

WATER PERMIT NO. 8457-3

Name of Applicant: River Bend Dairy LLC

Address: John Bidart, 47853 236th St, Egan SD 57024

Phone: 661 978-2999

Amount of Water Claimed: 0.63 cfs

Total Acres: NA

Source of Water Supply: groundwater (1 existing well)

Water to be used for: commercial (dairy operation)

County: Moody

Type of Waste Disposal System:

Location: 8 miles south of Egan

PRIORITY Date Received: 10-15-20

Application/License Fee: \$ 1050

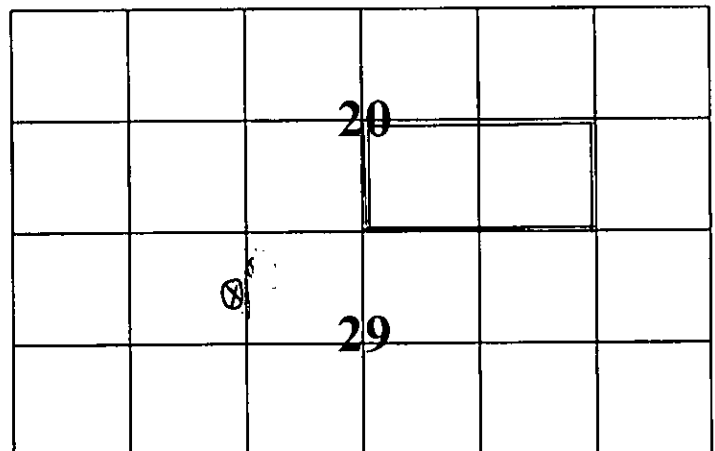
Corrected Application Received: 10-23-20

Period of Annual Use: Jan 1 – Dec 31

Remarks: Plan to utilize the well authorized by Water Right No. 6625-3 (15 gpm) also

Diversion Point: N 1/2 NW 1/4 Sec 29-T105N-
R48W

Facility Located: S 1/2 SE 1/4 Sec 20-T105N-
R48W



Depth of Well: 37 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-26-20

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8457-3**

Date of first receipt of application October 15, 2020.

Date of return to applicant for corrections, amendments or changes October 19, 2020.

Date of receipt of corrected application October 23, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8457-3 to River Bend Dairy LLC, c/o John Bidart, 47853 236th St, Egan SD 57024 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. 8457-3 appropriates 228 acre-feet of water annually at a maximum combined pump rate of 0.637 cubic feet of water per second (cfs) from two existing wells completed into the Big Sioux Moody aquifer (both wells approximately 40 feet deep) located in the N 1/2 NW 1/4 Section 29 for commercial use in a dairy operation to be located in the S 1/2 SE 1/4 Section 20; all in T105N-R48W. One of the existing wells is authorized by Water Right No. 6625-3 for commercial use in a feedlot. The existing 0.033 cfs appropriation covered by No. 6625-3 is being transferred by this permit to use in the proposed dairy operation. The other existing well is authorized for irrigation use under Water Right No. 7005-3 which is being abandoned to allow use of the well by the proposed dairy. This permit authorizes a new appropriation of 0.637 cfs and annual volume of 228 acre-feet, plus the existing 0.033 cfs and 23 acre-feet authorized by No. 6625-3, for a combined total appropriation of 0.67 cfs and 251 acre-feet annually for use in the proposed dairy. This site is located approximately 3 miles southeast of Trent 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. 8457-3 is December 28, 2020.
5. The date from which applicant may claim right is October 15, 2020.
6. One-fifth of the construction is to be completed on or before June 28, 2023.
7. All construction is to be completed on or before December 28, 2025.
8. Water is to be put to beneficial use on or before December 28, 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. 8457-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. Water Permit No. 8457-3 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. 8457-3 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 Big Sioux Moody aquifer.
5. Water Permit No. 8457-3 authorizes a total annual diversion of 228 acre-feet of water from the Big Sioux Moody aquifer.

WATER MANAGEMENT BOARD

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

JAN 19 2021

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8457-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Moody Co. Enterprise</u>	
	<u>Argus Leader</u>	

PAID
OCT 15 2020
Ck# 1403
RECEIVED
OCT 15 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 River Bend Dairy, LLC c/o John Bidart

Mailing Address 47853 236th Street Egan ☒ SD ☒ 57024
(Address) (City) (State) (Zip Code)

Phone 661-978-2999 Mobile _____ Email john@bidartdairy.com

2. Amount of water claimed 0.637 *CFS or 285 **GPM and 228 ***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 Two wells in the Big Sioux: Moody management unit

4. Location of point of diversion two wells in NW 1/4 Section 29 T105n R 48w 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? SE 1/4, Section 20 T105n R48w, (dairy operation)
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Moody County

6. Annual period during which water is to be used January 1 through December 31

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

This project is to support a dairy operation in the SE1/4 of Section ²⁰29, T105 R48, Moody County. We propose to use water from 2 existing licensed wells. The first is in NE NW of Section 29 T105N R48W under permit 6625-3, commercial use (livestock watering) presently permitted for 16 gpm. This well has been tested to 175 gpm. Well log attached. The second well is in the NW NW of Section 29, T105n T48W. This well is operating as a crop irrigation well under License 7005-3. This License currently authorizes 448 gpm. We propose replacing these permits with a new commercial permit totalling 300 gpm.

I, John Bidart MEMBER, 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 _____ 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 Lacey Well drilling, Lic. 111

For either Existing or Proposed Wells:

c) Well Depth (required) 41 Depth to Top of Water Bearing Material 29 Depth to Water from Surface 10

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

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)

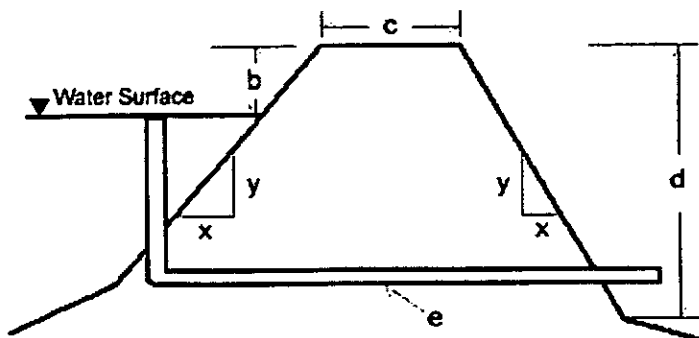
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

7005-3
07-92

Location W 1/4 NW 1/4 Sec 29 Twp 105-Mg 48-W
County Moody

Please mark well location with an "X"

W

X

E

North

1 Mile

Well Completion Date 7-12-08

Well Owner: Randall Ltd.
Business Name: Ronald Randall
Address: 47497 Spruce Ln
Dell Rapids, SD 57022

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Topsoil	0	1
Fine Sand	1	15
Mixed layers	15	30
Medium Sand	30	41

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from Lago (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:
Bucket - Air Casing

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC 40 LB/FT</u>	<u>14 IN</u>	<u>9 FT</u>	<u>25 FT</u>	<u>20 IN</u>
<u>SC 40 LB/FT</u>	<u>14 IN</u>	<u>±2 FT</u>	<u>9 FT</u>	<u>20 IN</u>
____ LB/FT	____ IN	____ FT	____ FT	____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Silica</u>	<u>6</u>	____ lb/gal	<u>0</u> ft	<u>15</u> ft
____	____	____ lb/gal	____ ft	____ ft

Describe grouting procedure Termis

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 14" IN Length 6' ± 6' FEET

Material Stainless Steel PVC

Slot Size 1080 Set From 383 Feet to 41 Feet 0.05

Other information 29'

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?
☒ YES, How _____
☐ NO, Why Not? Chlorine

Laboratory sent to for water quality analysis Prokings

STATIC WATER LEVEL 10' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

30' ft. After 2 Hrs. pumped 450 GPM

____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Good Well

RECEIVED
OCT - 6 2008
WATER RIGHTS PROGRAM

This well was drilled under license # 111

And this report is true and accurate

Drilling firm Lacey Well Drilling

Signature of License Representative: Jacques Riedler-Lacey

Signature of Well Owner or Equitable Property Holder: Ronald H. E. Toppus LLC by Ronald H. E. Toppus

Date 8-28-08

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Permit 6625-3

07-92

Location NW NE 1/4 Sec 29 Twp 105N Rg 48W
 County Moody

Well Owner: L. L. Randall

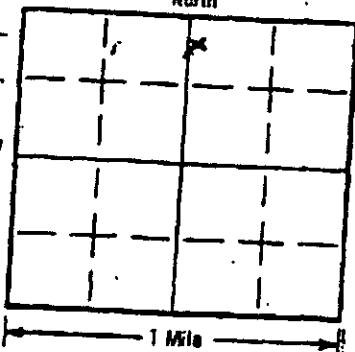
Business Name:

Address: 812 N Washington
Deer Rapids SD 57032

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Sandy topsoil</u>	<u>0</u>	<u>1</u>
<u>Brown sand</u>	<u>1</u>	<u>15</u>
<u>Medium sand +</u>	<u>15</u>	<u>37</u>
<u>GRAVEL LAYERS</u>		

Please mark well location with an "X"
570'S.E
NW CORNER
of NE 4



Well Completion Date

12-18-98

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1320 ft. from cattle yard (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING: Hydraulically forced
20' false casing

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 12" Sub 40

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

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
		lb./gal	ft	ft
		lb./gal	ft	ft

Describe grouting procedure TRENCH IN
DEPTORIC BELOW PITTLERS

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IN Length 71 FEET

Material PVC

Slot Size 040 Set From 30 Feet to 37 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorinated

☐ NO, Why Not? pack + fill

laboratory sent to for water quality analysis

SDSH

Nitrates 12 ppm

STATIC WATER LEVEL 15'4" Feet

If flowing: closed in pressure

GPM flow through

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe: 1 hr @ 175

☐ Bailed

9 PM

☐ Other

Pumping Level Below Land Surface

22 ft. After 1 Hrs. pumped 175 GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS - GOOD CLEAN WELL,
AWAY FROM EVERYTHING - left
CASING UP 18" ABOVE GROUND

This well was drilled under license # 111

And this report is true and accurate.

Drilling Firm LALEY WELL Drilling

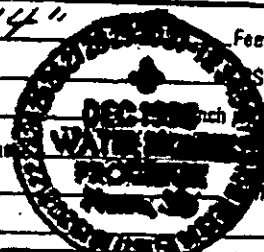
Signature of License Representative:

James J. Lacey

Signature of Well Owner or Equitable Property Holder:

L. L. Randall

Date: Dec 22-98



Troy Hamstead

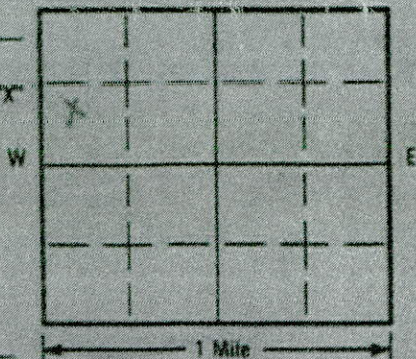
Permit 7005-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NW 1/4 Sec 29 Twp 105 N Rg 48 W
County Mood

Please mark well location with an "X"



Well Completion Date

1-11-07

Well Owner: Troy Randall

Business Name:

Address: 47918 24th St.

Box 1, SW 57000

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Sandy Topsoil</u>	<u>0</u>	<u>2</u>
<u>Fine Sand</u>	<u>2</u>	<u>25</u>
<u>Coarse Sand</u>	<u>25</u>	<u>37</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 300 ft. from feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Price Co. - bucket

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20 LB/FT</u>	<u>3 1/2 IN</u>	<u>12 FT</u>	<u>32 FT</u>	<u>20 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Sack</u>	<u>10</u>	<u>lb./gal</u>	<u>8 ft</u>	<u>13 ft</u>

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 1/2 IN Length 5 FEET

Material PVC

Slot Size 0.80 Set From 32 Feet to 37 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: 50

NO, Why Not? Chlorine

Laboratory sent to for water quality analysis

Boon SDA

STATIC WATER LEVEL 14' 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 _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

30 ft. After 2 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Really good Perm well

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Local Well Drilling Co.

Signature of License Representative

Joan Randall

Signature of Well Owner or Equitable Property Holder

Ronald / Randall

Date: 3-1-07

RECEIVED
MAR 12 2007
WATER RIGHTS
PROGRAM

River Bend Dairy

Legend

-  Approx Dairy Location
-  well

NW corner of
T105R48-29

242nd St

 6625-3 well

 7005-3 well

479th Ave

480th Ave

Google Earth

© 2020 Google



2000 ft



DL186840

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: **RIVER BEND 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

**47853 236TH STREET
EGAN, SD 57024**

Mailing Address

**47853 236TH STREET
EGAN, SD 57024**

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 **Carson te Velde**

Actual Street Address in this State

**47853 236TH ST
EGAN, SD 57024**

Mailing Address in this State

**47853 236TH ST
EGAN, SD 57024**

Article IV

The name and address of each organizer

Name

Address

JOHN BIDART

47853 236TH STREET, EGAN, SD, 57024

RAMON ECHEVERRIA

47853 236TH STREET, EGAN, SD, 57024

EDUARDO ECHEVERRIA

47853 236TH STREET, EGAN, SD, 57024

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: _____

B0151-6536 08/28/2020 4:43PM Rec'd by SD SOS



Article VI

☐ Member-Managed ☒ Manager-Managed

Name	Address
JOHN BIDART	47853 236TH STREET, EGAN, SD, 57024
RAMON ECHEVERRIA	27853 236TH STREET, EGAN, SD, 57024
EDUARDO ECHEVERRIA	47853 236TH STREET, EGAN, SD, 57024

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).

JOHN BIDART	JOHN BIDART	ORGANIZER	08/28/2020
PRINTED NAME	SIGNATURE	TITLE	DATED

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 15, 2020

RECEIVED OF Dairy Wise Builders SD, LLC PO Box 11810 Bakersfield CA 93389

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$850.00
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. _____	\$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	\$1050.00

By Eric Gronlund
Chief Engineer
vmm



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2020

River Bend Dairy LLV
c/o John Bidart
47853 236th St
Egan SD 57025

Dear Mr. Bidart:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in a dairy operation. The application states you propose to use two existing wells each with existing water rights. I have questions regarding the current permitted uses from the wells.

- Will the well authorized by Water Right No. 6625-3 for commercial use in the cattle feeding operation continue supplying the existing feeding operation or just the proposed dairy? We want to determine where the water is being used to have an accurate public notice. Also, if the total combined use (proposed dairy and existing feedlot, provided it is going to continue to be supplied) is 300 gallons per minute (gpm), then the amount of new appropriation would be 285 gpm since 15 gpm is already permitted for commercial use under No. 6625-3. However, if 300 gpm is going to the proposed dairy and the feedlot will continue receiving 15 gpm, then the amount of the new appropriation should be 300 gpm with the 15 gpm to the feedlot already being permitted. Please clarify how the water is going to be used.
- Irrigation use cannot be changed to a commercial use according to state law. If the irrigation use is being abandoned, Water Right No. 7005-3 is subject to cancellation due to abandonment. Please indicate whether the irrigation use is to be abandoned or whether the existing well will be used for both irrigation and the proposed dairy.

Since the existing water rights are held by Randall Enterprise LLC/Ron Randall, we need to hear from the permit holder whether either of the current permitted uses are being abandoned. We are copying this letter to Randall Enterprise LLC.

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

Sincerely,

Ron Duvall, Water Rights Permitting Administrator
Water Rights Program
605 773-3352
ron.duvall@state.sd.us

c: Randall Enterprise LLC, Ron Randall and Troy Randall
Paul Kostboth, A1 Development Solutions



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED



RANDALL ENTERPRISE LLC
RON RANDALL
47497 SPRUCE CIRCLE
DELL RAP NIXIE

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 57501 \$ 000.38⁹
02 4M
0000350445 OCT. 20. 2020

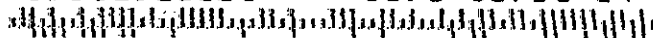
..5527010662125012

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3 HRDGN50153022

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 57501318299 *0878-02736-24-30



Duvall, Ron

From: Paul Kostboth <paulk@a1developmentsolutions.com>
Sent: Friday, October 23, 2020 9:08 AM
To: Duvall, Ron; Troy Randall
Cc: Richard Hammond
Subject: RE: [EXT] Dakota Line Dairy

Hi Ron:

Per our earlier conversation, I have discussed this with both Troy Randall and Dick Hammond and we are all in agreement that cancelling the existing permit No. 7005-3 is the best way to proceed at this time. There is currently no intent on the John Bidart's end to utilize this pivot for irrigation but should that change at some point in the future we would submit a new application for that purpose at that time.

In regards to the total allocation, yes, the request is for 285gpm out of what is currently the irrigation well plus the 15gpm already allocated with the 2nd well for a total of 300gpm out of the two existing wells on the property.

Troy will email you shortly to confirm this is the plan on both counts. We appreciate your guidance on this.

Thanks,

Paul

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, October 20, 2020 9:16 AM
To: Troy Randall <randalltroy191@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>
Cc: Richard Hammond <rhhei@gmail.com>
Subject: RE: Dakota Line Dairy

Everyone,

Thank you for the response. Based on the information provided, it appears that the application should be processed for a new appropriation of 285 gallons per minute (gpm) with the existing water right for 15 gpm bringing the total to a combined total of 300 gpm from two existing wells to supply the new dairy. Mr. Kostboth, please have the applicant confirm the change to his application to reflect a new appropriation of 285 gpm, plus the already existing 15 gpm, for a total of 300 gpm.

Mr. Randall, as noted in the letter you will be receiving, state law does not allow a change in use from irrigation to commercial purposes. Regarding your water right for irrigation (No. 7005-3), you have some options to consider.

- Drill another well and continue irrigating the same 70.9 acres covered by No. 7005-3 (if certain conditions are met, this can be accomplished without the need to get another permit to change the well location).
- File an application to change the location of the 70.9 irrigated acres to a new location. As long as the water source and the current permitted amount of water used for irrigation remains unchanged, then the priority date established under No. 7005-3 remains in place if the application is approved. In other words, this would not be considered a new appropriation of water.
- Stop irrigating which will result in No. 7005-3 becoming subject to cancellation by the state Water Management Board due to abandonment. If a water right is cancelled due to abandonment, that does not prevent you from applying for a new permit at some future date.

If you have any questions, please let me know.

Thank you,

Ron Duvall
Water Rights Program
605.773.3352
denr.sd.gov



From: Troy Randall <randalltroy191@gmail.com>
Sent: Tuesday, October 20, 2020 6:38 AM
To: Paul Kostboth <paulk@a1developmentsolutions.com>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>; Richard Hammond <rhhhei@gmail.com>
Subject: Re: [EXT] Dakota Line Dairy

Yes that is the plan with the existing wells already in place. Troy Randall

Sent from my iPhone

On Oct 19, 2020, at 8:21 PM, Paul Kostboth <paulk@a1developmentsolutions.com> wrote:

Hi Ron:

Troy Randall (Ron's son) is the current owner of Randall Enterprises and I have Cc'd him on this email to verify the plans which I'll help explain. I have also Cc'd Dick Hammond who put together the application your office received and will correct anything I might be missing.

The 15gpm well will strictly now be used for the dairy operation as the existing feedlot is going to be eliminated altogether. The irrigation well will also now only be used for the dairy with no plans to also use it for irrigation.

Troy – could you please respond to this email to confirm for Ron that this is the plan for these two wells which will be transferring to River Bend Dairy as part of your agreement with them?

Thanks,

Paul

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, October 19, 2020 2:27 PM
To: Paul Kostboth <paulk@a1developmentsolutions.com>
Subject: FW: Dakota Line Dairy

Paul,

I am responded for Eric. We received the application and a response letter will be coming with some questions that need to be answered. Regarding water availability, the Big Sioux Moody aquifer is NOT

fully appropriated but will need to undergo the usual report addressing, not only for water availability, but also any unlawful impairment of other existing water rights. Here is the draft language in the letter that will be sent. If you can provide a heads up to the necessary parties, that will be fine.

River Bend Dairy LLV
c/o John Bidart
47853 236th St
Egan SD 57025

Dear Mr. Bidart:

River Bend Dairy LLV
c/o John Bidart
47853 236th St
Egan SD 57025

Dear Mr. Bidart:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in a dairy operation. The application states you propose to use two existing wells each with existing water rights. I have questions regarding the current permitted uses from the wells.

- Will the well authorized by Water Right No. 6625-3 for commercial use in the cattle feeding operation continue supplying the existing feeding operation or just the proposed dairy? We want to determine where the water is being used to have an accurate public notice. Also, if the total combined use (proposed dairy and existing feedlot, provided it is going to continue to be supplied) is 300 gallons per minute (gpm), then the amount of new appropriation would be 285 gpm since 15 gpm is already permitted for commercial use under No. 6625-3. However, if 300 gpm is going to the proposed dairy and the feedlot will continue receiving 15 gpm, then the amount of the new appropriation should be 300 gpm with the 15 gpm to the feedlot already being permitted. Please clarify how the water is going to be used.
- Irrigation use cannot be changed to a commercial use according to state law. If the irrigation use is being abandoned, Water Right No. 7005-3 is subject to cancellation due to abandonment. Please indicate whether the irrigation use is to be abandoned or whether the existing well will be used for both irrigation and the proposed dairy.

Since the existing water rights are held by Randall Enterprise LLC/Ron Randall, we need to hear from the permit holder whether either of the current permitted uses are being abandoned. We are copying this letter to Randall Enterprise LLC.

on that email distribution. Just making sure that contact with the newspaper was made to authorize publication to keep things on track. Eric

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

<image003.png>

Thank you,

Ron Duvall <image002.png>
Water Rights Program
605.773.3352
denr.sd.gov

From: Paul Kostboth <paulk@a1developmentsolutions.com>
Sent: Monday, October 19, 2020 8:34 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: [EXT] Dakota Line Dairy

Good morning Eric:

Yes, we went ahead and took care of the publication for the Lemstra's with the Argus and have been assured it will be posted on 10/22 as requested. I appreciate you taking the time to double check on this to make sure nothing gets missed!

On a side note – about a week or so ago your shop should have received another permit request from Dick Hammond with the names Troy Randall, John Bidart, and/or River Bend Dairy on it for converting 2 existing wells (one for cattle and one for irrigation) over to consistent use for feeding a new dairy that will be constructed and be called River Bend Dairy. Certainly it's way to early for any kind of firm answer upon your in-depth review but I bring it up for 1) just to make sure it was received and 2) to let you know there's a bunch of pressure from a couple lenders to get this deal closed (I've spent the past 10 months trying to figure out a way to help the Randall's out of a bad situation and the banks are extremely restless at this point) so we'll likely have to close ahead of a final answer from you.

All that said, if we can even get to a point where you are comfortable saying "we don't see any red flags that would hold this up from approval" we'll probably have to consider that safe enough to proceed so if we can stay in touch along the way as your team works through this one in hopes of getting to a point where we know just enough to be confident in a closing that would be extremely helpful. Obviously the risk will be on us in doing so but it might be the only way to keep this deal from falling apart and slipping in to foreclosure with the bank after we've come this far on getting a deal done.

Thanks,

Paul

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Monday, October 19, 2020 8:15 AM
To: Paul Kostboth <paulk@a1developmentsolutions.com>
Subject: Dakota Line Dairy

Paul:

The Dakota Line Dairy water right permit application was sent out for public notice last week. In addition to mailing to the applicant, Karen Schlaak with Water Rights emailed the documents. You were

Duvall, Ron

From: Troy Randall <randalltroy191@gmail.com>
Sent: Friday, October 23, 2020 9:13 AM
To: Paul Kostboth
Cc: Duvall, Ron; Richard Hammond
Subject: Re: [EXT] Dakota Line Dairy

Ron and Richard just wanted to confirm plan is correct as Paul has laid out in email. Thank You Troy Randall

Sent from my iPhone

> On Oct 23, 2020, at 9:08 AM, Paul Kostboth <paulk@a1developmentsolutions.com> wrote:
>



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. 8457-3, River Bend 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. 8457-3, River Bend Dairy LLC., 47853 236th Street, Egan SD 57024.

The Chief Engineer is recommending APPROVAL of Application No. 8457-3 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. 8457-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control 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. 8457-3 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. 8457-3 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 Big Sioux Moody aquifer.
5. Water Permit No. 8457-3 authorizes a total annual diversion of 251 acre-feet of water from the Big Sioux Moody aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 10, 2020

REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8457-3
RIVER BEND DAIRY, LLC
DECEMBER 10, 2020

Water Permit Application No. 8457-3 proposes to appropriate 228 acre-feet annually (ac-ft/yr) at a combined maximum pump rate of 0.637 cubic feet per second (cfs) from two existing wells in the Big Sioux: Moody aquifer. Both wells are approximately 40 feet deep and located the N ½ NW ¼, Section 29 for commercial use in a dairy operation to be located in the S ½ SE ¼, Section 20; all in T105N-R48W. Water Right No. 7005-3, authorizing use of one of the existing wells for irrigation, will be cancelled in order for the well to be utilized for commercial use in the dairy operation. The other well is authorized by Water Right No. 6625-3 for commercial use in a feedlot. Its existing 0.033 cfs diversion rate and 23 ac-ft/yr appropriation will be transferred, by this application, for use in the proposed dairy operation. This application, if approved, authorizes a new appropriation of 0.637 cfs and an annual volume of 228 ac-ft/yr, plus the incorporation of the existing 0.033 cfs and 23 ac-ft/yr authorized by Water Right No. 6625-3, for a combined total of appropriation of 0.67 cfs and 251 ac-ft/yr for use in the proposed dairy operation. The site is located in Moody County, approximately 3 miles southeast of the Town of Trent, SD.

AQUIFER: Big Sioux: Moody (BS:M)

Aquifer Characteristics

The Big Sioux: Moody aquifer (shown in Figure 1) was deposited as glacial outwash ranging from fine to medium, poorly-sorted sand to well-sorted sand and medium gravel (Hansen, 1986). The aquifer overlies glacial till and is isolated within the flood plain of the Big Sioux River and its tributaries (Hansen, 1986). Jensen (2002) shows that portions of the aquifer are covered by alluvial deposits from the Big Sioux River and its tributaries. The Big Sioux: Moody aquifer is primarily an unconfined aquifer, however localized confined conditions also exist (Hedges et al., 1982; Hansen, 1986). It underlies approximately 35,500 acres of Minnehaha and Moody Counties and contains an estimated 133,130 acre-feet of recoverable water in storage (Hedges et al., 1982). The Big Sioux: Moody aquifer is hydraulically connected to the Big Sioux River with groundwater generally moving in a southward direction (Hansen, 1986).

The well completion reports included with the application indicate less than 2 feet of topsoil overlying fine to coarse-grained sand to a depth ranging between 37 – 41 feet below the ground surface. Groundwater was encountered between 10 – 15 feet below the ground surface. Additional well completion reports near the location of the application have similar lithologies and thicknesses (Water Rights, 2020a).

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights, and that the proposed use is a beneficial use and in the public interest. This report will address water availability and potential for unlawful impairment of existing water rights within the Big Sioux: Moody aquifer.

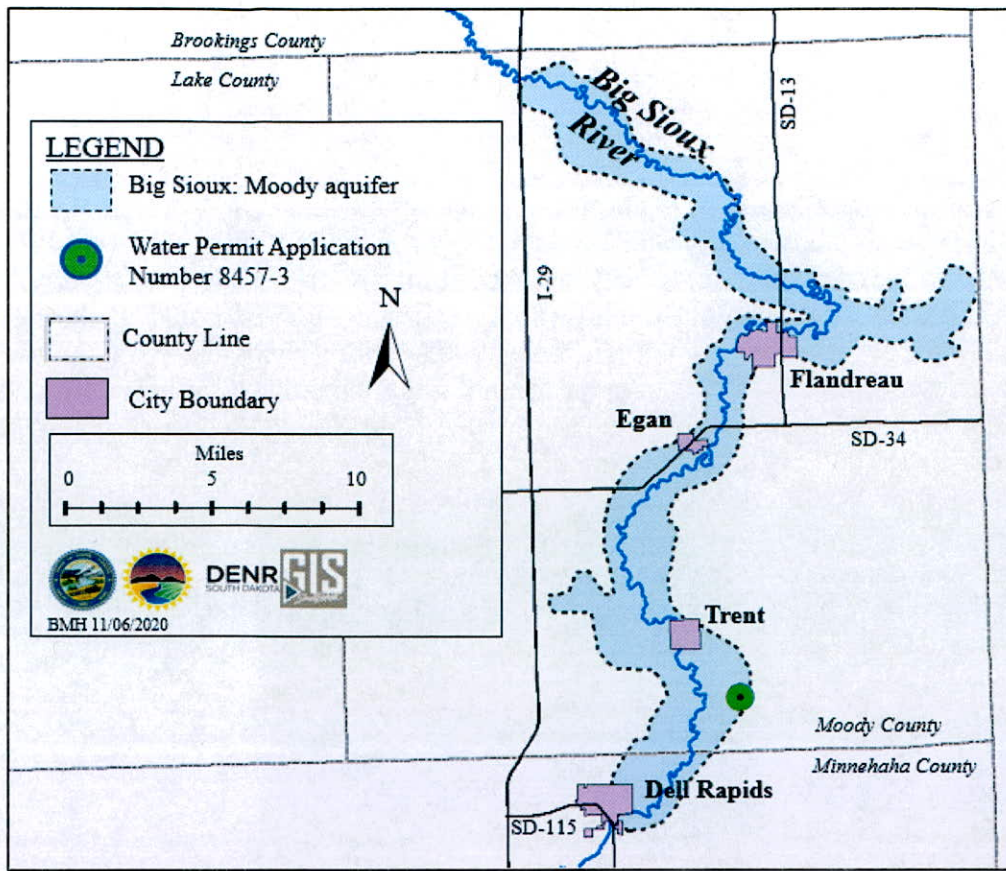


Figure 1. Water Permit Application No. 8457-3 shown within the approximate Big Sioux: Moody aquifer boundary (modified from: Hedges et al., 1982; Hansen, 1986; Hansen, 1988).

WATER AVAILABILITY

Water Permit Application No. 8457-3 proposes to appropriate water from the Big Sioux: Moody aquifer. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source..." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

Recharge to the Big Sioux: Moody aquifer is primarily by infiltration of rain and snowmelt through the overlying 1 to 2 feet of topsoil (Hansen, 1986). Utilizing observation well data and a specific yield of 15 percent, Hansen (1988) calculated recharge to range from 2.7 to 7.02 inches, with an average recharge rate of 4.86 inches. With the aforementioned areal extent of the aquifer estimated at 35,500 acres, this gives a range for the recharge rate between 7,988 and 20,768 ac-ft/yr, with an average estimated recharge rate of 14,378 ac-ft/yr.

Discharge:

Discharge from the Big Sioux: Moody aquifer is through evapotranspiration, well withdrawals, and leakage to the Big Sioux River (Hansen, 1986). Currently, there are a total of 43 water rights/permits, 14 non-irrigation, 25 irrigation, and 3 future use, appropriating water from the Big Sioux: Moody aquifer (Water Rights, 2020b). Table 1 contains the non-irrigation water rights/permits with an estimated annual volume. For non-irrigation, the volume of water to be withdrawn was estimated by assuming that water rights/permits limited by an annual volume will pump the entire appropriated volume annually and that water rights/permits limited by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. The non-irrigation permits limited by an annual volume are designated in Table 1. Permit No. 6223-3 added an additional diversion point with a diversion rate but, does not request any additional ac-ft/yr as authorized under Permit No. 1182-3. Both municipal use permits purchase water from the Big Sioux Community Water System and maintain their water permit for emergency purposes (Drinking Water, 2020; Water Rights, 2020b). Therefore, these permits are assumed to pump a negligible amount of water and no volume will be included in the water balance section for the hydrologic budget. The value of 2,433.2 ac-ft/yr will be included in the water balance section for non-irrigation withdrawals.

Table 1. Non-irrigation water rights/permits authorized to withdraw water from the Big Sioux: Moody aquifer with an estimated annual volume (Drinking Water, 2020; Water Rights, 2020b)

PERMIT NUMBER	NAME	COUNTY ^a	STATUS ^b	USE ^c	CFS	TOTAL ESTIMATED VOLUME (AC-FT/YR)
5083-3	L G EVERIST INC	MA	LC	COM	0.050	21.73
6026-3	PLEASANT VALLEY COLONY	MY	LC	COM	0.270	117.36
6317-3	DAKOTA LAYERS LLP		LC	COM	0.390	169.52
6549-3	BEN PEARSON		LC	COM	0.167	72.59
6625-3	RON RANDALL		LC	COM	0.033	14.34
6632-3	GOLDEN DAKOTA FARMS LLC		LC	COM	1.340	582.47
1182-3	CITY OF FLANDREAU		LC	MUN	3.420	*
1800-3	TOWN OF TRENT		LC	MUN	0.250	*
2054-3	BIG SIOUX COMMUNITY WATER		LC	RWS	1.160	504.22
5962-3			LC	RWS	0.440	120.00**
5963-3			LC	RWS	0.950	240.00**
5720B-3			LC	RWS	0.670	291.00**
6223-3			LC	RWS	0.670	0.00**
8391-3			PE	RWS	0.670	300.00**
Total:						2,433.23
a – MA: Minnehaha; MY: Moody						
b - LC: License; PE: Permit						
c - COM: Commercial; MUN: Municipal; RWS: Rural Water Supply						
* - These are connected to rural water and are maintained for standby use						
** - Limited by an Annual Volume						

Irrigation water usage is reported to the DENR-Water Rights Program through annual irrigation questionnaires. Table 2 contains this historic usage from the Big Sioux: Moody aquifer. The annual reported pumping ranges between 7.0 ac-ft/yr to 2,019.3 ac-ft/yr, with an average of

approximately 830.3 ac-ft/yr (Water Rights, 1979-2019). The value of 830.3 ac-ft/yr will be included in the water balance section for irrigation withdrawals.

Table 2. Historic irrigation pumpage from the Big Sioux: Moody aquifer (Water Rights, 1979-2019).

Year	No. of Permits	Pumpage (ac-ft/yr)
1979	35	517.00
1980	35	1,243.00
1981	36	1,478.00
1982	26	733.54
1983	27	1,127.99
1984	26	582.00
1985	28	1,113.50
1986	29	260.00
1987	30	743.50
1988	31	1,931.00
1989	31	1,434.95
1990	25	812.50
1991	25	1,163.10
1992	24	193.50
1993	25	7.00
1994	26	693.93
1995	24	402.27
1996	22	1,006.37
1997	20	575.00
1998	19	1,299.52
1999	19	499.44
2000	19	851.75
2001	19	1,050.62
2002	20	1,339.73
2003	20	1,203.97
2004	21	379.62
2005	21	556.60
2006	21	960.18
2007	23	860.22
2008	24	745.66
2009	24	753.24
2010	25	245.55
2011	25	474.86
2012	25	2,019.31
2013	25	1,302.03
2014	25	1,128.85
2015	26	223.87
2016	25	825.65
2017	25	1,018.55
2018	25	206.21
2019	26	79.11
Average:		830.31

There are three Future Use permits appropriating water from the Big Sioux: Moody aquifer. The full permitted volume authorized from the permits is utilized when estimating the annual volume usage. The future use areas are all in Moody County and are composed of 589 ac-ft reserved by the Big Sioux Community Water System. This total of 589 ac-ft/yr of water reserved for these permits and will be included in the water balance section for future use.

There are numerous domestic wells on file with the Water Rights Program completed into the Big Sioux: Moody aquifer (Water Rights 2020a). Domestic users are not required to report their annual water usage and are considered a negligible component in the overall hydrologic budget due to the availability of the rural water system and the limited diversion rate allowed for domestic users.

Water Balance:

The Big Sioux: Moody aquifer's estimated average annual withdrawal rate is 3852.5 ac-ft/yr (non-irrigation: 2,433.2 ac-ft/yr; irrigation: 830.3 ac-ft/yr; future use: 589.0 ac-ft/yr). The request by this application for an appropriation of 228 ac-ft/yr, if approved, results in a total of 4,080.5 ac-ft/yr of water. The estimated average annual recharge is 14,378 ac-ft/yr. The request for an appropriation of up to 228 ac-ft/yr for this application does not result in an exceedance of the estimated average annual recharge of this aquifer. Therefore, there is reasonable probability unappropriated water is available for this application.

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 29 observation wells completed into the Big Sioux: Moody aquifer (Water Rights, 2020c). Figure 2 shows observation wells within four miles of Water Permit Application No. 8457-3. The hydrographs for these wells, shown in Figures 3 through 5, are representative of the hydrographs for the other observation wells completed in the Big Sioux: Moody aquifer. The hydrographs show the water level of the aquifer is stable over the period of record. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. They also indicate the aquifer consistently recovers its water level after the irrigation season is finished. As a result, recharge to and natural discharge from the aquifer exceed withdrawals. Therefore, there is reasonable probability unappropriated water is available for this proposed application.

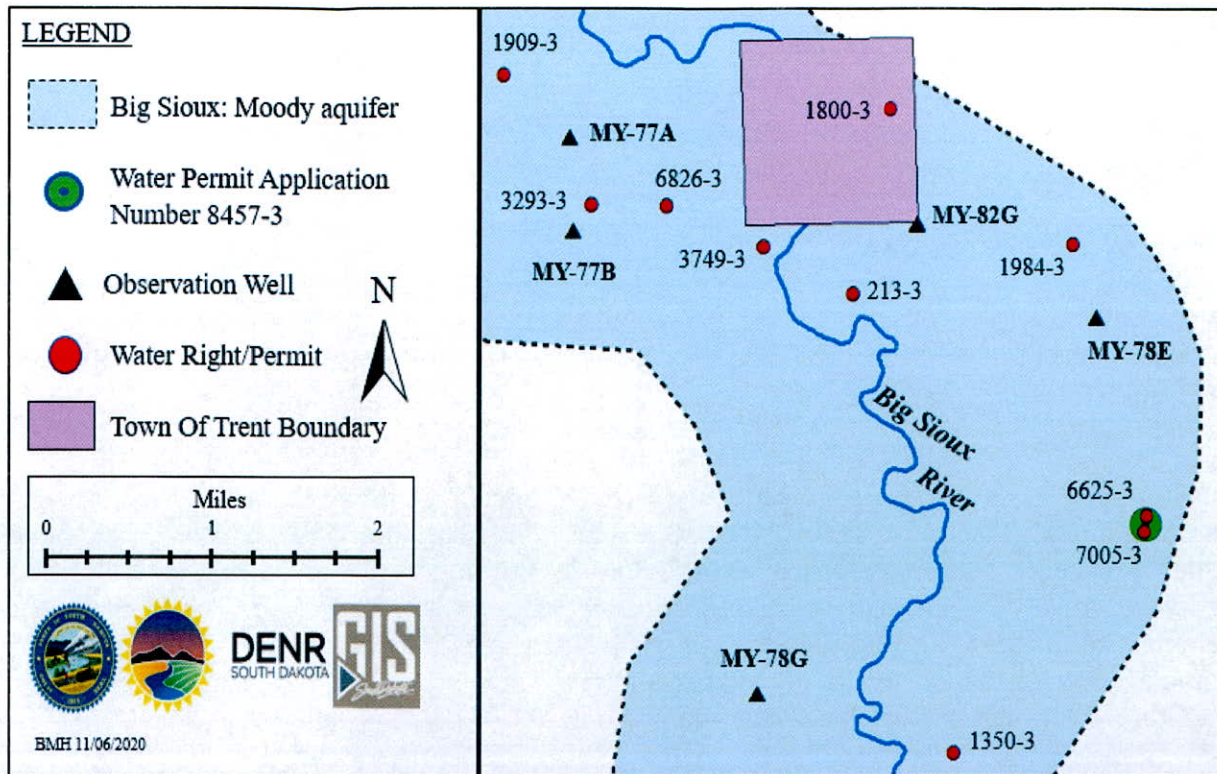


Figure 2. Existing Big Sioux: Moody aquifer observation wells and water rights/permits within 4.5 miles of Water Permit Application No. 8457-3 (modified from: Hedges et al.,1982; Water Rights, 2020b; Water Rights, 2020c).

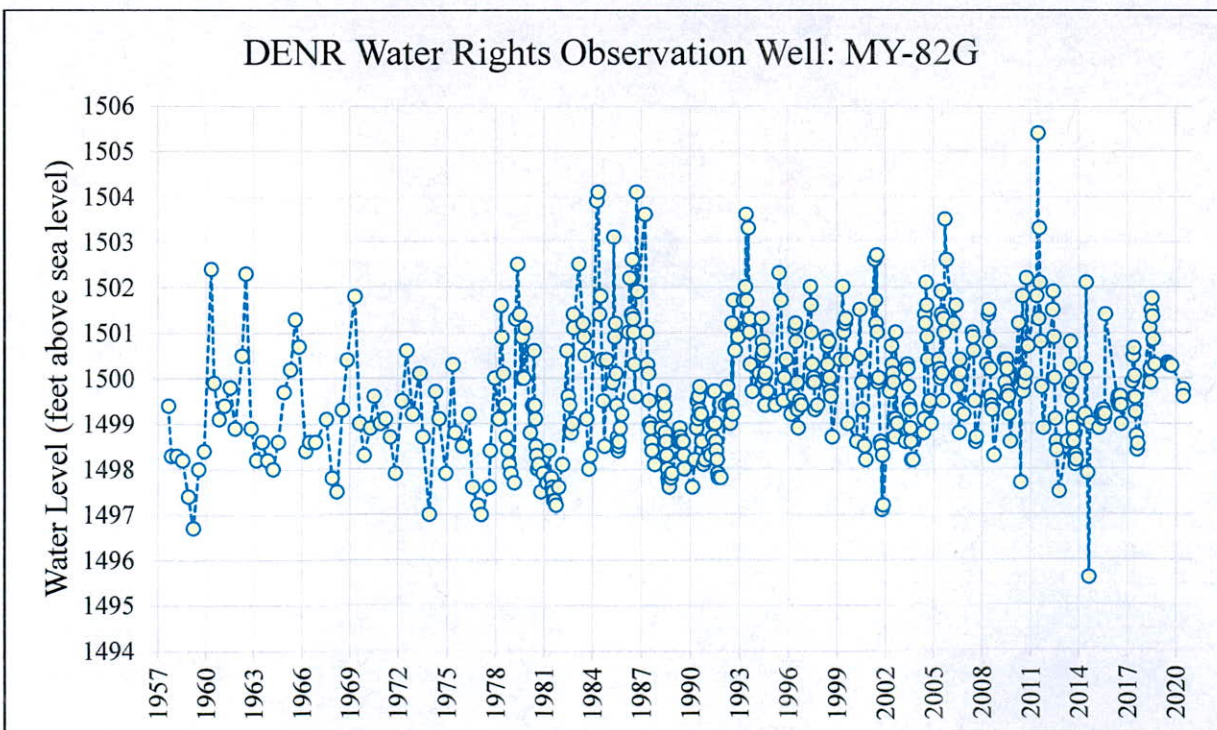


Figure 3. Hydrograph for observation well MY-82G. It is approximately 2.1 miles northwest of the proposed well location for Water Permit Application No. 8457-3 (Water Rights, 2020c).

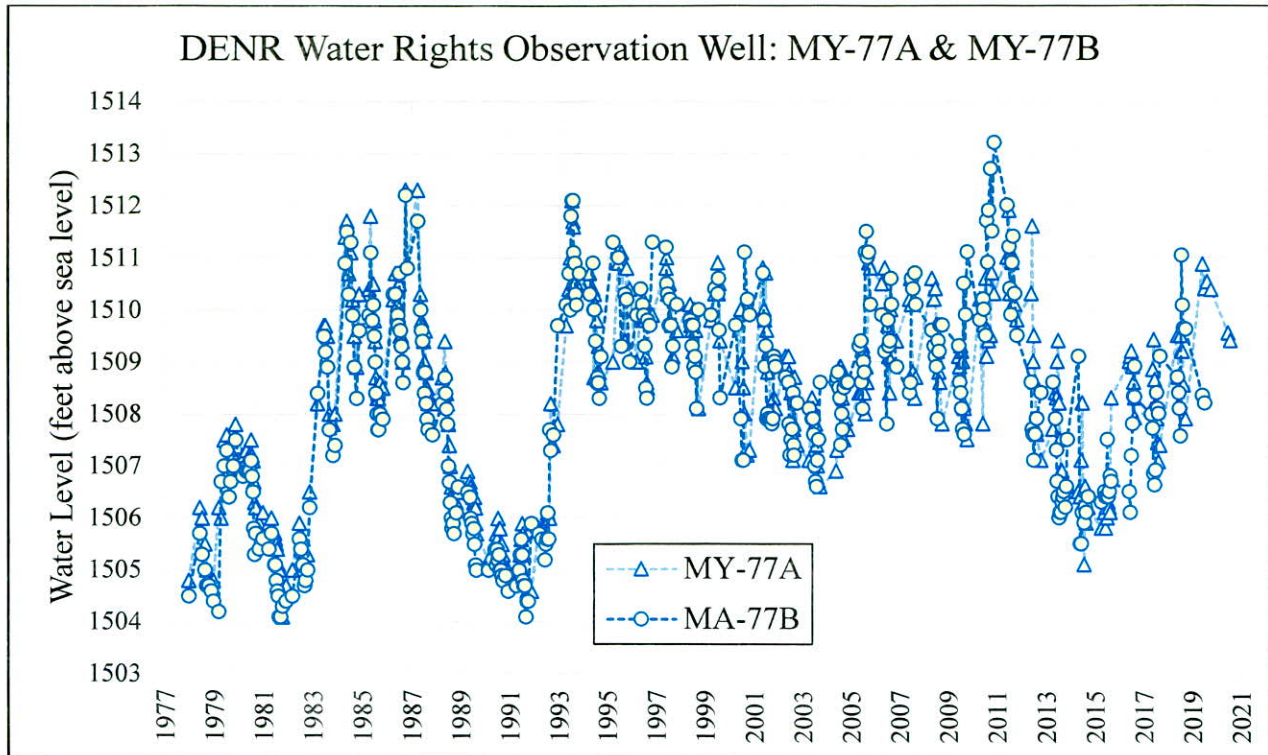


Figure 4. Hydrographs for observation wells MY-77A and MY-77B. They are approximately 3.9 miles and 3.6 miles respectively northwest of the proposed well location for Water Permit Application No. 8457-3 (Water Rights, 2020c).

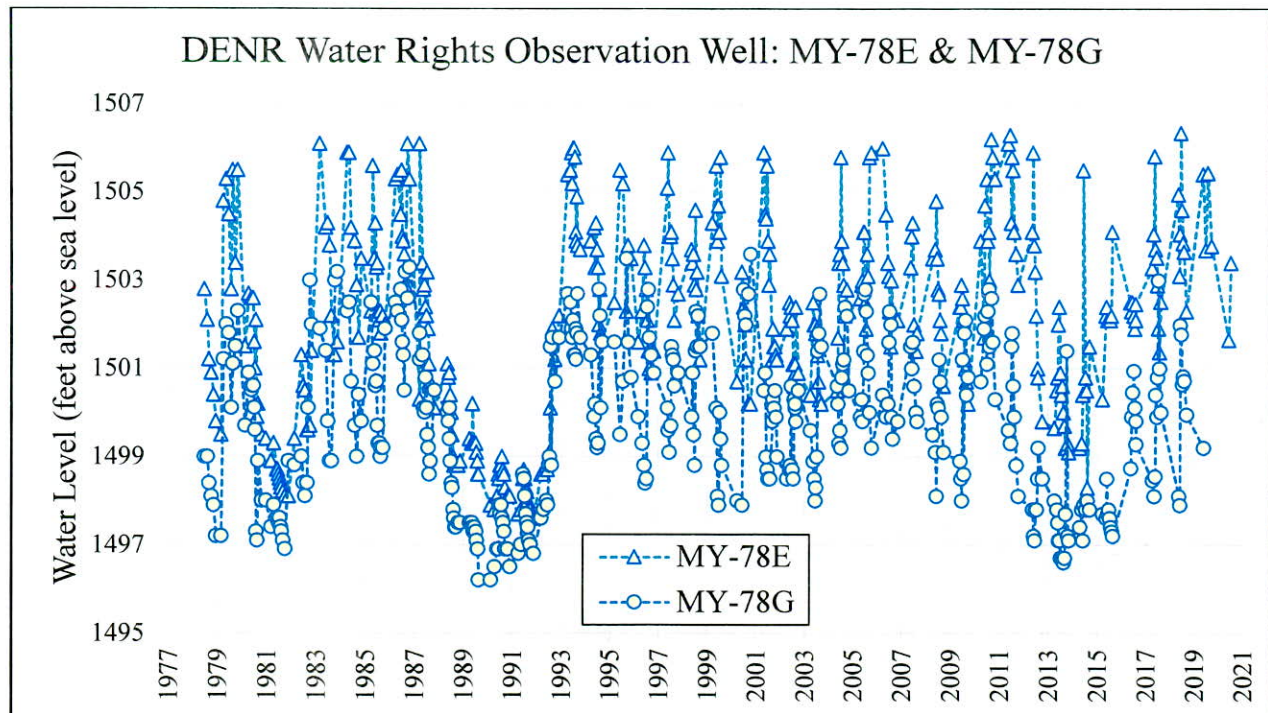


Figure 5. Hydrograph for observation wells MY-78E and MY-78G. They are approximately 1.2 miles northwest and 2.5 miles southwest respectively of the proposed well location for Water Permit Application No. 8457-3 (Water Rights, 2020c).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There are 43 active water rights/permits authorized to withdraw water from the Big Sioux: Moody aquifer (Water Rights, 2020b). Table 3 lists the water rights/permits shown in Figure 2 within 2 miles of the proposed application site. The aquifer is under unconfined conditions in the vicinity of the proposed application site. Drawdown created by pumping a well completed into an unconfined aquifer does not extend far past the pumped well so, interference from pumping is not expected to be a concern with existing appropriative users.

Table 3. Water rights/permits shown in Figure 2 (Water Rights, 2020b)

PERMIT NO	NAME	STATUS ^a	USE ^a	CFS
1350-3	RAYMOND JENSEN	LC	IRR	1.78
1800-3	TOWN OF TRENT		MUN	0.25
1909-3	JAMES L LACEY		IRR	2.00
1984-3	GERALD ELSINGER		IRR	1.34
213-3	TED OR BEV LACEY		IRR	4.65
3293-3	MICHAEL L SCHMIDT		IRR	1.69
3749-3	LARRY L JORGENSON		IRR	0.42
6625-3	RON RANDALL		COM	0.033
6826-3	JOSEPH NEMMERS		IRR	1.20
7005-3	RANDALL ENTERPRISE LLC		IRR	1.00
a - LC: Licensed Water Right; IRR: Irrigation; MUN: Municipal; COM: Commercial				

There are numerous domestic well reports on file with the Water Rights Program within two miles of the proposed application site (Water Rights 2020a). Nearby adequate wells are not expected to be adversely impacted because, over the period of record, there is no history of pumping complaints in the aquifer (Water Rights, 2020d). Additionally, users in the vicinity of the proposed application may be using water provided by a rural water system.

To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

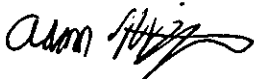
When considering that drawdown from pumping is not significant at distance from the pumping location in unconfined aquifers; the hydrographs of nearby observation wells do not show detrimental impacts of pumping; and the lack of well interference complaints due to pumping; there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells. Nevertheless, if this application is approved, the water permit should include a qualification that the well owner should control their withdrawals so there is not a reduction of water for adequate domestic wells or for adequate wells having prior water rights.

CONCLUSIONS:

1. Water Permit Application No. 8457-3 proposes to appropriate an additional 228 ac-ft/yr at a combined maximum pump rate of 0.637 cfs from two existing wells. Water appropriated under Water Right No. 6625-3 (0.33 cfs, 23 ac-ft) will be incorporated into this application for a total appropriation of 251 ac-ft/year at a maximum combined diversion rate of 0.67 cfs.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability unappropriated water is available for this proposed application.
3. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Blaise Hansen
SD DENR – Water Rights Program



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

- Drinking Water. 2020. *Drinking Water System Information*. SD DENR – Drinking Water Program Online Database. Accessed 10/31/2020. <<https://denr.sd.gov/des/dw/sysinfo.aspx>>.
- Hansen, D. S., 1986. *Water Resources of Lake and Moody counties, South Dakota (Water Resources Investigation 84-4209)*, Huron, South Dakota: U.S. Geological Survey.
- Hansen, D. S., 1988. *Appraisal of the water resources of the Big Sioux Aquifer, Moody County, South Dakota (Water Resources Investigation 87-4057)*, Huron, South Dakota: U.S. Geological Survey.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. *Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report*. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Hedges, L.S., Allen, J., Holly D.E., 1985, *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 Contract DACW 45-80-C-0185.

Jensen, A. R. 2002. *First Occurrence of Aquifer Materials in Moody County, South Dakota*. Aquifer Materials Map 10. South Dakota Geological Survey, Vermillion, SD.

Water Rights. 1979-2019. *"1979-2019 Irrigation Questionnaires"*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020a. *Well Completion Reports*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020b. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020c. *Observation Well Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020d. *Moody County Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

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DEC 29 2020

WATER RIGHTS
PROGRAM

Argus Leader

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

Account No.: 6619782999

Ad No.: 0004505841

PO #:

Lines : 125

Ad Total: \$90.80

This is not an invoice

of Affidavits 2

RIVER BEND DAIRY LLC
47853 236TH ST
EGAN, SD 57024

Account No.: 6619782999

Ad No.: 0004505841

Argus Leader AFFIDAVIT OF PUBLICATION

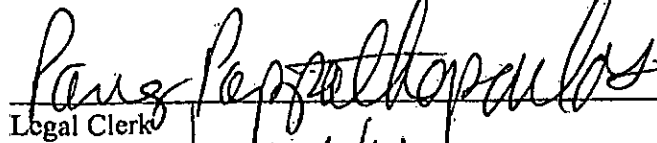
STATE OF SOUTH DAKOTA

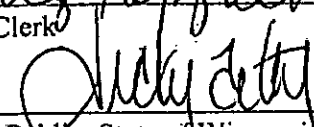
COUNTY OF MINNEHAHA

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

Wednesday, December 16, 2020

Sworn to and subscribed before me this 16 day of December, 2020.


Legal Clerk


Notary Public, State of Wisconsin, County of Brown

9/19/21
My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8457-3
to Appropriate Water

Notice is given that River Bend Dairy LLC, c/o John Bidart, 47853 236th St, Egan SD 57024 has filed an application for a water permit to appropriate 228 acre-feet of water annually at a maximum combined pump rate of 0.637 cubic feet of water per second (cfs) from two existing wells completed into the Big Sioux Moody aquifer (both wells approximately 40 feet deep) located in the N 1/2 NW 1/4 Section 29 for commercial use in a dairy operation to be located in the S 1/2 SE 1/4 Section 20; all in T105N-R48W. One of the existing wells is authorized by Water Right No. 6625-3 for commercial use in a feedlot. The existing 0.033 cfs appropriation covered by No. 6625-3 is being transferred by this application to use in the proposed dairy operation. The other existing well is authorized for irrigation use under Water Right No. 7005-3 which is being abandoned to allow use of the well by the proposed dairy. This application, if approved, authorizes a new appropriation of 0.637 cfs and annual volume of 228 acre-feet, plus the existing 0.033 cfs and 23 acre-feet authorized by No. 6625-3, for a combined total appropriation of 0.67 cfs and 251 acre-feet annually for use in the proposed dairy. This site is located approximately 3 miles southeast of Trent SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8457-3 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 December 28, 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 \$60.80
4305841 Dec 16, 2020

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. 8457-3 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:

12-16-2020

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

\$ 33.82

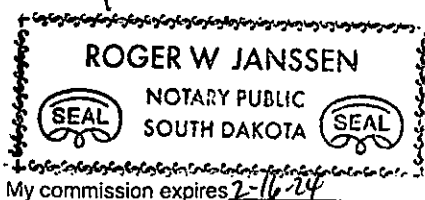
M. L. Headrick bookkeeper

Subscribed and sworn to before me this

17 day of December AD 2020

[Signature]

Notary Public, County Moody, South Dakota



NOTICE OF APPLICATION NO. 8457-3 to Appropriate Water

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Published at a cost of \$33.82

RECEIVED

DEC 21 2020

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 10, 2020 11:10 AM
To: 'legals@argusleader.com'
Subject: 8457-3, River Bend Dairy LLC
Attachments: 8457-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 16, 2020.

River Bend Dairy LLC, c/o John Bidart, 47853 236th St, Egan SD 57024 (661 978-2999) 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: Thursday, December 10, 2020 11:09 AM
To: 'mce6@mcisweb.com'
Subject: 8457-3, River Bend Dairy LLC
Attachments: 8457-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 16, 2020.

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

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.**

December 10, 2020

River Bend Dairy LLC
c/o John Bidart
47853 236th St
Egan SD 57024

Dear Mr. Bidart:

Water Permit Application No. 8457-3 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 Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the 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. 8457-3 to Appropriate Water

Notice is given that River Bend Dairy LLC, c/o John Bidart, 47853 236th St, Egan SD 57024 has filed an application for a water permit to appropriate 228 acre-feet of water annually at a maximum combined pump rate of 0.637 cubic feet of water per second (cfs) from two existing wells completed into the Big Sioux Moody aquifer (both wells approximately 40 feet deep) located in the N 1/2 NW 1/4 Section 29 for commercial use in a dairy operation to be located in the S 1/2 SE 1/4 Section 20; all in T105N-R48W. One of the existing wells is authorized by Water Right No. 6625-3 for commercial use in a feedlot. The existing 0.033 cfs appropriation covered by No. 6625-3 is being transferred by this application to use in the proposed dairy operation. The other existing well is authorized for irrigation use under Water Right No. 7005-3 which is being abandoned to allow use of the well by the proposed dairy. This application, if approved, authorizes a new appropriation of 0.637 cfs and annual volume of 228 acre-feet, plus the existing 0.033 cfs and 23 acre-feet authorized by No. 6625-3, for a combined total appropriation of 0.67 cfs and 251 acre-feet annually for use in the proposed dairy. This site is located approximately 3 miles southeast of Trent SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8457-3 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.

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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.

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Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, December 11, 2020 8:53 AM
To: john@bidartdairy.com
Cc: paulk@a1developmentsolutions.com
Subject: Water Permit Application No. 8457-3
Attachments: 0173.pdf; 4505841.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 two papers as soon as possible to authorize publication and arrange for payment. This information was mailed yesterday.

The second attachment has information that may help you when contacting the Argus Leader.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

December 22, 2020

RECEIVED

DEC 28 2020

WATER RIGHTS
PROGRAM

Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Chief Engineer,

Moody County Farm Bureau (MCFB) believes that responsible animal agriculture is not only possible in this day and age, it's a necessity for the future of the agriculture industry in our county and in our state. We are writing this letter to support the application of River Bend Dairy LLC, Egan, SD for a water permit. MCFB has followed the CAFO application process of this dairy, attended hearings in Moody County, and believes that this dairy will be a successful and responsible part of our community going forward.

River Bend Dairy's design uses modern technology to utilize water efficiently and effectively, recycling wherever possible. Water from both wells in water permit application 8457-3 have been negotiated for use by a business such as the dairy, with sufficient volume to support the needs of the dairy.

Moody County has very little opportunity for marketing grain and feedstuffs, as there are no grain elevators in the county. Dairies provide farmers with an outlet for feed such as corn and other silage, as well as hay. Manure is a valuable resource used as a nutrient in the crop growing cycle. Moody County farmers continue to efficiently and effectively grow grain and other feedstuffs; having a local outlet for their production is very welcome.

Moody County is a great place to live and raise a family. As children explore careers for their future – and ours – it's in all of our best interests to create and maintain a productive environment for a variety of agricultural enterprises, including livestock production and marketing. The opportunities and possibilities are endless.

Moody County Farm Bureau

c/o Jane Smith, Secretary/Treasurer
23624 486th Ave
Pipestone, MN 56164-5004
jfahlbergsmith@gmail.com
605.201.7621

*Moody County Farm Bureau
Jane S. Smith, Sec. Treas.*

CC: River Bend Dairy LLC, c/o John Bidart, 47853 236th St, Egan, SD 57024



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 2021

River Bend Dairy LLC
c/o John Bidart
47853 236th St
Egan SD 57024

Dear Mr. Bidart:

Enclosed is Water Permit No. 8457-3 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



8457-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 12, 2023

8457-3

River Bend Dairy LLC
c/o John Bidart
47853 236th St
Egan SD 57024

Dear Mr. Bidart:

On September 15, 2023, staff engineer Darrell DeBoer conducted a field inspection of your dairy operation and the use of water within the operation for licensing purposes.

Your Water Permit No. 8457-3 was approved December 28, 2020. All construction was to be completed on or before December 28, 2025, with water being put to beneficial use on or before December 29, 2029.

With those date for completion and beneficial use being a few years out, I wanted to confirm that your project is complete before continuing with licensing the project.

I've enclosed a "Notice of Completion of Works" for you to complete and return in the pre-paid envelope. If you are not finished with the construction of your project, please let me know and we will have a new inspection conducted at a later date.

As always, if you have any questions or concerns, I'd be happy to help.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

8457-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 26, 2023

8457-3

River Bend Dairy
c/o Carson Tevelde
47853 236th St
Egan SD 57024

Dear Mr. Tevelde:

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

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



RECEIVED

OCT 26 2023

OFFICE OF
WATER

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

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

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date 10/23/23

FROM: Carson Tevelde
(name)

(559) 805-3249
(phone)

47853 236th St
(address)

teveldeprd@gmail.com
(email)

Egan, SD, 57024
(city, state, zip)

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. 8457-3 states that the water use system is to be constructed by

Dec 28, 2025
(date)

, and water is to be put to beneficial use by Dec 29, 2025
(date)

The water use system was completed on 6-1-2022
(date)

Applying the water to beneficial use was completed on 6-7-2022
(date)

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8457-3

I have this day, September 15, 2023, made a thorough examination of the water use system constructed by River Bend Dairy LLC, 47853 236th St, Egan, SD 57024 of Permit No. 8457-3, bearing the priority of October 15, 2020 authorizing the diversion of 0.637 cu. ft. per second of the waters of Big Sioux Moody Aquifer for commercial use (dairy) purposes, in Moody County.

A. Works used to divert the water:

Well Information: (SEE ATTACHED WELL LOGS) - and pump information

- 1) Well Drilling Firm: Thein Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 38' & 40' feet
- 4) Well log is available Y If no, explain in comments

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

- 1) Type Buried PVC pipe
- 2) Size inches
- 3) Length 4400 feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y/N
(Can pump 550 GPM if both wells run simultaneously)
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in a new condition with the point(s) of diversion located as follows: WELL LOCATIONS From the NW corner Sec 29 T105N R48W "N" WELL: 615 ft S & 1320 ft E, Lat 43.87530 Long - 96.62238 "S" WELL: 1090 ft S & 1290 ft E, Lat 43.87403 Long -96.62256 (NW ¼ NW ¼)
the license should be issued for 0.67 cfs.
2. All structures, wells and lands on map Y

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

The pump rate reported by Thein Well Drilling was used to establish the system flow capacity.

Well LOGS ASSOCIATED WITH Water Permits 6625-3 & 7005-3 have direct application to the two (2) wells defined in this permit. The new wells replace the former wells.

The mailing address in the permit materials is current but the telephone for the dairy manager is 559/805-3249.

I talked to Mr. Carson TeVelde, Dairy Manager, regarding the field inspection visit.

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

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **October 12, 2023**

THEIN WELL CO.

Submersible Pump Installation Record

P. O. Box 429
Clara City, MN 56222
Phone (612) 847-3207

Jct. Hwy. 71 & Cty. Rd. 10
Spicer, MN 56288
Phone (612) 796-2111

7025 North Highway 63
Rochester, MN 55901
Phone (507) 288-5554

Owner Riverbend Dairy Location Trent, SD Well No. 14" (South Well)

Well Seal/U.G. Disch: Mfg. MAAS

Diameter _____

Bury 8'

Disch. Dia. 4"

Suction Dia. 4"

Pulling Pipe Dia. 4" x 7.6"

Comments _____

Drop Pipe Dia. 4"

Length 27.5

Comments _____

Submersible Cable # 10

Length 40'

Comments _____

Check Valve Dia. _____

Length _____

Comments in pump

Pump Mfg. Grundfos

Design Condition _____ gpm @ _____ TDH

Type Bowls _____

Serial No. _____

O.D. 6

No. Stages 5

Impeller No. _____

Length _____

Comments 2305200-5

Schroud on pump

Motor: Mfg. H.achi

Serial No. _____

O.D. 6

Length _____

H.P. 20 R.P.M. 3450

Volts 460 Phase 3

Name Plate Amps 27

Safety Factor Amps 1.15

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Well Data 14" PVC

40.83'

Screen Data _____

Static Water Level 16.58'

Date 4/6/71 P.L. 25.83 @ 300 gpm = 32.4 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

Total Pump Setting 35'

THEIN WELL CO.

Submersible Pump Installation Record

P. O. Box 429
Clara City, MN 56222
Phone (612) 847-3207

Jct. Hwy. 71 & Cty. Rd. 10
Spicer, MN 56288
Phone (612) 796-2111

7025 North Highway 63
Rochester, MN 55901
Phone (507) 288-5554

Owner Riverbend Dairy Location Trent, SD Well No. 12" (North Well)

Well Seal/U.G. Disch: Mfg. MAAS

Diameter _____

Bury 8'

Disch. Dia. 4"

Suction Dia. 4"

Pulling Pipe Dia. 4" X7.5"

Comments _____

Drop Pipe Dia. 4"

Length 21'

Comments _____

Submersible Cable # 10

Length 32

Comments _____

Check Valve Dia. _____

Length _____

Comments in pump

Pump Mfg. Grundfos

Design Condition _____ gpm @ _____ TDH

Type Bowls S.S.

Serial No. _____

O.D. 6

No. Stages 4

Impeller No. _____

Length _____

Comments 2305150-4

Schroud on pump

Motor: Mfg. Hitachi

Serial No. _____

O.D. 6

Length _____

H.P. 15 R.P.M. 3450

Volts 460 Phase 3

Name Plate Amps 21

Safety Factor Amps 1.15

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Amps 1) _____ 2) _____ 3) _____

Heaters _____

Comments _____

Well Data 12" PVC

38.42'

Screen Data _____

Static Water Level 18.0'

Date 4/5/24 P.L. 28.0 @ 250 gpm = 25 S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

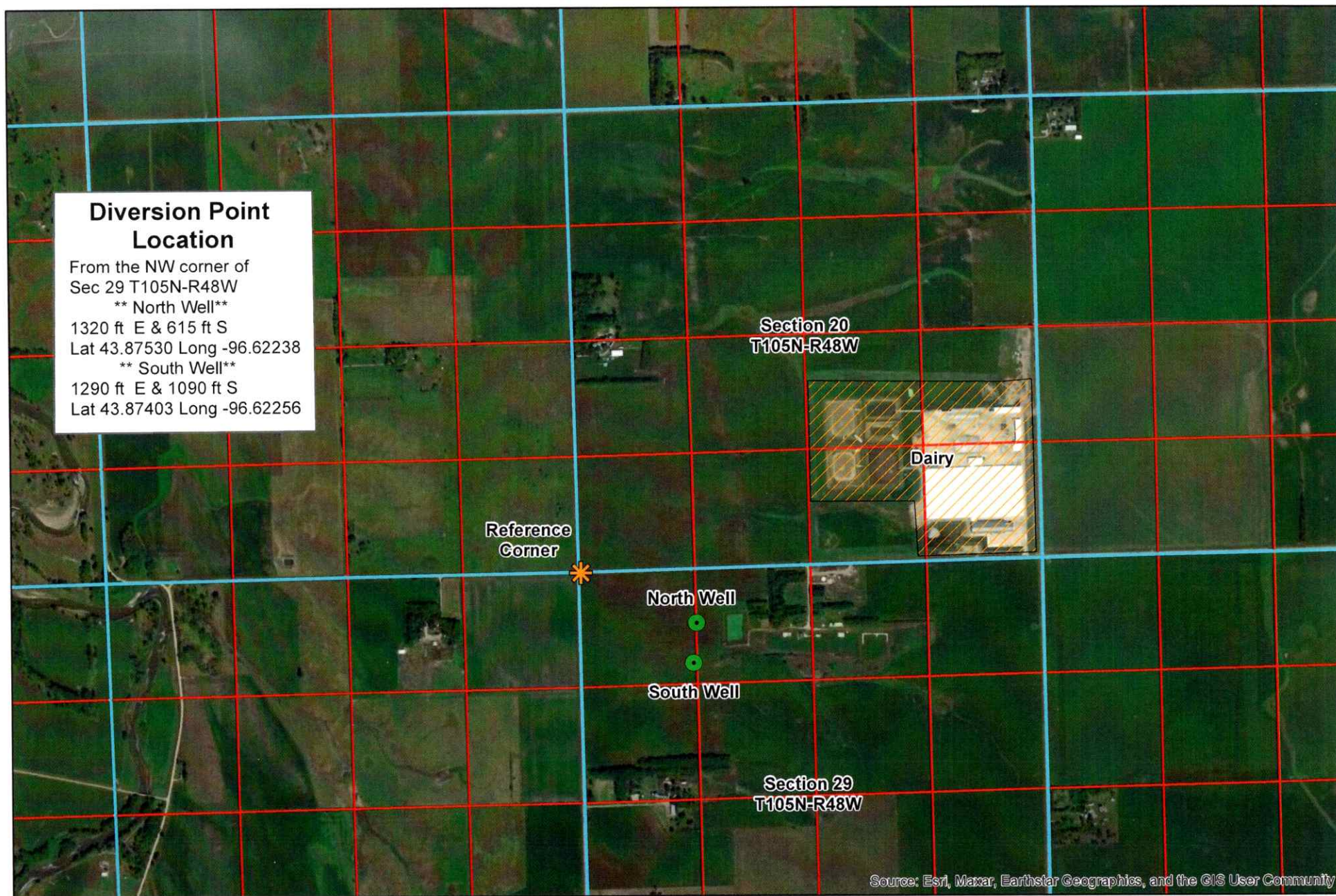
Date _____ P.L. _____ @ _____ gpm = _____ S.C.

Date _____ P.L. _____ @ _____ gpm = _____ S.C.

General Comments _____

Total Pump Setting 28.5'

THEIN



0 1,125 2,250 4,500 6,750 9,000 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 12 2023

8457-3

River Bend Dairy LLC
c/o Carson Tevelde
47853 236th St
Egan SD 57024

Dear Mr. Tevelde:

Enclosed is Water License No. 8457-3. 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: Water License No. 8457-3 appropriates a total of 0.67 cubic feet of water per second (300 gpm) from the two wells that supply River Bend Dairy. Pump information provided by Thein Well Company indicates the pumps installed in the wells are capable of 250 and 300 gpm. If the wells are operated on an alternating basis, the dairy is within the permitted limit of the water license. However, if both wells are operated at the same time, a water permit must be obtained for an increase in the authorized diversion rate from 300 gpm to 550 gpm. Diversion of water under this Water Right is limited to 0.67 cfs (300 gpm).

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8457-3**

(1) River Bend Dairy LLC; 47853 236th St, Egan SD 57024, made Application No. 8457-3, October 15, 2020, for a water permit to divert 0.637 cubic feet of water per second (cfs) and 228 acre-feet annually from groundwater, two existing wells (Big Sioux: Moody Aquifer), Moody County, South Dakota for commercial purposes. Permit No. 8457-3, with a priority date of October 15, 2020, was approved December 28, 2020, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 28, 2025, and for the application to beneficial use of water on or before December 28, 2029.

The applicant submitted a "Notice of Completion of Works" on October 23, 2023, indicating the system was completed on June 1, 2023, and water was put to beneficial use on June 7, 2023.

One of the existing wells was authorized by Water Right No. 6625-3 for 0.033 cfs and 23 acre-feet. The diversion authorized under Water Right No. 6625-3 is being transferred to Water Right No. 8457-3.

(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 0.67 cfs and 251 acre-feet annually for beneficial use. The locations of the diversion points are:

- North Well: 615 ft S & 1,320 ft E of the NW corner of Section 29, T105N, R48W (NW ¼ NW ¼) (Latitude 43.87530 & Longitude -96.62238)
- South Well: 1,290 ft S & 1,090 ft E of the NW corner of Section 29, T105N, R48W (NW ¼ NW ¼) (Latitude 43.87403 & Longitude -96.62253)

(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 in a commercial dairy operation located in the SE ¼ Section 20, T105N, R48W.

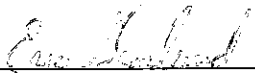
(5) Pursuant to South Dakota Water Law 46-5-30.1 River Bend Dairy LLC, the holder and/or owner of Water Right No. 8457-3 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from groundwater, two wells (Big Sioux: Moody Aquifer), with priority dates of May 18, 2005 for 0.033 cfs & 23 acre-feet and October 15, 2020 for 0.637 cfs & 228 acre-feet, from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8457-3 and subject to the following qualifications:

1. The wells approved under Water Right No. 8457-3 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.

continued

2. Water Right No. 8457-3 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-2-124 for concentrated animal feeding operations.
3. Water Right No. 8457-3 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
4. The Water Right holder shall report to the Chief Engineer annually to the amount of water withdrawn from the Big Sioux: Moody Aquifer.
5. Water Right No. 8457-3 authorizes a total annual diversion of 228 acre-feet of water from the Big Sioux: Moody Aquifer. *(Total annual diversion has been increased from 228 to 251 ac-feet of water, to account for the diversion transferred from Water Right No. 6625-3).*


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

DEC 12 2023
date

