

WATER PERMIT NO. 8551-3

Name of Applicant: Mill Valley LLC

Address: 4009 W 49th St, Suite 308, Sioux Falls SD 57106

Phone: 57106

Amount of Water Claimed: 0.17 cfs Total Acres: NA

Source of Water Supply: groundwater (one additional well)

Water to be used for: commercial County: Grant

Type of Waste Disposal System:

Location: 2.5 miles southwest of Milbank

PRIORITY Date Received: 10-4-21

Application/License Fee: \$ 950

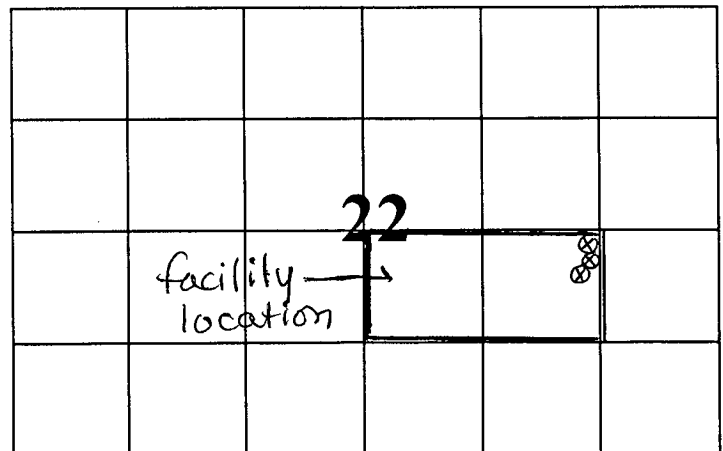
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Additional well and diversion rate to 7057A-3

Diversion Point: NE 1/4 SE 1/4 Sec 22-T120N-
R49W

Facility Located: N 1/2 SE 1/4 Sec 22-T120N-
R49W



Depth of Well: 365 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-5-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8551-3**

Date of first receipt of application October 4, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8551-3 to Mill Valley LLC, c/o Lynn Boadwine, 4009 W 49th St, Suite 308, Sioux Falls SD 57106 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. 8551-3 appropriates an additional 0.17 cubic feet of water per second (cfs) and adds one well. Water Permit No. 7057A-3 authorizes 0.11 cfs from two wells completed into Greenhorn Formation located in the NE 1/4 SE 1/4 Section 22 for commercial use in a dairy operation located in the N 1/2 SE 1/4 Section 22; all in T120N-R49W. This permit authorizes an additional 0.17 cfs and adds one well to be completed into the Greenhorn Formation (approximately 365 feet deep) located in the NE 1/4 SE 1/4 Section 22-T120N-R49W. This permit and Water Permit No. 7057A-3, combined, will authorize a total diversion of 100 acre-feet of water annually at a maximum, combined, pump rate of 0.28 cfs from the three wells. The water will be used for commercial purposes at the dairy and serve as a backup supply to rural water. This site is located approximately 2 1/2 miles southwest of Milbank 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 from which applicant may claim right is October 4, 2021.
5. The date of approval of Permit No. 8551-3 is December 20, 2021.
6. One-fifth of the construction is to be completed on or before June 20, 2024.
7. All construction is to be completed on or before December 20, 2026.
8. Water is to be put to beneficial use on or before December 20, 2030.
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 Nos. 7057A-3 and 8551-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8551-3 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 Nos. 7057A-3 and 8551-3 are 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 for concentrated animal feeding operations.
4. Water Permit Nos. 7057A-3 and 8551-3 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 Greenhorn Formation.
6. Water Permit Nos. 7057A-3 and 8551-3 authorize a total annual diversion of 100 acre feet of water.

WATER MANAGEMENT BOARD

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

January 15, 2022
date



RECEIVED

OCT - 4 2021

PAID

OCT 4 2021

Ck# 016905

SD EForm - 1585LD V5

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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8551-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota-Whetstone</u>
	Newspaper <u>Grant Co Review</u>
	<u>Public Opinion</u>

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.)

Additional well and diversion rate to 7057A-31. Name to Appear on Water Permit Mill Valley, LLCMailing Address 4009 W 49th Street, Suite 308 Sioux Falls SD 57106
(Address) (City) (State) (Zip Code)Phone (605) 361-3352 Mobile _____ Email ldboadwine@gmail.com2. Amount of water claimed 0.17 *CFS or 125 **GPM and 100 ***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 Greenhorn Formation4. Location of point of diversion NE 1/4 of SE 1/4 - Section 22, T120, R49W 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 ☒ NoIf "Yes," where will water be used? Facility location - N 1/2 SE 1/4 Sec 22 - T120N - R49W
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Grant6. Annual period during which water is to be used January 1st thru December 31st

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

Existing dairy (3,450 head) needing additional water for sprinkling/cooling of animals and washdown areas. Water to also be used as backup to rural water, if necessary.

I, Lynn Boadwine 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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

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

- a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(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 (#63)

For either Existing or Proposed Wells:

- c) Well Depth (required) 365' Depth to Top of Water Bearing Material 340' Depth to Water from Surface 10
- d) Distance to nearest domestic well on applicant's property 125' Property owned by others >150'

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

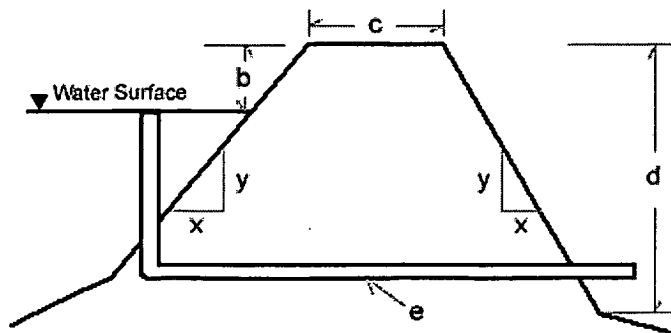
3. Dugout Information

- 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.

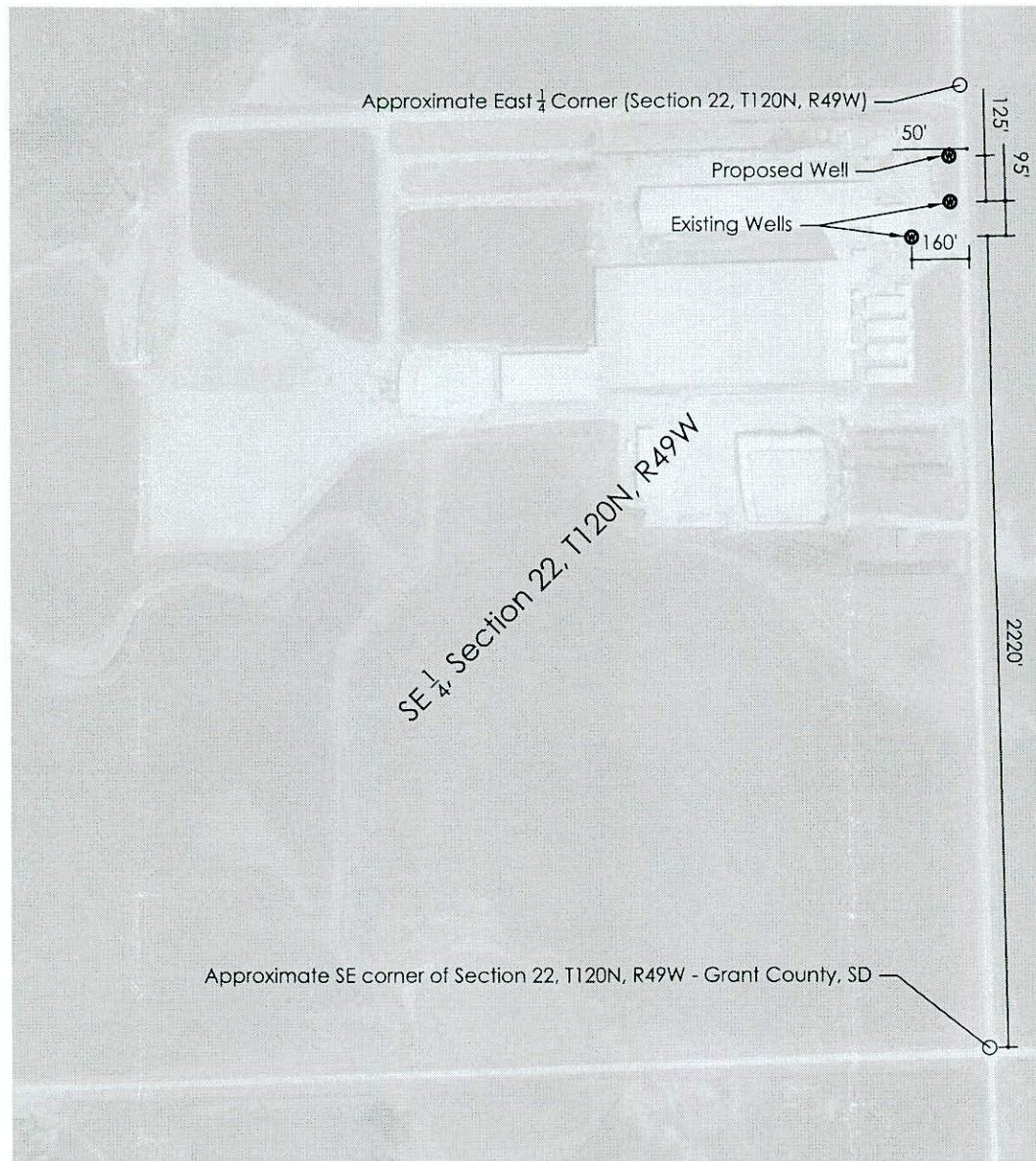
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



Scale: 1" = 500'



File Location: G:\PROJECTS\2019\19100 - Mill Valley Dairy\CADD Files\19100 - Water Rights.dwg \ Plot Date: 9/30/2021 9:53 AM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 22 Twp 120N Rg 49W

County

North

Grant

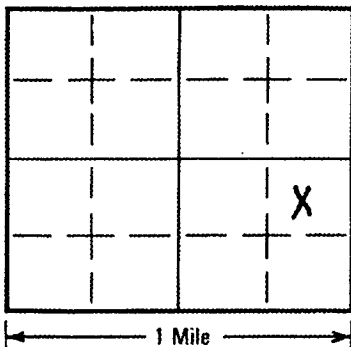
Please mark well location with an "X"

Grant Center
Township

W

E

Well-Completion Date

6/6/08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from sewer (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 _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR-17</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>334</u> FT	<u>8</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>Next Gen</u>	_____	<u>15</u> lb./gal	<u>0</u> ft	<u>30</u> ft
<u>Renderite</u>	_____	_____ lb./gal	<u>30</u> ft	<u>320</u> ft

Describe grouting procedure Pressure Grout w/ stem pipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4" yel. IN Length 24 FEETMaterial Stainless SteelSlot Size 25 Set From 334 Feet to 358 FeetOther information plug on bottomWAS 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? solution

Laboratory sent to for water quality analysis

DHIA-Sank CentreWell Owner: Gerhardt ter DengeBusiness Name: Mill-Valley DairyAddress: 15169 476th Ave.Millbank SD 57552

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u> <u>Black</u>	<u>0</u>	<u>2</u>
<u>clay</u> <u>yellow</u>	<u>2</u>	<u>28</u>
<u>clay</u> <u>Grey</u>	<u>28</u>	<u>75</u>
<u>shale</u> <u>dark</u>	<u>75</u>	<u>320</u>
<u>shale</u> <u>Brown</u>	<u>320</u>	<u>328</u>
<u>Sandrock - Greenhorn - light</u>	<u>328</u>	<u>358</u>
<u>shale</u> <u>Brown</u>	<u>358</u>	<u>365</u>
<u>shale</u> <u>Grey</u>	<u>365</u>	

STATIC WATER LEVEL 10 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

150 ft. After 3 Hrs. pumped 35 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 24 GPMREMARKS 4- Hard
0.5- Fe
No H₂S

RECEIVED

JUN 11 2008

WATER RIGHTS
PROGRAMThis 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:

Date: 6/9/08

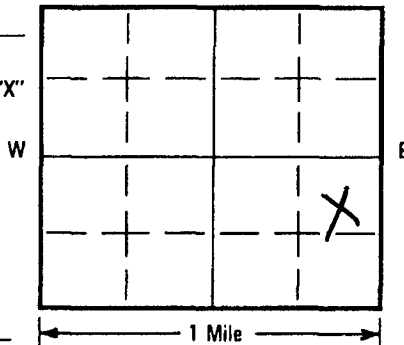
6-11-08

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 22 Twp 120-N Rg 49-W
County Grant

Please mark well location with an "X"



Well Completion Date

12/29/06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 75 ft. from Barn - parlor (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 _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SPR-17</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>340</u> FT	<u>9</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>Neat Cement</u>	_____	<u>15</u> lb./gal	<u>0</u> ft	<u>50</u> ft
<u> Bentonite</u>	_____	<u>9.4</u> lb./gal	<u>50</u> ft	<u>300</u> ft

Describe grouting procedure Denite pipe - pressure grout

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4" P.S. IN Length 17 FEET

Material _____

Slot Size 25 Set From 340 Feet to 357 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 solution☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

L.B. Water Testing
 Well Owner: Gerhard & Anna ter Denge
 Business Name: Mill Valley Dairy
 Address: 15169 476th Avenue
Milbank S.D. 57252

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>2</u>
<u>clay yellow</u>	<u>2</u>	<u>35</u>
<u>clay Grey</u>	<u>35</u>	<u>320</u>
<u>clay Brown</u>	<u>320</u>	<u>340</u>
<u>Sandrock</u>	<u>340</u>	<u>357</u>

STATIC WATER LEVEL 2 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

172 ft. After 40 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 20 GPMREMARKS 4-Hard
0-Fe

RECEIVED

JAN - 8 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling IncSignature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

389 3258
Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

APPLICATION FOR AMENDED ARTICLES OF ORGANIZATION DOMESTIC LIMITED LIABILITY COMPANY

Please Type or Print Clearly in Ink

Filed this 23rd day of May, 2012
Jeanne Land
SECRETARY OF STATE

Please submit one Original and one Photocopy
FILING FEE: \$60 payable to SECRETARY OF STATE

RECEIVED
MAY 23 2012
S.D. SEC. OF STATE

Telephone # _____
FAX # _____

The Limited Liability Company named below, adopts the following Amended Articles of Organization pursuant to SDCL 47-34A-204.

1. The name of the company is Mill Valley Acquisition, LLC

Note: This must be the exact limited liability company name as currently on file.

2. The amended name is Mill Valley, LLC

The name must include limited liability company, limited company or the abbreviation L.L.C., LLC, L.C. or LC. Limited may be abbreviated as Ltd. and company may be abbreviated as Co.

3. The date of filing the articles of organization is February 27, 2012

4. The amendment to the articles is:

The Articles of Organization of Mill Valley Acquisition, LLC, be and the same are hereby amended, insofar as Article I is concerned, so as to read:

ARTICLE ONE

The name of the limited liability company is MILL VALLEY, LLC (hereinafter the "Company").

The application must be signed by a member if the company is a member-managed company or by a manager if it's a manager-managed company.

Dated May 21 2012

Lynn Boadwine
(Signature of an Authorized Manager or Member)

Lynn Boadwine
(Printed Name)

manager
(Title)

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 4, 2021

RECEIVED OF Mill Valley, LLC 4009 W 49th Street, Suite 308 Sioux Falls, SD 57106

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

Fee for Application for Permit No. <u>8551-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>8551-3</u>	\$ <u>200.00</u>
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	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer
Um

Water Rights Program - File Documentation

NAME: Brad Woerner, Stockwell Engineers

ADDRESS: 605 660-1362

DATE: 10-5-21

RE: Application for Mill Valley LLC

COMMENTS:

Brad Woerner stated this application is for an additional well and to increase the diversion rate authorized by 7057A-3 for a total of 125 gpm from three wells. This application will be for an additional 75 gpm and a total of 100 acre-feet annually from all three wells.

The wells will be used as stated on the application for cooling animals, washdown and a backup supply to rural water.

The facility is located in the N 1/2 SE 1/4 Section 22-T120N-R49W.



Karen Schlaak
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Mill Valley LLC, 15161 476th Ave, Milbank SD 57252

DATE: January 6, 2022

RE: status of licensing for Water Permit No. 7057A-3 & 8551-3

COMMENTS:

On November 9, 2021, Darrell DeBoer conducted a field investigation for licensing purposes on the project developed under Permit No. 7057A-3. Mr. Gerhard Terdenge with Mill Valley LLC indicated they were considering adding a third well and would be contacting us to obtain a permit for the new well and additional diversion rate needed.

An application was submitted, and Water Permit No. 8551-3 was approved to cover a new well and increased diversion rate for the system.

A new inspection will need to be conducted as soon as the project is completed. Permit Nos. 7057A-3 and 8551-3 can be incorporated at that time. A license fee was paid under No. 7057A-3 and no additional licensing fee is necessary.



Genny McMath
Water Rights Program

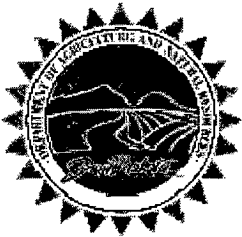
Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 29, 2021 9:47 AM
To: ldboardwine@gmail.com
Cc: Brad Woerner (bwoerner@stockwellengineers.com)
Subject: Water Permit Application No. 8551-3
Attachments: 2267.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 paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8551-3, Mill Valley 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. 8551-3, Mill Valley LLC, c/o Lynn Boadwine, 4009 W 49th Street, Suite 308, Sioux Falls SD 57106.

The Chief Engineer is recommending APPROVAL of Application No. 8551-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit Nos. 7057A-3 and 8531-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8551-3 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 Nos. 7057A-3 and 8551-3 are 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 for concentrated animal feeding operations.
4. Water Permit Nos. 7057A-3 and 8551-3 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 Greenhorn Formation.
6. Water Permit Nos. 7057A-3 and 8551-3 authorize a total annual diversion of 100 acre feet of water.

See report on application for additional information.

A handwritten signature in cursive script, reading "Eric Gronlund".

Eric Gronlund, Chief Engineer
November 30, 2021

Report to the Chief Engineer

On Water Permit Application No. 8551-3

Mill Valley LLC

c/o Lynn Boadwine

November 23, 2021

Water Permit Application No. 8551-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.17 cubic feet per second (cfs) from one well to be completed into the Greenhorn Formation (approximately 365 feet deep) in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22-T120N-R49W.

Water Permit No. 7057A-3, an existing permit held by the applicant, authorizes a combined maximum instantaneous diversion rate of 0.11 cfs from two wells completed into the Greenhorn Formation (357 feet and 365 feet deep) in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 for commercial use in an existing dairy operation located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22; all in T120N-R49W.

If approved, Water Permit Application No. 8551-3 and Water Permit No. 7057A-3 will collectively authorize up to 100 acre-feet of water annually from three wells completed into the Greenhorn Formation at a maximum instantaneous diversion rate of 0.28 cfs. The water will be used for commercial purposes at the dairy operation and serve as a backup supply to rural water. The site is located in Grant County approximately 2.5 miles southwest of Millbank, South Dakota.

AQUIFER: Greenhorn (GRNR)

HYDROGEOLOGY:

The Upper Cretaceous aged, Greenhorn Formation is widely distributed in eastern Colorado and Wyoming, southeastern Montana, Nebraska, South Dakota, and northeastern New Mexico (Fox, 1954). The Greenhorn Formation is laterally extensive and underlies all of South Dakota except for portions of the Black Hills Uplift, the Canadian Shield, and Sioux Quartzite Ridge regional structures (Hedges et al., 1982; Petsch, 1953; Schoon, 1971). The Greenhorn Formation serves as an excellent marker bed amongst other geologic formations because it is easily identifiable on an electrical resistivity log (Leap, 1988). The Greenhorn Formation was described by Gilbert (1896) as alternating limestones and shales located stratigraphically above the Carlile Shale and below the Graneros Shale (Fox, 1954). The Formation consists of gray shale, mudstone, marl, calcarenite, and shaly limestone grading upward into light gray to tan, alternating marl and thin-bedded, fossiliferous limestone (Martin et al., 2004). The Formation materials were deposited as a continuation of the transgression of the sea during the Early Cretaceous time (Downey, 1986). The thickness of the Greenhorn Formation ranges from approximately 225 to 315 feet (Martin et al., 2004).

Generally, the Greenhorn Formation is not considered an aquifer in South Dakota. In most areas of South Dakota, there are several groundwater sources available, whether glacial or bedrock aquifers, that contain better water quality than the Greenhorn aquifer (Hedges et al., 1982; Water Rights, 2021c). However, in the relatively low lying Minnesota Valley (which is the area of the proposed diversion point and existing wells as shown in Figure 1), glacial aquifers become limited, and many bedrock aquifers do not exist in this region, due in part to the Precambrian Sioux Quartzite geographic high. While the Greenhorn aquifer has poor water quality and low-capacity wells (Hedges et al., 1982), the Greenhorn aquifer is often the only groundwater source in this area, and its development becomes necessary. Hedges and others (1982) mentioned, locally, this aquifer could contain relatively good water quality and be capable of moderate productivity. Hamilton & Howells (1996) indicated the Greenhorn aquifer is primarily under confined conditions. Figure 1 displays a map of general locations of major physiographic features in eastern South Dakota (modified from Hedges et al., 1982), with the location of the proposed diversion point for Water Permit Application No. 8551-3 (Water Rights, 2021c).

No water well or test hole completion report was submitted with Water Permit Application No. 8551-3. However, there are well completion reports on file for the Greenhorn aquifer wells authorized under Water Permit No. 7057A-3 (Water Rights, 2021c and 2021d). The first well completion report lists "Sandrock" from 340 to 357 feet (Water Rights, 2021d). The well was screened in "Sandrock" from 340 to 357 feet and had a static water level of 2 feet below the ground surface, which indicates there was over 300 feet of artesian head pressure in the well at the time of completion (December 29, 2006) (Water Rights, 2021d). The second well completion report lists "Sandrock – Greenhorn - light" from 328 to 358 feet below the ground surface (Water Rights, 2021d). The well was screened in "Sandrock – Greenhorn - light" from 334 to 358 feet and had a static water level of 10 feet below the ground surface, which indicates there was over 300 feet of artesian head pressure in the well at the time of completion (June 6, 2008) (Water Rights, 2021d). Based on the well completion reports for the existing wells, the Greenhorn aquifer is confined at the proposed diversion point (Water Rights, 2021d).

The ground surface elevation at the proposed diversion point and the existing wells is approximately 1,170 feet above mean sea level (fmsl) (USGS, EROS Data Center, 1999; Water Rights, 2021c). For the first well, the Greenhorn Formation is approximately 830 to 813 fmsl; for the second well, the Greenhorn Formation is approximately 842 to 812 fmsl (Water Rights, 2021d).

Figure 2 displays a map of the proposed diversion point for Water Permit Application No. 8551-3 and the existing wells authorized under Water Permit No. 7057A-3, with the additional water rights/permits authorized to appropriate water from the Greenhorn aquifer (Water Rights, 2021c).

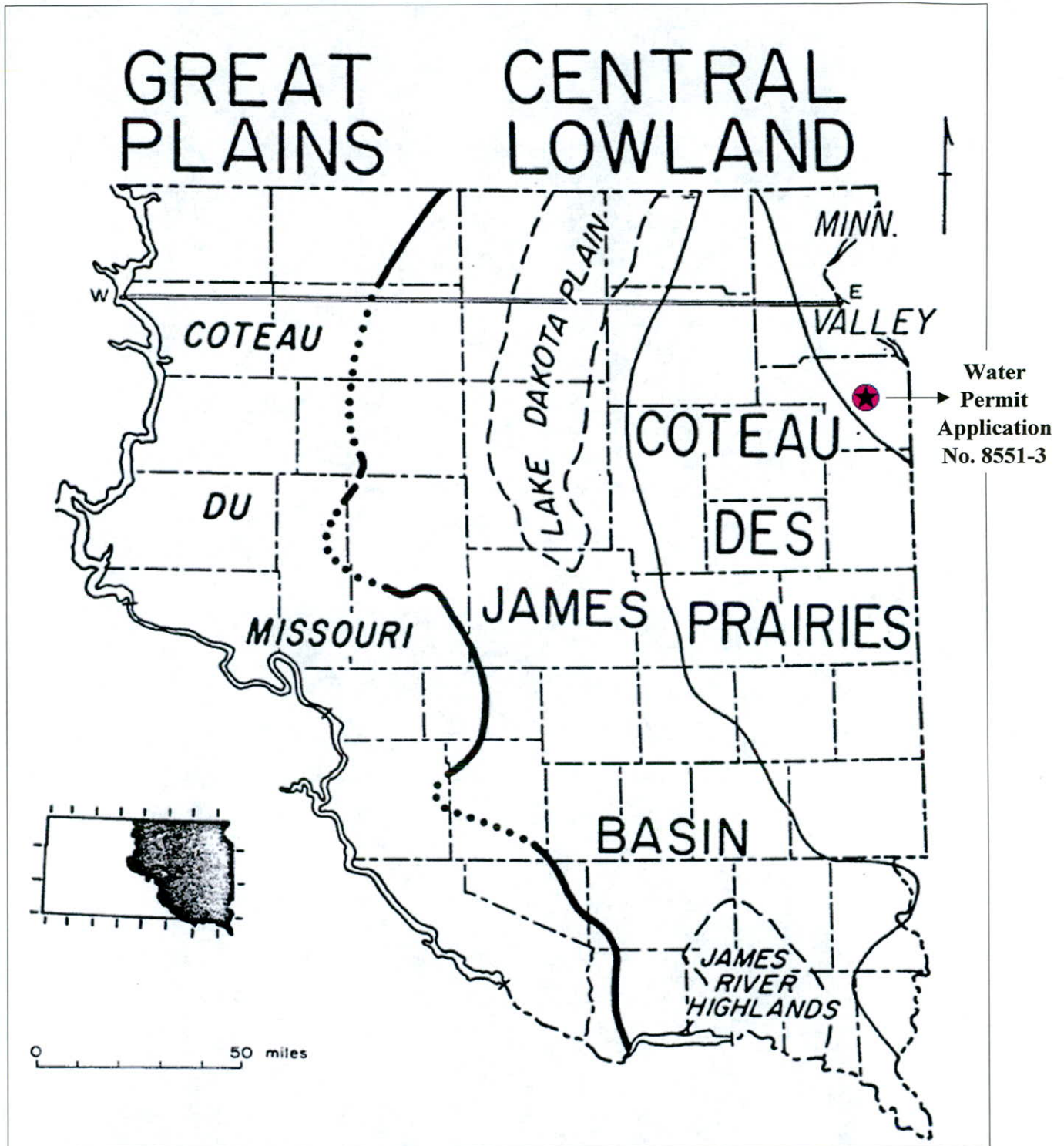


Figure 1. Map of eastern South Dakota showing location of major physiographic features (modified from Hedges et al., 1982) with the location of the proposed diversion point for Water Permit Application No. 8551-3 (Water Rights, 2021c)

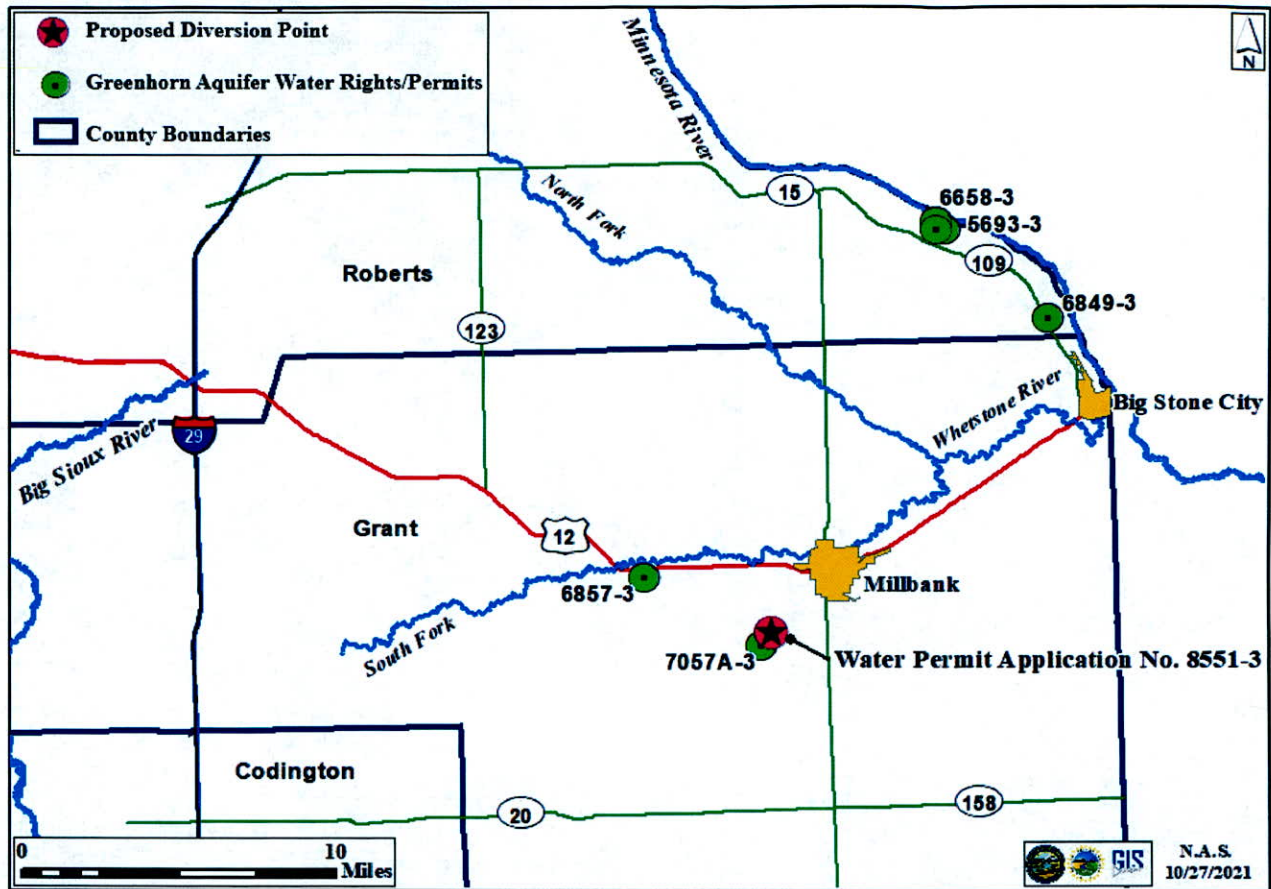


Figure 1. Location of the proposed diversion point for Water Permit Application No. 8551-3 and the existing wells authorized under Water Permit No. 7057A-3, with the additional water rights/permits authorized to appropriate water from the Greenhorn aquifer (Water Rights, 2021c)

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Greenhorn aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8551-3 proposes to appropriate water from the Greenhorn aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the

average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” As the proposed water source is the aquifer within the Greenhorn Formation, the average annual recharge and average annual withdrawal rates to and from the aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Greenhorn aquifer is unknown and an average annual recharge rate to the aquifer has not been quantified.

Discharge

Discharge from the Greenhorn aquifer is primarily through well withdrawals (Water Rights, 2021c) and groundwater outflow and leakage to other aquifers. Currently, there are five water rights/permits authorized to appropriate water from the Greenhorn aquifer (Water Rights, 2021c).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Greenhorn aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals from an aquifer (Water Rights, 2021c). Overall, the average annual withdrawal rate for the four aquifer non-irrigation water rights/permits is approximately 157 acre-feet per year (Table 1) (Water Rights, 2021c).

Table 1. Summary of the non-irrigation water rights/permits authorized to appropriate water from the Greenhorn aquifer with estimated annual use determined by their respective diversion rate or annual volume (Water Rights, 2021c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Estimated Use (acre-feet/year)
5693-3	Schmidt's Landing	LC	COM	0.044	19
6849-3	Mike Harmening	LC	COM	0.08	34
6857-3	Western Consolidated Coop	LC	COM	0.13	56
7057A-3	Mill Valley LLC	PE	COM	0.11	48
LC: Licensed Water Right; PE: Water Permit; COM: Commercial				TOTAL:	157

However, if this application is approved, Water Permit No. 7057A-3 and Water Permit Application No. 8551-3 will collectively authorize up to 100 acre-feet of water annually from three wells completed into the Greenhorn Formation at a maximum instantaneous diversion rate of 0.28 cfs. Therefore, the average annual withdrawal rate calculated on Table 2 will be used in this analysis to estimate the annual usage for the non-irrigation water rights/permits authorized to appropriate water from the Greenhorn aquifer, as Table 2 includes the estimated use by Water Permit Application No. 8551-3, if approved.

Table 2. Summary of the non-irrigation water rights/permits authorized to appropriate water from the Greenhorn aquifer, plus estimated use by Water Permit Application No. 8551-3, if approved, with estimated annual use determined by their respective diversion rate or annual volume (Water Rights, 2021c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Volume (acre-feet)	Estimated Use (acre-feet/year)
5693-3	Schmidt's Landing	LC	COM	0.044		19
6849-3	Mike Harmening	LC	COM	0.08		34
6857-3	Western Consolidated Coop	LC	COM	0.13		56
7057A-3	Mill Valley LLC	PE	COM	0.11		0*
8551-3	Mill Valley LLC (if approved)	<i>pending</i>	COM	0.17	100	100
LC: Licensed Water Right; PE: Water Permit; COM: Commercial						
*Estimated use calculated under another water right/permit					TOTAL:	209

Currently, there is one irrigation water right/permit authorized to appropriate water from the Greenhorn aquifer – Water Right No. 6658-3, held by Dakotaraptor LLC, for the irrigation of 16 acres (Water Rights, 2021c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Greenhorn aquifer irrigation water right/permit that has reported over the period of record (2005 to 2020) is approximately 4.93 acre-feet per year (Table 3) (Water Rights, 2021a).

There are domestic wells completed into the Greenhorn aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2021d). Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Greenhorn aquifer.

Hydrologic Budget Summary

No average annual recharge rate has been estimated for the Greenhorn aquifer. The average annual withdrawal rate totals approximately 214 acre-feet per year (non-irrigation (including Water Permit Application No. 8551-3, if approved): 209 acre-feet/year; irrigation: 4.93 acre-feet/year).

Table 3. Reported historic irrigation use from the Greenhorn aquifer (Water Rights, 2021a)

Year	No. of Water Rights/Permits Reporting	Annual Appropriation (acre-feet)	Reported Pumpage (acre-feet)
2005	1	32	11.6
2006	1	32	5.89
2007	1	32	6.63
2008	1	32	5.67
2009	1	32	4.95
2010	1	32	5.57
2011	1	32	0.71
2012	1	32	7.57
2013	1	32	2.3
2014	1	32	1.64
2015	1	32	5.77
2016	1	32	0
2017	1	32	6.84
2018	1	32	6.89
2019	1	32	6.89
2020	1	32	0
Min	1	32	0
Max	1	32	11.6
Avg	1	32	4.93

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall 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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors zero observation wells completed into the Greenhorn aquifer (Water Rights, 2021b). However, from 1976 to 1981, the U.S. Geological Survey (USGS) recorded water level measurements annually in a domestic well located approximately 2.5 miles northeast of the proposed diversion point and the existing wells (Winter, 1994; Water Rights, 2021c). The domestic well is completed into a “Cretaceous sandstone undifferentiated,” and produced water from an interval of 316 to 326 feet below the ground surface (849 to 839 fmsl) over the period of record. The well completion reports on file for the two wells authorized under Water Permit No. 7057A-3 identify the Greenhorn Formation at approximately 830 to 813 fmsl and 842 to 812 fmsl, respectively. Therefore, the domestic well monitored by the USGS was likely completed into the Greenhorn aquifer. Although there are some problems inherent to monitoring domestic wells instead of dedicated observation wells, the

water level data provides insight into the aquifer. Figure 3 displays a hydrograph containing the annual water level measurements taken by the USGS in the domestic well (Winter, 1994).

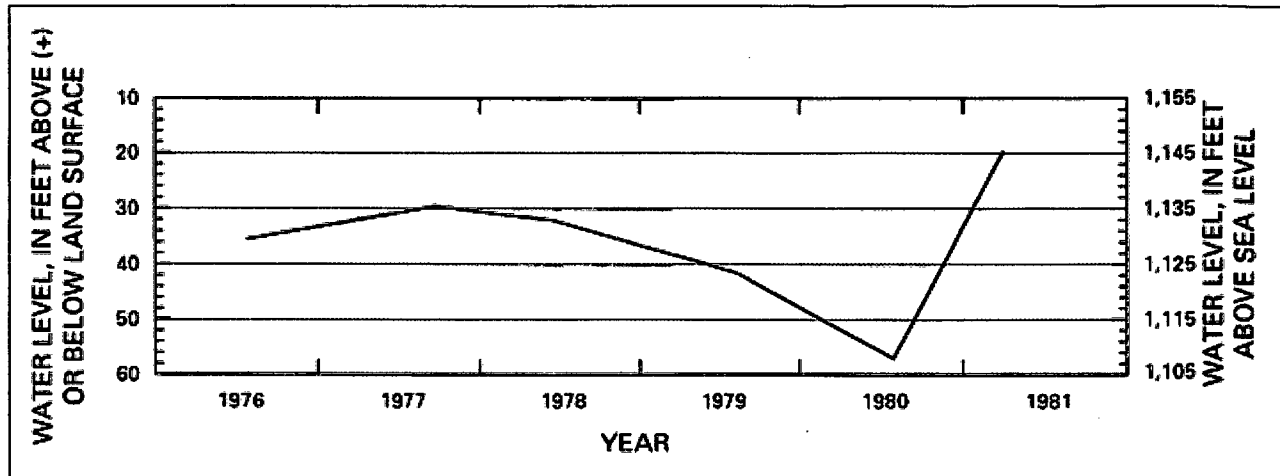


Figure 3. Hydrograph of a domestic well completed into the Greenhorn aquifer (Winter, 1994)

The static water levels of the two wells authorized under Water Permit No. 7057A-3 (approximately 1,168 and 1,160 fmsl) as compared to the water level elevation reported by the USGS (1,109 to 1,145 fmsl, as seen on Figure 3) indicates there was more water stored in the Greenhorn aquifer when the wells for Water Permit No. 7057A-3 were completed (2006 and 2008, respectively) than there was when the USGS was monitoring the aquifer (Water Rights, 2021c and 2021d). The higher potentiometric surface of the Greenhorn aquifer in the mid-2000's, as compared to the potentiometric surface of the aquifer in the late 1970's, is likely indicative of climatic conditions, consequently showing the aquifer is readily recharged.

The historic water levels of the Greenhorn aquifer in this area suggest climatic conditions and/or natural discharge, such as groundwater outflow from the aquifer, govern the hydrologic budget for the aquifer in this area, and the withdrawals made by both appropriative and domestic users wells completed into the Greenhorn aquifer are not significant (Water Rights, 2021c and 2021d). By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the appropriative volume of water requested by Water Permit Application No. 8551-3 is available for capture when it would have otherwise been naturally discharged from the aquifer. Therefore, approval of this application will not result in withdrawals from the Greenhorn aquifer exceeding recharge to the aquifer, so there is a reasonable probability unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are five water rights/permits authorized to appropriate water from the Greenhorn aquifer (Water Rights, 2021c). The closest water right/permit (not held by the applicant) to the proposed diversion point and the existing wells is Water Right No. 6857-3, which is held by Western Consolidated Coop. The diversion point for Water Right No. 6857-3 is located approximately 4.4 miles northwest of the proposed diversion point for this application and the two existing wells (as seen in Figure 1) (Water Rights, 2021c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Greenhorn aquifer, with the closest domestic well on file (not held by the applicant) approximately 2.3 miles northeast of the proposed diversion point for this application and the two existing wells (Water Rights, 2021d). There could potentially be other domestic wells completed into the Greenhorn aquifer near the proposed diversion point and existing wells that are not on file with the DANR-Water Rights Program.

The Greenhorn aquifer is under confined conditions near the proposed diversion point based on the well completion reports on file with the DANR-Water Rights Program (Water Rights, 2021d). Since the Greenhorn aquifer is confined at the well site, drawdown can extend some distance but the exact drawdown behavior of a well cannot be known without an aquifer performance test. At the well site, the Greenhorn aquifer has a saturated aquifer thickness ranging from approximately 20 to 30 feet, with depth to the top of aquifer materials ranging from approximately 328 to 340 feet below the ground surface according to the well completion reports on file (Water Rights, 2021d). Generally, this would allow for enough thickness for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6).

An adequate well as defined in ARSD 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

In Grant and Roberts Counties, the development of both appropriative and domestic users wells completed into the Greenhorn aquifer has continued with no history of well interference complaints (Water Rights, 2021e). Additionally, the two existing wells authorized under Water Permit No. 7057A-3 had over 300 feet of artesian head pressure in them at the time of their respective well completion dates (Water Rights, 2021d). The applicant would be likely to draw down their own wells before another appropriative or domestic user would experience drawdown. Any drawdown created from the proposed diversion is not expected to cause an unlawful impairment of existing water right/permit holders or domestic users with adequate wells.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. 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.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Greenhorn aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the minimal amount of water rights/permits authorized to appropriate water from the Greenhorn aquifer, the artesian head pressure in appropriative and domestic users wells completed into the Greenhorn aquifer in Grant County, and the lack of well interference complaints from the Greenhorn aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, the two Greenhorn aquifer wells authorized under Water Permit No. 7057A-3 are existing wells that have been in place and are presumed to have been in use for some time without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2021c, 2021d and 2021e). Therefore, there is a reasonable probability any interference from the proposed appropriation will not impose unlawful impairments on existing water right/permit holders or domestic users with adequate wells.

If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

CONCLUSIONS:

1. Water Permit Application No. 8551-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.17 cfs from one well to be completed into the Greenhorn Formation (approximately 365 feet deep) for commercial use in an existing dairy operation.
2. The applicant holds Water Permit No. 7057A-3, which authorizes a combined maximum instantaneous diversion rate of 0.11 cfs from two wells completed into the Greenhorn Formation (357 feet and 365 feet deep) for commercial use in the same existing dairy operation.
3. If approved, Water Permit Application No. 8551-3 and Water Permit No. 7057A-3 will collectively authorize up to 100 acre-feet of water annually from three wells completed into the Greenhorn Formation at a maximum instantaneous diversion rate of 0.28 cfs. The water will be used for commercial purposes at the dairy operation and serve as a backup supply to rural water. The site is located in Grant County approximately 2.5 miles southwest of Millbank, South Dakota.
4. Climatic conditions govern the hydrologic budget for the Greenhorn aquifer in this area. Water use from the Greenhorn aquifer is insignificant with respect to the amount of water stored in the aquifer.
5. Based on historic water level data, there is a reasonable probability unappropriated water is available from the Greenhorn aquifer to supply the proposed appropriation.
6. There is a reasonable probability the proposed diversion by Water Permit Application No. 8551-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.
7. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

Nakaiila Steen

Nakaiila Steen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:

Adam Mathiowetz

Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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PROOF OF PUBLICATION

Lynn Boadwine
Mill Valley LLC
4009 W 49Th ST # 308
Sioux Falls SD 57106-5221

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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12/08/2021

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WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8551-3 to Appropriate Water

Notice is given that Mill Valley LLC, c/o Lynn Boddwine, 4009 W 49th St, Suite 308, Sioux Falls SD 57106 has filed an application for a water permit to appropriate an additional 0.17 cubic feet of water per second (cfs) and add one well. Water Permit No. 7057A-3 authorizes 0.11 cfs from two wells completed into Greenhorn Formation located in the NE 1/4 SE 1/4 Section 22 for commercial use in a dairy operation located in the N 1/2 SE 1/4 Section 22; all in T120N-R49W. This application proposes to appropriate an additional 0.17 cfs and add one well to be completed into the Greenhorn Formation (approximately 365 feet deep) located in the NE 1/4 SE 1/4 Section 22-T120N-R49W. This application, if approved, and Water Permit No. 7057A-3, combined, will authorize a total diversion of 100 acre-feet of water annually at a maximum, combined, pump rate of 0.28 cfs from the three wells. The water will be used for commercial purposes at the dairy and serve as a backup supply to rural water. This site is located approximately 2 1/2 miles southwest of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8551-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a

form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 20, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 20, 2021.

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 \$54.00
Dec. 8, 2021 #6585474

Printer's Affidavit of Publication

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STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

DEC 13 2021

Debbie Hemmer

WATER RIGHTS
PROGRAM

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, Co-owner 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. 8551-3 to Appropriate Water, Mill Valley, LLC

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(s), on the day of each week on which the said newspaper was regularly published, to-wit:

<u>December 8</u>	<u>20</u>	<u>21</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>	<u>20</u>

That \$ 43.46, 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.

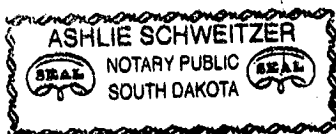
Debbie Hemmer

Subscribed and sworn to before me this 8th day of Dec 20 21

Ashlee Schweitzer

Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee \$ 43.46
Notarial Fee \$
Total \$ 43.46

NOTICE OF APPLICATION

NO. 8551-3 to Appropriate Water

Notice is given that Mill Valley LLC, c/o Lynn Boadwine, 4009 W 49th St, Suite 308, Sioux Falls SD 57106 has filed an application for a water permit to appropriate an additional 0.17 cubic feet of water per second (cfs) and add one well. Water Permit No. 7057A-3 authorizes 0.11 cfs from two wells completed into Greenhorn Formation located in the NE 1/4 SE 1/4 Section 22 for commercial use in a dairy operation located in the N 1/2 SE 1/4 Section 22; all in T120N-R49W. This application proposes to appropriate an additional 0.17 cfs and add one well to be completed into the Greenhorn Formation (approximately 365 feet deep) located in the NE 1/4 SE 1/4 Section 22-T120N-R49W. This application, if approved, and Water Permit No. 7057A-3, combined, will authorize a total diversion of 100 acre-feet of water annually at a maximum, combined, pump rate of 0.28 cfs from the three wells. The water will be used for commercial purposes at the dairy and serve as a backup supply to rural water. This site is located approximately 2 1/2 miles southwest of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8551-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address

Printer's Affidavit of Publication

and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Filed in the office of _____

on the

day of _____, 20____

Attorney for _____

is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 20, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 20, 2021.

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 \$43.46.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 29, 2021 9:42 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 8551-3, Mill Valley LLC
Attachments: 8551-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 8, 2021.

Mill Valley LLC, c/o Lynn Boadwine, 4009 W 49th St, Suite 308, Sioux Falls SD 57106, (605 361-3352) 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

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 29, 2021 9:43 AM
To: 'legals@thepublicopinion.com'
Subject: 8551-3, Mill Valley LLC
Attachments: 8551-3public.short_final.docx; FORM8.FRM.doc

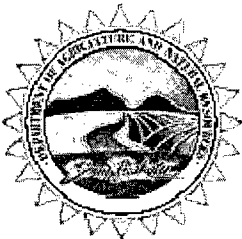
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Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

November 29, 2021

Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St, Suite 308
Sioux Falls SD 57106

Dear Mr. Boadwine:

Water Permit Application No. 8551-3 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant Co Review printed at Milbank (Ph # 605 432-4516) and the Public Opinion printed at Watertown (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. 8551-3 to Appropriate Water

Notice is given that Mill Valley LLC, c/o Lynn Boadwine, 4009 W 49th St, Suite 308, Sioux Falls SD 57106 has filed an application for a water permit to appropriate an additional 0.17 cubic feet of water per second (cfs) and add one well. Water Permit No. 7057A-3 authorizes 0.11 cfs from two wells completed into Greenhorn Formation located in the NE 1/4 SE 1/4 Section 22 for commercial use in a dairy operation located in the N 1/2 SE 1/4 Section 22; all in T120N-R49W. This application proposes to appropriate an additional 0.17 cfs and add one well to be completed into the Greenhorn Formation (approximately 365 feet deep) located in the NE 1/4 SE 1/4 Section 22-T120N-R49W. This application, if approved, and Water Permit No. 7057A-3, combined, will authorize a total diversion of 100 acre-feet of water annually at a maximum, combined, pump rate of 0.28 cfs from the three wells. The water will be used for commercial purposes at the dairy and serve as a backup supply to rural water. This site is located approximately 2 1/2 miles southwest of Milbank SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8551-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 20, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 20, 2021.

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.

January 12, 2022

PAYMENT REQUEST FORM

PAYEE: Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St.
Sioux Falls SD 57106

FROM: DANR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over payment for Application/License Fee

AMOUNT: \$450.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Brendel 1/13/2022*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2022

Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St
Sioux Falls SD 57106

Dear Mr. Boadwine:

Enclosed is Water Permit No. 8551-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$950.00 was submitted with the application. The correct fee for this permit is \$500.00. \$450.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

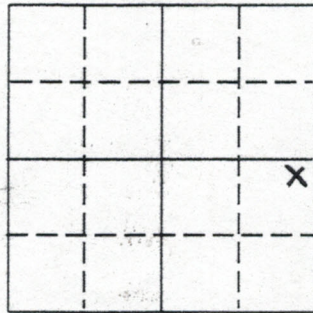
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 22 Twp 120N Rg 49WGrant Center
NorthCounty
Grant

Please mark well location with an "X"



Well completion Date

May 26, 2022

1 Mile

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

? 150 ft. from Sewer (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe

☐ Steel
☒ Plastic
☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sdr 21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>232</u> FT	<u>9</u> IN
<u>sdr 17</u> LB/FT	<u>5</u> IN	<u>232</u> FT	<u>332</u> FT	<u>9</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neat cement</u>	<u>18</u>	<u>50#</u> Lb/gal	<u>0</u> Ft	<u>30</u> Ft
<u>Bentonite</u>	<u>30</u>	Lb/gal	<u>30</u> Ft	<u>330</u> Ft

Describe grouting procedure Tremmie line from bottom to top

SCREEN:

☐ Perforated pipe
☒ Manufactured
 Diameter 5 Inches Length 20 Feet
 Material Stainless steel
 Slot Size .025 Set From 332 Feet to 352 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 solution
☐ No, Why Not?
 Lab sample sent to for water quality analysis

Well Owner:

Gerhardt ter Denge

Business Name:

Mill Valley Dairy

Address1:

15169 476th Ave

Address2:

City, State, Zip:

Milbank SD 57252

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Black topsoil</u>	<u>0</u>	<u>2</u>
<u>Clay Yellow/gray</u>	<u>2</u>	<u>75</u>
<u>Shale dark</u>	<u>75</u>	<u>320</u>
<u>Shale brown</u>	<u>320</u>	<u>329</u>
<u>Greenhorn sand rock</u>	<u>329</u>	<u>352</u>

STATIC WATER LEVEL

50

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:

test pump☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After

4

Hrs. pumped

7

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excav LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

May 25, 2022



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 29, 2024

7057A-3
8551-3

Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St, Ste 308
Sioux Falls SD 57106

Dear Mr. Boadwine:

I am writing in regard to Water Permit Nos. 7057A-3 & 8551-3 authorizing the combined diversion of 0.28 cubic feet of water per second (125 GPM) from 3 wells located in the NE ¼ SE ¼ Section 22, T120N, R49W, Grant County, for commercial use in a dairy operation.

On July 30, 2024, a staff engineer from the Water Rights Program made a site visit to conduct an inspection of the water use systems authorized under Permit Nos. 7057A-3 & 8551-3, for the purpose of incorporating the permits and licensing system.

With the inspections having been conducted and the reports completed, we are ready to proceed with the licensing of your water use system. However, as stated in Permit No. 8551-3, you have until December 20, 2026, to complete the construction of your water use system and until December 20, 2030, to put that water to beneficial use.

If you have finished the construction and are satisfied with your water use system, please complete the highlighted portions of the enclosed "Notice of Completion of Works" form and return it in the postage paid envelope. Once we have the completed form back from you, we will proceed with the licensing of your system.

Sincerely,

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

NOTE: The inspection found that all three wells are only capable of producing 25 GPM, collectively. Please contact me immediately if you believe that to be incorrect.

enclosures

**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 8551-3**

I have this day, **July 30, 2024**, made a thorough examination of the water use system constructed by **Mill Valley LLC, 15161 476th Ave, Milbank, SD 57252** of Permit No. **8551-3**, bearing the priority of **October 4, 2021** authorizing the diversion of an additional **0.17** cu. ft. per second of the waters of the **Greenhorn Formation Aquifer** for **commercial dairy use** purposes, in **Grant** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kranz Well & Excav LLC
- 2) No. of Wells 1
- 3) Depth(s) 352 feet
- 4) Well log is available Y Casing:
 - 1) Diameter 5 inches
 - 2) Length 332 feet
 - 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 50 feet

Pump:

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

Motor:

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

Report of Examination of Works

Permit No. 8551-3

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

- 1) Type Buried PVC 2) Size Unknown inches 3) Length 200 feet

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL #1 2350 ft N & 40 ft W Lat 45.18552 Long -96.68189 (NE ¼ SE ¼) WELL #2 2225 ft N & 200 ft W Lat 45.18518 & Long -96.68237 (NE ¼ SE ¼) WELL #3 2450 ft N & 50 ft W Lat 45.18586 Long -96.68185 (NE ¼ SE ¼).
2. The works are capable of diverting and conveying to the place of use 0.056 cu. ft. per second of water which is to be used for commercial dairy use.

The license should be issued for 0.056 cfs (25 gpm).

3. All structures, wells and lands on map Y

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

Additional well ("N" well) and diversion rate to permit 7057A-3. The 7057A-3 report was submitted to DANR last year.

The total discharge capacity of all three (3) wells is 25 gpm. The dairy is on rural water also according to Mr. TerDenge. *Called and verified 8/29/2024 AMD

FSA maps and the ArcGIS program were used to construct the attached well location map.

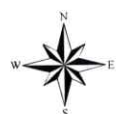
I visited with Mr. Gerhardt TerDenge (605/949-1574) on the phone.

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



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: August 8, 2024



0 385 770 1,540 2,310 3,080 Feet



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 9/10/2024

FROM: Gerhard Lee Pong 605 949 1574
(name) (phone)
15161 476th ave millvalleydale91@gmail.com
(address) (email)
milbank SD 57252
(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. 8551-3 states that the water use system is to be constructed by

December 20, 2026 and water is to be put to beneficial use by December 20, 2030
(date) (date)

The water use system was completed on 7/23/2023
(date)

Applying the water to beneficial use was completed on 7/28/2023
(date)

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

RECEIVED

SEP 17 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 18 2024

7057A-3
8551-3

Mill Valley LLC
c/o Lynn Boadwine
4009 W 49th St, STE 308
Sioux Falls SD 57106

Dear Mr. Boadwine:

Enclosed is Water License No. 8551-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

NOTE: The applicable portions of Water Right No. 7057A-3 have been incorporated into Water Right No. 8551-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8551-3

(1) Mill Valley LLC, 4009 W 49th St, Ste 308, made Application No. 7057A-3, February 14, 2014, for a water permit to reinstate Permit No. 7057-3, authorizing the diversion of 0.11 cubic feet of water per second from groundwater, two wells (Greenhorn Formation), Grant County, South Dakota for commercial use in a dairy operation. Permit No. 7057A-3, with a priority date of February 14, 2014, was approved May 12, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2019, and for the application to beneficial use of water on or before May 12, 2023. The applicable portions of Permit No. 7057A-3 have been incorporated into this license.

Mill Valley LLC made Application No. 8551-3, October 4, 2021, for a water permit to appropriate an additional 0.17 cfs (100 total acre-feet annually) and add a third well to what was already authorized by Permit No. 7057A-3. Permit No. 8551-3, with a priority date of October 4, 2021, was approved December 20, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 20, 2026, and for the application to beneficial use of water on or before December 20, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on September 17, 2024. The Notice stated the diversion system was completed on July 23, 2023, and the water was placed to beneficial use on July 28, 2023.

(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 0.056 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 2,350 ft N & 40 ft W of the SE corner of Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18552 & Longitude -96.68189)
- Well #2: 2,225 ft N & 200 ft W of the SE corner of Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18518 & Longitude -96.68237)
- Well #3: 2,450 ft N & 50 ft W of the SE corner Section 22, T120N, R49W (NE ¼ SE ¼)
(Latitude 45.18586 & Longitude -96.68185)

(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 Mill Valley LLC, the holder and/or owner of Water Right No. 8551-3 is issued a license to appropriate water, the right to use 0.056 cubic feet of water per second from groundwater, three wells (Greenhorn Formation), with a priority date of February 14, 2014, from the locations specified in (2) of this license for commercial use in a dairy operation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8551-3 and subject to the following qualifications:

continued

Qualifications

1. The wells approved under Water Permit Nos. 7057A-3 & 8551-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8551-3 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 well was drilled in 2022 by Kranz Well & Excavation LLC. A copy of the well completion report is on file with the Water Rights Program.)*
3. Water Permit Nos. 7057A-3 & 8551-3 are 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 for concentrated animal feeding operations.
4. Water Permit Nos. 7057A-3 & 8551-3 are 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 Permits
 - 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) Chapters 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 Greenhorn Formation.
6. Water Permit Nos. 7057A-3 & 8551-3 authorize a total annual diversion of 100 acre-feet of water. *(Annual appropriations from the Greenhorn Formation under Water Right No. 8551-3 are limited to 40.3 acre-feet of water, based on the system as developed.)*

Eric Gronlund

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

SEP 18 2024

date

