

WATER PERMIT NO. 8276-3

Name of Applicant: **Husky Farms LLC**

Address: **533 Fordham Dr., Carpenter SD 57322**

Phone: **605 532-3585**

Amount of Water Claimed: **0.267 cfs (76.72 AF)**

Total Acres: **NA**

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

Water to be used for: **commercial use (swine operation)**

County: **Clark**

Type of Waste Disposal System:

Location: **approximately 7 miles southwest of Clark SD**

PRIORITY

Date Received: **9-17-18**

Application/License Fee: **\$ 950**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SE 1/4 SW 1/4 Sec 36-T116N-**

R59W

Land to be Irrigated: **NA**

Depth of Well: **162 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

			36		
		⊗			

Reviewed and the Number Assigned on: **9-18-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8376-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u> (Wed)	
	Newspaper <u>Clark County Courier, Clark 532-3654</u>	
	<u>Public Opinion, Watertown 886-6901</u>	

RECEIVED
SEP 17 2018
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

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

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

1. Name to Appear on Water Permit HUSKY FARMS LLC

Mailing Address 533 Fordham Dr. (Address) Carpenter (City) SD (State) 57322 (Zip Code)

Phone 605-532-3585 Mobile _____ Email _____

2. Amount of water claimed 0.267 *CFS or 76.72 **GPM and 76.72 ***AF or _____ Gallons
 Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply ALTAMONT 1 AQUIFER

4. Location of point of diversion 2 WELLS IN SE1/4 of SW1/4 SECTION 36-T116N-R59W County Clark
 (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 CLARK

6. Annual period during which water is to be used JAN 1-DEC 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
SWINE PRODUCTION OPERATION CONSISTING OF 3 BARNES AND OFFICE. 2 WELLS ARE PROPOSED, EACH HAVING A WITHDRAW RATE OF 0.1337 CFS (60 GPM). CONSISTENT WITHDRAW FROM BOTH WELLS AT ONCE IS NOT ANTICIPATED BUT MAY OCCUR. ANNUAL USE OF 25 MILLION GALLONS (76.72 AF) IS ESTIMATED.

I, Dany Blamyer Name of Person Sec/Treas Title (if applicable), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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

**SOUTH DAKOTA
WATER PERMIT NO. 8376-3**

Date of first receipt of application September 17, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8376-3 to Husky Farms LLC, 533 Fordham Dr., Carpenter SD 57322 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. 8376-3 appropriates 76.72 acre-feet of water annually at a maximum pump rate of 0.276 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (162 feet deep) located in the SE 1/4 SW 1/4 Section 36 for commercial use in a swine facility located in the E 1/2 SW 1/4 Section 36; all in T116N-R59W. This site is located approximately 8 miles southwest of Clark SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8376-3 is December 10, 2018.
5. The date from which applicant may claim right is September 17, 2018.
6. One-fifth of the construction is to be completed on or before June 10, 2021.
7. All construction is to be completed on or before December 10, 2023.
8. Water is to be put to beneficial use on or before December 20, 2027.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

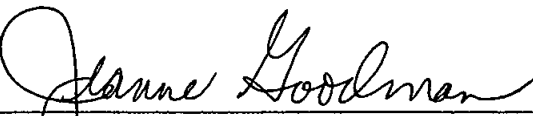
QUALIFICATIONS

1. The wells approved under Water Permit No. 8376-3 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. Water Permit No. 8376-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8376-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

(continued)

- 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 Altamont aquifer.
5. Water Permit No. 8376-3 authorizes a total annual diversion of 76.72 acre feet of water.

WATER MANAGEMENT BOARD

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

JAN 04 2019

date



N of Fordam Colony

SD EForm - 1621LD V1

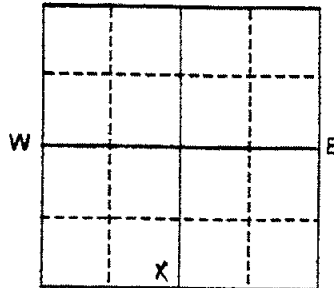
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 1/4 Sec Twp Rg

County CLARK

Please mark well location with an "X"



Well Completion Date

8-15-18

1 Mile

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

None ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>162</u> FT	<u>7 7/8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>16</u>	Lb/gal	<u>0</u> Ft	<u>140</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 20 Feet

Material PVC

Slot Size 1025 Set From 142 Feet to 162 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location above screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

Lab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: Pipe State Packers

Business Name:

Address:

City, State, Zip: SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>16</u>
<u>Blue Clay</u>	<u>16</u>	<u>154</u>
<u>Pea Rock</u>	<u>154</u>	<u>162</u>
<u>Shale</u>		

STATIC WATER LEVEL 106 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
☐ Bailed
☐ Other

Pumping Level Below Land Surface

108 Ft. After 3 Hrs. pumped 25 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Glatfelter

Signature of Well Owner or Equitable Property Holder:

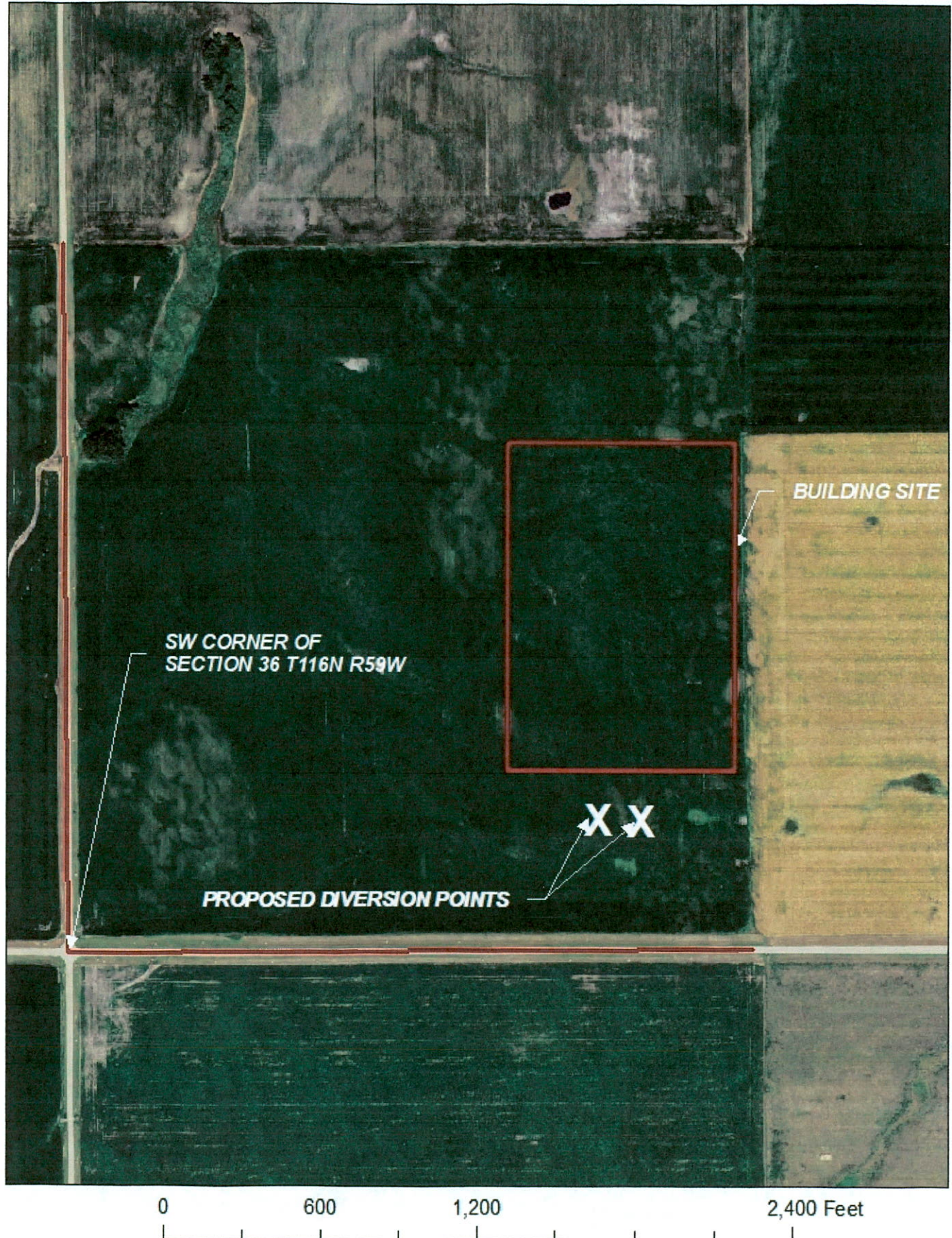
Date:

Stretch's Well Service Inc. Drillers Log (605)266-2128				Page No.	
Pipe Stone Feeders		Job Name		Location	
Jt. #		Depth		Time	
				Remarks	
N-05 Carpenter		8-15-18		Rue Foreman	
1	0-15	4.10	Gh-1 TOP SOIL BLACK		
2	15-30	4.47	1-14 Yellow CLAY Small Sand streaks - pebbles		
3	30-45	9.23	14-16 Mixed clay yellow - blue		
4	45-60	10.02	16-44 Blue silty clay		
5	60-75	10.38	44-46 Blue silty clay Small Gravel streaks		
6	75-90	11.16	46-65 Blue sandy silty clay		
7	90-105	11.51	65-67 Lime stone		
8	105-120	1.03	67-86 Blue silty sandy clay		
9	120-135	1.43	86-88 Blue silty clay Small Sand streaks		
10	135-150	2.23	88-149 Blue silty sticky clay		
11	150-165	2.49	149-154 Blue Shale clay		
12	165-180	3.23	154-160 Small Pea rock sand streaks		
			160-163 small Pea rock		
			163 166 Blue silty clay		
			166-175 Dark Gray shale		
1	0-15	1K			
2	15-25	DL			
3	25-40	R	WD - 162 WL 106		
4	40-55	R	144' 5" SDR21 PVC CASING		
5	55-70	R	20' 5" 25 Slot PVC well screen - Cased		
6	70-85	R	2-5" PVC caps		
7	85-100	R	2- bags EWI Plug		
8	100-115	R	Pea rock		
9	115-130	R			
10	130-145	R			
11	145-160	R			
12	160-175	A			

-16-

HUSKY FARMS LLC

WATER PERMIT APPLICATION MAP



Sec 26
T116N
R59W

Sec 25
T116N
R59W

Sec 30
T116N
R58W

Sec 35
T116N
R59W

Sec 36
T116N
R59W

Sec 31
T116N
R58W

Sec 2
T115N
R59W

Sec 1
T115N
R59W

Sec 6
T115N
R58W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 28, 20 18

RECEIVED OF Fordham Hutterian Brothoren, Inc. 533 Fordham Dr. Carpenter SD 57322-2101

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

Fee for Application for Permit No. <u>8376-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8376-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **08762**

By

Jeanne Goodman
Chief Engineer
7411



DL145262

B0054-9009 03/13/2018 11:36AM Rec'd by SD SOS

ARTICLES OF ORGANIZATION

South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Please Type or Print Clearly In Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Husky Farms, LLC**

Article II

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

Actual Street Address

**324 S SPLITROCK BLVD.
SUITE 205
BRANDON, SD 57005**

Mailing Address

**324 S SPLITROCK BLVD.
SUITE 205
BRANDON, SD 57005**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

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

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

Name **Luke William Minion**

Actual Street Address in this State

**324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005**

Mailing Address in this State

**324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005**

Article IV

The name and address of each organizer

Name

Address

Lora Hopp-Hansen

324 S. Splitrock Blvd., Suite 205, Brandon, SD 57005

Article V

The duration of the company if other than perpetual is: **Perpetual**

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



B0054-9010 03/13/2018 11:36AM Rec'd by SD SOS

Article VI

☐ Member-Managed ☒ Manager-Managed

Name

Address

Barry Richard Kerkaert

324 S. Splitrock Blvd., Suite 205, Brandon, SD 57005

Article VII

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

☐ Yes

☒ No

Article VIII

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

Signature/Authorization

The Articles of Organization must be executed by the organizers.

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

Lora Hopp-Hansen

Lora Hopp-Hansen

Organizer

03/13/2018

PRINTED NAME

SIGNATURE

TITLE

DATED



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

September 17, 2018

Husky Farms LLC
c/o Gary Glanzer, Sec/Treas
533 Fordham Dr.
Carpenter SD 57322

Dear Mr. Glanzer:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of Husky Farms LLC. In order to complete the application, the following is required.

- A review of the Secretary of State's corporation website finds Husky Farms LLC listed. Your name, Gary Glanzer, is not listed as one of its partners. DENR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Husky Farms LLC on all matters involving the water permit application.

If you have any questions, please contact Eric Gronlund.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Schlaak, Karen

From: Brian Friedrichsen <brian@dakotaenv.com>
Sent: Tuesday, September 18, 2018 1:26 PM
To: Schlaak, Karen
Subject: [EXT] Water right application husky farms
Attachments: articles.pdf

Karen,

Gary Glanzer forwarded me a copy of your letter requesting additional information. Attached is a copy of information submitted with the CAFO permit for this facility, hopefully it addresses your concerns.

Thanks,

--

Brian Friedrichsen
Dakota Environmental

Husky Farms, LLC
1300 S. Hwy 75
Pipestone, MN 56164

May 21, 2018

Via Email

SD Department of Environment and Natural Resources
Attn: Kent Woodmansey
Joe Foss Building
523 East Capital
Pierre, SD 57501

**Re: Husky Farms, LLC Application for Coverage under 2017 General Water Pollution Control Permit
for Concentrated Animal Feeding Operations**

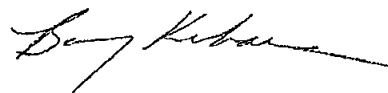
Dear Mr. Woodmansey:

Husky Farms, LLC ("Husky") was organized and formed as a "manager" managed South Dakota limited liability company on March 13, 2018. Pursuant to SDLRC §47-34A-401.1(b), the "Managers" for Husky are Gary Glanzer and Dr. Barry Kerkaert (see attached Organizational Resolutions). Accordingly, both Gary Glanzer and Barry Kerkaert are authorized to manage and conduct the business of Husky, including signing of the permit application and related forms for issuance of the permit in question.

Pursuant to the Permit Application Requirements, specifically section 1.2.2.1(a), Husky is a single member LLC and as such its sole member, Fordham Hutterian Brethren, Inc., holds 100% of the common voting units of Husky. Husky is the Producer/Operator and has contractually retained PVC Management II, LLC, to conduct the day-to-day activities of livestock (swine) production. Husky remains ultimately responsible for the obligations of the permit. Husky is the sole equity contributor for the facility operations and any and all monetary profit or loss is the responsibility and right of Husky. Husky has the authority to change operations at the facility or engage another management company. Husky as the Producer, Owner and Operator of the facility is aware and accepts ultimate responsibility and liability under the permit.

Please feel free to contact me directly with any further questions and concerns. I thank you for your attention to this matter.

Sincerely,



Dr. Barry Kerkaert
Manager, Husky Farms, LLC

**ORGANIZATIONAL RESOLUTIONS
OF THE SOLE MEMBER OF
HUSKY FARMS, LLC
ADOPTED WITHOUT MEETING**

May 1, 2018

The undersigned, constituting the sole member of Husky Farms, LLC, a South Dakota limited liability company (the "Company"), do hereby adopt the following organizational resolutions in writing pursuant to South Dakota Uniform Limited Liability Company Act in lieu of a meeting of the member:

1. Articles of Organization

RESOLVED, the Articles of Organization of the Company, filed with the South Dakota Secretary of March 13, 2018, are adopted and approved.

RESOLVED FURTHER, when and as received from the South Dakota Secretary of State, the original Articles of Organization and the Certificate of Organization shall be inserted in the Company's minute book and made a permanent part of its records.

2. Managers

RESOLVED, that all formalities pertaining to the nomination and election of the Company's Managers are waived and the following persons are elected to the positions set forth opposite their respective names, to hold such position(s) until the election and qualification of his or her successors or until his or her earlier death, resignation, removal or disqualification:

Chief Manager: Gary Glanzer
Vice Manager: Barry Kerkaert

RESOLVED FURTHER, that all actions of the incorporator, or Member previously taken on behalf of the Company in anticipation of election as a manager of the Company are ratified, confirmed and approved.

3. Organizational Expenditures

RESOLVED, the managers of the Company are authorized to pay all charges and expenses arising out of the organization and establishment of the Company and to reimburse any persons who have made any disbursements therefor.

4. Operational Agreements

RESOLVED, the Managers of the Company are authorized to sign and otherwise execute the Management Services Agreement, Personnel Agreement and Deductible Sharing Agreement on behalf of the Company.

5. Organizer

RESOLVED any and all past actions taken by the Organizer of the Company on behalf of or in the furtherance of the Company are hereby ratified, confirmed and approved in all respects.

RESOLVED FURTHER, the Company hereby assumes any and all liability arising out of or resulting from any act of the Organizer of the Company done on behalf of or in furtherance of the Company, and hereby agrees to indemnify and hold harmless the Organizer of the Company for any such liability.

RESOLVED FURTHER, the resignation of the Organizer of the Company is hereby accepted and approved in all respects.

6. **Fiscal Year**

RESOLVED, the initial fiscal year of the Company shall end December 31, 2018; thereafter the Company's fiscal year shall begin the first day of January and shall end on the last day of December.

7. **Banking**

RESOLVED, that any bank or trust company in any city of the United States of America (the "**Bank**") as selected by a Manager in his discretion, is and may be a depository for the funds of the Company, and the Managers are hereby authorized, empowered, and directed to open any such account using the standard forms of banking resolution of the Bank, which forms are hereby approved, confirmed, ratified and adopted; and

RESOLVED FURTHER, that the Managers, officers and agents (which shall include: Barry Kerkaert, Justin Roelofs, Tom Finke, Jerry Thompson and Sharon Jacobson (collectively, the "**Agents**") of the Company are authorized to deposit any funds of the Company in such Bank, or any of its branches, and that endorsements for deposit may be made by the written or stamped endorsement of the Company without designation of the person making the endorsement.

RESOLVED FURTHER, until the further order or resolution of the Managers, and subject to the limitations set forth in this action and any other written limitations, the Bank is hereby authorized to honor and pay checks, drafts, or other orders for the payment of money drawn in the name of the Company, by the Chief Manager, the Vice Manager, an Agent and such other persons as appointed by the Managers.

RESOLVED FURTHER, notwithstanding the general grant of authority set forth in the immediately preceding paragraph, the Bank shall have no authority to honor or pay any checks, drafts or other orders for the payment of money in the name of the Company in excess of the sum of \$50,000.00, without the signature of at least two Managers or Agents.

8. **Limited Liability Company Seal**

RESOLVED, the Company shall have no seal.

This instrument may be executed in one or more counterparts, including facsimile counterparts and signatures, each of which when executed and delivered shall constitute a complete and original instrument, and all of which taken together shall constitute one and the same instrument.

(Signatures on Following Page)

Dated and effective as of the date first written above.

MEMBER

Fordham Hutterian Brethren, Inc.

By: Ray M. Mays

Sec. 1. Mays

Its:

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 20, 2018 9:51 AM
To: Brian Friedrichsen (brian@dakotaenv.com); Marty Rost (mrost@pipevet.com)
Subject: Water Permit Application No. 8376-3, Huskey Farms LLC
Attachments: 8376-3.pdf

Attached is the recommendation, report and information regarding the public notice for Water Permit Application No. 8376-3, Huskey Farms LLC. The notice is scheduled to be published November 28th. Someone needs to contact the papers to authorize publication and arrange for payment this week.

Karen Schlaak

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8376-3, Husky Farms 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. 8376-3, Husky Farms LLC, c/o Gary Glanzer, 533 Fordham Drive, Carpenter SD 57322.

The Chief Engineer is recommending APPROVAL of Application No. 8376-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit No. 8376-3 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. Water Permit No. 8376-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8376-3 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,
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 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Recommendation for Application No. 8376-3
Page 2

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont aquifer.
5. Water Permit No. 8376-3 authorizes a total annual diversion of 76.72 acre feet of water.

See report on application for additional information.

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Jeanne Goodman, Chief Engineer
November 20, 2018

Report to the Chief Engineer
Water Permit Application No. 8376-3
Husky Farms LLC
November 1, 2018

Water Permit Application No. 8376-3 for Husky Farms LLC c/o Gary Glanzer proposes to appropriate 76.72 acre-feet of water annually at a maximum instantaneous diversion rate of 0.276 cubic feet of water per second (cfs). The proposed diversion points for this application are two wells located in the SE ¼ SW ¼ Section 36 in T116N-R59W completed into the Altamont aquifer. The water is for commercial use in a swine facility located in the E ½ SW ¼ Section 36 in T116N-R59W in Clark County located approximately eight miles southwest of Clark, SD.

Aquifer: Altamont (A)

Hydrogeologic Information and Aquifer Characteristics

Hedges et al. (1982) estimated the Altamont aquifers collectively underlie in excess of approximately 1,672,800 acres of Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties and contains in excess of approximately 7,197,360 acre-feet of recoverable water. In Clark County, the Altamont aquifer is estimated to underlie about 537,200 acres with an estimated 3,326,400 acre-feet of recoverable water in storage (Hedges et al., 1982). The Altamont aquifer is generally under confined conditions (Water Rights, 2018a).

Hamilton (1986) identified six major glacial aquifers in Clark County. The aquifers were classified based on elevation. The three aquifers of higher elevation were classified as Prairie Coteau aquifers 1, 2, and 3, and the three aquifers of lower elevation were classified as Altamont aquifers 1, 2, and 3 (Hamilton, 1986). Based on the approximate elevation of aquifer material and the location of the well sites this application proposes to use, the proposed wells are completed into the Altamont 2 aquifer (Hamilton, 1986). The Altamont 2 aquifer is a buried glacial outwash aquifer that is made up of very coarse sand and gravel and sandy silt (Hamilton, 1986). The aquifer underlies approximately 403,200 acres of Clark County and contains an estimated 3.23 million ac-ft of water (Hamilton, 1986). Hamilton (1986) notes the Altamont 2 aquifer is hydraulically connected to the Altamont 3 aquifer near the western part of the Clark County and Altamont 1 aquifer near the center of the county.

For water management purposes, the Altamont aquifer has not been subdivided into management units by the Water Rights Program and the Water Management Board. Historically water availability has been reviewed for the entire Altamont aquifer when considering a new application (Water Rights, 2018b). However, more recent reviews have examined water availability in the aquifer on a more localized scale. For Clark County, the DENR-Water Rights Program has not historically differentiated between units and considered all of the deeper and hydraulically connected outwash deposits in Clark County the Altamont aquifer (Water Rights, 2018b).

The well completion report submitted with this application indicates pea rock was encountered from 154 to 162 feet below grade. At the time of completion (August 2018) the static water level was 106 feet below grade. The aquifer is under confined conditions at the well locations for this application.

South Dakota Codified Law (SDCL) 46-2A-9

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

Water Availability

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 Altamont aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

Observation Wells

In determining the availability of unappropriated water for a permit application, Administrative Rule 74:02:05:07 requires the Water Management Board to rely on 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 annual recharge.

The Water Rights Program monitors 31 observation wells completed into the Altamont aquifer, 22 of which are located in Clark County (Water Rights, 2018a). In general, observation wells monitoring the Altamont aquifer show either rising or relatively stable water levels when comparing the start of the period of record to recent water level readings with fluctuations in response to climatic conditions. Some wells also document seasonal pumping of nearby irrigation wells but return to pre-irrigation pumping levels with the end of the irrigation season and spring recharge.

Water levels in the observation wells monitoring the aquifer generally rise during wet periods and gradually decline during dry periods or remain relatively stable. This indicates that natural conditions dominate the aquifer, and recharge to and natural discharge from the aquifer exceeds pumping. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available from the

Altamont aquifer in South Dakota. There are four observation wells located within six miles of the proposed well location for this application. The hydrographs for this observation wells are shown in Figure 1 through 4.

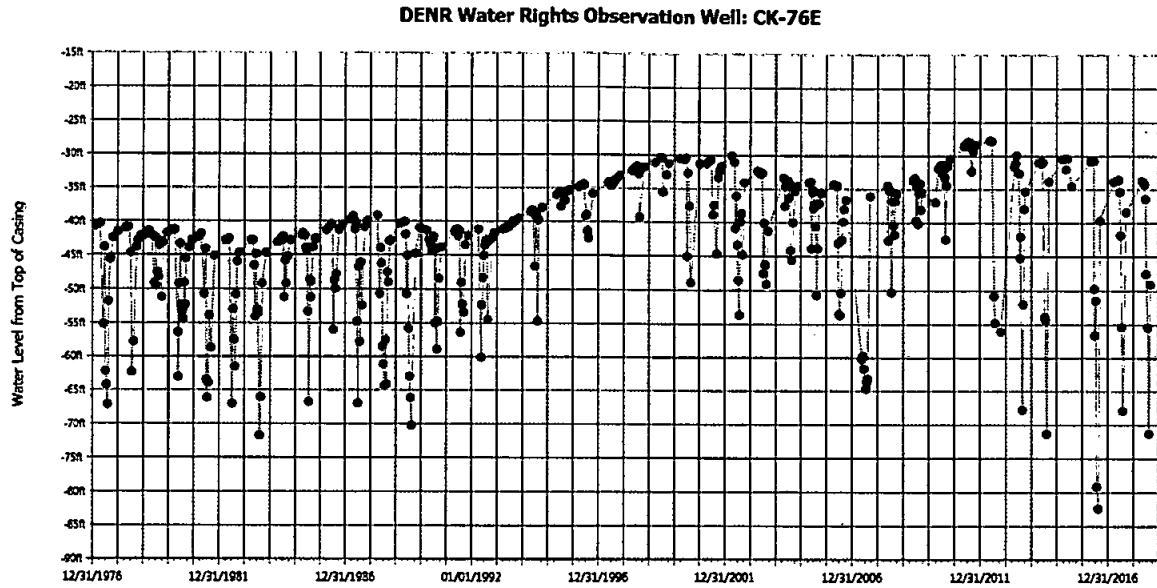


Figure 1: Hydrograph of Observation Well CK-76E located approximately 2.7 miles northwest of the proposed well locations for this application (Water Rights, 2018a)

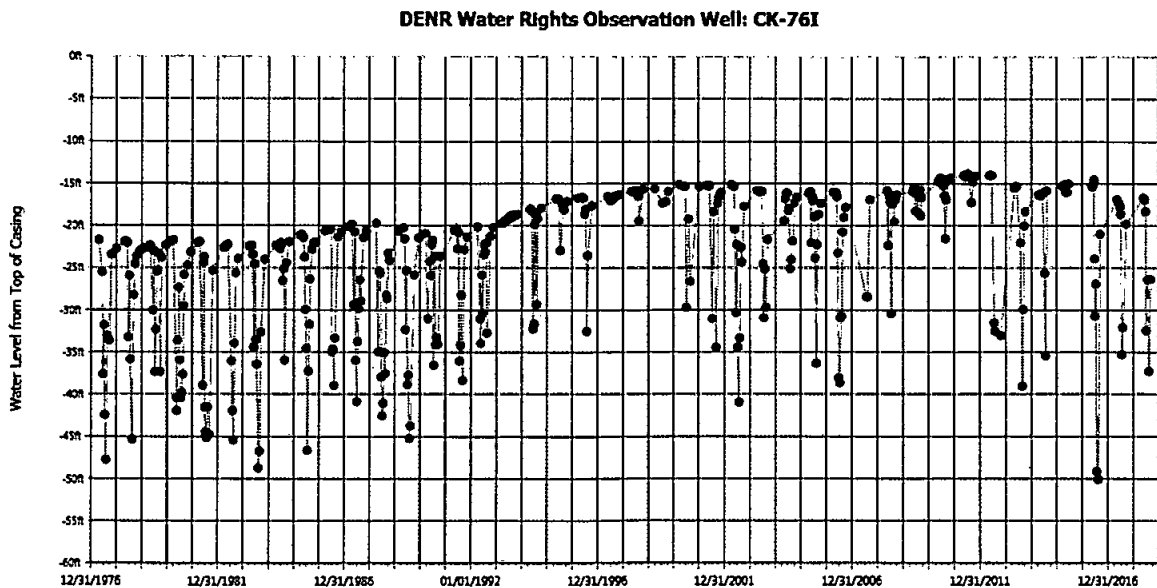


Figure 2: Hydrograph of Observation Well CK-76I 3.6 miles west southwest of the proposed well locations for this application (Water Rights, 2018a)

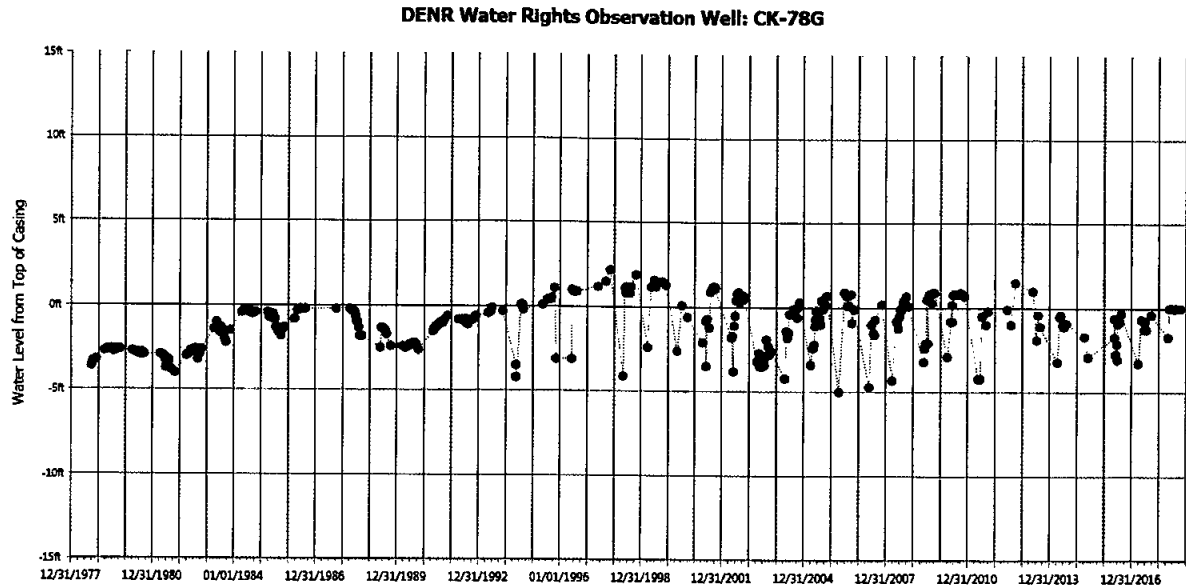


Figure 3: Hydrograph of Observation Well CK-78G 5 miles south of the proposed well locations for this application (Water Rights, 2018a)

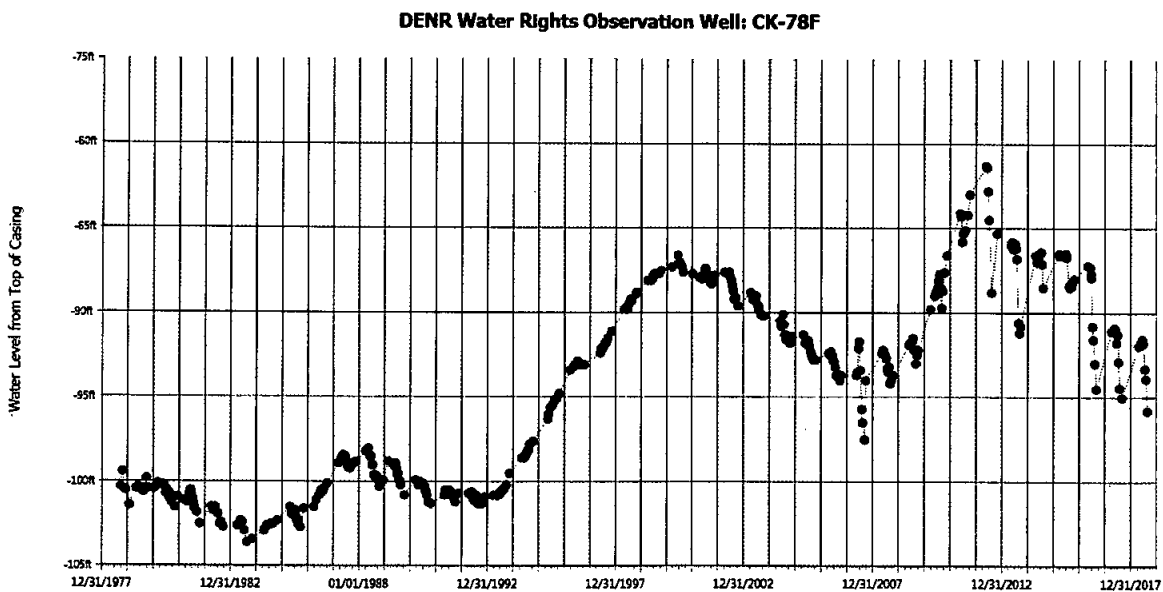


Figure 4: Hydrograph of Observation Well CK-78F 5.1 miles north of the proposed well locations for this application (Water Rights, 2018a)

Hydraulic Budget

Recharge

Recharge to the Altamont aquifer in Clark County is primarily from lateral groundwater inflow from other counties and infiltration of precipitation (Hamilton, 1986). Hamilton (1986) determined recharge from precipitation to the Altamont 2 aquifer in Clark County is 1.5 inches per year, which is 50,400 ac-ft/yr. using Hamilton's (1986) estimated aquifer areal extent.

Hedges et al. (1985) estimates average annual recharge to the unconfined portion of the Altamont aquifer at 2.2 inches per year. However, the Altamont aquifer is primarily confined and the extent of the unconfined portion of the aquifer has not been delineated. For confined aquifers, Hedges et al. (1985) recommended recharge rates of 0.15 to 0.60 inches per year for use by management and development programs. Since the Altamont aquifer is primarily a confined aquifer the recommended recharge range for confined aquifers will be used to examine the hydraulic budget of the Altamont aquifer. Estimated range of average annual recharge based on the area of Hedges et al. (1982) and the recommended recharge rate for confined aquifers from Hedges et al. (1985) is 20,910 to 83,640 acre-feet per year for the entire Altamont aquifer and for Clark County the estimated average annual recharge range is 6,715 to 26,860 acre-feet per year.

Withdrawals

Discharge from the Altamont aquifer in Clark County is primarily through groundwater outflow to other counties and well withdrawals (Hamilton, 1986). There are currently 77 water rights/permits authorized to appropriate water for the Altamont aquifer and two future use permits (Water Rights, 2018b). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water in areas where the Altamont aquifer is the uppermost aquifer available, domestic users may have transitioned to rural water since in general rural water provides better water quality than direct domestic use of the Altamont aquifer.

There are 54 irrigation water rights/permits currently authorized to appropriate water from the Altamont aquifer. Reported irrigation usage from the Altamont aquifer is shown in Figure 5. Average yearly reported irrigation pumpage for the data in Figure 5 is 2,361 acre-feet per year. For just Clark County, average yearly reported irrigation pumpage for the data in Figure 5 is 1,772 acre-feet per year.

Thirteen of the water permits for irrigation have been issued relatively recently (since the start of 2012). These recent water permits have authorized the irrigation of 2,358 acres, 2,328 acres of which are for water permits located in Clark County (Water Rights, 2018b). Although these recent irrigation appropriations are permitted to apply up to two feet per acre per year, aquifers in the eastern portion of the state for which the application rate per irrigated acre has been quantified have yielded application rates of less than ten inches per acre per year. Utilizing the historical average combined with an estimated usage of less than ten inches per acre for recent appropriations and assuming that all recently permitted acres will be irrigated results in an estimation for irrigation use of less than 1,965 acre-feet per year with 1,940 acre-feet per year from Clark County. The lack of irrigation data for these recent irrigation water permits in the long term average can be accounted for by adding the estimated use for these recent permits to the long term average. It should also be noted that this method is expected to overestimate irrigation use since some reported use by the recently issued water permits was not excluded from the average of the reported water use. Therefore, total estimated average annual use for irrigation from the Altamont aquifer is 4,326 acre-feet of which 3,712 acre-feet is in Clark County.

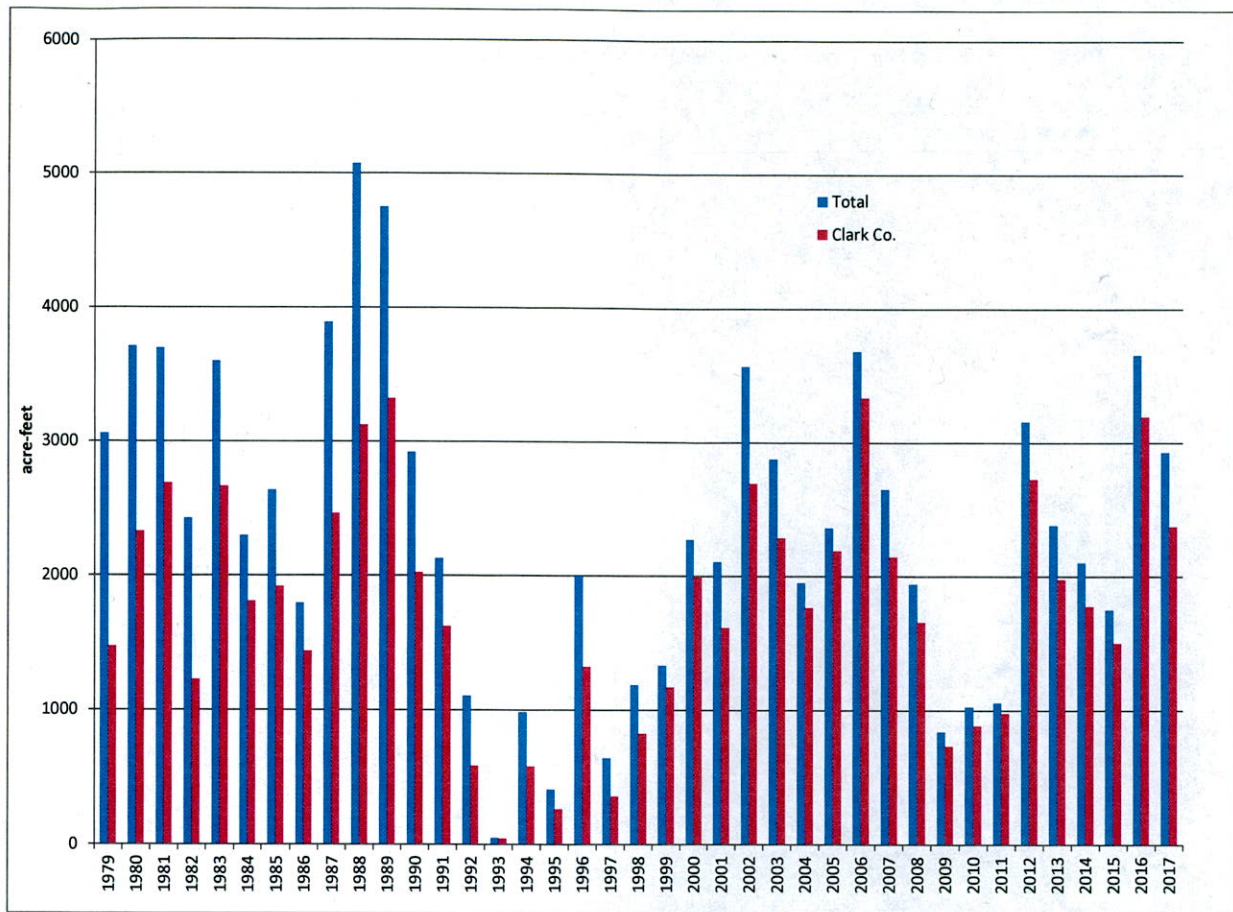


Figure 5: Reported irrigation pumpage by year from the Altamont aquifer and reported pumpage from irrigation water rights/permits in Clark County (Water Rights, 1980-2018)

There are two future use permits reserving water from the Altamont aquifer for the Towns of Henry (Permit No. 4052-2) and Wallace (Permit No. 4054B-3); however, both communities are on rural water so full development of these permits is unlikely (Drinking Water, 2018). For estimating water use for future use permits it is assumed that future use permits will be fully developed; therefore, estimated water use for these permits is 881 acre-feet per year. Historically, average water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. The Cities of Arlington, Roslyn, Bristol, Clark, Wallace, Andover, Revillo, and Brandt all obtain their water from rural water systems, either with a city hook up or individual connections (Mathiowetz, 2018). Therefore, water use under these water rights is expected to be minimal with the water right maintained primarily for emergency purposes (i.e. backup or fire protection). Estimated average annual water use for the remaining non-irrigation water rights/permits is estimated to be 2,502 acre-feet per year. Therefore, average non-irrigation annual appropriative withdrawals from the aquifer and future use are estimated to be less than 3,383 acre-feet per year with 1,157 acre-feet per year in Clark County.

Total average annual appropriative water use from the Altamont aquifer is estimated to be less than 7,709 acre-feet per year and in Clark County less than 4,869 acre-feet per year. Estimated average annual recharge to the aquifer is 6,715 to 26,860 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available in the Altamont aquifer for the appropriation proposed by this application.

The approximate well locations for this application and the nearest water rights/permits are shown in Figure 6 and summarized in Table 1. A diversion point for Water Right No. 7709-3 is located approximately 1.2 miles to the southwest of the wells this application proposes to use. A review of area well completion reports on file with the Water Rights Program in the area of the well locations for this application indicates there are domestic wells in the area that are likely completed into this aquifer (Water Rights, 2018c).

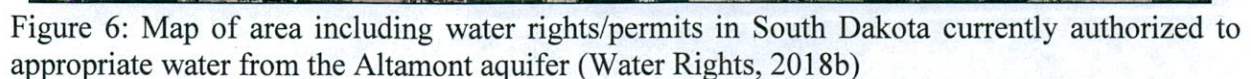


Table 1: Summary of Water Rights/Permits in Figure 6 (Water Rights, 2018b)

Permit No.	Name	Status	Use	Rate (cfs)	Acres
1776-3	RIVERVIEW LLP	LC	IRR	1.93	135
2489-3	CLARK FARMERS COOP	LC	IRR	1.78	264
3059-3	DRM HOLDINGS LLC	LC	IRR	2.01	269
4399-3	FORDHAM HTRN BRTH	LC	IRR	1.78	270
5812-3	CLARK FARMERS COOP	LC	IRR	1.78	262
6883-3	RIVERVIEW LLP	PE	IRR	1.88	132
6998-3	RIVERVIEW LLP	LC	COM	0.89	n/a
7105-3	RIVERVIEW LLP	PE	IRR	0	364
7419-3	JAMES ORRIS	PE	IRR	6.46	520
7709-3	GARY DOPPENBERG	PE	IRR	4	320
8365-3	GARY DOPPENBERG	PE	IRR	0.89	80

LC- license, PE-permit, irr- irrigation, com- commercial

The exact amount of drawdown as the result of pumping due to this proposed diversion cannot be quantified without more extensive aquifer testing. Since the aquifer is under confined conditions in the area of the well, some amount of drawn down from pumping is expected. The diversions under this permit, if approved, would not be expected to adversely impact adequate wells or existing water rights in the area. In considering the nearest observation well (CK-76E, Figure 1), there is generally approximately 46 feet of artesian head pressure above the top of the aquifer. Even at the lowest water level reading over the period of record there was still approximately six feet of artesian head pressure. The well completion report submitted with this application indicated at the time of completion (August 2018) there was 48 feet of artesian head pressure. Given the artesian head pressure in the area, the diversion rate proposed by this application, and the response of observation wells in the area to the pumping of existing water rights/permits, there is a reasonable probability that this application, if approved, will not adversely impact existing water rights/permits or domestic users with adequate wells.

The Water Management Board has promulgated rules that allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) defines an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.” In the case of Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills, the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users on artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995).

History and Public Interest

There have been a number of controversies involving the Altamont aquifer in Clark County that are summarized in detail in Buhler (2012) and Buhler (2014). The most recent of these was in 2004 in relation to Water Permit No. 6560-3. The nearest of these controversies to the well locations for this application involved Water Right No. 2489-3 located approximately 3.7 miles to the southwest of the well sites for this application (Water Rights, 2018b). The 1975 complaint involved concerns over irrigation wells impacting a spring-fed dugout (Buhler, 2014). Work done to investigate this complaint indicated the affected spring was within the cone of depression of the irrigation well, approximately 800 feet from the well (Buhler, 2012). Ultimately, Water Right No. 2489-3 was approved and with the exception of the 1975 complaint, the complaints and concerns about pumping from the Altamont aquifer interfering with area springs have been unsubstantiated (Buhler, 2012 and Water Rights, 2018b).

Springs with the Altamont aquifer as a water source are typically the result of downward sloping terrain along the edge of the Coteau Des Prairies incising area aquifers. Small fluctuations in the water levels of the incised aquifers could have an effect on the discharge from springs. In examining the hydrographs for nearby observation wells (Figures 1-4), there are both climatic and seasonal variations in the water level of the aquifer in the area. Given the amount of existing water level fluctuation in the aquifer and lack of documented interference with springs as a result of pumping from the Altamont aquifer since 1975, adverse impacts to these springs are not anticipated from the diversion proposed by this application. The observation wells completed into the Altamont aquifer in the area will document any effects that may be caused by the pumping proposed by this application.

Conclusions

1. Water Permit Application No. 8376-3 for Husky Farms LLC proposes to appropriate 76.72 acre-feet of water annually at a maximum instantaneous diversion rate of 0.276 cfs from two wells located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36 completed into the Altamont aquifer for commercial use in a swine facility located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36 in T116N-R59W.
2. There is a reasonable probability that unappropriated water is available in the Altamont aquifer for this application.
3. There is a reasonable probability that this application, if approved, will not adversely impact adequate domestic wells or existing water rights/permits.

for Eric Heunland
Whitney Kilts

SD DENR-Water Rights Program

References

- Buhler, K. 2012. Report to the Chief Engineer on Water Permit Application No. 7419-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Buhler, K. 2014. Report to the Chief Engineer on Water Permit Application No. 8026-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Drinking Water Program. 2018. Drinking Water System Information. SD DENR-Drinking Water Program Online Database. Accessed November 14, 2018.
<http://denr.sd.gov/des/dw/sysinfomap.aspx>.
- Hamilton, L.J. 1986. Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources. South Dakota Geologic Survey Bulletin 29. Vermillion, SD.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 3: Ground-Water Storage. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Mathiowetz, A. 2018. Report to the Chief Engineer on Water Permit Application No. 8365-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 1980-2018. 1979-2017 Irrigation Questionnaire Data: SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 1995. Water Rights File No. 2313-2 Coca-Cola Bottling Company of the Black Hills. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2018b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

DEC 06 2018

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettestad

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:

November 28, 2018

Cost of Printing \$58.37

Jackie Wettestad
(Signature)

Business Office Manager
(Title)

12/3/2018
(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO.

8376-3 to Appropriate Water

Notice is given that Husky

Farms LLC, c/o Gary Glanzer,

333 Fordham Dr., Carpenter SD

57322 has filed an application

for a water permit to appropriate

76.72 acre-feet of water annually

at a maximum pump rate of 0.276

cubic feet of water per second

from two wells to be completed

into the Altamont Aquifer (162

feet deep) located in the SE 1/4

SW 1/4 Section 36 for commercial

use in a swine facility located in

the E 1/2 SW 1/4 Section 36; all in

T116N-R59W. This site is located

approximately 8 miles southwest

of Clark SD.

Pursuant to SDCL 46-2A-2, the

Chief Engineer recommends

APPROVAL of Application

No. 8376-3 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

December 10, 2018.

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.

Published once at the
approximate cost of \$53.37.
(November 28, 2018)

RECEIVED

NOV 30 2018

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION NO.
8376-3 to Appropriate Water**

Notice is given that Husky Farms LLC, c/o Gary Glanzer, 533 Fordham Dr., Carpenter SD 57322 has filed an application for a water permit to appropriate 76.72 acre-feet of water annually at a maximum pump rate of 0.276 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (162 feet deep) located in the SE 1/4 SW 1/4 Section 36 for commercial use in a swine facility located in the E 1/2 SW 1/4 Section 36; all in T116N-R59W. This site is located approximately 8 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8376-3 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 "Wa-

ter Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 778-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 10, 2018.

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

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

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

Published once at the
total approximate cost of \$29.03.
11-28-18

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Husky Farms, LLC

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

November 28, 2018

that the full amount of the fees for the publication of the annexed notice is **\$29.03**

William J. Krikac

Subscribed and sworn to before me this

29th day of November, 2018

Ann Zelke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 20, 2018 9:40 AM
To: legals@thepublicopinion.com
Subject: 8376-3, Husky Farms LLC
Attachments: 8376-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 28, 2018.

Husky Farms LLC, c/o Gary Glanzer, 533 Fordham Dr, Carpenter SD 57322 (605 532-3585) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 20, 2018 9:40 AM
To: courier@itctel.com
Subject: 8376-3, Husky Farms LLC
Attachments: 8376-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 28, 2018.

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

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

Karen Schlaak

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

November 20, 2018

Husky Farms LLC
c/o Gary Glanzer
533 Fordham Dr
Carpenter SD 57322

Dear Mr. Glanzer:

Water Permit Application No. 8376-3 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 Clark County Courier printed at Clark SD (Ph # 605 532-3654) and the Public Opinion printed at Watertown SD (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on November 28, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8376-3 to Appropriate Water

Notice is given that Husky Farms LLC, c/o Gary Glanzer, 533 Fordham Dr., Carpenter SD 57322 has filed an application for a water permit to appropriate 76.72 acre-feet of water annually at a maximum pump rate of 0.276 cubic feet of water per second from two wells to be completed into the Altamont Aquifer (162 feet deep) located in the SE 1/4 SW 1/4 Section 36 for commercial use in a swine facility located in the E 1/2 SW 1/4 Section 36; all in T116N-R59W. This site is located approximately 8 miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8376-3 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 December 10, 2018.

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

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

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, January 04, 2019 10:01 AM
To: 'Brian Friedrichsen (brian@dakotaenv.com)'; 'Marty Rost (mrost@pipevet.com)'
Subject: Water Permit No. 8376-3, Husky Farms LLC
Attachments: 8376-3.pdf

For your information, attached a copy of Water Permit Application No. 8376-3, Husky Farms LLC. which has been approved.

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 04 2019

Husky Farms LLC
c/o Gary Glanzer
533 Fordham Dr
Carpenter SD 57322

Dear Mr. Glanzer:

Enclosed is Water Permit No. 8276-3 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

8376-3

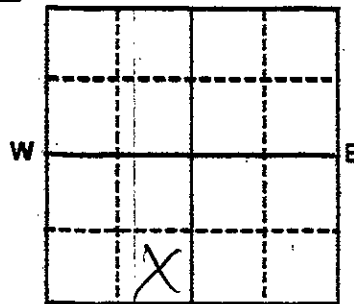
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 36 Twp 116 Rg 59County CLARK

North

Please mark well location with an "X"



Well Completion Date

5-14-19

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
None ft. from Barn (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>166 FT</u>	<u>7 7/8 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>#20</u>	<u>8</u>	<u>Lb/gal</u>	<u>0 Ft</u>	<u>145 Ft</u>
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 5 Inches Length 20 Feet
 Material PVC
 Slot Size 1025 Set From 146 Feet to 166 Feet
 Other information
WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material?

Describe packer(s) and location.

Engine Plugabove slotted

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow sandy Clay</u>	<u>1</u>	<u>16</u>
<u>Blue Clay</u>	<u>16</u>	<u>155</u>
<u>Pack Rock</u>	<u>155</u>	<u>166</u>

STATIC WATER LEVEL

78

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☐ Bailed☐ Other

Pumping Level Below Land Surface

86 Ft. After5 Hrs. pumped30 GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Grathues

Signature of Well Owner or Equitable Property Holder:

Marty Rat for Husky Farms LLCDate: 5/28/19

RECEIVED

JUN 07 2019

VW PROGRAM

RECEIVED

MAR 09 2020

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

8376-3

Date 3/5/2020TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

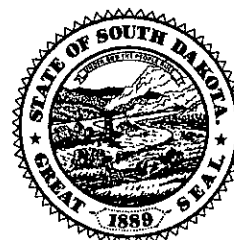
FROM:

Husky Farms, LLC Gary Glanzer
(name)533 Fordham Dr.
(address)Carpenter SD 57222
(city, state, zip)605 233-1111
(phone)I have completed the construction of the water use system and I have put the water to beneficial use
to the maximum extent it is going to be used.

(8376-3)

Water Permit No. 8276-3 states that the water use system is to be constructed by12/10/20
(date), and water is to be put to beneficial use by 12/20/20
(date)The water use system was completed on 7/1/19
(date)Applying the water to beneficial use was completed on 7/1/19
(date)

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

Gary Glanzer
(signature)

8376-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2020

Barry Kerkaert
PO Box 188
Pipestone MN 56164 0188

Dear Mr. Kerkaert:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in for the following systems:

- Dylbrook Farms RE LLC
- Elm Valley Farms LLC
- Husky Farms LLC

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

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

Sincerely,

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

c: Gary Glanzer, Husky Farms LLC, 533 Fordham Dr, Carpenter SD 57322

8376-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8376-3

I have this day, **June 28, 2023**, made a thorough examination of the water use system constructed by **Husky Farms LLC, 533 Fordham Dr, Carpenter, SD 57322** of Permit No. **8276-3**, bearing the priority of **September 17, 2018** authorizing the diversion of **0.276** cu. ft. per second of the waters of the **Altamont Aquifer** for **commercial use** purposes, in **Clark** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service
- 2) No. of Wells 2 (245 ft apart) see map
- 3) Depth(s) 166 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 146 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 78 feet

Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 30 each GPM

Motor:

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

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

- 1) Type Unknown – probably PVC
- 2) Size Unknown inches
- 3) Length Unknown feet

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 LOCATIONS
From the SW corner Sec 36 T116N R59W WEST WELL: 495 ft N & 2070 ft E Lat 44.80626 Long -
97.86861 (SE ¼ SW ¼) EAST WELL: 495 ft N & 2215 ft E, Lat 44.80626 Long -97.86794 (SE ¼ SW
¼)
2. The works are capable of diverting and conveying to the place of use 0.134 cu. ft. per second of water which is to be used for commercial use (swine). The license should be issued for 0.134 cfs.
3. All structures, wells and lands on map Y

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

Mr. Marty Rost is a contact person (Pipestone Systems who manages the facility) with a cell telephone number of 507/825-7029.

Pump rates reported via a text message (30 gpm per well) from Mr. Rost were used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current as this is a Fordham HTTN BRTN owned property with a contact person of Jared Glanzer who has a cell number of 605/233-1112.

I talked to no one during the field inspection visit; however, I communicated with Mr. Rost after the field visit. I talked to Mr. Glanzer via phone at a later date.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 10, 2023



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



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

JUL 14 2023

Husky Farms LLC
c/o Gary Glanzer
533 Fordham Dr
Carpenter SD 57322

8376-3

Dear Mr. Glanzer:

Enclosed is Water License No. 8376-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8376-3

(1) Husky Farms LLC; 533 Fordham Dr., Carpenter SD 57322, made Application No. 8376-3, September 17, 2018, for a water permit to divert 76.72 acre-feet (ac-ft) of water annually at a maximum pump rate of 0.276 cubic feet of water per second (cfs) from groundwater, two wells (Altamont Aquifer), Clark County, South Dakota for commercial use in a swine facility. Permit No. 8376-3, with a priority date of September 17, 2018, was approved December 10, 2018, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 10, 2023, and for the application to beneficial use of water on or before December 20, 2027.

(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 76.72 ac-ft annually at a maximum pump rate of 0.134 cfs for beneficial use. The locations of the diversion points are:

- West Well: 495 ft N & 2,070 ft E of the SW corner of Section 36, T116N, R59W (SE ¼ SW ¼) (Latitude 44.80626 Longitude -97.86861)
- East Well: 495 ft N & 2,215 ft E of the SW corner of Section 36, T116N, R59W (SE ¼ SW ¼) (Latitude 44.80626 Longitude -97.86794)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial swine facility located in the E ½ SW ¼ of Section 36, T116N, R59W, approximately 8 miles SW of Clark SD.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Husky Farms LLC, the holder and/or owner of Water Right No. 8376-3 is issued a license to appropriate water, the right to use 76.72 ac-ft annually at a rate of 0.134 cfs from groundwater, two wells (Altamont Aquifer), with a priority date of September 17, 2018, from the location specified in (2) of this license for commercial swine production purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8376-3 and subject to the following qualifications:

1. The wells approved under Water Permit No. 8376-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this 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.
2. Water Right No. 8376-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Right No. 8376-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

continued

- 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 75:51:03 Uses Assigned to Streams
 - F) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont Aquifer.
5. Water Right No. 8376-3 authorizes a total annual diversion of 76.72 acre-feet of water.

Eric Gronlund

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

JUL 14 2023

date

