**NOTICE OF APPLICATION
 NO. 6620-3**

TO APPROPRIATE WATER

Notice is given that RedStone Feeders, LLC, c/o Todd Wilkinson, P.O. Box 29, De Smet, SD 57231, has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from two wells to be completed into the Dakota Formation (approximately 1,200 feet deep) located in the SE1/4 NE1/4 Section 19-T110N-R57W. The water is for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the chief engineer recommends approval of Application No. 6620-3 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 petitions 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 June 20, 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.

6-1-2wc-6-8

RECEIVED

JUN 10 2005

AIR QUALITY
 PROGRAM

Instruction to Newspaper - Publish first Notice on June 1, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6620-3 to Appropriate Water

Notice is given that RedStone Feeders, LLC, c/o Todd Wilkinson, PO Box 29, DeSmet SD 57231 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from two wells to be completed into the Dakota Formation (approximately 1200 feet deep) located in the SE ¼ NE ¼ Section 19-T110N-R57W. The water is for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6620-3 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 June 20, 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

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

May 26, 2005

RedStone Feeders LLC
% Todd Wilkinson
PO Box 29
DeSmet SD 57231

Dear Mr. Wilkinson:

Water Permit Application No. 6620-3 for commercial 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 DeSmet News printed at DeSmet, SD (Ph # 605-854-3331). 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

c: Barbie Greer, Eisenbraun & Associates, 215 Walnut, Yankton SD 57078

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 2005

DeSmet News
PO Box 69
DeSmet SD 57231-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6620-3 to Appropriate Water to be published twice. Please publish the first notice on June 1, 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 Red Stone Feeders LLC, % Todd Wilkinson, PO Box 29, DeSmet SD (Ph # 605-854-3378).

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. 6620-3

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

Date _____

We are in receipt of your letter of May 26, 2005 enclosing Notice to Appropriate Water by Application No. 6620-3 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

JUL 29 2005

Red Stone Feeders LLC
% Todd Wilkinson
PO Box 29
DeSmet SD 57231

Dear Mr. Wilkinson:

Enclosed is Water Permit No. 6620-3 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

6620-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date September 9, 2005

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED**SEP 12 2005****WATER RIGHTS
PROGRAM**

FROM: Redstone Feeders, LLC
(name)

P.O. Box 29
(address)

De Smet, SD 57231 605-854-3378
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6620-3 states that the water use system is to be constructed by

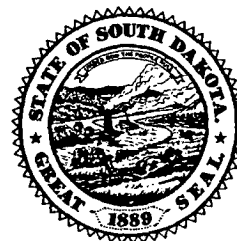
June 20, 2010, and water is to be put to beneficial use by June 20, 2014
(date) (date)

The water use system was completed on September 9, 2005
(date)

Applying the water to beneficial use was completed on September 9, 2005
(date)

You may schedule an investigation so that the water license may be issued.


(signature)



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 19 Twp 110 Rg 57

County

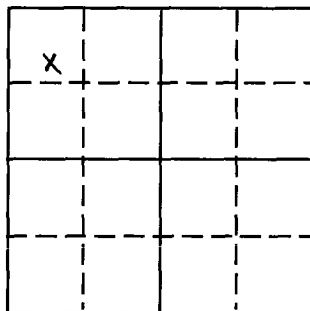
Kingsbury

North

Please mark well location with an "X"

W

E



1 Mile

Well Completion Date

6/3/2005

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

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	5.00 IN	0.0 FT	192.0 FT	7.88 IN
17.0 LB/FT	5.00 IN	192.0 FT	272.0 FT	7.88 IN
LB/FT	2.00 IN	272.0 FT	892.0 FT	4.50 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 2.50 Inches Length 100.0 Feet

Material PVC

Slot Size .025 Set From 892.0 Feet to 992.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Rubber

Describe packer(s) and location

Shale Cup at 892

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Todd Wilkinson

Business Name: Red Stone Feeders

Address: 20143 440th Ave

City, State, Zip: Lake Preston SD 57249

WELL LOG:

DEPTH

FORMATION	FROM	TO
yellow clay	0	35
Blue Clay	35	57
Gravel	57	80
Med Sand	80	87
Blue Clay	87	115
shale	115	752
Hard Sand	752	836
Shale	836	892
Sand	892	992

STATIC WATER LEVEL 120.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: W/air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

8/15/05

16-70-55

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

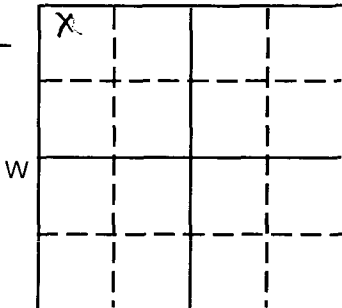
Location NW 1/4 NW 1/4 Sec 19 Twp 110 Rg 57

County

Kingsbury

North

Please mark well location with an "X"



Well Completion Date

6/8/2005

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

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	5.00 IN	0.0 FT	192.0 FT	7.88 IN
17.0 LB/FT	5.00 IN	192.0 FT	272.0 FT	7.88 IN
_____ LB/FT	2.00 IN	272.0 FT	892.0 FT	4.50 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2.50 Inches Length 100.0 FeetMaterial PVCSlot Size .025 Set From 892.0 Feet to 992.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Rubber

Describe packer(s) and location

Shale Cup at 892

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner: Todd WilkinsonBusiness Name: Red Stone FeedersAddress: 20143 440th AveCity, State, Zip: Lake Preston SD 57249

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
yellow clay	0	25
Blue Clay	25	80
Blue Clay W/Sand Streak & Rock	80	100
Rocks	100	120
Shale	120	880
Sandy Shale w/ little sand strks	880	892
Sand	892	992

STATIC WATER LEVEL 125.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: W/air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

8/15/05

Permit No. 6620-3
James River - Water District

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

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

I have this day, **August 21, 2006**, made a thorough examination of the water use system constructed by **Red Stone feeders, LLC** of **PO Box 29, DeSmet, SD 57231** holder of Permit No. **6620-3**, bearing the priority of **April 29, 2005** authorizing the diversion of **0.2** cu. ft. per second of the waters of the **Dakota Formation** for **Commercial** purposes, in **Kingsbury** County.

Inspection contact & relationship **Todd Wilkinson (845-3378)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling Inc**
- 2) No. of Wells **2**
- 3) Depth(s) **992** feet
- 4) Well log is available **Y**
- 5) Comment: Both wells are identical in construction, but it is not clear as too which well log belongs to which well. Also, the well driller has the location of the wells as being in the NW ¼ NW ¼ of the section, but the wells are actually in the SE ¼ NE ¼ of Section 19 as indicated on the application.

Casing:

- 1) Diameter **5 inch from 0-272 feet and 2 inch from 272-892 feet**
- 2) Length **892** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **100** feet
- 3) Static water level **120 and 125** feet

Pump:

- 1) Make **(2) Goulds**
- 2) Model **10GS07412L**
- 3) Size **¾ hp**

4) Capacity 30 GPM

B. Compliance with Permit Requirements:

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

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

Both wells are in Section 19-T110N-R57W

West Well: Approximately 1700 feet south and 675 feet west of the NE corner (N 44.32054, W -97.71564)

East Well: Approximately 1690 feet south and 565 feet west of the NE corner (N44.32057, W -97.71517)

The works are capable of diverting and conveying to the place of use 0.13 cu. ft. per second of water which is to be used for Commercial use.

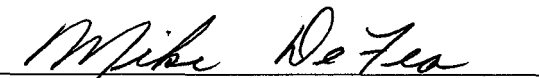
Water has been put to beneficial use to the maximum extent as follows:

Water from the wells is pumped into a reservoir tank and used for various feedlot purposes.

The license should be issued for 0.13 cfs.

All structures, wells and lands on map Y

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



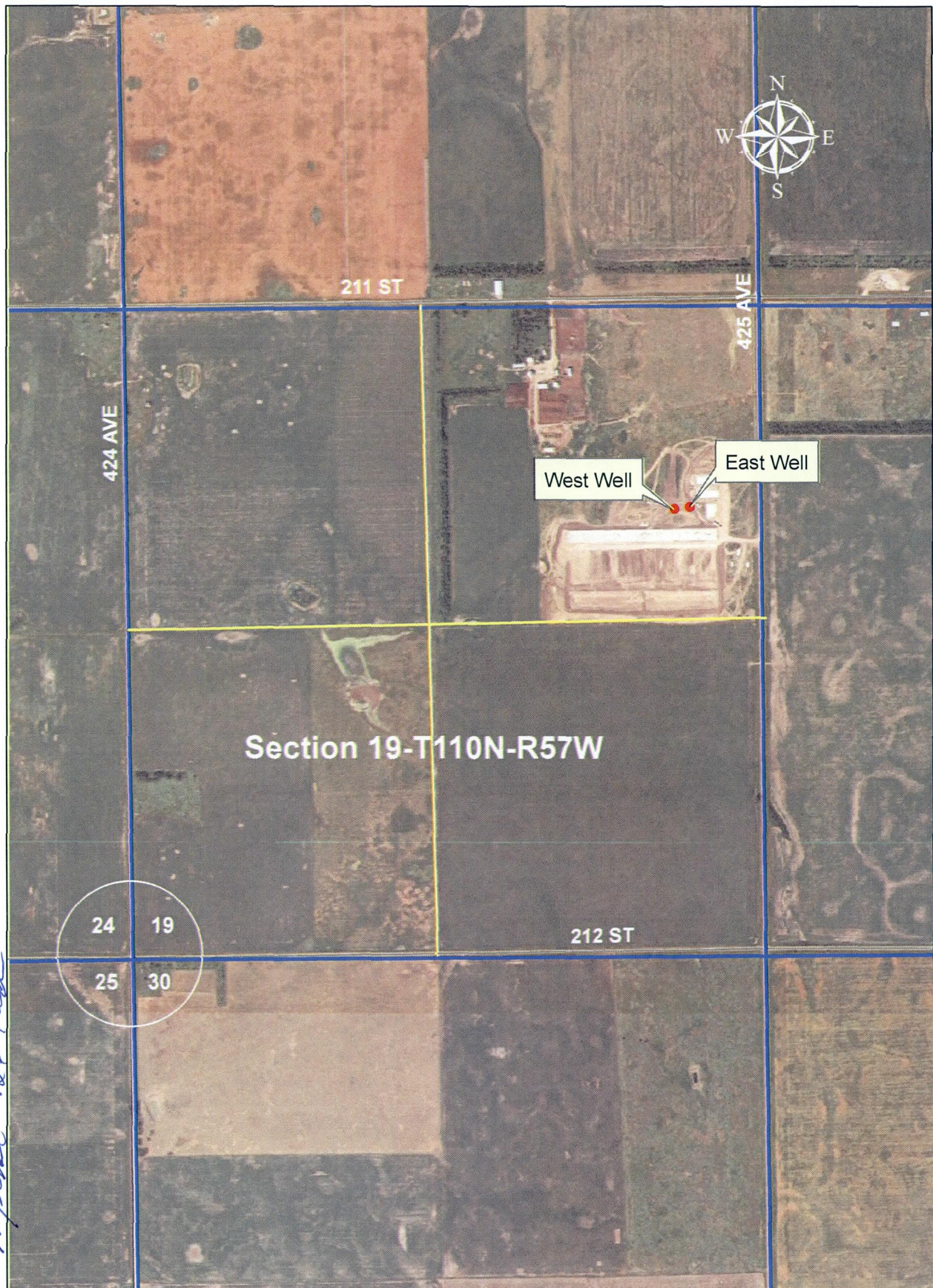
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **June 1, 2007**

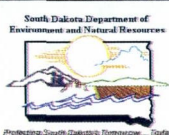
Red Stone Feeders, LLC
PO Box 29
DeSmet, SD 57231

Water Permit No. 6620-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 1, 2007



0 400 800 1,600 2,400 3,200
Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 03 2007

6620-3

Red Stone Feeders LLC
PO Box 29
DeSmet SD 57231

Dear Sir:

Enclosed is Water License No. 6620-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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. 6620-3, 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. 6620-3

(1) Red Stone Feeders LLC, PO Box 29, DeSmet SD 57231 made Application No. 6620-3, April 29, 2005 for a water permit to divert 0.2 cubic feet of water per second from groundwater (two wells), Kingsbury County, South Dakota for commercial purposes. Permit No. 6620-3, with a priority date of April 29, 2005 was approved June 20, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 20, 2010 and for the application to beneficial use of water on or before June 20, 2014.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 12, 2005. The *Notice* stated the diversion system was completed on September 9, 2005 and the water placed to beneficial use on September 9, 2005.

(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. 6620-3 is issued a license, bearing a priority date of April 29, 2005 to appropriate 0.13 cubic feet of water per second from groundwater (two wells) for commercial use in a cattle feedlot operation.

The diversion points are located: West well – 1,700 feet south and 675 feet west of the northeast corner (SE ¼ NE 1/4) and East well – 1,690 feet south and 565 feet west of the northeast corner (SE ¼ NE ¼); both wells are in Section 19-T110N-R57W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6620-3 including the following now applicable qualifications:

- 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.
- The wells authorized by Permit No. 6620-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Permit No. 6620-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6620-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



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

AUG 03 2007

date



6620-3
PAID

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

JUN 21 2024

Ck# 284324

Rec't#

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

Water Right/Permit No. 6620-3

Date: June 12, 2024

I/We request that Water Right/Permit No. 6620-3 formerly owned by:

Redstone Feeders, LLC

be transferred to:

New Owner Name: Riverview LLP

Address: 26406 470th Ave

mobile: 320.287.1028

City, State, Zip Morris, MN 56267 email:

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

SW 1/4, SE 1/4, NE 1/4, of Section 19 - T110N R57W

☒ I understand that the validity of Water Right/Permit No. 6620-3 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, Brady Janzen, Authorized Partner, Riverview, LLP, the new owner, certify that the above information is true and correct.

Brady Janzen

Brady Janzen

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIVED

JUN 21 2024

OFFICE OF
WATER

6620-3

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 24th, 2024

RECEIVED OF Riverview LLP 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	\$ _____
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>No 6620-3</u>	\$ <u>50.00</u>
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
	\$ <u>50.00</u>

By

Eric J. Nordlund

Chief Engineer

Se



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 26, 2024

6620-3

Riverview LLP
c/o Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 6620-3, previously owned by Redstone Feeders LLC, is now listed under Riverview LLP. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

Riverview Dairy at past Redstone Feeder site in Kingsbury County



Gronlund, Eric

To: Mathiowetz, Adam (DENR); Dewell, Amanda
Cc: Myers, Ben; Konda, Neal; Roth, Troy

Retention Policy: 2 Year Delete (Default) (2 years)

Expires: 09/26/2026



Reply



Reply All



Forward



Thu 09/26/2024 9:53 AM

Received a call from Matt Waldbeser with Riverview regarding the water source for the Redstone Dairy being constructed at the previous site of Redstone beef feedlot.

Mr. Waldbeser indicated they signed a contract to be supplied water from Kingbrook RWS.

It is their intention to use the two existing Dakota wells authorized by WR 6620-3 during construction. However those wells will be in the way during the final construction phase and will be plugged. It is their intention to drill a replacement well(s) within three years (to prevent forfeiture) and maintain them as a standby water supply.

Mr. Waldbeser said there were a total of six wells on the site. The two permitted wells, a house well and three old wells that from all appearances were abandoned. Steffi Drilling has plugged four wells on the site. The two remaining wells are what is authorized by Water Right No. 6620-3.

Eric

Amanda - Please scan this email on the administrative record for No. 6620-3 for documentation of the conversation.

From: Gronlund, Eric

Sent: Friday, September 20, 2024 11:15 AM

To: Brady Janzen <brady.janzen@riverviewllp.com>

Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>

Subject: Riverview Dairy at past Redstone Feeder site in Kingsbury County

Mr. Janzen:

Water Right No. 6620-3 was transferred on June 12, 2024 from Redstone Feeder to Riverview LLP. Water Right No. 6620-3 appropriates 0.13 cubic feet of water per second (58 gallons per minute) from two wells completed in the Dakota aquifer that are located in the SE ¼ NE ¼ Section 19, T110N, R57W in Kingsbury County, South Dakota. The beef feedlot is being converted into a dairy.

Back in 2023, I had conversation with Matt with Riverview regarding possible alternative source of water to meet the dairy's needs. At the time, the closest glacial aquifer was the Vermillion East Fork aquifer which was approximately nine miles away requiring a pipeline to convey the water to the dairy. Also, a surface water source such as Lake Thompson was discussed.

The reason for this email is to inquire whether this dairy is able to be supplied sufficient water within the authorized diversion rate from the two existing Dakota wells or if a supplemental source has been found such as rural water. If the diversion rate from the existing wells exceeds the authorized 0.13 cfs or a different water source (other than rural water) has been found, additional water permitting is required.

It is also the Water Rights Program's understanding that Riverview is plugging wells at the newly constructed dairy site. Please let us know how many wells are at the site of the facility and which wells Riverview intends to plug.

At your convenience, please let me know the water sources for this dairy and the status of wells at the site.

Thanks - Eric

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Wednesday, September 25, 2024 12:31 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Subject: Re: Riverview Dairy at past Redstone Feeder site in Kingsbury County

Hi Eric,

Yes, I did receive it. I meant to reply, but I see I never actually hit "send" on the email I drafted. My apologies!

Matt Waldbeser from RV will be getting in touch with you. Thanks for following up.

-Brady

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, September 25, 2024 12:49:26 PM
To: Brady Janzen <brady.janzen@riverviewllp.com>
Subject: RE: Riverview Dairy at past Redstone Feeder site in Kingsbury County

You don't often get email from eric.gronlund@state.sd.us. [Learn why this is important](#)

Brady – inquiring whether you received my September 20th email. Eric

From: Gronlund, Eric
Sent: Friday, September 20, 2024 11:15 AM
To: Brady Janzen <brady.janzen@riverviewllp.com>
Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Riverview Dairy at past Redstone Feeder site in Kingsbury County

Mr. Janzen:

Water Right No. 6620-3 was transferred on June 12, 2024 from Redstone Feeder to Riverview LLP. Water Right No. 6620-3 appropriates 0.13 cubic feet of water per second (58 gallons per minute) from two wells completed in the Dakota aquifer that are located in the SE ¼ NE ¼ Section 19, T110N, R57W in Kingsbury County, South Dakota. The beef feedlot is being converted into a dairy.

Back in 2023, I had conversation with Matt with Riverview regarding possible alternative source of water to meet the dairy's needs. At the time, the closest glacial aquifer was the Vermillion East Fork aquifer which was approximately nine miles away requiring a pipeline to convey the water to the dairy. Also, a surface water source such as Lake Thompson was discussed.

The reason for this email is to inquire whether this dairy is able to be supplied sufficient water within the authorized diversion rate from the two existing Dakota wells or if a supplemental source has been found such as rural water. If the diversion rate from the existing wells exceeds the authorized 0.13 cfs or a different water source (other than rural water) has been found, additional water permitting is required.

It is also the Water Rights Program's understanding that Riverview is plugging wells at the newly constructed dairy site. Please let us know how many wells are at the site of the facility and which wells Riverview intends to plug.

At your convenience, please let me know the water sources for this dairy and the status of wells at the site.

46-5-37. Failure to use beneficially appropriated water--Forfeiture for nonuse--Reversion to public.

If any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years, the unused water shall revert to the public and shall be regarded as unappropriated public water.

46-5-13.1. Change of location of diversion point.

The location of a point of diversion may be changed or additional points of diversion may be approved if the new or additional point of diversion is from the same source of water, no additional water is appropriated, and, if the water use is for irrigation, no new land is to be irrigated. The change in location of diversion points may be allowed without application or publication pursuant to § [46-2A-4](#), if the chief engineer is contacted and makes a finding that the change does not increase the potential for interference with existing diversions.

From: Matt Waldbeser <matt.waldbeser@riverviewllp.com>

Sent: Wednesday, October 2, 2024 10:42 AM

To: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Cc: Brady Janzen <brady.janzen@riverviewllp.com>; Lisa Nieland <lisa.nieland@riverviewllp.com>; Ben Hernandez <ben.hernandez@riverviewllp.com>

Subject: Re: [EXT] Riverview Dairy at past Redstone Feeder site in Kingsbury County

Good Morning Eric,

This is a follow up email to summarize our phone conversation last week on the Redstone Dairy Water Right 6620-3 and the Wells.

We have signed a contract with Kingbrook Rural Water to provide water service to the Dairy. However, we also intend to keep the current Water Right 6620-3 as a backup water source for the dairy.

We are planning to seal all of the current wells and plan to relocate them as they are currently located where infrastructure will be constructed.

According to our conversation, I am under the understanding that we would have up to 3 years after sealing the old wells to drill a replacement well and that if we only drill one replacement well it would have to be able to divert the same amount of water as the two current wells to maintain the existing water right.

Maybe you can confirm I have all this correct.

Thank you!

Matt Waldbeser

Riverview LLP
320.287.1028

Dewell, Amanda

From: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Sent: Wednesday, January 21, 2026 1:51 PM
To: Dewell, Amanda
Subject: Re: [EXT] Riverview Dairy at past Redstone Feeder site in Kingsbury County 6620-3
Attachments: 260121 -- Well Locations (RSD).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Perfect! The map is attached. The new well depth would be approximately 1000 ft.

Thanks Amanda!

*Matt Waldbeser
Riverview LLP
Cell 320.287.1028*



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, January 21, 2026 12:03 PM
To: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Subject: RE: Riverview Dairy at past Redstone Feeder site in Kingsbury County 6620-3

Hey-no worries! If you could send me a "map" showing the locations of the wells you plan to abandon, and the proposed location and depth of the new well, I should be able to handle it in-house.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Sent: Wednesday, January 21, 2026 11:23 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Fw: [EXT] Riverview Dairy at past Redstone Feeder site in Kingsbury County 6620-3

Hi Amanda,

I apologize, I missed your call this morning.

As a follow-up to your voicemail, we would like to drill 1 well to replace the two wells on the permit with the same volume, and also the location would change slightly. We are looking to drill this well in the NE of the NW of the SE quarter of sec 19 in Kingsbury County. T110N R57W S19

Let me know what would be needed from us. Thanks!

Have a great day!

Matt Waldbeser
Riverview LLP
Cell 320.287.1028



From: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Sent: Wednesday, October 2, 2024 11:46 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Brady Janzen <brady.janzen@riverviewllp.com>; Lisa Nieland <lisa.nieland@riverviewllp.com>; Ben Hernandez <ben.hernandez@riverviewllp.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: Riverview Dairy at past Redstone Feeder site in Kingsbury County

Eric, thank you for clarifying this. We will reach out when we are ready to proceed.

Matt

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, October 2, 2024 11:24 AM
To: Matt Waldbeser <matt.waldbeser@riverviewllp.com>
Cc: Brady Janzen <brady.janzen@riverviewllp.com>; Lisa Nieland <lisa.nieland@riverviewllp.com>; Ben Hernandez <ben.hernandez@riverviewllp.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Riverview Dairy at past Redstone Feeder site in Kingsbury County

Matt – Thank you for the email.

Riverview will have three years to replace the wells before the water right becomes subject to cancellation for forfeiture. See SDCL 46-5-37 below.

Prior to drilling the replacement wells, Riverview needs to request a change of diversion point pursuant to SDCL 46-5-13.1. This is most likely done administratively without a formal application and public notice process.

Yes – drilling only one well is fine. But if the well produces less than the permitted amount of 0.13 cubic feet of water per second (58 gpm) that portion not developed can become subject to forfeiture. Example: One well drilled with a 40 gpm pump rate. Eighteen gpm could be lost (58 minus 40 = 18)

Eric

Dewell, Amanda

From: Mathiowetz, Adam (DENR)
Sent: Monday, January 26, 2026 9:52 AM
To: Dewell, Amanda; Drennon, Kim
Subject: Re: Aquifer Confirmation

At that site, a 1000 ft deep well should be completed into the Dakota aquifer. Make sure they know they CANNOT use the alternative well construction standard also known as a slim-hole well for the replacement well. If they have questions, have them call me later this week.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, January 26, 2026 9:04 AM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Drennon, Kim <Kim.Drennon@state.sd.us>
Subject: Aquifer Confirmation

I have no doubt that it is, but for the official record, could one of you two confirm in a response to this email that the new well designation @ 1000' deep will remain the Dakota?

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov





Google Earth

Image © 2026 Airbus

Proposed New Well
NW 1/4 SE 1/4 19-110-57
44.31753/-97.71877

110N 57W

Old well

Old Well

Redstone Dairy

1000 ft

N

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

NAME: Riverview LLP COUNTY: KingsburyADDRESS: 26406 470th Ave, Morris MN 56267 DATE: February 2, 2026**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Right No. 6620-3 authorizes the diversion of 0.13 cfs from groundwater, from two wells, completed Dakota Aquifer (DKOT), both located in the SE ¼ NE ¼ Section 19-T110N-R57W. Water is used for commercial purposes at a dairy cattle confinement operation.

AUTHORITY:

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

Developed water source same as permitted source and no additional water appropriated,

On January 21, 2026, the Water Rights Program received a request submitted by Matt Waldbeser (representative of Riverview LLP) to allow for plugging of the two existing wells authorized under Water Right No. 6620-3, with a new well to be completed into the DKOT, approx. 0.25 miles southwest of the original well locations. The new well is not authorized for production of more than 0.13 cfs (approx. 58 gpm).

If irrigation, no new land is irrigated,

No acres are permitted for irrigation by the processing of this request.

Review of Existing Diversions

There are 4 other existing water permits/rights within 7.5 miles of the new well requested by Riverview LLP; 2 of which also authorize diversion from the DKOT. The nearest permit/right authorized for diversion from the DKOT is 8676-3 (Kingston LLC), located approximately two miles north. It was determined in the review of Water Permit No. 8676-3 that there was reasonable probability any interference due to pumping from the originally authorized well sites under 6620-3 would not adversely or unlawfully impair existing rights. There is no history of interference complaints on file for the DKOT in Kingsbury County.

The closest domestic well (completed into the DKOT) is approximately 0.75 miles to the northwest, located in the NW ¼ NW ¼ Section 19-T110N-R57W, on property owned by Timm Farms LLC, according to Regrid.com. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report. Water Right No. 6620-3 carries a qualification which addresses the proximity of domestic wells and other wells completed into the same aquifer. The qualification requires the water right holder to control withdrawals so as not to reduce water supplies in nearby adequate domestic wells or adequate wells utilized by senior water rights.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in diversion point location be approved.

 2/2/26

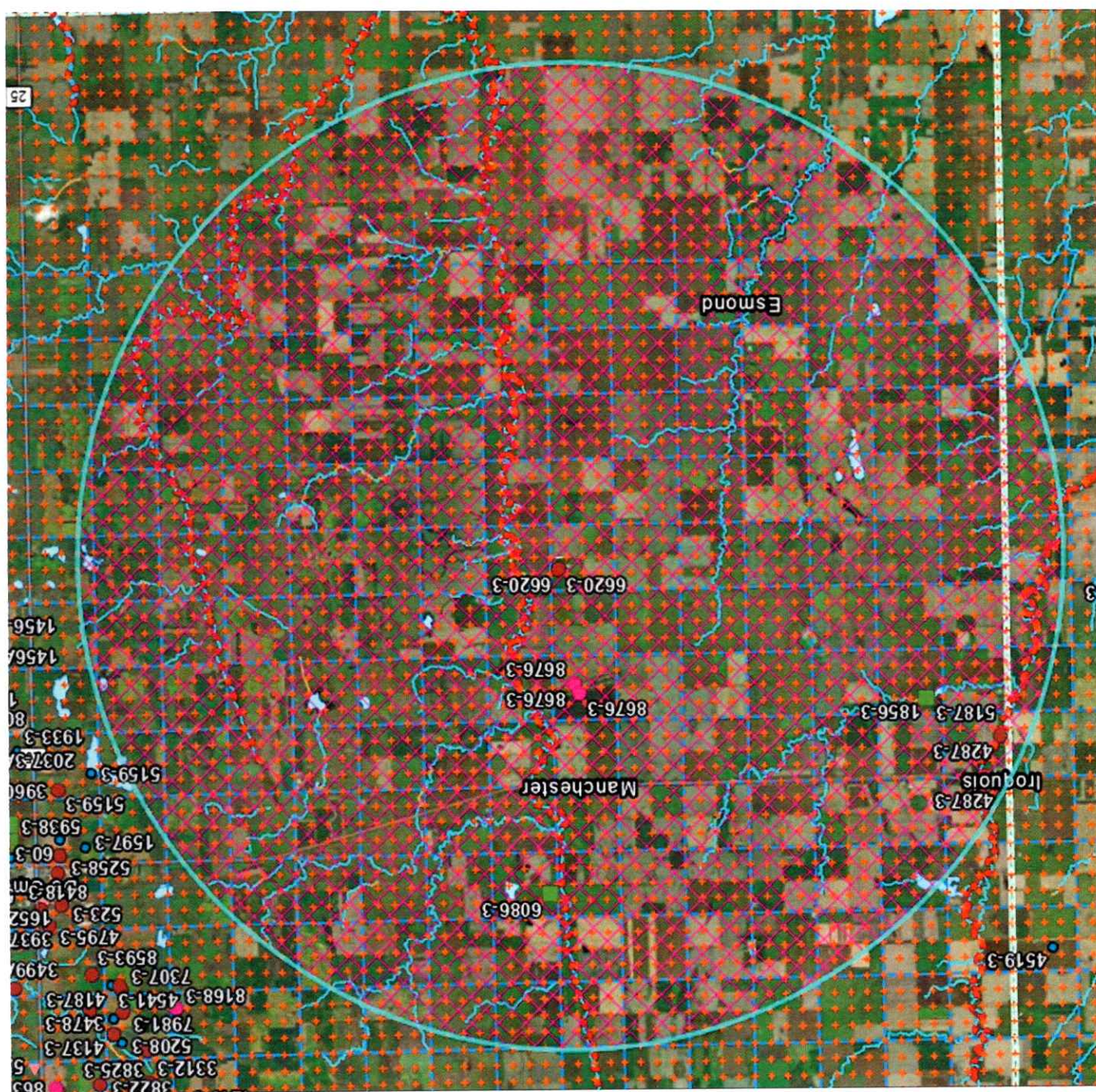
Amanda Dewell, Permitting Administrator
Water Rights Program

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

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Adam Mathiowetz, PE
Acting Chief Engineer



Dewell, Amanda

From: Dewell, Amanda
Sent: Monday, February 2, 2026 2:27 PM
To: Matt Waldbeser
Cc: Mathiowetz, Adam (DENR)
Subject: Riverview 6620-3_well location change
Attachments: 6620-3_CHP CHNG.pdf

Matt,

Please find attached the approval of location change for the requested Dakota well, to be located in the NW ¼ SE ¼ Section 19-T110N-R57W, Kingsbury Co., South Dakota, for Water Right No. 6620-3. With the approval of this change in diversion point location, pursuant to SDCL 46-5-13.1, it is also important to note that:

- 1) SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater.
- 2) Alternative well construction standards (also known as a slim-hole) may NOT be used for the replacement well.

If you have any questions or concerns regarding well plugging or well construction standards, please contact Adam Mathiowetz (cc'd).

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

