

WATER PERMIT NO. 8377-3

Name of Applicant: Elm Valley Farms LLC

Address: 1300 S Hwy 75, Pipestone MN 56164

Phone: 507 215-0471

Amount of Water Claimed: 0.11 cfs (80 AF)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial use

County: Brown

Type of Waste Disposal System:

Location: 12 miles south and 3 west of Groton

PRIORITY Date Received: 9-6-18

Application/License Fee: \$ 700

Corrected Application Received: 10-12-18

Period of Annual Use: January 1 – December 31

Remarks: Swine production facility

Diversion Point: NW 1/4 SW 1/4 Sec 22-T121N-R61W

Land to be Irrigated: NA

Depth of Well: 1195 feet deep

Well Driller:

Remarks:

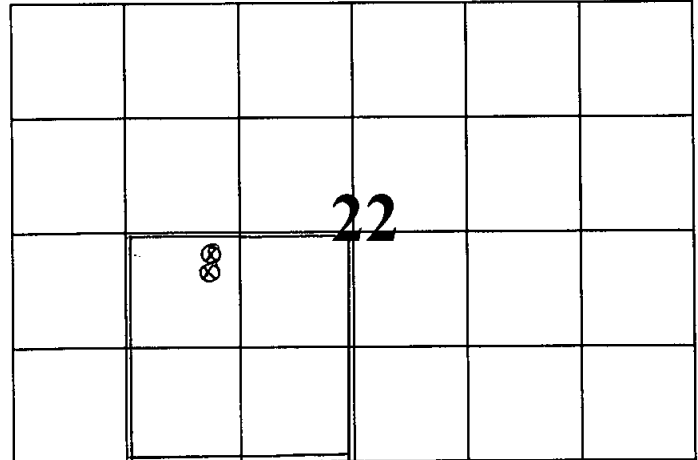
Type of Map: plat

Prepared by:

Reviewed and the Number Assigned on: 10-12-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

OCT 12 2018

WATER RIGHTS
PROGRAM

originally received
9/6/2018

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8377-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>American News, Aberdeen</u>

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

Check use(s) of water:

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

Type of Application: (check one)

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

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

1. Name to Appear on Water Permit Elm Valley Farms, LLC

Mailing Address 1300 S Hwy 75 Pipestone MN 56164
(Address) (City) (State) (Zip Code)

Phone 507-825-4211 Mobile 507-215-0471 Email Barry.Kerkaert@pipestone.com

2. Amount of water claimed 0.11 *CFS or 50 **GPM and 80 ***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 Groundwater

(NW 1/4 SW 1/4)

4. Location of point of diversion 2 wells in SW 1/4, Section 22, T-121-N, R-61-W County Brown

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

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

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Brown

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)

This project is for a 7,740 head production sow farm that has 3 swine production buildings housing 1,296 growing pigs, 324 nursery pigs, 1080 farrowing sows and 5,040 gestation sows. The facility will use the water for animal intake and for cleaning purposes. To facilitate water management the site will have utilize an in ground water storage tank in addition to the two water wells. The site has received approval under SDG-100548 2017 General Water Pollution Control Permit for Concentrated Animal Feeding Operations.

I, Dr. Barry Kerkaert Barry Kerkaert Manager, the applicant, certify under
Name of Person Title (if applicable)

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

2015-10

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

**SOUTH DAKOTA
WATER PERMIT NO. 8377-3**

Date of first receipt of application September 6, 2018.

Date of return to applicant for corrections, amendments or changes September 6, 2018.

Date of receipt of corrected application October 12, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8377-3 to Elm Valley Farms LLC, 1300 S Hwy 75, 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. 8377-3 appropriates 80 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from two wells to be completed into the Dakota Aquifer (1,195 feet deep) located in the NW 1/4 SW 1/4 Section 22 for commercial use in a swine production facility located in the SW 1/4 Section 22; all in T121N-R61W. This site is located 12 miles south and 3 miles west of Groton SD.
2. The water appropriated shall be used for the purpose of commercial 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. 8377-3 is December 31, 2018.
5. The date from which applicant may claim right is September 6, 2018.
6. One-fifth of the construction is to be completed on or before June 30, 2021.
7. All construction is to be completed on or before December 31, 2023.
8. Water is to be put to beneficial use on or before December 31, 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. 8377-3 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. 8377-3 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.

(continued)

3. Water Permit No. 8377-3 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
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
5. Water Permit No. 8377-3 authorizes a total annual diversion of 80 acre feet of water.

WATER MANAGEMENT BOARD

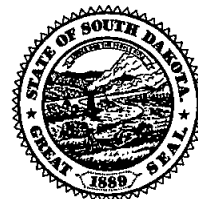
By: _____

Jeanne Goodman

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

JAN 17 2019

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 6, 20 18

Dehaan, Grabs & Associates, LLC PO Box 522 Mandan ND 58554-0522

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8377-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8377-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	700 00

No. **08756**

By

Jeanne Goodman
Chief Engineer
2-11

Hutterville, Colorado

Pipstone

7-26-18

Goldie

Paul Hoke Foreman

It #	Depth	Time	Remarks	
1	20	2:00pm	Yellow clay some rocks at 15-20	
2	40	2:30pm	20-28 Yellow clay w/ rocks 28-40 blue clay	Remer on
3	60	3:00pm	40-60 blue clay w/ sand	at 140'
4	80	3:45pm	blue clay w/ sand / rocks at 75	
5	100	4:20pm	blue clay w/ rock at 95	
6	120	4:38	Blue clay w/ 5/8 d rocks little	
7	140	4:51	120-135 Blue clay 135-140 Shale	
8	160	5:11	Shale	1.20
9	180	5:33	Shale	2.40
10	200	5:50	Shale	3.60
11	220	6:16	Shale	4.80
12	240	7:00	Shale	5.100
13	260	7:25	Shale	6.120
14	280	7:48	Shale Remer off at 300'	7.140
15	300	8:25	Shale Remer back on at 300'	8.160
16	320	10:39	Shale 7-27-18	9.20
17	340	10:49	Shale	10.40
18	360	11:00	Shale	3.60
19	380	11:13	Shale	4.80
20	400	11:25	Shale	5.100
21	420	11:40	Shale	6.120
22	440	12:00	Shale	7.140
23	460	12:40	Shale	8.160
24	480	1:05	Shale	9.180
25	500	1:30	Shale	10.220
26	520	2:00	Shale	11.220
27	540	2:20	Shale	12.240
28	560	2:55	Shale	13.260
29	580	3:40	Shale	14.280
30	600	4:35	Shale	15.300
31	620	5:00	Shale	16.320
32	640	5:34	Shale	17.340
33	660	6:00	Shale	18.360
34	680		Shale	
35	700		Shale w/ hard spots	
36	720		Shale	
37	740	3:47	Shale	
38	760	5:15	Shale w/ hard spots	
39	780		Shale w/ hard spots	
40	800	11:25	Shale w/ hard spots	

Hutterville Colony		Pipestone	8-1-18	Goldie	Paul Hober
Job Name		Location	Date	Rig No.	Foreman
Jt #	Depth	Time	Remarks		
41	820	12:16	shale 814-820 ss w/ hard spots		
42	840	2:29	820-822 Hard 822-840 Shale w/ little ss of Mud		
43	860	3:32	Shale w/ ss & hard spots		
44	880	4:24	Shale w/ little ss		
45	900	1:14	880-894 Shale w/ little ss 894-900 Fair sand		
46	920	1:30	900-918 Fair to tight sand 918-980 Shale		
47	940	2:10	920-925 Fair sand 925-940 Shale w/ ss		
48	960	2:49	940-948 Fair sand 948-960 Shale w/ little ss		
49	980	3:13	960-963 Sand 963-968 Shale 968-972 Sand 972-980 Shale		
50	1000	3:46	980-994 Shale 994-1000 Fair sand		
51	1020	4:20	1000-1003 Sand 1003-1020 Shale w/ ss last 5'		
52	1040	5:12	1020-1023 Sand 1023-1040 Shale w/ little ss		
53	1060	6:13	1040-1060 Shale w/ ss at 1052'		
54	1080	6:58	1060-1072 Shale 1072-1080 Fair sand w/ shale piece		
55	1100	7:20	1080-1098 Fair sand 1098-1100 Shale w/ hard spots		
56	1120	10:36	Shale w/ ss		
57	1140	12:10	1120-1128 Shale w/ ss 1128-1132 Fair sand 1132-1140 Shale		
58	1160	3:06	Shale w/ little hard ss		
59	1180	4:30	1160-1165 Fair sand 1165-1180 Shale w/ little ss		
60	1195		Shale		

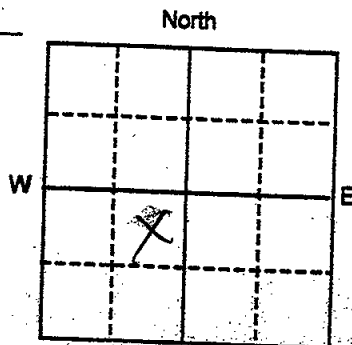
895' 5" SDR 17

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 841 1/2 Sec 22 Twp 121 Rg 61County Brown

Please mark well location with an "X"



Well Completion Date

7-25-18

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

150' 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 Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>900</u> FT	<u>7 7/8</u> IN
<u>3.5</u> LB/FT	<u>2</u> IN	<u>900</u> FT	<u>1200</u> FT	<u>4 1/2</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>150</u>	<u>15</u> Lb/gal	<u>0</u> Ft	<u>900</u> Ft

Describe grouting procedure

Pumped through 5" pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 2 inches Length 300 Feet
 Material Stainless Steel
 Slot Size 125 Set From 900 Feet to 1200 Feet
 Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Describe packer(s) and location

Cement
900'

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:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>38</u>
<u>Blue Clay</u>	<u>38</u>	<u>72</u>
<u>Shale</u>	<u>72</u>	<u>380</u>
<u>Codell</u>	<u>380</u>	<u>390</u>
<u>Shale</u>	<u>390</u>	<u>880</u>
<u>Dakota</u>	<u>880</u>	<u>1200</u>

STATIC WATER LEVEL

 If flowing: closed in pressure 10 FEET
 GPM flow 25 through 2 PSI
 Controlled by ☒ Valve ☐ Reducers ☐ Other inch pipe

 Reduced flow rate GPM
 Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

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 Patton

Signature of Well Owner or Equitable Property Holder:

RECEIVED

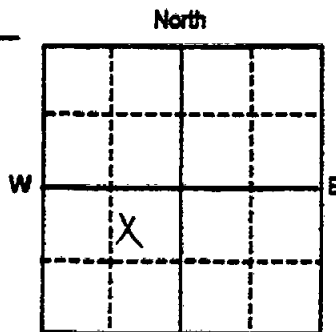
Date:

NOV 27 2018

WATER RIGHTS PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SW 1/4 Sec 22 Twp 121N Rg 6WCounty BrownPlease mark well
location with an "X"

Well Completion Date

8-3-18

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
250 LB/FT	5 IN	0 FT	895 FT	7 7/8 IN
9.5. 36440 LB/FT	2 IN	895 FT	1195 FT	4 1/2 IN
96480 LB/FT	2 IN	695 FT	895 FT	4 1/2 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	150	15 Lb/gal	0 FT	895 FT

Describe grouting procedure

Pumped Through 5" Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 2 Inches Length 300 Feet
 Material Stainless Steel
 Slot Size 0.25 Set From 895 Feet to 1195 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? CementDescribe packer(s) and location 895

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:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Clay	1	28
Blue Clay	28	135
Shale	135	895
Dakota	895	1195

STATIC WATER LEVEL

If flowing: closed in pressure 10 FEET PSIGPM flow 25 through 2 Inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

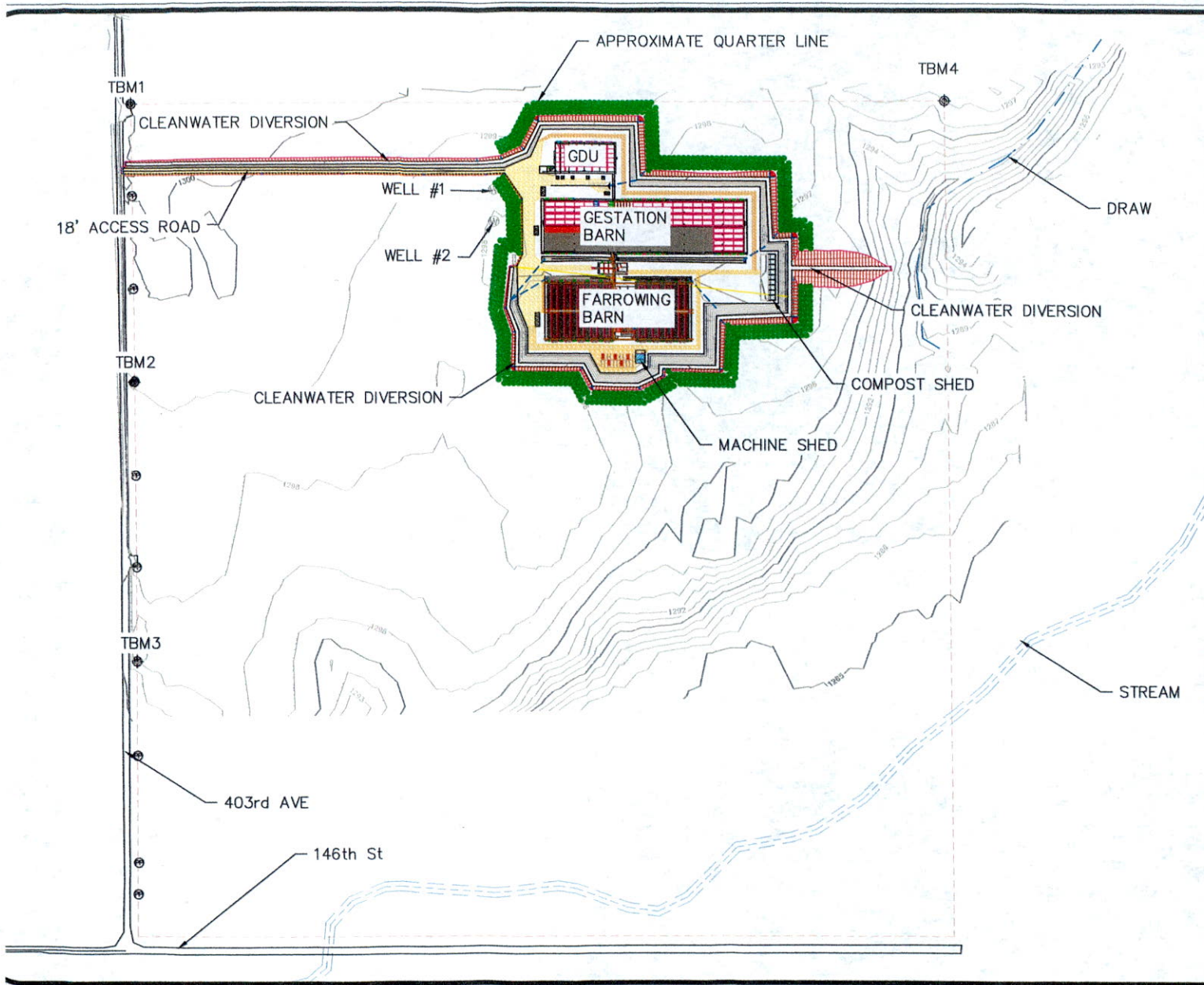
This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Grady

Signature of Well Owner or Equitable Property Holder:

Elm Valley Farms, RE by Mary AnnDate: 8/10/18



GENERAL NOTES

LEGEND

- BENCHMARK
- BUILDINGS
- FENCELINE
- CULVERT/PIPE
- DRAINAGE ARROW

SCALE, FEET

0 150 300 450 600

Professional Engineer Seal: 6974 DANIEL L. DEHAAN, SOUTH DAKOTA

DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date

DGA CONSULTING ENGINEERS
4200 21st St. SE UNIT 101 MANDAN ND 58554

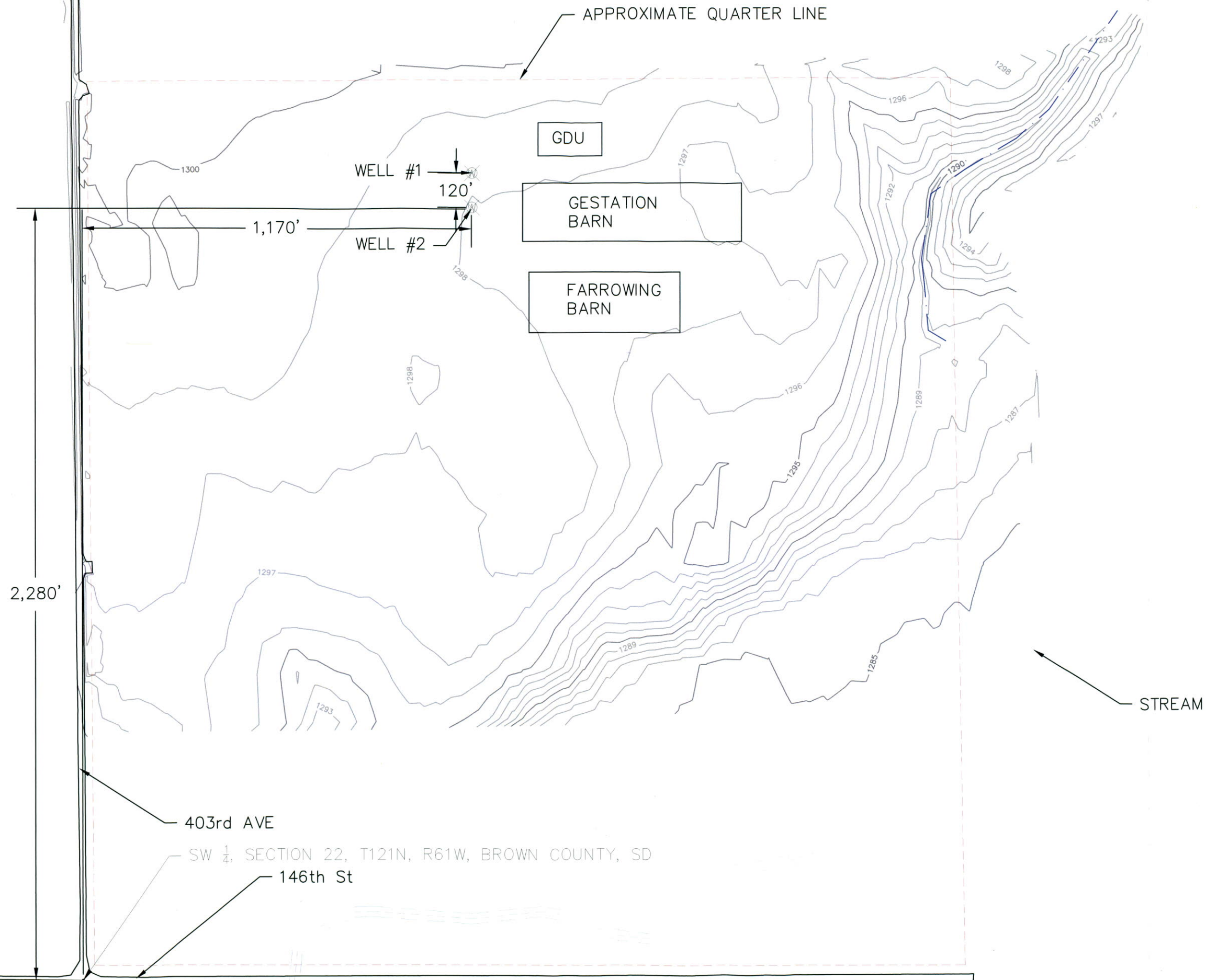
ELM VALLEY FARMS, LLC SOW FACILITY

SW 1/4, SECTION 22, T 121 N, R 61 W
BROWN COUNTY, SD

SITE WELL MAP

DATE: AUG 22, 2018	SHEET: G1.1
SCALE: 1" = 300'	
DRAWN BY: CRD	
CHECKED BY: NAP	

FILE NAME: SD PROJECT FILES/SWINE/HUTTERVILLE FARM/FILES/PLAN



GENERAL NOTES

LEGEND

- BENCHMARK
- BUILDINGS
- FENCELINE
- CULVERT/PIPE
- DRAINAGE ARROW

SCALE, FEET



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date



CONSULTING ENGINEERS
4200 21ST ST. SE UNIT 101 MANDAN ND 58554

ELM VALLEY FARMS, LLC
SOW FACILITY

SW 1/4, SECTION 22, T 121 N, R 61 W
BROWN COUNTY, SD

SITE WELL MAP

DATE:
AUG 22, 2018

SCALE:
1" = 300'

DRAWN BY:
CRD

CHECKED BY:
NAP

SHEET:

G1.1



DL143081

B0050-5677 01/25/2018 9:59AM Rec'd by SD SOS

ARTICLES OF ORGANIZATION**DOMESTIC LIMITED LIABILITY COMPANY**
SDCL 47-34A-203, 212South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Filing Fee: \$150

Total Fee: \$150

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE**Article I**The name of the Company: **Elm Valley 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 W. 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**1300 S. Hwy 75, P.O. Box 188****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: _____



B0050-5678 01/25/2018 9:59AM Rec'd by SD SOS

Article VI

☐ Member-Managed ☒ Manager-Managed

Name

Address

Barry 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

01/25/2018

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 6, 2018

DeHaan Grabs & Associates LLC
4200 21st SE
Unit 101
Mandan ND 58554

RE: Water Permit Application for Elm Valley Farms LLC

Dear Sir:

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

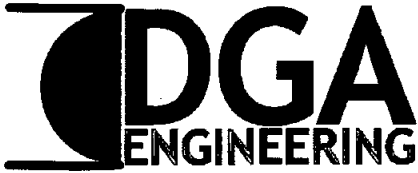
- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. Please identify the proposed well locations with an "X".
- Also, on the map outline the entire area of the confinement facility (buildings, storage pond, lagoons etc). This area will be included in the public notice.
- A review of the Secretary of State's corporation website finds Elm Valley Farms LLC listed. Tom Waldners name 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 Elm Valley Farms LLC on all matters involving the water permit application.

If you have any questions, please contact me.

Sincerely,

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

enclosure



RECEIVED
OCT 12 2018
WATER RIGHTS
PROGRAM

October 5, 2018

RE: Water Permit Application for Elm Valley Farms, LLC

Karen Schlaak
South Dakota Department of Environment and Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-3182

Dear Karen Schlack:

Based on your letter dated September 6, 2018, I have the following updates to the application:

1. A map that references a government section corner, identification of the wells with an X and the outline of the confinement area.
2. An updated signature on the application with a signature from Elm Valley Farms LLC.

If you have questions or need additional information, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. DeHaan', with a long, sweeping horizontal line extending to the right.

Daniel L. DeHaan, P.E.
President

Encls

Cc: Elm Valley Farms, w/encls.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 13, 2018 9:06 AM
To: Marty Rost (mrost@pipevet.com)
Subject: Elm Valley Farms LLC
Attachments: 8377-3.pdf

Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 8377-3.

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 13, 2018 9:05 AM
To: 'dan@dgaengineering.com'
Subject: Elm Valley Farms LLC
Attachments: 8377-3.pdf

Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 8377-3. It is important that someone contact the newspaper ASAP to authorize publication and arrange for payment. Paper copies being mailed today.

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. 8377-3, Elm Valley 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. 8377-3, Elm Valley Farms LLC, c/o Barry Kerkaert, 1300 S Hwy 75, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8377-3 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. 8377-3 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. 8377-3 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. 8377-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

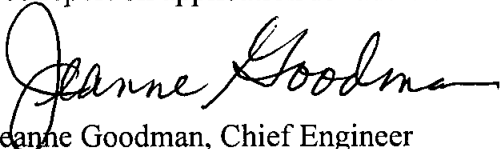
(continued)

Recommendation for Application No. 8377-3

Page 2

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
5. Water Permit No. 8377-3 authorizes a total annual diversion of 80 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 style with a large initial "J" and a long horizontal stroke at the end.

Jeanne Goodman, Chief Engineer
December 13, 2018

GREPORT ON WATER PERMIT APPLICATION NO. 8377-3

For Elm Valley Farms, LLC, % Barry Kerkaert

December 12, 2018

Elm Valley Farms, LLC, % Barry Kerkaert, has filed an application for a water permit to appropriate 80 acre-feet annually at a maximum pump rate of 0.11 cubic feet of water per second (cfs) from two wells to be completed into the Dakota aquifer (approximately 1,195 feet deep) located in the NW¼ SW¼ Section 22 for commercial use in a swine production facility located in the SW ¼ Section 22; all in T121N-R61W. This site is located approximately 12 miles south and 3 miles west of Groton in Brown County, South Dakota.

AQUIFER - DAKOTA (DKOT)

Aquifer Characteristics:

The Dakota aquifer is a bedrock aquifer consisting of sand, sandstone, and shale that is under confined conditions at this site. Schoon (1971) describes the Dakota Formation as the first relatively continuous sandstone below the Greenhorn Limestone and extends downward to the top of the Skull Creek Shale in western and central South Dakota. The Skull Creek Shale is not continuous in eastern South Dakota, where the Skull Creek is absent, the Dakota overlies Precambrian rocks and, to a minor extent, rocks of the Inyan Kara Group or older sandstone (Schoon, 1971). Over large areas of the eastern part of the state, the Dakota Formation can be subdivided into three units: an upper unit consisting of light-brown to reddish-brown, fine-to medium-grained, friable, sandstone that is interbedded with gray to dark-gray shale and thin, discontinuous beds of lignite; a middle unit consisting of a gray silty clay; and a lower unit consisting of medium-to coarse-grained quartz sandstone (Schoon, 1971). Schoon (1971) estimated the Dakota aquifer underlies approximately 66,500 square miles in South Dakota with an average thickness of at least 150 feet. The amount of water in storage within the Dakota aquifer can be estimated by assuming a conservative porosity value of 15% (Schoon, 1971), and multiplying the porosity, the average thickness, and the areal extent of the aquifer together, resulting in at least 0.96 billion acre-ft of water in storage. The aquifer underlies 1,750 square miles and contains an estimated 25.2 million acre-feet of recoverable water in storage in Brown County (Hedges and others, 1982).

The South Dakota Water Well Completion Reports on file for the wells that the applicant proposes to use identify the top of the Dakota aquifer at depths of 880 and 895 feet below grade (Water Rights, 2018c). The reports indicate that both of the wells are flowing and have a shut-in pressure of 10 psi. The Dakota aquifer is under confined conditions at these well sites.

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.



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 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 public water supply has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this particular instance, the Dakota aquifer is stratigraphically lower than the Greenhorn Formation, but a public water supply is not involved. Therefore, the recharge/withdrawal issue must be considered.

Declining artesian head pressure in the Dakota aquifer

In past Board action, the Water Management Board after deliberation and approval of Water Permit Application No. 5136-3, adopted Findings of Fact and Conclusion of Law that affirm that the quantity of the estimated average annual recharge to the Dakota aquifer is not likely to be quantified in the near future (Water Rights, 1987). Since the early 1900’s there has been concern in regard to the declining artesian head of the Dakota aquifer. The Board concluded that whether withdrawals exceed the average annual recharge cannot be determined based solely upon a decline in head pressure and in theory the Dakota aquifer head pressure is stabilizing relative to withdrawals and discharges. However, the decline has slowed significantly since the mid-1970s (Winter, 1994). This change can be attributed to decreased withdrawals in the area. Also, as the head declined some wells ceased to free flow at land surface, and therefore, less water was allowed to simply flow to waste.

Recharge

The Dakota aquifer receives recharge from underlying formations and from precipitation on the outcrops. Data is not available to estimate recharge to the Dakota aquifer. Therefore, an average annual recharge estimate cannot be compared with the average annual withdrawal estimate for the Dakota aquifer. However, data is available to estimate appropriative water use for the Dakota aquifer.

Discharge

Discharge from the Dakota aquifer occurs through well withdrawals and uncontrolled flowing wells. There are a total of 246 Water Rights/Permits currently appropriating water from the Dakota aquifer within South Dakota (Water Rights, 2018b). The estimated average annual use by these water rights/permits is 18,060 acre-feet per year. The estimate was based on the following assumptions: 1) that the non-irrigation water rights/permits limited to an annual volume will be used to the maximum and water rights/permits limited by diversion rate, will be used 60% of continuous pumping at the maximum diversion rate for their annual use period, 2) irrigation water rights/permits will use 2 acre-feet per acre for turf irrigation and 0.83 acre-feet per acre for

crop irrigation, and 3) municipal water rights/permits that were identified as being connected to rural water systems had their estimated use set to zero.

There are six future use permits for the Dakota aquifer (Water Rights, 2018b). In estimating appropriative use from an aquifer, it is assumed that future use permits will be fully developed. The future use permits for the Dakota aquifer reserve a total of 3,737 acre-feet per year.

There are a number of domestic wells on file that withdraw water from the Dakota aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2018b). The annual quantity of water withdrawn for domestic uses is considered to be negligible to the hydrologic budget of the aquifer.

Hydrologic Budget

The estimated average annual appropriative use from the Dakota aquifer is 18,060 acre-feet per year. Including an estimated 80 acre-feet per year from this application and 3,737 acre-feet per year from future use reservation, the estimated average annual use from the Dakota aquifer is 21,877 acre-feet per year. Estimated average annual recharge has not been quantified for the Dakota aquifer. However, as there are Dakota aquifer wells that continue to flow at the ground surface, it can be assumed that water flowing from uncontrolled flowing wells should be available for capture and use by appropriative users.

Observation Well Data:

Analysis of observation well data provides a qualitative means of assessing the aquifer and provides the best information reasonably available to evaluate the Dakota aquifer. 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 Water Rights Program monitors 46 observation wells completed in the Dakota aquifer (Water Rights, 2018a). The nearest observation well is ED-85A located approximately 30 miles northwest of the proposed well locations, hydrograph shown in Figure 1. The next nearest observation well, HD-87A, is located over 73 miles to the southwest.

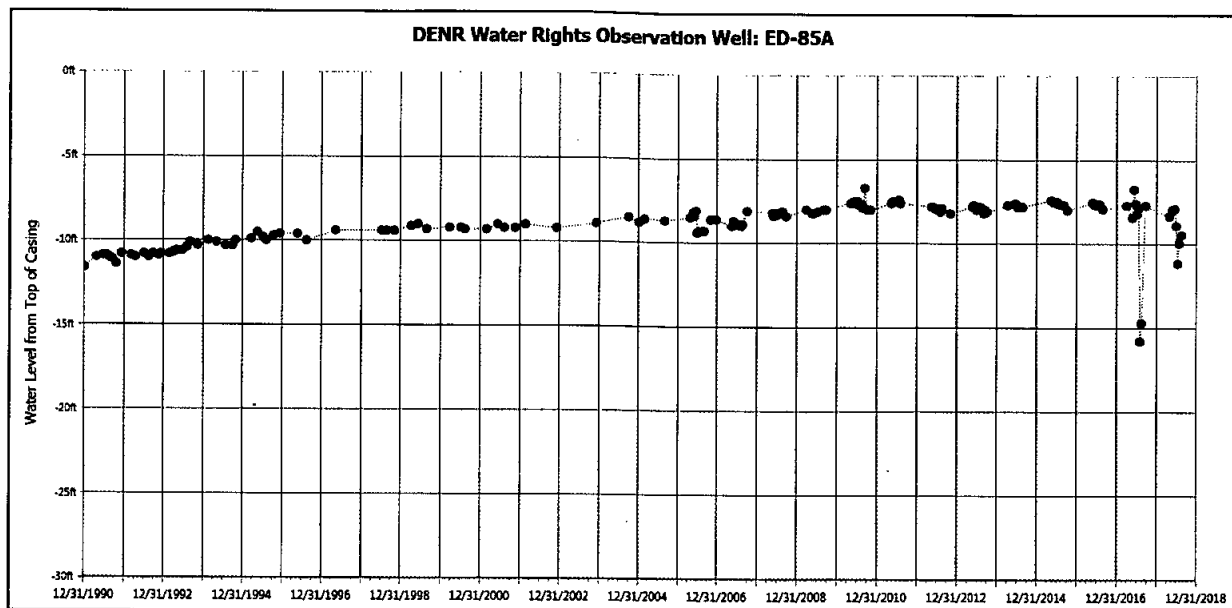


Figure 1. Hydrograph of observation well ED-85A which is completed into the Dakota aquifer located approximately 30 miles northwest of this proposed application (Water Rights, 2018a).

The drawdown observed on the far right of the hydrograph for observation well ED-85A was created as a result of an aquifer pumping test that was conducted in June and July of 2018. While ED-85A show a slight trend up in water levels, overall, analysis of the Dakota aquifer observation well hydrographs indicates there has been a decline in hydrostatic pressure over the years. Beginning in the late 1970s, there began to be a gradual stabilization of those declines indicating a possibility that the aquifer is entering a new state of equilibrium. Historically, the Dakota aquifer was known to be the water source for a vast number of uncontrolled flowing wells. The Dakota aquifer was popular for drilling domestic/stock wells given that they would free flow without the use of a pump. Many wells still flow uncontrolled today. The stabilization demonstrated in the observation well data is reflective of a decrease in artesian head pressure and thus, less water being allowed to flow to waste. Therefore, given the vast size of the Dakota Aquifer, the stabilization demonstrated in the hydrographs of the observation wells, and the fact that there are still uncontrolled wells flowing indicates that there is unappropriated water available in the Dakota aquifer.

Existing Water Rights:

There are a total of 246 Water Rights/Permits currently appropriating water from the Dakota aquifer within South Dakota (Water Rights, 2018b). The closest well completed into the Dakota aquifer that is authorized by a water right/permit (Water Permit No. 6394-3, Hutterville Hutterian Brethren, Inc.), is located approximately 2 miles southwest of this proposed application. The water rights/permits located in the vicinity of this proposed application are shown Figure 2.

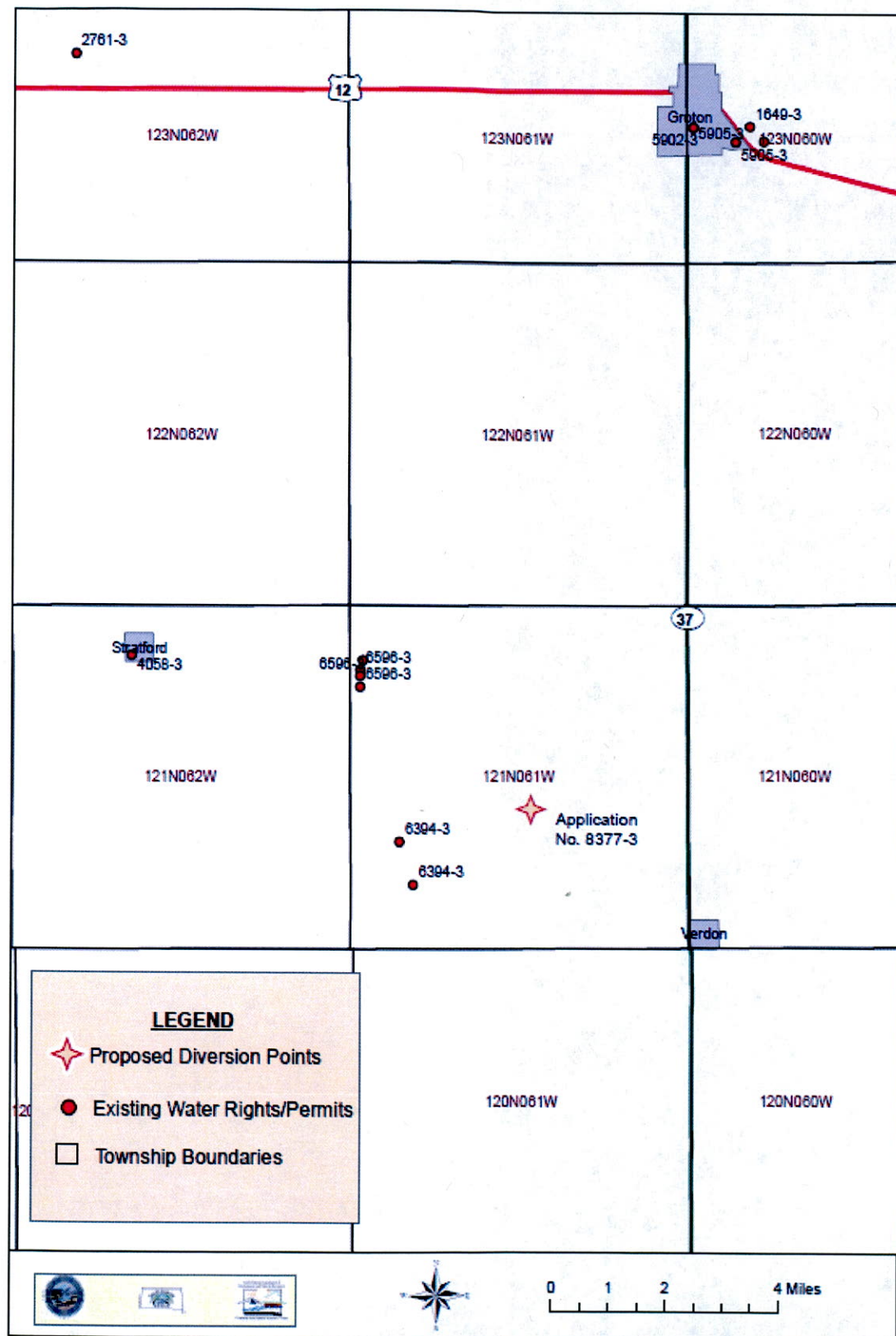


Figure 2. Approximate location of diversion points for water rights/permits appropriating water from the Dakota aquifer in the vicinity of this proposed application (Water Rights, 2018b).

In addition to the appropriative rights, there are a number of domestic wells on file with the Water Rights Program in this area that appear to be completed into the Dakota aquifer. The closest domestic well on file appropriating water from the Dakota aquifer is located approximately 2 miles southwest of this proposed application (Water Rights, 2018c).

The Dakota aquifer is confined and under artesian conditions in this area, and drawdown resulting from the withdrawal proposed by this application may extend some distance from a production well. However, the distance between the well proposed by this application and the wells on file (domestic and appropriative) is sufficient that well interference is not expected to be adverse at the diversion rate of 0.11 cfs proposed by this application.

Wells supplying existing water rights/permits and domestic uses are protected from adverse impacts per Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1. These rules provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

If the water levels in the Dakota aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary. Increased lift would decrease the pump discharge or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Although precise drawdown cannot be quantified without aquifer testing, if this application is approved, it is not expected to adversely impact nearby adequate wells.

An adequate well is defined by South Dakota Administrative Rules as:

"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet."

There has not been a history of well interference issues with the Dakota aquifer. At the distances involved between these well sites and wells of existing water rights/permits and domestic users with adequate wells, interference is not expected to be a concern. Therefore there is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or domestic use.

Conclusions:

1. Water Permit Application 8377-3 proposes to appropriate 80 acre-feet annually at a maximum pump rate of 0.11 cubic feet of water per second (cfs) from two wells to be completed into the Dakota aquifer (approximately 1,195 feet deep) for commercial use in a swine production facility located in the SW $\frac{1}{4}$ Section 22; all in T121N-R61W.
2. There is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.
3. There is a reasonable probability that any possible interference due to the proposed appropriation will not adversely or unlawfully impair existing users, appropriative or domestic.



Aaron Tieman

SD DENR-Water Rights Program



References:

- 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 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, South Dakota Geological Survey, Report of Investigations No. 104, 61 p.
- Water Rights, 2018a, Observation Well Data, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 2018b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 2018c, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 1987, Findings of Fact, Conclusions of Law and Final Decision in the Matter of Water Permit Application No. 5136-3, Farmland Industries, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501.
- Water Rights, 1995, Findings of Fact, Conclusions of Law and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501.
- Winter, D.R., 1994, Water Levels through 1989 in Bedrock Aquifers in South Dakota, U.S. Geological Survey Open-File Report 94-320, 279 p.

RECEIVED

(No. 503717)
(December 20, 2018 - 1T)

JAN 1 1 2019

**NOTICE OF APPLICATION
NO. 8377-3 to Appropriate Water**

AFFIDAVIT OF PUBLICATION

**WATER RIGHTS
PROGRAM**

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Clark Renning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal #593717
Notice of Application - NO. 8377-3

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day.
The first publication being made on the 20th day of Dec., 2018.
The second publication being made on the day of , 2019.
The third publication being made on the day of , 2019.
The fourth publication being made on the day of , 2019.
The fifth publication being made on the day of , 2019.
The sixth publication being made on the day of , 2019;

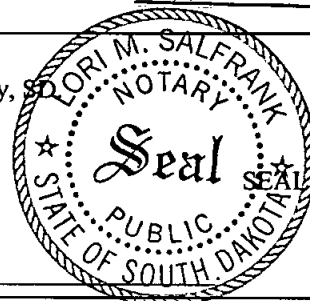
That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 51.14, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Clark Renning
Subscribed and sworn to before me this 20th day of Dec., 2019.

Daily Circulation 10,000

Priddy Notary Public, Brown County, SD

My commission expires March 20, 2019



Notice is given that Elm Valley Farms LLC, c/o Barry Kerkaert, 1300 S Hwy 75, Pipestone MN 56164 has filed an application for a water permit to appropriate 80 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from two wells to be completed into the Dakota Aquifer (1,195 feet deep) located in the NW 1/4 SW 1/4 Section 22 for commercial use in a swine production facility located in the SW 1/4 Section 22; all in T121N-R81W. This site is located 12 miles south and 3 miles west of Groton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8377-3 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 31, 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 \$51.14.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 13, 2018 8:40 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8377-3, Elm Valley Farms LLC
Attachments: 8377-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 20, 2018.

Elm Valley Farms LLC, c/o Barry Kerkaert, 1300 S Hwy 75, Pipestone MN 56164 (507 825-4211) has been notified to contact you to authorize publication and arrange for payment.

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

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

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

December 13, 2018

Elm Valley Farms LLC
c/o Dr. Barry Kerkaert
1300 S Hwy 75
Pipestone MN 56164

Dear Dr. Kerkaert:

Water Permit Application No. 8377-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspaper 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

c: Elm Valley Farms, Tom Waldner, 14625 401st Ave, Stratford SD 57474
Daniel L DeHaan, DGA Consulting Engineers, 4200 21st St SE, Unit 101, Mandan ND 58554

Instruction to Newspaper - Publish the Notice on December 20, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8377-3 to Appropriate Water

Notice is given that Elm Valley Farms LLC, c/o Barry Kerkaert, 1300 S Hwy 75, Pipestone MN 56164 has filed an application for a water permit to appropriate 80 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from two wells to be completed into the Dakota Aquifer (1,195 feet deep) located in the NW 1/4 SW 1/4 Section 22 for commercial use in a swine production facility located in the SW 1/4 Section 22; all in T121N-R61W. This site is located 12 miles south and 3 miles west of Groton SD.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 17 2019

Elm Valley Farms LLC
c/o Dr. Barry Kerkaert
1300 Hwy 75
Pipestone MN 56164

Dear Mr. Kerkaert:

Enclosed is Water Permit No. 8377-3 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

MAR 09 2020

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

8377-3

Date 3/5/2020TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Elm Valley Farm, LLC
(name)
1300 S. Hwy 75
(address)
Piesterne MN 56164 507 825-4211
(city, state, zip) (phone)

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

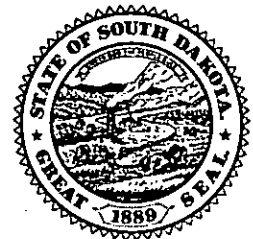
Water Permit No. 8377-3 states that the water use system is to be constructed by 12/31/27 and water is to be put to beneficial use by 12/31/27
(date) (date)

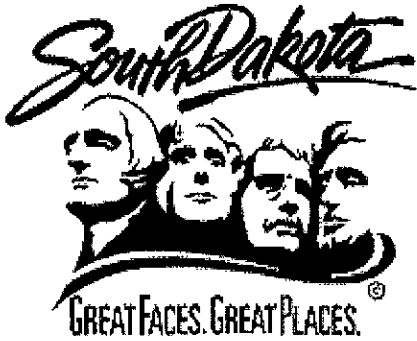
The water use system was completed on 7/1/19
(date)

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.

Bay Kw
(signature)





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,

A handwritten signature in black ink, appearing to read 'Genny McMath'. The signature is fluid and cursive, with the first name 'Genny' being more prominent.

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