

WATER PERMIT NO. 8221A-3

Name of Applicant: Sonstegard Food Company

Address: 5005 S Bur Oak Place, Sioux Falls SD 57108 Phone:

Amount of Water Claimed: no additional Total Acres: NA

Source of Water Supply: groundwater (one additional well)

Water to be used for: commercial County: Turner

Type of Waste Disposal System:

Location: 1 mile north of Parker SD

PRIORITY Date Received: 7-22-19 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: Jan 1 – Dec 31

Remarks: Additional diversion point to Water Permit No. 8221-3

Diversion Point: NW 1/4 SE 1/4 Sec 8-T100N-
R53W

Land to be Irrigated: NA

Depth of Well: 60 feet

Well Driller:

Remarks:

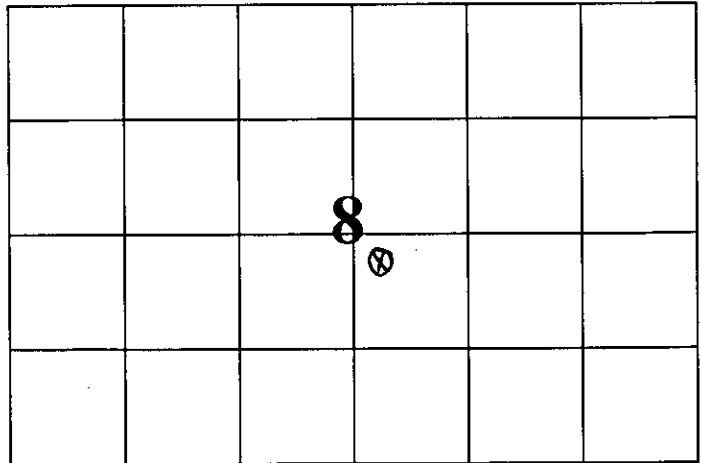
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-24-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

PAID

JUL 22 2019

Ck# 2311

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8221A-3</u> (office use only) Hydrologic Unit <u>10170102</u>	JUL 22 2019 WATER RIGHTS PROGRAM
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era, Parker</u> <u>Argus Leader, Sioux Falls</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. <u>8221-3</u>		

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

Adding an additional point of diversion, not seeking an increase to the quantity or rate of withdrawal

1. Name to Appear on Water Permit Sonstegard Food Company

Mailing Address 5005 South Bur Oak Place Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)

Phone _____ Mobile _____ Email john.taylor@taylorlawsd.com

2. Amount of water claimed no add'l *CFS or **GPM and ***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 Vermillion West Fork Aquifer

4. Location of point of diversion S8-T99N-R53W (see map and proposed well location) County Turner
(example - 3 wells in SW1/4 NE1/4 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? SW4 S36-T100N-R54W
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Turner County

6. Annual period during which water is to be used Continuous year-round 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)

Applicant seeks to drill test wells in the approximate location of the W2SE4 S8-T99N-R53W. The wells will become supplemental production wells if flow is sufficient to meet requirement of 100,000 gallons/day or 111 Acre-Feet per year per Permit 8221-3. The wells will be approximately 60 feet deep and each serviced by a 250GPM peak-demand pump. Water will be transported by underground pipeline to the use location specified above. If flow is insufficient, test wells will be shuttered in accordance with established law and procedure.

I, John E. Taylor

Name of Person

Attorney for _____

Title (if applicable)

, the applicant, certify under

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.

2015-10

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)

SOUTH DAKOTA
WATER PERMIT NO. 8221A-3

Date of first receipt of application July 22, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8221A-3 to Sonstegard Food Company, 5005 South Bur Oak Place, Sioux Falls SD 57108 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. 8221A-3 adds additional points of diversion to Water Permit No. 8221-3. Water Permit No. 8221-3 authorizes 222.2 acre-feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second from five wells to be completed into the Vermillion West Fork Aquifer (approximately 50 feet deep) located in the E 1/2 SE 1/4 Section 3 and the SW 1/4 NW 1/4 Section 12; all in T99N-R54W. The permit holder is authorized to construct up to 3 additional wells to be completed into the Vermillion West Fork Aquifer (approximately 60 feet deep) located in the W 1/2 SE 1/4 Section 8-T99N-R53W. No additional water appropriation is authorized. The water will be transported via a pipeline to an avian production facility to be located in the SW 1/4 Section 36-T100N-R54W. The site of the additional wells is approximately 1 mile north of Parker SD.
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. 8221A-3 is September 23, 2019.
5. The date from which applicant may claim right is August 1, 2016 (established by Permit No. 8221-3).
6. One-fifth of the construction is to be completed on or before March 23, 2022.
7. All construction is to be completed on or before September 23, 2024.
8. Water is to be put to beneficial use on or before September 23, 2028.
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 Water Permit Nos. 8221-3 and 8221A-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit Nos. 8221-3 and 8221A-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.

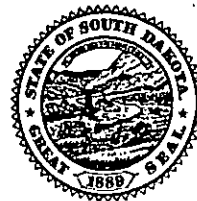
(continued)

3. Water Permit Nos. 8221-3 and 8221A-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
 4. Water Permit Nos. 8221-3 and 8221A-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. Production wells for Water Permit Nos. 8221-3 and 8221A-3 shall be located from the top of the bank next to the West Fork Vermillion River as follows:
 - A minimum of 350 feet in any direction for wells located in Section 3-T99N-R54W
 - A minimum of 150 feet in any direction for wells located in Section 12-T99N-R54W
 - A minimum of 660 feet per 1.0 cubic feet of water per second from any well located in the W 1/2 Section 8-T99N-R53W
- NOTE: This serves to correct the legal description in Qualification No. 5 of issued Permit No. 8221-3 for the wells located in Sections 3 and 12 of T99N-R54W.
6. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Vermillion West Fork aquifer.
 7. Water Permit No. 8221A-3 authorizes a total annual diversion of 222.2 acre feet of water from the Vermillion West Fork aquifer. Water Permit Nos. 8221A-3, 8221-3, 8278-3 and 8358-3 which are from different aquifers are limited to a combined total annual diversion of 222.2 acre feet of water to supply the avian production facility.

WATER MANAGEMENT BOARD

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

OCT 02 2019
date



Supplemental Information

(type or print)

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

a) If new wells, how many 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) 60 Depth to Top of Water Bearing Material TBD Depth to Water from Surface TBD

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) Waste mitigation plan on file

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

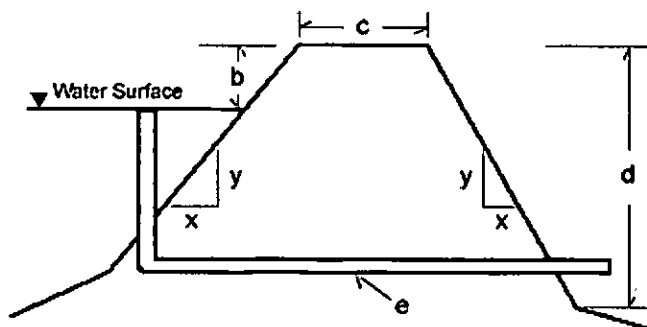
Upstream _____

Downstream _____

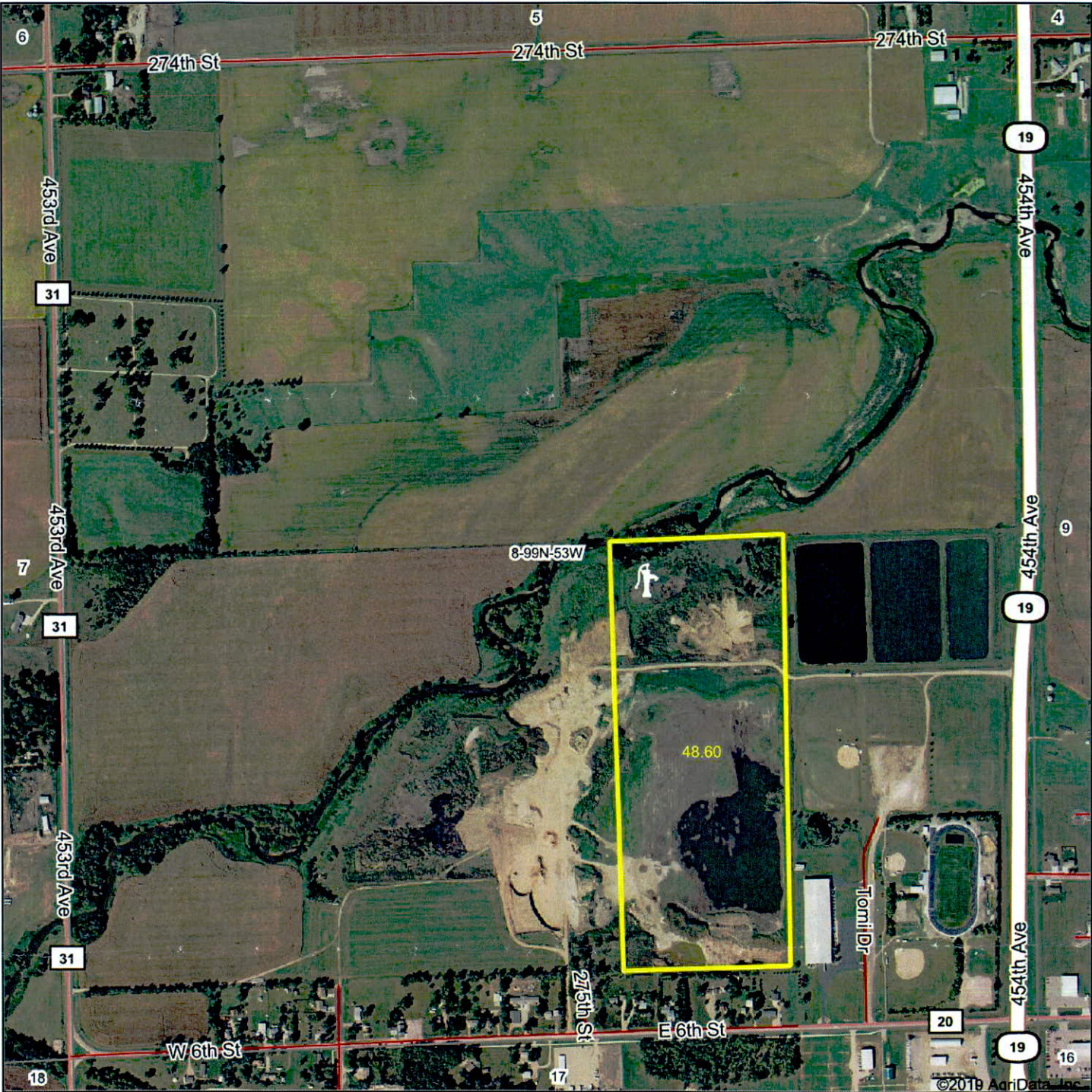
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Aerial Map



Map Center: 43° 24' 32.36, -97° 7' 55.31



8-99N-53W
Turner County
South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **July 22**

, 20 **19**

RECEIVED OF **Taylor Law Firm, LLC 4820 E 57th St, Suite B Sioux Falls SD 57108**

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

Fee for Application for Permit No. <u>8221^A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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 _____		
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	100 00

No. **09172**

By

Jeanne Goodman
Chief Engineer
DM

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, July 19, 2019 11:59 AM
To: 'John Taylor'
Cc: Schlaak, Karen
Subject: RE: [EXT] 8221-3 Amendment

\$100 made payable to Water Rights Program.

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

From: John Taylor [<mailto:john.taylor@taylorlawsd.com>]
Sent: Friday, July 19, 2019 11:38 AM
To: Gronlund, Eric
Subject: [EXT] 8221-3 Amendment

Eric,

Regarding our phone conversation this morning, Sonstegard Food Company intends to submit an application to add a point of diversion to permit 8221-3. Sonstegard is not seeking an increase in the rate or quantity authorized under the permit.

In haste I forgot to ask about the application fee for the amendment. Please advise.

Thanks,

John

John E. Taylor
Attorney

Taylor Law Firm, LLC
4820 E 57th St
Sioux Falls, SD 57108

john.taylor@taylorlawsd.com
605-360-6266 Cell
605-782-5303 Direct

<http://www.taylorlawsd.com>

The information contained in this message is confidential, protected from disclosure and may be legally privileged. If you have received this communication in error, please notify the sender immediately by replying to this message and destroy the material in its entirety, whether in electronic or printed format.



TAYLOR LAW FIRM, LLC

ATTORNEYS AT LAW

William Taylor – bill.taylor@taylorlawsd.com

Direct: (605) 782-5304

John E. Taylor – john.taylor@taylorlawsd.com

Direct: (605) 782-5303

Jeremy Duff – jeremy.duff@taylorlawsd.com

Direct: (605) 906-2106

July 19, 2019

RECEIVED

JUL 22 2019

WATER RIGHTS
PROGRAM

Ms. Jeanne Goodman
Chief Engineer
Water Rights Division
South Dakota DENR
523 E. Capitol
Pierre, SD 57501

Subject: Test Well Application & Amendment to Water Permit 8221-3

Dear Ms. Goodman:

Sonstegard Food Company recently acquired property in Turner County, SD, and seeks to amend Water Permit 8221-3 to install an additional point of diversion upon the property. Sonstegard does not seek an increase in the amount or rate of diversion authorized under the base permit.

Enclosed is a permit application to drill test wells on DENR form 2 and 2A, and a map showing the approximate location of the wells upon the property.

Upon completion of test-well drilling activities the wells will convert to production wells for an avian production facility if the demonstrated flow rate and capacity are sufficient.

The water will be transported along private and public rights-of-way via underground pipes to the facility. The proposed production facility will be located in the Southwest Quarter of Section Thirty-Six (36), Township One Hundred (100), Range Fifty-Four (54) West of the 5th PM, Turner County, South Dakota.

In the event the test-wells are insufficient, the wells will be capped and abandoned in accordance with established State law and Department regulations. Sonstegard Food Company will then reapply for test-well permit authorization and water appropriation at an alternate location.

Either Marion Well Drilling or Putzke Well Drilling will be retained as the project contractor depending on timing and sequence availability.

TAYLOR LAW FIRM

Ms. Jeanne Goodman

July 19, 2019

Page 2 of 2

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Taylor", written in a cursive style.

John E. Taylor

Enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 24, 2019

John E. Taylor
Taylor Law Firm, LLC
4820 East 57th Street
Suite B
Sioux Falls, SD 57018

Dear Mr. Taylor:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Sonstegard Food Company is authorized to have a licensed well driller construct test wells completed into the Vermillion West Fork aquifer prior to approval of a water permit. The test wells will be located in the SE ¼ Section 8-T99N-R53W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards. As a reminder, any test wells completed with the intention to make permanent production wells must be a minimum of 350 feet in any direction from the top of the bank next to the West Fork Vermillion River as required by qualifications in Water Permit No. 8221-3.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7). Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions, call Eric Gronlund at (605) 773-3352.

Sincerely,

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

CC:
Sonstegard Food Company
5005 S. Bur Oak Place
Sioux Falls, SD 57018

Schlaak, Karen

From: John Taylor <john.taylor@taylorlawsd.com>
Sent: Wednesday, July 24, 2019 11:00 AM
To: Gronlund, Eric
Cc: Schlaak, Karen; Mathiowetz, Adam (DENR)
Subject: Re: [EXT] Sonstegard

Eric,

It's correct for DENR to presume the map showing the property outlined in yellow is the subject property purchased Sonstegard Food Company. The spigot image is the general location of the proposed well. One well is intended for the property.

The application is to amend 8221-3 for the installation of one additional well located upon the property outlined on the map in yellow. Sonstegard requests authorization to drill test holes, for purposes of installation of one well.

Thanks,

John

> On Jul 23, 2019, at 11:42 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

>

> John – DENR received the application to amend Water Permit No. 8221-3 for an additional well.

>

> The description of the project (Item No. 7) states the applicant seek to drill test wells..... My question is does Sonstegard request to drill test wells for the purpose of conducting a test pump prior to application to amend the permit being approved? ARSD 74:02:04:21 provides for the Chief Engineer to authorized construction of a test well prior to the approval. My concern is that Permit No. 8221-3 was approved with set back distances from the river. At this time I am uncertain whether set backs will be required at this location and prior to authorizing a test well it may basically require the standard review associated with the application.

>

> Is this application to amend the permit for one additional well or is more than one well intended? The application states the location of point of diversion at S8-T99N-R53W but does not indicate number of wells but then the description states test wells.

>

> The map provided with the application outlines an area in yellow. It is correct to presume this is the land purchased by Sonstegards? There is a "spigot" within the outlined area. Is that the proposed well site? It is in the NW ¼ SE ¼ Section 8-T99N-R53W and appears to be in close proximity to the river.

>

> Eric

John E. Taylor
Attorney

Taylor Law Firm, PC
4820 E 57th St

Sioux Falls, SD 57108

john.taylor@taylorlawsd.com

605-360-6266 Cell

605-782-5303 Direct

<http://www.taylorlawsd.com>

The information contained in this message is confidential, protected from disclosure and may be legally privileged. If you have received this communication in error, please notify the sender immediately by replying to this message and destroy the material in its entirety, whether in electronic or printed format.

Gronlund, Eric

From: John Taylor <john.taylor@taylorlawsd.com>
Sent: Tuesday, July 30, 2019 4:27 PM
To: Gronlund, Eric
Subject: Re: [EXT] Sonstegard

Eric,

Sonstegard has revised it's plan slightly and it intends to install at least two wells (perhaps three depending on test results) upon the subject property. The wells would be throughout the subject property, located in closer proximity to the creek than the neighboring properties. Exact locations are difficult to predict, I understand the proposed location of the "spigot" drawing is currently underwater.

Thanks,

John

> On Jul 30, 2019, at 8:40 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

>

> John – as a point of clarification how many additional wells are Sonstegard's planning in Section 8-T100N-R53W.

>

> Item No. 4 of the application states proposed well location and then under Item No. 7 and your cover letter indicates wells.

>

> If more than one well will the locations be throughout the W ½ SE ¼ now owned by Sonstegards or just in the NW ¼ SE ¼ of the section where the "spigot" on the map represents the well location.

>

> Thanks - Eric



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8221A-3, Sonstegard Food Company**

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. 8221A-2, Sonstegard Food Company, 5005 S Bur Oak Place, Sioux Falls SD 57108.

The Chief Engineer is recommending APPROVAL of Application No. 8221A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit Nos. 8221-3 and 8221A-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit Nos. 8221-3 and 8221A-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. Water Permit Nos. 8221-3 and 8221A-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit Nos. 8221-3 and 8221A-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

(continued)

5. Production wells for Water Permit Nos. 8221-3 and 8221A-3 shall be located from the top of the bank next to the West Fork Vermillion River as follows:
 - A minimum of 350 feet in any direction for wells located in Section 3-T99N-R54W
 - A minimum of 150 feet in any direction for wells located in Section 12-T99N-R54W
 - A minimum of 660 feet per 1.0 cubic feet of water per second from any well located in the W 1/2 Section 8-T99N-R53W

NOTE: This serves to correct the legal description in Qualification No. 5 of issued Permit No. 8221-3 for the wells located in Sections 3 and 12 of T99N-R54W.

6. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Vermillion West Fork aquifer.
7. Water Permit No. 8221A-3 authorizes a total annual diversion of 222.2 acre feet of water from the Vermillion West Fork aquifer. Water Permit Nos. 8221-3, 8221-3, 8278-3 and 8358-3 which are from different aquifers are limited to a combined total annual diversion of 222.2 acre feet of water to supply the avian production facility.

See report on application for additional information.



Jeanne Goodman, Chief Engineer
September 5, 2019

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8221A-3
SONSTEGARD FOOD COMPANY
SEPTEMBER 3, 2019

Water Permit Application No. 8221A-3 proposes to amend Water Permit No. 8221-3 to add additional points of diversion. Water Permit No. 8221-3 authorizes the appropriation of 222.2 acre-feet of water per year (ac-ft/yr) from the Vermillion West Fork aquifer (VWF) at a maximum instantaneous diversion rate of 1.11 cubic feet of water per second (cfs) from five wells approximately 50 feet deep and located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 3 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12; all in T99N-R54W in Turner County up to 3.5 miles west-northwest of the City of Parker. The water is to be used at an avian production facility located in the SW $\frac{1}{4}$ Sec. 36-T100N-R54W approximately 2.5 miles northwest of the City of Parker.

Application No. 8221A-3 proposes to allow the construction of up to three additional wells to be completed into the Vermillion West Fork aquifer approximately 60 feet deep located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 8-T99N-R53W north of the city limits of the City of Parker. No additional water appropriation or increase in maximum instantaneous diversion rate is requested by this application. The water from the proposed wells is to be transported via pipeline to an avian production facility located in the SW $\frac{1}{4}$ Sec. 36-T100N-R54W.

AQUIFER: Vermillion West Fork (VWF)

Aquifer Characteristics:

Hedges and others (1982) called the aquifer this application proposes to use the Vermillion West Fork aquifer. Lindgren and Hansen (1993; 1990) called the aquifer the West Fork Vermillion aquifer. The DENR-Water Rights Program has followed Hedges and others' (1982) naming designation. For the remainder of this report, the aquifer this application proposes to withdraw water from will be referred to as the Vermillion West Fork aquifer.

The Vermillion West Fork aquifer consists of fine sand to coarse-pebble gravel lying in and adjacent to the West Fork Vermillion River flood plain (Lindgren and Hansen, 1990). The aquifer is primarily under unconfined conditions, but in T99N-R53W north of the West Fork Vermillion River the aquifer is confined by as much as 45 feet of till (Lindgren and Hansen, 1990). The confined portions of the aquifer are locally discontinuous and are on the opposite side of the river from the proposed well locations. The Vermillion West Fork aquifer underlies approximately 18 square miles (11,520 acres) of Turner County (Lindgren and Hansen, 1993). Koch and McGarvie (1988) stated there was stream-deposited sand and gravel along the West Fork Vermillion River in Miner County. The sand and gravel are generally less than 20 feet thick and may yield enough water for domestic or stock supplies (Koch and McGarvie, 1988). Using the first occurrence of aquifer materials map for Miner County (Jensen, 2002) and the South Dakota Geologic Map (Martin et. al, 2004) for McCook County, approximations of areal extent of the Vermillion West Fork aquifer in Miner and McCook counties can be made. Alluvium and surficial sand and gravel along the West Fork Vermillion River underlies approximately 7,500 acres of Miner County. Alluvium along the West Fork Vermillion River in McCook County likely underlies less than

10,000 acres. The scales of the maps used for the areal extent approximations of the aquifer in Miner and McCook Counties are not sufficient to provide more precise estimations. The areal extent estimations may be several hundred acres larger or smaller than the actual aquifer extent in these two counties. Furthermore, not all the aquifer materials shown on the maps are necessarily saturated. McMeen (1964) stated in the City of Marion ground water supply report that the alluvial materials deposited along the West Fork Vermillion River "... hold large quantities of water where it is below the water table but will not yield water readily because of low permeability." Holly, Iles, and Barari (1993) reiterated this when describing surficial outwash along the West Fork Vermillion River near the Turner-McCook County line in the same area and north into McCook County as described by McMeen (1964).

The general direction of groundwater movement in the Vermillion West Fork aquifer is toward the West Fork Vermillion River and to the southeast (Lindgren and Hansen, 1990). The aquifer is hydrologically connected to the West Fork Vermillion River and the Parker Centerville and Vermillion East Fork aquifers near the confluence of the West Fork Vermillion and East Fork Vermillion Rivers (Lindgren and Hansen, 1990). In Turner County, the Vermillion West Fork aquifer can be greater than 39 feet thick but has an estimated average thickness of 22 feet (Lindgren and Hansen, 1990).

Lithologic logs (SDGS, 2019) and well completion reports (Water Rights, 2019d) indicate sand and gravel can be encountered from land surface to a depth of 75 feet within approximately one-half mile of the well locations proposed by this application. However, the total drilling depths are generally less than 40 feet in this area. Therefore, the extent of the deeper sand and gravel, more than 40 feet below ground surface, in this area is not known. On occasion, a layer of clay ranging from a couple of feet to nearly 20 feet could be found starting near land surface. This clay layer occurs more commonly the further away from the river the well was drilled. The static water level in the area has generally ranged between 10 and 20 feet below ground surface. In the places where deeper holes were drilled, total depth greater than 50 feet, the static water levels were more often between 30 and 40 feet below ground surface. Figure 1 is a map of the area including Vermillion West Fork aquifer observation wells and water rights (Water Rights, 2019b and 2019c), the future use area for Future Use Permit 4798-3 for the City of Parker, the well locations authorized by Water Permit No. 8221-3, the proposed well locations for this application, and the location for the proposed avian production facility to be served by Water Permit No. 8221-3 and this application, if approved.

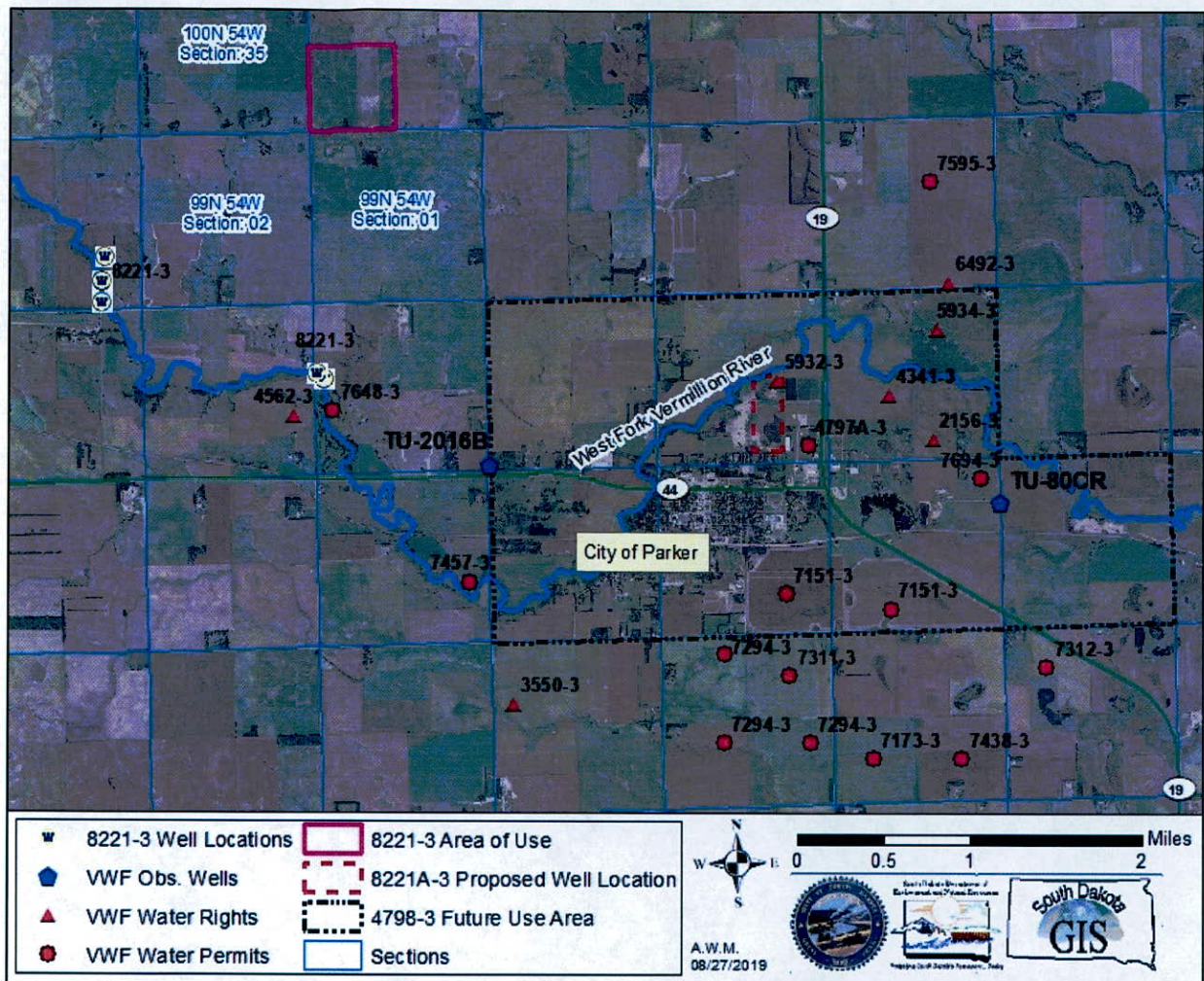


Figure 1- Map of the Vermillion West Fork aquifer Water Rights, observation wells, and Application No. 8221A-3 proposed well locations (Water Rights, 2019b, and 2019c)

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.

WATER AVAILABILITY:

This application does not propose to increase the annual volume appropriated by Water Permit No. 8221-3 only add authorization for up to three additional diversion points. Therefore, there is no need to consider if unappropriated water is available from the Vermillion West Fork aquifer.

EXISTING WATER RIGHTS:

Figure 2 is a map showing the area near the proposed well locations, the Vermillion West Fork aquifer water rights/permits, future use reservation area, West Fork Vermillion River, and

proposed setback distances from the West Fork Vermillion River. Please note the setback distances shown on the map are measured from the approximate centerline of the river and not from the bank next to the river. Table 1 lists the water rights/permits, and future use permit shown in Figure 2.

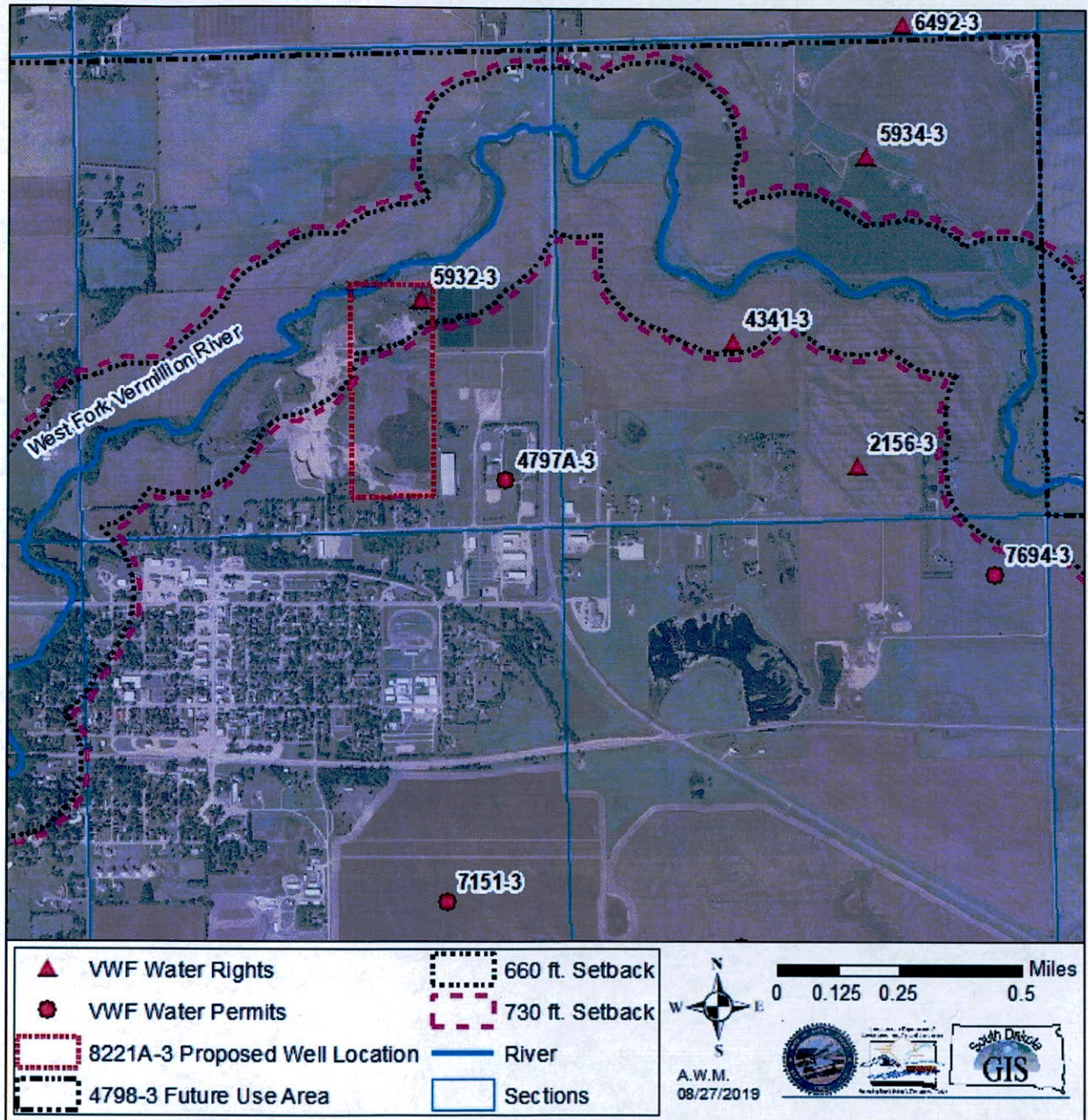


Figure 2- Map of proposed well locations, Vermillion West Fork aquifer water rights/permits, future use areas, West Fork Vermillion River, and example setback distances from the river (Water Rights, 2019c)

Table 1- Vermillion West Fork aquifer water rights/permits and future use permit shown in Figure 2 (Water Rights, 2019c)

Permit No.	Name	Status	Use	CFS	Acre
2156-3	Roger Ihnen	LC	IRR	1.28	90
4341-3	Weeg Family Farms LLP	LC	IRR	0.89	62
4797A-3	City of Parker	PE	IRR	0.27	30
4798-3	City of Parker	FU	MUN	n/a	n/a
5932-3	James P Van Derostyne	LC	IRR	0.7	49
5934-3	James P Van Derostyne	LC	IRR	1.67	120
6492-3	Joseph Plucker	LC	IRR	1.78	136
7151-3	Allen Merrill	PE	IRR	1.78	320
7694-3	Joseph Plucker	PE	IRR	1.56	33
LC= Water Right, PE=Water Permit, FU=Future Use, IRR= Irrigation, MUN=Municipal					

There are several domestic wells on file with the DENR-Water Rights Program within approximately 0.25 miles of the proposed well locations (Water Rights, 2019d). The area for the additional wells proposed by this application includes the dugout used by Water Right No. 5932-3 and is near the well used by Water Permit No. 4797A-3, both for irrigation purposes. The land authorized for irrigation under Water Right No. 5932-3 is the same property where the applicant proposes to drill their wells. Information included with the application states the applicant had recently acquired this property. However, there is no comment regarding discontinuing or changing the use of Water Right No. 5932-3.

The applicant holds Water Permit No. 8221-3, which this application proposes to amend, and Water Permit No. 8278-3 authorizing the appropriation of water from the Vermillion East Fork: Montrose aquifer. Both Water Permit Nos. 8221-3 and 8278-3 have setback distances from their respective rivers, West Fork Vermillion River and East Fork Vermillion River, based on a setback distance of 660 feet per 1 cfs of diversion rate per well. While the flood plain of the West Fork Vermillion River is noticeably wider at this proposed location than the location for the wells authorized by Water Permit 8221-3 and Water Permit No. 8278-3, it may be prudent to require setback distances from the river to minimize potential impacts to the river and nearby appropriative and domestic users as well as maintain consistency with previous permits. Therefore if this application is approved, it should include a qualification that requires a setback distance of 660 feet per 1 cfs of pump rate to be consistent with previous permits. For example if the pump rate from one well is 1.11 cfs (500 gpm), the well would need to be at least 730 feet away from the top of the bank next to the river. See Figure 2 for approximate setback distance examples

The Vermillion West Fork aquifer is primarily an unconfined aquifer. Drawdown created from pumping a well in an unconfined aquifer is minimal within a short distance of the well. As the radius of influence from pumping expands, it could encounter lower permeability materials, such as clay layers or silty sand/gravel, or an aquifer boundary. This will increase drawdown in other directions. However, the river is a recharge boundary. Increased drawdown from pumping will increase capture from the river. Increased capture from the river will decrease the extent of drawdown around the pumped wells. There are no water rights/permits that authorize the withdrawal of water from the West Fork Vermillion River. There would be no impact to surface water appropriations from the West Fork Vermillion River if this application were approved. During periods of no flow in the West Fork Vermillion River, there will not be any water available

for capture from the river. Any very low/no flow conditions of the river may impact domestic users of the river. In the past, the West Fork Vermillion River has experienced very low/no flow conditions numerous times since the beginning of the period of record in September 1961 as measured at the U.S. Geological Survey stream gage just south of the well locations authorized by Water Permit 8221-3 (USGS, 2019). If pumping captures ground water that would normally discharge to the river it may increase the frequency and duration of very low/no flow conditions in the West Fork Vermillion River.

The observation well data shown in Figure 3 documents that over the period of record there has been little significant influence on the water level of the aquifer caused by pumping nearby appropriations. See Figure 1 for a map including observation wells and water rights/permits. The hydrographs, particularly for TU-80CR, document the water level of the Vermillion West Fork aquifer follows the general climatic conditions. The water level rises during wetter periods and slowly declines during drier periods.

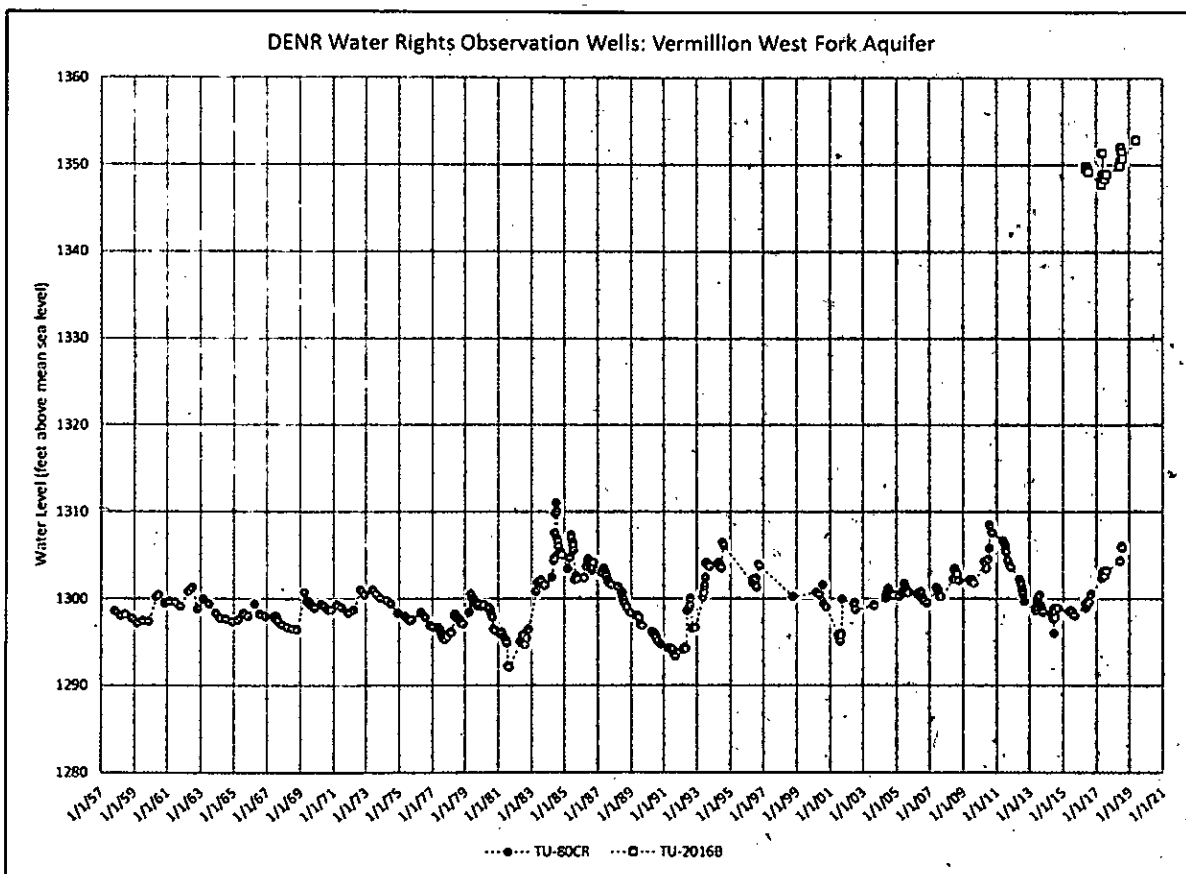


Figure 3- Hydrographs for DENR observation wells completed into the Vermillion West Fork aquifer (Water Rights, 2019b)

There are domestic wells completed into the aquifer in the vicinity of the well sites proposed by this application. Observation well TU-80CR is within one mile of five high capacity irrigation wells (see Figure 1). As shown by the hydrograph in Figure 3, the effects on the water level of pumping around TU-80CR are masked by the effects of climatic conditions. The water level in TU-80CR is dominated by climatic conditions. While the hydrogeologic conditions and well distribution at TU-80CR is not the exact same as at the proposed well sites, they are similar enough

to show high capacity pumping in the Vermillion West Fork aquifer can occur without adversely impacting nearby adequate wells. Furthermore, there have been no complaints of well interference involving wells completed into the Vermillion West Fork in Turner County (Water Rights, 2019a).

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under unconfined conditions drawdown due to pumping would not be significant far from the proposed well sites. There has also been a history of large capacity wells from this aquifer without well interference complaints. Furthermore, the Water Management Board has 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”

The Vermillion West Fork aquifer is a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. This is not anticipated to be a long term effect; however if the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or “historically established” diversion rates, this may be considered an adverse impact. As a precaution if this application is approved, the water permit should include a qualification the well owner shall control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. The proposed diversion is not expected to adversely impact existing appropriative or domestic users when all the above factors are considered.

CONCLUSIONS:

1. Application No. 8221A-3 proposes to amend Water Permit No. 8221-3 to add additional points of diversion. The application proposes to authorize the construction of up to 3 additional wells to be completed into the Vermillion West Fork aquifer located in the W ½ SE ¼ Sec. 8T99N-R53W.
2. Water Permit No. 8221-3 authorizes the appropriation of 222.2 ac-ft/yr from up to 5 wells completed into the Vermillion West Fork aquifer located in the E ½ SE ¼ Sec. 3 and the SW ¼ NW ¼ Sec. 12; all in T99N-R54W at a maximum combined instantaneous diversion rate of 1.11 cfs.
3. This application, if approved, would not authorize a greater instantaneous diversion rate than authorized by Water Permit No. 8221-3 nor does it appropriate any additional water.
4. When considering the distance between the proposed well location and other appropriative and domestic wells, the lack of history of well interference, and the unconfined nature with a limited saturated thickness of the aquifer, there is a reasonable probability this proposed diversion can be made without adversely impacting appropriative or domestic users.

5. If a setback distance from the West Fork Vermillion River is considered, a setback distance of at least 660 feet from the top of the bank next to the river per 1 cfs of diversion rate at any well should be considered.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Holly, D.E., Iles, D.L. and Barari, A. 1993. Ground-Water Study for the TM Rural Water District in the Vicinities of Dolton and Parker, South Dakota. Open-File Report 65-UR. SD DENR-Geological Survey. Vermillion, South Dakota.
- Jensen, A.R. 2002. First Occurrence of Aquifer Materials in Miner County, South Dakota. Aquifer Materials Map 12. SD DENR-Geological Survey. Vermillion, South Dakota. 1:100,000 scale.
- Koch, N. C. and S.D. McGarvie. 1988. Water Resources of Miner County, South Dakota. Water-Resources Investigations Report 86-4035. U.S. Geological Survey. Huron, SD.
- Lindgren, R.J. and Hansen, D.S. 1993. Major Aquifers in Hutchinson and Turner Counties, South Dakota. SD DENR-Geological Survey Information Pamphlet No. 45. Vermillion, South Dakota.
- Lindgren, R.J. and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey. Huron, South Dakota.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W. and Schulz, L.D. 2004. Geologic Map of South Dakota. General Map 10. SD DENR-Geological Survey, Vermillion, South Dakota. 1:500,000 scale.
- McMeen, J.A. 1964. Ground Water Supply for the City of Marion. Special Report 27. SD DENR-Geological Survey. Vermillion, South Dakota.
- SDGS. 2019. Lithologic Logs Database Search. <<http://cf.sddenr.net/lithdb/>>. Accessed: August 27, 2019. SD DENR-Geological Survey. Vermillion, South Dakota.

USGS. 2019. National Water Information System: Web Interface, Current Conditions for South Dakota: Streamflow. Site No. 06478690. U.S. Geological Survey. <https://waterdata.usgs.gov/nwis/annual?referred_module=sw&search_site_no=06478690&format=sites_selection_links>. Accessed: August 29, 2019.

Water Rights. 2019a. County Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2019b. Observation Well Files and Data. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2019c. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2019d. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

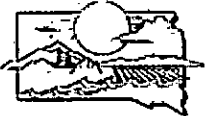
Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, September 5, 2019 4:45 PM
To: John Taylor (john.taylor@taylorlawsd.com)
Subject: 8221A-3, Sonstegard Food Company
Attachments: 8221A-3.pdf

John,
Attached is the report, chief engineers recommendation and letter regarding Application No. 8221A-3 for Sonstegard Food Company. As stated in the letter, you need to contact The New Era and the Argus Leader to authorize publication and arrange for payment as soon as possible.

When dealing with Argus Leader ask for Erin Oettinger, 605 331-2345 x4

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

RECEIVED

SEP 27 2019

WATER RIGHTS
PROGRAM

Account No: 6057825303

Ad No: 0003778120

PO #:

Lines : 115

Ad Total \$75.14

TAYLOR
4830 E 57TH ST, SUITE B
SIOUX FALLS, SD 57108

of Affidavits: 1

Account No.: 6057825303

Ad No.: 0003778120

Argus Leader AFFIDAVIT OF PUBLICATION

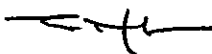
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Friday, September 13, 2019

Sworn to and subscribed before me this 23 day of September, 2019.



Legal Clerk



Notary Public, State of Wisconsin, County of Brown

5.15.23

My Commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8221A-3 to Amend Water Permit No. 8221-3

Notice is given that Sonstegard Food Company, 5005 S Bur Oak Place, Sioux Falls SD 57108 has filed an application for a water permit to add additional points of diversion to Water Permit No. 8221-3. Water Permit No. 8221-3 authorizes 222.2 acre-feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second from five wells to be completed into the Vermillion West Fork Aquifer (approximately 50 feet deep) located in the E 1/2 SE 1/4 Section 3 and the SW 1/4 NW 1/4 Section 12; all in T99N-R54W. The applicant proposes to construct up to 3 additional wells to be completed into the Vermillion West Fork Aquifer (approximately 60 feet deep) located in the W 1/2 SE 1/4 Section 8-T99N-R53W. No additional water appropriation is requested by this application. The water will be transported via a pipeline to an avian production facility to be located in the SW 1/4 Section 36-T100N-R54W. The site of the additional wells is approximately 1 mile north of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8221A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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, of 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 September 23, 2019. 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. Published once at the total approximate cost of \$75.14.

3778120 Sept 13, 2019

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SS

I, Dawn Rye

certify that the attached printed Notice was taken

from the New Era

printed and published in The New Era

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Thursday, Sept. 12, 2019

Cost of Printing \$39.72

[Signature]

(Signature)

Office Manager

(Title)

9/12/19

(Date Signed)

Notice of application No.
8221A-3 to amend water permit
Notice is given that Sonstegard
Food Company, 5005 S Bur Oak
Place, Sioux Falls SD 57108 has
filed an application for a water
permit to add additional points
of diversion to Water Permit No.
8221-3. Water Permit No. 8221-3
authorizes 222.2 acre-feet of water
annually at a maximum diversion
rate of 1.11 cubic feet of water per

second from five wells to be completed into the Vermillion West Fork Aquifer (approximately 50 feet deep) located in the E 1/2 SE 1/4 Section 3 and the SW 1/4 NW 1/4 Section 12; all in T99N-R54W. The applicant proposes to construct up to 3 additional wells to be completed into the Vermillion West Fork Aquifer (approximately 60 feet deep) located in the W 1/2 SE 1/4 Section 8-T99N-R53W. No additional water appropriation is requested by this application. The water will be transported via a pipeline to an avian production facility to be located in the SW 1/4 Section 36-T100N-R54W. The site of the additional wells is approximately one mile north of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8221A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 Monday, Sept. 23, 2019.

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.

RECEIVED

SEP 16 2019

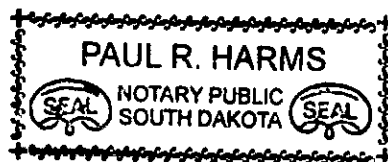
WATER RIGHTS
PROGRAM

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.

Published once at the total approximate cost of \$39.72
(N09012-2)

Paul R. Harms
by Commission

expires April 24 2024



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, September 5, 2019 1:37 PM
To: 'legals@argusleader.com'
Subject: 8221A-3, Sonstegard Food Company
Attachments: 8221A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 12, 2019.

Sonstegard Food Company, c/o John E Taylor, 4820 E 57th St, Suite B, Sioux Falls SD 57108 (605 782-5303) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, September 5, 2019 1:36 PM
To: 'New Era (sebeling@ncppub.com)'
Subject: 8221A-3, Sonstegard Food Company
Attachments: 8221A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 12, 2019.

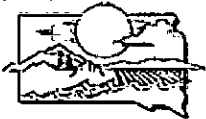
Sonstegard Food Company, c/o John E Taylor, 4820 E 57th St, Suite B, Sioux Falls SD 57108 (605 782-5303) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(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 NEWSPAPERS RIGHT AWAY.**

September 5, 2019

Sonstegard Food Company
5005 South Bur Oak Place
Sioux Falls SD 57108

Dear Sir:

Water Permit Application No. 8221A-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 New Era printed at Parker SD (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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.

c: John E Taylor

NOTICE OF APPLICATION NO. 8221A-3 to Amend Water Permit No. 8221-3

Notice is given that Sonstegard Food Company, 5005 S Bur Oak Place, Sioux Falls SD 57108 has filed an application for a water permit to add additional points of diversion to Water Permit No. 8221-3. Water Permit No. 8221-3 authorizes 222.2 acre-feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second from five wells to be completed into the Vermillion West Fork Aquifer (approximately 50 feet deep) located in the E 1/2 SE 1/4 Section 3 and the SW 1/4 NW 1/4 Section 12; all in T99N-R54W. The applicant proposes to construct up to 3 additional wells to be completed into the Vermillion West Fork Aquifer (approximately 60 feet deep) located in the W 1/2 SE 1/4 Section 8-T99N-R53W. No additional water appropriation is requested by this application. The water will be transported via a pipeline to an avian production facility to be located in the SW 1/4 Section 36-T100N-R54W. The site of the additional wells is approximately 1 mile north of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8221A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 September 23, 2019.

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.

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
<http://denr.sd.gov>

OCT 02 2019

Sonstegard Food Company
5005 South Bur Oak Place
Sioux Falls SD 57108

Dear Sir:

Enclosed is Water Permit No. 8221A-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

c: John Taylor, Taylor Law Firm LLC