

WATER PERMIT NO. 7169-3

Name of Applicant: **VanWinkle Dairy LP**

Address: **26137 448th Ave, Canistota SD 57012**

Phone: **605 296-2655**

Amount of Water Claimed: **0.17 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **McCook**

Type of Waste Disposal System:

Location: **2 miles east of Canistota**

PRIORITY

Date Received: **11-19-09**

Application/License Fee: **\$700**

Corrected Application Received:

Period of Annual Use: **Jan 1 – Dec 31**

Remarks: **This is a back-up supply for Water Permit No. 6762-3**

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

Land to be Irrigated: **NA**

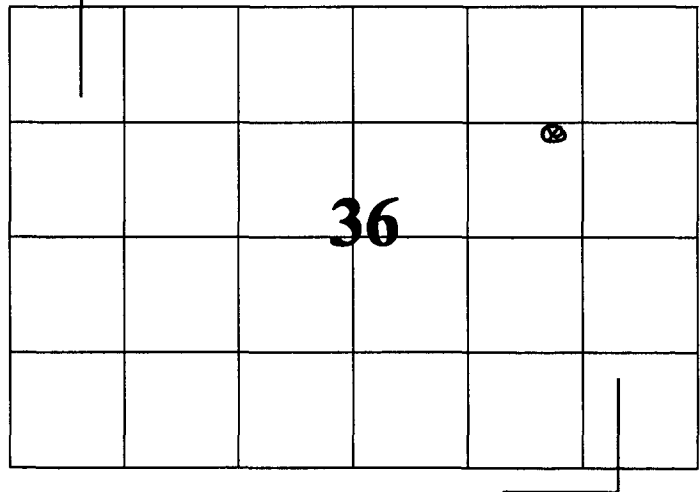
Depth of Well: **218 feet deep**

Well Driller: **Dave Putzke Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Mike DeFea**



Reviewed and the Number Assigned on: **11-19-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585 V3
FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7169-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Canistota Clipper PO Box 128</u>	
	<u>605-296-3181</u>	<u>57012</u>

RECEIVED
NOV 19 2009
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

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

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

- Name of Applicant Van Winkle Dairy LP Phone (605) 296-2655
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 26137 448th Ave Canistota State SD 57012
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.17 *CFS or 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water - one well (218 feet deep)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County McCook
SE 1/4 NE 1/4 Section 36, T102N, R54W Well #4 Back up supply
- County or counties where water will be used McCook
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
This is an existing well drilled in 2007. It is used by the dairy in conjunction with three wells authorized by Water Permit No. 6762-3.

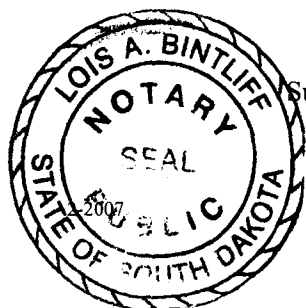
STATE OF SOUTH DAKOTA)
County of McCook SS

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

I, Kevin Van Winkle, 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 Kevin Van Winkle

Subscribed and sworn to before me this 12th day of November 20 09



Lois A Bintliff
Notary Public signature
Expires 10-6-2012

SOUTH DAKOTA WATER PERMIT NO. 7169-3

Date of first receipt of application November 19, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7169-3 to VanWinkle Dairy LP, c/o Kevin VanWinkle, 26137 448th Ave, Canistota SD 57012 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. 7169-3 appropriates 0.17 cubic feet of water per second from one well completed into the Pleistocene Unknown Aquifer (218 feet deep) located in SE ¼ NE ¼ Section 36-T102N-R54W. This well serves as a backup supply for the dairy operation.
2. The water appropriated shall be used for the purpose of commercial use in a dairy confinement 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. 7169-3 is March 15, 2010.
5. The date from which applicant may claim right is November 19, 2009.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

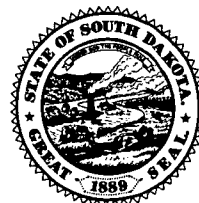
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 7169-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7169-3 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

APR 09 2010
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.75 Depth 218
- b) Casing Type plastic Diameter 5 Thickness _____
- c) Screen Type plastic Diameter 5 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

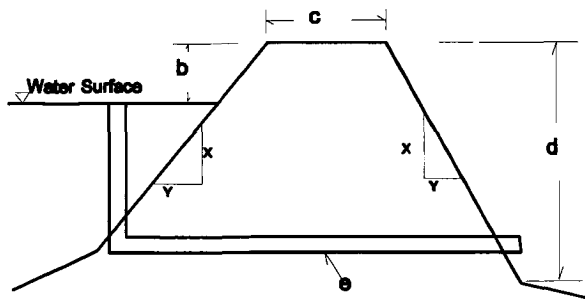
3. Dugout Information

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

4. Water Storage Dams

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

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



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

Van Winkle Dairy

Water Permit No. 6762-3



Mike DeFea

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

0 405 810 1,620 2,430 3,240 Feet



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

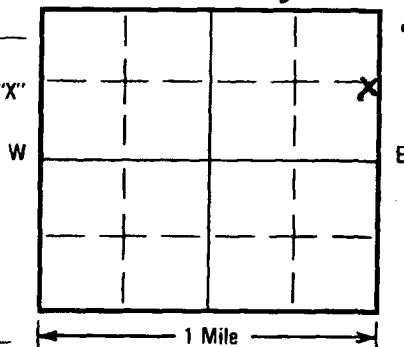
Well #4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 52-NE 4- Sec 36 Twp Canistota Township
 County McCook North 102°N 54°W

Please mark well location with an "X"



Well Completion Date

8-7-07

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 5 IN 0 FT 218 FT 8 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Acoustic grout No. of Sacks 10 Grout Weight _____ lb./gal From 6 ft To 195 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure run triaxial line pump w/ rig

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 11 FEETMaterial PlasticSlot Size 25 Set From 207 Feet to 218 FeetOther information Gravel Pack w/o packWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: 5 gal 50% Chlorine☐ NO, Why Not? Pumped

Laboratory sent to for water quality analysis _____

Well Owner:

Business Name:

Address:

Van Winkle Dairy, LLP
46020-265th Street
Hartford, SD 57033

WELL LOG:

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

STATIC WATER LEVEL 156 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: test Pump A + 200 @ 60 gpm.☐ Bailed☐ Other

Pumping Level Below Land Surface

200 ft. After 24 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed _____ GPM

REMARKS

NOV 19 2009

WATER RIGHTS PROGRAM

SEP 06 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling & Repair Inc

Signature of License Representative:

Alan Putzke

Signature of Well Owner or Equitable Property Holder:

Kevin Van Winkle

Date:

8-21-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 20 09

RECEIVED OF Van Winkle Dairy LP 26137 448th Ave Canistota SD 57012

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

Fee for Application for Permit No. <u>7169-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7169-3</u>	200	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	700 00

No. 04245

By Harland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 19, 2009

Tanya Van Winkle
Van Winkle Dairy
26137 448th Avenue
Canistota SD 57012

Dear Ms. Van Winkle:

On July 14, 2008, I conducted an inspection for licensing of your Water Permit No. 6762-3. Water Permit No. 6762-3 was originally authorized to divert 0.33 cfs (150 gpm) of water from three wells completed into the Codell aquifer (approximately 300 feet deep) with a priority date of October 10, 2006. In August of 2007, the Water Rights Program received a request from Dakota Environment Group, Inc. requesting an additional diversion point into the Codell aquifer to be used as a back-up well. They stated only three wells would be pumped at any one time, thus, the currently permitted maximum withdrawal of 150 gpm would not be exceeded. The request stated the depth and construction of the well would be identical to the existing wells. Based upon this information, pursuant to SDCL 46-5-13.1 and SDCL 46-2A-4, the Chief Engineer authorized the additional diversion point.

Upon reviewing the well logs for the inspection report for licensing of the permit, the well log for the additional diversion point indicated the new well was constructed into the Pleistocene Unknown (PS:U) rather than the Codell aquifer. The well log for the additional well showed the well depth to be at only 218 feet deep and not to the approximate 300 foot depth as indicated in the request which would have been in the Codell aquifer. In addition, the original three wells had 40 gpm Grundfos pumps and the new back-up well had a 75 gpm Grundfos pump.

Since the additional well is constructed into a different water source, an additional water permit will be needed for the back-up well at a diversion rate of 0.17 cfs (75 gpm). Water Permit No. 6762-3 will be licensed for 0.27 cfs (120 gpm).

Enclosed is a partially completed Water Permit Application which you should review and have notarized. A \$700.00 application fee is also required when you return the application.

If you have any questions regarding this matter, please feel free to contact me or Eric Gronlund at (605) 773-3352.

Sincerely,

Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

enclosure:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2009

Tanya Van Winkle
Van Winkle Dairy
26137 448th Ave
Canistota SD 57012

Dear Ms. Van Winkle:

On August 19, 2009, you were sent applications forms for a permit to appropriate water based on an investigation of Water Permit No. 6792-3, by Mike DeFea, an engineer with this office. Enclosed is a copy of that letter. The investigation showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response regarding this application.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact Mike DeFea or me.

Sincerely,

Karen Schlaak

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7169-3, Van Winkle Dairy LP**

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. 7169-3, Van Winkle Dairy LP,

The Chief Engineer is recommending APPROVAL of Application No. 7169-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 7169-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7169-3 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
February 12, 2010

REPORT ON WATER PERMIT APPLICATION NO. 7169-3
For Van Winkle Dairy LP
January 14, 2010

Application No. 7169-3 proposes to appropriate 0.17 cfs (75 gpm) from an existing well approximately 218 feet deep and located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 36, T102N R54W in McCook County for commercial use in a dairy confinement operation. This well is a backup supply for the operation.

AQUIFER – PLEISTOCENE UNKNOWN (PS-U)

The aquifer is buried and under artesian conditions at this site based upon information provided by the driller's log. The aquifer is not well understood or mapped in this area. The aquifer is definitely sand and gravel (glacially derived) and likely in hydraulic connection with the Niobrara Chalk in McCook County. Little information is available concerning the size of the aquifer other than miscellaneous information from area well logs and test drilling.

A well completion report filed with the application for this production well indicates sand and gravel from 201 feet to 218 feet below land surface. The completed well has a static water level of 156 feet below land surface and was capable of producing 60 gpm according to the driller's log. This well was completed in accordance with SD Well Construction Standards.

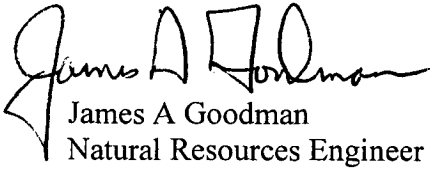
The Water Rights Program does monitor an observation well MC-93A located about one mile west of this application that is completed into a sand and gravel unit at about this same depth. A hydrograph for this observation well is included with this report (Water Rights, 2010). Note the relative differences in the water levels between the sites and lack of any response on the observation well graph. In general, it appears that this aquifer is capable of producing the amount of water requested by this application.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This well is located on site of a dairy operation that is licensed under Water Right No. 6762-3 (0.27 cfs, 3 wells about 300 feet deep). The well logs for all three of these production wells do not indicate any sand and gravel at the depth of this production well however, the driller for all the wells is the same. It is unlikely that the source of water for this application is in hydraulic communication with the existing water right. The only other water right in this area is No. 4188-3 for a well of this approximate depth for the city of Canistota. However, the wells for Canistota are no longer in use and the permanent supply is from T-M Rural Water System. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Pleistocene unknown aquifer.
2. The aquifer is under artesian conditions. Drawdown will occur as a result of pumping. This is not expected to adversely affect any existing water user in the area.
3. This is an existing well. The well is completed in accordance with SD Well Construction Standards. Pumping by the driller indicates the well may be capable of producing the amount of water requested.
4. An inspection of Water Permit No. 6762-3 for licensing revealed the existence and pumping capacity of this well. Approval of this application will allow licensing of this facility as constructed.
5. Plans and specifications for this facility have been approved by the Department.

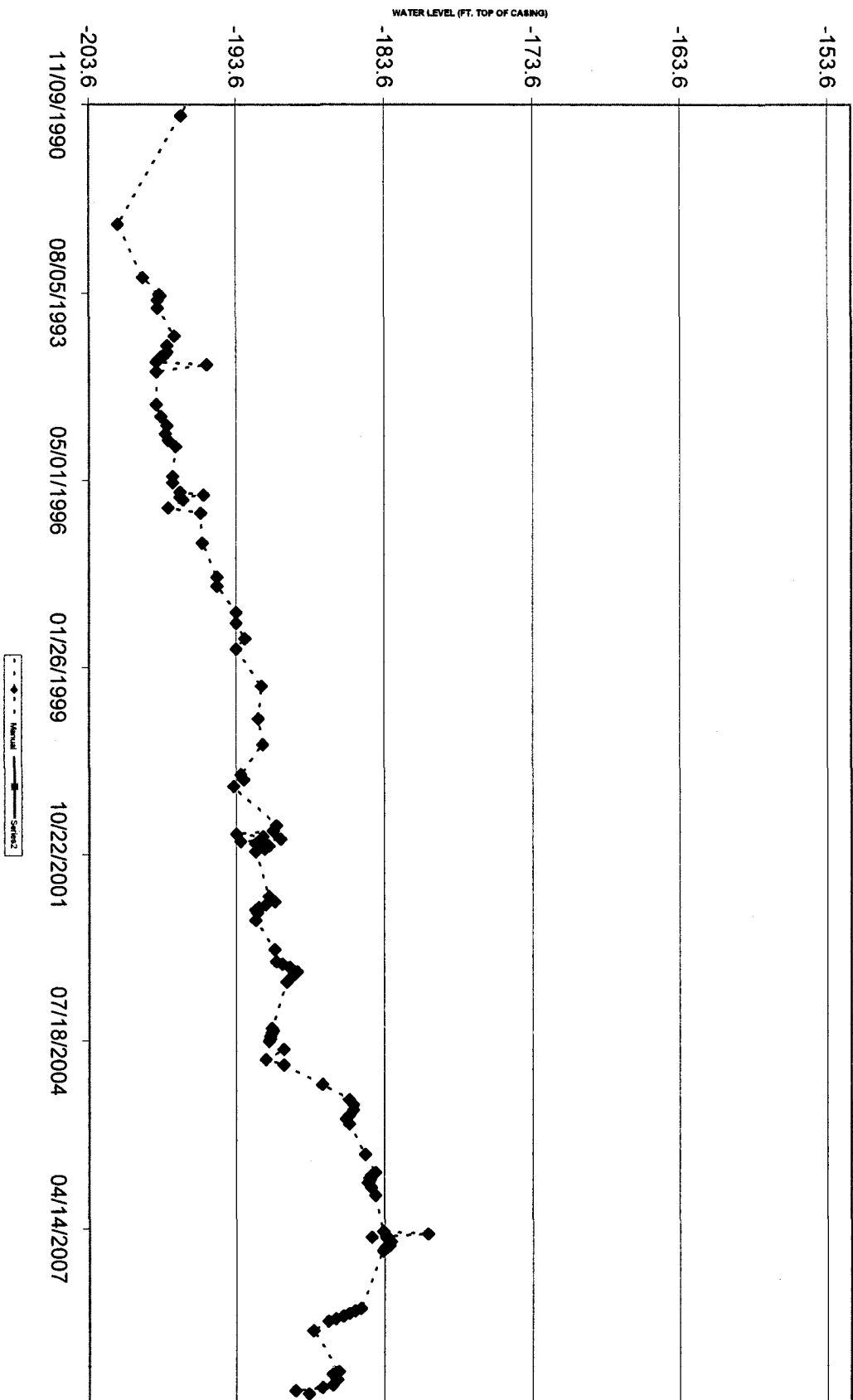


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Water Rights, 2010, Unpublished Observation Well Records for McCook County, SD
DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
MC-93A**



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

MAR 10 2010

WATER RIGHTS
PROGRAM

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

Notice of Application No. 7169-3
to Appropriate Water

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

The first publication be made on 2-25-10

The second publication on 3-4-10

The third publication on _____

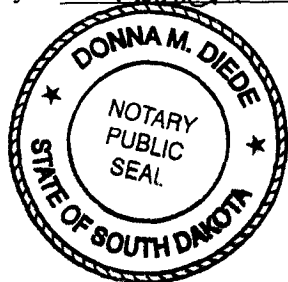
The fourth publication on _____

that \$49.27 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whosoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Matthew Anderson

Subscribed and sworn to before me this 9

day of March 2010



Donna M. Diele
 Notary Public, South Dakota

My commission expires 2-2-2016

NOTICE OF APPLICATION NO. 7169-3 to Appropriate Water

Notice is given that Van Winkle Dairy LP, c/o Kevin Van Winkle, 26137 448th Ave, Canistota SD 57012 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well completed into the Pleistocene Unknown Aquifer (218 feet deep) located in SE 1/4 NE 1/4 Section 36-T102N-R54W for commercial use in a dairy confinement operation. This well serves as a backup supply for the operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7169-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 15, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
 Department of Environment and Natural Resources

Published twice at the total approximate cost of \$49.27 2-25-2010



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2010

Canistota Clipper
PO Box 128
Canistota SD 57012

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7169-3 to Appropriate Water to be published twice. Please publish the first notice on February 25, 2010 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 Van Winkle Dairy LLP, c/o Kevin Van Winkle, 26137 448th Ave., Canistota SD 57012 (Ph # 605-296-2655).

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. 7169-3

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

Date _____

We are in receipt of your letter of February 17, 2010 enclosing Notice to Appropriate Water by Application No. 7169-3 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
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 17, 2010

Kevin Van Winkle
Van Winkle Dairy LLP
26137 448th Ave
Canistota SD 57012

Dear Mr. Van Winkle:

Water Permit Application No. 7169-3 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 Canistota Clipper printed at Canistota SD (Ph # 605-296-3181). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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 February 25, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7169-3 to Appropriate Water

Notice is given that Van Winkle Dairy LP, c/o Kevin Van Winkle, 26137 448th Ave, Canistota SD 57012 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well completed into the Pleistocene Unknown Aquifer (218 feet deep) located in SE ¼ NE ¼ Section 36-T102N-R54W for commercial use in a dairy confinement operation. This well serves as a backup supply for the operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7169-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 15, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 09 2010

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

Dear Mr. Van Winkle:

Enclosed is Water Permit No. 7169-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 25, 2024

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

Dear Mr. & Ms. Van Winkle:

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

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

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

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

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

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

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

Sincerely,

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

enclosure