

WATER PERMIT NO. 6662-3

Name of Applicant: Vannorsdel's Inc.

Address: 28891 455 Ave, Viborg SD 57070

Phone: 605 326-5795

Amount of Water Claimed: 0.16 cfs (70 gpm)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial & domestic

County: Turner

Type of Waste Disposal System:

Location: 2 miles northwest of Viborg

PRIORITY Date Received: 9-16-05

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: cattle feedlot

Diversion Point: SE ¼ SE ¼ Sec 21-T97N-R53W

Land to be Irrigated: NA

Depth of Well: 88 and 89 feet deep

Well Driller: Dave Putzke Well Drilling, Inc.

Remarks:

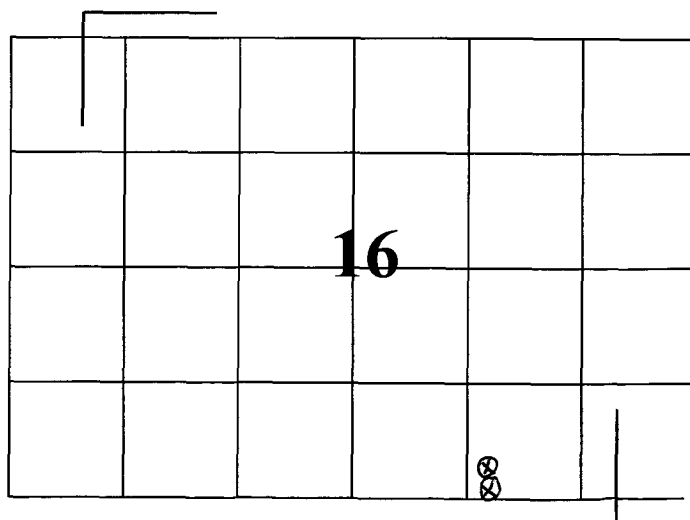
Type of Map: aerial

Prepared by: Jeffrey Jackson, Turner Co FSA

Reviewed and the Number Assigned on: 9-16-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6662-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Viborg Enterprise, Viborg</u>

RECEIVED
SEP 16 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 <u>Cattle</u>	

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

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

- Name of Applicant Vannorsdel's Inc. Phone 605-326-5795
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 28891-455 AVE Viborg State S.D. 57070
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.16 *CFS or 35 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 2-wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SE 1/4 of 21-97-53
County Turner
- County or counties where water will be used turner
- Annual period during which water is to be used All year ~~and~~ Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Mono slope Cattle feedlot Barn

STATE OF SOUTH DAKOTA)

County of Union) SS

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, Merlin Vannorsdel, President, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Merlin Vannorsdel

Subscribed and sworn to before me this 15 day of September 20 05

Robert B. Creech

Notary Public signature

Com Exp 8-26-09

**SOUTH DAKOTA
WATER PERMIT NO. 6662-3**

Date of first receipt of application September 16, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6662-3 to Vannorsdel's Inc., 28891 455 Ave, Viborg SD 57070 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. 6662-3 appropriates appropriate 0.16 cubic feet of water per second from two wells completed into the Upper Missouri Vermillion Aquifer (88 and 89 feet deep) located in the SE ¼ SE ¼ Section 21-T97N-R53W.
2. The water appropriated shall be used for the purpose of domestic and 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. 6662-3 is December 19, 2005.
5. The date from which applicant may claim right is September 16, 2005.
6. One-fifth of the construction is to be completed on or before June 19, 2008.
7. All construction is to be completed on or before December 19, 2010.
8. Water is to be put to beneficial use on or before December 19, 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. Permit No. 6662-3 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.
3. Permit No. 6662-3 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

JAN 26 2006
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 85
- b) Casing Type Plastic Diameter 5" Thickness 200 lbs ^{SDR 200}
- c) Screen Type Plastic Diameter 5" Thickness 250 lbs ^{SDR 17}
- d) Gravel Pack yes Length of Gravel Pack 24'
- e) Depth to Top of Water Bearing Material 66
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
- On applicants property 2000' On property owned by others None

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 _____

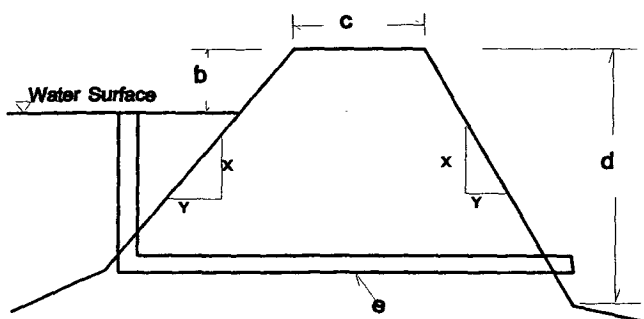
3. Dugout Information

- 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

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 83 SDR 21
- b) Casing Type plastic Diameter 5" Thickness 200 lbs
- c) Screen Type plastic Diameter 5" Thickness 250 SDR 17
- d) Gravel Pack yes Length of Gravel Pack 24'
- e) Depth to Top of Water Bearing Material 65'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
- On applicants property 2000' On property owned by others None

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 _____

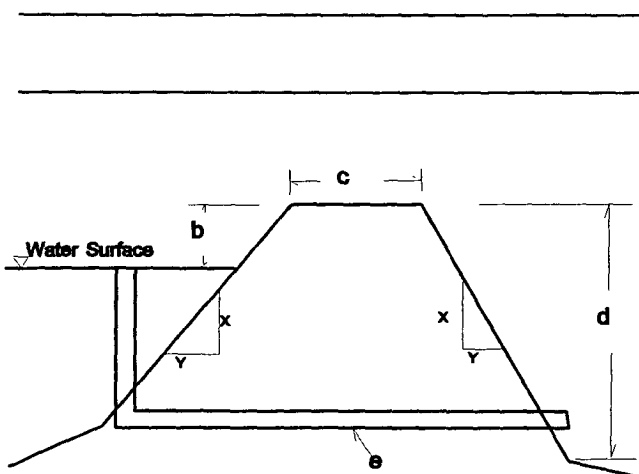
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- a) Surface Dimensions _____ Depth _____
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- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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 September 16, 2005

RECEIVED OF Valloradell's Inc, 26891 455th Ave., Viborg SD 57070

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	150	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	200.00

No.

000000

By

[Signature]

Chief Engineer

[Signature]



United States Department of Agriculture
Farm Service Agency

21-97-53

May 18, 2005

Turner County
Jeffrey T. Jackson
1997 Digital Orthophotography - Not To Scale

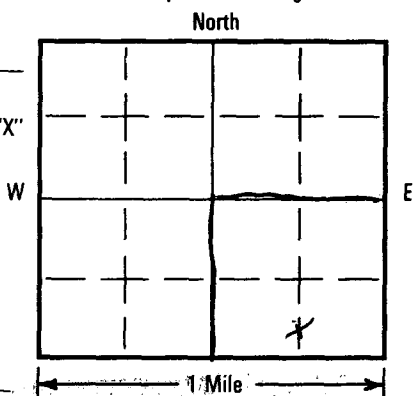


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 - 1/4 Sec 21 Twp 97 Rg 53County Turner

Please mark well location with an "X"



Well Completion Date

4-19-05

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>89</u> FT	<u>8 3/4</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>Centimix Sheat</u>	<u>4</u>	_____ lb./gal	<u>6</u> ft	<u>60</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure run trimix line - 60'SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 18 FEETMaterial Plastic 71Slot Size 25 Set From Feet to 89 FeetOther information Dravel Pack w/o PackWAS 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? _____

Laboratory sent to for water quality analysis

Pump 2 gallons of ChlorineWell Owner: Merlin Vannorsdel

Business Name: _____

Address: 28891 - 455 aveViborg S.D 57070

WELL LOG:

DEPTH

FORMATION	FROM	TO
TOP Soil	0	2
Yellow clay	2	31
Blue clay	31	70
Coarse Sand	70	89
Clay	89	

STATIC WATER LEVEL 31 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Pump At 60' - 50 gpm.☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAY 12 2005

WATER RIGHTS PROGRAM

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling Inc

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Equitable Property Holder:

Merlin Vannorsdel Inc. by Vannorsdel, PresDate: 4-28-05

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

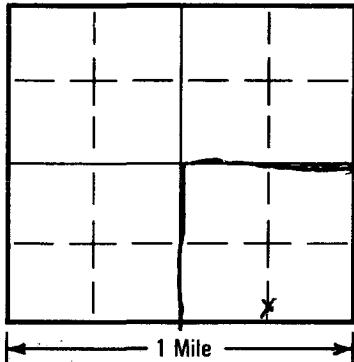
Location SE 1/4 - 1/4 Sec 21 Twp 97 Rg 53
 County Turner North

Please mark well location with an "X"

W

E

Well Completion Date

4-20-05

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>88</u> FT	<u>8.3</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Packcrete Mort No. of Sacks 4 Grout Weight _____ lb./gal From 6 ft To 60 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure see trimix line - 60'SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 18 FEETMaterial PlasticSlot Size 25 Set From 70 Feet to 88 FeetOther information Dravel Pack w/ O PackWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

Laboratory sent to for water quality analysis

NO, Why Not? _____

Pump 2 gallons of chlorineWell Owner: Merlin Vannorsdel

Business Name: _____

Address: 28891 - 455 Ave
Viborg SD 57070

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>30</u>
<u>Blue clay</u>	<u>30</u>	<u>69</u>
<u>Coarse Sand</u>	<u>69</u>	<u>88</u>
<u>Clay</u>	<u>88</u>	

STATIC WATER LEVEL 30' Feet

if flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Pump AT 60' - 50
GPM☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAY 12 2005

This well was drilled under license # 439

WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling Inc

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Equitable Property Holder:

Merlin Vannorsdel, Pres.
Vannorsdel's Inc.Date: 4-28-05



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 15, 2005

Merlin Vannorsdel
28891 455th Ave
Viborg SD 57070

RECEIVED
SEP 16 2005
WATER RIGHTS
PROGRAM

Dear Mr. Vannorsdel:

I am writing in regard to two well driller's report filed by Dave Putzke Well Drilling, Inc. The reports show two wells were completed for you in April. Mr. Putzke indicated we should send you the necessary paperwork to obtain a water permit.

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

For your information, South Dakota Codified Law 46-5-8.2 requires a water permit to be obtained if use exceeds reasonable domestic use. Reasonable domestic use is defined as "the use of 25,920 gallons per day or less as necessary for domestic use, with a maximum pumping rate of 25 gpm". I want to emphasize that this criteria is not based on a diversion rate averaged over a day, week, month or year. The standard in determining the amount of water claimed is the peak pump rate.

If you have any questions or need assistance while completing the application, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

enclosures

REPORT ON WATER PERMIT NO. 6662-3

For Vannorsdel's, Inc.

November 9, 2005

Application No. 6662-3 proposes to appropriate 0.16 cfs (70 gpm) from two wells approximately 88 and 89 feet deep located in the SE ¼ SE ¼ of section 21, T97N R53W in Turner County. The water is for domestic and commercial use in a cattle feedlot operation.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner and Hutchinson Counties (Lindgren, 1990). By far the greatest portion of the aquifer is in Turner County. The direction of ground water movement appears to be from northwest to southeast across the area of this application (Lindgren, 1990).

The driller's logs filed with the application (Putzke drilling) indicate clay from the surface to depths of 69 and 70 feet, sand and gravel from 69 to 88 feet in one log and on the other log sand and gravel from 70 to 89 feet. The static water level was 30 and 31 feet below land surface respectively and both wells were capable of producing 50 gpm. These wells are both screened and gravel packed and completed in accordance with SD Well Construction Standards.

The Water Rights Program monitors three observation wells completed into the Upper Vermillion Missouri aquifer within four miles of this application. The nearest observation well is TU-77T located about one mile southeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). A hydrograph for this observation well is included with this report. Although the observation wells technically are under artesian conditions the water levels behave as if the aquifer was under water table conditions.

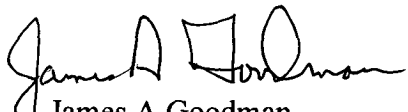
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights. The nearest permitted user is for irrigation (Water Right No. 4265-3, 0.73 cfs, 51 acres) and located about one and one-half mile to the northeast of this application. Interference is not a concern. The observation well hydrograph indicates that drawdown resulting from pumping is not significant in this area.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.

2. The aquifer is under artesian conditions in this area. Pumping at the requested rate of diversions should not create significant drawdown. Interference is not a concern.
3. Both wells have been drilled and are completed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been submitted and approved by the Department.



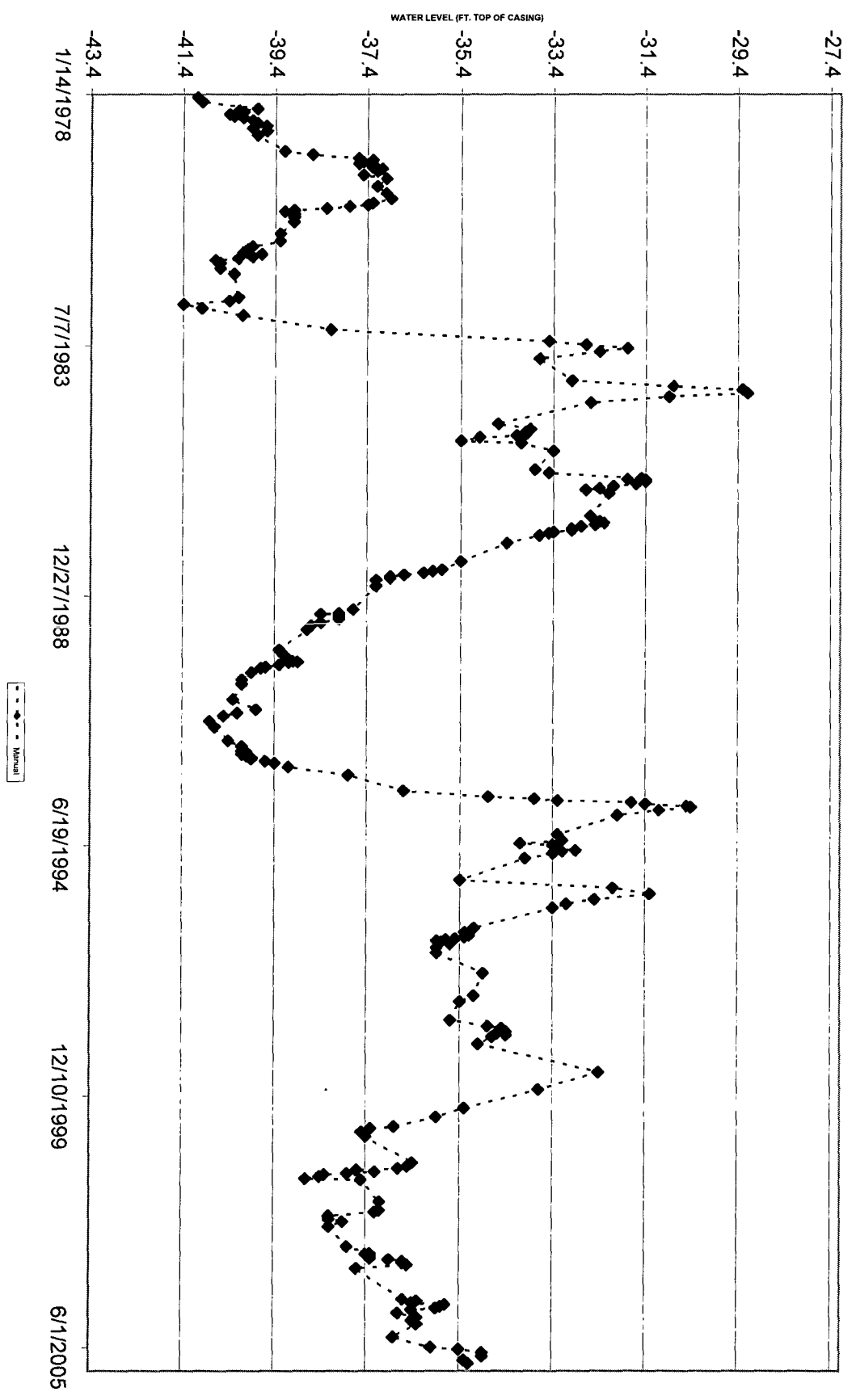
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2005, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL TU-77T





**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. 6662-3, Vannorsdel's, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6662-3, Vannorsdel's Inc., c/o Merlin Vannorsdel, 28891 455th Avenue, Viborg SD 57070.

The Chief Engineer is recommending APPROVAL of Application No. 6662-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6662-3 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.
3. Permit No. 6662-3 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
November 21, 2005

**Notice of Application
No. 6662-3 to
Appropriate Water**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Turner)I, Cynthia Slettencertify that the attached printed Notice was
takenfrom the Viborg Enterpriseprinted and published in Turner ViborgCounty of Turner and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Dec. 1, 2005Dec. 8, 2005Cost of Printing \$33.79Cynthia Sletten
(Signature)Billing Personnel
(Title)Dec. 13, 2005
(Date Signed)

Notice is given that Vannorsdel's Inc., c/o Merlin Vannorsdel, 28891 455th Ave., Viborg, SD 57070 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second from two wells completed into the Upper Missouri Vermillion Aquifer (88 and 89 feet deep) located in the Se ¼ Section 21-T97N-R53W. The water is for domestic and commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6662-3 because 1) inappropriate 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 December 19, 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

RECEIVED
DEC 15 2005
WATER RIGHTS
PROGRAM

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

NOTICE OF APPLICATION NO. 6662-3 to Appropriate Water

Notice is given that Vannorsdel's Inc., c/o Merlin Vannorsdel, 28891 455th Ave, Viborg SD 57070 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second from two wells completed into the Upper Missouri Vermillion Aquifer (88 and 89 feet deep) located in the SE ¼ SE ¼ Section 21-T97N-R53W. The water is for domestic and commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6662-3 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 December 19, 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

November 21, 2005

Viborg Enterprise
PO Box 368
Viborg SD 57070-0398

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6662-3 to Appropriate Water to be published twice. Please publish the first notice on December 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 Vannorsdel's Inc., % Merlin Vannorsdel, 28891 455th Ave, Viborg SD 57070 (Ph # 605-326-5212).

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. 6662-3

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

Date _____

We are in receipt of your letter of November 21, 2005 enclosing Notice to Appropriate Water by Application No. 6662-3 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.

November 21, 2005

Vannorsdel's Inc
% Merlin Vannorsdel
28891 455th Ave
Viborg SD 57070

Dear Mr. Vannorsdel:

Water Permit Application No. 6662-3 for commercial & domestic 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 Viborg Enterprise printed at Viborg, SD (Ph # 605-326-5212). 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JAN 26 2008

Vannorsdel's Inc
% Merlin Vannorsdel
28891 455th Ave
Viborg SD 57070

Dear Mr. Vannorsdel:

Enclosed is Water Permit No. 6662-3 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

6662-3

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

Date 1-30-06

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

FROM: Vannorsdel's Inc.
(name)

28891-455 AVE
(address)

Viborg, S.D. 57070 605-326-5795
(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.

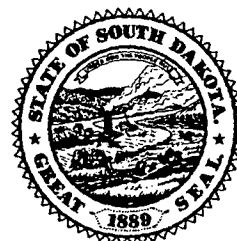
Water Permit No. 6662-3 states that the water use system is to be constructed by
Dec. 19 2010, and water is to be put to beneficial use by Dec. 19 2014.
(date) (date)

The water use system was completed on Oct. 1 - 2005.
(date)

Applying the water to beneficial use was completed on Oct 1, 2005.
(date)

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

Vannorsdel's Inc. Inc.
Mark Vannorsdel Pres.
(signature)



RECEIVED
FEB 01 2006
WATER RIGHTS
PROGRAM

4) Capacity 30 / 30 GPM

Motor:

1) Make Unknown / Unknown

2) Model No. Unknown / Unknown

3) Horsepower rating 2 / 2 hp.

B. Compliance with Permit Requirements:

1) Permit qualifications being abided by Y

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: **SE ¼ SE ¼ Sec 21-T97N-R53W, 86 feet north and 312 feet west of the south-east corner of section 21, W -97.10516 Longitude and N 43.19996 Latitude (north well) and SE ¼ SE ¼ Sec 21-T97N-R53W, 57 feet north and 304 feet west of the south-east corner of section 21, W -97.10510 Longitude and N 43.19970 Latitude (south well).** The works are capable of diverting and conveying to the place of use 0.134 cu. ft. per second of water which is to be used for domestic and commercial use. Water has been put to beneficial use to the maximum extent as follows:

Diversion is used for various purpose in the operation of a cattle feed lot.

The license should be issued for 0.134 cfs.

All structures, wells and lands on map Y

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

Customer typically runs one pump at a time and only rarely runs both simultaneously.



Mark Costello

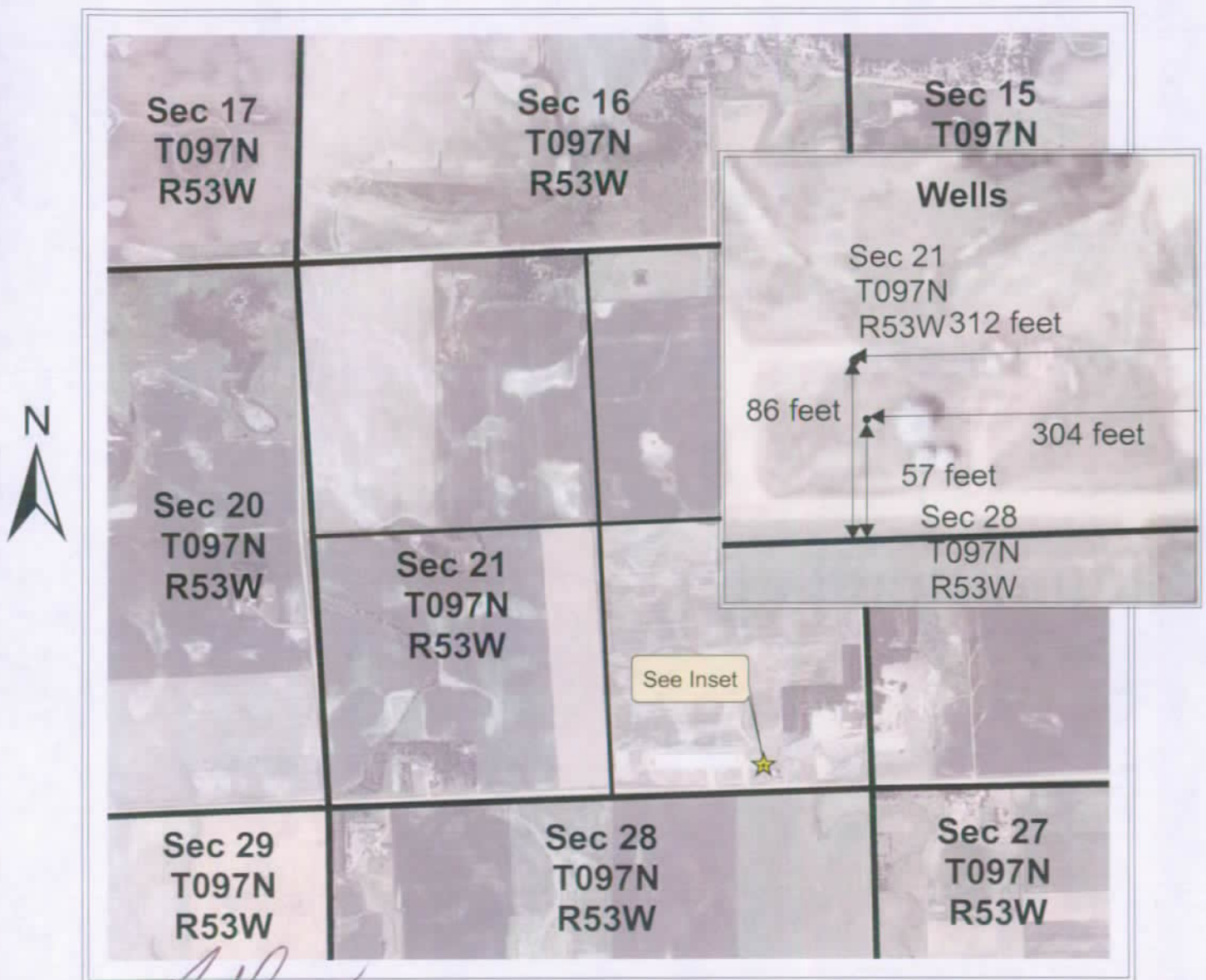
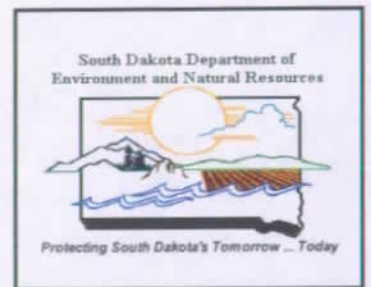
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 7 August 2007



Permit No.6662-3

Vannorsdel's Inc.
28891 455 Ave.
Viborg, SD. 57070



Mark Costello
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
07 August 2007

0 500 1,000 2,000 3,000 4,000 Feet

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6662-3**

(1) Vannorsdel's Inc., 28891 455th Ave, Viborg SD 57070 made Application No. 6662-3, September 16, 2005 for a water permit to divert 0.16 cubic feet of water per second from ground water (two wells – Upper Vermillion Missouri Aquifer), Turner County, South Dakota for domestic and commercial purposes. Permit No. 6662-3, with a priority date of September 16, 2005 was approved December 19, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 19, 2010 and for the application to beneficial use of water on or before December 19, 2014.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on February 1, 2006. The "*Notice*" stated the water use system was completed and water placed to beneficial use on October 1, 2005.

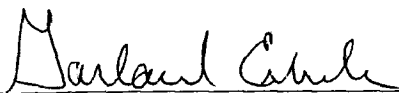
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Vannorsdel's Inc., 28891 455th Ave, Viborg SD 57070 the holder and/or owner of Water Right No. 6662-3 is issued a license, bearing a priority date of September 16, 2005 to appropriate 0.134 cubic feet of water per second from ground water (two wells – Upper Vermillion Missouri Aquifer) for domestic and commercial purposes in a cattle feedlot operation.

The diversion points are located:

- 86 feet N and 312 feet W of the SE corner of Section 21, T97N, R53W (SE ¼ SE ¼);
- 57 feet N and 304 feet W of the SE corner of Section 21, T97N, R53W (SE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6662-3 including the following 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.
- Permit No. 6662-3 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. 6662-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

OCT 17 2007

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 17 2007

6662-3

Merlin Vannorsdel
Vannorsdel's Inc
28891 455th Ave
Viborg SD 57070

Dear Mr. Vannorsdel:

Enclosed is Water License No. 6662-3. 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 field 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. 6662-3, 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2026

NOTICE OF HEARING

TO: Vannorsdel's Inc., c/o Merlin Vannorsdel
28891 455th Ave, Viborg SD 57070

FROM: Amanda Dewell, Permitting Administrator
DANR - Water Rights Program 

SUBJECT: Notice Scheduling Hearing Regarding Addition of a Qualification Requiring
Annual Water Use Reporting for Water Right No. 6662-3, Vannorsdel's Inc.

Water Right No. 6662-3, held by Vannorsdel's Inc., appropriates 0.134 cubic feet of water per second (approx. 60 gpm) from two wells completed into the Upper Vermillion Missouri: West Aquifer for commercial & domestic use.

There are currently three applications (Nos. 8763-3, 8797-3, and 8817-3) requesting to appropriate water from the Upper Vermillion Missouri: West Aquifer that are in "deferred" status, based on concerns regarding water availability. Water Rights Program staff believe adding a qualification mandating annual water use reporting would be beneficial to management of the hydrologic budget for this aquifer.

Based on the acting Chief Engineer's recommendation to add a qualification that would require annual water use reporting for Water Right No. 6662-3 (enclosed); the qualification would read as follows:

"The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Upper Vermillion Missouri: West Aquifer."

The Water Management Board will conduct a hearing to consider addition of the mandatory reporting qualification to Water Right No. 6662-3 at **11:45 AM, on Wednesday, May 6, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (*the agenda time is an estimate, and actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) add the qualification as recommended, 2) delay action, or 3) take no action on Water Right No. 6662-3 based upon facts presented at the public hearing.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-14; 46-2-5, 46-2-9, 46-2-11; and Board Rules ARSD 74:02:01:14. This is a contested case pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Prior to March 30, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed qualification addition; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 30, 2026. Questions regarding the hearing process may be directed to Amanda Dewell, Permitting Administrator, Water Rights Program, at (605) 773.3352 or amanda.dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR
WATER RIGHT NO. 2041-3, CITY OF VIBORG &
WATER PERMIT NO. 6662-3, VANNORSDEL'S INC.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2041-3 & Water Permit No. 6662-3.

Water Right No. 2041-3 and Water Permit No. 6662-3, held by the City of Viborg and Vannorsdel's Inc., respectively, authorize the withdrawal of water from the Upper Vermillion Missouri: West Aquifer. Permit Application Nos. 8763-3, 8797-3, and 8797-3 have been deferred due to concerns regarding water availability. These deferrals were based primarily on the sudden drop in water levels in at least two observation wells completed into the Upper Vermillion Missouri: West Aquifer.

Considering the concerns regarding water availability in the Upper Vermillion Missouri: West Aquifer, it is the recommendation of the acting Chief Engineer that a qualification mandating annual water use reporting be added to Water Right No. 2041-3 & Water Permit No. 6662-3.

Adam Mathiowetz, PE
Acting Chief Engineer
March 13, 2026

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF HEARING dated March 17, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on March 17, 2026.

WR No. 2041-3 City of Viborg
c/o Finance Officer
PO Box 56
Viborg SD 57070

WR No. 6662-3 Vannorsdel's Inc.
c/o Merlin Vannorsdel
28891 455th Ave
Viborg SD 57070

Alyce McGhee
Senior Secretary-Water Rights

[illegible]

Sworn to, before me, this 17th day of March, 2026.



Notary Public
My Commission expires _____

Wanda Huffman
My Commission Expires
July 28, 2028



File: Water Right/Permit Nos. 2041-3, 4265-3, 6662-3, & 8585-3
Water Rights Program
File Documentation

DATE: March 29, 2026

NAME:

Permit No.	Name	Priority Date	Status	Use
2041-3	City of Viborg	12/13/1960	LC	MUN
4265-3	James D Bondesen	03/27/1978	LC	IRR
6662-3	Vannorsdel's Inc	09/16/2008	LC	COM/DOM/LCO
8585-3	Allen Vannorsdel	01/21/2022	PE	IRR

RE: Updated aquifer management unit designation and require annual reporting of withdrawals from the Upper Vermillion Missouri: West (UVM:W) aquifer

COMMENTS:

A review of following a two-year deferral of Application Nos. 8763-, 8797-3, and 8817-3, determined there were several water rights/permits that had not been updated to include the management unit designation, West management unit of the Upper Vermillion Missouri (UVM:W) aquifer, developed Buhler (2014) (Mathiowetz, 2026). Furthermore, it was determined several non-irrigation water rights have not been required to report annual withdrawal from the UVM:W aquifer. Since the deferral for Application Nos. 8763-, 8797-3, and 8817-3 was based on whether unappropriated water was available from the aquifer, it is prudent that the water rights that are not currently required to report annual withdrawals begin to report to increase the accuracy of the hydrologic budget estimates.

Water Right Nos. 6662-3 and 2041-3 are not currently required to report annual withdrawal from the UVM:W aquifer. Water Right No. 2041-3 is held by the City of Viborg. The City of Viborg currently receives all their water from a rural water system (Mathiowetz, 2026). However, annual reporting is recommended to ensure as much accuracy for the hydrologic budget as possible and to alert the Water Rights Program if the City of Viborg starts using their own water right again. Water Right No. 6662-3 is held by Vannorsdel's Inc for use in a livestock confinement operation. To ensure as accurate of a hydrologic budget for the aquifer as possible, it is recommended Water Right No. 6662-3 also be required to report average annual withdrawals from the UVM:W aquifer.

In 2014, Buhler as part of a review for several deferred applications pending completion of a DANR-Geological Survey study of the entire Upper Vermillion Missouri aquifer divided the aquifer into three separate management units. Water Right Nos. 2041-3, 4265-3, and 6662-3 predate the development of the management units and Water Permit No. 8585-3 was a

File: Water Right/Permit Nos. 2041-3, 4265-3, 6662-3, & 8585-3 reinstatement of Cancelled Permit No. 7715-3 which also predates the management unit designations. Based on the best information currently available and management unit naming conventions, Water Right Nos. 2041-3, 4265-3, and 662-3, and Water Permit No. 8585-3 should all be redesignated as withdrawing water from the West management unit of the Upper Vermillion Missouri (UVM:W) aquifer. The addition of the management unit designation does not represent physical change in water source, well location, or well depth. It is an update to the naming convention to reflect the currently best available information for aquifer and management unit extents. This update to the aquifer management unit name does not authorize any increase in the amount of water appropriated by previously stated Water Rights/Permits, relocation of existing wells, completion of additional wells into the aquifer, or change of acres permitted for irrigation.



Adam Mathiowetz
Acting Chief Engineer
DANR-Water Rights Program

REFERENCES:

- Buhler, K.A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. Report in file for Water Permit No. 7715-3. SD DANR-Water Rights Program. Pierre, SD.
- Mathiowetz, A.W. 2026. Supplementary Report on Deferred Water Permit Applications 8763-3 B&K Dairy Farms LLC; 8797-3 Donald D Benson; 8817-3 Merlin Vannorsdel. SD DANR-Water Rights Program. Pierre, SD