

**WATER PERMIT NO. 8295-3**

Name of Applicant: Full Circle Dairy LLC

Address: 45190 282<sup>nd</sup> St, Hurley SD 57036

Phone: 219 863-4883

Amount of Water Claimed: 0.67 cfs (460 AF)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial

County: Turner

Type of Waste Disposal System:

Location: 3 miles west of Hurley

PRIORITY

Date Received: 3-11-19

Application/License Fee: \$ 1,150

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 SW 1/4 Sec 19-T98N-R53W

Dairy location: E 1/2 NE 1/4 Sec 13-T98N-R54W

Depth of Well: 280 feet deep

Well Driller: Thein Well Company

Remarks:

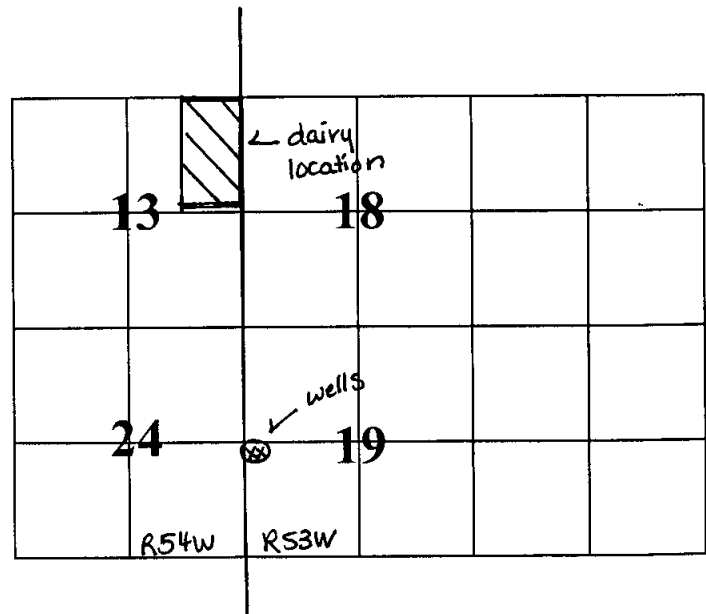
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-11-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



**SOUTH DAKOTA**  
**WATER PERMIT NO. 8395-3**

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Date of first receipt of application March 11, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8395-3 to Full Circle Dairy LLC, 45190 282<sup>nd</sup> St, Hurley SD 57036 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. 8395-3 appropriates 460 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Upper Vermillion Missouri:West Aquifer (approximately 250 feet deep) located in the NW 1/4 SW 1/4 Section 19-T98N-R53W for commercial use in a dairy confinement operation located in the E 1/2 NE 1/4 Section 13-T98N-R54W. The site of the wells is approximately 3 miles west of Hurley SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8395-3 is May 28, 2019.
5. The date from which applicant may claim right is March 11, 2019.
6. One-fifth of the construction is to be completed on or before November 28, 2021.
7. All construction is to be completed on or before May 28, 2024.
8. Water is to be put to beneficial use on or before May 28, 2028.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The wells approved under Water Permit No. 8395-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8395-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8395-3 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)

4. Water Permit No. 8395-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
  - a) Chapter 74:54:01 Ground Water Quality Standards,
  - b) Chapter 74:54:02 Ground Water Discharge Permit,
  - c) Chapter 74:51:01 Surface Water Quality Standards,
  - d) Chapter 74:51:02 Uses Assigned to Lakes,
  - e) Chapter 74:51:03 Uses Assigned to Streams, and
  - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion-Missouri:West Aquifer.
6. Water Permit No. 8395-3 authorizes a total annual diversion of 460.0 acre feet of water.

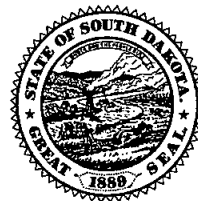
**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

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

**JUN 24 2019**

date



## SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation  
(type or print)

PAID

MAR 11 2019

Ck# 00001154

|                                                                                                         |                                                                         |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8395-3</u> (office use only )<br>Hydrologic Unit <u>10170102</u> |
|                                                                                                         | Basin <u>Vermillion River</u>                                           |
|                                                                                                         | Newspaper <u>Viborg Enterprise</u><br><u>Angus Leader.</u>              |
|                                                                                                         |                                                                         |

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

## Check use(s) of water:

|                                                 |                                                    |                                          |                                        |
|-------------------------------------------------|----------------------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Water Distribution System | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial     | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal    |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial                | <input type="checkbox"/> Other           |                                        |

Type of Application:  
(check one)

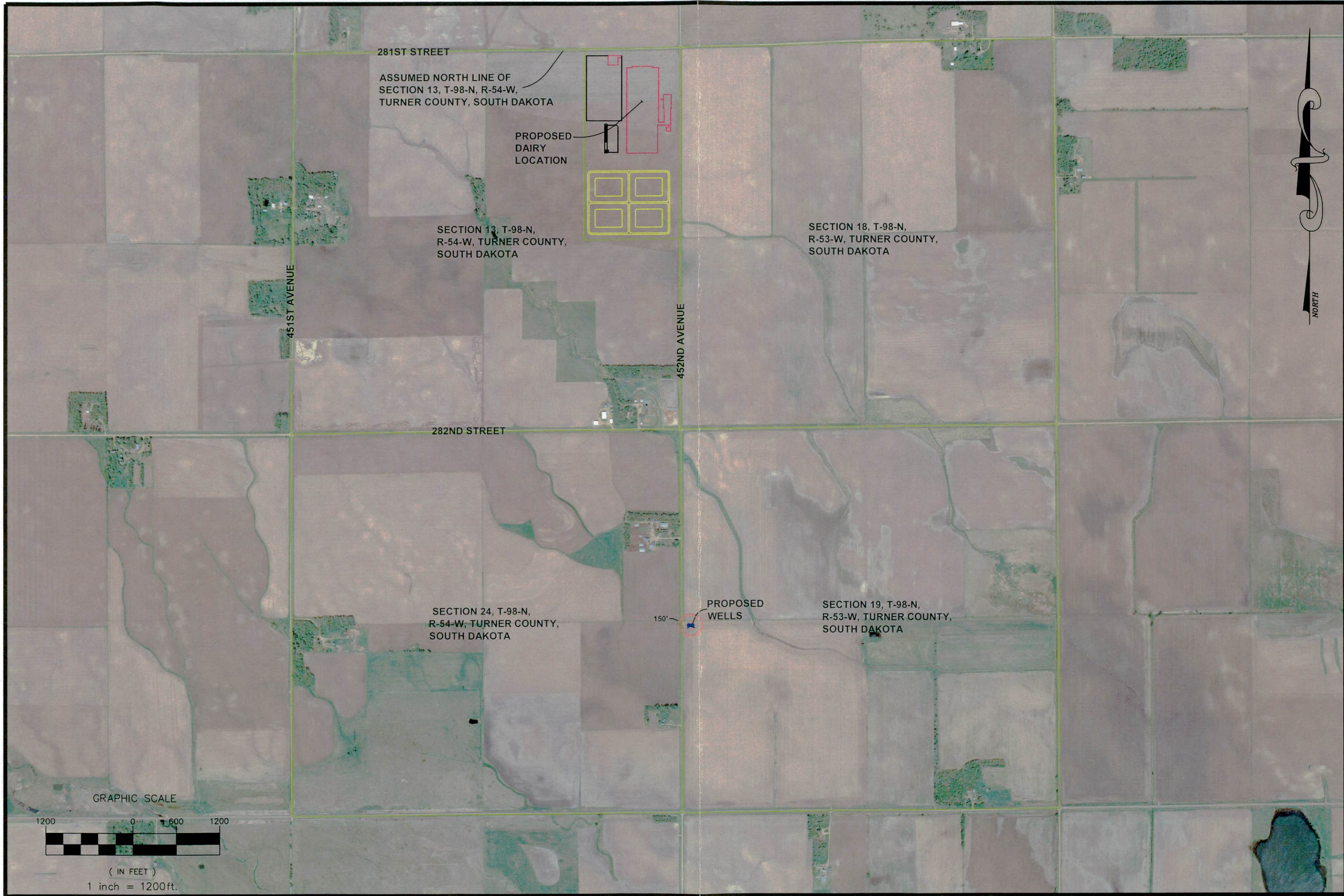
|                                                                                                |                                                                  |                                                 |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> New                                                        | <input type="checkbox"/> Vested Right (Use predates Mar 2, 1955) | <input type="checkbox"/> Future Use Reservation |
| <input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____ |                                                                  |                                                 |
| <input type="checkbox"/> Amendment/Correction to Permit No. _____                              |                                                                  |                                                 |

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

- Name to Appear on Water Permit Full Circle Dairy, LLC  
Mailing Address 45190 282nd St Hurley SD 57036  
(Address) (City) (State) (Zip Code)  
Phone 219-863-4883 Mobile 219-863-4883 Email gregvanravenswaay@gmail.com
- Amount of water claimed 0.67 \*CFS or 300 \*\*GPM and 460 AF \*\*\*AF or 150 MG 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)
- Source of water supply Niobrara Formation
- Location of point of diversion 2 wells in NW1/4, SW1/4, Sec. 19 - T98N - R53W County Turner  
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No  
If "Yes," where will water be used? E1/2, NE 1/4, Sec 13, T98N, R54W  
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Turner
- Annual period during which water is to be used Continuously Jan 1 - Dec 31
- 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)  
Proposed 5,000 head mature dairy cow confinement operation.

I, [Signature], 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.





|                                                                                                      |                                                                                                                          |  |       |         |            |             |       |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--|-------|---------|------------|-------------|-------|
| <b>ProAg Engineering, Inc.</b><br>77402 US HWY 71, PO BOX 181<br>Jackson, MN 56143<br>(507) 849-7200 | FULL CIRCLE DAIRY, LLC.<br>PROPOSED DAIRY OPERATION<br>NE 1/4, SECTION 13, T-98-N, R-54-W<br>TURNER COUNTY, SOUTH DAKOTA |  | Date  | 2/20/19 | Checked By | Project No. | SHEET |
|                                                                                                      |                                                                                                                          |  | Drawn | D.D.A.  | N.J.R.     | 17-177      | 1/1   |

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

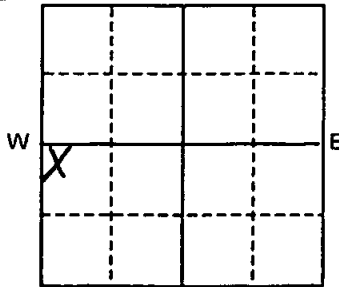
11-02

Location NW ¼ SW ¼ Sec 19 Twp 98 Rg 53

County Turner

North

Please mark well location with an "X"



Well Completion Date

January 9, 2019

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
3,000.0 ft. from SEPTIC (Identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

MUD ROTARY

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT   | DIAMETER | FROM     | TO       | HOLE DIAMETER |
|--------------|----------|----------|----------|---------------|
| SOR 21 LB/FT | 6.00 IN  | 0.0 FT   | 200.0 FT | 9.50 IN       |
| SOR 17 LB/FT | 6.00 IN  | 200.0 FT | 240.0 FT | 9.50 IN       |
| LB/FT        | IN       | FT       | FT       | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To       |
|------------|--------------|--------------|--------|----------|
| BENTONITE  | 24           | Lb/gal       | 0.0 Ft | 195.0 Ft |
|            |              | Lb/gal       | Ft     | Ft       |

Describe grouting procedure

TREMIE PIPED

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 6.00 Inches Length 50.0 Feet

Material PVC

Slot Size .025 Set From 200.0 Feet to 250.0 Feet

 Other information 6" 5' PVC .020 250 -255  
 6" 5' PVC .025 255 -260
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? CHLORINATED☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Joel Van Ravenswaay

Business Name: Van Ravenswaay Dairy

Address: 5602 FOUNTAIN VIEW DRIVE

City, State, Zip: WHEATFIELD IN 46392

## WELL LOG:

| FORMATION                  | DEPTH |     |
|----------------------------|-------|-----|
|                            | FROM  | TO  |
| TOP SOIL                   | 0     | 3   |
| CLAY BROWN                 | 3     | 33  |
| SANDY WHITE CLAY- AND BLUE | 33    | 36  |
| CLAY GRAY                  | 36    | 51  |
| CLAY BLUE                  | 51    | 55  |
| CLAY BLUE- GRAVELY         | 55    | 74  |
| GRAVEL/CLAY LAYERS / COAL  | 74    | 87  |
| CLAY GRAY / SANDY          | 87    | 131 |
| CONTINUED....              |       |     |

STATIC WATER LEVEL 24.0 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

Fl. After Hrs. pumped 200.0 GPM

Fl. After Hrs. pumped GPM

If pump installed, pump rate: GPM

## REMARKS

6" TEST WELL

GPS N 43 17.5720 W 97 9.6550

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

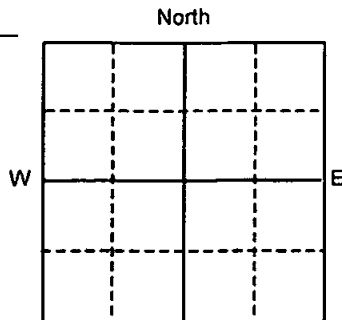
Date:

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ SW ¼ Sec 19 Twp 98 Rg 53

County Turner

Please mark well  
location with an "X"

Well Completion Date

January 9, 2019

1 Mile

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

3,000.0 ft. from SEPTIC (Identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

MUD ROTARY

## CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM | TO | HOLE DIAMETER |
|------------|----------|------|----|---------------|
| LB/FT      | IN       | FT   | FT | IN            |
| LB/FT      | IN       | FT   | FT | IN            |
| LB/FT      | IN       | FT   | FT | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To |
|------------|--------------|--------------|------|----|
|            |              | Lb/gal       | Ft   | Ft |
|            |              | Lb/gal       | Ft   | Ft |

Describe grouting procedure  
TREMIE PIPED

## SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter \_\_\_\_\_ Inches Length \_\_\_\_\_ Feet

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet to \_\_\_\_\_ Feet

Other information

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?☐ No, Why Not?Lab to which water  
quality sample sent for analysis

Well Owner: Joel Van Ravenswaay

Business Name: Van Ravenswaay Dairy

Address: 5602 FOUNTAIN VIEW DRIVE

City, State, Zip: WHEATFIELD IN 46392

## WELL LOG:

## DEPTH

| FORMATION                  | FROM | TO  |
|----------------------------|------|-----|
| SAND AND FINE GRAVEL       | 131  | 175 |
| SAND/SOME THIN CLAY LAYERS | 175  | 192 |
| GRAVEL- MED/ LOTS OF COAL  | 192  | 240 |
| GRAVEL- COARSE             | 240  | 260 |
| SHALE- GRAY                | 260  | 280 |
|                            |      |     |
|                            |      |     |
|                            |      |     |

## STATIC WATER LEVEL

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:☐ Bailed☐ Other

Pumping Level Below Land Surface

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

6" TEST WELL

GPS N 43 17.5720 W 97 9.6550

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 11, 2019

RECEIVED OF VRD Cattle, LLC For Full Circle Dairy, LLC 5602 Fountain view Wheatfield IN  
46392

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>8395-3</u> to Appropriate Water, to construct and to put water to beneficial use | 950   | 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>8395-3</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 | 1150 00 |

No. **09055**

By

Jeanne Goodman  
Chief Engineer JLM

RECEIVED

MAY 06 2019

WATER RIGHTS  
PROGRAM

**FULL CIRCLE DAIRY, LLC**

**Certification of Authority For Member Gregory D. Van Ravenswaay to  
Represent and Act for Company Before All Government  
Entities for Necessary Permits and Approvals**

Gregory D. Van Ravenswaay is a member (owner) of Full Circle Dairy, LLC, a South Dakota limited liability company. He is duly authorized by resolution and agreement of all members to represent the interests of Full Circle Dairy, LLC before any and all federal, state, and local government agencies and to take actions to apply for and to obtain any permit, authority or other necessary approval for the construction and operation of the company's proposed dairy in Turner County, SD.

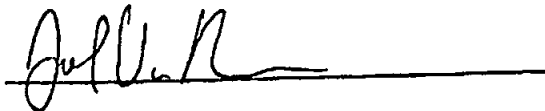
This authority includes but is not limited to approvals before the South Dakota Department of Environment and Natural Resources, the South Dakota Board of Water and Natural Resources, Turner County, South Dakota Zoning Office, and any state, county or township road authority.

The undersigned is a member of Full Circle Dairy, LLC and is a manager of that entity with authority to certify that Gregory D. Van Ravenswaay is also a member and at all times in the past has acted with due authorization and power to represent Full Circle Dairy, LLC. This authority extends back in time to the formation of the company and its organization as recognized by the South Dakota Secretary of State on July 27, 2018. I further certify that Gregory D. Van Ravenswaay is duly authorized to continue to act on behalf of Full Circle Dairy LLC in pursuit of all approvals and authority to construct and operate a dairy in Turner County, South Dakota.

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Executed on the 6<sup>th</sup> day of May, 2019, in WHEATFIELD, IN [city and state].

Joel Van Ravenswaay, Member of Full Circle Dairy, LLC and  
father of Gregory D. Van Ravenswaay:



Joel Van Ravenswaay, for Full Circle Dairy, LLC

This unsworn declaration is presented under the authority of SDCL § 18-7-4.

# State of South Dakota

Office of the Secretary of State

## Certificate of Organization

Domestic Limited Liability Company

I, **Shantel Krebs**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

**Full Circle Dairy, LLC**

BUSINESS ID# DL151644

with an effective date of: July 27, 2018, duly signed and verified, SDCL 47-34A-203, 212 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 Organization and attach hereto a duplicate of 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, July 27, 2018.

*Shantel Krebs*

**Shantel Krebs**  
Secretary of State

07/27/2018 11:28 AM



DL151644

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

## ARTICLES OF ORGANIZATION

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

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: **Full Circle Dairy, 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

**45190 282ND. ST  
HURLEY, SD 57036**

Mailing Address

**108 KIRCHWOOD ST.  
PLAINVIEW, TX 79073**

### 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 **BRIAN J DONAHOE**

Actual Street Address in this State

**401 E 8TH STREET STE 215  
SIOUX FALLS, SD 57103**

Mailing Address in this State

### Article IV

The name and address of each organizer

Name

Address

**Donahoe Law Firm, P.C.**

**401 E. 8th St., Ste. 215, Sioux Falls, SD 57103**

### 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: \_\_\_\_\_

B0067-6767 07/27/2018 11:28AM Rec'd by SD SOS



## Article VI

☒ Member-Managed      ☐ Manager-Managed

## 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).

Brian Donahoe

*Brian Donahoe*

Attorney and  
Organizer

07/27/2018

PRINTED NAME

SIGNATURE

TITLE

DATED

**ProAg Engineering, Inc.**

Nicholaus J. Rowe, P.E.  
77402 US Hwy 71  
P.O. Box 181  
Jackson, MN 56143  
507-841-3269  
[nic@proageng.com](mailto:nic@proageng.com)

February 21, 2019

SD DENR – Water Rights  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

RE: Full Circle Dairy, LLC  
Proposed Dairy Operation  
Turner County, South Dakota  
ProAg Project #17-177

**PAID**  
**MAR 11 2019**  
**Ck# 00001154**

On behalf of Full Circle Dairy, LLC we are submitting the SD DENR Water Use Permit application for the construction of a proposed 5,000 head mature dairy cow confinement operation located in Turner County. All of the mature dairy cows will be housed and milked in one confinement barn. The Dairy is proposing to drill two wells on cropland located approximately one mile south of the dairy where more abundant shallower water was located. The well water may require extensive treatment. The dairy needs a minimum pumping capacity of 150 gallons per minute but the treatment system could require that rate to double. The proposed wells will be located in the far northwest corner of the NW ¼ of the SW ¼, Section 19, T-98-N, R-53-W, Turner County. The proposed dairy site is located northwest of Hurley, South Dakota in the E ½ of the NE ¼, Section 13, T-98-N, R-54-W, Turner County. The land for the dairy is currently farmland and the site will require about 75 acres.

Enclosed please find a copy of the following:

1. Completed Water Use Permit for Nonirrigation Uses w/ \$1,150.00 check for permit fee
2. Test Well Log
3. Site Plan Drawing

We trust the above information is adequate for your review and approval. Should you have any questions please do not hesitate to contact me at 507-849-7200.

Respectfully Submitted,



Nicholaus J. Rowe, P.E.  
ProAg Engineering, Inc.



**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. 8395-3, Full Circle Dairy 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. 8395-3, Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> Street, Hurley SD 57036.

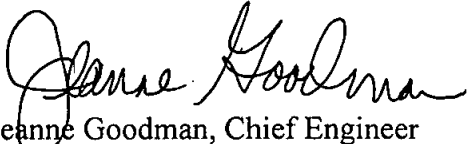
The Chief Engineer is recommending APPROVAL of Application No. 8395-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit No. 8395-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8395-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8395-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8395-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
  - a) Chapter 74:54:01 Ground Water Quality Standards,
  - b) Chapter 74:54:02 Ground Water Discharge Permit,
  - c) Chapter 74:51:01 Surface Water Quality Standards,
  - d) Chapter 74:51:02 Uses Assigned to Lakes,
  - e) Chapter 74:51:03 Uses Assigned to Streams, and
  - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Upper Vermillion-Missouri:West aquifer.
6. Water Permit No. 8395-3 authorizes a total annual diversion of 460.0 acre feet of water.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "Jeanne Goodman".

Jeanne Goodman, Chief Engineer  
May 6, 2019

**Report to the Chief Engineer**  
**Water Permit Application No. 8395-3**  
Full Circle Dairy, LLC

25 April, 2019

Water Permit Application No. 8395-3 proposes to appropriate 460 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second (cfs) from two wells to be completed into the Upper Vermillion-Missouri: West aquifer management unit (250 feet deep) located in the NW ¼ SW ¼ Section 19-T98N-R53W for commercial use in a dairy confinement operation located in the E ½ NE ¼ Section 13-T98N-R54W. The site of the wells is approximately 3 miles west of Hurley, South Dakota.

**Aquifer: Upper Vermillion-Missouri: West (UVM:W)**

*History of the aquifer*

The Upper Vermillion-Missouri aquifer has undergone several delineations over the history of the Water Rights Program as more geologic data became available (Buhler, 2014). In 2014, Water Rights Program engineer Ken Buhler considered data from a then-ongoing study by the South Dakota Geological Survey (SDGS) to delineate new management units for the Upper Vermillion-Missouri aquifer. The SDGS's final report delineated the Upper Vermillion-Missouri and Lower Vermillion-Missouri aquifers as a single aquifer called the Vermillion-Missouri aquifer because they were completely hydrologically connected, but their delineation excluded what is now known as the West management unit of the Upper Vermillion-Missouri aquifer because it is not as hydrologically connected to the main body of outwash in the aquifer (Holmes & Filipovic, 2015). Buhler (2014) delineated the West management unit (Figure 1) in such a way that the Water Rights Program could treat that glacial deposit as essentially an independent aquifer for water management.

*Hydrogeologic characteristics*

The Upper Vermillion-Missouri aquifer is composed of buried Quaternary Period glacial outwash (sand and gravel) that lies in a north-south bedrock channel below the Vermillion River (Holmes & Filipovic, 2015). The West management unit of the Upper Vermillion-Missouri aquifer lies in a bedrock channel extending northwest from the South management unit of the Upper Vermillion-Missouri aquifer (Buhler, 2014). The aquifer management unit is generally under confined conditions (SDGS, 2019). Groundwater flow within the Upper Vermillion-Missouri: West aquifer management unit is generally to the southeast (Buhler, 2014).

One test well was completed for this application on January 9, 2019. The driller reported top soil from ground surface to 3 feet below grade, various colors of clay from 3 to 55 feet, gravelly clay from 55 to 74 feet, gravel with clay layers and coal from 74 to 87 feet, sandy gray clay from 87 to 131 feet, sand and fine gravel from 131 to 175 feet, sand with thin clay layers from 175 to 192 feet, gravel with "lots of coal" from 192 to 240 feet, "coarse" gravel from 240 to 260 feet, and

shale from 260 to 280 feet. The well was screened from 200 to 250 feet, making the functional depth of the well 250 feet. At the time of drilling, the static water level was 24 feet below grade.

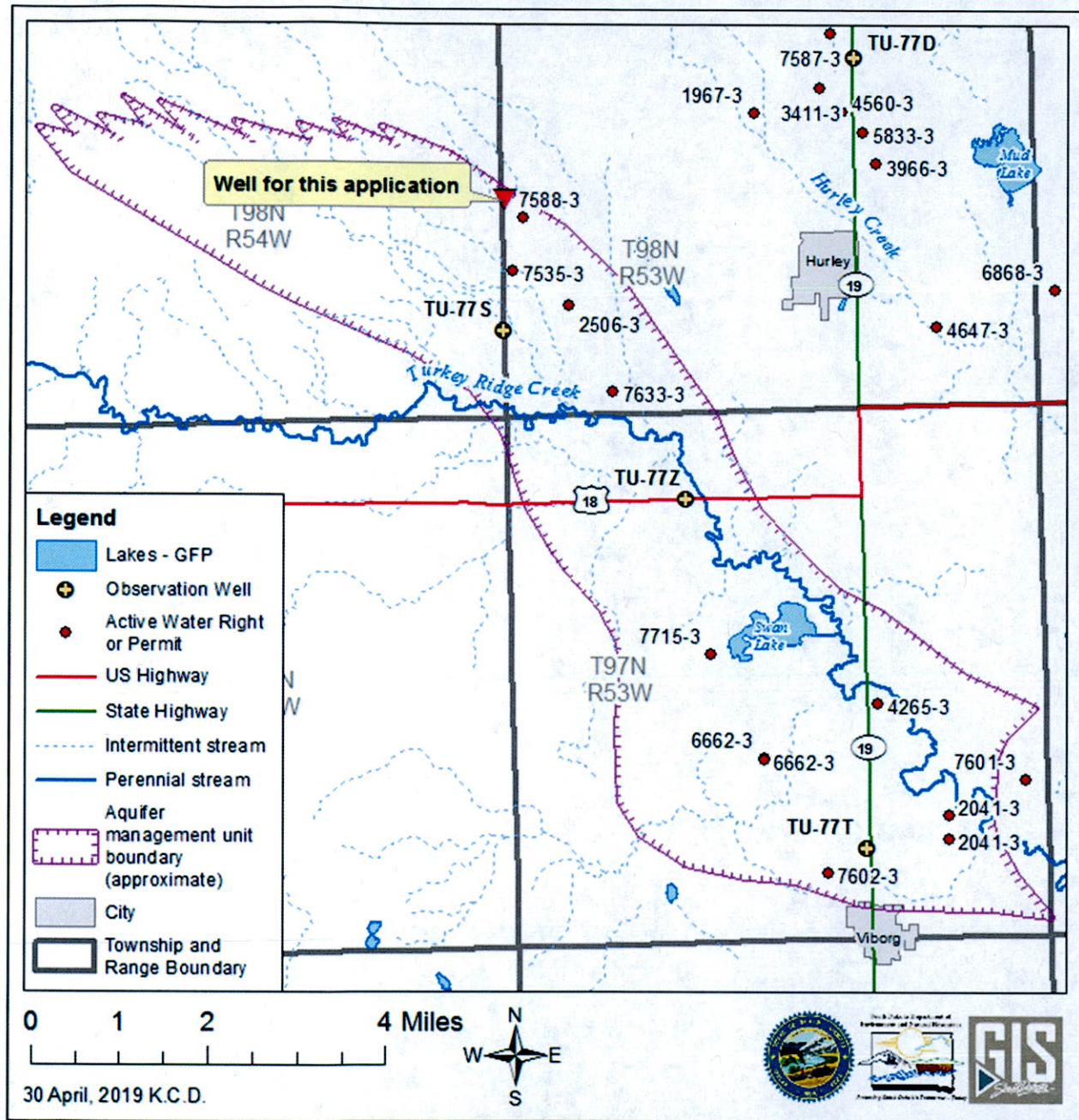


Figure 1: Active water rights/permits in the Upper Vermillion-Missouri aquifer, the management unit boundary, and observation wells in the aquifer (SD Water Rights, 2019a, 2019b; Buhler; 2014).

### **Applicable South Dakota Codified Law (SDCL)**

Pursuant to SDCL 46-2A-9 a permit to appropriate water may be issued only if there is reasonable probability unappropriated water is available for the proposed use, the 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 focus on the availability of water and possibility of developing the permit without unlawful impairment of existing rights only.

Pursuant to SDCL 46-6-3.1 no application to appropriate groundwater may be approved if 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. An exception exists for water distribution systems seeking to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation. However, this application is not for a water distribution system and the water source is stratigraphically higher than the Greenhorn Formation. Therefore, a hydrologic budget is required to find that recharge exceeds withdrawals to approve this application.

### **Water Availability**

#### *Observation Well Analysis*

Administrative Rule of South Dakota (ARSD) Section 74:02:05:07 requires the Water Management Board to rely upon the record of observation well measurements in addition to other data to determine the availability of unappropriated water. The DENR Water Rights Program maintains two wells in the Upper Vermillion-Missouri: West aquifer management unit and until recently, maintained a third observation well (TU-77Z), which was destroyed in 2018 for road construction (SD Water Rights, 2019a). The nearest observation well maintained by the Water Rights Program is Observation Well TU-77S, which is 1.5 miles south of the well for this application. Hydrographs for the DENR observation wells within the aquifer management unit show declines during the irrigation season and rises due to winter and spring precipitation (Figure 2). Annual peaks for the hydrographs follow local climate trends, indicating the management unit's behavior is dominated by climate effects (NOAA, 2019). Therefore, based on observation well data, there is reasonable probability water is available for this application.

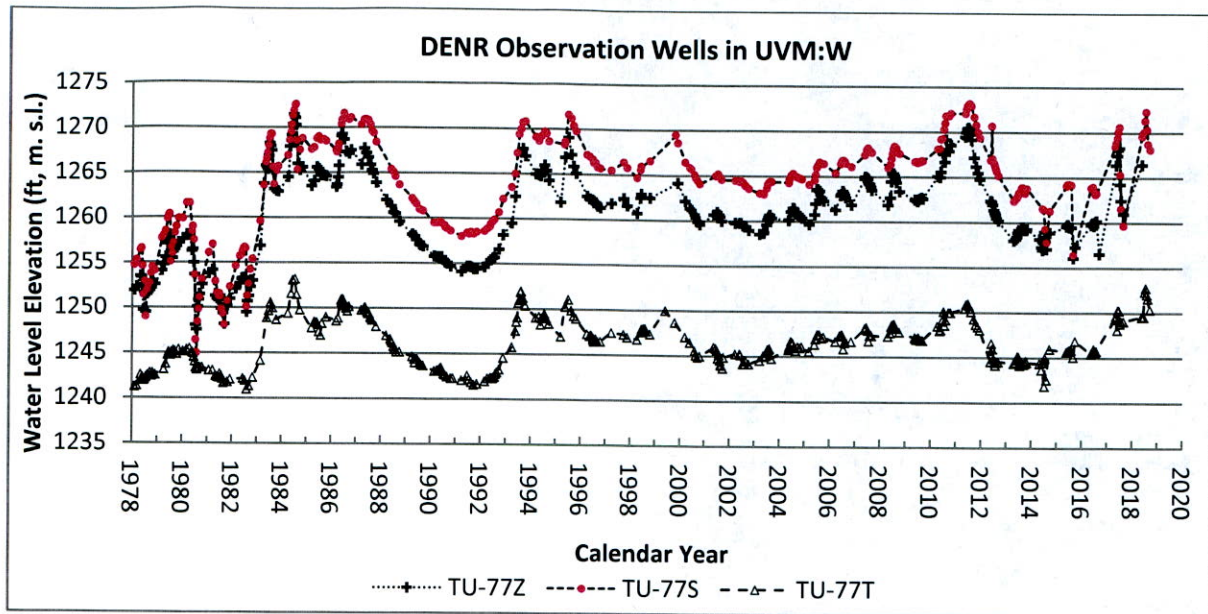


Figure 2: DENR Observation Wells in the Upper Vermillion-Missouri: West aquifer management unit (SD Water Rights, 2019a)

### *Hydrologic Budget*

#### Recharge

Natural recharge to the aquifer is from subsurface inflow from bedrock aquifers and infiltration from precipitation (Buhler, 2014). Because a precise area of the aquifer management unit could not be found, Buhler (2014) used flow net analysis and water levels measured in January 2014 to estimate that 2,681 ac-ft/yr was leaving the Upper Vermillion-Missouri: West aquifer management unit in January 2014. While this rate consists of only one data point, this is the most accurate and reasonably attainable estimate of water available for capture from the management unit. A cross section of the aquifer at the point of this application shows that the area of aquifer materials is approximately 30-50% of the area used by Buhler's (2014) flow net analysis. This means that assuming the hydraulic gradient and conductivity are the same as the values Buhler (2014) used, the amount of water flowing past the point of this application is between 800 and 1,300 ac-ft/yr.

#### Discharge

Discharge from the aquifer is by subsurface outflow and withdrawals from domestic and appropriative wells (Buhler, 2014). Due to the relatively low withdrawal rate of domestic wells, the prevalence of rural water systems, and presence of higher and therefore more easily accessible aquifer materials, domestic wells are not considered to withdraw a significant amount of water in the hydrologic budget. There are five water rights/permits in the Water Rights database labeled as part of the Upper Vermillion-Missouri: West aquifer management unit (SD Water Rights, 2019b). These five water permits are the same ones that had their applications

## Report on Water Permit Application No. 8395-3

approved after Buhler's 2014 report (SD Water Rights, 2019b). There are four other active water rights/permits and seven inactive water rights/permits in or around the boundary delineated by Buhler (2014) that are likely to be in the aquifer management unit, but have not been categorized as such in the Water Rights database. There are no future use permits within the boundaries of the aquifer management unit. All water rights/permits considered when estimating withdrawals from the aquifer management unit are shown in Table 1.

Table 1: Water rights/permits within the boundaries of the Upper Vermillion-Missouri: West aquifer management unit sorted by status, then permit number (SD Water Rights, 2019b)

| Permit No: | Aquifer: | Mng. Unit: | Status:              | Name/Business:         | Type of use:         | Priority:  | Pump Rate (cfs): | Acres: |
|------------|----------|------------|----------------------|------------------------|----------------------|------------|------------------|--------|
| 2507-3     | UVM      |            | Cancelled            | Milo Hansen            | Irrigation           | 11/03/1976 | 1.500            | 160    |
| 3944-3     | UVM      |            | Cancelled            | James Reiners          | Irrigation           | 01/03/1977 | 2.850            | 200    |
| 3945-3     | UVM      |            | Cancelled            | James Reiners          | Irrigation           | 01/03/1977 | 5.700            | 400    |
| 4105-3     | UVM      |            | Cancelled            | Roger D. Peterson      | Irrigation           | 04/15/1977 | 2.280            | 160    |
| 4720-3     | UVM      |            | Cancelled            | Arnold & Clara Wollman | Irrigation           | 04/02/1981 | 2.850            | 240    |
| 6054-3     | UVM      |            | Cancelled            | James D. Bondesen      | Irrigation           | 02/06/1998 | 1.430            | 100    |
| 751-3      | UVM      |            | Incorporated License | City of Viborg         | Municipal            | 12/13/1960 | 0.680            | N/A    |
| 2041-3     | UVM      |            | License              | City of Viborg         | Municipal            | 12/13/1960 | 0.960            | N/A    |
| 2506-3     | UVM      |            | License              | James Reiners          | Irrigation           | 10/23/1975 | 1.500            | 143    |
| 4265-3     | UVM      |            | License              | James D. Bondesen      | Irrigation           | 03/27/1978 | 0.730            | 51     |
| 6662-3     | UVM      |            | License              | Vannorsdel's, Inc.     | Commercial, Domestic | 09/16/2008 | 0.134            | N/A    |
| 7535-3     | UVM      | W          | Permit               | Donald Benson          | Irrigation           | 11/30/2012 | 1.780            | 65     |
| 7588-3     | UVM      | W          | Permit               | Paul Petersen          | Irrigation           | 12/26/2012 | 1.780            | 160    |
| 7602-3     | UVM      | W          | Permit               | Michael D. Stevens     | Irrigation           | 12/28/2012 | 1.890            | 132    |
| 7633-3     | UVM      | W          | Permit               | Smit Family Farms, LLC | Irrigation           | 01/14/2013 | 1.780            | 152    |
| 7715-3     | UVM      | W          | Permit               | Allen Vannorsdel       | Irrigation           | 02/25/2013 | 2.220            | 156    |

The City of Viborg is connected to TM Rural Water District so they are unlikely to withdraw a significant amount of water from the aquifer using this water right (SD Drinking Water Program, 2018). Therefore, Water Right No. 6662-3 is the only non-irrigation water permit/right that is likely to withdraw from the management unit. A conservative estimate of withdrawals due to non-irrigation permits assumes they withdraw at their maximum allowable pump rate 60% of the time. Therefore, the estimated average annual withdrawal due to non-irrigation water rights/permits is 58 ac-ft/yr.

Annual withdrawals reported by irrigation users categorized as part of the West management unit as well as annual withdrawals reported by irrigation users categorized as part of the general aquifer are likely to belong to the West management unit were combined to find the withdrawals over the period of record for the aquifer (Figure 3). The average annual withdrawal rate due to reported irrigation is 46 ac-ft/yr. Of the water permits categorized as part of the West management unit of the aquifer, Water Permit No. 7715-3 and Water Permit No. 7535-3 have not constructed their systems, so their average annual use is not reflected in the average pumping

from the aquifer for the period of record (SD Water Rights, 2018). Buhler (2014) found an average annual irrigation rate of 6 inches per permitted acre in the Upper Vermillion-Missouri aquifer. A conservative estimate of their average annual use applies 10 inches of water over each permitted acre per year, which equates to 184 ac-ft/yr for the two unconstructed permits. However, due to the recent increase in irrigation permits, the average annual withdrawal rate over the period of record may no longer reflect the current development in the aquifer. Assuming the conservative estimated average of applying 10 inches per year, the estimated average annual use from irrigation is 716 ac-ft/yr including the unconstructed permits.

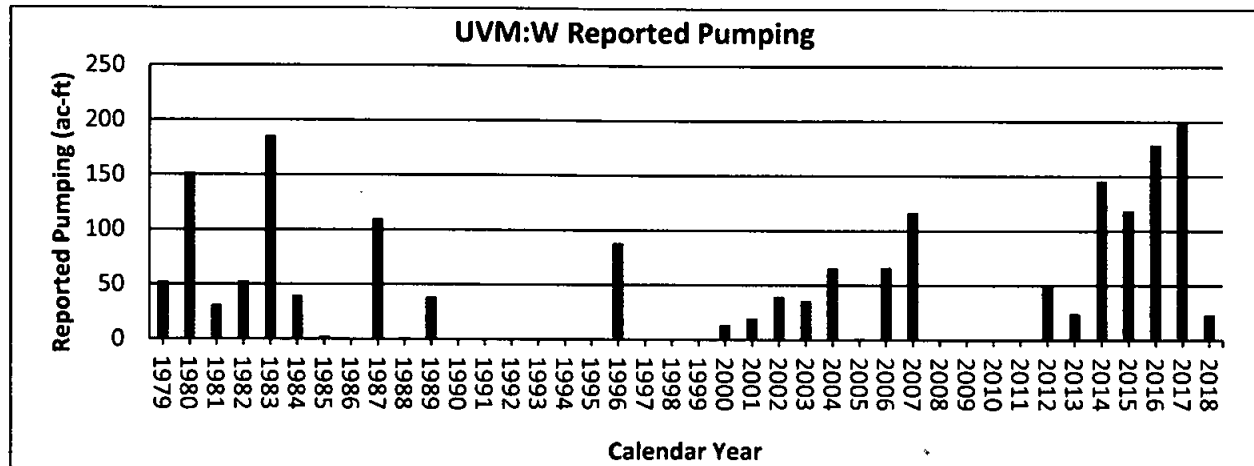


Figure 3: Reported pumping within the Upper Vermillion-Missouri: West aquifer management unit (SD Water Rights, 2018)

#### Balance of the Hydrologic Budget

A conservative estimate of average annual withdrawals from the aquifer management unit is 774 ac-ft/yr. Assuming full use of their permit, this application would withdraw an additional 460 ac-ft/yr. Buhler's (2014) estimate of available water in the entire aquifer management unit is approximately 2,681 ac-ft/yr as of January 2014. Therefore, based on a hydrologic budget, there is reasonable probability water is available for this application.

#### **Existing Users**

In 2013, residents of the Swan Lake community submitted a petition in opposition to some of the the applications of concern in Buhler's (2014) report because they believed the lake levels were connected to the levels of the aquifer (SD Water Management Board, 2013). To address the possibility of withdrawals from the aquifer being connected to the levels of Swan Lake, lake level data collected each spring and fall by the Water Rights Program were compared with the observation well data in Figure 4. The Swan Lake levels are generally consistent over the period of record and do not rise and fall with long-term climactic conditions the way the observation well levels in the aquifer management unit do (SD Water Rights, 2019c). The potentiometric surface of the aquifer near Swan Lake was estimated by assuming a linear relationship between the two nearest observation wells with the lake approximately 46% of the distance between

them, closer to destroyed Observation Well TU-77Z than Observation Well TU-77T. If the Upper Vermillion-Missouri: West aquifer management unit was hydrologically connected to Swan Lake, the elevation of Swan Lake would go up or stay level with the outlet of the lake when the potentiometric surface of the aquifer was above the elevation of the lake.

However, in 1997 when the estimated potentiometric surface of the aquifer was between 2 and 4 feet higher than the elevation of the lake, the lake's level fell 1.3 feet while the aquifer's estimated potentiometric surface at that location increased 0.2 feet over the course of that summer. From 2003 through 2005 the levels of the lake stayed nearly the same and below the lake outlet elevation while the springtime levels of the aquifer, which indicate the steady-state conditions of the aquifer, increased. The estimated springtime potentiometric surface was 1,252.4 ft above mean sea level in 2003, and 1,254.2 ft above mean sea level in 2005, with little change in the surface water elevation of the lake (0.0 feet of change from spring 2003 to spring 2005). In 2011, the potentiometric surface of the aquifer was at least 7 feet higher than the elevation of the lake the entire summer, but the level of the lake decreased 1.14 feet over the course of the summer anyway. Because the Swan Lake levels do not follow the same pattern as the observation well water levels and the potentiometric surface of the aquifer did not affect the lake levels when it should have if it was hydrologically connected, it is unlikely the lake and the aquifer management unit have a strong hydrologic connection to each other. Therefore, this water permit application is not likely to affect people who use Swan Lake.

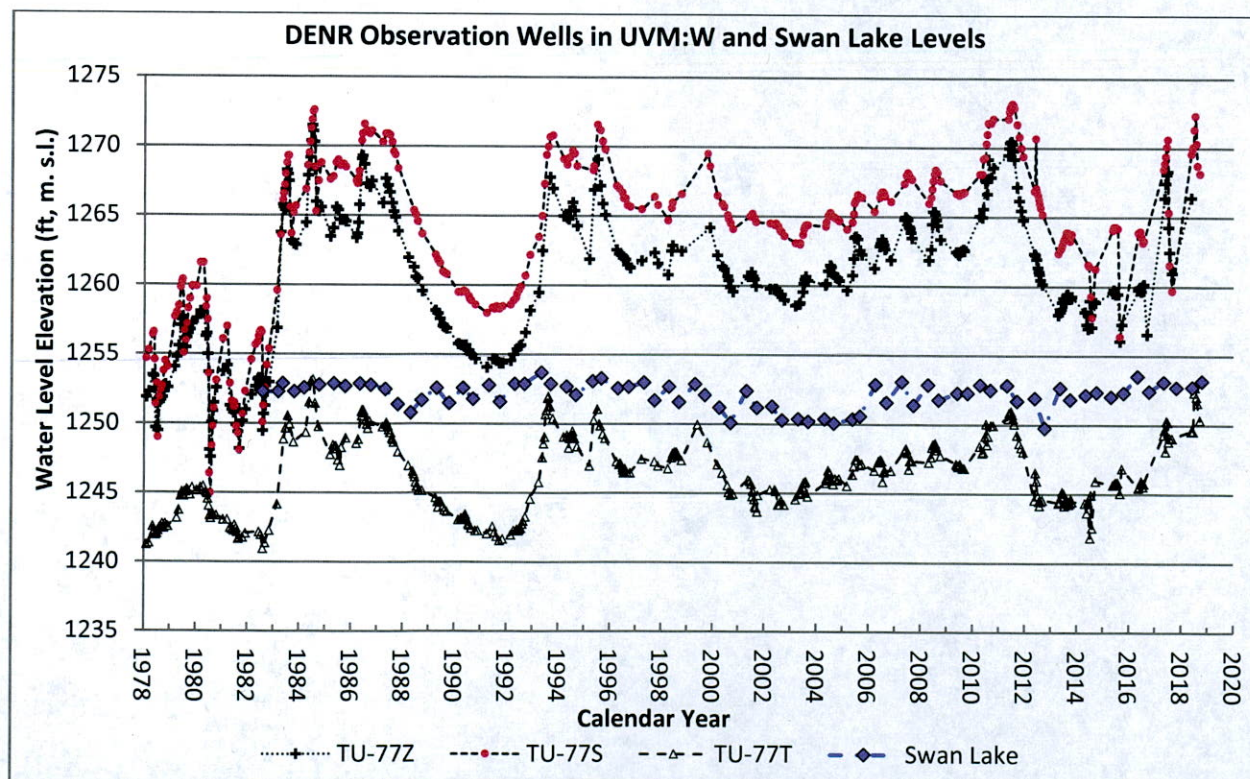


Figure 4: DENR Observation Wells in the Upper Vermillion-Missouri: West aquifer management unit and Swan Lake levels (SD Water Rights, 2019a, 2019c)

## Report on Water Permit Application No. 8395-3

The nearest water right/permit in the aquifer management unit is Water Permit No. 7588-3, with a well located approximately 0.3 miles southeast of the wells for this application (SD Water Rights, 2019b). The nearest non-appropriative well on file with the Water Rights Program in the aquifer management unit is located approximately 0.3 miles northwest of the wells for this application (SD Water Rights, 2019d). The wells for this application, the nearest appropriative well, and the nearest non-appropriative well on file are all close to the edge of the aquifer so precise drawdown behavior cannot be known without a pumping test. However, within the aquifer there has historically been between 67 and 150 feet of artesian head pressure plus approximately 40 feet of saturated thickness (SD Water Rights, 2019a). Therefore, it is unlikely drawdown due to the wells for this application will exceed natural fluctuations in water level measured in the DENR observation wells in the Upper Vermillion-Missouri: West aquifer management unit. Pursuant to SDCL 46-6-6.1 and SDCL 46-1-4, artesian head pressure is not protected as a means of water delivery as the general welfare of the state requires water resources to be put to beneficial use to the fullest extent of which they are capable. To protect nearby users, the Water Management Board defines an adversely impacted adequate well in ARSD 74:02:04:20(7) as:

*"A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs."*

There are no well interference complaints on file with the DENR Water Rights Program in the Upper Vermillion-Missouri: West aquifer management unit (SD Water Rights, 2019e). Due to the lack of complaints within the aquifer management unit and other factors previously mentioned, it is unlikely the wells for this application will unlawfully impact nearby domestic wells or prior water rights.

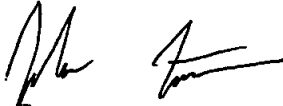
### Conclusions

1. Water Permit Application No. 8395-3 proposes to appropriate 460 ac-ft annually from two wells with a maximum pump rate of 0.67 cfs.
2. Based on an observation well analysis and hydrologic budget, there is reasonable probability water is available for this application.
3. There is reasonable probability the wells for this application will not unlawfully impair existing water rights and domestic wells.



Kimberly C. Drennon  
Natural Resources Engineer

Reviewed by:



John Farmer  
Natural Resources Engineer

### References

Buhler, K., 2014. *Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer*, Joe Foss Bldg., Pierre, South Dakota: SD Water Rights Program.

Holmes, S. L. & Filipovic, D., 2015. *Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer*, Vermillion, South Dakota: South Dakota Geological Survey.

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[Accessed 23 April 2019].

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[Accessed 23 April 2019].

SD Water Management Board, 2013. *Exhibits for the 180th Meeting of the Water Management Board*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

SD Water Rights, 2018. *Irrigation Questionnaires/Summaries*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

SD Water Rights, 2019a. *Observation Well Database*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

SD Water Rights, 2019b. *Water Right/Permit File Database*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

SD Water Rights, 2019c. *Lake Level Database*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

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

SD Water Rights, 2019e. *County Files*, Joe Foss Bldg. Pierre, South Dakota: SD DENR Water Rights Program.

SDGS, 2019. *Lithologic Log Database*, Vermillion, South Dakota: South Dakota Geological Survey.

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, May 07, 2019 11:33 AM  
**To:** 'gregvanravenswaay@gmail.com'  
**Cc:** 'brian@donahoelawfirm.com'  
**Subject:** Water Permit Application No. 8395-3, Full Circle Dairy LLC  
**Attachments:** 8395-3.pdf

Mr. Van Ravenswaay,

Attached is information regarding the public notice, report and recommendation on your Water Permit Application No. 8395-3. As stated in the letter, it is very important to contact the two papers to authorize publication and arrange for payment as soon as possible. The notice is scheduled to be published on May 16<sup>th</sup>.

If you have questions, let me know.

*Karen Schlaak*

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



# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

RECEIVED

JUN 19 2019

WATER RIGHTS  
PROGRAM

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

16 day of May, 2019, and that the succeeding publications were severally on

Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 2019;

Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 2019;

Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 2019

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

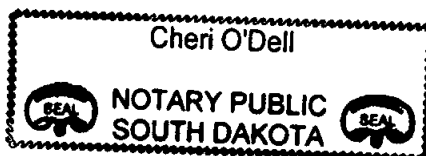
DOLLARS \$ 25.71

X Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 14 day of June, 2019.

Cheri O'Dell  
Notary Public

My commission expires 03/12/2025.



## NOTICE OF APPLICATION NO. 8395-3 to Appropriate Water

Notice is given that Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282nd St, Hurley SD 57036 has filed an application for a water permit to appropriate 460 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Upper Vermillion Missouri West Aquifer (approximately 250 feet deep) located in the NW 1/4 SW 1/4 Section 19-T98N-R53W for commercial use in a dairy confinement operation located in the E 1/2 NE 1/4 Section 13-T98N-R54W. The site of the wells is approximately 3 miles west of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8395-3 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 May 28, 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 ap-

# Argus Leader

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

RECEIVED

JUN 06 2019

WATER RIGHTS  
PROGRAM

Account No.: 2198634883

Ad No.: 0003551664

PO #: 8395-3

Lines : 107

Ad Total \$70.60

FULL CIRCLE DAIRY LLC  
45190 282ND ST  
HURLEY, SD 57036

# of Affidavits: 1

Account No.: 2198634883

Ad No.: 0003551664

## Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

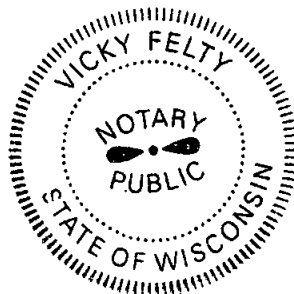
Thursday, May 16, 2019

Sworn to and subscribed before me this 30 day of May, 2019.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



NOTICE OF APPLICATION NO. 8395-3 to Appropriate Water Notice is given that Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282nd St, Hurley SD 57036 has filed an application for a water permit to appropriate 460 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Upper Vermillion Missouri West Aquifer (approximately 250 feet deep) located in the NW 1/4 SW 1/4 Section 19-T98N-R53W for commercial use in a dairy confinement operation located in the E 1/2 NE 1/4 Section 13-T98N-R54W. The site of the wells is approximately 3 miles west of Hurley SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8395-3 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 May 28, 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 \$70.60.

3551664 May 16, 2019

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, May 07, 2019 12:36 PM  
**To:** 'leader@iw.net'  
**Subject:** 8395-3, Full Circle Dairy LLC  
**Attachments:** 8395-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2019 in the Viborg Enterprise.

Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> St, Hurley SD 57036 (219 863-4883) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, May 07, 2019 11:22 AM  
**To:** legals@argusleader.com  
**Subject:** 8395-3, Full Circle Dairy LLC  
**Attachments:** 8395-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2019.

**Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> St, Hurley SD 57036 (219 863-4883) has been notified to contact you to authorize publication and arrange for payment.**

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*Karen Schlaak*

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



## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Thursday, May 30, 2019 2:32 PM  
**To:** 'leader@iw.net'  
**Subject:** RE: [EXT] 8395-3, Full Circle Dairy LLC

Please send me the affidavit for this notice published on May 16<sup>th</sup>.  
Thanks

---

**From:** leader@iw.net [mailto:leader@iw.net]  
**Sent:** Tuesday, May 07, 2019 12:42 PM  
**To:** Schlaak, Karen  
**Subject:** Re: [EXT] 8395-3, Full Circle Dairy LLC

Received -will be published 5/16/19. Thank you,  
Cheri O'Dell  
Viborg Enterprise/Hurley Leader

On May 7, 2019, at 12:36 PM, Schlaak, Karen <[Karen.Schlaak@state.sd.us](mailto:Karen.Schlaak@state.sd.us)> wrote:

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Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> St, Hurley SD 57036 (219 863-4883) has been notified to contact you to authorize publication and arrange for payment.

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Karen Schlaak  
SD DENR, Water Rights Program  
(605) 773-3352  
<image001.gif>

<8395-3public.short.docx><FORM8.FRM.doc>

## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Thursday, May 30, 2019 2:34 PM  
**To:** 'GRSC-West-Legals mbx'  
**Subject:** RE: [EXT] 3551664 - FW: 8395-3, Full Circle Dairy LLC

Please send or email the affidavit for this publication.

Thanks,  
Karen

---

**From:** GRSC-West-Legals mbx [<mailto:GRSC-West-Legals@gannett.com>]  
**Sent:** Monday, May 13, 2019 4:05 PM  
**To:** Schlaak, Karen  
**Subject:** RE: [EXT] 3551664 - FW: 8395-3, Full Circle Dairy LLC

Hi Karen,

I have attached the order confirmation for this notice.

Please find attached your order confirmation and proof of the ad.

Your ad is set to run in:

· Argus Leader on May 16 \$70.60

The total cost is \$70.60, which includes an affidavit which will be mailed to you after the ad publishes. Please reply by May 14 at 12 noon with changes and payment of the ad. You will receive an affidavit 7-10 business days after the last day of printing. Please call the number below to make your payment over the phone in order for your notice to publish.

Thanks,

**Kia Thor**  
**Public Notice Representative**

**Sioux Falls Argus Leader | LOCALiQ**  
**PART OF THE USA TODAY NETWORK**

Office: 605-331-2345 option 4  
[legals@argusleader.com](mailto:legals@argusleader.com)

[argusleader.com](http://argusleader.com)

---

**From:** Schlaak, Karen <[Karen.Schlaak@state.sd.us](mailto:Karen.Schlaak@state.sd.us)>  
**Sent:** Monday, May 13, 2019 3:37 PM  
**To:** GRSC-West-Legals mbx <[GRSC-West-Legals@gannett.com](mailto:GRSC-West-Legals@gannett.com)>  
**Subject:** 3551664 - FW: 8395-3, Full Circle Dairy LLC

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Monday, May 13, 2019 3:37 PM  
**To:** 'GRSC-West-Legals mbx'  
**Subject:** FW: 8395-3, Full Circle Dairy LLC  
**Attachments:** 8395-3public.short.docx; FORM8.FRM.doc

Kia Thor

I sent this notice last week with no acknowledgement that it was received.

Mr. Van Ravenswaay has called and said he needs an account number or something in order to make payment. Once I get the confirmation I can give Mr. VanRavenswaay a call back.

Let me know what the status of this notice is.

Thanks,

Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, May 07, 2019 11:22 AM  
**To:** [legals@argusleader.com](mailto:legals@argusleader.com)  
**Subject:** 8395-3, Full Circle Dairy LLC

Attached is a notice to be published on May 16, 2019.

Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> St, Hurley SD 57036 (219 863-4883) has been notified to contact you to authorize publication and arrange for payment.

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

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





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

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

May 6, 2019

Full Circle Dairy LLC  
c/o Greg Van Ravenswaay  
45190 282<sup>nd</sup> St  
Hurley SD 57036

Dear Mr. Van Ravenswaay:

Water Permit Application No. 8395-3 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 Viborg Enterprise printed at Centerville SD (Ph # 605 766-7827) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

c: Nic Rowe, ProAg Engineering Inc.

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

NOTICE OF APPLICATION NO. 8395-3 to Appropriate Water

Notice is given that Full Circle Dairy LLC, c/o Greg Van Ravenswaay, 45190 282<sup>nd</sup> St, Hurley SD 57036 has filed an application for a water permit to appropriate 460 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Upper Vermillion Missouri: West Aquifer (approximately 250 feet deep) located in the NW 1/4 SW 1/4 Section 19-T98N-R53W for commercial use in a dairy confinement operation located in the E 1/2 NE 1/4 Section 13-T98N-R54W. The site of the wells is approximately 3 miles west of Hurley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8395-3 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 May 28, 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  
<http://denr.sd.gov>

JUN 24 2019

Full Circle Dairy LLC  
c/o Greg Van Ravenswaay  
45190 282<sup>nd</sup> St  
Hurley SD 57036

Dear Mr. Van Ravenswaay:

Enclosed is Water Permit No. 8395-3 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

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

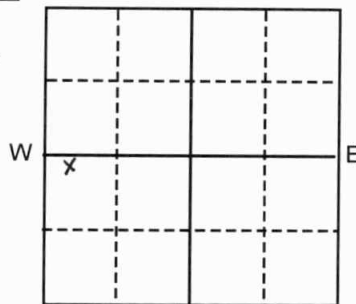
11-02

8395-3

Location NW 1/4 SW 1/4 Sec 19 Twp 98 Rg 53

County Turner

Please mark well location with an "X"



Well Completion Date

April 30, 2021

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
3,100.0 ft. from Septic (identify source)

**PROPOSED USE:**

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

**METHOD OF DRILLING:**

Mud rotary

**CASING DATA:**

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER        | FROM          | TO              | HOLE DIAMETER   |
|------------|-----------------|---------------|-----------------|-----------------|
| LB/FT      | <u>12.00</u> IN | <u>0.0</u> FT | <u>195.0</u> FT | <u>17.50</u> IN |
| LB/FT      | IN              | FT            | FT              | IN              |
| LB/FT      | IN              | FT            | FT              | IN              |

**GROUTING DATA:**

| Grout Type       | No. of Sacks | Grout Weight | From          | To              |
|------------------|--------------|--------------|---------------|-----------------|
| <u>Bentonite</u> | <u>55</u>    | Lb/gal       | <u>0.0</u> Ft | <u>187.0</u> Ft |
|                  |              | Lb/gal       | Ft            | Ft              |

Describe grouting procedure  
Tremie piped

**SCREEN:**

☐ Perforated pipe ☒ Manufactured  
 Diameter 12.00 Inches Length 60.0 Feet  
 Material Stainless steel  
 Slot Size 35 Set From 195.0 Feet to 255.0 Feet  
 Other information

**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? Chlorinated

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Greg VanRavenswaay

Business Name: Full Circle Dairy

Address: 588 3 Mile Road NW, Suite 203

City, State, Zip: Grand Rapids MI 49544

**WELL LOG:**

| FORMATION           | DEPTH |     |
|---------------------|-------|-----|
|                     | FROM  | TO  |
| Top soil            | 0     | 3   |
| Clay - brown        | 3     | 34  |
| Sandy clay - blue   | 34    | 38  |
| Clay - gray         | 38    | 74  |
| Sand & gravel       | 74    | 86  |
| Clay - gray         | 86    | 134 |
| Sand                | 134   | 240 |
| Gravel & sand       | 240   | 256 |
| Shale - hard - gray | 256   | 265 |

**STATIC WATER LEVEL** 35.5 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:  
☐ Bailed  
☐ Other

Pumping Level Below Land Surface

44.1 Ft. After 1.2 Hrs. pumped 670.0 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

**REMARKS**

GPS N43 17' 34.39" W97 09' 37.84"

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder

**RECEIVED**

**JUN 25 2021**

Date:

**WATER RIGHTS PROGRAM**

# Full Circle Dairy

Greg VanRavenswaay  
452nd Ave  
Hurley, SD - Turner County

## Legend

 Feature 1

n43 17' 34.39" w97 09' 37.84"  12" Production well - Full Circle Dairy (VanRavenswaay)

452nd Ave

Google Earth

© 2021 Google

1000 ft



## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8395-3

I have this day, April 16, 2025, made a thorough examination of the water use system constructed by Full Circle Dairy LLC, 45190 282<sup>nd</sup> St, Hurley, SD 57036 of Permit No. 8395-3, bearing the priority of March 11, 2019 authorizing the diversion of 0.67 cu. ft. per second of the waters of the Upper Vermillion Missouri West Aquifer for commercial dairy use purposes, in Turner County.

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells 2
- 3) Depth(s) 250 & 255 feet
- 4) Well log is available Y

#### Casing:

- 1) Diameter 6 & 12 inches
- 2) Length 200 & 195 feet
- 3) Type Plastic

#### Screen:

- 1) Type PVC
- 2) Length 50 & 60 feet
- 3) Static water level 24 & 35 feet

#### Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 200 & 400 GPM

#### Motor:

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

auth for 0.67 cfs / 300 gpm  
per Darrell - well have  
combined pump rate of  
600 gpm / 1.34 cfs

left VM for Greg 5/30/25  
(219-863-4883)

check w/ Thein to  
see if they know  
pump rate of larger  
diameter well.

jessica@theinwell.com

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 6,600 feet

**D. Compliance with Permit Requirements:**

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

**E. Condition and Location:**

1. The system is in excellent condition with the point(s) of diversion located as follows: WELL LOCATIONS  
Well 1: 2,681 feet S and 50 feet E from the NW corner of Section 19, T98N, R53W, Lat 43.29284 Long -97.16093, (NW ¼ SW ¼)  
Well 2: 2,681 feet S and 211 feet E from the NW corner of Section 19, T98N, R53W, Lat 43.29288 Long -97.16054, (NW ¼ SW ¼).
2. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for commercial dairy use.

The license should be issued for 0.67 cfs.

3. All structures, wells and lands on map Y

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

FSA photographs and the ArcGIS software were used to construct the map.

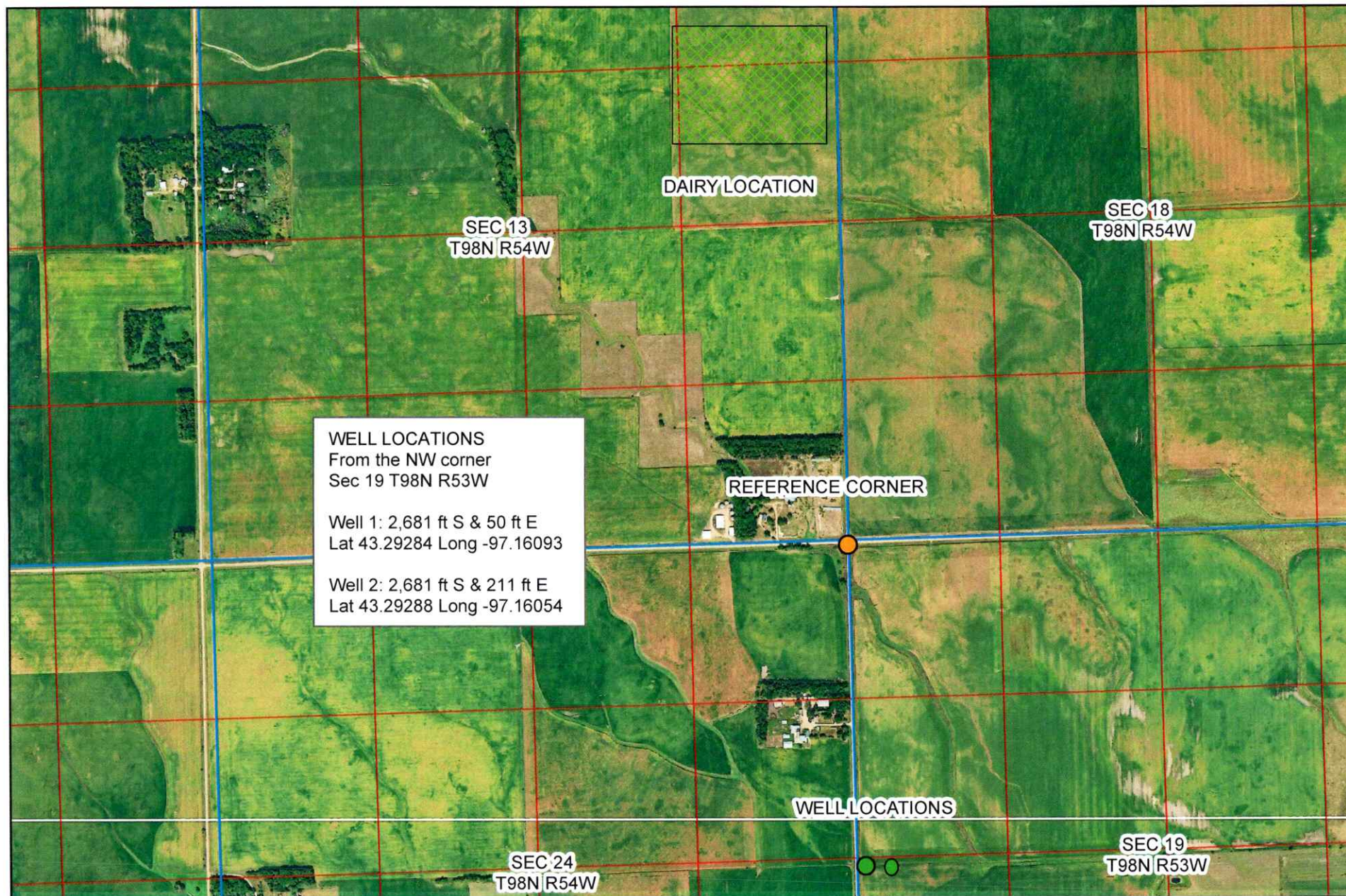
The pump rates were supplied by Mr. Greg Van Ravenswaay, Manager (219/863-4883) during the field visit.

The mailing address and the telephone number in the permit materials are current.



Darrell DeBoer  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: April 21, 2025



0 900 1,800 3,600 5,400 7,200 Feet

## Dewell, Amanda

---

**From:** Dewell, Amanda  
**Sent:** Monday, June 2, 2025 9:30 AM  
**To:** gregvanravenswaay@gmail.com  
**Subject:** Full Circle Dairy WP No. 8395-3  
**Attachments:** Nonirrigaiton Application\_Full Circle Dairy.pdf

Greg,

After our conversation on Friday, I contacted Thein Well Drilling to confirm the capacity rating of the pumps placed in the two dairy wells. They were able to confirm that the larger well produces very near your approximation, pumping at 405 gpm.

Full Circle Dairy's permit [8395-3](#) authorizes the appropriation of 460 acre-feet of water at a maximum pump rate of 0.67 cfs (300 gpm). If the wells are operated on a rotation, the permit would need to be increase by an additional 0.23 cfs (105 gpm) to cover pumping of the larger well. If the wells are operated simultaneously the rate would need to be increased by 0.68 cfs (305 gpm). Since you pump to a cistern and divert as needed, it is likely you will not need to increase your annual volume, just the maximum flow rate.

The fees due for the application to increase by either 105 gpm or 305 gpm would be the same, \$500.00. The licensing and inspection fee is waived since the inspection has already been completed and this increase in diversion rate is meant to bring the system into compliance prior to licensing.

For your convenience I have attached a partially completed application with the highlighted portions requiring your attention. The \$500 fee can be made by calling our Fiscal Office and submitting payment over the phone (605-773-5559) or by mailing a check (payable to SD Water Rights) to:

DANR – Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501

Please let me know if you have any questions or concerns. Thank you,

### Amanda Dewell

DANR - Water Rights Program  
Permitting Administrator  
Main Phone: 605 773-3352  
Website: [danr.sd.gov](http://danr.sd.gov)

