

WATER PERMIT NO. 8618-3

Name of Applicant: MoDak Dairy Inc

Address: 46472 171st St, Goodwin SD 57238

Phone: 605 882-8935

Amount of Water Claimed: 1.12 add'l cfs

Total Acres: NA

Source of Water Supply: 2 add'l wells

Water to be used for: commercial

County: Deuel

Type of Waste Disposal System:

Location: 1 mile west of Goodwin

PRIORITY

Date Received: 1-3-22

Application/License Fee: \$ 500

Corrected Application Received: 3-24-22

Period of Annual Use: Jan 1 – Dec 31

Remarks: Additional diversion and wells to Permit No. 6989-3

Diversion Point: NW 1/4 SW 1/4 Sec 6-T116N-
R50W

Land to be Irrigated: NA

Depth of Well: 30 feet deep

Well Driller:

Remarks:

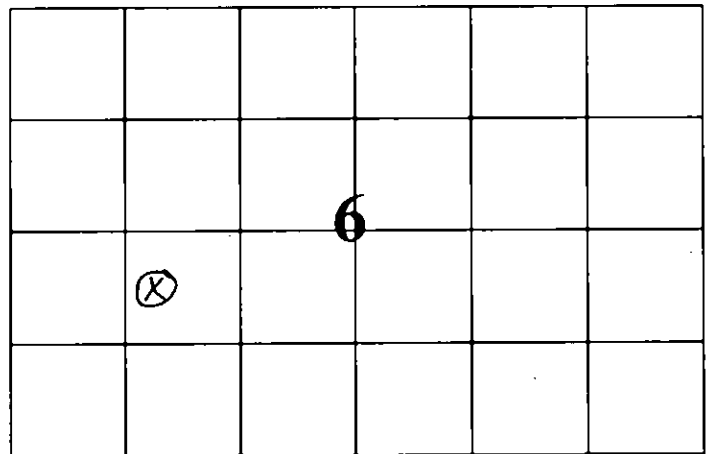
Type of Map: aerial

Prepared by: Darrell DeBoer

Reviewed and the Number Assigned on: 3-25-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8618-3</u>	(office use only) Hydrologic Unit <u>10170202</u>	MAR 24 2022
	Basin <u>Sioux River</u>	WATER RIGHTS PROGRAM	
	Newspaper <u>Clear Lake Courier</u>		
	<u>Public Opinion</u>		

RECEIVED

JAN 03 2022

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 <u>Livestock</u>	

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. <u>6489-3</u>		

PAID

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

additional wells (2) with additional 1.12 cfs diversion rate

MAR 24 2022

CK# 83961. Name to Appear on Water Permit MoDak Dairy, Inc.

Rec't#

Mailing Address 46472 171st Street Goodwin SD 57238
(Address) (City) (State) (Zip Code)Phone 605-882-8935 Mobile Email office@modak.net2. Amount of water claimed 1.12 *CFS or 67 **GPM and 60,000 ***AF or 60,000 Gallons/day
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acres Feet - storage capacity of dam/dugout or annual use)3. Source of water supply 2 wells (additional)4. Location of point of diversion NW 1/4 SW 1/4 Section 6 T116N-50RN County Devel
(example - 1 wells in SW 1/4 NE 1/4 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? SW 1/4 Sec 25 - T117N - R51W
(example - NW 1/4 section 12-T104N-R53W)5. County or counties where water will be used Codington6. Annual period during which water is to be used JAN 1 - DEC 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)

water to be used to supply 2100 cow dairy barnI, MoDak Dairy, Inc., Gregory Moes Secretary, 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 _____

For either Existing or Proposed Wells:

c) Well Depth (required) 30' Depth to Top of Water Bearing Material 9' Depth to Water from Surface 4'

d) Distance to nearest domestic well on applicant's property none Property owned by others n/a

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) 1500 gallons Year Constructed 2008

c) Connected to the City of n/a Sanitary System

3. Dugout Information n/a

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams n/a

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)

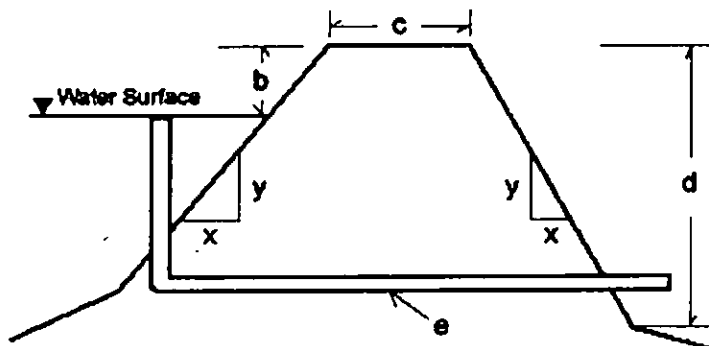
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER PERMIT NO. 8618-3

Date of first receipt of application January 3, 2022.

Date of return to applicant for corrections, amendments or changes January 6, 2022.

Date of receipt of corrected application March 24, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8618-3 to MoDak Dairy, Inc., c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 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. 8619-3 appropriates an additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This permit and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg 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 March 24, 2022.
5. The date of approval of Permit No. 8616-3 is June 6, 2022.
6. 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. 6989-3 and 8618-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit Nos. 6989-3 and 8618-3 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 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit Nos. 6989-3 and 8618-3 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 Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Water Permit No. 8618-3
MoDak Dairy Inc
Page 2

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Pleistocene Series Unknown aquifer.
5. Water Permit Nos. 6989-3 and 8618-3, combined, authorize a total annual diversion of 67 acre-feet of water from the Pleistocene Series Unknown aquifer.

WATER MANAGEMENT BOARD

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

JUN 28 2022
date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8618-3

(1) MoDak Dairy Inc., c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 made Application No. 8618-3, January 6, 2022, for a water permit to divert an additional 1.12 cubic feet of water per second (cfs) and two additional wells to what is currently authorized by Water Permit No. 6989-3 from groundwater (Pleistocene Series Unknown Aquifer, Deuel County, South Dakota. Permit No. 8618-3, with a priority date of March 24, 2022 was approved June 6, 2022 and issued to the applicant for diversion of water with construction of the described water supply system and application to beneficial use completed.

Water Permit No. 6989-3, with a priority date of February 22, 2008 authorized 0.22 cfs from three wells for commercial use. The application portions of No. 6989-3 are incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the five diversion points are within the area described below:

- 2,670'S and 350'E of the NW corner of Section 6-T116N-R50W (NW 1/4 SW 1/4)
Latitude 44.88273 Longitude -96.88297

(3) Pursuant to South Dakota Water Law 46-5-30.1 MoDak Dairy Inc., c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 the holder and/or owner of Incorporated Water Right No. 8618-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second (67 acre-feet annually) from groundwater (5 wells) Pleistocene Unknown Aquifer with priority dates of February 22, 2008 (0.22 cfs - 2 wells) and March 24, 2022 (1.12 cfs – 3 wells) from the well field described in (2) of this license for commercial use purposes at a dairy.

This license is subject to South Dakota State Law, any limitations or conditions listed in Incorporated Water Right No. 8618-3 and subject to the following qualifications:

- The wells approved under Water Permit Nos. 6989-3 and 8618-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Permit Nos. 6989-3 and 8618-3 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 or 34A-2-124 for concentrated animal feeding operations.
- Water Permit Nos. 6989-3 and 8618-3 are subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - Chapter 74:54:01 Ground Water Quality Standards,
 - Chapter 74:54:02 Ground Water Discharge Permit,
 - Chapter 74:51:01 Surface Water Quality Standards,
 - Chapter 74:51:02 Uses Assigned to Lakes,
 - Chapter 74:51:03 Uses Assigned to Streams, and
 - Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

- The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Pleistocene Series Unknown aquifer.
- Water Permit Nos. 6989-3 and 8618-3, combined, authorize a total annual diversion of 67 acre-feet of water from the Pleistocene Series Unknown aquifer.



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

JUN 28 2022

date



**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6989-3**

I have this day, June 25, 2021, made a thorough examination of the water use system constructed by MoDak Dairy, 46472 171st St, Goodwin, SD 57238 of Permit No. 6989-3, bearing the priority of February 22, 2008 authorizing the diversion of 0.22 cu. ft. per second of the waters of the Pleistocene Unknown Aquifer for commercial use purposes in a dairy located in Deuel County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lee Well Drilling, Inc
- 2) No. of Wells 5
- 3) Depths 27-31 feet
- 4) Well logs available Y

Comments: A well field consisting of five (5) shallow wells

Casing:

- 1) Diameter 5 inches
- 2) Length 24-25 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 3-7 feet
- 3) Static water level 3-4 feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Capacity 600 GPM (total)

Motor information: unknown

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y (after obtaining No. 8618-3 for additional 2 wells and 1.12 cfs)
- 2) Exceptions to compliance are: None

C. Condition and Location:

1. The system is in good condition with the points of diversion (well field) located as follows: From the NW corner of Sec 6, T116N, R50W 2670 ft S & 350 ft E, Lat 44.88273 Long -96.88297 (NW 1/4 SW 1/4 Sec 6).

The license should be issued for 1.34 cfs.

2. All structures, wells and lands on map (only "well field")

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

The summary map of the project used an FSA map.

A telephone call from Mr. Gregory Moes (Owner of the Dairy) determined the flow rate from the five (5) wells in the well field to be about 60,000 gal/day or about 40gpm. Water is pumped about 2 miles from the well field to the dairy with a buried pipeline.

The address on the review materials is current and the owner's cellphone number is 605/881-4576.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 26, 2021

Note: The investigation of the water use system found a total of 5 wells. MoDak Dairy obtained Water Permit No. 8618-3 to cover the additional 2 wells and 1.12 cfs diversion rate.

A water license will be issued for the entire system as developed incorporating No. 6989-3 into No. 8618-3.

Genny McMath



07-92

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from septic tank (identify source).

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

Forward Rotary

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
CDR 21 LB/FT	5 IN	0 FT	24 FT	9 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neat Cement</u>	_____	<u>15</u> lb./gal	<u>0</u> ft	<u>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure

Diameter 5" P. Size IN Length 7 FEET

Material Stainless Steel
Slot Size 18 Set From 24 Feet to 31 Feet

Other information

If so, what material?

Describe packer(s) and location?

✓ YES, How: Chlorine Solution

DHIA Lab

Well Owner: MoDak Dairy Inc

Business Name:

Address: 46472 171st St
Goodrich, SD 57238

FORMATION			FROM	TO
topsail	Dark	soft	0	2
clay	yellow	med	2	6
Sand	yellow	soft	6	15
Sand/Gravel	dark	soft	15	31
clay	Blue	Med	31	

STATIC WATER LEVEL 4 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can we be completely shut in? _____

☒ Pumped Describe: Air Compressor☐ Failed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM.

REMARKS 2nd well east of Gravel Road
RECEIVED
JUL 31 2008

This well was drilled under license # 62

**WATER RIGHTS
PROGRAM**

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:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

3

07-92

Location NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 6 Twp 16-N Rg 50-W
County Deuel North

Please mark well location with an "X"

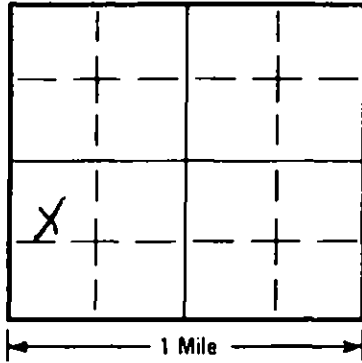
#3

W

E

Well Completion Date

7/23/08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from septic tank (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☒ Cattle 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-21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>25</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>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5" Pipe Size IN Length 4 FEETMaterial Stainless SteelSlot Size 20 Set From 25 Feet to 29 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

DHIA LabWell Owner: MoDot Dairy

Business Name: _____

Address: 46422 171st St
Goodrich, SD 57238

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u> <u>dark</u> <u>soft</u>	<u>0</u>	<u>3</u>
<u>clay</u> <u>yellow</u> <u>med</u>	<u>3</u>	<u>5</u>
<u>Sand</u> <u>yellow</u> <u>soft</u>	<u>5</u>	<u>10</u>
<u>Sand</u> <u>dark</u> <u>soft</u>	<u>10</u>	<u>29</u>
<u>clay</u> <u>blue</u> <u>med</u>	<u>29</u>	

STATIC WATER LEVEL 4 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: Ar compressor☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 25 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS 3rd well east of Gravel RoadRECEIVED
JUL 31 2008WATER 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: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT #4

07-92

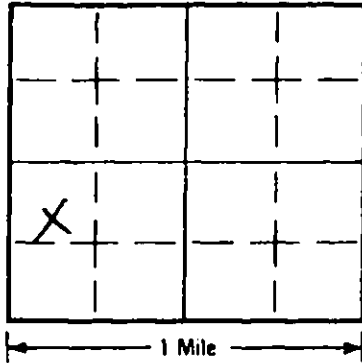
Location NW 1/4 SW 1/4 Sec 6 Twp 116N Rg 50W
County Deuel North

Please mark well location with an "X"

#4

Well Completion Date

7/23/08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 400 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
DR-24 LB/FT	5 IN	0 FT	25 FT	9 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Not Grout		15 lb./gal	0 ft.	16 ft.
		lb./gal	ft.	ft.

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5" Pipe Size IN Length 7 FEET

Material Stainless Steel

Slot Size 20 Set From 20 Feet to 27 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

DHDA

Well Owner: Modak Dairy Inc

Business Name:

Address: 46472 171st St
Goodrich, SD 57238

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil Dark Soft	0	3
clay yellow med	3	5
Sand yellow soft	5	10
Sand darker soft	10	27
clay Blue med	27	

STATIC WATER LEVEL 4 Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe: Air compressor

☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 45 GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS 4th well east of Grand Road

RECEIVED

JUL 31 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

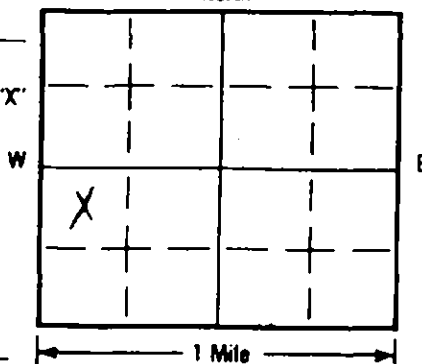
SOUTH DAKOTA WATER WELL COMPLETION REPORT

#5

07-92

Location NW 1/4 SW 1/4 Sec 6 Twp 116N Rg 50W
County Deuel

Please mark well location with an "X"



Well Completion Date

12/20/07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>25 FT</u>	<u>9 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neat Cement</u>	_____	<u>15 lb./gal</u>	<u>0 ft</u>	<u>20 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5" P.S. IN Length 4 FEETMaterial Stainless SteelSlot Size 18 Set From 25 Feet to 29 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

INFECTIO: Was well disinfected upon completion?

☒ YES, How: Chlorine Solution☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

DHIA LabWell Owner: Mo Dak Dairy

Business Name: _____

Address: 46472 171st Street
Goodwin, SD 57238

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil dark	0	4
Sand & clay mix yellow	4	9
Sand & gravel coarse Grey	9	29
clay Blue	29	

STATIC WATER LEVEL 4 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Air compressor☐ Bailed☐ Other

Pumping Level Below Land Surface

20 ft. After 2 Hrs. pumped 65 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

5th well east of Gravel RoadRECEIVED
FEB 25 2009
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]

Signature of Well Owner or Equitable Property Holder: _____

Date: 1/5/08



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 2, 2021

6989-3

MoDak Dairy
46472 171st St
Goodwin SD 57238

Dear Sirs:

Water Permit No. 6989-3 was issued in 2008 for a diversion rate 0.22 cfs (100 gallons per minute) from 3 shallow wells located in the NW ¼ SW ¼ Section 6 T116N-R50W. During a recent inspection for licensing of Water Permit No. 6989-3, the inspector found MoDak Dairy had developed 5 wells with a combined capacity of 1.34 cfs (600 gallons per minute). MoDak Dairy needs to file an application for the additional wells and the additional 1.12 cfs diversion rate that was developed.

Enclosed is an application form and instruction sheet. Please complete the application, sign, and submit along with the required application fee to this office to obtain a permit for the additional diversion rate.

Obtaining a water permit that accurately reflects actual water use ultimately benefits the you by protecting your right to use water. If you want more information regarding the permitting process, please go to our website at danr.sd.gov/des/wr/wr.aspx.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

RECEIVED

MAR 24 2022

**WATER RIGHTS
PROGRAM**

January 6, 2022

MoDak Dairy Inc.
c/o Gregory Moes
46472 171st St
Goodwin SD 57238

Dear Mr. Moes:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the two additional wells for commercial use in your dairy operation. To complete the application, the following is required and/or needs to be clarified.

- Enclosed is a map prepared by the staff engineer who inspected Water Permit No. 6989-3. The map indicates that the well field is located in NW 1/4 SW 1/4 Section 6-T116N-R50W. Are all 5 wells located within this area? *yes*
- In addition to the increased pump rate, the application needs to include an annual volume from all five wells in either gallons/year or acre feet/year. The inspection report prepared by our staff engineer states that the flow rate from the five wells is about 60,000 gallons per/day. Based on 60,000 gallons per/day, the annual volume would be 67 acre-feet. Do you agree with this acre feet/year amount? *yes*
- The application fee will be \$500.

You should be aware that you will be responsible for payment of the public notice.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 16, 2022

MoDak Dairy Inc.
c/o Gregory Moes
46472 171st St
Goodwin SD 57238

Dear Mr. Moes:

On January 6, 2022, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* for two additional wells for commercial use. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosures

Duvall, Ron

From: ST OF S DAKOTA <+16057733754>
Sent: Tuesday, May 10, 2022 11:22 AM
To: Duvall, Ron
Subject: Voice Mail (30 seconds)
Attachments: audio.mp3

Hi, Ron, this is Sherry calling with Modak Dairy and I am calling in regards to your voicemail this morning. Uhm, the water usage is in the southwest quarter of section 25. That's the main dairy 25 dash, 117, dash 51. If you have any other questions, you can sure call me back. The number here is 605-882-8935. Thanks Ron.

You received a voice mail from ST OF S DAKOTA.

Thank you for using Transcription! If you don't see a transcript above, it's because the audio quality was not clear enough to transcribe.

[Set Up Voice Mail](#)



531253270

ANNUAL REPORTDomestic Business Corporation
SDCL 59-11-24, 24.1Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845**2021**
FILING YEARPlease Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DF030610
BUSINESS ID**MODAK DAIRY, INC.**
BUSINESS NAME2. The jurisdiction under whose law it is formed SOUTH DAKOTA

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

Actual Street Address

46472 171 ST
GOODWIN, SD 57238-6405

Mailing Address

46472 171 ST
GOODWIN, SD 57238-6405

4. The South Dakota Registered Agent's Name:

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

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

Name **THOMAS J. LINNGREN**

Actual Street Address in this State

816 S BROADWAY
WATERTOWN, SD 57201-4846

Mailing Address in this State

PO BOX 1600
WATERTOWN, SD 57201-6600

5. The names and business addresses of its principal officers.

Title	Name	Address
President	JAMES MOES	17058 KRANZBURG AVE, GOODWIN, SD, 57238
Secretary	GREGORY MOES	46472 171ST ST, GOODWIN, SD, 57238
Treasurer	GREGORY MOES	46472 171ST ST, GOODWIN, SD, 57238

6. The names and business addresses of its directors (governors).

Name	Address
JACOB J MOES	17260 KRANZBURG AVE, GOODWIN, SD 57238
MATTHEW P MOES	206 NEW TRIER, WATERTOWN, SD 57201

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.



No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

06/17/2021

Dated

Email (Optional)

Gregory Moes

Signature of an Authorized Person

Gregory Moes

Printed Name

B0184-5083 06/17/2021 2:34PM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 24, 2022

RECEIVED OF MoDak Dairy Inc. 46472 171st Street Goodwin SD 57238

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

Fee for Application for Permit No. <u>8618-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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. _____	\$ _____
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>500.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 20, 2022

MoDak Dairy, Inc.
Gregory Moes
46472 171th Street
Goodwin SD 57238

Mr. Moes:

Please find enclosed the reissued recommendation on Water Permit Application No. 8618-3 filed by MoDak Dairy. The original recommendation referenced the wrong application number.

Thanks,

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

enclosure



**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. 8618-3, MoDak Dairy, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8618-3, MoDak Dairy, Inc., c/o Gregory Moes, 46472 171th Street, Goodwin SD 57238.

The Chief Engineer is recommending APPROVAL of Application No. 8618-3 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. 6989-3 and 8618-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit Nos. 6989-3 and 8618-3 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 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit Nos. 6989-3 and 8618-3 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 Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Pleistocene Series Unknown aquifer.
5. Water Permit Nos. 6989-3 and 8618-3, combined, authorize a total annual diversion of 67 acre-feet of water from the Pleistocene Series Unknown aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer

May 10, 2022

Report to the Chief Engineer
On Water Permit Application No. 8618-3

MoDak Dairy Inc.

c/o Gregory Moes

May 10, 2022

Water Permit Application No. 8618-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.12 cubic feet per second (cfs) and to authorize two wells completed into the Pleistocene Series: Unknown aquifer (approximately 30 feet deep). The applicant holds Water Permit No. 6989-3 which authorizes a maximum instantaneous diversion rate of 0.22 cfs from three wells (approximately 30 feet deep) completed into the Pleistocene Series: Unknown aquifer located in the NW ¼ SW ¼ of Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above.

If approved, Water Permit Application No. 8618-3 and Water Permit No. 6989-3 would collectively authorize up to 67 acre-feet annually at a maximum instantaneous diversion rate of 1.34 cfs from five wells completed into the Pleistocene Series: Unknown aquifer for commercial use at a dairy operation. The site of interest is located in Deuel County approximately one mile northeast of Kranzburg, SD.

AQUIFER: Pleistocene Series: Unknown (PS: U)

HYDROGEOLOGY:

The Pleistocene Series: Unknown is a generic name used by the DNR-Water Rights Program for a category of aquifer materials that were deposited by glacial movement during the Pleistocene geologic epoch that are not part of a previously mapped aquifer (Water Rights, 2022b). The glacial geology in the area of the existing wells was deposited through the Bemis-phase unit of the Des Moines lobe during Late Wisconsin glaciation and is primarily composed of sand and gravel that are limited in areal extent (Schulz and Jarrett, 2009).

There are well completion reports on file with the DNR-Water Rights Program for the five existing wells proposed to be used by Water Permit Application No. 8618-3 (Water Rights, 2022c). A reiteration of each water well completion report is displayed in Tables 1 to 5.

Hydrologic Investigations (Hedges et al., 1982; Kume, 1985) did not identify a glacial outwash deposit of sufficient size to map at the location and depth of the proposed application. Test hole and water well completion reports on file (Water Rights, 2022c), lithologic logs from the South Dakota Geological Survey (SDGS) (SDGS, 2022), elevation data (USGS, EROS, 1999) and a bedrock topography map (Tomhave and Schultz, 2004) were utilized in this analysis to map the approximate areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer and to determine the approximate elevation of this outwash near the existing well sites.

Table 1. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022c)

Formation Log	From	To
Topsoil Dark Soft	0	4
Sand & Clay Mix Yellow	4	9
Sand & Gravel Coarse Grey	9	29
Clay Blue Med	29	
Date of Well Completion	12/20/2007	
Estimated Static Water Level (at well completion)	4 feet	
Screen Interval	25 to 29 feet	

Table 2. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022c)

Formation Log	From	To
Topsoil Dark Soft	0	3
Clay Yellow Med	3	5
Sand & Gravel Yellow Soft	5	10
Sand & Gravel Darker Soft	10	27
Clay Blue Med	27	
Date of Well Completion	07/22/2008	
Estimated Static Water Level (at well completion)	3 feet	
Screen Interval	24 to 27 feet	

Table 3. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022c)

Formation Log	From	To
Topsoil Dark Soft	0	2
Clay Yellow Med	2	6
Sand Yellow Soft	6	15
Sand & Gravel Darker Soft	15	31
Clay Blue Med	31	
Date of Well Completion	07/22/2008	
Estimated Static Water Level (at well completion)	4 feet	
Screen Interval	24 to 31 feet	

Table 4. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022c)

Formation Log	From	To
Topsoil Dark Soft	0	3
Clay Yellow Med	3	5
Sand Yellow Soft	5	10
Sand Darker Soft	10	29
Clay Blue Med	29	
Date of Well Completion	07/23/2008	
Estimated Static Water Level (at well completion)	4 feet	
Screen Interval	25 to 29 feet	

Table 5. Water well completion report on file with the DANR-Water Rights Program for one of the existing wells proposed to be used (Water Rights, 2022c)

Formation Log	From	To
Topsoil Dark Soft	0	3
Clay Yellow Med	3	5
Sand Yellow Soft	5	10
Sand Darker Soft	10	27
Clay Blue Med	27	
Date of Well Completion	07/23/2008	
Estimated Static Water Level (at well completion)	4 feet	
Screen Interval	20 to 27 feet	

Figure 1 displays a map of the location of the existing wells proposed to be used, with the approximate Pleistocene Series: Unknown aquifer boundary for this location, and the Pleistocene Series: Unknown aquifer water rights/permits (Water Rights, 2022b). The areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer (as shown in Figure 1) is approximately 1,500 acres. The top of the glacial outwash deposit at the existing well sites range from approximately 1,960 to 1,965 feet above mean sea level (fmsl) and varies from approximately 20 to 25 feet thick. The depth to the top of this glacial outwash deposit ranges approximately five to ten feet below grade over the area of this outwash. Based on the well completion reports on file with the DANR-Water Rights Program for the existing wells proposed to be used, and the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022c), the Pleistocene Series: Unknown aquifer is expected to be unconfined at the existing well sites.

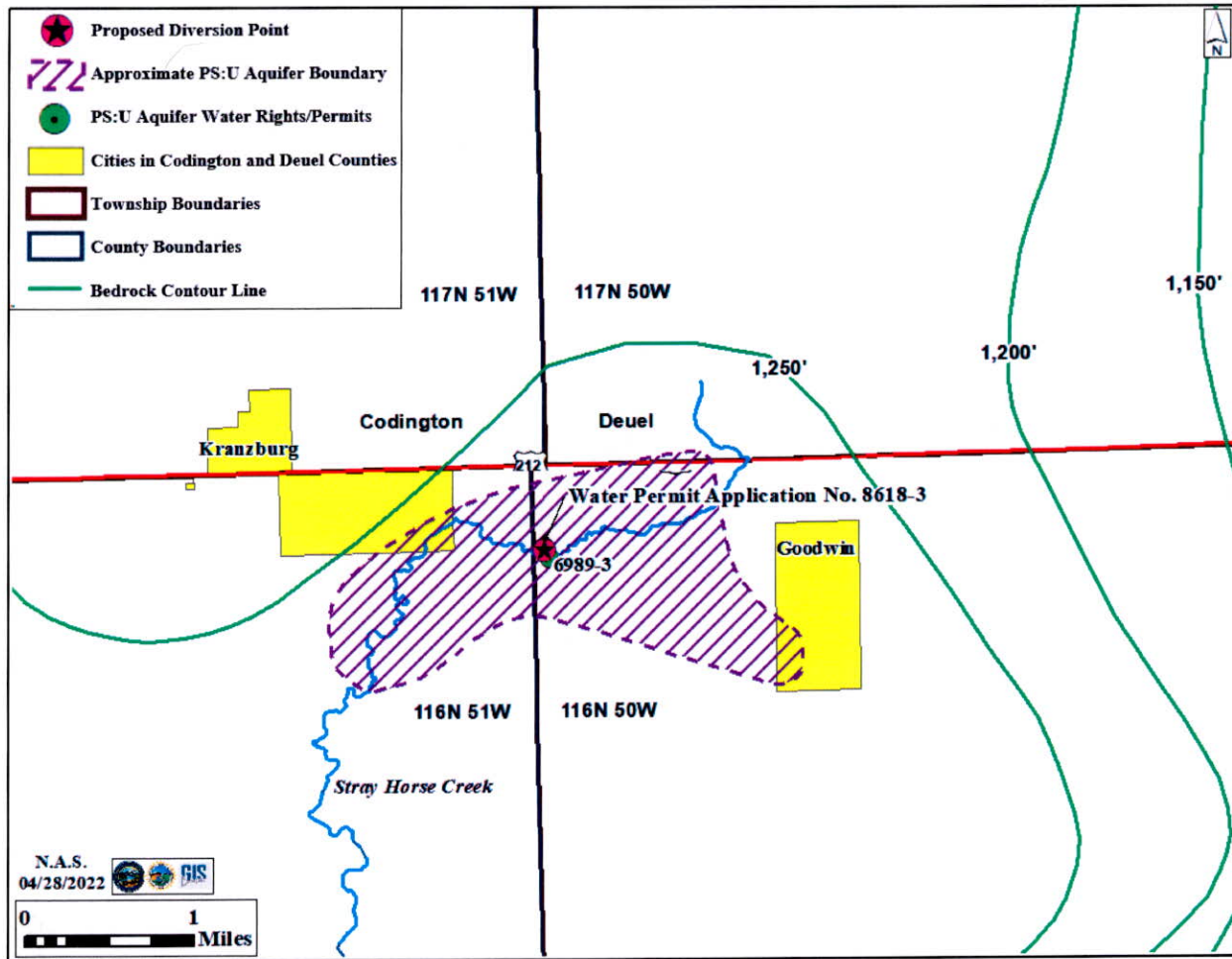


Figure 1. Location of the existing wells proposed to be used for Water Permit Application No. 8618-3, with the approximate areal extent of the Pleistocene Series: Unknown aquifer boundary, bedrock contour lines (Tomhave and Schultz, 2004), and the Pleistocene Series: Unknown aquifer water rights/permits (Water Rights, 2022b)

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 Pleistocene Series: Unknown aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8618-3 proposes to appropriate water from the Pleistocene Series: Unknown 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.” The Pleistocene Series: Unknown aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCI. 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Pleistocene Series: Unknown aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Pleistocene Series: Unknown aquifer is primarily through the infiltration of precipitation. An average annual recharge rate has not been calculated for the Pleistocene Series: Unknown aquifer. For non-buried unconfined aquifers, Hedges and others (1985) recommended recharge rates of 2 to 5.6 inches per year for use by management and development programs. The areal extent of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer is approximately 1,500 acres; therefore, the average annual recharge rate to this outwash ranges between approximately 250 to 700 acre-feet per year. In general, it is prudent to assume the mid-range of the average annual recharge rate to a glacial outwash deposit (approximately 475 acre-feet per year) when estimating recharge from a non-aquifer specific recharge rate range. Furthermore, there is not sufficient evidence available at this time to support using the lower or higher end of the recharge rate range.

Discharge

Discharge from the Pleistocene Series: Unknown aquifer is primarily through well withdrawals and outflow to adjacent till (Water Rights, 2022b and 2022c). Currently, there are no water rights/permits authorized to appropriate water from this outwash deposit of the Pleistocene Series: Unknown aquifer, other than Water Permit No. 6989-3, which is held by the applicant (as shown in Figure 1) (Water Rights, 2022b). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022b). In this case, there is no need to account for water usage by other appropriative water rights as there are none in this outwash deposit of the Pleistocene Series: Unknown aquifer (Water Rights, 2022b). If approved, and assuming full volume water use, the collective estimated average annual withdrawal rate for Water Permit No. 6989-3 and Water Permit Application No. 8618-3 is approximately 67 acre-feet per year.

There are domestic wells on file with the DANR-Water Rights Program completed into the Pleistocene Series: Unknown aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2022c). 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 generally not considered to be a significant portion of the hydrologic budget for the Pleistocene Series: Unknown aquifer. However, the average annual withdrawal rate for the three well completion reports that appear to be completed into the same discontinuous outwash deposit of the Pleistocene Series: Unknown aquifer as the proposed diversion point and located near a farm site will be included in this analysis to estimate potential domestic use. Assuming an average 2.5 people live at each farm site, using approximately 71 gallons per day per person (Carter and Neitzert, 2008), results in an estimated average annual withdrawal rate of approximately 532.5 gallons per day or 0.6 acre-feet per year for these domestic water users.

Hydrologic Budget Summary

The estimated average annual recharge rate to this outwash deposit of the Pleistocene Series: Unknown aquifer ranges between approximately 250 to 700 acre-feet per year. The mid-range of the average annual recharge rate to this outwash deposit of the Pleistocene Series: Unknown aquifer is approximately 475 acre-feet per year. Currently, there are no water rights/permits authorized to appropriate water from this outwash deposit of the Pleistocene Series: Unknown aquifer, other than Water Permit No. 6989-3, which is held by the applicant (as shown in Figure 1) (Water Rights, 2022b). The estimated average annual withdrawal rate for domestic water users with wells on file with the DANR-Water Rights Program within this outwash deposit of the Pleistocene Series: Unknown aquifer is approximately 0.6 acre-feet per year. If approved, and assuming full volume water use, the collective estimated average annual withdrawal rate for Water Permit No. 6989-3 and Water Permit Application No. 8618-3 is approximately 67 acre-feet per year. The areal extent of this outwash deposit of the Pleistocene Series: Unknown aquifer was approximated using many variables (SDGS, 2022; Tomhave and Schultz, 2004; USGS, FROS, 1999; Water Rights, 2022c), but it is still an approximation that may vary to an unknown degree. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer for the proposed appropriation.

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 112 observation wells completed into the Pleistocene Series: Unknown aquifer (Water Rights, 2022a). There are no observation

wells completed into this outwash deposit of the Pleistocene Series: Unknown aquifer (Water Rights, 2022a). Since there is no observation well data for this outwash deposit of the Pleistocene Series: Unknown aquifer, no direct observation well analysis can be used to determine water availability for this portion of the Pleistocene Series: Unknown aquifer. However, review of nearby Pleistocene Series: Unknown aquifer observation wells completed into other deposits of the aquifer can yield some information as to how the aquifer likely reacts to climatic conditions and local pumping. The closest observation wells completed into other discontinuous outwash deposits of the Pleistocene Series: Unknown aquifer to the existing well sites are DU-81A (approximately fifteen miles southeast), DU-72A (approximately seventeen miles southeast), and DU-77E (approximately seventeen miles northeast). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2022a). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

The hydrographs for these Pleistocene Series: Unknown aquifer observation wells display a generally stable to increasing water level over the respect period of record (Water Rights, 2022a). The observation well hydrographs display that the Pleistocene Series: Unknown aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Furthermore, the hydrographs document that at least one other outwash deposit of the Pleistocene Series: Unknown aquifer has natural discharge which can be captured for pumping. While there is no direct, specific observation well data, the other Pleistocene Series: Unknown aquifer observation wells show there may be water available for this proposed appropriation.

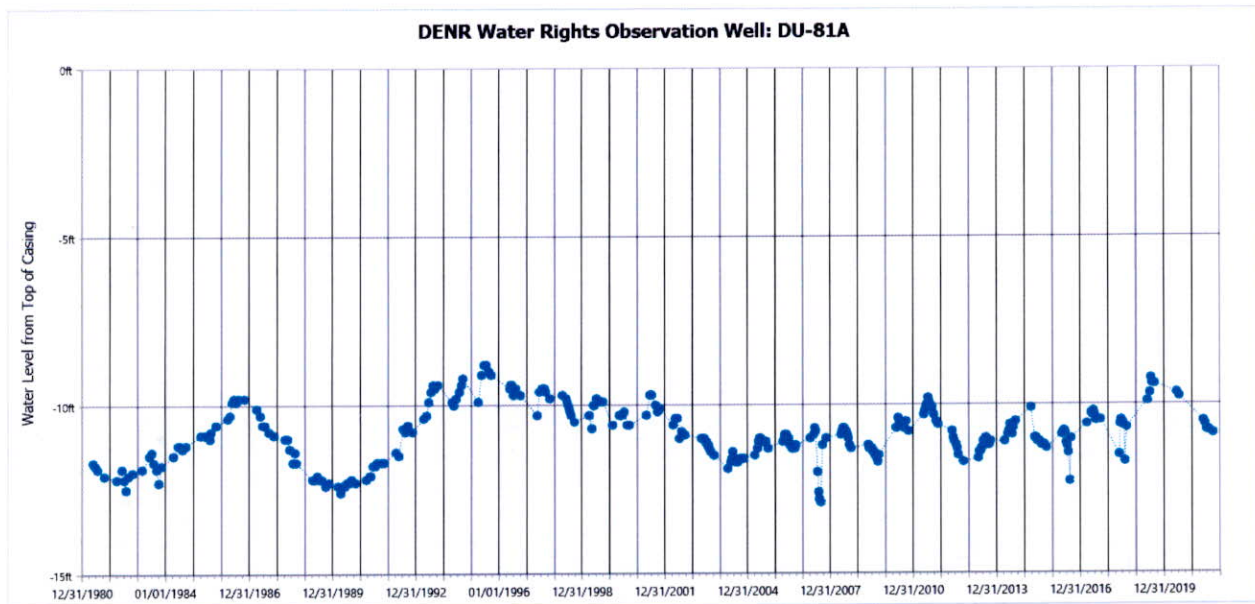


Figure 2. Hydrograph for observation well DU-81A (Water Rights, 2022a)

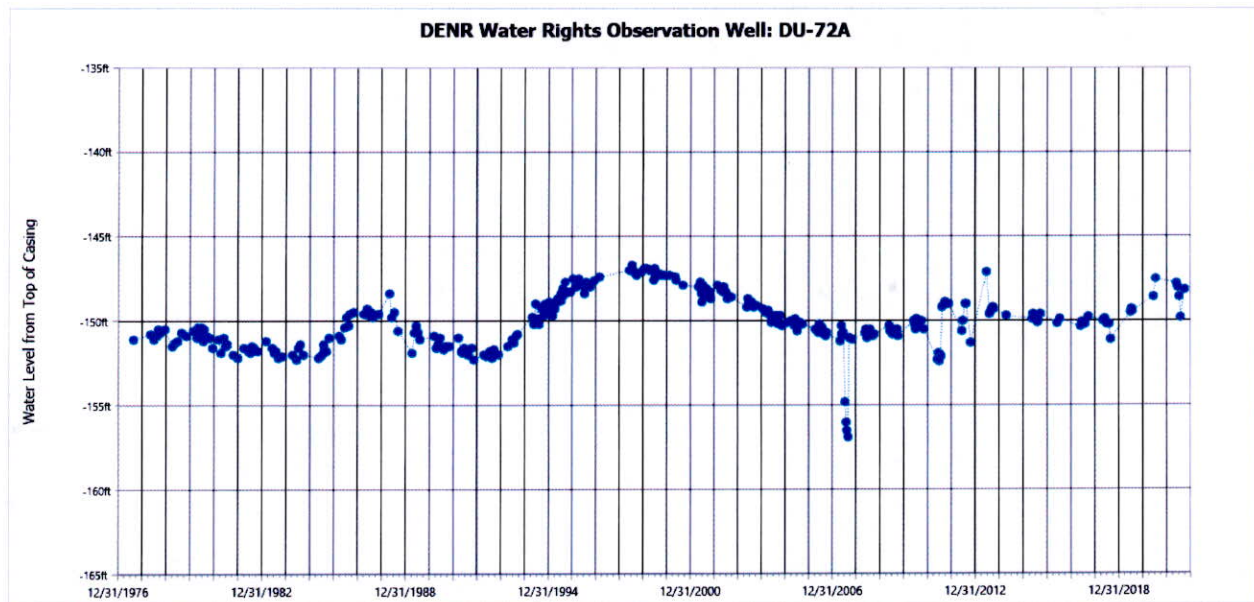


Figure 3. Hydrograph for observation well DU-72A (Water Rights, 2022a)

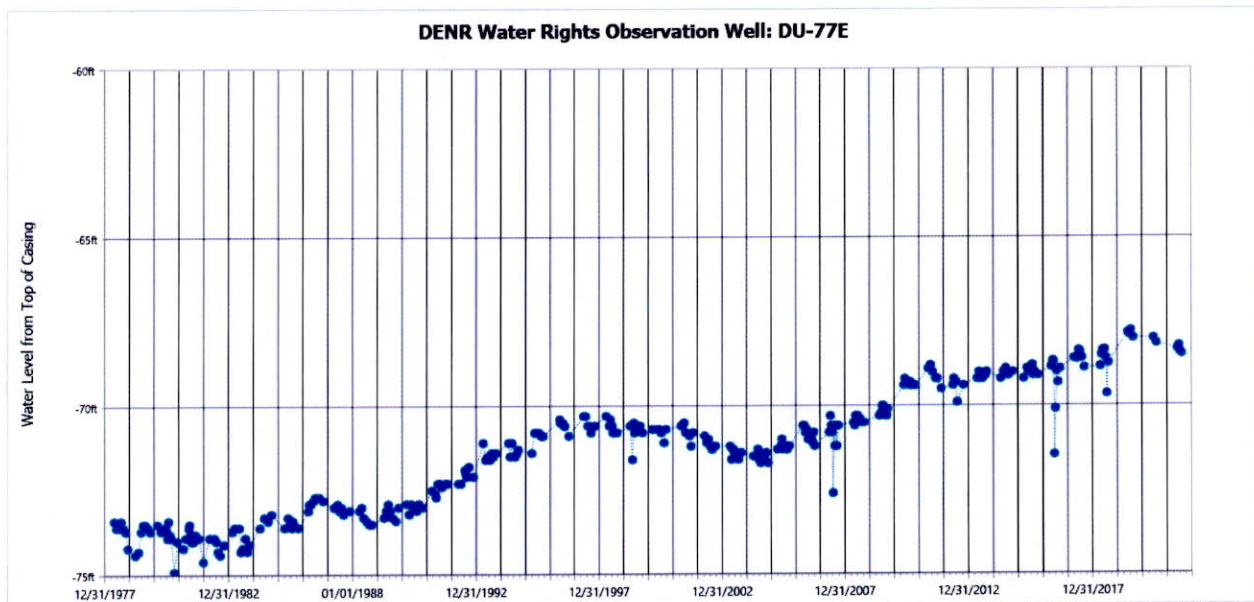


Figure 4. Hydrograph for observation well DU-77E (Water Rights, 2022a)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are no water rights/permits (other than Water Permit No. 6989-3, held by the applicant) authorized to appropriate water from this outwash deposit of the Pleistocene Series: Unknown aquifer (as shown in Figure 1) (Water Rights, 2022b).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Pleistocene Series: Unknown aquifer, with the closest domestic well on file (not held by the applicant) approximately one-half mile southeast of the existing well sites (Water Rights, 2022c). There could potentially be other domestic wells completed into the Pleistocene Series: Unknown aquifer near the existing well sites that are not on file with the DANR-Water Rights Program.

The Pleistocene Series: Unknown aquifer is under unconfined conditions at the existing well sites based on the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022c). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

Near the existing well sites, the Pleistocene Series: Unknown aquifer has a saturated aquifer thickness ranging from approximately 20 to 25 feet (Water Rights, 2022b and 2022c). This would generally 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. An adequate well is defined by ARSD 74:02:04:20(6) as “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.” Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Codrington and Deuel Counties, there have been no substantiated complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Pleistocene Series: Unknown aquifer (Water Rights, 2022d).

When considering the generally unconfined nature of the aquifer near the existing well sites, the saturated thickness of this glacial outwash deposit of the Pleistocene Series: Unknown aquifer near the existing well sites, and the lack of well interference complaints from the Pleistocene Series: Unknown 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. In addition, the existing wells have been in use since around 2008 with no reported well interference complaints (Water Rights, 2022e). Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 8618-3 will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8618-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.12 cfs and to authorize two wells completed into the Pleistocene Series: Unknown aquifer (approximately 30 feet deep). The applicant holds Water Permit No. 6989-3 which authorizes a maximum instantaneous diversion rate of 0.22 cfs from three wells (approximately 30 feet deep) completed into the Pleistocene Series: Unknown aquifer. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above.
2. If approved, Water Permit Application No. 8618-3 and Water Permit No. 6989-3 would collectively authorize up to 67 acre-feet annually at a maximum instantaneous diversion rate of 1.34 cfs from five wells completed into the Pleistocene Series: Unknown aquifer for commercial use at a dairy operation. The site of interest is located in Deuel County approximately one mile northeast of Kranzburg, SD.
3. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from this glacial outwash deposit of the Pleistocene Series: Unknown aquifer for the proposed appropriation.
4. Observation well data is not available to directly evaluate water availability for this discontinuous outwash deposit of the Pleistocene Series: Unknown aquifer but indirect data is available from observation wells completed into similar aquifers in the general vicinity.
5. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8618-3 will not unlawfully impair adequate wells for existing water users.



Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:


Adam Mathiowetz, PE

Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Carter, J.M. and Neitzert, K.M., 2008. Estimated Use of Water in South Dakota, 2005. Scientific Investigations Report 2008-5216. U.S. Geological Survey, Reston, VA.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- 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; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources 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.
- Kume, J., 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. US Geological Survey, Huron, SD.
- Tomhave, D.W., & Schulz, L.D., 2004. Bedrock Geologic Map showing configuration of the bedrock surface in South Dakota east of the Missouri River. General Map 9. SD DANR Geological Survey Program, Vermillion, SD.
- Schulz, L.D. and Jarrett, M.J., 2009. Geology of Brookings and Kingsbury Counties, South Dakota. Bulletin 40. SD DANR Geological Survey Program, Vermillion, SD.
- SDGS, 2022. South Dakota Geological Survey Lithologic Logs Database. Accessed April 28, 2022. <http://cf.sddanr.net/lithdb/>.
- USGS, EROS, 1999. National Elevation Dataset. EROS Data Center. US Geological Survey, Sioux Falls, SD.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2022a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Water Rights, 2022b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 11, 2022 9:44 AM
To: office@modak.net
Subject: Water Permit Application No. 8618-3
Attachments: 3402.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>



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Gregory Moes
MoDak Dairy Inc
46472 171st ST
Goodwin SD 57238-6405

RECEIVED

JUN 08 2022

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

05/26/2022

and that the fees charged are legal.
Sworn to and subscribed before on 05/26/2022

Maniah Verheijen

Legal Clerk

Sarah Bertelsen

Notary, State of WI, County of Brown
7/27/25

My commission expires

Publication Cost: \$53.16

Order No: 7330487

of Copies:

Customer No: 755232

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8618-3
to Appropriate Water**

Notice is given that MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 has filed an application for a water permit to appropriate on additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This application, if approved, and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8618-3 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 June 6, 2022.

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 June 6, 2022.

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 \$53.16
May 26, 2022 #7330487

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that

Notice Of Application No.8618-3 MoDak Dairy,Inc

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

May 18,2022

That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$47.57


Ken Reiste

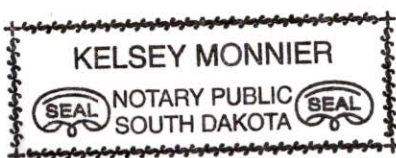
Subscribed and sworn to before me

this 18th day of May, 2022



Notary Public, South Dakota

My commission expires: 09-27-2027



Public notice

NOTICE OF APPLICATION NO. 8618-3 to Appropriate Water

Notice is given that MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 has filed an application for a water permit to appropriate an additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This application, if approved, and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8618-3 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

RECEIVED

MAY 20 2022

OFFICE OF
WATER

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 May 31, 2022.

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 May 31, 2022.

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 approximate cost of \$47.57. (14-1/134)

NOTICE OF APPLICATION NO. 8618-3 to Appropriate Water

Notice is given that MoDak Dairy Inc, c/o Gregory Moe, 46472 171st St, Goodwin SD 57238 has filed an application for a water permit to appropriate an additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This application, if approved, and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8618-3 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 June 6, 2022.

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 June 6, 2022.

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.



**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.**

May 11, 2022

MoDak Dairy Inc
c/o Gregory Moes
46472 171st St
Goodwin SD 57238

Dear Mr. Moes:

Water Permit Application No. 8618-3 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 Clear Lake Courier printed at Clear Lake SD (Ph # 605 874-2499) and the Public Opinion printed at Watertown SD (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8618-3 to Appropriate Water

Notice is given that MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 has filed an application for a water permit to appropriate an additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This application, if approved, and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8618-3 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 May 31, 2022.

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 May 31, 2022.

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.

Schlaak, Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:59 PM
To: Schlaak, Karen
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc
Attachments: 7330487.pdf

No problem! I've attached the updated proof.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:55 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

The people from MoDak Dairy must have called. They are probably not aware the notice contains time sensitive dates. **Please use the attached notice and publish on May 26, 2022.**
Please send me another confirmation to review. Thanks and sorry for my confusion.

Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:42 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc

The MoDak Dairy ad did not publish since we didn't receive payment. Someone called into the office and spoke to one of my coworkers, who reset up the ad and took payment.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:40 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

I got an email from Brittany that the notice for 8607-3, Spring Creek Hutterian Brethren Inc. didn't receive prepayment. This notice was to be published on May 11, 2022 in the Aberdeen American news.
I then sent another notice for Spring Creek Hutterian Brethren Inc. to be published on June 1, 2022.

Did the notice for MoDak Dairy Inc. get published or not?

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:22 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc
Importance: High

That's the one that didn't run because payment was not received as Brittany advised

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 11, 2022 8:55 AM
To: 'clprint@itctel.com'
Subject: 8618-3, MoDak Dairy Inc
Attachments: 8618-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 (605 882-8935) 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: Wednesday, May 11, 2022 8:56 AM
To: Watertown Public Opinon (legals@thepublicopinion.com)
Subject: 8618-3, MoDak Dairy Inc
Attachments: 8618-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 (605 882-8935) 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:59 PM
To: Schlaak, Karen
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc
Attachments: 7330487.pdf

No problem! I've attached the updated proof.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:55 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

The people from MoDak Dairy must have called. They are probably not aware the notice contains time sensitive dates. Please use the attached notice and publish on May 26, 2022.

Please send me another confirmation to review. Thanks and sorry for my confusion.

Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:42 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc

The MoDak Dairy ad did not publish since we didn't receive payment. Someone called into the office and spoke to one of my coworkers, who reset up the ad and took payment.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:40 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

I got an email from Brittany that the notice for 8607-3, Spring Creek Hutterian Brethren Inc. didn't receive prepayment. This notice was to be published on May 11, 2022 in the Aberdeen American news. I then sent another notice for Spring Creek Hutterian Brethren Inc. to be published on June 1, 2022.

Did the notice for MoDak Dairy Inc. get published or not?

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:22 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc
Importance: High

That's the one that didn't run because payment was not received as Brittany advised

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 8, 2022 8:31 AM
To: Gannett Legals Public Notices 4
Subject: FW: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc
Attachments: 7330487.pdf

Please send me the affidavit for this publication.

Thanks,
Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:59 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc

No problem! I've attached the updated proof.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:55 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

The people from MoDak Dairy must have called. They are probably not aware the notice contains time sensitive dates. Please use the attached notice and publish on May 26, 2022.
Please send me another confirmation to review. Thanks and sorry for my confusion.

Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 2:42 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7286089 7330487 8618-3, MoDak Dairy Inc

The MoDak Dairy ad did not publish since we didn't receive payment. Someone called into the office and spoke to one of my coworkers, who reset up the ad and took payment.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 2:40 PM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7286089 7330487 8618-3, MoDak Dairy Inc

I got an email from Brittany that the notice for 8607-3, Spring Creek Hutterian Brethren Inc. didn't receive prepayment. This notice was to be published on May 11, 2022 in the Aberdeen American news.
I then sent another notice for Spring Creek Hutterian Brethren Inc. to be published on June 1, 2022.

NOTICE OF APPLICATION NO. 8618-3 to Appropriate Water

Notice is given that MoDak Dairy Inc, c/o Gregory Moes, 46472 171st St, Goodwin SD 57238 has filed an application for a water permit to appropriate an additional 1.12 cubic feet of water per second (cfs) and two additional wells (approximately 30 feet deep) to what is currently authorized by Water Permit No. 6989-3. Water Permit No. 6989-3 authorizes 0.22 cfs from three wells completed into the Pleistocene Series Unknown Aquifer located in the NW 1/4 SW 1/4 Section 6-T116N-R50W. An investigation of the permit found the system capable of diverting an additional 1.12 cfs and two additional wells located in the same aquifer and area described above. This application, if approved, and Water Permit No. 6989-3 will authorize 67 acre-feet of water annually at a maximum pump rate of 1.34 cubic feet of water per second from five wells for commercial use at the dairy. This dairy site is located in the SW 1/4 Section 25-T117N-R51W approximately 1 mile northeast of Kranzburg SD.

Pursuant to SDCI 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8618-3 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 SDCI 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 SDCI 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 June 6, 2022.

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 June 6, 2022.

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 28 2022

MoDak Dairy Inc
c/o Gregory Moes
46472 171st St
Goodwin SD 57238

Dear Mr. Moes:

Enclosed are Water Permit and Water License No. 8618-3. These are the final water right documents completing your process of obtaining a Water Right. Also, enclosed is a map showing the location of the well field.

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

Sincerely,

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

enclosures