

WATER PERMIT NO. 8197-3

Name of Applicant: **Bauer Feedlot**

Address: **37328 132nd St, Mina SD 57451** Phone: **605 216-3966**

Amount of Water Claimed: **0.16 cfs** Total Acres: **NA**

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

Water to be used for: **commercial use** County: **Brown**

Type of Waste Disposal System:

Location: **1 mile northeast of Mina**

PRIORITY Date Received: **1-29-16** Application/License Fee: **\$ 700**

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

Remarks:

Diversion Point: **NE 1/4 SW 1/4, SW 1/4 SE 1/4**

Sec 7-T123N-R65W

Land to be Irrigated: **NA**

Depth of Well: **1555**

Well Driller: **Huron Drilling & Independent**

Drilling

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-1-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			7		
		⊗			
			⊗		

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8197-3</u> (office use only) Hydrologic Unit <u>10160008</u>
	Basin <u>James River</u>
	Newspaper <u>American News</u>
	<u>Menden 605-225-4100</u>

RECEIVED

JAN 29 2016

WATER RIGHTS
PROGRAM

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.)

- Name to Appear on Water Permit Bauer Feedyard
Mailing Address 37388 132nd st Mina SD 57451
(Address) (City) (State) (Zip Code)
Phone 605 225 2760 Mobile 605 216 3966 Email rbauer@nrcTV.com
 - Amount of water claimed 0.16 *CFS or 69.4 **GPM and 72.1 ***AF or 23.5 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)
(Avg Head count) 84000 x 16 gal per day
 - Source of water supply Flowing wells
 - Location of point of diversion S 1/4 Sec 7 123 6S SW 1/4 SE 1/4 County BROWN
(example - 4 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 ☒ No
- If "Yes," where will water be used? Located: E 1/2 SW 1/4 & W 1/2 SE 1/4 Sec 7 - T123N - R16SW
Feedlot (example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Brown
 - Annual period during which water is to be used daily for Beef cattle Jan 1-Dec 31
 - 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)

I, Randy Bauer, 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. 8197-3

Date of first receipt of application January 29, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8197-3 to Bauer Feedyard, c/o Randy Bauer, 37328 132nd St, Mina SD 57451 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. 8197-3 appropriates 72.1 acre feet of water annually at a maximum rate of 0.16 cubic feet of water per second from two wells completed into the Inyan Kara Aquifer (1555 and 1425 feet deep) located in the NE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 7 for commercial use in a livestock facility located in the E 1/2 SW 1/4 and the W 1/2 SE 1/4 Section 7; all T123N-R65W.
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. 8197-3 is April 4, 2016.
5. The date from which applicant may claim right is January 29, 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.

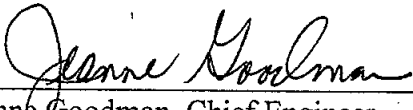
QUALIFICATIONS

1. The 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 approved under Permit No. 8197-3 shall have flow reducers to limit the diversion to the amount authorized and the flow reduced to the amount needed or to a minimum when not being used. If either well is abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04
3. Permit No. 8197-3 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.

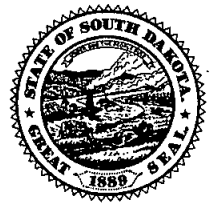
(continued)

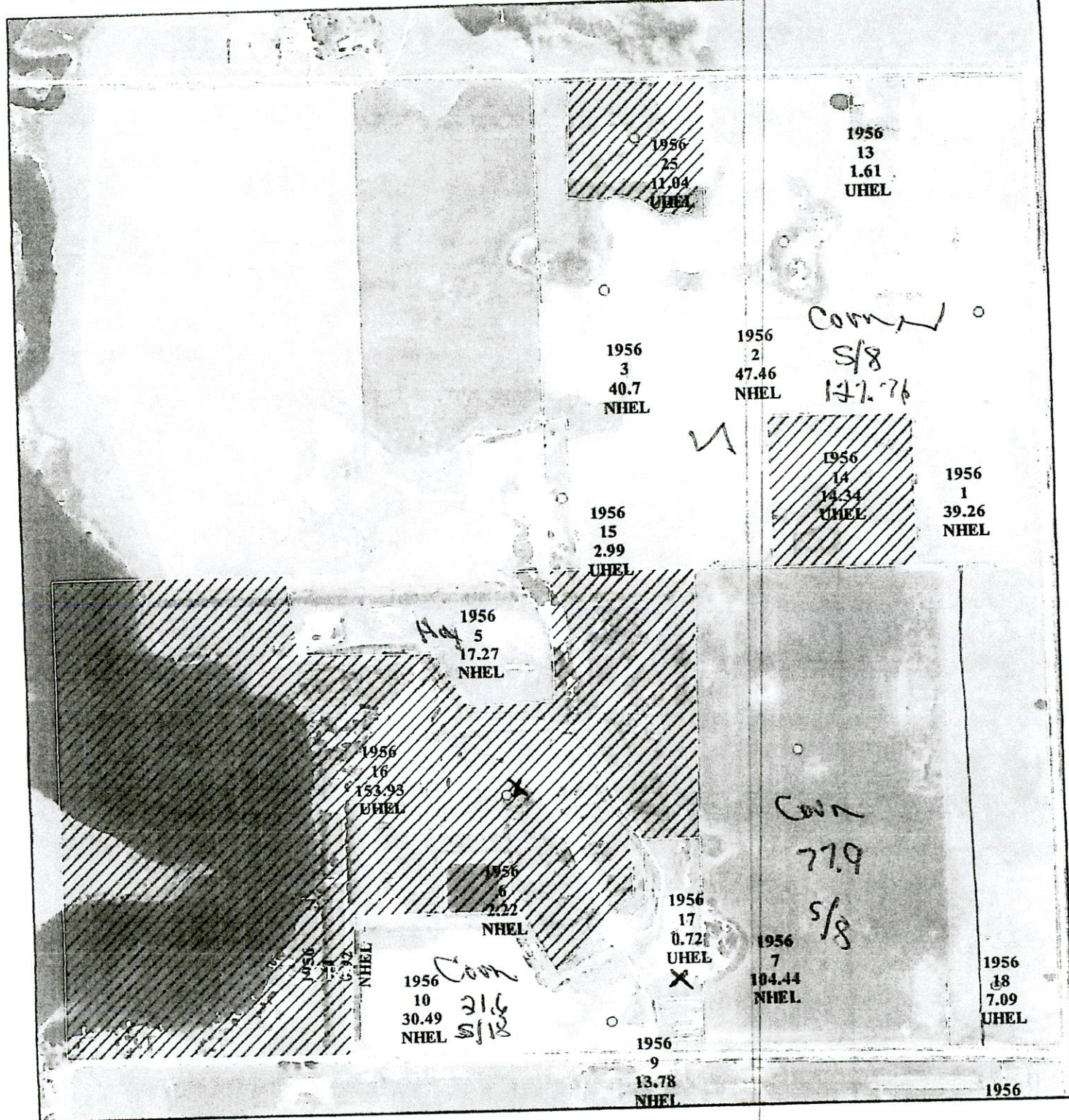
4. Permit No. 8197-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - 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 Inyan Kara Aquifer.
6. Water Permit No. 8197-3 authorizes a total annual diversion of 72.1 acre feet of water.

WATER MANAGEMENT BOARD

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

APR 12 2016
date





**United States Department of Agriculture
Farm Service Agency**

PLSS: 7_123N_65W
Farm: 10036

✱ Well location

1:8,525



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

2010 Ortho-Photography - Not to Scale

March 13, 2012

- ☐ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions

Common Land Unit

Non Cropland

RECEIVED

JAN 29 2016

WATER RIGHTS
PROGRAM

Sec 36
T124N
R66W

Sec 31
T124N
R65W

Sec 32
T124N
R65W

Sec 1
T123N
R66W

Sec 6
T123N
R65W

Sec 5
T123N
R65W

Sec 12
T123N
R66W

Sec 7
T123N
R65W

Sec 8
T123N
R65W

Sec 13
T123N
R66W

Sec 18
T123N
R65W

Sec 17
T123N
R65W

07-92

10-1-98

Mina, SD 57462-9024

TO

10

5

5

120

12

1660

16

1680

16

1040

13

1315

1

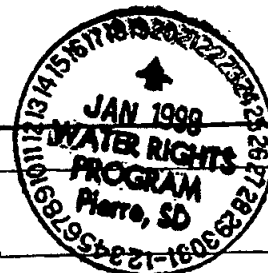
1415

1.

1555

~~Pierre, SD~~

Date: 1-6-99



RECEIVED

JAN 29 2016

**WATER RIGHTS
PROGRAM**

Independent Drilling Co.
Aberdeen, South Dakota

WELL REPORT

RECEIVED

JAN 29 2016

WATER RIGHTS
PROGRAM

Completed well for

Alex Highland

Aberdeen S.D.

July 29, 1960

P. O. *Tucson, Arizona*

Depth

1425

ft.

18

Gallons per minute

Pumped

gals. per min. for

hrs.

*Clear
Sandy
Muddy
Cloudy*

Pumped

gals. per min. for hrs.

*Clear
Sandy
Muddy
Cloudy*

Water stands

feet from top. Is the water hard

Well located on

8 W

Quarter Sec.

7

T

123

R

65

Moved to this place on

July 21

1960

Started work on well

July 21

1960

Well completed on

July 27

1960

Left this place on

July 28

1960

21

ft.

2 1/2

pipe extending to a total depth of

feet

156

ft.

3 1/2

pipe extending to a total depth of

feet

1248

ft.

1 1/2

pipe extending to a total depth of

feet

ft.

pipe extending to a total depth of

feet

ft.

pipe extending to a total depth of

feet

Cap Rock

665

ft.

608

Rock at from

feet to

feet.

Rock from

1185 P.W.

feet to *1288*

Rock from

1390

feet to

1415

Tubular and from

feet

to

feet.

perforated

80

ft. at bottom. Also

from

to

and from

to

For whom was the last well completed by this machine?

What was the date of its completion?

Explain loss of time, if any, between

completion of last well and commencement of this one

What extra charges are there against this well for pipe, fittings and supplies (please itemize)? *84 ft of*

*3/4 galv pipe, 10. 3/4 galv elbow, 2. 3/4 galv union,
0. 3/4 galv tee 6. 6x 3/4 galv. nipples*

At whose request and by whose authority was this furnished?

Please state what casing and gasoline you have on hand after completion of this well

How much gasoline did you have on hand at commencement of this well?

How much gasoline have you received while on this well (give date and number of gallons)?

Date

Amount

gals. Date

Amount

gals.

Date

Amount

gals. Date

Amount

gals.

How much gasoline had you on hand at the completion of this well?

gasoline did you use on this job?

run on this job?

How much

How many days did engine

John Strickte
Foreman Rig No. *Paul Rotor*

General Form No. 1

WITNESSETH: That the said first party agrees and contracts with the said second party, as follows:

SECONDLY, To drill said well into water bearing strata and rock and guarantee the well to furnish supply of water by ~~means of~~ natural flow.

FOURTH: Said second party to furnish sufficient space where said well is to be sunk, for all material, machinery and pay until said well is completed and machinery is removed.

MIXTII: For and in consideration of the drilling and casing of said well, second party agrees to pay first party the sum of Five hundred dollars (\$500.00) if not over 1000 feet deep and one dollar per foot for each foot in depth below 1000 feet.

Settlement to be due and done at completion of said well.

Тема: Судебная медицина

Post Office *121st* *2-6*

Telephone call of 121 123

INDEPENDENT DRILLING CO.

Per _____

Second Party

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/1, 20

RECEIVED OF Bauer Feed Yard 37328 132nd St Mina SD 57451

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

Fee for Application for Permit No. <u>8197-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8197-3</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	700	00

No. 07722

By James Goodman
Chief Engineer

Entity Detail File Annual Report Statement of Change Forms

Name **BAUER FEEDYARD, INC. [Obtain a Certificate of Good Standing](#)**
 Corporate ID **DB049493**
 Incorporation/Qualification Date **3/30/2005**

Home State **SOUTH DAKOTA**
 Status **Good Standing**
 Last Annual Report **2015**
 Corporation Type **Domestic Business**
 Stock Info **100,000 COMMON \$1**

Registered Agent Documents Officers

Year	Director	Officer Type	First	Middle	Last	Address	City	State	Zip	Country
2015	☒	President	RANDY		BAUER	37328 132ND STREET	MINA	SD	57451-5609	usa
2015	☒	Vice President	BRYAN		BAUER	37328 132ND STREET	MINA	SD	57451-5609	usa
2015	☒	Secretary	SHERYL		BAUER	37328 132ND STREET	MINA	SD	57451-5609	usa
2015	☒	Treasurer	STACY		BAUER	37328 132ND STREET	MINA	SD	57451-5609	usa

Gronlund, Eric

From: Miller, Keith
Sent: Monday, December 14, 2015 2:25 PM
To: Gronlund, Eric
Subject: Randy Bauer, Bauer Feedyard

Eric,

Mr. Bauer currently operates a permitted cattle feeding operation for 3,200 beef cattle in open lots located in the SW ¼, Section 7, T123N, R65W in Brown County. In August 2013, we approved a proposed 1,800-head expansion, to 5,000-head. The proposed expansion involves constructing two confinement barns to house the additional cattle.

In the engineer's report, they indicated the cattle would be watered using two existing wells not to exceed 25 GPM at one time or an average over 18 GPM per day (25,920 gallons per day). The rest of the water supply was to be provided by WEB rural water. They also estimated the peak water usage, for the maximum of 5,000 cattle, at 20 gallons per head per day, or 100,000 gallons per day. The engineer reiterated the operation would limit water used from the wells and supplement with water from WEB rural water.

FYI regarding the two existing wells mentioned above. The documentation for the expansion plans included copies of two SD well completion reports, one under Randy Bauer from 1998 and one under Alex Highland from 1950. These reports are both in DENR's wells database.

The operation constructed one of the two confinement barns, for 1,100 cattle, this fall. During a recent inspection, Mr. Bauer mentioned that WEB rural water was going to cost too much, so he planned to use the wells to supply water to his cattle. I reminded him of the water rights permit language in our approval letter. He said he would call you to discuss the requirements for a water rights permit and the application process.

Mr. Bauer's mailing address is:

Randy Bauer
Bauer Feedyard
37328 132nd Street
Mina, SD 57451-5609

His cell phone number, the number I normally use to reach him, is (605) 216-3966.

If you haven't heard from him, he's likely forgotten the discussion I had with him about contacting you.

Keith B. Miller
SD Department of Environment and Natural Resources
Feedlot Permit Program
Watertown office, (605) 882-5111



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 2015

denr.sd.gov

Randy Bauer
37328 132nd Street
Mina SD 57451-5609

Dear Mr. Bauer:

I am writing to make you aware of potential water right permitting for wells used to supply the cattle feeding operation in the SW ¼ Section 7, T123N, R65W in Brown County. It is my understanding that this was originally a 3,200 head beef cattle in open lots facility and that the DENR Feedlot Program approved a 1,800 head expansion in 2013 that included construction of two confinement barns.

The original engineer's report for the expansion indicated that cattle would be watered using two existing wells not to exceed either a pump capacity 25 gallons per minute or a daily use of 25,920 gallons per day. The remaining water supply needs were to be provided by the rural water system. The estimated peak water use for 5,000 head of cattle was estimated to be 100,000 gallons per day. During an onsite inspection by Keith Miller with the Feedlot Permits Program you stated that rural water was too costly and therefore planned to use the two wells exclusively to supply water for the operation.

The use of water from private wells at a livestock confinement operation is a commercial use of water that requires a water right permit to be obtained if the use exceeds reasonable domestic use. Reasonable domestic use is defined as "the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute. Based on an estimated peak water use of 100,000 gallons per day it appears that reasonable domestic use will be exceeded and a water right permit will need to be obtained.

Enclosed are application forms and an instruction sheet. I have also enclosed two well completion reports on file for wells in the SW ¼ Section 7, T123N, R65W that are presumed to be the wells used to supply the operation.

Please contact me if you have any questions about water right permitting requirements or need assistance is completing the application form.

Sincerely,

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

enclosures



**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. 8197-3, Bauer Feedyard**

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. 8197-3, Bauer Feedyard, c/o Randy Bauer, 37328 132nd Street, Mina SD 57451.

The Chief Engineer is recommending APPROVAL of Application No. 8197-3 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 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 approved under Permit No. 8197-3 shall have flow reducers to limit the diversion to the amount authorized and the flow reduced to the amount needed or to a minimum when not being used. If either well is abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04
3. Permit No. 8197-3 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. 8197-3 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 Inyan Kara Aquifer.
6. Water Permit No. 8197-3 authorizes a total annual diversion of 72.1 acre feet of water.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 17, 2016

(cont.)

NOTE: If either of the existing wells needs to be replaced in the future, the well must be constructed in accordance with the Well Construction Standards set forth in Administrative Rules of South Dakota 74:02:04:28 requiring grout from the top of the producing formation to the ground surface. If a replacement well is contemplated, please contact the Water Rights Program at (605) 773-3352 prior to drilling as there is a process to request replacing a well.

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8197-3
BAUER FEEDYARD
FEBRUARY 24, 2016**

Water Permit Application No. 8197-3 proposes to appropriate up to 72.1 acre-feet of water annually from the Inyan Kara aquifer. This application proposes to divert water at a maximum rate of 0.16 cubic feet of water per second from two existing wells 1555 and 1425 feet deep, respectively. The wells are located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, respectively, in Sec. 7, T123N-R65W, in Brown County. Water is to be used for commercial use in a livestock facility located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, T123N-R65W.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara aquifer is a regional bedrock aquifer underlying portions of Wyoming, North Dakota, South Dakota and Nebraska. The Inyan Kara aquifer consists of the permeable and porous portions of the Lower Cretaceous aged Inyan Kara Group. The Inyan Kara Group is composed of a sequence of interbedded sandstones, siltstones and mudstones contained in the Lakota Formation, and the overlying Fall River Formation. The Lakota Formation consists mainly of sandstone and occasional conglomerate that was a channel- and valley fill deposit. The Fall River Sandstone consists of fine sand, silt, and clay that was deposited under shallow-marine, tidal flat, costal swamp, and deltaic conditions. In places the Fuson Shale member of the Lakota Formation may act as an aquitard between the Lakota Formation and the Fall River Formation, however, on a regional scale the degree to which the formations are hydraulically connected or separated is unclear and the two formations are typically considered parts of a single Inyan Kara aquifer. For the purpose of appropriations, the DENR-Water Rights Program and the Water Management Board consider the Inyan Kara a single aquifer.

The top of the Inyan Kara aquifer is reported to be 1,415 feet below grade in one of the existing wells that this application proposes to use. Although this project site is near the eastern extent of the Inyan Kara aquifer as delineated by Gries (1981), the completion report for the existing well identifies an aquifer thickness of at least 140 feet. The Inyan Kara aquifer is under confined conditions, and the driller reported the well flowed 100 gallons per minute and had a shut in pressure of 120 psi in 1998 (Water Rights, 2016d).

SDCL 46-2A-9

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

WATER AVAILABILITY:

Water Permit Application No. 8197-3 proposes to place a maximum of 72.1 acre-feet of water to beneficial use annually. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, although the Inyan Kara aquifer is older than the Greenhorn Formation, a water distribution system is not involved, therefore withdrawal/recharge issue must be considered.

Recharge to the Inyan Kara aquifer occurs through infiltration of precipitation where the Inyan Kara Group outcrops in western South Dakota and Wyoming, and through interformational flow from rocks of Mississippian and Pennsylvanian age in north central South Dakota (Downey, 1986). Although discharge from the Inyan Kara aquifer occurs through well withdrawals, the majority of discharge is by upward leakage to the Dakota aquifer (Koch and Bradford, 1976). Average annual recharge to and discharge from the Inyan Kara aquifer has not been quantified and it is not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells.

The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from a confined aquifer such as the Inyan Kara, affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals until a dynamic equilibrium is established and water levels stabilize.

The artesian head pressure declined more than 390 feet in the Dakota aquifer in the Aberdeen area from 1900 to 1950 (Koch and Bradford, 1976). Since the leakage from the Inyan Kara to the Dakota would increase with decreased head pressure in the Dakota, the large decrease in artesian head in the Dakota aquifer has caused a decrease in artesian head in the Inyan Kara aquifer.

This proposed permit site is located approximately 3.5 miles northwest of colocated DENR-Water Rights' observation wells ED-85A and ED-85B, completed into the Dakota aquifer and the Inyan Kara aquifer, respectively. Hydrographs for the observation wells are shown in Figures 1 and 2. Some of the data displayed in the hydrograph of the Inyan Kara well (Figure 2) between 2009 and 2012 may be suspect. However, the hydrograph shows that the artesian head pressure of the Inyan Kara aquifer has gradually declined over 60 feet over the period of record (Water Rights, 2016a). Over the same period of record the artesian head pressure recorded for the Dakota aquifer has increased by approximately four feet. Dakota aquifer water levels suggest that, in this area, artesian pressure may no longer be declining and a period of stable artesian pressure may follow. As a new steady state is established in the Dakota aquifer, leakage from the Inyan Kara to the Dakota will also stabilize along with water levels in the Inyan Kara aquifer.

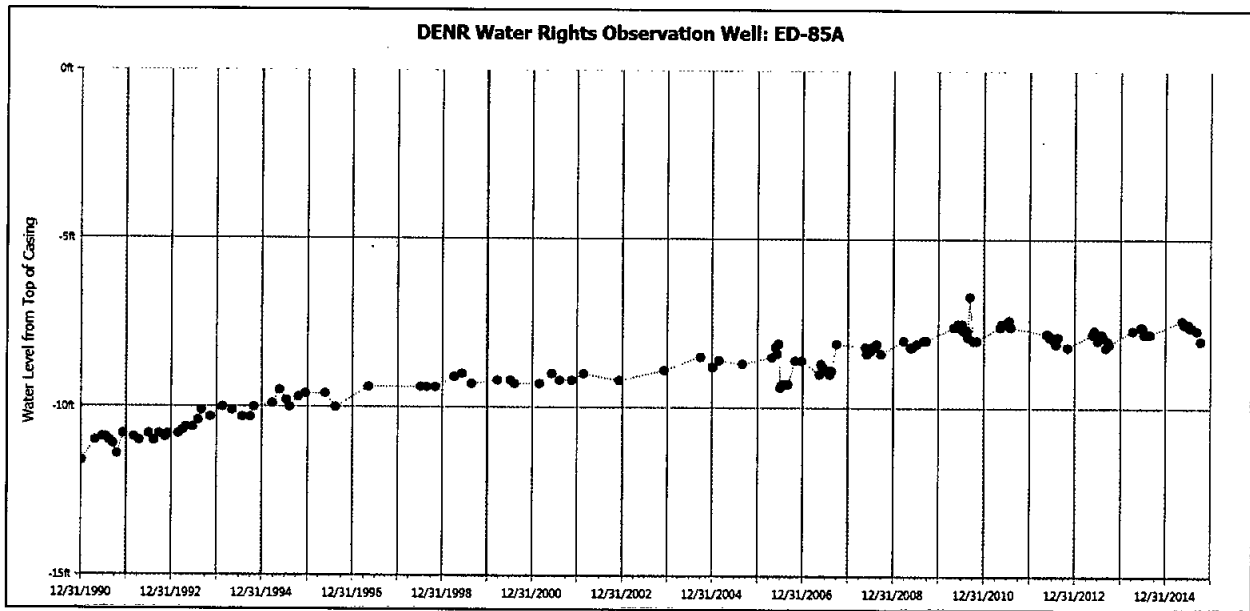


Figure 1. Hydrograph for DENR-Water Rights Observation Well ED-85A which is completed into the Dakota aquifer approximately three and one half miles southwest of the wells that Application No. 8197-3 proposes to use.

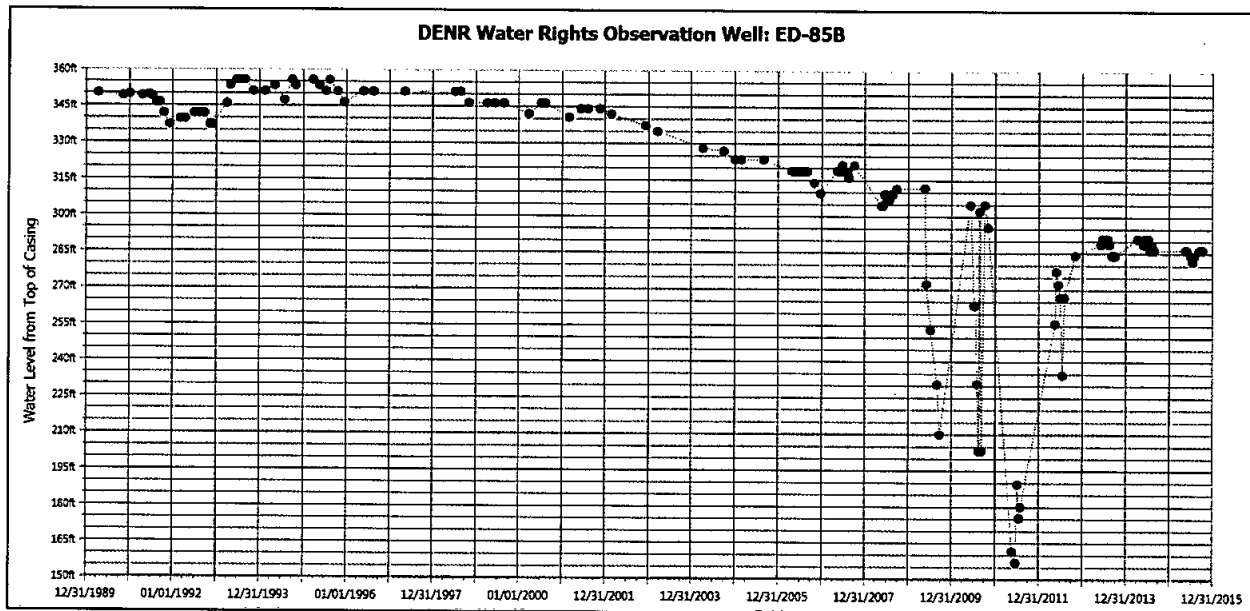


Figure 2. Hydrograph for DENR-Water Rights Observation Well ED-85B which is completed into the Inyan Kara aquifer approximately three and one half miles southwest of the wells that Application No. 8197-3 proposes to use.

The primary reason for declines in the Inyan Kara aquifer head pressure is ultimately due to water being discharged without beneficial use through uncontrolled flowing wells completed into the Dakota and Inyan Kara aquifers. Water use estimates for 1970 report that more than 57 percent of the water supplied by Dakota, Fall River and "Sundance" aquifers in Brown County

(approximately 800 million gallons per year) was unused and wasted (Koch and Bradford, 1976). In addition, the casings for many of the uncontrolled flowing Inyan Kara wells have deteriorated and many such wells are not visible at the ground surface. Discharges from these wells are to either aquifers above the Inyan Kara or to the surface at various distances from the original well casing. Such discharges cannot be quantified, and most cannot be controlled.

Although SDCL 46-6-3.1 does not allow “mining” of an aquifer. SDCL 46-6-6.1 does not require the artesian head pressure to be protected. The quantity or volume of water in the Inyan Kara aquifer that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. In theory, the Inyan Kara head pressure is stabilizing relative to withdrawals and discharges. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Inyan Kara aquifer water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

EXISTING WATER RIGHTS/PERMITS

There are no water rights/permits appropriating water from the Inyan Kara aquifer within approximately four and one half miles of the wells that this application proposes to use. Appropriations from the Inyan Kara aquifer in this area are shown in Table 1 and the approximate location of wells supplying existing water rights/permits are shown in Figure 3.

Table 1. Water rights/permits appropriating water from the Inyan Kara aquifer as shown on Figure 3.

WATER RIGHT NO.	NAME	PRIORITY DATE	USE	CFS
1712-3	CITY OF IPSWICH	01/01/1919	MUN	0.19
1975-3	WILLIAM COADY	03/07/1973	SHD	0.34
5032-3	MARSHALL FARMS	09/28/1984	DOM/LCO	0.17
5206-3	PERRY PITZ	06/01/1988	DOM	0.089
5211-3	RONALD J GEFFRE	07/11/1988	DOM	0.1
741-3	LEOLA DEVELOPMENT CORP	09/14/1960	REC	0.17
5890-3	EVERGREEN COLONY	11/14/1995	DOM/LCO	0.14
6011-3	PLAINVIEW COLONY HTTN	07/07/1997	COM/LCO	0.22
6272-3	P SPEAR RANCH INC	08/07/2001	DOM	0.11
6376-3	LDL CATTLE COMPANY	12/26/2002	COM/LCO	0.22
6377-3	LDL CATTLE COMPANY	12/26/2002	COM/LCO	0.27
6628-3	DOUG DEITER	06/02/2005	COM/LCO	0.11
6674-3	IPSWICH GOLF CLUB	11/30/2005	IRR	0.33
MUN= Municipal, SHD= Suburban Housing Development, DOM= Domestic, LCO= Large confinement operation, REC= Recreational, COM= Commercial, IRR= Irrigation				

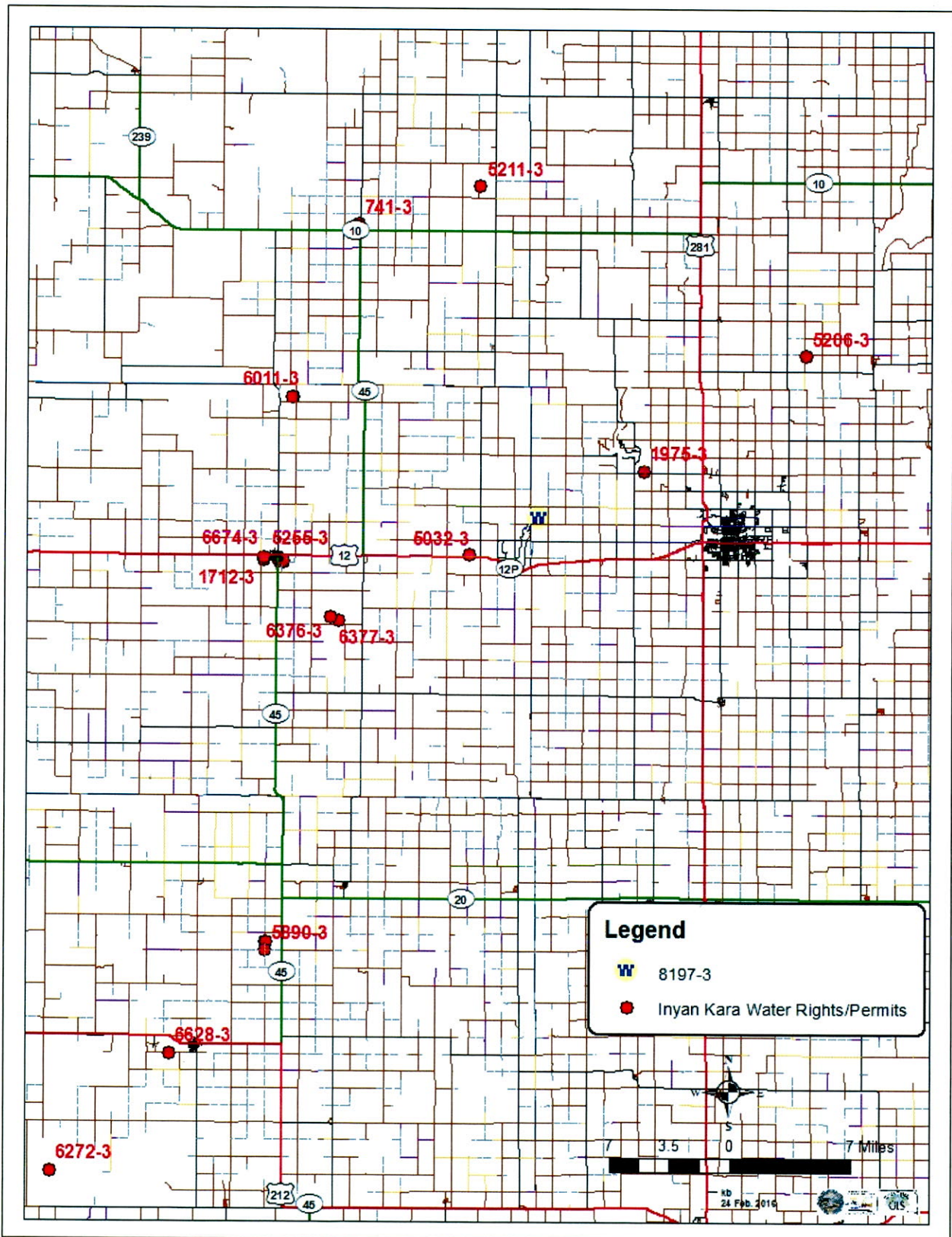


Figure 3. Approximate location of wells supplying Inyan Kara water rights/permits in an area surrounding the wells that Water Permit Application No. 8197-3 proposes to use.

In addition to appropriate rights, the DENR-Water Rights Program has record of over 25 domestic use wells that were completed into the Inyan Kara aquifer within approximately five miles of the wells this application proposes to use. The Inyan Kara aquifer is under confined conditions with over 1600 feet of artesian head pressure in this area. Drawdown caused by individual well withdrawals from artesian aquifer can extend over a fairly large area. Drawdown from this existing water use may be measurable in other Inyan Kara wells in the area.

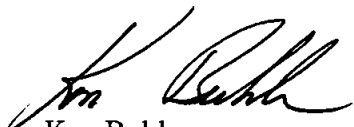
Considering the amount of head pressure (1600) feet involved with the Inyan Kara aquifer in this area, the relatively low diversion rate (0.16 cfs maximum, 0.0996 cfs annual average), the distance between wells, and the fact that this is an "after the fact application" that has been in existence for a number of years, adverse impacts are not expected.

At a diversion rate of 0.16 cfs, the wells could be diverted, on average just less than 15 hours per day. When the wells are not being used, they must be completely shut in to prevent the waste of water.

The well reports submitted with this application indicate the two existing wells were constructed in 1998 and in 1950 respectively. The wells were each constructed in a manner similar to the "Alternative well construction requirements for certain Inyan Kara wells" (i.e. South Dakota Well Construction Standard [ARSD] 74:02:04:36), meaning that only a fraction, if any of the well casing was pressure grouted into the borehole. Effective July 16, 1992, this well construction method was restricted to private and reasonable domestic use wells and for noncommercial livestock watering wells as an alternative to full length pressure grout of the casing. If either of these existing wells is replaced, replacement wells must be constructed in accordance with ARSD 74:02:04:28 (i.e. full length grout).

CONCLUSIONS:

1. The Inyan Kara aquifer is a significant aquifer on a regional scale. There is a reasonable probability unappropriated water is available to satisfy this appropriation.
2. The Inyan Kara aquifer is under artesian conditions. The existing wells that are to supply this appropriation are flowing wells, capable of delivering more than the amount of water requested by this application. The wells should be equipped with flow reducers to limit the diversion to the amount authorized.
3. The wells must be maintained and regulated to prevent the waste of water.
4. Well interference is not expected to be a problem.
5. These are existing wells constructed for reasonable domestic use. Any replacement well must be constructed per ARSD 74:02:04:28.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

- Downey, J.S., 1986, Geohydrology of Bedrock Aquifers in the Northern Great Plains in Parts of Montana, North Dakota, South Dakota, and Wyoming: U.S. Geological Survey Professional Paper 1402-E, 87 p., 3 plates
- Gries, J.P., 1981, unpublished maps prepared for the Office of Drinking Water, S. D. Dept. of Water and Natural Resources for the Underground Injection Control Program
- Koch, N.C., Bradford, W., 1976, Geology and Water Resources of Brown County, South Dakota, Part II: Water Resources: S.D. Department of Natural Resource Development, Geological Survey Bulletin 25(2), 53 p. 29 figs. 6 tables
- Water Rights Program, 2016a, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2016b, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2016d, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, May Best

certify that the attached printed Notice was taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following date:

March 24, 2016

Cost of Printing \$49.56

May Best
(Signature)

Adv. Publishing Spec.
(Title)

March 25, 2016
(Date Signed)

(No. 2095932)
(March 24, 2016 - 1T)

NOTICE OF APPLICATION NO. 8197-3 to Appropriate Water

Notice is given that Bauer Feedyard, c/o Randy Bauer, 37328 132nd St, Mina SD 57451 has filed an application for a water permit to appropriate 72.1 acre feet of water annually at a maximum rate of 0.16 cubic feet of water per second from two wells completed into the Inyan Kara Aquifer (1555 and 1425 feet deep) located in the NE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 7 for commercial use in a livestock facility located in the E 1/2 SW 1/4 and the W 1/2 SE 1/4 Section 7;

all T123N-R65W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8197-3 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 \$49.56

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 18, 2016 8:39 AM
To: Nancy Zantow (nzantow@aberdeennews.com)
Subject: No. 8179-3, Bauer Feedyard
Attachments: 8197-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on March 24, 2016.

Bauer Feedyard, c/o Randy Bauer, 37328 132nd St, Mina SD 57451 (605 225-2760 or c 605 216-3966) 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



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, 2014

Bauer Feedyard
Randy Bauer
37328 132nd St
Mina SD 57451

Dear Mr. Bauer:

Water Permit Application No. 8197-3 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 American News printed at Aberdeen SD (Ph # 605-225-4100). 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. 8197-3 to Appropriate Water

Notice is given that Bauer Feedyard, c/o Randy Bauer, 37328 132nd St, Mina SD 57451 has filed an application for a water permit to appropriate 72.1 acre feet of water annually at a maximum rate of 0.16 cubic feet of water per second from two wells completed into the Inyan Kara Aquifer (1555 and 1425 feet deep) located in the NE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 7 for commercial use in a livestock facility located in the E 1/2 SW 1/4 and the W 1/2 SE 1/4 Section 7; all T123N-R65W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8197-3 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 12 2016

Bauer Feedyard
Randy Bauer
37328 132nd St
Mina SD 57451

Dear Mr. Bauer:

Enclosed is Water Permit No. 8197-3 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

8197-3
RECEIVED

DEC 04 2018

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

Water Right/Permit No. 8197-3WATER RIGHTS
PROGRAMDate: 11-16-2018I/We request that Water Right/Permit No. 8197-3 formerly owned by:Bauer Feedyard owned by Randy Bauer be transferred to:New Owner Name: Aberdeen Farm, LLC - owned by Titus VanderploegAddress: 2025 Camino de ChavezCity, State, Zip Bosque Farms NM, 87069 Telephone No. 505-688-5719

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

S 1/2 of Sec 7 - 123 - 6S Brown County South Dakota

☐ I understand that the validity of Water Right/Permit No. _____ 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, Titus Vanderploeg, the new owner, certify that the above information is true and correct.

Titus Vanderploeg
(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.

PAID

DEC 04 2018

Ck# 10871

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 4, 20 18

RECEIVED OF Vanderploeg Investments, LLC 2025 Camine De Chavez Bosque Farms NM 87068

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>8197-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08824**

By

Jeanne Goodman
Chief Engineer
74m



DL156799

Filing Fee: \$150

Total Fee: \$150

ARTICLES OF ORGANIZATION**DOMESTIC LIMITED LIABILITY COMPANY**
SDCL 47-34A-203, 212Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE**Article I**The name of the Company: **Aberdeen Farm, LLC****Article II**

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

37328 132ND STREET
MINA, SD 57451

Mailing Address

121A DON DIEGO SE
LOS LUNAS, NM 87031**Article III**

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Garrett Schultz**

Actual Street Address in this State

37328 132ND STREET
MINA, SD 57451

Mailing Address in this State

37328 132ND STREET
MINA, SD 57451**Article IV**

The name and address of each organizer

Name

Address

Titus Vanderploeg Revocable
Trust **2025 Camino de Chavez, Bosque Farms, NM 87068****Article V**The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0081-2374 11/27/2018 9:45AM Rec'd by SD SOS



B0081-2375 11/27/2018 9:45AM Rec'd by SD SOS

Article VI

☐ Member-Managed ☒ Manager-Managed

Name

Address

Garrett Schultz

121A Don Diego SE Los Lunas, NM 87068

Article VII

Whether one or more of the members of the company are to be liable for its debts and obligations as set forth under SDCL 47-34A-303(c).

☒ Yes

☐ No

Article VIII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Name

Address

Titus Vanderploeg Revocable Trust

2025 Camino de Chavez, Bosque Farms, NM 87068

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Leigh VanGilst CPA

Leigh VanGilst CPA

CPA

11/27/2018

PRINTED NAME

SIGNATURE

TITLE

DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

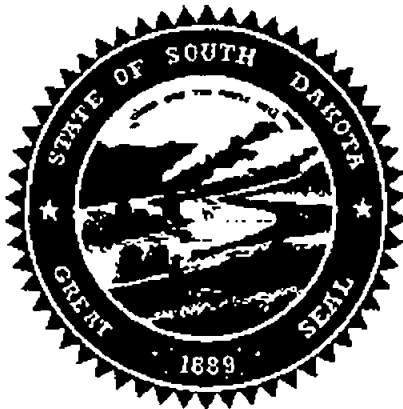
I, **Shantel Krebs**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Aberdeen Farm, LLC

BUSINESS ID# DL156799

with an effective date of: November 27, 2018, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, November 27, 2018.

Shantel Krebs

Shantel Krebs
Secretary of State

11/27/2018 9:45 AM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 11, 2018

8197-3

Titus Vanderploeg
Aberdeen Farm LLC
2025 Camino de Chavez
Bosque Farms NM 87068

Dear Mr. Vanderploeg:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 8197-3.

The ownership change has been completed. Water Permit No. 8197-3 formerly held by Bauer Feedyard is now listed in the name of Aberdeen Farm LLC.

Enclosed for your records is Receipt No. 08824 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



8197-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

RECEIVED

JUL 18 2022

OFFICE OF
WATER

July 14, 2022

Roger Feickert
38493 132nd Street
Aberdeen, SD 57401

RE: General Permit Termination – Randy Bauer Feedyard

Dear Mr. Feickert:

The Department of Agriculture and Natural Resources (DANR) received your letter regarding your recent purchase of the property where the former Randy Bauer Feedyard is located. The letter included your request to terminate the former cattle feeding operation's coverage under South Dakota's *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (the 2003 general permit), permit number SDG-0100038.

The Randy Bauer Feedyard currently has coverage under the 2003 general permit for a maximum of 4,300 beef cattle confined in housed and open lots. The permitted manure management system consists of one manure-pack confinement barn, two sediment basins, two holding ponds, piping, diversion dikes and channels, and 33.4 acres of drainage area.

In November 2018, the department learned that Mr. Bauer had sold his feedlot property to Aberdeen Farm, LLC (Titus Vanderploeg). The department informed Mr. Vanderploeg that to stay in compliance with state law, he could not confine 1,000 or more cattle at the facility until permit coverage was transferred to him. Since then, the department has not been able to transfer the permit coverage from Bauer Feedyard to Aberdeen Farm, LLC as Mr. Vanderploeg has not submitted the required information to transfer the permit.

Your submitted Notice of Termination indicates that you are requesting to terminate Bauer Feedyard's permit coverage because the feedlot is no longer in operation. You have informed department staff you do not intend to confine cattle at the facility, that you plan to clean up the existing facility, and potential future uses for the property could include as farmland or as an RV or mobile home park.

Based on your request, **I hereby terminate coverage of the former Randy Bauer Feedyard beef cattle feeding operation under the 2003 general permit and terminate the department's**

Roger Feickert
July 14, 2022
Page 2 of 2

approval of the plans and specifications for the operation's existing manure management system.

Until the cleanup of the existing manure management system is complete, you should continue to maintain the manure management system to ensure manure and process wastewater are contained in the system and clean water is diverted around the system. Any manure or process wastewater removed from the system during cleanup should be land applied at agronomic rates. Manure and process wastewater cannot be discharged to waters of the state. Please be aware that until the cleanup of the existing manure management system is complete, you will be responsible if a discharge of manure and process wastewater from the system results in pollution of waters of the state.

Additionally, Aberdeen Farm, LLC (previously Bauer Feedyard) possessed Water Permit No. 8197-3 for commercial use of water from two onsite wells for the cattle feeding operation. Please contact DANR's Water Rights Program at (605) 773-3352, for information on transferring or terminating the existing water permit. If you plan to abandon the existing wells, they will also be able to provide you with information on the requirements for properly abandoning/plugging the wells.

Thank you notifying the department of your recent purchase of the former Randy Bauer Feedyard property and for submitting the information required to terminate the former operation's permit coverage. If you have any questions, please feel free to contact Keith Miller, Livestock Services Program, at (605) 882-5051.

Sincerely,



Dan Gerhardt, PE, Engineering Manager
Livestock Services Program
Phone: (605) 773-4647

cc: Brown County Commissioners
Water Rights Program, SD DANR
Dan DeHaan, PE, DGA Engineering (via email)

8197-3

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 8197-3

Date: _____

I/We request that Water Permit No. 8197-3formerly owned by: Aberdeen Farm LLC

X be transferred to: (name & address) Mina North, LLC
2625 385th Ave N
Aberdeen Sd 57401 Telephone No. 970-396-8423

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

2 wells located in the NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 7-T123N-R65W

I/We understand that the validity of Water Right/Permit No. 8197-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Mina North LLC, the new owner, certify that the above information is true and correct.

DocuSigned by:
Nolan Ulmer Member / Manager
678A3E04D3CE495

X _____
(Signed by new owner) 9/19/2022

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.

RECEIVED

SEP 19 2022

OFFICE OF
WATER

**LIMITED LIABILITY COMPANY
OPERATING AGREEMENT**

of

MINA NORTH, LLC

a

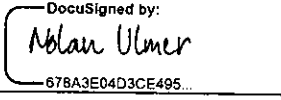
South Dakota Limited Liability Company

CERTIFICATION

We, all members, hereby certify that the foregoing constitutes the Operating Agreement of Mina North, LLC a South Dakota limited liability company, on May 20, 2022.

Mina North, LLC

Member:

By:  Nolan Ulmer, Member

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 14, 2022

RECEIVED OF Mina North LLC 2625 385th Ave N., Aberdeen SD 57401

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	\$ _____
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>8197-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
dm