

WATER PERMIT NO. 7996-3

Name of Applicant: **Danish Farmland Holdings LLC**

Address: **c/o Nathan Jensen, 47289 298th St, Beresford SD 57004**

Phone: **605 214-6057**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

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

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **1 mile southeast of Beresford**

PRIORITY

Date Received: **4-10-14**

Application/License Fee: **\$ 1050**

Corrected Application Received:

Period of Annual Use: **June 1 – August 31**

Remarks:

Diversion Point: **center of SW 1/4 Sec 10-T95N-R50W**

Land to be Irrigated: **SW 1/4 Sec 10-T95N-R50W**

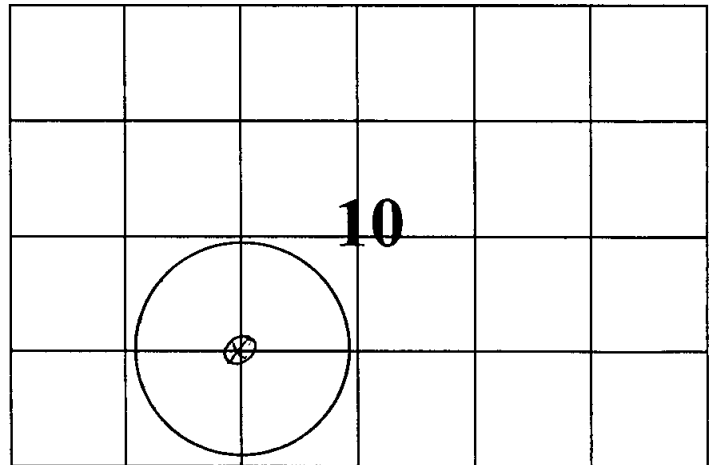
Depth of Well: **99 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **4-14-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7996-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	<u>605-673-2006</u>
	Newspaper <u>Beresford Republican</u>	<u>Box 111 57004</u>
	<u>Argus Leader Box 5034 57466 57177 2200</u>	<u>605-331-2200</u>

RECEIVED
APR 10 2014
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 to Appear on Irrigation Permit Danish Farmland Holdings, LLC

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 47289 298th St. Beresford SD 57004
(Address) (City) (State) (Zip Code)

Home Phone (605) 957-4595 Cell (605) 214-6057 Email njensen@ymail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Irrigation well

4. Location of point of diversion 1 well in SW 1/4 Section 10-T95N-R50W Approximate center SW 1/4
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used June to August 31

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
NW1/4 of SW1/4 Section 10-T95N-R50W	40		
NE1/4 of SW1/4 Section 10-T95N-R50W	40		
SW1/4 of SW1/4 Section 10-T95N-R50W	40		
SE1/4 of SW1/4 Section 10-T95N-R50W	40		

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

This project is the installation of 7 span agriculture irrigation pivot covering 134 acres of the following agriculture real estate: SW1/4 Section 10-T95N-R50W.

I, Danish Farmland Holdings, LLC by Nathan Jensen, CFO, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7996-3**

Date of first receipt of application April 10, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7996-3 to Danish Farmland Holdings, LLC c/o Nathan R Jensen, 47289 298th St, Beresford SD 57004 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. 7996-3 authorizes 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T95N-R50W.
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: June 1 – August 31.
3. The date from which applicant may claim right is April 10, 2014.
4. The date of approval of Permit No. 7996-3 is June 30, 2014.
5. One-fifth of the construction is to be completed on or before December 30, 2016.
6. All construction is to be completed on or before June 30, 2019.
7. Water is to be put to beneficial use on or before June 30, 2023.
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. 7996-3 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: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 24 2014

date



Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

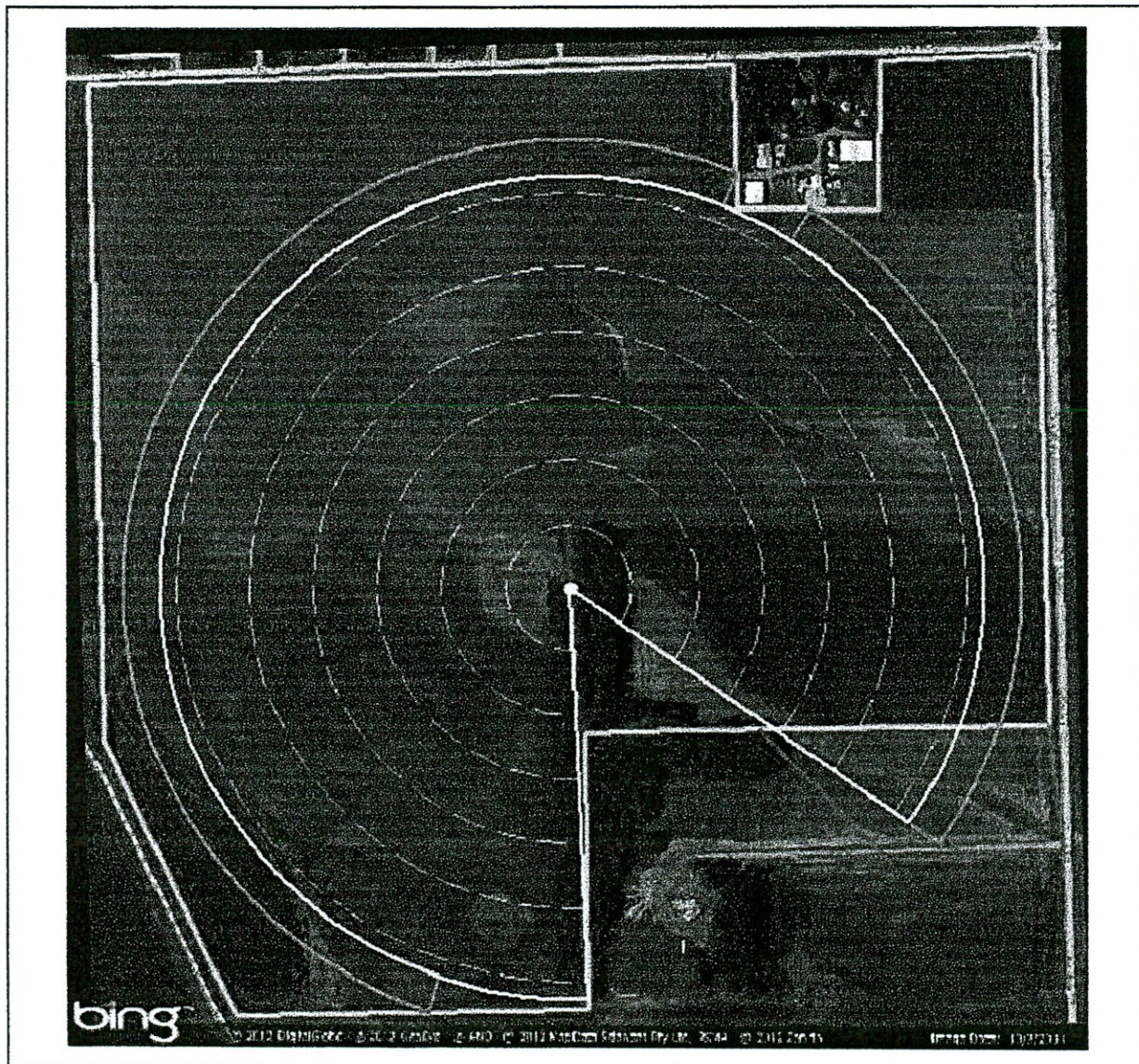
Section Corner: 298th & 473rd (SW)

Farm: Danish Farmlands

Grower: Terry Jensen

LEGAL: NE 1/4 S9 - T95N - R50W 1/8/2014
Union County, SD

Systems:	Length	Spans	Total area including endgun
○ Home Place	1146.00 ft	6 spans + 44 ft o.h.	94.14 acres



Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

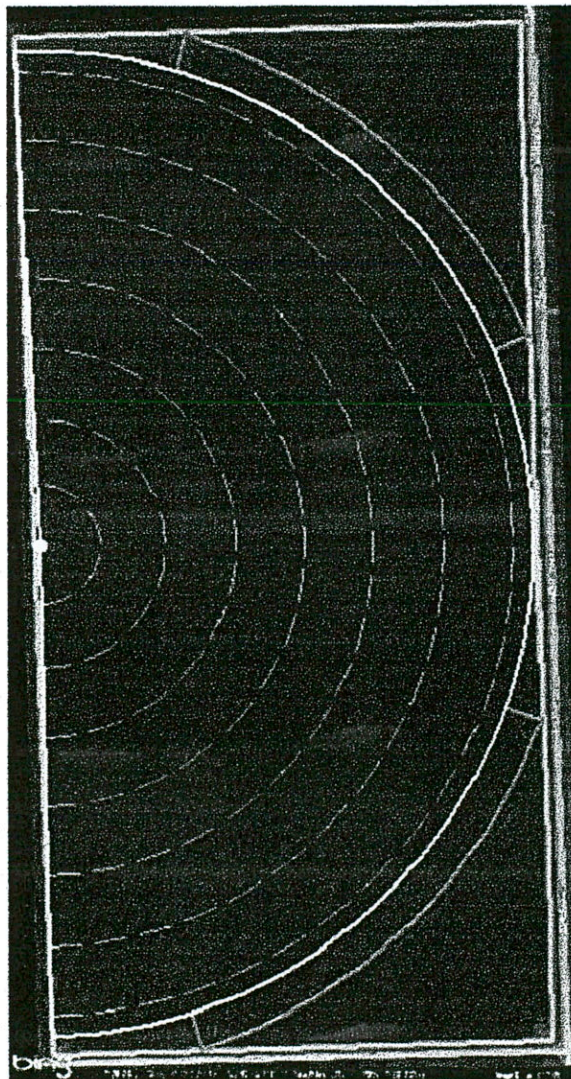
Section Corner: 299th & 474th (NW)

Farm: Danish Farmland

Grower: Nathan Jensen

LEGAL: E 1/2 of SE 1/4 S9-T8N-R56W 1/8/2014
Union County, SD

Systems:	Length	Spans	Total area including endgun
○ Kelly 80	1270.75 ft	7 spans + 44 ft o.h.	64.18 acres



Lindsay Manufacturing Co.



2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

RECEIVED

APR 10 2014

WATER RIGHTS
PROGRAM

Farm: Danish Farmland

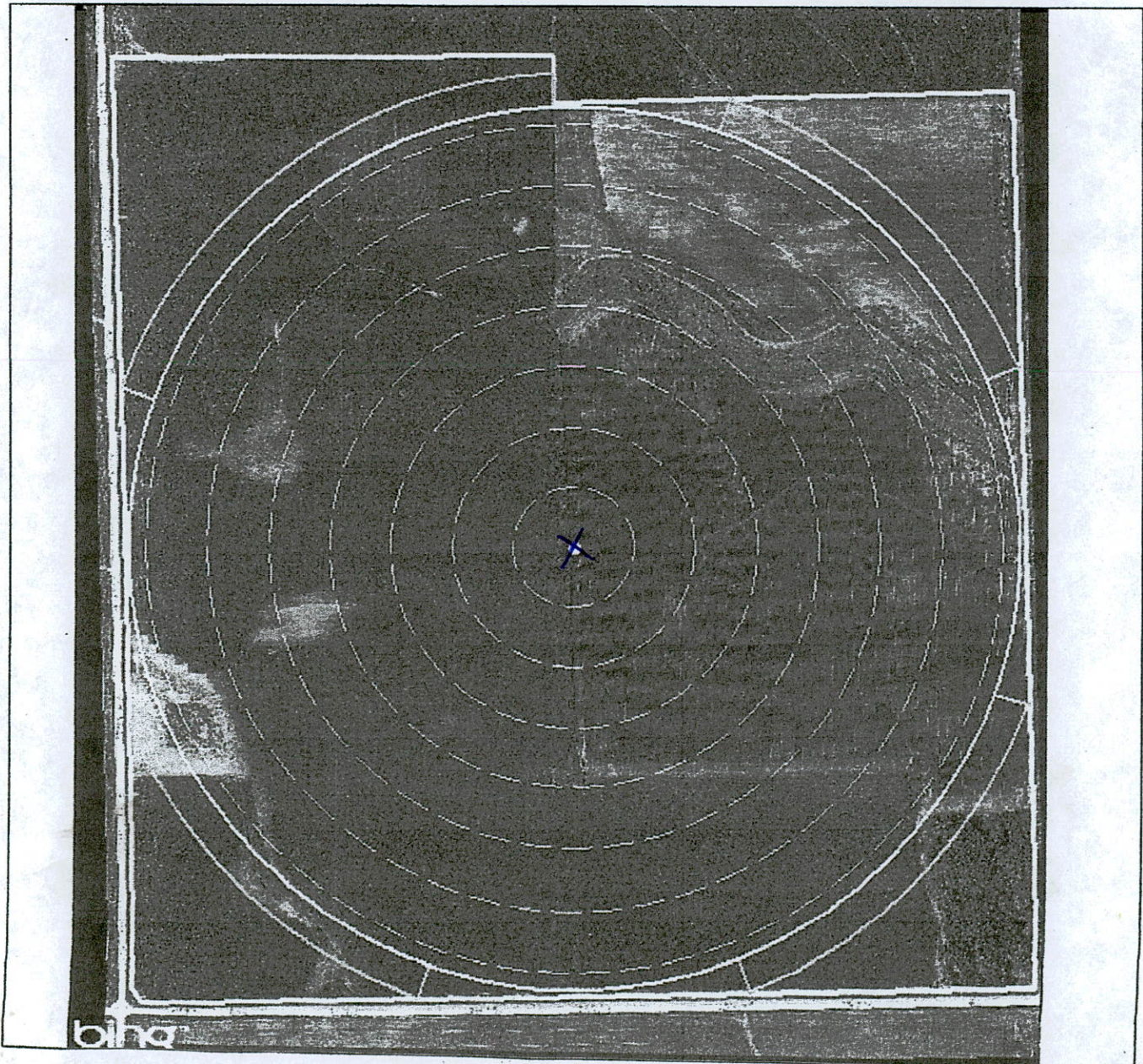
LEGAL: SW/4 S 10-T95N-R50W

Grower: Nathan Jensen

Union, County, SD

1/8/2014

Systems:	Length	Spans	Total area including endgun
☐ The Hundred	1303.67 ft	7 spans + 44 ft o.h.	134.17 acres



An aerial photograph of a rural landscape, likely in the United States, showing a grid of land sections. The terrain is a mix of green fields, brownish soil, and some scattered trees. A network of roads and a river or stream are visible. Overlaid on the image are labels for specific sections, each identified by a section number, township (T095N), and range (R50W).

Sec 4
T095N
R50W

Sec 3
T095N
R50W

Sec 2
T095N
R50W

Sec 9
T095N
R50W

Sec 10
T095N
R50W

Sec 11
T095N
R50W

Sec 16
T095N
R50W

Sec 15
T095N
R50W

Sec 14
T095N
R50W

Sec 21
T095N
R50W

Sec 22
T095N
R50W

Sec 23
T095N
R50W

TH #2

THEIN WELL CO. - WELL LOG

Customer: Nathan JensenLocation: Beresford, SDGPS: N43°3.516 W 96°43.896Elev: 1430 Hole Size: 6 1/4Date: 3-18-14 Well Size: -Well Depth: 140'Screen Data: -Type: - Slot: -S.W.L.: - P.L.: - GPM: -Driller: Matt DHelper: Nick SGrout: from 140 to Top ft 6 bags

TH #1

THEIN WELL CO. - WELL LOG

Customer: Nathan JensenLocation: Beresford, SDGPS: N43°3.493 W 96°44.489Elev: 1476 Hole Size: 6 1/4Date: 3-17-14 Well Size: -Well Depth: 160Screen Data: -Type: - Slot: -S.W.L.: - P.L.: - GPM: -Driller: Matt DHelper: Nick SGrout: from 160 to Top ft 6 bagsTH #3
THEIN WELL CO. - WELL LOGCustomer: Nathan JensenLocation: Beresford, SDGPS: N43°3.913 W 96°45.092Elev: 1486 Hole Size: 6 1/4Date: 3-18-14 Well Size: -Well Depth: 180Screen Data: -Type: - Slot: -S.W.L.: - P.L.: - GPM: -Driller: Matt DHelper: Nick SGrout: from 180 to Top ft 7 bags

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/10, 20 14

RECEIVED OF Danish Farmland Holdings LLC 47289 298th St Berezford SD 57004

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

Fee for Application for Permit No. <u>71996-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7996-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **06818**

By James J. Paulman
Chief Engineer

Schlaak, Karen

From: Nathan Jensen <nathan.jensen@meadowvaledairy.com>
Sent: Friday, April 11, 2014 11:06 AM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: info@theinwell.com_20140411_105521.pdf;
Attachments: doc00094520140411110334.pdf

Eric and Karen,

Please find attached the maps with the section corners.

Nathan

Nathan R. Jensen
Chief Financial Officer | Meadowvale Dairy, LLC
Office: (712) 476-2560 Mobile: (605) 214-6057 Fax: (712) 476-5067 | Email: nathan.jensen@meadowvaledairy.com
Address: 1760 300th St. | Rock Valley, IA 51247

The information contained in this message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please notify us immediately.

-----Original Message-----

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Friday, April 11, 2014 10:38 AM
To: Nathan Jensen
Cc: Schlaak, Karen
Subject: RE: [info@theinwell.com_20140411_105521.pdf](#);

Thanks - DENR received your applications. Karen initially reviewed and the one thing she found was the maps submitted did not specifically reference a section corner. They state the location but the map does not specifically reference the section corner. I don't see that as a major issue since DENR is able to print out the FSA aerials and match that with the map depiction you provide.

DENR will proceed to have a staff engineer review for the purpose of looking at the criteria in law for when a permit may be issued. The Chief Engineer uses this report to a large extent to base the recommendation. If the staff engineer has questions during his review, they will contact you.

Eric

-----Original Message-----

From: Nathan Jensen [<mailto:nathan.jensen@meadowvaledairy.com>]
Sent: Friday, April 11, 2014 10:26 AM
To: Gronlund, Eric

Subject: FW: info@theinwell.com 20140411 105521.pdf;

Eric,

Attached are the logs for the test holes by Thein Well Company, Inc. for Danish Farmland Holdings, LLC.

Did you receive the Fed Ex package?

Nathan

Nathan R. Jensen

Chief Financial Officer | Meadowvale Dairy, LLC

Office: (712) 476-2560 Mobile: (605) 214-6057 Fax: (712) 476-5067 | Email: nathan.jensen@meadowvaledairy.com

Address: 1760 300th St. | Rock Valley, IA 51247

The information contained in this message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please notify us immediately.

-----Original Message-----

From: Aaron Butler [<mailto:aaron@theinwell.com>]

Sent: Friday, April 11, 2014 9:07 AM

To: Nathan Jensen

Subject: info@theinwell.com 20140411 105521.pdf;

Here are the logs on your test holes.

Thanks.

Aaron M. Butler

THEIN WELL COMPANY, INC.

SINCE 1893

info@theinwell.com 20140411 105521.pdf;



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7996-3, Danish Farmland Holdings, LLC**

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. 7996-3, Danish Farmland Holdings, LLC, c/o Nathan R Jensen, 47289 298th Street, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 7996-3 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. 7996-3 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.

Jeanne Goodman, Chief Engineer
June 12, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7996-3, 7997-3 & 7998-3
DANISH FARMLAND HOLDINGS, LLC.
JUNE 10, 2014

Water Permit Application No. 7996-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Brule Creek aquifer. The well is expected to be approximately 99 feet deep and located in the SW¼ of Section 10, T95N-R50W in Union County. Water will be used to irrigate 160 acres located in the SW¼ of Section 10, T95N-R50W.

Water Permit Application No. 7997-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Brule Creek aquifer. The well is expected to be approximately 99 feet deep and located in the E½ SE¼ of Section 10, T95N-R50W in Union County. Water will be used to irrigate 64.18 acres located in the E½ SE¼ of Section 10, T95N-R50W. This application proposes a diversion rate greater than the statutory limit.

Water Permit Application No. 7998-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Brule Creek aquifer. The well is expected to be approximately 99 feet deep and located in the NE¼ of Section 9, T95N-R50W in Union County. Water will be used to irrigate 95 acres located in the NE¼ of Section 9, T95N-R50W. This application proposes a diversion rate greater than the statutory limit.

AQUIFER: Brule Creek aquifer (BRC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Brule Creek aquifer consists of glacial and nonglacial derived medium sands to coarse gravels. The aquifer underlies parts of northern Union County, southern Lincoln County, and a portion of northeast Clay County (Hedges and others, 1982; Niehus, 1994; Stephens, 1967). Niehus (1994), estimated that the Brule Creek aquifer underlies 180 square miles and contains 570,000 acre-feet (ac-ft) of water in storage.

The Brule Creek aquifer is generally overlain by glacial till and underlain by the Carlile Shale or Niobrara Formation. The aquifer is hydraulically connected to the Newton Hills aquifer to the north and local surface waters, specifically Brule Creek, and possibly the Big Sioux and Lower Vermillion Missouri aquifers. Water movement in the aquifer is generally south, except in the northern most portion, where water moves northeast toward the Newton Hills aquifer which is hydraulically connected. The Brule Creek aquifer is under artesian conditions except in areas where the aquifer is near the land surface. (Niehus, 1994).

The Brule Creek aquifer has an average thickness of 33 feet but can reach a thickness of 88 feet. The top of the aquifer ranges from one to 176 feet below ground surface, and the average depth to the top of the aquifer is 46 feet. The average water level in the aquifer is 70 feet below ground

surface and ranges from ground surface to 153 feet below ground surface (Niehus, 1994). The depths of the aquifer and water levels vary due in part to the rugged land surface. The aquifer appears to be unconfined in the area of the well sites proposed by these applications.

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 that are pertinent to this application.

WATER AVAILABILITY:

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." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved. Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Brule Creek aquifer occurs due to infiltration of precipitation where the aquifer is near land surface (Niehus, 1994). From observation well data, the recharge rate of unconfined portions of this aquifer was determined to be 4.5 inches per year (in/yr). From area lithologic logs, the unconfined area of the aquifer was estimated to be at least one fourth of the total area (Buhler, 2009). Applying Niehus' (1994) estimated area of the aquifer of 180 square miles, recharge to unconfined portions of the aquifer is estimated to be 10,800 ac-ft/yr. Hedges and others (1985) suggested for management and development programs to apply a recharge rate range to confined aquifers of 0.15 in/yr to 0.60 in/yr. Applying the remaining area of the aquifer, recharge to confined portions of the aquifer is estimated to be 1,080 to 4,320 ac-ft/yr.

Discharge:

Discharge from the Brule Creek aquifer occurs due to evapotranspiration where the aquifer is at or near land surface, outflow to the Newton Hills aquifer and possibly the Big Sioux aquifer, and well withdrawals. Currently there are 20 water rights/permits appropriating water from the Brule Creek aquifer (Water Rights, 2014b).

The historic irrigation use from the Brule Creek aquifer is shown in Table 1. Over the period of record (1979-2012), the average annual pumpage is 558 ac-ft/yr, but varies from a minimum of six ac-ft/yr to a maximum of 1,527 ac-ft/yr, while the annual appropriation has remained relatively constant over the last 30 years. This wide range of annual irrigation pumpage can be attributed to several unpredictable factors, namely economic and climatic conditions. For example, in 2012, historic drought conditions and high commodity prices resulted in water use

being much greater than the average (Water Rights, 1980-2013). The expected use of irrigation water rights/permits is estimated to be the average pumpage reported over the entire period of record. Since 2012, three water permits have been authorized, so irrigation pumpage could increase; however, actual use of these new permits cannot accurately be projected (Water Rights, 2014b).

Water rights/permits for non-irrigation use from the Brule Creek aquifer currently authorize a total of 2.574 cfs. These include municipal water rights for the City of Beresford and Alcester, and one livestock confinement operation. The maximum amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits limited only by diversion rate can be estimated by assuming water is pumped at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal from the aquifer by non-irrigation use is estimated to be 1,120 ac-ft/yr (Water Rights, 2014b).

Year	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2012	12	3541	1526.63
2011	12	3541	670.82
2010	12	3541	91.7
2009	11	3458.2	332.99
2008	11	3458.2	755.39
2007	7	2160	702.51
2006	7	2160	733.58
2005	7	2160	637.91
2004	8	2480	667.95
2003	8	2480	469.76
2002	9	2900	504.96
2001	10	2940	521.45
2000	10	2940	702.65
1999	10	2940	790.66
1998	10	2940	987.91
1997	10	2940	651
1996	9	2788	446.51
1995	10	2868	1041.22
1994	10	2868	1192.57
1993	10	2942	11
1992	9	2868	6
1991	9	2868	993
1990	8	2584	859
1989	7	2164	1029
1988	7	2164	939
1987	7	2164	279
1986	7	2164	253
1985	7	2164	300
1984	7	2164	412
1983	7	2164	15.35
1982	7	2164	221.4
1981	13	5344	32.19
1980	11	5064	68.29
1979	11	5064	139.31
Min	7	2160	6
Max	13	5344	1526.63
Average	9	2916.16	558.4

Table 1: Historic irrigation water use from the Brule Creek aquifer (Water Rights, 1980-2013)

While there are numerous domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability and authorization of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the Brule Creek aquifer (Water Rights, 2014c).

Hydrologic Budget:

The average annual withdrawal from the aquifer is estimated to be less than 1,678 ac-ft/yr, which is much less than the estimated annual recharge of 11,880 ac-ft/yr. Therefore, unappropriated water is available from the Brule Creek aquifer for the proposed appropriation.

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 Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer (Water Rights, 2014a). Water levels in this observation well display cyclic conditions, recharging during wet years and declining during dry years. The data documents that at the current level of development temporal well withdrawal is masked by climatic conditions and recharge to and natural discharge from the aquifer exceeds well withdrawal. Therefore, unappropriated water is available from the Brule Creek aquifer to support the proposed appropriation. Observation wells UN-80B and UN-77A are the nearest observation wells to the well sites proposed by these applications. Hydrographs for the observation wells are shown in Figures 1 and 2.

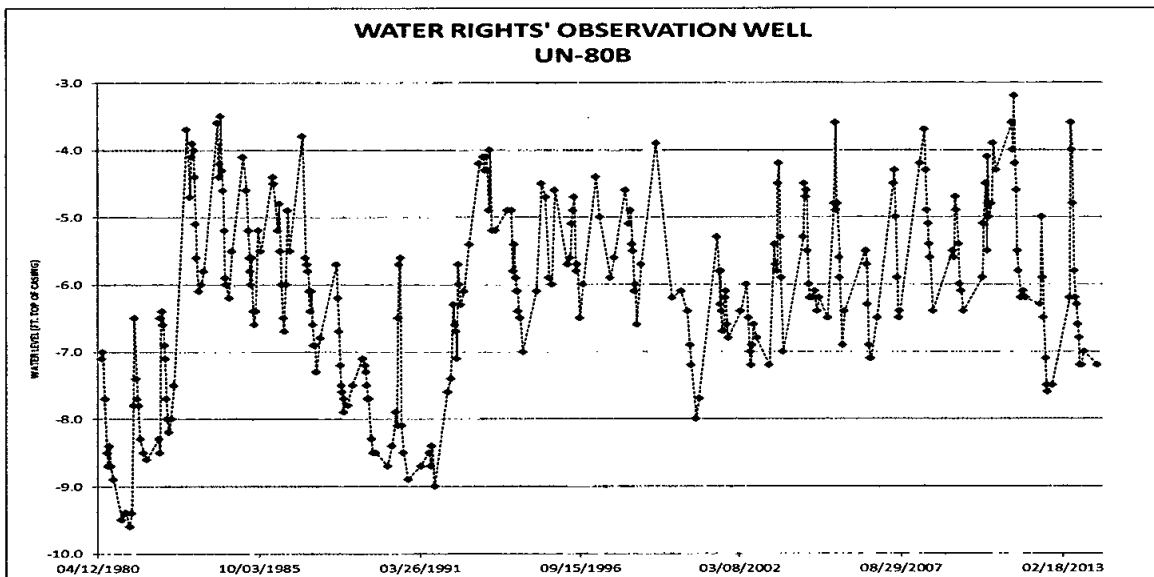


Figure 1: Hydrograph of observation well UN-80B (Water Rights, 2014a)

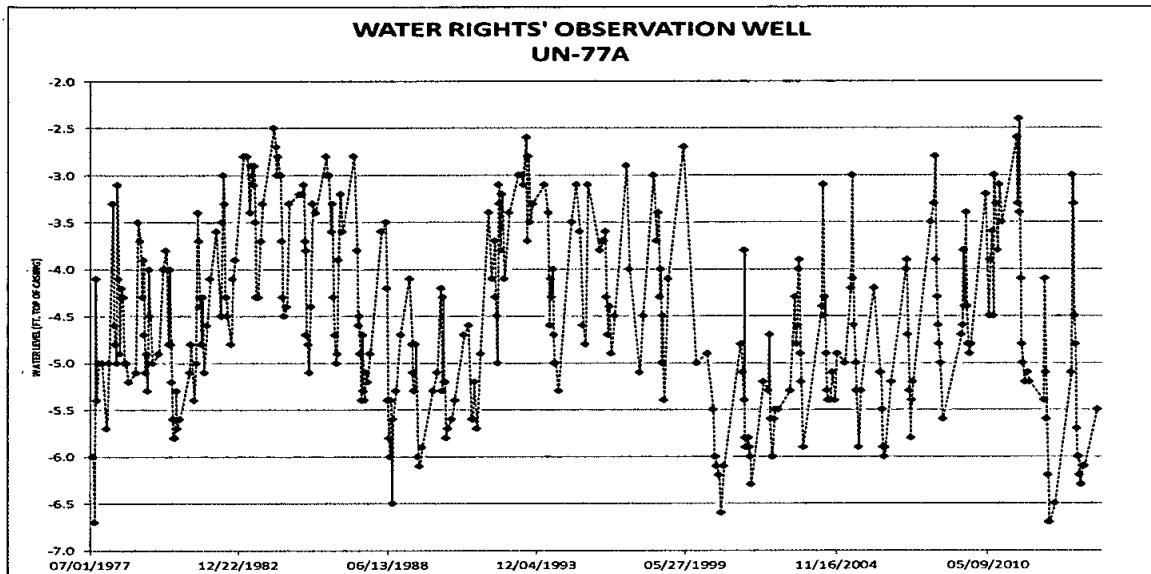


Figure 2: Hydrograph of observation well UN-77A (Water Rights, 2014a)

EXISTING WATER RIGHTS:

The well sites proposed by these applications are located near other wells that obtain water from the same aquifer. There are a number of domestic wells on file with the DENR-Water Rights Program for wells that appear to be completed into the Brule Creek aquifer (Water Rights, 2014c). Water rights/permits appropriating water from the Brule Creek aquifer are shown in Table 2 and Figure 3.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1384-3	JIM ANDREWS	03/29/1967	LC	IRR	1.94	136
2193-3	LARRY D ANDREWS	01/23/1975	LC	IRR	1.94	136
2194-3	LARRY D ANDREWS	01/23/1975	LC	IRR	1.94	136
4685-3	ALLEN ANDREWS	04/10/1981	LC	IRR	1.77	136
4909-3	CITY OF BERESFORD	06/24/1982	LC	MUN	1.92	0
5536-3	DON LERSETH	02/21/1991	LC	IRR	1.77	136
5660-3	CITY OF BERESFORD	11/05/1990	LC	REC	0	0
672-3	CITY OF ALCESTER	01/01/1905	LC	MUN	0.44	0
758-3	CITY OF ALCESTER	01/11/1961	LC	MUN	0.17	0
5950-3	LARRY D ANDREWS	08/07/1996	LC	IRR	1.65	116
6556-3	JAMES ANDREWS	12/21/2004	PE	IRR	1.15	80
6558-3	MARLOW CHRISTENSEN	12/28/2004	LC	COM/LCO	0.044	0
6933-3	STEVEN ANDREWS	01/02/2008	PE	IRR	2.22	249.1
6961-3	NORMAN KRAMER	02/11/2008	PE	IRR	1.56	160
6962-3	NORMAN KRAMER	02/11/2008	PE	IRR	1.56	160
6963-3	NORMAN KRAMER	02/11/2008	PE	IRR	1.44	80
7166-3	STEVEN ANDREWS	11/13/2009	PE	IRR	0	41.4
7561-3	JERRY OR JOYCE HANSEN	12/10/2012	PE	IRR	1.78	132
7843-3	JOHN THOMPSON	05/10/2013	PE	IRR	1.67	120
7901-3	LEON THOMPSON	09/11/2013	PE	IRR	1.89	136

Table 2. Water rights/permits appropriating water from the Brule Creek aquifer (Water Rights, 2014b)

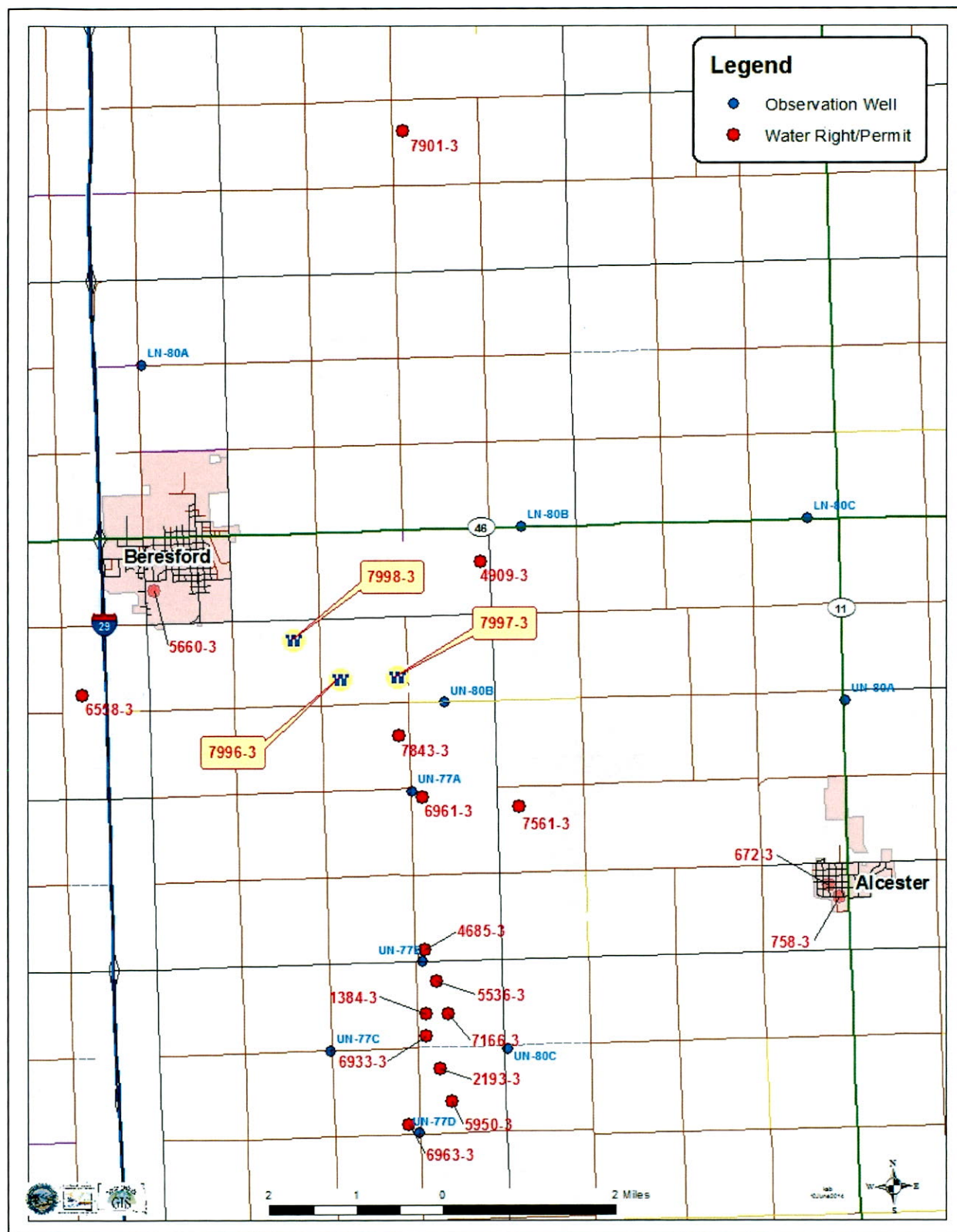


Figure 3. Area map showing locations of: 1) proposed diversion points; 2) diversion points for existing water rights/permits appropriating water from the Brule Creek aquifer; and 3) DENR-Water Rights observation wells completed into the Brule Creek aquifer

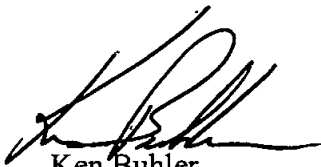
The Brule Creek aquifer appears to be under unconfined conditions at the proposed well sites therefore, drawdown from pumping should be minimal beyond a few hundred feet of a well. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells are not expected to be adversely or unlawfully impaired by these proposed diversions.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application Nos. 7997-3 and 7998-3 proposes to divert 1.78 cfs for the irrigation of 64.18 acres and 90 acres respectively. The rates are equivalent to 1.94 cfs per 70 acres and 1.31 cfs per 70 acres respectively. The applicant has not provided an explanation for the proposed irrigation rate. Presumably, the proposed irrigation rate is the result of the operation requirements for a center pivot irrigation system. The maps provided with the applications indicate the irrigation systems will not be completing full circles; therefore the irrigation rate to irrigated acre ratio exceeds one cfs per 70 acres.

CONCLUSIONS:

1. Water Permit Application Nos. 7996-3, 7997-3, and 7998-3 propose to appropriate water from the Brule Creek aquifer from three separate wells, each diverting a maximum of 1.78 cfs.
2. Water Permit Application Nos. 7996-3, 7997-3, and 7998-3 propose to irrigate a total of 335 acres.
3. Unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriations.
4. The proposed diversions at the proposed well locations are not expected to adversely or unlawfully impair existing nearby adequate wells completed into Brule Creek aquifer.
5. The applicant is requesting a diversion rate greater than the statutory limit.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A., 2009, Report on Water Permit Application No. 7166-3 for Steve Andrews. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Niehus, C.A., 1994. Water Resources of Lincoln and Union Counties, South Dakota. USGS WRI Report 93-44195, United State Geological Survey, Rapid City, South Dakota.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- Water Rights. 1980-2013. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

RECEIVED

COUNTY: UNION

JUL - 7 2014

CITY: BERESFORD

WATER RIGHTS
PROGRAM

NEWSPAPER: BERESFORD REPUBLIC

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

19 day of June, 2014, and that the succeeding publications were severally on

Thursday, the ____ day of _____, 2014;

Thursday, the ____ day of _____, 2014;

Thursday, the ____ day of _____, 2014

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 26⁰⁰

X Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 1 day of July, 2014.

Notary Public

My commission expires 11/14/2018

THURSDAY, June 19, 2014

NOTICE OF APPLICATIONS NOS. 7996-3, 7997-3 and 7998-3 to Appropriate Water

Notice is given that Danish Farmland Holdings, LLC, c/o Nathan Jensen, 47289 298th St., Beresford, SD 57004 has filed the following applications for a water permit.

Application No. 7996-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into Brule Creek Aquifer (99 feet deep) located in the SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T95N-50W.

Application No. 7997-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet) located in the E 1/2 SE 1/4 Section 10 for irrigation of 64.18 acres located E 1/2 SE 1/4 Section 10; all in the T95N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Application No. 7998-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the center of the NE 1/4 Section 9 of 95 acres located in the NE 1/4 Section 9; all in the T95-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Applications Nos. 7996-3, 7997-3 and 7998-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations if filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA



Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capital, Pierre, SD 57501 (605 773-3352)" and the applicants's mailing address is given above. A petition filed by either and interested person or the applicant must be filed by June 30, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.08

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1443423		
	6/19, 2014	P.O. Box 677349, Dallas, TX 75267-7349	\$81.22pd

Danish Farmland Holdings LLC
% Nathan R Jensen
47289 298th St
Beresford, SD 57004

RECEIVED

JUN 20 2014

WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1443423

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

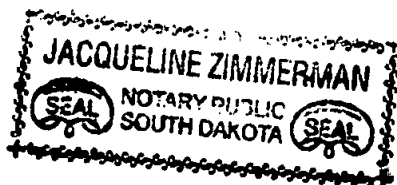
Thursday the 19 day of June 2014 ,
the day of 2014 ,
the day of 2014
the day of 2014 ,
the day of 2014 ,
the day of 2014 ,
the day of 2014 ,
the day of 2014 ,

and that \$81.22pd was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/19/2014

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF APPLICATION

NOB. 7996-3, 7997-3 and 7998-3 to Appropriate Water Notice is given that Danish Farmland Holdings, LLC, c/o Nathan R Jensen, 47289 298th St, Beresford SD 57004 has filed the following applications for a water permit.

Application No. 7996-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T95N-R50W.

Application No. 7997-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the E 1/2 SE 1/4 Section 10 for irrigation of 64.18 acres located in the E 1/2 SE 1/4 Section 10; all in the T95N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Application No. 7998-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the center of the NE 1/4 Section 9 for irrigation of 95 acres located in the NE 1/4 Section 9; all in the T95N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7996-3, 7997-3 and 7998-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 June 30, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$81.22.
1443423 June 19, 2014



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 12, 2014

Beresford Republic
PO Box 111
Beresford SD 57004

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7996-3, 7997-3 and 7998-3 to Appropriate Water. Please publish the notice once on June 19, 2014. 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 Danish Farmland Holdings LLC, c/o Nathan R Jensen, 47289 298th St, Beresford SD 57004 (Ph # 605-957-4595).

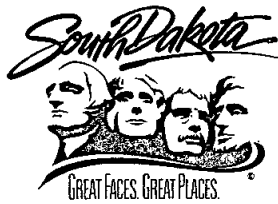
Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

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



June 12, 2014

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7996-3, 7997-3 and 7998-3 to Appropriate Water. Please publish the notice once on June 19, 2014. 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 Danish Farmland Holdings LLC, c/o Nathan R Jensen, 47289 298th St, Beresford SD 57004 (Ph # 605-957-4595).

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

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.

June 12, 2014

Danish Farmland Holdings LLC
Nathan R Jensen
47289 298th St
Beresford SD 57004

Dear Mr. Jensen:

Water Permit Application Nos. 7996-3, 7997-3 and 7998-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Beresford Republic printed at Beresford SD (Ph # 605-763-2006) and the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). You will need to contact the newspaper(s) 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(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(s) 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 applications.

Instruction to Newspaper - Publish the Notice on June 19, 2014. 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 NOS. 7996-3, 7997-3 and 7998-3 to Appropriate Water

Notice is given that Danish Farmland Holdings, LLC, c/o Nathan R Jensen, 47289 298th St, Beresford SD 57004 has filed the following applications for a water permit.

Application No. 7996-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the SW 1/4 Section 10 for irrigation of 160 acres located in the SW 1/4 Section 10; all in T95N-R50W.

Application No. 7997-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the E 1/2 SE 1/4 Section 10 for irrigation of 64.18 acres located in the E 1/2 SE 1/4 Section 10; all in the T95N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Application No. 7998-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek Aquifer (99 feet deep) located in the center of the NE 1/4 Section 9 for irrigation of 95 acres located in the NE 1/4 Section 9; all in the T95N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7996-3, 7997-3 and 7998-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 June 30, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



JUL 24 2014

Danish Farmland Holdings LLC
Nathan R Jensen
47289 298th St
Beresford SD 57004

Dear Mr. Jensen:

Enclosed are Water Permit Nos. 7996-3, 7997-3 and 7998-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

enclosures

7996-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DANISH FARMLAND HOLDINGS LLC, NATHAN R JENSEN, 47289 298TH ST,
BERESFORD, SD 57004

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7996-3, 7997-3 & 7998-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7996-3, 7997-3 & 7998-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7996-3, 7997-3 & 7998-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: UDMUNR**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7996-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

7996-3
7997-3
7998-3

Nathan R Jensen
Danish Farmland Holdings LLC
47289 298th St
Beresford SD 57004

Dear Mr. Jensen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit Nos. 7996-3, 7997-3 & 7998-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

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

For Permit No. 7996-3

I have this day, March 26, 2025, made a thorough examination of the water use system constructed by Danish Farmland Industries c/o Nathan R Jensen of 47289 298th St, Beresford SD 57004 holder of Permit No. 7996-3, bearing the priority of April 10, 2014 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater, Brule Creek Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship Nathan Jensen, point of contact

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co Inc.
- 2) No. of Wells 2
- 3) Depth(s) 99 & 96 feet
- 4) Well log is available Y If no, explain in comments

Comments: none

Well #1

Casing:

- 1) Diameter 12 inches
- 2) Length 79 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 65 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 200 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Horsepower rating NA hp

Well #2

Casing:

- 4) Diameter 12 inches

5) Length 76 feet

6) Type plastic

Screen:

4) Type stainless steel

5) Length 20 feet

6) Static water level 38 feet

Pump:

4) Make Grundfos

5) Model submersible

6) Capacity 200 GPM

Motor:

4) Make Grundfos

5) Model No. submersible

6) Horsepower rating NA hp

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

1) Type PVC 2) Size 8 inches 3) Length 1370 feet

Comments: none

C. Works used to apply water to beneficial use:

Center pivot:

1) Make Zimmatic

2) Overall length 1280 feet

3) Number of towers 7

4) End gun Y

5) Capacity 400 GPM

Chemigation Equipment:

1) Does chemigate N

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by Y

If no, describe: none

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

List any extended period of nonuse: none

3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the SW corner of Sec 10 T95N-R50W: Well #1 1320 ft E and 1320 ft N, latitude of 43.05837 and longitude of -96.74152, near the center of the SW ¼; Well #2 1690 ft E and 30 ft N, latitude of 43.05486 and longitude of -96.74037, SE ¼ SW ¼ .

2. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 10 T95N-R50W

NW ¼ SW ¼- 33.5 ac NE ¼ SW ¼ -33.5 ac SE ¼ SW ¼ - 33.5 ac SW ¼ SW ¼ - 33.5 ac

comprising a total of 134 acres of land and the license should be issued for 0.89 cfs.

3. All structures, wells and lands on map Y

If no, describe: none

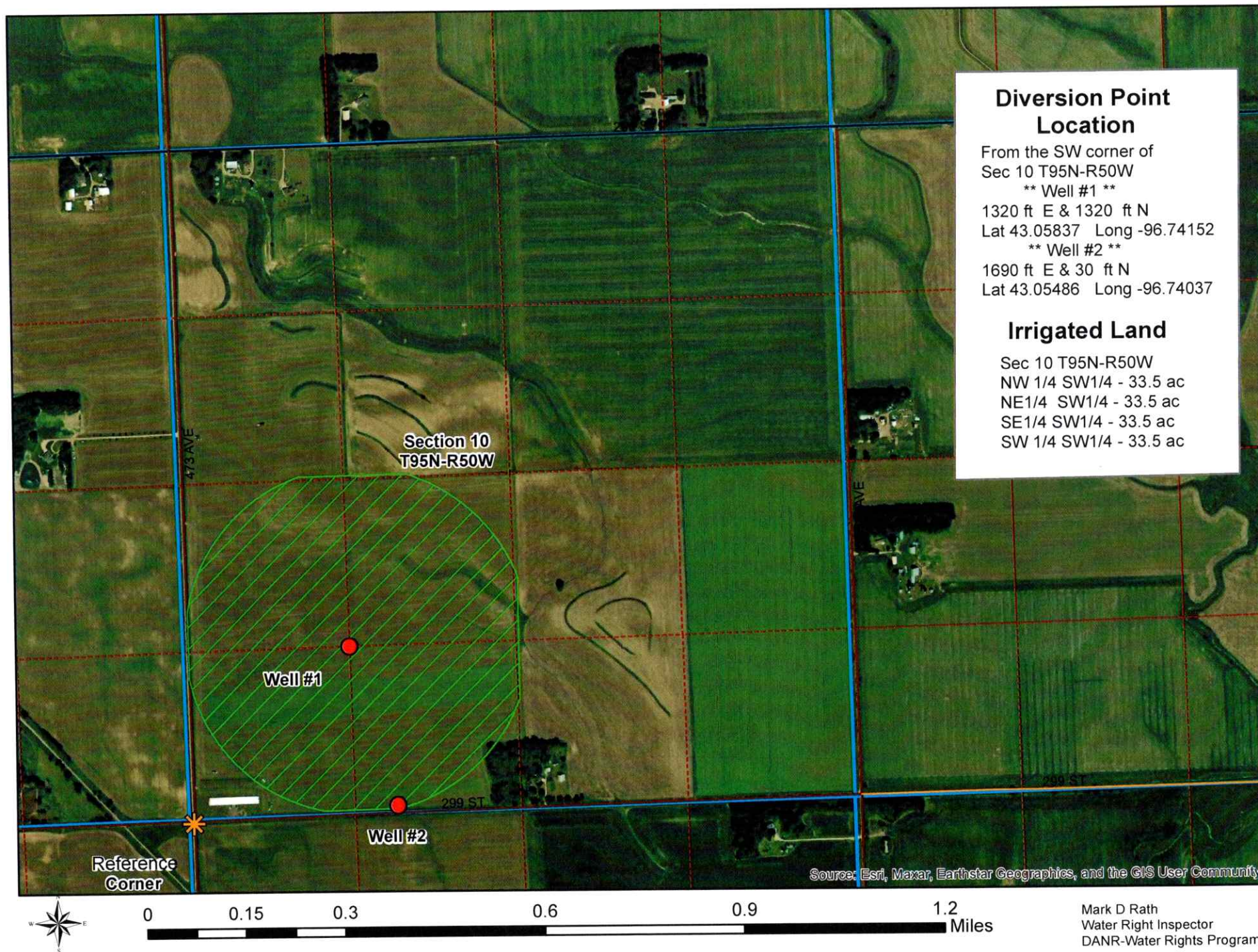
F. Comments or other permit(s) associated with the project:

The permit holder added a second well.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: May 14, 2025



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Danish Farmland Holdings LLC

ADDRESS: 47289 298th St, Beresford SD 57004

DATE: May 14, 2025

COUNTY: Union

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a 99 foot deep well into the Brule Creek Aquifer in the SW $\frac{1}{4}$ of Section 10 T95N-R50W for irrigation of 160 acres in the SW $\frac{1}{4}$ of Section 10; all in T95N-R50W.

The authorized diversion rate 1.78 cfs

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder developed a second well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 10 T95N-R50W. The combined diversion rate of the two wells is 0.89 cfs which is less than the authorized rate.

- **If irrigation, no new land is irrigated**

There is no change in the location of the developed acres from the authorized acres.

- **Review of Existing Diversions**

There are three other existing water rights for wells into the Brule Creek Aquifer located within a mile of the new well. Two of these are held by the permit holder and the third was in existence when this permit was issued.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Water Right Inspector
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Chief Engineer
Water Rights Program

7996-3

WELL#2

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

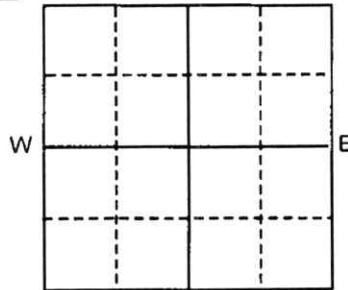
Location SE 1/4 SW 1/4 Sec 10 Twp 95N Rg 50W

Well Owner: Nathan Jensen

County Union

North

Please mark well location with an "X"



Well Completion Date

09/17/14

1 Mile

Business Name:

Address: 29873 473rd Ave

City, State, Zip: Beresford SD 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	8
Yellow clay	8	11
Yellow sand	11	17
Silty yellow clay	11	38
Gray clay	38	48
Coarse yellow sand	48	54
Medium sand w/yellow clay	54	59
Tan clay	59	74
Fine sand	74	80

STATIC WATER LEVEL 38.0 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

65.0 Ft. After 8.0 Hrs. pumped 180.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Tan clay w/sand 80-85
Fine/medium sand w/tan clay 85-94
Fine/medium sand 94-96

GPS: N 43 3.295, W 96 44.429

BRC

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: MAR 30 2015

WATER RIGHTS PROGRAM

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	76.0 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
Bentonite	21	Lb/gal	0.0 Ft	74.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches

Length 20.0 Feet

Material stainless steel

Slot Size .040 Set From 76.0 Feet to 96.0 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? chlorinated

☐ No, Why Not? _____

Lab to which water
quality sample sent for analysis

n/a



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2025

Danish Farmland Holdings LLC
c/o Nathan Jensen
47289 298th St
Beresford, SD 57004

Nos. 7996-3, 7997-3, & 7998-3

Dear Mr. Jensen:

Enclosed is Water License Nos. 7996-3, 7997-3, & 7998-3. These are the final water right documents completing your process of obtaining the Water Rights. Included with each license 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.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The number of acres authorized for irrigation under Water Right No. 7996-3 has been reduced to 134, based on the system as constructed. The maximum diversion rate authorized for irrigation under Water Right No. 7996-3 has been reduced to 0.89 cfs, based on the system as constructed.

Note: The diversion points authorized under Water Right No. 7996-3 are also being utilized by Water Right No. 7998-3. The irrigation water use questionnaires are to be reported separately.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7996-3

(1) Danish Farmland Holdings LLC, 47289 298th St, Beresford, SD 57004, made Application No. 7996-3, April 10, 2014, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Brule Creek Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 7996-3, with a priority date of April 10, 2014, was approved June 30, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 30, 2019, and for the application to beneficial use of water on or before June 30, 2023.

An investigation conducted for licensing purposes found an additional diversion point was developed outside of what was permitted. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well #1: 1,320 feet E and 1,320 feet N from the SW corner of Section 10, T95N, R50W (approx. center of the SW $\frac{1}{4}$) (Latitude 43.05837 and Longitude -96.74152)
- Well #2: 1,690 feet E and 30 feet N from the SW corner of Section 10, T95N, R50W (SE $\frac{1}{4}$ SW $\frac{1}{4}$) (Latitude 43.05486 and Longitude -96.74037)

(3) The amount of 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: June 1 – August 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 10, T95N, R50W
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33.5 acres
Total – 134 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Danish Farmland Holding LLC, the holder and/or owner of Water Right No. 7996-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater, two wells (Brule Creek Aquifer), with a priority date of April 10, 2014, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7996-3 and subject to 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. 7996-3 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. *(The wells were drilled in 2014 by Thein Well Co Inc. Copies of the well completion reports are on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water



date

