

WATER PERMIT NO. 6835A-3

Name of Applicant: Blooming Valley Grain Farms Inc.

Address: 1305 N Broadway St, Watertown SD 57201

Phone: 605 881-3795

Amount of Water Claimed: 2.22 cfs

Total Acres: 130 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Roberts

Type of Waste Disposal System:

Location: 4 miles northwest of Summit

PRIORITY

Date Received: 8-8-12

Application/License Fee: \$ 100

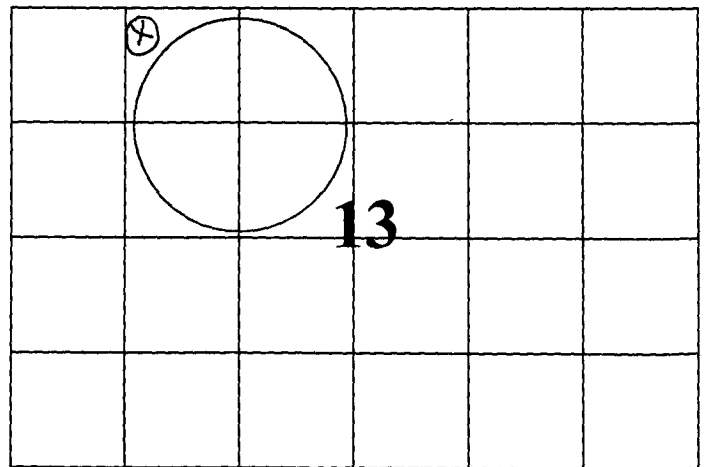
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Reinstatement of No. 6835-3 and applicant is requesting more water than the statutory limit

Diversion Point: NW ¼ NW ¼ Sec 13-T122N-
R52W

Land to be Irrigated: NW ¼ Sec 13-T122N-R52W



Depth of Well: 50 feet deep

Well Driller: Wieber Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Ken Duene, NRCS

Reviewed and the Number Assigned on: 8-8-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SD EForm - 0499LD V3

FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

AUG 08 2012

WATER RIGHTS
PROGRAM

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 6835A-3 (office use only)
Hydrologic Unit 10170202
Basin Sioux River 605698-7642
Newspaper Lisbon Courier P.O. Box 169 57262
Public Opinion P.O. Box 10 Watertown 57201-605 886-6901

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6835-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
reinstatement of Water Permit N. 6835-3

1. Name of Applicant Blooming Valley Grain Farms Inc Phone 605 881-3795
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1305 N Broadway St Watertown SD 57201
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply up to two wells
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Roberts
now near NW corner of Section 13, T122N, R52W (NW 1/4 NW 1/4)
5. County or counties where water will be used Roberts
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW NW Section 13, T122N, R52W	32.5		
NE NW Section 13, T122N, R52W	32.5		
SW NW Section 13, T122N, R52W	32.5		
SE NW Section 13, T122N, R52W	32.5		

8. Give a description of the project. (Attach sheet if more space is needed)

Completion of works was to be completed June 8, 2012. Well construction began in June but has not yet been completed. Filing for reinstatement pursuant to SDCL 46-2A-8.1.

STATE OF SOUTH DAKOTA)
County of _____) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, James Wohleber, 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 James Wohleber

Subscribed and sworn to before me this 7th day of August 20 12

[Signature]
Notary Public signature

SOUTH DAKOTA WATER PERMIT NO. 6835A-3

Date of first receipt of application August 8, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6835A-3 to Blooming Valley Grain Farms, Inc., c/o James Wohlleber, 1305 N Broadway St, Watertown SD 57201 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. 6835A-3 reinstates Permit No. 6835-3. Permit No. 6835-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells to be completed into the Coteau Lakes Aquifer (approximately 50 feet deep) located in NW 1/4 NW 1/4 Section 13 for irrigation of 130 acres located in the NW 1/4 Section 13; all in T122N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The permit was issued for a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 8, 2012.
4. The date of approval of Permit No. 6835A-3 is October 26, 2012.
5. One-fifth of the construction is to be completed on or before April 26, 2015.
6. All construction is to be completed on or before October 26, 2017.
7. Water is to be put to beneficial use on or before October 26, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

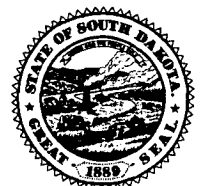
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6835A-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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6835A-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Water Permit No. 6835A-3 cancels Water Permit No. 6835-3.

WATER MANAGEMENT BOARD

By: Garland Erbele

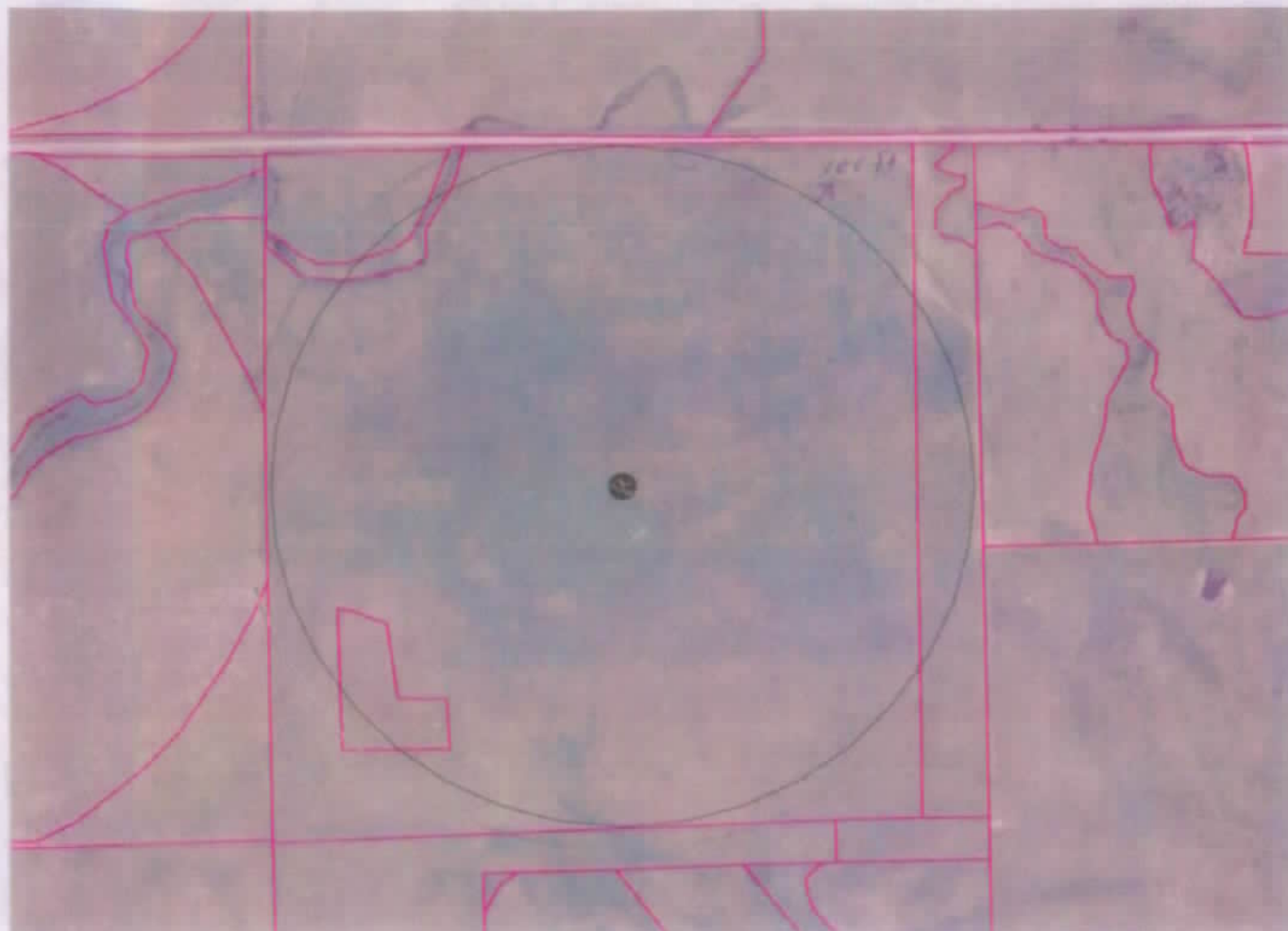
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 05 2012
date



NW 13-122N-52W

Roberts Co. South Dakota



0.2 0 0.2 0.4 Miles

approximately 122 acres

Kent New, DC 2/21/07
NRCS



 Clu_a_sd109.shp

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/8, 20 12

RECEIVED OF James Wohleber 1305 N Broadway Watertown SD 57201

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

Fee for Application for Permit No. <u>6835A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. **05526**

By *Robert Erbe*
Chief Engineer

Schlaak, Karen

From: Buhler, Ken
Sent: Tuesday, August 07, 2012 9:18 AM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: No. 6835-3, Blooming Valley Grain Farms

Jerry Wieber just called and will be requesting permission to construct a test well

From: Gronlund, Eric
Sent: Tuesday, August 07, 2012 8:47 AM
To: Buhler, Ken
Cc: Schlaak, Karen
Subject: No. 6835-3, Blooming Valley Grain Farms

Received a call late Monday afternoon from James Wohlleber regarding this permit in Roberts County to appropriate 2.22 cfs from the Coteau Lakes Aquifer for irrigation. The date to complete construction was June 8, 2012. The driller started drilling in June but has not finished. He expressed minor frustration that the driller has been on and off site with other jobs. I informed him the best action to take is to file for re-instatement and am faxing him the forms this morning.

At 8:00 AM got a call from the driller Jerry Wieber. Mr. Wohlleber must have talked to him and said he now has to go through this permitting step because Mr. Wieber has not completed the well. I got an explanation regarding why the well has not been completed. First, it has been so wet they couldn't get in there until this year and secondly because of rocks, they have had to pick up and move several times.

He wanted to know if the well can be drilled. I said there is a permit in place that is likely subject to cancellation for non-construction but has not been cancelled yet. That I advised the permit holder to apply for reinstatement. It is a business decision on the permit holders part whether to drill the well as the application will need to be reviewed and public notices. But that if he wanted security that he wasn't violating any part of his well drillers license that he could request to drill a test well. You may get a call from him or a request to drill a test well.

I got a little short with Mr. Wieber when he went to go on and on about why the well wasn't drilled and his not understanding why Mr. Wohlleber needed to file an application. I just told him I wanted to make sure the water rights law is followed.



FAX TRANSMITTAL COVER

TO:

Name

Wieben Well

Company/
DepartmentVoice
PhoneFax
PhoneMail
Sort

Jerry Wieben

FROM:

Name

Wieben Well Drilling

Company/
Department~~Bank of the West~~Voice
Phone~~701-538-4545~~ 701-538-4161Fax
Phone~~701-538-4852~~Mail
Sort~~MIN-931-01-A~~

Date:

8-17-2012

Number of pages, including Cover Sheet:

Special Instructions:

Letter To Ken Bulden

This fax is for the personal and exclusive use of the recipient to whom it is addressed. It contains confidential information from the sender. Its contents are to remain absolutely confidential and may also be subject to the attorney-client privilege.

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If you have received this transmission in error, please notify the sender immediately by telephone and return the original facsimile to the sender by U.S. Mail. Thank you.



WIEBER WELL DRILLING. LIDGERWOOD, NORTH DAKOTA

8/7/2012

DENR- Water Rights Program

Mr. Ken Buhler

Joe Foss Building

523 East Capitol Avenue

Pierre, South Dakota 57501

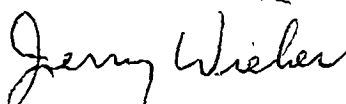
Dear Mr Buhler,

Blooming Valley Grain Farm, has asked our company to drill on Sec 13, Ortleby Twp. The best location for a production well is in the NW of the NW Quarter. This site is along a creek and it is the first time in the last few years that we were able to test drill, that area of the quarter, because of the limited amount of rain this summer.

Blooming Valleys president, James Wohlleber, is applying for an extension of his water permit on this quarter. James asked us to drill a Production 12 inch test well in the water bearing area of the field to see if irrigation is possible.

As per water right law 74:0204:21 Wieber Well Drilling is requesting to drill this test well which could be used if the pending approval of a water right is granted. James has or will send in a new application and fee for the land.

Wieber Well Drilling



Jerry Wieber, Partner



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 8, 2012

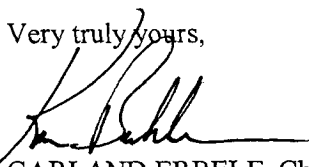
Jerry Wieber
Wieber Well Drilling
PO Box 157
Lidgerwood, ND 58053

Dear Mr. Wieber:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well into the Coteau Lakes aquifer in the NW¼ NW¼ Section 13, T122N-R52W, prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,


GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6835A-3, Blooming Valley Grain Farms, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6835A-3, Blooming Valley Grain Farms Inc, 1305 N Broadway Street, Watertown SD 57201.

The Chief Engineer is recommending REINSTATEMENT of Application No. 6835A-3 because there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 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 well authorized by Permit No. 6835A-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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6835A-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Water Permit No. 6835A-3 cancels Water Permit No. 6835-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 5, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 6835A-3
BLOOMING VALLEY GRAIN FARMS, INC
SEPTEMBER 15, 2012

Water Permit Application No. 6835A-3 proposes to reinstate Water Permit No. 6835-3 which appropriates 260 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from the Coteau Lakes aquifer. Water Permit No. 6835-3 authorized diversions from two proposed wells approximately 50 feet deep, located in the NW¼ NW¼ of Section 13, T122N-R52W. Water Permit No. 6835-3 authorizes the irrigation of 130 acres located in the NW¼ of Section 13, T122N-R52W, within the former boundaries of the Sisseton Wahpeton Reservation. Water Permit No. 6835-3 was issued for a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated. The permit was approved June 8, 2007, the project was to be completed June 8, 2012, and water was to be placed to beneficial use by June 8, 2016. Application No. 6835A-3 proposes to reinstate Water Permit No. 6835-3 since the project has not been completed. Approval of Water Permit Application No. 6835A-3 will cancel Water Permit No. 6835-3.

Water Permit Application No. 6835A-3 to reinstate Water Permit No. 6835-3 is made pursuant to South Dakota Codified Law (SDCL) 46-2A-8.1 which allows the Water Management Board to reinstate water permits with a priority dates after March 31, 1977, if unappropriated water is available. The priority date for Water Permit No. 6835-3 is February 26, 2007 and the priority date for Water Permit Application No. 6835A-3 is August 8, 2012.

AQUIFER: Coteau Lakes (COL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Coteau Lakes "aquifer" is actually a group of unconsolidated sand and gravel outwash deposits that are at or near the surface in southeastern Marshall, eastern Day, and southwestern Roberts Counties (see Figure 1). These deposits may or may not be connected with each other, but because of their similarities they are considered collectively as the Coteau Lakes aquifer by Gilbertson (1996) or the Coteau Lakes aquifer system by Thompson (2001). These outwash deposits are "most often adjacent to, and hydraulically connected with, one or more of the large lakes in these areas." (Gilbertson, 1996). An apparently isolated outwash deposit of the Coteau Lakes aquifer system, near the Town of Ortley, which this application proposes to appropriate water from, is shown in Figure 2 as Area A. The outwash extends over an area of approximately 15,500 acres based on mapping done by Thompson (2001) and Gilbertson (1996); and reaches thickness up to 60 feet in this area (Gilbertson, 1996). Groundwater movement in the aquifer is from the northeast to the southwest (Gilbertson, 1996). The well sites proposed by this application are located in a portion of the aquifer that due to the flow direction would not likely receive recharge from the rest of the aquifer. The portion of the aquifer that contains the well sites proposed by this application is shown in Figure 2 as Area B.

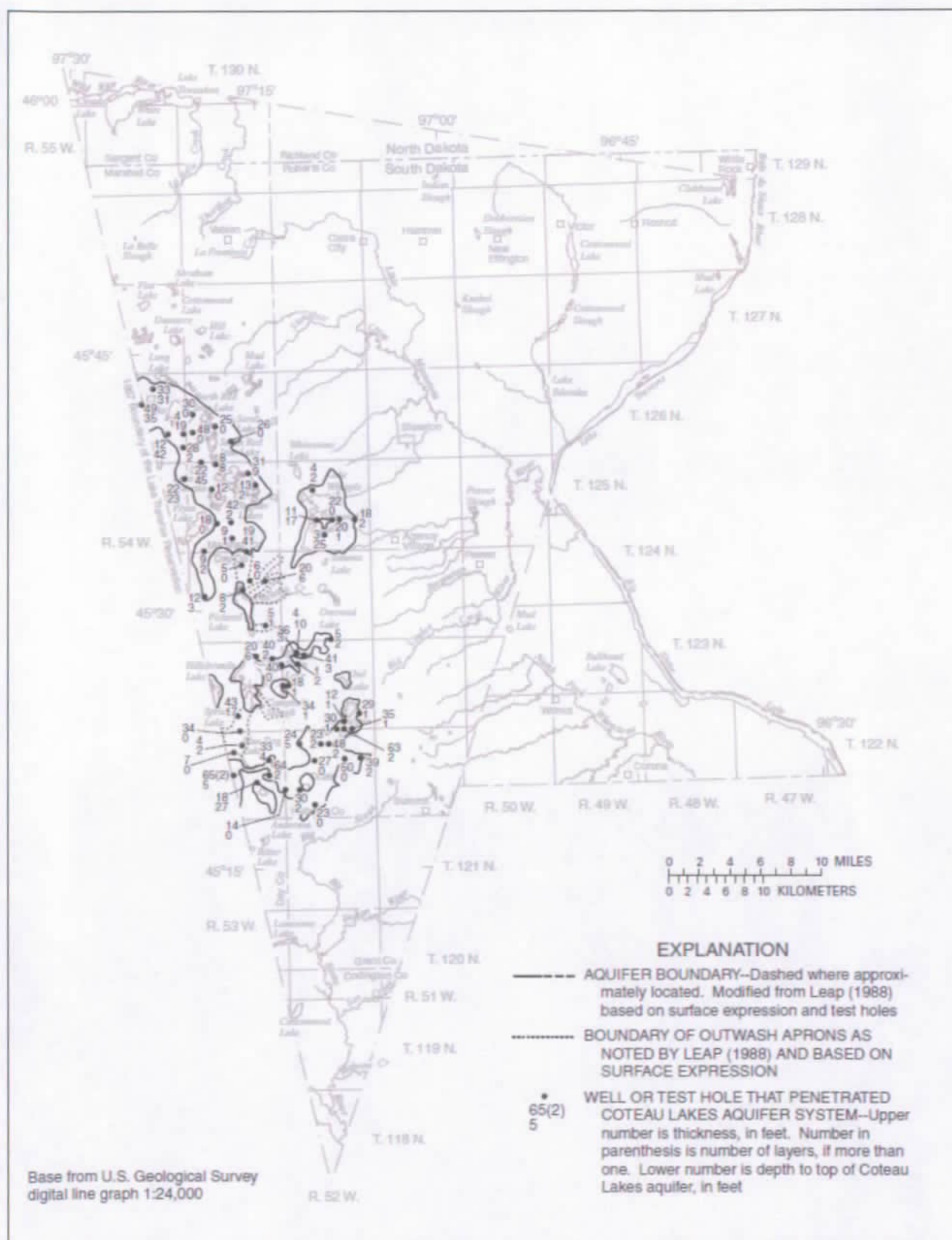


Figure 1. Thickness, depth, and extent of the Coteau Lakes aquifer system (Thompson, 2001)

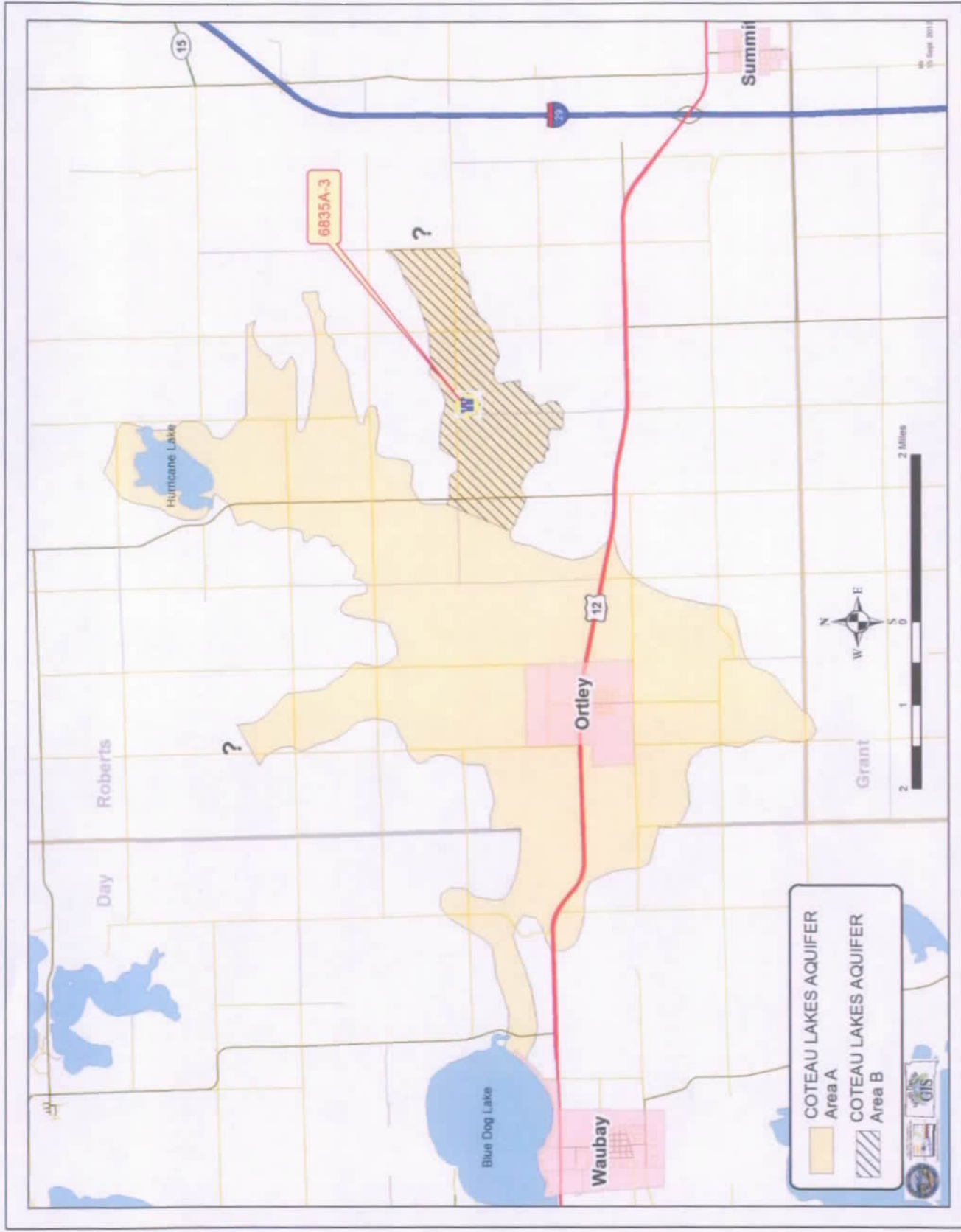


Figure 2. The Coteau Lakes aquifer in the vicinity of the well site proposed by Application No. 6835A-3. Modified from (Gilbertson, 1996; and Thompson, 2001)

WATER AVAILABILITY:

Water Permit Application No. 6835A-3 proposes to appropriate 260 ac-ft/yr. annually from a portion of the Coteau Lakes aquifer system. Although, based on the historic irrigation application rates for South Dakota, the amount of water that would be used if this permit is approved would likely be much less than 260 ac-ft/yr. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Discharge:**Recharge:**

Recharge to the Coteau Lakes aquifer is primarily by infiltration of rainfall and snowmelt but at times it is possible that adjacent lakes could recharge the aquifer. In addition, the Coteau Lakes aquifer may be hydraulically connected to the Big Sioux aquifer which may provide groundwater inflow. The average annual recharge rate to the Coteau Lakes aquifer was estimated to be 4.5 inches per year using an observation well analysis (Hedges and others, 1985). Based on the size of Area A (15,500 acres) average annual recharge to the area is estimated to be approximately 5,812 ac-ft/yr. The area of the Coteau Lakes aquifer system that is applicable to this application, (Area B) is approximately 1,850 acres. The average annual recharge that would be available for appropriation from Area B of the aquifer is estimated to be 694 ac-ft/yr.

Discharge:

Discharge from the Coteau Lakes aquifer occurs through evapotranspiration, seepage to lakes, and well withdrawals. Well withdrawals are for domestic use (expected to be minor) and for irrigation. Water Rights and Permits appropriating water for irrigation from Area A of the Coteau Lakes aquifer system are shown in Table 1.

PERMIT NO	NAME	STATUS	CFS	ACRES
2662-3	CURTIS L HANSSEN	LC	2	267
2795-3	EARL ALTHOFF	LC	1.33	193
3288-3	DARRELL D PIES	LC	1.22	154
3931-3	MAURICE S DORSETT	LC	1.89	132
4041-3	JAMES N ENDRES TRUSTEE	PE	5.6	393
4041A-3	JAMES N ENDRES TRUSTEE	PE	0	0
4604-3	JAMES N ENDRES TRUSTEE	PE	2.1	156
4649-3	CURTIS HANSSEN	LC	0.99	69
4886-3	GREGORY ENDRES	LC	1.78	136
5723-3	ENDRES FAMILY TRUST	LC	1.89	132
5724-3	ENDRES FAMILY TRUST	LC	1.89	132
6029-3	ENDRES FAMILY TRUST	LC	1.78	136
6835-3	BLOOMING VALLEY GRAIN FARMS INC	PE	2.22	130
6836-3	JAMES AND JOHNNYLEE WOHLLEBER	PE	2.22	130
6885-3	VICTOR MAAG	PE	2.22	160
7073-3	DUANE J GAIKOWSKI	PE	5.13	359.5
7243-3	ROLLIN J MOREHOUSE	PE	2.28	160
LC= Water Right, PE= Water Permit, WATER PERMIT NO. 6835-3 is subject to cancellation upon approval of Application No. 6835A-3				

Table 1. Water Rights/Permits appropriating water for irrigation.

The total acreage currently authorized for irrigation from Area A of the Coteau Lakes aquifer system (including acres authorized by Water Permit No. 6835-3) is 2,839.5 acres. Since it is probable that the average irrigation application rate will be less than 24.56 inches per year, withdrawals from Area A of the Coteau Lakes aquifer to irrigate up to 2,839.5 acres are not likely to exceed the estimated average annual recharge to the area (5,812 ac-ft/yr).

Five of the Water Rights/Permits from this aquifer appropriate water from within Area B of the Coteau Lakes aquifer system. In addition to Water Permit No. 6835-3, they include Water Right No. 2662-3, Water Right No. 4649-3 (incorporating Water Permit No. 4466-3) and Water Permit No. 6836-3. The 2011 irrigation questionnaire for Water Permit No. 6836-3 indicated the system had not yet been developed. Historic use from this portion of the aquifer is shown in Table 2.

	2662-3			4466-3			4649-3		
	ac	ac-ft	in/ac	ac	ac-ft	in/ac	ac	ac-ft	in/ac
1977	130	39.77	3.67						
1978	120	83.52	8.35						
1979	250	119.32	5.73						
1980	260	413.65	19.09						
1981	260	159.12	7.34	0	0		80	22.56	3.38
1982	260	310.22	14.32	0	0		75	76.24	12.20
1983	280	99.43	4.26	0	0		72	48.05	8.01
1984	260	88	4.06	75	76.23	12.20	0	0	
1985	240	83	4.15	0	0		80	7	1.05
1986	0	0		0	0		0	0	
1987	271	228	10.10	0	0		0	0	
1988	132	67.9	6.17	0	0		0	0	
1989	100	59.6	7.15	0	0		0	0	
1990	260	64	2.95				75	8	1.28
1991	266	20	0.90				35	1	0.34
1992	260	24	1.11				0	0	
1993	150	12	0.96				0	0	
1994	0	0					0	0	
1995	260	11.93	0.55				0	0	
1996	270	87.5	3.89				70	26.52	4.55
1997	250	119	5.71				72	33	5.50
1998	260	198.86	9.18				0	0	
1999	302	151.44	6.02				0	0	
2000	0	0					0	0	
2001	0	0					0	0	
2002	0	0					0	0	
2003	0	0					0	0	
2004	0	0					0	0	
2005	0	0					0	0	
2006	0	0					0	0	
2007	0	0					0	0	
2008	0	0					0	0	
2009	0	0					0	0	
2010	267	113.35	5.09				0	0	
2011	267	73.18	3.29				0	0	
MAX	302	413.65		75	67		80	76.24	
AVE			5.83			12.20			4.54

Numbers in red indicate suspect values

Table 2. Historic use including acres irrigated, water pumped and application rate from rights/permits in the portion of the aquifer including the well sites proposed by Application No. 6835A-3.

A total of the maximum number of acres irrigated by each appropriation shown in table 2 equals 457 acres. Assuming Water Permit No. 6836-3 and Water Permit No. 6835A-3 (if approved) develop the entire number of acres authorized for irrigation, (260 acres), a total of 717 acres would be authorized for irrigation from the portion of the Coteau Lakes aquifer that contains the well sites proposed by Application No. 6835A-3. Since the average annual recharge to this portion of the aquifer is estimated to be 694 ac-ft/yr, an average application rate of less than 11.61 inches per year applied to the maximum acreage will not cause average annual withdrawals to exceed average annual recharge. The number of acres in any year will likely be less

than the maximum and the application rate will likely be less than 11.61. Therefore there is a reasonable probability that unappropriated water is available to reinstate Water Permit No. 6835-3.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

Water Rights Program monitors six observation wells completed into Area A of the Coteau Lakes aquifer system. Two of these wells: RB-76A and RB-76B are located within Area B of the Coteau Lakes aquifer system, that includes the well sites proposed by Application No. 6835A-3.

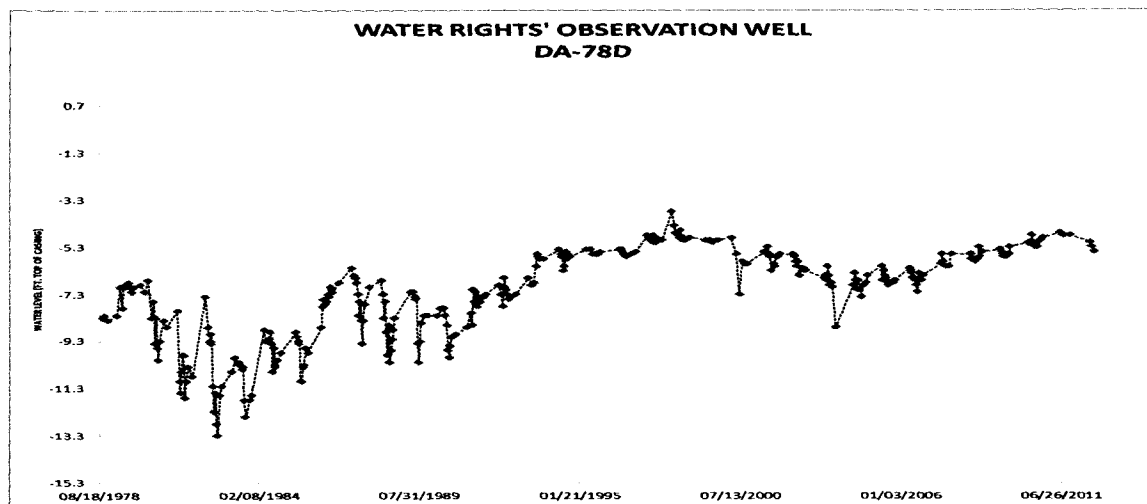


Figure 3. Hydrograph of Coteau Lakes aquifer observation well.

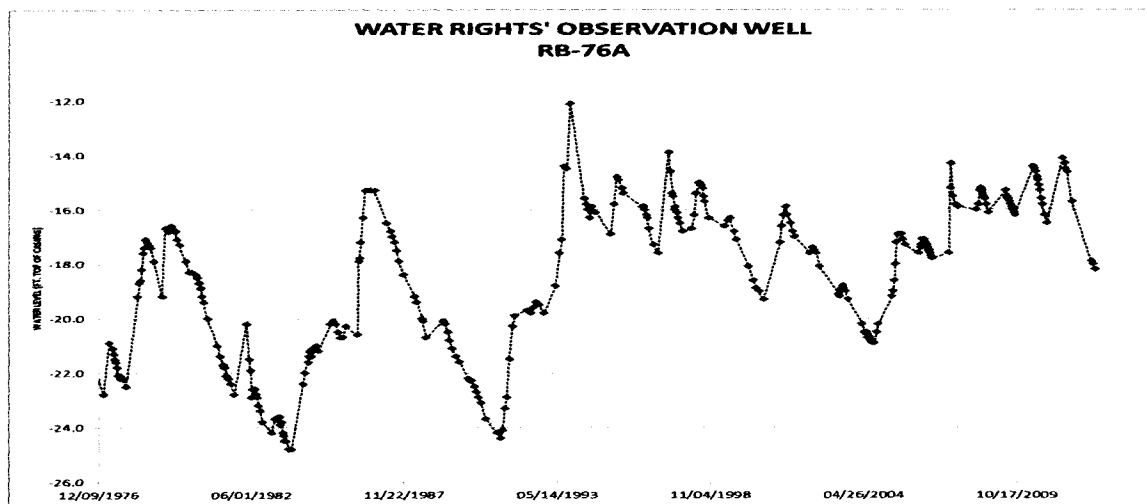


Figure 4. Hydrograph of Coteau Lakes aquifer observation well.

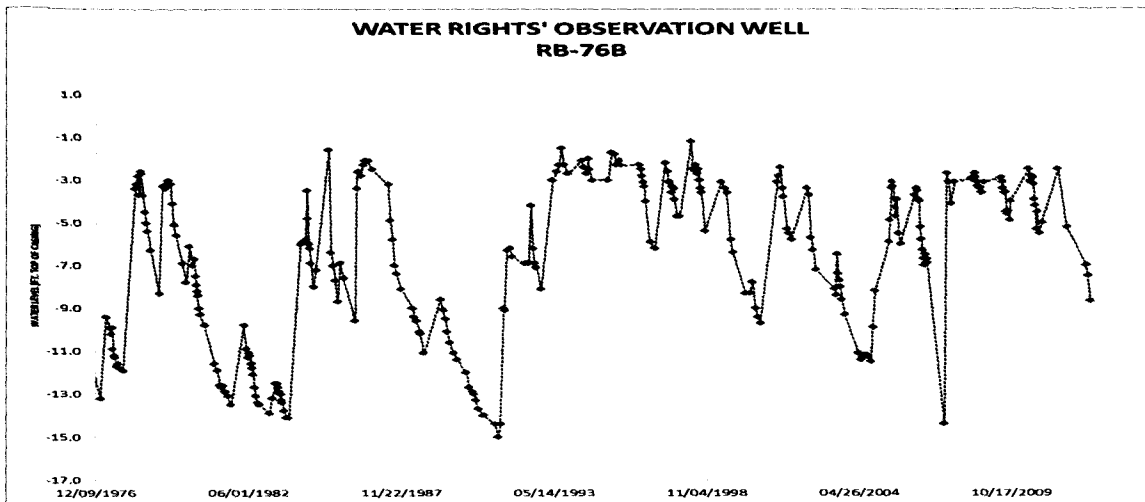


Figure 5. Hydrograph of Coteau Lakes aquifer observation well.

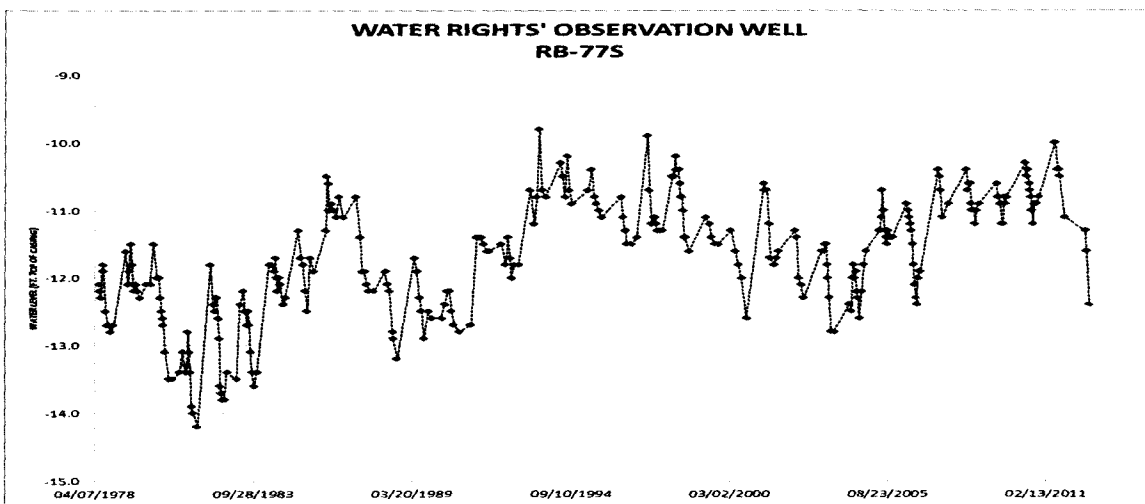


Figure 6. Hydrograph of Coteau Lakes aquifer observation well.

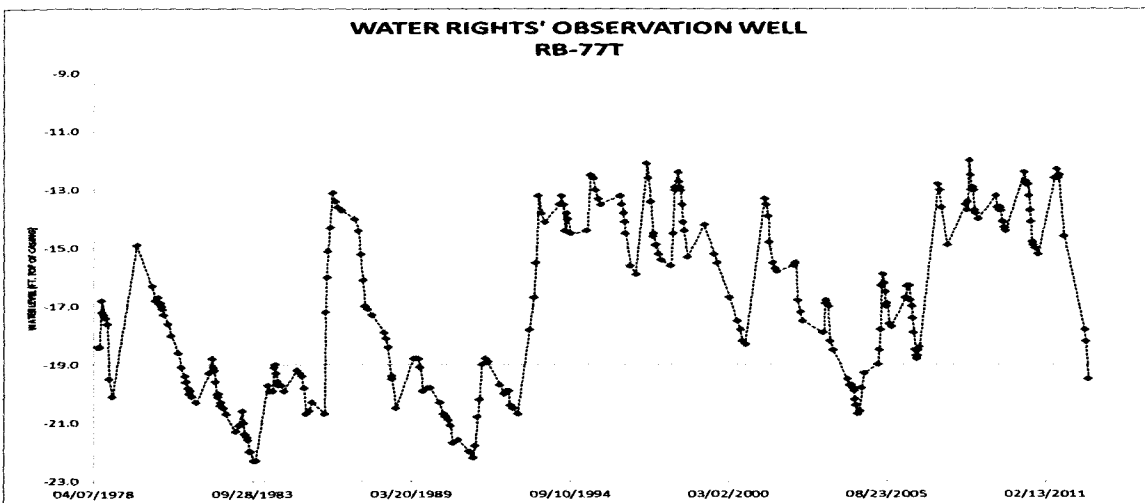


Figure 7. Hydrograph of Coteau Lakes aquifer observation well.

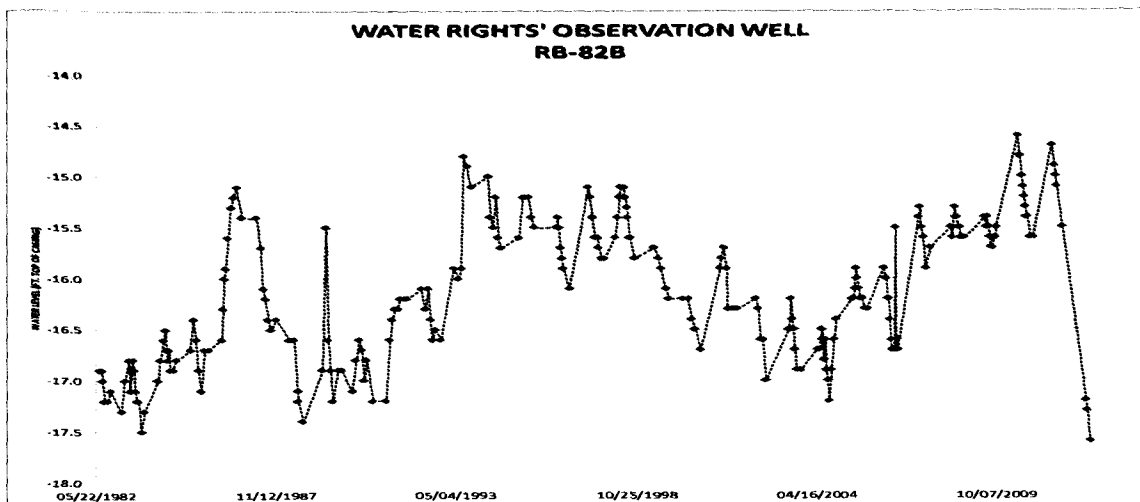


Figure 8. Hydrograph of Coteau Lakes aquifer observation well.

The hydrographs show that the water levels respond well to climatic conditions with rising water levels during wet periods and gradually declining water levels during dry conditions. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, the observation well data documents that recharge to and natural discharge from this aquifer significantly exceeds pumping. The hydrograph documents that there is unappropriated water available from the aquifer to support this appropriation.

CONTROVERSIAL AREA:

There has been a history of controversy related to water rights in this area. Petitions resulted in contested case hearings on water permit applications in 1976, 1981 and 1992. Issues of concern included: water availability, alleged impacts of chemigation, alleged cloudy water in domestic wells caused by irrigation pumping, potential affects to Hurricane Lake. The DENR-Water Rights Program has investigated complaints in this area alleging: dirty water in domestic wells caused by irrigation withdrawals, dugouts going dry due to irrigation withdrawals, a U.S. Fish and Wildlife wetland affected by irrigation withdrawals. In addition, the DENR-Water Rights Program has investigated complaints regarding irrigation system overspray in 2002, 2011, and 2012.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof". The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 6835-3-3 proposes to divert at a rate of 2.22 cfs to irrigate 130 acres, or the equivalent to 1.20 cfs per 70 acres. In Water Permit No. 6835-3, the applicant indicated:

"The reason for asking for 1,000 gallons per minute is because of the soil types. If it would be hot and dry, with 830 gallons per minute, it would take me approximately 4 days to put 1 inch of water on. At 1,000 gallons per minute, it would take approximately 3 days."

CONCLUSIONS:

1. Water Permit Application No. 6835A-3 proposes to reinstate Water Permit No. 6835-3.
2. SDCL 46-2A-8.1 allows the Water Management Board to reinstate water permits if unappropriated water is available.
3. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply this appropriation.
4. This application is requesting a diversion rate that exceeds the statutory limit of one cfs per 70 acres. The Board previously approved this diversion rate.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Gilbertson, J.P., 1996, Investigation of Ground Water Resources in Portions of Roberts County, South Dakota: S.D. Geological Survey Open-File Report 81-UR, 25 p.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Thompson, R.F., 2001, Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota: U.S. Geological Survey Water-Resources Investigation Report 01-4219, 105 p.
- Water Rights, 1980-2012a, Irrigation Questionnaires 1980-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 1980-2012b, "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

OCT 24 2012

Form 8

WATER RIGHTS
PROGRAM

OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Roberts)

I, Sylvia Deutsch

certify that the attached printed Notice was
taken

from the Sisseton Courier

printed and published in Sisseton

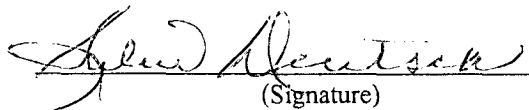
County of Roberts and

state of South Dakota. The notice was
published

in the newspaper on the following date:

October 16, 2012

Cost of Printing \$27.37


(Signature)

President

(Title)

October 16, 2012

(Date Signed)

NOTICE OF APPLICATION NO. 6835A-3 TO REINSTATE WATER PERMIT NO. 6835-3

Notice is given that Blooming Valley Grain Farms, Inc., c/o James Wohleber, 1305 N. Broadway St., Watertown, SD 57201 has filed an application for a water permit to reinstate Permit No. 6835-3. Permit No. 6835-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells to be completed into the Coteau Lakes Aquifer (approximately 50 feet deep) located in NW1/4NW1/4 Section 13 for irrigation of 130 acres located in the NW1/4 Section 13; all in T122N-R52W within the former boundaries of the Sisseton Wahpeton Reservation. The permit was issued for a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated. The permit was approved June 8, 2007, and the project was to be completed June 8, 2012, with water being put to beneficial use by June 8, 2016. Application No. 6835A-3 proposes to reinstate Water Permit No. 6835-3 since the project has not been completed. Approval of No. 6835A-3 will cancel No. 6835-3.

Application No. 6835A-3 to reinstate Permit No. 6835-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6835A-3 because 1) unappropriated water is available. In accordance with SDCL 46-2A-23, the

Chief Engineer will act on this 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 this 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 October 26, 2012.

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

Published once at the total
approximate cost of \$27.37.

RECEIVED

OCT 24 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

October 16th, 2012

Cost of Printing \$69.05

(Signature)

Bookkeeper

(Title)

October 16th, 2012

(Date Signed)

DEPARTMENT
OF ENVIRON-
MENT AND
NATURAL
RESOURCES

NOTICE OF APPLICATION
NO. 6835A-3 to Reinstate
Water Permit No. 6835-3

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Published once at the approximate cost of \$69.75.
(October 16, 2012)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 9, 2012

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6835A-3 to Appropriate Water. Please publish the notice once on October 16, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Blooming Valley Grain Farms Inc., c/o James Wohlleber, 1305 N Broadway St., Watertown SD 57201 (Ph # 605-881-3795).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Instruction to Newspaper - Publish the Notice on October 16, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6835A-3 to Reinstate Water Permit No. 6835-3

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOV 05 2012

Blooming Valley Grain Farms Inc
James Wohlleber
1305 N Broadway St
Watertown SD 57201

Dear Mr. Wohlleber:

Enclosed is Water Permit No. 6835A-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

6835A-3

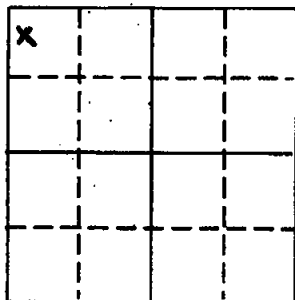
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 13 Twp 122-N Rg 52WWell Owner: Jim WohlleberCounty Roberts

North

Please mark well location with an "X"



Well completion Date

7/9/12

1 Mile

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

1/2 mile ft from Next Farm (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	12 IN	0 FT	53 FT	17 1/8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick-grout	6	10 Lb/gal	0 Ft	8' Ft
		Lb/gal	Ft	Ft

Describe grouting procedure Full hole

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 inches Length 20 Feet
Material 100 Set From 53 Feet to 73 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☒ No, Why Not?
 Lab sample sent to for water quality analysis

Business Name:

Address 1: 1305 North BroadwayAddress 2: Watertown, S.D. 57201

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDY top soil	0	1
Rock + GRAVEL	2	20
LARGE rock + gravel	20	40
Rock + gravel	40	60
LARGE rock + GRAVEL	60	73

STATIC WATER LEVEL 11 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: Air line☐ Bailed☒ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 GPM

REMARKS

5" observation well 10 west of production well
 same formation

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm: Wieber Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 1/30/13

RECEIVED

FEB - 5 2013

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

6835A-3

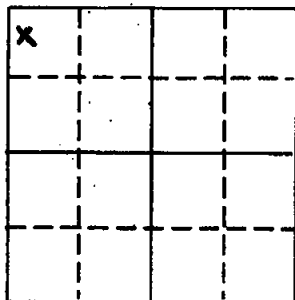
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 13 Twp 122-N Rg 52WWell Owner: Jim WohlleberCounty Roberts

North

Please mark well location with an "X"



Well completion Date

7/9/12

1 Mile

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

1/2 mile ft from Next Farm (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	12 IN	0 FT	53 FT	17 1/8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick-grout	6	10 Lb/gal	0 Ft	8' Ft
		Lb/gal	Ft	Ft

Describe grouting procedure Full hole

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 inches Length 20 Feet
Material 100 Set From 53 Feet to 73 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?Lab sample sent to for water quality analysis ☒ No, Why Not?

Business Name:

Address 1: 1305 North BroadwayAddress 2: Watertown, S.D. 57201

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDY top soil	0	1
Rock + GRAVEL	2	20
LARGE rock + gravel	20	40
Rock + gravel	40	60
LARGE rock + GRAVEL	60	73

STATIC WATER LEVEL 11 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: Air line☐ Bailed☒ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 GPM

REMARKS

5" observation well 10 west of production well
 same formation

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm: Wieber Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 1/30/13

RECEIVED

FEB - 5 2013

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

2007-02-22 11:35

BOTW Lidgerwood

701-538-4852 >> 605 882 2753

P 4/8

SOUTH D OTA WATER WELL COMPLETION PORT

Well Log #1

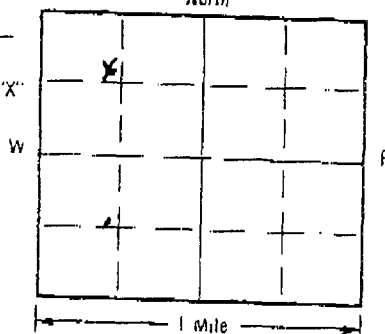
07-92

Location NW 1/4 NW 1/4 Sec 13 Twp 122 Rg 52

County Roberts

North

Please mark well location with an "X"



Well #1

Well Completion Date

4-1-06

Well Owner: Jim Wohlleben

Business Name: 1305 N BROADWAY ST

Address: WATERTOWN, SD

57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	1
gravelly clay	1	10
sandy soil	10	20
medium sand/clay	20	30
gravel coarse	30	50
Very good well		
AND SAND		

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): None on Pasture (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
 200 LB/FT 4 IN 0 FT 40 FT 7 1/2 IN
 LB/FT IN FT FT IN
 LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
 Cement grout 4 lb./gal 0 ft 33 ft
 lb./gal ft ft

Describe grouting procedure

SCREEN: 1" Perforated pipe 1/4" Manufactured

Diameter 4" IN Length 10 Feet

Material PVC

Slot Size .030 Set From 40 Feet to 50 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How.

Laboratory sent to for water quality analysis

NO, Why Not? Pasture well
 NO pump yet

STATIC WATER LEVEL

5

Feet

If flowing: closed in pressure

PSI

GPM flow through

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped

Describe:

☐ Bailed☐ Other

Pumping Level Below Land Surface

30 ft. After 1 Hrs. pumped 50-100 GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

WATER SAMPLE TO Be
 Sent IN 2007 when
 SOLAR online

This well was drilled under license #

And this report is true and

Drilling firm

WIEBER WELL DRILLING

Signature of License Repre

PO. BOX 157

LIDGERWOOD, ND. 58053

Signature of Well Owner or Equitable Property Holder:

Date:

4-6-06

Sec 13 PAGE
 373

NOTICE OF TRANSFER OF OWNERSHIP

PAID

FEB 25 2021

For assistance call 605-773-3352

RECEIVED

Ck# 20033

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

FEB 25 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 6835A-3Date: 2-23-21

I/We request that Water Right/Permit No. 6835A-3 formerly owned by:
Blooming Valley Grain Farms Inc. be transferred to:

New Owner Name: Wohlleber Enterprises LLC
Address: 14959 461st Ave
City, State, Zip: South Shore SD 57263 Telephone No. 605-398-6173
605-881-8535

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

NW 1/4 Sec 13-T122N-R52W

☒ I understand that the validity of Water Right/Permit No. 6835A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, James Wohlleber, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

6835A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 25, 2021RECEIVED OF Wohlleber Brothers Partnership 14959 461st Ave South Shore SD 57263

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>6835A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer
vm

6835A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 2, 2021

James Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

RE: Water Permit/Right Nos. 4604-3, 5723-3, 6835A-3, 7036-3, 7832-3, 8028-3, 8036-3

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. The above listed water permits, and water rights are now listed under Wohlleber Enterprises LLC.

Enclosed are the receipts for the filing fees and stamped copies of the transfer forms for your records. If I can answer any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath". The signature is written in dark ink on a light background.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6835A-3

I have this day, July 13, 2021 & November 9, 2021 (follow up visit), made a thorough examination of the water use system constructed by Blooming Valley Grain Farm, Inc., (transferred 2-25-2021 to Wohlleber Enterprises LLC, 14959 461st Ave., South Shore SD 57263) of Permit No. 6835A-3, bearing the priority of August 8, 2012 authorizing the diversion of 2.22 cu. ft. per second of the waters of the Coteau Lakes Aquifer for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wieber Well Drilling
- 2) No. of Wells 2 (See Section F)
- 3) Depth(s) 55 & 73 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 53 feet
- 3) Type Plastic

Screen:

- 1) Type Manufactured
- 2) Length 20 feet
- 3) Static water level 11 feet

Pump:

- 1) Make NA
- 2) Model Turbine
- 3) Size NA
- 4) Capacity 800 GPM (Initial rating for North Well– See Section F)

Motor:

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

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

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley
- 2) Overall length 1310 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 1000 GPM (See Section F)

Chemigation Equipment: None**D. 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 Y
- 3) 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: From the NW corner of Sec 13 T122N-R52W: "N WELL" 440 ft S & 600 ft E, Lat 45.35418 Long -97.12142 (NW 1/4 NW 1/4 Sec 13) "S WELL" 815 ft S & 810 ft E, Lat 45.35315 Long -97.12065 (NW 1/4 NW 1/4 Sec 13)
2. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 13-T122N-R52W	NW1/4 NW 1/4 – 29 ac	NW 1/4 SW 1/4 - 2 ac
	SW 1/4 NW 1/4 - 36 ac	NE 1/4 SW 1/4 – 1 ac
	SE 1/4 NW 1/4 - 34 ac	
	NE 1/4 NW 1/4 - 28 ac	

comprising a total of 130 acres of land and the license should be issued for 2.22 cfs.

3. All structures, wells and lands on map Y

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

This report has the potential to be confusing as four (4) different Water Permits 6835-3, 6835A-3, 7832-3 & 8036-3 are involved.

I was called by Mr. James Wohlleber of (originally Blooming Valley Grain Farms, Inc. but now has Wohlleber Bros. on the most recent Permits) on July 13, 2021, as he was reviewing their legal documents and had a question about Permits 7832-3 & 8036-3. Permit 7832-3 is for a proposed full-circle, center pivot directly south of the pivot being addressed with this report. However, they proposed to change the full-circle pivot authorization to a large half-circle, center pivot on basically the same land using Permit 8036-3 to do so. Basically, his question involved the legality of combining the flow from two (2) wells to supply one pivot as there are currently two wells located in the NW ¼ NW 1/4 of Section 13 that was proposed for use by Permits 7832-3 & 8036-3. These same two (2) wells are currently supplying water to the pivot associated with this Permit 6835A-3 (NW ¼ Sec 13) under review. To make a long story short, no new irrigation development has happened regarding the large half-circle pivot to date as they are short of water from the two (2) wells.

Since I was visiting with Mr. Wohlleber on the telephone, I continued to address Permits 6835-3 & 6835A-3 as they are currently due for an inspection this year. Permit 6835-5 contains the well log for the "S Well" and Permit 6835A-3 contains the log for the "N Well". Mr. Wohlleber indicated that the "S Well" was starting to be short of water and he plans to combine the flow from both wells to supply the current pivot with a 1000 gpm flow. These are the only two (2) wells in existence on the property.

The dialog regarding the "S" Well with Mr. Wohlleber is questionable as this well is only a 4-inch well powered by a solar panel as verified by a November 8, 2021, field visit. Maybe I misunderstood him to say "S" when he probably meant "N" as the "N" well is a well one would expect to service a 130-acre center pivot. Regardless, they are short of water to do what they want to do.

The irrigated acreage was determined via the use of FSA maps and ArcMAP software.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 10, 2021

Well Locations

From the NW corner of
Sec 13 T122N-R52W Res

N Well

440 ft S & 600 ft E

Lat 45.35418

Long -97.12142

S Well

815 ft S & 810 ft E

Lat 45.35315

Long -97.12065

Irrigated Acres

All acres in Sec 13

T122N-R52W Res

NW1/4 NW1/4 - 29 ac

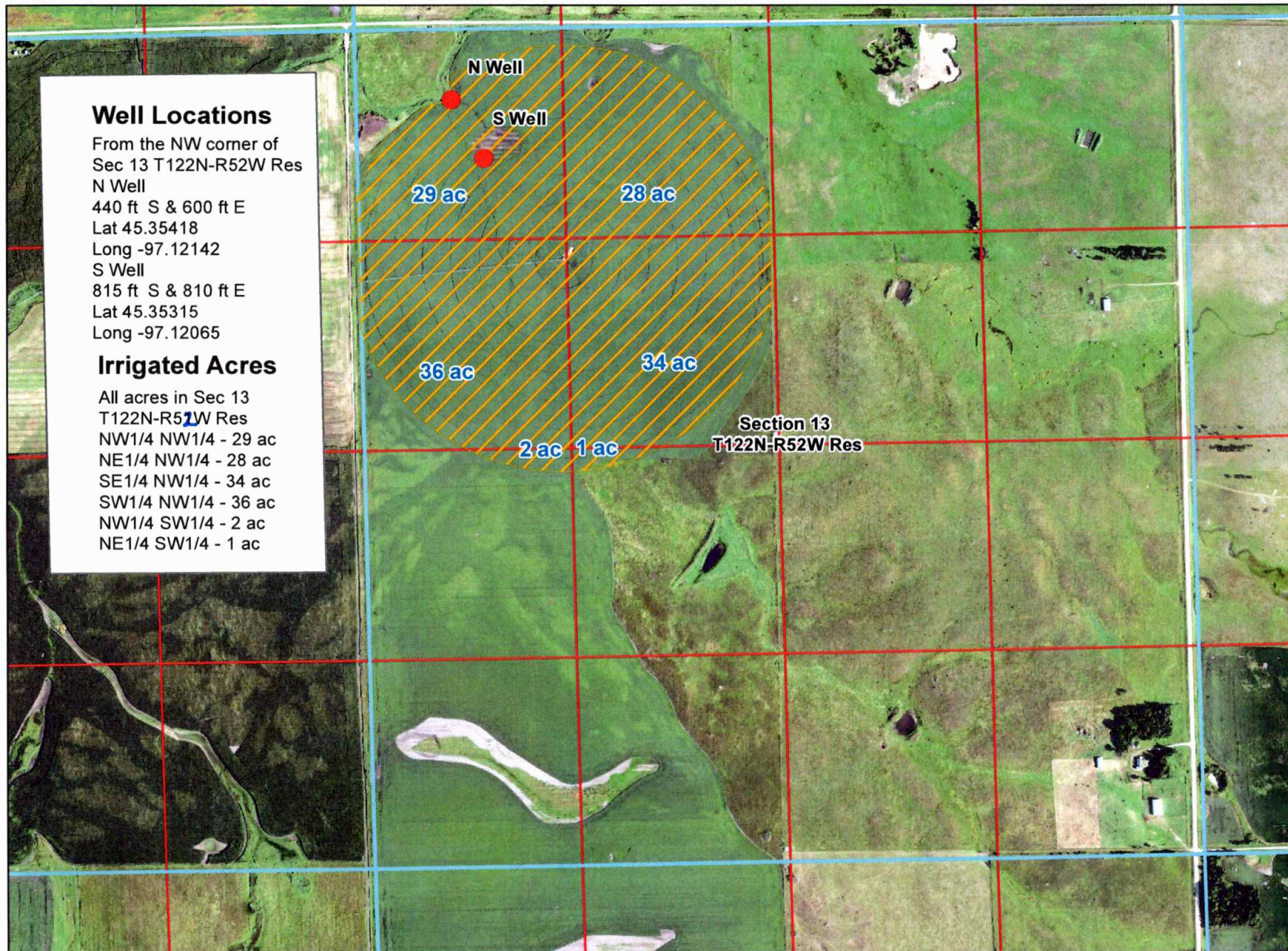
NE1/4 NW1/4 - 28 ac

SE1/4 NW1/4 - 34 ac

SW1/4 NW1/4 - 36 ac

NW1/4 SW1/4 - 2 ac

NE1/4 SW1/4 - 1 ac



0 625 1,250 2,500 3,750 5,000 Feet

Licensing of Acreage Outside of Permitted Area

NAME: Wohlleber Enterprises LLC

ADDRESS: 14959 461st Ave., South Shore SD 57263

DATE: 07-22-2021 COUNTY: Roberts TELEPHONE: 605-881-3795

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 130 acres as compared to 130 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The additional acres, 2 acres in the NW ¼ SW ¼ and 1 acre in the NE ¼ SW ¼ of Sec 13 are adjacent to the permitted acres in the NW ¼ of Sec 13: all in T122N-R52W (Res)

- **Owned by Same Property Owner**

Blooming Valley owns all the property.

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 3 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



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

MAY 26 2022

6835A-3

Josh Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

Dear Mr. Wohlleber:

Enclosed is Water License No. 6835A-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. 6835A-3

(1) Blooming Valley Grain Farms Inc. made Application No. 6835A-3, August 8, 2012 for a water permit to divert 2.22 cubic feet of water per second from ground water, two wells (Coteau Lakes Aquifer), Roberts County, South Dakota for irrigation purposes. Permit No. 6835A-3, with a priority date of August 8, 2012, was approved October 26, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 26, 2017, and for the application to beneficial use of water on or before October 26, 2021.

Water Permit No. 6835A-3 was transferred on February 25, 2021, from Blooming Valley Grain Farms Inc. to Wohlleber Enterprises LLC.

An investigation for licensing purposes found three acres developed outside of the permitted area. The Chief Engineer made a finding pursuant to SDCL 46-5-30.5 the change in acreage did not impair existing water rights and the overall project, as developed, was consistent with the original application.

(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 2.22 cubic feet of water per second for beneficial use. The diversion points are located as follows:

North well: 440'S and 600'E of the NW corner of Section 13, T122N, R52W (NW ¼ NW ¼)
Latitude 45.35418, Longitude -97.12142

South well: 815'S & 810'E of the NW corner of Section 13, T122N, R52W (NW ¼ NW ¼)
Latitude 45.35315, Longitude -97.12065

The above wells are within the former boundaries of the Sisseton Wahpeton Indian Reservation.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13, T122N, R52W	NW ¼ NW ¼	29 acres	NW ¼ SW ¼	2 acres
	SW ¼ NW ¼	36 acres	NE ¼ SW ¼	1 acre
	SE ¼ NW ¼	34 acres		
	NE ¼ NW ¼	28 acres	Total	130 acres

The above acreage is within the former boundaries of the Sisseton Wahpeton Indian Reservation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wohlleber Enterprises LLC, 14959 561st Ave., South Shore SD 57263 the holder and/or owner of Water Right No. 6835A-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, two wells (Coteau Lakes Aquifer) with a priority date of August 8, 2012, from the locations specified in (2) of this license for irrigation purposes.

continued

Water License No. 6835A-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6835A-3 and subject to the following qualifications:

- 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 Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6835A-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. ***Both the well authorized under No. 6835-3 and the new well authorized under No. 6835A-3 were drilled by Wieber Well Drilling. Copies of the well completion reports are on file with the Water Rights Program.***
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 6835A-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This water right is subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 6835A-3 cancels Water Permit No. 6835-3. ***This action was taken during the permitting process of No. 6835A-3.***

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

MAY 26 2022

date



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Chase O'Farrell for Wohlleber Enterprises LLC

DATE: June 1, 2022

TELEPHONE: 605-881-0396

RE: Well location on water license

COMMENTS:

Mr. O'Farrell called and indicated they had received Water License No. 6835A-3 and found an error in the legal description associated with the well labeled "south" well. The "south well" shown on the map is the location of an old domestic well once used for cattle watering.

I told him we would reissue the water license with the correct well location and send them another license and map.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 11 2022

6835A-3

Josh Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

Dear Mr. Wohlleber:

Enclosed is Reissued Water License No. 6835A-3 and a corrected map.

The water license issued on May 26, 2022 incorrectly described the location one of the wells. The water license has been reissued to correct the error.

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

REISSUED WATER LICENSE NO. 6835A-3

(1) Wohlleber Enterprises LLC, 14959 561st Ave., South Shore SD 57263 was issued Water License No. 6835A-3, May 26, 2022, for a water right to divert 2.22 cubic feet of water per second from ground water, two wells (Coteau Lakes Aquifer), Roberts County, South Dakota for irrigation purposes. Water License No. 6835A-3, with a priority date of August 8, 2012, was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

The water license issued on May 26, 2022, contained an error in the location of the well labeled as the "south well". The well is located north and west of the location described in the original water license. The license is being reissued to correct the error with the wells described as "east" and "west" wells.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use.

The wells are located as follows:

East well: 440'S and 600'E of the NW corner of Section 13, T122N, R52W (NW ¼ NW ¼)
Latitude 45.35418, Longitude -97.12142

West well: 600'S & 95'E of the NW corner of Section 13, T122N, R52W (NW ¼ NW ¼)
Latitude 45.35377, Longitude -97.12341

The above wells are within the former boundaries of the Sisseton Wahpeton Indian Reservation.

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13, T122N, R52W	NW ¼ NW ¼	29 acres	NW ¼ SW ¼	2 acres
	SW ¼ NW ¼	36 acres	NE ¼ SW ¼	1 acre
	SE ¼ NW ¼	34 acres		
	NE ¼ NW ¼	28 acres	Total	130 acres

The above acreage is within the former boundaries of the Sisseton Wahpeton Indian Reservation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wohlleber Enterprises LLC, 14959 561st Ave., South Shore SD 57263 the holder and/or owner of Water Right No. 6835A-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, two wells (Coteau Lakes Aquifer) with a priority date of August 8, 2012, from the locations specified in (2) of this license for irrigation purposes.

continued

Reissued Water License No. 6835A-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6835A-3 and subject to the following qualifications:

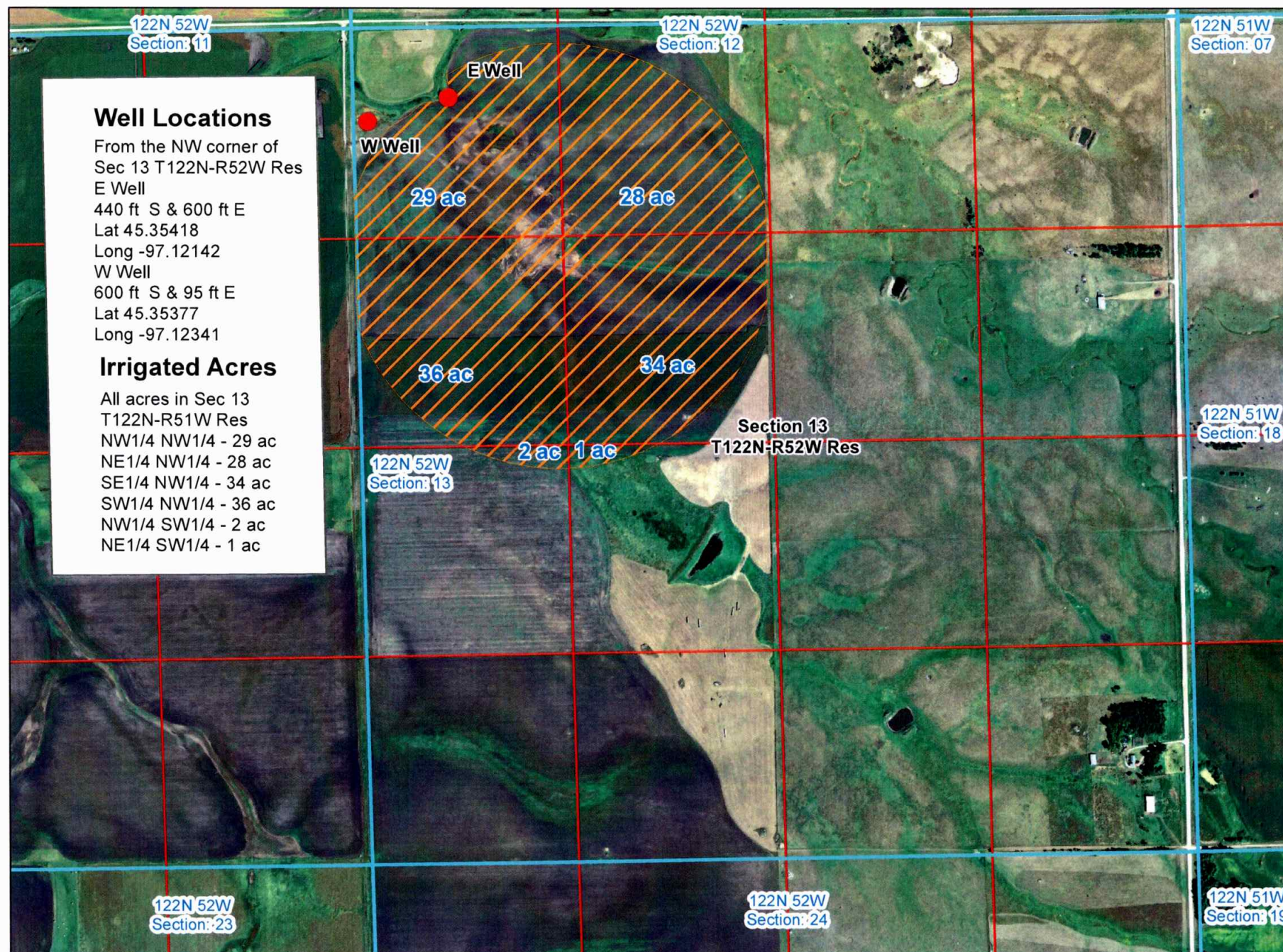
- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6835A-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. ***Both the well authorized under No. 6835-3 and the new well authorized under No. 6835A-3 were drilled by Wieber Well Drilling. Copies of the well completion reports are on file with the Water Rights Program.***
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 6835A-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This water right is subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 6835A-3 cancels Water Permit No. 6835-3. ***This action was taken during the permitting process of No. 6835A-3.***

Eric Gronlund

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

JUL 11 2022
date





0 625 1,250 2,500 3,750 5,000 Feet