

WATER PERMIT NO. 7439-3

Name of Applicant: Mielitz Bros.

Address: 1085 340th St, Bellingham MN 56212

Phone: 320-760-8403

Amount of Water Claimed: ^{1.14}
1.78 cfs

Total Acres: 80

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Grant

Type of Waste Disposal System:

Location: 7 miles southeast of Milbank

PRIORITY

Date Received: 9-18-12

Application/License Fee: \$950

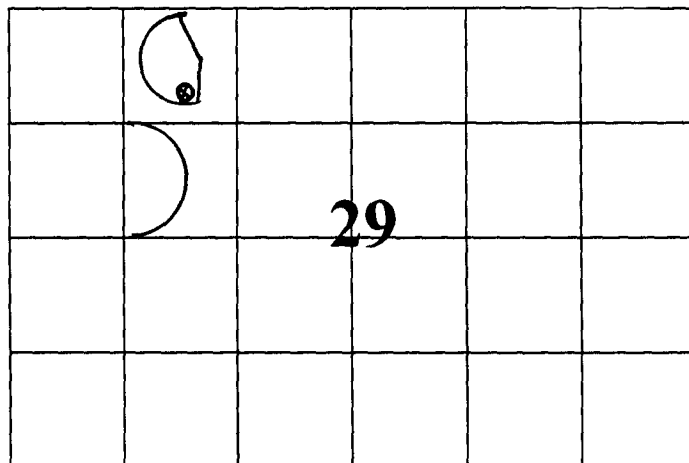
Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 29-T120N-
R47W

Land to be Irrigated: W 1/2 NW 1/4 Sec 29-
T120N-R47W



Depth of Well: 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-12-12

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>7439-3</u> (office use only) Hydrologic Unit <u>07020001</u>	RECEIVED SEP 18 2012 WATER RIGHTS PROGRAM
	Basin <u>Minnesota - Watotone</u> <u>605-432-4516</u>	
	Newspaper <u>Grant Co. Review P.O. Box 390 Millbank</u> <u>57252</u>	
	<u>Public Opinion P.O. Box 10 Watotone 57201 886-0901</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name of Applicant Mielitz Bros. Phone 320-760-8403
(check one) ☒ Owner ☐ Tenant/lessee 320-568-2419
Mailing Address 1085 340th St. Bellingham MN 56212
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.14 *CFS or 500 **GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Grant
NW 1/4 NW 1/4 Sec. 29 TWP 120N R47W
5. County or counties where water will be used Grant
6. Annual period during which water is to be used April - Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

W 1/2	Land Description	Acres	Land Description	Acres
	NW 1/4 Sec. 29 TWP 120N			
	R47W	80		

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

Well for irrigation of approx. 80@
with two (2) small pivots (as indicated on map.)

STATE OF SOUTH DAKOTA)

County of Codington 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, Doug Mielitz, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Applicant's signature Doug MielitzSubscribed and sworn to before me this 17 day of September 20 12

Cheri Andrews
Notary Public signature



my commission expires
March 12, 2018

**SOUTH DAKOTA
WATER PERMIT NO. 7439-3**

Date of first receipt of application September 18, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7439-3 to Mielitz Bros, 1085 340th St, Bellingham MN 56212 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7439-3 appropriates 1.14 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the W 1/2 NW 1/4 Section 29; all in T120N-R47W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is September 18, 2012.
4. The date of approval of Permit No. 7439-3 is December 10, 2012.
5. One-fifth of the construction is to be completed on or before June 10, 2015.
6. All construction is to be completed on or before December 10, 2017.
7. Water is to be put to beneficial use on or before December 10, 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. 7439-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 17 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 60-100 Ft. ?
- b) Casing Type PVC Diameter 18" Thickness _____
- c) Screen Type Stainless Diameter 12" Thickness _____
- d) Gravel Pack Yes Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicant's property 1/2 mi. On property owned by others 200 yds

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

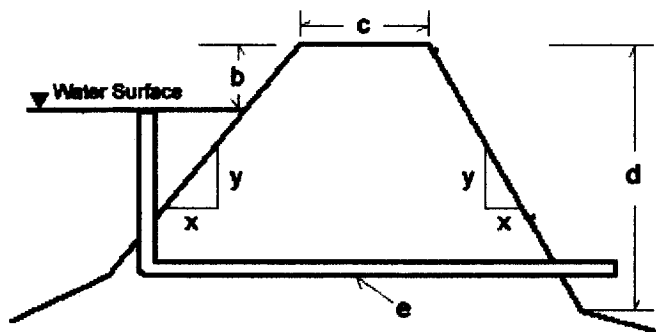
3. Dugout Information

- 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

RECEIVED

SEP 18 2012

WATER RIGHTS
PROGRAM

5/13/2011

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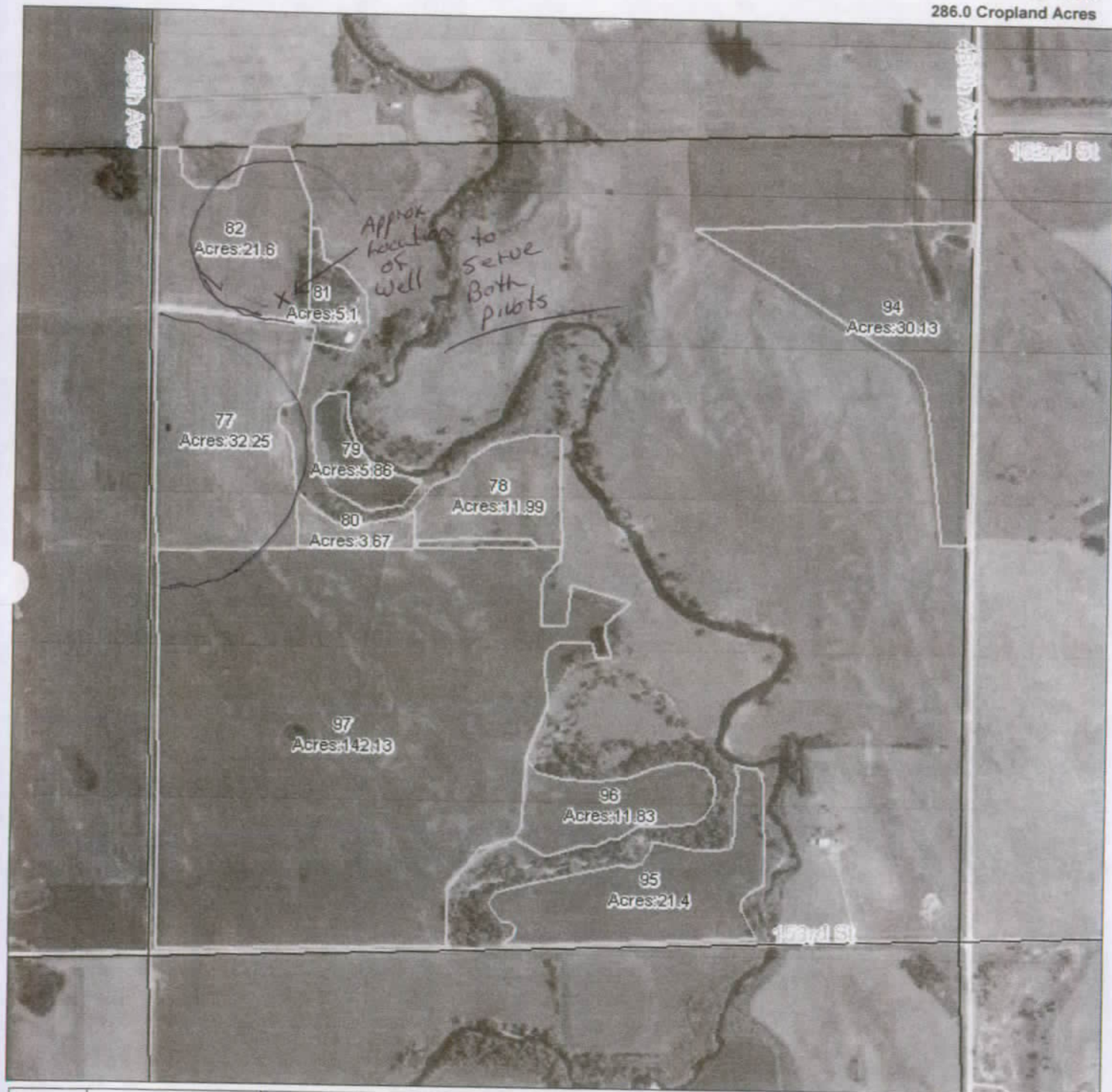
2011 Map Book

Mielitz Brothers Policy #: 2011-MN-601-822014

Map Page# 12: 029 -120N-047W

SD-Grant

286.0 Cropland Acres



Policy #	Crop	Unit	FSN	Farm Name	Shareholders	Field Number(s)
822013	Wheat	00010006	4499			77,78,79,80,81, 82,94
822013	Corn	00010005	4606	2341		77,78,79,80,81, 82,97
822013	Corn	00010006	4606			77,78,79,80,81, 82,94



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/18, 20 12

RECEIVED OF Mielitz Brothers 1085 340th St Bellingham MN 56212

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

Fee for Application for Permit No. <u>7439-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7439-3</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	950 00

No. **05583**

By

David Enbale
Chief Engineer

7439-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7439-3, Mielitz Brothers

ADDRESS: 1085 340th Street, Bellingham MN COUNTY: Grant County

DATE: November 20, 2012 TELEPHONE: 320 760-3475

RE: diversion rate

I contacted Mr. Mielitz regarding his application being for 1.78 cfs to irrigate 80 acres which is greater than the statutory limit of 1.14 cfs (512 gpm). He indicated that to his knowledge the amount of water requested based on what the driller thought the well would produce. But in actuality, the two small pivots will operate at diversion rate less than that. He agreed to contact Ken's Electric who is the center pivot supplier and get back to me.

I received a voice mail that the diversion rate needed would be 500 gpm. This amount is within the statutory limit. I amended the application accordingly.

NAME: Eric Mielitz



**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. 7439-3, Mielitz Brothers**

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. 7439-3, Mielitz Brothers, c/o Doug Mielitz, 1085 340th Street, Bellingham MN 56212.

The Chief Engineer is recommending APPROVAL of Application No. 7439-3 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. 7439-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 20, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7439-3
MIELITZ BROS.
NOVEMBER 9, 2012

Water Permit Application No. 7439-3 proposes to appropriate 160 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.14 cubic feet of water per second (cfs) from one well to be completed into the "Veblen aquifer". The well is expected to be approximately 60 to 100 feet deep and is to be located in the NW¼ NW¼ of Section 29, T120N-R47W. This permit application proposes to irrigate 80 acres located in the W½ NW¼ of Section 29, T120N-R47W in Grant County.

AQUIFER: "Veblen aquifer" (VEB)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Hedges and others (1982) described the Veblen aquifer as extending from the North Dakota and South Dakota boarder, through Marshal and Grant Counties in South Dakota, to the South Dakota and Minnesota boarder, as shown in Figure 1. Hedges and others (1982) estimated that the Veblen aquifer in Grant County underlies 70,600 acres and contains 211,800 acre-feet (ac-ft) of water in storage.

Green and Gilbertson (1987) described the Veblen aquifer as being truncated to an area north and west of Big Stone Lake and the Whetstone River, which is in the northeast portion of Grant County, as shown in Figure 2. A lower outwash unit underlying eastern portions and extending further south of the Veblen aquifer as defined by Green and Gilbertson (1987), was identified as the Fairmont aquifer, which was originally included in the Veblen aquifer as defined by Hedges and others (1982).

Hansen (1990) mapped the buried outwash deposits in Grant and Codington Counties, and reported that the Veblen aquifer extends north and west into Roberts and Marshall Counties, south into Deuel County, and east into Minnesota, as shown in Figure 3. In Grant County, the Veblen aquifer, as defined by Hansen (1990), is estimated to underlie 260 square miles (166,400 acres) and contain 700,000 ac-ft of water in storage. The aquifer is predominantly a buried outwash (sand and gravel) that is mostly under confined conditions and groundwater movement is generally from west to east (Hansen, 1990).

Thompson (2001) delineated the Veblen aquifer with a southern extent approximately 15 miles north the Roberts and Grant County line, indicating no connection with the Veblen aquifer in Grant County defined by Hansen (1990). The Wilmot outwash group defined by Thompson (2001) that extends to the southeastern part of Roberts County may be the Veblen aquifer defined by Hansen (1990).

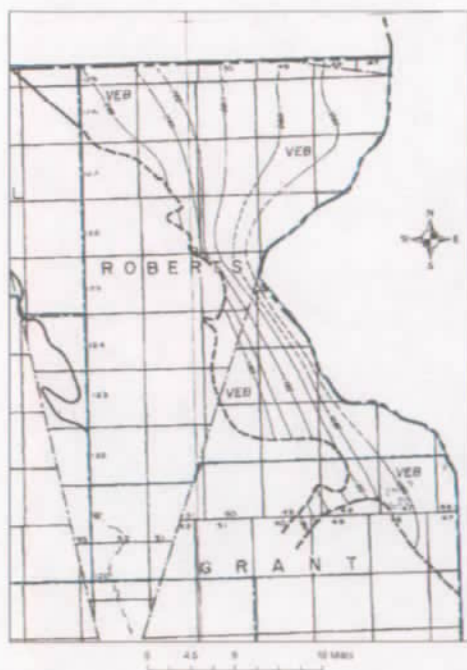


Figure 1: Veblen aquifer defined by Hedges and others (1982): Modified from Buhler (2007)

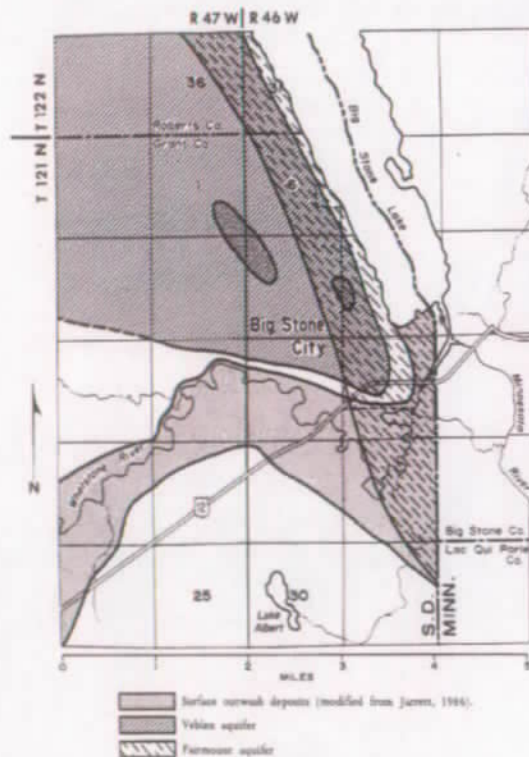


Figure 2: A Portion of the Veblen aquifer defined by Green and Gilbertson (1987): Modified from Buhler (2007)

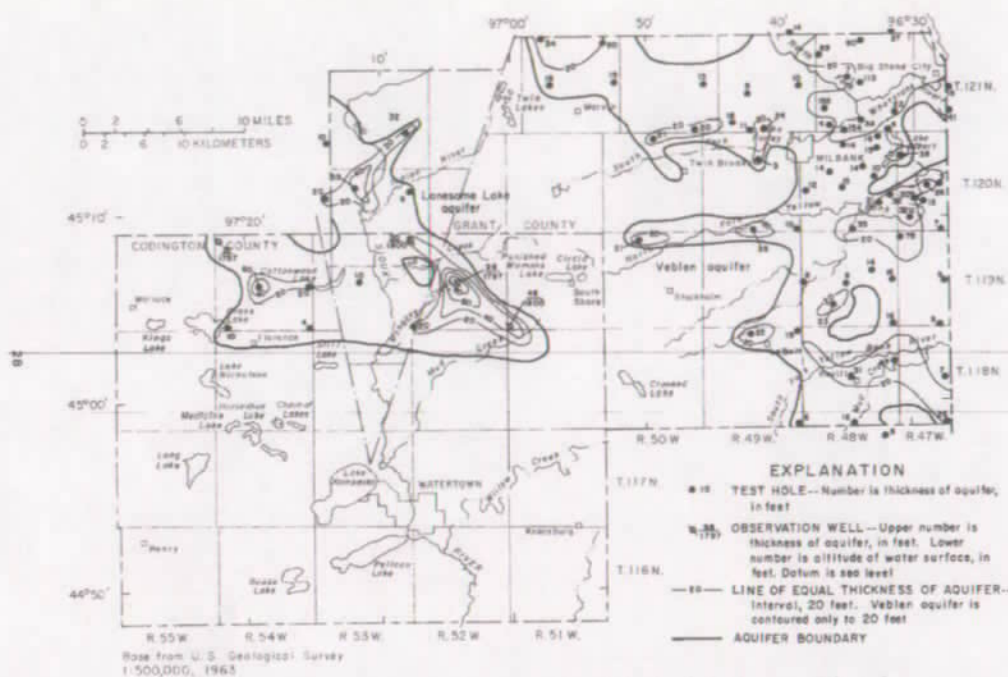


Figure 3: Veblen aquifer defined by Hansen (1990): Modified from Buhler (2007)

Barr Engineering conducted a groundwater investigation for Permit No. 6846-3. Barr Engineering (2007) further delineated the Veblen aquifer, as shown in Figure 4, which has similar areal extents as the Veblen aquifer defined by Hansen (1990). In most cases, however, Barr Engineering (2007) reported the saturated thickness of the aquifer was less than the thickness estimated by Hansen (1990), which may be due to distinctions between layers of sand and gravel deposits.

For the purposes of appropriations by the SD DENR-Water Rights Program and the Water Management Board, the “Veblen aquifer” can be considered as the group of buried outwash deposits in Grant County that are found within the areal extent and interval of altitude defined by Hansen (1990). This “Veblen aquifer” probably includes the Fairmont aquifer defined by Green and Gilbertson (1987) and the Wilmont outwash group defined by Thompson (2001) (Buhler, 2007).

A well completion report was not submitted with this application; however, sufficient information is available from area water right/permits and SDGS lithologic logs to evaluate the aquifer at the proposed well location. Many SDGS lithologic logs near the proposed well site indicate a layer of sand and gravel at approximately 40 to 60 feet below ground surface. The well completion report’s lithologic log submitted with Water Right No. 5525-3 located less than one mile south of the proposed well site indicates layers of sand and gravel from 48 to 93 feet below ground surface, with a static water level of 20 feet below ground surface. A SDGS lithologic log located less than one mile north of the proposed well site indicated layers of sand from 63 to 83 feet below ground surface. (“Lithologic Logs Database”; Water Rights, 2012b). Hansen (1990) reported an average depth to the top of the aquifer of 52 feet below ground surface, an average aquifer thickness of 28 feet, and an average static water level of 29 feet below ground surface.

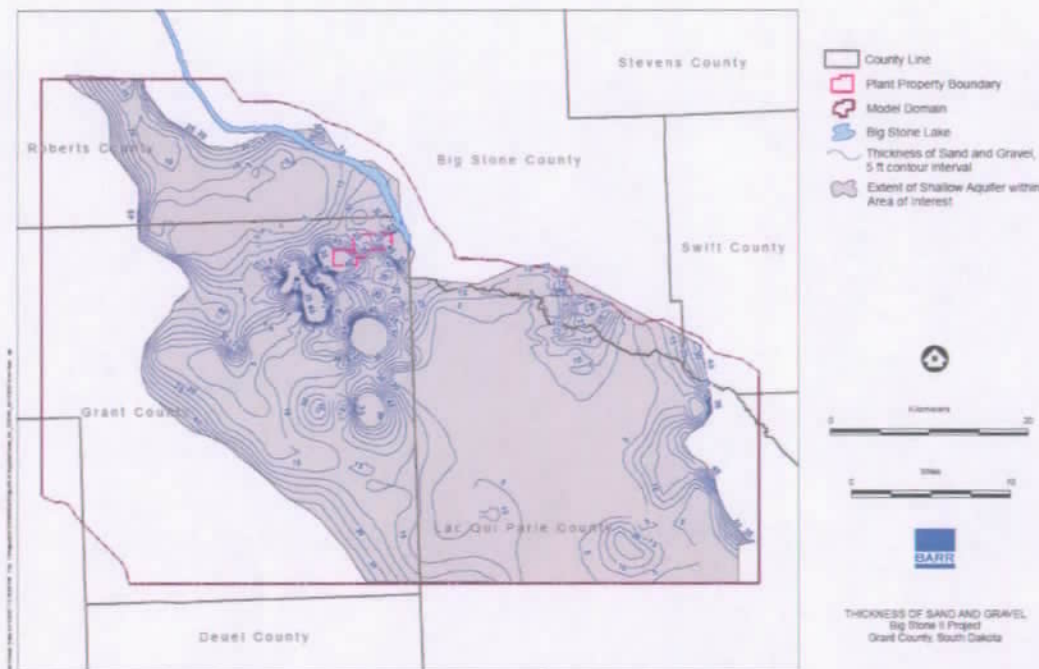


Figure 4: Veblen aquifer defined by Barr Engineering (2007): Modified from Buhler (2007)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer and pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 160 ac-ft/yr from the "Veblen aquifer". If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

HYDROLOGIC BUDGET:

Recharge:

Recharge to the "Veblen aquifer" in Grant County occurs due to direct infiltration of precipitation in areas where the aquifer is at or near land surface and leakage from till (Hansen, 1990). An average annual recharge rate has not been quantified for the aquifer. However, Hedges and others (1985) estimated the recharge rate for the "Veblen aquifer" as 0.24 inches per year (in/yr) for confined portions and 5.2 in/yr for unconfined portions. So, the actual average recharge rate for the "Veblen aquifer" is probably within this range.

Discharge:

Discharge from the "Veblen aquifer" occurs due to outflow to local lakes and rivers, specifically the North Fork of the Yellow Stone River for the area of the proposed well site, and well withdrawals from municipal, institutional, industrial, and irrigation use (Hansen, 1990; Water Rights, 2012b). Currently, a total of 41 water rights/permits authorizing wells appropriate water from the "Veblen aquifer", with 30 of these water rights/permits located in Grant County (Water Rights, 2012b). Water rights/permits withdrawing from the "Veblen aquifer" in Grant County are shown in Table 1.

Current diversion rate appropriation for non-irrigation use totals 6.403 cfs. The amount of water than can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time. Therefore, the total annual withdrawal from the "Veblen aquifer" in Grant County by non-irrigation use limited by diversion rate is expected to total less than 2,782 ac-ft/yr (Water Rights, 2012b).

Permit No. 6846-3 is the only water right/permit with appropriation limited by annual volume. The permit appropriates up to 10,000 ac-ft/yr, with a maximum average annual withdrawal of 4,700 ac-ft/yr over a 20 year period. Currently, no water use has been reported as required by the

permit and the permit may be subject to cancellation due to non-construction. Due to these circumstances, there is no annual withdrawal from the “Veblen aquifer” in Grant County by non-irrigation use limited by an annual volume (Water Rights, 2012b).

The remainder of the water rights/permits are appropriated for irrigation use. Figure 5 shows the “Veblen aquifer’s” historic irrigation data in Grant County. The average volume of water appropriated from the “Veblen aquifer” for irrigation equals 6,597.1 ac-ft/yr, while the average pumpage reported equals 851.67 ac-ft/yr (Water Rights, 1979-2012).

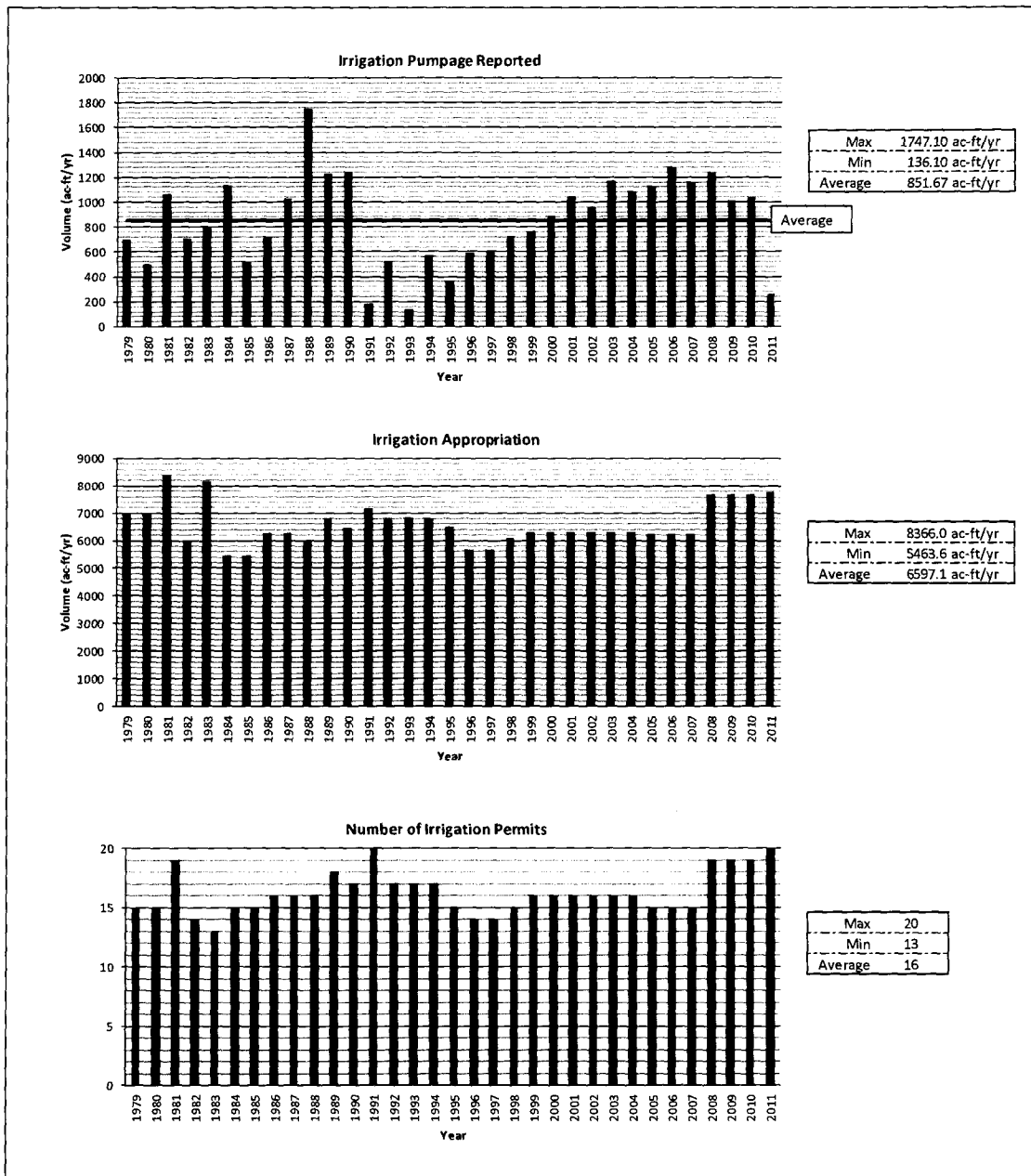


Figure 5: Historic irrigation water use from the “Veblen aquifer” in Grant County (Water Rights, 1979-2012)

In addition, there are many well completion reports on file with the SD DENR-Water Rights Program in Grant County for domestic wells that appear to be completed into the “Veblen aquifer” (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

Hydrologic Budget:

Discharge from the “Veblen aquifer” in Grant County due to well withdrawal, assuming no withdrawal due to Permit No. 6846-3, is estimated to be no more than 3,700 ac-ft/yr. To balance the hydrologic budget, recharge must equal withdrawal. At the current expected annual withdrawal plus the annual withdrawal proposed by this water permit application; recharge must equal 0.32 in/yr to balance this hydrologic budget. This recharge rate is within, and is actually on the conservative side of, the previously cited estimated recharge range. Therefore, there is a reasonable probability that unappropriated water is available from the “Veblen aquifer” for the proposed appropriation of 160 ac-ft/yr.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 34 observation wells completed into the “Veblen aquifer”, with 15 of these observation wells located in Grant County. The nearest of these wells, GT-77Q and GT-79F, are located approximately 1.6 miles northwest and 0.9 miles south of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 6 and 7 (Water Rights, 2012a).

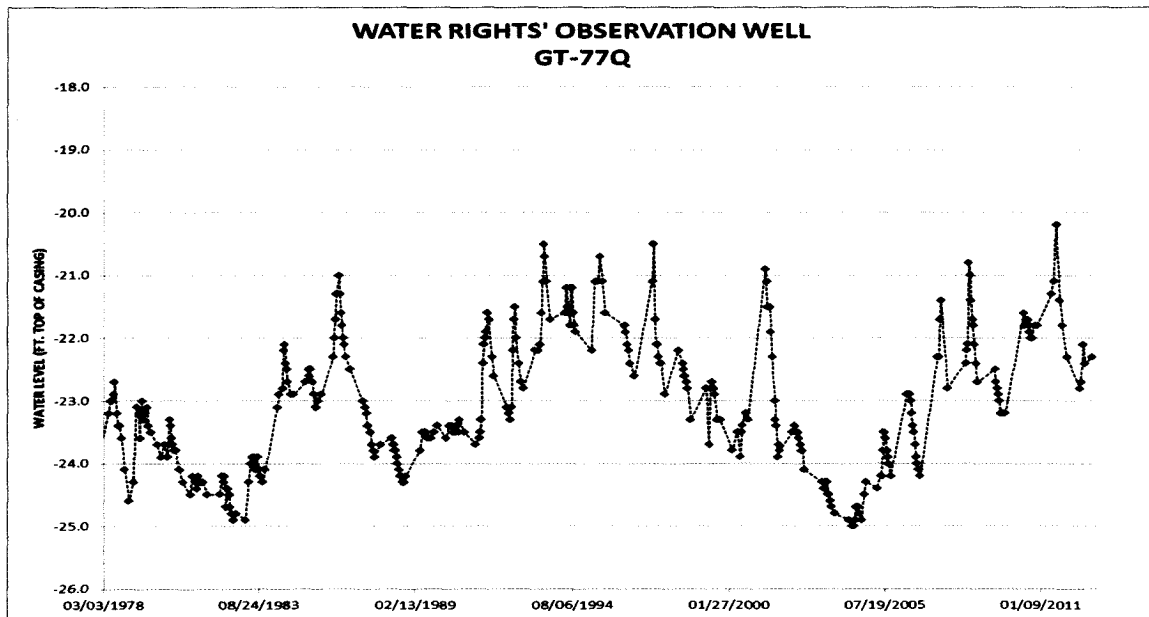


Figure 6: Hydrograph for DENR-Water Rights' observation well GT-77Q (Water Rights, 2012a)

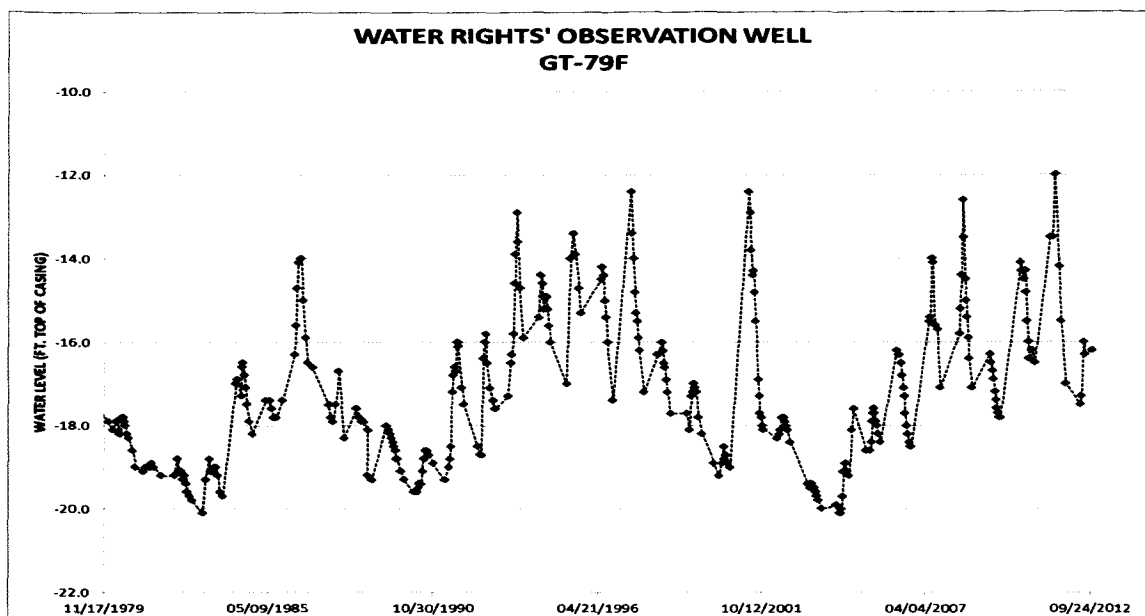


Figure 7: Hydrograph for DENR-Water Rights' observation well GT-79F (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. This data documents that, at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the "Veblen aquifer" significantly exceeds pumping. Also consider that natural discharge can also be captured for pumping. These hydrographs indicate that unappropriated water is available from this area of the "Veblen aquifer" to support the proposed appropriation of 160 ac-ft/yr at the proposed well site.

EXISTING WATER RIGHTS:

There are 30 water rights/permits appropriating water from the "Veblen aquifer" in Grant County; three of these are located within two miles of the proposed well site. Table 1 describes these water rights/permits. The applicant, Mielitz Bros., also owns the two wells nearest to the proposed well. The nearest well, Water Right No. 7216-3, is located approximately 1,300 feet from the proposed well site (Water Rights, 2012b). There are also several well completion reports on record with the SD DENR-Water Rights Program for domestic wells within two miles of the proposed well site that may be completed into the "Veblen aquifer" (Water Rights, 2012c).

Because the "Veblen aquifer" is often under confined conditions, drawdown in a well may be significant. A well completion report was not submitted with this application; so, an analysis of possible well interference cannot be conducted. However, at the distances involved, drawdown is not expected to be significant. Therefore, interference due to the proposed well is not expected to adversely or unlawfully impair existing water rights.

Table 1: Water rights/permits completed into the “Veblen aquifer” in Grant County (Water Rights, 2012b)

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
4050-3	City of Big Stone City	LC	MUN	3.3	
548-3	City of Milbank	LC	MUN	2.1	
5918-3	Victory Farms	LC	COM	0.33	
6161-3	Lou's Greenhouse	LC	COM	0.04	
6171-3	Cold Spring Granite Co.	LC	IND	0.111	
6230-3	Riverview LLP	LC	COM	0.39	
6358-3	Michael & Nancy Johnson	LC	COM	0.11	
6636-3	Western Consolidated COOP	LC	COM	0.022	
6846-3	Otter Tail Power Company	PE	IND		
1939-3	Kathleen A Trapp	LC	IRR	1.00	71
2759-3	Liebe Irrigation	LC	IRR	2.23	198
2808-3	Duane Trapp	LC	IRR	2.00	140
2994-3	Anthony G Folk	LC	IRR	1.39	97
3133-3	David Kruger	LC	IRR	2.01	260
3134-3	David Kruger	LC	IRR	1.78	230
3234A-3	Michael D Johnson	LC	IRR	2.00	116
3234B-3	Joel Adler	LC	IRR	0	120
3412A-3	Dana Johnson	LC	IRR	0.64	72
3412B-3	Mark & Niki Rethke	LC	IRR	0.69	77
3627-3	James/Teresa Grorud	LC	IRR	1.94	136
3723-3	Rocky Meadows INC	LC	IRR	1.11	164
3954-3	Roger Mc Cullough	LC	IRR	2.11	176
4084A-3	Richard Will	LC	IRR	1.00	254
4502-3	Rocky Gardens	LC	IRR	0.17	40
4735-3	Michael D Johnson	LC	IRR	1.00	74
4856-3	Michael D Johnson	LC	IRR	1.00	70
*5469-3	Michael D Johnson	LC	IRR	2.00	230
*5525-3	Mielitz Bros.	LC	IRR	1.78	140
6947-3	Joel Adler	PE	IRR	1.71	0
*7216-3	Mielitz Bros.	PE	IRR	2.28	160
LC = Water Right, PE = Water Permit IRR = Irrigation, MUN = Municipal, IND = Industrial, COM = Commercial * = well is within two miles of proposed well site					

CONCLUSIONS:

1. The application proposes to appropriate 160 ac-ft/yr for irrigation.
2. There is a reasonable probability that unappropriated water is available from the “Veblen aquifer” to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Barr Engineering. 2007. Groundwater Supply Evaluation, Big Stone II Project, Grant County, South Dakota: Prepared for Otter Tail Power Company
- Buhler, K. 2007. Report on Water Permit Application No. 6846-3 for Otter Tail Corporation: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Green, S. and Gilbertson J. P. 1987. Ground-water Investigation for Big Stone City, South Dakota. South Dakota DENR-Geological Survey, Vermillion, SD.
- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 p.
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- Water Rights. 2012b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

NOV 29 2012

WATER RIGHTS
PROGRAM

Ann Tuchscherer

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

Application No. 7439-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one ~~successive~~ weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>November 28</u>	<u>2012</u>	<u>20</u>
<u>20</u>		<u>20</u>
<u>20</u>		<u>20</u>

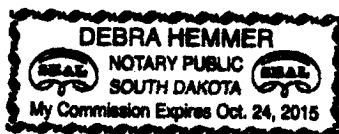
That \$ 23.20, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ann Tuchscherer

Subscribed and sworn to before me this 28th day of Nov 20 12

Debra Hemmer

Notary Public, Grant County, South Dakota



NOTICE OF APPLICATION NO. 7439-3 to Appropriate Water

Notice is given that Mielitz Bros, c/o Doug Mielitz, 1085 340th St, Bellingham, MN, 56212, has filed an application for a water permit to appropriate 1.14 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the W 1/2 NW 1/4 Section 29; all in T120N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7439-3 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 December 10, 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 once at an approximate cost of \$23.20. Nov. 28

Publication Fee \$ 23.20
Notarial Fee \$
Total \$ 23.20

RECEIVED

DEC - 3 2012

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

November 28th, 2012

Cost of Printing \$53.37

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

November 28th, 2012

(Date Signed)

NOTICE OF APPLICATION

NOTICE OF APPLICATION
NO. 7439-3 to
Appropriate Water

Notice is given that Mielitz Bros, c/o Doug Mielitz, 1085 340th St, Bellingham MN 56212 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second (cfs) from one well to be completed into the Veblen Aquifer (100 feet deep) located in NW 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the W 1/2 NW 1/4 Section 29; all in T120N-R47W.

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Published once at the approximate cost of \$53.75. (November 28, 2012)

53.37
All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 20, 2012

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7439-3 to Appropriate Water. Please publish the notice once on November 28, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mielitz Brothers, c/o Doug Mielitz, 1085 340th St., Bellingham MN 56212 (Ph # 320-568-2419).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 20, 2012

Public Opinion
PO Box 10
Watertown SD 57201

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

November 20, 2012

Mielitz Brothers
Doug Mielitz
1085 340th St
Bellingham MN 56212

Dear Mr. Melietz:

Water Permit Application No. 7439-3 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 Grant County Review printed at Milbank SD (Ph # 605-432-4516) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

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 the Notice on November 28, 2012. 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. 7439-3 to Appropriate Water

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Published once 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

JAN 17 2013

Mielitz Bros
Doug Mielitz
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

Enclosed is Water Permit No. 7439-3 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

7439-3

SD EForm - 1621LD

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 28 Twp 120N Rg 47W

County Grant

29 KS

North

405' Please mark well location with an "X"

Amended 3 17 2014

Well Completion Date

October 5, 2012

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,000.0 ft from East, House (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	124.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Qk Grt/Cemt	24	Lb/gal	0.0 Ft	114 Ft
Red Flint	40	Lb/gal	114 Ft	154 Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter 12.00 inches Length 30.0 Feet

Material Johnson Stainless Steel

Slot Size 50 Set From 124.0 Feet to 154.0 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?

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: DOUG MIELTIZ

Business Name: MIELTIZ BROTHERS

Address: 1085 340TH ST

City, State, Zip: BELLINGHAM MN 56212

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
TOP SOIL	BLK	M	0	2
CLAY	TAN	M	2	6
SAND	BLU	M	6	18
CLAY	BLU	M	18	32
SAND	BLU	S	32	40
CLAY	BRN	M	40	76
SAND	BLU	M	76	82
CLAY	BLU	M	82	85
SAND	BLU	M	85	154

STATIC WATER LEVEL 9.0 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

59.0 Ft After 5.3 Hrs. pumped 800.0 GPM

Ft After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

N45 10 39.7

96 29 37.0

RECEIVED

MAR 18 2014

WATER RIGHTS PROGRAM

This well was drilled under license # 463 and its report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12-13-12

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP

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

Date: August 29, 2017

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

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

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

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

Mielitz Bros.,
a South Dakota general partnership

By: Douglas Mielitz
Name: Douglas Mielitz
Title: Partner

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

By: Jonathan Mielitz
Name: Jonathan Mielitz
Title: Partner

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

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

(SEAL)

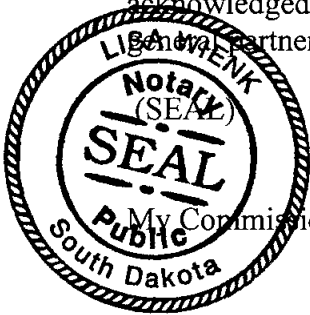
Lisa Wienk
Notary Public

My Commission Expires: 7/26/18



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

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



Lisa Wienk
Notary Public

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

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

(SEAL)

Lisa Wienk
Notary Public

My Commission Expires: 7/26/18



Exhibit "A"

Legal Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7439-3

I have this day, August 9, 2021, made a thorough examination of the water use system constructed by Mielitz Bros, c/o Doug Mielitz, 1085 340th Str, Bellingham, MN 56212 of Permit No. 7439-3, bearing the priority of September 18, 2012 authorizing the diversion of 1.14 cu. ft. per second of the waters of the Veblen Aquifer for irrigation purposes, in Grant County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump, Inc
- 2) No. of Wells 1
- 3) Depth(s) 154 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 124 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 30 feet
- 3) Static water level 9 feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity 550 GPM

Motor: unknown

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 - Zimmatic
- 2) Overall length 520 and 1000 feet
- 3) Number of towers 3 & 5
- 4) End gun Y
- 5) Capacity 550 each GPM

Chemigation Equipment: Uses commercially available equipment for nitrogen injection

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: EAST WELL: FROM THE NW CORNER SEC 29 T120N R47W, 845 ft S & 895 ft E, Lat 45.17767 Long -96.49359 (NW ¼ NW ¼ Sec 29)
2. The works are capable of diverting and conveying to the place of use 1.22 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land located in Sec 29, T120N R47W

NW ¼ NW ¼ – 28 acres

SW ¼ NW ¼ – 30 acres

comprising a total of 58 acres of land and the license should be issued for 0.83 cfs (0.83 is the statutory limit for irrigation of 58 acres)

3. All structures, wells and lands on map Y

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

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

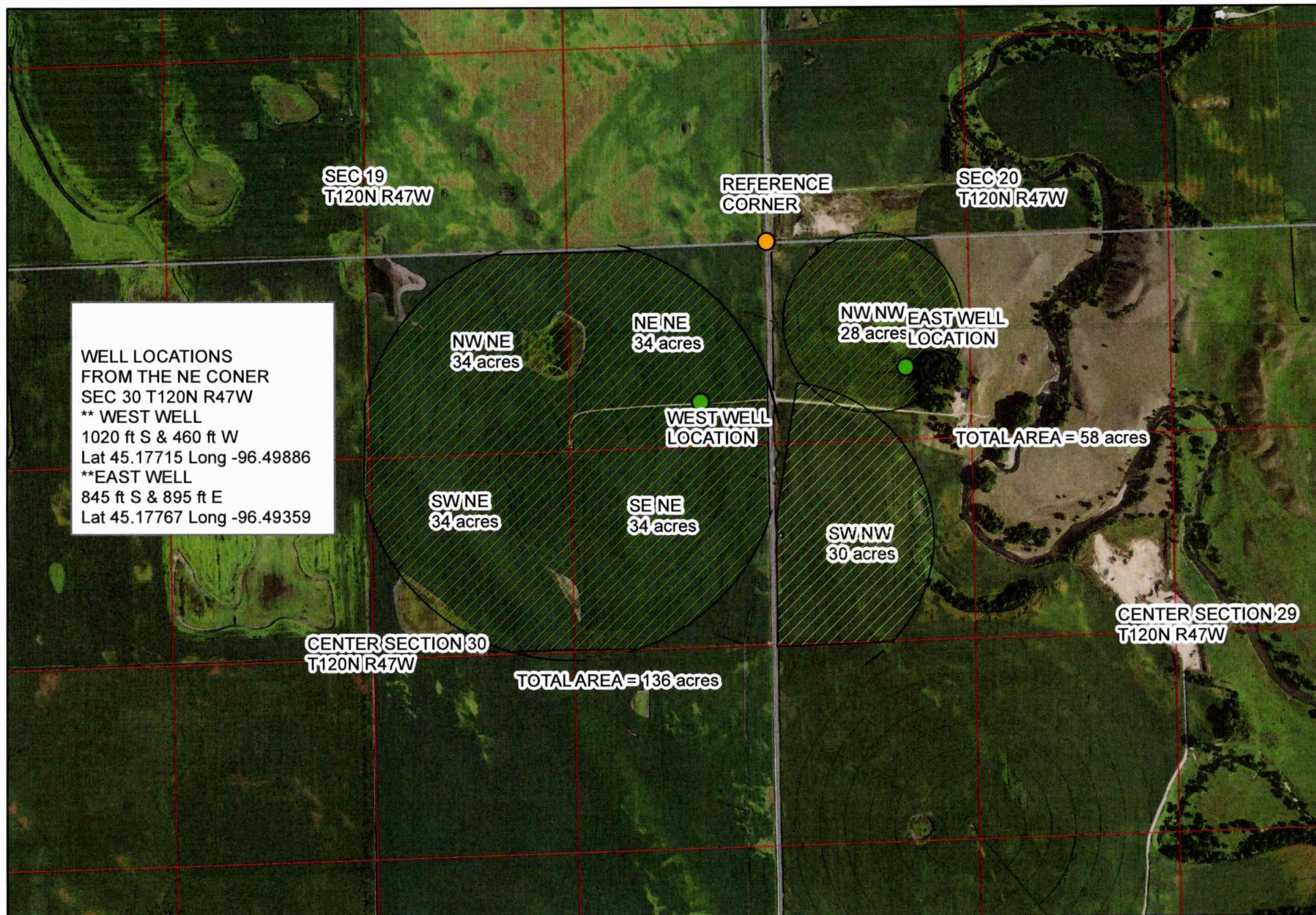
The associated map also includes information related to Permit 7216-3.

The address and the telephone number for Mr. Doug Mielitz, contact person, contained in the review materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 11, 2021



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

7439-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7216-3
7439-3

AUG 12 2021

Doug Mielitz
Mielitz Brothers
1085 340th St
Bellingham MN 56212

Dear Mr. Mielitz:

Enclosed are Water License Nos. 7216-3 and 7439-3. These are the final water right documents completing your process of obtaining Water Rights. Included with the licenses is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Enclosures

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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7439-3**

(1) Mielitz Brothers, 1085 340th St., Bellingham MN 56212 made Application No. 7439-3, September 18, 2012 for a water permit to divert 1.14 cubic feet of water per second from ground water, one well (Veblen Aquifer), Grant County, South Dakota for irrigation purposes. Permit No. 7439-3, with a priority date of September 18, 2012 was approved December 10, 2012 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 10, 2017 and for the application to beneficial use of said water on or before December 10, 2021.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.83 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 845'S and 895'E of the NW corner of Section 29, T120N, R47W (NW ¼ NW ¼ Sec 29)
Latitude 45.17767 Longitude -96.49359

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

Section 29, T120N, R47W	NW ¼ NW ¼	28 acres
	SW ¼ NW ¼	30 acres
	Total	58 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mielitz Brothers, 1085 340th St., Bellingham MN 56212 the holders and/or owners of Water Right No. 7439-3 are issued a license to appropriate water, the right to use 0.83 cubic feet of water per second from ground water, one well (Veblen Aquifer) with a priority date of September 18, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7439-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7439-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in October 2012 by Steffl Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

AUG 12 2021

date

