

WATER PERMIT NO. 8438-3

Name of Applicant: **Blooming Valley Dairy LLC**

Address: **1515 Windermere Circle, Brookings SD 57006** Phone: **559-805-3271**

Amount of Water Claimed: **0.289 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (2 existing well and 2 new wells)**

Water to be used for: **commercial** County: **Gant**

Type of Waste Disposal System:

Location: **6 miles southwest of Summit**

PRIORITY Date Received: **8-20-20** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **Jan 1- Dec 31**

Remarks: **Requesting an add'l 0.289 cfs and 2 replacement wells**

New Diversion Points: **SW 1/4 SE 1/4 Sec 10-
T121N-R52W**

Facility Located: **SEW 1/4 Sec 10-T121N-R52W**

Depth of Well: **100 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-20-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			10		
			⊗ ⊗		

**SOUTH DAKOTA
WATER PERMIT NO. 8438-3**

Date of first receipt of application August 20, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8438-3 to Blooming Valley Dairy LLC, c/o Joshua TeVelde, 1515 Windermere Circle, Brookings SD 57006 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. 8438-3 appropriates 120 acre-feet of water annually and increases the diversion rate authorized by Water Right No. 6100-3 by 0.289 cubic feet of water per second (cfs) plus replace two wells. Water Right No. 6100-3 authorizes 0.267 cfs from four wells located in the W 1/2 SW 1/4 Section 10-T121N-R52W. This permit authorizes replacing two wells located in the SW 1/4 SW 1/4 Section 10 with two wells to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 10; all in T121N-R52W. This permit and Water Right No. 6100-3 will authorize a maximum pump rate of 0.556 cfs from four wells for commercial use at an existing dairy located in the SW 1/4 Section 10-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. This site is located approximately 6 miles southwest of Summit 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. 8438-3 is November 9, 2020.
5. The date from which applicant may claim right is August 20, 2020.
6. One-fifth of the construction is to be completed on or before May 9, 2023.
7. All construction is to be completed on or before November 9, 2025.
8. Water is to be put to beneficial use on or before November 9, 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 wells approved under Water Permit No. 8438-3 and Water Right No. 6100-3 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. 8438-3 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.

(continued)

3. Water Permit No. 8438-3 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. 8438-3 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 Prairie Coteau aquifer.
6. Water Permit No. 8438-3 authorizes a total annual diversion of 120 acre feet of water from the Prairie Coteau aquifer.

WATER MANAGEMENT BOARD

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

NOV 24 2020

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8438-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Grant County Review</u>	
	<u>Public Opinion</u>	

PAID
AUG 20 2020
Ck# 011965

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. _____		

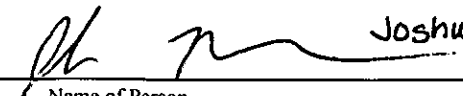
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

This application is intended to request an additional 130 gpm to that presently awarded by License 6100-3

- Name to Appear on Water Permit Blooming Valley Dairy, LLC.
Mailing Address 1515 Windermere Circle Brookings SD 57006
(Address) (City) (State) (Zip Code)
Phone 605-947-2300 Mobile 559-805-3271 Email josh.tevelde@yahoo.com
- Amount of water claimed 0.289 *CFS or 130 **GPM and 120 ***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 Prairie Coteau aquifer (new wells - SW 1/4 SE 1/4)
- Location of point of diversion 4 wells in south 1/2 section 10 T121nR52w County Grant
(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 Grant
- Annual period during which water is to be used 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)

This water use is to support an expansion of a dairy presently operating under License 6100-3. That license granted 120 gpm from 4 wells on the property. We intend to plug and abandon two of those wells (labeled "original 2 wells 200' and 167' deep on DeFea Report of Examination of Works, Oct 12, 2005, map on page 4) Wells 3 and 4 (enclosed map and DeFea map) will be used and supplemented by 2 proposed wells (well 5 and well 6, enclosed map). Our intent is to add 130 gpm with this application to the 120 gpm already appropriated by License 6100-3 for a total of 250 gpm from the 4 wells depicted on the enclosed photo.

 Joshua Tevelde, 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.

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 2 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Lee Well Drilling

For either Existing or Proposed Wells:

c) Well Depth (**required**) 100 Depth to Top of Water Bearing Material 90 Depth to Water from Surface 40

d) Distance to nearest domestic well on applicant's property 3000' Property owned by others 7000'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ 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)

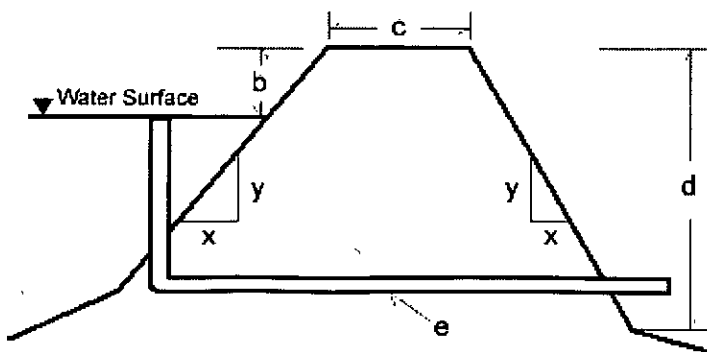
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



BOS Dairy

Write a description for your map.

NE Corner,
10-T121R52W

145th St

Well 4
Well 3

452nd Ave

41

146th St

Prop well 5
Prop well 6

453rd Ave

6

Google Earth

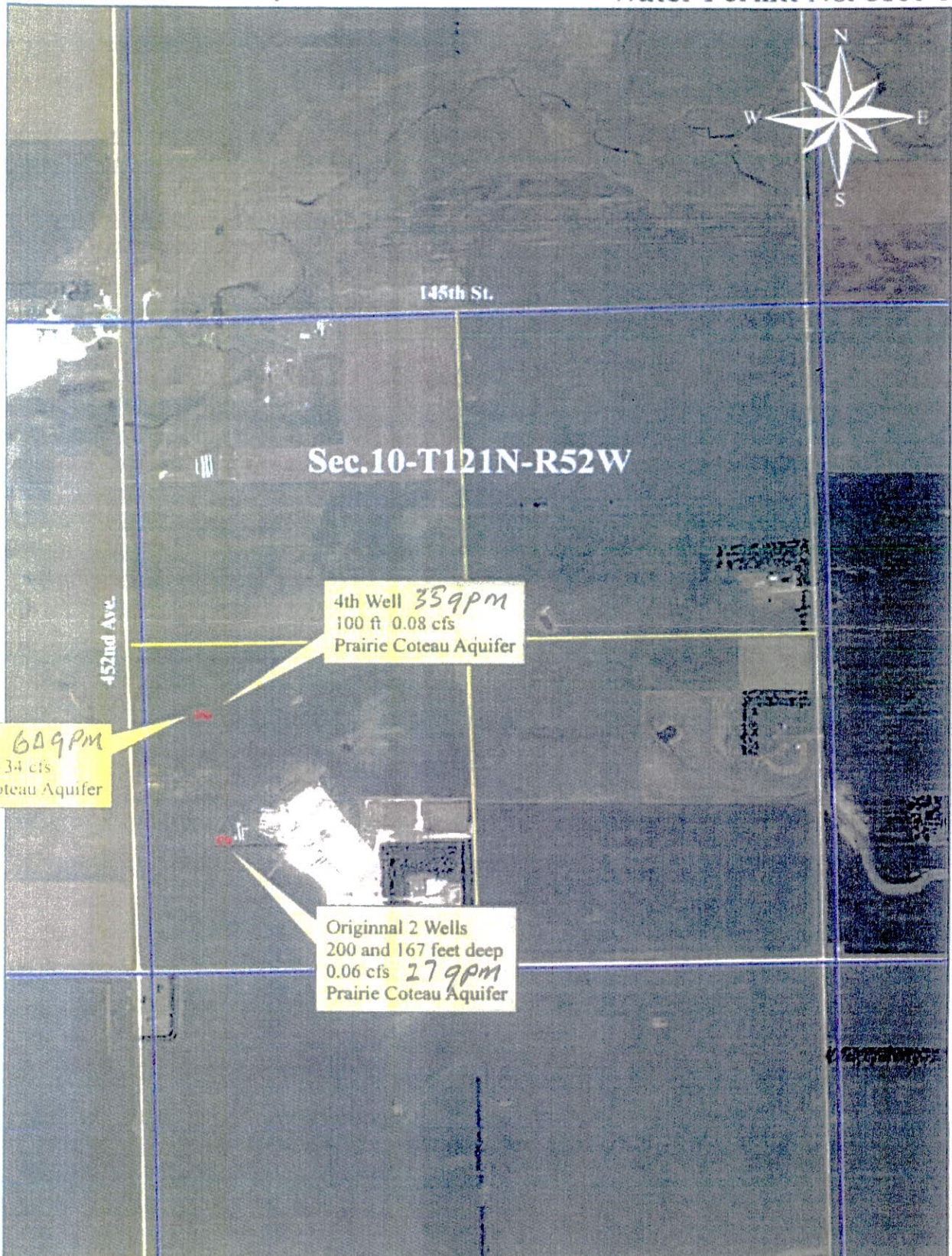
© 2020 Google

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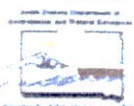
3000 ft

NorSwiss Dairy, Inc.
45240 146th St.
Summit, SD-Grant County

Water Permit No. 6100-3



Mike DeFea
Natural Resources Engineer
DNR Water Rights Program
10/12/05



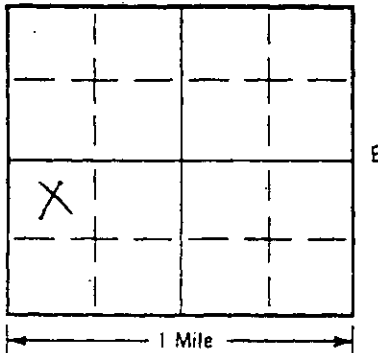
0 0.125 0.25 0.5 Miles

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6100-3
07-92Location 4th 1/4 Sec 10 Twp 12N Rq 52W
County Grant

Please mark well location with an "X"

Well Completion Date

Set to
SID 7/5/05Well Owner: Non Swiss Dairy / John Seffroed
Business Name: Non Swiss Dairy
Address: 45240 146th St
Summit S.D. 57266

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil / dark soft	0	2
Sand yellow soft	2	4
clay yellow med	4	23
clay (sticky) Grey Med Hard	23	92
Sandstone light soft	92	100
clay yellow med	100	

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 2000 ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>22</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>92</u> FT	<u>10</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>Cement</u>		<u>15</u> lb./gal	<u>0</u> ft	<u>20</u> ft
<u>High Solids</u>		<u>9.4</u> lb./gal	<u>20</u> ft	<u>85</u> ft

Describe grouting procedure Premix pipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6" tel IN Length 8 ft FEETMaterial Stainless SteelSlot Size 20 Set From 92 Feet to 100 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

INFECTON: Was well disinfected upon completion?

☒ YES, How: Chlorine solution

Laboratory sent to for water quality analysis

☐ NO, Why Not? _____Lab. Water testingAlex. MW 56308STATIC WATER LEVEL 40 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air Compressor☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 65 CPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

25-Hard
Iron

RECEIVED

DEC 22 2005

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Blooming Valley

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 10 Twp 121N Rg 52-W
County Grant

Please mark well location with an "X"

Well Completion Date 7/29/08

1 Mile

Well Owner: Abc Swiss Dairy / John Selfred
Business Name: _____
Address: 45240 146th St.
Summit, SD 57266

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil Dark sat	0	2
clay yellow med.	2	50
clay grey med	50	95
clay yellow med	95	137
clay Blue med	137	163
Sand (course) light sat	163	177
clay Blue med	177	

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 130 ft. from sewer (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>168 FT</u>	<u>9 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Mortar</u>		<u>15 lb./gal</u>	<u>0 ft</u>	<u>30 ft</u>
<u>Pentonite</u>		_____ lb./gal	<u>30 ft</u>	<u>150 ft</u>

Describe grouting procedure Pressure Grout

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 4" x 1 IN Length 8 FEET

Material Stainless Steel

Slot Size 18 Set From 168 Feet to 176 Feet

Other information _____

NAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

laboratory sent to for water

☐ NO, Why Not? Solution

STATIC WATER LEVEL 48 Below _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: Air Compressor

☐ Bailed

☐ Other

Pumping Level Below Land Surface

100 ft. After 2 Hrs. pumped 100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 20 GPM

REMARKS 20-Hard 1.0 ft
No H₂S

RECEIVED
OCT - 8 2008
WATER RIGHTS
PROGRAM

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Joshua TeVelde

ADDRESS: 1515 Windermere Circle, Brookings SD 57006

DATE: August 24, 2020

TELEPHONE: 559.805.3271

RE: Application No. 8438-3

COMMENTS:

I contacted Joshua TeVelde to determine whether the volume of water specified on the application was to apply to just Application No. 8438-3 or to both the application and existing Water Right No. 6100-3. Mr. TeVelde indicated the 120 acre-feet specified on the application only pertained to Application No. 8438-3.



Ron Duvall
Water Rights Permitting Administrator
Water Rights Program



DL185379

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

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

Filing Fee: \$150

Total Fee: \$150

Article I
The name of the Company: **Blooming Valley 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	Mailing Address
15857 BEAR MOUNTAIN BLVD BAKERSFIELD, CA 93311	15857 BEAR MOUNTAIN BLVD BAKERSFIELD, CA 93311

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 **Joshua te Velde**

Actual Street Address in this State
**1515 WINDEMERE CIR
BROOKINGS, SD 57006**

Mailing Address in this State
**1515 WINDEMERE CIRCLE
BROOKINGS, SD 57006**

Article IV
The name and address of each organizer

Name	Address
Caleb Veldhouse	4709 E 6th St, Suite 108, Sioux Falls, SD 57110

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: _____

B0147-5953 07/31/2020 12:30PM Rec'd by SD SOS



B0147-5954 07/31/2020 12:30PM 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).

CALEB VELDHOUSE

CALEB VELDHOUSE

07/31/2020

PRINTED NAME

SIGNATURE

TITLE

DATED

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 20, 2020

RECEIVED OF Blooming Valley Dairy LLC 1515 Windermere Circle Brookings SD 57006

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

Fee for Application for Permit No. <u>8438-3</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>8438-3</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 Eric Gronlund
Chief Engineer

um



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8438-3, Blooming Valley 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. 8438-3, Blooming Valley Dairy LLC, c/o Joshua TeVelde, 1515 Windermere Circle, Brookings SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 8438-3 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. 8438-3 and Water Right No. 6100-3 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. 8438-3 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. 8438-3 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. 8438-3 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 Prairie Coteau aquifer.
6. Water Permit No. 8438-3 authorizes a total annual diversion of 120 acre feet of water from the Prairie Coteau aquifer.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund, Chief Engineer
October 20, 2020

**Report to the Chief Engineer
Water Permit Application No. 8438-3**

Blooming Valley Dairy, LLC
27 September 2020

Water Permit Application No. 8438-3 seeks an additional 0.289 cubic feet of water per second (cfs) to the amount authorized by Water Right No. 6100-3 and to replace two wells. Water Right No. 6100-3 authorizes 0.267 cfs from four wells located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10-T121N-R52W. This application requests to replace the two wells located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 with two wells completed into the Prairie Coteau Aquifer (100 ft deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; all in T121N-R52W. This application, if approved, will authorize a total annual withdrawal of 120 acre-feet of water from the two proposed wells and a maximum instantaneous diversion rate of 0.556 cfs from all four wells for commercial use at an existing dairy located in the SW $\frac{1}{4}$ Section 10-T121N-R52W within boundaries of the former Lake Traverse Reservation. This site is located approximately 6 miles southwest of Summit and approximately 4 miles south of Ortle, South Dakota.

Aquifer: Prairie Coteau (PCO)

Hydrogeologic characteristics

The Prairie Coteau aquifer is a discontinuous system of Quaternary Period sand and gravel outwash encountered in the Coteau des Prairies between altitudes of approximately 1,600 and 1,800 ft [1]. The depth to and thickness of these deposits can vary widely [2] [3]. In the area of this application, the North management unit of the Big Sioux aquifer appears to have some hydrologic connection to the Prairie Coteau aquifer [2] [3] [4]. The aerial extent of the portion of the Prairie Coteau aquifer that this application proposes to withdraw from was delineated by Stonesifer in 2013 [5]. Stonesifer estimated the approximate area of this portion of the Prairie Coteau aquifer to extend over 184,500 acres in Roberts, Grant, Codington, Deuel, and Hamlin counties [5]. Two well completion reports were submitted with this application. The one completed on 23 May 2005 encountered topsoil from 0 to 2 feet, sand from 2 to 4 feet, clay from 4 to 92 feet, and sand and gravel from 92 to 100 ft below grade. The static water level at the time of drilling was 40 feet below grade. The well completed on 29 July 2008 encountered topsoil from 0 to 2 feet, clay from 2 to 163 feet, and sand from 163 to 177 feet below grade. The static water level at the time of drilling was 48 feet below grade. The applicant indicated in their application that they intended to plug and abandon the 29 July 2008 well and another well that was 200 feet deep and drill two new wells approximately 100 feet deep in the SE $\frac{1}{4}$ of Section 10-T121N-R52W. The Prairie Coteau aquifer can occur at significantly different depths in different places [2] [3], so the presence of saturated aquifer materials at the depths and locations the applicant proposes in their application to put wells 5 and 6 is not guaranteed. Based on the well completion reports submitted and other well completion reports [2] and lithologic logs [3] on file with DENR, the Prairie Coteau aquifer is under confined conditions in the area of this application.

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17), and the Prairie Coteau aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of Water

Hydrologic budget

Recharge

Recharge to the Prairie Coteau aquifer is likely by infiltration from precipitation and surface water features and groundwater inflow from hydrologically connected aquifers when the potentiometric surface of those aquifers is higher than the potentiometric surface of the Prairie Coteau aquifer. In their evaluation of groundwater resources of eastern South Dakota, Hedges, Allen, and Holly recommended using a recharge rate between 0.15 and 0.6 inches per year applied over the acreage of a buried, confined aquifer [6]. Given the 184,500 acres of contiguous aquifer delineated by Stonesifer [5], that means the estimated average annual recharge of this portion of the Prairie Coteau aquifer is between approximately 2,300 and 9,200 ac-ft/yr.

Discharge

Natural discharge from the Prairie Coteau aquifer is likely by groundwater outflow to adjacent aquifers or surface water features when the potentiometric surface of the aquifer is higher than the potentiometric surface of the other aquifers or stage of adjacent surface water features. The other major source of discharge from the Prairie Coteau aquifer is by domestic and appropriative well withdrawals. Because of their low pump rate, domestic wells are assumed to account for a negligible amount of the withdrawals in the aquifer. There are 29 water rights/permits withdrawing from the Prairie Coteau aquifer within the boundaries delineated by Stonesifer [5], shown in Table 1 [7]. Three of those water rights/permits are for commercial use and the other 26 are for irrigation. Irrigation reported (in ac-ft/yr) from the portion of the aquifer delineated by Stonesifer [5] over the period of record is shown in Figure 1 [8]. The average irrigation over the period of record, including irrigation reported from cancelled or incorporated Water Right/Permit Nos. 3227-3, 4588-3, 4637-3, 5166-3, and 5327-3, from 1979 to 2019 is 1,005 ac-ft/yr [8]. However, irrigation practices and methods have changed and the number of permits in this

Report on Water Permit Application No. 8438-3

portion of the aquifer has gone from 16 in 2010 to 26 in 2014 [7]. Given the increase in the number of irrigation water rights recently and the change in behavior of irrigators, it is not appropriate to use the average irrigation over the period of record. The average irrigation reported over the last 10 years of record (2010 through 2019) is 1,627 ac-ft/yr [8].

Of the three water rights/permits for commercial use in this portion of the aquifer, Water Permit No. 8194-3, held by Lakeside Dairy, is required to report its annual withdrawal and has a maximum annual withdrawal limit of 275 ac-ft/yr. They reported withdrawing 0.33 ac-ft in 2016, 1.8 ac-ft in 2017, 1 ac-ft in 2018, and 3 ac-ft in 2019 [9]. Since this permit is fairly new and its reported withdrawals tend to increase from year to year, for this hydrologic budget they are conservatively assumed to withdraw their full permitted volume of 275 ac-ft/yr. The other two commercial water rights are assumed to pump at their maximum instantaneous withdrawal rate 60% of the time, for a total withdrawal of 130 ac-ft/yr between the two of them [7].

Table 1: Active water rights/permits in the portion of the Prairie Coteau aquifer delineated by Stonesifer [5]

Permit No.	Name/Business	County	Priority	Status	Use Type	Withdrawal Rate (cfs)	Permitted/Licensed Acres
3229-3	Don Endres	Codington	1976-08-20	License	Irrigation	2.660	224.0
4184-3	Jabe Kahnke	Grant	1977-10-27	License	Irrigation	2.670	243.0
4417-3	Falk Farms Inc	Codington	1975-04-29	License	Irrigation	6.000	770.0
4588-3A	Don Endres	Codington	1980-12-04	License	Irrigation	1.770	170.0
4749-3	A M Farms Inc	Codington	1981-05-01	License	Irrigation	3.770	264.0
5165-3	Jeff L & Lynae Grabow	Codington	1987-11-18	License	Irrigation	1.770	132.0
5166A-3	John T Nordgaard	Codington	1988-03-02	License	Irrigation	1.870	131.0
5166B-3	Northern Con-Agg Inc	Codington	1988-03-02	License	Irrigation	0.840	59.0
5174-3	Donald L Endres	Codington	1988-03-02	License	Irrigation	1.770	130.0
5271B-3	Warren Falk	Grant	1989-01-24	License	Irrigation	1.000	132.0
5376-3	Donald L Endres	Codington	1989-12-18	License	Irrigation	1.110	83.0
5378-3	Endres Family Trust	Grant	1990-01-06	License	Irrigation	1.000	70.0
5807-3	Michael John Meyer	Codington	1994-03-04	License	Irrigation	1.000	95.0
6100-3	Norswiss Dairy	Grant	1998-08-20	License	Commercial	0.267	0.0
6533-3	Bitter Sweet Lodge	Grant	2004-08-12	License	Commercial	0.033	0.0
6906-3	Tim J Grabow	Codington	2007-10-11	Permit	Irrigation	0.000	180.0
6907-3	Jeff L Grabow	Codington	2007-10-11	Permit	Irrigation	4.000	440.0
7036-3	James & Johnnylee Wohleber	Grant	2008-05-30	License	Irrigation	2.000	130.0
7065-3	James Amdahl	Grant	2008-09-11	Permit	Irrigation	3.780	264.0
7242-3	Rollin J Morehouse	Grant	2011-06-27	License	Irrigation	4.000	287.0
7305-3	Tim Grabow	Codington	2012-01-05	Permit	Irrigation	1.570	110.0
7351-3	Michael John Meyer	Codington	2012-04-23	Permit	Irrigation	0.680	0.0
7680-3	Falk Farms Inc	Grant	2013-02-04	Permit	Irrigation	2.000	140.0
7681-3	Michael Johnson	Codington	2013-01-28	Permit	Irrigation	1.560	133.7
7682-3	Michael Johnson	Codington	2013-01-28	Permit	Irrigation	1.330	137.2
7783-3	Marvin Amdahl	Grant	2013-02-19	Permit	Irrigation	1.780	132.0
8076-3	Tim Grabow	Codington	2015-01-09	Permit	Irrigation	0.520	33.0
8077-3	Jeff Grabow	Codington	2015-01-09	Permit	Irrigation	1.040	66.0
8194-3	Lakeside Dairy	Grant	2016-01-09	Permit	Commercial	0.446	0.0

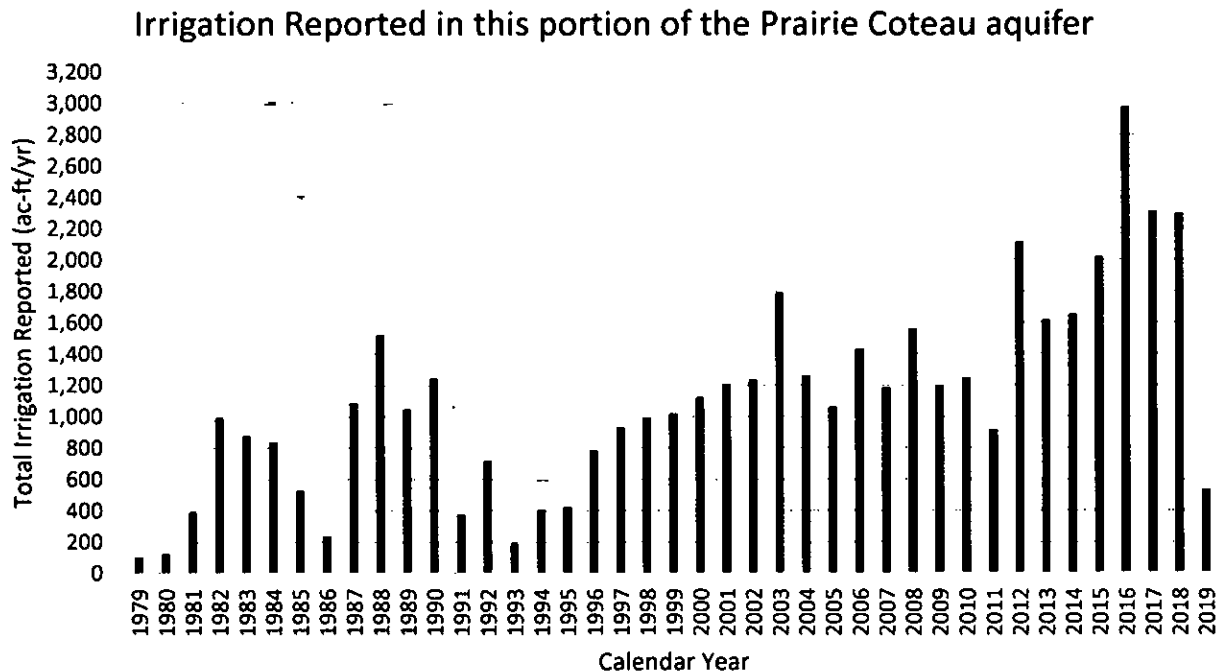


Figure 1: Irrigation reported in the portion of the Prairie Coteau aquifer delineated by Stonesifer [5] [8].

Balance of hydrologic budget

The recharge to the portion of the Prairie Coteau aquifer delineated by Stonesifer [5] is estimated to be between 2,300 and 9,200 ac-ft/yr [6]. The total estimated withdrawal is at most 2,032 ac-ft/yr [7] [8] [9]. This application seeks to withdraw 120 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation wells

Pursuant to Administrative Rule of South Dakota (ARSD) 74:02:05:07, the Water Management Board must rely upon the record of observation wells, in addition to other information, to determine that the quantity of water withdrawn from the aquifer does not exceed the estimated average annual recharge to the aquifer. The Water Rights Program maintains 13 observation wells completed into the portion of the Prairie Coteau aquifer delineated by Stonesifer [5] [4]. The nearest observation well completed into the same portion of the Prairie Coteau aquifer as this application is GT-79A, located approximately 1.5 miles east of the site the applicant proposes to add two wells and approximately 2 miles east of the wells the applicant intends to retain from Water Right No. 6100-3 [4]. The next nearest observation well to this application is GT-77C, located approximately 2.2 miles south of the wells the applicant intends to add and the ones they intend to retain from Water Right No. 6100-3 [4]. Figure 2 and Figure 3 show water level readings for those two wells, which are representative of the behavior of water levels in that portion of the Prairie Coteau aquifer [4]. Water levels decline due to seasonal pumping every summer, especially as the aquifer has become more developed [4] [7]. However, water levels recover after seasonal pumping stops and the aquifer recharges in the spring. Springtime water

levels, which reflect the long-term conditions of the aquifer, increase during wet periods and decline during dry periods [10]. Therefore, since the long-term conditions of the aquifer are dominated by the impacts of climate and not withdrawals, there is reasonable probability unappropriated water is available for this application.

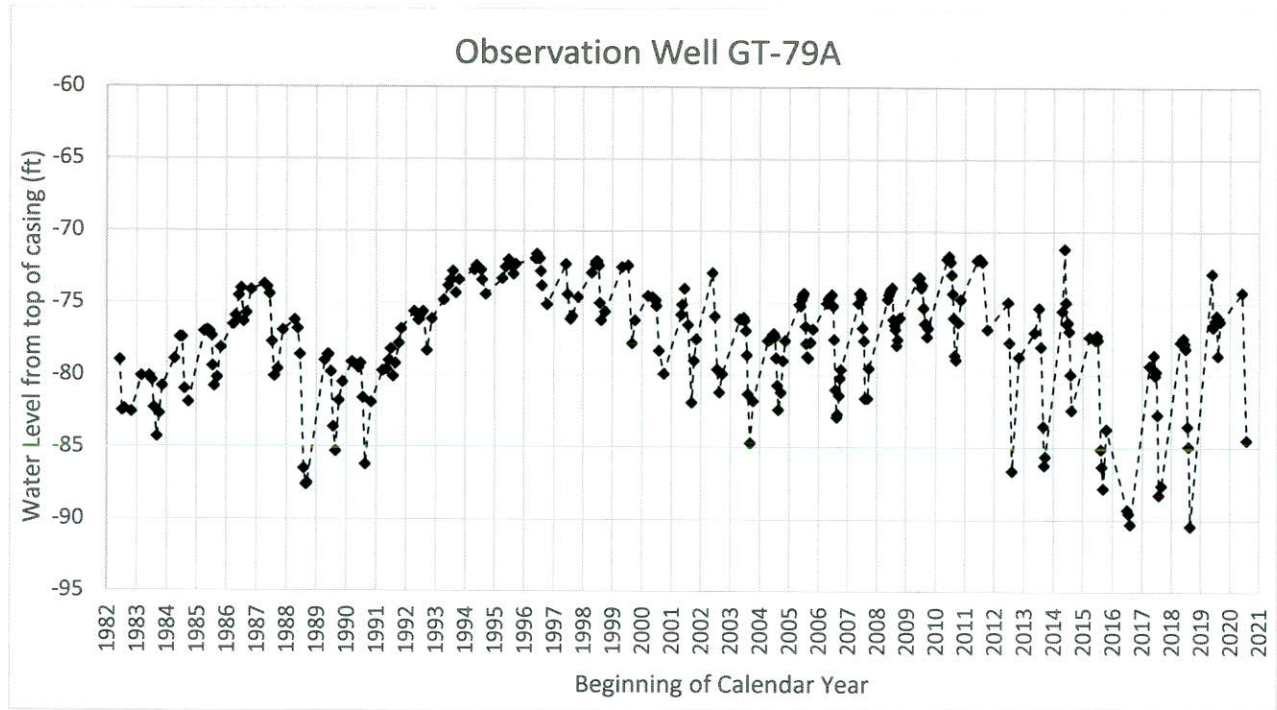


Figure 2: Water level readings from Observation Well GT-79A [4]

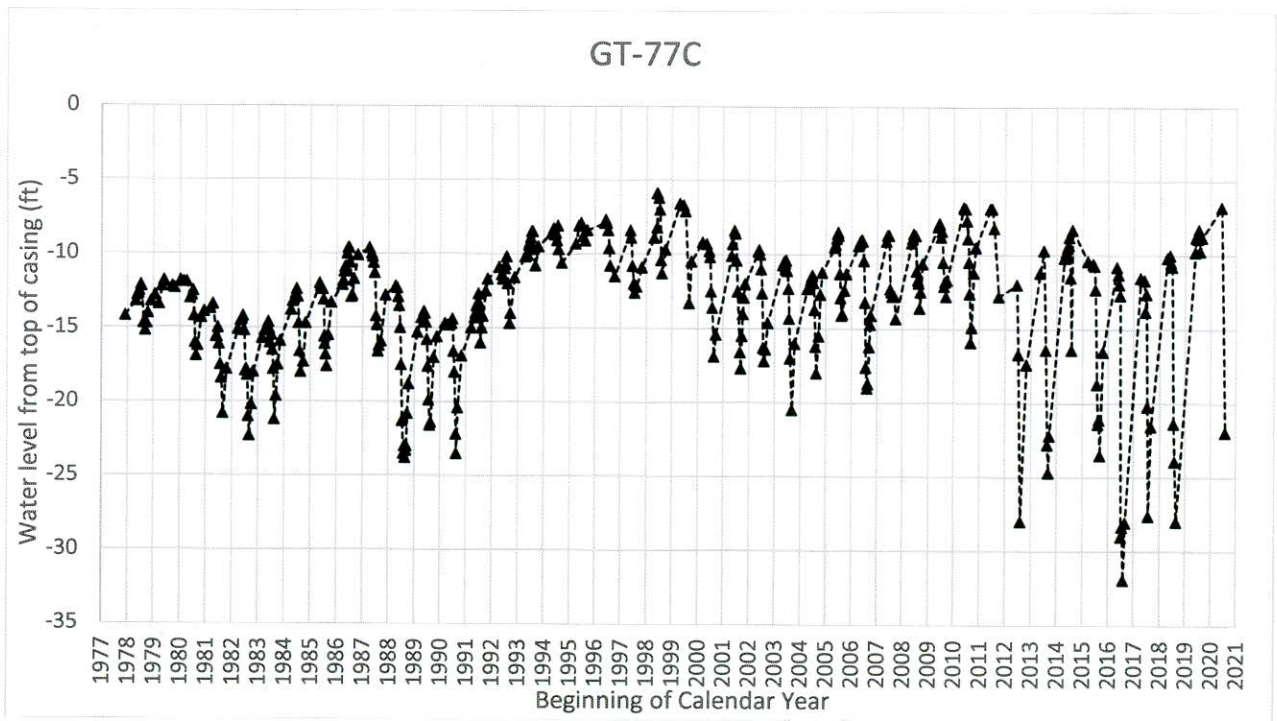


Figure 3: Water level readings from Observation Well GT-77C [4]

Existing Users

The nearest water right in same portion of the Prairie Coteau aquifer to the applicant is Water Permit No. 8194-3, located approximately 4 miles southwest of this application. The nearest domestic wells on file with the Water Rights Program that are in the same portion of the Prairie Coteau aquifer as this application are located in E ½ of Section 10 T121N-R52W and were drilled for John Seffrood of NorSwiss Dairy [2]. The location of these wells is given to the nearest quarter-quarter to the well driller's best knowledge, so their precise locations are not known to the Water Rights Program. Based on NAIP imagery [11], if the nearest well drilled for Mr. Seffrood is located near the southern-most homestead on the road between Sections 10 and 11 of T121N-R52W, then it is approximately 0.4 miles from the nearest well location proposed by the applicant. Since the aquifer is under confined conditions in this area, some drawdown is likely to occur. To protect domestic well users, ARSD 74:02:04:20(7) defines an adversely impacted domestic well as:

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

In the Water Management Board hearing on the matter of Water Permit Application No. 2313-2 for Coca Cola Bottling Company, the Board determined that in order to put the waters of the state to maximum beneficial use, drawdown must be allowed and that lowering a pump is not considered an adverse impact to a well [12]. There are no complaints on file with the Water Rights Program concerning well interference in this portion of the Prairie Coteau aquifer in Grant County, although there are numerous in Codington County, one in Day County, and one in Roberts County [13]. Investigations of those complaints did not confirm any past adverse impacts of adequate wells [13]. Based on the lack of adverse impacts of adequate wells in the area, there is reasonable probability this application can be developed without impairment of existing water rights or adequate domestic wells. However, out of an abundance of caution, the applicant should control their withdrawals so that nearby adequate wells are not adversely impacted.

Conclusions

1. Water Permit Application No. 8438-3 seeks to withdraw an additional 120 ac-ft/yr with an additional 0.289 cfs to the amount authorized by Water Right No. 6100-3 and to replace two wells authorized by Water Right No. 6100-3.
2. Water Right No. 6100-3 appropriates 0.267 cfs from four wells in the Prairie Coteau aquifer located in W ½ SW ¼ Section 10-T121N-R52W within the boundaries of the former Lake Traverse Reservation.
3. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application can be developed without unlawful impairment to existing water rights or adequate domestic wells.



Kimberly C. Drennon, Natural Resources Engineer
DENR Water Rights Program

References

- [1] R. F. Thompson, "Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota," United States Geological Survey, Rapid City, South Dakota, 2001. Water-Resources Investigation 01-4219.
- [2] SD Water Rights, "Well Completion Report Database," Joe Foss Bldg., Pierre, 2020.
- [3] SD Geological Survey, "Lithologic logs," Vermillion, South Dakota, 2020.
- [4] SD Water Rights, "Observation wells," Pierre, South Dakota, 2020.
- [5] J. R. Stonesifer, "Report to the Chief Engineer on Water Permit Application No. 7629-3," SD DENR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2013.
- [6] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985. Contract DACW 45-80-C-0185.
- [7] SD Water Rights, "Water right/permit files," Pierre, South Dakota, 2020.
- [8] SD Water Rights, "Irrigation reports," SD DENR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2019.
- [9] SD Water Rights, "Non-irrigation yearly reports," SD DENR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2019.
- [10] NOAA, "Climate at a Glance - Divisional Time Series for South Dakota Region 3," NOAA, 1 September 2020. [Online]. Available: <https://www.ncdc.noaa.gov/cag/divisional/time-series>. [Accessed 2 September 2020].
- [11] NAIP, "National Geospatial Data Asset (NGDA) NAIP Imagery," USDA-FSA-APFO Aerial Photography Field Office, Salt Lake City, Utah, 2017.
- [12] South Dakota Water Management Board. *On the Matter of Water Permit Application No. 2313-2 for Coca-Cola Bottling Company*, 1995.
- [13] SD Water Rights, "County Files," SD DENR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2020.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 20, 2020 8:32 AM
To: Josh teVelde (josh_tevelde@yahoo.com)
Subject: Water Permit Application No. 8438-3
Attachments: 0094.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



RECEIVED

NOV 02 2020

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SSI, Jackie Wettstadcertify that the attached printed Notice was
takenfrom the Watertown
Public Opinionprinted and published in Watertown
County of Codington andstate of South Dakota. The notice was
published

in the newspaper on the following date:

October 28, 2020Cost of Printing \$52.44Jackie Wettstad
(Signature)Office Manager
(Title)10-28-2020
(Date Signed)DENR WATER
RIGHT PROGRAM

NOTICE OF APPLICATION NO. 8438-3

to Appropriate Water

Notice is given that Blooming Valley Dairy LLC, c/o Joshua TeVeld, 1515 Windermere Circle, Brookings SD, 57006 has filed an application for a water permit to appropriate 120 acre-feet of water annually and to increase the diversion rate authorized by Water Right No. 6100-3 by 0.289 cubic feet of water per second (cfs) plus replace two wells. Water Right No. 6100-3 authorizes 0.267 cfs from four wells located in the W 1/2 SW 1/4 Section 10-T121N-R52W. This application requests to replace the two wells located in the SW 1/4 SW 1/4 Section 10 with two wells to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 10; all in T121N-R52W. This application, if approved, and Water Right No. 6100-3 will authorize a maximum pump rate of 0.556 cfs from four wells for commercial use at an existing dairy located in the SW 1/4 Section 10-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. This site is located approximately 6 miles southwest of Summit SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8438-3 with qualifications because 1) an 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 November 9, 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 \$47.44.

52.44 (October 28, 2020)

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Ashlie Schweitzer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8438-3 to appropriate water, Blooming Valley

a printed copy of which, taken from the paper 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 each week for One successive week, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>October 28</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That \$ 30.38, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 28th day of Oct 2020

Debra Hemmer
Notary Public, Grant County, South Dakota

RA HEMMER
NOTARY PUBLIC
SOUTH DAKOTA

Publication Fee	\$ <u>30.38</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>30.38</u>

NOTICE OF APPLICATION NO. 8438-3 TO APPROPRIATE WATER

Notice is given that Blooming Valley Dairy LLC, c/o Joshua TeVelde, 1515 Windermere Circle, Brookings SD 57006 has filed an application for a water permit to appropriate 120 acre-feet of water annually and to increase the diversion rate authorized by Water Right No. 6100-3 by 0.289 cubic feet of water per second (cfs) plus replace two wells. Water Right No. 6100-3 authorizes 0.267 cfs from four wells located in the W 1/2 SW 1/4 Section 10-T121N-R52W. This application requests to replace the two wells located in the SW 1/4 SW 1/4 Section 10 with two wells to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 10; all in T121N-R52W. This application, if approved, and Water Right No. 6100-3 will authorize a maximum pump rate of 0.556 cfs from four wells for commercial use at an existing dairy located in the SW 1/4 Section 10-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. This site is located approximately 6 miles southwest of Summit SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8438-3 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 November 9, 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 an approximate cost of \$30.38.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 20, 2020 8:21 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 8438-3, Blooming Valley Dairy LLC
Attachments: 8438-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 28, 2020.

Blooming Valley Dairy LLC, c/o Joshua TeVelde, 1515 Windermere Circle, Brookings SD 57006 (559 805-3271) 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

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 20, 2020 8:21 AM
To: 'legals@thepublicopinion.com'
Subject: 8438-3, Blooming Valley Dairy LLC
Attachments: 8438-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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.**

October 20, 2020

Blooming Valley Dairy LLC
c/o Joshua TeVelde
1515 Windermere Circle
Brookings SD 57006

Dear Mr. TeVelde:

Water Permit Application No. 8438-3 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 Grant County Review printed at Sisseton SD (Ph # 605 432-4516) and the Public Opinion printed at Aberdeen SD (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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.

NOTICE OF APPLICATION NO. 8438-3 to Appropriate Water

Notice is given that Blooming Valley Dairy LLC, c/o Joshua TeVelde, 1515 Windermere Circle, Brookings SD 57006 has filed an application for a water permit to appropriate 120 acre-feet of water annually and to increase the diversion rate authorized by Water Right No. 6100-3 by 0.289 cubic feet of water per second (cfs) plus replace two wells. Water Right No. 6100-3 authorizes 0.267 cfs from four wells located in the W 1/2 SW 1/4 Section 10-T121N-R52W. This application requests to replace the two wells located in the SW 1/4 SW 1/4 Section 10 with two wells to be completed into the Prairie Coteau Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 10; all in T121N-R52W. This application, if approved, and Water Right No. 6100-3 will authorize a maximum pump rate of 0.556 cfs from four wells for commercial use at an existing dairy located in the SW 1/4 Section 10-T121N-R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. This site is located approximately 6 miles southwest of Summit SD.

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Published once at the total approximate cost of_



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOV 24 2020

Blooming Valley Dairy LLC
c/o Joshua TeVelde
1515 Windermere Circle
Brookings SD 57006

Dear Mr. TeVelde:

Enclosed is Water Permit No. 8438-3 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,

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

enclosures

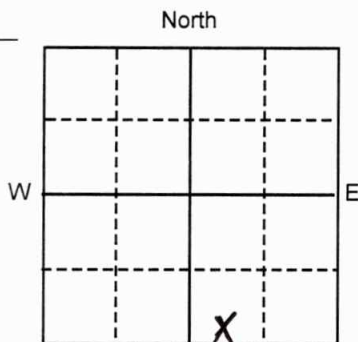
8438-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10 Twp 121 Rg 52County Grant

Please mark well location with an "X"



Well Completion Date

February 3, 2021

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	0.0 FT	211.0 FT	12.00 IN
LB/FT	8.00 IN	224.0 FT	234.0 FT	12.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	12	Lb/gal	0.0 Ft	190.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 8.00 Inches Length 13.0 Feet
 Material Stainless Steel
 Slot Size 30 Set From 211.0 Feet to 224.0 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? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Josh TeveldeBusiness Name: Blooming Valley DairyAddress: 45240 146th StCity, State, Zip: Summit SD 57266

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
Top soil			0	1
Clay	Tan	Med	1	80
Clay	Gray	Hard	80	163
Sand	Tan		163	169
Rock	Tan	V. Hard	169	170
Clay	Gray	Hard	170	209
Sand	Tan/Gray		209	224
Clay	Gray	Hard	224	234

STATIC WATER LEVEL 73.0 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: Recovery after 18.36hrs 74.129'
☐ Bailed
☐ Other

Pumping Level Below Land Surface

119.6 Ft. After 2.0 Hrs. pumped 235.0 GPM126.7 Ft. After 24.0 Hrs. pumped 235.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

TH #2

GPS: 45 16 7.00N
97 09 8.50WThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 23 2021

Date: _____

WATER RIGHTS
PROGRAM

8438-3

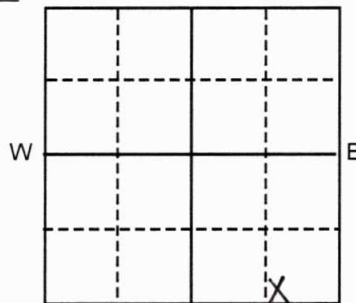
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 10 Twp 121 Rg 52County Grant

North

Please mark well location with an "X"



Well Completion Date

February 4, 2021

← 1 Mile →

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	0.0 FT	158.0 FT	12.00 IN
LB/FT	8.00 IN	178.0 FT	187.0 FT	12.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	8	Lb/gal	0.0 Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 20.0 FeetMaterial Stainless SteelSlot Size 30 Set From 158.0 Feet to 178.0 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? Chlorine☐ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

Well Owner: Josh TeveldeBusiness Name: Blooming Valley DairyAddress: 45240 146th StCity, State, Zip: Summit SD 57266

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Clay Tan Med	1	45
Clay Gray Hard	45	80
Clay Tan Med	80	115
Clay Gray Hard	115	158
Sand Tan/Gray	158	177
Clay Gray Hard	177	187

STATIC WATER LEVEL 47.0 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: Recovery after 5.10hrs 48.944'☐ Bailed☐ Other

Pumping Level Below Land Surface

56.1 Ft. After 2.0 Hrs. pumped 235.0 GPM59.4 Ft. After 24.0 Hrs. pumped 235.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

TH #3

GPS: 45 16 7.00N
97 08 55.70WThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

DEC 23 2021

Date: _____

WATER RIGHTS
PROGRAM



DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

February 8, 2024

Eric Gronlund
South Dakota DENR Water Rights
523 East Capitol
Pierre, SD 57501

RECEIVED

SEP 16 2024

OFFICE OF
WATER

Re: Blooming Valley Dairy, Grant County, SD
DEC Project No. 1114

Dear Mr. Gronlund:

Please find included with this letter materials regarding the addition of a withdrawal point to the existing water rights permits at the above referenced project site.

Blooming Valley Dairy is currently served by numbers 6100-3 and 8438-3. The last installed wells are numbered 5 and 6, as detailed in application 8438-3.

The applicant desires to install an additional withdrawal point, labelled as proposed well #7 on the attached site map. This well would serve as a backup for the existing wells, and would be constructed into the Prairie Coteau Aquifer using construction details similar to the existing wells. The proposed well would be utilized if one of the existing wells is out of service. No additional amount or flow rate of water is being applied for as part of this request.

We hope you will find the enclosed information adequate for review. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer



DATE: 9/16/24
DRAWN: RR
CHECKED: BF
DWG: 1

SCALE:
1"=600'
JOB NO:
1114

WATER RIGHTS MAP

BLOOMING VALLEY DAIRY LLC

DAKOTA ENVIRONMENTAL INC. P.O. BOX 636 HURON, SD 57350 605-352-5610

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

Name: Blooming Valley Dairy

Date: September 17, 2024

Address: 1515 Windermere Circle, Brookings SD 57006

County: Grant

General Description of Authorized Project: Water Right No. 6100-3 authorizes the appropriation of 0.267 cfs from four wells for commercial use at a dairy. Water Permit No. 8438-3 authorized the plugging of wells #1 & #2, completion of replacement wells #5 & #6, and appropriation an additional 120 acre-feet, at a maximum rate of 0.289 cfs. Water Right No. 6100-3 & Permit No. 8438-3 authorize a maximum combined diversion rate of 0.556 cfs from Well #3, #4, #5, and #6. All wells are completed into the Prairie Coteau Aquifer (PCO) and located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N, R52W.

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

Developed Water Source is the Same is Permitted, with no Additional Appropriations: The permit holder has submitted a request for the development of an additional well (Well # 7) to be used as a backup source in the event that one of the existing wells be out of service. The new well will be completed into the same source as permitted (PCO) and located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N-R52W. No additional diversion is requested or authorized.

Review of Existing Diversions: There are 7 existing permit/rights located within 2 miles of the proposed well, only one of which also authorizes appropriations from the PCO (8499-3 Norswiss Dairy Inc) located 0.6 miles to the northeast. The next closest permit authorizing diversion from the PCO is located 2.4 miles east (8505-3 Dakota range III O&M). It was determined during the review of Permit No. 8438-3 that there was reasonable probability any well interference due to pumping would not adversely or unlawfully impair existing rights. The same would be expected for the new well proposed to be used as a backup source.

The nearest domestic well completed into the same source (PCO) is owned by Norswiss Dairy Inc (8499-3) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T121N, R53W, approx. 0.6 miles northeast of the proposed well. The next nearest domestic well, not tied to a water permit/right is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T121N, R52W, on property owned by Kristopher Bronson, according to Regrid. The proposed well is located approximately 1 mile northwest of Bronson's well.

The location of the domestic wells in the Well Completion Database, maintained by the Water Rights Program, is based on the location listed by the well driller on the well completion report.

Recommended Action: Based on the above criteria, it is recommended that the request for additional diversion point (Well #7) be granted, with no increase to the rate of diversion.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01 that: The additional diversion 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

SEP 18 2024

6100-3
8438-3

Blooming Valley Dairy
c/o Joshua Tevelde
1515 Windermere Cir
Brookings SD 57006

Dear Mr. Tevelde:

This letter is in regard to a recent request, submitted on behalf of Blooming Valley Dairy, for an additional diversion point to be authorized under Water Right No. 6100-3 and Water Permit No. 8438-3.

The map submitted with the request indicated that the new well (Well #7) will be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T121N, R52W, Grant County. The request was made for the new well to be operated as a backup source in the event that one of the existing wells be out of service.

Water Right No. 6100-3 and Water Permit No. 8438-3 authorizes a combined appropriation of up to 313.1 acre-feet, with a maximum diversion rate of 0.556 cfs, from four wells for commercial use in dairy cattle facility.

Upon review of the request and pursuant to SDCL 46-5-13.1, the addition of Well #7 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase to the annual appropriation or the maximum diversion rate is authorized by the approval of this request.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

NOTE: Any well must be located no less than 100 feet from a pollutant source, such as wastewater ponds.

Cc: Dakota Environmental Inc, c/o Brian Friedrichsen PE, PO Box 636, Huron SD 57350

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 8438-3**

I have this day, August 9, 2024, made a thorough examination of the water use system constructed by Blooming Valley Dairy LLC, 1515 Windermere Circle, Brookings, SD 57006 of Water Right No. 6100-3, bearing the priority date of August 20, 1998 authorizing the diversion of 0.267 cu. Ft. per second of the waters of the Prairie Coteau Aquifer for commercial dairy purposes and Permit No. 8438-3, bearing the priority of August 20, 2020 authorizing the increased diversion of 0.289 cu. ft. per second of the waters of the Prairie Coteau Aquifer for commercial dairy purposes, in Grant County.

A. Works used to divert the water:

Well Information: 2 wells authorized by PE 8438-3 & 2 wells from RT 6100-3. The 2 original wells from RT 6100-3 = 30 gpm each (60 total) GPM

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells 2
- 3) Depth(s) 224 (W) & 178 (E) feet
- 4) Well log is available Y If no, explain in comments

Casing:

- 1) Diameter 8 inches
- 2) Length 211 & 158 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 13 & 20 feet
- 3) Static water level 73 & 47 feet

Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 200 each (400 total) GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 15 & 20 hp

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

Type Buried PVC 2) Size 6 inches 3) Length 1700 feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y/N

If no, describe: SEE COMMENTS – SECTION F

- 2) Exceptions to compliance are: None

E. Condition and Location:

The system is in excellent condition with the point(s) of diversion located as follows:

Well 3: 2,600 feet N and 60 feet E from the SW corner of Section 10, T121N, R52W
(NW ¼ SW ¼) (Latitude 45.27556 and Longitude -97.16467)

Well 4: 2,340 feet N and 50 feet E from the SW corner of Section 10, T121N, R52W
(NW ¼ SW ¼) (Latitude 45.27462 and Longitude -97.16478)

Well 5: 2,100 feet W and 75 feet N from the SE corner of Section 10, T121N, R52W
(SW ¼ SE ¼) (Latitude 45.26857 and Longitude -97.15234)

Well 6: 1,320 feet W and 110 feet N from the SE corner of Section 10, T121N, R52W
(SE ¼ SE ¼) (Latitude 45.26865 and Longitude -97.14890)

1. The works are capable of diverting and conveying to the place of use 1.024 cu. ft. per second of water which is to be used for commercial dairy use.

the license should be issued for 0.556 cfs.

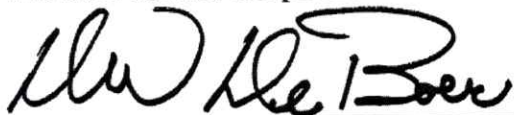
2. All structures, wells and lands on map Y

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

FSA imagery and the ArcGIS software were used to make the facility map.

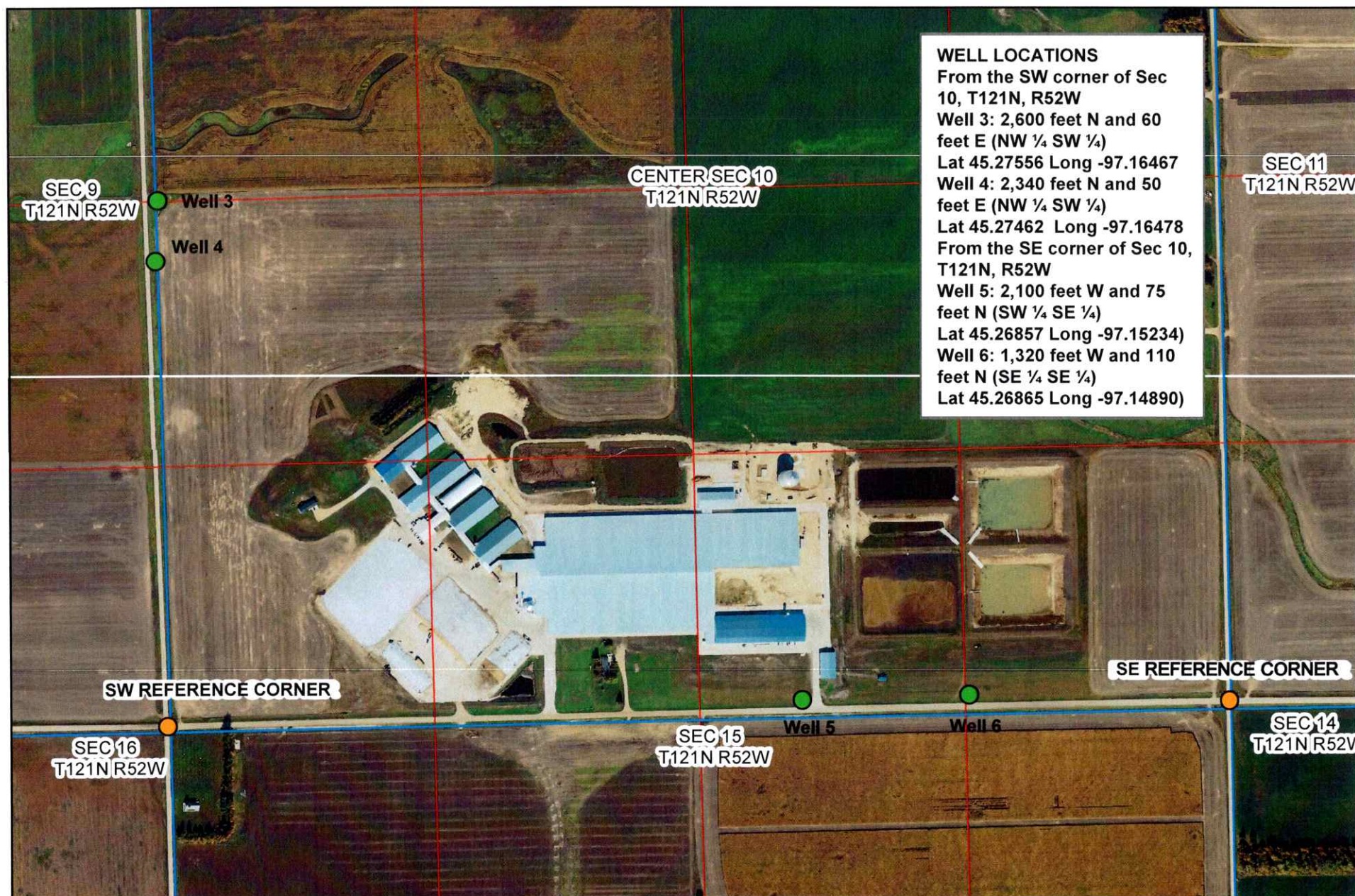
Mr. Josh TeVelde (559/805-3271) is the contact person for the permit and conversed with me on the phone during the field visit. He said 2 original wells authorized by 6100-3 are capable of 30 gpm each, 2 new wells drilled under 8438-3 are capable of 200 gpm & well flows are controlled by the dairy's water use system combining flows on a rotation for a maximum diversion rate of 250 gpm.

The address and the phone number on the application materials are current.



Darrell DeBoer, Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 12, 2024



0 550 1,100 2,200 3,300 4,400 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 15 2025

Blooming Valley Dairy LLC
c/o Joshua Tevelde
1515 Windermere Circle
Brookings, SD 57006

No. 8438-3

Dear Mr. Tevelde:

Enclosed is Water License No. 8438-3. 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,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

The applicable portions of Water Right No. 6100-3 have been incorporated into Water Right No. 8438-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8438-3

(1) Water Right No. 6100-3, held by Blooming Valley Dairy LLC, 1515 Windermere Circle, Brookings, SD 57006, with a priority date of August 20, 1998, authorizes the diversion of 193.24 acre-feet of water annually at a maximum pump rate of 0.267 cubic feet of water per second from groundwater, four wells (Prairie Coteau Aquifer), for commercial use at a dairy. The applicable portions of Water Right No. 6100-3 are incorporated into this license and previously established priority dates will be retained.

On August 20, 2020, Blooming Valley Dairy LLC made Application No. 8438-3, for a water permit to appropriate an additional 120 acre-feet of water annually and increase the diversion rate authorized by Water Right No. 6100-3 by an additional 0.289 cubic feet of water per second, for commercial use at a dairy. Permit No. 8438-3 also authorized the replacement of two wells (Prairie Coteau Aquifer) authorized by Water Right No. 6100-3. Permit No. 8438-3, with a priority date of August 20, 2020, was approved November 9, 2020, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 9, 2025, and for the application to beneficial use of water on or before November 9, 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 313.24 acre-feet of water annually at a maximum pump rate of 0.556 cubic feet of water per second for beneficial use. The location of the diversion points are: (*within former boundaries of the Sisseton Wahpeton Indian Reservation*)

- **Well 3:** 2,600 feet N and 60 feet E from the SW corner of Section 10, T121N, R52W (NW ¼ SW ¼) (Latitude 45.27556 and Longitude -97.16467)
- **Well 4:** 2,340 feet N and 50 feet E from the SW corner of Section 10, T121N, R52W (NW ¼ SW ¼) (Latitude 45.27462 and Longitude -97.16478)
- **Well 5:** 2,100 feet W and 75 feet N from the SE corner of Section 10, T121N, R52W (SW ¼ SE ¼) (Latitude 45.26857 and Longitude -97.15234)
- **Well 6:** 1,320 feet W and 110 feet N from the SE corner of Section 10, T121N, R52W (SW ¼ SE ¼) (Latitude 45.26865 and Longitude -97.14890)

(3). The water is to be used during the following described annual period: January 1 – December 31.

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

(5) Pursuant to South Dakota Water Law 46-5-30.1 Blooming Valley Dairy LLC, the holder and/or owner of Water Right No. 8438-3 is issued a license to appropriate water, the right to use 313.24 acre-feet of water annually at a maximum pump rate of 0.556 cubic feet of water per second from groundwater, four wells (Prairie Coteau Aquifer), with priority dates of August 20, 1998 (193.24 ac-ft & 0.267 cfs) and August 20, 2020 (120 ac-ft & 0.289 cfs), from the location specified in (2) of this license for commercial use at a dairy.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8438-3 and subject to the following qualifications:

1. The wells approved under Water Permit No. 8438-3 and Water Right No. 6100-3 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. 8438-3 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. *(The wells were drilled in 2021 by Steffl Drilling & Pump Inc. Copies of the well completion reports are on file with the Water Rights Program.)*
3. Water Permit No. 8438-3 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. 8438-3 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 Prairie Coteau Aquifer.
6. Water Permit No. 8438-3 authorizes a total annual diversion of 120 acre-feet of water from the Prairie Coteau Aquifer. *(The annual diversion has increased to 313.24 acre-feet of water from the Prairie Coteau Aquifer after Water Right No. 6100-3 has been incorporated.)*



Mark Mayer, PE
Director of Office of Water

5/15/25
date

