

WATER PERMIT NO. 7278-3

Name of Applicant: Moody County Dairy LP

Address: 3005 E 10th St, Sioux Falls SD 57003

Phone: 605 351-9216

Amount of Water Claimed: 19 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: commercial

County: Minnehaha

Type of Waste Disposal System:

Location: 12 miles east of Dell Rapids

PRIORITY

Date Received: 11-14-11

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Capturing runoff from farmsite – clean water utilized in dairy operation

Diversion Point: SW ¼ SW ¼ Sec 11-T104N-
R47W

Land to be Irrigated: NA

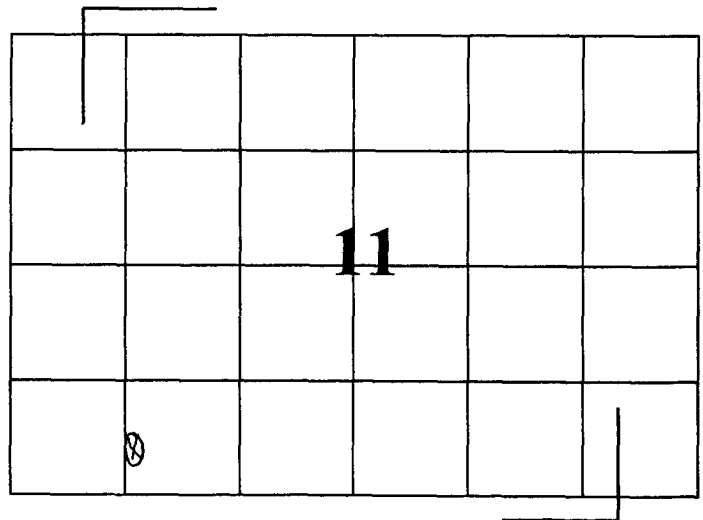
Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: aerial

Prepared by: Bradley S Woerner, PE



Reviewed and the Number Assigned on: 11-15-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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>7298-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Dell Rapids Tribune PO Box 99</u>	
	<u>605-428-5441</u>	<u>57022</u>

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NOV 14 2011
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>Agricultural</u>	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)
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 Moody County Dairy LP Phone 605-351-9216
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 3005 East 10th Street Sioux Falls State SD 57103
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **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 Drainage off Farm Site
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SE 1/4 Sec 10 - T104-N R-47-W
County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used Calendar Year Jan 1 - Dec 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)

Basin capturing runoff from Farm site - clean water
Water utilized on Dairy Farm for washing sand

STATE OF SOUTH DAKOTA)
County of Minnehaha 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, Lynn Boadwine, 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 Lynn Boadwine

Subscribed and sworn to before me this 5th

day of November

20 11

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7278-3**

Date of first receipt of application November 14, 2011.

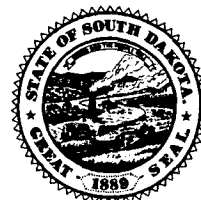
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7278-3 to Moody County Dairy LP, 3005 E 10th St, Sioux Falls SD 57003 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7278-3 authorizes impoundment of 19 acre-feet of water from clean water runoff in a storage pond located in the SE 1/4 SE 1/4 Section 10-T104N-R47W- Minnehaha County South Dakota, the S 1/2 of Government Lot 2 of Section 10 and SW 1/4 SW 1/4 of Section 11 all in T104N-R47W – Rock County Minnesota. Water will then be diverted at a rate of 0.16 cubic feet of water per second from a point in the SE 1/4 SE 1/4 Section 10-T104N-R47W- Minnehaha County South Dakota.
2. The water appropriated shall be used for the purpose of commercial use for washing needs in a dairy cattle 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. 7278-3 is February 6, 2012.
5. The date from which applicant may claim right is November 14, 2011.
6. One-fifth of the construction is to be completed on or before August 6, 2014.
7. All construction is to be completed on or before February 6, 2017.
8. Water is to be put to beneficial use on or before February 6, 2021.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAY 02 2012
date



Supplemental Information

(type or print in ink)

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WATER RIGHTS
THREAT PROGRAM

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____
- c) Screen Type _____ Diameter _____ 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 _____

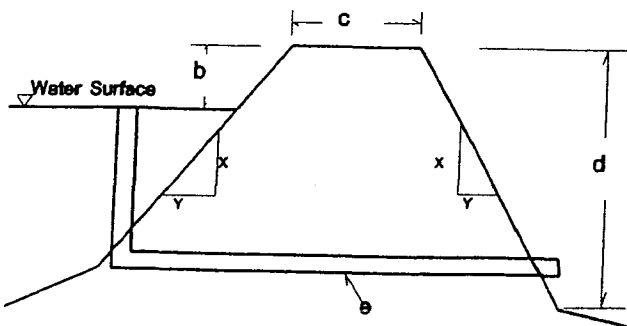
3. Dugout Information

- a) Surface Dimensions 680' x 160' Depth 15'
- 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



Elev.	Depth	Area, SF	Vol, AC-FT
465.0	0.0	181	0
466.0	1.0	2,370	0.08
467.0	2.0	7,583	0.19
468.0	3.0	11,286	0.41
469.0	4.0	15,377	0.72
470.0	5.0	19,774	1.32
471.0	6.0	23,841	1.62
472.0	7.0	27,381	2.21
473.0	8.0	31,114	2.81
474.0	9.0	35,010	3.64
475.0	10.0	39,077	4.46
476.0	11.0	43,318	5.63
477.0	12.0	47,727	6.46
478.0	13.0	52,310	7.63
479.0	14.0	57,064	8.88
480.0	15.0	61,992	10.25
481.0	16.0	67,091	11.73
482.0	17.0	72,361	13.33
483.0	18.0	77,803	15.06
484.0	19.0	83,418	16.91
485.0	20.0	89,191	18.88



Portion of Pond in the S $\frac{1}{4}$ of the E $\frac{1}{4}$ of the SE $\frac{1}{4}$ (also known as Government Lot 2),
Section 10 T10N, R47W, Minnehaha County, SD

Portion of Pond in the S. 1/4 of Government Lot 2, Section 10, T104N, R47W, Rock County, MN

Portion of Pond in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, T104N, R47W, Rock County, Minn.

Legend

- | | |
|---|-------------------|
|  | Control Point |
|  | Existing Fence |
|  | Existing Contour |
|  | Proposed Contour |
|  | Existing Trees |
|  | Existing Building |
|  | Existing Concrete |
|  | Existing Ground |



Prepared by:

Emberson & Associates
Financial Experts & Advisors

Intensive Studies - Long Term Studies

258 *Journal of Management Inquiry*
30(3)

800-888-0000
FAX: 800-888-0000



CONTRACT NO.

Moody County Dairy
Minnehaha County, SD

NAME	DATE	REMARKS
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PROJECT NO.	W11103
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CASTING FILE	C-SPRINT 11/10/03
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DATE: _____

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ASSOCIATED, INC.

CLEAN WATER POND

C-101

SHEET 1 OF 1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/14, 20 11

RECEIVED OF Moody County Dairy 3005 E 10th St Sioux Falls SD 57103

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

Fee for Application for Permit No. <u>7278-3</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>7278-3</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. 05071

By

Herbert Erlwee
Chief Engineer

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NOV 14 2011

WATER RIGHTS
PROGRAM

Eisenbraun & Associates
Professional Engineers & Surveyors

Innovative Solutions

Long Term Value

October 31, 2011

Lynn Boadwine
46945 251st Street
Baltic, SD 57003-5817

RE: Moody County Dairy Clean Water Pond – Minnehaha County, SD
E/A Project No: Y11162

Lynn:

As requested, I have put together a map of the clean water pond for the Moody County Dairy site. The map identifies the location of the pond with respect to the nearest section corner, the extents of the pond, and an abbreviated storage table. I spoke with Eric Gronlund this afternoon. It is my understanding that the enclosed contains what he is requiring.

If you have any questions regarding the attached drawing, please let me know. Thank you.

Sincerely,

EISENBRAUN & ASSOCIATES, INC.

Bradley S. Woerner PE
Project Manager

enclosures

Gronlund, Eric

From: Bradley S. Woerner <bradw@eaweb.com>
Sent: Thursday, December 01, 2011 2:37 PM
To: Gronlund, Eric
Cc: boadwinefi@aol.com
Subject: RE: Moody Count Dairy water permit application for clean water pond

Eric,

I just spoke with Lynn regarding the pump capacity. He indicated that maximum rate would be 70 gpm.

BRADLEY S. WOERNER, PE
PROJECT MANAGER

EISENBRAUN & ASSOCIATES, INC.
215 WALNUT ST | YANKTON, SD 57078
605.665.8092 (O) | 605.665.0523 (F)
605.660.1362 (C)
bradw@eaweb.com
www.eaweb.com

From: Bradley S. Woerner
Sent: Thursday, December 01, 2011 14:17
To: Eric.Gronlund@state.sd.us
Subject: RE: Moody Count Dairy water permit application for clean water pond

Eric,

I am not sure. I will touch base with Lynn and let you know what he says.

Thanks,

BRADLEY S. WOERNER, PE
PROJECT MANAGER

EISENBRAUN & ASSOCIATES, INC.
215 WALNUT ST | YANKTON, SD 57078
605.665.8092 (O) | 605.665.0523 (F)
605.660.1362 (C)
bradw@eaweb.com
www.eaweb.com

From: Eric.Gronlund@state.sd.us [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, December 01, 2011 11:07
To: Bradley S. Woerner
Subject: RE: Moody Count Dairy water permit application for clean water pond

I received the updated map and provided it to Mark.

What is the pump rate from the pond for use at the dairy?

From: Bradley S. Woerner [<mailto:bradw@eaweb.com>]
Sent: Thursday, December 01, 2011 10:59 AM
To: Gronlund, Eric
Cc: Rath, Mark; Schlaak, Karen
Subject: RE: Moody Count Dairy water permit application for clean water pond

Eric,

I just sent you the email I sent on 11/17 with the information we discussed. I'm not sure why you didn't get it. Let me know if you need anything else.

BRADLEY S. WOERNER, PE
PROJECT MANAGER

EISENBRAUN & ASSOCIATES, INC.
215 WALNUT ST | YANKTON, SD 57078
605.665.8092 (O) | 605.665.0523 (F)
605.660.1362 (C)
bradw@eaweb.com
www.eaweb.com

From: Eric.Gronlund@state.sd.us [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, December 01, 2011 09:21
To: Bradley S. Woerner
Cc: Mark.Rath@state.sd.us; Karen.Schlaak@state.sd.us
Subject: RE: Moody Count Dairy water permit application for clean water pond

Based on our mid-November phone conversation and the legals you found, I thought you were going to send a map better designating the pond by legal description.

Eric Gronlund
Water Rights Program, DENR
605 773-3352

From: Bradley S. Woerner [<mailto:bradw@eaweb.com>]
Sent: Tuesday, November 15, 2011 4:01 PM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: Moody Count Dairy water permit application for clean water pond

Eric,

The area directly east of the section line is a government outlot for the abandoned section line. East of there is Minnesota. Let me check to see what the technical legal description should be for the balance of the pond that is not in the SE1/4, SE1/4 of Section 10. I will get back to you shortly.

Thanks,

BRADLEY S. WOERNER, PE
PROJECT MANAGER

EISENBRAUN & ASSOCIATES, INC.
215 WALNUT ST | YANKTON, SD 57078
605.665.8092 (O) | 605.665.0523 (F)
605.660.1362 (C)
bradw@eaweb.com
www.eaweb.com

From: Eric.Gronlund@state.sd.us [mailto:Eric.Gronlund@state.sd.us]
Sent: Tuesday, November 15, 2011 15:51
To: Bradley S. Woerner
Cc: Karen.Schlaak@state.sd.us
Subject: Moody Count Dairy water permit application for clean water pond

The Water Rights Program received the water permit application for the clean water pond at Moody County Dairy. The application states the point of diversion as being in the SE ¼ Section 10, T104N, R47W. I assume this reference is for the pump location. From the map you signed showing the location of the pond in reference to the SE corner, is it correct to say the actual footprint of the pond is in both the SE1/4 SE ¼ Section 10 and the SW ¼ SW ¼ Section 11?

Please let me know.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**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. 7278-3, Moody County 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. 7278-3, Moody County Dairy, LP, 3005 E 10th Street, Sioux Falls SD 57003.

The Chief Engineer is recommending APPROVAL of Application No. 7278-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 9, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7278-3

Moody County Dairy LP

January 3, 2012

Application No. 7278-3, Moody County Dairy LP, proposes to impound 19 acre-feet of water from clean water runoff in a storage pond located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10-T104N-R47W- Minnehaha County South Dakota, the S $\frac{1}{2}$ of Government Lot 2 of Section 10 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 all in T104N-R47W – Rock County Minnesota. Water will then be diverted at a rate of 0.16 cubic feet per second from a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10-T104N-R47W- Minnehaha County South Dakota for a commercial use for washing needs in a dairy cattle operation. The project is located in eastern Minnehaha County on the Minnesota – South Dakota border.

Review of the Proposed Project

The applicant proposes to collect clean surface water runoff from the farm site of approximately 25 acres in a clean water collection pond and pump it back to the dairy operation for washing purposes. The clean water collection pond is separate from the dairy operation waste water ponds.

Review of Existing Water Rights

There are no other existing surface water rights/permits in the immediate vicinity of this project that would be adversely affected.

Conclusions

1. This application proposes to impound 19 acre-feet of water from clean water runoff in a storage pond then be diverted at a rate of 0.16 cubic feet per second, for commercial use purposes.
2. There are no other existing surface water rights/permits in the immediate vicinity of this project that would be adversely affected.



Mark D. Rath
Natural Resources Engineer III

CUSTOMER NUMBER:	127200	Argus Leader Media
INVOICE NUMBER:	1367954	
		P.O. Box 677349, Dallas, TX 75267-7349
1/18, 1/25, 2012		AMOUNT DUE: \$56.37

Moody County Dairy LP
% Lynn Boadwine
3005 E 10th St
Sioux Falls, SD 57103

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JAN 26 2012
WATER RIGHTS
PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127200 3005 E 10th St
Invoice Number: 1367954

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

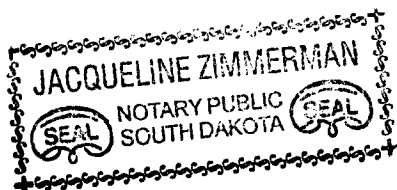
Linda Schulte being duly sworn, says: That the **Dell Rapids Tribune** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Dell Rapids, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 18 day of January 2012,
Wednesday, the 25 day of January 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,

and that \$56.37 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 1/25/2012

J. Zimmerman
Notary Public, South Dakota
My Commission expires December 22, 2015



NOTICE OF APPLICATION NO. 7278-3 to Appropriate Water

Notice is given that Moody County Dairy LP, c/o Lynn Boadwine, 3005 E 10th St, Sioux Falls SD 57003 has filed an application for a water permit to impound 19 acre-feet of water from clean water runoff in a storage pond located in the SE 1/4 SE 1/4

Section 10-T104N-R47W- Minnehaha County South Dakota, the S 1/2 of Government Lot 2 of Section 10 and SW 1/4 SW 1/4 of Section 11 all in T104N-R47W - Rock County Minnesota. Water will then be diverted at a rate of 0.16 cubic feet of water per second from a point in the SE 1/4 SE 1/4 Section 10-T104N-R47W- Minnehaha County South Dakota for commercial use for washing needs in a dairy cattle operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7278-3 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 February 6, 2012.

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

Published twice at the total approximate cost of \$56.37.
1367954 Jan. 18 & 25, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 2012

Dell Rapids Tribune
PO Box 99
Dell Rapids SD 57022

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7278-3 to Appropriate Water to be published twice. Please publish the first notice on January 18, 2012 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 Moody County Dairy LP, c/o Lynn Boadwine, 3005 E 10th St., Sioux Falls SD 57003 (Ph # 605-351-9216).

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. 7278-3

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

Date _____

We are in receipt of your letter of January 10, 2012 enclosing Notice to Appropriate Water by Application No. 7278-3 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.

January 10, 2012

Mooody County Dairy LP
Lynn Boadwine
3005 E 10th St
Sioux Falls SD 57003

Dear Mr. Boadwine:

Water Permit Application No. 7278-3 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 Dell Rapids Tribune printed at Dell Rapids SD (Ph # 605-428-5441). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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 Notices 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 January 18, 2012 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. 7278-3 to Appropriate Water

Notice is given that Moody County Dairy LP, c/o Lynn Boadwine, 3005 E 10th St, Sioux Falls SD 57003 has filed an application for a water permit to impound 19 acre-feet of water from clean water runoff in a storage pond located in the SW ¼ SW ¼ Section 10-T104N-R47W- Minnehaha County South Dakota, the S ½ of Government Lot 2 of Section 10 and SW ¼ SW ¼ of Section 11 all in T104N-R47W – Rock County Minnesota. Water will then be diverted at a rate of 0.16 cubic feet of water per second from a point in the SW ¼ SW ¼ Section 10-T104N-R47W- Minnehaha County South Dakota for commercial use for washing needs in a dairy cattle operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7278-3 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 February 6, 2012.

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

Published 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

MAY 02 2012

Moody County Dairy LP
Lynn Boadwine
3005 E 10th St
Sioux Falls SD 57003

Dear Mr. Boadwine:

Enclosed is Water Permit No. 7278-3 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

MAY 29 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-25-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

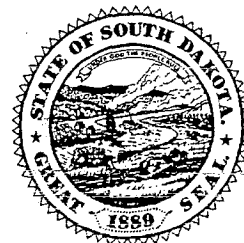
Moody County Dairy LP
(name)
3800 West Technology Circle #201
(address)
Sioux Falls SD 57106 361-3352
(city, state, zip) (phone)

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. 7278-3 states that the water use system is to be constructed by2-6-17, and water is to be put to beneficial use by 2-6-2021.
(date) (date)The water use system was completed on 5-01-12.
(date)Applying the water to beneficial use was completed on 5-01-12.
(date)

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

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 1, 2012

7278-3

Lynn Boadwine
Moody County Dairy LP
3800 W Technology Circle #201
Sioux Falls SD 57106

Dear Mr. Boadwine:

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 water use 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,

A handwritten signature in black ink that reads "Genny McMath".

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

Permit No. 7278-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **October 15, 2013**, made a thorough examination of the water use system constructed by **Moody County Dairy** of **3800 W Technology Circle #201, Sioux Falls, SD 57106** holder of Permit No. **7278-3**, bearing the priority of **November 14, 2011** authorizing the diversion of **0.16** cu. ft. per second and the storage of **19** acre-feet of the waters of **clean water runoff** for **commercial** purposes, in **Minnehaha** County.

Inspection contact & relationship to permit holder, if applicable: **Dave Christenson, Farm Manager**
605.695.8745

A. Works used to divert the water:

Dugout Information:

- 1) Depth **15** feet
- 2) Dimension **680 x 160** feet
- 3) Surface area **2.5** acres
- 4) Approx. storage **19** ac-ft
- 5) Date constructed: **May 2012**

Pump:

- 1) Make **Grundfos submersible**
- 2) Model
- 3) Size
- 4) Capacity **70** GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating **5** hp

B. Works used to transport water to place of use: transport clean water from pond to the facility

- 1) Type **pvc**
- 2) Size **4** inches
- 3) Length **1255** feet

C. Works used to apply water to beneficial use:

Sand washer used to wash bedding.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **YES**
- 2) Exceptions to compliance are: **NONE**

The system is in **good** condition with the point of diversion located as follows: **945' N and 80' W of the SE corner Section 10-T104N-R47W (43.82300731, -96.45349977)**. The works are capable of diverting and conveying to the place of use **0.16** cu. ft. per second of water from the pond and storing **19** acre-feet of water which is to be used for **commercial** purposes. Water has been put to beneficial use to the maximum extent as follows:

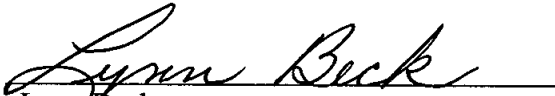
Sand washing system for cleaning animal bedding at the dairy facility.

The license should be issued for **0.16** cfs and **19** acre-feet of storage.

All structures, wells and lands on map **YES**

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

Moody County Dairy also holds Permit Nos. 6803-3 and 6894-3 for groundwater for commercial use at the facility.


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: **November 26, 2013**

WATER LICENSE NO. 7278-3
MOODY COUNTY DAIRY
NOVEMBER 26, 2013



SCALE

0 660 1,320 2,640 3,960 5,280 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer III
SD DENR - Water Rights Program



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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



FEB 27 2014

7278-3

Lynn Boadwine
Moody County Dairy
3800 W Technology Circle #201
Sioux Falls SD 57106

Dear Mr. Boadwine

Enclosed is Water License No. 7278-3. 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.

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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7278-3

(1) Moody County Dairy LP, 3800 W Technology Circle #201, Sioux Falls SD 57106 made Application No. 7278-3, November 14, 2011 for a water permit to divert 0.16 cubic feet of water per second and impound 19 acre feet of water from runoff located in Minnehaha County, South Dakota for commercial purposes. Permit No. 7278-3, with a priority date of November 14, 2011 was approved February 6, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 6, 2017 and for the application to beneficial use of said water on or before February 6, 2021.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on May 29, 2012. The "*Notice*" stated the water use system was completed and water placed to beneficial use on May 1, 2012.

(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 0.16 cubic feet of water per second and impound 19 acre feet of water for beneficial use.

The location of the diversion point is 945 feet north and 80 feet west of the SE corner of Section 10, T104N, R47W (SE ¼ SE ¼). The pond impounds water in the SE ¼ SE ¼ Section 10, T104N, R47W, Minnehaha County SD and Gov't Lot 10 and SW ¼ SW ¼ Section 11, T104N, R47W in Rock County, MN.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is used for a sand washing system for cleaning animal bedding at the dairy facility.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Moody County Dairy LP, 3800 W Technology Circle #201, Sioux Falls SD 57106 the holder and/or owner of Water Right No. 7278-3 is issued a license to appropriate water, the right to divert 0.16 cubic feet of water per second and impound 19 acre feet of water from runoff with a priority date of November 14, 2011 from the location 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. 7278-3.



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

FEB 27 2014

date

