

WATER PERMIT NO. 7317-3

Name of Applicant: Jo's Family Farms

Address: 1911 W 57th St, Sioux Falls SD 57108

Phone: 605 338-4642

Amount of Water Claimed: 1.78 cfs

Total Acres: 180

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Brookings

Type of Waste Disposal System:

Location: 2 miles southeast of Elkton

PRIORITY

Date Received: 1-31-2012

Application/License Fee: \$ 1,050

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: 180 acres to be irrigated are located in Minnesota

Diversion Point: SW ¼ Sec 34-T109N-R47W

Land to be Irrigated: portions of Sec 1-T108N-R
46 and 47W (Pipestone County MN)

Depth of Well: 68 feet deep

Well Driller: Lacey Well Drilling

Remarks:

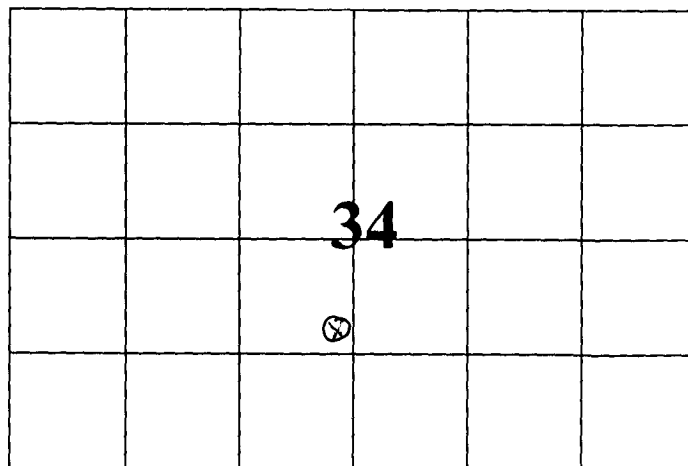
Type of Map: aerial

Prepared by: ?, Brookings Co. NRCS

Reviewed and the Number Assigned on: 1-31-12

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>7317-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register PO Box 117</u>	
	<u>605-692-6271</u> <u>57006</u>	

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JAN 31 2012

WATER RIGHTS
PROGRAM

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 Jo's Family Farms Phone 605 338-4642
(check one) Owner ☐ Tenant/lessee ☐
- Mailing Address 1911 W 57th St Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM 180 ***AF Total Acreage 180
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply _____
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brookings
1 well in N 44° - 12" - 037' Section 34 T 109 N R 47 W
W 96° - 27" - 345' (SW1/4)
5. County or counties where water will be used Pipestone County
6. Annual period during which water is to be used May 1 - 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
NW 1/4 of the NW 1/4 Sec 1 T108N R-47W	35	SW 1/4 of the SW 1/4 Sec 1 T108N R-47W	15
NW 1/4 of the NE 1/4 Sec 1 T108N R-47W	35	SW 1/4 of the SE 1/4 Sec 1 T108N R-47W	15
NW 1/4 of the SW 1/4 Sec 1 T108N R-47W	40		
NW 1/4 of the SE 1/4 Sec 1 T108N R-47W	40		

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

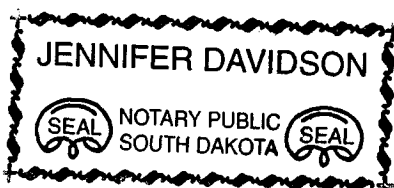
Corner center pivot on 180 A in MN Pipestone County
Altona Township

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. Also, attach map and any other technical information. (see instructions)

I, MAX J BARNETT, 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

Max J BarnettSubscribed and sworn to before me this 30 day of January 20 12

Jennifer Davidson
Notary Public signature

My commission expires 5/25/17

**SOUTH DAKOTA
WATER PERMIT NO. 7317-3**

Date of first receipt of application January 31, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7317-3 to Jo's Family Farms, c/o Max Barnett, 1911 W 57th St, Sioux Falls SD 57108 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. 7317-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (68 feet deep) located in SW 1/4 Section 34-T109N-R47W (Brookings County) for irrigation of 180 acres located in the portions of Section 1-T108N-R47W all located in Pipestone County, Minnesota.
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: May 1 – September 30.
3. The date from which applicant may claim right is January 31, 2012.
4. The date of approval of Permit No. 7317-3 is April 30, 2012.
5. One-fifth of the construction is to be completed on or before October 30, 2014.
6. All construction is to be completed on or before April 30, 2017.
7. Water is to be put to beneficial use on or before April 30, 2021.
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 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. The well authorized by Permit No. 7317-3 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.
4. That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

WATER MANAGEMENT BOARD

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

AUG 10 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 Depth 68
- b) Casing Type PVC Diameter 12" Thickness
- c) Screen Type Stainless Steel Diameter 12 Thickness
- d) Gravel Pack TBD Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 2 - 68 ft.
- f) Depth to Water (ground surface to water level) 15 ft.
- g) Distance to nearest existing domestic well:

On applicant's property none On property owned by others 3600 ft

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

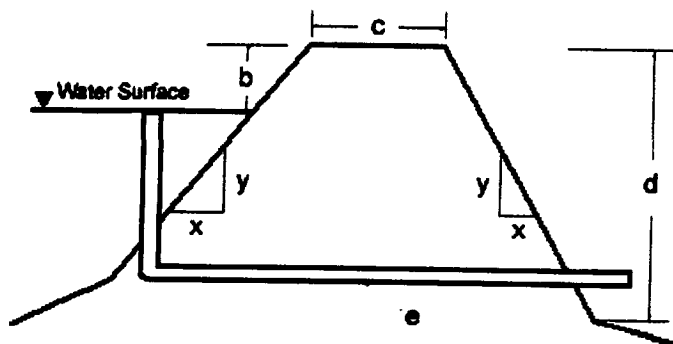
3. Dugout Information

- 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
Brookings County, SD

34-109N-47W

1:7,732

August 25, 2008

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JAN 31 2012

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USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may 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.

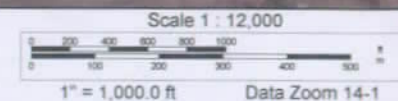
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



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Sec 28
T109N
R47W

Sec 27
T109N
R47W

Sec 33
T109N
R47W

Sec 34
T109N
R47W

Sec 4
T108N
R47W

Sec 3
T108N
R47W



12-27-11

FARMERS IMP/T

DAVE

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HERE'S LOG OF TEST BORE ON
SONSTEGARD PROPERTY SE of ELKTON
0-2 Black, 2-68 MEDIUM SAND & GRAVEL
S.W. 15'-20'

LOCATION N 44°-12"-037'
W 96°-27"-345'

SITE IS COMFORTABLY IN SD AND
SHOULD YIELD 800 GPM

Jim
Lacey SD#111

STEFFL DRILLING & PUMP INC.

7-Day 24-Hour Service

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APR 30 2012

WATER RIGHTS
PROGRAM

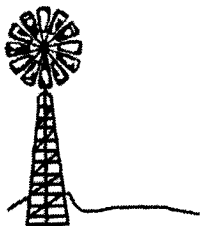
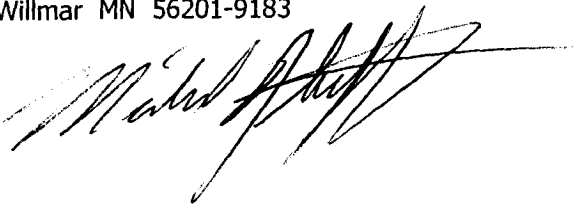
April 25, 2012

Ken Buhler
Dept of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RE: Request for permission to drill test well prior to drilling

1. Legal Description
Brookings County, Elkton Twp, Sec 34
N 44 12 037
W 96 27 345
2. Property Owner
Jo's Family Farm
1911 W 57th ST, Ste 102
Sioux Falls SD 57108
3. Proposed Well Depth
68 ft
4. Well Construction
mud rotary
PVC casing
gravel pack

Steffl Drilling & Pump Inc
Lic # 463
2295 66th AVE NE
Willmar MN 56201-9183



2295 - 66TH Ave N.E. * Willmar, MN 56201-9183
(320) 235-8484 * FAX: (320) 235-4848
Email: steffl@waterwelldrilling.com
www.waterwelldrilling.com

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/31, 20 12

RECEIVED OF Jo's Family Farms LLC 1911 W 57th St # 102 Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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. _____	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. **05330**

By 
Chief Engineer

Gronlund, Eric

From: Bev Chapman <BChapman@brookingscountysd.gov>
Sent: Wednesday, February 01, 2012 1:45 PM
To: Gronlund, Eric
Subject: RE: Legal description for a water permit application

Mr Gronlund,
The legal description on Jo's Family Farms deed is
SW ¼ except the West 900' of the North 710' thereof and except the E 416' of the W1316' of the North 710' thereof 34-109-47
and
Government Lots 3 & 4 of 34-109-47
The only survey we have of this area is the original Government surveys done in the 1800's
If you want copies of any of these documents the fee is \$1.00 per document

Beverly Chapman

Brookings County Register of Deeds
314 6th Ave Suite 5
Brookings SD 57006
605-696-8240

The Register of Deeds office takes no responsibility for searches, which are provided as a convenience only. The official public records are available for your review.

From: Eric.Gronlund@state.sd.us [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Tuesday, January 31, 2012 4:52 PM
To: Bev Chapman
Subject: Legal description for a water permit application

Mrs. Chapman:

Jo's Family Farms has filed a South Dakota water permit application for irrigation in Brookings County. The location of the intended well is very near the SD/MN border in Section 34, TT109N, R47W. Since this is not a full sized section I am looking for assistance in the legal location of the well. I presume the legal description may not follow the quarter-quarter section designation of normal sized sections. The proposed well is along the state border east of the farmstead located on the west section line.

The coordinates for the well location are:
Lat 44 degrees 12.04307 minutes
Lon -96 degrees 27.34049 minutes

The reason for the request is I want to make sure the legal notice accurately reflects the location so the permit has proper legal standing.

Thank you for any help you can provide.

Eric Gronlund
Water Rights Program, Dept. of Environment and Natural Resources
605 773-3352
Eric.gronlund@state.sd.us

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, April 06, 2012 9:05 AM
To: lucas.youngsma@state.mn.us; lprw@itctel.com
Subject: Jo's Family Farms water right permit application
Attachments: 7317-3.pdf

Mr. Youngsma and Mr. Healy:

Please find attached an electronic version of the report, recommendation and public notice of a water permit application for Jo's Family Farms.

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

Lincoln Pipestone Rural Water

East Highway 14, Box 188
Lake Benton, Minnesota 56149-0188
(507) 368-4248 or (800) 462-0309
FAX: (507) 368-4573
MINNESOTA RELAY: 771 or 1-800-627-3529
Email: lpw@itctel.com

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APR 19 2012

WATER RIGHTS
PROGRAM

April 16, 2012

Mr. Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre SD 57501

RE: Application No. 7317-3, Jo's Family Farm

Dear Mr. Erbele:

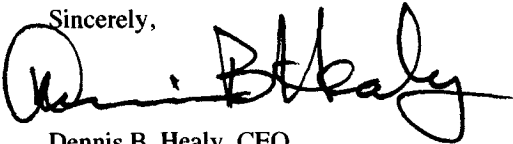
As you are aware Lincoln Pipestone Rural Water (LPRW) has previously expressed concern regarding issuance of South Dakota Water Permits in close proximity to our Verdi Wellfield. In 2010 LPRW requested a hearing to contest issuance of a South Dakota Water Permit on the same parcel as the current request and the permit was issued over our objections. We are not requesting a hearing on the current request because we expect that the permit would again be issued on the basis of the engineer's recommendation.

LPRW remains very concerned about the sustainability of the Verdi Water Source and has undertaken additional steps to assess threats to the water supply from well interference and water quality. LPRW is currently updating the Wellhead Protection Plan for the Verdi Wellfield in conjunction with the Minnesota Department of Health. The Verdi Wellfield Drinking Water Supply Management Area already includes the area for the proposed new well in South Dakota and will likely be expanded to include new areas based on increased irrigation pumping. As we demonstrated during the contested case hearing in 2010, the additional pumping has the potential adversely affect LPRW's wellfield operations and we believe the additional permitted capacity will only add to the problem.

LPRW is also conducting a detailed hydrogeologic evaluation of the well field and adjacent areas including options for additional well sites that could serve to diversify the water source and spread the effects of pumping. We are also assessing wellfield pumping scenarios and management options to deal with water quality impacts when the need arises.

LPRW is concerned about impacts to the Verdi Wellfield from both well interference and changes in water quality that could result from increased irrigation pumping. We are open to any ideas that you may have to assist us in managing potential impacts to assure availability of an uninterrupted supply of high quality from the Verdi Source.

Sincerely,



Dennis B. Healy, CEO

cc: Jo's Family Farms
c/o Max J. Barnett
1911 West 57th Street
Sioux Falls, SD 57108



7317-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 30, 2012

Mike Steffl
Steffl Drilling & Pump Inc.
2295 66th Ave N.E.
Willmar, MN
56201-9183

Dear Mr. Steffl

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well into the Aurora management unit of the Big Sioux aquifer. The well will be constructed in the SW ¼ Section 34, T109N-R47W, prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "Garland Erbele".

FOR GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**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. 7317-3, Jo's Family Farms**

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. 7317-3, Jo's Family Farms, c/o Max J Barnett, 1911 W 57th Street, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 7317-3 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. The well authorized by Permit No. 7317-3 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.
4. That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 5 2012

NOTE: The land to be irrigated under Water Permit No. 7317-3 is located in the state of Minnesota. I encourage you to contact the Minnesota Department of Natural Resources to see if there are any applicable Minnesota regulations. The contact person is Lucas Youngsma, Minnesota DNR, PO Box 111, Marshall MN 56258 (phone 507 537-7258 or email - lucas.youngsma@state.mn.us)

REPORT ON WATER PERMIT APPLICATION NO. 7317-3

For Jo's Family Farms

March 15, 2012

Application No. 7317-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 68 feet deep located in the SW ¼ of section 34, T109N R47W in Brookings County for irrigation of 180 acres located in portions of section 1, T108N R47W all located in Pipestone County, Minnesota.

AQUIFER – BIG SIOUX – AURORA (BS-A)

The Big Sioux Aurora is a predominantly surficial outwash (sand and gravel) under water table conditions. The aquifer underlies 39,300 acres and contains an estimated 165,060 acre-feet of recoverable water in storage in Brookings County (Hedges, 1983). In reality water from that entire area is not available to supply this application but a better approximation would be about 4,500 to 5,500 acres in southeastern Brookings County and 6,400 to 7,000 acres in northeastern Moody County. Also the aquifer does extend an unknown distance (area) into Minnesota to the east. The aquifer is hydraulically connected to Spring Creek which is a major drainage in this area. The direction of ground water movement appears to be from the northeast to the southwest in this area (Hamilton, 1989).

Recharge to the Big Sioux aquifer has been estimated to be about 6.57 inches per year in Brookings County (Koch, 1980). Recharge to the Big Sioux aquifer in Moody County was estimated to average between 4.86 inches to 6.5 inches per year depending upon the specific yield chosen for the aquifer (Hansen, 1988). Using the 6.5 inches per year estimate would yield annual yields of about 2,500 to 3,000 acre-feet for Brookings County and 3,500 to 3,800 acre-feet for Moody County or a total of about 6,000 to 6,800 acre-feet annually depending upon surficial acreage estimates. This volume would be sufficient to maintain all area users.

Historically the irrigators in Brookings County from the Big Sioux Aurora aquifer (for the aquifer area bounded by Minnesota, Moody County line, and south of Elkton) used 878 acre-feet in 2001, 597 acre-feet in 2002, 556 acre-feet in 2003, 570 acre-feet in 2004, 218 acre-feet in 2005, 539 acre-feet in 2006, 593 acre-feet in 2007, 730 acre-feet in 2008, 298 acre-feet in 2009, and 75 acre-feet in 2010. The largest irrigation water use year was 878 acre-feet in 2001 and the average for this period of record was 505 acre-feet for that ten year period from 2001 through 2010. The total irrigated acreage for this area was 709 acres. This would equate to an average use of about 8.5 inches per year. Recently approved water permits in the area are 7178-3 (400 acres, 4.44 cfs), 7219-3 (2.3 acres, 0.178 cfs) and 7228-3 (120 acres, 1.71 cfs). If fully developed this would mean an additional 522.3 acres of irrigation. Estimating a water use of 8.5 inches on this acreage would mean an additional water use of 370 acre-feet annually on average or a total annual average of 875 acre-feet. Adding this additional permit application of 180 acres would require an additional 128 acre-feet for a grand total of 1,003 acre-feet average annual use. This is below the recharge estimate for Brookings County but there are extenuating circumstances. LPRWS which is located just to the northeast of this proposed application and

just across the border into Minnesota uses approximately 1,200 acre-feet annually. The combined use by the rural water system and the irrigators is nearing the estimated annual recharge. What is not accounted for is the area of the aquifer in Minnesota and the recharge occurring there. The bottom line is additional water should be available for appropriation.

The Water Rights Program does monitor an observation well BG-78H in the immediate area and completed into the Big Sioux Aurora aquifer. This observation well is located about one mile west and south of the proposed location of this application. Water levels in the observation well show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. There does not appear to be a significant effect on the water levels due to pumping. Interference has not been a concern under existing diversions and the record indicates the aquifer is capable of sustaining existing withdrawals (Water Rights, 2012). A hydrograph of the observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

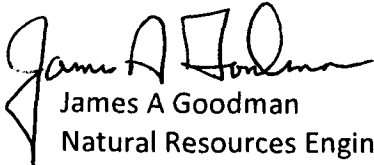
The well for this application is located within a triangular shaped area (see map in application) formed by three existing wells and would be about 500 to 900 feet from the three existing wells. Interference will occur. All these wells are owned and operated by the applicant and can be managed accordingly. Regardless the overlapping of drawdown should be a matter of a few feet and the overall saturated thickness of the aquifer should be sufficient to minimize any potential effects. The specific capacities of the surrounding wells vary from about 38 gpm/ft of drawdown to about 23 gpm/ft of drawdown. These capacity numbers indicate a relatively prolific aquifer.

CONCLUSIONS

1. Water is available from the Big Sioux Aurora aquifer in this area.
2. The aquifer is under water table conditions and is a moderately prolific aquifer. Drawdown cones will overlap but it is not anticipated this will cause adverse effects. The applicant for this well controls the other wells in this area and if a problem develops can manage withdrawals accordingly.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The area of the aquifer in Minnesota is unknown. However conservatively there would be recharge to this area and that should provide additional water annually to the aquifer system.
5. A permit No. 7178-3 (Jo's Family Farms) was a contested case hearing before the Water Management Board and was approved on October 6, 2010. That is the permit that authorized the three wells near this proposed well. Condition No. 4 placed upon Water Permit 7178-3 would also be required on this application if approved. That conditions is as follows "That Jo's Family Farms LLC, and any successor, assign(ee), or transferee of this water permit, must install and maintain at its own cost, a timing device on each of its irrigation wells which records each time the pumps of the irrigation wells are turned

on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year". Note that the word assign probably should be assignee but that is not how the original qualification is written.

6. Average annual recharge and average annual water use data all indicate there is water available for appropriation. However, extended droughts could and will impact water levels and potential pumping rates. Because Lincoln Pipestone Rural Water system is just across the border into Minnesota and obtains water from this same source all diversions and water use in this area need to be carefully monitored.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Investigation Report 88-4185, USGS, Huron, SD, 57350.

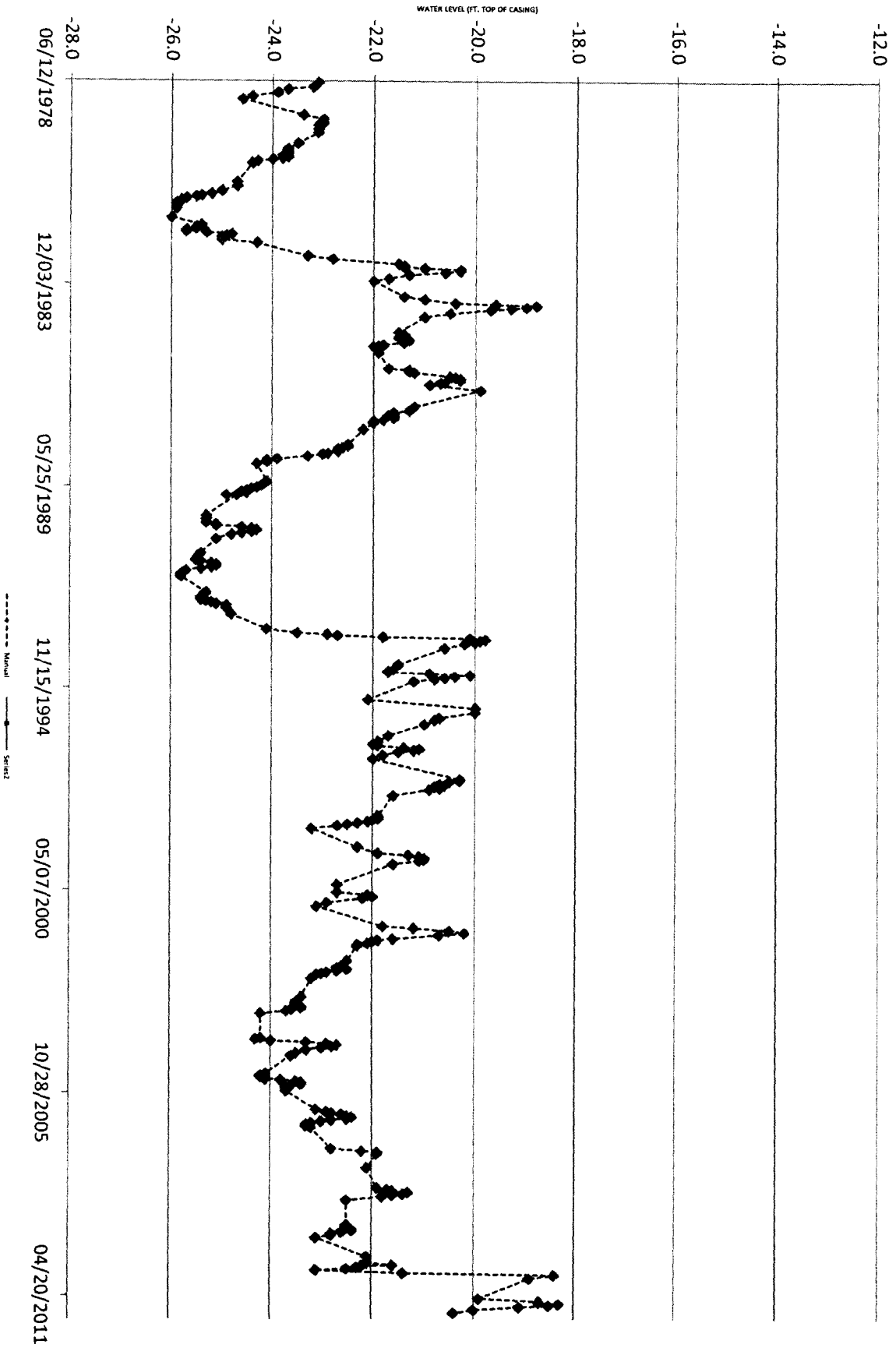
Hansen, D.J., 1988, Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota, Water-Resources Investigations Report 87-4057, USGS, Huron, SD, 57350.

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources of Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer Brookings, Deuel, and Hamlin Counties, South Dakota, Water-Resources Investigations Report 80-100, USGS, Huron, SD, 57350.

Water Rights, 2012, Unpublished Observation Well Data for the Big Sioux Aurora Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL BG-78H



RECEIVED

APR 26 2012

Affidavit of Publication WATER RIGHTS PROGRAM

State of South Dakota

ss

County of Brookings

Danielle Gilbertson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#512 Notice of Application

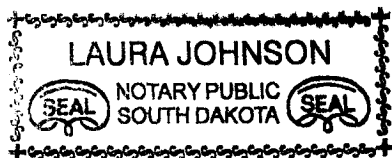
same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

April 13, 2012

April 20, 2012

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty dollars and eighty four cents \$40.84



_____ 23rd day of

April

2012

Laura Johnson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 512, 2x, 4/13, 20
NOTICE OF APPLICATION NO. 7317-3 to

Appropriate Water
Notice is given that Jo, s
Family Farms, c/o Max J
Barnett, 1911 W 57th
St, Sioux Falls SD
57108 has filed an
application for a water
permit to appropriate
1.78 cubic feet of water
per second from one
well to be completed
into the Big
Sioux: Aurora Aquifer
(68 feet deep) located in
SW 1/4 Section 34-
T 1 0 9 N - R 4 7 W
(Brookings County) for
irrigation of 180 acres
located in the portions
of Section 1-T108N-
R47W all located in
Pipestone County,
Minnesota.

Pursuant to SDCL 46-
2A-2, the Chief
Engineer recommends
APPROVAL of
Application No. 7317-3
because 1) unappropri-
ated 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 recom-
mended, unless a peti-
tion is filed opposing the
application or the appli-
cant files a petition con-
testing the Chief
Engineer's recommen-
dation. If a petition

opposing the applica-
tion 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 rec-
ommendation must file
a written petition with
BOTH the applicant and
Chief Engineer. The
applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief
Engineer's address is
"Water Rights Program,
Foss Building, 523 E
Capitol, Pierre SD
57501 (605 773-
3352)%" and the appli-
cant's mailing address
is given above. A peti-
tion filed by either an
interested person or the
applicant must be filed
by April 30, 2012

The petition may be
informal, but must
include a statement
describing the peti-
tioner's interest in the appli-
cation, the petitioner's
reasons for opposing or
supporting the applica-
tion, and the signature
and mailing address of
the petitioner or the
petitioner's legal coun-
sel, if legal counsel is
obtained. Contact Eric
Gronlund at the above
Water Rights Program
address to request
copies of information
pertaining to this appli-
cation. Steven M.
Pirner, Secretary,
Department of
Environment and
Natural Resources
Published twice at the
total approximate cost
of \$40.84.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 2012

Brookings Register
PO Box 117
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7317-3 to Appropriate Water to be published twice. Please publish the first notice on April 13, 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 Jo's Family Farms, c/o Max J Barnett, 1911 W 57th St., Sioux Falls SD 57108 (Ph # 605-338-4642).

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. 7317-3

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

Date _____

We are in receipt of your letter of April 6, 2012 enclosing Notice to Appropriate Water by Application No. 7317-3 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.

April 6, 2012

Jo's Family Farms
Max J Barnett
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Barnett:

Water Permit Application No. 7317-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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 Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on April 13, 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. 7317-3 to Appropriate Water

Notice is given that Jo's Family Farms, c/o Max J Barnett, 1911 W 57th St, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (68 feet deep) located in SW ¼ Section 34-T109N-R47W (Brookings County) for irrigation of 180 acres located in the portions of Section 1-T108N-R47W all located in Pipestone County, Minnesota.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7317-3 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 April 30, 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

AUG 10 2012

Jo's Family Farms
Max Barnett
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Barnett:

Enclosed is Water Permit No. 7317-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

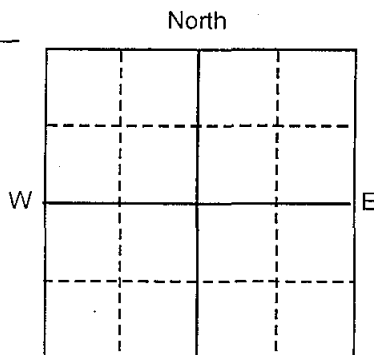
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

151123

Location NE ¼ SW ¼ Sec 34 Twp 109 Rg 47

County Clark

Please mark well
location with an "X"

Well Completion Date

May 8, 2012

1 Mile

Distance to 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	12.00 IN	0.0 FT	50.0 FT	18.00 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	10	Lb/gal	0.0 Ft	40.0 Ft
Rd Flint/Sand	28	Lb/gal	40.0 Ft	68.0 Ft

Describe grouting procedure

Tremmy

Red Flint poured in

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 18.0 Feet

Material stainless steel

Slot Size 100 Set From 50.0 Feet to 68.0 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? Granular Chlorine

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

Well Owner: Phillip Sonstegard

Business Name: JO'S Family Farm LLC

Address: 1911 W 57th St

City, State, Zip: Sioux Falls SD 57108

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil Black	0	2
Yellow Clay	2	5
Sand & Gravel 18- 100 slt	5	68

STATIC WATER LEVEL

15.0 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

This 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:

Date:

4-4-12

RECEIVED

DEC 26 2012

WATER RIGHTS
PROGRAM

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7317-3

I have this day, 30 October 2014, made a thorough examination of the water use system constructed by Jo's Family Farms, 1911 W 57th St. STE 102, Sioux Falls, SD 57108, holder of Permit No. 7317-3, bearing the priority of 31 January 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Big Sioux: Aurora aquifer for irrigation purposes, in Pipestone County Minnesota.

Inspection contact & relationship to permit holder, if applicable: **Jon Wiering, Farm Manager**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump Inc
- 2) No. of Wells one
- 3) Depth(s) 68 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 50 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 18 feet
- 3) Static water level 15.0 feet (8 May. 2012)

Pump:

- 1) Make Franklin
- 2) Model 700D50-3ALL/4T144FO6
- 3) Size 50 HP
- 4) Capacity 700 GPM

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

- 1) Type PIP
- 2) Size 8 inches
- 3) Length 6000 feet

Comments: **Buried 8-inch PIP from Well #6 to Center Pivot System #6**

C. Works used to apply water to beneficial use:

Center pivot (Lat/Lon: 44.19238/-96.44290):

- 1) Make Valley
- 2) Overall length 1538 w/corner feet
- 3) Number of towers 7 w/corner
- 4) End gun Y/N
- 5) Capacity 700 GPM

Chemigation Equipment:

Does not chemigate

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe: na

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: na

- 3) Exceptions to compliance are: no

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 1525 feet north and 1765 feet west of the SE corner of Sec. 34, T109N-R47W, Lat/Lon: 44.20099/-96.45950, SW¼SW¼NE¼SW¼ Sec. 34, T109N-R47W

2. The works are capable of diverting and conveying to the place of use 1.56 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:

Gov. Lot 3 Sec. 1, T108N-R47W: 21.8 acres

Gov. Lot 4 Sec. 1, T108N-R47W: 21.3 acres

S ½ NW¼ Sec. 1, T108N-R47W: 79.1 acres

NW¼SW¼ Sec.1, T108N-R47W: 27.4 acres

NE¼SW¼ Sec. 1, T108N-R47W: 27.5 acres

comprising a total of 177.1 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map yes

If no, describe: na

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

na

A handwritten signature in black ink, appearing to read 'Ken Buhler', is written over a horizontal line.

Ken Buhler
DENR, Water Rights Program

Date report completed: **30 December 2014**

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

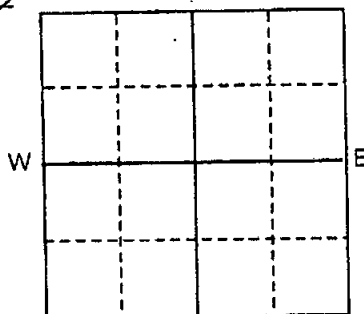
F11
46?

Location NE 1/4 SW 1/4 Sec 34 Twp 109 Rg 47

County

Brookings

North

Please mark well
location with an "X"

Well Completion Date

May 8, 2012

1 Mile

Distance to 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	12.00 IN	0.0 FT	50.0 FT	18.00 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	10	Lb/gal	0.0 Ft	40.0 Ft
Rd Flint/Sand	28	Lb/gal	40.0 Ft	68.0 Ft

Describe grouting procedure

Tremmy

Red Flint poured in

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches Length 18.0 Feet

Material stainless steel

Slot Size 100 Set From 50.0 Feet to 68.0 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? Granular Chlorine

- ☐ No, Why Not?

ab to which water

ality sample sent for analysis

Well Owner: Phillip Sonstegard

Business Name: JO'S Family Farm LLC

Address: 1911 W 57th St

City, State, Zip: Sioux Falls SD 57108

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil Black	0	2
Yellow Clay	2	5
Sand & Gravel 18- 100 slit	5	68

Well #2

Steffl did not install pump

*our notes state well not in use

STATIC WATER LEVEL 15.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This 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:

Date:

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 1/8/2015

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Jo's Family farm

(name)

1911 W 57th St

(address)

Sioux Falls sd 57108

(city, state, zip)

(605) 822-9266

(phone)

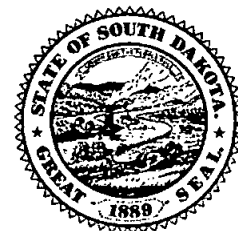
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7317-3 states that the water use system is to be constructed by
4/1/2016 , and water is to be put to beneficial use by 6/20/2012
(date) (date)

The water use system was completed on 6/20/2012
(date)

Applying the water to beneficial use was completed on 6/20/2012
(date)

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





109N 47W

034

109N 47W

036

109N 46W

031

1525'

SE Corner Sec. 34, T109N-R47W

1765'

Gov. Lot4
21.3 Acres

Gov. Lot 3
21.8 Acres

108N 47W

003

108N 47W

002

7317-3

NW1/4 SW1/4
27.4 Acres

001
S1/2 NW1/4
79.1 Acres

NE1/4 SW1/4
27.5 Acres

Legend



7317-3 Well



Buried 8-inch PIP



System 6 Irrigated acres



660

330

0

660 Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7317-3

(1) Jo's Family Farms, 1191 W 57th St, Suite 102, Sioux Falls SD 57108 made Application No. 7317-3, January 31, 2012 for a water permit to divert 1.78 cubic feet of water per second from groundwater (one well-Big Sioux-Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7317-3, with a priority date of January 31, 2012 was approved April 30, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 30, 2017 and for the application to beneficial use of water on or before April 30, 2021.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 8, 2015. The *Notice* stated the diversion system was completed on June 20, 2012 and the water placed to beneficial use on June 20, 2012.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7317-3 is issued a license, bearing a priority date of January 31, 2012 to appropriate 1.56 cubic feet of water per second from groundwater (one well) to irrigate 177.1 acres.

The diversion point is located: 1,525 feet north and 1,765 feet west of the southeast corner of Section 34-T109N-R47W (NE 1/4 SW 1/4). The acres authorized for irrigation are located in Pipestone County, Minnesota and are as follows:

Section 1-T108N-R47W	Gov't Lot 3	21.8 acres
	Gov't Lot 4	21.3 acres
	S 1/2 NW 1/4	79.1 acres
	NW 1/4 SW 1/4	27.4 acres
	NE 1/4 SW 1/4	<u>27.5 acres</u>
	Total	177.1 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7317-3 including the following now applicable qualifications:

- 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.
- The well authorized by Permit No. 7317-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- That Jo's Family Farms, and any successor, assignee, or transferee of this water permit, must install and maintain at its own cost, a timing device on its irrigation well which records each time the pump of the irrigation well is turned on and off, and further, that data be recorded by the timing devices be collected and provided to Lincoln Pipestone Rural Water on or before December 1st of each calendar year.

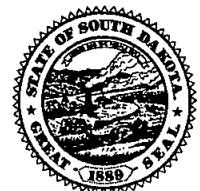


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 24 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

7228-3
7317-3
7678-3
7705-3

APR 24 2015

Jo's Family Farms
Phil Sonstegard
1911 W 57th St
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Enclosed are Water License Nos. 7228-3, 7317-3, 7678-3 and 7705-3. These are the final documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these Water Rights, 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, the State Water Laws provide that Jo's Family Farms have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

7317-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 11, 2015

Jo's Family Farms
Phil Sonstegard
5005 S Bur Oak Pl
Sioux Falls SD 57108-2228

RE: Water Right Nos. 7228-3, 7317-3, 7678-3 & 7705-3

Dear Mr. Sonstegard:

Enclosed are water licenses and maps concerning the above listed water rights.

The documents were originally mailed to 1911 W 57th St, Sioux Falls SD. The post office returned the mail to us indicating you had a new mailing address. Our records have been updated to reflect the new address.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures