

WATER PERMIT NO. 7216-3

Name of Applicant: Mielitz Bro

Address: 1085 340th St, Bellingham MN 56212 Phone: 320 568-2419

Amount of Water Claimed: 2.28 cfs Total Acres: 160

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Grant

Type of Waste Disposal System:

Location: 4 miles south of Milbank
7 southeast

PRIORITY Date Received: 10-6-10

Application/License Fee: \$1,050

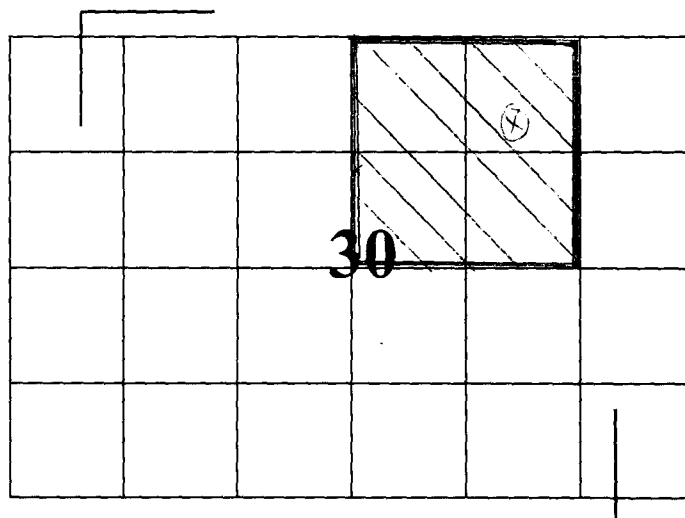
Corrected Application Received: 10-15-10

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 30-T120N-R47W

Land to be Irrigated: NE ¼ Sec 30-T120N-R47W



Depth of Well: 80 – 130 feet deep

Well Driller: Steffel Drilling

Remarks:

Type of Map: aerial

Prepared by: Monica Bure, Grant Co FSA

Reviewed and the Number Assigned on: 10-15-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7216-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota - Whitestone</u>
	Newspaper <u>Grant Co. Review PO Box 390</u>
	<u>605-432-4516</u> <u>Millbank 57252</u>

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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Mielitz Bros. Phone 320-568-2419
(check one) ☒ Owner ☐ Tenant/lessee 320-760-8403
Mailing Address 1085 340th St. Bellingham MN 56212
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.28 *CFS or 1000+ **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground (2 wells)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Grant
NE 1/4 Sec. 30 TWP 120N - R47W
5. County or counties where water will be used Grant
6. Annual period during which water is to be used April - Sept. 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 Sec. 30 TWP 120N</u>			
<u>R47W</u>	<u>160</u>		

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WATER RIGHTS
PROGRAM

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

Well for irrigation of 160[±]

STATE OF SOUTH DAKOTA)

County of Grant) SS

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

I, Douglas Mielitz, 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 Doug MielitzSubscribed and sworn to before me this 7th day of October 20 10Rosann O Kasuske
Notary Public signature

2010-01

ROSANN O. KASUSKE
Notary Public
SEAL
South Dakota

Expires 10-7-2015

**SOUTH DAKOTA
WATER PERMIT NO. 7216-3**

Date of first receipt of application October 6, 2010.

Date of return to applicant for corrections, amendments or changes October 7, 2010.

Date of receipt of corrected application October 15, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7216-3 to Mielitz Bros., c/o Doug Mielitz 1085 340th St, Bellingham MN 56212 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. 7216-3 appropriates 2.28 cubic feet of water per second from two wells to be completed into the Veblen Aquifer (approximately 50-60 feet deep) located in NE ¼ NE ¼ Section 30 for irrigation of 160 acres located in the NE ¼ Section 30; all in T120N R47W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is October 6, 2010.
4. The date of approval of Permit No. 7216-3 is January 3, 2011.
5. One-fifth of the construction is to be completed on or before July 3, 2013.
6. All construction is to be completed on or before January 3, 2016.
7. Water is to be put to beneficial use on or before January 3, 2020.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved 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. 7216-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 11 2011

date



Supplemental Information

(type or print in ink)

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1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth #1 100-130 #2 80-90
- b) Casing Type PVC Diameter 12" Thickness
- c) Screen Type 1/2" Round Bar Diameter 12" Thickness
- d) Gravel Pack YES 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 applicant's property 1/2 mile On property owned by others 1/2 mile

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

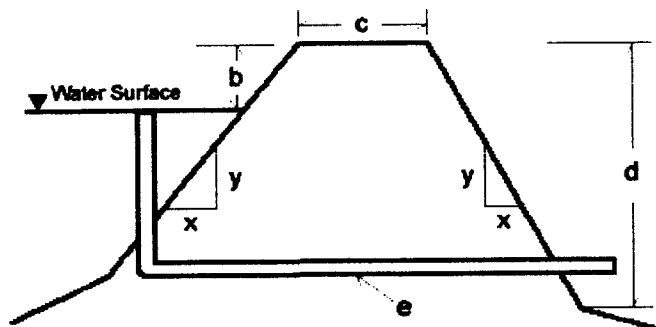
3. Dugout Information

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

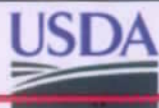
4. Water Storage Dams

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 (e.g. 3 to 1 is a typical slope)
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres



USDA - Farm Service Agency

Grant County, SD

PLSS: 30_120N_47W

Farm: 156

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OCT - 6 2010

2010

February 02, 2010

- Legend**
- Tract Boundaries
 - Section-Township-Range
 - Easements
 - CRP
 - Common Land Units
 - Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



USDA FSA maps are for FSA Program administrative purposes only. No warranty is made by the agency or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. Users assume the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS. These points do not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Monica Bure

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

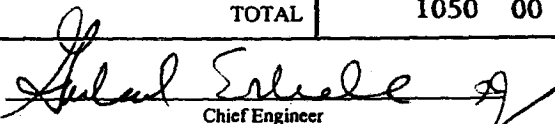
Date 10/7, 2010

RECEIVED OF Mielitz Bros. 1085 340th St Bellingham MN 56212

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

Fee for Application for Permit No. <u>7216-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7216-3</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	1050 00

No. **04627**

By 
Chief Engineer

Steffel drilling has
completed test drilling
you should be receiving
his drill log soon.

Looks like we may
need to drill (2) wells
on this one, I'm enter
ing both on the dept line

Thanks

Dy



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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 7, 2010

Mielitz Bros.
c/o Doug Mielitz
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

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

- Enclosed is the Form 2A, Supplemental Information Sheet. On Item No. 1 - Well Information-Proposed Construction, please complete the proposed well depth. The well completion report for your other Water Right No. 5525-3 indicates a well depth of 93 feet.

Upon receipt of the above, we will continue processing the application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
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
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7216-3, Mielitz Bros**

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. 7216-3, Mielitz Bros., 1085 340th Street Bellingham, MN 56212.

The Chief Engineer is recommending APPROVAL of Application No. 7216-3 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 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. 7216-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 2 2010

REPORT ON WATER PERMIT APPLICATION NO. 7216-3
For Mielitz Brothers
October 29, 2010

Application No. 7216-3 proposes to appropriate 2.28 cfs from two wells approximately 60 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 for irrigation of 160 acres located in the NE $\frac{1}{4}$ of section 30; all in T120N R47W in Grant County.

AQUIFER – VEBLEN (VEB)

The Veblen is a mostly buried outwash (sand and gravel) that is under confined conditions over most of Grant County; however, the aquifer appears to under water table conditions in this area. The Veblen aquifer underlies 330 square miles and contains an estimated 700,000 acre-feet of water in storage in Grant County (Hansen, 1990). The general direction of ground water movement is from west to east in this area of Grant County. Recharge is from direct infiltration of rainfall and snowmelt into the aquifer where it is under water table conditions and through leakage from the North Fork Yellow Bank River in the area of this application.

The Water Rights Program monitors two observation wells in this area. GT-77Q is located about one and one-half miles northwest of this application and GT-79F is located about one mile south from this application. Both of these observation wells are completed into shallow sands and gravels which appear to match up with the test well information. The existing irrigation well located about one-half mile to the south is deeper and the sand and gravel top in that well is very near the total depth of the shallower observation wells and test wells for this application. Without additional information to the contrary it appears these sands and gravels would be the same source of water even though the depths are different. Hydrographs for these two observation wells are included with this report. In general the water level record shows good response to climatic conditions and also indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

Test well information was provided by Steffl drilling from a phone call on October 29, 2010. Mike Steffl indicated three test wells were drilled with gravel in the best test to be located from 2 to 50 feet below land surface. Another test indicated sand and gravel from 40 to 60 feet below land surface and the third test showed little potential for irrigation with sand and gravel from 37 to 42 feet below land surface. With the data presently available it appears there will be two potential irrigation wells with depths of 50 to sixty feet.

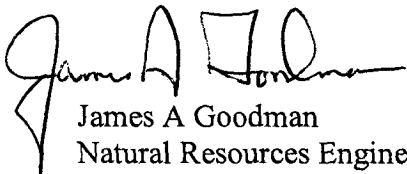
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Right is No. 5525-3 (1.78 cfs, 140 irrigated acres) with the well for this right located about one-half mile southeast of this application. Interference is not expected to be a concern because of the distance between diversions and the

differences between well depths. Water Right No. 5525-3 is also held by the applicant the Mielitz Brothers.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer appears to be under water table conditions at this site. Drawdown is not expected to be significant and interference should not be a concern because of the distance to other permitted users. However, test well drilling does indicate the aquifer thickness is inconsistent and therefore well yields are unpredictable. Two wells are proposed to depths of 50 to 60 feet in order to obtain the amount of water requested.
3. The wells authorized by this application must be completed in accordance with SD Well Construction Standards.



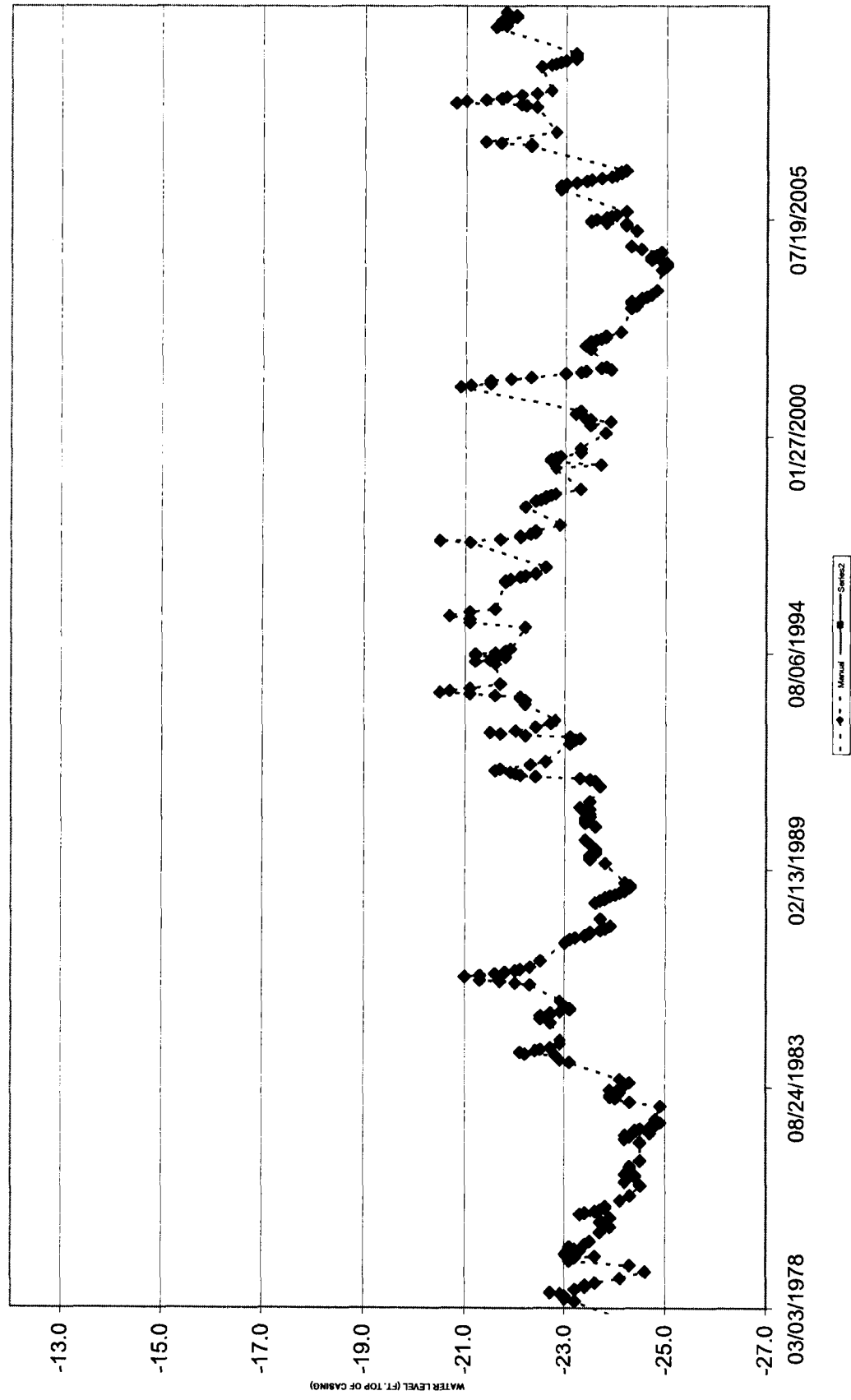
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

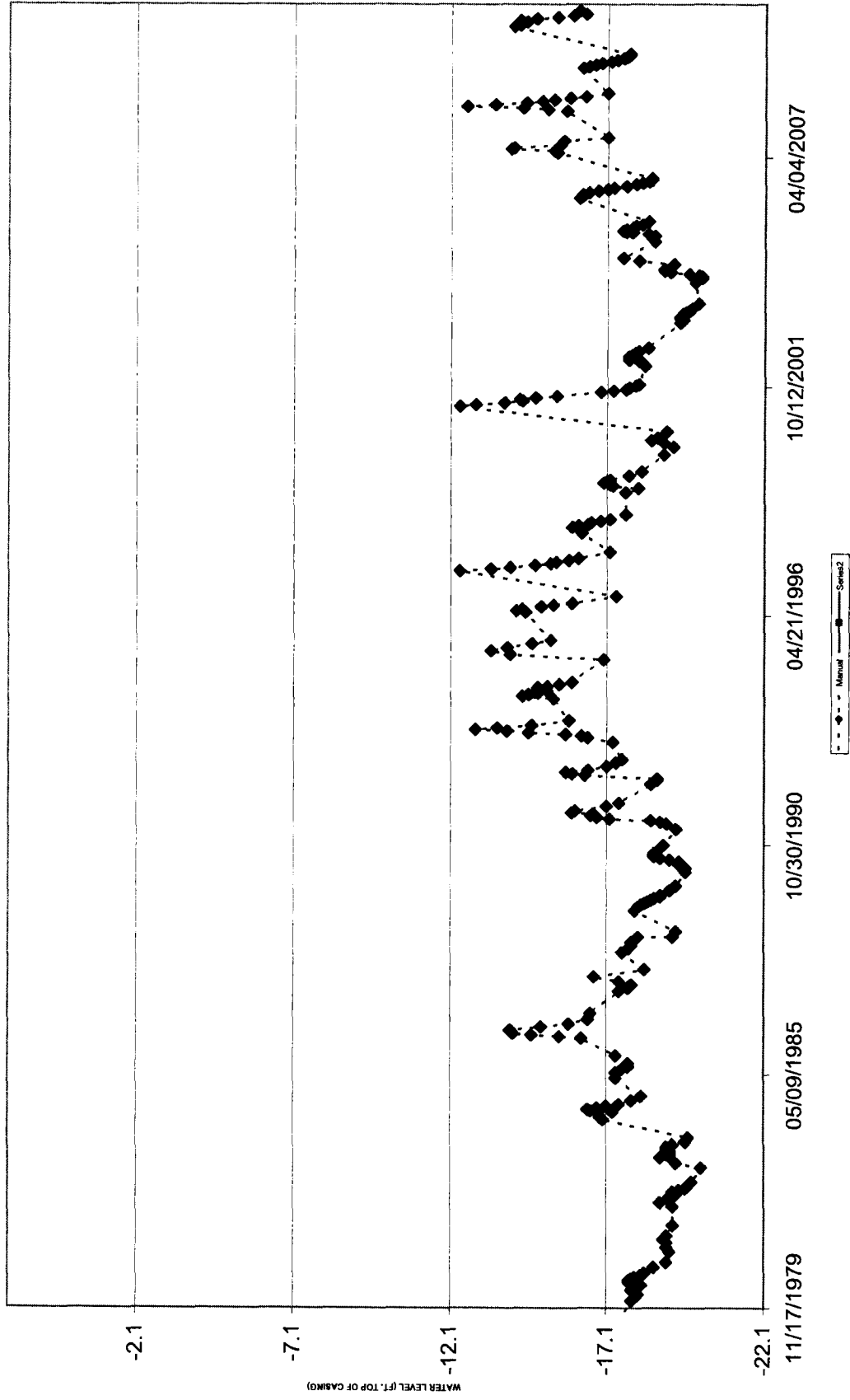
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

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

WATER RIGHTS' OBSERVATION WELL
GT-77Q



WATER RIGHTS' OBSERVATION WELL
GT-79F



Printer's Affidavit of Publication

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DEC 27 2010

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

WATER RIGHTS
PROGRAM

Clarence Justice

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publica-

tion, that I, the undersigned, Associate Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 7216-3 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 10 successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

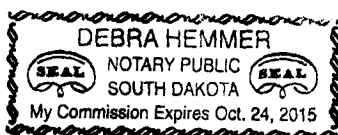
<u>December 15</u> 20 <u>10</u>	<u>20</u>
<u>December 22</u> 20 <u>10</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 41.13, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice

Subscribed and sworn to before me this 23rd day of Dec 20 10

Debra Hemmer
Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 7216-3 to Appropriate Water

Notice is given that Mielitz Bros. c/o Doug Mielitz, 1085 340th St, Bellingham, MN 56212 have filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two wells to be completed into the Veblen Aquifer (approximately 50-60 feet deep) located in NE 1/4 NE 1/4 Section 30 for irrigation of 160 acres located in the NE 1/4 Section 30; all in T120N R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7216-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is 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 the Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 3, 2011.

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.

Dec. 16 Dec. 22

Publication Fee \$ 41.13
Notarial Fee \$
Total \$ 41.13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 3, 2010

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7216-3 to Appropriate Water to be published twice. Please publish the first notice on December 15, 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 Mielitz Brothers, c/o Doug Mielitz, 1085 340th St. Bellingham, MN 56212 (Ph # 320-568-2419).

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. 7216-3

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

Date _____

We are in receipt of your letter of December 3 2010 enclosing Notice to Appropriate Water by Application No. 7216-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 3, 2010

Mielitz Brothers
Doug Mielitz
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

Water Permit Application No. 7216-3 for irrigation 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 Grant County Review printed at Milbank SD (Ph # 605-432-4516). 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 are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Please note that the application stated the wells to be approximately 80 – 130 feet deep. However, contact with the well driller who drill test holes on the property stated the wells would be shallower than anticipated when the application was filed. Therefore, the depth of the wells is listed at 50 – 60 feet deep.

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 December 15, 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. 7216-3 to Appropriate Water

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Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 11 2011

Mielitz Brothers
Doug Mielitz
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

Enclosed is Water Permit No. 7216-3 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

07-92

Date: 12-29-10



ANALYTICAL SUMMARY REPORT

May 12, 2011

Steffl Drilling and Pump
2295 66th Ave NE
Willmar, MN 56201

Workorder No.: R11050026

Project Name: Doug Mielitz

Energy Laboratories Inc. Rapid City SD received the following 1 sample for Steffl Drilling and Pump on 5/3/2011 for analysis.

Sample ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
R11050026-001	New Well	05/02/11 14:00	05/03/11	Drinking Water	Metals by ICP/ICPMS, Dissolved Bacteria, Private Water Supply Conductivity Anions by Ion Chromatography

This report was prepared by Energy Laboratories, Inc., 2821 Plant St., Rapid City, SD 57702. As appropriate, any exceptions or problems with the analyses are noted in the Laboratory Analytical Report, the QA/QC Summary Report, or the Case Narrative.

If you have any questions regarding these tests results, please call.

Report Approved By:

Linda K. Larson

Branch Manager

Digitally signed by
Linda Larson

Date: 2011.05.13 09:54:44 -06:00



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Analytical Excellence Since 1952

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Gillette, WY 866-686-7175 • Rapid City, SD 888-672-1225 • College Station, TX 888-690-2218

CLIENT: Steffi Drilling and Pump
Project: Doug Mielitz
Sample Delivery Group: R11050026

Report Date: 05/12/11

CASE NARRATIVE

Tests associated with analyst identified as ELI-B were subcontracted to Energy Laboratories, 1120 S. 27th St., Billings, MT, EPA Number MT00005.



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LABORATORY ANALYTICAL REPORT

Prepared by Rapid City, SD Branch

CLIENT: Steffi Drilling and Pump

Project: Doug Mielitz

Report Date: 05/12/11

Lab ID: R11050026-001 **Matrix:** DRINKING WATER

Collection Date: 05/02/11 14:00

Client Sample ID: New Well

Received Date: 05/03/11 10:40

Sampled By: Mike S

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	05/03/11 11:35 / tb
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	05/03/11 11:35 / tb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



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LABORATORY ANALYTICAL REPORT

Prepared by Rapid City, SD Branch

Client: Steffl Drilling and Pump

Project: Doug Mielitz

Lab ID: R11050026-001

Client Sample ID: New Well

Report Date: 05/12/11

Collection Date: 05/02/11 14:00

Date Received: 05/03/11

Matrix: DRINKING
WATER

Analyses	Result	Units	Qual	RL	MCL/		Method	Analysis Date / By
					QCL	DF		
PHYSICAL PARAMETERS								
Conductivity @ 25 C	773	umhos/cm		5.0		1	A2510 B	05/06/11 11:27/tb
INORGANIC PARAMETERS								
Nitrogen, Nitrate as N	ND	mg/L		0.1	10	1	E300.0	05/04/11 14:57/jmh
Sulfate	174	mg/L	D	5		5	E300.0	05/06/11 00:50/jmh
DISSOLVED METALS ANALYSES								
Sodium	11	mg/L		1		2	E200.7	05/05/11 13:39/eli-b

Report Definitions:
RL - Analyte reporting limit.
QCL - Quality control limit.
D - RL increased due to sample matrix.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NE 1/4 Sec 30 Twp 120N Rg 47W

County

Grant, SD

North

Please mark well location with an "X"

45 10' 37.5

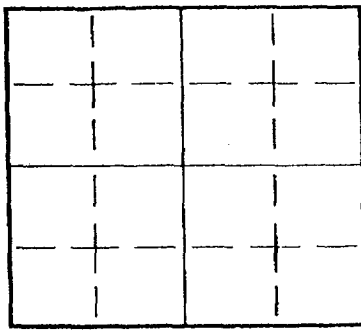
096 30' 01.3"

W

E

Well-Completion Date

Nov 3, 2010



1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	12 IN	+1 1/2 FT	45 FT	18 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
quick grout	14	_____ lb./gal	0 ft	40 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure tremie lineSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IPS IN Length 15 FEETMaterial stainless steelSlot Size 90 Set From 45 Feet to 60 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 granular_____
NO, Why Not? _____Laboratory sent to for water
quality analysisWell Owner: Doug Mielitz7216-3

Business Name: _____

Address: 1085 340th STBellingham MN 56212

WELL LOG:

I	FORMATION	DEPTH	
		FROM	TO
	sand fine brown	0	15
	rocks brown	15	16
	clay blue	16	35
	sandy clay	35	40
	sand--gravel	40	60

STATIC WATER LEVEL 11'6" 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: test pumped☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

44 ft. After 2 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 21 2011

WATER RIGHTS
PROGRAMThis well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

Doug MielitzDate: 12-29-10



ANALYTICAL SUMMARY REPORT

May 12, 2011

Steffl Drilling and Pump
2295 66th Ave NE
Willmar, MN 56201

Workorder No.: R11050026

Project Name: Doug Mielitz

Energy Laboratories Inc. Rapid City SD received the following 1 sample for Steffl Drilling and Pump on 5/3/2011 for analysis.

Sample ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
R11050026-001	New Well	05/02/11 14:00	05/03/11	Drinking Water	Metals by ICP/ICPMS, Dissolved Bacteria, Private Water Supply Conductivity Anions by Ion Chromatography

This report was prepared by Energy Laboratories, Inc., 2821 Plant St., Rapid City, SD 57702. As appropriate, any exceptions or problems with the analyses are noted in the Laboratory Analytical Report, the QA/QC Summary Report, or the Case Narrative.

If you have any questions regarding these tests results, please call.

Report Approved By:

Linda K. Larson

Branch Manager

Digitally signed by

Linda Larson

Date: 2011.05.13 09:54:44 -06:00



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CLIENT: Steffi Drilling and Pump
Project: Doug Mielitz
Sample Delivery Group: R11050026

Report Date: 05/12/11

CASE NARRATIVE

Tests associated with analyst identified as ELI-B were subcontracted to Energy Laboratories, 1120 S. 27th St., Billings, MT, EPA Number MT00005.



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LABORATORY ANALYTICAL REPORT

Prepared by Rapid City, SD Branch

CLIENT: Steffl Drilling and Pump

Project: Doug Mielitz

Report Date: 05/12/11

Lab ID: R11050026-001 **Matrix:** DRINKING WATER

Collection Date: 05/02/11 14:00

Client Sample ID: New Well

Received Date: 05/03/11 10:40

Sampled By: Mike S

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	05/03/11 11:35 / tb
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Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



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LABORATORY ANALYTICAL REPORT

Prepared by Rapid City, SD Branch

Client: Steffl Drilling and Pump

Project: Doug Mielitz

Lab ID: R11050026-001

Client Sample ID: New Well

Report Date: 05/12/11

Collection Date: 05/02/11 14:00

Date Received: 05/03/11

Matrix: DRINKING
WATER

Analyses	Result	Units	Qual	RL	MCL/		Method	Analysis Date / By
					QCL	DF		
PHYSICAL PARAMETERS								
Conductivity @ 25 C	773	umhos/cm		5.0		1	A2510 B	05/06/11 11:27/tb
INORGANIC PARAMETERS								
Nitrogen, Nitrate as N	ND	mg/L		0.1	10	1	E300.0	05/04/11 14:57/jmh
Sulfate	174	mg/L	D	5		5	E300.0	05/06/11 00:50/jmh
DISSOLVED METALS ANALYSES								
Sodium	11	mg/L		1		2	E200.7	05/05/11 13:39/eli-b

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.
D - RL increased due to sample matrix.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.

1216-3
RECEIVED

SEP 01 2017

**WATER RIGHTS
PROGRAM**

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP

**To: PMB 2020
Chief Engineer
DENR - Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182**

Date: August 29, 2017

Please take notice that Meitz Bros., a South Dakota general partnership, have granted to AXA Equitable Life Insurance Company, c/o AXA Equitable AgriFinance, 4333 Edgewood Road NE, Cedar Rapids, IA 52499-5223 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Exhibit "A" attached to this Notice and incorporated herein by this reference, including without limitation the following water permits and licenses:

Water Permits Nos. 7439-3 and 7216-3 and Water License No. 5525-3

The security interest granted by Meitz Bros., a South Dakota general partnership, to the Lender secures the principal sum of Seven Million Three Hundred Fifty Thousand and No/100 Dollars (\$7,350,000.00), with interest thereon at the initial rate of Four and Twenty-Five Hundredths percent (4.25%) per annum according to the terms of a certain Adjustable Interest Rate Promissory Note, as well as other obligations as provided in the Mortgage and other loan documents securing said Promissory Note.

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.

Mielitz Bros.,
a South Dakota general partnership

By: Douglas Mielitz
Name: Douglas Mielitz
Title: Partner

By: Richard R Mielitz
Name: Richard Mielitz
Title: Partner

By: Jonathan Mielitz
Name: Jonathan Mielitz
Title: Partner

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF Grant)

On this 29 day of August, 2017, before me, the undersigned notary public in and for said county and state, personally appeared DOUGLAS MIELITZ, to me personally known, who, being by me duly sworn, did say that he is a Partner of the general partnership that executed the within instrument; that he signed said instrument on behalf of said general partnership by authority of its limited partners; and that he acknowledged the execution of said instrument to be the voluntary act and deed of said general partnership.

(SEAL)

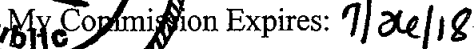
Lisa Wienk
Notary Public

My Commission Expires: 7/26/18



COUNTY OF Grant

~~General partnership.~~



Notary Public

COUNTY OF Grant

general partnership.

(SEAL)

Notary Public

My Commission Expires: 7/26/18



Exhibit "A"

Legal Description

Parcel 1: S1/2SW1/4 of Section 29, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 2: N1/2SW1/4 and W1/2SE1/4 and SW1/4NE1/4, all in Section 29, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 3: SE1/4SE1/4 of Section 29, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 4: SE1/4, except Lot 1, Jonathan Mielitz Subdivision, in Section 28, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 5: SW1/4 of Section 28, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 6: W1/2NE1/4 of Section 33, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 7: S1/2NE1/4 and N1/2SE1/4 of Section 21, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 8: Government Lots 1 and 2 of Section 27, and Government Lots 2 and 3, and the SW1/4NE1/4, except Lot 1, Richard Mielitz Subdivision located in Government Lot 3, of Section 28, all in Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 9: N1/2NE1/4 and SE1/4NE1/4 and NE1/4SE1/4 of Section 29, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota.

Parcel 10: The NE1/4 of Section 30, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota

Parcel 11: The NW1/4, except Lots 1 and 2, Long Tom Subdivision, and except Lot 3, Big Tom Subdivision, in Section 29, Township 120 North, Range 47 West of the 5th P.M., Grant County, South Dakota

Parcel 12: N1/2 of Section 15, Township 119 North, Range 49 West of the 5th P.M., Grant County, South Dakota

Parcel 13: SW1/4 of Section 19, Township 118 North, Range 47 West of the 5th P.M., Grant County, South Dakota

APN: 02.47.29.3000, 02.47.29.4000, 02.47.29.4001, 02.47.28.4001, 02.47.28.3000, 02.47.33.1000, 02.47.21.1001, 02.47.27.3000, 02.47.28.1000, 02.47.29.1000, 02.47.30.1000, 02.47.29.2000, 10.49.15.1000, 10.49.15.2000 and 01.47.19.3000

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7216-3

I have this day, August 9, 2021, made a thorough examination of the water use system constructed by Mielitz Bros, c/o Doug Mielitz, 1085 340th Str, Bellingham, MN 56212 of Permit No. 7216-3, bearing the priority of October 6, 2010 authorizing the diversion of 2.28 cu. ft. per second of the waters of the Veblen Aquifer for irrigation purposes, in Grant County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump, Inc
- 2) No. of Wells 1
- 3) Depth(s) 60 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 35 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 9 feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity 750 GPM

Motor: unknown

B. Works used to transport water to place of use: Buried pipe line

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 750 GPM

Chemigation Equipment:

- 1) Does chemigate Y (Uses commercial equipment for nitrogen injection)

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NE Corner Section 30, T120N, R47W, 1020 ft S & 460 ft W, Lat 45.17715 Long -96.49886 (NE ¼ NE ¼ SEC 30)
2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land in Section 30 T120N R47W

NW ¼ NE ¼ - 34 acres

NE ¼ NE ¼ - 34 acres

SE ¼ NE ¼ - 34 acres

SW ¼ NE ¼ - 34 acres

comprising a total of 136 acres of land and the license should be issued for 1.67 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA maps and ArcMAP software.

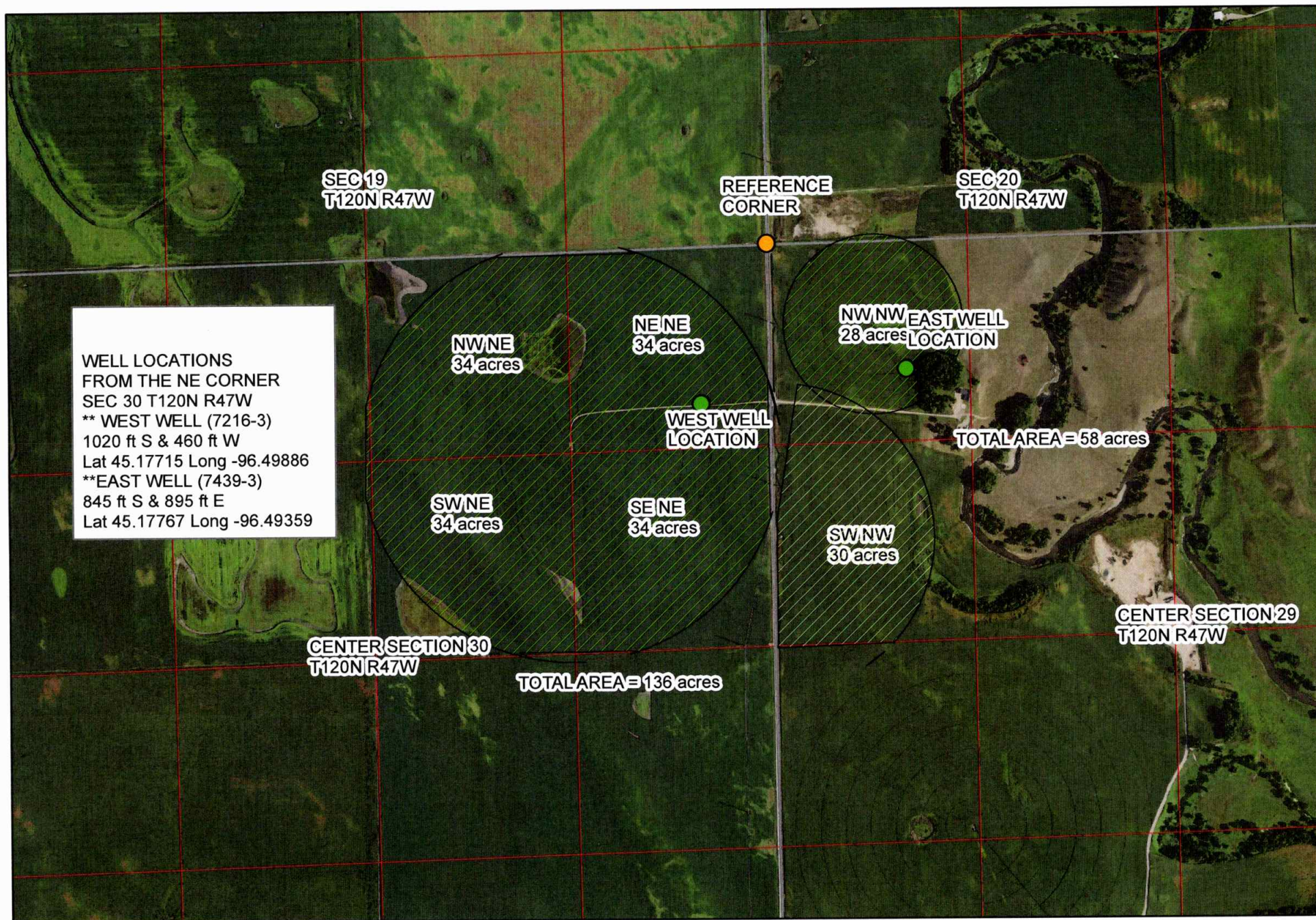
The associated map also includes information related to Permit 7439-3.

The address contained in the review materials is current but the telephone number for Mr. Doug Mielitz is now 320/760-8403.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 11, 2021



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

7216-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7216-3
7439-3

AUG 12 2021

Doug Mielitz
Mielitz Brothers
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

Enclosed are Water License Nos. 7216-3 and 7439-3. These are the final water right documents completing your process of obtaining Water Rights. Included with the licenses 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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

Enclosures

NOTE: The investigation found the irrigation system operating in the NW ¼ Section 29, authorized under Water Right No. 7439-3 is capable of diverting 1.22 cubic feet of water per second (cfs) which is equivalent to approximately 550 gallons per minute. The statutory limit for 58 acres is 0.83 cfs (equivalent to approximately 375 gpm). Diversion of water under No. 7439-3 is limited to 0.83 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7216-3**

(1) Mielitz Brothers, 1085 340th St, Bellingham MN 56212 made Application No. 7216-3, October 6, 2010 for a water permit to divert 2.28 cubic feet of water per second from ground water (two wells) Veblen Aquifer, Grant County, South Dakota for irrigation purposes. Permit No. 7216-3, with a priority date of October 6, 2010 was approved January 3, 2011 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 3, 2016 and for the application to beneficial use of said water on or before January 3, 2020.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1020'S and 460'W of the NE corner of Section 30, T120N, R47W (NE ¼ NE ¼ Section 30)
Latitude 45.17715 Longitude -96.49886

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

Section 30, T120N, R47W	NW ¼ NE ¼	34 acres
	NE ¼ NE ¼	34 acres
	SE ¼ NE ¼	34 acres
	SW ¼ NE ¼	34 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mielitz Brothers, 1085 340th St., Bellingham MN 56212 the holders and/or owners of Water Right No. 7216-3 are issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water, one well (Veblen Aquifer) with a priority date of October 6, 2020 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7216-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7216-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***Only one of the two authorized wells was drilled. The well was drilled by Steffl Drilling & Pump Inc., in November 2010. A copy of the well completion report is on file with the Water Rights Program.***

continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

AUG 12 2021

date

