

WATER PERMIT NO. 8424-3

Name of Applicant: Dakota Superior Gilts I, LLC

Address: PO Box 188, Pipestone MN 56164

Phone: 605 825-7029

Amount of Water Claimed: 0.11 cfs (62 AF)

Total Acres: NA

Source of Water Supply: groundwater (one existing well)

Water to be used for: commercial

County: Moody

Type of Waste Disposal System:

Location: 3 miles south and 6 miles east of Flandreau

PRIORITY

Date Received: 2-3-20

Application/License Fee: \$ 700

Corrected Application Received: 2-13-20

Period of Annual Use: Jan 1 - Dec 31

Remarks: Existing swine production facility

Diversion Point: NE 1/4 Sec 15-T106N-R47W

Facility located: NE 1/4 Sec 15-T106N-R47W

Depth of Well: 424 feet deep

Well Driller:

Remarks:

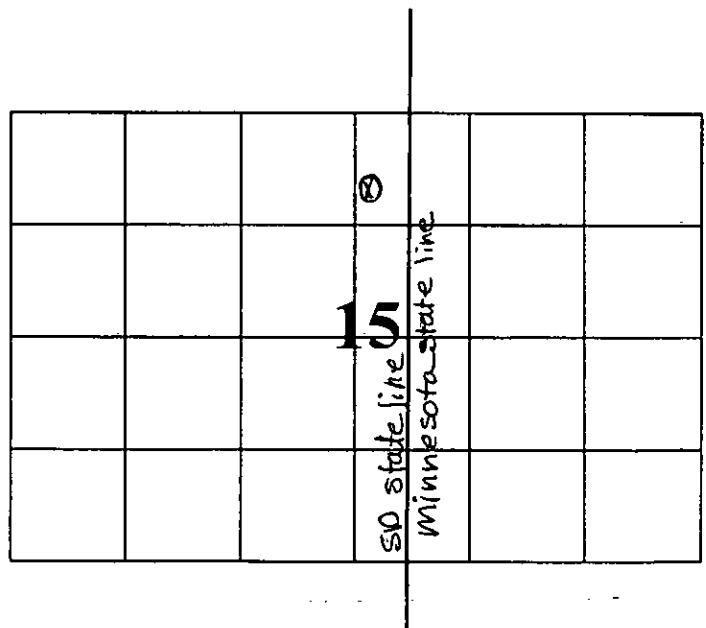
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-18-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8424-3

Date of first receipt of application February 3, 2020.

Date of return to applicant for corrections, amendments or changes February 3, 2020.

Date of receipt of corrected application February 13, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8424-3 to Dakota Superior Gilts I, LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8424-3 appropriates 62 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (424 feet deep) located in Lot 1 (NW 1/4 NE 1/4) Section 15 for commercial use in an existing swine production facility located in Lot 1 (NW 1/4 NE 1/4) Section 15; all in T106N-R47W. This site is located approximately 3 miles south and 7 miles east of Flandreau 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. 8424-3 is May 4, 2020.
5. The date from which applicant may claim right is February 3, 2020.
6. One-fifth of the construction is to be completed on or before November 4, 2022.
7. All construction is to be completed on or before May 4, 2025.
8. Water is to be put to beneficial use on or before May 4, 2029.
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 well approved under Water Permit No. 8424-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8424-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

3. Water Permit No. 8424-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
5. Water Permit No. 8424-3 authorizes a total annual diversion of 62 acre feet of water from the Sioux Quartzite aquifer.

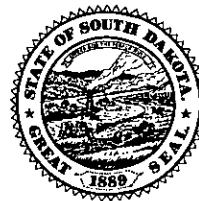
WATER MANAGEMENT BOARD

By: Eric Gronlund

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

MAY 12 2001

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8424-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Moody County Enterprise, Flandreau</u>	
	<u>Brookings Register</u>	

RECEIVED

FEB 19 2020

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

1. Name to Appear on Water Permit Dakota Superior Gilts I, LLC

Mailing Address PO Box 188 Pipestone MN 56164
(Address) (City) (State) (Zip Code)
 Phone (507) 825-4211 Mobile _____ Email luke.minion@pipestone.com

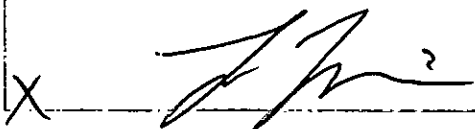
 2. Amount of water claimed 0.11 *CFS or 50 **GPM and 62 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
3. Source of water supply groundwater NW 1/44. Location of point of diversion 1 well in NE 1/4, Section 15, T106N, R47W County Moody(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

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

(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Moody6. Annual period during which water is to be used January 1st thru December 31st

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Existing/Permitted Swine Production Facility


I, Luke Minion for Dakota Superior Gilts I, LLC

Name of Person

Title (if applicable)

, the applicant, certify under

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

APPLICATION INSTRUCTIONS FOR WATER PERMIT FOR NONIRRIGATION USES

If you need assistance with your application, please contact Eric Gronlund at (605) 773-3352 or by email at eric.gronlund@state.sd.us or stop by our office in the lower level of the Foss Building, 523 E Capitol, Pierre SD. We are here to help! Additional information is available on the Water Rights Program website at <http://denr.sd.gov/wr>.

A completed application for a water permit must include the following information.

1. **FORM 2.** Application for uses other than irrigation.
2. **MAP.** The map should be no smaller than 8"x11" and show:
 - a) The location of the diversion point (place where water is to be taken from) marked with an "X".
 - b) A government section corner or quarter corner including a reference to section, township and range.If needed, the chief engineer may request completion of a more detailed map in order to fully and clearly outline the content of the application.
3. **FORM 2A.** One completed copy of Form 2A must be submitted with Form 2 if the diversion is from a well, dugout or storage dam.

If the diversion is from a well, a well log or driller's test log completed by a South Dakota licensed well driller needs to accompany the application unless it is either not practical to drill a test hole or there is existing geologic information available as determined by the chief engineer.

If diversion is for a water distribution system, trailer park, campground or any commercial use, complete the applicable portions of Form 2A regarding the wastewater disposal system.

Also, provide any supplemental plans or drawings for any storage reservoir. If the storage reservoir is 25 feet or more in height or impounds 50 acre-feet or more at the top of the dam, then the structure will need to comply with safety of dams requirements. Safety of dams requirements do not apply to structures if the height does not exceed 6 feet or if the storage capacity at the top of the dam does not exceed 15 acre-feet.
4. **FEE.** According to South Dakota Statutes, the following filing fees are to be submitted with each application:

Amount of water claimed (cfs or gpm) should be the actual pump capacity -- NOT an average pump rate.

*First 120 acre feet per year (75 gallons per minute) or portion thereof:	\$500.00
Second 120 acre feet per year (75 gallons per minute) or portion thereof:	\$250.00
Each additional 120 acre feet per year (75 gallons per minute) or portion thereof:	\$100.00

(120 acre feet per year = 75 gpm continuous use)

Fee for final inspection/licensing of an approved application:	\$200.00
--	----------

(If your application is approved, a licensing inspection will be completed following development of your water use project. Issuance of a water license is the final step in obtaining a water right in South Dakota.)

Example: Filing fee for 90 gpm would be \$750.00 plus the \$200.00 inspection/licensing fee for a total of \$950.00.

*The fee to appropriate 0.10 cfs (45 gpm) or less is \$100.00 plus a \$200.00 inspection/licensing fee. If filing an application to change a diversion point location or to add a diversion point to an existing permit, please contact the Water Rights Program prior to submitting any application fee.

The filing fee for a future use permit application equals 10% of the comparable fee calculated by using the above fee structure excluding the \$200.00 inspection/licensing fee. If after the seven year review the permit is allowed to remain in effect, another 10% filing fee is required. When an application for part or all of the reserved water under a future use is received, the applicable fees must be paid.

The forms, map, fee and any other information for filing a permit application should be submitted to:
Department of Environment and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD 57501-3182
5. **PUBLICATION.** Notice of an application must be published once in a daily newspaper and, in some cases, a weekly newspaper depending on the location of the proposed project. The publication notice will be sent to you and the newspaper(s) by the Water Rights Program. You will be responsible for contacting the newspaper(s) to authorize publication of the notice and to arrange for payment.

PAID

FEB - 3 2020

Ck# 009994

RECEIVED

FEB 03 2020

WATER RIGHTS
Dakota

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Name to Appear on Water Permit Dakota Superior Gilts I, LLC
Mailing Address PO Box 188 Pipestone MN 56164
(Address) (City) (State) (Zip Code)
Phone (507) 825-7029 Mobile _____ Email marty.rost@pipestone.com
- Amount of water claimed _____ *CFS or 50 **GPM and 62 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply groundwater
- Location of point of diversion 1 well in NE 1/4, Section 15, T106N, R47W County Moody
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Moody
- Annual period during which water is to be used January 1st thru December 31st
- 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)

Existing/Permitted Swine Production Facility

I, Marty Rost for Dakota Superior Gilts I, LLC
Name of PersonRegulator Coyle Mgr, the applicant, certify under
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.

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 1 Have test holes been drilled ☐ Yes ☐ No Drilled by Dave Putzke (#439)
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 424' Depth to Top of Water Bearing Material 235' Depth to Water from Surface 52'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others >1,320'

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic w/ Drainfield

b) System Capacity (gallons) Year Constructed 2019

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions N/A Depth

b) Depth to water (ground surface to water level)

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

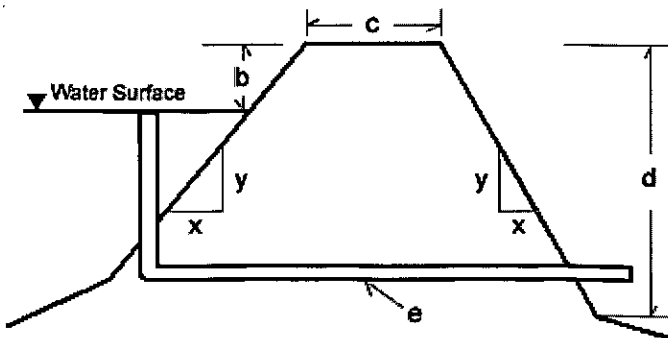
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



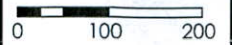
RECEIVED

FEB 03 2020

WATER RIGHTS
PROGRAM



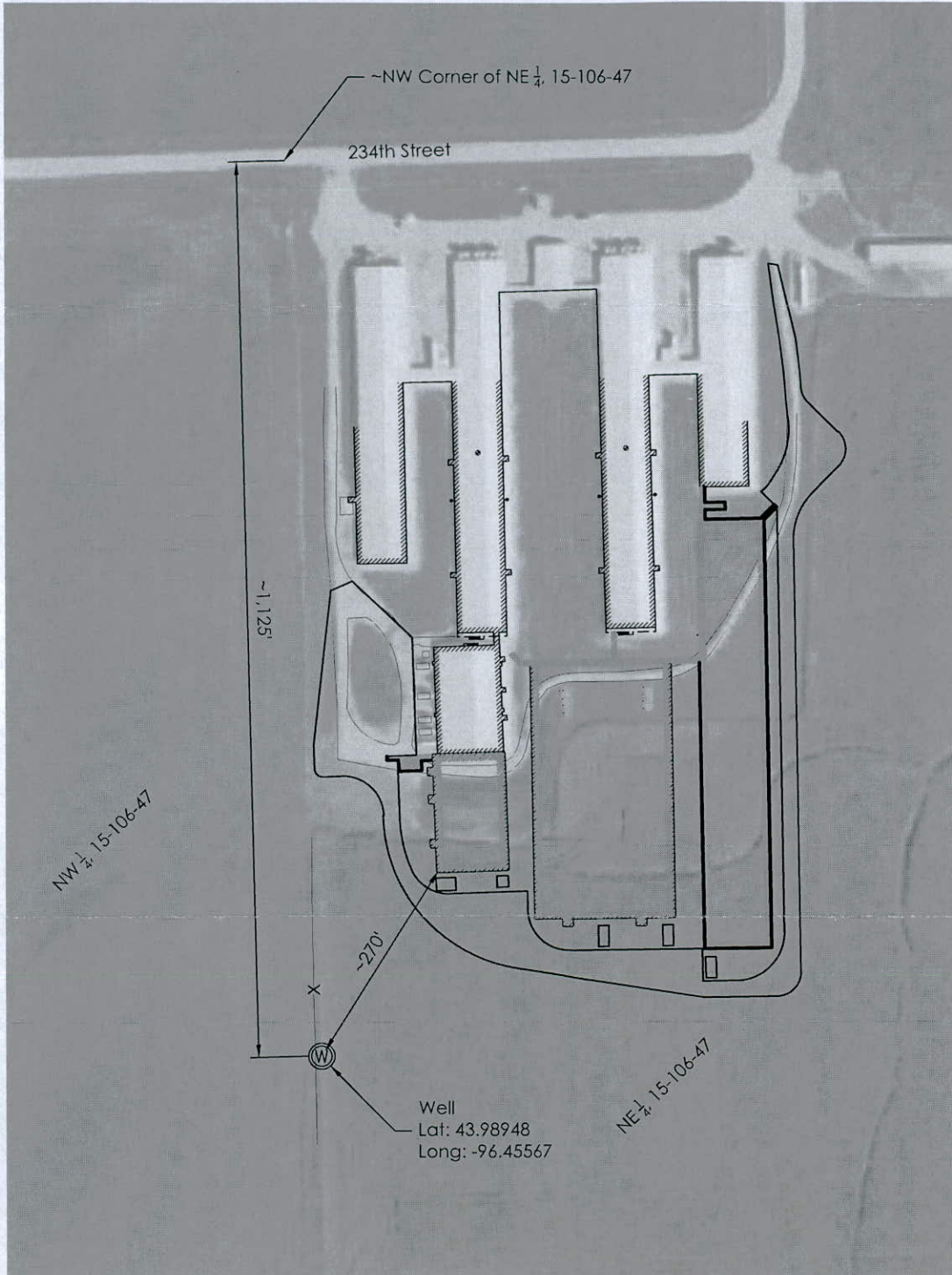
STOCKWELL ENGINEERS, INC.
201 WALNUT STREET
YANKTON, SD 57078
PH: 605.665.8092
FAX: 605.665.0523



Dakota Superior Gilts I, LLC
NE 1/4, Section 15, T106N, R47W
Moody County, SD
SEI PROJECT #: 18043

PLOT DATE 1/17/2020 12:52 PM

WELL



106N 47W
Section: 04

106N 47W
Section: 03

106N 47W
Section: 09

106N 47W
Section: 10

106N 47W
Section: 16

106N 47W
Section: 15

106N 47W
Section: 21

106N 47W
Section: 22

106N 47W
Section: 28

106N 47W
Section: 27

Schlaak, Karen

From: Marty Rost <Marty.Rost@pipestone.com>
Sent: Monday, February 3, 2020 1:35 PM
To: Schlaak, Karen
Subject: RE: [EXT] Application for Dakota Superior Gilts

OK. I'll get one signed by Dr. Minion. I'll scan you a copy and send in the original.

Marty Rost
1300 South Highway 75
Pipestone, MN 56164
Office: 507.825.7029
Cell: 507.215.0482
marty.rost@pipestone.com

PIPESTONE

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Monday, February 3, 2020 1:20 PM
To: Marty Rost <Marty.Rost@pipestone.com>
Subject: Application for Dakota Superior Gilts

Marty,

We received this application today. I note that as Regulation Compliance Manager you signed the application. Based on legal advice, DENR requires the application be signed by a listed partner. Review of the Secretary of State's corporation website finds Dakota Superior Gilts I, LLC with Luke Minion listed. The application will need to be signed by Mr. Minion or a statement of authority that the person signing the application (you) have the authority to act on behalf of Dakota Superior Gilts I, LLC on all matters involving the water permit application.

If you have questions, please contact Eric Gronlund or me.

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



This email came from outside the organization

Do not open attachments or click links unless you recognize the sender's email address and know the contents are safe.

- Pipestone IT Helpdesk

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

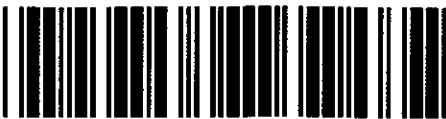
Date February 3, 2020

RECEIVED OF Dakota Superior Gilts LLC PO Box 370 Pipestone MN 56164

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

Fee for Application for Permit No. <u>8424-3</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>8424-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$700.00

By *Jeanne Goodman*
Chief Engineer *JM*



530864827

ANNUAL REPORT

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

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2019
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DA000992
BUSINESS ID

DAKOTA SUPERIOR GILTS I, L.L.C.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

1300 S. HWY 75
P.O. BOX 188
PIPESTONE, MN 56164

Mailing Address

1300 S. HWY 75
P.O. BOX 188
PIPESTONE, MN 56164

4. The South Dakota Registered Agent's Name:

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

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

Name **Luke W. Minion**

Actual Street Address in this State

304 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005

Mailing Address in this State

304 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

Luke Minion

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

6. 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.

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).

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, February 19, 2020 2:11 PM
To: Marty.Rost@pipestone.com
Subject: legal description of well at Dakota Superior Gilts

Marty:

Since this facility is right along the SD/MN border, I checked the plat survey. Section15-T106N-R47W is not a full sized section. From my interpretation of the plat survey, the facility is in Lot 1 of Section 15. See link to where you can view plat surveys of various state. I refined the search to Moody County, SD, then under the survey plats hit the link for T106-R47W. Do you concur with this legal description?

original state survey link: <http://glorerecords.blm.gov/>

Gronlund, Eric

From: Marty Rost <Marty.Rost@pipestone.com>
Sent: Thursday, February 27, 2020 2:25 PM
To: Gronlund, Eric
Subject: RE: [EXT] Dakota Superior Gilts water permit applications

Rural water

Marty Rost
PO Box 370
1209 South Highway 75
Pipestone, MN 56164
Office: 507.825.7029
Cell: 507.215.0482
marty.rost@pipestone.com

PIPESTONE

From: Gronlund, Eric [mailto:Eric.Gronlund@state.sd.us]
Sent: Thursday, February 27, 2020 2:21 PM
To: Marty Rost <Marty.Rost@pipestone.com>
Subject: Dakota Superior Gilts water permit applications

Mart:

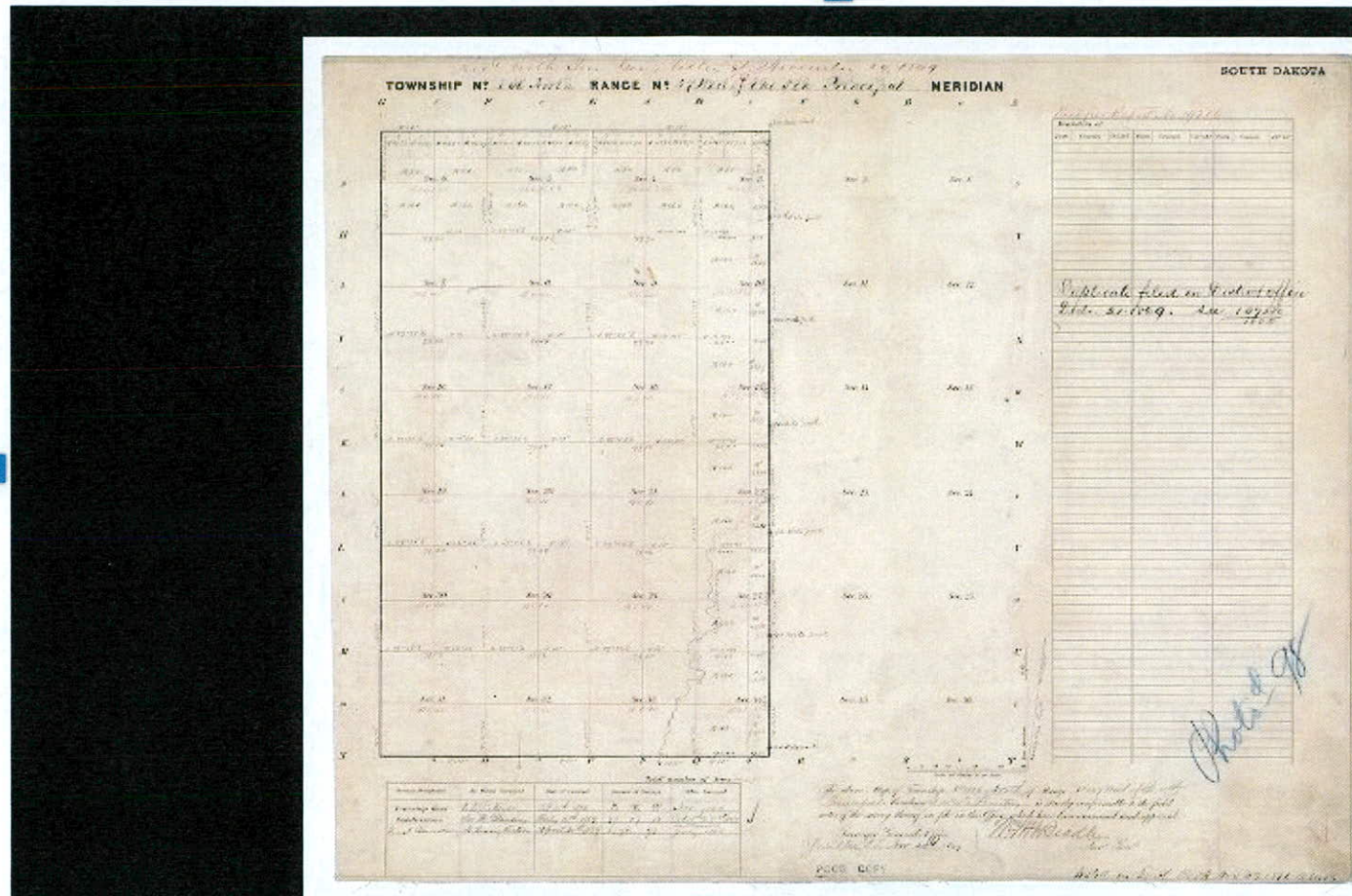
Based on aerial imagery, this facility is in place. What is the current water source supplying the facility (ie. Rural water system) or is the facility operating within the criteria for reasonable domestic use (maximum pump rate not exceeding 25 gpm & daily use not exceeding 25,920 gallons)? Eric

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

This email came from outside the organization

Do not open attachments or click links unless you recognize the sender's email address and know the contents are safe.

- Pipestone IT Helpdesk



Hold down the Ctrl key to select a region with the mouse.

Basic Viewer



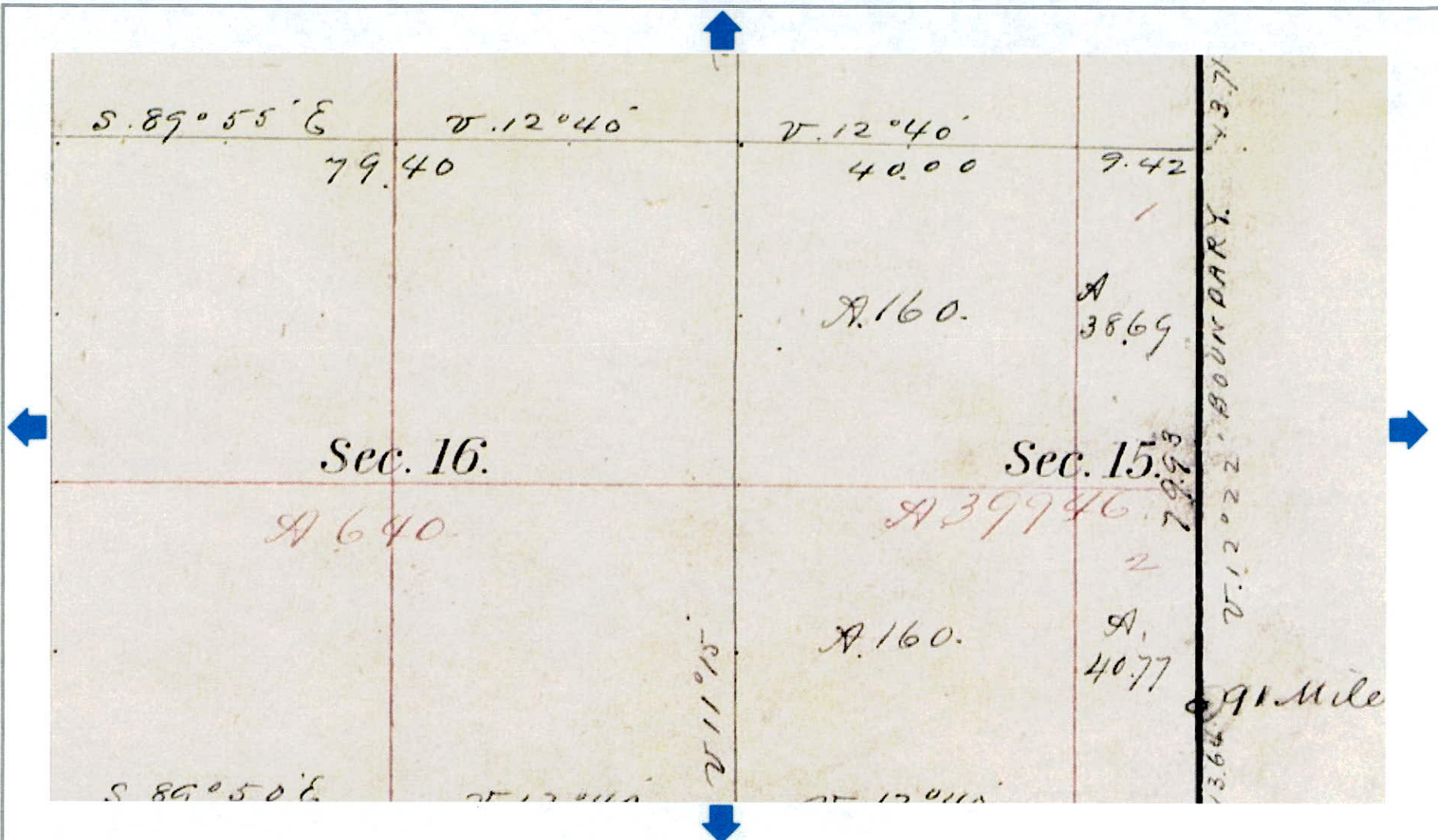
A problem occurred retrieving the image. Click [here](#) to try again.

Note: You can download our plat images directly by clicking one of the icons above.

Check out our [Viewing And Printing Images Guide](#) for more information.

[USA.GOV](#) | [No Fear Act](#) | [DOI](#) | [Disclaimer](#) | [About BLM](#) | [Notices](#) | [Get Adobe Reader®](#)

[Privacy Policy](#) | [FOIA](#) | [Kids Policy](#) | [Contact Us](#) | [Accessibility](#) | [Site Map](#) | [Home](#)



Hold down the Ctrl key to select a region with the mouse.

Basic Viewer



A problem occurred retrieving the image. Click [here](#) to try again.

Note: You can download our plat images directly by clicking one of the icons above.

Check out our [Viewing And Printing Images Guide](#) for more information.



**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. 8424-3, Dakota Superior Gilts I 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. 8424-3, Dakota Superior Gilts I, LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8424-3 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 Water Permit No. 8424-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8424-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8424-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Recommendation for Application No. 8424-3
Page 2

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
5. Water Permit No. 8424-3 authorizes a total annual diversion of 62 acre feet of water from the Sioux Quartzite aquifer

See report on application for additional information.

A handwritten signature in cursive script, reading "Eric S. Gronlund", written in dark ink.

Eric Gronlund, Chief Engineer
April 16, 2020

Report to the Chief Engineer
Water Permit Application No. 8424-3
Dakota Superior Gilts I
April 14, 2020

Water Permit Application No. 8424-3 for the Dakota Superior Gilts I, LLC proposes to put to beneficial use a maximum of 62 acre-feet of water annually at a maximum instantaneous diversion rate of 0.11 cubic feet of water per second (cfs) from one existing well (424 feet deep) completed into the Sioux Quartzite. The well is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1) Section 15 in T106N-R47W for use in an existing swine production facility located in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1) Section 15 in T106N-R47W. The site is located approximately three miles south and seven miles east of Flandreau SD.

Aquifer: Sioux Quartzite (SOUX)

Hydrogeology and Aquifer Characteristics

The Sioux Quartzite is a Precambrian age fine to coarse grained ortho-quartzite, a sedimentary formation that consists of primarily pink and red colored quartz sand cemented into a nonporous quartzite by silica (Baldwin, 1949; Martin, et al., 2004). The Sioux Quartzite extends over a regional scale underlying portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa (Tomhave, 1994; Southwick, 1984). The extent of the Sioux Quartzite in South Dakota is shown in Figure 1. Mapping of the Precambrian surface by McCormick (2010) indicates that depth to the Sioux Quartzite can significantly change over a short distance. This rugged and craggy upper surface is likely the product of pre-glacial streams that incised irregular valleys on the quartzite surface (Baldwin, 1949).

The primary porosity of the Sioux Quartzite is generally extremely low, except in areas where the silica cement is not present due to either weathering or non-deposition (Baldwin, 1949). In areas where conditions are favorable, water can be transmitted through the Quartzite through secondary porosity and permeability features (i.e. fractures) resulting in areas where the Quartzite can be considered an aquifer. Aquifer characteristics within the Sioux Quartzite are site specific and highly variable due to the unpredictable nature of the fractures and joints in the aquifer.

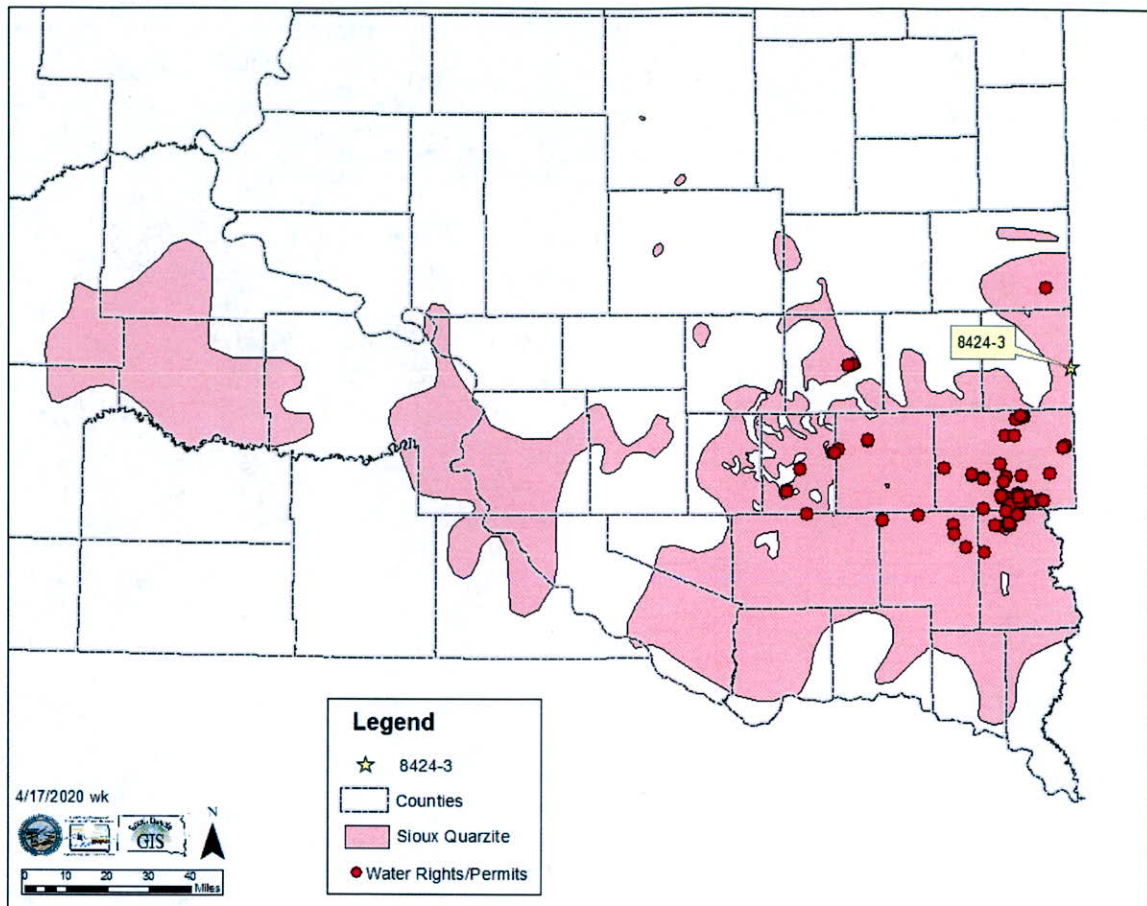


Figure 1: Extent of the Sioux Quartzite in South Dakota (modified from McCormick, 2010)

Estimates of the maximum thickness of the Sioux Quartzite vary from 3,000 feet (Baldwin, 1949) to less than 1,000 feet (Gries, 1983). However, wells for water supply typically only penetrate the Sioux Quartzite to a depth of 200 feet or less (Lindgren and Niehus, 1992). The Sioux Quartzite is likely hydraulically connected to overlying aquifers in direct contact with the quartzite to some extent. However, the extent of any hydraulic connections between the quartzite and other aquifers in Moody County likely varies by locality and are not well understood due to the lack of a detailed hydrogeologic study of the Sioux Quartzite in Moody County (Hansen, 1986).

The well completion report for the well this application proposes to use indicates the top of the Sioux Quartzite is at 235 feet below grade. The reported total well depth is 424 feet below grade. The static water level at the time of completion (November 18, 2019) is 52 feet below the measuring point. This indicates that the aquifer is under confined conditions at the well site with approximately 183 feet of artesian head pressure at the time of completion.

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 for unlawful impairment of existing rights from the aquifer that are pertinent to this application.

Water Availability

The probability of unappropriated water being available from the Sioux Quartzite 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. An application may be approved, however, for withdrawals of groundwater from any formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Here, the Sioux Quartzite aquifer is older than the Greenhorn Formation, but a water distribution system as defined by SDCL 46-1-6 (17) is not involved. Therefore, the issue of recharge versus discharge must be considered.

Hydrologic Budget

Discharge from the Sioux Quartzite is from well withdrawals and leakage to hydraulically connected aquifers where the potentiometric gradients are favorable (a higher water level in the quartzite than in an overlying or adjacent aquifer would indicate potential for upward leakage). There are currently 64 water rights/permits authorized to appropriate water from the Sioux Quartzite of which 56 are for non-irrigation use (Water Rights, 2020b). The amount of water withdrawn by domestic uses is not considered a significant portion of the hydraulic budget of the aquifer due to the relatively low diversion rate of domestic wells; additionally, with the development of rural water systems in the area some of the domestic wells completed into the Sioux Quartzite may no longer be in use.

There are five water rights/permits that are for or include quarry dewatering as part of their use (summarized in Table 1). Reported water use from 2003 to 2018 by these water rights/permits is shown in Table 2. In reviewing this data, these water rights typically use less than full time diversions at their maximum permitted diversion rates. Water Permit No. 8345-5 limits both Water Right No. 5784-3 and Water Permit No. 8345-3 to a combined total annual volume of 1,105 acre-feet. Therefore, combined average annual use for Water Permit No. 8345-5 and Water Right No. 5784-3 is estimated at 1,105 acre-feet per year. Water Right No. 4493-3 is not required to report annual use, however it is for the same quarry as Water Right No. 6070-3. Water Right No. 6070-3 reports their annual use based on water discharged from the quarry, therefore the reported use is likely reflective of both Water Right No. 4493-3 and No. 6070-3 (Water Rights, 2004-2019). Average annual water use for the remaining water rights/permits that include quarry dewatering as a use is estimated to be 100% of their instantaneous diversion rate. However in considering Table 2, actual use is likely less than 100% pumping. Therefore, the average annual use for the

water rights that include quarry dewatering as a use is estimated to be less than 13,521 acre-feet per year.

Table 1: Summary of Water Rights in the Sioux Quartzite that Include Quarry Dewatering as a Use (Water Rights, 2020b)

Permit No.	Name	Status	Use	Rate (cfs)	Annual Limit
4493-3	SPENCER QUARRIES INC	LC	COM	1.8	n/a
6070-3	SPENCER QUARRIES INC	LC	COM	3.1	n/a
5400-3	EVERIST INC	LC	IND	12.25	n/a
5784-3	LG EVERIST	LC	COM	3.33	limited by 8345-3
8345-3	LG EVERIST	PE	IND	3.36	1105 acre-ft

LC- Water Right, COM- commercial, IND-industrial, PE-permit

Table 2: Reported Water Use for Water Rights/Permits in the Sioux Quartzite that include Quarry Dewatering as a Use (Water Rights, 2004-2019;2020b)

Year	5400-3	5784-3 & 8345-3*	6070-3
2018	2767	513	1120
2017	2664	0	1120
2016	2557	1	1120
2015	2114	0	1248
2014	2222	0	1120
2013	2027	10	1120
2012	2309	10	1111
2011	2692	113	1680
2010	2752	132	1690
2009	2355	63	1680
2008	2115	70	1680
2007	2100	66	1680
2006	2101	0	2190
2005	1790	28	2240
2004	1801	640	2190
2003	1984	3	2240
Average (acre-feet)	2272	103	1577

*8245-3 issued in 2018

For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. Water rights/permits limited by annual volume not discussed previously, total to 352.33 acre-feet per year. Historically, average water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. Of the municipalities that have water rights for the Sioux Quartzite, the majority have connected to rural water systems and do not use much or any water from their wells (Drinking Water Program, 2020). Water Right No. 6552A-3 held by GV LLC is required to report annual use. Average water use by 6552A-3 is estimated at 9.45 acre-feet per year based on reported use (Water Rights, 2004-2019). The remaining non-irrigation water

rights/permits that authorize withdrawals by maximum instantaneous diversion rate have a total instantaneous diversion rate of 7.456 cfs; at 60% usage this results in an estimated average annual use of less than 3,239 acre-feet per year. This totals to an estimated average annual non-irrigation use of less than 17,122 acre-feet per year. The inclusion of the annual volume requested by this application (62 acre-feet per year) results in total estimated appropriative non-irrigation use from the aquifer of less than 17,184 acre-feet.

There are eight water rights/permits appropriating water from the Sioux Quartzite for irrigation use. These water rights/permits and their average reported irrigation use is summarized in Table 3. Water Right Nos. 6451-3 and 6553-3 do not have a qualification for reporting annual irrigation use (Water Rights, 2020b). Average annual irrigation use by Water Right Nos. 6451-3 and 6553-3 is estimated to be less than their permitted limitations of two acre feet annually per acre, especially in the case of Water Right No. 6451-3, which is qualified for use only when water restrictions for the City of Sioux Falls are implemented. Authorizing a total of seven acres for irrigation the average annual withdrawal for Water Right Nos. 6451-3 and 6553-3 is estimated at less than 14 acre-feet per year. This results in an estimated average annual irrigation use of less than approximately 294 acre-feet per year.

Table 3: Irrigation Water Rights/Permits from the Sioux Quartzite (Water Rights, 1991-2019)

Permit No.	Status	Acres	Average Reported Use (acre-feet)	Years of Constructed System Data
5365-3	LC	1.5	1.21	6 (1990-1995)
6195-3	LC	61	91.33	19
6451-3	LC	3	no data	not reporting
6553-3	LC	4	no data	not reporting
6618-3	LC	71	76.75	13
6910-3	LC	80	6.26	9
7805-3	LC	8	4.44	6
7415-3	PE	34	99.93	6
Total		262.5	279.93	
LC-license, PE-permit				

Recharge to the Sioux Quartzite is from infiltration of precipitation where the Sioux Quartzite is at or near land surface, streamflow losses where streams and rivers flow across outcrops with secondary porosity features, or leakage from overlying aquifers where the potentiometric gradients are favorable (a lower water level in the quartzite than in an overlying hydraulically connected aquifer would indicate potential for downward leakage) (Lindgren and Niehus, 1992). Recharge to the Sioux Quartzite has not been quantified. Therefore, data is not available to quantitatively compare the estimated average annual recharge to estimated average annual withdrawal in the aquifer.

A qualitative examination of average annual recharge with average annual withdrawals from the aquifer can be accomplished by considering water level trends in the aquifer. The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite aquifer (Water Rights, 2020a), so the availability of historical water level data is limited. Some insight into historic water levels can be gained by reviewing the well completion reports on file with the Water Rights Program, however evaluating historic water levels using domestic well data is more subjective than the use of dedicated observation wells because of the additional interpretations necessary (i.e. well locations/elevations, groundwater gradients, lack of wells completed into the aquifer, aquifer characteristics, and seasonal and climatic water level fluctuations).

Data from Lindgren and Niehus (1992) indicates water levels in the Sioux Quartzite show a correlation with long-term precipitation trends. Water levels that follow long-term precipitation trends typically undergo cyclic conditions, rising during wet years and declining during dry years. A review of well completion reports on file with the Water Rights Program (Water Rights, 2020c) indicates water levels in the Sioux Quartzite have historically been relatively stable with some fluctuations due to climatic conditions. If water levels in an aquifer decline over time, it maybe suggestive of withdrawal exceeding recharge. Since available water level information is indicating relatively stable water levels in the Sioux Quartzite, this indicates that withdrawals from the aquifer have not exceeded recharge (Water Rights, 2020c). Since recharge to and groundwater outflow from an aquifer can be captured for well withdrawals, the annual appropriation proposed by this application is not expected to cause the withdrawals from the Sioux Quartzite aquifer to exceed the average annual recharge to the aquifer.

Existing Users

Water rights/permits currently authorized to appropriate water for the Sioux Quartzite in the area of the well site for this application are shown in Figure 2 and summarized in Table 4. The nearest water rights/permits authorized to appropriate water from the Sioux Quartzite is Vested Water Right No. 5400-3 and Water Permit No. 8344-3 both are approximately 16.5 miles to the southwest of the well site for this application. Although Vested Water Right No. 5400-3 was contested, ultimately, the Water Management Board approved the application. Since the issuing of the water right, available information does not suggest domestic wells in the area have been unlawfully impaired by the dewatering activities at the quarry (Water Rights, 2020b). Additionally, Vested Water Right No. 5400-3 has an authorized diversion rate of 12.25 cfs without a history of unlawful impact (Water Rights, 2020b). In comparison, this application is requesting a diversion rate of 0.11 cfs.

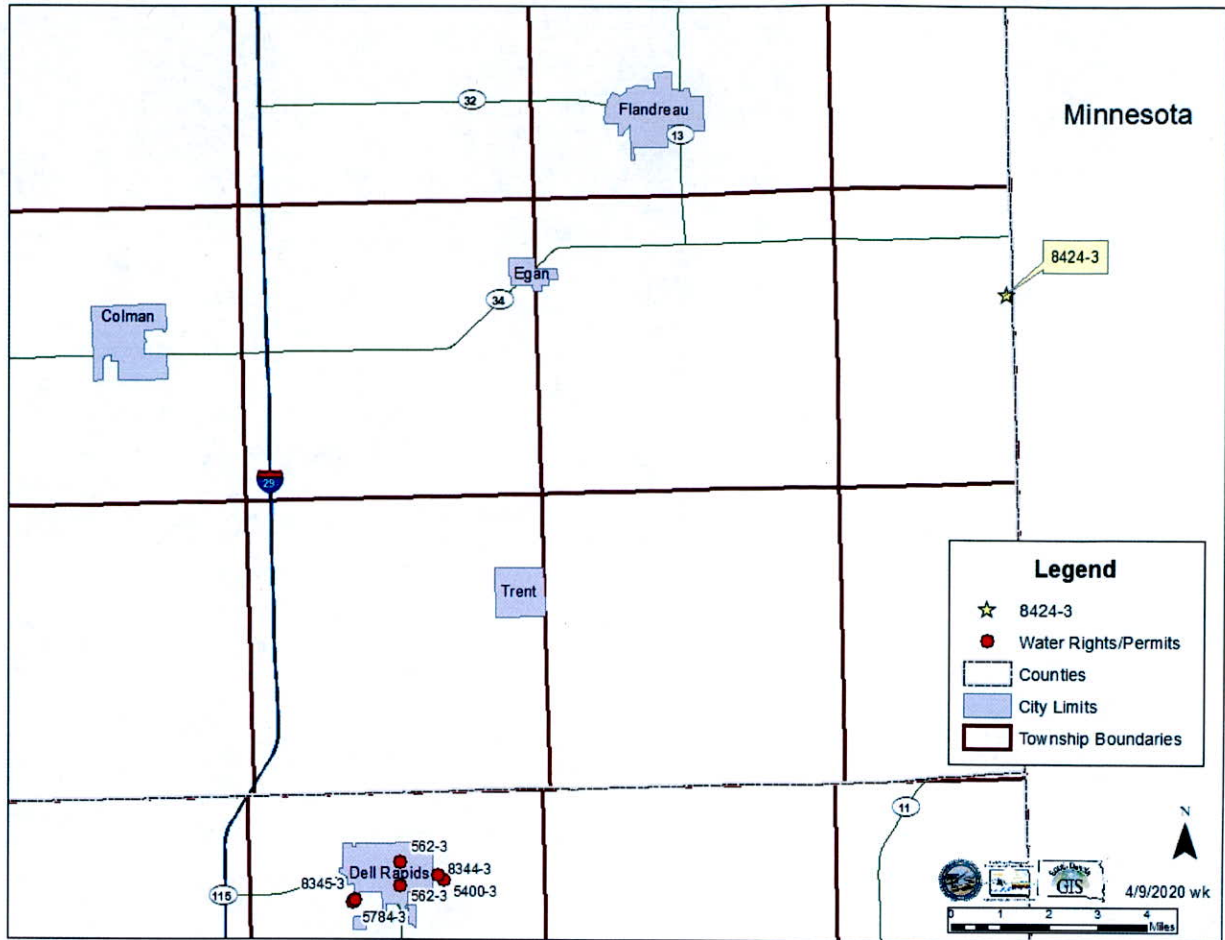


Figure 2: South Dakota water rights/permits currently authorized to appropriate water from the Sioux Quartzite in the area of the well for this application (Water Rights, 2020b)

A review of the well completion reports on file with the South Dakota Water Rights Program within two miles of the well site for this application indicated there are no wells readily identifiable as completed into the Sioux Quartzite. However, in examining the aerial imagery there are several farm sites within two miles that could potentially have wells completed into the Sioux Quartzite without a well completion report on file (Water Rights, 2020c). A review of the well information available through the Minnesota Well Index indicated the nearest well record for a well completed into the Sioux Quartzite was about 2.3 miles to the east of the well location for this application and was drilled in 1974 (Minnesota Department of Health, 2020). Given the availability of rural water in the area, it is possible that many domestic users in the area are connected to rural water for their household needs (SDGS, 2020; Drinking Water, 2020).

Table 4: Summary of Water Rights shown in Figure 2 (Water Rights, 2020b)

Permit No.	Name	Status	Use	Rate (cfs)	Priority Date
562-3	City of Dell Rapids	LC	MUN	0.89	1/1/1938
5400-3	LG Everist Inc.	LC	IND	12.25	1/1/1915
5784-3	LG Everist	LC	COM	3.33	8/6/1993
8344-3	LG Everist Inc.	PE	IND	0.022	4/3/2018
8345-3	LG Everist Inc.	PE	IND	3.36	4/3/2018
LC- Water Right, PE- Water Permit, MUN- municipal, IND-Industrial					

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.” While in most aquifers 20 feet is an adequate depth of water for prior users and domestic wells, in the Sioux Quartzite 20 feet below the top of the aquifer is seldom a sufficient depth for a well to be a dependable water supply. To further complicate the consideration of adverse impact in the Sioux Quartzite, maximum drawdown that could result from pumping a large capacity well is limited by well depth rather than aquifer thickness. Therefore, provided that a well is adequate as defined by ARSD 74:02:04:20(6), the assessment of well interference being an adverse impact would also have to consider well depth.

Minimum well depth is not regulated, however ARSD 74:02:04:60 specifies requirements for the installation of pumps in wells. The rule requires that the depth of the pump placement be determined by dividing the specific capacity of the well into the required yield and adding at least 10 additional feet. Therefore, the minimum depth of the pump placement as determined by ARSD 74:02:04:60 could be used as a quasi-minimum well depth standard. If well depth allowed for pump placement per ARSD 74:02:04:60 and well interference requires the well be deepened, that interference could be considered an adverse impact. However, if the affected well is not deep enough to allow compliance with the requirements of ARSD 74:02:04:60, interference that would require deepening of the well would not be considered an adverse impact. Additionally, the use of the pump placement standard does not fix the pump placement to the static water level or the specific capacity of the well at the time of construction. Instead the pump setting and well depth would need to allow for climatic fluctuations of the static water level and/or a change in specific capacity of the well. Ultimately given the above discussion, the appropriation requested by this application, if approved, is not expected to cause unlawful impairment of domestic or appropriative existing users of the Sioux Quartzite.

Conclusions

1. Water Permit Application No. 8424-3 proposes to put to beneficial use a maximum of 62 acre-feet of water annually at a maximum instantaneous diversion rate of 0.11 cfs from one

well completed into the Sioux Quartzite located in the NW ¼ NE ¼ Section 15 in T106N-R47W for use in an existing swine production facility.

2. The Sioux Quartzite can act as an aquifer in the area of this application.
3. Average annual recharge to the Sioux Quartzite in South Dakota has not been quantified. However, the available information suggests that withdrawals from the Sioux Quartzite have not exceeded recharge.
4. The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite.
5. Potential for unlawful impairment in the Sioux Quartzite would need to be assessed pursuant to both ARSD 74:02:04:20(7) and ARSD 74:02:04:60.
6. Existing water users, (either appropriative or domestic), are not expected to be unlawful impaired by this application.


Whitney Kilts
SD DENR- Water Rights Program

References

- Baldwin, B. 1949. A Preliminary Report on Sioux Quartzite: South Dakota Geological Survey Report of Investigations No. 63. South Dakota Geological Survey. Vermillion, SD.
- Drinking Water Program. 2020. Drinking Water System Information. SD DENR-Drinking Water Program Online Database. Accessed April 3, 2020.
<http://denr.sd.gov/des/dw/sysinfomap.aspx>.
- Gries, J. P., 1983. Geometry and the Stratigraphic Relations of the Sioux Quartzite. Proceedings of the South Dakota Academy of Science, v. 62, p. 64-74.
- Hansen, D.S., 1986. Water Resources of Lake and Moody Counties, South Dakota: US Geological Survey Water-Resources Investigations Report 84-4209, 51p.
- Lindgren, R. J. and Niehus, C. A. 1992. Water Resources of Minnehaha County, South Dakota. Water-Resources Investigations Report 91-4101. United States Geological Survey. Huron, South Dakota.
- McCormick, K. A. 2010. Elevation Contour Map of the Precambrian Surface of South Dakota. South Dakota Geological Survey General Map 11 Sioux Ridge Inset, scale 1:160,000. Vermillion, South Dakota.
- Martin, J. E., Sawyer, J. F., Fahrenbach, M. D., Tomhave, D. W., and Schulz, L. D. 2004. Geologic Map of South Dakota. General Map 10. South Dakota Geological Survey, Vermillion, SD.
- Minnesota Department of Health. 2020. Minnesota Well Index. Accessed April 6, 2020. <
<https://mnwellindex.web.health.state.mn.us/#> >
- South Dakota Geological Survey (SDGS). 2020. South Dakota Rural Water Systems Map. Accessed April 8, 2020.
<<http://www.sdgs.usd.edu/publications/maps/ruralwater/ruralwater.html> >
- Southwick, D.L (ed). 1984. Shorter Contributions to the Geology of the Sioux Quartzite (Early Proterozoic), Southwestern Minnesota. Report of Investigations 32. University of Minnesota. Saint Paul, MN.
- Tomhave, D. W. 1994. Geology of Minnehaha County, South Dakota. South Dakota Geological Survey Bulletin 37. Vermillion, South Dakota. South Dakota Geological Survey General Map 9. Vermillion, South Dakota.

Water Rights. 1991-2019. 1990-2018 Irrigation Summaries by Aquifer and 1990-2016 Irrigation Questionnaires: SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights. 2004-2019. 2003-2018 Non-irrigation Water Use Reports: SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights. 2020a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2020b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2020c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 17, 2020 10:52 AM
To: Marty Rost
Subject: Application No. 8424-3, Dakota Superior Gilts I, LLC
Attachments: Application No. 8424-3.pdf

Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 8424-3. As stated in the letter it is important that someone contact the papers to authorize publication and arrange for payment ASAP. This same information is being mailed today.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application
No. 8424-3 To
Appropriate Water

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

4-22-2020

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 27⁷⁴

M. Headrick bookkeeper

Subscribed and sworn to before me this

23rd day of April AD 2020

Roger W. Janssen
Notary Public, County of Moody, South Dakota

ROGER W JANSSEN

NOTARY PUBLIC
SOUTH DAKOTA



My commission expires 2-16-24

RECEIVED

MAY 06 2020

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8424-3 TO APPROPRIATE WATER

Notice is given that Dakota Superior Gilts I, LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 62 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (424 feet deep) located in Lot 1 (NW 1/4 NE 1/4) Section 15 for commercial use in an existing swine production facility located in Lot 1 (NW 1/4 NE 1/4) Section 15; all in T106N-R47W. This site is located approximately 3 miles south and 7 miles east of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8424-3 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 Ron Duvall 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 4, 2020.

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.

Published once at the cost of \$27.74

Affidavit of Publication

RECEIVED

Exhibit "A"

State of South Dakota

ss

MAY 06 2020

County of Brookings

WATER RIGHTS
PROGRAM

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

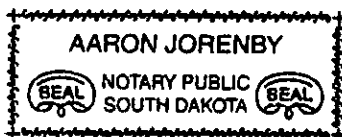
Leg#139 Application 8424-3, Dakota Superior Gilts

same was published, is hereto attached marked Exhibit
said newspaper for _____ 1 times, to-wit:

April 22, 2020

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Thirty Dollars and Thirty-Two Cents \$30.32



KmFoiles

30 day of

2020

April

Ag

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

PUBLIC NOTICE

Legal 139-1X
4722NOTICE OF
APPLICATION
NO. 8424-3 TO

APPROPRIATE WATER

Notice is given that Dakota Superior Gilts, LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 62 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (424 feet deep) located in Lot 1 (NW 1/4 NE 1/4) Section 15 for commercial use in an existing swine production facility located in Lot 1 (NW 1/4 NE 1/4) Section 15; all in T106N-R47W. This site is located approximately 3 miles south and 7 miles east of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8424-3 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 Ron Duvall 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 4, 2020.

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.

Published 1X at the total approximate cost of \$30.32.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 17, 2020 10:48 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8424-3, Dakota Superior Gilts I, LLC
Attachments: 8424-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 22, 2020.

Dakota Superior Gilts I LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 (507 825-7029) 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: Friday, April 17, 2020 10:47 AM
To: 'mce6@mcisweb.com'
Subject: 8424-3, Dakota Superior Gilts I, LLC
Attachments: 8424-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 22, 2020.

Dakota Superior Gilts I LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 (507 825-7029) 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. 8424-3 to Appropriate Water

Notice is given that Dakota Superior Gilts I, LLC, c/o Luke Minion, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 62 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (424 feet deep) located in Lot 1 (NW 1/4 NE 1/4) Section 15 for commercial use in an existing swine production facility located in Lot 1 (NW 1/4 NE 1/4) Section 15; all in T106N-R47W. This site is located approximately 3 miles south and 7 miles east of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8424-3 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 Ron Duvall 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 4, 2020.

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.

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.**

April 17, 2020

Dakota Superior Gilts I, LLC
c/o Luke Minion
PO Box 188
Pipestone MN 56164

Dear Mr. Minion:

Water Permit Application No. 8424-3 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 Moody County Enterprise printed at Flandreau SD (Ph # 605 997-3725) and the Register printed at Brookings SD (Ph # 605 692-6271). 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 12 2001

Dakota Superior Gilts I, LLC
c/o Luke Minion
PO Box 188
Pipestone MN 56164

Dear Mr. Minion:

Enclosed is Water Permit No. 8424-3 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

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

enclosures

8424-3

Form 10

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

Date 4/20/23

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Dakota Superior Giltz I, LLC
(name)
P.O. Box 188
(address)
P. pestone, MN 56164 507 825 4211
(city, state, zip) (phone)

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

Water Permit No. 8424-3 states that the water use system is to be constructed by 11/4/22, and water is to be put to beneficial use by 5/4/29.
(date) (date)

The water use system was completed on 7/1/20.
(date)

Applying the water to beneficial use was completed on 7/1/20.
(date)

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

[Signature]
(signature)

7-98



RECEIVED

MAY 08 2023

OFFICE OF
WATER

8424-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8424-3**

I have this day, July 13, 2023, made a thorough examination of the water use system constructed by Dakota Superior Guilts I, LLC, PO Box 188, Pipestone, MN 56164 of Permit No. 8424-3, bearing the priority of February 3, 2020 authorizing the diversion of 0.11 cu. ft. per second of the waters of the Sioux Quartzite Aquifer for commercial purposes, in Moody 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) 424 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 6 inches
- 2) Length 235 feet
- 3) Type steel

Screen:

- 1) Type None – drilled 189 feet into Granite
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Sumersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 45 GPM

Motor:

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

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

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

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION From the NW corner Sec 15 T106N R47W, 1050 ft S & 2655 ft E, Lat 43.98993 Long -96.45565 (NE 1/4 NW 1/4).
2. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for commercial (hogs) use. The license should be issued for 0.10 cfs.
3. All structures, wells and lands on map Y

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

The pump rate reported by Mr. Marty Rost via a phone text (507/215-0482) was used to establish the system flow capacity.

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

I talked to the contact person Mr. Marty Rost with regards to the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 20, 2023



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

JUL 21 2023

Dakota Superior Guilts I LLC
c/o Luke Minion
PO Box 188
Pipestone MN 56164

8424-3

Dear Mr. Minion:

Enclosed is Water License No. 8424-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8424-3**

(1) Dakota Superior Gilts I LLC; PO Box 188, Pipestone MN 56164, made Application No. 8424-3, February 3, 2020, for a water permit to divert 0.11 cubic feet of water per second from groundwater, one well (Sioux Quartzite Aquifer), Moody County, South Dakota for commercial swine production purposes. Permit No. 8424-3, with a priority date of February 3, 2020, was approved May 4, 2020, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 4, 2025, and for the application to beneficial use of water on or before May 4, 2029.

(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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,050 ft S & 2,655 ft E of the NW corner of Section 15, T106N, R47W (NE ¼ NW ¼)
(Latitude 43.98993 Longitude -96.45565)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial swine production facility located in Lot 1 (NW ¼ NE ¼) Section 15, T106N, R47W, approximately 3 miles south and 7 miles east of Flandreau SD.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Superior Gilts I LLC, the holder and/or owner of Water Right No. 8424-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater, one well (Sioux Quartzite Aquifer), with a priority date of February 3, 2020, from the location specified in (2) of this license for commercial swine production purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8424-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8424-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 8424-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Right No. 8424-3 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
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

continued

4. The Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite Aquifer.
5. Water Right No. 8424-3 authorizes a total annual diversion of 62 acre feet of water from the Sioux Quartzite Aquifer.

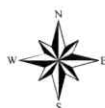
Eric Gronlund

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

JUL 21 2023

date





0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8245-3**

I have this day, November 2, 2023, made a thorough examination of the water use system constructed by Gracevale Hutterian Brethren, 23843 446th Ave, Winfred, SD 57076 of Permit No. 8245-3, bearing the priority of October 31, 2016 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Montrose Unit: Vermillion East Fork Aquifer for irrigation purposes, in Lake County.

A. Works used to divert the water:

Well Information: (SEE LICENSE 4680-3 for details)

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

- 1) Type PVC 2) Size 8 inches 3) Length 2700 feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke (older unit)
2) Overall length 1300 feet
3) Number of towers 9
4) End gun Y
5) Capacity 800 GPM

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: 1295 ft N & 1820 ft W of SE corner Sec 3, T105N-R54W Lat 43.92446 Long -97.29588

2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second 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

All land in Sec 10 T105N R54W

NW NE – 30 acres

NE NE – 30 acres

SE NE – 31 acres

SW NE – 31 acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

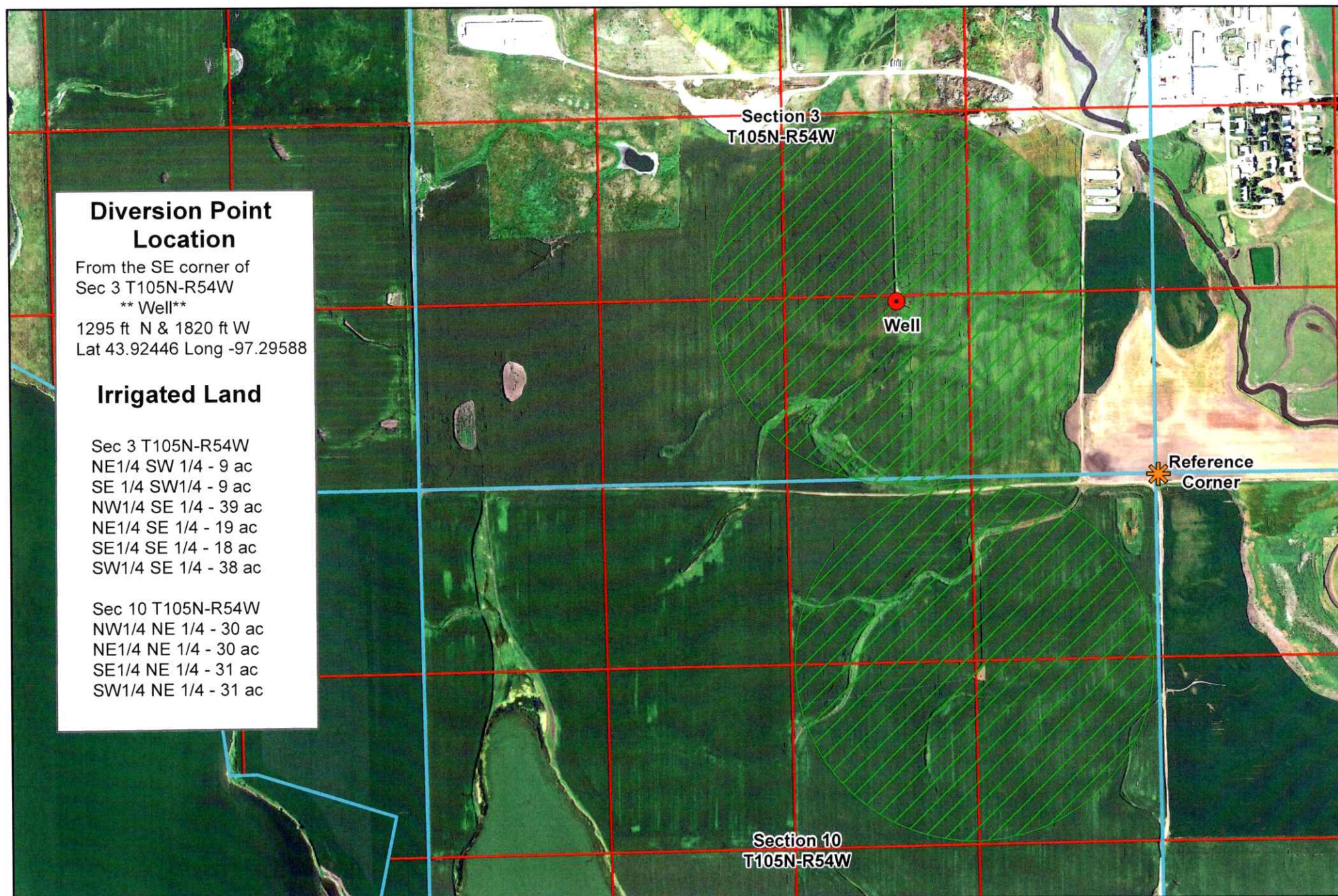
The mailing address should be corrected to 23843 446th Ave. The telephone number in the permit materials is current for Peter Wipf, Farm Manager.

I talked to a few colony workers during the field inspection visit to verify telephone number, etc.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 4, 2023



0 700 1,400 2,800 4,200 5,600 Feet

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Gracevale Hutt. Brethren

ADDRESS: 23843 446th Ave, Winfred SD 57076

DATE: November 27, 2023

COUNTY: Lake

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The holder of Permit No. 8245-3 is authorized to divert water from one pre-existing well (64 ft deep - Vermillion East Fork: Montrose Aquifer), authorized by WR No. 4680-3, located in the NW ¼ SE ¼ Sec 10 to irrigate 132 acres NE ¼ Section 10; all in T105N-R54W and 132 acres in the E ½ SW ¼ & SE ¼ Section 3 (authorized by WP No. 4680-3).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated.**

The source of water is one pre-existing well (64 ft deep - Vermillion East Fork: Montrose Aquifer). Newer and more accurate GPS technology has allowed us to better pinpoint locations. It has subsequently been found in the licensing of Permit No. 8245-3 that the point of diversion is located SW ¼ SE ¼, Sec 3, T105N-R54W (Lat 43.92446/Long -97.29588)

- **If irrigation, no new land is irrigated.**

The permit holder of Nos. 4680-3 and 8245-3 developed 264 acres E ½ SW ¼, SE ¼ Section 3, and NE ¼ Section 10; all in T105N-R54W

- **Review of Existing Diversions**

There are no existing water right within 2 miles of this diversion point.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 28 2023

Gracevale Hutterian Brethren
c/o Peter Wipf, Farm Manager
23843 446th Ave
Winfred SD 57076

Dear Mr. Wipf:

Enclosed is Water License No. 8245-3. 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 applicable portions of Water Right No. 4680-3 have been incorporated into Water Right No. 8245-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8245-3**

(1) Gracevale Hutterian Brethren; 23843 446th Ave, Winfred SD 57076 made Application No. 8245-3, October 31, 2016, for a water permit to re-establish the irrigation of 132 acres previously covered under Water Right No. 4680-3, with no increase to the rate of diversion, from groundwater, one well (Vermillion East Fork: Montrose Aquifer), Lake County, South Dakota. Permit No. 8245-3, with a priority date of October 31, 2016, was approved January 16, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 16, 2022, and for the application to beneficial use of water on or before January 16, 2026.

Water Right No. 4680-3 was re-issued on May 15, 2017, after the Water Management Board cancelled the abandoned portions located in the NE $\frac{1}{4}$ Section 10, T105N, R54W. Water Permit No. 8245-3 re-established the previously abandoned acres. The applicable portions of Water Right No. 4680-3 have been incorporated into this Water Right.

The investigation conducted for licensing purposes found the diversion point to be slightly South of where it was previously thought to be. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,295 ft N & 1,820 ft W of the SE corner of Section 3, T105N, R54W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 43.92446 & Longitude -97.29588)

(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: All in T105N-R54W

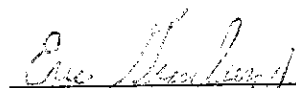
Section 3		Section 10	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	9 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	18 acres		
		TOTAL:	264 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Gracevale Hutterian Brethren, the holder and/or owner of Water Right No. 8245-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Montrose Aquifer), with a priority date of February 8, 1977 for all lands in Section 3 and October 31, 2016 for all lands in Section 10; all in T105N-R54W, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8245-3 and subject to the following qualifications:

1. The well approved under Water Right No. 4680-3 and Water Permit No. 8245-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

NOV 28 2023

date

