

WATER PERMIT NO. 6762-3

Name of Applicant: Van Winkle Dairy LP

Address: 46020 265th St, Hartford SD 57033

Phone: 605 526-4226

Amount of Water Claimed: 0.33 cfs

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: commercial

County: McCook

Type of Waste Disposal System:

Location: 2 miles east of Canisota

PRIORITY Date Received: 10-10-2006

Application/License Fee: \$275

Corrected Application Received: 10-13-06

Period of Annual Use: January 1 – December 31

Remarks: dairy confinement operation

Diversion Point: SE ¼ NE ¼ Sec 36-T102N-R54W

Land to be Irrigated: NA

Depth of Well: 305 feet deep

Well Driller: : Dave Putzke Well Drilling

Remarks:

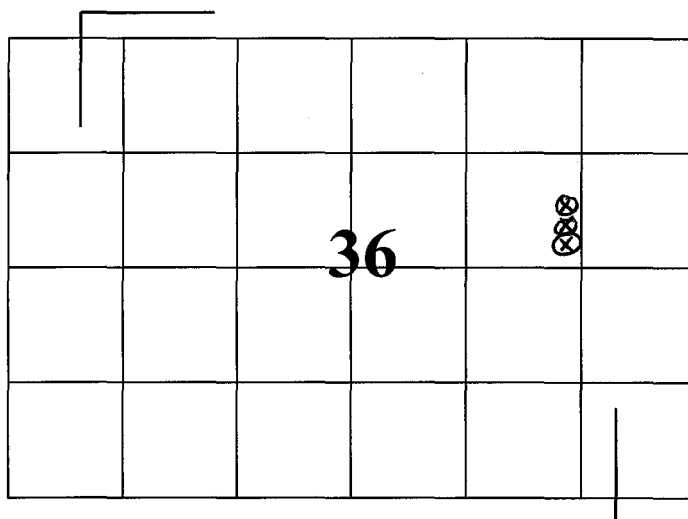
Type of Map: topo

Prepared by: Brian H Friedrichsen, PE

Reviewed and the Number Assigned on: 10-13-06

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>6762-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Canistota Clipper</u>

RECEIVED
OCT 10 2006
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	

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 Van Winkle Dairy LP Phone 605.526.4226
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 46020 265th St Hartford State SD 57033
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.33 *CFS or 150 **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 Sandstone aquifer (DAKOTA FORMATION?)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County McCook
3 wells in SE1/4 section 36 T102N R54W

5. County or counties where water will be used McCook January 1 to Dec 31

6. Annual period during which water is to be used water will be used year-round for livestock

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)
LARGE SCALE DAIRY CONFINEMENT - ENGINEER'S REPORT FROM DENR
CAFO GENERAL PERMIT APPLICATION INCLUDED

STATE OF SOUTH DAKOTA)
County of McCook) 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, Steven A. Arndt, 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

Subscribed and sworn to before me this 29th day of September 2006

Notary Public signature

My Commission Expires
01-28-10

SOUTH DAKOTA
WATER PERMIT NO. 6762-3

Date of first receipt of application October 10, 2006.

Date of return to applicant for corrections, amendments or changes October 10, 2006.

Date of receipt of corrected application October 13, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6762-3 to Van Winkle Dairy LP, 46020 265th St, Hartford SD 57033 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. 6762-3 appropriates 0.33 cubic feet of water per second from three wells completed into the Codell Aquifer (approximately 300 feet deep) located in the SE ¼ NE ¼ Section 36-T102N-R54W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy 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. 6762-3 is January 2, 2007.
5. The date from which applicant may claim right is October 10, 2006.
6. One-fifth of the construction is to be completed on or before June 2, 2009.
7. All construction is to be completed on or before January 2, 2012.
8. Water is to be put to beneficial use on or before January 2, 2016.
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. 6762-3 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. 6762-3 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

MAR 09 2007
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 305'
- b) Casing Type plastic Diameter 5" Thickness SDR 17
- c) Screen Type plastic Diameter 5" Thickness SDR 17
- d) Gravel Pack 0-pack Length of Gravel Pack 30
- e) Depth to Top of Water Bearing Material 283'
- f) Depth to Water (ground surface to water level) 170'
- g) Distance to nearest existing domestic well:

On applicants property no wells prior to this On property owned by others > 1/2 mile to any neighboring existing well

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic & drain field
- b) System Capacity (gallons) 1500 gal Year Constructed 2006
- c) Connected to the City of _____ Sanitary System N/A

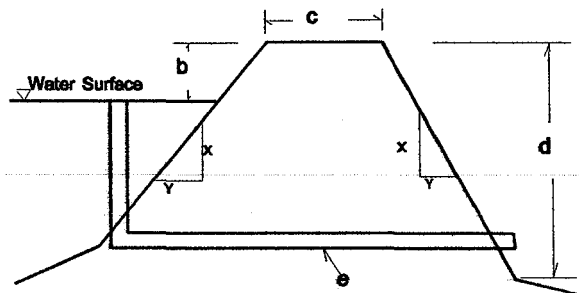
3. Dugout Information - N/A

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

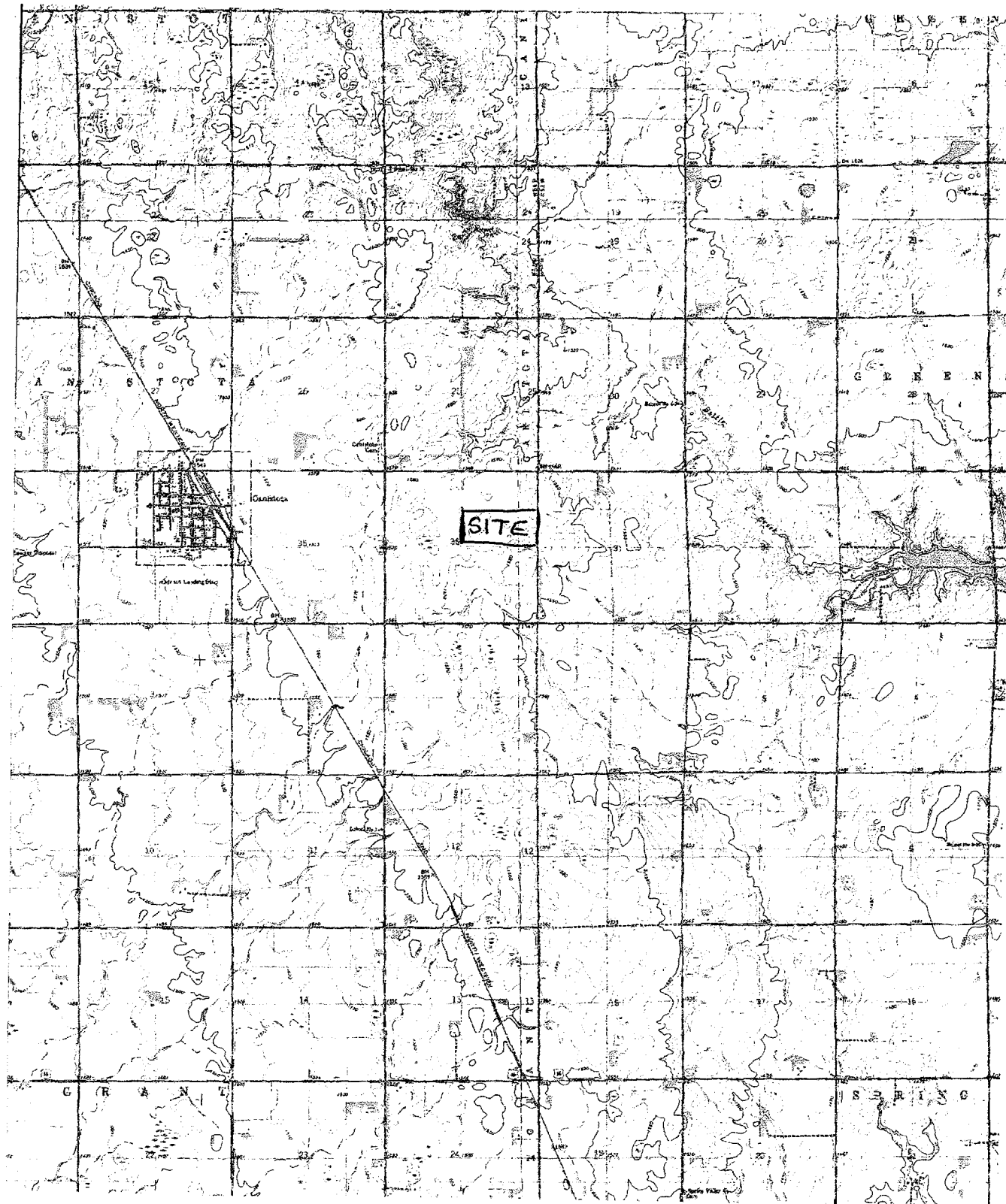
4. Water Storage Dams - N/A

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:

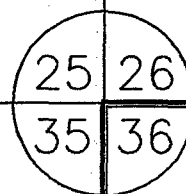


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

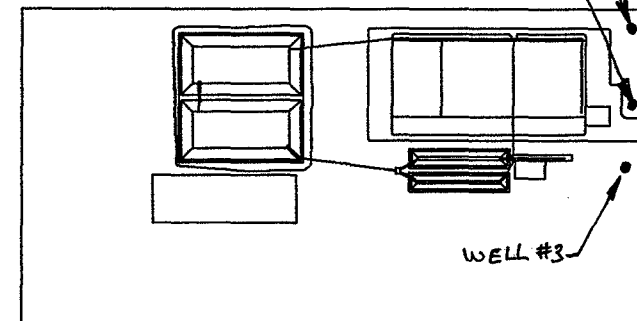


AREA MAP
NOT TO SCALE

NORTH



T102N R54W
T101N R54W



VICINITY MAP
SCALE 1" = 800'

AREA/VICINITY MAP		REV.	DATE	DESCRIPTION	BY	CHKD
VANWINKLE DAIRY AWMS		DATE:	3/30/06	DRAWN:	MEL	CHECKED: BF
		JOB NO: 25036				
SCALE:		AS NOTED				
DWG:		2				

Nell #1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S2NEH 1/4 Sec 36- Farmstead Township
County McCook

Please mark well location with an "X"

Well Completion Date 8-1-06

1 Mile

Well Owner: _____
Business Name: Van Winkle Dairy, LP
Address: 46620 - 265th Street
Hartford SD 57033

WELL LOG:	DEPTH	
	FROM	TO
TOP Soil	0	2
Brown clay	2	58
Blue "	58	283
Sandstone	283	305
Blue clay	305	

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 440 ft. from Feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING: Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>305</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>Acrylic Acid</u>	<u>16</u>	_____ lb./gal	<u>6</u> ft.	<u>275</u> ft.
		_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure New frame line - Pumped w/ mud pump

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 5 IN Length 20 FEET

Material Plastic

Slot Size 25 Set From 285 Feet to 305 Feet

Other information Pack w/ O Pack

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: Signature of Chlorine

NO, Why Not? Pumped

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 170 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: AIR

☐ Bailed Pump AT 230' 50 gpm.

☐ 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 # 439

And this report is true and accurate.

Drilling firm Home Pro Well Drilling & Repair Inc

Signature of License Representative: Van Winkle

Signature of Well Owner or Equitable Property Holder: Van Winkle

Date: 8/3/06

Well #2

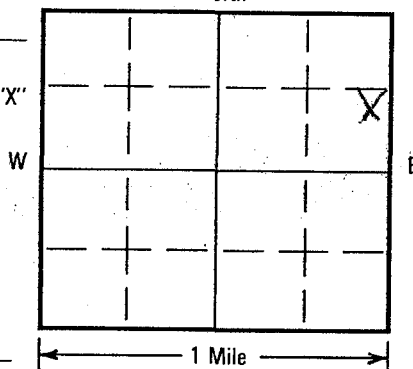
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S2-NE4-36 Sec 36 Twp 4 Rg 10County McCook

North

Please mark well location with an "X"



Well Completion Date

9-1-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 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>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>300</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>Bentonite Slur</u>	<u>16</u>	_____ lb./gal	<u>6</u> ft	<u>270</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure run to casing line Pumped
W/ mud PumpSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 20 FEETMaterial PlasticSlot Size 25 Set From 280 Feet to 300 FeetOther information 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: 5 gallon ofNO, Why Not? ChlorinePumped

Laboratory sent to for water quality analysis _____

Well Owner: _____

Business Name: Van Winkle Darry, LPAddress: 46020-265th Street
Hartford, SD 57033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP Soil</u>	<u>0</u>	<u>2</u>
<u>Brown Clay</u>	<u>2</u>	<u>60</u>
<u>Blue Clay</u>	<u>60</u>	<u>280</u>
<u>Sandstone</u>	<u>280</u>	<u>300</u>
<u>Blue clay</u>	<u>300</u>	

STATIC WATER LEVEL 170 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: AIR☐ Bailed☐ OtherPUMP AT 230' - 50 GPM

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 # 439

And this report is true and accurate.

Drilling firm Dave Pate Well Drilling, IncSignature of License Representative: Dave PateSignature of Well Owner or Equitable Property Holder: Darry Van WinkleDate: 9-22-06

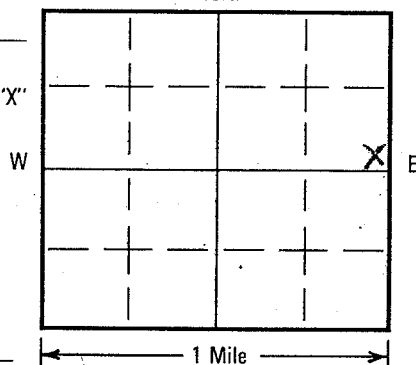
Well # 3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S2-NEH Sec 36 Twp Canistota Rg Township
County McCook

Please mark well location with an "X"



Well Completion Date

9-7-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 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>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>303</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>Bentonite Slur</u>	<u>16</u>	_____ lb./gal	<u>6</u> ft	<u>270</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 20 FEETMaterial PlasticSlot Size 25 Set From 283 Feet to 303 FeetOther information pack w/ c 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: 5 gallons ofchlorinepumped

Laboratory sent to for water quality analysis

Well Owner:

Business Name: Van Winkle Dairy, L.P.Address: 16020-265th Street
Hartford, SD 57033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP Soil</u>	<u>0</u>	<u>2</u>
<u>Brown clay</u>	<u>2</u>	<u>60</u>
<u>Blue clay</u>	<u>60</u>	<u>283</u>
<u>Sandstone</u>	<u>283</u>	<u>303</u>
<u>Blue clay</u>	<u>303</u>	

STATIC WATER LEVEL

170

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: AIR☐ Bailed☐ OtherPump At 230' - 50gpm

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 # 439

And this report is true and accurate.

Drilling firm Dave Pott Well Drilling & Repair Inc

Signature of License Representative:

Dave Pott

Signature of Well Owner or Equitable Property Holder:

Van Winkle

Date:

9-22-06

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 13, 2006

RECEIVED OF Kevin Van Winkle, 46020 266th St., Hartford sd 57033

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

Fee for Application for Permit No. <u>6762-3</u> 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. <u>6762-3</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	275.00

No.

02607

By

Darland Ebele
Chief Engineer *gm*



**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. 6762-3, Van Winkle Dairy LLP**

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. 6762-3, Van Winkle Dairy LLP, c/o Steven Arend, 46020 265th Street, Hartford SD 57033.

The Chief Engineer is recommending APPROVAL of Application No. 6762-3 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. 6762-3 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. 6762-3 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
December 4, 2006

REPORT ON WATER PERMIT APPLICATION NO. 6762-3
For Van Winkle Dairy LP
November 16, 2006

Application No. 6762-3 proposes to appropriate 0.33 cfs (150 gpm) from three wells approximately 300 feet deep located in the SE ¼ NE ¼ of section 36, T102N R54W in McCook County. The water is for use in a dairy confinement facility.

AQUIFER – CODELL SANDSTONE (CDLL)

The Codell consists of interbedded sandstone and shale and is a member of the Carlile shale. This aquifer pick is difficult. It appears that the sandstone, is below or lower stratigraphically than the Niobrara Formation, probably is in the Carlile or at least in the range of depths to be included in the Carlile and appears to not be associated with the Sioux Quartzite or the Dakota Formation. However, this last assumption could be in error. It really does not make much difference. The geology of this area makes identification of the water source problematical. There is no estimate for volume of water available for the Codell aquifer in McCook County or for that matter any other formation which would could be identified as the ground water source. No ground water study has been completed for McCook County and the information for this discussion was obtained from other studies, drill hole data and domestic well logs for the entire area (Water Rights, 2006).

The best information available indicates that three test wells were drilled at this site which are each capable of producing 50 gpm. These wells all have a static water level around 170 feet below land surface and varied in depth from 305 feet, to 300 feet to 303 feet with sandstone thicknesses of 22 feet, 20 feet and 20 feet respectively. All three wells have been constructed in accordance with SD Well Construction Standards.

The Water Rights Program does not monitor any observation wells completed into this geologic unit in this area. There is an observation well located about one mile west of this site but completed to a depth of about 220 feet into a sand and gravel unit lying upon the Niobrara Formation. The water level record for this observation well probably does not represent the aquifer at this site.

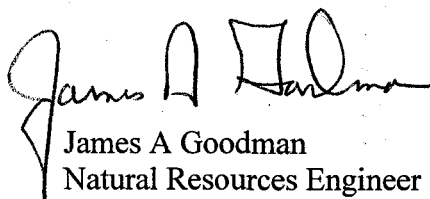
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights that obtain water from this ground water source. The nearest permitted ground water user is the City of Canistota. The source of water for Canistota appears to be outwash (sand and gravel) lying upon the Niobrara Formation (probably hydraulically connected) and a well deep enough to be completed into the Sioux Quartzite. Neither of these sources should be the same as the source for this application. Interference is not expected to be a concern. Drawdown will be created by pumping but the information is not sufficient to evaluate potential effects. However, there does not appear to be other nearby users which could potentially be affected. The

biggest concern should be how much the applicant will affect himself. This can easily be tested by measuring the existing wells while pumping.

CONCLUSIONS

1. Water is available from this aquifer.
2. The wells have already been constructed and appear to be constructed in accordance with SD Well Construction Standards.
3. Drawdown will occur as a result of pumping. The applicant's three wells are all within 600 feet of each other. Interference will occur but this should be a manageable situation for the applicant. It appears the nearest domestic well is about one-half mile away. At this distance interference should not be a concern.
4. Plans and specifications for this facility have been sent to the department and have been approved.



James A Goodman
Natural Resources Engineer

Affidavit of Publication

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF McCOOK:)

The undersigned, being first duly sworn, on his oath says: THE CANISTOTA CLIPPER is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by MATTHEW ANDERSON, and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication: that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Application

a printed copy of which is hereto attached, was printed and published in the said newspaper for two (2) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication be made on 12-17

The second publication on 12-21

The third publication on _____

The fourth publication on _____

that 44.46 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whomsoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

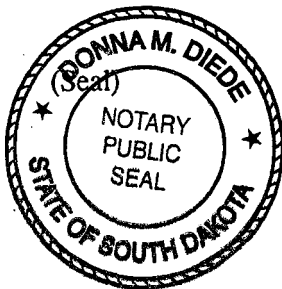
Matt Anderson

Subscribed and sworn to before me this 18

day of December 2006

Donna M. Diele
Notary Public, South Dakota

My commission expires 2-2-2010



NOTICE OF APPLICATION

NO. 6762-3 to Appropriate Water

Notice is given that Van Winkle Dairy LP, 46020 265th St, Hartford SD 57033 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from three wells completed into the Codell Aquifer (approximately 300 feet deep) located in the SE ¼ NE ¼ Section 36-T102N-R54W. The water is for commercial use in a dairy confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6762-3 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 January 2, 2007.

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. 12-14-2tc

RECEIVED
JAN 10 2007
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 5, 2006

Canisota Clipper
PO Box 128
Canisota SD 57012-0128

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6762-3 to Appropriate Water to be published twice. Please publish the first notice on December 14, 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 Van Winkle Dairy LP, 46020 265th St., Hartford SD (Ph # 605-526-4226).

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. 6762-3

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

Date _____

We are in receipt of your letter of December 5, 2006 enclosing Notice to Appropriate Water by Application No. 6762-3 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.**

December 5, 2006

Van Winkle Dairy LP
46020 265th St
Hartford SD 57033

Dear Sir:

Water Permit Application No. 6762-3 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 Canisota Clipper printed at Canisota, SD (Ph # 605-296-3181). 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 December 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6762-3 to Appropriate Water

Notice is given that Van Winkle Dairy LP, 46020 265th St, Hartford SD 57033 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from three wells completed into the Codell Aquifer (approximately 300 feet deep) located in the SE ¼ NE ¼ Section 36-T102N-R54W. The water is for commercial use in a dairy confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6762-3 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 January 2, 2007.

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.



MAR 09 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Van Winkle Dairy LP
46020 265th St
Hartford SD 57033

Dear Sir:

Enclosed is Water Permit No. 6762-3 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

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

RECEIVED
MAR 19 2007
WATER RIGHTS
PROGRAM

Date 3-16-07

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

FROM: Van Winkle Dairy
(name)
26137 448th Ave.
(address)
Camisota, SD 57012 605-296-2655
(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.

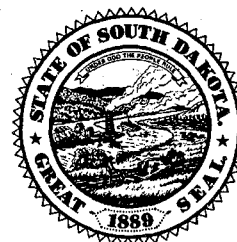
Water Permit No. 6762-3 states that the water use system is to be constructed by
1-2-2012, and water is to be put to beneficial use by 1-2-2016.
(date) (date)

The water use system was completed on 12-1-06.
(date)

Applying the water to beneficial use was completed on 1-2-07.
(date)

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

Kevin Van Winkle
(signature)





DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

6762-3 RECEIVED

AUG 30 2007

WATER RIGHTS
PROGRAM

August 27, 2007

Eric Gronlund
South Dakota DENR
523 East Capitol
Pierre, SD 57501

Re: Proposed Water Rights Permit Modification
VanWinkle Dairy, McCook County, SD
DEC Project No. 25036

Dear Mr. Gronlund:

On behalf of the owners of the above referenced project site, we are transmitting the following information as a request for a modification to existing water rights permit #6762-3.

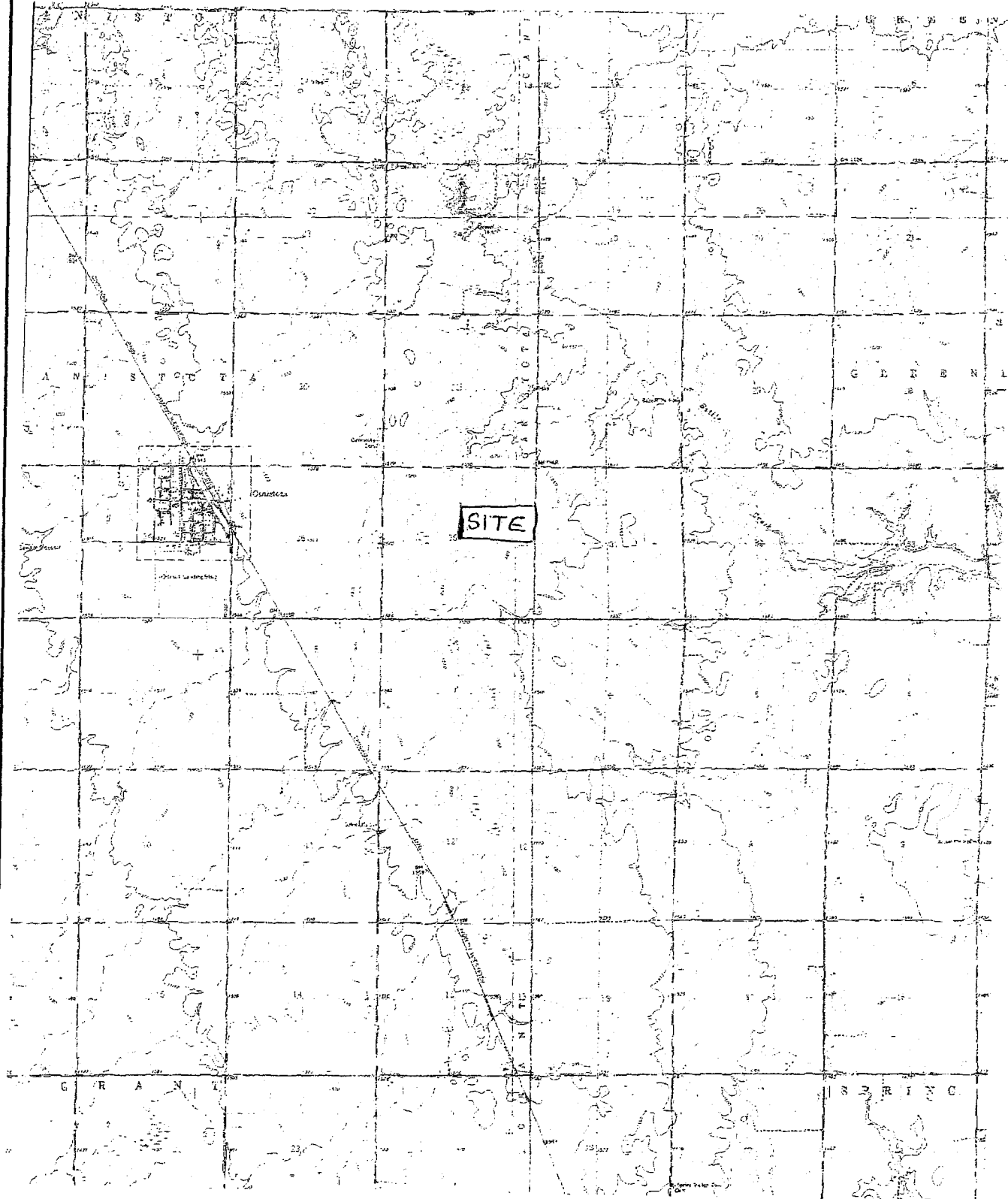
Three wells are currently in use at the site for stock watering. It is desired to add a diversion point in the form of a fourth well to be used as a backup. A maximum of three of the wells would be pumped at any given time, thus the currently permitted maximum withdrawal would not be exceeded. The construction and depth of the well would be identical to the existing wells.

The location of the proposed well is shown on the included plan sheet 2.

We believe you will find the enclosed information adequate to evaluate this modification. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

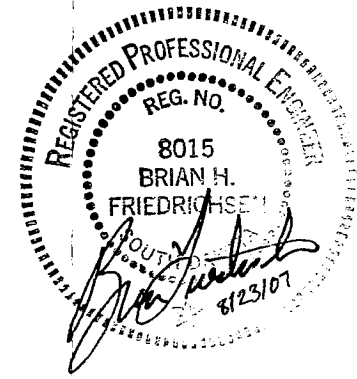
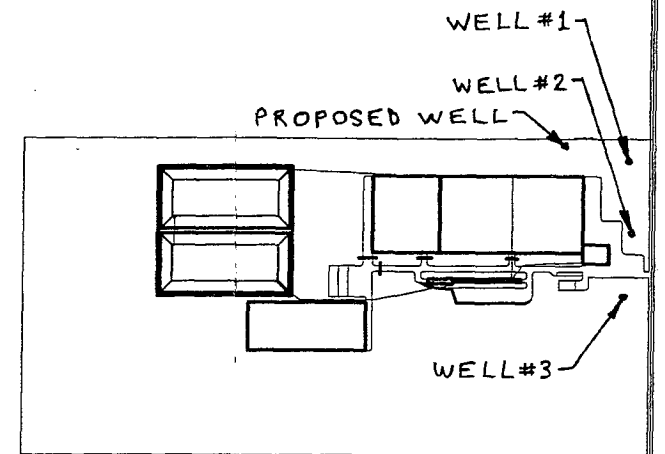
Brian Friedrichsen, PE
Senior Engineer



25 26
35 36

RECEIVED
AUG 30 2007
WATER RIGHTS
PROGRAM

AREA MAP
NOT TO SCALE



T102N R54W
T101N R54W

VICINITY MAP
SCALE 1" = 800'

11/10/08		AS-BUILT LAYOUT		BF	
REV.	DATE	DESCRIPTION		BY	CHKD
1	3/30/06	DRAWING		MEL	BF
AREA/VICINITY MAP				CHECKED: BF	
VANWINKLE DAIRY AWMS					
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED				P.O. BOX 636 HURON, SD 57350 605-352-5610	
JOB NO: 25036					
SCALE: AS NOTED					
DWG: 2					

Approval of an Additional Diversion Point

NAME: Van Winkle Dairy LP

ADDRESS: 446020 265th Street, Hartford SD 57033

DATE: September 11, 2007 **COUNTY:** McCook **TELEPHONE:**

BACKGROUND:

Water Permit No. 6762-3 appropriates 0.33 cubic feet of water per second from three wells completed into the Codell Aquifer located in the SE ¼ NE ¼ Section 36 in T102N, R54W. The water use is for commercial use in a dairy operation in McCook County.

Brian Friedrichsen, the dairy's engineering consultant, filed an application requesting an additional diversion point also to be located in the SE ¼ NE ¼ Section 36 in T02N, R54W. The request states this fourth well is to be used for backup purposes and the withdrawal rate will not be exceeded.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed 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**

The water source authorized by Water Right No. 6762-3 is the Codell Aquifer. Well completion reports on file for the three existing wells state they are constructed at 300, 303 and 305 feet deep. The additional well will be approximately 305 feet deep which is the Codell Aquifer.

No additional appropriation of water is requested. The original water permit appropriates 0.33 cfs from three wells. This application proposes an additional well be as a backup water supply. Combined, the diversion from the wells will not exceed 0.33 cfs (150 gpm).

- **Review of Existing Diversions**

The nearest existing water right is held by the city of Canistota located approximately 2 miles west of the dairy. However, the listed water source is Pleistocene Unknown. There are no other permitted wells completed into the Codell Aquifer in this area. There are four domestic wells in the vicinity.

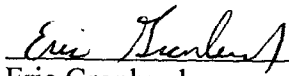
CONCLUSION

- The additional well does not appropriate additional water.

- The additional well is to be constructed into the Codell Aquifer.
- Existing domestic wells and prior water rights should not be adversely impacted by authorizing this additional well.
- There have been no complaints regarding development at this site.

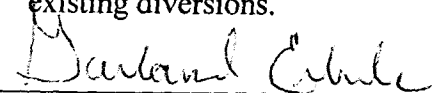
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion be authorized under Water Right No. 1113-2.


Eric Gronlund
Water Rights Program

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

This additional diversion point does not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 2007

6762-3

Tanya Van Winkle
Van Winkle Dairy
46020 265th Street
Hartford SD 57033

Dear Ms. Van Winkle:

I am writing in regard to the application filed by your consultant, Brian Friedrichsen, to authorize an additional well to Water Permit No. 6762-2 for use at the dairy. Water Permit No. 6762-3 appropriates 0.33 cubic feet of water per second from three wells completed into the Codell Aquifer located in the SE ¼ NE ¼ Section 36 in T102N, R54W. The water use is for commercial use in a dairy operation in McCook County.

The application requests an additional well to be located in the SE ¼ NE ¼ Section 36, T102N, R54W. This fourth well is to act as a backup to the dairy's existing three wells.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

A new water permit will need to be obtained if the diversion of water from the wells used by the dairy exceed a maximum diversion rate of 150 gallons per minute.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Brian Friedrichsen, Dakota Environmental Inc., PO Box 636, Huron SD 57350

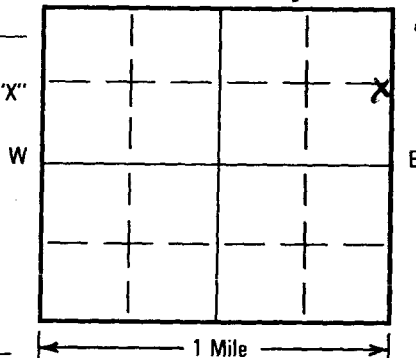
Well #4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6762-3 07-92

Location S2-NE4- Sec 36 Twp Canistota Township
County McCook North 102N 54W

Please mark well location with an "X"



Well Completion Date

8-7-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from Feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>218</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>Bentonite</u>	<u>10</u>	_____ lb./gal	<u>6</u> ft.	<u>195</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure run tremie line pump w/ rigSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 11 FEETMaterial PlasticSlot Size 25 Set From 207 Feet to 218 FeetOther information Gravel 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: 5 gal 50F Chlorine Pumped
☐ NO, Why Not? _____
 Laboratory sent to for water quality analysis _____

Well Owner:

Business Name: Van Winkle Dairy, LLPAddress: 46020-265th Street
Hartford, SD 57033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
Brown clay	2	66
Blue clay	66	205
Sand & gravel	205	218
Blue clay	218	

STATIC WATER LEVEL 156 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: test Pump A+
200 @ 60 gpm

Pumping Level Below Land Surface

200 ft. After 24 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

SEP 06 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling & repair Inc

Signature of License Representative:

Alane Putzke

Signature of Well Owner or Leasable Property Holder:

Kevin Van WinkleDate: 8-21-07

Permit No. 6762-3
Vermillion 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, **July 14, 2008**, made a thorough examination of the water use system constructed by **Van Winkle Dairy** of **46020 265th St., Hartford, SD 57033** holder of Permit No. **6762-3**, bearing the priority of **October 10, 2006** authorizing the diversion of **0.33** cu. ft. per second of the waters of the **Codell Aquifer** for **Commercial use** purposes, in **McCook** County.

Inspection contact & relationship to permit holder, if applicable: **Tanya Van Winkle**
New address is: 26137 448th Ave
Canistota SD 57012
phone: 605 296-2655

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Dave Putzke Well Drilling**
- 2) No. of Wells **4**
- 3) Depth(s) **Well 1: 305 feet, Well 2: 300 feet, Well 3: 303 feet, Well 4: 218 feet**
- 4) Well log is available **Y**
- 5) Comment: **Well No. 4 is used as a back-up well.**

Casing:

- 1) Diameter **All 4 wells: 5 inches**
- 2) Length **Well 1: 285 feet, Well 2: 280 feet, Well 3: 283 feet, Well 4: 207 feet**
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **Well 1: 20 feet, Well 2: 20 feet, Well 3: 20 feet, Well 4: 11 feet**
- 3) Static water level **Well 1: 170 feet, Well 2: 170 feet, Well 3: 170 feet, Well 4: 156 feet**

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model **Wells 1,2 and 3 40S50-15, Well 4: 75S100-16**
- 3) Size **Wells 1,2 and 3: 5 hp, Well 4: 10 hp**
- 4) Capacity **Wells 1,2 and 3: 40 gpm, Well 4: 75 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:

All wells are in the SE ¼ NE ¼ Section 36-T102N-R54W

Well 1: Approximately 2020 feet south and 170 feet west of the NE corner

(N 43.59560, W -97.24845)

Well 2: Approximately 1645 feet south and 70 feet west of the NE corner

(N 43.59663, W -97.24807)

Well 3: Approximately 1405 feet south and 85 feet west of the NE corner

(N 43.59740, W -97.24738)

Well 4: Approximately 1365 feet south and 20 feet west of the NE corner

(N 43.59728, W -97.24812)

The works are capable of diverting and conveying to the place of use 0.27 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:

The license should be issued for 0.27 cfs.

All structures, wells and lands on map Y

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

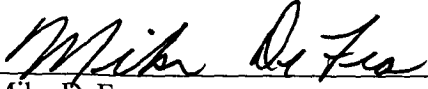
Water Permit No. 6762-3 was originally authorized to divert 0.33 cfs of water from 3 wells completed into the Codell aquifer approximately 300 feet deep with a priority date of October 10, 2006. In August of 2007, the Water Rights Program received a request from Dakota Environment Group, Inc. requesting an additional diversion point to be used as a back-up well. They stated only 3 wells would be pumped at any one time, thus, the currently permitted maximum withdrawal would not be exceeded. The letter also stated the depth and construction of the well would be identical to the existing wells. Based upon this information, pursuant to SDCL 46-5-13.1 and SDCL 46-2A-4, the Chief Engineer authorized the additional diversion point with the stipulation that if water used by the dairy exceeded 150 gpm, a new permit would need to be obtained.

Upon reviewing the well logs for the inspection report for licensing of the permit, the well log for the additional diversion point indicated the new well was constructed into a different aquifer than had been proposed. The well log for the additional well showed the well depth to be only 218 feet deep and not to the approximate 300 foot

Report of Examination of Works

Permit No. 6762-3

depth as indicated in the request. The applicant will need to apply for a new permit to use the additional well identified in this report as Well 4.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **August 18, 2009**

To: Mike DeFEA 605-773-4068

From: Van Winkle Dairy
26137 448th Ave
Canistota, SD 57012
Kevin Van Winkle

Well pump Info.

A-3 wells
Contain

Make - Grundfos
Model - 40550-15
Horsepower - 5
GPM - 40

A-1 well contains - North West well

Make - Grundfos
Model - 75S100-16
Horsepower - 10
GPM - 75

Van Winkle Dairy

Water Permit No. 6762-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 18, 2009

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



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 24 2009

6762-3

Kevin & Tanya Van Winkle
Van Winkle Dairy LP
26137 448th Ave
Canistota SD 57012

Dear Mr. & Mrs. Van Winkle:

Enclosed is your Water License No. 6762-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6762-3, 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. 6762-3**

(1) Van Winkle Dairy LP, 26137 448th Ave, Canistota SD 57012 made Application No. 6762-3, October 10, 2006 for a water permit to divert 0.33 cubic feet of water per second from ground water (three wells – Codell Aquifer), McCook County, South Dakota for commercial purposes. Permit No. 6762-3, with a priority date of October 10, 2006 was approved January 2, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2012 and for the application to beneficial use of water on or before January 2, 2016.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on March 19, 2007. The "*Notice*" stated the water use system was completed on December 1, 2006 and water placed to beneficial use on January 2, 2007.

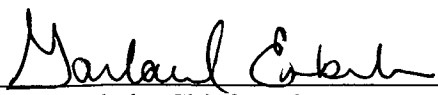
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Van Winkle Dairy LP, 26137 448th Ave, Canistota SD 57012 the holder and/or owner of Water Right No. 6762-3 is issued a license, bearing a priority date of October 10, 2006 to appropriate 0.27 cubic feet of water per second from ground water (three wells – Codell Aquifer) for commercial purposes in a dairy confinement facility.

The three wells are located in the **SE ¼ NE ¼ Section 36, T102N, R54W** and described as follows:

- Well #1: approximately 2,020 feet south & 170 feet west of the NE corner of Section 36, T102N, R54W;
- Well #2: approximately 1,645 feet south & 70 feet west of the NE corner of Section 36, T102N, R54W;
- Well #3: approximately 1,405 feet south & 85 feet west of the NE corner of Section 36, T102N, R54W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6762-3, including the following qualifications:

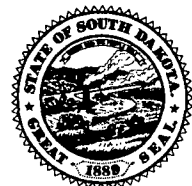
- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Right No. 6762-3 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.
- Water Right No. 6762-3 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 24 2009

date





6762-3 + 7169-

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 25, 2024

Van Winkle Dairy LP
c/o Tanya & Kevin Van Winkle
26137 448th Ave
Canistota SD 57012

Dear Mr. & Ms. Van Winkle:

I am writing you today regarding the proposed expansion of Van Winkle Dairy. The Water Rights Program recently received a copy of the engineering report that had been submitted to the Livestock Services Office, outlining the proposed expansion.

Presently, Van Winkle Dairy LP holds Water Right No. 6762-3 and Water Permit No. 7169-3 for commercial use in a dairy confinement facility.

Water Right No. 6762-3 appropriates 0.27 cfs (approx. 120 gpm) from three wells, completed into the Codell Aquifer, E ½ NE ¼ Section 36, T102N, R54W. Water Permit No. 7169-3 appropriates 0.17 cfs (approx. 75 gpm) from one well to be used as a backup, completed into the Pleistocene Unknown Aquifer, SE ¼ NE ¼ Section 36, T102N, R54W. The total combined appropriation authorized by Water Right No. 6762-3 and Permit No. 7169-3 is 0.44 cfs (approximately 195 gallons of water per minute).

Based on the information provided in the engineering report, it is our understanding that the dairy will require a minimum of two new wells and an additional diversion rate of 0.33 cfs equal to 150 gpm.

The engineering report also indicated that Van Winkle Dairy LP would be applying for a new water permit once the locations are finalized.

For your convenience, I've enclosed a partially completed Permit Application for you to review and return to our office with the required fees. The fees for this permit application would total \$950.00. Please make checks payable to "SD Water Rights Program".

If you have any questions or concerns, please give me a call and we can discuss them.

Sincerely,

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

enclosure

Water Rights Program File Documentation

Permit/Right No. and Owner: Water Right No. 6762-3 for Van Winkle Dairy LP

Date: Nov. 06, 2024

County: McCook

RE: aquifer designation

COMMENTS:

During the review of Water Permit Application No. 8883-3, Mathiowetz (2024) determined Water Right No. 6762-3 requires an updated aquifer designation based on newer information and further investigation of the local hydrogeology. Currently, Water Right No. 6762-3 is labeled as withdrawing water from the Codell aquifer. Per Mathiowetz (2024):

This application also serves to change the named aquifer designation for Water Right 6762-3. Water Right No. 6762-3 serves the same dairy confinement facility as App. No. 8883-3 proposes to serve. Water Right No. 6762-3 authorizes the appropriation of water at a maximum instantaneous diversion rate of 0.27 cfs from the Codell aquifer. At the time of initial review of the application for Water Right No. 6762-3 in 2006 the best information available indicated the sandstone encountered in the wells that had been constructed prior to the submittal of the permit application was the Codell aquifer (Goodman, 2006). However, further drilling and re-interpretations of existing lithologic logs by the SD Geological Survey (SDGS, 2024) and various Water Rights Program engineers reviewing well completion reports and water permit applications (Water Rights, 2024e and 2024f) has determined this sandstone is not the Codell aquifer. The sandstone at this site should be considered a Cretaceous aged undifferentiated sandstone and thus part of a Cretaceous aged undifferentiated sandstone aquifer. This change of aquifer designation from the Codell aquifer to the Cretaceous aged undifferentiated sandstone aquifer does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information. It does not authorize any increase in authorized diversion rate or appropriated water, relocation of existing wells, or completion of additional wells.

The statements made by Mathiowetz (2024) are still accurate and reflect the best, most reasonably available information at this time. This change of aquifer designation, to the Cretaceous aged undifferentiated sandstone (KU) aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by Water Right No. 6762-3, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.



Adam Mathiowetz
Natural Resources Engineer



Eric Gronlund
Chief Engineer

Reference:

Mathiowetz, A.W. 2024. Report to the Chief Engineer on Water Permit Application No. 8883-3 for Van Winkle Dairy LP. SD DANR-Water Rights Program. Pierre, SD.