

WATER PERMIT NO. 6741-3

Name of Applicant: Alliance Family Farms LLC

Address: PO Box 188, Pipestone MN 56164 Phone: 605 825-4211

Amount of Water Claimed: 0.56 cfs Total Acres: NA

Source of Water Supply: 2 wells

Water to be used for: commercial County: Clark

Type of Waste Disposal System:

Location: 12 miles southwest of Clarek

PRIORITY Date Received: 6-8-06

Application/License Fee: \$325

Corrected Application Received: 7-17-06

Period of Annual Use: January 1 – December 31

Remarks: For a proposed hog confinement facility

Diversion Point: ^{W 1/2} SW 1/4 SE 1/4 Sec 5-T114N-R58W

Land to be Irrigated: NA

Depth of Well: 130 feet deep

Well Driller:

Remarks:

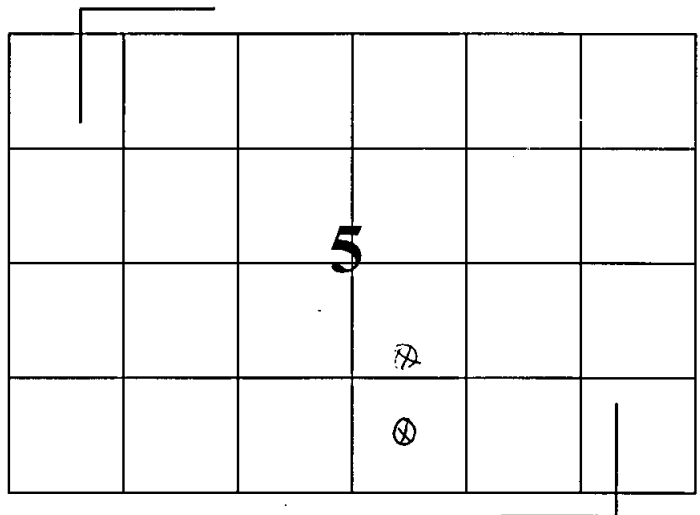
Type of Map: aerial

Prepared by: Todd VanMaanen, PE

Reviewed and the Number Assigned on: 7-17-06

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>6741-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Clark Co. Courier, Clark</u>

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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>Agriculture</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 Alliance Family Farms LLC Phone (507) 825-4211
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1300 S Hwy 75 (PO Box 188) Pipestone State MN 56164
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.56 *CFS or 250 **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 Groundwater - 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in the W 1/2 of the SE 1/4, Section 5, T114N, R58W, Clark County, South Dakota
County Clark
- County or counties where water will be used Clark
- Annual period during which water is to be used January 1 - December 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)

The proposed facility includes 2 (2,480 head) deep pit gestation barns, one 960 head shallow pit farrowing barn and one 1,200 head gilt development unit.

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STATE OF SOUTH DAKOTA) SS
County of Yankton

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

Signed _____
Subscribed and sworn to before me this 31st day of May 2006

Lois E. Battalisen
Notary Public

SOUTH DAKOTA
WATER PERMIT NO. 6741-3

Date of first receipt of application June 8, 2006.

Date of return to applicant for corrections, amendments or changes June 9, 2006.

Date of receipt of corrected application July 17, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6741-3 to Alliance Family Farms LLC, 1300 S Hwy 75, PO Box 188, Pipestone MN 56164 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. 6741-3 appropriates 0.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 130 feet deep) located in the W ½ SE ¼ Section 5-T114N-R58W.
2. The water appropriated shall be used for the purpose of commercial use in a hog confinement facility 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. 6741-3 is September 25, 2006.
5. The date from which applicant may claim right is June 8, 2006.
6. One-fifth of the construction is to be completed on or before March 25, 2009.
7. All construction is to be completed on or before September 25, 2011.
8. Water is to be put to beneficial use on or before September 25, 2015.
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. 6741-3 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. 6741-3 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 swine feeding operations.

(continued)

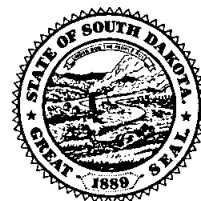
4. Permit No. 6741-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - 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

NOV 01 2009
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 130'
- b) Casing Type PVC Diameter 5" Thickness ¼ inch
- c) Screen Type PVC Diameter 5" Thickness ¼ inch
- d) Gravel Pack Washed conc. sand Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- 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 July 17, 20 06

RECEIVED OF Alliance Family Farms LLC, PO Box 188, Pipestone MN 56164

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

Fee for Application for Permit No. <u>6741-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6741-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	325.00

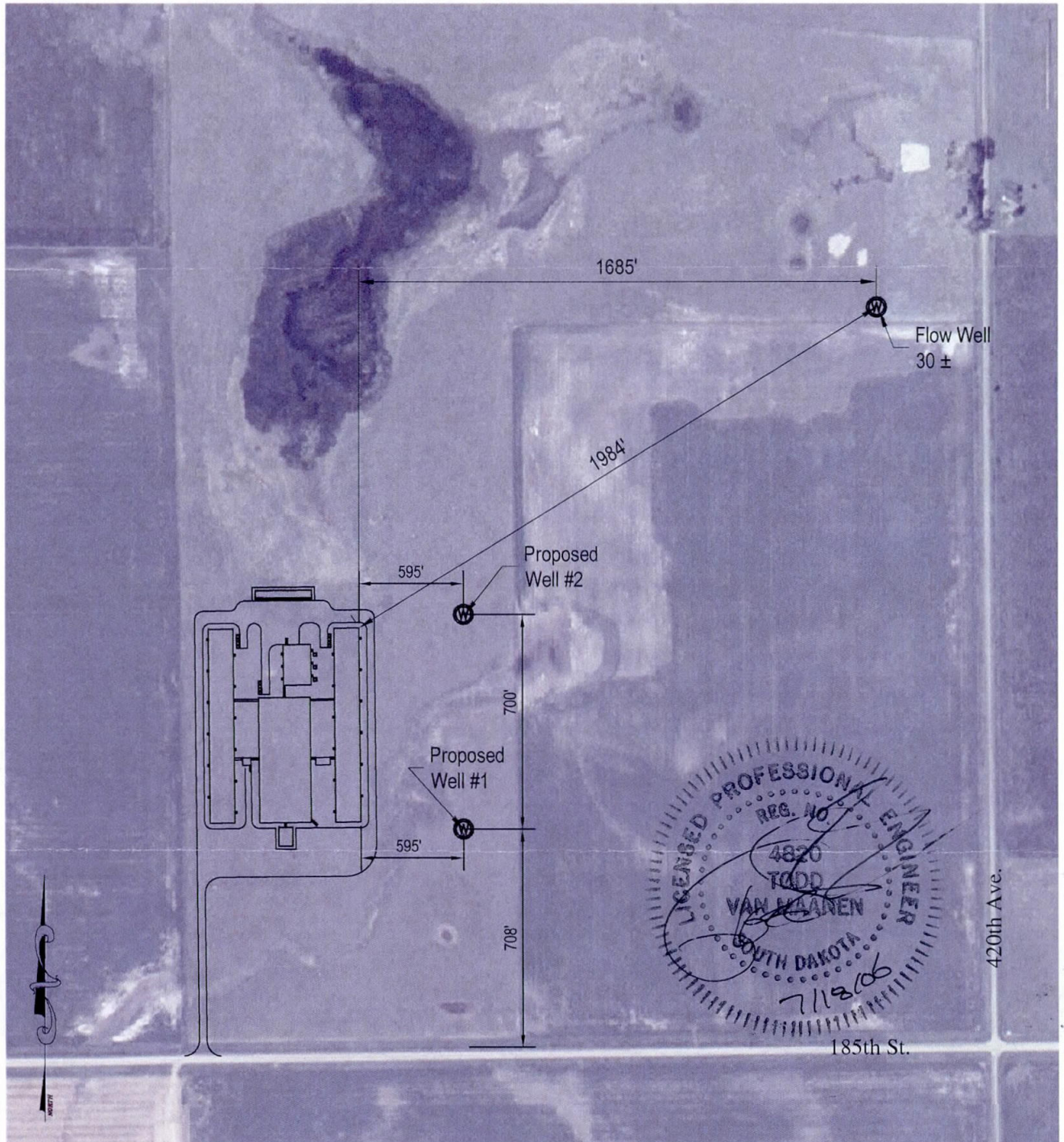
No.

02510

By

Darland Ebele
Chief Engineer
gpr

Approximate Location of the Closet Neighboring Well SE 1/4, Sec. 5, T 114 N, R 58 W, Clark County, SD



Title: Approximate Location of the Closest Neighboring Well	Project Name: Alliance Family Farms, L.L.C. Clark County, SD	Prepared By <i>Eisenbraun & Associates</i> Professional Engineers & Surveyors 215 Walnut Yankton, South Dakota 57078 605-665-8092 FAX 605-665-0523 "www.eaweb.com"			
	Sheet Name: Closest Neighboring Well				
	Proj. No.: Y06113	Dwg. No.: Setback	Drawn By: AKK	Checked By: BGG	Date: 15-June-06



**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 9, 2006

Eisenbraun and Associates, Inc.
c/o Barbie G Greer, Project Engineer
215 Walnut
Yankton SD 57078

RE: Alliance Family Farms LLC

Dear Ms. Greer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial in a confinement facility. In order to complete the application the following is required.

- Enclosed is the application. Please complete Item No. 2, Amount of water claimed. This would be the maximum pump rate in gallons per minute (gpm) from the two wells.
- The filing fee will be based on amount of water claimed. The filing fee for 45 gpm or less will be \$100; from 46 – 75 gpm will be \$200; 76 – 150 gpm will be \$275. If requesting more than 150 gpm, please contact me and I can determine the fee.
- Also we understand the two wells have not been drilled, but we need the proposed depth of the wells. Please complete Item No. 1, on the second page, Well Information, Proposed Construction, Depth.

If you have any questions, please contact me.

Sincerely,

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

enclosures

June 5, 2006

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

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RE: Alliance Family Farms, L.L.C., Clark County, SD
E/A Project No. Y06113.D01

Dear Mr. Gronlund:

Enclosed are the forms and other required submittal information for the Alliance Family Farms, L.L.C. Water Rights Permit. The information is being submitted to your office for review and approval. The legal description for the proposed project property is: SE $\frac{1}{4}$ of Section 5, T114N, R58W, Clark County, South Dakota. The contact information for the Alliance Family Farms, L.L.C. is as follows: Barry Kerkaert – 1300 S HWY 75, PO Box 188, Pipestone, MN 57004, Phone (507) 825-4711.

A map is included showing the approximate locations of the diversion points. The Alliance Family Farms, L.L.C. intends to use two new wells. The legal description for the both wells located on site is as follows: SE $\frac{1}{4}$, Sec 5, T114N, R58W. Form 2A has been completed with information provided by Pullman Welldrilling on the proposed wells which have not yet been drilled.

Both wells and their approximate locations are shown on a map (aerial photograph) and signed by a registered professional engineer. Two completed copies of Form 2A have been submitted. The Alliance Family Farms, L.L.C. has applied 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 Hurley Farms, L.L.C. AWMS 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.

A handwritten signature in cursive script, appearing to read "Barbie G. Greer".

Barbie G. Greer
Project Engineer

cc: Alliance Family Farms, L.L.C.

215 Walnut Street
Yankton, South Dakota
(605) 665-8092
Fax (605) 665-0523

Eisenbraun & Associates
Professional Engineers & Surveyors

Letter of Transmittal

To: Karen Schlaak
SD DENR
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182
Date: 6/15/2006
Project #: Y06113.D01
Subject: Alliance Family Farms Water Rights Permit Application

WE ARE SENDING YOU:

☒ Attached ☐ Under Separate Cover via _____

the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Specifications
☐ Copy of letter ☐ Change Order ☒ Water Rights Application

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JUN 19 2006

WATER RIGHTS
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THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ For approval ☐ Approved as submitted ☐ Corrected as requested
☐ For your use ☐ Approved as noted ☐ Documents returned after loan to us
☐ As requested ☐ Returned for corrections ☐ For bids due
☐ For review and comments ☐ _____

REMARKS :

Karen,

Please find enclosed the *Application For Permit To Appropriate Water*. A revised map is included which shows the proposed location of the wells on the east side of the facility. The producer will be responsible for the filing fee of \$325. Please call me with any questions you may have. Thank you.

Sincerely,

EISENBRAUN & ASSOCIATES, INC.

Barbie G. Greer

Barbie G. Greer
Project Engineer

enclosures

215 Walnut Street
Yankton, South Dakota
(605) 665-8092
Fax (605) 665-0523

Eisenbraun & Associates
Professional Engineers & Surveyors

Letter of Transmittal

To: Karen Schlaak
SD DENR
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182
Date: July 18, 2006
Project #: Y06113.D01
Subject: Alliance Family Farms Water Rights Permit Application

WE ARE SENDING YOU:

☒ Attached ☐ Under Separate Cover via _____

the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Specifications
☐ Copy of letter ☐ Change Order ☒ Water Rights Application

THESE ARE TRANSMITTED AS CHECKED BELOW:

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☐ As requested ☐ Returned for corrections ☐ For bids due
☐ For review and comments ☐ _____

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REMARKS :

Karen,

Please find enclosed a revised map which shows the proposed location of the wells on the east side of the facility. Please call me with any questions you may have. Thank you.

Sincerely,

EISENBRAUN & ASSOCIATES, INC.

Barbie G. Greer

Barbie G. Greer
Project Engineer

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6741-3

For Alliance Family Farms LLC

August 14, 2006

Application No. 6741-3 proposes to appropriate 0.56 cubic feet of water per second (cfs) from two wells to be completed into the Altamont Aquifer (approximately 130 feet deep) located in the W ½ SE ¼ Section 5, T114N-R58W in Clark County. The water is for commercial use in a hog confinement facility.

AQUIFER – ALTAMONT (A)

The Altamont is composed of buried alluvium and glacial deposits of fine sand to very coarse gravel and sandy silt. The aquifer represents a confined condition with artesian characteristics in the area of this application. The aquifer underlies 537,200 acres and contains an estimated 3.3 million acre-feet of water in storage in Clark County (Hedges 1982). Ground water movement is from east to west in the area of this application (Hamilton 1987).

The Water Rights Program monitors an observation well CK-76G located one mile to the east 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. The water level record indicates that recharge is taking place and is sufficient enough to maintain additional diversions. (Water Rights, 2006).

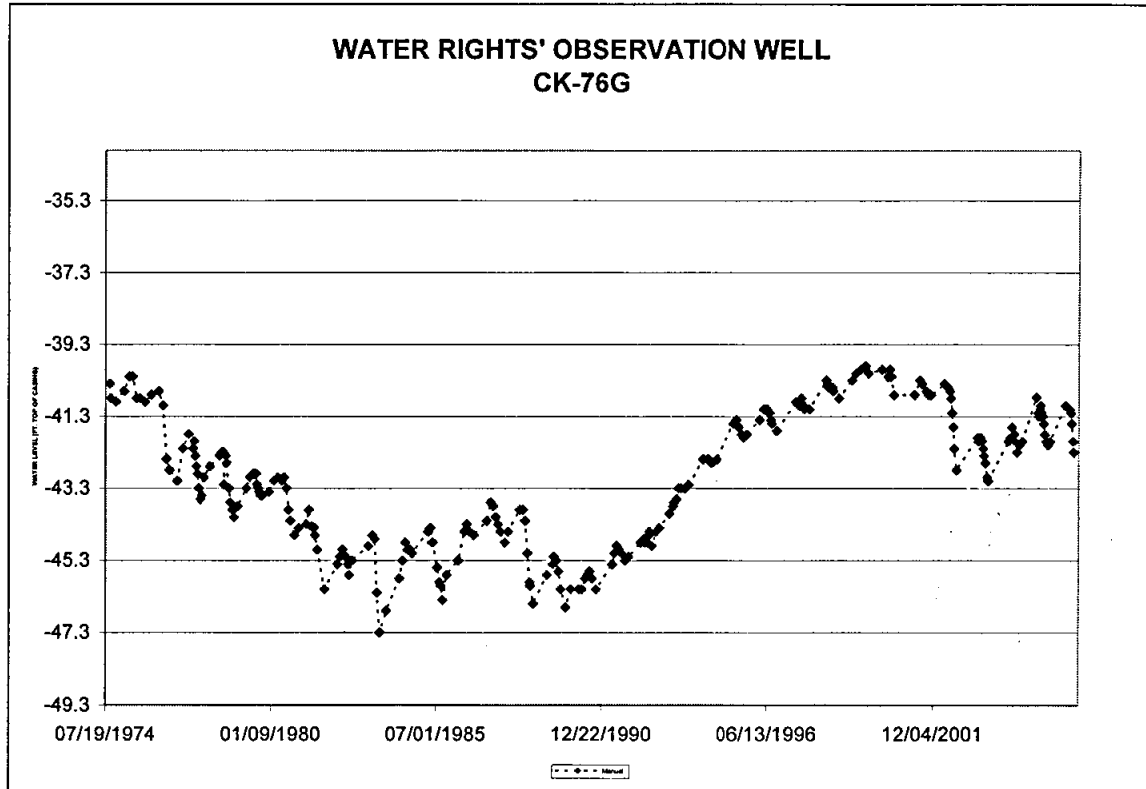


Figure 1 Hydrograph of observation well CK-76G.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a five mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Altamont aquifer is located approximately 2 miles southwest of this application. This well is for Water Right No. 4658-3 (1.77 cfs for irrigation). There are a few irrigation wells in the area and drawdown from pumping is measured in the observation wells and is not significant. Interference should not be a problem.

Table 1 Table identifying water rights within a five mile radius of this application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
1898-3	CLARK FARMERS COOP	PCO	IRR	2.00
1899-3	CLARK FARMERS COOP	PCO	IRR	1.93
2417-3	FORDHAM HTTRN BRTH	A	IRR	1.78
3000-3	HEATON	A	IRR	1.90
3028-3	FORDHAM HTTRN BRTH	A	IRR	1.78
4399-3	FORDHAM HTTRN BRTH	A	IRR	1.78
4658-3	SCHMIDT	A	IRR	1.77

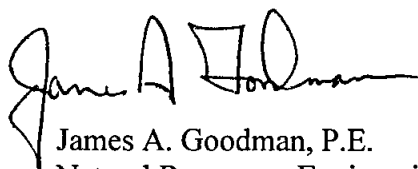
CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions in this area. Water level records indicate drawdown should not be a concern. Interference should not be a problem.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Plans and Specifications for this facility have been submitted to the Department and have been approved by the Waste Management Program.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Rights, 2006, Unpublished Observation Well Records, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6741-3, Alliance Family Farms 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. 6741-3, Alliance Family Farms LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164

The Chief Engineer is recommending APPROVAL of Application No. 6741-3 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. The wells authorized by Permit No. 6741-3 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. 6741-3 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 swine feeding operations.
4. Permit No. 6741-3 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
August 28, 2006

**NOTICE OF APPLICATION
NO. 6741-3 to Appropriate Water**

Notice is given that Alliance Family Farms LLC, c/o Luke Minion, P.O. Box 188, Pipestone, MN 56164, has filed an application for a water permit to appropriate 0.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 130 feet deep) located in the W1/2SE1/4 Section 5-T114N-R58W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6741-3 because (1) unappropriated water is available, (2) existing rights will not be unlawfully impaired, (3) it is 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 September 25, 2006.

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 Environmental and
Natural Resources

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SEP 25 2006

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**ALLIANCE FAMILY FARMS
NOTICE OF APPLICATION
TO APPROPRIATE WATER**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

**September 6, 2006
September 13, 2006**

that the full amount of the fees for the publication of the annexed notice is

\$39.93

William J. Krikac

Subscribed and sworn to before me this

21st day of September 2006

Kimberly Seibert
Notary Public
Clark County, South Dakota

My commission expires: 10-02-07



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2006

Clark Co Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6741-3 to Appropriate Water to be published twice. Please publish the first notice on September 6, 2006 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Alliance Family Farms LLC, PO Box 188, Pipestone MN 56164 (Ph # 507-825-4211).

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. 6741-3

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

Date _____

We are in receipt of your letter of August 28, 2006 enclosing Notice to Appropriate Water by Application No. 6741-3 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.**

August 28, 2006

Alliance Family Farms LLC
% Luke Minion
PO Box 188
Pipestone MN 56164

Dear Mr. Minion:

Water Permit Application No. 6741-3 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 Clark Co Courier printed at Clark, SD (Ph # 605-532-3654). 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.

Instruction to Newspaper - Publish first Notice on September 6, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6741-3 to Appropriate Water

Notice is given that Alliance Family Farms LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 0.56 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (approximately 130 feet deep) located in the W ½ SE ¼ Section 5-T114N-R58W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6741-3 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 September 25, 2006.

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

NOV 01 2003

Alliance Family Farms LLC
% Luke Minion
PO Box 188
Pipestone MN 56164

Dear Mr. Minion:

Enclosed is Water Permit No. 6741-3 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

6741-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 22 2023

Alliance Family Farms LLC
c/o Luke Minion
PO Box 188
Pipestone MN 56164

Dear Mr. Minion:

Enclosed is Water License No. 6741-3. This is the final water right document completing your process of obtaining a Water Right. 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 in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6741-3

(1) Alliance Family Farms LLC; 1300 S Hwy 75, PO Box 188, Pipestone MN 56164, made Application No. 6741-3, June 8, 2006, for a water permit to divert 0.56 cubic feet of water per second from groundwater, two wells (Altamont Aquifer), Clark County, South Dakota for commercial use in a hog confinement facility. Permit No. 6741-3, with a priority date of June 8, 2006, was approved September 25, 2006, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 25, 2011, and for the application to beneficial use of water on or before September 25, 2015.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.178 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 1,320 ft N & 1,880 ft W of the SE corner of Section 5, T114N, R58W (SW ¼ SE ¼)
(Latitude 44.70707 Longitude -97.82319)
- Well #2: 555 ft N & 1,900 ft W of the SE corner of Section 5, T114N, R58W (SW ¼ SE ¼)
(Latitude 44.70505 Longitude -97.82326)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial for the purpose of commercial use in a hog confinement facility located in the W ½ SE ¼ of Section 5, T114N, R58W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Alliance Family Farms LLC, the holder and/or owner of Water Right No. 6741-3 is issued a license to appropriate water, the right to use 0.178 cubic feet of water per second from groundwater, two wells (Altamont Aquifer), with a priority date of June 8, 2006, from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6741-3 and subject to the following qualifications:

1. The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control their 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. 6741-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pump shall comply with the 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. Water Right No. 6741-3 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 swine feeding operations.

continued

4. Water Right No. 6741-3 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
 - f) Chapter 74:52:01 through 74:52:11 Surface water Discharge Provisions

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 22 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6741-3

I have this day, **May 24, 2023**, made a thorough examination of the water use system constructed by **Alliance Family Farms LLC c/o Luke Minion, PO Box 188, Pipestone, MN 56164** of Permit No. **6741-3**, bearing the priority of **June 8, 2006**, authorizing the diversion of **0.56** cu. ft. per second of the waters of the **Altamont Aquifer** for **commercial use – swine production** purposes, in **Clark** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **130** feet
- 4) Well log is available **Y**

Comments: **Data located in DANR well data base**

Casing:

- 1) Diameter **5** inches
- 2) Length **120** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC**
- 2) Length **10** feet
- 3) Static water level **7** feet

Pump:

- 1) Make **Submersible**
- 2) Model **Unknown**
- 3) Size **Unknown**
- 4) Capacity **40 each (80 total) GPM**

Motor:

- 1) Make **Unknown**
- 2) Model No. **Unknown**
- 3) Horsepower rating **Unknown** hp

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

- 1) Type Buried PVC 2) Size Unknown inches 3) Length Unknown feet

Comments: Wells are close to the buildings

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
From the SE corner Sec 5, T114N, R58W WELL #1: 1320 ft N & 1880 ft W, Lat 44.70707 Long -
97.82319 (SW ¼ SE ¼) WELL #2: 555 ft N & 1900 ft W, Lat 44.70505 Long -97.82326 (SW ¼ SE ¼)
2. The works are capable of diverting and conveying to the place of use 0.178 cu. ft. per second (80 gpm) of water which is to be used for commercial use.

The license should be issued for 0.178 cfs.

3. All structures, wells, and lands on map Y

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

Mr. Marty Rost is the contact person for the facility with a cell telephone number of 507/825-7029.

Pump rates reported via a text message (40 gpm per well) from Mr. Rost was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current

I talked to Mr. Rost via telephone during the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 19, 2023



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program