

WATER PERMIT NO. 8378-3

Name of Applicant: M-117 LLC

Address: 27523 472nd Ave, Harrisburg SD 57032 Phone: 605 378-3241

Amount of Water Claimed: 0.18 cfs Total Acres: 15.36 acres

Source of Water Supply: groundwater and pond

Water to be used for: irrigation County: Lincoln

Type of Waste Disposal System:

Location: approximately 4 miles southwest of Harrisburg

PRIORITY Date Received: 11-5-18 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Water Will be diverted for irrigation and maintaining a pond

Diversion Point: NE 1/4 NE 1/4 Sec 17-T99N-
R50W

Land to be Irrigated: E 1/2 NE 1/4 Sec 17-T99N-
R50W

Depth of Well: 125 feet deep

Well Driller:

Remarks:

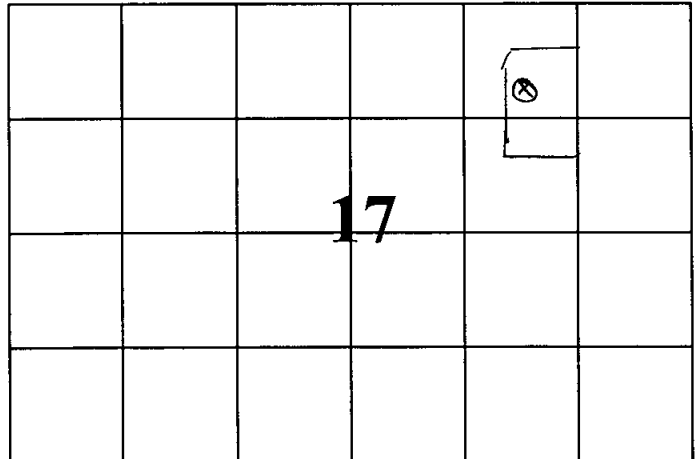
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-5-18

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



NOV 05 2018

WATER RIGHTS
PROGRAM

PAID

NOV 05 2018

Ck# 7018

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8378-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Sioux Valley News, Canton</u> <u>Argus Leader</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit M-117, LLC

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 27523 472nd Avenue 101 N Phillips Ave Harrisburg Sioux Falls SD 57104
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-376-3241 Email matt@redstonelawfirm.com

2. Amount of water claimed _____ *CFS or 80 **GPM _____ ***AF Total Acreage 15.36
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply On site

4. Location of point of diversion Well located in TRACT 1 MCCAULLEY'S . ADD - NE1/4 - 17-99-50 (E 1/2 NE 1/4)
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Lincoln5. County or counties where water will be used Lincoln6. Annual period during which water is to be used Non-winter months April 1 - Oct 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
TRACT 1 MCCAULLEY'S . ADD - NE1/4 - 17-99-50	15.36		
(E 1/2 NE 1/4)			

8. Give a description of the project. (Attach sheet if more space is needed)

Reclaiming old farm site from use by prior owner as a landscape storage yard.

Excavating non-jurisdictional wetland for a pond for irrigation and water control, with dig material used on site for elevation. Water from on site well would be diverted for irrigation and/or maintain pond level and replenish water used from pond for irrigation. Land on site is being restored to natural grasses, trees, shrubs and limited crop production.

I, Matthew McCaulley  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.

**SOUTH DAKOTA
WATER PERMIT NO. 8378-3**

Date of first receipt of application November 5, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8378-3 to M-117, LLC c/o Matthew McCaulley, Manager, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 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. 8378-3 appropriates 0.18 cubic feet of water per second from one well to be completed into the Harrisburg Aquifer (125 feet deep) located in Tract 1, McCaulley's Addition (E 1/2 NE 1/4) Section 17 in T99N-R50W. The permit holder is authorized to use the water for irrigation of 15.36 acres and maintain a storage pond all located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. The permit holder may either irrigate directly from the well or irrigate from a 16.8 acre feet storage pond and use the well to maintain the water level in the pond. The storage pond is located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. This site is located approximately 4 miles southwest of Harrisburg SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 5, 2018.
4. The date of approval of Permit No. 8378-3 is January 14, 2019.
5. One-fifth of the construction is to be completed on or before July 14, 2021.
6. All construction is to be completed on or before January 14, 2024.
7. Water is to be put to beneficial use on or before January 14, 2027.
8. 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 well approved under Permit No. 8378-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8378-3 authorizes a storage pond with a capacity of 16.8 acre feet of water.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

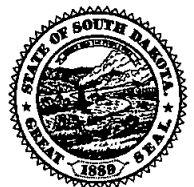
WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JAN 23 2019

date



Supplemental Information

(type or print)

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

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Putzke Well Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) 125 Depth to Top of Water Bearing Material 90 Depth to Water from Surface 40

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

Note: Old well was discovered on property and pipe was crushed closed by heavy excavator equipment during reclamation process.

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions Approximately 1.6 acres (16.8 acre/feet) Depth 17 feet max

b) Depth to water (ground surface to water level) 1 feet (when full)

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

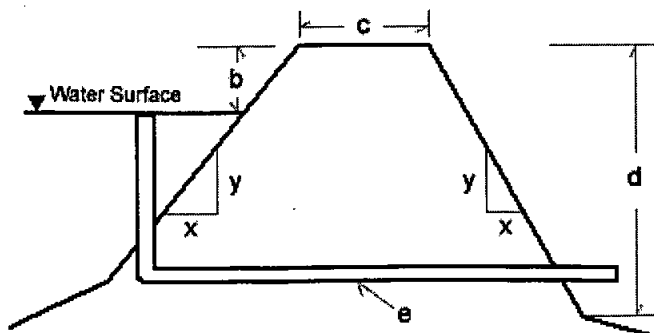
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

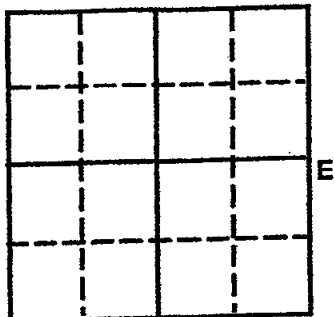
11-02

Location 1/4 NE 1/4 Sec 17 Twp 99 Rg 50
Tract 1 McCaulley Addition
 County Lincoln North

Please mark well location with an "X"

Well completion Date

8-16-18



1 Mile

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

? ft. from None (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>125 FT</u>	<u>8 3/4 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Portland Cement No. of Sacks 9 Grout Weight 125 lbs From 0 To 100 R
 Describe grouting procedure Run 1" triplex pump w/ grout machine

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 inches Length 20 Feet
 Material Plastic
 Slot Size 40 Set From 105 Feet to 125 Feet
 Other information Gravel Packed

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of Chlorine

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Matt McCaulley

Business Name:

Address:

27523 - 4122 ave

City, State, Zip:

Harrisburg S.D 57032

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>28</u>
<u>blue clay</u>	<u>28</u>	<u>90</u>
<u>Sand & gravel</u>	<u>90</u>	<u>125</u>
<u>Granite</u>	<u>125</u>	

STATIC WATER LEVEL

40

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:

AIR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Rt. After

Hrs. pumped

GPM

Rt. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

80' - 60 gpm

This well was drilled under license #

439

And this report is true and accurate.

Drilling firm:

Dave Putzke well Drilling & Repairing

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Equitable Property Holder:

RECEIVED

SEP 20 2018

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights

Date:

523 E Capitol Ave.

Pierre SD 57501

TRACT 1 MCGAULLEY'S ADDITION

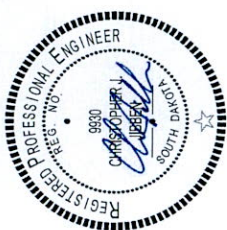
NE 1/4 17-99-50
LINCOLN COUNTY, SOUTH DAKOTA

REVISIONS	DATE	BY	CHK
REVISION 1			
REVISION 2			
REVISION 3			
REVISION 4			
REVISION 5			

GRADING / SITE PLAN	DATE	BY	CHK
DESIGNED BY			
DRAWN BY			
CHECKED BY			
DATE			



C1



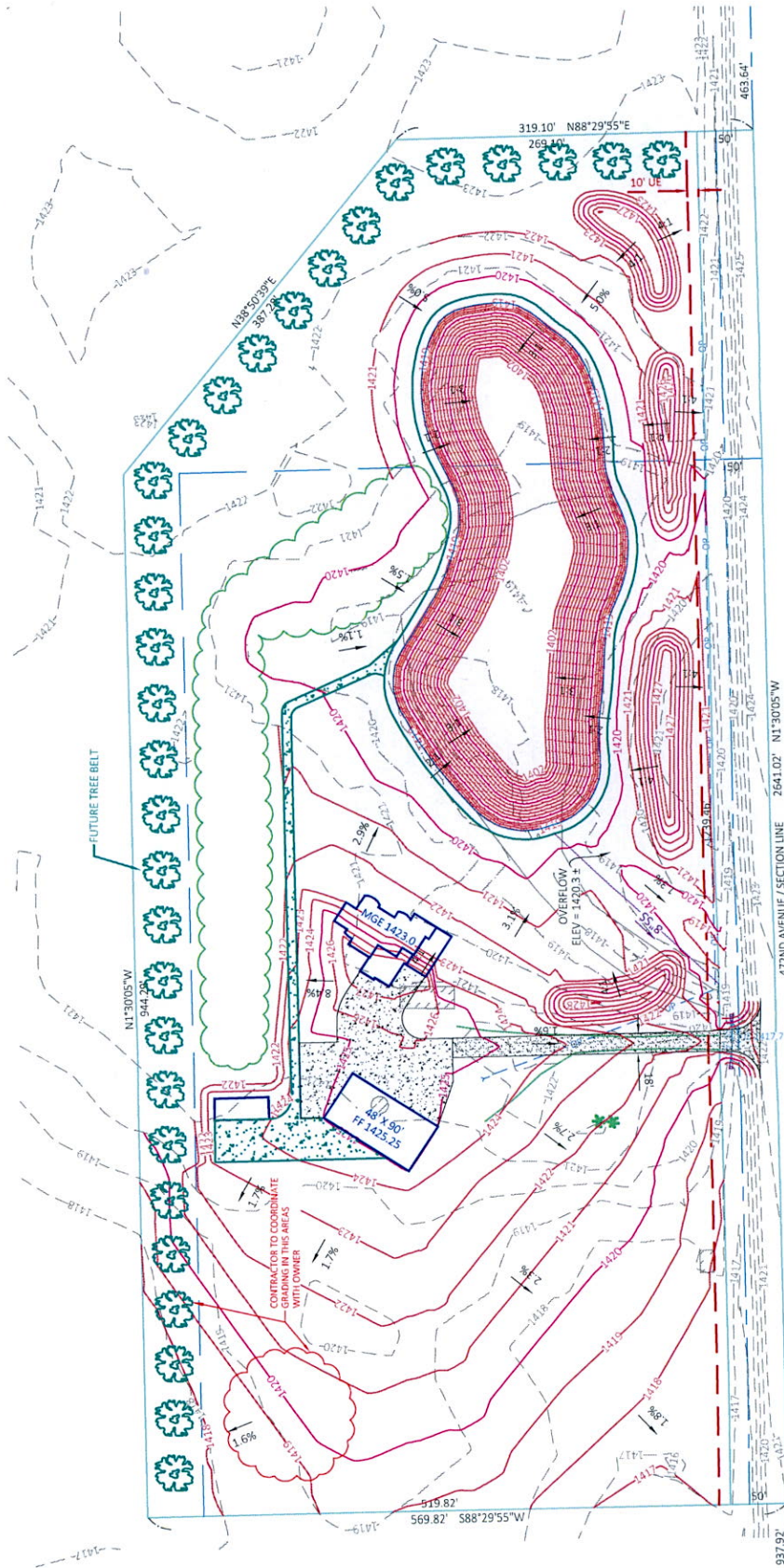
STORM SEWER NOTES:
 2.04' - 18" RCP FLORED ENDS
 2.04' - 18" RCP FLORED ENDS
 IMPROVED DRIVEWAY ACCESS PER LINCOLN COUNTY APPROACH PERMIT REQUIREMENTS
 COORDINATE WITH LINCOLN COUNTY APPROACH INSPECTOR & REPLACE EXISTING CULVERT IF NEEDED
 POND OUTLET OPTION:
 200 LF - 8" SS INSTALLED AT 0.50%
 IE - 1419.0
 OIE - 1418.0

LEGEND:

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED DIRECTION OF DRAINAGE

PRELIMINARY GRADING QUANTITIES FROM CAD: 7/27/2018

Name	Fill Factor	Cut (Cu. Yd.)	Fill (adjusted) (Cu. Yd.)	Net (adjusted) (Cu. Yd.)
Driv Volume	1.30	29,200	28,700	500 <Cut>



472ND AVENUE / SECTION LINE 2641.02' N1°30'05"W

937.92'

M-117 LLC Water Permit Application



X = 2018 new well (Putzke)

O = old well crushed closed

An aerial photograph of a rural landscape, divided into a grid of sections. The sections are labeled with their respective township, range, and section numbers. The terrain is mostly green, indicating forested or grassy land, with some cleared areas and small buildings visible. A winding road or path is visible in the upper right section.

Sec 7
T099N
R50W

Sec 8
T099N
R50W

Sec 9
T099N
R50W

Sec 18
T099N
R50W

Sec 17
T099N
R50W

Sec 16
T099N
R50W

Sec 19
T099N
R50W

Sec 20
T099N
R50W

Sec 21
T099N
R50W



DL143844

ARTICLES OF ORGANIZATION

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

South 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: **M-117, 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

**101 N. PHILLIPS AVENUE, SUITE 402
SIOUX FALLS, SD 57104**

Mailing Address

**101 N. PHILLIPS AVENUE, SUITE 402
SIOUX FALLS, SD 57104**

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 **MATTHEW MCCAULLEY**

Actual Street Address in this State

**101 N PHILLIPS AVENUE SUITE 402
SIOUX FALLS, SD 57104-6737**

Mailing Address in this State

**101 N PHILLIPS AVENUE SUITE 402
SIOUX FALLS, SD 57104-6737**

Article IV

The name and address of each organizer

Name

Address

Matthew McCauley

101 N. Phillips Avenue, Suite 402, Sioux Falls, SD 57104

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: _____

B0052-5668 02/12/2018 9:03AM Rec'd by SD SOS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE, SOUTH DAKOTA 57501-6174

May 25, 2018

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

M-117, LLC
Attn: Matt McCaulley
101 North Phillips Avenue, Suite 402
Sioux Falls, South Dakota 57032

Dear Mr. McCaulley:

Reference is made to the information received May 8, 2018, concerning Section 404 of the Clean Water Act permit requirements. The review area is located in the northeast quarter of Section 17, Township 99 North, Range 50 West, Lincoln County, South Dakota.

Based on the information provided, we have determined that there are no waters of the United States (i.e. jurisdictional waters) located within the review area. Therefore, activities within the review area are not subject to Department of the Army regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act is required from the Corps of Engineers.

An approved jurisdictional determination (JD) has been completed for your project. This JD is valid for 5 years from the date of this letter. The JD is enclosed and also may be viewed at our website. The link to the website is shown below. The JD will be available on the website within 30 days. If you are not in agreement with the JD, you may request an administrative appeal under Corps of Engineers regulations found at 33 C.F.R. 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal form (RFA). Should you decide to submit an RFA form, it must be received by the Corps of Engineers Northwestern Division Office within 60 days from the date of this correspondence (by July 25, 2018). It is not necessary to submit a RFA if you do not object to the JD.

You can obtain additional information about the Regulatory Program from our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

If you have any questions, please feel free to contact this office at the above Regulatory Office address, or telephone Cathy Juhas at (605) 224-8531 and reference action ID NWO-2018-0871-PIE.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven E. Naylor". The signature is fluid and cursive, with the first name "Steven" being more prominent than the last name "Naylor".

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

cc:
JSA Engineers and Land Surveyors (Jibben)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 5, 20 18

RECEIVED OF Matt & Heather McCaulley 1508 W 71st St Sioux Falls SD 57108

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

Fee for Application for Permit No. <u>8378-3</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>8378-3</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. 08797

By Jeanne Goodman
Chief Engineer JM

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, November 02, 2018 4:34 PM
To: Schlaak, Karen
Subject: FW: [EXT] Draft application | M-117, LLC
Attachments: 20181102162315305.pdf

We should be getting this in the mail either Monday or Tuesday.

From: Matt McCaulley [<mailto:matt@redstonelawfirm.com>]
Sent: Friday, November 02, 2018 4:31 PM
To: Gronlund, Eric
Subject: RE: [EXT] Draft application | M-117, LLC

Thank you sir.

I am sending this off today with a check for \$700.

MM

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, October 25, 2018 4:34 PM
To: Matt McCaulley <matt@redstonelawfirm.com>
Subject: RE: Draft application | M-117, LLC

As long as the impoundment is not greater than 25 acre feet of water and is not on a navigable watercourse, technically a water permit is not required. You would generally file a location notice for the pond (Chapter 46-4). However, since you are getting a permit from the well which may be discharged to the pond and may be a component of the irrigation system, the pond will be included on the water permit for irrigation you are obtaining. This will negate the need to file location notice with DENR and the County Register of Deeds.

Eric

From: Matt McCaulley [<mailto:matt@redstonelawfirm.com>]
Sent: Thursday, October 25, 2018 4:29 PM
To: Gronlund, Eric
Subject: Re: [EXT] Draft application | M-117, LLC

As long as I am under 25 acre feet, I don't need a permit for the pond, right?

Sent from my iPhone X
Subject to <http://redstonelawfirm.com/email>

On Oct 25, 2018, at 4:21 PM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

You can certainly use your engineer's estimate.

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

From: Matt McCaulley [<mailto:matt@redstonelawfirm.com>]
Sent: Thursday, October 25, 2018 3:50 PM
To: Gronlund, Eric
Subject: RE: [EXT] Draft application | M-117, LLC

My engineer tells me:

Bottom of pond area = 0.5 Acres
Top of pond area = 1.6 Acres
Average pond area = 1.05 +/- Acres
1.05 Acres x 16' Depth = 16.8 Ac-Ft of Water or 5,474,300 Gallons

Can I use that estimate from my engineer?

I thought it was 1.3 acres, so I will need to change it to 1.6 on the second page.

Matt

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

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, October 25, 2018 2:38 PM
To: Matt McCaulley <matt@redstonelawfirm.com>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Draft application | M-117, LLC

Matt

The number of acres to be irrigation is listed under Item No. 2 as 15.36 acres. In the table under Item No. 7 the application lists 13 acres. These two acres should be the same.

The grading/site plan map does not appear to reference a section corner or the approximate location of the well and acreage proposed to be irrigated. I have attached a copy of the NE 1/4 Sec 17-T99N-R50W from the 2016 FSA imagery. Please mark this map by:

- "X" mark the spot of the proposed well location
- outline the area to be irrigated

Estimate of the pond capacity. 16 feet depth (17' - 1' = 16) TIMES 1.3 surface acres TIMES 0.4 (conversion factor because it is not a square box in the ground = 8.32 acre feet of water. Do you agree with this be an estimate of the storage capacity in the pond?

Eric

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

From: Matt McCaulley [<mailto:matt@redstonelawfirm.com>]
Sent: Thursday, October 25, 2018 1:21 PM
To: Gronlund, Eric
Subject: [EXT] Draft application | M-117, LLC

Eric - thanks again for speaking with me. Please see attached draft and let me know if any initial red flags.

Thank you - Matt McCaulley

Schlaak, Karen

From: Matt McCaulley <matt@redstonelawfirm.com>
Sent: Friday, December 21, 2018 12:28 PM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: [EXT] Water permit application for M-117 LLC

Thank you.

Can we have my office address be the address for notices?

There is no mailbox out there at the site.

My address for any mail/objection/support: 101 North Phillips Avenue, Suite 402, Sioux Falls SD 57104

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Friday, December 21, 2018 9:40 AM
To: Matt McCaulley <matt@redstonelawfirm.com>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Water permit application for M-117 LLC

Mr. McCaulley

The water permit application for M-117 LLC is ready for public notice. Attached is the cover letter, public notice, staff report and recommendation on the application. A hard copy of this material is also being sent out to you in today's mail. If in agreement you will need to contact the two newspapers set for in the cover letter to authorize publication.

DENR sends the public notice to the newspapers in an electronic format. As we spoke on the phone, due to the holiday, DENR will not email the notice to the newspapers until next Wednesday. That will give you time to review. Mark your calendar to contact them Wednesday so we keep everything on track.

If you have any questions, please feel free to contact me. Have a great Holidays!

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



**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. 8378-3, M-117 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. 8378-3, M-117 LLC, c/o Matthew McCaulley, 27523 472nd Avenue, Harrisburg SD 57032.

The Chief Engineer is recommending APPROVAL of Application No. 8378-3 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 well approved under Permit No. 8378-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8378-3 authorizes a storage pond with a capacity of 16.8 acre feet of water.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
December 21, 2018

Report to the Chief Engineer
Water Permit Application No. 8378-3
M-117 LLC
December 20, 2018

Water Permit Application No. 8378-3 for M-177 LLC c/o Matthew McCaulley proposes to appropriate water at a maximum instantaneous diversion rate of 0.18 cubic feet of water per second (cfs) from one well (125 feet deep) completed into the Harrisburg aquifer. The well is located in Tract 1, McCaulley's Addition (E ½ NE ¼) Section 17 in T99N-R50W. The applicant proposes to use the water for the irrigation of 15.36 acres and to maintain a storage pond located in the E ½ NE ¼ Section 17 in T99N-R50W. The applicant proposes to either irrigate directly from the well or irrigate from a 16.8 acre-feet storage pond and use the well to maintain the water level in the pond. The storage pond is located in the E ½ NE ¼ Section 17 in T99N-R50W. This site is located approximately four miles southwest of Harrisburg, SD.

Aquifer: Harrisburg (HA)

Hydrogeologic Information and Aquifer Characteristics

A well completion report for the applicant in Section 17 in T99N-R50W identifies aquifer materials (sand and gravel) from 90 to 125 feet below grade. At the time of completion (August 16, 2018) the static water level was 40 feet below grade. This indicates the aquifer is under confined conditions at the well site. Based on the well location, the approximate elevation of the aquifer materials, and the approximate elevation of the water level, the well for this application is completed into the Harrisburg aquifer.

The Harrisburg aquifer is a glacial outwash aquifer composed of unconsolidated materials ranging from fine sand to medium gravel (Niehus, 1994). Average aquifer thickness is approximately 26 feet and average depth to aquifer below land surface is approximately 59 feet (Niehus, 1994).

Hedges et al. (1982) and Niehus (1994) present two differing delineations of the Harrisburg aquifer. These two delineations are shown in Figure 1. Hedges et al. (1982) estimated the areal extent of the aquifer to be approximately 43,500 acres with approximately 105,390 acre-feet of recoverable water in storage. Hedges et al. (1985) categorized the Harrisburg aquifer as being primarily under confined (artesian) conditions. Niehus (1994) estimated the areal extent of the aquifer to be approximately 90 square miles (57,600 acres) with an estimated 220,000 acre-feet of water in storage. Niehus (1994) also described the aquifer as overlain by glacial till and being under primarily water table (unconfined) conditions. Niehus (1994) also notes the water quality sampling and analysis done as part of the county water resource study indicated that in general the water quality of the aquifer may not be suitable for irrigation.

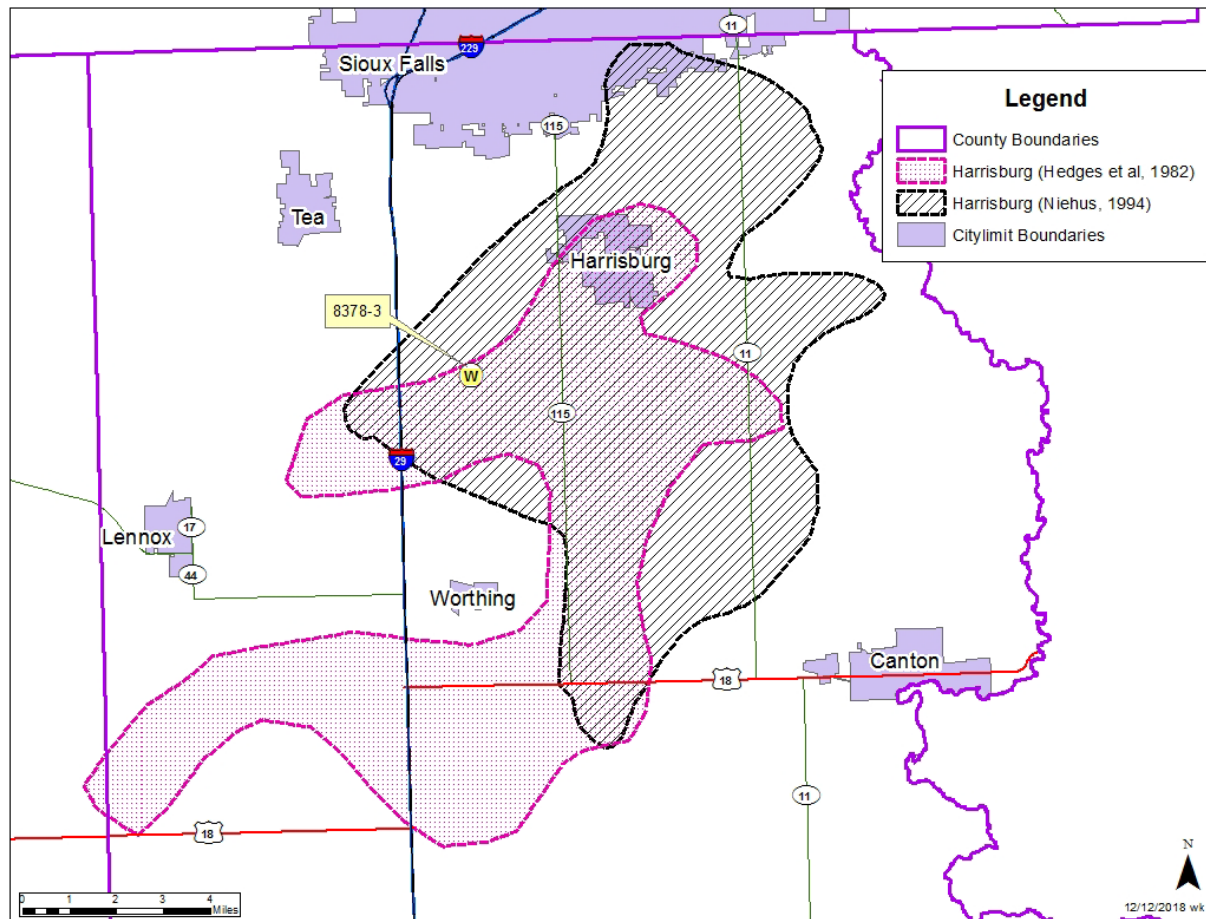


Figure 1: Delineations of the Harrisburg aquifer modified from Hedges et al. (1982) and Niehus (1994)

McCormick and Hammond (2004) examined the geology of Lincoln and Union Counties, which include the preparation of numerous geologic cross sections for the two counties. McCormick (2007) maps the first occurrence of aquifer materials for Lincoln County. A first occurrence of aquifer materials map is not a map that identifies individual glacial aquifers. Rather, it is a map with a range of depths to geologic materials that have the potential to produce water in sufficient quantity to be considered an aquifer. In addition to McCormick and Hammond (2004) and McCormick (2007), the South Dakota Lithological Logs database maintained by the South Dakota Geological Survey (SDGS, 2018) and the South Dakota Water Well Completion Reports database maintained by the Water Rights Program (Water Rights, 2018c) were reviewed to resolve the differences between the two delineations of the Harrisburg aquifer.

Comparison of the Harrisburg aquifer delineations (Hedges et al., 1982 and Niehus, 1994) with the first occurrence of aquifer materials map (McCormick, 2007) highlights an area where bedrock formations are the first probable aquifer materials within the extents of both delineations. This area of bedrock is illustrated in Figure 1A in Appendix A. The glacial material that makes up the Harrisburg aquifer is not identified as extending across or around the bedrock

within the area of both delineations. Therefore, it is reasonable to conclude the southern extent of the Harrisburg aquifer is the approximate edge of this bedrock. The well location for this application is located to the north of this bedrock area and further examination of the aquifer focuses on this northern area.

Several of the geologic cross sections presented in McCormick and Hammond (2004) intersect the delineations of the Harrisburg aquifer by Hedges et al. (1982) and Niehus (1994). Select cross sections and related information are shown in Figures 2A to 6A in Appendix A. Available lithologic information and geologic cross sections in the northern portion of the Harrisburg aquifer support a minimum areal extent in the northern portion of the aquifer of at least the overlap between the delineations of Hedges et al. (1982) and Niehus (1994).

The reduced areal extent that results from utilizing the northern overlapping area of the two delineations and non-inclusion of the southern area where McCormick (2007) suggests the aquifer is discontinuous is shown in Figure 2. The area of this reduced extent is approximately 13,700 acres. While there is information available to suggest that the aquifer may potentially be larger than what is presented on Figure 2, approximately 13,700 acres will be considered the minimum areal extent for the Harrisburg aquifer for the purpose of examining water availability for this application.

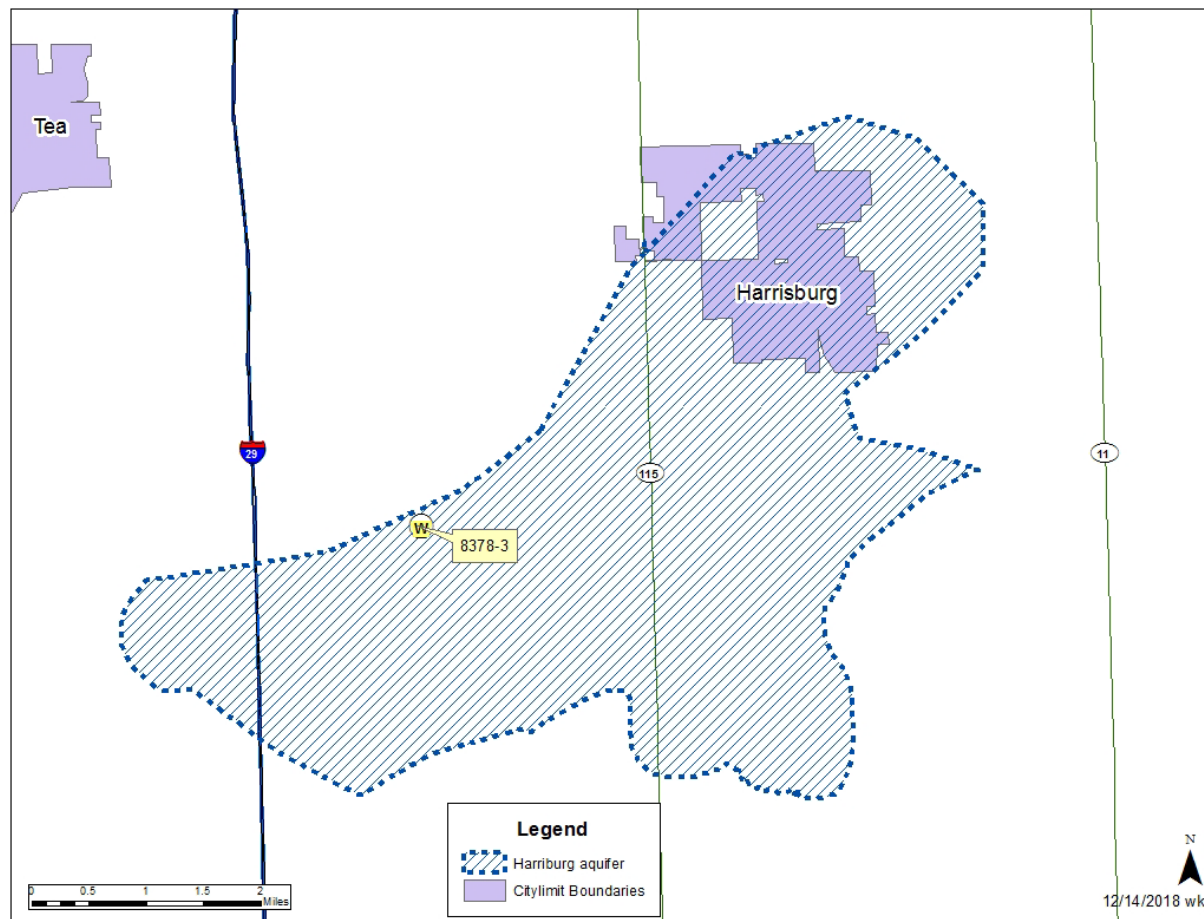


Figure 2: Reduced extent of the Harrisburg aquifer

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 Water Management Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the Harrisburg 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 currently monitors one observation well completed in the Harrisburg aquifer. Observation well LN-81H is located approximately 1.3 miles to the southwest of the well for this application. The hydrograph for observation well LN-81H is shown in Figure 3. The Water Rights Program also monitored observation well LN-81C completed into the Harrisburg aquifer from November 1981 until it was destroyed by road construction in May 2007. Observation well LN-81C was located approximately three miles west southwest of the well location for this application. The hydrograph for observation well LN-81C is shown in Figure 4.

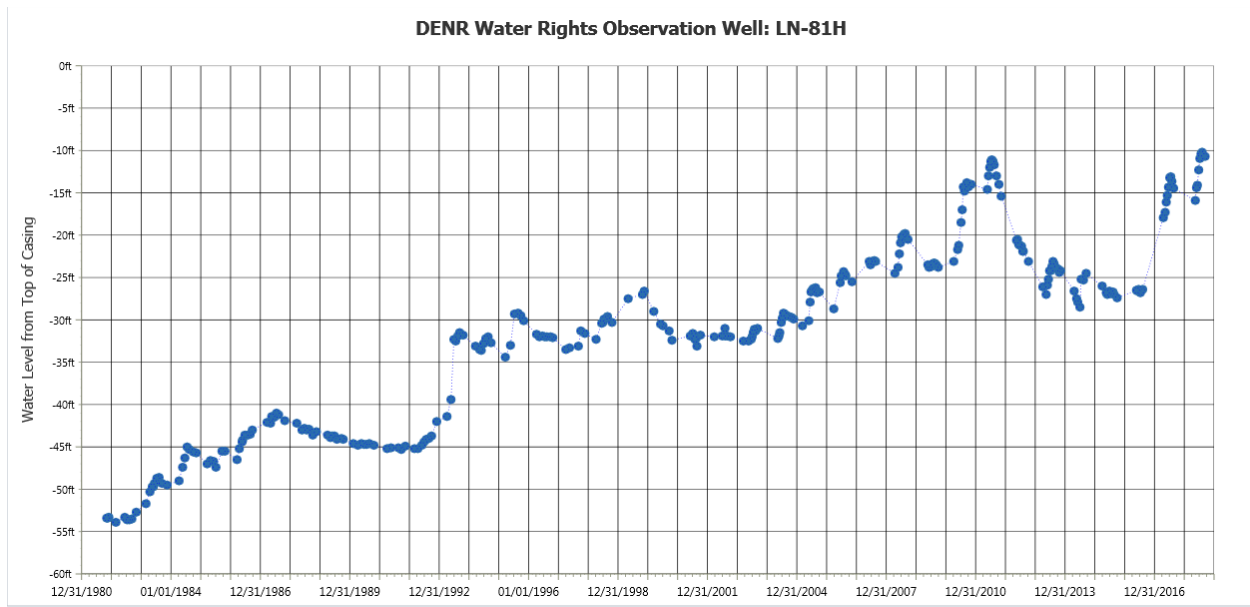


Figure 3: Hydrograph of observation well LN-81H (Water Rights, 2018a)

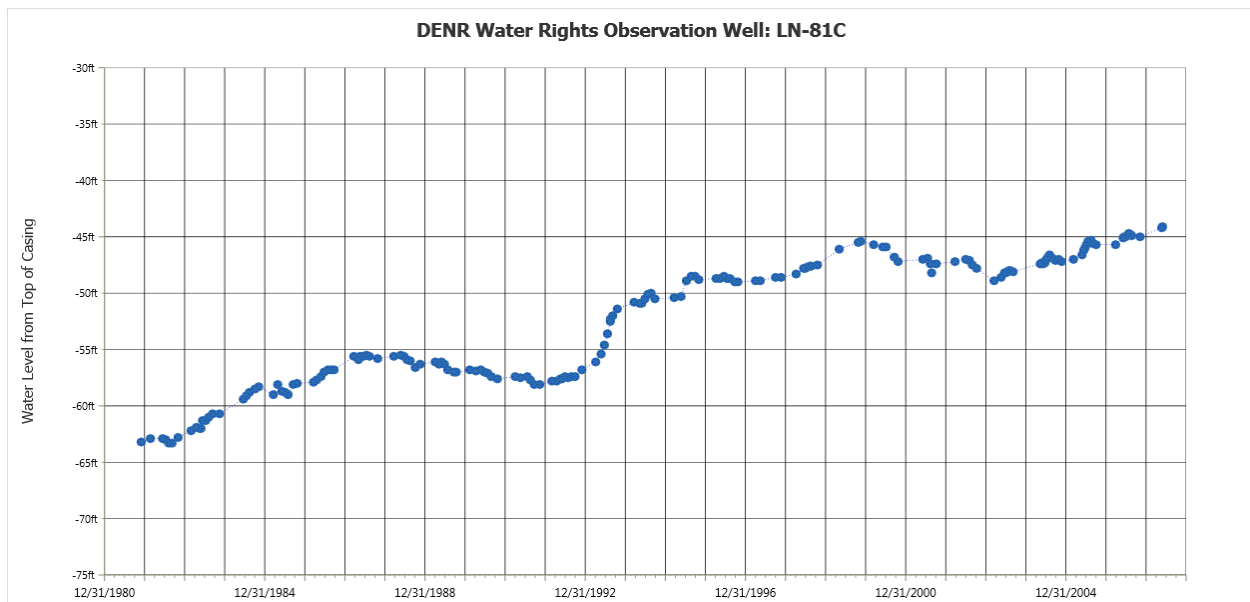


Figure 4: Hydrograph of observation well LN-81C (Water Rights, 2018a)

These observation wells both document increased water levels over their periods of record. Water levels in the observation wells rise during wet periods and gradually decline during dry periods. These observation wells demonstrate that the aquifer responds well to climatic conditions, with the response of the aquifer to climatic conditions masking the effects of well withdrawals. This indicates that natural conditions dominate the aquifer, and that 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.

Hydrologic Budget

Withdrawals

Discharge from the Harrisburg aquifer is through well withdrawals, evaporation where the aquifer is near land surface, seepage and flow from springs, and likely some groundwater discharge to the underlying Shindler aquifer where present (as delineated by Niehus, 1994) and separated from the Harrisburg aquifer by a minimal amount of glacial till (Niehus, 1994). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. With the development of rural water in the area of the Harrisburg aquifer, domestic users may have transitioned to rural water since in general rural water provides better water quality than the Harrisburg aquifer. Additionally, in the area of the Harrisburg aquifer the Dakota aquifer and the Sioux Quartzite aquifer, although at deeper depth, generally have better water quality than the Harrisburg aquifer (Niehus, 1994 and McMeen, 1964). Additionally, at the current level of use observation well LN-81H (Figure 3) shows an upward trend in water levels (Water Rights, 2018a).

There are currently no water rights/permits appropriating water from the Harrisburg aquifer (Water Rights, 2018b). This application proposes the irrigation of 15.36 acres. Pursuant to SDCL 46-5-6 the annual permitted volume of water for irrigation may not exceed two acre feet per acre unless allowed by the Water Management Board. Although actual irrigation under this application, if approved, would vary from year to year, the average annual volume for irrigation use is expected to be less than 30.72 acre-feet per year. Once filled the other reasonable estimable water loss from the storage pond is to evaporation. In considering annual evaporation information presented in Spuhler et al. (1971) and Farnsworth (1982), the most conservative evaporation rate presented for the approximate location of the storage pond for this application is 42 inches per year. The information submitted with this application estimated the surface area to the storage pond to be approximately 1.6 acres; this yields an estimated annual volume loss to evaporation of approximately 5.6 acre-feet. Conservatively, assuming no precipitation input to the storage pond, this results in a total estimated average annual water usage of less than 36.32 acre-feet per year under this application, if approved.

Recharge

Recharge to the Harrisburg aquifer is by infiltration of precipitation through the till (Niehus, 1994). The average annual recharge rate for the Harrisburg aquifer has not been estimated. For buried unconfined aquifers (water table aquifers overlain by glacial till), Hedges et al. (1985) estimated that recharge rates ranged from 0.25 in/yr to 1.25 in/yr. For confined aquifers in Eastern South Dakota, Hedges et al. (1985) estimated for management and development purposes a recharge range of 0.15 in/yr to 0.6 in/yr. Although the Harrisburg aquifer can likely be found under both confined and unconfined conditions, due to the disagreement of existing publications (Hedges et al., 1982 and Niehus, 1994), confined conditions at the well site for this application, limited availability of water level data for the aquifer, and lack of a delineation of the unconfined portion of the aquifer; the more conservative

recharged rate will be utilized for this hydrologic budget. Utilizing the recharge range of 0.15 in/yr to 0.6 in/yr and the estimated maximum annual volume of water usage under this application, if approved, the areal extent of the aquifer would need to range from approximately 730 acres to 2,910 acres to support this proposed use. Using available information the minimum areal extent of the Harrisburg aquifer was estimated to be at least approximately 13,700 acres.

Balance

Based on a review of the best reasonably available hydrogeologic information for the Harrisburg aquifer (Hedges et al., 1982 and Niehus, 1994) and geologic information for Lincoln County (McCormick and Hammond, 2004; McCormick, 2007; and SDGS, 2018), there is a reasonable probability that the areal extent of the Harrisburg aquifer is at least 2,910 acres. Therefore, based on a conservative hydrologic budget for the aquifer there is a reasonable probability that unappropriated water available in the Harrisburg aquifer for the appropriation requested by this application.

Existing Users

The approximate well location for this application is shown in Figure 5. There are no existing water rights/permits currently appropriating from the Harrisburg aquifer. The only other water right/permit in T99N-R50W appropriates water from the Dakota aquifer. This application, if approved, is not expected to adversely impact existing water rights in other aquifers. There are several well completion reports on file with the Water Rights Program for domestic use in the township that are potentially completed in to the Harrisburg aquifer (Water Rights, 2018c). However, most domestic water users in the area are likely to obtain their water from sources other than the Harrisburg aquifer.

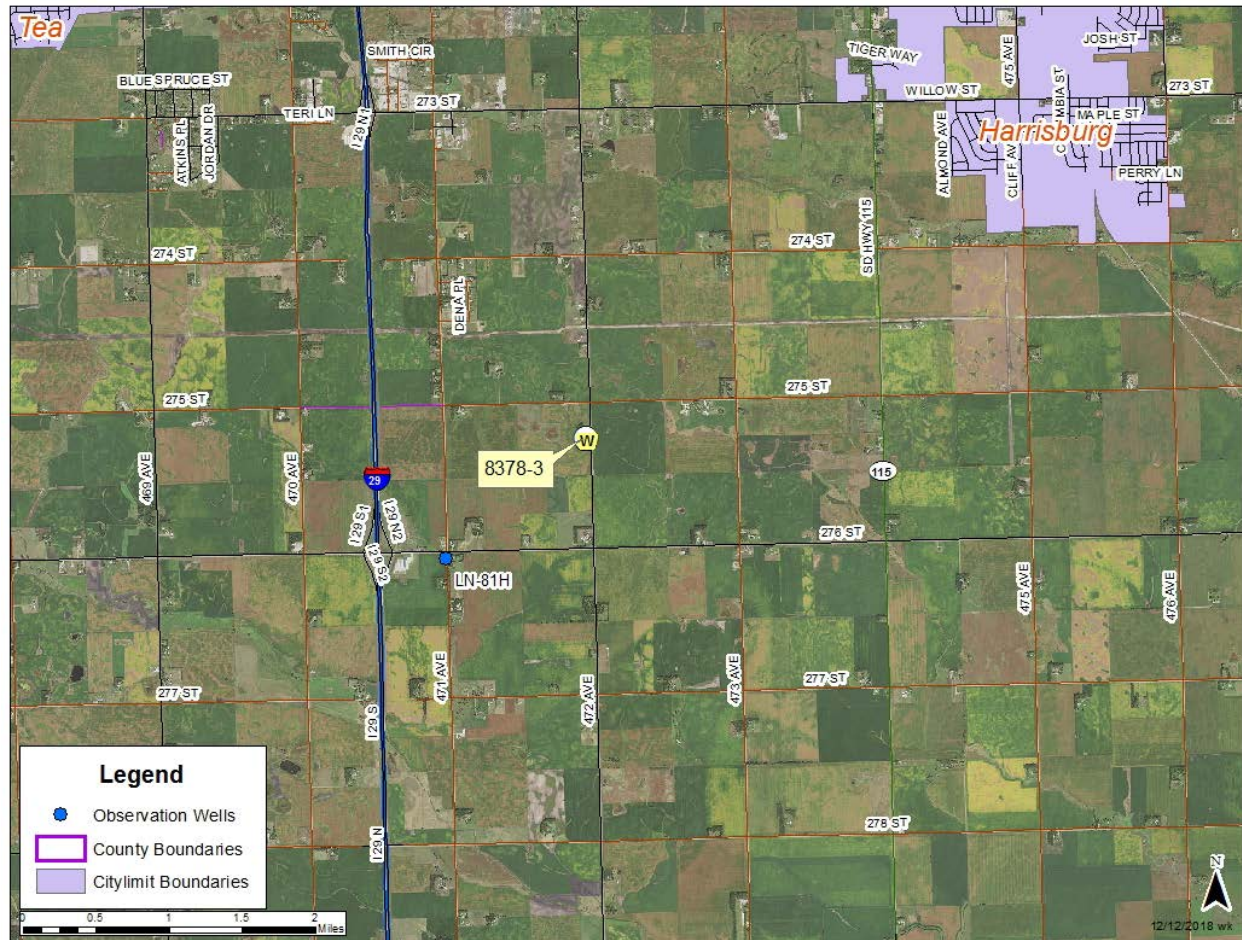


Figure 5: Approximate well location for Application No. 8378-3 with the 2016 Farm Service Agency imagery as a background (Water Rights, 2018a)

The exact amount of drawdown as the result of pumping the well for this proposed diversion cannot be quantified without aquifer testing. Since the aquifer is under confined conditions in the area of the well, some amount of drawn down from a pumping well is expected. The diversion under this permit, if approved, would not be expected to adversely impact existing adequate wells completed into the Harrisburg aquifer. The well completion report submitted with this application indicated at the time of completion (August 2018) there was approximately 50 feet of artesian head pressure above the top of the aquifer plus 35 feet of saturated thickness.

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). Taking this into consideration, some existing well owners, if they pump from the Harrisburg aquifer, may need to lower their pumps to accommodate for deeper water levels depending on the specific characteristics of the Harrisburg aquifer. Given the artesian head pressure at the well site, lack of other water rights/permits appropriating water from the aquifer, lack of well interference complaints from the aquifer, and probable limited domestic use of the aquifer, there is a reasonable probability that this application, if approved, will not adversely impact existing water rights/permits or domestic users with adequate wells.

Conclusions

1. Water Permit Application No. 8378-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.18 cfs from one well completed into the Harrisburg aquifer for the irrigation of 15.36 acres and to maintain the water level of a storage pond. The applicant proposes to either irrigate directly from the well or irrigate from a 16.8 acre-feet storage pond and use the well to maintain the water level in the pond. The well, acres for irrigation, and storage pond are all located in in the E ½ NE ¼ Section 17 in T99N-R50W.
2. Based on the observation well analysis and the hydrologic budget analysis using the best information reasonably available there is a reasonable probability that water is available for the appropriation proposed by 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.

Whitney Kilts
SD DENR-Water Rights Program

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Appendix A

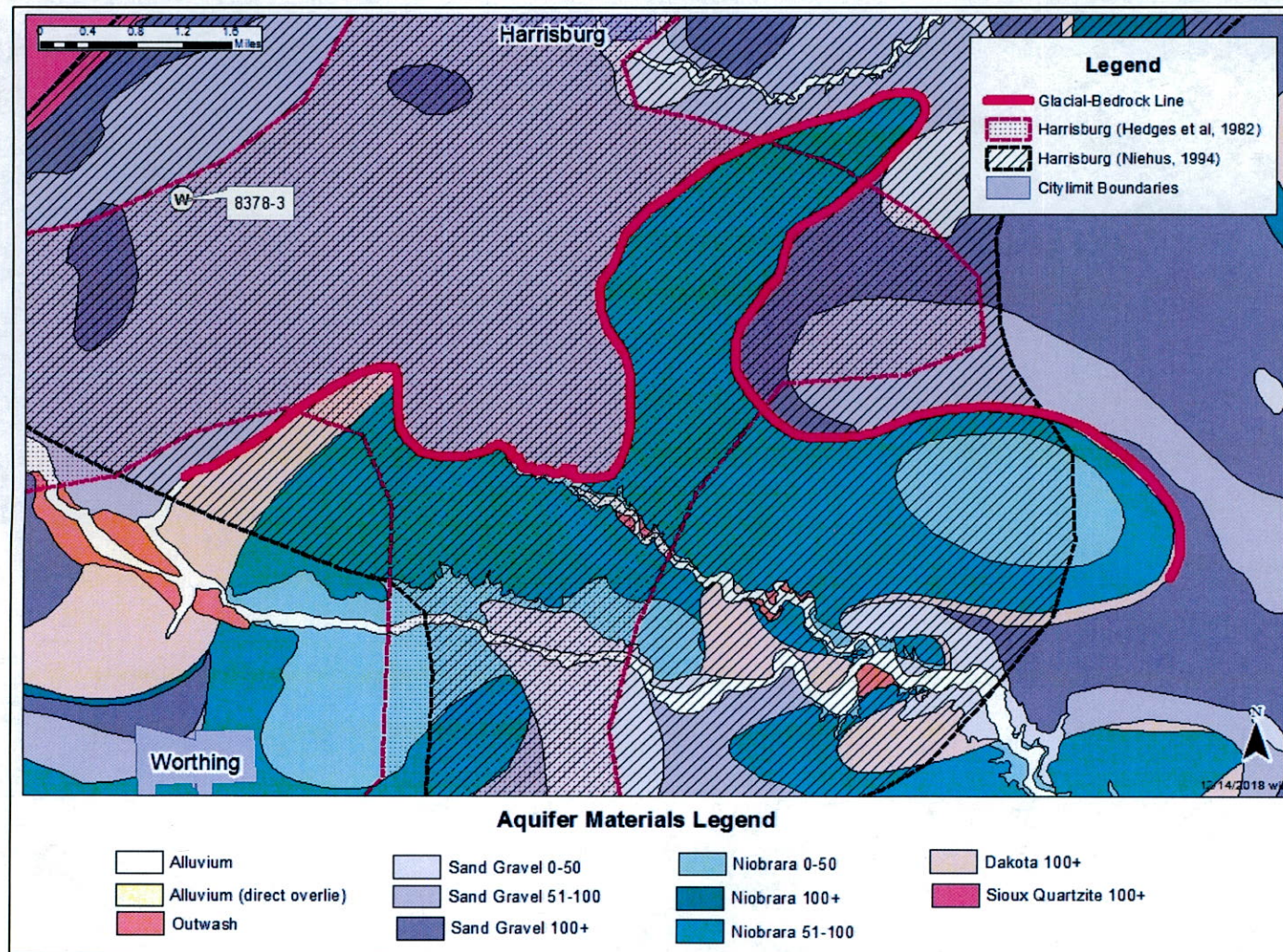
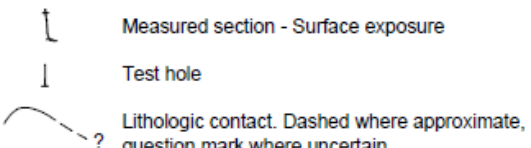


Figure 1A: Location of first occurrence of aquifer materials switching from glacial deposits (sand and gravel (mapped as shades of gray)) to bedrock formations (Niobrara (mapped as shades of green) and Dakota (mapped as golden tan)) (modified from McCormick, 2007). Red line added for emphasis.

Legend for the geologic cross sections.

Quaternary		Cretaceous		Paleozoic		Precambrian	
Qal	Holocene alluvium	Kn	Niobrara Formation	Pzu	Paleozoic rocks, undifferentiated; (?) indicates uncertainty	pCs	Sioux Quartzite
Ql	late Wisconsin to Holocene loess, undifferentiated	Kc	Carlisle Shale, undifferentiated	Pzu _{ss}	Paleozoic sandstone, undifferentiated; (?) indicates uncertainty	pCs _w	Sioux Quartzite, weathered to regolith
Qll	Quaternary lacustrine sediments	Kcbh	Carlisle Shale, Blue Hill Shale Member	D(?) _{ds}	Dolostone of probable Devonian age	pCsg	Spink Gabbro
Qwloa	late Wisconsin outwash and/or Holocene alluvium, undifferentiated	Kcfp	Carlisle Shale, Fairport Shale Member; (?) indicates uncertainty	Og	Ordovician Galena Group dolostone and limestone; (?) indicates uncertainty	pCg	Unnamed granite
Qwlo	late Wisconsin outwash	Kg	Greenhorn Limestone	Ogd	Ordovician Galena Group, Decorah Shale	pCim	Igneous and metamorphic rocks, undifferentiated
Qwll	late Wisconsin lacustrine sediments	Kgr	Graneros Shale	Ostp	Ordovician Saint Peter Sandstone		
Qwit(ox)	late Wisconsin till (oxidized)	Kd	Dakota Formation, undifferentiated	Cd	Cambrian Davis Formation		
Qwit	late Wisconsin till	Kd _{ss}	Dakota Formation, sandstone	Cw	Cambrian Wonwoc Sandstone		
Qos	late Wisconsin or pre-Illinoian outwash, sand	Kd _{sist}	Dakota Formation, siltstone	Cbt	Cambrian Bonnetterre Formation		
Qo	late Wisconsin or pre-Illinoian outwash, undifferentiated	Kd _{sh}	Dakota Formation, shale	Cms	Cambrian Mt. Simon Sandstone		
Qpwl(?)	pre-late Wisconsin lacustrine sediments, undifferentiated; interpretation uncertain	Kd _{ss-sh}	Dakota Formation, interbedded sandstone and shale	Cu _{ss}	Cambrian rocks, undifferentiated sandstone		
Qpwl	pre-late Wisconsin loess, undifferentiated	Kd _{co}	Dakota Formation, coal bed				
Qpwlps	pre-late Wisconsin paleosol	Kd _{qs}	Dakota Formation, quartzite-derived sand				
Qpio	pre-Illinoian outwash, undifferentiated; (?) indicates uncertainty	Ku	Cretaceous undifferentiated rocks				
Qpil	pre-Illinoian loess, undifferentiated; (?) indicates uncertainty	Ku _{ss}	Cretaceous undifferentiated sandstone				
Qpill	pre-Illinoian lacustrine sediments, undifferentiated	Ku _{sh}	Cretaceous undifferentiated shale				
Qpids(?)	pre-Illinoian dune sand; interpretation uncertain	Ku _{ss-sh}	Cretaceous undifferentiated sandstone and shale				
Qpit(ox)	pre-Illinoian till (oxidized), undifferentiated						
Qpit	pre-Illinoian till, undifferentiated; (?) indicates uncertainty						
Qpit(ox)	pre-Illinoian 3 till (oxidized)						
Qpit	pre-Illinoian 3 till; (?) indicates uncertainty						
Qpigo	pre-Illinoian 3 outwash						
Qpill	pre-Illinoian 3 lacustrine sediments						
Qpit(ox)	pre-Illinoian 2 till (oxidized)						
Qpit	pre-Illinoian 2 till; (?) indicates uncertainty						
Qpigo	pre-Illinoian 2 outwash						
Qpill	pre-Illinoian 2 lacustrine sediments						
Qpit(ox)	pre-Illinoian 1 till (oxidized)						
Qpit	pre-Illinoian 1 till; (?) indicates uncertainty						
Qpigo	pre-Illinoian 1 outwash						
Qpill	pre-Illinoian 1 lacustrine sediments						
Qpil	pre-Illinoian 1 loess						
Qpit	pre-Illinoian 0? till						
Qpips	pre-Illinoian paleosol; (?) indicates uncertainty						
Qpis	pre-Illinoian nonglacial (?) quartz sand and gravel (Newton Hills sand, western-derived sand, Alcester quartz sand); (?) indicates uncertainty						



Measured section - Surface exposure

Test hole

Lithologic contact. Dashed where approximate, question mark where uncertain.

Figure 2A: Legend for geological cross sections from McCormick and Hammond (2004)

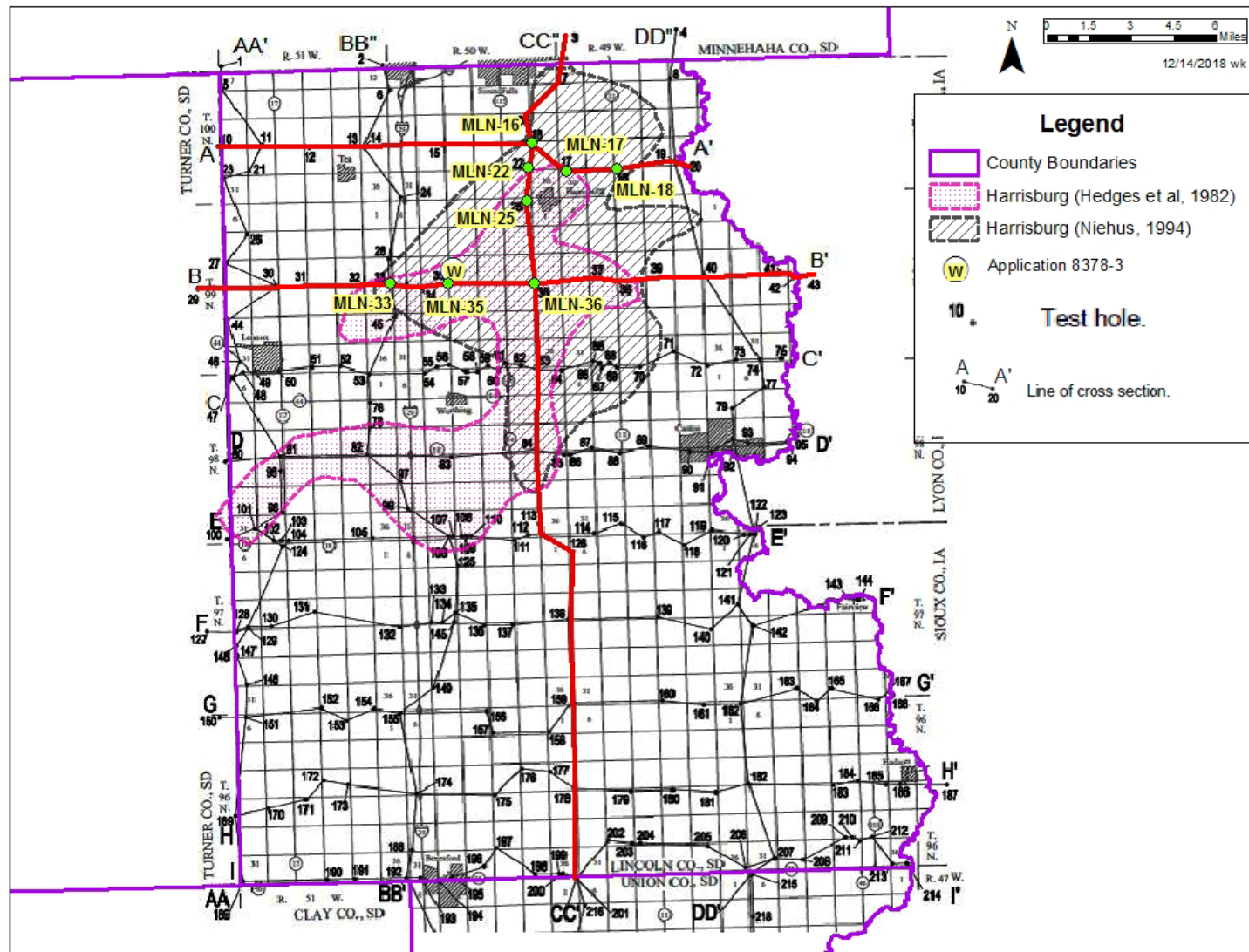


Figure 3A: Location of geologic cross sections in Union County. Red line added to emphasize select cross sections and color points and additional labeling added to help correlate select testhole locations between this map and the cross sections(modified from McCormick and Hammond, 2004)

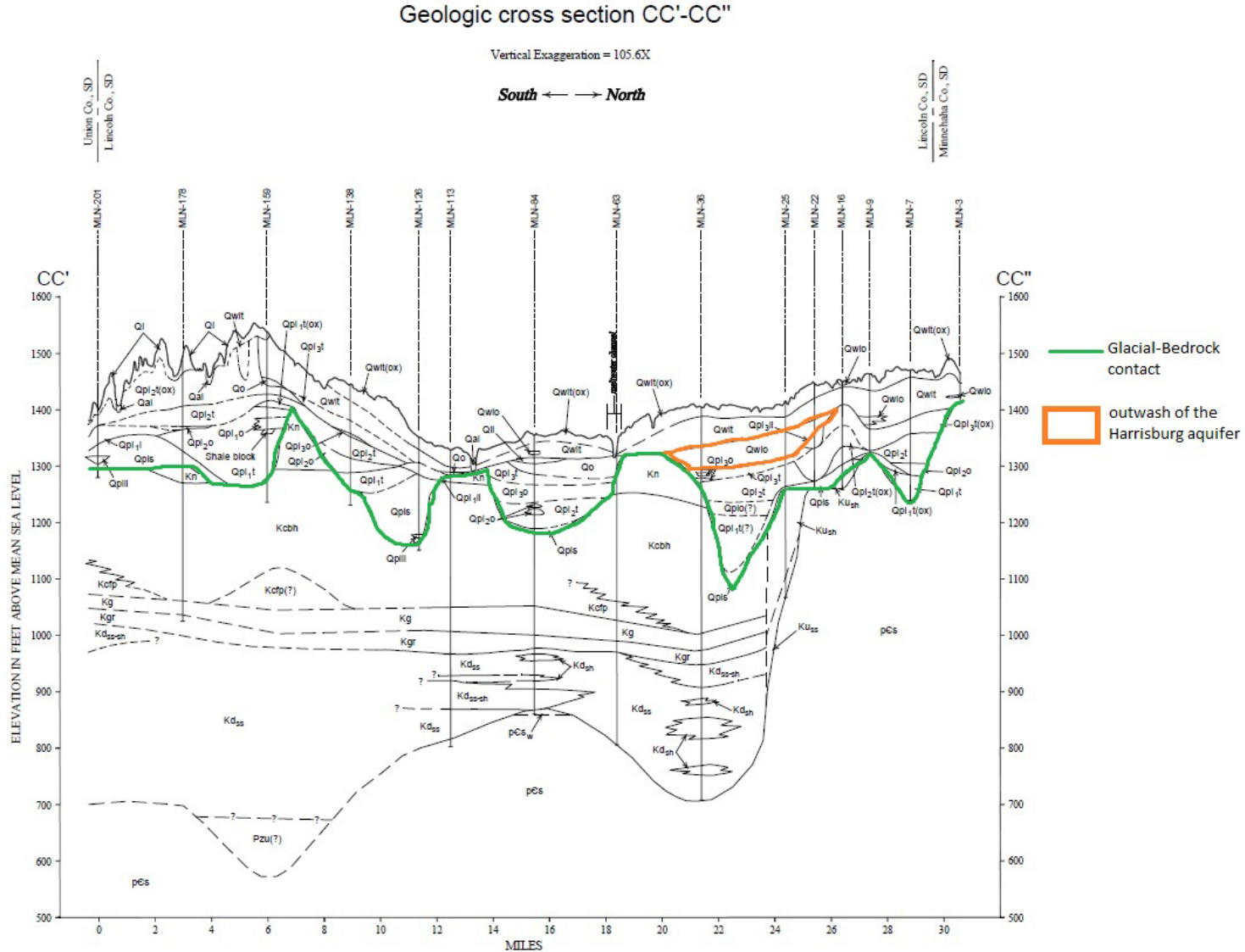


Figure 5A: Geologic cross section CC' to CC'' (modified from McCormick and Hammond, 2004). Emphasis added to select glacial outwash bodies.

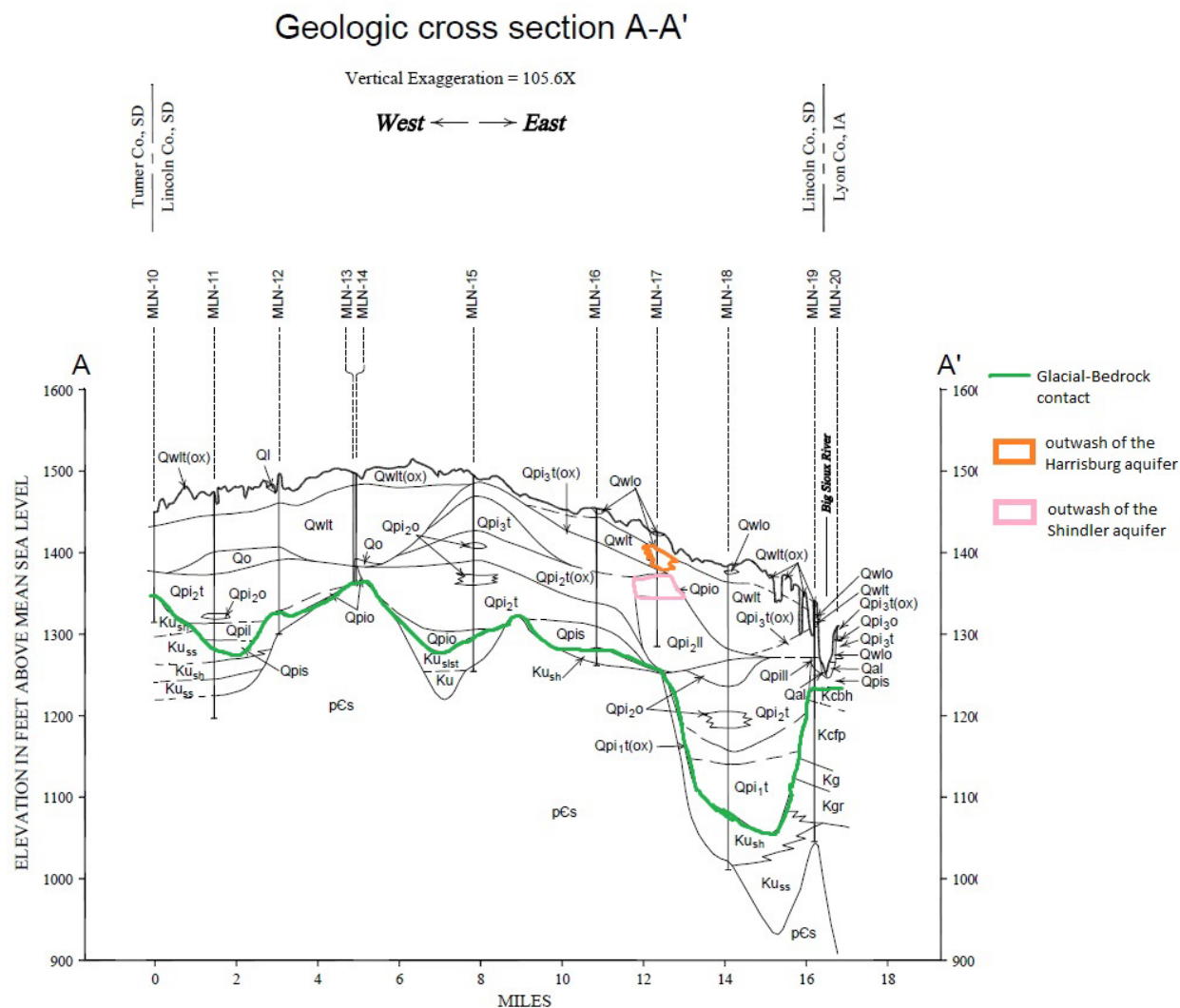


Figure 6A: Geologic cross section A to A' (modified from McCormick and Hammond, 2004). Emphasis added to select glacial outwash bodies. Note that while the delineation by Niehus (1994) extends over testhole MLN-16, MLN-17, and MLN-18, the geology indicates that aquifer is only present at MLN-17 where the delineations by Niehus (1994) and Hedges et al. (1982) overlap. Also note area of potential groundwater discharge from the Harrisburg aquifer to the Schindler due to minimal separation by glacial till (Niehus, 1994).

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**DENR
Notice of Application**

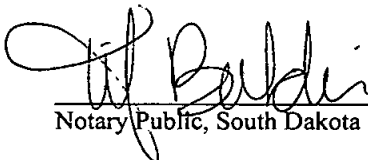
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

January 3, 2019

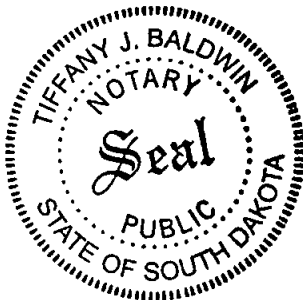
that the full amount of the fees charged for publishing the same to-wit: the sum of \$30.38 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 3rd day of
January, 2019.


Notary Public, South Dakota

(Seal)



My Commission Expires
January 12, 2024

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JAN 18 2019

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION NO.
8378-3 to Appropriate Water**

Notice is given that M-117 LLC, c/o Matthew McCaulley, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second from one well to be completed into the Harrisburg Aquifer (125 feet deep) located in Tract 1, McCaulley's Addition (E 1/2 NE 1/4) Section 17 in T99N-R50W. The applicant proposes to use the water for irrigation of 15.36 acres and maintain a storage pond all located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. The applicant proposes to either irrigate directly from the well or irrigate from a 16.8 acre feet storage pond and use the well to maintain the water level in the pond. The storage pond is located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. This site is located approximately 4 miles southwest of Harrisburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8378-3 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 January 14, 2019.

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

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

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

Published in the Sioux Valley News on January 3, 2019, at the total approximate cost of \$30.38.

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

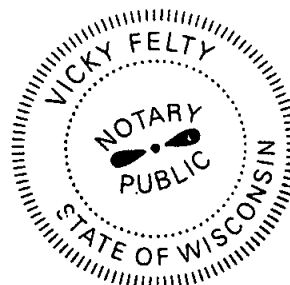
Thursday, January 3, 2019

Sworn to and subscribed before me this 3 day of January, 2019.

Kerr
Legal Clerk

Vicky Felty
Notary Public, State of Wisconsin, County of Brown

9/19/21
My Commission expires



NOTICE OF
APPLICATION NO. 8378-3
to Appropriate Water
Notice is given that M-117
LLC, c/o Matthew
McCauley, 101 N Phillips
Ave, Suite 402, Sioux Falls
SD 57104 has filed an appli-
cation for a water permit to
appropriate 0.18 cubic feet
of water per second from
one well to be completed in-
to the Harrisburg Aquifer
(125 feet deep) located in
Tract 1, McCauley's Addi-
tion (E 1/2 NE 1/4) Section
17 in T99N-R50W. The ap-
plicant proposes to use the
water for irrigation of 15.36
acres and maintain a stor-
age pond all located in the
E 1/2 NE 1/4 Section 17 in
T99N-R50W. The applicant
proposes to either irrigate
directly from the well or ir-
rigate from a 16.8 acre feet
storage pond and use the
well to maintain the water
level in the pond. The stor-
age pond is located in the E
1/2 NE 1/4 Section 17 in
T99N-R50W. This site is lo-
cated approximately 4 miles
southwest of Harrisburg SD.
Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of Ap-
plication No. 8378-3 with
qualifications because 1)
unappropriated water is
available, 2) existing rights
will not be unlawfully im-
paired, 3) it is a beneficial
use of water, and 4) it is in
the public interest. The
Chief Engineer's recom-
mendation with qualifica-
tions, 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 op-
posing or supporting this ap-
plication or recommenda-
tion must file a written peti-
tion with BOTH the appli-
cant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief Engi-
neer'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 January 14, 2019.
The petition may be infor-
mal, but must include a
statement describing the pe-
titioner's interest in the ap-
plication, the petitioner's
reasons for opposing or sup-
porting the application, and
the signature and mailing
address of the petitioner or
the petitioner's legal coun-
sel, if legal counsel is ob-
tained.
If the applicant does not
contest the recommendation
of the Chief Engineer and
no petition to oppose the ap-
plication is received, the
Chief Engineer shall act on
the application pursuant to
the recommendation with-
out a 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, Secreta-
ry, Department of Environ-
ment and Natural Resour-
ces. Published once at the
total approximate cost of
\$74.57.
3313029 Jan. 3, 2019

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 4:14 PM
To: 'svn@siouxvalleynewsonline.com'
Subject: RE: [EXT] 8378-3, M-117 LLC

Please send me the affidavit for this publication on January 3, 2019. Thanks.

From: svn@siouxvalleynewsonline.com [<mailto:svn@siouxvalleynewsonline.com>]
Sent: Thursday, December 27, 2018 9:37 AM
To: Schlaak, Karen
Subject: Re: [EXT] 8378-3, M-117 LLC

Your email has been received in good order.

Tiffany Baldwin
Sioux Valley News
P.O. Box 255
Canton, SD 57013
Tele: (605) 764-2000
Fax: (605) 764-6397

On Dec 26, 2018, at 8:32 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Attached is a notice to be published on January 3, 2019.

M-117 LLC, c/o Matthew McCaulley, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 (605 376-3241) 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
<image001.gif>

<8378-3public.short.docx><FORM8.FRM.doc>

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, December 26, 2018 11:14 AM
To: allegals@argusleader.com
Subject: FW: 8378-3, M-117 LLC
Attachments: 8378-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 3, 2019.

M-117 LLC, c/o Matthew McCaulley, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 (605 376-3241) has been notified to contact you to authorize publication and arrange for payment.

Do not bill the Water Rights Program.

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: Wednesday, December 26, 2018 8:32 AM
To: svn@siouxvalleynewsonline.com
Subject: 8378-3, M-117 LLC
Attachments: 8378-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 3, 2019.

M-117 LLC, c/o Matthew McCaulley, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 (605 376-3241) 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



NOTICE OF APPLICATION NO. 8378-3 to Appropriate Water

Notice is given that M-117 LLC, c/o Matthew McCaulley, 101 N Phillips Ave, Suite 402, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second from one well to be completed into the Harrisburg Aquifer (125 feet deep) located in Tract 1, McCaulley's Addition (E 1/2 NE 1/4) Section 17 in T99N-R50W. The applicant proposes to use the water for irrigation of 15.36 acres and maintain a storage pond all located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. The applicant proposes to either irrigate directly from the well or irrigate from a 16.8 acre feet storage pond and use the well to maintain the water level in the pond. The storage pond is located in the E 1/2 NE 1/4 Section 17 in T99N-R50W. This site is located approximately 4 miles southwest of Harrisburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8378-3 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 January 14, 2019.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

December 21, 2018

M-117 LLC
c/o Matthew McCaulley
27523 472nd Ave
Harrisburg SD 57032

Dear Mr. McCaulley:

Water Permit Application No. 8378-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Sioux Valley News printed at Canton SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2000). 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 23, 2019 7:44 AM
To: 'matt@redstonelawfirm.com'
Subject: Water Permit No. 8378-3
Attachments: 8378-3.pdf

Mr. McCaulley,

Enclosed is a copy of Water Permit No. 8378-3, M-117 LLC as approved. Paper copy in the mail 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

denr.sd.gov

JAN 23 2019

M-117 LLC
c/o Matthew McCaulley, Manager
101 N Phillips Ave, Suite 402
Sioux Falls SD 57104

Dear Mr. McCaulley:

Enclosed is Water Permit No. 8378-3 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

8378-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 2, 2020

8378-3

Matthew McCaully, Mgr
M-117 LLC
1300 W 57th St Ste 101
Sioux Falls SD 57108

Dear Mr. McCaully:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire.

The notice was originally mailed to 101N Phillips Ave, Ste 402, Sioux Falls. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

Schlaak, Karen

Subject: FW: 8378-3
Attachments: 20201216123910407.pdf

From: Matt McCaulley <matt@redstonelawfirm.com>
Sent: Friday, January 29, 2021 8:16 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] Tree plan - irrigation

Good morning again and thanks so much for your call and the information on this tree plan which goes a little outside of the home site boundaries.

I am attaching the map that GFP prepared, and I am following their recommended plan (trees in the green boxed area). I will be installing a drip line this spring to protect the investment in those new trees (GFP recommended 12 rows deep).

However, I will not be irrigating more than 15 acres total and understand because I am under the total number of acres I don't need to file an amendment.

Let me know if you have any questions and I appreciate all of the direction. Thanks again and have a great weekend.

MM

Matt McCaulley 2021 SDGFP Woody Habitat Project
Lincoln County
Phone: 605-376-3241
Approx. 2.8 acres woody habitat -



McMath, Genny

From: DANRnoreply@caspio.com
Sent: Tuesday, January 4, 2022 12:40 PM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 8378-3 IQ Reported Use in 2021, Yes, 15.00 acres irrigated

Permit Holder:

MATTHEW MCCAULLY, MGR
 M-117 LLC
 1300 W 57th ST, SUITE 101
 SIOUX FALLS SD 57108

matt@redstonelawfirm.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,
June	,	,	,	,
July	,	,	,	,
Aug	,	,	,	,
Sep	,	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:**Additional Info:**

LLC is now known as F9, LLC (was renamed with a filing by and through the SD Secretary of State)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 12, 2022

8378-3

Matthew McCaulley
M-117 LLC
1300 W 5th St, Ste 101
Sioux Falls SD 57108

Dear Mr. McCaulley:

I am writing in regard to the name change you made note of on the irrigation questionnaire filing for 2021 from M-117 to F9, LLC.

In order to change the name on a water permit, an ownership change needs to be filed. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know. Thank you in advance.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

8378-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date November 18, 2022RECEIVED OF Matt/Heather McCaulley 1508 W 71st St. Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>8378-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
Em

PAID

NOV 18 2022

Ck# 7111

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV 18 2022

OFFICE OF
WATER

No. 8378-3

Date: 16 May 22

I/We request that Water Permit No. 8378-3

formerly owned by: M-117 LLC

be transferred to: (name & address)

F9, LLC *

27523 472nd Ave

Harrisburg, SD 57032

Telephone No. _____

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

15.36 acres – E ½ NE ¼ Section 17, T99N, R50W

I/We understand that the validity of Water Permit No. 8378-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Matt McCully, the new owner, certify that the above information is true and correct.

(Signed by new owner)

for F9, LLC

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

* Legal entities did not change - name change only.

State of South Dakota

Office of the Secretary of State

Certificate of Amendment

Domestic Limited Liability Company

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Application for Articles of Amendment to the Articles of Organization for

M-117, LLC changing its name to

F9, LLC

BUSINESS ID# DL143844

with an effective date of: September 23, 2019, duly signed and verified, pursuant to the provisions of the South Dakota Limited Liability Company Act, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Amendment and attach hereto a duplicate of the Application for Articles of Amendment to the Articles of Organization.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, September 23, 2019.

Steve Barnett

RECEIVED

NOV 18 2022

OFFICE OF
WATER

Steve Barnett
Secretary of State

09/23/2019 11:03 AM

**AMENDED ARTICLES OF ORGANIZATION
OF M-117, LLC**

The undersigned hereby executes and acknowledges the following Amended Articles of Organization pursuant to SDCL § 47-34A-204, for the purpose of amending the Articles of Organization of a limited liability company formed under the South Dakota Limited Liability Company Act.

ARTICLE I: NAME AND BUSINESS ID.

The existing name of the limited liability company is M-117, LLC, and the Business ID of the limited liability company is DL143844.

ARTICLE II: AMENDED NAME.

The amended name of the limited liability company is F9, LLC.

ARTICLE III: DATE OF ORGANIZATION.

The Articles of Organization of M-117, LLC were filed with the South Dakota Secretary of State on February 12, 2018.

ARTICLE IV: AMENDMENT

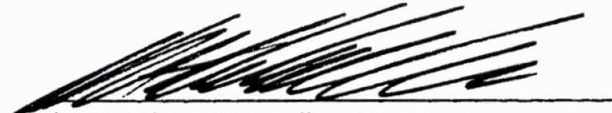
1. Delete Article I of the Articles of Organization filed on February 12, 2018.
2. Insert a new Article I as follows:

ARTICLE I

The name of the Company is F9, LLC.

Dated as of the 20th day of September, 2019.

M-117, LLC
(n/k/a F9, LLC)


by Matthew McCaulley, Manager

RECEIVED

NOV 18 2022

**OFFICE OF
WATER**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 29, 2022

8378-3

Matt McCaulley
F9, LLC
27523 472nd Ave
Harrisburg SD 57032

Dear Mr. McCaulley:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for the name change on Water Permit No. 8378-3.

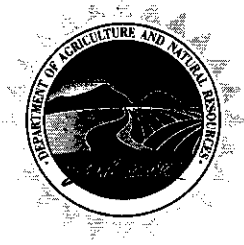
The transfer has been processed. Water Permit No. 8378-3 formerly listed under M-117 LLC is now listed under F9, LLC.

Enclosed for your records is a receipt for the filing fee that was paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



8378-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 18, 2024

8378-3

F9 LLC
c/o Matthew McCaulley
27523 472nd Ave
Harrisburg SD 57032

Dear Mr. McCaulley:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is 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 the completion of your project and the staff inspection has no bearing on your water permit.

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,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

RECEIVED

8378-3

JAN 18 2024

OFFICE OF
WATER

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 01-15-2024

FROM: Matthew McCaulley *for F9 LLC*
(name)

27523 472nd Avenue

(address)

Harrisburg

(city)

SD

(state)

57032

(zip)

605-376-3241

(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. 8378-3 states that the water use system is to be constructed by

01-14-2024

(date)

, and water is to be put to beneficial use by

01-14-2027

(date)

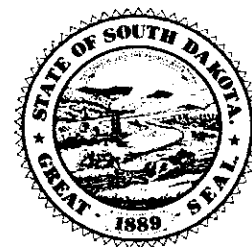
The water use system was completed on 05-12-2023

(date)

Applying the water to beneficial use was completed on 07-03-2023

(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8378-3

I have this day, August 28, 2024, made a thorough examination of the water use system constructed by M-117 LLC, 27523 472nd Ave, Harrisburg, SD 57032 of Permit No. 8378-3, bearing the priority date of November 5, 2018 authorizing the diversion of 0.18 cu. ft. per second and/or the storage of 16.8 acre-feet of the waters of Harrisburg Aquifer for irrigation purposes, in Lincon County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Putzke Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 125 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 105 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 20 feet
- 3) Static water level 40 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 70 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 5 hp

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

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

C. Works used to apply water to beneficial use: Sprinklers & Drip Systems

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) 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 LOCATION
2. From the NE corner Sec 17 T99N R50W, 980 ft S & 530 ft W, Lat 43.39994 Long -96.76906 (NE ¼ NE ¼). POND LOCATION From the NE corner Sec 17 T99N R50W, 1020 ft S & 200 ft W, Lat 43.39989 Long -96.76783 (NE ¼ NE ¼).
3. The works are capable of diverting and conveying to the place of use 0.16 cu. ft. per second of water and/or storing 16.8 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
legal description/acreage
NE ¼ NE ¼ - 9 acres
SE ¼ NE ¼ - 3 acres
comprising a total of 12 acres of land and the license should be issued for 0.16 cfs and/or 16.8 acre-feet of storage.
4. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well, pond and irrigated location map. Only measured the pond surface, not depth. The 16.8 ac-ft seems reasonable.

I talked with Mr. Matthew McCaulley (507/376-3241) regarding the well discharge capacity during the field visit.

The address and phone number in the permit application materials are current. The legal name is F9 LLC.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 4, 2024



0 425 850 1,700 2,550 3,400 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 01 2024

8378-3

F9 LLC
c/o Matthew McCaulley
27523 472nd Ave
Harrisburg SD 57032

Dear Mr. McCaulley:

Enclosed is Water License No. 8378-3. 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.

So 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

NOTE: The holder of Water Right No. 8378-3 may choose to either irrigate directly from the well or from a 16.8 acre-foot storage pond and use the well to maintain water levels in the storage pond.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8378-3**

(1) M-117, LLC made Application No. 8378-3, November 5, 2018, for a water permit to divert 0.18 cubic feet of water per second from groundwater, one well (Harrisburg Aquifer), Lincoln County, South Dakota for irrigation purposes, with the permit holder either irrigating directly from the well or from a 16.8 acre-foot storage pond and using the well to maintain water levels in the storage pond. Permit No. 8378-3, with a priority date of November 5, 2018, was approved January 14, 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 14, 2024, and for the application to beneficial use of water on or before January 14, 2027.

Ownership of Water Permit No. 8378-3 was transferred to F9 LLC, 27523 472nd Ave, Harrisburg SD 57032, on November 18, 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.16 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well: 980 ft S & 530 ft W of the NE corner Section 17, T99N, R50W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.39994 & Longitude -96.76906)
- Storage Pond: 1,020 ft S & 200 ft W of the NE corner Section 17, T99N, R50W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 43.39989 & Longitude -96.76783)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 17, T99N, R50W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 3 acres
TOTAL: 12 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 F9 LLC, the holder and/or owner of Water Right No. 8378-3 is issued a license to appropriate water, the right to use 0.16 cubic feet of water per second from groundwater, one well (Harrisburg Aquifer), with a priority date of November 5, 2018, from the locations specified in (2) of this license for irrigation purposes, with the permit holder either irrigating directly from the well or from a 16.8 acre-foot storage pond and using the well to maintain water levels in the storage pond.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8378-3 and subject to the following qualifications:

1. The well approved under Permit No. 8378-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

2. Water Permit No. 8378-3 authorizes a storage pond with a capacity of 16.8 acre-feet of water.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

OCT 01 2024

date

