

WATER PERMIT NO. 8025-3

Name of Applicant: **Redwood South Dakota Holdings LLP**

Address: **11108 NE 65th St, Kirkland WA 98033** Phone: **425 803-2989**

Amount of Water Claimed: **3.82 cfs** Total Acres: **267.2**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **12 miles northwest of Vermillion**

PRIORITY Date Received: **5-23-14**

Application/License Fee: **\$ 1250**

Corrected Application Received: **6-6-14**

Period of Annual Use: **May 1 October 31**

Remarks:

Diversion Point: **center of SE 1/4 Sec 4 and center of SW 1/4 Sec 3-T93N-R53W**

Land to be Irrigated: **SE 1/4 Sec 4 and SW 1/4 Sec 3-T93N-R53W**

Depth of Well: **60 feet**

Well Driller:

Remarks:

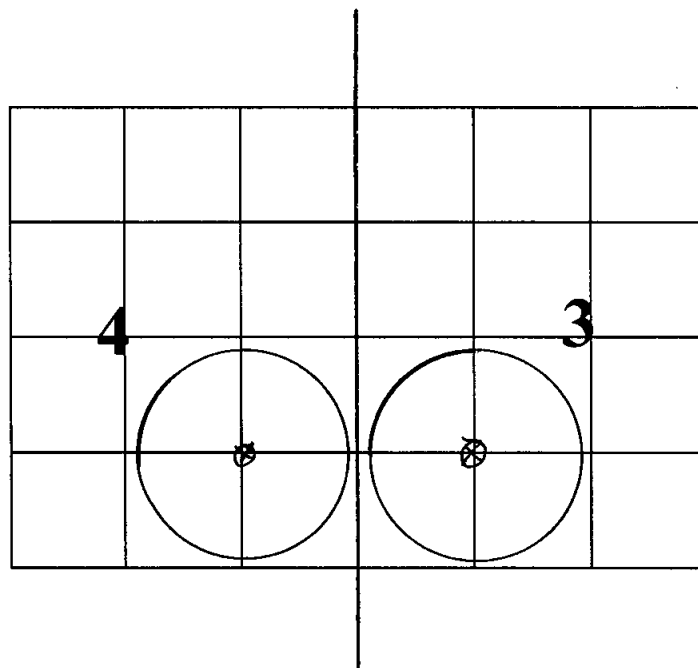
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **6-10-14**

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>8025-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk - Vermillion</u>
	<u>Press & Dakotan - Yankton</u>

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JUN - 6 2014
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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Redwood South Dakota Holdings, LLP

(check one) ☐ Owner ☐ Tenant/lessee ☒ Owner's Legal Agent Jay Giroto
(name and complete address if different than above name)

Mailing Address 11108 NE 65th St Kirkland WA 98033
(Address) (City) (State) (Zip Code)

Home Phone 425 803-2989 Cell _____ Email jgirotto@farmopp.com

2. Amount of water claimed 3.82 *CFS or _____ **GPM _____ ***AF Total Acreage 267.2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (two wells)

4. Location of point of diversion approximate center of the SE 1/4 Sec 4 and approximate center of the SW 1/4
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Sec 3; all in T93N-R53W County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 - October 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
NE 1/4 SE 1/4 all in Sec 4-T93N-R53W	33.0	NE 1/4 SW 1/4 all in Sec 3-T93N-R53W	33.3
NW 1/4 SE 1/4	33.0	NW 1/4 SW 1/4	33.3
SW 1/4 SE 1/4	33.0	SW 1/4 SW 1/4	33.3
SE 1/4 SE 1/4	33.0	SE 1/4 SW 1/4	33.3

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

I, [Signature], 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. 8025-3

Date of first receipt of application June 6, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8025-2 to Redwood South Dakota Holdings, LLP, c/o Jay Girotto, 11108 NE 65th St, Kirkland WA 98033 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. 8025-3 appropriates 3.82 cubic feet of water per second from two wells to completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the approximate centers of the SE 1/4 Section 4 and SW 1/4 Section 3 for irrigation of 267.2 acres located in the SE 1/4 Section 4 and SW 1/4 Section 3; all in T93N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is June 6, 2014.
4. The date of approval of Permit No. 8025-3 is August 25, 2014.
5. One-fifth of the construction is to be completed on or before February 25, 2017.
6. All construction is to be completed on or before August 25, 2019.
7. Water is to be put to beneficial use on or before August 25, 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 wells 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 wells authorized by Permit No. 8025-3 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 04 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 6 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 60 ft Depth to Top of Water Bearing Material 24 ft Depth to Water from Surface 24 ft

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 2000 ft minimum

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)

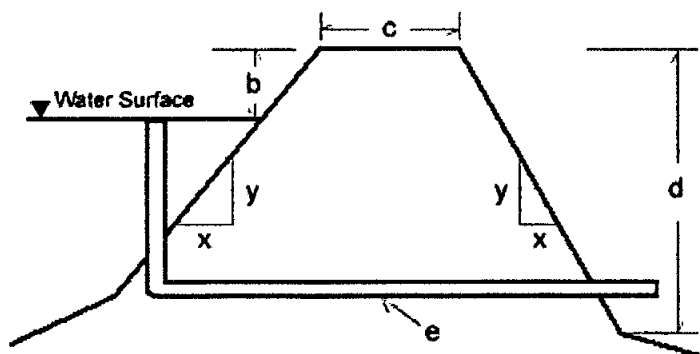
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



TRUSTEE'S WARRANTY DEED

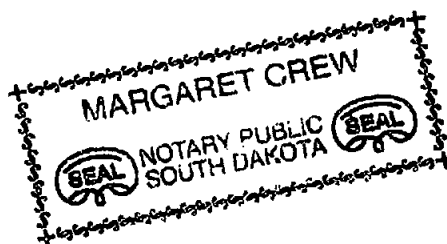
On this 7th day of November, 2013, before me, Margaret Crow, the undersigned officer, personally appeared Donald F. Emmick, as Trustee of the DONALD F. EMMICK REVOCABLE TRUST, dated April 3, 2002, known to me or satisfactorily proven to be the person whose name is subscribed to the within

instrument and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Margaret Crew
Notary Public

My comm exp: 03-10-2017.



Aerial Map



map center: 42° 54' 3.93, 97° 6' 47.03

scale: 12647

Maps Provided By:

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4-93N-53W
Clay County
South Dakota

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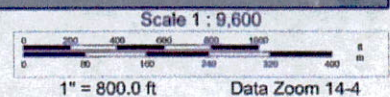
5/9/2014



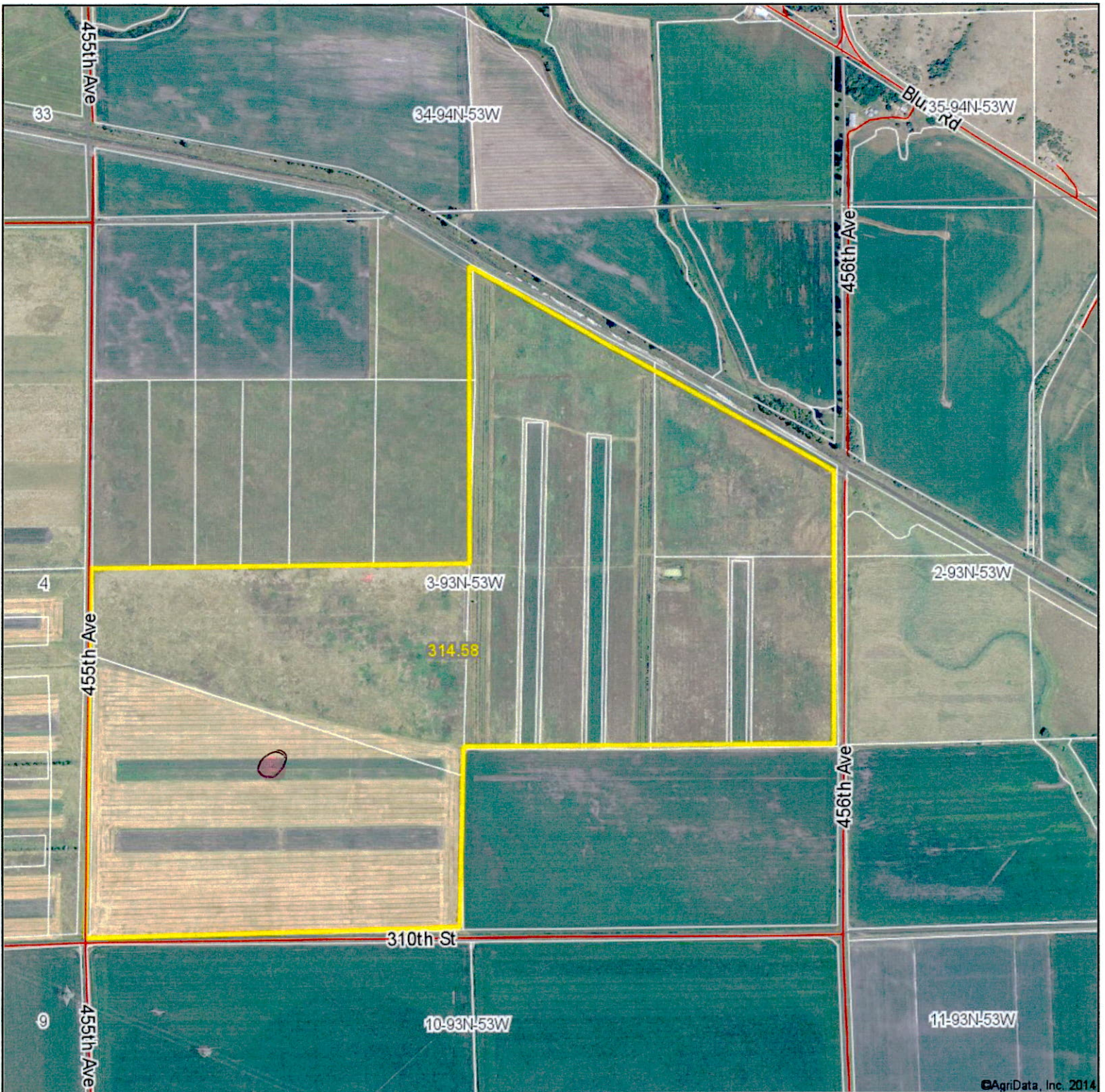
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www.delorme.com



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Aerial Map



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map center: 42° 54' 11.65, 97° 5' 24.19

scale: 12647



5/9/2014

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MAY 23 2014

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3-93N-53W
Clay County
South Dakota

Maps Provided By:



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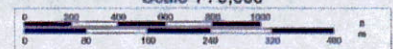


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MAY 23 2014

WATER RIGHTS
PROGRAM

Scale 1 : 9,600



1" = 800.0 ft

Data Zoom 14-4

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/6, 20 14

RECEIVED OF Redwood Ag Holdings LLC 701 Maiden Choice Ln Baltimore MD 21228

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

Fee for Application for Permit No. <u>8025-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>8025-3</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	1250 00

No. **06878**

By *James H. [Signature]*
Chief Engineer



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. 8025-3, Redwood South Dakota Holdings LLP**

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. 8025-3, Redwood South Dakota Holdings LLP, c/o Jay Giroto, 11108 NE 65th Street, Kirkland WA 98033.

The Chief Engineer is recommending APPROVAL of Application No. 8025-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved 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 wells authorized by Permit No. 8025-3 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
August 6, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 8022-3, 8023-3, 8024-3 and 8025-3
REDWOOD HOLDINGS LLP
JULY 24, 2014

Water Permit Application No. 8022-3 proposes to appropriate water from one well to be completed into the Missouri: Elk Point aquifer at a maximum diversion rate of 1.91 cubic feet of water per second (cfs). The well is expected to be 60 feet deep and is to be located approximately 4,400 feet north and 3,150 feet west of the south east corner of Section 21, T93N-R53W. This application proposes to use the water to irrigate approximately 134 acres as shown in Figure 1.



Figure 1. Location of the well site and acreage proposed for irrigation by Application No. 8022-3

Water Permit Application No. 8023-3 proposes to appropriate water from one well to be completed into the Missouri: Elk Point aquifer at a maximum diversion rate of 4.14 cfs. The well is expected to be 60 feet deep and is to be located approximately 3,416 feet north and 1,666 feet west of the south east corner of Section 21, T93N-R53W. This application proposes to use the water to irrigate approximately 290 acres as shown in Figure 2.



Figure 2. Location of the well site and acreage proposed for irrigation by Application No. 8023-3

Water Permit Application No. 8024-3 proposes to appropriate water from two wells to be completed into the Missouri: Elk Point aquifer at a maximum diversion rate of 3.36 cfs. The wells are expected to be 60 feet deep and are to be located approximately 3,350 feet north and 1260 feet west of the south east corner of Section 8, T93N-R53W, and approximately 1,450 feet north and 3,950 feet west of the south east corner of Section 8, T93N-R53W, respectively. This application proposes to use the water to irrigate approximately 235.2 acres as shown in Figure 3.



Figure 3. Location of the well site and acreage proposed for irrigation by Application No. 8024-3

Water Permit Application No. 8025-3 proposes to appropriate water from two wells to be completed into the Missouri: Elk Point aquifer at a maximum diversion rate of 3.82 cfs. The wells are expected to be 60 feet deep and are to be located approximately 1,310 feet north and 1,410 feet west of the south east corner of Section 4, T93N-R53W, and approximately 1,260 feet north and 3,985 feet west of the south east corner of Section 3, T93N-R53W, respectively. This application proposes to use the water to irrigate approximately 267.2 acres as shown in Figure 4.

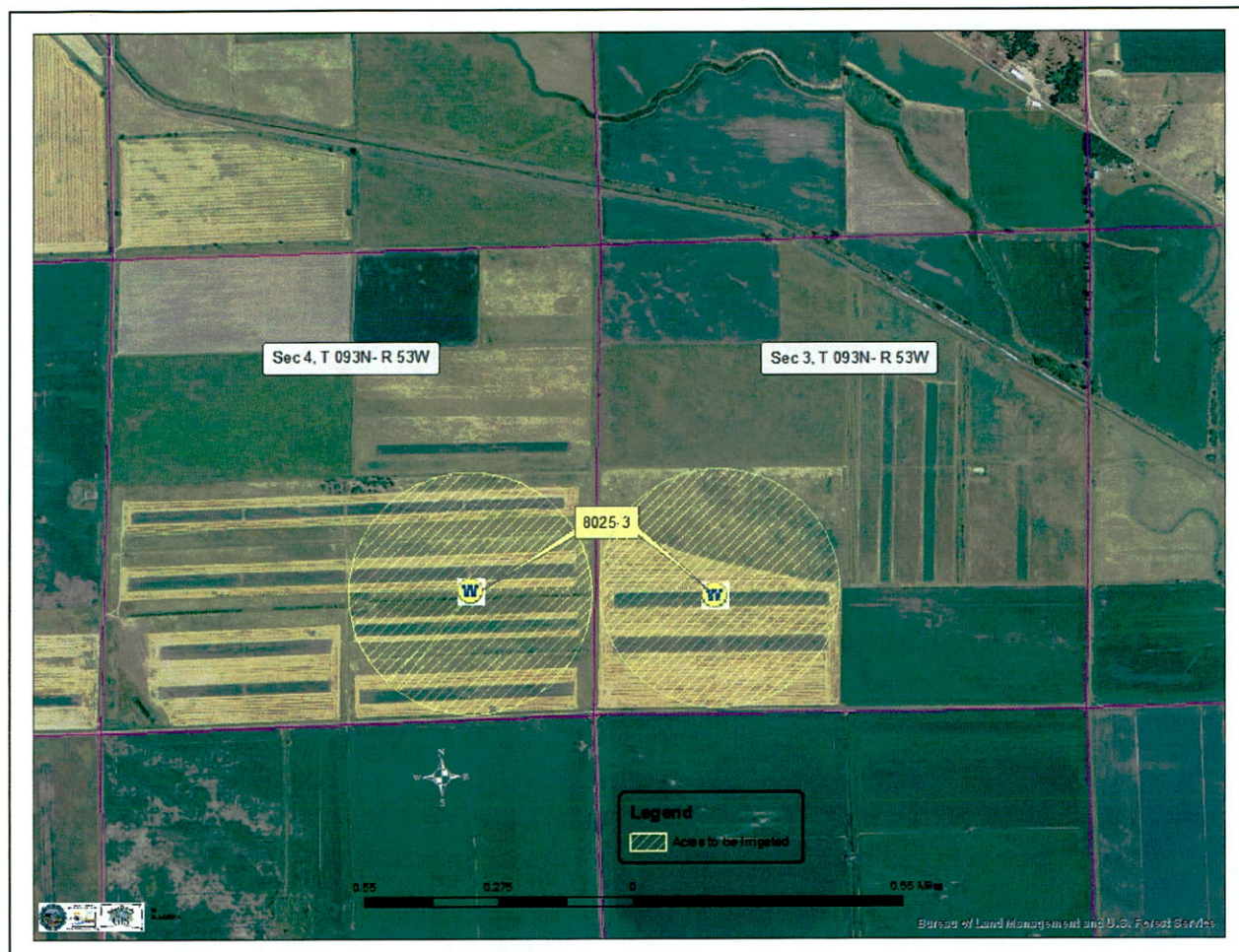


Figure 3. Location of the well site and acreage proposed for irrigation by Application No. 8024-3

AQUIFER: Missouri: Elk Point (M: EP)

GENERAL:

The Missouri aquifer consists of unconsolidated glacial outwash deposits composed of fine sand to very coarse gravel. The Elk Point management unit of the Missouri aquifer underlies an estimated 210,100 acres of Yankton, Clay, and Union Counties, and contains an estimated 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer is hydraulically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, and often directly overlies and is hydraulically connected to the Dakota aquifer. The Missouri: Elk Point aquifer is also hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967). The Missouri: Elk Point aquifer is predominately under water table conditions (Water Rights, 2014a).

Test holes drilled the DENR-Geological Survey in this area suggest that alluvium consisting of clay, and sandy to gravelly clay overlies the outwash in the area of these proposed wells ("Lithologic Logs Database") and the Missouri: Elk Point aquifer is under confined conditions in this area. The potentiometric surface of the aquifer is expected to be 10-20 feet below grade in

this area. The well sites proposed by these applications are located approximately six miles from the Missouri River.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is 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.

WATER AVAILABILITY:

Water Permit Application No. 8022-3, 8023-3, 8024-3 and 8025-3 propose to appropriate water from the Missouri: Elk Point aquifer. Based on the historic average ratio of pumpage to appropriation of 13.7% for the Missouri: Elk Point, (Stonesifer, 2013) if these application are approved, average annual water use will likely be less than 253.8 acre-feet annually (ac-ft/yr). 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 that 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 and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources*), (Memorandum Decision, May 17, 2012).

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 38 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2014a). Five of these wells are located within approximately six miles of the well sites proposed by these applications (see Figure 4)



Figure 4. Observation wells completed into the Missouri: Elk Point aquifer in the vicinity of the diversion points proposed by Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3.

Hydrographs of four of these observation wells are shown in Figures 5-8. Data from the fifth observation well, YA-57E, is suspect since the well was last maintained in August 2013, and a hydrograph is not presented for the well. The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer show a slight decline of water table. This has been attributed to entrenching of the Missouri River or controlling the flow by the Gavins Point Dam, which no longer allows inundation of the floodplain (Goodman, 2007; Stephens, 1967).

The hydrographs of observation wells located within approximately three miles of the Missouri River clearly demonstrate the 2011 flood event and consequently the hydraulic connection between the river and the aquifer. The hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that at the current level of development temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, natural discharge from the aquifer is available for capture and additional water is available for appropriation.

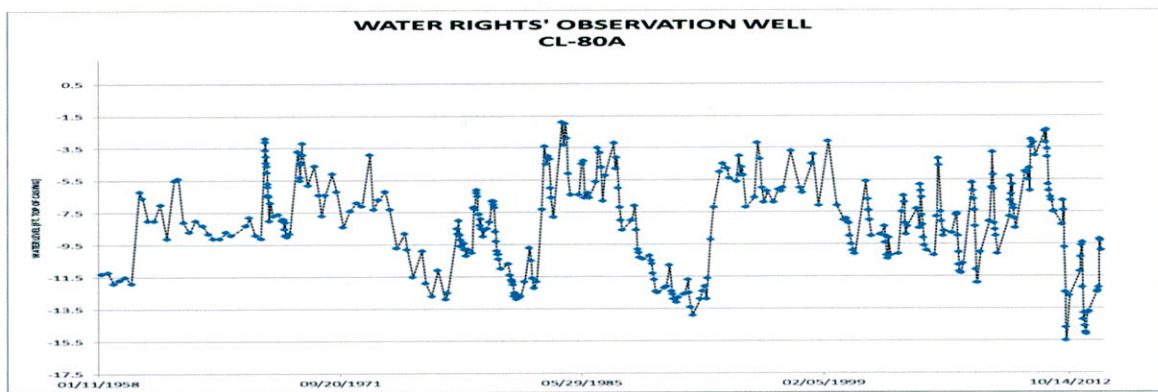


Figure 5: Hydrograph of observation well CL-80A (Water Rights, 2014a)

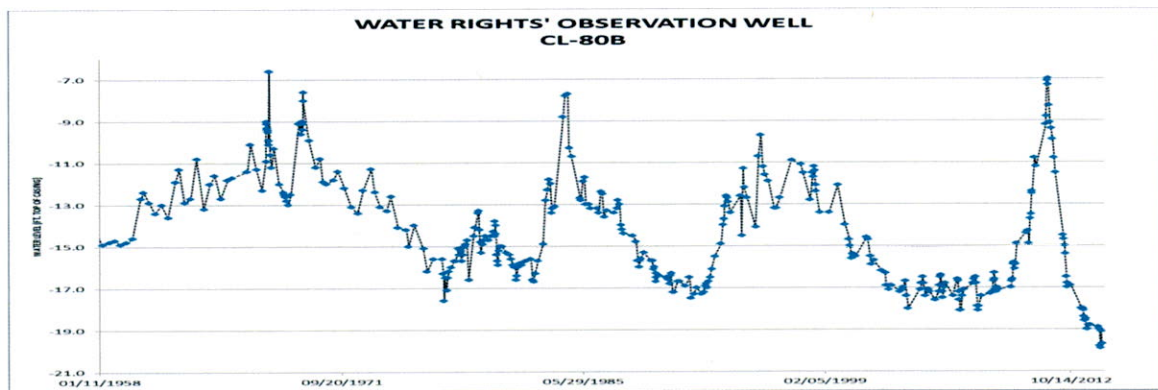


Figure 6: Hydrograph of observation well CL-80B (Water Rights, 2014a)

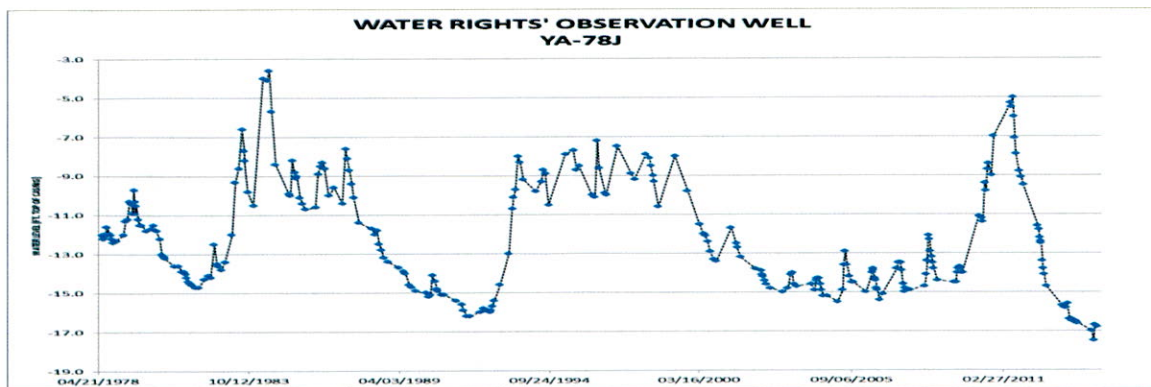


Figure 7: Hydrograph of observation well YA-78J (Water Rights, 2014a)

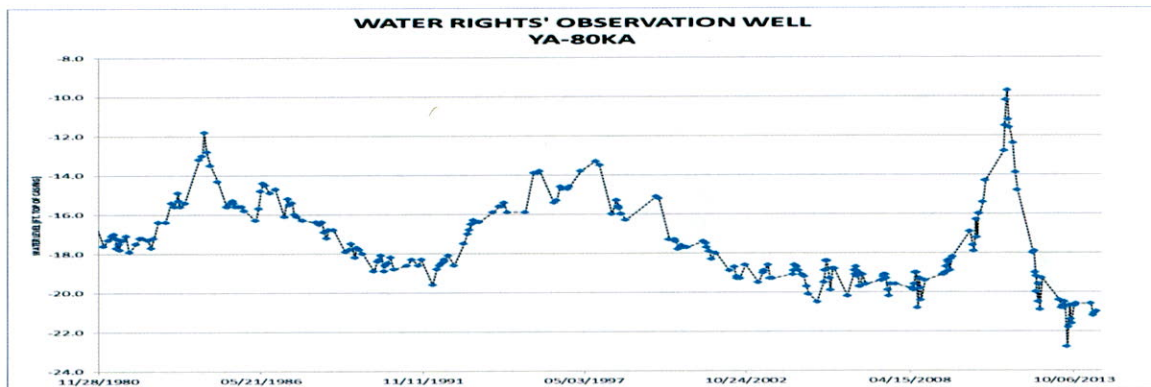


Figure 8: Hydrograph of observation well YA-80KA (Water Rights, 2014a)

Hydrologic Budget:

A hydrologic budget for the Missouri: Elk Point aquifer was developed based on the appropriations from the aquifer as of June 24, 2013 (Stonesifer, 2013). Water rights/permits and future use permits at the time account for an expected withdrawal of 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge. Therefore, approximately 10,856 ac-ft/yr of unappropriated water was available at that stage of development (Stonesifer, 2013).

There have been 18 water permit applications submitted since Stonesifer's evaluation of water availability from the Missouri: Elk Point aquifer. Water permit applications filed since June 24, 2013, are shown in Table 1. Historically, for the Missouri: Elk Point aquifer, the average ratio of pumpage to appropriation is 13.7% (Stonesifer, 2013). When applying this ratio to new and pending appropriations, 3,740.98 ac-ft/yr (see Table 1), the average annual use of these new water permits is expected to be approximately 512.5 ac-ft/yr, but could vary considering the standard deviation of the pumpage to appropriation ratio of 8.4% (Stonesifer, 2013). Consequently, there is approximately 10,344 ac-ft/yr of recharge in excess of average annual withdrawal. Therefore there is a reasonable probability that unappropriated water is available for this proposed appropriation.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
7848-3	MISSOURI VALLEY FARMS INC	05/31/2013	PE	3.04	213
7856-3	MIKE & STEVE ALLARD	07/01/2013	PE	1.78	129.3
7895-3	TODD HANSON	09/09/2013	PE	1.89	180
7898-3	JAMES ORR	09/12/2013	PE	1.56	132
7899-3	JUSTIN ORR	09/12/2013	PE	1.56	97
7904-3	CRAIG S MCINERNEY	09/23/2013	PE	1.78	160
7933-3	DOUGLAS G BYE	12/12/2013	PE	0.89	90
7936-3	DONALD JOHNSON	12/17/2013	PE	1.39	83
7938-3	RUSSELL M HALL	01/02/2014	PE	No add'l	53
7941-3	JOESPH F CHICOINE	01/14/2014	PE	1	37.69
7074A-3	CALVIN HANSON	01/21/2014	PE	1.78	162
7951-3	ALLEN PACE	01/24/2014	PE	1.78	150
7955-3	KARL M SCHENK	02/03/2014	PE	1.78	140
7971-3	BARRY VAN OSDEL	02/20/2014	PE	1.11	68
7980-3	FRANCIS HEINE	02/24/2014	PE	No add'l	5
7987-3	FRANCIS M ARMSTRONG LIVING TRUST	03/17/2014	PE	1.78	102
8010-3	RYAN RUSHER	04/28/2014	PE	0.1	2.5
8016-3	AMELIA BERTRAND TRUST		pending	1.67	66

Table 1. Water permit applications proposing appropriations from the Missouri: Elk Point aquifer filed since June 2013.

EXISTING WATER RIGHTS:

The well sites proposed by these applications are located near other wells that are completed into the Missouri: Elk Point aquifer. The approximate location of diversion points supplying water rights/permits in relation to the sites proposed by these applications are shown in Figure 9. Historically, well interference has not been an issue in wells producing from the Missouri: Elk Point aquifer and well spacing has not been a concern. The relatively high transmissivity of the aquifer results in drawdown cones that are not significant very far from individual production wells. The observation well hydrographs shown above (Figures 5-8) document only a few feet of drawdown even in the cases of observation wells located within short distances of numerous high capacity wells (See Figure 9).

Since the drawdown from high capacity wells is expected to be minimal and the aquifer has a fairly substantial saturated thickness, adequate wells will not be adversely impacted if these applications are approved. 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 defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired due to the increased use of the well.

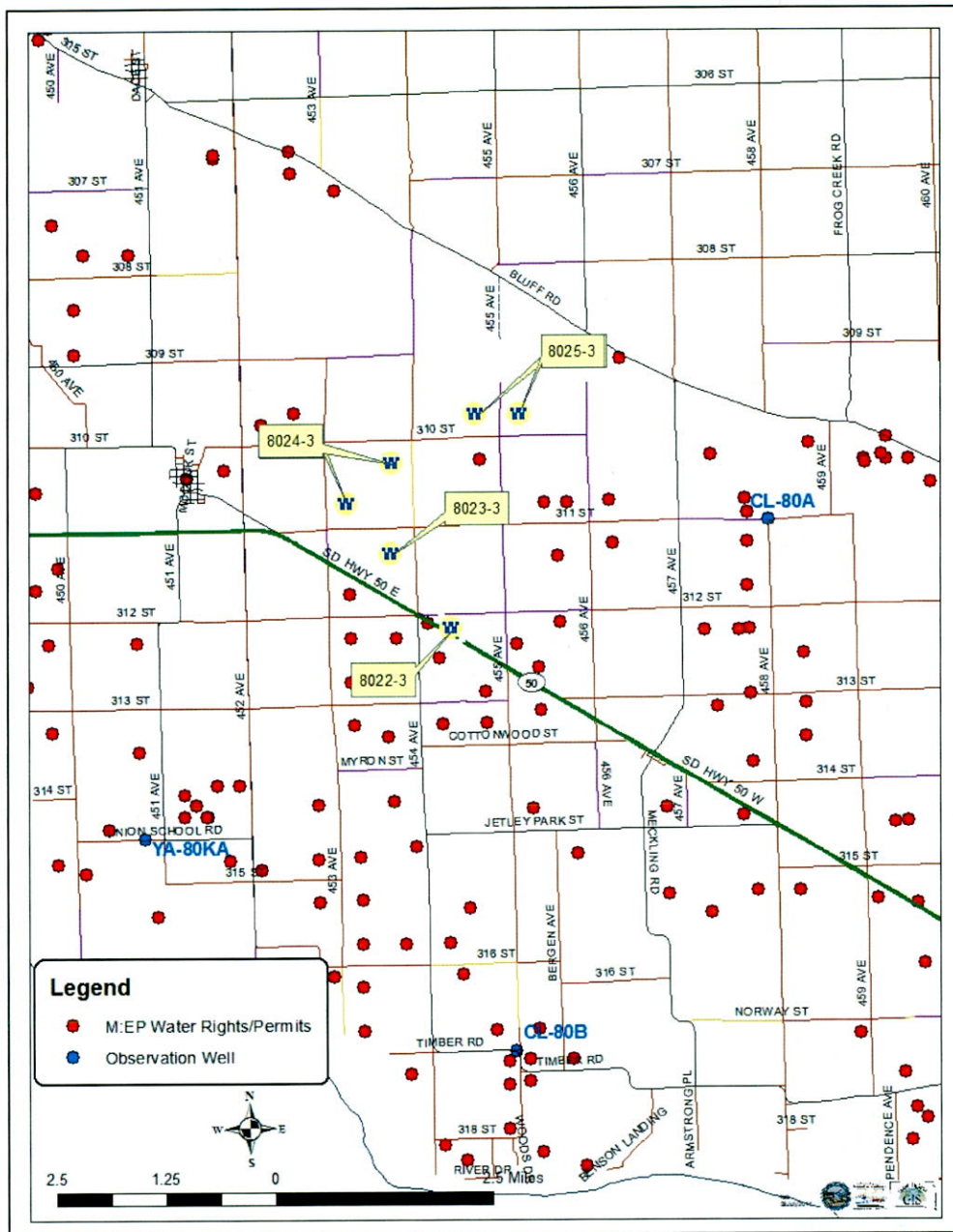


Figure 9. Vicinity map with approximate location of water right/permit diversion points, observation wells and the well sites proposed by Water Permit Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 (Water Rights, 2014b; Water Rights, 2014c).

CONCLUSIONS:

1. Water Permit Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 propose to appropriate water from the Missouri: Elk Point aquifer.
2. Water Permit Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 propose to divert water from six wells at a maximum combined diversion rate of 11.0 cfs.
3. Water Permit Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 propose to irrigate a total of 926.4 acres.
4. Unappropriated water is available from the Missouri Elk Point aquifer to supply the proposed appropriations.

5. The diversions proposed by these applications will not adversely or unlawfully impair existing nearby wells.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources
- Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson
- Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 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.
- "Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 25 July 2014
- 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. Vermillion, South Dakota.
- Stonesifer, J.R., 2013, Report to the Chief Engineer, Water Availability of the Missouri: Elk Point aquifer, June 24, 2013: 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.

RECEIVED

AUG 27 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

Redwood South Dakota Holdings LLP
Jay Girotta
11108 NE 65th St.
Kirkland, WA 98033

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE
OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS
AFFIDAVIT; THAT THE ANNEXED

Notice of Application Nos. 8022-2, 8023-3, 8024-3 & 8025-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 15 DAY OF August 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.22 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/15/14

FILED ON: 8/15/14

Tere A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

25

DAY OF

August

2014

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION
NOS. 8022-3, 8023-3, 8024-3 and
8025-3 to Appropriate Water

Notice is given that Redwood
South Dakota Holdings LLP, c/o
Jay Girotta, 11108 NE 65th St,
Kirkland WA 98033 has filed the
following applications for a water
permit.

Application No. 8022-3 proposes
to appropriate 1.91 cubic feet of
water per second (cfs) from one
well to be completed into the
Missouri:Elk Point Aquifer (60
feet deep) located in the NE 1/4
NW 1/4 Section 21 for irrigation
of 134 acres located in the NE 1/4
NW 1/4, NE 1/4 Section 21; all in
T93N-R53W.

Application No. 8023-3 proposes
to appropriate 4.14 cfs from one
well to be completed into the
Missouri:Elk Point Aquifer (60
feet deep) located in the SW 1/4
NE 1/4 Section 17 for irrigation of
290 acres located in the N 1/2, N
1/2 SE 1/4, NE 1/4 SW 1/4
Section 17; all in T93N-R53W.

Application No. 8024-3 proposes
to appropriate 3.36 cfs from two
wells to be completed into the
Missouri:Elk Point Aquifer (60
feet deep) located in the approxi-
mate centers of the NE 1/4 and
SW 1/4 Section 8 for irrigation of
235.2 acres located in the SW 1/4,
S 1/2 NE 1/4, NE 1/4 NE 1/4
Section 8; all in T93N-R53W.

Application No. 8025-3 proposes
to appropriate 3.82 cfs from two
wells to be completed into the
Missouri:Elk Point Aquifer (60
feet deep) located in the approxi-
mate centers of the SE 1/4 Section
4 and SW 1/4 Section 3 for
irrigation of 267.2 acres located in
the SE 1/4 Section 4 and SW 1/4
Section 3; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application Nos.
8022-3, 8023-3, 8024-3 and
8025-3 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 August 25, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$40.22.

Publish: August 15, 2014.

RECEIVED

AUG 18 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

NOTICE OF APPLICATION
NOS. 8022-3, 8023-3, 8024-3 and
8025-3 to Appropriate Water

Notice is given that Redwood South Dakota Holdings LLP, c/o Jay Giroto, 11108 NE 65th St, Kirkland WA 98033 has filed the following applications for a water permit.

Application No. 8022-3 proposes to appropriate 1.91 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 21 for irrigation of 134 acres located in the NE 1/4 NW 1/4, NE 1/4 Section 21; all in T93N-R53W.

Application No. 8023-3 proposes to appropriate 4.14 cfs from one well to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the SW 1/4 NE 1/4 Section 17 for irrigation of 290 acres located in the N 1/2, N 1/2 SE 1/4, NE 1/4 SW 1/4 Section 17; all in T93N-R53W.

Application No. 8024-3 proposes to appropriate 3.36 cfs from two wells to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the approximate centers of the NE 1/4 and SW 1/4 Section 8 for irrigation of 235.2 acres located in the SW 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 8; all in T93N-R53W.

Application No. 8025-3 proposes to appropriate 3.82 cfs from two wells to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the approximate centers of the SE 1/4 Section 4 and SW 1/4 Section 3 for irrigation of 267.2 acres located in the SE 1/4 Section 4 and SW 1/4 Section 3; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 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.

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Application Nos. 8022-3, 8023-3, 8024-3 & 8025-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 15th DAY OF August 2014 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$58.59 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/15/2014

FILED ON: 8/15/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF August

2014

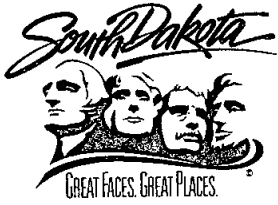
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

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 August 25, 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 \$58.59.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 7, 2014

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 to Appropriate Water. Please publish the notice once on August 15, 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 Redwood South Dakota Holdings LLP, c/o Jay Giroto, 11108 NE 65th St, Kirkland WA 98033 (Ph # 425-803-2989).

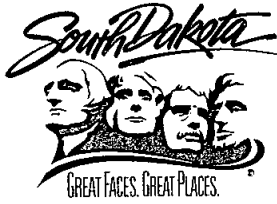
Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



August 7, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 to Appropriate Water. Please publish the notice once on August 15, 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 Redwood South Dakota Holdings LLP, c/o Jay Giroto, 11108 NE 65th St, Kirkland WA 98033 (Ph # 425-803-2989).

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

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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.

August 7, 2014

Redwood South Dakota Holdings LLP
Jay Giroto
11108 NE 65th St
Kirkland WA 98033

Dear Mr. Giroto:

Water Permit Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 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 Plain Talk printed at Vermilion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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
c: Kyle J Groteluschen, PO Box 1030, Sioux Falls SD 57101
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 August 15, 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. 8022-3, 8023-3, 8024-3 and 8025-3 to Appropriate Water

Notice is given that Redwood South Dakota Holdings LLP, c/o Jay Girotto, 11108 NE 65th St, Kirkland WA 98033 has filed the following applications for a water permit.

Application No. 8022-3 proposes to appropriate 1.91 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the NE 1/4 NW 1/4 Section 21 for irrigation of 134 acres located in the NE 1/4 NW 1/4, NE 1/4 Section 21; all in T93N-R53W.

Application No. 8023-3 proposes to appropriate 4.14 cfs from one well to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the SW 1/4 NE 1/4 Section 17 for irrigation of 290 acres located in the N 1/2, N 1/2 SE 1/4, NE 1/4 SW 1/4 Section 17; all in T93N-R53W.

Application No. 8024-3 proposes to appropriate 3.36 cfs from two wells to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the approximate centers of the NE 1/4 and SW 1/4 Section 8 for irrigation of 235.2 acres located in the SW 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 8; all in T93N-R53W.

Application No. 8025-3 proposes to appropriate 3.82 cfs from two wells to be completed into the Missouri:Elk Point Aquifer (60 feet deep) located in the approximate centers of the SE 1/4 Section 4 and SW 1/4 Section 3 for irrigation of 267.2 acres located in the SE 1/4 Section 4 and SW 1/4 Section 3; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8022-3, 8023-3, 8024-3 and 8025-3 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 August 25, 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



SEP 04 2014

Redwood South Dakota Holdings LLP
Jay Giroto
11108 NE 65th St
Kirkland WA 98033

Dear Mr. Giroto:

Enclosed are Water Permit Nos. 8022-3, 8023-3, 8024-3 & 8025-3 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

cc: Kyle J Groteluschen, Davenport, Evans, Hurwitz & Smith LLP, PO Box 1030, Sioux Falls SD 57101

enclosures



8025-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 9, 2015

Jay Girotto
Redwood South Dakota Holdings LLC
18 Crescent KY
Bellevue WA 98006 1010

RE: Water Permit Nos. 8022-3, 8023-3, 8024-3, 8025-3

Mr. Girotto,

Enclosed are your 2015 irrigation questionnaires. The post office returned the original mailing to us and indicated you had a change of address.

I have changed our records to reflect the new address. If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUN 12 2017

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8025-3Date: June 9, 2017

I/We request that Water Right/Permit No. 8025-3 formerly owned by:
REDWOOD SOUTH DAKOTA HOLDINGS, LLP be transferred to:

New Owner Name: Double Down Farm, GPAddress: 18 Crescent KeyCity, State, Zip Bellevue WA 98006 Telephone No. (425) 301-0728

Title to the following described land(s)/property has been transferred as described above:

The SE 1/4 of Section 4 and SW 1/4 of Section 3 in T93N-R53W

☒ I understand that the validity of Water Right/Permit No. 8025-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jay Giroto, Attorney in fact for, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 12, 2017

RECEIVED OF Double Down Farm, GP 18 Crescent Key Bellevue WA 98006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>8025-3</u>		
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	50.00

No. **08266**

By

Heather A. Jeanne Goodman
Chief Engineer
250



8025-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 15, 2017

Jay Girotto
Double Down Farm GP
18 Crescent Key
Bellevue WA 98006

RE: Water Permit Nos. 8022-3, 8023-3, 8024-3 and 8025-3

Dear Mr. Girotto:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring ownership of Water Permit Nos. 8022-3, 8023-3, 8024-3 and 8025-3.

The ownership changes have been completed. The water permits formerly held by Redwood South Dakota Holdings LLP are now listed in the name of "Double Down Farm GP".

Enclosed for your records are receipts for the filing fees. If you have any questions, please contact me.

Sincerely,

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

enclosures

8025-3

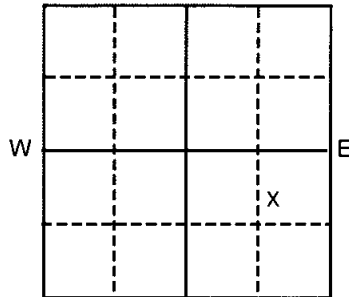
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 4 Twp 93N Rg 53W

County Clay

North

Please mark well
location with an "X"

Well Completion Date

16 March 2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
7,800.0 ft. from Septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	38.0 FT	22.00 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	11	9.5 Lb/gal	0.0 Ft	32.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 20.0 Feet

Material PVC

Slot Size .085 Set From 38.0 Feet to 58.0 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? HTH tabletsLab to which water
quality sample sent for analysis ☐ No, Why Not?

Well Owner: Redwood Holdings of SD, LLC

Business Name:

Address: 1108 NE 65th St

City, State, Zip: Kirkland WA 98033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
Tan clay	3	16
Fine sand	16	18
Medium to coarse sand and gravel	18	58

STATIC WATER LEVEL 8.0 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

15.0 Ft. After 1.0 Hrs. pumped 800.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Elevation: 1153'

42.899675°

-97.106855°

Missouri: Elk Point W2

This well was drilled under license # 810 and this report is true and accurate.

Drilling firm: Heine Electric & Irrigation

Signature of License Representative:

RECEIVED

FEB 02 2018

Signature of Well Owner or Equitable Property Holder:

WATER RIGHTS
PROGRAM

Date:

8025-3



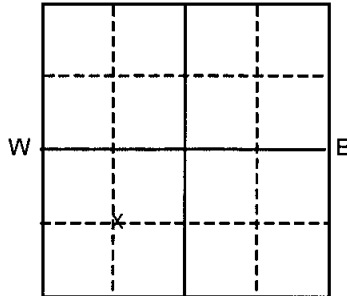
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SW ¼ Sec 4 Twp 93N Rg 53W

County Clay

North

Please mark well
location with an "X"

Well Completion Date

3 March 2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	56.0 FT	22.00 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	19	9.5 Lb/gal	0.0 Ft	52.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length Feet

Material PVC

Slot Size .085 Set From 56.0 Feet to 76.0 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? HTH Tablets

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

Well Owner: Redwood Holdings of SD, LLC

Business Name:

Address: 11108 NE 65th St

City, State, Zip: Kirkland WA 98033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	4
Brown silty clay	4	15
Gray sandy clay	15	28
Medium to coarse sand and gravel	28	58
Coarse sand and gravel with rocks	58	76

STATIC WATER LEVEL 8.0 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

13.0 Ft. After 1.0 Hrs. pumped 700.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Elevation: 1154'

42.899277°

-97.117075°

Missouri: Elm Point NR

This well was drilled under license # 810 and this
report is true and accurate.

Drilling firm: Heine Electric & Irrigation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

FEB 02 2018

WATER RIGHTS
PROGRAM

Date:

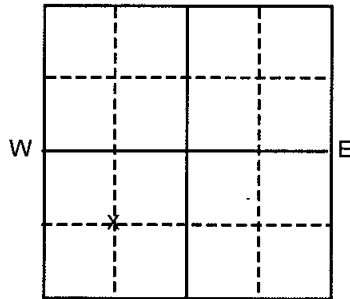
8025-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 SW 1/4 Sec 3 Twp 93N Rg 53WCounty Clay

North

Please mark well
location with an "X"

Well Completion Date

12 June 2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
6,500.0 ft. from Septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	40.0 FT	22.00 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	11	9.5 Lb/gal	0.0 Ft	30.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .085 Set From 40.0 Feet to 60.0 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? HTH Tablets
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: Redwood Holdings of SD, LLC

Business Name:

Address: 11108 NE 65th StCity, State, Zip: Kirkland WA 98033

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
Clay	3	31
Medium Gravel with fine sand	31	60

STATIC WATER LEVEL 7.0 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

16.0 Ft. After 1.0 Hrs. pumped 800.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Elevation: 1153'

42.899279°

-97.097608°

*Missouri: Elk Point well*This well was drilled under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irrigation

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

RECEIVED

FEB 02 2018

Date: _____

WATER RIGHTS
PROGRAM

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8025-3

I have this day, August 5, 2022, made a thorough examination of the water use system currently owned by Double Down Farm, GP, 18 Crescent Key, Bellevue, WA 98006, holder of Permit No. 8025-3, bearing the priority of June 6, 2014, authorizing the diversion of 3.82 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 267.2 acres located in Clay County.

Inspection contact: Brad VanGrootheest

A. Works used to divert the water:

Well Information: (West Well)

- 1) Well Drilling Firm: Heine Elec. & Irrig.
- 2) No. of Wells: 1
- 3) Depth(s): 58 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 38 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 20 feet
- 3) Type: PVC
- 4) Static water level: 8 feet

Pump:

- 1) Make: Borer Wholesale
- 2) Model: 11RKM0
- 3) Capacity: 850 GPM

Diesel Engine:

- 1) Make: Isuzu
- 2) Model No.: Unknown
- 3) Horsepower rating: Unknown hp

Gear Drive:

- 1) Make: Amarillo
- 2) Model: S60A
- 3) Capacity: 60 hp

Well Information: (East Well)

- 5) Well Drilling Firm: Heine Elec. & Irrig.
- 6) No. of Wells: 1
- 7) Depth(s): 60 feet
- 8) Well log is available: Yes

Casing:

- 4) Diameter: 16 inches
- 5) Length: 40 feet
- 6) Type: Plastic

Screen:

- 5) Diameter: 16 inches
- 6) Length: 20 feet
- 7) Type: PVC
- 8) Static water level: 7 feet

Pump:

- 4) Make: Borer Wholesale
- 5) Model: 11RKM0
- 6) Capacity: 850 GPM

Diesel Engine:

- 1) Make: Isuzu
- 2) Model No.: Unknown
- 3) Horsepower rating: Unknown hp

Gear Drive:

- 1) Make: Amarillo
- 2) Model: S60A
- 3) Capacity: 60 hp

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

- 1) Type: Aluminum
- 2) Size: 8 inches
- 3) Length: 15 feet (both locations)

C. Works used to apply water to beneficial use:**West Center Pivot:**

- 1) Make: Valley
- 2) Overall length: 1,198 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 850 GPM

Chemigation Equipment:

- 1) Does chemigate: No

East Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 850 GPM

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 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:
The west well is 1,220 feet west and 1,440 feet north of the southeast corner of Section 4-T93N-R53W (Latitude 42.89970, Longitude -97.10680 – NE1/4 of the SE1/4).
The east well is 1,320 feet east and 1,340 feet north of the southwest corner of Section 3-T93N-R53W (Latitude 42.89944, Longitude -97.09731 – NW1/4 of the SW1/4).
- 2) The works are capable of diverting and conveying to the place of use 3.79 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 4-T93N-R53W

<u>NW1/4SE1/4</u>	<u>31 acres</u>
<u>NE1/4SE1/4</u>	<u>34 acres</u>
<u>SW1/4SE1/4</u>	<u>24 acres</u>
<u>SE1/4SE1/4</u>	<u>29 acres</u>

Section 3-T93N-R53W

<u>NW1/4SW1/4</u>	<u>36 acres</u>
<u>NE1/4SW1/4</u>	<u>34 acres</u>
<u>SW1/4SW1/4</u>	<u>33 acres</u>
<u>SE1/4SW1/4</u>	<u>34 acres</u>

comprising a total of 255 acres of land and the license should be issued for 3.64 cfs. (Based on statutory limit for 255 acres)

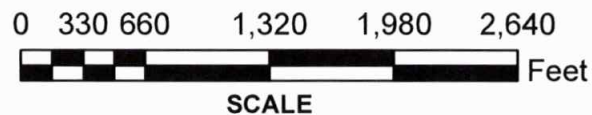
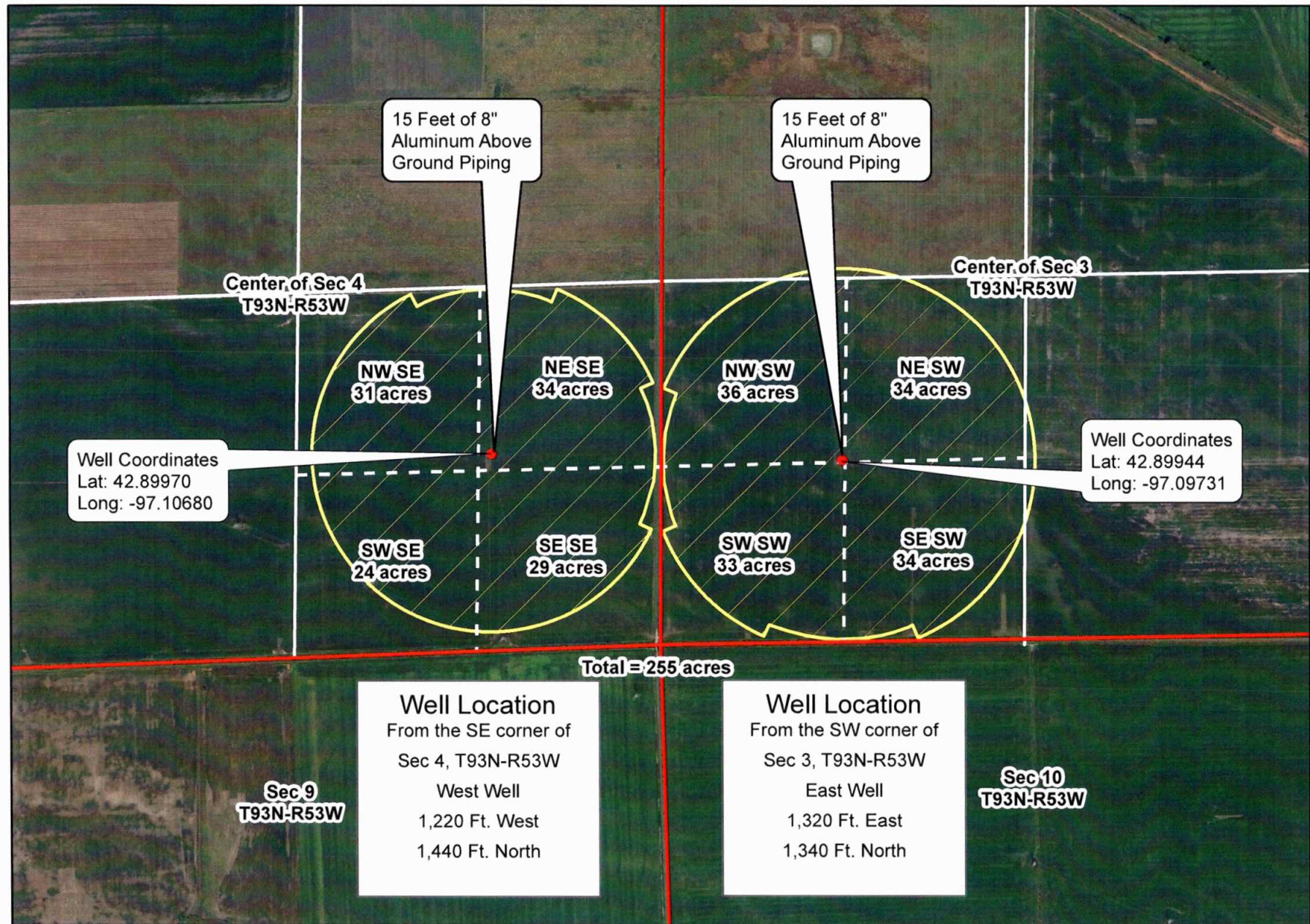
- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: None


Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 12, 2022

Water Permit No. 8025-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
August 12, 2022



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

AUG 18 2022

Jay Girotto
Double Down Farm GP
18 Crescent Key
Bellevue WA 98006

RE: Water License Nos. 8022-3, 8023-3, 8024-3, 8025-3, 8211-3 and 8325-3

Dear Mr. Girotto:

Enclosed are Water License Nos. 8022-3, 8023-3, 8024-3, 8025-3, 8211-3 and 8325-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

Items to be aware of for the following licenses:

- **No. 8022-3** (N $\frac{1}{2}$ Section 21): The investigation found your irrigation system is capable of diverting 850 gallons per minute (1.89 cfs). The statutory limit for 115 acres is 1.64 cfs (equivalent to 737 gpm). Diversion of water under this water license is limited to 1.64 cfs;
- **No. 8024-3** (Section 8) The investigation found your irrigation system is capable of diverting 1,700 gallons per minute (3.79 cfs). The statutory limit for 223 acres is 3.19 cfs (equivalent to 1,430 gpm). Diversion of water under this water license is limited to 3.19 cfs;
- **No. 8025-3** (SE $\frac{1}{4}$ Sec 4 and SW $\frac{1}{4}$ Sec 3) The investigation found your irrigation system is capable of diverting 1,700 gallons per minute (3.79 cfs). The statutory limit for 255 acres is 3.64 cfs (equivalent to 1,635 gpm). Diversion of water under this water license is limited to 3.64 cfs;
- **No. 8211-3** (Sec 27 & 28, T91N, R50W – **Union** County) In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation systems, the staff engineer indicated he spoke with Ryan Strem about the absence of a hose to drain the water at least 20 feet from the well. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. Please coordinate with Mr. Strem to ensure the requirements are met.

continued

Double Down Farm GP
Page 2

- **No. 8325-3** (SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 4) The investigation found your irrigation system is capable of diverting 850 gallons per minute (1.89 cfs). The original permit authorized a diversion rate of 1.67 cfs (750 gpm). Diversion of water under this license is limited to 1.67 cfs.

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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8025-3**

(1) Redwood South Dakota Holdings LLP made Application No. 8025-3, June 6, 2014, for a water permit to divert 3.82 cubic feet of water per second from ground water, two wells (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 8025-3, with a priority date of June 6, 2014, was approved August 25, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 25, 2019, and for the application to beneficial use of water on or before August 25, 2023.

On June 12, 2017, Water Permit No. 8025-3 was transferred from Redwood South Dakota Holdings LLP to Double Down Farm GP.

(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 3.64 cubic feet of water per second for beneficial use. The diversion points are located as follows:

- West well: 1,220'W & 1,440'N of the SE corner of Section 4, T93N, R53W (NE ¼ SE ¼ Section 4)
Latitude 42.89970, Longitude -97.10680
- East well: 1,320'E & 1,340'N of the SW corner of Section 3, T93N, R53W (NW ¼ SW ¼ Section 3)
Latitude 42.89944, Longitude -97.09731

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

Section 4, T93N, R53W		Section 3, T93N, R53W	
NW ¼ SE ¼	31 acres	NW ¼ SW ¼	36 acres
NE ¼ SE ¼	34 acres	NE ¼ SW ¼	34 acres
SW ¼ SE ¼	24 acres	SW ¼ SW ¼	33 acres
SE ¼ SE ¼	29 acres	SE ¼ SW ¼	34 acres
Total 255 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Double Down Farm GP, 18 Crescent Key, Bellevue, WA 98006 the holder and/or owner of Water Right No. 8025-3 is issued a license to appropriate water, the right to use 3.64 cubic feet of water per second from ground water, two wells (Missouri Elk Point Aquifer) with a priority date of June 6, 2014, from the locations 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. 8025-3 and subject to the following qualifications:

- The wells 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.

continued

- The wells authorized by Permit No. 8025-3 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 wells were drilled in March and June of 2017 by Heine Electric & Irrigation. Copies of the well completion reports are 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 18 2022
date



6179-3, 6180-3, 6181-3, 6642-3, 6804B-3, 7389B-3, 8022-3
8023-3, 8024-3, 8025-3, 8211-3, & 8325-3



FARMLAND
OPPORTUNITY

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NOV 01 2023

OFFICE OF
WATER

September 30, 2023

Everyone,

The Farmland Opportunity mailing address/ office changed.

Please send all future USPS, Fedex, UPS, DHL mail and packages to the addresses listed below:

Farmland Opportunity, LLC or [Entity Name] c/o Farmland Opportunity, LLC
1661 Ringling Blvd.
PO Box 2139
Sarasota, FL 34230

If you plan to visit us in person, tell us when you are coming 😊

We are physically located @ 645 S. Orange Ave, Sarasota, FL 34236. DO NOT SEND ANYTHING TO THIS ADDRESS.

Sincerely,

Jay Girotto

Farmland Opportunity LLC
M: 425.301.0728
F: 319.538.0034
jgirotto@farmopp.com

Florida Mailing Address:
1661 Ringling Blvd
PO Box 2139
Sarasota, FL 34230

Iowa Mailing Address:
4926 Autumn Dr
Cedar Rapids, IA 52411

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