

WATER PERMIT NO. 6847-3

Name of Applicant: **Veblen East Dairy, LP**

Address: **PO Box 157, Veblen SD 57270** Phone: **605 738-2472**

Amount of Water Claimed: **2.22** Total Acres: **NA**

Source of Water Supply: **groundwater (three wells)**

Water to be used for: **commercial** County: **Marshall**

Type of Waste Disposal System:

Location: **1 ½ miles east of Veblen**

PRIORITY Date Received: **4-2-07**

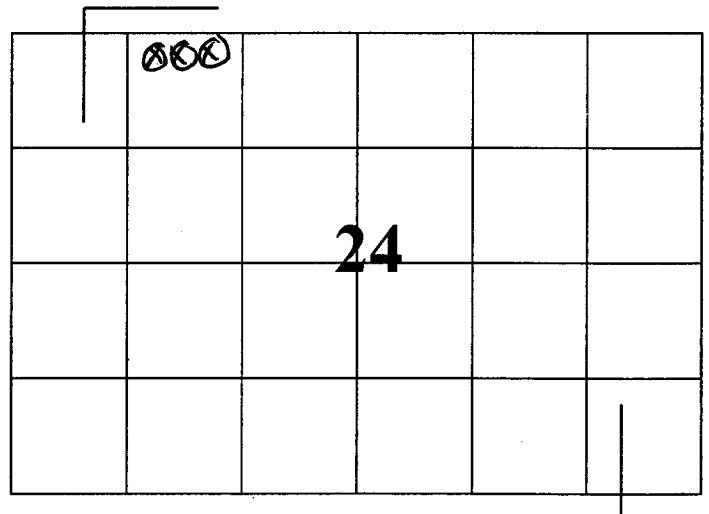
Application/License Fee: **\$575**

Corrected Application Received: **4-5-07**

Period of Annual Use: **Jan a – Dec 31**

Remarks: **dairy operation – one well will serve as a backup water supply**

Diversion Point: **NW ¼ NW ¼ Sec 24-T128N-R53W**



Land to be Irrigated: **NA**

Depth of Well: **135 feet deep**

Well Driller: : **Manikowski Drilling**

Remarks:

Type of Map: **plat**

Prepared by: **Donald R Larson, PE**

Reviewed and the Number Assigned on: **4-5-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 6847-3 (office use only)
Hydrologic Unit 07020001 WATER RIGHTS PROGRAM

Basin Minnesota - Wheelstone

Newspaper Brilton Journal PO Box 69
605-448-2281 57430

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☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <i>Dairy Farm</i>	

☒ **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.** _____

1. Name of Applicant Veblen East Dairy, LP Phone Karen 605-738-2550 x10
Dwight 605-738-2472

1. Name of Applicant Veblen East Dairy, LP Phone 605 272 2172
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 157, Veblen State SD 57270
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.22 *CFS or 1000 **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 3-12"Ø wells, 2 in Service - 1 Standby @ 500 gpm each.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Marshall
 3 Wells in the NW 1/4 NW 1/4 of Section 24, T128N, R53W

5. County or counties where water will be used Marshall

6. Annual period during which water is to be used Year Around, January - February

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)

Dairy Facility to include 3000 pregnant cows, "close-ups", and 3000 milking cows from calving to 30 days after calving, and associated treatment and mechanical facilities. Please see attached site plan.

STATE OF SOUTH DAKOTA)
County of Marshall) 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, Richard Miller, 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 4 day of April 2007

KAREN J. HORNSETH
NOTARY PUBLIC
SOUTH DAKOTA

Karen J. Hornseth
Notary Public signature
My Commission expires
20 July 2010

**SOUTH DAKOTA
WATER PERMIT NO. 6847-3**

Date of first receipt of application April 2, 2007.

Date of return to applicant for corrections, amendments or changes April 2, 2007.

Date of receipt of corrected application April 5, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6847-3 to Veblen East Dairy LP, c/o Richard Millner, PO Box 157, Veblen SD 57270 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. 6847-3 appropriates 2.22 cubic feet of water per second from three wells to be completed into the Veblen Aquifer (approximately 135 feet deep) located in the NW ¼ NW ¼ Section 24-T128N-R53W.
2. The water appropriated shall be used for the purpose of commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6847-3 is July 2, 2007.
5. The date from which applicant may claim right is April 2, 2007.
6. One-fifth of the construction is to be completed on or before January 2, 2010.
7. All construction is to be completed on or before July 2, 2012.
8. Water is to be put to beneficial use on or before July 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. The wells authorized by Permit No. 6847-3 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.

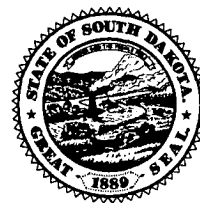
(continued)

3. Permit No. 6847-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6847-3 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

AUG 01 2007
date



(type or print in ink)

Cement Grout - 30' down
from ground level,
Bentonite Grout - below
down to aquifer

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2" Depth 135 feet
- b) Casing Type PVC Diameter 13" O.D. Thickness 1/2"
- c) Screen Type PVC Diameter 12" I.D. Thickness 1/2"
- d) Gravel Pack Yes Length of Gravel Pack 30 feet
- e) Depth to Top of Water Bearing Material 107 feet
- f) Depth to Water (ground surface to water level) 65' 8"
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others Windmill SW of site 1976 feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Will be filing for general water pollution
- b) System Capacity (gallons) Control permit Year Constructed _____
- c) Connected to the City of _____ Sanitary System

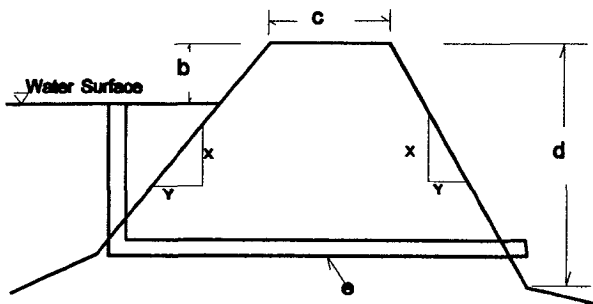
3. Dugout Information

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

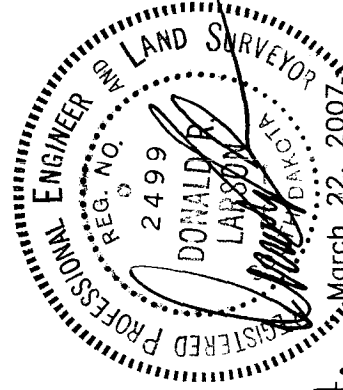
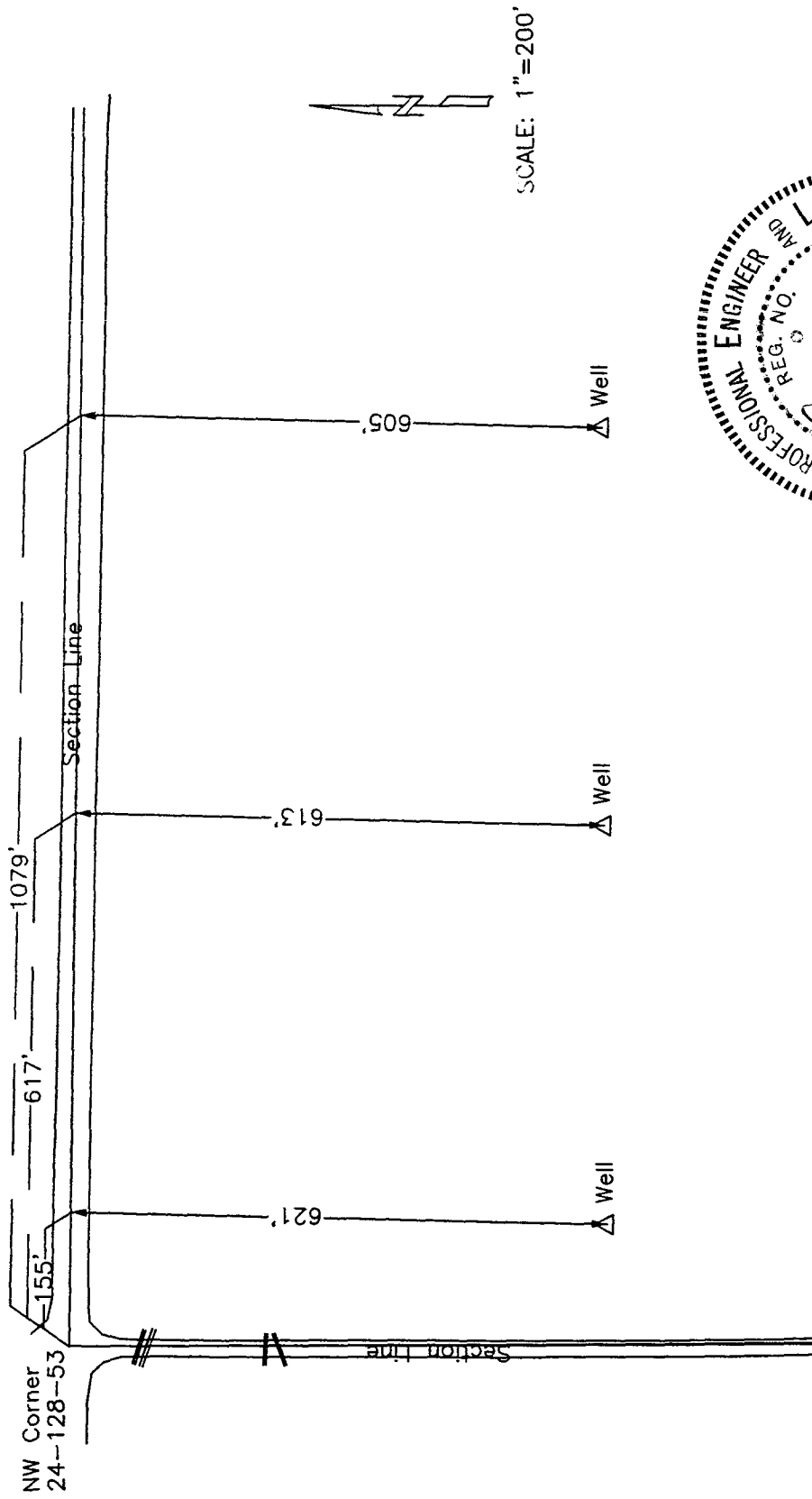
4. Water Storage Dams

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

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



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



Well Locations
 NW 1/4 NW 1/4 of Section 24,
 Township 128 North,
 Range 53 West of the 5th P.M.,
 Marshall County, South Dakota

LARSON ENGINEERING
 102 South Dakota Street Milbank, South Dakota 57252
 605-432-4069

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 24 Twp 18 N Rg 53 W
 County Marshall

Please mark well location with an "X"

North

W

E

E

W

E

Well-Completion Date 5-8-07

1 Mile

Well Owner: MCC DAWY
 Business Name: MCC DAWY
 Address: Wahpeton SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
yellow clay	3	32
Blue clay	32	99
Fine Meddly Sand	99	109
Coarse To medium Gravel	109	130
Blue clay Till	130	

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 10,000 ft. from City lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Class 200 LB/FT</u>	<u>12 IN</u>	<u>+1 FT</u>	<u>110 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Benchemite</u>	<u>23</u>	<u>9.4 lb./gal</u>	<u>0 ft</u>	<u>109 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Trémie line to 109'
Pumped from Top To bottom Then Returned To Top.

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 20 FEET

Material PVC

Slot Size #51 Set From 120 Feet to 130 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: Pumped
NO, Why Not? Chlorinated
Water Thru Trémie
line in to screened area

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 1/2' 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: Submersible Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

83.5 ft. After 1 Hrs. pumped 500 GPM

85 ft. After 6 Hrs. pumped 500 GPM

If pump installed, pump rate _____ GPM

REMARKS

well #1

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JUN - 7 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

#2

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

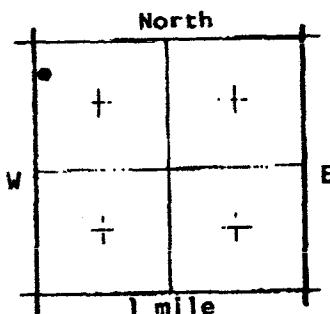
Hole No. 3

Location NW 1/4 NW 1/4 Sec 24 Twp 138 Rg 53W

County

Marshall

Please mark well location with an "X"

Well Completion Date 2/25/84

PROPOSED USE:

☒ Domestic ☐ Municipal ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forvert Rotary

WELL CONSTRUCTION:

Diameter of hole 2 1/8 inches Depth 135 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight	Diameter	From	To
<u>Glass 200</u> lb/ft	<u>4</u> inches	<u>0</u> feet	<u>115</u> feet
_____ lb/ft	_____ inches	_____ feet	_____ feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type plastic Slot Size 35Length 20' Diameter 4"Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure Trémie LineTo what depth? 30 FeetWhat was grouting material? CementIf cement, how many sacks? 5

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
If so how and with what material? _____

Well Owner:

Name Dean MedhayeAddress Uebelino

Well Log:

Depth

Formation	From	To
Top Soil Black	0	5
Yellow Clay	5	32
Blue Clay	32	97
Muddy Fine Sand	97	107
Fine Sand	107	112
Coarse Gravel	112	121
Med Gravel	121	136
Shale Block	136	139

STATIC WATER LEVEL 65' 8" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped☐ Bailed Describe: _____☒ Otherat 2 hrs 80 to 90 Gpm

Pumping Level Below Land Surface

69' 8" ft. After 1 Hrs. pumped 55 GPM69' 8" ft. After 2 Hrs. pumped 53 GPM69' 8" ft. After 4 Hrs. pumped 62 GPM

Remarks:

This well was drilled under license # 285

and this report is true and accurate.

Manikowski Drilling

Drilling Firm

Signed by

Date

2/26/84

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/5, 20 07

RECEIVED OF MCC DAIRY PO BOX 157 VEBLEN SD 57270 VEBLEN E DAIRY

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

Fee for Application for Permit No. <u>6847-3</u> to Appropriate Water, to construct and to put water to beneficial use	525	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>6847-3</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	575 00

No. **03023**

By Michael Erbe
Chief Engineer

March 1, 2007

Water Rights Program, DENR
Joe Foss building
523 East Capitol
Pierre, SD 57501-3181

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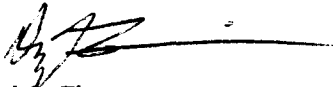
To Whom It May Concern:

Please find enclosed two copies of:

Application for water permit for non-Irrigation uses
Well location site plan stamped by civil engineer
Drilling log of 4" well drilled at site 02/25/84
Proposed facility water usage data
Well construction type description

Also enclosed is a check for \$575.00. Thank you for your assistance in this matter.

Sincerely,



Dwight Zimmerman
Veblen East Dairy
PH 605-738-2472
F 605-738-2205

March 1, 2007

Three 12 inch wells to be constructed with PVC casing. The wells will be grouted from 30 feet below land surface to 8 feet below land surface with cement grout. Bentonite grout will be used from top of aquifer to 30 feet below land surface.

Drilling method will be forward rotary.

If you have any question please call Byron Manikowski at 701-680-0524

Sincerely,
Dwight Zimmerman

12-Jan-07

Veblen East Sources & Uses of Water

<u>Total Maximum Usage Per Day</u>			
	#Hd	GPD	
1 Cow Drinking Water	6,904	45.00	
2 Process Water/Cleaning Water, 2 Pits		15,000.00	312,000.00
3 Total Flush Water, Flushing 6 Times per Day <i>Will Not Clean Floor Completely</i>		120,000.00	432,000.00
4 Less HE Plates (2) water used at 80# milk/hd		(71,359.00)	360,641.00
5 Sand Washing			
2 Gallons per Cow per Day			
20 Gallons Recycled Water From Lagoon		13,200.00	373,841.00
6 Cow Cooling Water in Summer			
assumes 2 GPH per foot of pad			
FS-1, 756 feet pad=1512 GPH x 2 buildings=3024 GPH			
FS-2, 390 feet pad=780 GPH			
MB ~2,500 GPH			
HB ~150 feet pad=300 GPH x 2 building=600 GPH			
Total GPH = 6,904 x 21 hours/day = 144,984 GPD		144,984.00	518,825.00
		Total GPD	518,825.00

Veblen East Sources & Uses of Water

1 Cow Drinking Water

THE
NEW
YORK
PUBLIC
LIBRARY

45.00

297,000.00

15,000.00	312,000.00
-----------	------------

120,000.00	432,000.00
------------	------------

120,000.00

(71,359.00) 360,641.00

2 Gallons per Cow per Day

13,200.00	373,841.00
-----------	------------

13,200.00

assumes 2 GPH per foot of pad

MB ~2,500 GPH

144,984.00	518,825.00
------------	------------

518,825.00



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APR - 5 2007

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 2, 2007

Veblen East Dairy, LP
Dwight Zimmerman
PO Box 157
Veblen SD 57270

Dear Mr. Zimmerman:

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

- Enclosed are the application forms which need to be signed and notarized.
- The cover letter submitted with the applications indicated a check for \$575.00 was enclosed. We did not receive the check.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

*See completed
papers & checks.*



**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. 6847-3, Veblen East Dairy**

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. 6847-3, Veblen East Dairy LP, c/o Richard Millner, PO Box 157, Veblen SD 57270.

The Chief Engineer is recommending APPROVAL of Application No. 6847-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6847-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6847-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 6847-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
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 - 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
June 1, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6847-3
For Veblen East Dairy LP
May 24, 2007

Application No. 6847-3 proposes to appropriate 2.22 cfs (1,000 gpm) from three wells approximately 135 feet deep and located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 24, T128N R53W in Marshall County. The water will be used for a commercial dairy operation.

AQUIFER – VEBLEN (VEB)

The Veblen aquifer is a buried outwash (sand and gravel) that is under confined or artesian conditions at this site. The aquifer underlies about 24 square miles in northeastern Marshall County and extends into Roberts County to the east and into North Dakota to the north (Koch, 1975). Koch also estimated the amount of water in storage to be about 154,000 acre feet. An aquifer test conducted during the Marshall County Study for a well located at the City of Veblen. Koch reported a transmissivity of 120,000 gallons per day per foot and a storage coefficient of 0.0003. The well was pumped at a rate of 135 gpm for 24 hours and there was three feet of drawdown in the pumped well. This yields a specific capacity of 45 gpm/ft of drawdown.

A test well at this site indicates sand from 107 to 112 feet, coarse gravel from 112 to 121 feet and medium gravel from 121 to 136 feet all below land surface. This test well had a static water level of 65.7 feet below land surface and was capable of producing 80 to 90 gpm.

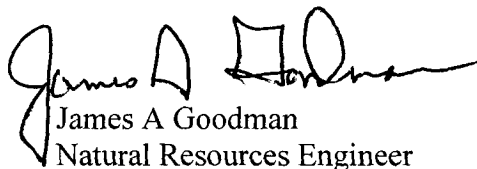
The Water Rights Program monitors an observation well completed into the Veblen aquifer and located within three miles of this site. This is well ML-69A located about 2.5 miles northwest of this application. Water levels for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Right from the Veblen aquifer is Water Right No. 4125-3 held by the City of Veblen for 0.22 cfs for municipal purposes. The city has two wells located about three miles northwest of this application. The City presently obtains water from BDM Rural Water and these wells are retained for backup purposes. Since the aquifer is under artesian conditions drawdown is expected to occur. This can only be evaluated with completion of the production wells and actual production pumping. At this time, even though there will be drawdown this is not expected to adversely affect any permitted user. There is the possibility some area domestic wells may be affected. The test results from the Veblen city wells and the on site test both indicate this water source has the potential to yield the amount of water requested by this application.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. Interference is not expected to be a concern. Drawdown will be created by pumping but at the distance between permitted users should not be significant.
3. These wells must be constructed in accordance with SD Well Construction Standards.
4. The applicant is proposing to drill three well each capable of producing 500 gpm but is applying for 1,000 gpm. This permit if approved allows two wells to be used at any given time.
5. These production wells will be about 470 feet apart. At this distance these wells will interfere with one another. Even at this distance interference should not be adverse assuming these wells produce as good as the city wells. Production wells need to be completed and tested to determine actual site conditions.
6. The Department has received plans and specifications for this facility and they are presently under review.

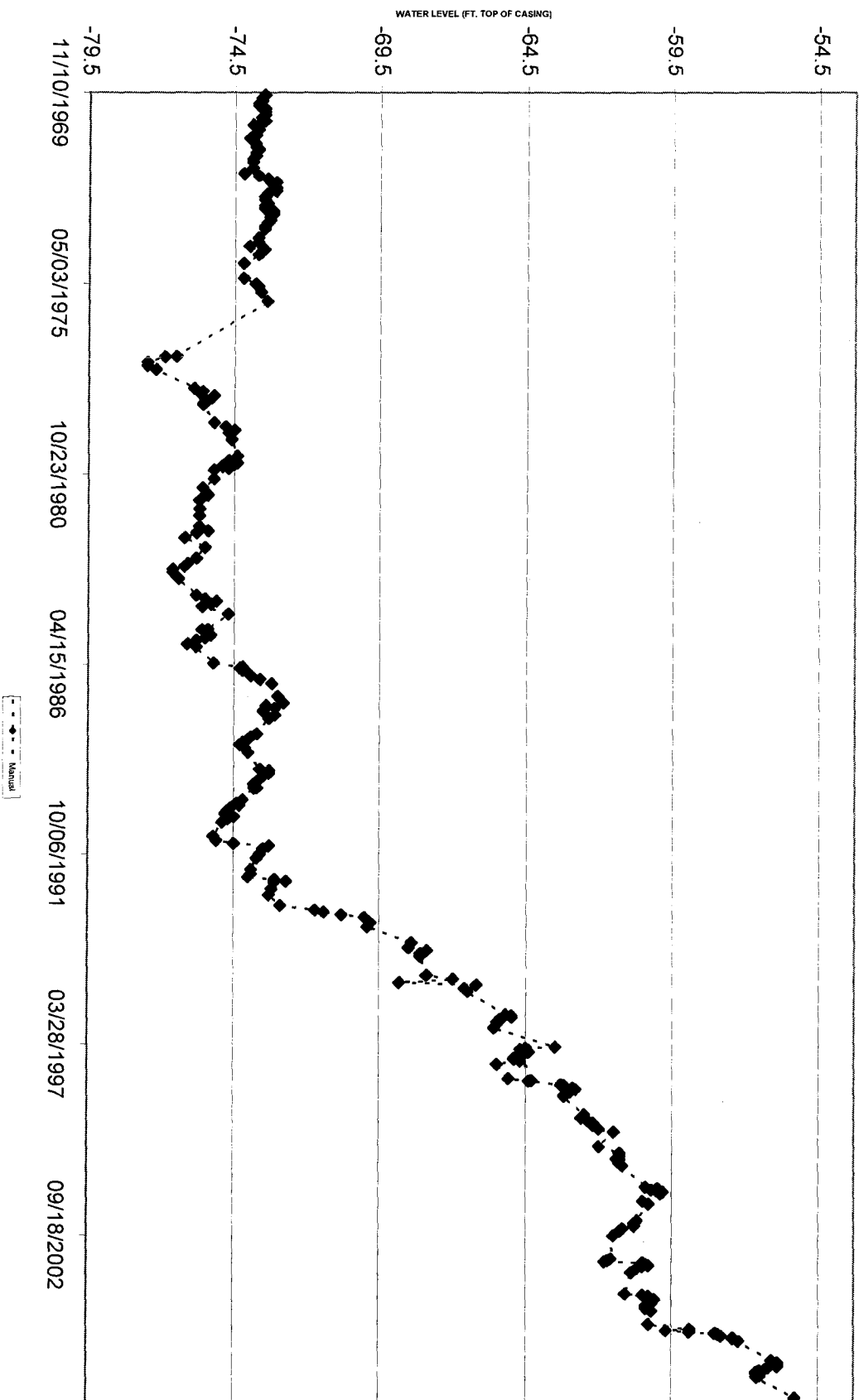

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, SDGS, Vermillion, SD, 57069.

Water Rights, 2007, Unpublished Observation Well Data for Marshall County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
ML-69A



AFFIDAVIT OF PUBLICATION

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STATE OF SOUTH DAKOTA, County of Marshall.

JUN 21 2007

WATER RIGHTS

Douglas M. Card of said county, being first duly sworn on oath says that he is publisher of the ~~BRITTON~~ **PROGRAM** JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

582
33,365.8

that the Notice of Application No. 6847-3
To Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

June 13, 2007

June 20, 2007

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Thirty-three and ³⁶/₁₀₀

Douglas M. Card

Subscribed and sworn to before me this

20th

June

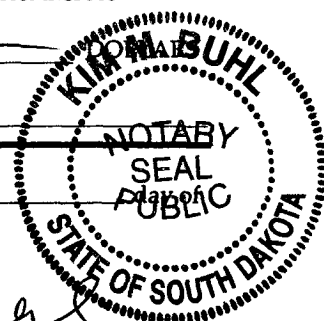
A. D.

2007

Kim M Buhl

Notary Public, Marshall County, S. D.

My Commission Expires March 12, 2010



33.36 —

2T(June 13-20)

**NOTICE OF APPLICATION NO.
6847-3 to Appropriate Water**

Notice is given that Veblen East Dairy, LP c/o Dwight Zimmerman, PO Box 157, Veblen SD 57270 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from three wells to be completed into the Veblen Aquifer (approximately 135 feet deep) located in the NW 1/4 NW 1/4 Section 24-T128N-R53W. The water is for commercial use in a dairy operation. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6847-3 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 these applications, 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 recommendations 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 July 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2007

Britton Journal
PO Box 69
Britton SD 57430

ATTENTION: Legal Public Notice

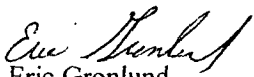
Enclosed is a Notice on Application No. 6847-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Veblen East Dairy LP, Dwight Zimmerman, PO Box 157, Veblen SD 57270 (Ph # 605-738-2472 or 605-738-2550, ext. 10).

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. 6847-3

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

Date _____

We are in receipt of your letter of June 5, 2007 enclosing Notice to Appropriate Water by Application No. 6847-3 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.

June 5, 2007

Veblen East Dairy LP
Dwight Zimmerman
PO Box 157
Veblen SD 57270

Dear Sir:

Water Permit Application No. 6847-3 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 Britton Journal printed at Britton SD (Ph # 605-448-2281). 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 report on the application is 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 applications.

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 June 13, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6847-3 to Appropriate Water

Notice is given that Veblen East Dairy, LP c/o Dwight Zimmerman, PO Box 157, Veblen SD 57270 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from three wells to be completed into the Veblen Aquifer (approximately 135 feet deep) located in the NW ¼ NW ¼ Section 24-T128N-R53W. The water is for commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6847-3 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 these applications, 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 recommendations 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 July 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 01 2007

Veblen Dairy LP
Richard Millner
PO Box 157
Veblen SD 57270

Dear Mr. Millner:

Enclosed is Water Permit No. 6847-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

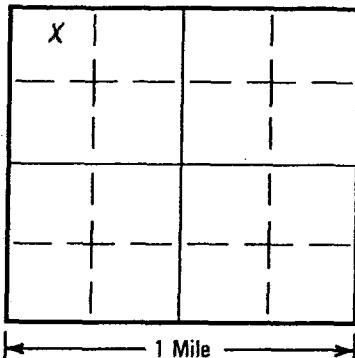
6847-3
07-92Location NW 1/4 NW 1/4 Sec 24 Twp 128N Rg 53WCounty Marshall North

Please mark well location with an "X"

W

E

Well Completion Date

12-20-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 1200 ft. from Lagoon (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
<u>200</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>118</u> FT	<u>17 1/2</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>27</u>	<u>9.5</u> lb./gal	<u>0</u> ft	<u>115</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Mixed Grout and Pumped from Bottom up through Tremie PipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 40 FEETMaterial PVCSlot Size 250 Set From 118 Feet to 158 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: Chlorine_____
NO, Why Not? _____

Laboratory sent to for water quality analysis

Owner SentWell Owner: Veblen East Dairy

Business Name: _____

Address: Veblen SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOPSOIL	0	1
Yellow clay	1	30
Blue clay	30	70
Sandy Blue clay	70	90
Medium sand	90	93
Sandy Blue clay	93	118
Gravel	118	158

STATIC WATER LEVEL 43' 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: Submersible Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

119 ft. After 3 Hrs. pumped 445 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 26 2007

WATER RIGHTS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling, Inc.Signature of License Representative: Byron Manikowski

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-24-07

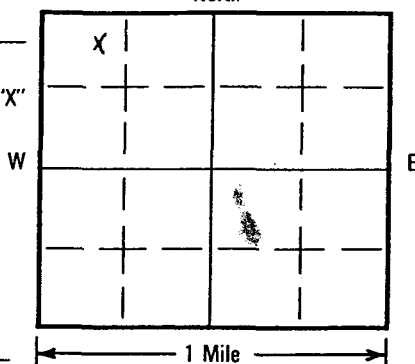
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6847-3
07-92

Location N 1/4 NW 1/4 Sec 24 Twp 128N Rg 53W

County Marshall North

Please mark well location with an "X"



Well-Completion Date

12-20-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from Lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Class 200 LB/FT</u>	<u>12 IN</u>	<u>+1 FT</u>	<u>130 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Ben-tonite</u>	<u>28</u>	<u>9.5 lb./gal</u>	<u>0 ft</u>	<u>120 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Mixed Ben-tonite Grout and Pumped From Bottom up with Tremie Pipe

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size 1000 Set From 130 Feet to 170 Feet

Other information 1/8 X 1/16 or #20

Sand Pack

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Done sent

Well Owner: Vebley East Dairy

Business Name: _____

Address: Vebley, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>35</u>
<u>Blue clay</u>	<u>3</u>	<u>70</u>
<u>Sandy Blue clay</u>	<u>70</u>	<u>118</u>
<u>Gravel</u>	<u>118</u>	<u>170</u>

STATIC WATER LEVEL 43' 3" 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: 445 GPM with 25 HP Test Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

53 ft. After 8 Hrs. pumped 445 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS East Well # 3

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling

Signature of License Representative: _____

Byron Marshall

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

DEC 26 2007

WATER RIGHTS PROGRAM

12-24-07

6847-3

MANIKOWSKI WELL DRILLING INC. LISC#285
316 MAIN STREET
GENESEO, ND 58053
PHONE: 701-538-4356
FAX: 701-538-4543
CELL: 701-680-0524

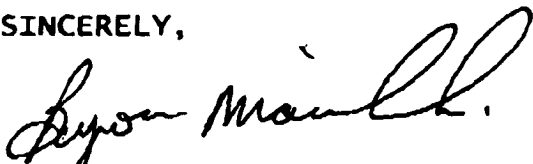
TO KEN BUHLER, SDWR

WE WOULD LIKE TO REQUEST PERMISSION TO DRILL A 12" TEST WELL AT 135FT IN DEPTH FOR THE MCC DAIRY COMPANY IN VEBLEN, SD. WHICH IS IN THE PROCESS OF APPLYING FOR A WATER USE PERMIT. WELL SITE IS AS FOLLOWS: NW1/4 OF THE NW 1/4 OF SEC. 24 TWP 128/129 RG 53W MARSHALL COUNTY, SD.

EXPECTED PUMPING RATE IS TO BE 500 GPM FOR A TESTING PERIOD OF 8-24 HRS. THE TESTING IS FOR AN AQUIFER TEST.

TEST WELL AND TEST PUMPING IS SCHEDULED TO BE COMPLETED BEFORE THE PERMIT IS ISSUED.

SINCERELY,



BYRON MANIKOWSKI, MANIKOWSKI WELL DRILLING INC.



6847-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2007

Byron Manikowski
Manikowski Well Drilling Inc.
316 Main Street
Geneseo, ND 58053

Dear Mr. Manikowski:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Manikowski Well Drilling is authorized to construct a test well for MCC Dairy Company prior to approval of a water permit. The test well is to be completed in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, T128N-53W. 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.

A SD Water Permit must be obtained before water from this 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,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 14 2011

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6847-3Date: February 11, 2011

I/We request that Water Right/Permit No. 6847-3 formerly owned by:
Veblen East Dairy, LP be transferred to:

New Owner Name: Riverview, LLP dba Marshall East Dairy
Address: 26406 470th Avenue
City, State, Zip Morris MN 56267 Telephone No. 320-392-5609

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

NW 1/4 NW 1/4 exc. Hwy; and S 1/2 NW 1/4 exc. RR; and N 1/2 SW 1/4 in Sec. 24, T128N, R53W,
5th PM; Marshall County, SD

☒ I understand that the validity of Water Right/Permit No. 6847-3 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, Brad Fehr, 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.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 2-14, 20 11

RECEIVED OF Riverside LLP, 26406 470th Ave, Morris MN 56267

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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 <u>No. 6847-3</u>		
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	50.00

No. **04935**

By Garland Eikeley
Chief Engineer /KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2011

6847-3

Brad Fehr
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: Marshall East Dairy

Dear Mr. Fehr

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Permit No. 6847-3.

The ownership change has been completed. The permit formerly held by Veblen East Dairy LP is now listed in the name of Riverview LLP, dba Marshall East Dairy.

Enclosed for your records is Receipt No. 04935 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

Permit No. 6847-3

Minnesota & Whetstone Rivers 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, October 23, 2013, made a thorough examination of the water use system constructed by Riverview LLP of 26406 470th Ave Morris, MN holder of Permit No. 6847-3, bearing the priority of April 2, 2007 authorizing the diversion of 2.22 cu. ft. per second of the waters of Veblen aquifer for commercial purposes in a livestock confinement operation, in Marshall County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: **There are 3 wells completed into the Veblen aquifer each with a pump capable of approximately 400 gpm but set at 350 gpm because of treatment plant and well limitations. The system is currently setup to run just two wells at a time, but it can be set to run all three at once. Often times only one well is pumping, though.**
- B. Works used to transport water to place of use: **From the wells to the treatment plant are 10 inch steel, around the treatment plant is a mix of 4, 6, and 10 inch pvc and steel, from the plate cooler to the booster pumps and to the storage and treatment tanks are 4 and 6 inch steel, mainlines from storage tanks are 6 inch steel, the secondary lines off of the mainlines are 4 inch steel with 2 inch steel from the secondary lines to the cattle tanks.**
- C. Works used to apply water to beneficial use: **There are a number of cattle water tanks and sprinklers used for cooling the cattle, as well as washing equipment for the milk parlor and farm equipment.**

The system is in the following condition: good. The point of diversion is located: **3 wells in the NW ¼ NW ¼ Section 24-T128N-R53W (45.8612° W, 97.2448° N; 45.8612° W, 97.2466° N; 45.8610° W, 97.2485° N); 125 ft east, 580 ft south and 600 ft east, 530 ft south and 1,080 ft east and 525 ft south of the northwest corner of Section 24-T128N-R53W.** The works are capable of diverting and conveying to the place of use 2.34 cfs cu. ft. per second of water which is to be used for commercial purposes in a livestock confinement operation.

Applicable permit qualifications have been complied with: Yes.

The license should be issued for 2.22 cfs from three wells for commercial purposes in a livestock confinement operation.

Date: June 20, 2014



(Signature)

REPORT ON INSPECTION OF PERMIT NO. 6847-3

DATE: 10/23/2013

DIVERIONS POINT LEGAL LOCATION: 3 wells in the NW ¼ NW ¼ Section 24-T128N-R53W (45.8612° W, 97.2448° N; 45.8612° W, 97.2466° N; 45.8610° W, 97.2485° N); 125 ft east, 580 ft south and 600 ft east, 530 ft south and 1,080 ft east and 525 ft south of the northwest corner of Section 24-T128N-R53W

WELL INFORMATION:

- 1) Well Drilling Firm: **Manikowski Well Drilling, Inc**
- 2) No. of Wells: **3**
- 3) Depth(s) feet: **130 (western well), 158 (middle well), 170 (eastern well) feet**
- 4) Well Log is available Y/N: **Yes, in well log database and in permit file**
- 5) Comments: **At the time of application a fourth well log for a test hole/well was submitted. That test hole/well was drilled in 1984. Based on my conversation with inspection contact, Anthony Ekren, and well driller, Byron Manikowski, that test hole/well was plugged before any of the other wells were drilled. We do not have a plugging report for the 1984 well.**

Casing:

- 1) Diameter inches: **12 inch**
- 2) Length feet: **110 (west), 118 (middle), and 130 (east) ft**
- 3) Type: **PVC**

Screen:

- 1) Type: **12 inch PVC**
- 2) Length feet: **20 (west), 40 (middle), and 40 (east) ft**
- 3) Static water level feet: **42 (west), 43 (middle), and 43.25 (east) ft**

Pump:

- 1) Model: **submersible**
- 2) Capacity GPM: **approximately 400 gpm per well, but set down to 350 due to the treatment plant and well limitations. At the current setup only two can run at a time, but it is generally just one running.**

Motor:

- 1) Model: **submersible**

DISTRIBUTION LINES OR CANALS:

- 1) Type: **Steel and PVC**
- 2) Size inches: **From the wells to the treatment plant are 10 inch steel, around the treatment plant is a mix of 4, 6, and 10 inch pvc and steel, from the plate cooler to the booster pumps and to the storage and treatment tanks are 4 and 6 inch steel, mainlines from storage tanks are 6 inch steel, the secondary lines off of the mainlines are 4 inch steel with 2 inch steel from the secondary lines to the cattle tanks.**
- 3) Length feet: **wells to treatment plant are 3,000 feet**
- 4) Storage: **in excess of 15,000 gallons, several smaller treatment tanks inside a building and several larger steel tanks outside**
- 5) **Booster Pumps**
 - a. Make: **Grundfos**
 - b. Size: **6 inch**
 - c. Capacity: **158.5 gpm**
 - d. No. of pumps: **4**
- 6) **Booster Motor**
 - a. Make: **Baldor-Reliance**
 - b. Model: **84z05096**
 - c. Horsepower: **15 hp**

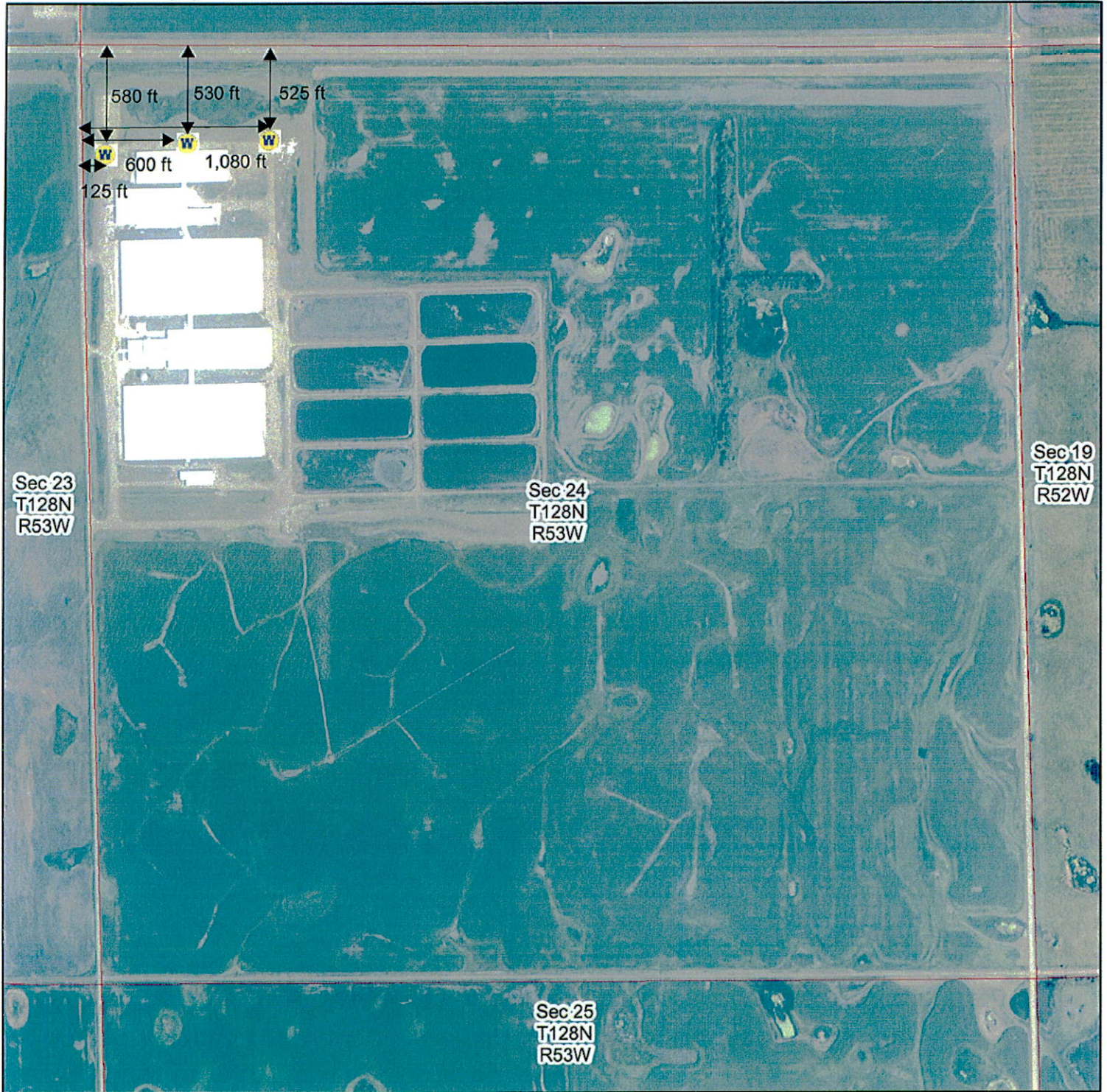
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y/N: **Yes**
- 2) All structures, wells and lands on map Y/N: **Yes**

COMMENTS

1. They were planning on expanding, per Anthony Ekren at the time of inspection, and are not using their wells to the maximum. However, the expansion plans will likely force them to use their wells and treatment plant at or near maximum capacity, and possibly even require an expansion of the wells or treatment plant system.

Water Permit No. 6847-3
Riverview LLP



Sec 23
T128N
R53W

Sec 24
T128N
R53W

Sec 19
T128N
R52W

Sec 25
T128N
R53W

0 0.125 0.25 0.5 Miles



June 20, 2014
Date

Adam Mathiowetz
Adam Mathiowetz
DENR-Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



6847-3

JUL 07 2014

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Ekren:

Enclosed is Water License No. 6847-3. This is the final water right document completing the process of obtaining a Water Right. Included with the 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 wells authorized by Water Right No. 6847-3, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6847-3

(1) Veblen East Dairy LP, Veblen SD 57270 made Application No. 6847-3, April 2, 2007 for a water permit to divert 2.22 cubic feet of water per second from ground water (three wells, Veblen Aquifer), Marshall County, South Dakota for commercial purposes. Permit No. 6847-3, with a priority date of April 2, 2007 was approved July 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 July 2, 2012 and for the application to beneficial use of said water on or before July 2, 2016.

On February 14, 2011, Water Permit No. 6847-3 was transferred to Riverview LLP dba Marshall East Dairy, 26406 470th Ave., Morris MN 56267.

(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 location of the diversion points are:

- 125 feet east and 580 feet south of the NW corner of Section 24, T128N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
- 600 feet east and 530 feet south of the NW corner of Section 24, T128N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
- 1,080 feet east and 525 feet south of the NW corner of Section 24, T128N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial dairy operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Riverview LLP dba Marshall East Dairy, 26406 470th Ave., Morris MN 56267 the holder and/or owner of Water Right No. 6847-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water (three wells, Veblen Aquifer) with a priority date of April 2, 2007 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6847-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6847-3 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. *All three wells were drilled by Manikowski Well Drilling Inc. Copies of the logs are on file with the Water Rights Program.*
- Permit No. 6847-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

continued

- Permit No. 6847-3 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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 07 2014

date



6847-3



February 24, 2020

26406 470th Ave
Morris, MN 56267
(320) 392-5609

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

I will no longer be with Riverview at the end of March, please remove me as the contact person for the Riverview water rights permits. Please make the following changes:

Please make the following person the main contact person for Riverview water rights permits:

Brady Janzen
320-349-0318
Brady.janzen@riverviewllp.com

Additionally, please make the following person a secondary contact person for Riverview water rights permits:

Matt Waldbeser
320-287-1028
Matt.waldbeser@riverviewllp.com

Thank you,



Anthony Ekren