

WATER PERMIT NO. 8227-3

Name of Applicant: Teton LLC

Address: PO Box 188, Pipestone MN 56164 Phone: 507 825-4211

Amount of Water Claimed: 23.63 AF Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial use – swine production County: Grant

Type of Waste Disposal System:

Location: 5 miles northeast of Milbank

PRIORITY Date Received: 6-1-16 Application/License Fee: \$100

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

Remarks: Increases the diversion from the two wells authorizes by Water Permit No. 8066-3

Diversion Point: N 1/2 SW 1/4 Sec 16-T121N-
R47W

Land to be Irrigated: NA

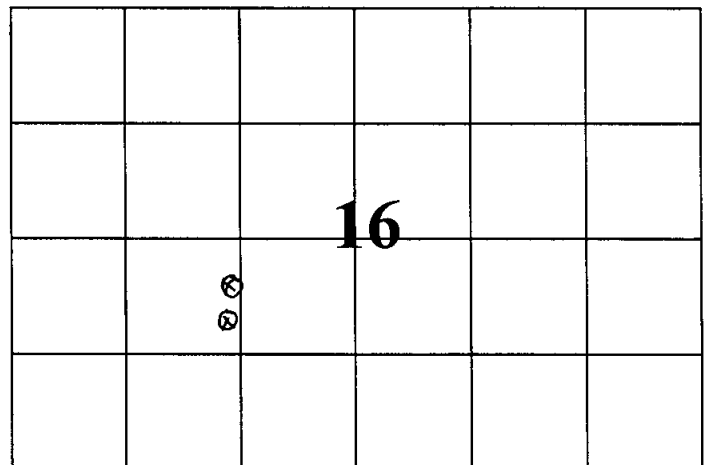
Depth of Well: 57 feet deep

Well Driller:

Remarks:

Type of Map:

Prepared by:



Reviewed and the Number Assigned on: 6-1-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

JUN 01 2016

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8227-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota - Whitestone</u>
	Newspaper <u>Grant Co. Review - Millbrook</u> <u>605-432-4516</u>
	<u>Pahio Opinion - Waterton</u> <u>605-886-6901</u>

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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☒ 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.)

Increase the maximum annual usage to 15,000,000 (46.03 acre feet)1. Name to Appear on Water Permit Teton, LLC(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 188 Pipestone MN 56164
(Address) (City) (State) (Zip Code)Home Phone 507-825-4211 Cell 507-215-0471 Email bkerkaert@pipevet.com2. Amount of water claimed 50 *CFS or 23.63 **GPM add ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable3. Source of water supply Veblen4. Location of point of diversion SW 1/4, Section 16, T121N, R47W County Grant

(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? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Grant6. Annual period during which water is to be used 12 per year

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)

The existing greenfield livestock production facility includes two (2) 2,240 head deep pit gestation barns, one 2,136 head shallow pit farrowing barn, one 1,200 head gilt developer unit and one composting barn. The project has received a Conditional Use Permit from Grant County and a CAFO Permit from SD DENR.

I, Dr. Barry Kerkaert, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 8227-3

Date of first receipt of application June 1, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8227-3 to Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 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. 8227-3 appropriates an additional 23.63 acre-feet of water annually to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre-feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This permit increases the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This permit and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is authorized. The swine production facility is located in the NW 1/4 SW 1/4 Section 16-T121N-R47W
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. 8227-3 is August 15, 2016.
5. The dates from which applicant may claim right are June 1, 2016 (additional 23.63 acre-feet) and October 8, 2014 (22.4 acre-feet).
6. One-fifth of the construction is to be completed on or before February 15, 2019.
7. All construction is to be completed on or before August 15, 2021.
8. Water is to be put to beneficial use on or before August 15, 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 Water Permit Nos. 8066-3 and 8227-3 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. Permit Nos. 8066-3 and 8227-3 are 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)

Water Permit No. 8227-3

Teton LLC

Page 2

3. Permit Nos. 8066-3 and 8227-3 are 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
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Veblen aquifer.
5. Water Permit Nos. 8066-3 and 8227-3 authorize a total annual diversion of 46.03 acre feet of water.
6. Water Permit No. 8227-3 incorporates Water Permit No. 8066-3.

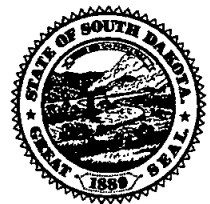
WATER MANAGEMENT BOARD

By: _____

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

OCT 07 2016

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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by _____c) Well Depth ≈57' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property NA On property owned by others ≈1,500'**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) Domestic wastewater will not treat via a septic tank/drainb) System Capacity (gallons) 1,500.00 Year Constructed 2014

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)

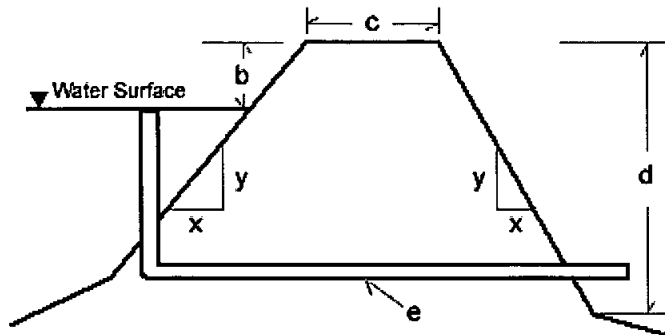
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

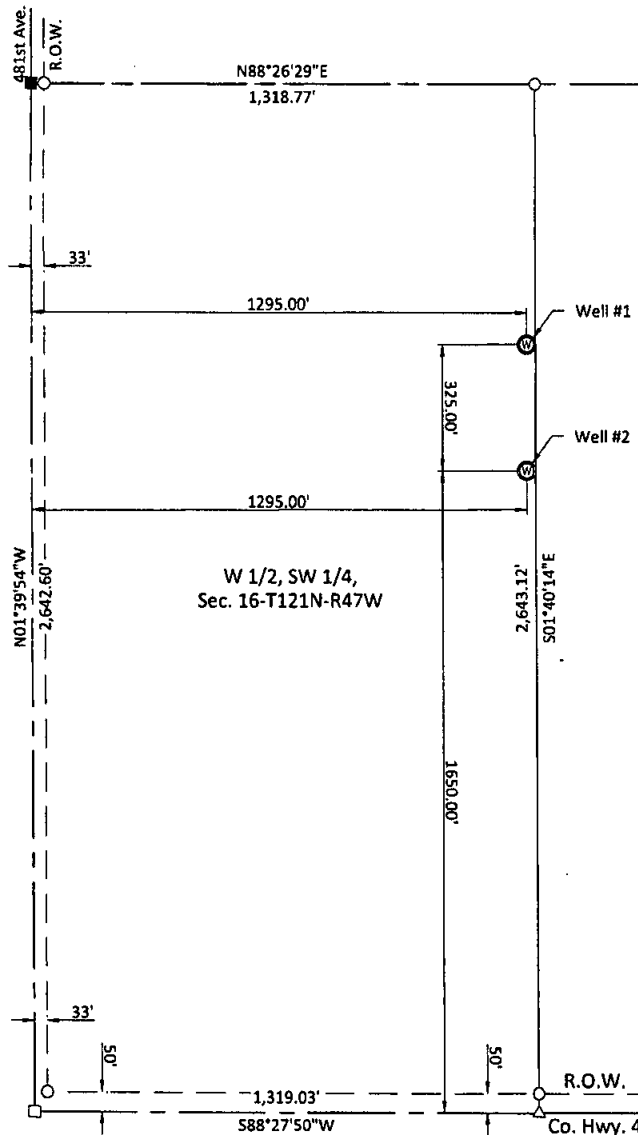
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

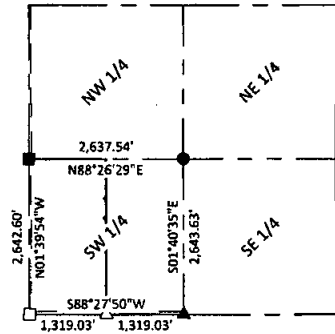


Teton, LLC Water Rights Location Map

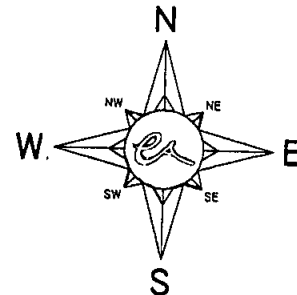
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WEST 1/2 OF THE SW 1/4, 16-121-47
SCALE: 1 INCH = 300 FEET



SECTION 16 - T 121 N - R 47 W
SCALE: 1 INCH = 2000 FEET



BASIS OF BEARING: Bearings are assumed

LEGEND

- FOUND REBAR WITH SURVEY CAP STAMPED 'JOHN J. SCOTT RLS 2092'
- FOUND REBAR WITH SURVEY CAP STAMPED 'LARSON 2499'
- ▲ FOUND REBAR
- SET MAGNETIC NAIL IN ASPHALT
- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED 'JOHNSON LS 5816'
- △ CALCULATED CORNER

PROJECT NUMBER:	Y12222.D01
CREW CHIEF:	
DRAFTED BY:	BJB
REVIEWED BY:	TVM
DRAWING:	12222 Water Rights
LAYOUT:	Location Map
SHEET NO. 1 OF 1 TOTAL SHEETS	

Prepared By
Eisenbraun & Associates
Professional Engineers & Surveyors
Innovative Solutions - Long Term Value
215 Walnut
Yankton, South Dakota 57178
605-665-8092
FAX 605-665-6253
www.eandc.com

This is an aerial photograph of a rural landscape, divided into nine distinct land sections. The sections are labeled with their respective numbers and coordinates. The terrain is a mix of green fields, brownish soil, and some water bodies. A prominent road or canal runs vertically through the center of the map. The sections are arranged in a grid-like pattern, with some sections containing buildings or other structures.

Sec 8
T121N
R47W

Sec 9
T121N
R47W

Sec 10
T121N
R47W

Sec 17
T121N
R47W

Sec 16
T121N
R47W

Sec 15
T121N
R47W

Sec 20
T121N
R47W

Sec 21
T121N
R47W

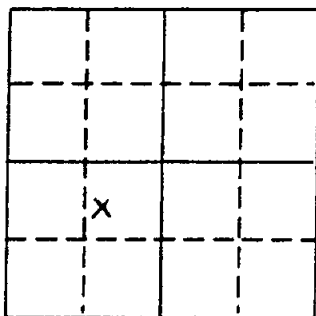
Sec 22
T121N
R47W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SW 1/4 Sec 16 Twp 12N Rg 47WWell Owner: Teton LLC FarmsCounty
Grant

North



South Well

Please mark well location with an "X"

Well completion Date

12-2-14

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

? 120 ft. from Concrete manure pit (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>dr21 LB/FT</u>	<u>5</u> IN	<u>0</u> FT	<u>240</u> FT	<u>12</u> IN
<u>dr17 LB/FT</u>	<u>5</u> IN	<u>240</u> FT	<u>260</u> FT	<u>12</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>15</u>	Lb/gal	<u>260</u> Ft	<u>20</u> Ft
<u>Cement</u>	<u>3</u>	Lb/gal	<u>0</u> Ft	<u>20</u> Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 35 FeetMaterial Stainless steelSlot Size .040 Set From 260 Feet to 295 FeetOther information gravel packed w/ .040 red flint

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? SS plateDescribe packer(s) and location bottom

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Bleach
☐ No, Why Not?

Lab sample sent to for water quality analysis

Business Name:

Address1: 1300 S Hwy 75

Address2:

City, State, Zip: Pipestone MN 56164

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>18</u>
<u>Blue clay</u>	<u>18</u>	<u>52</u>
<u>Multi-grain sand</u>	<u>52</u>	<u>56</u>
<u>Blue clay</u>	<u>56</u>	<u>255</u>
<u>Quartz sand</u>	<u>255</u>	<u>294</u>

STATIC WATER LEVEL

115

FEET

If flowing: closed in pressure

PSI

GPM flow through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☒ Other
Air Lifted

Pumping Level Below Land Surface

Ft. After _____ Hrs. pumped 25 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate:

GPM

REMARKS

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This well was drilled under license # 598

And this report is true and accurate.

Drilling firm: Kranz Well + Excavation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-2-14

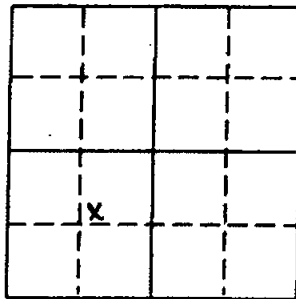
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SW 1/4 Sec 16 Twp 121N Rg 47WCounty
Grant

North

north well

Please mark well
location with an "X"

Well completion Date

12-9-14

1 Mile

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

160 ft. from concrete manure pit (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sdr 21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>37 FT</u>	<u>9 1/4 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>ben-tonite</u>	<u>9</u>	<u>Lb/gal</u>	<u>20 FT</u>	<u>37 FT</u>
<u>cement</u>	<u>2</u>	<u>Lb/gal</u>	<u>0 FT</u>	<u>20 FT</u>

Describe grouting procedure fremmie line

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 20 FeetMaterial pvcSlot Size .025 Set From 37 Feet to 57 FeetOther information .040 red flint?

WAS A PACKER OR SEAL USED?

- ☒ Yes ☐ No

If so, what material?

pvc capDescribe packer(s) and location bottom of screen

DISINFECTION: Was well disinfected upon completion?

- ☒ Yes, How? Bleach

Lab sample sent to for
water quality analysis

- ☐ No, Why Not?

Well Owner:

Teton LLC Farms

Business Name:

Address1:

1300 S Hwy 75

Address2:

City, State, Zip:

Pipestone MN 56164

WELL LOG:

DEPTH

FORMATION

FROM

TO

Top soil05Yellow clay517Blue clay1737Coarse sand3757

STATIC WATER LEVEL

35

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in? yes

WELL TEST DATA:

☒ Pumped

Describe:

submersible pump☐ Bailed☒ OtherAir lifted

Pumping Level Below Land Surface

Ft After 1

Hrs. pumped

60

GPM

Ft After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

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This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excavation

Signature of License Representative

Signature of Well Owner or Equitable Property Holder.

Date:

12-9-14

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/24, 20 16

RECEIVED OF Teton LLC 1300 S Hwy 75 Pipestone MN 56164

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

Fee for Application for Permit No. <u>8227-3</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. **07848**

By James Healdman
Chief Engineer



May 6, 2016

SD Water Right Program
c/o Eric Gronlund
Foss Building, 523 E. Capitol
Pierre, South Dakota 57501

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JUN 01 2016
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RE: Teton, LLC, Grant County, SD
Project No. Y12222.D01

Dear Mr. Gronlund:

This letter and the attached documentation shall serve as the informational submittal for Teton, LLC's Water Rights Permit. Teton currently holds permit 8066-3. The existing operation is located in the SW ¼, Section 16, T121N, R47W, Grant County, SD.

The Teton, LLC project is a swine production facility which obtained a Water Rights permit which allowed the facility to draw a maximum of 50 gpm and an annual withdrawal of 22.4 acre feet from two (2) well in the Veblen aquifer. Water usage has been closely monitored as required by the permit. After being in production for approximately 1 year, it has been determined that while a maximum withdrawal rate of 50 gpm is adequate, the annual cumulative usage will be higher than the current limitation of 22.4 acre feet. The attached amended permit application requests a peak withdrawal rate of 50 gpm and an annual withdrawal of 46.03 acre feet.

Once water enters the facility it's usage in the various systems and usage points are not metered. It is assumed that the increased water usage above what was originally estimated is attributed to newer and larger cooling equipment, an increase in washing and disinfection management for biosecurity and the operation of bio-filters. If you have any questions, please contact us.

Sincerely,
Stockwell Engineers, Inc.

Todd Van Maanen, PE
Project Engineer

Enclosures

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, May 06, 2016 2:00 PM
To: 'tvanmaanen@stockwellengineers.com'
Cc: Schlaak, Karen
Subject: FW: Teton - Amended Permit Application
Attachments: 2016-05-06 Revised Teton Water Rights Permit.pdf; 2016-05-06 Water Rgts Cover Ltr.pdf

Todd:

Here are my initial comments. I think the cover letter does a good job of explaining what is planned. Maybe it could include a statement that this application is for an increase in the annual volume limit of 23.63 acre feet of water for a total of 46.03.

Application

- Under Type of Application, DENR views this as new since it is for additional volume of water and not as an amendment.
- Form 2A Supplemental Information – it is DENR's understanding that the two Veblen aquifer well in use are 57 feet deep and not 180 feet.
- Fee for application will be \$100 (based on the 23.63 ac-ft additional equating to less than 0.1 cfs on a diversion rate basis. No \$200 license fee is required, if approved DENR will incorporate No.8066-3 and this application into one and a licensing fee has been paid for No. 8066-3 already.

Cover Letter

- First sentence, again while I understand Teton view this as an amendment, DENR will view the application as new.
- 2nd paragraph – at the very end there is a random "46.06" . Assume it can be deleted.

Hope this helpful.

Included Karen Schlaak on the email so she'd be in the loop seeing as she's the first person who will handle the application once received.

Eric.

From: Todd Van Maanen [<mailto:tvanmaanen@stockwellengineers.com>]
Sent: Friday, May 06, 2016 11:25 AM
To: Gronlund, Eric
Subject: Teton - Amended Permit Application

Eric, as per our discussion I have attached a draft copy of amended permit application and cover letter for your review and comment. Let me know what you think. Thanks for your help.

Todd Van Maanen, PE
Stockwell Engineering
605-665-8092
605-660-1361 Cell

tvanmaanen@stockwellengineers.com



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 24, 2016 2:13 PM
To: 'Todd Van Maanen'
Cc: Gronlund, Eric
Subject: RE: Teton

Todd,

We received a \$100 check from Teton LLC today, but have not received the water permit application.

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

From: Gronlund, Eric
Sent: Wednesday, May 18, 2016 8:18 AM
To: 'Todd Van Maanen'
Cc: Schlaak, Karen
Subject: RE: Teton

DENR has not received the application.

I commented on the draft you emailed to us back on May 6th.

Karen – please email Todd when we do receive the Teton application.

From: Todd Van Maanen [<mailto:tvanmaanen@stockwellengineers.com>]
Sent: Wednesday, May 18, 2016 8:12 AM
To: Gronlund, Eric
Subject: Teton

Morning Eric. Have you received the Teton water rights application?

Todd Van Maanen, PE
Stockwell Engineering
605-665-8092
605-660-1361 Cell
tvanmaanen@stockwellengineers.com



STOCKWELL

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

AUG - 8 2016

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Ashlie Schweitzer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8227-3 to Appropriate Water - Teton LLC, c/o Dr. Barry Kerkaert a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>August 3</u>	<u>20</u>	<u>16</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

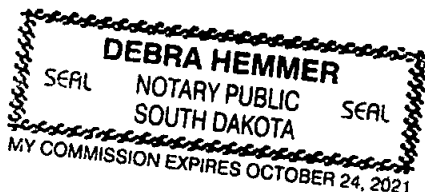
That \$ 31.79, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 3rd day of Aug 20 16

Debra Hemmer

Notary Public, Grant County, South Dakota



Publication Fee	\$ <u>31.79</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>31.79</u>

NOTICE OF APPLICATION NO. 8227-3 to Appropriate Water

Notice is given that Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit for an additional 23.63 acre feet of water annual to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8227-3 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 August 15, 2016.

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

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

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

Published once at an approximate

RECEIVED

AUG 10 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

August 3rd 2016

Cost of Printing \$73.19

Monica K Saathoff
(Signature)

Bookkeeper

(Title)

August 3rd, 2016

(Date Signed)

DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES

NOTICE OF APPLICATION
NO. 8227-3 to Appropriate
Water

Notice is given that Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit for an additional 23.63 acre feet of water annual to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8227-3 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.

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(August 3, 2016)

73.19
All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublicnotices.com

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 27, 2016 11:12 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 8227-3, Teton LLC
Attachments: 8227-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 3, 2016.

Teton LLC, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 (507 825-4211 or c 507 215-0471) has been notified to contact you to authorize publication and arrange for payment.

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

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

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 27, 2016 11:14 AM
To: legals@thepublicopinion.com
Subject: 8227-3, Teton LLC
Attachments: 8227-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 3, 2016.

Teton LLC, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 (507 825-4211 or c 507 215-0471) has been notified to contact you to authorize publication and arrange for payment.

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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.**

July 27, 2016

Teton LLC
Dr. Barry Kerkaert
PO Box 188
Pipestone MN 56164

Dear Dr. Kerkaert:

Water Permit Application No. 8227-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605-432-4516) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

cc: Todd Van Maanen, Stockwell Engineering, 215 Walnut, Yankton SD 57078
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. 8227-3 to Appropriate Water

Notice is given that Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit for an additional 23.63 acre feet of water annual to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No.8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8227-3 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.

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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 _____.

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8227-3
TETON LLC
JULY 14, 2016**

Water Permit Application No. 8227-3 proposes to appropriate water from the Veblen aquifer at a rate of 23.63 acre-feet annually, using the two existing wells that are authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells, 57 feet deep, located in the N½SW¼ Sec.16, T121N-R47W. This application proposes to increase the appropriation of water from the existing wells by 23.63 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually from the Veblen aquifer. This application is for commercial use at a swine production facility located in the NW¼ SW¼ Sec 16, T121N-R47W.

AQUIFER: Veblen aquifer (VEB)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Historically, various glacial outwash deposits underlying portions of northeastern South Dakota have been considered the “Veblen aquifer” (Buhler, 2007). The Veblen aquifer is a group of buried basal outwash deposits underlying portions of Roberts, Grant and Deuel Counties, South Dakota and Big Stone, Swift and Lac Qui Parle Counties, Minnesota. In Grant County, the aquifer should generally be considered within the areal extent and interval of altitude defined by Hansen (1990). However, subsequent investigations suggest Hansen may have overestimated the areal extent of the aquifer (Barr Engineering, 2007). A map showing the three principle delineations of the Veblen aquifer is shown in Figure 1. Individual sand and gravel units of the Veblen aquifer are not continuous throughout the entire mapped extent; however, interconnection between the outwash deposits is likely in places (Buhler, 2007). The Veblen aquifer primarily consists of medium to coarse sand and fine gravel that is generally under confined conditions. The aquifer slopes to the east at about 13 feet per mile, and the direction of water movement in the aquifer is generally from west to east (Hansen, 1990). Hansen (1990) reported a range of aquifer depth of one to 210 feet below ground surface and an average aquifer thickness of 28 feet.

The South Dakota Water Well Completion Reports on file for the two existing wells which were completed on October 9, 2015, and December 9, 2015, respectively, identify coarse sand from 37-57 feet below grade. The static water level reported for the well completed October 9, 2015, was 43 feet below grade, and the static water level reported for the well completed December 9, 2015, was 35 feet below grade (Water Rights, 2016c). The reports identify unconfined conditions in the well completed in October, and confined conditions in the well completed in December. Both completion reports indicate the wells were test pumped for one hour at a rate of 60 gallons per minute.

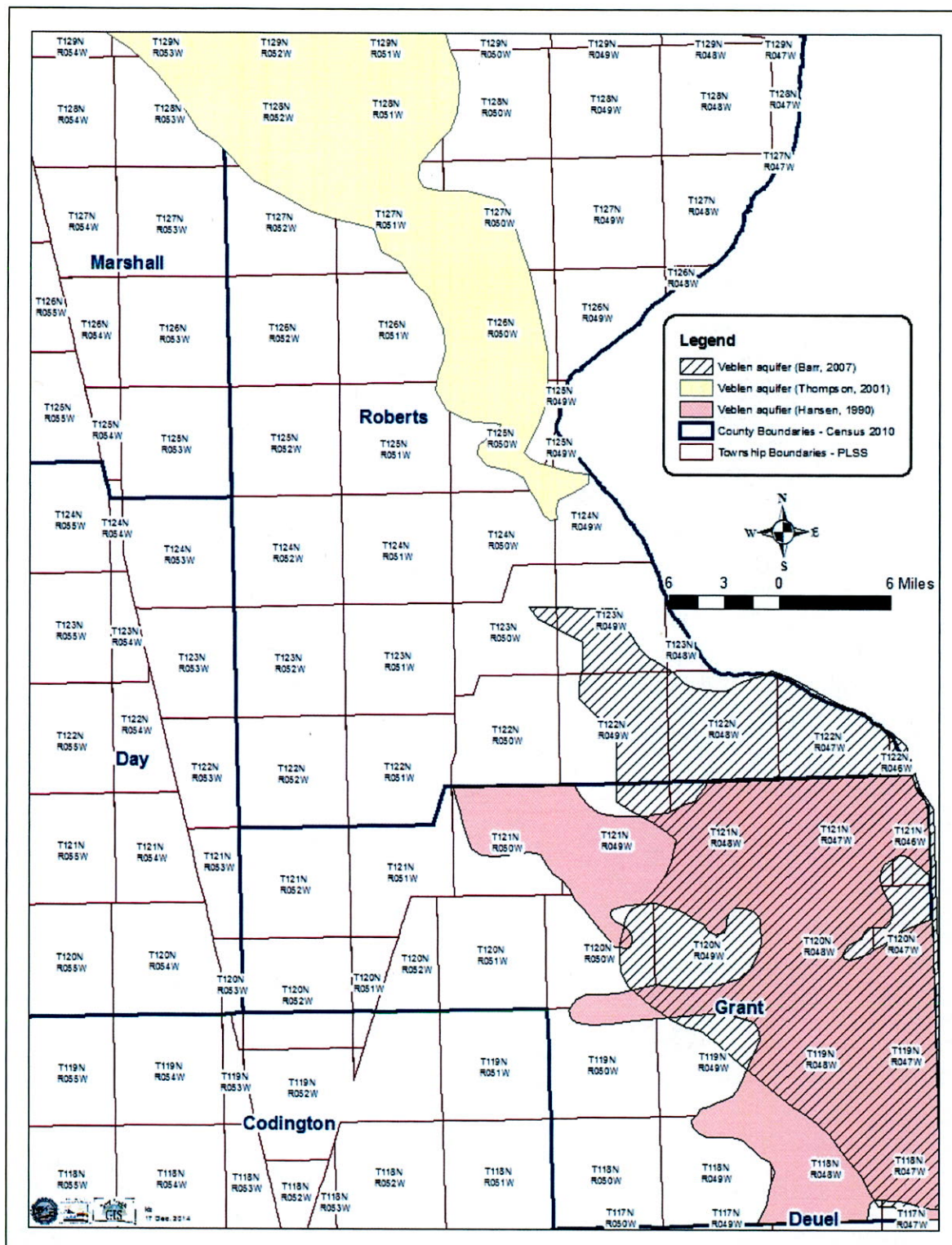


Figure 1. The areal extent of the Veblen aquifer in Grant and Roberts Counties, South Dakota (modified from Barr, 2007; Thompson, 2001; Hansen, 1990; and Buhler, 2014).

A completion report for a well constructed less than one mile east of the well sites proposed by this application identifies sand, (i.e. Veblen aquifer) from 90-180 feet below grade (Water Rights, 2016c). The report indicated the aquifer was under confined conditions with a static water level of 75 feet below grade on January 24, 2007. The well was reportedly test pumped at 550 gallons per minute and had a specific capacity of 29.57 gallons per minute per foot of drawdown. Analysis of an aquifer pumping test at the well yielded an estimated transmissivity of 96,600 gal/day/ft and a storativity value of 0.00047 (Barr, 2007).

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

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Veblen aquifer at a rate of 23.63 acre-feet 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 that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Withdrawals:

Discharge from the Veblen aquifer potentially occurs through outflow to local lakes and rivers, and well withdrawals for commercial, municipal, institutional, industrial, irrigation and domestic use (Hansen, 1990; Water Rights, 2016b). There are currently 48 water rights/permits appropriating water from the Veblen aquifer.

Thompson's interpretation of the geohydrologic data for Roberts County resulted in the Veblen aquifer terminating to the south in T124N (Thompson, 2001) (see Figure 1). The study area for the Barr Engineering investigation did not extend far enough north to corroborate or contradict Thompson, but did suggest a constriction in the outwash near the northern limit of their study area (Barr, 2007). The southern terminus of Thompson's outwash and the constriction at the northern edge of Barr's outwash, both appear to be associated with a northwest-southeast trending bedrock high identified by Tomhave and Schulz, (2004). This constriction and/or discontinuity in the outwash allows the Veblen aquifer south of T124N to be treated separately from the outwash deposits north of T124N for water management purposes. The 39 water rights permits appropriating water from the Veblen aquifer south of T124N are shown in Table 1.

Table 1. Water Rights/Permits appropriating water from the Veblen aquifer (Water Rights, 2016b).

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
548-3	CITY OF MILBANK	01/01/1924	LC	MUN	2.1	
2006-3	TOWN OF CORONA	08/16/1973	LC	MUN	0.245	0
5469-3	MICHAEL JOHNSON	04/29/1976	LC	IRR	2	230
2759-3	LIEBE IRRIGATION	06/09/1976	LC	IRR	2.23	198
2808-3	KATHLEEN A TRAPP	06/29/1976	LC	IRR	2	140
2994-3	ANTHONY G FOLK	09/09/1976	LC	IRR	1.39	97
3234A-3	MICHAEL D JOHNSON	11/08/1976	LC	IRR	2	116
3234B-3	JOEL ADLER	11/08/1976	LC	IRR	0	120
3412A-3	DANA JOHNSON	12/10/1976	LC	IRR	0.64	72
3627-3	JAMES/TERESA GRORUD	02/07/1977	LC	IRR	1.94	136
3723-3	ROCKY MEADOWS INC	02/14/1977	LC	IRR	1.11	164
3954-3	ROGER MC CULLOUGH	05/05/1977	LC	IRR	2.11	176
4084A-3	RICHARD WILL	06/20/1977	LC	IRR	1	254
4050-3	CITY OF BIG STONE CITY	07/05/1977	LC	MUN	3.3	0
4502-3	ROCKY GARDENS	03/10/1980	LC	IRR	0.17	40
4735-3	MICHAEL D JOHNSON	04/02/1981	LC	IRR	1	74
4844-3	RICHARD PILLATZKI	12/28/1981	LC	IRR	2	167
4856-3	MICHAEL D JOHNSON	01/08/1982	LC	IRR	1	70
5525-3	MIELITZ BROS	03/07/1991	LC	IRR	1.78	140
5918-3	VICTORY FARMS	03/19/1996	LC	COM/LCO	0.33	0
6161-3	LOU'S GREENHOUSE	12/28/1999	LC	COM	0.04	0
6171-3	COLD SPRING GRANITE CO	01/18/2000	LC	IND	0.111	0
6230-3	RIVERVIEW LLP	09/20/2000	LC	COM/LCO	0.39	0
6358-3	MICHAEL & NANCY JOHNSON	08/06/2002	LC	COM/LCO	0.11	0
6636-3	WESTERN CONSOLIDATED COOP	07/06/2005	LC	COM	0.022	0
6947-3	JOEL ADLER	01/10/2008	PE	IRR	1.71	0
7216-3	MIELITZ BROS	10/06/2010	PE	IRR	2.28	160
7394-3	RODNEY FENHAUS	08/08/2012	PE	IRR	3.33	235
7439-3	MIELITZ BROS	09/19/2012	PE	IRR	1.14	80
7446-3	DALE TUCHSCHERER	09/25/2012	PE	IRR	1.78	64
7498-3	DALE TUCHSCHERER	10/31/2012	PE	IRR	1.78	116
8078-3	RUSTY DIMBERG	11/05/2012	PE	IRR	0.89	43
7649-3	POET BIOREFINING	01/09/2013	PE	IND	3.34	0
7931-3	GCC READY MIX	12/02/2013	PE	COM	0.11	0
8015-3	VICTORY FARMS LLC	05/13/2014	PE	COM	0.33	0
8066-3	TETON LLC	10/08/2014	PE	COM/LCO	0.11	0

Water permits/rights appropriating water for non-irrigation purposes authorize a maximum diversion rate of 10.538 cfs. Assuming these non-irrigation appropriations will divert water at the maximum authorized rate 60% of the time their annual withdrawal from the southern portion of the Veblen aquifer is expected to be less than 4,580 ac-ft/yr. Irrigation use reported from the southern portion of the Veblen aquifer is shown in Table 2.

Table 2. Irrigation use reported from the southern portion of the Veblen aquifer (Water Rights, 1980-2016)

YEAR	NUMBER OF PERMITS/RIGHTS REPORTING	APPROPRIATION (AC-FT/YR)	REPORTED PUMPING (AC-FT/YR)
1979	28	13199	950.19
1980	28	13199	1087.08
1981	32	14837	1484.36
1982	23	10682.6	1111.75
1983	24	10422.6	1611.8
1984	28	12014.6	1718.0
1985	29	12905.8	903.1
1986	32	14495.8	726.70
1987	35	14015.8	1582.8
1988	34	12874.8	2670.3
1989	34	14974.8	1994.1
1990	31	14915.2	1550.60
1991	24	12051	195.80
1992	25	10739.0	748.80
1993	25	11209.0	220.10
1994	21	8913.0	677.83
1995	21	8913.0	537.08
1996	21	8913.0	869.36
1997	21	8913.0	794.0
1998	21	8913.0	945.2
1999	21	8913.0	899.14
2000	21	8913.0	1150.55
2001	20	8505.0	1365.09
2002	20	8505.0	1123.39
2003	20	8505.0	1456.83
2004	20	8505.0	1406.48
2005	19	8425.0	1370.83
2006	19	8425.0	1668.51
2007	18	8017.0	1404.83
2008	23	10186.0	1470.68
2009	20	8005.0	1067.84
2010	20	8005.0	1100.69
2011	21	8094.0	334.63
2012	22	8325.0	1265.45
2013	27	9387.0	1384.59
2014	24	7718	780.77
2015	23	6862	729.44
<i>Max</i>	35	14974.8	2670.3
<i>Min</i>	18	6862	195.8
<i>Average</i>	24.2	10010.4	1144.8

In addition to the appropriative rights from the Veblen aquifer, there are a number of water well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Veblen aquifer (Water Rights, 2016c). The annual withdrawal due to domestic wells is not expected to be significant to the hydrologic budget of the Veblen aquifer.

Recharge:

Recharge to the Veblen aquifer in Grant County occurs through direct infiltration of precipitation where the aquifer is at land surface and possibly through leakage from the till (Hansen, 1990).

Hedges and others (1985) estimated the recharge rate for the Veblen aquifer as 0.24 inches per year (in/yr) for the confined portions of the aquifer and 5.2 in/yr for the unconfined portions. Assuming average annual withdrawals from the aquifer will equal the average proposed by this application plus the average of existing users (5,725 ac-ft/yr + 22.4 ac-ft/yr = 5,747.4 ac-ft/yr), an average annual recharge rate of only 0.26 inches per year would be necessary to balance withdrawals, assuming the areal extent of the southern portion of the Veblen aquifer to be 265,000 acres. An annual recharge rate of 0.26 inches per year is within the range estimates for average annual recharge presented by Hedges and others, (1985) and in fact is on the conservative side. Therefore, there is a reasonable probability that unappropriated water is available in light of SDCL 46-6-3.1.

Observation well data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 34 observation wells completed into the Veblen aquifer, with 16 of these observation wells located in the southern portion of the aquifer. A map with the location of the observation wells and hydrographs for the wells are included in Appendix A.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Some of the hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from this area of the Veblen aquifer to support this proposed appropriation of 23.63ac-ft/yr.

EXISTING WATER RIGHTS:

As previously noted, there are 39 water rights/permits appropriating water from the portion of the Veblen aquifer that Permit No. 8066-3 and Application No. 8227-3 proposes to appropriate water from (see Table 1). Water rights/permits in the vicinity of the wells that are to be used to supply this proposed permit are shown in Figure 2 and identified in Table 1 (Water Rights, 2016b). There are a number of water well completion reports on file in the vicinity of the wells this application proposes to use that appear to be completed into the Veblen aquifer (Water Rights, 2016c). Although the Veblen aquifer is generally under confined conditions, drawdown from pumping high capacity wells measured in nearby observation wells is not significant (see observation well hydrographs in Appendix A). For example, observation well GT-77H (Figure A17.), located within approximately 2,000 feet of two irrigation wells, documents only eight to ten feet fluctuation during the irrigation season which is minimal relative to the effects of climatic conditions to the water levels (Water Rights, 2014a).

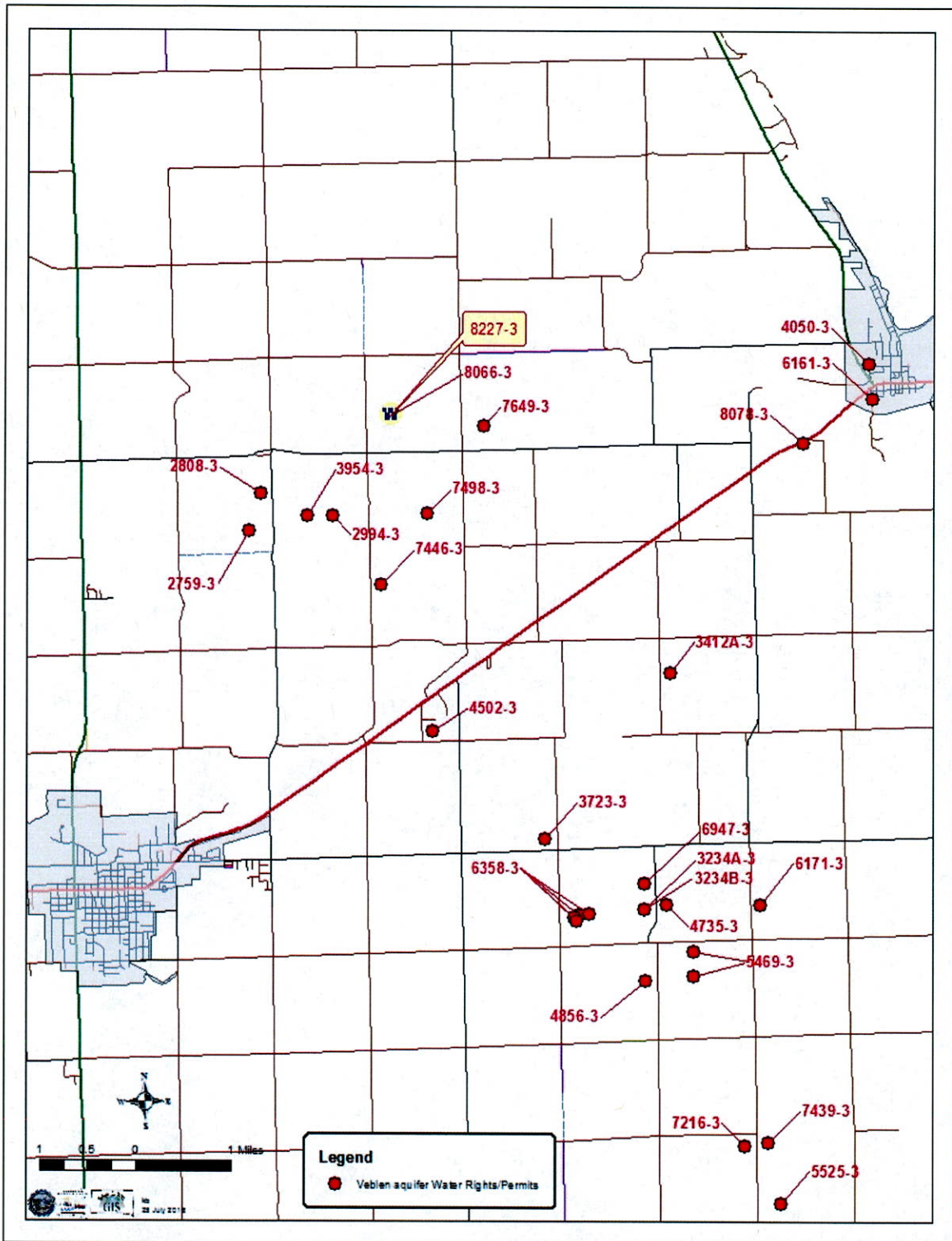


Figure 2. Water rights/permits in the vicinity of the wells Application No. 8227-3 proposes to use as a water source.

Drawdown for the two wells that are to be used to supply this application was estimated to be less than one-half foot, 2000 feet from the wells, at a rate of 0.11 cfs, based on aquifer

characteristics determined for the Veblen aquifer (Buhler, 2014). The additional 23.63 ac-ft/yr this application proposes to withdraw water from the wells completed to supply Water Permit No. 8066-3 is the equivalent to an increase of the average diversion rate from the wells of 0.0326 cfs (14.63 gallons per minute). The increased drawdown that will result from this increased diversion is not expected to be significant considering the characteristics of the Veblen aquifer. Based on the observation well data well interference is not expected to be significant to existing users.

Considering that SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired. Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not cause a significant impact and will also not adversely or unlawfully impair existing users.

CONCLUSIONS:

1. Water Permit Application No.8227-3 proposes to increase the diversion rate from two existing wells completed into the Veblen aquifer by 23.63 acre-feet annually.
2. This application does not propose to increase the instantaneous diversion rate authorized for two existing wells (0.11 cfs).
3. Approval of Application No. 8227-3 will result in an increase of the average diversion rate of 0.0326 cfs (14.63 gallons per minute) over one year of operation.
4. If Permit No. 8227-3 is approved, the total diversion rate from the two existing wells will be 46.03 ac-ft/yr, or an average of 0.06358 cfs (28.54 gpm).
5. The Veblen aquifer in Grant County is a viable aquifer.
6. There is a reasonable probability that unappropriated water is available from the Veblen aquifer for this appropriation.
7. The appropriation proposed by this application will not adversely impact existing rights.



Ken Buhler
SD DENR-Water Rights

REFERENCES:

Barr Engineering, 2007, Groundwater Supply Evaluation, Big Stone II Project, Grant County, South Dakota: Prepared for Otter Tail Power Company

Buhler, K.A., 2007, "Report on Water Permit Application No. 6846-3, Ottertail Corporation, March 2, 2007", File No. 6846-3, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

- Buhler, K.A., 2014, "Report on Water Permit Application No. 8066-3, Teton LLC, December 16, 2014", File No. 8066-3, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hansen, D.S. 1990, Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 p.
- Hedges, L.S., Burch, S.L, Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-80-C-0185
- Hedges, L.S., Allen, J., Holly, D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-80-C-0185
- Thompson, R.F., 2001, Water Resources of the lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota: U.S. Geological Survey Water-Resources Investigation Report 01-4219
- Tomhave, D.W., Schulz, L.D., 2004, Bedrock Geologic Map Showing Configuration of the Bedrock Surface in South Dakota East of the Missouri River, SD Geological Survey Map G-09, scale 1:500,000
- Water Rights. 1979-2016. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2016a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2016b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2016c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

APPENDIX A

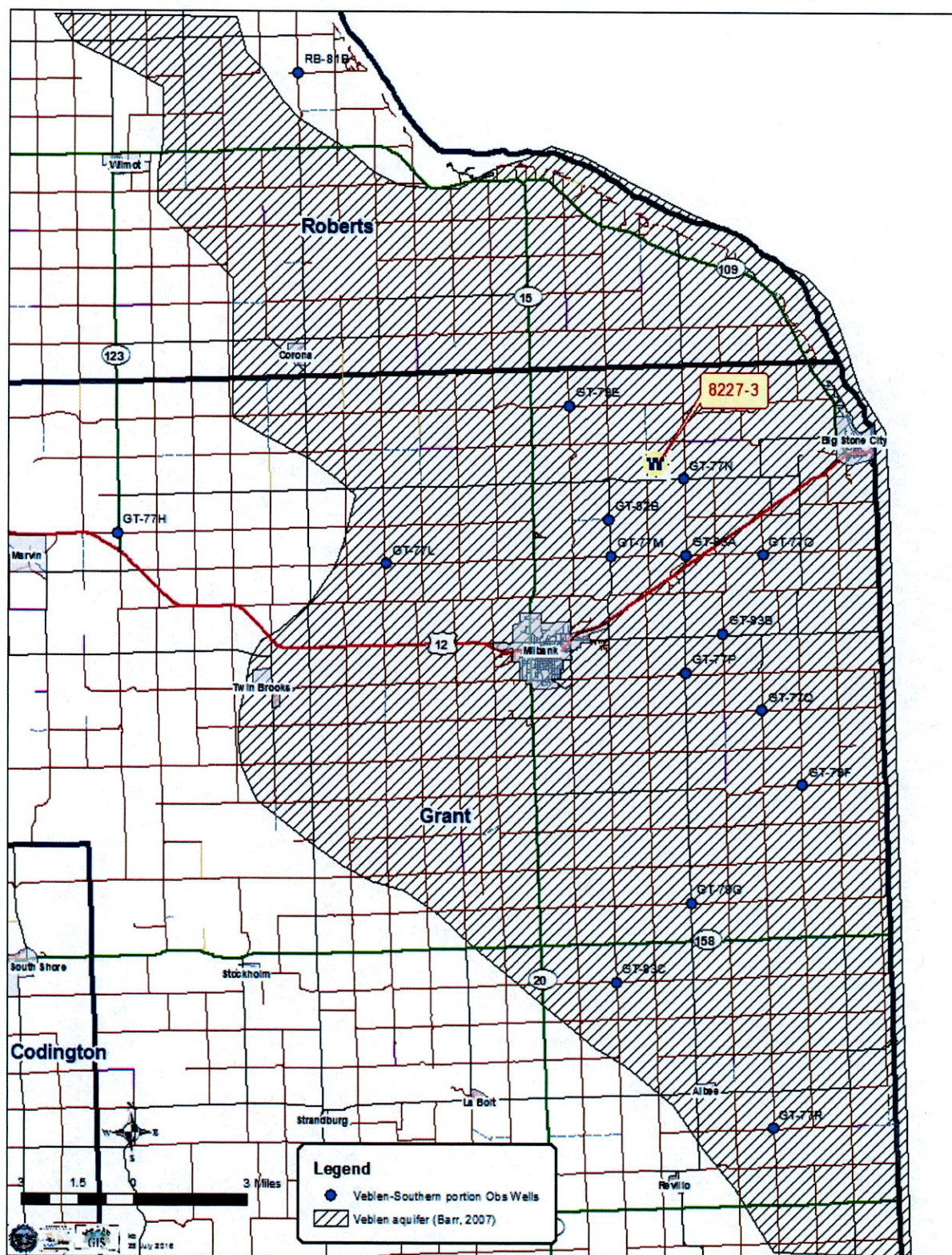


Figure A1. Map showing the location of DENR-Water Rights' observation wells completed into this portion of the Veblen aquifer and the location of the well site to be used by Water Permit No. 8227-3, if approved.

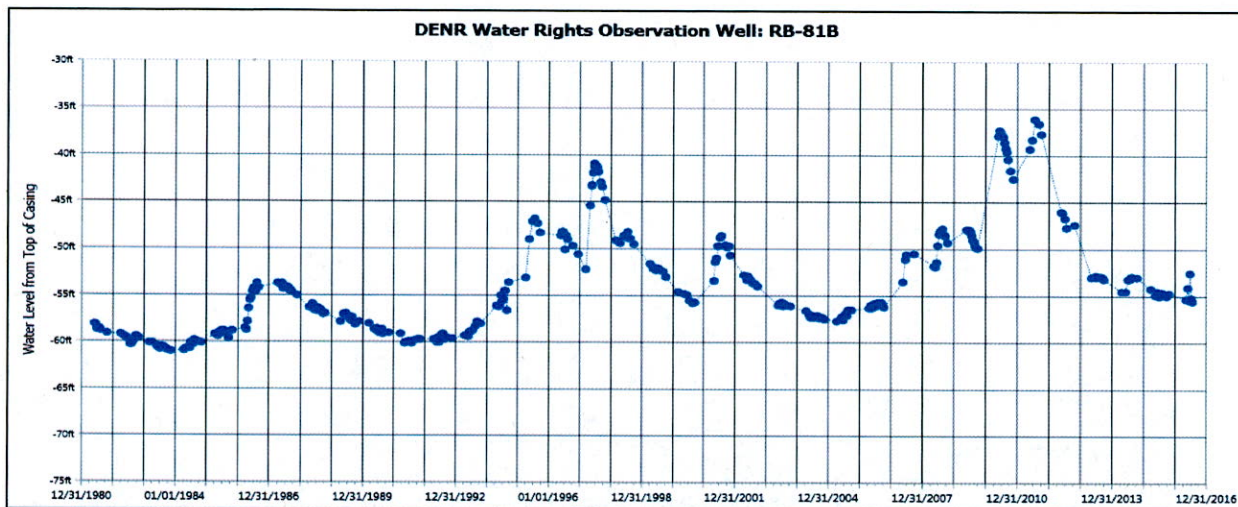


Figure A2. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

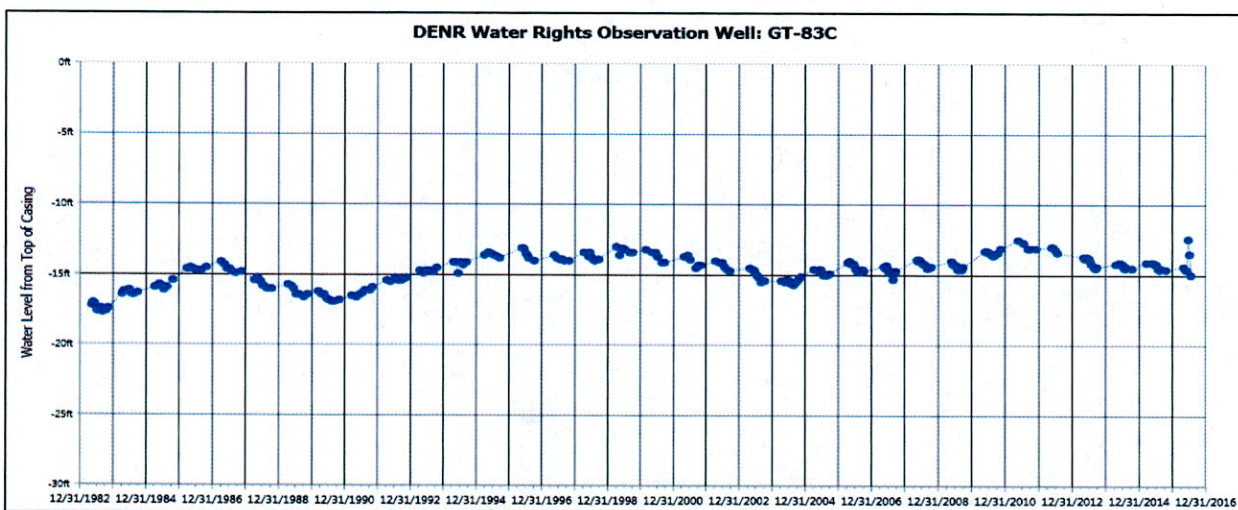


Figure A3. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

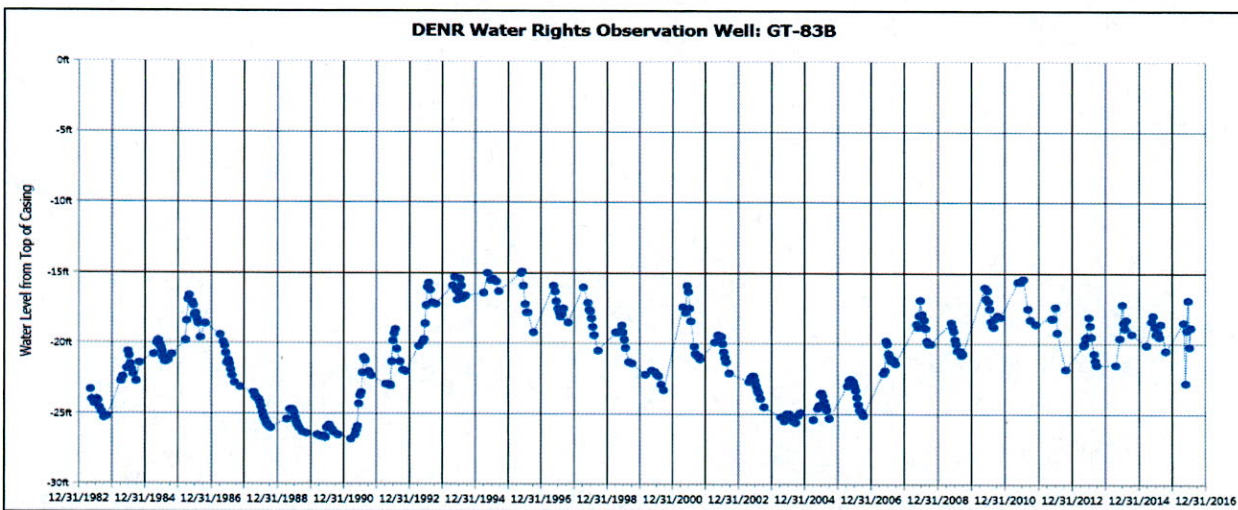


Figure A4. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

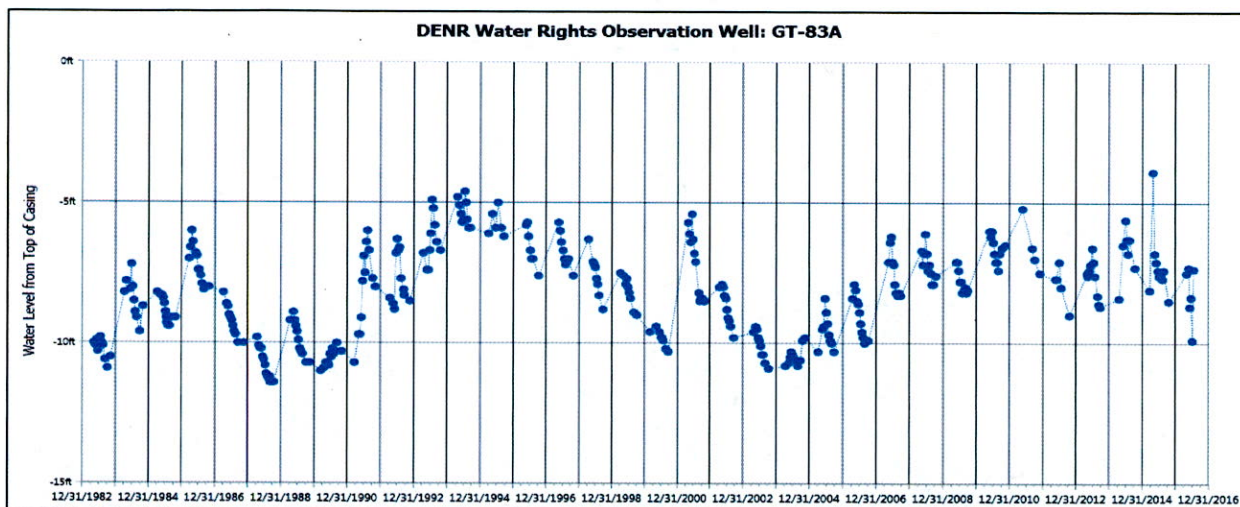


Figure A5. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

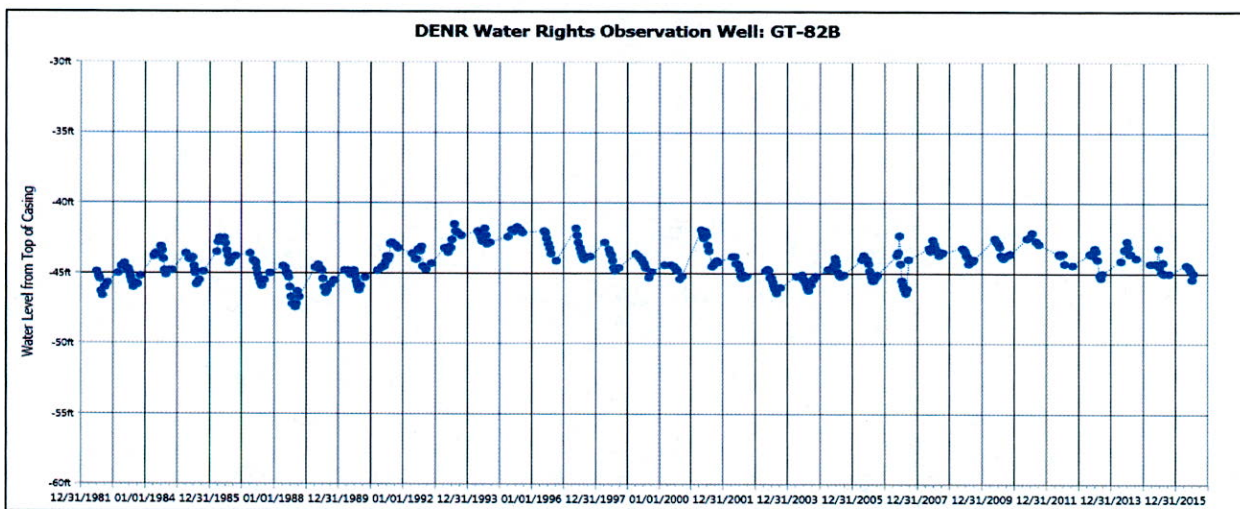


Figure A6. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

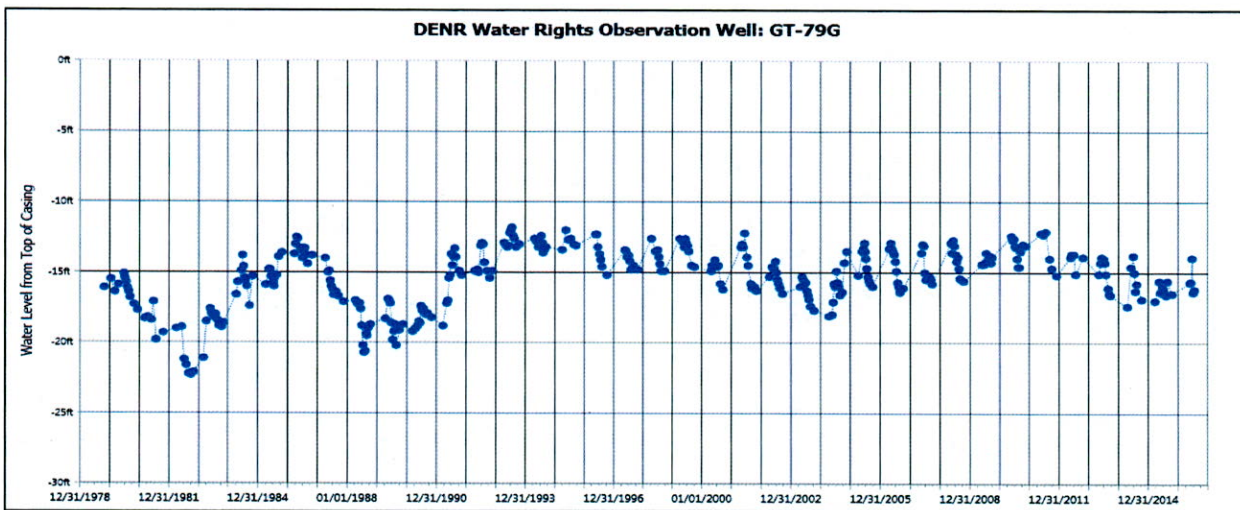


Figure A7. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

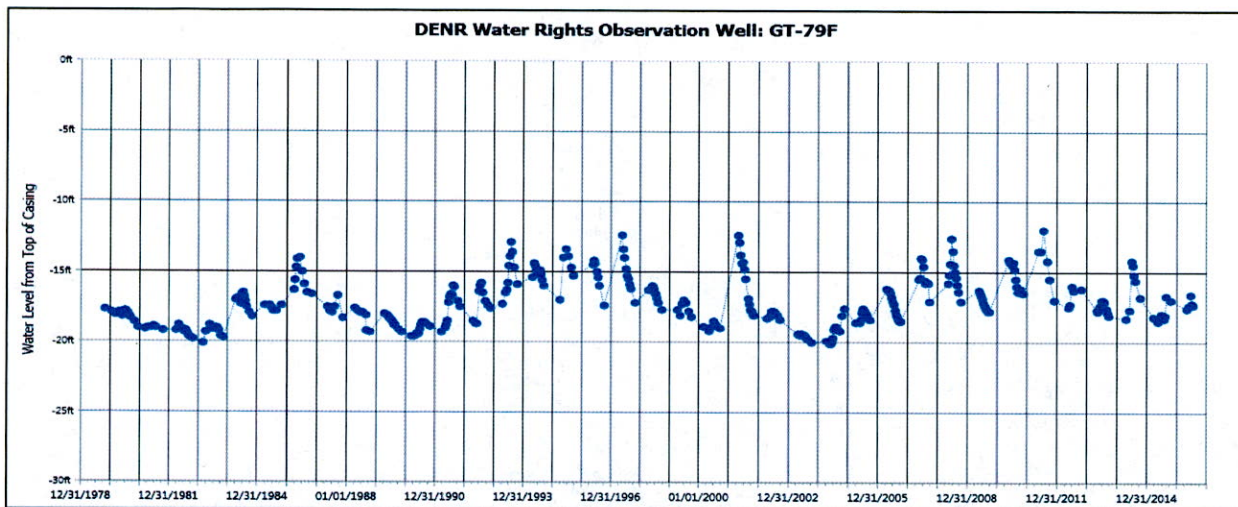


Figure A8. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

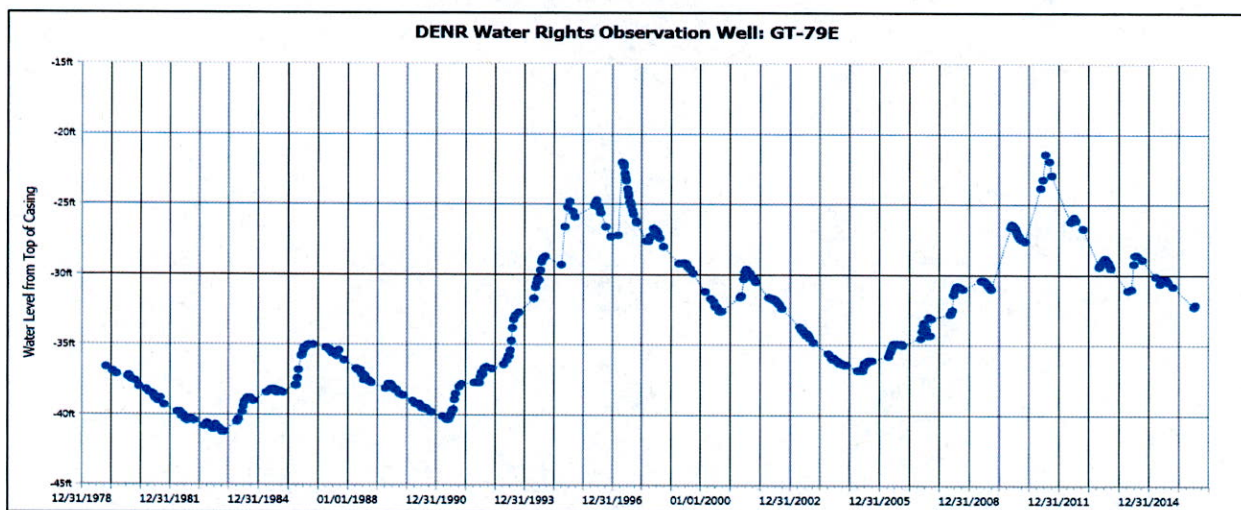


Figure A9. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

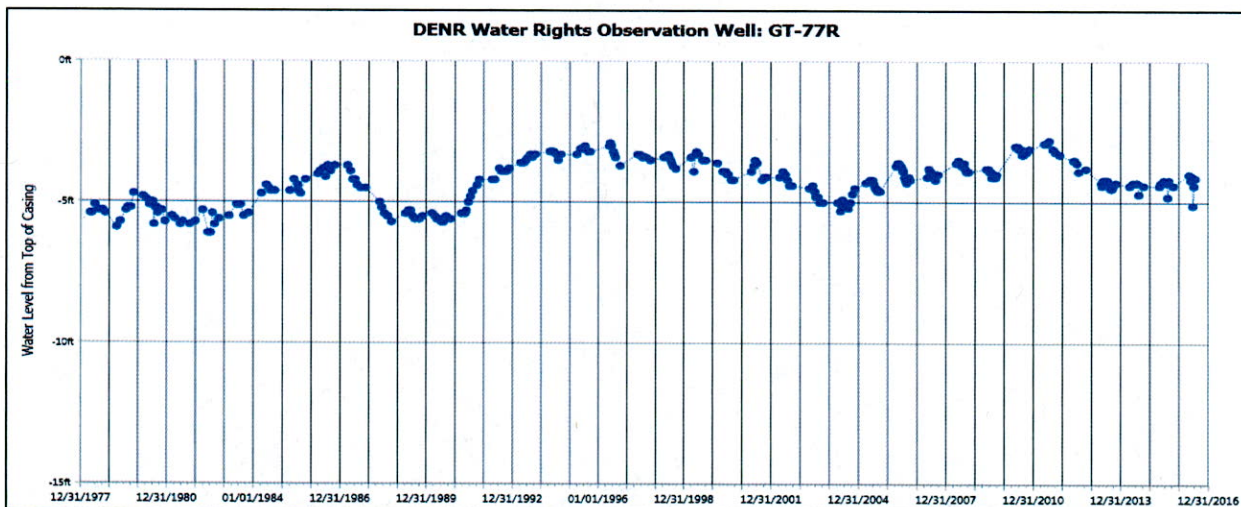


Figure A10. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

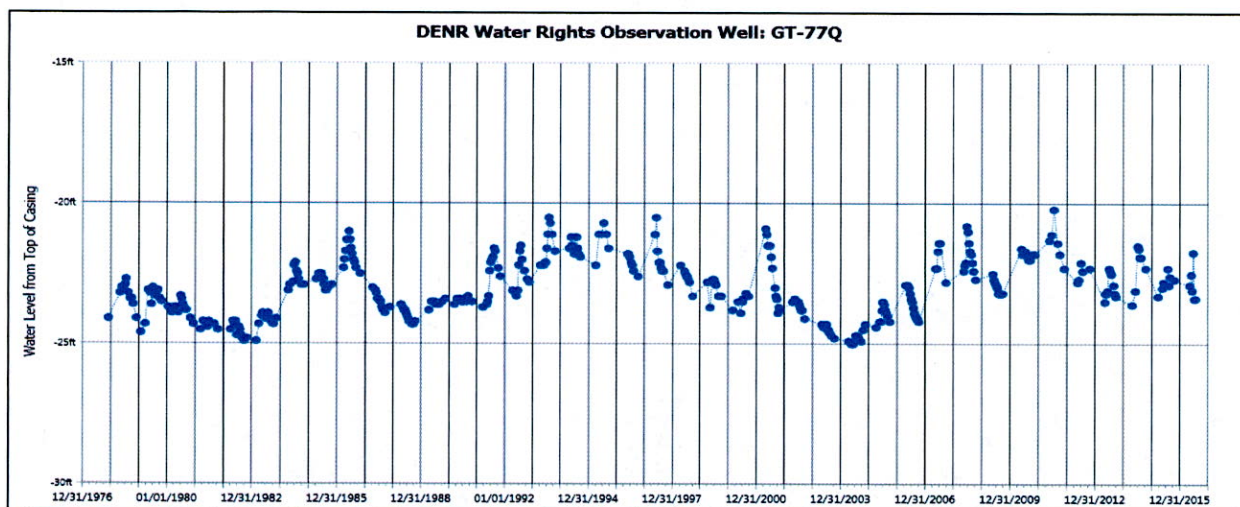


Figure A11. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

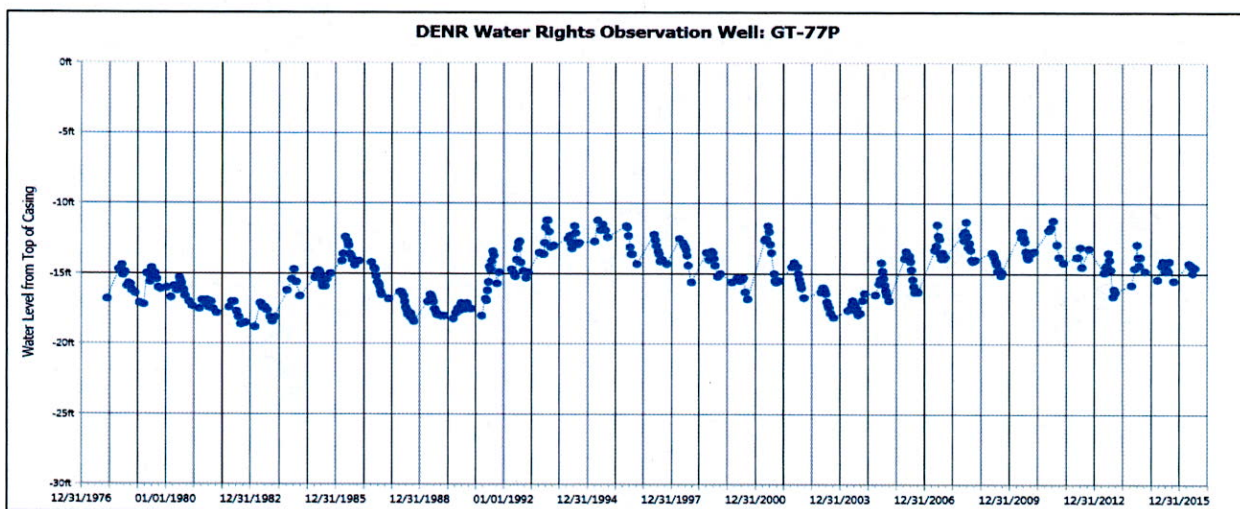


Figure A12. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

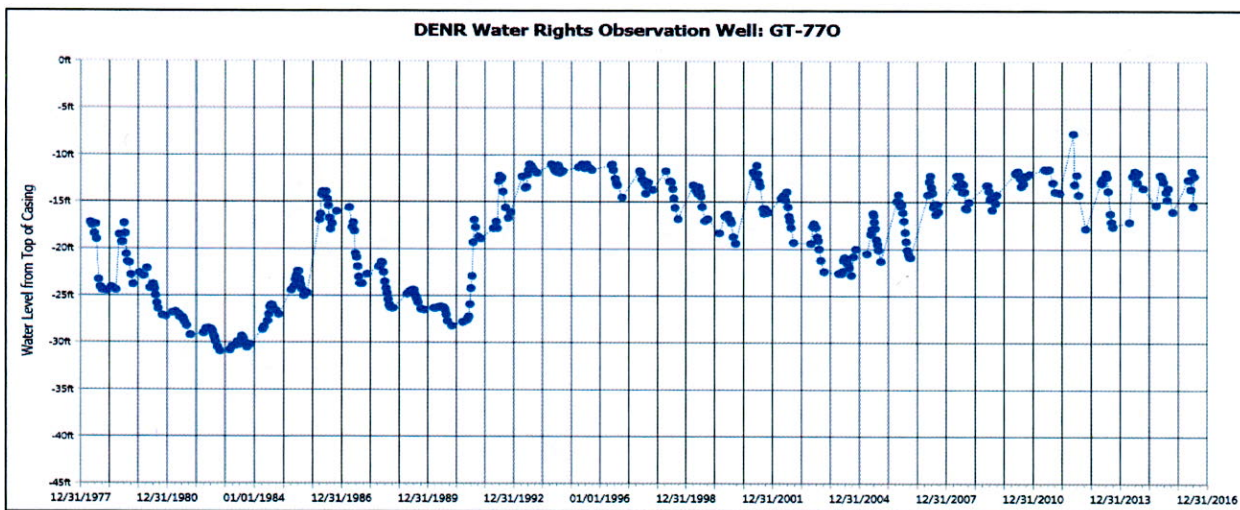


Figure A13. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

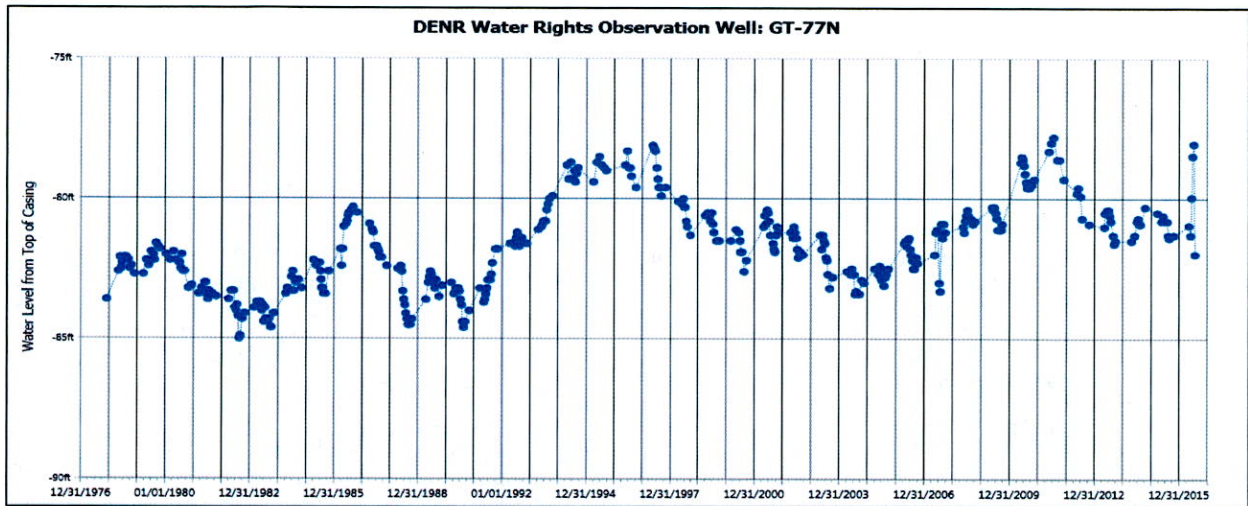


Figure A14. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

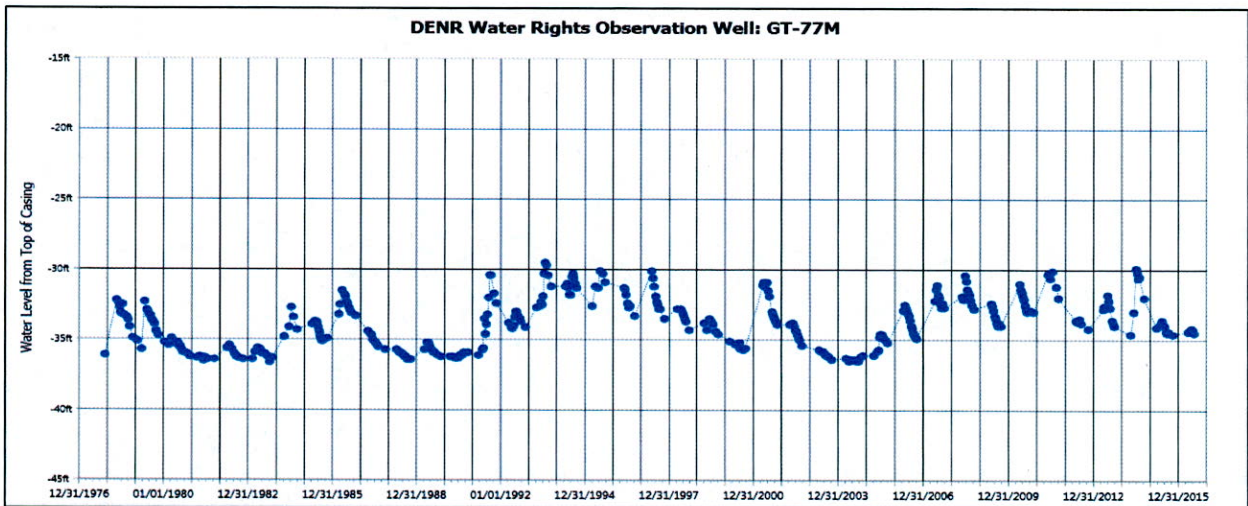


Figure A15. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

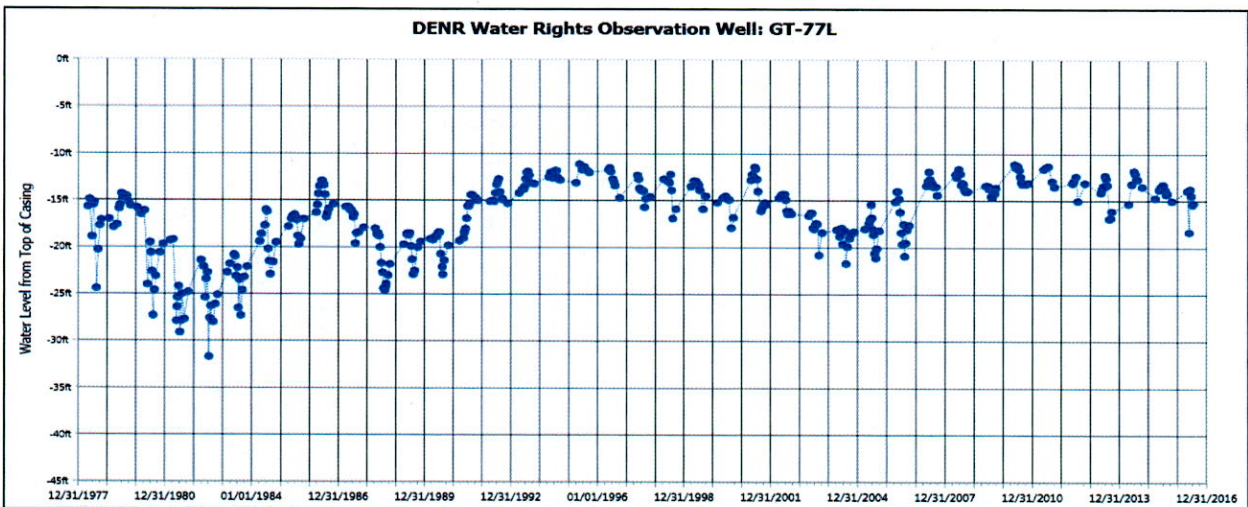


Figure A16. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

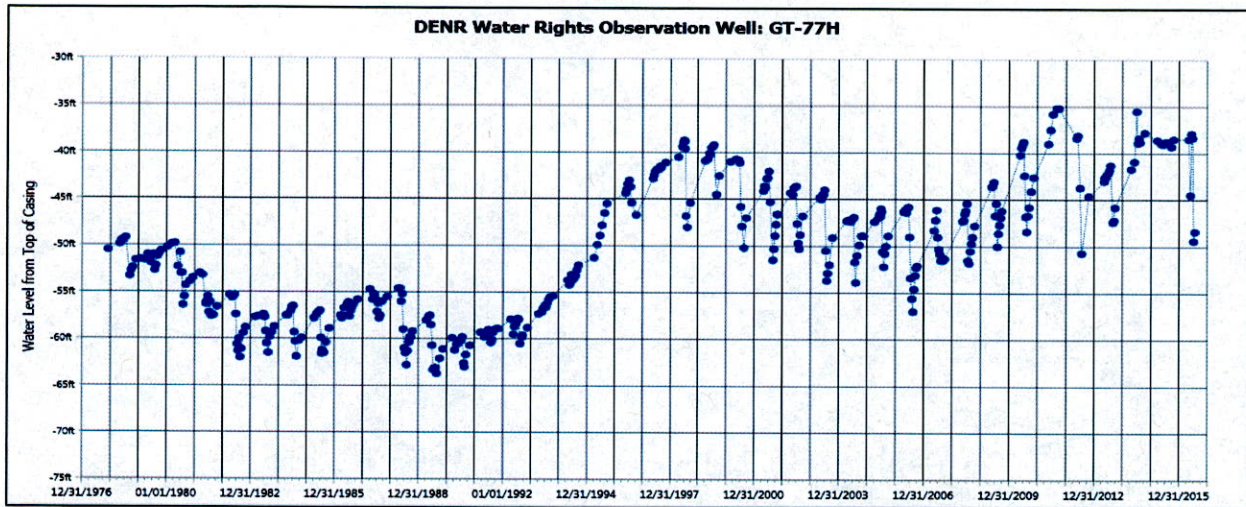


Figure A17. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

BA WTR
SD WR
Mail Stop 60189

Jeanne Goodman, Chief Engineer
South Dakota Department of Environment
and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

AUG 08 2016

RE: Application No. 8227-3

Dear Ms. Goodman:

The Fish and Wildlife Service has received notice that the Chief Engineer has recommended approval of Application No. 8227-3, for Dr. Barry Kerkaert for an additional 23.63 acre-feet of water authorized under Water Permit No. 8066-3. The wells are located in the N1/2SW1/4 of Section 16, Township 121 North, Range 47 West, and are located in the Veblen Aquifer.

The Service is concerned about the impacts on its property interest as the N1/2 of Section 16, Township 121 North, Range 47 West is covered by a wetland easement and is part of the National Wildlife Refuge System. The easement prohibits drainage of the wetlands covered by the easement. Since the Veblen aquifer is surficial in some locations the wetlands may be in contact with the aquifer, and additional pumping may result in drawdown of the wetlands.

The Service requests that your office provide us with any analysis done to determine whether this appropriation should be granted, as well as whether this additional water will impact our wetland easement. The Service reserves the right to provide additional comments or information after review of the analysis and recommendation on this application.

If you have questions or require further information, please contact me at (303) 236-4491.

Sincerely,

Brian S. Caruso
Chief, Water Resources Division

cc: Dr. Barry Kerkaert
P.O. Box 188
Pipestone, Minnesota 56164



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 2016

denr.sd.gov

NOTICE OF HEARING

TO: Dr Barry Kerkaert
Teton LLC
PO Box 188
Pipestone MN 56164

Brian S Caruso, Chief
Water Resources Division
US Fish and Wildlife Service
PO Box 25486 DFC
Denver CO 80225-0486

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 8227-3, Teton LLC

A petition to the Chief Engineer's recommendation for approval of Water Permit Application No. 8227-3 was filed in response to the Notice of Application published in the Grant County Review and Watertown Public Opinion. This notice schedules a hearing on Application No. 8227-3 before the South Dakota Water Management Board.

Water Permit Application No. 8227-3 proposes to appropriate an additional 23.63 acre feet of water annually to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8227-3 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 Water Management Board will consider Application No. 8227-3 at 1:00 PM (Central Time) on Thursday, October 13, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based on the facts presented at the public hearing.

The October 13, 2016, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by September 30, 2016. If an

automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is the report, recommendation, affidavits of publication and petition filed in the matter of Water Permit Application No. 8227-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is September 2, 2016. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines-Bailey, Assistant Attorney General



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
SD WR
Mail Stop 60189

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Jeanne Goodman, Chief Engineer
South Dakota Department of Environment
and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

AUG 08 2016

RE: Application No. 8227-3

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The Service requests that your office provide us with any analysis done to determine whether this appropriation should be granted, as well as whether this additional water will impact our wetland easement. The Service reserves the right to provide additional comments or information after review of the analysis and recommendation on this application.

If you have questions or require further information, please contact me at (303) 236-4491.

Sincerely,

Brian S. Caruso
Chief, Water Resources Division

cc: Dr. Barry Kerkaert
P.O. Box 188
Pipestone, Minnesota 56164

RECEIVED

AUG 10 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

August 3rd 2016

Cost of Printing \$73.19

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

August 3rd, 2016

(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 8227-3 to Appropriate Water

Notice is given that Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit for an additional 23.63 acre feet of water annual to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8227-3 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 August 15, 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. Pimer, Secretary, Department of Environment and Natural Resources. (August 3, 2016)

73-19
All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublishing.com

Printer's Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

AUG - 8 2016

WATER RIGHTS
PROGRAM

Ashlie Schweitzer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8227-3 to Appropriate Water - Teton LLC, c/o Dr. Barry Kerkaert

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

<u>August 3</u>	<u>20</u>	<u>16</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

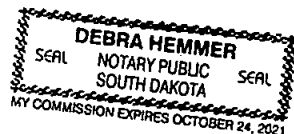
That \$ 31.79, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 3rd day of Aug 20 16

Debra Hemmer

Notary Public, Grant County, South Dakota



Publication Fee \$ 31.79
Notarial Fee \$ 0.00
Total \$ 31.79

NOTICE OF APPLICATION NO.

8227-3 to Appropriate Water

Notice is given that Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit for an additional 23.63 acre feet of water annual to the current appropriation authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells completed into the Veblen Aquifer (57 feet deep) located in the N 1/2 SW 1/4 Section 16-T121N-R47W. This application proposes to increase the annual volume of water from the existing wells by an additional 23.63 acre-feet annually. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application is for commercial use at a swine production facility located in the NW 1/4 SW 1/4 Section 16-T121N-R47W.

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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 August 15, 2016.

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

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

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

Published once at an approximate cost of \$31.79.

CERTIFICATION

I hereby certify that on August 22, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated August 22, 2016, regarding notice of hearing for Water Permit Application No. 8227-3, as addressed below:

Dr Barry Kerkaert
Teton LLC
PO Box 188
Pipestone MN 56164

Brian S Caruso, Chief
Water Resources Division
US Fish and Wildlife Service
PO Box 25486 DFC
Denver CO 80225-0486

Sent Inter-office to:

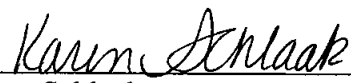
Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



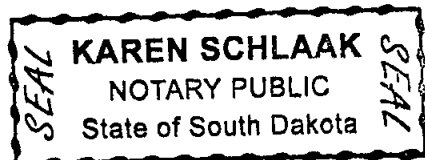
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of August, 2016



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8227-3
TETON LLC
JULY 14, 2016**

Water Permit Application No. 8227-3 proposes to appropriate water from the Veblen aquifer at a rate of 23.63 acre-feet annually, using the two existing wells that are authorized by Water Permit No. 8066-3. Water Permit No. 8066-3 appropriates 22.4 acre feet of water annually at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from two wells, 57 feet deep, located in the N½SW¼ Sec.16, T121N-R47W. This application proposes to increase the appropriation of water from the existing wells by 23.63 acre-feet annually. No increase in the diversion rate of 0.11 cfs is requested. This application, if approved and Water Permit No. 8066-3 will authorize a total of 46.03 acre-feet annually from the Veblen aquifer. This application is for commercial use at a swine production facility located in the NW¼ SW¼ Sec 16, T121N-R47W.

AQUIFER: Veblen aquifer (VEB)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Historically, various glacial outwash deposits underlying portions of northeastern South Dakota have been considered the "Veblen aquifer" (Buhler, 2007). The Veblen aquifer is a group of buried basal outwash deposits underlying portions of Roberts, Grant and Deuel Counties, South Dakota and Big Stone, Swift and Lac Qui Parle Counties, Minnesota. In Grant County, the aquifer should generally be considered within the areal extent and interval of altitude defined by Hansen (1990). However, subsequent investigations suggest Hansen may have overestimated the areal extent of the aquifer (Barr Engineering, 2007). A map showing the three principle delineations of the Veblen aquifer is shown in Figure 1. Individual sand and gravel units of the Veblen aquifer are not continuous throughout the entire mapped extent; however, interconnection between the outwash deposits is likely in places (Buhler, 2007). The Veblen aquifer primarily consists of medium to coarse sand and fine gravel that is generally under confined conditions. The aquifer slopes to the east at about 13 feet per mile, and the direction of water movement in the aquifer is generally from west to east (Hansen, 1990). Hansen (1990) reported a range of aquifer depth of one to 210 feet below ground surface and an average aquifer thickness of 28 feet.

The South Dakota Water Well Completion Reports on file for the two existing wells which were completed on October 9, 2015, and December 9, 2015, respectively, identify coarse sand from 37-57 feet below grade. The static water level reported for the well completed October 9, 2015, was 43 feet below grade, and the static water level reported for the well completed December 9, 2015, was 35 feet below grade (Water Rights, 2016c). The reports identify unconfined conditions in the well completed in October, and confined conditions in the well completed in December. Both completion reports indicate the wells were test pumped for one hour at a rate of 60 gallons per minute.

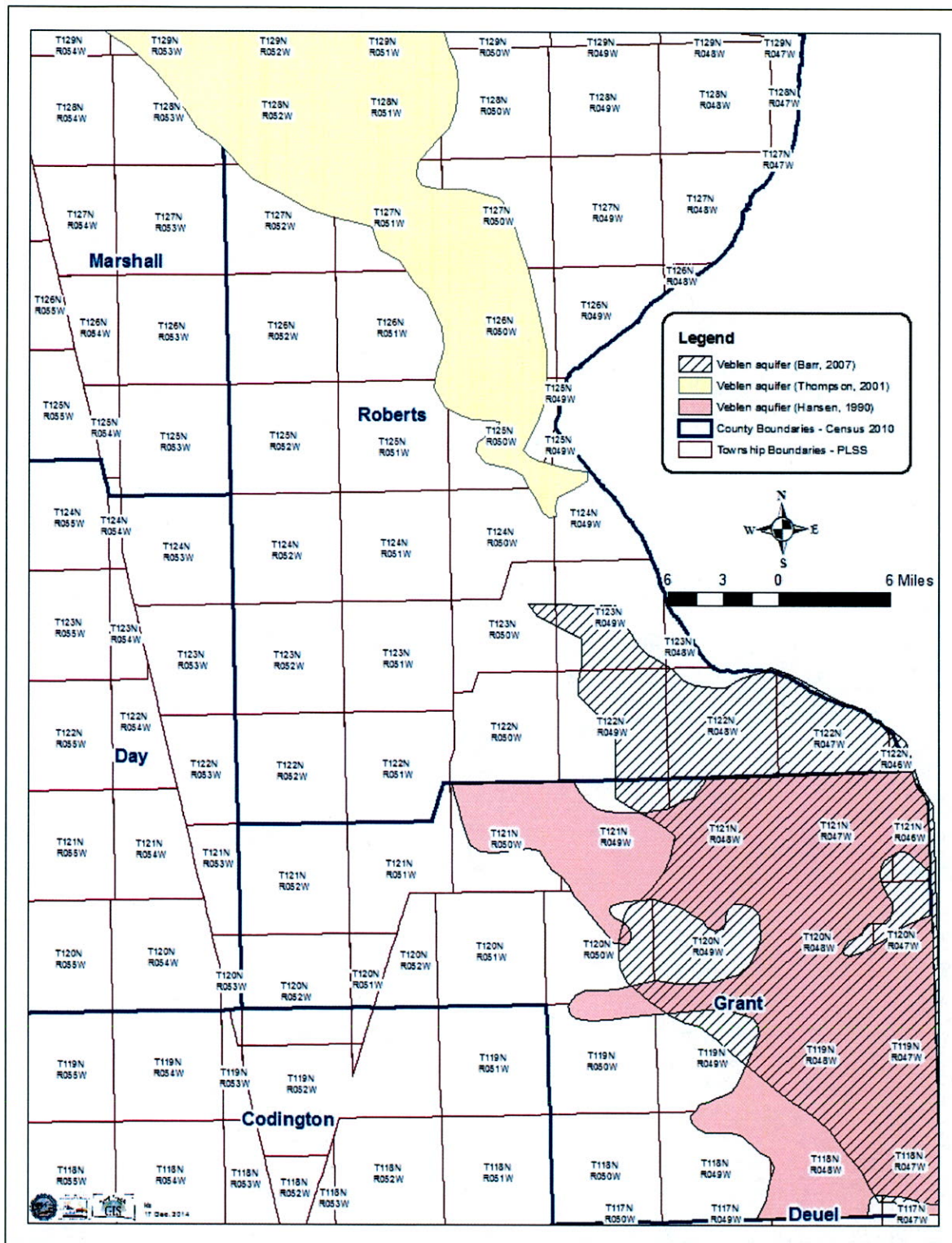


Figure 1. The areal extent of the Veblen aquifer in Grant and Roberts Counties, South Dakota (modified from Barr, 2007; Thompson, 2001; Hansen, 1990; and Buhler, 2014).

A completion report for a well constructed less than one mile east of the well sites proposed by this application identifies sand, (i.e. Veblen aquifer) from 90-180 feet below grade (Water Rights, 2016c). The report indicated the aquifer was under confined conditions with a static water level of 75 feet below grade on January 24, 2007. The well was reportedly test pumped at 550 gallons per minute and had a specific capacity of 29.57 gallons per minute per foot of drawdown. Analysis of an aquifer pumping test at the well yielded an estimated transmissivity of 96,600 gal/day/ft and a storativity value of 0.00047 (Barr, 2007).

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

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Veblen aquifer at a rate of 23.63 acre-feet 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 that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Withdrawals:

Discharge from the Veblen aquifer potentially occurs through outflow to local lakes and rivers, and well withdrawals for commercial, municipal, institutional, industrial, irrigation and domestic use (Hansen, 1990; Water Rights, 2016b). There are currently 48 water rights/permits appropriating water from the Veblen aquifer.

Thompson's interpretation of the geohydrologic data for Roberts County resulted in the Veblen aquifer terminating to the south in T124N (Thompson, 2001) (see Figure 1). The study area for the Barr Engineering investigation did not extend far enough north to corroborate or contradict Thompson, but did suggest a constriction in the outwash near the northern limit of their study area (Barr, 2007). The southern terminus of Thompson's outwash and the constriction at the northern edge of Barr's outwash, both appear to be associated with a northwest-southeast trending bedrock high identified by Tomhave and Schulz, (2004). This constriction and/or discontinuity in the outwash allows the Veblen aquifer south of T124N to be treated separately from the outwash deposits north of T124N for water management purposes. The 39 water rights permits appropriating water from the Veblen aquifer south of T124N are shown in Table 1.

Table 1. Water Rights/Permits appropriating water from the Veblen aquifer (Water Rights, 2016b).

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
548-3	CITY OF MILBANK	01/01/1924	LC	MUN	2.1	
2006-3	TOWN OF CORONA	08/16/1973	LC	MUN	0.245	0
5469-3	MICHAEL JOHNSON	04/29/1976	LC	IRR	2	230
2759-3	LIEBE IRRIGATION	06/09/1976	LC	IRR	2.23	198
2808-3	KATHLEEN A TRAPP	06/29/1976	LC	IRR	2	140
2994-3	ANTHONY G FOLK	09/09/1976	LC	IRR	1.39	97
3234A-3	MICHAEL D JOHNSON	11/08/1976	LC	IRR	2	116
3234B-3	JOEL ADLER	11/08/1976	LC	IRR	0	120
3412A-3	DANA JOHNSON	12/10/1976	LC	IRR	0.64	72
3627-3	JAMES/TERESA GRORUD	02/07/1977	LC	IRR	1.94	136
3723-3	ROCKY MEADOWS INC	02/14/1977	LC	IRR	1.11	164
3954-3	ROGER MC CULLOUGH	05/05/1977	LC	IRR	2.11	176
4084A-3	RICHARD WILL	06/20/1977	LC	IRR	1	254
4050-3	CITY OF BIG STONE CITY	07/05/1977	LC	MUN	3.3	0
4502-3	ROCKY GARDENS	03/10/1980	LC	IRR	0.17	40
4735-3	MICHAEL D JOHNSON	04/02/1981	LC	IRR	1	74
4844-3	RICHARD PILLATZKI	12/28/1981	LC	IRR	2	167
4856-3	MICHAEL D JOHNSON	01/08/1982	LC	IRR	1	70
5525-3	MIELITZ BROS	03/07/1991	LC	IRR	1.78	140
5918-3	VICTORY FARMS	03/19/1996	LC	COM/LCO	0.33	0
6161-3	LOU'S GREENHOUSE	12/28/1999	LC	COM	0.04	0
6171-3	COLD SPRING GRANITE CO	01/18/2000	LC	IND	0.111	0
6230-3	RIVERVIEW LLP	09/20/2000	LC	COM/LCO	0.39	0
6358-3	MICHAEL & NANCY JOHNSON	08/06/2002	LC	COM/LCO	0.11	0
6636-3	WESTERN CONSOLIDATED COOP	07/06/2005	LC	COM	0.022	0
6947-3	JOEL ADLER	01/10/2008	PE	IRR	1.71	0
7216-3	MIELITZ BROS	10/06/2010	PE	IRR	2.28	160
7394-3	RODNEY FENHAUS	08/08/2012	PE	IRR	3.33	235
7439-3	MIELITZ BROS	09/19/2012	PE	IRR	1.14	80
7446-3	DALE TUCHSCHERER	09/25/2012	PE	IRR	1.78	64
7498-3	DALE TUCHSCHERER	10/31/2012	PE	IRR	1.78	116
8078-3	RUSTY DIMBERG	11/05/2012	PE	IRR	0.89	43
7649-3	POET BIOREFINING	01/09/2013	PE	IND	3.34	0
7931-3	GCC READY MIX	12/02/2013	PE	COM	0.11	0
8015-3	VICTORY FARMS LLC	05/13/2014	PE	COM	0.33	0
8066-3	TETON LLC	10/08/2014	PE	COM/LCO	0.11	0

Water permits/rights appropriating water for non-irrigation purposes authorize a maximum diversion rate of 10.538 cfs. Assuming these non-irrigation appropriations will divert water at the maximum authorized rate 60% of the time their annual withdrawal from the southern portion of the Veblen aquifer is expected to be less than 4,580 ac-ft/yr. Irrigation use reported from the southern portion of the Veblen aquifer is shown in Table 2.

Table 2. Irrigation use reported from the southern portion of the Veblen aquifer (Water Rights, 1980-2016)

YEAR	NUMBER OF PERMITS/RIGHTS REPORTING	APPROPRIATION (AC-FT/YR)	REPORTED PUMPING (AC-FT/YR)
1979	28	13199	950.19
1980	28	13199	1087.08
1981	32	14837	1484.36
1982	23	10682.6	1111.75
1983	24	10422.6	1611.8
1984	28	12014.6	1718.0
1985	29	12905.8	903.1
1986	32	14495.8	726.70
1987	35	14015.8	1582.8
1988	34	12874.8	2670.3
1989	34	14974.8	1994.1
1990	31	14915.2	1550.60
1991	24	12051	195.80
1992	25	10739.0	748.80
1993	25	11209.0	220.10
1994	21	8913.0	677.83
1995	21	8913.0	537.08
1996	21	8913.0	869.36
1997	21	8913.0	794.0
1998	21	8913.0	945.2
1999	21	8913.0	899.14
2000	21	8913.0	1150.55
2001	20	8505.0	1365.09
2002	20	8505.0	1123.39
2003	20	8505.0	1456.83
2004	20	8505.0	1406.48
2005	19	8425.0	1370.83
2006	19	8425.0	1668.51
2007	18	8017.0	1404.83
2008	23	10186.0	1470.68
2009	20	8005.0	1067.84
2010	20	8005.0	1100.69
2011	21	8094.0	334.63
2012	22	8325.0	1265.45
2013	27	9387.0	1384.59
2014	24	7718	780.77
2015	23	6862	729.44
Max	35	14974.8	2670.3
Min	18	6862	195.8
Average	24.2	10010.4	1144.8

In addition to the appropriative rights from the Veblen aquifer, there are a number of water well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Veblen aquifer (Water Rights, 2016c). The annual withdrawal due to domestic wells is not expected to be significant to the hydrologic budget of the Veblen aquifer.

Recharge:

Recharge to the Veblen aquifer in Grant County occurs through direct infiltration of precipitation where the aquifer is at land surface and possibly through leakage from the till (Hansen, 1990).

Hedges and others (1985) estimated the recharge rate for the Veblen aquifer as 0.24 inches per year (in/yr) for the confined portions of the aquifer and 5.2 in/yr for the unconfined portions. Assuming average annual withdrawals from the aquifer will equal the average proposed by this application plus the average of existing users (5,725 ac-ft/yr + 22.4 ac-ft/yr = 5,747.4 ac-ft/yr), an average annual recharge rate of only 0.26 inches per year would be necessary to balance withdrawals, assuming the areal extent of the southern portion of the Veblen aquifer to be 265,000 acres. An annual recharge rate of 0.26 inches per year is within the range estimates for average annual recharge presented by Hedges and others, (1985) and in fact is on the conservative side. Therefore, there is a reasonable probability that unappropriated water is available in light of SDCL 46-6-3.1.

Observation well data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 34 observation wells completed into the Veblen aquifer, with 16 of these observation wells located in the southern portion of the aquifer. A map with the location of the observation wells and hydrographs for the wells are included in Appendix A.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Some of the hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from this area of the Veblen aquifer to support this proposed appropriation of 23.63ac-ft/yr.

EXISTING WATER RIGHTS:

As previously noted, there are 39 water rights/permits appropriating water from the portion of the Veblen aquifer that Permit No. 8066-3 and Application No. 8227-3 proposes to appropriate water from (see Table 1). Water rights/permits in the vicinity of the wells that are to be used to supply this proposed permit are shown in Figure 2 and identified in Table 1 (Water Rights, 2016b). There are a number of water well completion reports on file in the vicinity of the wells this application proposes to use that appear to be completed into the Veblen aquifer (Water Rights, 2016c). Although the Veblen aquifer is generally under confined conditions, drawdown from pumping high capacity wells measured in nearby observation wells is not significant (see observation well hydrographs in Appendix A). For example, observation well GT-77H (Figure A17.), located within approximately 2,000 feet of two irrigation wells, documents only eight to ten feet fluctuation during the irrigation season which is minimal relative to the effects of climatic conditions to the water levels (Water Rights, 2014a).

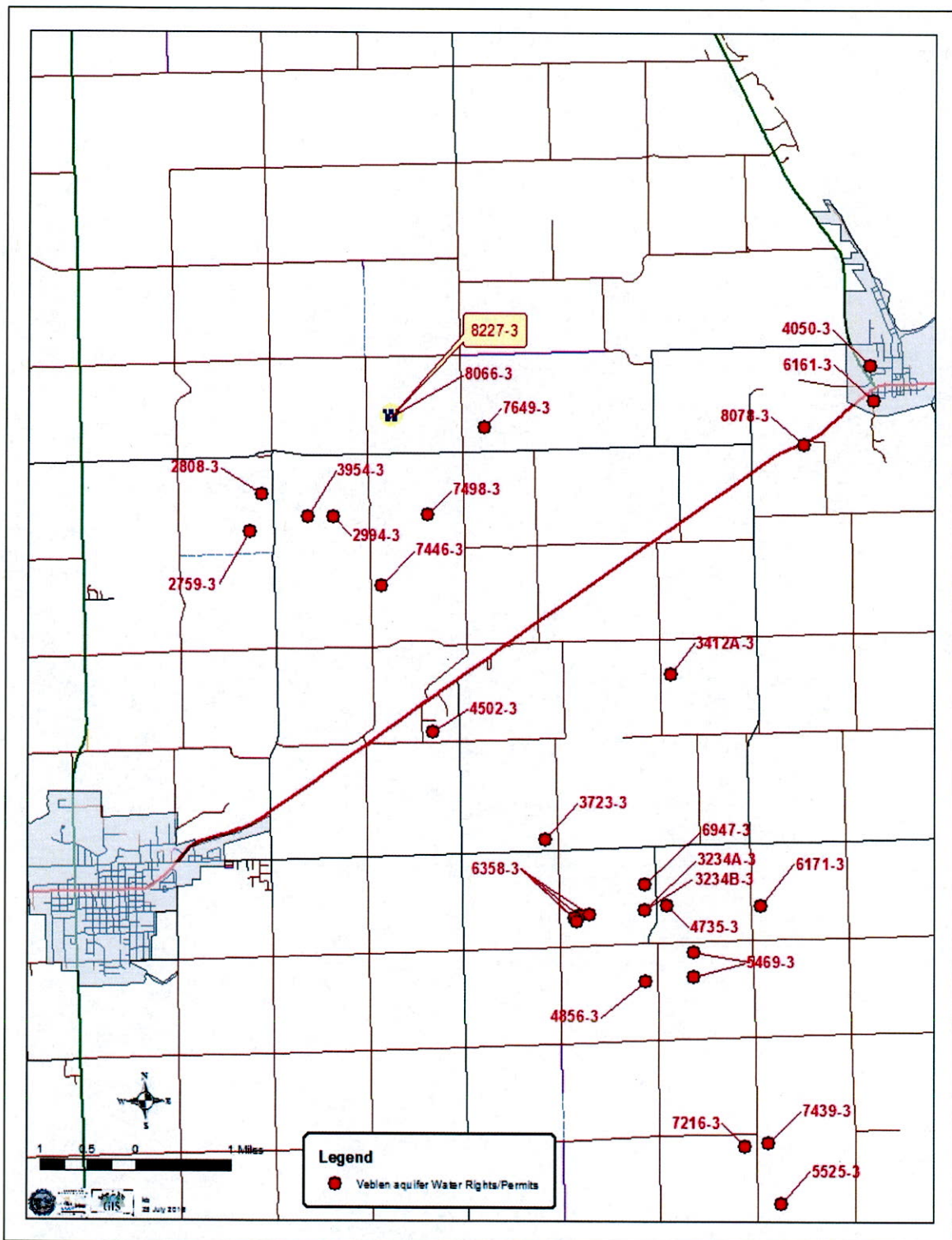


Figure 2. Water rights/permits in the vicinity of the wells Application No. 8227-3 proposes to use as a water source.

Drawdown for the two wells that are to be used to supply this application was estimated to be less than one-half foot, 2000 feet from the wells, at a rate of 0.11 cfs, based on aquifer

characteristics determined for the Veblen aquifer (Buhler, 2014). The additional 23.63 ac-ft/yr this application proposes to withdraw water from the wells completed to supply Water Permit No. 8066-3 is the equivalent to an increase of the average diversion rate from the wells of 0.0326 cfs (14.63 gallons per minute). The increased drawdown that will result from this increased diversion is not expected to be significant considering the characteristics of the Veblen aquifer. Based on the observation well data well interference is not expected to be significant to existing users.

Considering that SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired. Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not cause a significant impact and will also not adversely or unlawfully impair existing users.

CONCLUSIONS:

1. Water Permit Application No.8227-3 proposes to increase the diversion rate from two existing wells completed into the Veblen aquifer by 23.63 acre-feet annually.
2. This application does not propose to increase the instantaneous diversion rate authorized for two existing wells (0.11 cfs).
3. Approval of Application No. 8227-3 will result in an increase of the average diversion rate of 0.0326 cfs (14.63 gallons per minute) over one year of operation.
4. If Permit No. 8227-3 is approved, the total diversion rate from the two existing wells will be 46.03 ac-ft/yr, or an average of 0.06358 cfs (28.54 gpm).
5. The Veblen aquifer in Grant County is a viable aquifer.
6. There is a reasonable probability that unappropriated water is available from the Veblen aquifer for this appropriation.
7. The appropriation proposed by this application will not adversely impact existing rights.



Ken Buhler
SD DENR-Water Rights

REFERENCES:

- Barr Engineering, 2007, Groundwater Supply Evaluation, Big Stone II Project, Grant County, South Dakota: Prepared for Otter Tail Power Company
- Buhler, K.A., 2007, "Report on Water Permit Application No. 6846-3, Ottertail Corporation, March 2, 2007", File No. 6846-3, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

- Buhler, K.A., 2014, "Report on Water Permit Application No. 8066-3, Teton LLC, December 16, 2014", File No. 8066-3, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hansen, D.S. 1990, Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 p.
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- Tomhave, D.W., Schulz, L.D., 2004, Bedrock Geologic Map Showing Configuration of the Bedrock Surface in South Dakota East of the Missouri River, SD Geological Survey Map G-09, scale 1:500,000
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- Water Rights. 2016a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2016b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2016c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

APPENDIX A

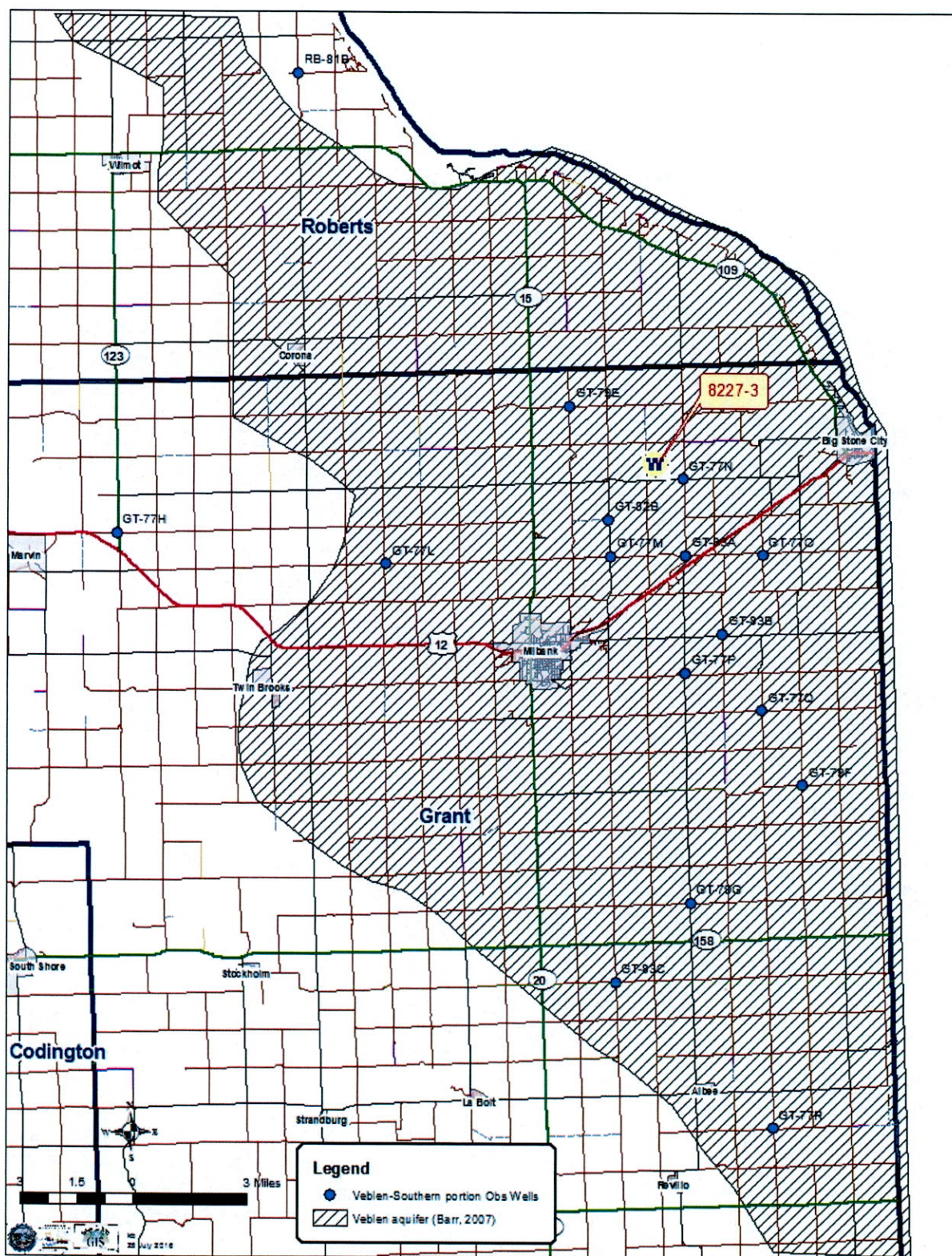


Figure A1. Map showing the location of DENR-Water Rights' observation wells completed into this portion of the Veblen aquifer and the location of the well site to be used by Water Permit No. 8227-3, if approved.

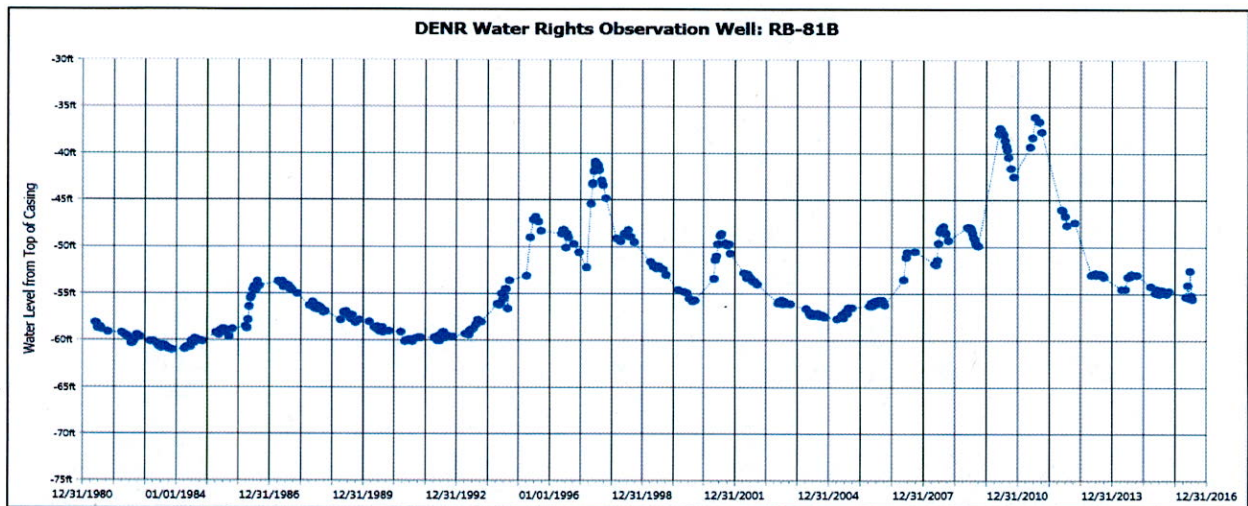


Figure A2. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

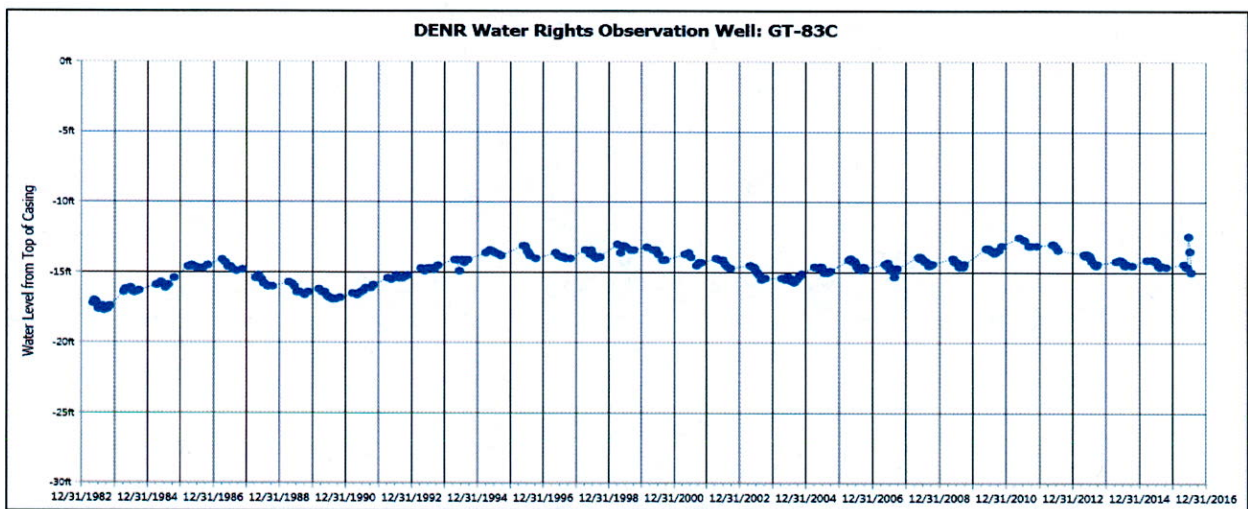


Figure A3. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

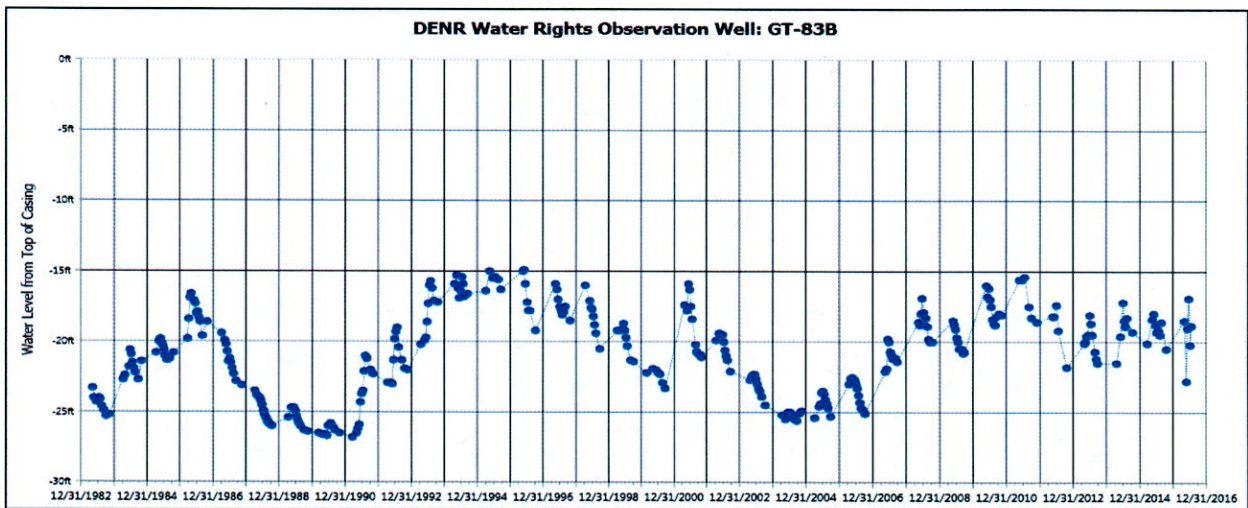


Figure A4. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

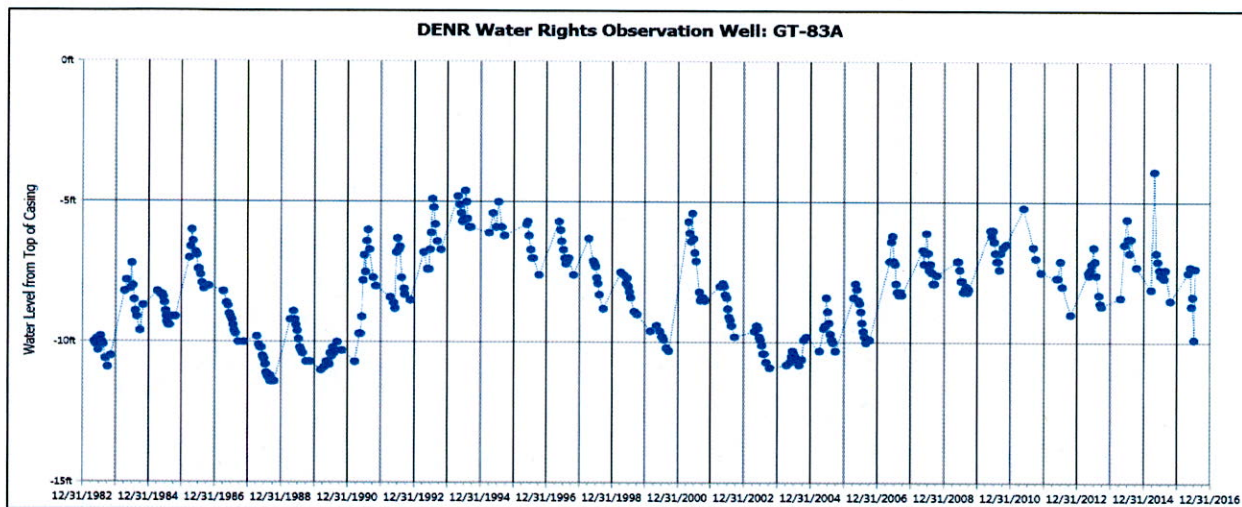


Figure A5. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

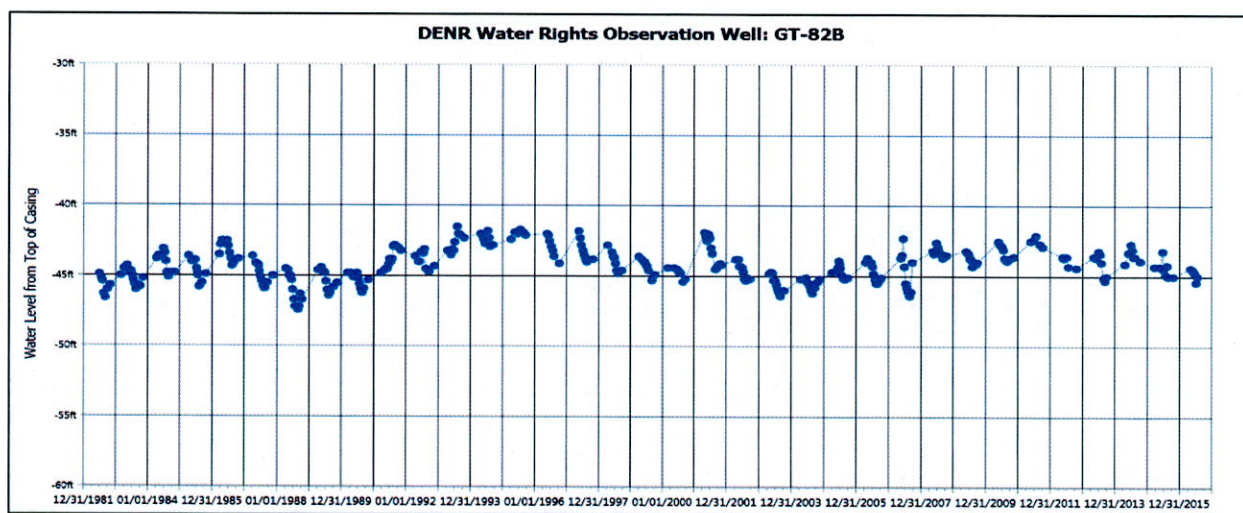


Figure A6. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

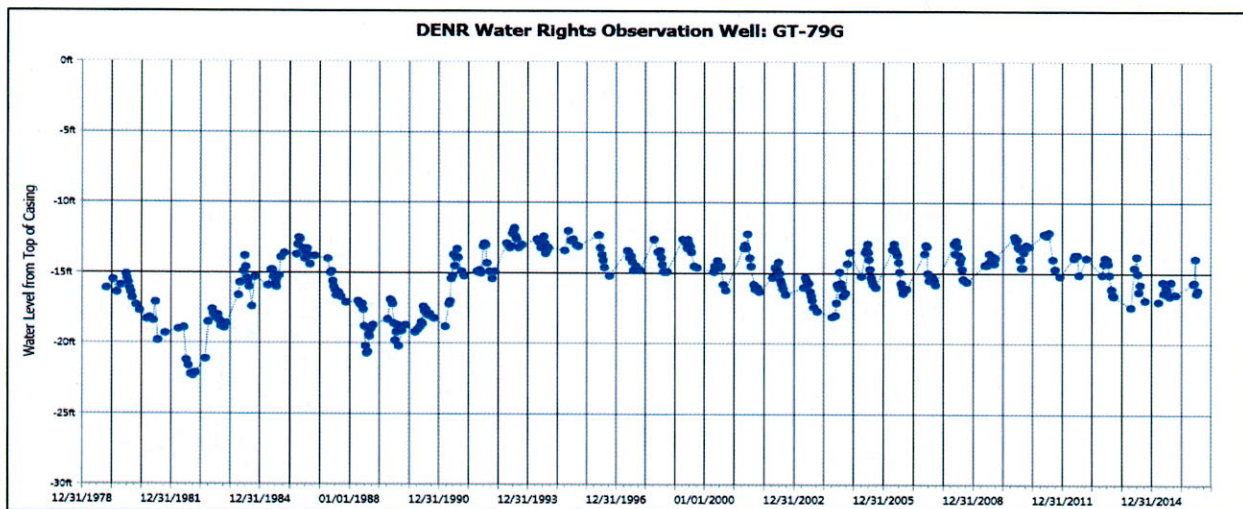


Figure A7. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

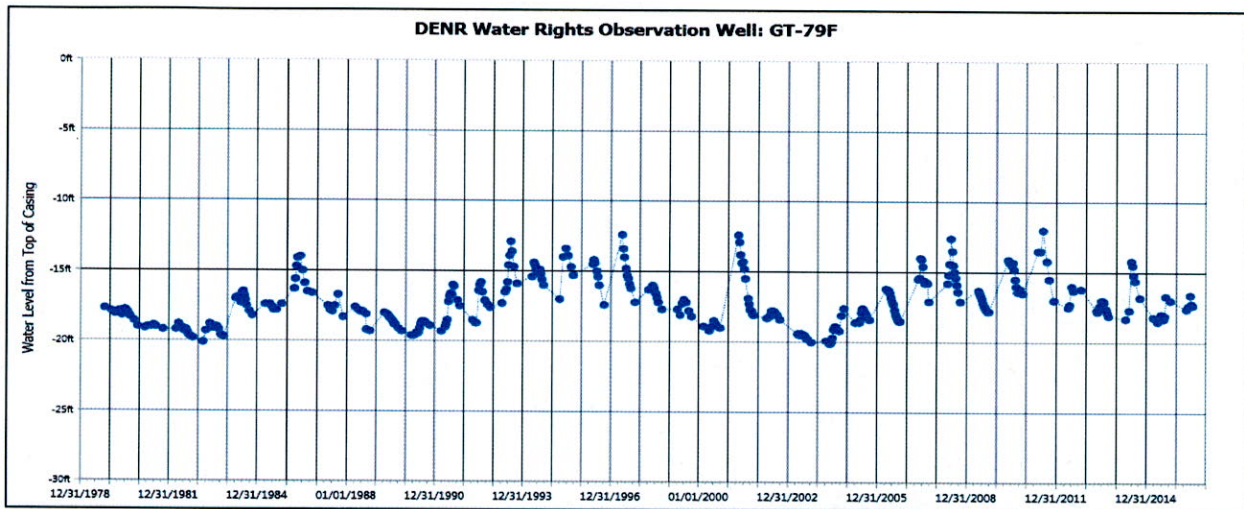


Figure A8. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

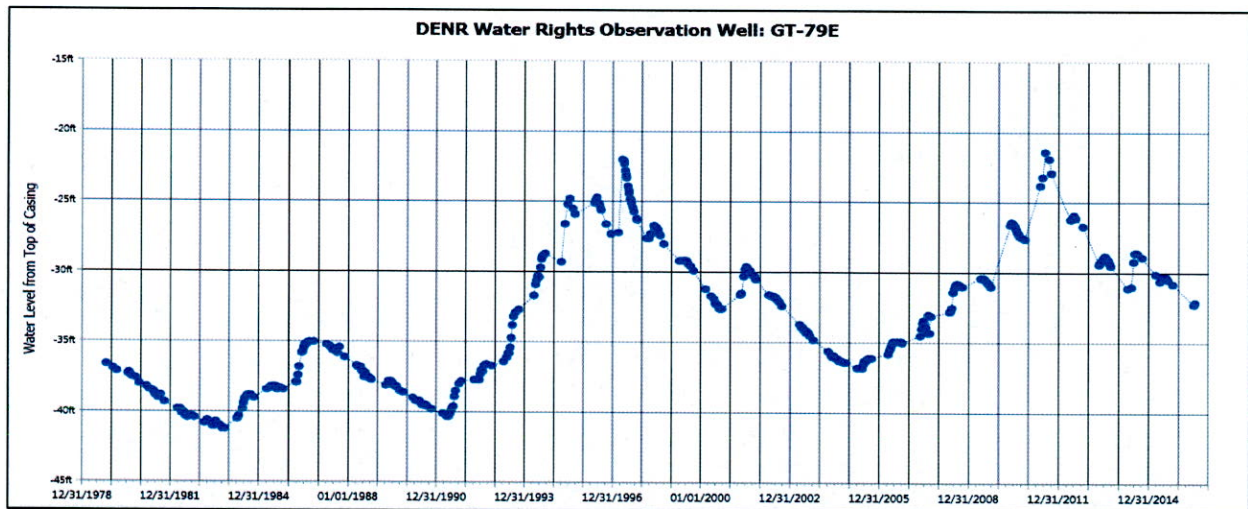


Figure A9. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

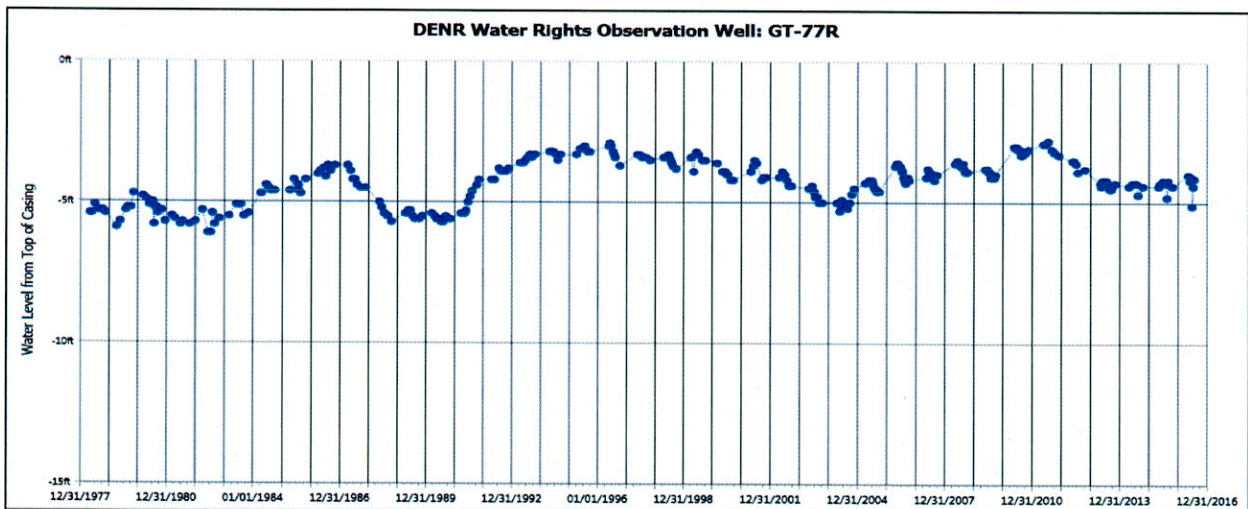


Figure A10. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

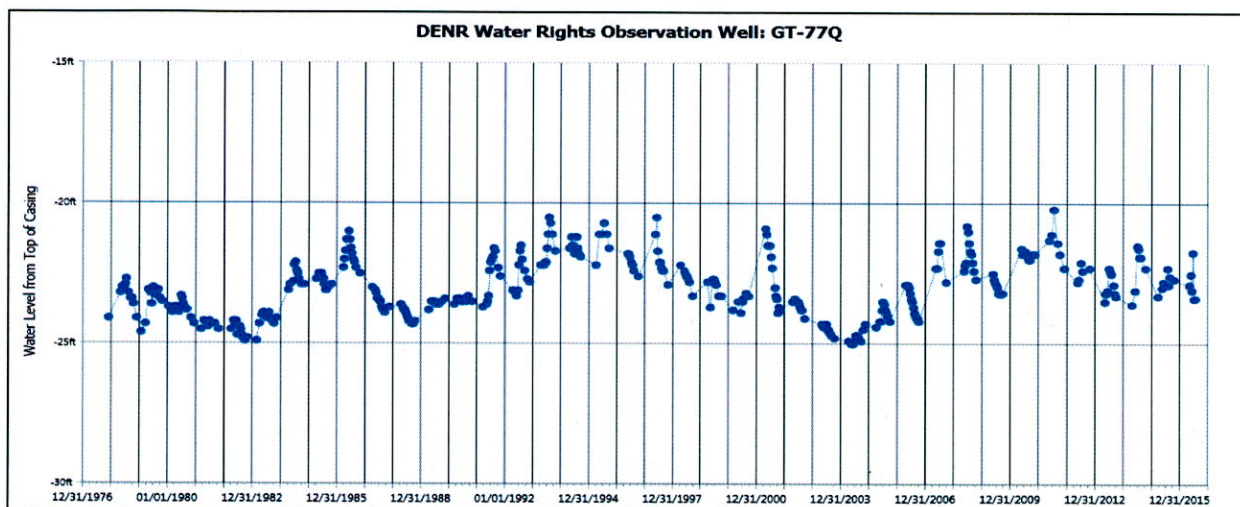


Figure A11. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

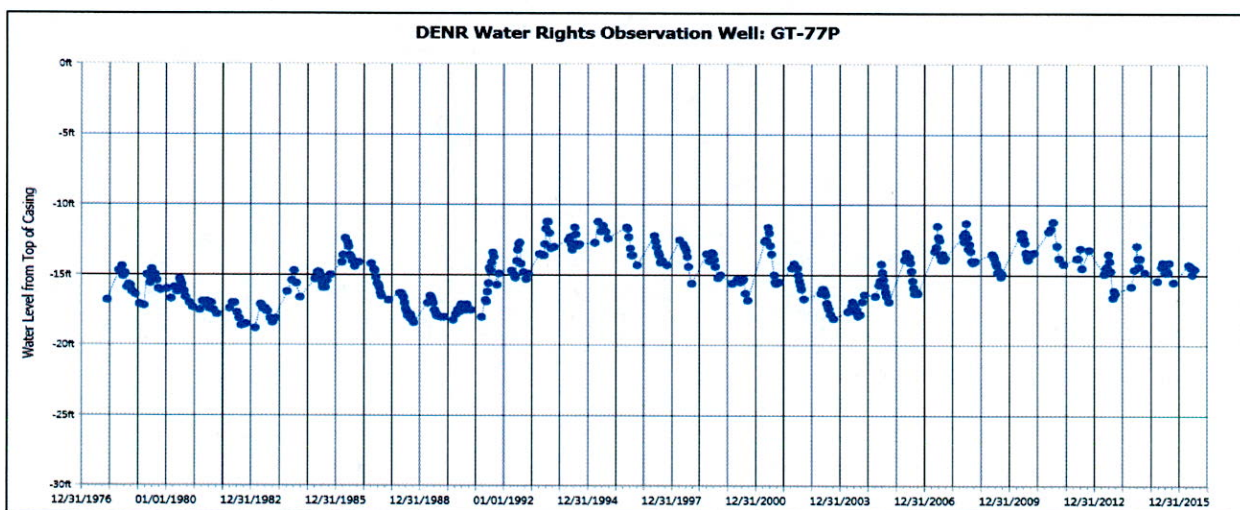


Figure A12. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

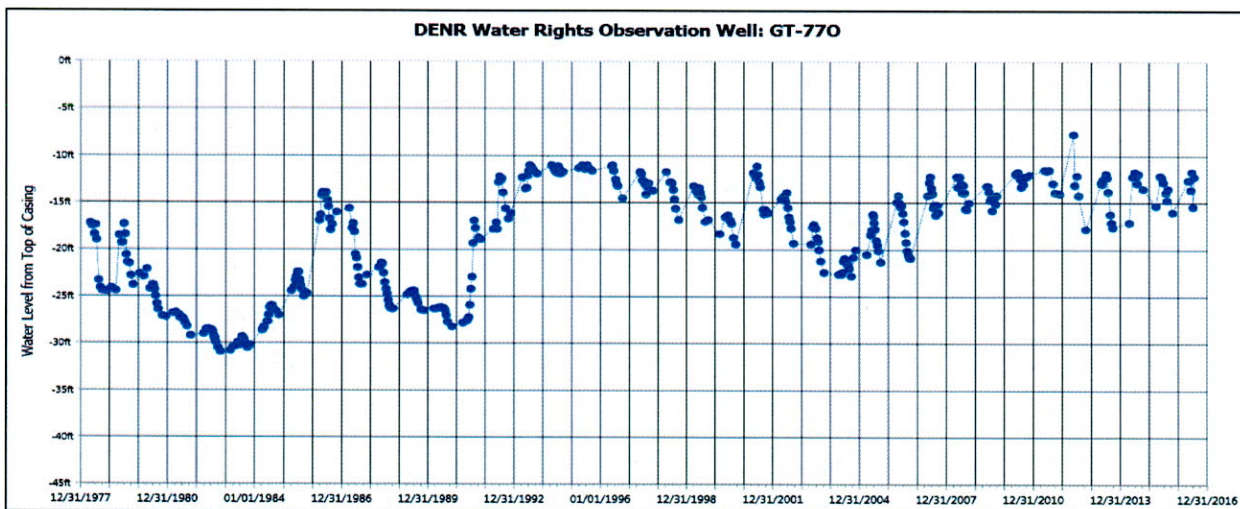


Figure A13. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

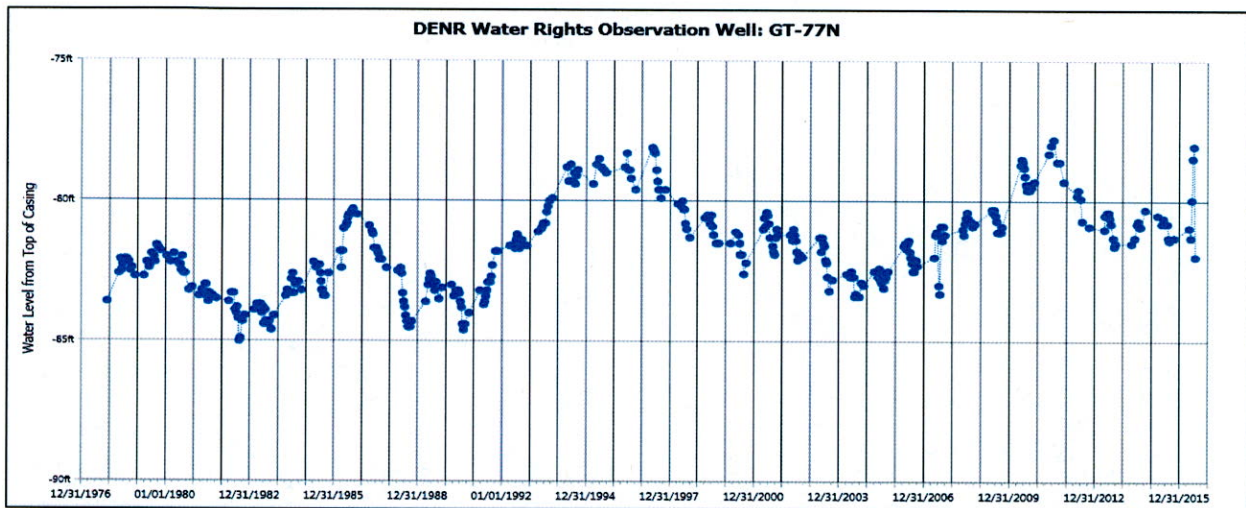


Figure A14. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

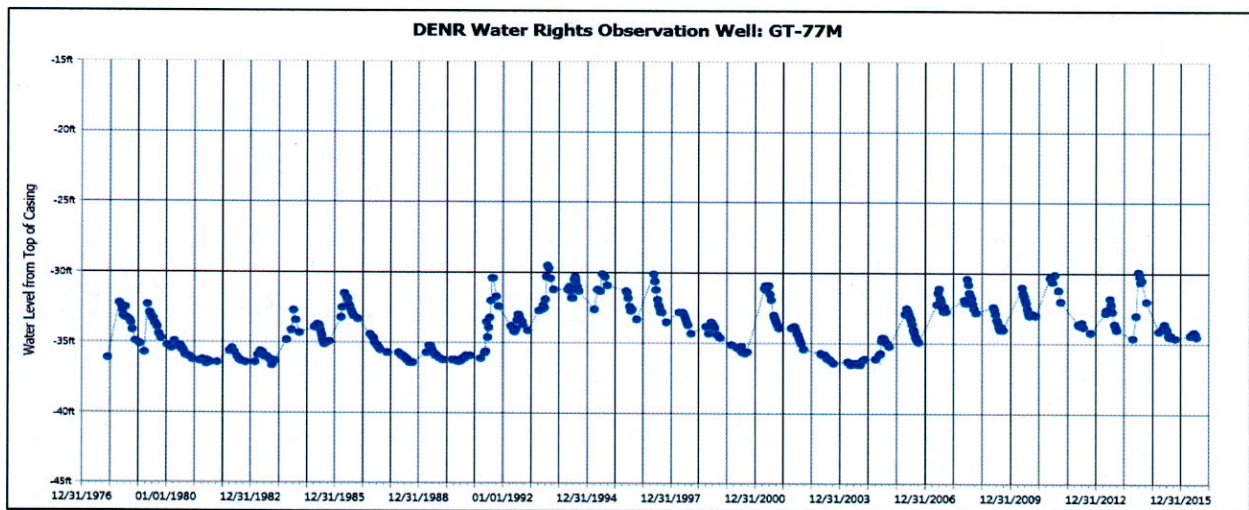


Figure A15. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

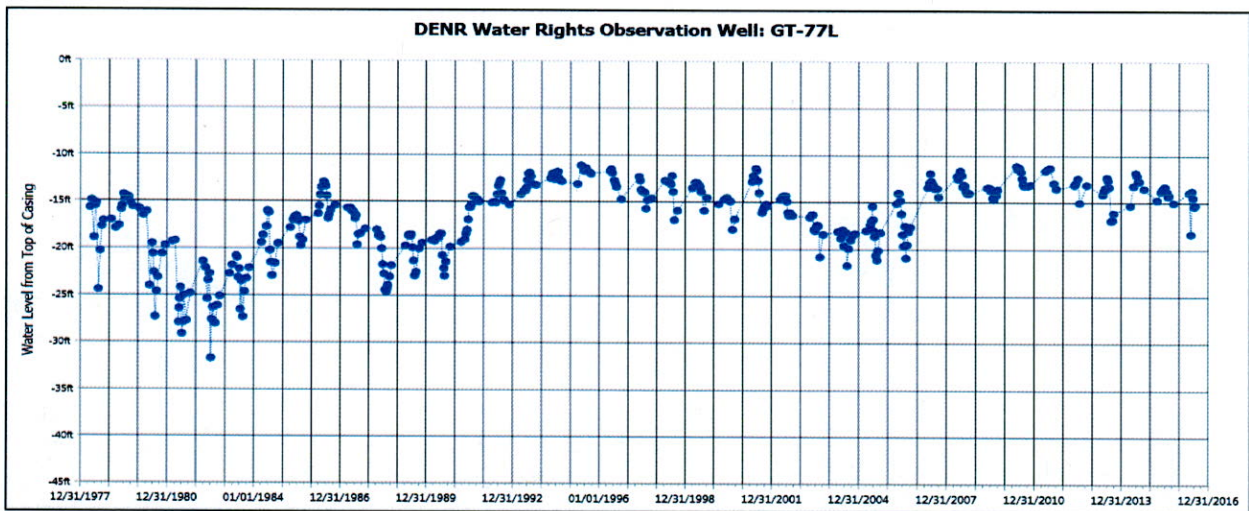


Figure A16. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.

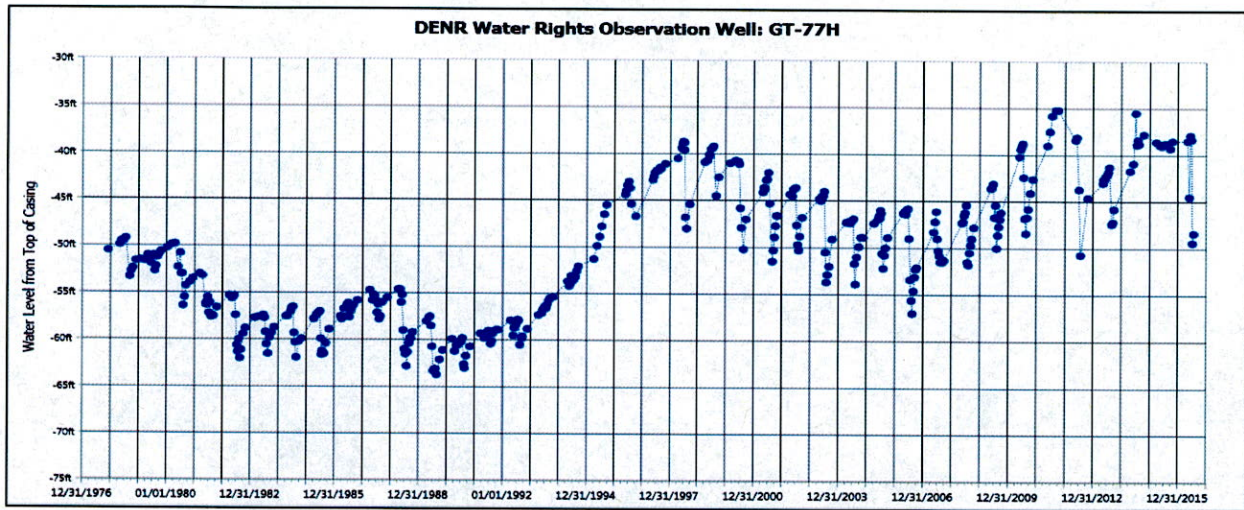


Figure A17. Hydrograph for Veblen aquifer observation well, see Figure 1A for location.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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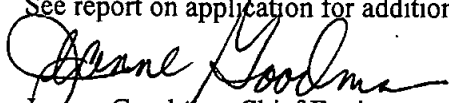
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8227-3, Teton LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8227-3, Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8227-3 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 Water Permit Nos. 8066-3 and 8227-3 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. Permit Nos. 8066-3 and 8227-3 are 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.
3. Permit Nos. 8066-3 and 8227-3 are 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
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Veblen aquifer.
5. Water Permit Nos. 8066-3 and 8227-3 authorize a total annual diversion of 46.03 acre feet of water.
6. Water Permit No. 8227-3 incorporates Water Permit No. 8066-3.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 27, 2016



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MARTY J. JACKLEY
ATTORNEY GENERAL

RECEIVED
AUG 29 2016
WATER RIGHTS
PROGRAM

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

August 26, 2016

Rodney Freeman, Jr.
Prehearing Chairman
Water Management Board
P.O. Box 176
Huron, SD 57350

RE: *Matter of Water Application No. 8227-3, Teton, LLC*

Dear Mr. Freeman:

Enclosed please find a copy of the Motion for Procedural and Scheduling Order, proposed Procedural and Scheduling Order and Certificate of Service regarding the above-referenced matter. By copy of this letter, service is intended upon the individuals listed on the Certificate of Service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann F. Mines-Bailey".

Ann F. Mines-Bailey
Assistant Attorney General

AFMB/jmm

Enclosures

cc w/enc: Individuals listed on Certificate of Service

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 8227-3, TETON,	)	CERTIFICATE OF SERVICE
LLC	)	
	)	

The undersigned hereby certifies that on the 20th day of August 2016, a true and correct copy of MOTION FOR PROCEDURAL AND SCHEDULING ORDER AND proposed PROCEDURAL AND SCHEDULING ORDER was mailed by first-class mail to:

Rodney Freeman, Jr.
Prehearing Chairman
Water Management Board
P.O. Box 176
Huron, SD 57350

Dr. Barry Kerkaert
Teton, LLC
P.O. Box 188
Pipestone, MN 56164

Brian Caruso, Chief
Water Resources Division
U.S. Fish & Wildlife Service
P.O. Box 25486 DFC
Denver, CO 80225-0486

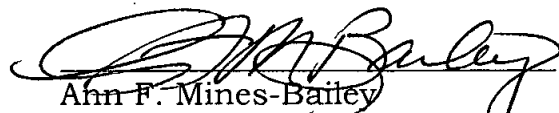
a true and correct copy of the same was hand delivered to:

Matt Naasz
Assistant Attorney General
Natural Resources Section
1302 East Highway 14, Suite 1
Pierre, SD 57501

also a Word copy of the Order was e-mailed to Matt Naasz

and the original of the same by inter-office mail to:

Jeanne Goodman, Chief Engineer
Division of Environmental Services
Department of Environment & Natural Resources
Foss Building
INTER-OFFICE


Ann F. Mines-Bailey
Assistant Attorney General

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER WATER	)	
APPLICATION NO. 8227-3, TETON,	)	MOTION FOR PROCEDURAL AND
LLC	)	SCHEDULING ORDER
	)	

The South Dakota Department of Environment and Natural Resources Water Rights Program respectfully moves the Board's duly appointed prehearing chairman, Rodney Freeman, for entry of a procedural and scheduling order in the above captioned matter consistent with the terms of this motion.

In support of said motion, the Department submits the following:

1. Teton, LLC has submitted an application for a water permit (Application No. 8227-3). Teton, LLC currently holds Water Permit No. 8066-3 which appropriates 22.4 acre feet of water at a maximum diversion rate of 0.11 cubic feet of water per second from two wells completed into the Veblen Aquifer for commercial use at a swine production facility. This application requests an additional appropriation of 23.63 acre-feet per year for a total appropriation of 46.03 acre-feet annually. The Chief Engineer has recommended approval of the application.

2. Notice of the application was published for the above-entitled water permit application and the final date for intervention therein was August 15, 2016.

One petition was received on behalf of United States Department of the Interior, Fish and Wildlife Service.

3. The matter is currently scheduled to be heard by the Board on October 13, 2016.

4. The Department requests that the following prehearing schedule be established and applied to all parties to the formal contested case proceeding:

a. The Department requests that any party who will be represented at the formal contested case proceeding by an attorney shall be required to have their attorney file a Notice of Appearance in this matter. While individuals may appear *pro se* at hearings before the Water Management Board, all entities must be represented by counsel. Furthermore, all non-resident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2.

b. Each party must disclose in writing the names of all expert witnesses it intends to call as a witness at the contested case hearing no later than September 26, 2016. Each party must include in this submission copies of any *curricula vitae* as well as copies of any expert report prepared by the expert witness. If the expert has not prepared a report, the party must disclose a summary of the anticipated testimony the expert will provide. Should the intervening parties elect to exercise the option for automatic delay of the hearing pursuant to statute, the Department would request that the disclosure be required no later than October 31, 2016.

c. Each party must disclose in writing the names of each witness the party anticipates calling to testify during the hearing on or before October 3, 2016. Should the intervening parties elect to exercise the option for automatic delay of the hearing pursuant to statute, the Department requests that the disclosures be required no later than November 14, 2016.

d. Each party must provide to all other parties a list identifying all exhibits that party intends to offer as evidence in its case in chief at the hearing and copies of said exhibits on or before October 3, 2016. The copies may be provided by electronic means. Should the intervening parties elect to exercise the option for automatic delay of the hearing pursuant to statute, the Department requests that the disclosures be required no later than November 14, 2016.

5. The Department requests that the Board include in its order the requirement that each party must mark in advance of the hearing all exhibits the party intends to introduce at the hearing in its case in chief. Each party shall be required to contact Eric Gronlund, DENR Water Rights Program, 605-773-3352 or at Eric.Gronlund@state.sd.us, to obtain a block of exhibit numbers.

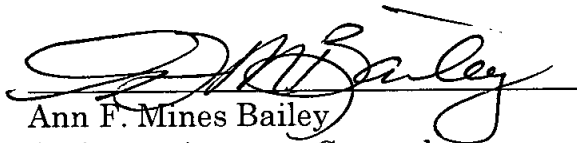
6. The Department requests that the Board include in its order the requirement that each party to the contested case proceedings must prepare and provide a sufficient number of copies of exhibits for use at the hearing as follows: 10 copies for use by the Board, its counsel, and court reporter, and sufficient copies for all parties participating in the contested proceedings.

7. The Department requests that the Board include in its order the requirement that all original pleadings are to be sent by regular first class mail to Eric Gronlund, DENR Water Rights Program, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501-3182. Parties shall also be required to serve copies of all pleadings on all other parties, including the Board Chairman, and upon the Board's Counsel, Assistant Attorney General Matt Naasz.

8. A draft procedural order is attached hereto for the Prehearing Chairman's consideration.

9. All persons who filed petitions to intervene in the water permit application are provided with copies of this motion.

Dated this 21st day of August, 2016.



Ann F. Mines Bailey
Assistant Attorney General
Mickelson Criminal Justice Center
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

Counsel for Water Rights Program, DENR

AUG 29 2016

WATER RIGHTS
PROGRAMSTATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 8227-3, TETON,	)	PROCEDURAL AND SCHEDULING
LLC	)	ORDER
	)	

Upon consideration of the Motion for Procedural and Scheduling Order filed by the Department of Environment and Natural Resources, the following Order shall be entered in the above captioned action.

It is ORDERED:

1. All attorneys who will be representing any party at the formal contested case proceeding shall file a Notice of Appearance in this matter. Further, all non-resident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2.
2. The following pre-hearing schedule and obligations apply to Applicant, DENR, and all other parties:
 - a.) Each party shall disclose in writing the names of any expert that party intends to call as a witness at the hearing of this matter on or before September 26, 2016. This disclosure must include copies of any *curricula vitae*, along with copies of any expert report the party intends to offer. If an expert report has not been prepared, the parties shall disclose a summary statement of the anticipated testimony the expert will provide. Should any of the parties avail

themselves of the option to automatically delay the hearing, these disclosures shall be made no later than October 31, 2016.

b.) Each party shall disclose in writing the name and contact information for any and all witnesses that the party expects to call during the hearing of this matter on or before October 3, 2016. This disclosure must include a brief one or two sentence summary of each witness' expected testimony. Should this matter be postponed until the December meeting under the statutory automatic delay provision, these disclosures shall be completed no later than November 14, 2016.

c.) Each party shall provide in writing a list identifying all exhibits that party intends to offer into evidence in its case in chief at the hearing and copies of said exhibits on or before October 3, 2016. The copies may be provided by electronic means. If this hearing is rescheduled under the statutory automatic delay provisions, these disclosures shall be made no later than November 14, 2016.

d.) All exhibits shall be marked in advance of contested proceedings by each party. Each party shall contact Eric Gronlund, DENR Water Rights Program, (605) 773-3352 or at Eric.Gronlund@state.sd.us, to obtain a block of exhibit numbers.

e.) Each party shall provide a sufficient number of copies of exhibits for use at the contested case hearing, including 10 copies for use by the Board, its counsel, and court reporter, and enough additional copies for all parties participating in the contested proceedings.

f.) All original pleadings and prehearing motions shall be sent by first class mail to Eric Gronlund, DENR Water Rights Program, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501-3182. Parties must also serve copies of all pleadings and motions on all other parties, including the Board Chairman, Jim Hutmacher, and Board Counsel, Assistant Attorney General Matt Naasz.

g.) Copies of all discovery requests, discovery responses, and any items identified in subsections a) and b) above, shall be served on all parties with the originals to be filed with the Department.

Dated this _____ day of August, 2016.

Rodney Freeman,
Prehearing Chairman
South Dakota Water Management Board

Gronlund, Eric

From: Naasz, Matthew
Sent: Wednesday, September 07, 2016 1:44 PM
To: Brian_Caruso@fws.gov; 'Ssimpson@pipevet.com'; Mines, Ann
Cc: Gronlund, Eric
Subject: Water Applicaiton No. 8227-3, Teton LLC, motion for scheduling order

Good afternoon,

Rodney Freeman, Prehearing Chairman of the South Dakota Water Management Board is in receipt of the Motion for Procedural and Scheduling Order filed by counsel for the Water Rights Program in the matter of Water Permit Application No. 8227-3, Teton LLC. If there are any objections to granting the motion and entry of the order proposed by the Water Rights Program, please submit such objections by Monday, September 12. Please submit any objections via email to Eric Gronlund and myself.

If there are no objections, Mr. Freeman will execute the proposed order.

Thank you,

Matt Naasz
Assistant Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215

Counsel for the Water Management Board

Confidentiality Notice

This message is being sent by or on behalf of the South Dakota Attorney General's Office. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-3215 or by reply transmission by e-mail, and delete all copies of the message.



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
<http://atg.sd.gov/>

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
SEP 15 2016
WATER RIGHTS
PROGRAM

September 14, 2016

BY INTER-OFFICE MAIL

Jeanne Goodman
Chief Engineer, Water Rights Program
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

Re: *In the Matter of Water Application No. 8227-3, Teton LLC*

Dear Jeanne:

Enclosed for filing please find a signed copy of the Procedural and Scheduling Order and original Certificate of Service in the above-entitled matter. By copy of this letter, service is intended upon the individuals listed on the Certificate of Service.

Respectfully,

A handwritten signature in black ink, appearing to read "Matt Naasz".

Matt Naasz
Assistant Attorney General

MN/jmm

Enclosures

cc w/enc: Rodney Freeman, Jr.
Brian Caruso
Dr. Barry Kerkaert
Ann F. Mines Bailey

RECEIVED

SEP 15 2016

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

RECEIVED

WATER MANAGEMENT BOARD

SEP 15 2016

WATER RIGHTS
PROGRAM

IN THE MATTER OF WATER
APPLICATION NO. 8227-3, TETON,
LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of September
2016, a true and correct copy of the signed PROCEDURAL AND SCHEDULING
ORDER was mailed by first-class mail to:

Rodney Freeman, Jr.
Prehearing Chairman
Water Management Board
P.O. Box 176
Huron, SD 57350

Dr. Barry Kerkaert
Teton, LLC
P.O. Box 188
Pipestone, MN 56164

Brian Caruso, Chief
Water Resources Division
U.S. Fish & Wildlife Service
P.O. Box 25486 DFC
Denver, CO 80225-0486

Sean R. Simpson
Vice President & General Manager
Pipestone Holdings, LLC
1300 South Highway 75
Pipestone, MN 56164

a true and correct copy of the same was hand delivered to:

Ann F. Mines Bailey
Assistant Attorney General
Natural Resources Section
1302 East Highway 14, Suite 1
Pierre, SD 57501

and a copy the same by inter-office mail to:

Jeanne Goodman, Chief Engineer
Division of Environmental Services
Department of Environment & Natural Resources
Foss Building
INTER-OFFICE



Matt Naasz
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605)773-3215

Counsel for Water Rights Program, DENR

RECEIVED

SEP 15 2016

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 8227-3, TETON,	)	PROCEDURAL AND SCHEDULING
LLC	)	ORDER
	)	

Upon consideration of the Motion for Procedural and Scheduling Order filed by the Department of Environment and Natural Resources, the following Order shall be entered in the above captioned action.

It is ORDERED:

1. All attorneys who will be representing any party at the formal contested case proceeding shall file a Notice of Appearance in this matter. Further, all non-resident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2.

2. The following pre-hearing schedule and obligations apply to Applicant, DENR, and all other parties:

a.) Each party shall disclose in writing the names of any expert that party intends to call as a witness at the hearing of this matter on or before September 26, 2016. This disclosure must include copies of any *curricula vitae*, along with copies of any expert report the party intends to offer. If an expert report has not been prepared, the parties shall disclose a summary statement of the anticipated testimony the expert will provide. Should any of the parties avail

themselves of the option to automatically delay the hearing, these disclosures shall be made no later than October 31, 2016.

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c.) Each party shall provide in writing a list identifying all exhibits that party intends to offer into evidence in its case in chief at the hearing and copies of said exhibits on or before October 3, 2016. The copies may be provided by electronic means. If this hearing is rescheduled under the statutory automatic delay provisions, these disclosures shall be made no later than November 14, 2016.

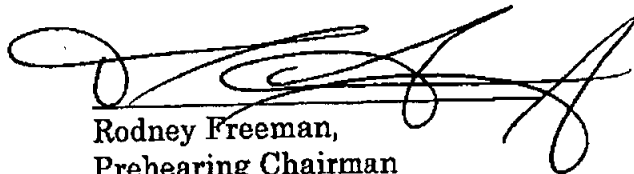
d.) All exhibits shall be marked in advance of contested proceedings by each party. Each party shall contact Eric Gronlund, DENR Water Rights Program, (605) 773-3352 or at Eric.Gronlund@state.sd.us, to obtain a block of exhibit numbers.

e.) Each party shall provide a sufficient number of copies of exhibits for use at the contested case hearing, including 10 copies for use by the Board, its counsel, and court reporter, and enough additional copies for all parties participating in the contested proceedings.

f.) All original pleadings and prehearing motions shall be sent by first class mail to Eric Gronlund, DENR Water Rights Program, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501-3182. Parties must also serve copies of all pleadings and motions on all other parties, including the Board Chairman, Jim Hutmacher, and Board Counsel, Assistant Attorney General Matt Naasz.

g.) Copies of all discovery requests, discovery responses, and any items identified in subsections a) and b) above, shall be served on all parties with the originals to be filed with the Department.

Dated this 13th day of Sept. ~~August~~, 2016.



Rodney Freeman,
Prehearing Chairman
South Dakota Water Management Board

Gronlund, Eric

From: Hollenback, Steven <steven_hollenback@fws.gov>
Sent: Wednesday, September 28, 2016 11:49 AM
To: Gronlund, Eric
Cc: Brian Caruso; Dana Jacobsen; Connie Mueller; Carrie Cordova
Subject: In regards to water application 8227-3

Eric,

We, The Fish and Wildlife Service, would like to request that the objection we filed regarding the water case Application No. 8227-3, Teton LLC, be withdrawn.

If you have any comments or questions please feel free to respond to this email address.

Thank you,

Steve Hollenback

--
Steve Hollenback, Hydrologist
US Fish and Wildlife Service
134 Union Blvd. Ste-250
Lakewood, CO 80228
(303) 2364492



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 29, 2016

denr.sd.gov

NOTICE

TO: Dr Barry Kerkaert
Teton LLC
PO Box 188
Pipestone MN 56164

Brian S Caruso, Chief
Water Resources Division
US Fish and Wildlife Service
PO Box 25486 DFC
Denver CO 80225-0486

FROM: *for* Jeanne Goodman, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: Cancellation of Hearing on Water Permit Application No. 8227-3, Teton LLC

Water Permit Application No. 8227-3 proposes to appropriate an additional 23.63 acre feet of water annually to the current appropriation authorized by Water Permit No. 8066-3 in Grant County. The US Fish and Wildlife Service submitted a letter of concern in response to the public notice on the application. A notice dated August 22, 2016, scheduled a hearing before the Water Management Board to consider Application No. 8227-3.

Steve Hollenback with the US Fish and Wildlife Service sent the enclosed email requesting that their objection to Water Permit Application No. 8227-3 be withdrawn. This application is now uncontested. Therefore, the hearing on Application No. 8227-3 is cancelled and will not be held on October 13, 2016.

The Department of Environment and Natural Resources shall proceed to issue Water Permit No. 8227-3 as an uncontested permit consistent with the Chief Engineer's recommendation dated July 27, 2016.

If you have any questions regarding issuance of the water permit, please contact Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosure

c: Ann Mines-Bailey, Assistant Attorney General
Diana J. Ryan, Assistant U.S. Attorney, US Attorney's Office, PO Box 2638, Sioux Falls SD 57101-2638
Steve Hollenback, Hydrologist, US Fish and Wildlife Service, 134 Union Blvd, Ste 250, Lakewood CO 80228
Sean R. Simpson, Vice President & General Counsel, Pipestone Holdings, LLC, 1300 S. Hwy. 75, Pipestone, Minnesota, 56164

CERTIFICATION

I hereby certify that on September 29, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 29, 2016, regarding cancellation of scheduled hearing for Water Permit Application No. 8227-3, as addressed below:

Dr Barry Kerkaert
Teton LLC
PO Box 188
Pipestone MN 56164

Brian S Caruso, Chief
Water Resources Division
US Fish and Wildlife Service
PO Box 25486 DFC
Denver CO 80225-0486

Diana J. Ryan, Assistant U.S. Attorney, US
Attorney's Office
PO Box 2638
Sioux Falls SD 57101-2638

Sean R. Simpson, Vice President & General Counsel
Pipestone Holdings, LLC
1300 S. Hwy 75,
Pipestone, Minnesota, 56164

Steve Hollenback, Hydrologist
US Fish and Wildlife Service
134 Union Blvd, Ste 250
Lakewood CO 80228

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



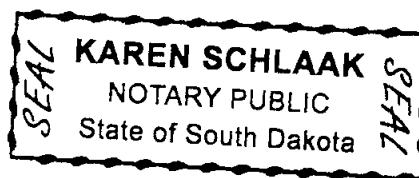
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of September, 2016



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

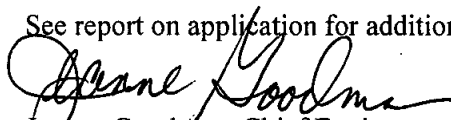
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8227-3, Teton LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8227-3, Teton LLC, c/o Dr. Barry Kerkaert, PO Box 188, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8227-3 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 Water Permit Nos. 8066-3 and 8227-3 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. Permit Nos. 8066-3 and 8227-3 are 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.
3. Permit Nos. 8066-3 and 8227-3 are 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
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Veblen aquifer.
5. Water Permit Nos. 8066-3 and 8227-3 authorize a total annual diversion of 46.03 acre feet of water.
6. Water Permit No. 8227-3 incorporates Water Permit No. 8066-3.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 27, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 07 2016

Teton LLC
Dr Barry Kerkaert
PO Box 188
Pipestone MN 56164

Dear Dr. Kerkaert:

Enclosed is Water Permit No. 8227-3 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

8066-3
8227-3

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
10/01/2016	8,418,800	
10/02/2016	8,426,300	7,500
10/03/2016	8,428,300	2,000
10/04/2016	8,439,300	11,000
10/05/2016	8,449,300	10,000
10/06/2016	8,458,000	8,700
10/07/2016	8,458,000	0
10/08/2016	8,458,000	0
10/09/2016	8,458,000	0
10/10/2016	8,458,000	0
10/11/2016	8,458,000	0
10/12/2016	8,458,000	0
10/13/2016	8,458,000	0
10/14/2016	8,458,000	0
10/15/2016	8,458,000	0
10/16/2016	8,458,000	0
10/17/2016	8,458,000	0
10/18/2016	8,458,000	0
10/19/2016	8,458,000	0
10/20/2016	8,458,000	0
10/21/2016	8,458,000	0
10/22/2016	8,458,000	0
10/23/2016	8,458,000	0
10/24/2016	8,458,000	0
10/25/2016	8,458,000	0
10/26/2016	8,458,000	0
10/27/2016	8,458,000	0
10/28/2016	8,458,000	0
10/29/2016	8,458,000	0
10/30/2016	8,458,000	0
10/31/2016	8,458,000	0

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
10/01/2016	5,063,300	
10/02/2016	5,083,600	20,300
10/03/2016	5,099,300	15,700
10/04/2016	5,118,600	19,300
10/05/2016	5,138,600	20,000
10/06/2016	5,153,300	14,700
10/07/2016	5,169,600	16,300
10/08/2016	5,182,100	12,500
10/09/2016	5,201,300	19,200
10/10/2016	5,222,200	20,900
10/11/2016	5,242,300	20,100
10/12/2016	5,263,300	21,000
10/13/2016	5,281,100	17,800
10/14/2016	5,296,300	15,200
10/15/2016	5,320,000	23,700
10/16/2016	5,345,300	25,300
10/17/2016	5,345,300	0
10/18/2016	5,345,300	0
10/19/2016	5,366,600	21,300
10/20/2016	5,380,100	13,500
10/21/2016	5,403,300	23,200
10/22/2016	5,431,000	27,700
10/23/2016	5,464,100	33,100
10/24/2016	5,476,300	12,200
10/25/2016	5,515,500	39,200
10/26/2016	5,535,500	20,000
10/27/2016	5,561,100	25,600
10/28/2016	5,583,600	22,500
10/29/2016	5,599,900	16,300
10/30/2016	5,622,200	22,300
10/31/2016	5,640,800	18,600

Date	Use in Gallons
10/01/2016	
10/02/2016	27,800
10/03/2016	17,700
10/04/2016	30,300
10/05/2016	30,000
10/06/2016	23,400
10/07/2016	16,300
10/08/2016	12,500
10/09/2016	19,200
10/10/2016	20,900
10/11/2016	20,100
10/12/2016	21,000
10/13/2016	17,800
10/14/2016	15,200
10/15/2016	23,700
10/16/2016	25,300
10/17/2016	0
10/18/2016	0
10/19/2016	21,300
10/20/2016	13,500
10/21/2016	23,200
10/22/2016	27,700
10/23/2016	33,100
10/24/2016	12,200
10/25/2016	39,200
10/26/2016	20,000
10/27/2016	25,600
10/28/2016	22,500
10/29/2016	16,300
10/30/2016	22,300
10/31/2016	18,600
	616,700

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
11/01/2016	8,458,000	
11/02/2016	8,458,000	0
11/03/2016	8,463,000	5,000
11/04/2016	8,473,100	10,100
11/05/2016	8,480,100	7,000
11/06/2016	8,491,300	11,200
11/07/2016	8,501,100	9,800
11/08/2016	8,513,200	12,100
11/09/2016	8,526,500	13,300
11/10/2016	8,536,600	10,100
11/11/2016	8,545,600	9,000
11/12/2016	8,559,600	14,000
11/13/2016	8,571,100	11,500
11/14/2016	8,589,900	18,800
11/15/2016	8,605,600	15,700
11/16/2016	8,628,600	23,000
11/17/2016	8,645,600	17,000
11/18/2016	8,660,000	14,400
11/19/2016	8,660,000	0
11/20/2016	8,660,000	0
11/21/2016	8,660,000	0
11/22/2016	8,660,000	0
11/23/2016	8,660,000	0
11/24/2016	8,660,000	0
11/25/2016	8,660,000	0
11/26/2016	8,660,000	0
11/27/2016	8,660,000	0
11/28/2016	8,660,000	0
11/29/2016	8,660,000	0
11/30/2016	8,660,000	0
		-8,660,000

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
11/01/2016	5,662,300	
11/02/2016	5,683,300	21,000
11/03/2016	5,701,300	18,000
11/04/2016	5,725,600	24,300
11/05/2016	5,746,600	21,000
11/06/2016	5,766,600	20,000
11/07/2016	5,789,400	22,800
11/08/2016	5,809,200	19,800
11/09/2016	5,831,100	21,900
11/10/2016	5,855,500	24,400
11/11/2016	5,875,500	20,000
11/12/2016	5,899,300	23,800
11/13/2016	5,923,300	24,000
11/14/2016	5,941,100	17,800
11/15/2016	5,966,600	25,500
11/16/2016	5,984,400	17,800
11/17/2016	5,999,900	15,500
11/18/2016	6,020,300	20,400
11/19/2016	6,041,100	20,800
11/20/2016	6,066,200	25,100
11/21/2016	6,089,900	23,700
11/22/2016	6,102,200	12,300
11/23/2016	6,125,500	23,300
11/24/2016	6,144,100	18,600
11/25/2016	6,165,500	21,400
11/26/2016	6,183,200	17,700
11/27/2016	6,198,600	15,400
11/28/2016	6,210,100	11,500
11/29/2016	6,225,600	15,500
11/30/2016	6,238,600	13,000
		-6,238,600

Date	Use in Gallons
11/01/2016	
11/02/2016	21,000
11/03/2016	23,000
11/04/2016	34,400
11/05/2016	28,000
11/06/2016	31,200
11/07/2016	32,600
11/08/2016	31,900
11/09/2016	35,200
11/10/2016	34,500
11/11/2016	29,000
11/12/2016	37,800
11/13/2016	35,500
11/14/2016	36,600
11/15/2016	41,200
11/16/2016	40,800
11/17/2016	32,500
11/18/2016	34,800
11/19/2016	20,800
11/20/2016	25,100
11/21/2016	23,700
11/22/2016	12,300
11/23/2016	23,300
11/24/2016	18,600
11/25/2016	21,400
11/26/2016	17,700
11/27/2016	15,400
11/28/2016	11,500
11/29/2016	15,500
11/30/2016	13,000
	778,300

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
12/01/2016	8,660,000	
12/02/2016	8,660,000	0
12/03/2016	8,660,000	0
12/04/2016	8,660,000	0
12/05/2016	8,660,000	0
12/06/2016	8,660,000	0
12/07/2016	8,660,000	0
12/08/2016	8,660,000	0
12/09/2016	8,660,000	0
12/10/2016	8,660,000	0
12/11/2016	8,660,000	0
12/12/2016	8,660,000	0
12/13/2016	8,660,000	0
12/14/2016	8,694,000	34,000
12/15/2016	8,732,200	38,200
12/16/2016	8,750,300	18,100
12/17/2016	8,761,100	10,800
12/18/2016	8,767,200	6,100
12/19/2016	8,770,100	2,900
12/20/2016	8,772,000	1,900
12/21/2016	8,782,300	10,300
12/22/2016	8,795,800	13,500
12/23/2016	8,849,600	53,800
12/24/2016	8,849,600	0
12/25/2016	8,849,600	0
12/26/2016	8,849,600	0
12/27/2016	8,849,600	0
12/28/2016	8,861,800	12,200
12/29/2016	8,873,900	12,100
12/30/2016	8,881,300	7,400
12/31/2016	8,893,200	11,900

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
12/01/2016	6,246,600	
12/02/2016	6,253,300	6,700
12/03/2016	6,262,600	9,300
12/04/2016	6,271,300	8,700
12/05/2016	6,280,100	8,800
12/06/2016	6,286,300	6,200
12/07/2016	6,291,200	4,900
12/08/2016	6,295,600	4,400
12/09/2016	6,300,100	4,500
12/10/2016	6,315,300	15,200
12/11/2016	6,329,100	13,800
12/12/2016	6,341,100	12,000
12/13/2016	6,370,200	29,100
12/14/2016	6,390,000	19,800
12/15/2016	6,411,100	21,100
12/16/2016	6,420,700	9,600
12/17/2016	6,440,100	19,400
12/18/2016	6,462,000	21,900
12/19/2016	6,465,300	3,300
12/20/2016	6,471,000	5,700
12/21/2016	6,509,000	38,000
12/22/2016	6,548,000	39,000
12/23/2016	6,551,000	3,000
12/24/2016	6,561,300	10,300
12/25/2016	6,570,700	9,400
12/26/2016	6,582,300	11,600
12/27/2016	6,593,700	11,400
12/28/2016	6,610,700	17,000
12/29/2016	6,629,300	18,600
12/30/2016	6,639,300	10,000
12/31/2016	6,651,300	12,000

Date	Use in Gallons
12/01/2016	
12/02/2016	6,700
12/03/2016	9,300
12/04/2016	8,700
12/05/2016	8,800
12/06/2016	6,200
12/07/2016	4,900
12/08/2016	4,400
12/09/2016	4,500
12/10/2016	15,200
12/11/2016	13,800
12/12/2016	12,000
12/13/2016	29,100
12/14/2016	53,800
12/15/2016	59,300
12/16/2016	27,700
12/17/2016	30,200
12/18/2016	28,000
12/19/2016	6,200
12/20/2016	7,600
12/21/2016	48,300
12/22/2016	52,500
12/23/2016	56,800
12/24/2016	10,300
12/25/2016	9,400
12/26/2016	11,600
12/27/2016	11,400
12/28/2016	29,200
12/29/2016	30,700
12/30/2016	17,400
12/31/2016	23,900
Total	637,900

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
01/01/2017	8,899,100	
01/02/2017	8,905,300	6,200
01/03/2017	8,915,300	10,000
01/04/2017	8,924,300	9,000
01/05/2017	8,931,000	6,700
01/06/2017	8,942,300	11,300
01/07/2017	8,956,600	14,300
01/08/2017	8,969,300	12,700
01/09/2017	8,980,100	10,800
01/10/2017	8,998,600	18,500
01/11/2017	9,019,900	21,300
01/12/2017	9,037,400	17,500
01/13/2017	9,046,500	9,100
01/14/2017	9,059,300	12,800
01/15/2017	9,073,200	13,900
01/16/2017	9,082,900	9,700
01/17/2017	9,091,300	8,400
01/18/2017	9,107,900	16,600
01/19/2017	9,121,100	13,200
01/20/2017	9,130,900	9,800
01/21/2017	9,142,200	11,300
01/22/2017	9,156,300	14,100
01/23/2017	9,165,300	9,000
01/24/2017	9,178,700	13,400
01/25/2017	9,191,000	12,300
01/26/2017	9,202,300	11,300
01/27/2017	9,216,100	13,800
01/28/2017	9,230,300	14,200
01/29/2017	9,239,300	9,000
01/30/2017	9,246,700	7,400
01/31/2017	9,256,600	9,900

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
01/01/2017	6,670,200	
01/02/2017	6,684,500	14,300
01/03/2017	6,697,300	12,800
01/04/2017	6,713,300	16,000
01/05/2017	6,734,000	20,700
01/06/2017	6,744,100	10,100
01/07/2017	6,755,900	11,800
01/08/2017	6,769,300	13,400
01/09/2017	6,788,800	19,500
01/10/2017	6,809,900	21,100
01/11/2017	6,828,600	18,700
01/12/2017	6,845,500	16,900
01/13/2017	6,859,900	14,400
01/14/2017	6,869,700	9,800
01/15/2017	6,888,800	19,100
01/16/2017	6,905,200	16,400
01/17/2017	6,920,200	15,000
01/18/2017	6,938,600	18,400
01/19/2017	6,956,600	18,000
01/20/2017	6,970,000	13,400
01/21/2017	6,981,100	11,100
01/22/2017	6,999,900	18,800
01/23/2017	7,018,200	18,300
01/24/2017	7,039,200	21,000
01/25/2017	7,058,900	19,700
01/26/2017	7,077,600	18,700
01/27/2017	7,099,400	21,800
01/28/2017	7,119,500	20,100
01/29/2017	7,135,600	16,100
01/30/2017	7,149,200	13,600
01/31/2017	7,164,500	15,300

Date	Use in Gallons
01/01/2017	
01/02/2017	20,500
01/03/2017	22,800
01/04/2017	25,000
01/05/2017	27,400
01/06/2017	21,400
01/07/2017	26,100
01/08/2017	26,100
01/09/2017	30,300
01/10/2017	39,600
01/11/2017	40,000
01/12/2017	34,400
01/13/2017	23,500
01/14/2017	22,600
01/15/2017	33,000
01/16/2017	26,100
01/17/2017	23,400
01/18/2017	35,000
01/19/2017	31,200
01/20/2017	23,200
01/21/2017	22,400
01/22/2017	32,900
01/23/2017	27,300
01/24/2017	34,400
01/25/2017	32,000
01/26/2017	30,000
01/27/2017	35,600
01/28/2017	34,300
01/29/2017	25,100
01/30/2017	21,000
01/31/2017	25,200
	851,800

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
02/01/2017	9,267,100	
02/02/2017	9,275,700	8,600
02/03/2017	9,280,700	5,000
02/04/2017	9,291,200	10,500
02/05/2017	9,305,300	14,100
02/06/2017	9,314,200	8,900
02/07/2017	9,322,300	8,100
02/08/2017	9,333,600	11,300
02/09/2017	9,344,200	10,600
02/10/2017	9,352,700	8,500
02/11/2017	9,366,600	13,900
02/12/2017	9,372,200	5,600
02/13/2017	9,379,900	7,700
02/14/2017	9,390,000	10,100
02/15/2017	9,398,100	8,100
02/16/2017	9,408,500	10,400
02/17/2017	9,417,900	9,400
02/18/2017	9,425,400	7,500
02/19/2017	9,432,600	7,200
02/20/2017	9,446,600	14,000
02/21/2017	9,456,900	10,300
02/22/2017	9,465,100	8,200
02/23/2017	9,476,600	11,500
02/24/2017	9,494,900	18,300
02/25/2017	9,499,900	5,000
02/26/2017	9,504,300	4,400
02/27/2017	9,513,600	9,300
02/28/2017	9,524,600	11,000
		-9,524,600
		0
		0

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
02/01/2017	7,183,200	
02/02/2017	7,197,600	14,400
02/03/2017	7,216,000	18,400
02/04/2017	7,230,000	14,000
02/05/2017	7,247,700	17,700
02/06/2017	7,262,300	14,600
02/07/2017	7,281,300	19,000
02/08/2017	7,295,300	14,000
02/09/2017	7,313,300	18,000
02/10/2017	7,327,600	14,300
02/11/2017	7,344,400	16,800
02/12/2017	7,359,900	15,500
02/13/2017	7,374,000	14,100
02/14/2017	7,391,300	17,300
02/15/2017	7,402,200	10,900
02/16/2017	7,422,600	20,400
02/17/2017	7,438,700	16,100
02/18/2017	7,446,200	7,500
02/19/2017	7,470,000	23,800
02/20/2017	7,489,800	19,800
02/21/2017	7,505,000	15,200
02/22/2017	7,518,600	13,600
02/23/2017	7,537,400	18,800
02/24/2017	7,547,100	9,700
02/25/2017	7,560,100	13,000
02/26/2017	7,582,200	22,100
02/27/2017	7,597,000	14,800
02/28/2017	7,614,400	17,400
		-7,614,400
		0
		0

Date	Use in Gallons
02/01/2017	
02/02/2017	23,000
02/03/2017	23,400
02/04/2017	24,500
02/05/2017	31,800
02/06/2017	23,500
02/07/2017	27,100
02/08/2017	25,300
02/09/2017	28,600
02/10/2017	22,800
02/11/2017	30,700
02/12/2017	21,100
02/13/2017	21,800
02/14/2017	27,400
02/15/2017	19,000
02/16/2017	30,800
02/17/2017	25,500
02/18/2017	15,000
02/19/2017	31,000
02/20/2017	33,800
02/21/2017	25,500
02/22/2017	21,800
02/23/2017	30,300
02/24/2017	28,000
02/25/2017	18,000
02/26/2017	26,500
02/27/2017	24,100
02/28/2017	28,400
Monthly Total	688,700

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
03/01/2017	9,535,600	
03/02/2017	9,549,500	13,900
03/03/2017	9,555,900	6,400
03/04/2017	9,562,000	6,100
03/05/2017	9,578,000	16,000
03/06/2017	9,583,300	5,300
03/07/2017	9,590,100	6,800
03/08/2017	9,599,000	8,900
03/09/2017	9,609,600	10,600
03/10/2017	9,620,100	10,500
03/11/2017	9,631,300	11,200
03/12/2017	9,640,100	8,800
03/13/2017	9,650,000	9,900
03/14/2017	9,661,000	11,000
03/15/2017	9,672,000	11,000
03/16/2017	9,685,000	13,000
03/17/2017	9,692,200	7,200
03/18/2017	9,699,900	7,700
03/19/2017	9,707,700	7,800
03/20/2017	9,716,500	8,800
03/21/2017	9,725,400	8,900
03/22/2017	9,748,300	22,900
03/23/2017	9,757,800	9,500
03/24/2017	9,763,300	5,500
03/25/2017	9,770,000	6,700
03/26/2017	9,776,000	6,000
03/27/2017	9,787,500	11,500
03/28/2017	9,798,300	10,800
03/29/2017	9,808,100	9,800
03/30/2017	9,817,300	9,200
03/31/2017	9,824,400	7,100

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
03/01/2017	7,631,300	
03/02/2017	7,648,300	17,000
03/03/2017	7,664,300	16,000
03/04/2017	7,680,200	15,900
03/05/2017	7,694,300	14,100
03/06/2017	7,711,000	16,700
03/07/2017	7,724,400	13,400
03/08/2017	7,734,700	10,300
03/09/2017	7,748,800	14,100
03/10/2017	7,765,800	17,000
03/11/2017	7,781,300	15,500
03/12/2017	7,795,500	14,200
03/13/2017	7,814,400	18,900
03/14/2017	7,831,900	17,500
03/15/2017	7,851,500	19,600
03/16/2017	7,868,000	16,500
03/17/2017	7,880,100	12,100
03/18/2017	7,892,300	12,200
03/19/2017	7,906,800	14,500
03/20/2017	7,920,800	14,000
03/21/2017	7,946,000	25,200
03/22/2017	7,971,300	25,300
03/23/2017	7,986,400	15,100
03/24/2017	7,999,900	13,500
03/25/2017	8,012,200	12,300
03/26/2017	8,024,000	11,800
03/27/2017	8,032,400	8,400
03/28/2017	8,048,600	16,200
03/29/2017	8,059,800	11,200
03/30/2017	8,071,200	11,400
03/31/2017	8,085,500	14,300

Date	Use in Gallons
03/01/2017	
03/02/2017	30,900
03/03/2017	22,400
03/04/2017	22,000
03/05/2017	30,100
03/06/2017	22,000
03/07/2017	20,200
03/08/2017	19,200
03/09/2017	24,700
03/10/2017	27,500
03/11/2017	26,700
03/12/2017	23,000
03/13/2017	28,800
03/14/2017	28,500
03/15/2017	30,600
03/16/2017	29,500
03/17/2017	19,300
03/18/2017	19,900
03/19/2017	22,300
03/20/2017	22,800
03/21/2017	34,100
03/22/2017	48,200
03/23/2017	24,600
03/24/2017	19,000
03/25/2017	19,000
03/26/2017	17,800
03/27/2017	19,900
03/28/2017	27,000
03/29/2017	21,000
03/30/2017	20,600
03/31/2017	21,400
	743,000

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
04/01/2017	9,839,400	
04/02/2017	9,851,200	11,800
04/03/2017	9,860,300	9,100
04/04/2017	9,871,700	11,400
04/05/2017	9,884,000	12,300
04/06/2017	9,895,500	11,500
04/07/2017	9,905,500	10,000
04/08/2017	9,912,200	6,700
04/09/2017	9,924,300	12,100
04/10/2017	9,933,900	9,600
04/11/2017	9,944,400	10,500
04/12/2017	9,954,500	10,100
04/13/2017	9,967,200	12,700
04/14/2017	9,975,300	8,100
04/15/2017	9,988,800	13,500
04/16/2017	9,997,800	9,000
04/17/2017	10,004,500	6,700
04/18/2017	10,019,200	14,700
04/19/2017	10,028,700	9,500
04/20/2017	10,036,500	7,800
04/21/2017	10,051,200	14,700
04/22/2017	10,064,200	13,000
04/23/2017	10,071,300	7,100
04/24/2017	10,081,000	9,700
04/25/2017	10,091,100	10,100
04/26/2017	10,108,100	17,000
04/27/2017	10,116,100	8,000
04/28/2017	10,125,000	8,900
04/29/2017	10,134,100	9,100
04/30/2017	10,142,000	7,900
		-10,142,000

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
04/01/2017	8,102,000	
04/02/2017	8,122,000	20,000
04/03/2017	8,141,000	19,000
04/04/2017	8,157,800	16,800
04/05/2017	8,175,400	17,600
04/06/2017	8,192,600	17,200
04/07/2017	8,206,400	13,800
04/08/2017	8,223,000	16,600
04/09/2017	8,234,300	11,300
04/10/2017	8,240,100	5,800
04/11/2017	8,245,100	5,000
04/12/2017	8,259,300	14,200
04/13/2017	8,275,000	15,700
04/14/2017	8,290,800	15,800
04/15/2017	8,305,600	14,800
04/16/2017	8,321,200	15,600
04/17/2017	8,340,500	19,300
04/18/2017	8,352,000	11,500
04/19/2017	8,371,000	19,000
04/20/2017	8,385,000	14,000
04/21/2017	8,405,200	20,200
04/22/2017	8,420,100	14,900
04/23/2017	8,432,200	12,100
04/24/2017	8,446,700	14,500
04/25/2017	8,459,800	13,100
04/26/2017	8,472,100	12,300
04/27/2017	8,489,900	17,800
04/28/2017	8,507,000	17,100
04/29/2017	8,523,300	16,300
04/30/2017	8,540,100	16,800
		-8,540,100

Date	Use in Gallons
04/01/2017	
04/02/2017	31,800
04/03/2017	28,100
04/04/2017	28,200
04/05/2017	29,900
04/06/2017	28,700
04/07/2017	23,800
04/08/2017	23,300
04/09/2017	23,400
04/10/2017	15,400
04/11/2017	15,500
04/12/2017	24,300
04/13/2017	28,400
04/14/2017	23,900
04/15/2017	28,300
04/16/2017	24,600
04/17/2017	26,000
04/18/2017	26,200
04/19/2017	28,500
04/20/2017	21,800
04/21/2017	34,900
04/22/2017	27,900
04/23/2017	19,200
04/24/2017	24,200
04/25/2017	23,200
04/26/2017	29,300
04/27/2017	25,800
04/28/2017	26,000
04/29/2017	25,400
04/30/2017	24,700

740,700

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
05/01/2017	10,155,700	
05/02/2017	10,166,900	11,200
05/03/2017	10,178,300	11,400
05/04/2017	10,192,000	13,700
05/05/2017	10,200,700	8,700
05/06/2017	10,215,300	14,600
05/07/2017	10,225,500	10,200
05/08/2017	10,236,000	10,500
05/09/2017	10,248,300	12,300
05/10/2017	10,260,700	12,400
05/11/2017	10,275,000	14,300
05/12/2017	10,289,900	14,900
05/13/2017	10,305,600	15,700
05/14/2017	10,324,000	18,400
05/15/2017	10,337,900	13,900
05/16/2017	10,344,200	6,300
05/17/2017	10,359,600	15,400
05/18/2017	10,366,600	7,000
05/19/2017	10,379,800	13,200
05/20/2017	10,389,200	9,400
05/21/2017	10,401,200	12,000
05/22/2017	10,413,300	12,100
05/23/2017	10,425,400	12,100
05/24/2017	10,438,500	13,100
05/25/2017	10,449,900	11,400
05/26/2017	10,462,300	12,400
05/27/2017	10,475,300	13,000
05/28/2017	10,486,700	11,400
05/29/2017	10,492,300	5,600
05/30/2017	10,501,300	9,000
05/31/2017	10,513,800	12,500

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
05/01/2017	8,549,900	
05/02/2017	8,569,000	19,100
05/03/2017	8,582,400	13,400
05/04/2017	8,601,200	18,800
05/05/2017	8,613,100	11,900
05/06/2017	8,626,600	13,500
05/07/2017	8,644,400	17,800
05/08/2017	8,657,700	13,300
05/09/2017	8,672,400	14,700
05/10/2017	8,688,100	15,700
05/11/2017	8,695,400	7,300
05/12/2017	8,720,000	24,600
05/13/2017	8,742,200	22,200
05/14/2017	8,775,400	33,200
05/15/2017	8,788,800	13,400
05/16/2017	8,800,100	11,300
05/17/2017	8,825,000	24,900
05/18/2017	8,841,000	16,000
05/19/2017	8,860,000	19,000
05/20/2017	8,881,200	21,200
05/21/2017	8,901,100	19,900
05/22/2017	8,922,200	21,100
05/23/2017	8,941,500	19,300
05/24/2017	8,960,700	19,200
05/25/2017	8,969,900	9,200
05/26/2017	8,975,600	5,700
05/27/2017	8,980,100	4,500
05/28/2017	8,985,100	5,000
05/29/2017	9,011,100	26,000
05/30/2017	9,043,500	32,400
05/31/2017	9,089,300	45,800

Date	Use in Gallons
05/01/2017	
05/02/2017	30,300
05/03/2017	24,800
05/04/2017	32,500
05/05/2017	20,600
05/06/2017	28,100
05/07/2017	28,000
05/08/2017	23,800
05/09/2017	27,000
05/10/2017	28,100
05/11/2017	21,600
05/12/2017	39,500
05/13/2017	37,900
05/14/2017	51,600
05/15/2017	27,300
05/16/2017	17,600
05/17/2017	40,300
05/18/2017	23,000
05/19/2017	32,200
05/20/2017	30,600
05/21/2017	31,900
05/22/2017	33,200
05/23/2017	31,400
05/24/2017	32,300
05/25/2017	20,600
05/26/2017	18,100
05/27/2017	17,500
05/28/2017	16,400
05/29/2017	31,600
05/30/2017	41,400
05/31/2017	58,300
	897,500

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
06/01/2017	10,525,800	
06/02/2017	10,537,805	12,005
06/03/2017	10,550,337	12,532
06/04/2017	10,560,567	10,230
06/05/2017	10,571,567	11,000
06/06/2017	10,584,221	12,654
06/07/2017	10,593,221	9,000
06/08/2017	10,608,024	14,803
06/09/2017	10,620,552	12,528
06/10/2017	10,634,700	14,148
06/11/2017	10,647,703	13,003
06/12/2017	10,659,412	11,709
06/13/2017	10,672,070	12,658
06/14/2017	10,685,209	13,139
06/15/2017	10,702,690	17,481
06/16/2017	10,713,485	10,795
06/17/2017	10,724,439	10,954
06/18/2017	10,738,044	13,605
06/19/2017	10,749,505	11,461
06/20/2017	10,764,520	15,015
06/21/2017	10,776,406	11,886
06/22/2017	10,792,601	16,195
06/23/2017	10,804,055	11,454
06/24/2017	10,816,890	12,835
06/25/2017	10,831,097	14,207
06/26/2017	10,844,346	13,249
06/27/2017	10,858,610	14,264
06/28/2017	10,868,829	10,219
06/29/2017	10,880,313	11,484
06/30/2017	10,892,901	12,588

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
06/01/2017	9,104,300	
06/02/2017	9,123,700	19,400
06/03/2017	9,144,730	21,030
06/04/2017	9,162,250	17,520
06/05/2017	9,178,450	16,200
06/06/2017	9,197,450	19,000
06/07/2017	9,213,450	16,000
06/08/2017	9,223,500	10,050
06/09/2017	9,243,140	19,640
06/10/2017	9,263,650	20,510
06/11/2017	9,282,170	18,520
06/12/2017	9,304,150	21,980
06/13/2017	9,323,880	19,730
06/14/2017	9,344,880	21,000
06/15/2017	9,365,880	21,000
06/16/2017	9,392,400	26,520
06/17/2017	9,414,050	21,650
06/18/2017	9,438,612	24,562
06/19/2017	9,464,024	25,412
06/20/2017	9,488,900	24,876
06/21/2017	9,516,116	27,216
06/22/2017	9,539,662	23,546
06/23/2017	9,567,314	27,652
06/24/2017	9,594,967	27,653
06/25/2017	9,620,608	25,641
06/26/2017	9,641,242	20,634
06/27/2017	9,667,224	25,982
06/28/2017	9,689,177	21,953
06/29/2017	9,712,300	23,123
06/30/2017	9,741,028	28,728

Date	Use in Gallons
06/01/2017	
06/02/2017	31,405
06/03/2017	33,562
06/04/2017	27,750
06/05/2017	27,200
06/06/2017	31,654
06/07/2017	25,000
06/08/2017	24,853
06/09/2017	32,168
06/10/2017	34,658
06/11/2017	31,523
06/12/2017	33,689
06/13/2017	32,388
06/14/2017	34,139
06/15/2017	38,481
06/16/2017	37,315
06/17/2017	32,604
06/18/2017	38,167
06/19/2017	36,873
06/20/2017	39,891
06/21/2017	39,102
06/22/2017	39,741
06/23/2017	39,106
06/24/2017	40,488
06/25/2017	39,848
06/26/2017	33,883
06/27/2017	40,246
06/28/2017	32,172
06/29/2017	34,607
06/30/2017	41,316
	1,003,829

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
07/01/2017	10,910,111	
07/02/2017	10,927,096	16,985
07/03/2017	10,945,202	18,106
07/04/2017	10,960,449	15,247
07/05/2017	10,977,434	16,985
07/06/2017	10,994,388	16,954
07/07/2017	11,012,619	18,231
07/08/2017	11,029,646	17,027
07/09/2017	11,047,973	18,327
07/10/2017	11,064,900	16,927
07/11/2017	11,081,131	16,231
07/12/2017	11,099,117	17,986
07/13/2017	11,117,069	17,952
07/14/2017	11,133,647	16,578
07/15/2017	11,151,897	18,250
07/16/2017	11,168,849	16,952
07/17/2017	11,186,448	17,599
07/18/2017	11,202,417	15,969
07/19/2017	11,220,517	18,100
07/20/2017	11,237,765	17,248
07/21/2017	11,254,722	16,957
07/22/2017	11,271,923	17,201
07/23/2017	11,290,027	18,104
07/24/2017	11,306,598	16,571
07/25/2017	11,323,125	16,527
07/26/2017	11,340,228	17,103
07/27/2017	11,357,910	17,682
07/28/2017	11,372,938	15,028
07/29/2017	11,390,449	17,511
07/30/2017	11,404,559	14,110
07/31/2017	11,421,700	17,141

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
	9,769,995	
	9,798,932	28,937
	9,828,273	29,341
	9,857,236	28,963
	9,886,380	29,144
	9,913,914	27,534
	9,943,824	29,910
	9,972,451	28,627
	10,001,722	29,271
	10,030,835	29,113
	10,061,107	30,272
	10,090,106	28,999
	10,119,730	29,624
	10,148,888	29,158
	10,177,851	28,963
	10,209,096	31,245
	10,237,657	28,561
	10,266,768	29,111
	10,294,467	27,699
	10,322,100	27,633
	10,353,497	31,397
	10,382,608	29,111
	10,411,185	28,577
	10,440,727	29,542
	10,469,503	28,776
	10,498,618	29,115
	10,528,251	29,633
	10,557,220	28,969
	10,585,912	28,692
	10,612,896	26,984
	10,639,400	26,504

Date	Use in Gallons
07/01/2017	
07/02/2017	45,922
07/03/2017	47,447
07/04/2017	44,210
07/05/2017	46,129
07/06/2017	44,488
07/07/2017	48,141
07/08/2017	45,654
07/09/2017	47,598
07/10/2017	46,040
07/11/2017	46,503
07/12/2017	46,985
07/13/2017	47,576
07/14/2017	45,736
07/15/2017	47,213
07/16/2017	48,197
07/17/2017	46,160
07/18/2017	45,080
07/19/2017	45,799
07/20/2017	44,881
07/21/2017	48,354
07/22/2017	46,312
07/23/2017	46,681
07/24/2017	46,113
07/25/2017	45,303
07/26/2017	46,218
07/27/2017	47,315
07/28/2017	43,997
07/29/2017	46,203
07/30/2017	41,094
07/31/2017	43,645

1,380,994

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
08/01/2017	11,437,400	
08/02/2017	11,444,500	7,100
08/03/2017	11,457,000	12,500
08/04/2017	11,471,300	14,300
08/05/2017	11,481,000	9,700
08/06/2017	11,490,700	9,700
08/07/2017	11,500,200	9,500
08/08/2017	11,513,900	13,700
08/09/2017	11,534,300	20,400
08/10/2017	11,546,700	12,400
08/11/2017	11,559,800	13,100
08/12/2017	11,572,400	12,600
08/13/2017	11,585,000	12,600
08/14/2017	11,597,700	12,700
08/15/2017	11,610,400	12,700
08/16/2017	11,618,200	7,800
08/17/2017	11,629,200	11,000
08/18/2017	11,639,200	10,000
08/19/2017	11,649,080	9,880
08/20/2017	11,660,980	11,900
08/21/2017	11,674,000	13,020
08/22/2017	11,687,300	13,300
08/23/2017	11,698,100	10,800
08/24/2017	11,709,500	11,400
08/25/2017	11,720,700	11,200
08/26/2017	11,731,500	10,800
08/27/2017	11,742,500	11,000
08/28/2017	11,753,000	10,500
08/29/2017	11,765,000	12,000
08/30/2017	11,782,100	17,100
08/31/2017	11,792,700	10,600

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
08/01/2017	10,666,500	
08/02/2017	10,683,000	16,500
08/03/2017	10,700,300	17,300
08/04/2017	10,714,500	14,200
08/05/2017	10,738,100	23,600
08/06/2017	10,761,700	23,600
08/07/2017	10,785,300	23,600
08/08/2017	10,798,100	12,800
08/09/2017	10,832,700	34,600
08/10/2017	10,854,000	21,300
08/11/2017	10,876,200	22,200
08/12/2017	10,897,200	21,000
08/13/2017	10,918,900	21,700
08/14/2017	10,941,300	22,400
08/15/2017	10,945,000	3,700
08/16/2017	10,950,500	5,500
08/17/2017	10,971,500	21,000
08/18/2017	10,993,200	21,700
08/19/2017	11,013,700	20,500
08/20/2017	11,035,400	21,700
08/21/2017	11,071,300	35,900
08/22/2017	11,095,000	23,700
08/23/2017	11,114,000	19,000
08/24/2017	11,139,500	25,500
08/25/2017	11,152,300	12,800
08/26/2017	11,170,300	18,000
08/27/2017	11,188,800	18,500
08/28/2017	11,207,900	19,100
08/29/2017	11,228,900	21,000
08/30/2017	11,245,000	16,100
08/31/2017	11,276,200	31,200

Date	Use in Gallons
08/01/2017	
08/02/2017	23,600
08/03/2017	29,800
08/04/2017	28,500
08/05/2017	33,300
08/06/2017	33,300
08/07/2017	33,100
08/08/2017	26,500
08/09/2017	55,000
08/10/2017	33,700
08/11/2017	35,300
08/12/2017	33,600
08/13/2017	34,300
08/14/2017	35,100
08/15/2017	16,400
08/16/2017	13,300
08/17/2017	32,000
08/18/2017	31,700
08/19/2017	30,380
08/20/2017	33,600
08/21/2017	48,920
08/22/2017	37,000
08/23/2017	29,800
08/24/2017	36,900
08/25/2017	24,000
08/26/2017	28,800
08/27/2017	29,500
08/28/2017	29,600
08/29/2017	33,000
08/30/2017	33,200
08/31/2017	41,800
	965,000

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
09/01/2017	11,803,500	
09/02/2017	11,814,800	11,300
09/03/2017	11,825,800	11,000
09/04/2017	11,836,700	10,900
09/05/2017	11,847,600	10,900
09/06/2017	11,856,800	9,200
09/07/2017	11,871,800	15,000
09/08/2017	11,888,600	16,800
09/09/2017	11,909,400	20,800
09/10/2017	11,916,500	7,100
09/11/2017	11,926,200	9,700
09/12/2017	11,937,100	10,900
09/13/2017	11,946,500	9,400
09/14/2017	11,955,900	9,400
09/15/2017	11,964,400	8,500
09/16/2017	11,978,400	14,000
09/17/2017	11,990,400	12,000
09/18/2017	12,017,600	27,200
09/19/2017	12,026,000	8,400
09/20/2017	12,043,600	17,600
09/21/2017	12,054,100	10,500
09/22/2017	12,061,200	7,100
09/23/2017	12,070,200	9,000
09/24/2017	12,080,200	10,000
09/25/2017	12,093,200	13,000
09/26/2017	12,102,000	8,800
09/27/2017	12,117,000	15,000
09/28/2017	12,144,300	27,300
09/29/2017	12,153,700	9,400
09/30/2017	12,164,600	10,900
		-12,164,600

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
09/01/2017	11,294,400	
09/02/2017	11,312,900	18,500
09/03/2017	11,330,800	17,900
09/04/2017	11,349,400	18,600
09/05/2017	11,367,900	18,500
09/06/2017	11,386,500	18,600
09/07/2017	11,421,000	34,500
09/08/2017	11,441,200	20,200
09/09/2017	11,462,500	21,300
09/10/2017	11,484,900	22,400
09/11/2017	11,505,900	21,000
09/12/2017	11,528,600	22,700
09/13/2017	11,551,000	22,400
09/14/2017	11,571,400	20,400
09/15/2017	11,595,500	24,100
09/16/2017	11,617,500	22,000
09/17/2017	11,640,600	23,100
09/18/2017	11,663,600	23,000
09/19/2017	11,686,000	22,400
09/20/2017	11,708,400	22,400
09/21/2017	11,730,100	21,700
09/22/2017	11,732,100	2,000
09/23/2017	11,753,700	21,600
09/24/2017	11,777,200	23,500
09/25/2017	11,802,200	25,000
09/26/2017	11,838,400	36,200
09/27/2017	11,860,900	22,500
09/28/2017	11,882,300	21,400
09/29/2017	11,898,600	16,300
09/30/2017	11,917,300	18,700
		-11,917,300

Date	Use in Gallons
09/01/2017	
09/02/2017	29,800
09/03/2017	28,900
09/04/2017	29,500
09/05/2017	29,400
09/06/2017	27,800
09/07/2017	49,500
09/08/2017	37,000
09/09/2017	42,100
09/10/2017	29,500
09/11/2017	30,700
09/12/2017	33,600
09/13/2017	31,800
09/14/2017	29,800
09/15/2017	32,600
09/16/2017	36,000
09/17/2017	35,100
09/18/2017	50,200
09/19/2017	30,800
09/20/2017	40,000
09/21/2017	32,200
09/22/2017	9,100
09/23/2017	30,600
09/24/2017	33,500
09/25/2017	38,000
09/26/2017	45,000
09/27/2017	37,500
09/28/2017	48,700
09/29/2017	25,700
09/30/2017	29,600
	984,000

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
10/01/2017	12,173,400	
10/02/2017	12,182,300	8,900
10/03/2017	12,191,400	9,100
10/04/2017	12,200,000	8,600
10/05/2017	12,210,520	10,520
10/06/2017	12,220,320	9,800
10/07/2017	12,230,970	10,650
10/08/2017	12,241,210	10,240
10/09/2017	12,252,405	11,195
10/10/2017	12,262,800	10,395
10/11/2017	12,276,400	13,600
10/12/2017	12,289,900	13,500
10/13/2017	12,300,980	11,080
10/14/2017	12,311,360	10,380
10/15/2017	12,321,990	10,630
10/16/2017	12,334,900	12,910
10/17/2017	12,346,180	11,280
10/18/2017	12,357,140	10,960
10/19/2017	12,368,230	11,090
10/20/2017	12,380,400	12,170
10/21/2017	12,391,500	11,100
10/22/2017	12,403,100	11,600
10/23/2017	12,413,400	10,300
10/24/2017	12,423,100	9,700
10/25/2017	12,434,900	11,800
10/26/2017	12,446,420	11,520
10/27/2017	12,458,250	11,830
10/28/2017	12,468,470	10,220
10/29/2017	12,479,910	11,440
10/30/2017	12,492,180	12,270
10/31/2017	12,502,930	10,750

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
10/01/2017	11,932,380	
10/02/2017	11,947,570	15,190
10/03/2017	11,962,915	15,345
10/04/2017	11,978,400	15,485
10/05/2017	11,996,420	18,020
10/06/2017	12,014,380	17,960
10/07/2017	12,032,480	18,100
10/08/2017	12,051,390	18,910
10/09/2017	12,069,340	17,950
10/10/2017	12,086,900	17,560
10/11/2017	12,100,250	13,350
10/12/2017	12,116,290	16,040
10/13/2017	12,137,510	21,220
10/14/2017	12,157,960	20,450
10/15/2017	12,179,870	21,910
10/16/2017	12,201,200	21,330
10/17/2017	12,221,850	20,650
10/18/2017	12,242,880	21,030
10/19/2017	12,263,400	20,520
10/20/2017	12,283,450	20,050
10/21/2017	12,304,830	21,380
10/22/2017	12,325,800	20,970
10/23/2017	12,345,600	19,800
10/24/2017	12,364,300	18,700
10/25/2017	12,383,500	19,200
10/26/2017	12,405,100	21,600
10/27/2017	12,425,590	20,490
10/28/2017	12,447,340	21,750
10/29/2017	12,468,780	21,440
10/30/2017	12,489,150	20,370
10/31/2017	12,511,170	22,020

Date	Use in Gallons
10/01/2017	
10/01/2017	24,090
10/03/2017	24,445
10/04/2017	24,085
10/05/2017	28,540
10/06/2017	27,760
10/07/2017	28,750
10/08/2017	29,150
10/09/2017	29,145
10/10/2017	27,955
10/11/2017	26,950
10/12/2017	29,540
10/13/2017	32,300
10/14/2017	30,830
10/15/2017	32,540
10/16/2017	34,240
10/17/2017	31,930
10/18/2017	31,990
10/19/2017	31,610
10/20/2017	32,220
10/21/2017	32,480
10/22/2017	32,570
10/23/2017	30,100
10/24/2017	28,400
10/25/2017	31,000
10/26/2017	33,120
10/27/2017	32,320
10/28/2017	31,970
10/29/2017	32,880
10/30/2017	32,640
10/31/2017	32,770
	908,320

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (original well)		
Date	Reading	Use in Gallons
11/01/2017	12,513,930	
11/02/2017	12,524,030	10,100
11/03/2017	12,533,930	9,900
11/04/2017	12,543,600	9,670
11/05/2017	12,554,800	11,200
11/06/2017	12,563,500	8,700
11/07/2017	12,574,900	11,400
11/08/2017	12,588,700	13,800
11/09/2017	12,600,400	11,700
11/10/2017	12,613,900	13,500
11/11/2017	12,626,100	12,200
11/12/2017	12,633,500	7,400
11/13/2017	12,648,300	14,800
11/14/2017	12,659,900	11,600
11/15/2017	12,668,000	8,100
11/16/2017	12,675,200	7,200
11/17/2017	12,695,200	20,000
11/18/2017	12,711,400	16,200
11/19/2017	12,728,100	16,700
11/20/2017	12,729,400	1,300
11/21/2017	12,742,700	13,300
11/22/2017	12,756,200	13,500
11/23/2017	12,768,500	12,300
11/24/2017	12,780,100	11,600
11/25/2017	12,790,300	10,200
11/26/2017	12,799,700	9,400
11/27/2017	12,807,100	7,400
11/28/2017	12,812,100	5,000
11/29/2017	12,825,500	13,400
11/30/2017	12,836,500	11,000

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
11/01/2017	12,505,900	
11/02/2017	12,523,800	17,900
11/03/2017	12,544,800	21,000
11/04/2017	12,563,400	18,600
11/05/2017	12,584,120	20,720
11/06/2017	12,604,900	20,780
11/07/2017	12,624,800	19,900
11/08/2017	12,648,800	24,000
11/09/2017	12,666,000	17,200
11/10/2017	12,684,700	18,700
11/11/2017	12,700,500	15,800
11/12/2017	12,725,000	24,500
11/13/2017	12,752,400	27,400
11/14/2017	12,772,400	20,000
11/15/2017	12,812,100	39,700
11/16/2017	12,823,100	11,000
11/17/2017	12,833,200	10,100
11/18/2017	12,851,500	18,300
11/19/2017	12,874,900	23,400
11/20/2017	12,892,200	17,300
11/21/2017	12,915,300	23,100
11/22/2017	12,934,000	18,700
11/23/2017	12,953,200	19,200
11/24/2017	12,971,500	18,300
11/25/2017	12,984,600	13,100
11/26/2017	13,000,500	15,900
11/27/2017	13,025,700	25,200
11/28/2017	13,042,900	17,200
11/29/2017	13,061,240	18,340
11/30/2017	13,084,600	23,360

Date	Use in Gallons
11/01/2017	
11/02/2017	28,000
11/03/2017	30,900
11/04/2017	28,270
11/05/2017	31,920
11/06/2017	29,480
11/07/2017	31,300
11/08/2017	37,800
11/09/2017	28,900
11/10/2017	32,200
11/11/2017	28,000
11/12/2017	31,900
11/13/2017	42,200
11/14/2017	31,600
11/15/2017	47,800
11/16/2017	18,200
11/17/2017	30,100
11/18/2017	34,500
11/19/2017	40,100
11/20/2017	18,600
11/21/2017	36,400
11/22/2017	32,200
11/23/2017	31,500
11/24/2017	29,900
11/25/2017	23,300
11/26/2017	25,300
11/27/2017	32,600
11/28/2017	22,200
11/29/2017	31,740
11/30/2017	34,360
	901,270

Teton, LLC Well Tracking Form

South Well - Well #1 Veblen Aquifer (orginal well)		
Date	Reading	Use in Gallons
12/01/2017	12,855,400	
12/02/2017	12,862,500	7,100
12/03/2017	12,870,300	7,800
12/04/2017	12,876,200	5,900
12/05/2017	12,880,400	4,200
12/06/2017	12,888,100	7,700
12/07/2017	12,894,400	6,300
12/08/2017	meter broken	0
12/09/2017		0
12/10/2017		0
12/11/2017		0
12/12/2017		0
12/13/2017		0
12/14/2017		0
12/15/2017		0
12/16/2017		0
12/17/2017		0
12/18/2017		0
12/19/2017		0
12/20/2017		0
12/21/2017		0
12/22/2017		0
12/23/2017		0
12/24/2017		0
12/25/2017		0
12/26/2017		0
12/27/2017		0
12/28/2017		0
12/29/2017		0
12/30/2017		0
12/31/2017		

North Well - Well #2 Veblen Aquifer (newest We		
Date	Reading	Use
12/01/2017	13,108,500	
12/02/2017	13,126,000	17,500
12/03/2017	13,147,300	21,300
12/04/2017	13,169,200	21,900
12/05/2017	13,188,500	19,300
12/06/2017	13,210,800	22,300
12/07/2017	13,237,500	26,700
12/08/2017	13,269,000	31,500
12/09/2017	13,283,500	14,500
12/10/2017	13,297,500	14,000
12/11/2017	13,312,200	14,700
12/12/2017	13,334,000	21,800
12/13/2017	13,359,000	25,000
12/14/2017	13,381,400	22,400
12/15/2017	13,405,600	24,200
12/16/2017	13,423,100	17,500
12/17/2017	13,441,100	18,000
12/18/2017	13,458,000	16,900
12/19/2017	13,470,700	12,700
12/20/2017	13,494,100	23,400
12/21/2017	13,513,600	19,500
12/22/2017	13,537,200	23,600
12/23/2017	13,557,300	20,100
12/24/2017	13,577,300	20,000
12/25/2017	13,597,500	20,200
12/26/2017	13,617,800	20,300
12/27/2017	13,637,800	20,000
12/28/2017	13,658,800	21,000
12/29/2017	13,679,500	20,700
12/30/2017	13,699,300	19,800
12/31/2017	13,719,400	20,100

Date	Use in Gallons
12/01/2017	
12/02/2017	24,600
12/03/2017	29,100
12/04/2017	27,800
12/05/2017	23,500
12/06/2017	30,000
12/07/2017	33,000
12/08/2017	31,500
12/09/2017	14,500
12/10/2017	14,000
12/11/2017	14,700
12/12/2017	21,800
12/13/2017	25,000
12/14/2017	22,400
12/15/2017	24,200
12/16/2017	17,500
12/17/2017	18,000
12/18/2017	16,900
12/19/2017	12,700
12/20/2017	23,400
12/21/2017	19,500
12/22/2017	23,600
12/23/2017	20,100
12/24/2017	20,000
12/25/2017	20,200
12/26/2017	20,300
12/27/2017	20,000
12/28/2017	21,000
12/29/2017	20,700
12/30/2017	19,800
12/31/2017	20,100
Total	649,900

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8227-3

I have this day, August 18, 2021, made a thorough examination of the water use system constructed by Teton LLC PO Box 188, Pipestone, MN 56164 of Permit No. 8227-3, bearing the priority of June 1, 2016 authorizing the diversion of 0.11 cu. ft. per second of the waters of the Veblen Aquifer for commercial (swine) use purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kranz Well & Excavation
- 2) No. of Wells 2
- 3) Depth(s) 57 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 37 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 35 feet

Pump:

- 1) Make NA
- 2) Model 2 – Submersible
- 3) Size NA
- 4) Capacity each 30 GPM

Motor:

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

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows:
Well #1: 2,400 ft N & 1,315 ft E of the SW corner of Section 16, T121N, R47W (NW ¼ SW ¼)
Well #2: 2,370 ft N & 1,315 ft E of the SW corner of Section 16, T121N, R47W (NW ¼ SW ¼)
2. The works are capable of diverting and conveying to the place of use 0.13 cu. ft. per second of water which is to be used for commercial (swine) production.
3. The license should be issued for 0.11 cfs.
4. All structures, wells and lands on map Y

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

The two (2) well are capable of producing 30 gpm each but are restricted to 20 gpm each for a total of 40 gpm (0.089 cfs).

The Teton LLC is a part of the Pipestone System (a major player in the swine industry). Marty Rost at 507/215-0482 is a person who can be contacted at mailing address 1300 S Hwy 75, Pipestone, MN 56164.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 19, 2021

Diversion Point Locations

From the SW corner of
Sec 16 T121N-R47W

Well #1

2400 ft N & 1315 ft E

Lat 45.28985

Long -96.57085

Well #2

2370 ft N & 1315 ft E

Lat 45.28976

Long -96.57085

Section 16
T121N-R47W

Well #1

Well #2



0 625 1,250 2,500 3,750 5,000 Feet

SOUTH DAKOTA WATER WELL COMPLETION REPORT

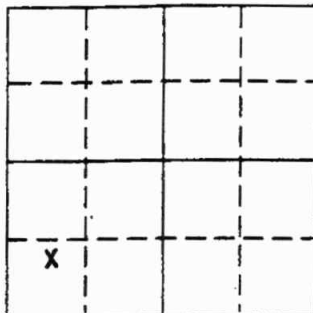
11-02

8227-3

Location SW 1/4 SW 1/4 Sec 16 Twp 121N Rg 47W

48120 145th Str. Big Stone City, SD
County Grant

Please mark well location with an "X"



Well completion Date

10-9-15

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

170 ft from concrete manure pit (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe

☐ Steel ☐ Plastic ☐ Other

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
sdr21 LB/FT	5 IN	0 FT	37 FT	9 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	6	Lb/gal	20 Ft	37 Ft
Cement	2	Lb/gal	0 Ft	20 Ft

Describe grouting procedure Tremmie line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial PVC
Slot Size 025 Set From 37 Feet to 57 Feet

Other information 040 Red flint

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Describe packer(s) and location PVC cap bottom

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? BleachLab sample sent to for water quality analysis ☐ No, Why Not?

Well Owner:

Business Name:

Address1:

Address2:

City, State, Zip:

WELL LOG:

FORMATION

DEPTH

FROM:

TO

Top soil

0

5

Yellow clay

5

17

Blue clay

17

37

Coarse sand

37

57

STATIC WATER LEVEL

43

FEET

If flowing: closed in pressure

PSI

GPM flow

through

inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

submersible pump

☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

60

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

OCT 19 2015

WATER RIGHTS PROGRAM

VEB

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well & Excav.

Signature of License Representative

Signature of Well Owner or Equitable Property Holder

Date:

10-15-15



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

8227-3

AUG 26 2021

Marty Rost
Teton LLC
PO Box 188
Pipestone MN 56164-0188

Dear Mr. Rost:

Enclosed is Water License No. 8227-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8227-3

(1) Teton LLC, PO Box 188, Pipestone MN 56164 made Application No. 8227-3, June 1, 2016 for a water permit to divert 0.11 cubic feet of water per second (cfs), with an annual volume of 46.03 acre feet of water from ground water, two wells (Veblen Aquifer), Roberts County, South Dakota for commercial purposes. Permit No. 8227-3, with priority dates of June 1, 2016 (23.63 acre feet) and October 8, 2014 (22.4 acre feet) was approved August 15, 2016 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 15, 2021 and for the application to beneficial use of said water on or before August 15, 2025.

Water Permit No. 8227-3 (priority of June 1, 2016) was obtained to increase the annual volume of water authorized under Water Permit No. 8066-3 (priority of October 8, 2014). The total appropriation was increased to 46.03 acre feet. No increase in the maximum diversion rate of 0.11 cfs was authorized.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.11 cubic feet of water per second with an annual volume of 46.03 acre feet for beneficial use. The diversion points are located:

Well #1: 2,400 ft N & 1,315 ft E of the SW corner of Section 16, T121N, R47W (NW ¼ SW ¼)
Latitude 45.28985, Longitude -96.57085

Well #2: 2,370 ft N & 1,315 ft E of the SW corner of Section 16, T121N, R47W (NW ¼ SW ¼)
Latitude 45.28976, Longitude -96.57085

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a swine production facility.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Teton LLC, PO Box 188, Pipestone MN 56164 the holder and/or owner of Water Right No. 8227-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second (46.03 acre feet) from ground water, two wells (Veblen Aquifer) with priority dates of June 1, 2016 (23.63 acre feet) and October 8, 2014 (22.4 acre feet) from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8227-3 and subject to the following qualifications:

- The wells approved under Water Right No. 8227-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this water right shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- Water Right No. 8227-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.
- Water Right No. 8227-3 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
- The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Veblen aquifer.
- Water Right No. 8227-3 authorizes a total annual diversion of 46.03 acre feet of water.
- Water Permit No. 8227-3 incorporates Water Permit No. 8066-3. *(this action was done at the time of permitting).*

Eric Gronlund

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

AUG 26 2021

date

