

WATER PERMIT NO. 6891-3

Name of Applicant: **Munkvold Land & Cattle Co.**

Address: **43723 294th St, Menno SD** Phone: **605 387-5764**

Amount of Water Claimed: **0.333 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (2 wells)**

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

Type of Waste Disposal System:

Location: **6 miles southeast of Menno**

PRIORITY Date Received: **9-10-07** Application/License Fee: **\$275**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **cattle feedlot facility**

Diversion Point: **SW ¼ SE ¼ Sec 6-T96N-R56W**

Land to be Irrigated: **NA**

Depth of Well: **417**

Well Driller: : **Pullman Well Drilling**

Remarks:

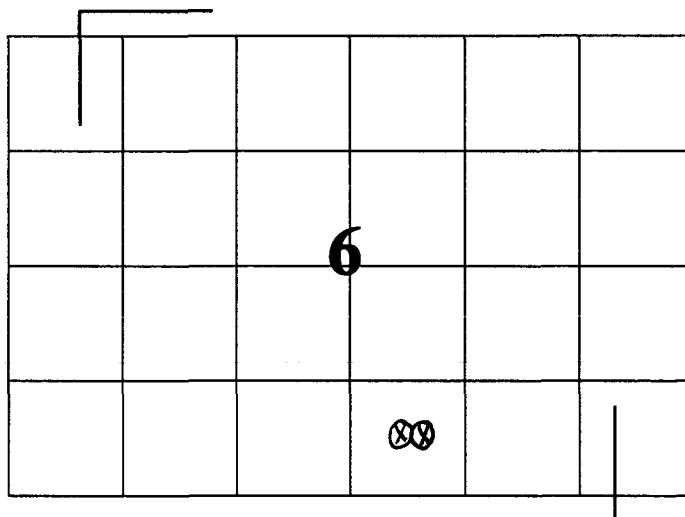
Type of Map: **plat**

Prepared by: **Mark E Johnson, RLS**

Reviewed and the Number Assigned on: **9-10-07**

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. <u>6891-3</u> (office use only) Hydrologic Unit <u>10/60011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan P.O. Box 56</u> <u>Yankton 57078</u>

RECEIVED
SEP 10 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other <u>Livestock Consumption</u> | |

Type of Application: (check one)

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

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

1. Name of Applicant Munkvold Land & Cattle Co. Phone (605) 387-5764
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 43723 294th Street Menno State SD 57045
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.333 *CFS or 150 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Dakota Aquifer → Nebraska
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
2 wells in the SW1/4 SE1/4 section 6-T96N-R56W
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used Year Long Use Jan 1 - Dec 31
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)

A new well is being drilled to support the additional water requirements for the expansion of an existing cattle feedlot. The two wells will have a one time capacity of 150 gallons per minute.

STATE OF SOUTH DAKOTA)
County of Yankton) 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, Ordell Munkvold, President, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Ordell Munkvold Pres.

Subscribed and sworn to before me this 5 day of September 20 07

Ulrich Munkvold
Notary Public signature

My commission expires September 10, 2010

SOUTH DAKOTA
WATER PERMIT NO. 6891-3

Date of first receipt of application September 10, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6891-3 to Munkvold Land & Cattle Co., 43723 294th St, Menno SD 57045 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. 6891-3 appropriates 0.333 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 417 feet deep) located in SW 1/4 SE 1/4 Section 6-T96N-R56W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6891-3 is November 26, 2007.
5. The date from which applicant may claim right is September 10, 2007.
6. One-fifth of the construction is to be completed on or before May 26, 2010.
7. All construction is to be completed on or before November 26, 2012.
8. Water is to be put to beneficial use on or before November 26, 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 new well authorized by Permit No. 6891-3 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. 6891-3 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)

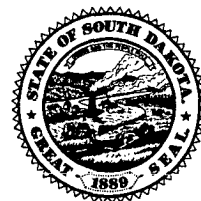
Water Permit No. 6891-3
Munkvold Land & Cattle Co.
Page 2

4. Permit No. 6891-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

JAN 24 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.5" Depth 417'
- b) Casing Type PVC Diameter 5.0" Thickness 0.25"
- c) Screen Type Open Hole Diameter 8.5" Thickness (328'-417')
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 328'
- f) Depth to Water (ground surface to water level) 90'
- g) Distance to nearest existing domestic well:
On applicants property Approx. 0.5 miles On property owned by others Greater than 1.0 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

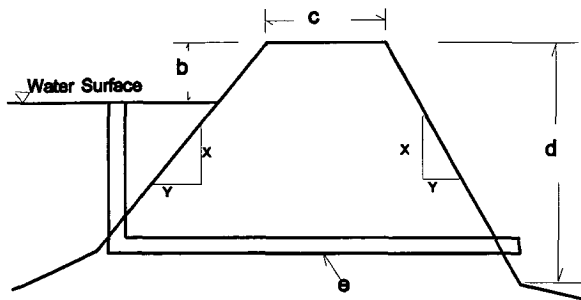
3. Dugout Information

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

4. Water Storage Dams

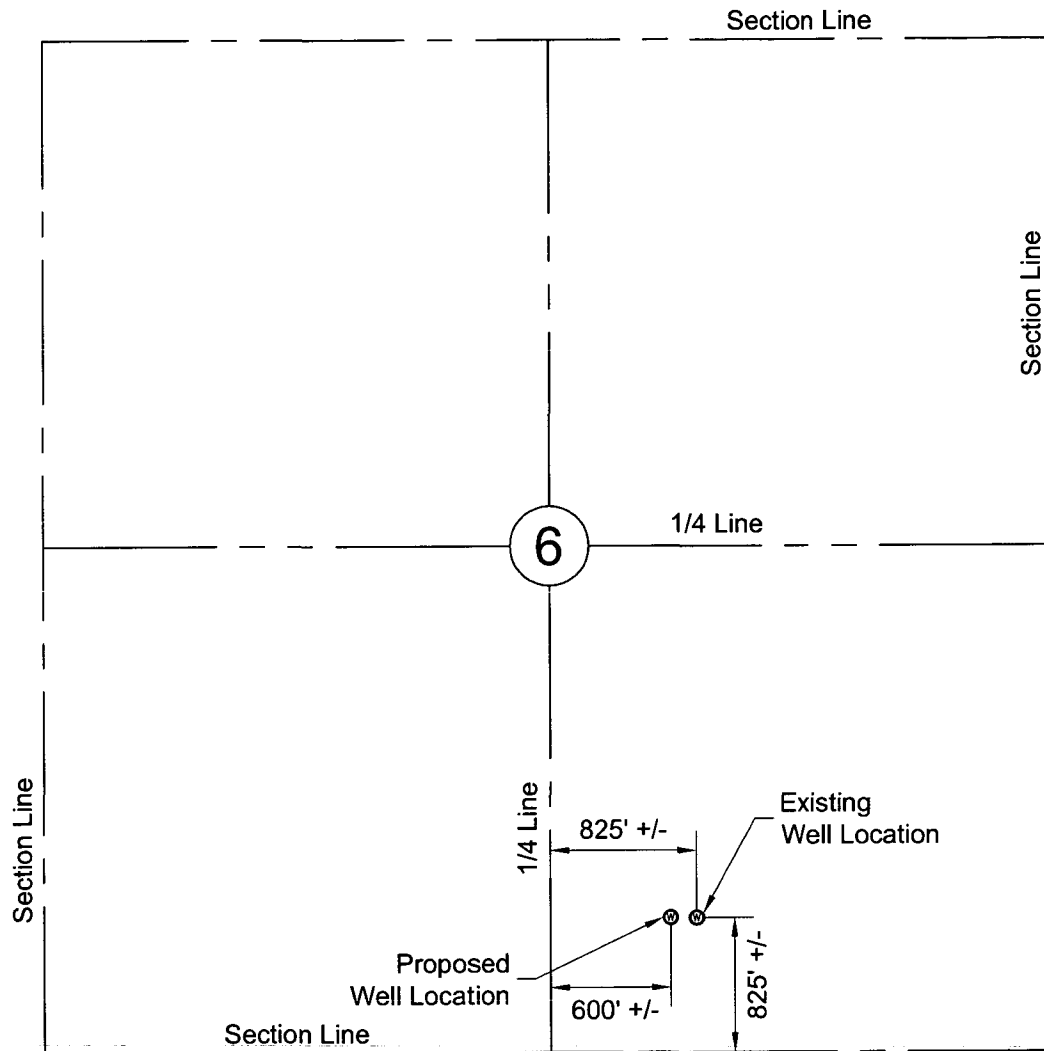
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



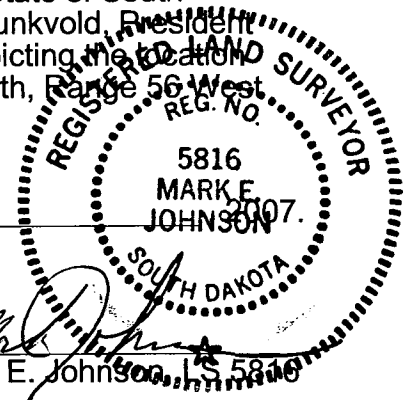
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

Scale - 1" = 100'



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Ordell Munkvold, President of Munkvold Land & Cattle Co. did prepare this map depicting the location of two wells in the SE 1/4 of Section 6, Township 96 North, Range 56 West of the 5th P.M., Yankton County, South Dakota.

Dated this 7TH day of August



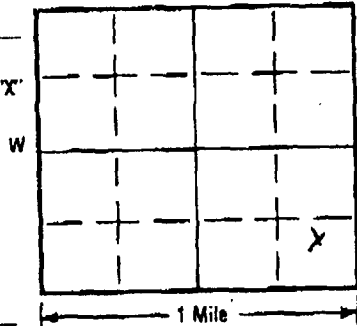
Mark E. Johnson, S 5816

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location Sw 1/4 Sw 1/4 Sec 6 Twp 96 Rg 56
County Yankton

Please mark well location with an "X"



Well Completion Date

1/24/03

Well Owner:

Business Name:

Address:

Munkvold Land & Cattle Co
43723 294 St
Menard SD 57045

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>yellow clay</u>	<u>0</u>	<u>20</u>
<u>blue clay</u>	<u>20</u>	<u>262</u>
<u>chert clay</u>	<u>262</u>	<u>315</u>
<u>shale</u>	<u>315</u>	<u>400</u>
<u>chalk</u>	<u>400</u>	<u>415</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? in pasture ft. from in 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
<u>LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>328 FT</u>	<u>8 1/2 IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>4</u>	<u>lb./gal</u>	<u>0</u>	<u>ft. 20</u>
<u>1/2-day</u>	<u>8</u>	<u>lb./gal</u>	<u>20</u>	<u>ft. 320</u>

Describe grouting procedure

line to 320 ft.

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET

Material

Slot Size Set From 328 Feet to 417 Feet

Other information open hole 328 to 417

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:

Rollit

Laboratory sent to for water quality analysis

NO, Why Not?

STATIC WATER LEVEL

90

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: 150 LPM

☐ Bailed

air compressor

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/10, 2007

RECEIVED OF Munkvold Land & Cattle Co Inc 43723 294th St Menno SD 57045

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

Fee for Application for Permit No. <u>6891-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6891-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____		
TOTAL	275	00

No.

03158

By

Stanford Erbe

Chief Engineer

7

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SEP 10 2007

WATER RIGHTS
PROGRAM

Eisenbraun & Associates

Professional Engineers & Surveyors

August 8, 2007

South Dakota Water Rights Program
Joe Foss Building
523 E. Capital Avenue
Pierre, SD 57501-3181

RE: Munkvold Land and Cattle Company located in Yankton County, SD
E/A Project No. Y05226.C01

To Whom It May Concern:

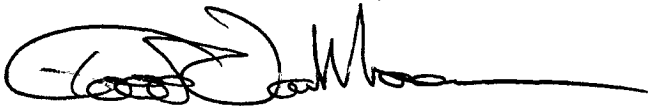
Enclosed please find the following items on behalf of our client, Munkvold Land and Cattle Company.

1. Two originals of signed and notarized SD EForm 1585 V2, completed Application for Permit to Appropriate Water within the State of South Dakota
2. One well location map
3. One check in the amount of \$275.00.

Please call if you have questions or require anything further. We appreciate your timely review and approval.

Sincerely,

Eisenbraun & Associates, Inc.



Todd Van Maanen, PE

Enclosures

cc: Ordell Munkvold, Munkvold Land & Cattle Co.



**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. 6891-3, Munkvold Land & Cattle Company**

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. 6891-3, Munkvold Land & Cattle Company, c/o Ordell Munkvold, 43723 294th Street, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6891-3 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 new well authorized by Permit No. 6891-3 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. 6891-3 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. 6891-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
October 26, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6891-3
For Munkvold Land & Cattle Co.
October 17, 2007

Application No. 6891-3 proposes to appropriate 0.333 cfs (150 gpm) from two wells approximately 417 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 6, T96N R56W for commercial use in a cattle feedlot. This feedlot is in Yankton County.

AQUIFER – NIOBRARA FORMATION (NBRR)

The Niobrara consists of marl and chalk that is apparently under confined or artesian conditions at this site. Ground water is generally found within fractures and natural porosity found in the bedding of the formation. The aquifer underlies 238 square miles of Yankton County (Bugliosi, 1986). The aquifer also underlies about 729 square miles in Turner and Hutchinson Counties and contains an estimated 6.998 million acre-feet of water in storage (Lindgren, 1990). There is no estimate for water in storage available for Yankton County. Both studies indicate the direction of ground water movement to be from the northeast to the southwest in this area. The Niobrara is also hydraulically connected to other aquifers and in the area of this application is probably connected to the Lower James Missouri aquifer. Both studies indicate that the edge of the Niobrara aquifer is to the east and north of this application. However the well log filed with the application definitely indicates Niobrara as the source. So it would appear that the county study maps are a little off.

The well log filed with the application indicates shale and chalk from a depth of 315 to 415 feet below land surface. This well was described as being completed into chalk or probably the Niobrara Formation. The completed well had a static water level of 90 feet below land surface and was capable of producing 150 gpm using air to develop. The well as constructed is completed open hole from 320 to 415 feet and is completed in accordance with SD Well Construction Standards.

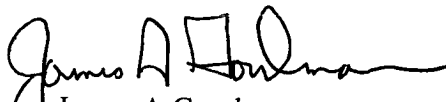
The Water Rights Program does monitor an observation well YA-80G located about three-fourths mile to the northwest of this application. This observation well is completed into the Lower James Missouri aquifer to a depth of about 270 feet. A hydrograph for this observation well is included with this report because it appears the water levels may represent the water levels in the Niobrara Formation. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights located within three miles of this application. The nearest existing Niobrara aquifer permit is located about six miles north of this application. Interference is not a concern. Drawdown created by pumping should not be significant at this rate of production and should not extend very far from the production wells.

CONCLUSIONS

1. Water is available from the Niobrara aquifer.
2. The aquifer is under confined conditions. Drawdown will occur as a result of pumping but is not expected to be significant at this pumping rate. Interference is not a concern.
3. The well log filed with the application indicates that this well is constructed in accordance with SD Well Construction Standards. Any additional wells completed will have to also be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been reviewed and approved by the department.



James A Goodman
Natural Resources Engineer

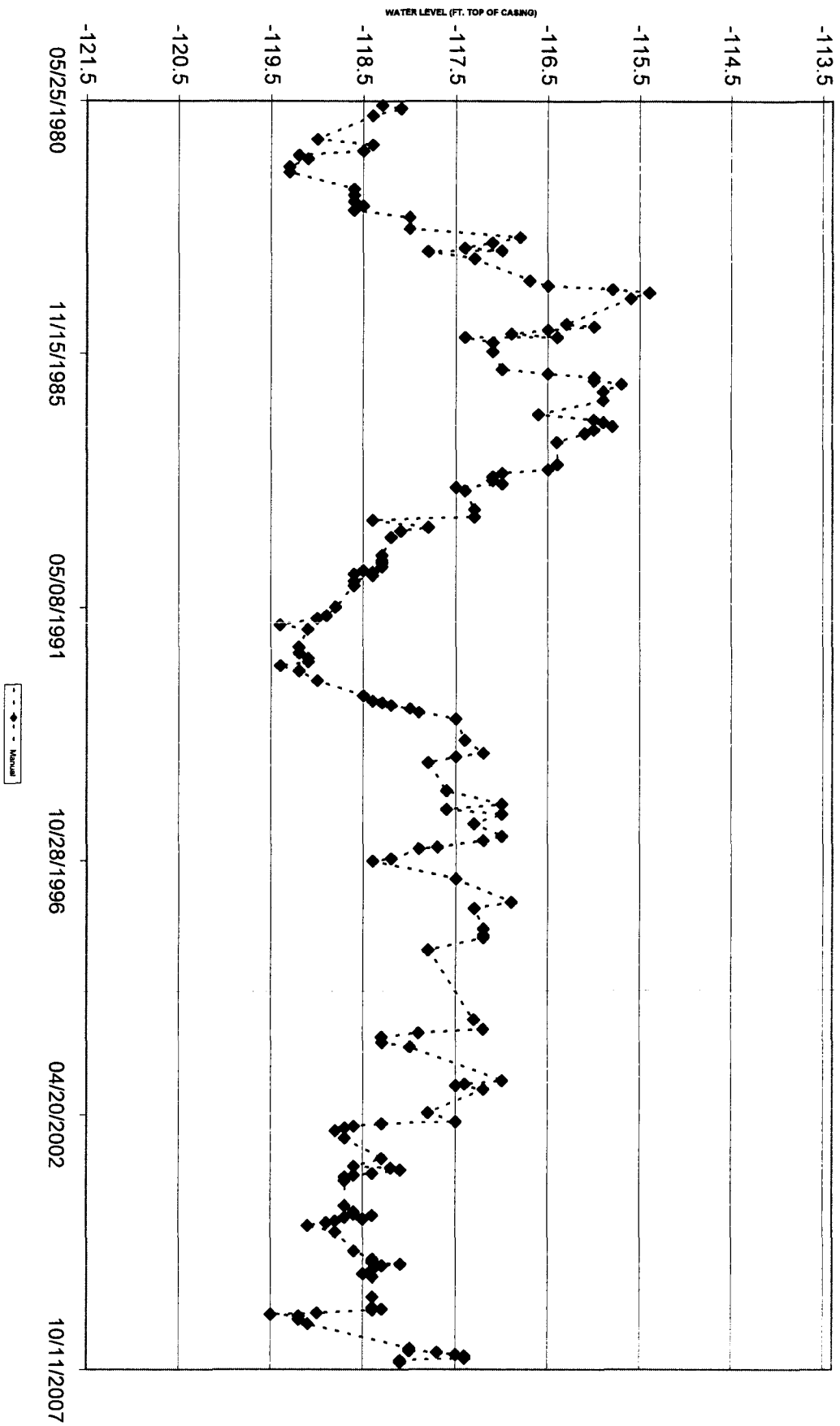
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources-Investigations Report 84-4241, USGS, Huron, SD, 57350.

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

Water Rights, 2007, Unpublished Observation Well Data for Turner, Hutchinson and Yankton Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL YA-80G



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NOV 19 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR

Joe Foss Building
523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID **COUNTY** OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED **Notice of Application 6891-3 to Appropriate Water**

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE **15th** DAY OF **November**, 2007.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$145.80** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: **11/08/07, 11/15/07**

FILED ON: **11/16/2007**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **16th** DAY OF **November**, 2007

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES **8/19/2009**

11+8+15

NOTICE OF APPLICATION NO. 6891-3 to Appropriate Water

Notice is given that Munkvold Land & Cattle Co., c/o Ordell Munkvold, 43723 294th St. Menmo SD 57045 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 417 feet deep) located in SW 1/4 SE 1/4 Section 6-T96N-R56W from commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6891-3 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 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 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 November 26, 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

October 29, 2007

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6891-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 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 Munkvold Land & Cattle Co, Ordell Munkvold, 43723 294th St, Menno SD 57045 (Ph # 605-387-5764).

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. 6891-3

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

Date _____

We are in receipt of your letter of October 29, 2007 enclosing Notice to Appropriate Water by Application No. 6891-3 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.

October 29, 2007

Munkvold Land & Cattle Co
Ordell Munkvold
43723 294th St
Menno SD 57045

Dear Mr. Munkvold

Water Permit Application No. 6891-3 for livestock consumption 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 Daily Press & Dakotan printed at Yankton SD (Ph #605-665-7811). 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 November 8, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6891-3 to Appropriate Water

Notice is given that Munkvold Land & Cattle Co., c/o Ordell Munkvold, 43723 294th St, Menno SD 57045 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second from two wells to be completed into the Niobrara Aquifer (approximately 417 feet deep) located in SW ¼ SE ¼ Section 6-T96N-R56W from commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6891-3 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 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 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 November 26, 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.



JAN 24 2000

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Ordell Munkvold
Munkvold Land & Cattle Co
43723 294th St
Menno SD 57045

Dear Mr. Munkvold:

Enclosed is Water Permit No. 6891-3 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

RECEIVED

JAN 31 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1-29-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Munkwold Land & Cattle Co. Inc

(name)

43723 294th st

(address)

Memo SD 57045

(city, state, zip)

1-605-387-5380

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6891-3 states that the water use system is to be constructed by11-26-2012, and water is to be put to beneficial use by 11-26-2016.

(date)

(date)

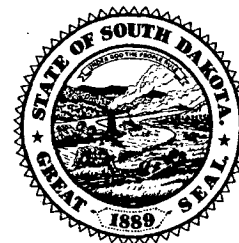
The water use system was completed on 11-1-07

(date)

Applying the water to beneficial use was completed on 11-1-07

(date)

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

Robert Rasmussen Pres.
(signature)



**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 1, 2008

6891-3

Ordell Munkvold
Munkvold Land & Cattle Co Inc
43723 294th St
Menno SD 57045

Dear Sir:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6891-3
11-02Location SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6 Twp 96 Rg 56

County

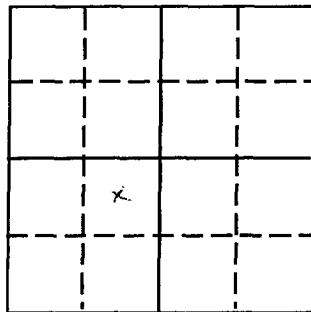
Yankton

North

Please mark well
location with an "X"

W

E



1 Mile

Well Completion Date

10/15/2008

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

? 50.0 ft. from septic (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
LB/FT	5.00 IN	0.0 FT	404.0 FT	8.75 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	57	Lb/gal	80.0 Ft	404.0 Ft
Bentonite	7	Lb/gal	0.0 Ft	80.0 Ft

Describe grouting procedure
Tremmie Piped

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Open Hole

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? Chlorinated
☐ No, Why Not?
Lab sample sent to for
water quality analysis

Owner to obtain

Well Owner: Munkvold Land and Cattle Co., Inc.

Business Name:

Address: 43503 292nd StCity, State, Zip: Menno SD 57045

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	2
Yellow Clay	2	35
Soft Blue Clay w/sand	35	138
Boulders	138	139
Blue Clay w/sand seams	139	164
Boulder	164	165
Blue Clay w/rock & sand seams	165	319
Hard Blue Shale	319	410
Sandstone w/coarse sand	410	417

STATIC WATER LEVEL 118.0 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?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

145.0 Ft. After 2.0 Hrs. pumped 50.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 43 09.397
W 097 30.289

RECEIVED

JAN 12 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 475

And this report is true and accurate.

Drilling firm: Thein Well Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6891-3**

I have this day, July 22, 2020, made a thorough examination of the water use system constructed by Munkvold Land & Cattle Co., 43723 294th St., Menno, SD, holder of Permit No. 6891-3, bearing the priority of September 10, 2007, authorizing the diversion of 0.333 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for commercial use in Yankton County.

Inspection contact: Ordell Munkvold

A. Works used to divert the water:

North Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 415 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 5 inches
- 2) Length: 328 feet
- 3) Type: Unknown

Screen:

- 1) Type: Open Hole
- 2) Static water level: 90 feet

Pump:

- 1) Make: Unknown
- 2) Model: Unknown
- 3) Capacity: 10 GPM

Motor:

- 1) Make: Unknown
- 2) Model No.: Unknown
- Horsepower rating: 0.75 hp

South Well Information:

- 1) Well Drilling Firm: Thein Well Co.
- 2) No. of Wells: 1
- 3) Depth(s): 417 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 5 inches
- 2) Length: 404 feet
- 3) Type: PVC

Screen:

- 1) Type: None
- 2) Static water level: 118 feet

Pump:

- 1) Make: Goulds
- 2) Model: 25GF20412
- 3) Capacity: 25 GPM

Motor:

- 1) Make: Franklin
- 2) Model No.: 2243019204
- 3) Horsepower rating: 2 hp

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

- 1) Type: PVC 2) Size: 1.5 inches 3) Length: Unknown feet

C. Works used to apply water to beneficial use:

- 1) Livestock waterers in the cattle barn.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: NA
- 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:
The north well is 1,790 feet west and 800 feet north of the southeast corner of Section 6-T96N-R56W (Latitude 43.15669, Longitude -97.50486 – SW1/4 of the SE1/4).
The south well is 1,760 feet west and 760 feet north of the southeast corner of Section 6-T96N-R56W (Latitude 43.15656, Longitude -97.50476 – SW1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water which is to be used for commercial uses. Water has been put to beneficial use to the maximum extent at the facility in the SW1/4 of the SE1/4 of Section 6-T96N-R56W, and the license should be issued for 0.06 cfs.
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: None

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 28, 2020

Water Right No. 6891-3



0 165 330 660 990 1,320
Feet
SCALE



Keith DeJong

Keith DeJong, PE
Staff Engineer
July 28, 2020



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

6891-3

AUG 04 2020

Ordell Munkvold
Munkvold Land & Cattle
43723 294th St
Menno SD 57045

Dear Mr. Munkvold:

Enclosed is Water License No. 6891-3. 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
Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6891-3**

(1) Munkvold Land & Cattle Co., 43723 294th St, Menno SD 57045 made Application No. 6891-3, September 10, 2007 for a water permit to divert 0.333 cubic feet of water per second from ground water, two wells (Niobrara Aquifer), Yankton County, South Dakota for commercial purposes. Permit No. 6891-3, with a priority date of September 10, 2007 was approved November 26, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 26, 2012 and for the application to beneficial use of water on or before November 26, 2016.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.06 cubic feet of water per second for beneficial use. The diversion points are located:

- **North well:** 1,790'W and 800'N of the SE corner of Section 6, T96N, R56W (SW ¼ SE ¼)
Latitude 43.15669, Longitude -97.50486
- **South well:** 1,760'W and 760'N of the SE corner of Section 6, T96N, R56W (SW ¼ SE ¼)
Latitude 43.15656, Longitude -97.50476

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The cattle facility is located in the SW ¼ SE ¼ Section 6, T96N, R56W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Munkvold Land & Cattle Co., 43723 294th St, Menno SD 57045 the holder and/or owner of Water Right No. 6891-3 is issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from ground water, two wells (Niobrara Aquifer) with a priority date of September 10, 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. 6891-3 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 new well authorized by Permit No. 6891-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28. *The new well was drilled in October, 2008 by Thein Well Company. A copy of the well completion report is on file with the Water Rights Program.*
- No. 6891-3 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

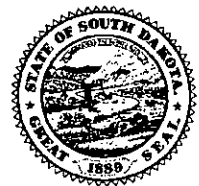
- Water Right No. 6891-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - 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

Eric Gronlund

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

AUG 04 2020

date



Water Rights Program File Documentation

Permit/Right No. and Owner: Water Right No. 6891-3, Munkvold Land & Cattle

Date: July 19, 2024

County: Yankton

RE: aquifer designation

COMMENTS:

Kilts (2023) as part of a review of the Codell (CDLL) aquifer determined that Water Right No. 6891-3, previously assigned an aquifer designation of Niobrara (NBRR) should be reassigned. In reviewing the best information currently available for aquifer and management unit naming conventions, the best aquifer designation for Water Right No. 6891-3 is the Codell aquifer. The Codell aquifer is within the Codell member of the Carlile Shale, which underlies the Niobrara Formation. Based on Tomhave and Schulz (2004) the Niobrara aquifer is not present at the location of the wells for Water Right No. 6891-3; shown in Figure 1. Tomhave and Schulz (2004) also indicates the top of bedrock elevation is likely above the elevation of the aquifer the wells are completed into. Additionally, the 2008 well completion report by Thein Well Co. further supports this change (Water Rights, 2024). Water Right No. 6891-3 appropriates 0.333 cubic feet per second from two wells in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6-T96N-R56W with a priority date of September 10, 2007. The Tomhave and Schulz (2004) bedrock map was not listed as a reference in the report on the application and the 2008 well log was not available at the time of the review. A 2003 well completion report by Pullman Well Drilling was submitted with the application. The 2003 report only indicated 15 feet of "chalk", which given the 2008 report and Tomhave and Schulz (2004) bedrock map is likely just an isolated block of chalk rather than a more extensive deposit of Niobrara.

In reviewing the file for Water Right No. 6891-3, the public notice, Permit, and license all listed the water source as the Niobrara aquifer. This change of aquifer designation, to the Niobrara aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by Water Right No. 6891-3, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.

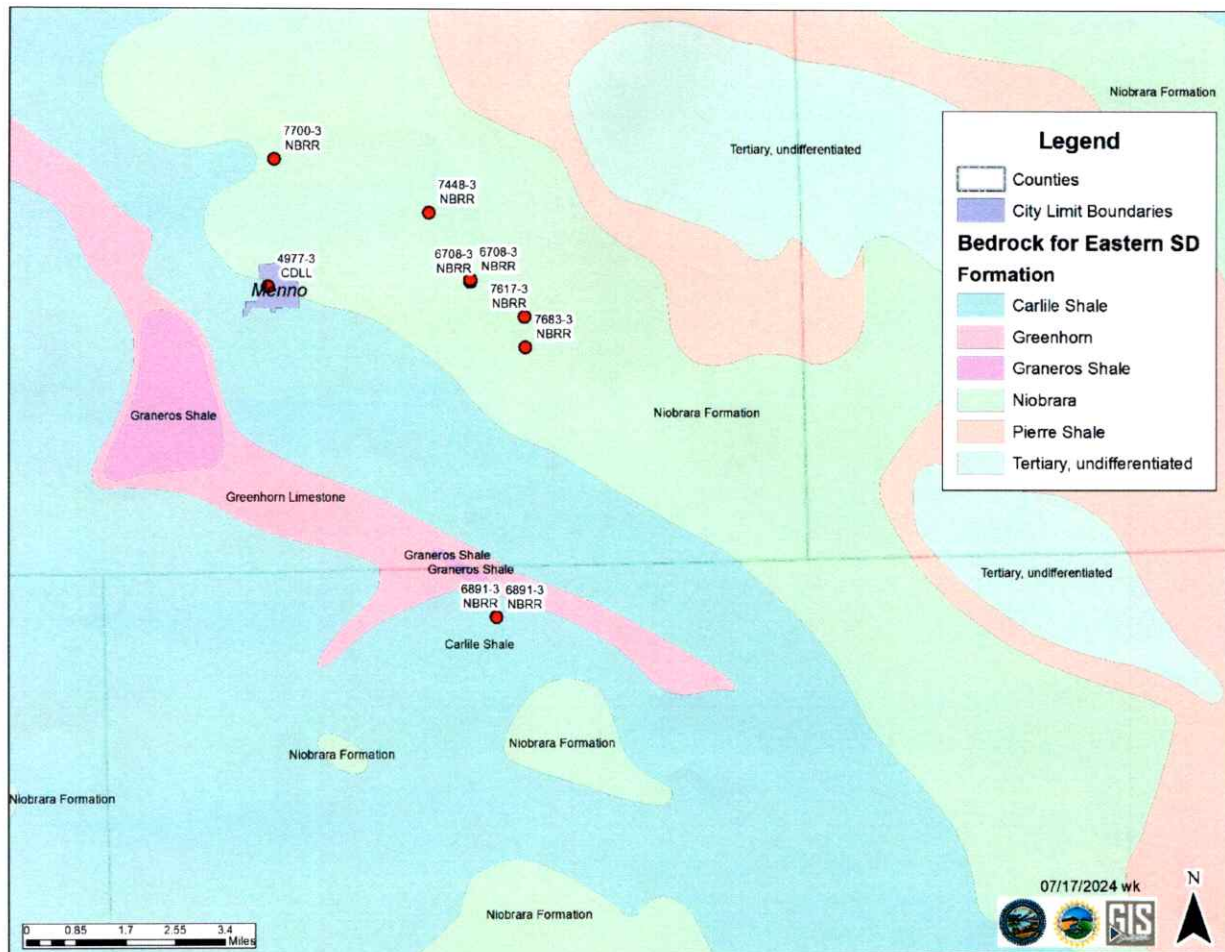


Figure 1: Map showing the first occurrence of bedrock material in the area of Water Right No. 6891-3 (modified from Tomhave and Schulz, 2004)

Whitney Kilts
 Whitney Kilts
 Natural Resources Engineer
 DANR Water Rights Program

Eric Gronlund
 Eric Gronlund
 Chief Engineer
 DANR Water Rights Program

Kilts, W. 2023. Report to the Chief Engineer on Water Permit Application No. 8696-3: Upland Hutterian Brethren Inc. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Tomhave, D. T. and Schulz, L.D. 2004 Bedrock Geologic Map Showing Configuration of the Bedrock Surface in South Dakota East of the Missouri River. General Map 9, scale 1:500,000. South Dakota Geological Survey. Vermillion, South Dakota.

Water Rights. 2024. Water Right Files. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.