

WATER PERMIT NO. 8194-3

Name of Applicant: Lakeside Dairy

Address: 45078 149th St, Ortley SD 57256 Phone: 661-396-9600

Amount of Water Claimed: 0.446 cfs (275 AF annually) Total Acres: NA

Source of Water Supply: groundwater (1 well)

Water to be used for: commercial use County: Grant

Type of Waste Disposal System:

Location: 27 miles west of Milbank

PRIORITY Date Received: 1-19-16 Application/License Fee: \$1050.00

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Backup water supply for the dairy operation

Diversion Point: SW 1/4 SE 1/4 sec 29-T121N-
R52W

Land to be Irrigated: NA

Depth of Well: 160 feet deep

Well Driller: Manikowski Well Drilling Inc.

Remarks:

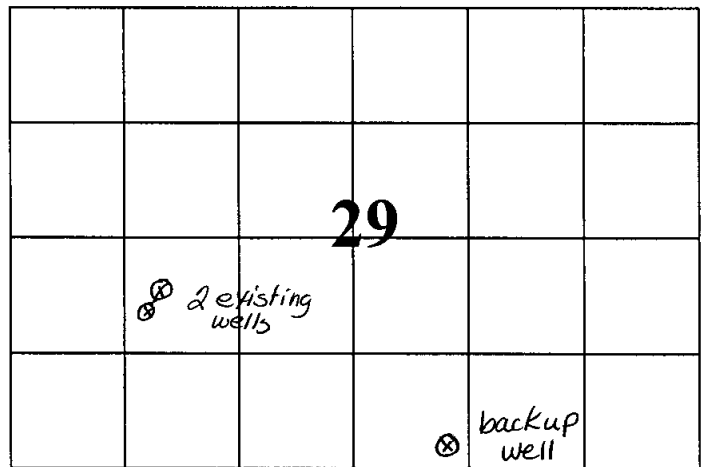
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 1-28-16

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED
JAN 19 2016
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8194-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Souris River</u>	<u>605-432-4516</u>
	Newspaper <u>Giant County Review Milbank</u>	
	<u>Public Opinion Watertown</u>	<u>605-886-1691</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit LAKE SIDE DAIRYMailing Address 45078 149TH STREET ORTLEY SD 57256
(Address) (City) (State) (Zip Code)Phone 661-396-4600 Mobile _____ Email _____2. Amount of water claimed 446 *CFS or 200 **GPM and 275 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply PRAIRIE COTEAU AQUIFER4. Location of point of diversion 1 WELL IN SW 1/4 OF SE 1/4 SECTION 29 T12N R24W County GRANT
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ NoIf "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)5. County or counties where water will be used GRANT6. Annual period during which water is to be used JANUARY 1 - DECEMBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

PROPOSED WELL WOULD PROVIDE AN ADDED BACKUP SOURCE OF STOCK WATER FOR EXISTING CONFINED ANIMAL FEEDING OPERATION. FACILITY IS CURRENTLY PROVIDED STOCK WATER TO PERMIT # 7969-3, LOCATED ON ADJOINING LANDOWNER'S PROPERTY.

I, A J BOS MEMBER, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 8194-3

Date of first receipt of application January 19, 2016.

Date of return to applicant for corrections, amendments or changes January 27, 2016.

Date of receipt of corrected application February 8, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8194-3 to Lakeside Dairy, 45078 149th St, Ortley SD 57256 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. 8194-3 appropriates 0.446 cubic feet of water per second (cfs) (275 acre-feet of water annually) from one well to be completed into the Prairie Coteau Aquifer (160 feet deep) located in the SW 1/4 SE 1/4 Section 29-T121N-R52W for use in a commercial animal feeding operation. Water Permit No. 7969-3 authorizes 0.67 cfs from two wells completed into the Big Sioux:North Aquifer for commercial use at the dairy operation. The dairy operation is located in the S 1/2 of the S 1/2 of Section 29-T121N-R52W all within the former boundaries of the Sisseton Wahpeton Indian Reservation.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8194-3 is April 4, 2016.
5. The date from which applicant may claim right is January 19, 2016.
6. One-fifth of the construction is to be completed on or before October 4, 2018.
7. All construction is to be completed on or before April 4, 2021.
8. Water is to be put to beneficial use on or before April 4, 2025.
9. 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. 8194-3 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. Permit No. 8194-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

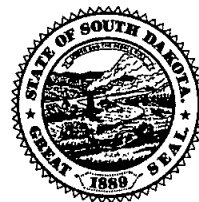
4. Permit No. 8194-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards,
 - b. Chapter 74:54:02 Ground Water Discharge Permit,
 - c. Chapter 74:51:01 Surface Water Quality Standards,
 - d. Chapter 74:51:02 Uses Assigned to Lakes,
 - e. Chapter 74:51:03 Uses Assigned to Streams, and
 - f. Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau Aquifer.
6. Water Permit 8194-3 authorizes a total annual diversion of 275 acre feet of water.

WATER MANAGEMENT BOARD

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

APR 14 2016

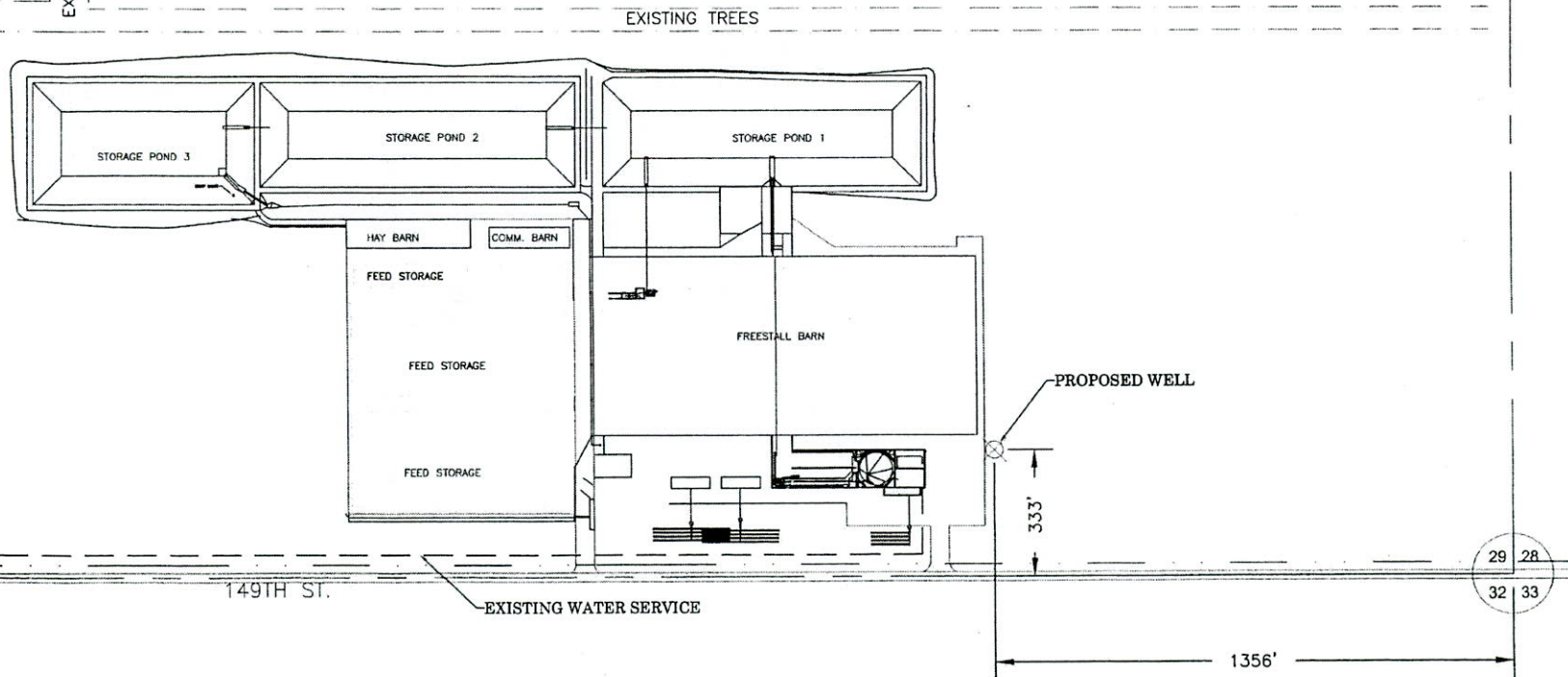
date



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PROPOSED WELL LOCATION

LAKESIDE DAIRY AWMS

DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED

P.O. BOX 636 HURON, SD 57350 605-352-5610



JOB NO:

1329

SCALE:

1"=300'

DWG:

1

REV.	DATE	DESCRIPTION	BY	CHKD
	1/12/16		RR	BF

Sec 19
T121N
R52W

Sec 20
T121N
R52W

Sec 21
T121N
R52W

Sec 30
T121N
R52W

Sec 29
T121N
R52W

Sec 28
T121N
R52W

Sec 31
T121N
R52W

Sec 32
T121N
R52W

Sec 33
T121N
R52W

Sec 6

Sec 5

Sec 4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SW 1/4 Sec 29 Twp 101 N Rg 52W

County Grant

Please mark well location with an "X"

Well completion Date 5-14-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 2500 ft from Feed lot (Identify source)

PROPOSED USE: ☐ Domestic Stock ☐ Municipal ☐ Business ☒ Test Holes ☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING: Forward Rotary

CASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe none installed

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Grout</u>	<u>8</u>	<u>9.8 Lbs/sack</u>	<u>0 ft</u>	<u>180 ft</u>

Describe grouting procedure Turnie Pipe Bottom of Hole To Surface

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? _____ ☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Chris Brownson

Business Name: _____

Address1: 14873 450th Ave

Address2: _____

City, State, Zip: Ortle, SD 57256

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>yellow clay</u>	<u>1</u>	<u>24</u>
<u>Blue Clay Till</u>	<u>24</u>	<u>128</u>
<u>Medium sand</u>	<u>128</u>	<u>163</u>
<u>Blue clay</u>	<u>163</u>	<u>180</u>

STATIC WATER LEVEL _____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____	Hrs. pumped _____	GPM _____
_____ Ft. After _____	Hrs. pumped _____	GPM _____

If pump installed, pump rate: _____ GPM

REMARKS

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This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: Manikowski Well Drilling, Inc.

Signature of Licensee Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/19, 20 16

RECEIVED OF Lakeside Dairy LLC 45078 149th St Ortley SD 57256

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

Fee for Application for Permit No. <u>8194-3</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>8194-3</u>	220	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. 07679

By Jean Goodman
Chief Engineer

Water Rights Program - File Documentation

NAME: Brian Friedrichsen, Dakota Environmental

ADDRESS: Huron

DATE: 1-27-16 **COUNTY:** GT **TELEPHONE:** 605 352-5610

RE: Pending application for Lakeside Dairy

COMMENTS:

Eric called Brian Friedrichsen regarding the application submitted by Lakeside Dairy. Mr. Friedrichsen stated this facility is currently provided water by Water Permit No. 7969-3 issued to Bronson Custom Farms, an adjoining landowner. This will continue to be the main water source for Lakeside Dairy.

The application submitted by Lakeside Dairy is requesting a backup water supply from a different water formation for their existing confined animal feeding operation.



Karen Schlaak
Water Rights Program

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, January 27, 2016 4:33 PM
To: Schlaak, Karen
Subject: FW: water rights permit transfer

From: Brian Friedrichsen [<mailto:brian@dakotaenv.com>]
Sent: Wednesday, October 28, 2015 9:17 AM
To: Gronlund, Eric
Subject: Re: water rights permit transfer

It is a CAFO. The area of the CAFO and well are in the same half section that is owned by the current water and cafo permit holder. This person will sell the land the cafo is on and transfer the cafo permit to the new owner, but will retain the land where the well is. No disputes or falling-out involved. Current owner would also transfer the water right if that is possible in this case. Or keep the water right permit and have a business agreement to provide water to the CAFO? What would you suggest, or see that may be required in either case?

Thanks,

Brian

On Tue, Oct 27, 2015 at 1:46 PM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Brian:

If it is an irrigation water use, the use is appurtenant to the land being irrigated and should be transferred to the new owner of the irrigated land. The question arises whether there is an agreement for access and the continued use of the well on the other owner's property OR if a new well is to be drilled. If there is an agreement for continued use of the well that should be filed. If a new well is to be drilled, there may be water permitting involved.

If the use is for commercial use such as a well that serves a confinement facility, the water permit holder is generally the entity the owns where the well is located.

Ultimately the owner of the property where the well is located is responsible for the well such as keeping it in good repair and in a sanitary condition. However, if the property is leased, the obligation of the owner may be transferred to the lessee by mutual consent. There have been instances in the past where a well on one property was supplying adjoining property but the details on responsibilities if something goes wrong not were not set forth and has ended in a legal dispute. What I'm say is both parties better go into this with their eyes wide open about who is responsible for ongoing expenses and maintenance or if the well fails.

Eric

From: Brian Friedrichsen [mailto:brian@dakotaenv.com]

Sent: Tuesday, October 27, 2015 10:39 AM

To: Gronlund, Eric

Subject: water rights permit transfer

Eric,

had a question regarding transfer of a water rights permit. Was looking over the transfer form, mostly the section regarding " title to the following described land/property has been transferred as described above".

With the permit to be transferred, the land where the well is located is separate from the land containing the point of use. The land where the use is will be transferred to the new owner, but the land containing the well will not.

Is there anything additional that will need to be done in this circumstance, or should this just be summarized in the text box on the form?

Thanks,

--

Brian Friedrichsen

Dakota Environmental

--

Brian Friedrichsen

Dakota Environmental

Gronlund, Eric

From: Ryan W. Snell <Ryan.Snell@woodsfuller.com>
Sent: Friday, January 29, 2016 12:59 PM
To: Gronlund, Eric
Cc: Brent Stanley
Subject: RE: Lakeside Dairy LLC in Grant County
Attachments: LakesideDairyApp.pdf

Eric

I will get the written authorization resolutions document to you as soon as it is signed. The person who signed the attached is A.J. Bos.

Ryan



Ryan W. Snell

Attorney

300 S. Phillips Avenue, Suite 300

Sioux Falls, SD 57104-6322

Phone (605) 336-3890 | Fax (605) 339-3357

www.WoodsFuller.com

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]

Sent: Wednesday, January 27, 2016 4:50 PM

To: Ryan W. Snell

Cc: Schlaak, Karen

Subject: Lakeside Dairy LLC in Grant County

Mr. Snell:

The Department of Environment and Natural Resources received a water right permit application filed by Lakeside Dairy LLC for a well to be constructed as a back-up water source for the dairy in Grant County. See attachment. The signature on the application is not legible but the engineering consultant told me it was likely Josh Televada ?spelling?.

I conducted a corporation search on the Secretary of State's website and it lists you as the registered agent for Lakeside Dairy. There is no listing of officers of the LLC. Can you provide a statement of authority that the person signing the application has authority to act on behalf of Lakeside Dairy LLC.

Thank you.

Eric Gronlund

Water Rights Program, DENR

605 773-3352

Eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

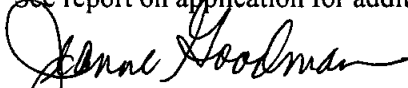
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8194-3, Lakeside Dairy**

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. 8194-3, Lakeside Dairy, c/o A. J. Bos, 45078 149th Street, Ortleigh SD 57256.

The Chief Engineer is recommending APPROVAL of Application No. 8194-3 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, 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. 8194-3 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. Permit No. 8194-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 8194-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau Aquifer.
6. Water Permit 8194-3 authorizes a total annual diversion of 275 acre feet of water.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 17, 2016

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8194-3
LAKESIDE DAIRY
C/O A.J. BOS
MARCH 17, 2016

Water Permit Application No. 8194-3 proposes to appropriate 0.446 cubic feet of water per second (cfs) (275 acre-feet (ac-ft) annually) from one well to be completed into the Prairie Coteau aquifer (approximately 160 feet deep) located in the SW ¼ SE ¼ Section 29-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation for use in a commercial animal feeding operation. Water Permit No. 7969-3 authorizes 0.67 cfs from two wells completed into the Big Sioux: North aquifer also provides water for use at the dairy operation. The dairy operation is located in the S ½ S ½ of Section 29-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation; all in Grant County.

AQUIFER: Prairie Coteau (PCO)

Aquifer Characteristics:

The Prairie Coteau aquifer is a buried outwash deposit that consists of coarse to very coarse sand and fine gravel (Hansen, 1990). The Prairie Coteau aquifer is a name for discontinuous outwash deposits found in the 1,610 to 1,800 foot altitude interval of the Prairie Coteau region of South Dakota (Thompson, 2001). The Prairie Coteau aquifer is predominantly under confined conditions (Water Rights, 2016a). Stonesifer (2013) estimated the extent of this portion of the Prairie Coteau aquifer (see Figure 1). This portion of the Prairie Coteau aquifer is estimated to underlie approximately 184,500 acres of Codington, Grant, and Roberts Counties (Stonesifer, 2013). The Big Sioux: North and Coteau Lakes aquifers overly portions of the Prairie Coteau aquifer.

The well completion report submitted with the application identifies “medium sand” from 128 to 163 feet below surface. Other well completion reports (Water Rights, 2016c) and SD DENR-Geological Survey lithologic logs (SDGS, 2016) indicate sand can be found anywhere from 125 to 215 feet below ground surface within two miles of the well site. The water level is expected to be from 25 to 50 feet below ground surface at the well site (Water Rights, 2016c).

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 a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

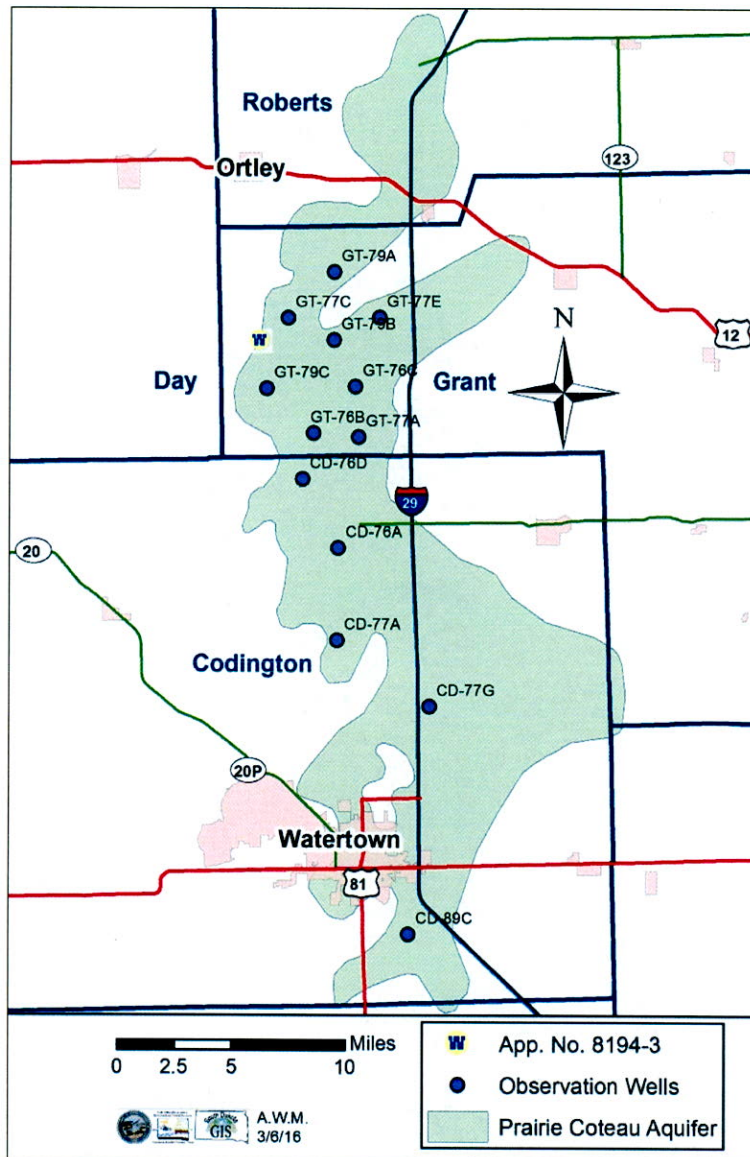


Figure 1- Map of proposed well site, this portion of the Prairie Coteau aquifer, and the observation wells completed into this portion of the aquifer (Stonesifer, 2013; Water Rights, 2016a)

WATER AVAILABILITY:

This application proposes to appropriate water from the Prairie Coteau aquifer. The probability of unappropriated water being available from the 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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system.

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 in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 57 observation wells completed into the Prairie Coteau aquifer with 13 completed into the portion of the Prairie Coteau aquifer this application proposes to use (Water Rights, 2016a). The nearest observation wells to the proposed well site are GT-77C, GT-79C, and GT-79B at 1.6 miles northeast, 2.1 miles south, and 3.3 miles south east, respectively (see Figure 1) (Water Rights, 2016a). The hydrographs for these observation wells are shown in Figures 2, 3, and 4.

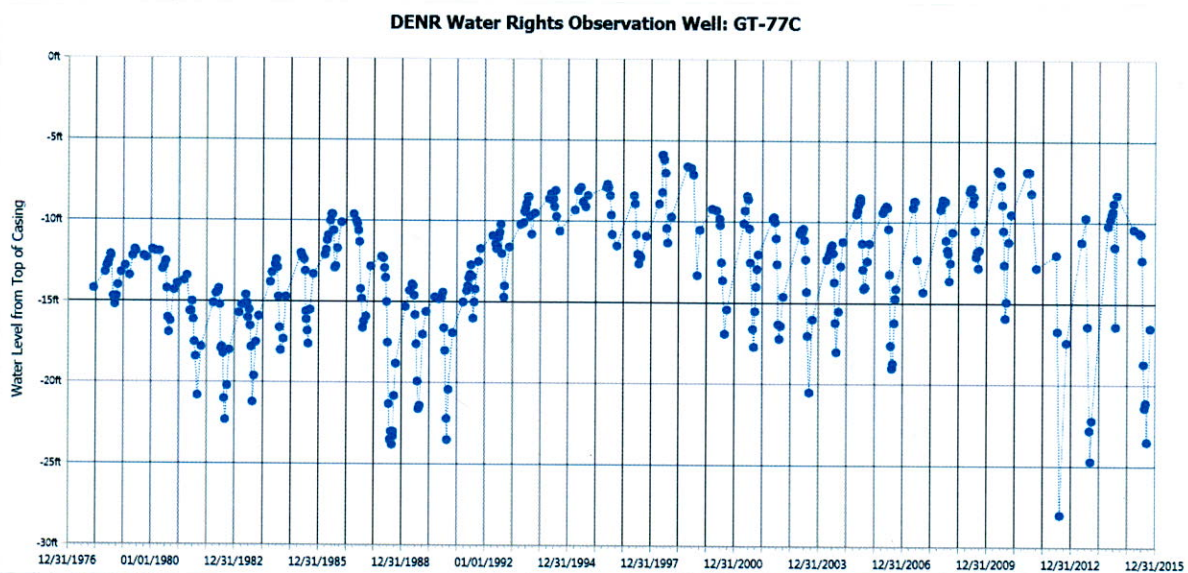


Figure 2- Hydrograph for observation well GT-77C (Water Rights, 2016a)

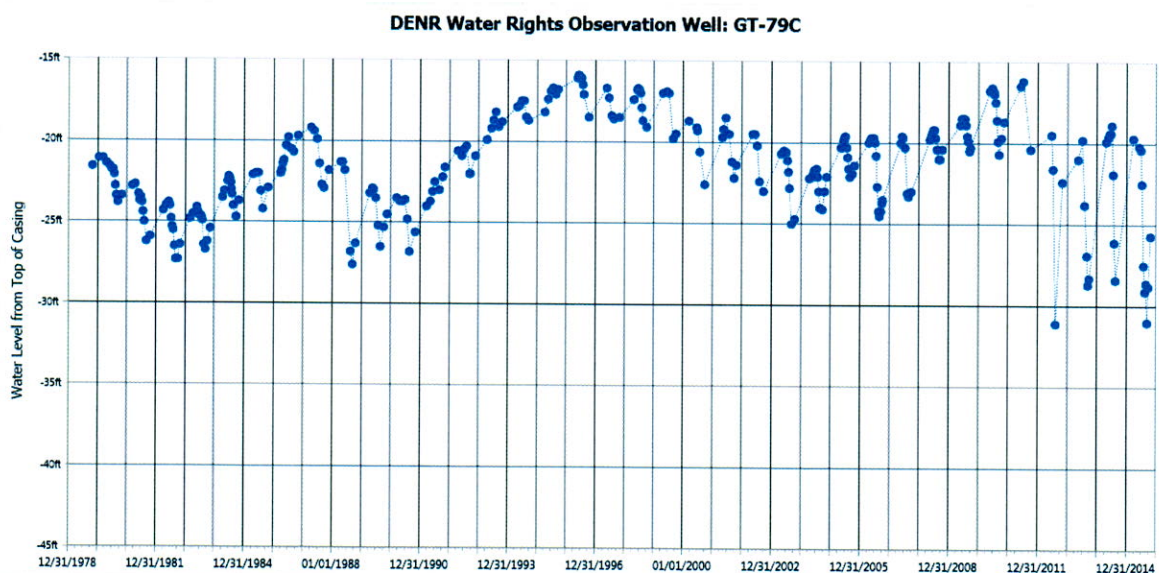


Figure 3- Hydrograph for observation well GT-79C (Water Rights, 2016a)

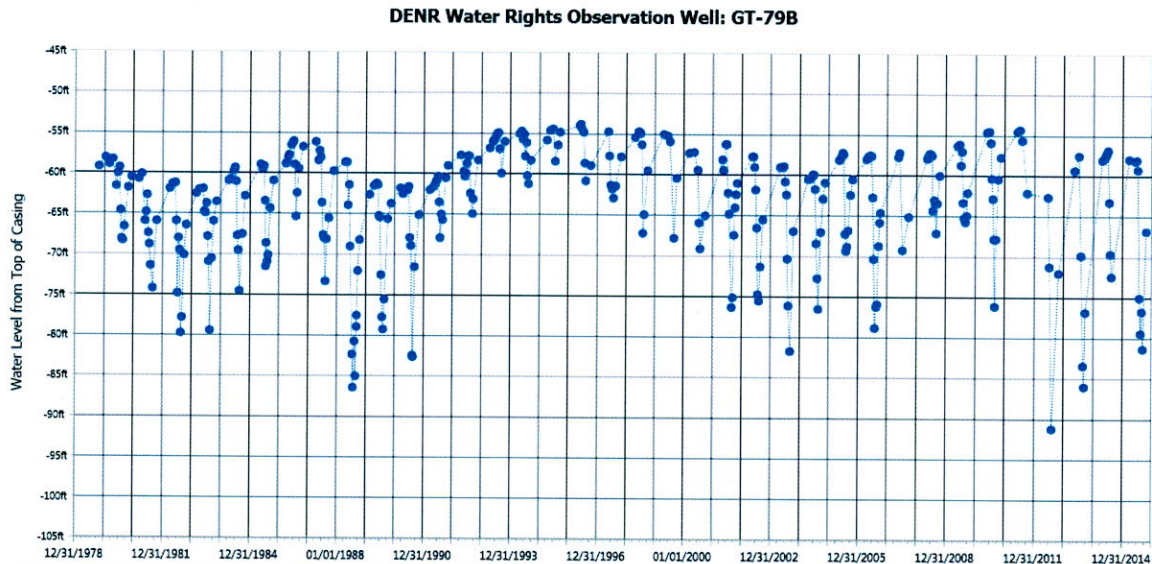


Figure 4- Hydrograph for observation well GT-79B (Water Rights, 2016a)

The hydrographs for observation wells GT-77C, GT-79C, and GT-79B are representative of the other observation wells completed into this portion of the Prairie Coteau aquifer. The water levels rise (recharge) during wet periods and gradually decline during dry periods. All of the hydrographs for the observation wells completed into this portion of the Prairie Coteau aquifer show water levels recover after the end of the irrigation season. The hydrographs show water levels in the aquifer have remained fairly stable with no significant upward or downward trend of the water level over the period of record.

While the hydrographs do show the temporary impacts of well withdrawal on water level, the long term effects of climate on water level still dominate. Thus, recharge to and natural discharge from the aquifer significantly exceeds pumping. Natural discharge from the aquifer can be captured for pumping. Recognizing that, the hydrographs for the observation wells show there is unappropriated water available for this proposed appropriation.

Recharge and Discharge:

Recharge:

This portion of the Prairie Coteau aquifer is recharged by leakage through the till and leakage from the overlying Big Sioux and Coteau Lakes aquifers (Hansen, 1990). The recharge rate to this portion of the Prairie Coteau aquifer has yet to be quantified and will not likely be quantified in the near future. However, Hedges and others (1985) recommended using a recharge rate range of 0.15 to 0.60 inches per year (in/yr.) to confined aquifers for use by management and development programs. Applying that range of recharge rates to Stonesifer's (2013) areal extent yields an estimated recharge range of 2,306 to 9,225 ac-ft/yr.

Discharge:

Discharge from this portion of the Prairie Coteau aquifer is primarily through withdrawals by wells, and outflow to hydraulically connected outwash deposits and adjacent till. There are 29 water rights/permits authorized to withdraw water from this portion of the Prairie Coteau aquifer (Water Rights, 2016b). These water rights/permits are summarized in Table 1.

Permit No.	Name	County	Status	Use	CFS	Acres
3229-3	Don Endres	CD	LC	IRR	2.66	224
3665-3	Florence Davis	DA	PE	IRR	9	640
4184-3	Jabe Kahnke	GT	LC	IRR	2.67	243
4417-3	Falk Farms Inc	CD	LC	IRR	6	770
4588-3A	Don Endres	CD	LC	IRR	1.77	170
4749-3	Luvern J Miller	CD	LC	IRR	3.77	264
5165-3	Jeff L & Lynae Grabow	CD	LC	IRR	1.77	132
5166A-3	John T Nordgaard	CD	LC	IRR	1.87	131
5166B-3	Northern Con-Agg Inc	CD	LC	IRR	0.84	59
5174-3	Don Endres	CD	LC	IRR	1.77	130
5376-3	Don Endres	CD	LC	IRR	1.11	83
5378-3	Endres Family Trust	GT	LC	IRR	1	70
5807-3	Michael John Meyer	CD	LC	IRR	1	95
6100-3	Norswiss Dairy	GT	LC	COM/LCO	0.267	
6533-3	Redlin Farms	GT	PE	COM	0.033	
6906-3	Tim J Grabow	CD	PE	IRR	0	180
6907-3	Jeff L Grabow	CD	PE	IRR	4	440
7036-3	James and Johnnylee Wohleber	GT	PE	IRR	2	130
7065-3	James Amdahl	GT	PE	IRR	3.78	264
7242-3	Rollin J Morehouse	GT	PE	IRR	4.29	300
7305-3	Tim J Grabow	CD	PE	IRR	1.57	110
7328-3*	Marvin Amdahl	GT	PE	IRR	1.78	162
7351-3	Michael John Meyer	CD	PE	IRR	0.68	0
7629-3	William Bucklin	GT	PE	IRR	0.63	44
7680-3	Wendell Falk	GT	PE	IRR	2	140
7681-3	Michael Johnson	CD	PE	IRR	1.56	133.65
7783-3	Marvin Amdahl	GT	PE	IRR	1.78	132
8076-3	Tim J Grabow	CD	PE	IRR	0.52	33
8077-3	Jeff L Grabow	CD	PE	IRR	1.04	66

CD= Codington, DA= Day, GT= Grant, LC= Water Right, PE= Water Permit, IRR= Irrigation, Com= Commercial, LCO= Livestock Confinement Operation, *= 7328-3 is authorized to withdraw water from both the Prairie Coteau and Big Sioux: North aquifers

Table 1- Water rights/permits authorized to withdraw water from the same portion of the Prairie Coteau aquifer proposed for use by Application No. 8194-3 (Water Rights, 2016b)

Water Right No. 6100-3 and Water Permit No. 6533-3 are for non-irrigation purposes. Water Right No. 6100-3 authorizes the use of water for a dairy that is also permitted with the DENR-Feedlot Permit Program for 1,500 dairy cattle and 400 heifers. Water Permit No. 6533-3 authorizes the use of water for a lodge. The estimated use by those two water rights/permits can be determined by assuming pumping at the maximum permitted diversion rate for 60 percent of the time. That is an annual volume of 131 ac-ft/yr. The annual withdrawal for irrigation purposes from this portion of the Prairie Coteau aquifer, permitted acres, and the application rate in in/ac is shown in Table 2. The average annual volume pumped for irrigation from the portion of the Prairie Coteau aquifer this application proposes to use is 952.26 ac-ft/yr.

Hydrologic Budget:

The estimated annual recharge to this portion of the Prairie Coteau ranges from 2,306 to 9,225 ac-ft/yr. The average annual use from this portion of the aquifer is 1,083.26. This application if approved would be limited to 275 ac-ft/yr. That would make expected annual average withdrawals of 1,358.26 ac-ft/yr. That is less than 60 percent of the low end estimate of annual recharge. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Year	Permitted Acres	Vol. Pumped (ac-ft)	App. Rate (in/permitted ac.)
1979	1454	213.0	1.8
1980	1454	449.8	3.7
1981	1954	458.0	2.8
1982	2802	612.2	2.6
1983	2642	630.9	2.9
1984	2798	794.1	3.4
1985	2798	384.0	1.6
1986	2798	167.7	0.7
1987	2798	449.9	1.9
1988	3498	1905.8	6.5
1989	3634	1258.2	4.2
1990	4030	1768.7	5.3
1991	3491	814.8	2.8
1992	3359	502.0	1.8
1993	3329	284.1	1.0
1994	3469	505.5	1.7
1995	3469	406.2	1.4
1996	3226	993.7	3.7
1997	3226	882.0	3.3
1998	3226	775.1	2.9
1999	3226	1075.0	4.0
2000	3226	1152.1	4.3
2001	3226	1022.7	3.8
2002	3086	1466.6	5.7
2003	3086	1719.6	6.7
2004	3086	1142.0	4.4
2005	3086	1089.8	4.2
2006	3086	1765.5	6.9
2007	3041	1108.0	4.4
2008	3631	895.4	3.0
2009	4025	831.3	2.5
2010	4025	875.2	2.6
2011	4325	922.6	2.6
2012	4435	1966.8	5.3
2013	4744.65	1570.5	4.0
2014	4884.65	1422.6	3.5
Min	1454	167.7	0.7
Max	4884.65	1966.8	6.9
Avg.	3268.7	952.3	3.4

Table 2- Total annual withdrawal, permitted acres, and application rate for the Prairie Coteau aquifer (Stonesifer, 2013; Water Rights, 1980-2015; Water Rights, 2016b)

EXISTING WATER RIGHTS:

The nearest water rights/permits authorizing wells to withdraw water from the same portion of the Prairie Coteau aquifer this application proposes to use are approximately 1.3 miles south east of the well site (Water Rights, 2016b). There are a number of domestic wells on file with the SD DENR-Water Rights Program within two miles of the well site proposed by this application that appear to be completed into the same portion of the Prairie Coteau aquifer this application proposes to use (Water Rights, 2016c). There are four high capacity irrigation wells within 0.5 miles of observation well CD-76D (Water Rights, 2016b and 2016c). Observation well CD-76D is completed into the same portion of the Prairie Coteau aquifer this application proposes to use. Observation well CD-76D is 6.4 miles south-southeast of the proposed well site. Figure 5 is the hydrograph for CD-76D.

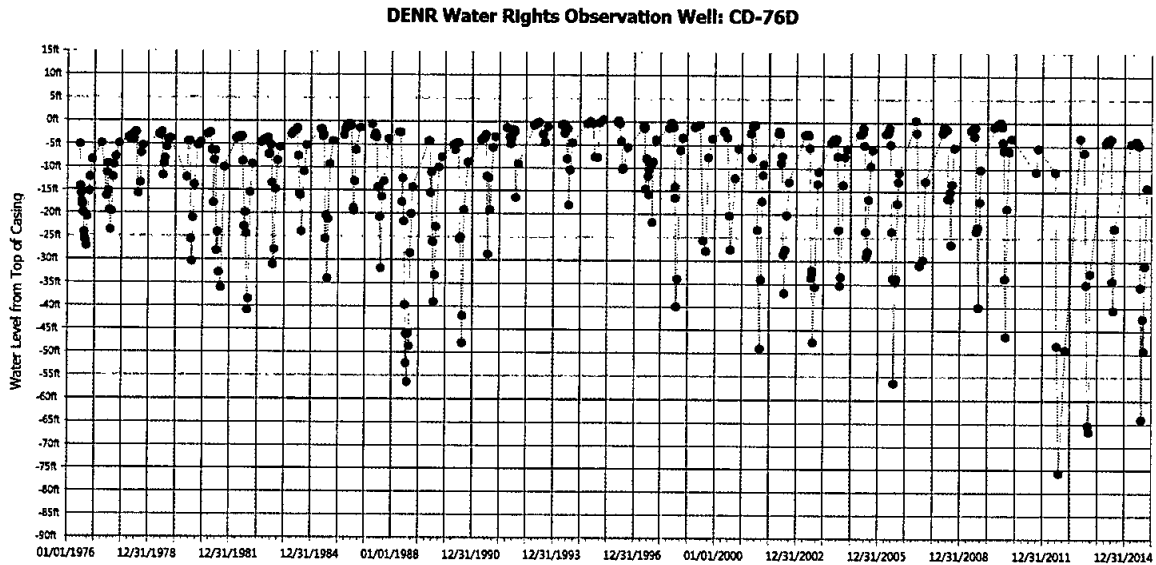


Figure 5- Hydrograph for observation well CD-76D (Water Rights, 2016a)

Figure 5 shows the water level in the observation well recovered at the end of every irrigation season. The top of the aquifer material at CD-76D is 114 feet below ground surface (Water Rights, 2016a). That means at the lowest recorded water level there was at least 38 feet of artesian head pressure remaining (Water Rights, 2016a). The well site proposed by this application is not in an area that has as heavy a concentration of high capacity wells as CD-76D. While the water levels in CD-76D do show drawdown during the irrigation season, the water levels recover at the end of the season, and there is still artesian head pressure below the lowest recorded water level. A domestic well in the area of the well site proposed by this application is not expected to be adversely impacted as defined in ARSD 74:02:04:20(7).

The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

In the past, the Water Management Board has recognized to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under confined conditions, drawdown due to pumping may be experienced some distance from the well site. Due to the distance between wells and the low diversion rate proposed by this application, pumping by this proposed appropriation is not expected to cause adverse impacts to existing appropriative or domestic users. However, depending on the specific characteristics of the Prairie Coteau aquifer at the well site some existing well owners may need to lower their pumps to accommodate for deeper water levels. When considering the statute (SDCL 46-6-6.1) and the rule (ARSD 74:02:04:20(7)), well interference from this proposed diversion rate is not likely to cause a

significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

CONCLUSIONS:

1. Application No. 8194-3 proposes to appropriate 0.446 cfs from the Prairie Coteau aquifer for use in an animal feed operation.
2. Based on the observation well and hydrologic budget data, there is a reasonable probability that unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz PE
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota. Water-Resources Investigations Report 89-4147. U.S. Geological Survey. Huron, South Dakota.
- Hedges, L.S., Allen, J., 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.
- Stonesifer, J. 2013. Report to the Chief Engineer on Water Permit Application No. 7629-3 for William Bucklin. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Thompson, R.F. 2001. Water resources of the Lake Traverse Reservation, South and North Dakota and Roberts County, South Dakota. Water-Resources Investigations Report 01-4219. U.S. Geological Survey. Rapid City, South Dakota.
- Water Rights. 1980-2015. "1979-2014 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2016a. Observation Well Files and Data. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Printer's Affidavit of Publication

RECEIVED

MAR 28 2016

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

WATER RIGHTS
PROGRAM

Ashlie Schweitzer

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

Application No. 8194-3 to Appropriate Water
(Lakeside Dairy)

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

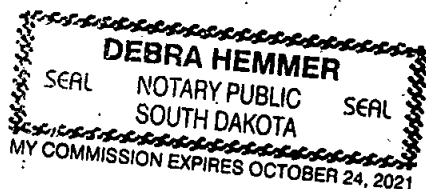
<u>March 23</u>	<u>20</u>	<u>16</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

That \$ 29.43, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 23rd day of March 2016

Debra Hemmer
Notary Public, Grant County, South Dakota



Publication Fee \$ 29.43
Notarial Fee \$
Total \$ 29.43

NOTICE OF APPLICATION NO.

8194-3 to Appropriate Water

Notice is given that Lakeside Dairy, c/o A.J. Bos 45078 149th St, Ortleby SD 57256 has filed an application for a water permit to appropriate 0.446 cubic feet of water per second (cfs) (275 acre-feet of water annually) from one well to be completed into the Prairie Coteau Aquifer (160 feet deep) located in the SW 1/4 SE 1/4 Section 29-T121N-R52W for use in a commercial animal feeding operation. Water Permit No. 7969-3 authorizes 0.67 cfs from two wells completed into the Big Sioux-North Aquifer for commercial use at the dairy operation. The dairy operation is located in the S 1/2 of the S 1/2 of Section 29-T121N-R52W all within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8194-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 4, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources

Published once at an approximate cost of \$29.43.

RECEIVED

APR - 1 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken
from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published
in the newspaper on the following date:

March 23rd, 2016

Cost of Printing 67.46

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

March 23rd, 2016

(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 8194-3 to Appropriate Water

Notice is given that Lakeside Dairy, c/o A.J. Bos 45078 149th St, Ortleigh SD 57256 has filed an application for a water permit to appropriate 0.446 cubic feet of water per second (cfs) (275 acre-feet of water annually) from one well to be completed into the Prairie Coteau Aquifer (160 feet deep) located in the SW 1/4 SE 1/4 Section 29-T121N-R52W for use in a commercial animal feeding operation. Water Permit No. 7969-3 authorizes 0.67 cfs from two wells completed into the Big Sioux North Aquifer for commercial use at the dairy operation. The dairy operation is located in the S 1/2 of the S 1/2 of Section 29-T121N-R52W all within the former boundaries of the Sisseton Wahpeton Indian Reservation.

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is given above. A petition filed by either an interested person or the applicant must be filed by April 4, 2016.

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the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of \$62.45. (March 23, 2016)

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 18, 2016 8:47 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: No. 8194-3, Lakeside Dairy
Attachments: 8194-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 23, 2016.

Lakeside Dairy, c/o A.J. Bos, 45078 149th St, Ortleigh SD 57256 (661 396-9600) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 18, 2016 8:46 AM
To: legals@thepublicopinion.com
Subject: No. 8194-3, Lakeside Dairy
Attachments: 8194-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 23, 2016.

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Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



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

March 17, 2016

Lakeside Dairy
A.J. Bos
45078 149th St
Ortley SD 57256

Dear Mr. Bos:

Water Permit Application No. 8194-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605-432-4516) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8194-3 to Appropriate Water

Notice is given that Lakeside Dairy, c/o A.J. Bos 45078 149th St, Ortley SD 57256 has filed an application for a water permit to appropriate 0.446 cubic feet of water per second (cfs) (275 acre-feet of water annually) from one well to be completed into the Prairie Coteau Aquifer (160 feet deep) located in the SW 1/4 SE 1/4 Section 29-T121N-R52W for use in a commercial animal feeding operation. Water Permit No. 7969-3 authorizes 0.67 cfs from two wells completed into the Big Sioux:North Aquifer for commercial use at the dairy operation. The dairy operation is located in the S 1/2 of the S 1/2 of Section 29-T121N-R52W all within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8194-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 4, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

APR 14 2016

Lakeside Dairy
A J Bos
45078 149th St
Ortley SD 57256

Dear Mr. Bos:

Enclosed is Water Permit No. 8194-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2016

8194-3

A J Bos
Lakeside Dairy
45078 149th St
Ortley SD 57256

Dear Mr. Bos:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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

8194-3
RECEIVED

NOV 28 2016

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

11/8/2016

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

FROM:

Lakeside Dairy
(name)45078149th Street
(address)Ortley SD 57256
(city, state, zip)559-805-3271

(phone)

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

Water Permit No. 8194-3 states that the water use system is to be constructed by

April 4, 2021
(date)

, and water is to be put to beneficial use by

April 4, 2025
(date)

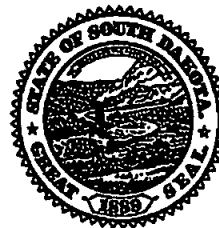
The water use system was completed on

11/1/2016
(date)

Applying the water to beneficial use was completed on

11/15/2016
(date)

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

[Signature]
(signature)

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8194-3

I have this day, July 27, 2021, made a thorough examination of the water use system constructed by Lakeside Dairy, 45078 149th St, Ortle, SD 57256 of Permit No. 8194-3, bearing the priority of January 19, 2016 authorizing the diversion of 0.446 cu. ft. per second of the waters of the Prairie Coteau Aquifer for commercial use purposes, in Grant County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling, Inc
- 2) No. of Wells 1
- 3) Depth 180 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 8 inches
- 2) Length 165 feet
- 3) Type plastic

Screen:

- 1) Type slotted - PVC
- 2) Length 15 feet
- 3) Static water level 94.7 feet

Pump:

- 1) Model Submersible (noted during field visit)
- 2) Size 10 HP
- 3) Capacity 200 GPM

Motor: unknown

B. Works used to transport water to place of use: Buried main lines

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
See Section F
- 2) 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 29 T121N R52W; 600 ft N & 4260 ft E, Lat 45.22614 Long -97.18908 (SE ¼ SE ¼ Sec 29). within the former boundaries of Sisseton Wahpeton Indian Reservation.
2. The works are capable of diverting and conveying to the place of use **0.446** cu. ft. per second of water which is to be used for **commercial (dairy) use**. (back up source for the dairy)
3. The license should be issued for **0.446** cfs.

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

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

Although this permit is for one well and in particular WELL #4 on the associated map, this report will attempt to provide a complete picture of how all wells are utilized to provide a water supply for the dairy.

- WELL # 1 – 90 gpm (covered under Water Right No. 2717-3A)
- WELL # 2 – 150 gpm (covered under Water Right No. 2717-3A)
- WELL # 3 – 90 gpm (covered under Water Right No. 7969-3)
- WELL # 4 – 200 gpm (Water Permit No. 8194-3)

The contact folks for the Dairy are Ricky Hesser (661/333-1423) and Matt Zurbel (605/949-0980). The Dairy mailing address on the review materials is current.

FSA maps and the ArcMAP software were used to produce the permit map.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **August 10, 2021**



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

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

NAME: Lakeside Dairy

ADDRESS: 45078 149th St, Ortley SD 57256

DATE: July 19, 2022

COUNTY: Grant

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to divert from Coteau Lakes Aquifer at a diversion rate of 0.446 cfs from one well into the Prairie Coteau Aquifer for commercial purposes in a dairy operation. The well was authorized for the SW ¼ SE ¼ Sec 29 T121N-R52W (Res). The authorized well was to be a backup source for existing wells that supply the dairy.

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 well was constructed into Coteau Lakes Aquifer in the SE ¼ SE ¼ Section 29, T121N, R52W (Res) within a few feet of the location authorized under the permit.

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

The well supplies a dairy and is not used for irrigation purposes.

- **Review of Existing Diversions**

There are three existing water permits/rights within a mile and a half of where the this well was developed. All of these were existing when this permit was issued. When this permit was issued it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

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



Mark D. Rath, Natural Resources Engineer
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.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 19 2022

8194-3

A J Bos
Lakeside Dairy
45078 149th St
Ortley SD 57256

Dear Mr. Bos:

Enclosed is Water License No. 8194-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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 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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8194-3

(1) Lakeside Dairy, 45078 149th St, Ortleigh SD 57256 made Application No. 8194-3, January 19, 2016, for a water permit to divert 0.446 cubic feet of water per second from ground water, one well (Prairie Coteau Aquifer), Grant County, South Dakota for commercial purposes in a dairy operation. Permit No. 8194-3, with a priority date of January 19, 2016, was approved April 4, 2016, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 4, 2021, and for the application to beneficial use of water on or before April 4, 2025.

An investigation conducted for licensing purposes found the diversion point developed slightly outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the 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 0.446 cubic feet of water per second for beneficial use. The location of the diversion point is within the former boundaries of Sisseton Wahpeton Indian Reservation and described as follows:

- 600'N and 4,260'E of the SW corner of Section 29, T121N, R52W (SE ¼ SE ¼)
Latitude 45.22614, Longitude -97.18908

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial animal feeding operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lakeside Dairy, 45078 149th St, Ortleigh SD 57256 the holder and/or owner of Water Right No. 8194-3 is issued a license to appropriate water, the right to use 0.446 cubic feet of water per second from ground water, one well (Prairie Coteau Aquifer), with a priority date of January 19, 2016, from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8194-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 8194-3 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 well was drilled in August 2016 by Manikowski Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.***

continued

Water License No. 8194-3

Page 2

- Water Right No. 8194-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Water Right No. 8194-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

Chapter 74:54:01 Ground Water Quality Standards,
Chapter 74:54:02 Ground Water Discharge Permit,
Chapter 74:51:01 Surface Water Quality Standards,
Chapter 74:51:02 Uses Assigned to Lakes,
Chapter 74:51:03 Uses Assigned to Streams, and
Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
- The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau Aquifer.
- Water Right No. 8194-3 authorizes a total annual diversion of 275 acre feet of water.


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

JUL 19 2022
date



8194-3

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DNR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____
	(office use only)

RECEIVED

MAK 12 2025

**Water Rights
Program**

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:

(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit Lakeside Dairy

Mailing Address 45078 149th St Ortley SD 57256

(Address) (City) (State) (Zip Code)

Phone 559-805-3271 Mobile _____ Email josh-hervide@yahoo.com

2. Amount of water claimed N/A *CFS or N/A **GPM and N/A ***AF or N/A Gallons

Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use

3. Source of water supply groundwater - one well - PCO

4. Location of point of diversion SE 1/4 of SW 1/4 SEC. 29 T12N R52W County Grant

(example - 3 wells in SW 1/4 NE 1/4 section 12-T10N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW 1/4 section 12-T10N-R53W)

5. County or counties where water will be used Grant

6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

request for additional diversion point to act as "backup" to Well #4 (8194-3) with no increase to the 0.446 cfs rate of diversion authorized by WR No. 8194-3

I, [Signature], the applicant, certify under

Name of Person

Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 1 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 _____

For either existing or proposed wells:

- c) Well Depth (required) 160 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

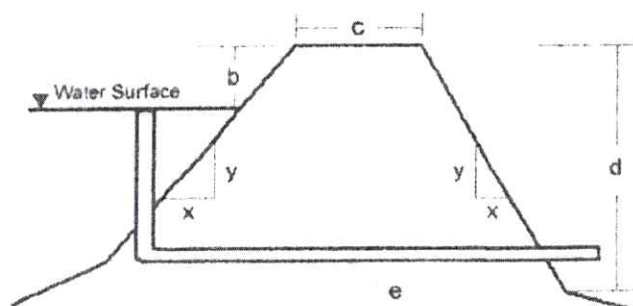
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

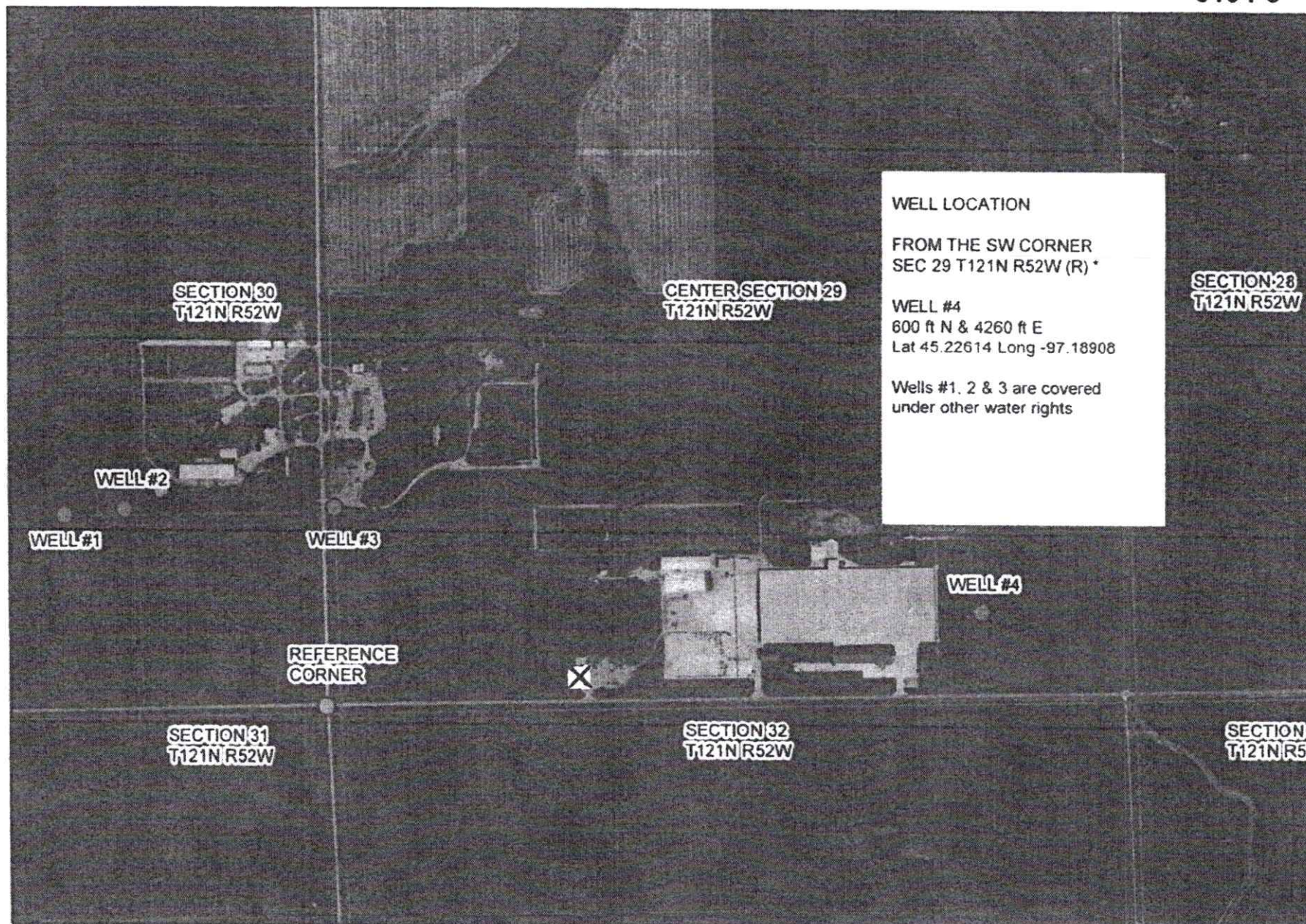
4. Water Storage Dams

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) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

add'l well 45.22499/-97.19950



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 13, 2025

8194-3

Lakeside Dairy
45078 149th St
Ortley SD 57256

To whom it may concern:

This letter is in regard to your request for an additional well, to be maintained and used as a backup under Water Right No. 8194-3. Your request stated that the backup well would be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T121N, R52W, Grant County, and completed to an approximate depth of 160 feet.

Water Right No. 8194-3 authorizes a diversion rate of 0.446 cfs from 1 well completed into the Prairie Coteau Aquifer, for commercial purposes.

Upon review of your request and pursuant to SDCL 46-5-13.1, the additional diversion point is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase to the 0.446 cfs rate of diversion or the 275 ac-ft annual volume from the Prairie Coteau Aquifer is authorized.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of Office of Water

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

Name: Lakeside Dairy

Date: March 13, 2025

Address: 45078 149th St, Ortley SD 57256

County: Grant

General Description of Authorized Project: Water Right No. 8194-3, held by Lakeside Dairy, authorizes the appropriation of 0.446 cfs from one well for commercial use in a dairy cattle confinement operation. The well is completed into the Prairie Coteau Aquifer (PCO) and is located in the SE ¼ SE ¼ Section 29, T121N, R52W.

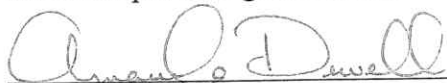
Authority: Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be approved provided the following conditions are met, and the potential for interference with other existing diversions is not increased and the overall project is consistent with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

Developed Water Source is the Same is Permitted, with no Additional Appropriations: The permit holder has submitted a request for the approval of one additional well to be maintained and used as a backup in the event that the primary well requires service. The "backup" well will be located in the SE ¼ SW ¼ Section 29, T121N, R52W, and completed to an approximate depth of 160 ft, into the Prairie Coteau Aquifer. No increase to the rate of diversion is requested or authorized.

Review of Existing Diversions: There are 7 existing permit/rights with wells located within a 2-mile radius of the Lakeside Dairy's proposed backup well site; only 2 of which also authorize appropriations from the PCO. The nearest appropriation from the PCO is 7257B-3 (James Amdahl) located approximately 1.75 miles southeast of the proposed backup well. The next nearest appropriator from the PCO is 8734-3 (Marvin Amdahl), located approximately 2 miles southeast of the proposed well. It was determined during the review of Permit No. 8734-3 that there was reasonable probability any well interference due to pumping would not adversely or unlawfully impair existing rights. The same would be expected for additional well being requested by Lakeside Dairy.

The nearest domestic well completed into the same source (PCO) is located near the center of the SW ¼ Section 20, T121N, R52W, approximately 1 mile north of the dairy. The domestic well was drilled for John & Betsy Dorsett in 1999, on property now owned by Jay Adam Dorsett, according to Regrid. The location of the domestic wells in the Well Completion Database, maintained by the Water Rights Program, is based on the location listed by the well driller on the well completion report.

Recommended Action: Based on the above criteria, it is recommended that the request for the additional diversion point be granted, with no increase to the rate of diversion.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01 that: The additional diversion does not increase the potential for adverse effects to existing diversions.



Mark Mayer, PE
Director of Office of Water

881-2

COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
89 7257 ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1 Article Addressed to: YAN EDWARDS 331 YELLOW EAGLE RD WHITE RIVER SD 57579  9590 9402 6392 0303 3255 63 2 Article Number (Transfer from service label) 7021 1970 0000 9489 7257		A. Signature ☒ <i>Ryan Edwards</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <i>Ryan Edwards</i> <i>3-10-25</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☒ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)			

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

4467-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☐ Agent ☒ Addressee X <i>Layna Saathoff</i>	
1. LAYNA SAATHOFF 46044 199TH ST BRUCE SD 57220  9590 9402 6392 0303 3254 88		B. Received by (Printed Name) C. Date of Delivery <i>Layna Saathoff</i> 3/8	
2. Article Number (Transfer from service label) 7021 1970 0000 9489 8407		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
PS Form 3811, July 2020 PSN 7530-02-000-9053		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☒ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)	
		Domestic Return Receipt	

2954-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

LANE TEKRONY
47840 180TH ST
CLEAR LAKE SD 57226



9590 9402 6392 0303 3255 32

Article Number (Transfer from service label)

7021 1970 0000 9489 7479

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jessica Tekrony*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053