

**WATER PERMIT NO. 8633-3**

Name of Applicant: Jackrabbit Family Farms LLC

Address: 1300 S Hwy 75, Pipestone MN 56164

Phone: 507 825-4211

Amount of Water Claimed: 0.13<sup>2</sup> add'l cfs

Total Acres: NA

Source of Water Supply: groundwater (1 add'l well)

Water to be used for: commercial

County: Davison

Type of Waste Disposal System:

Location: 10 miles south of Mt. Vernon

PRIORITY

Date Received: 4-7-22

Application/License Fee: \$ 500

Corrected Application Received: 4-19-22

Period of Annual Use: Jan 1 – Dec 31

Remarks: Additional capacity to Permit No. 8291-3

Diversion Point: SE 1/4 SE 1/4 Sec 8-T101N-  
R62W

Facility Location: S 1/2 SE 1/4 Sec 8-T101N-  
R62W

Depth of Well: 420 feet

Well Driller:

Remarks:

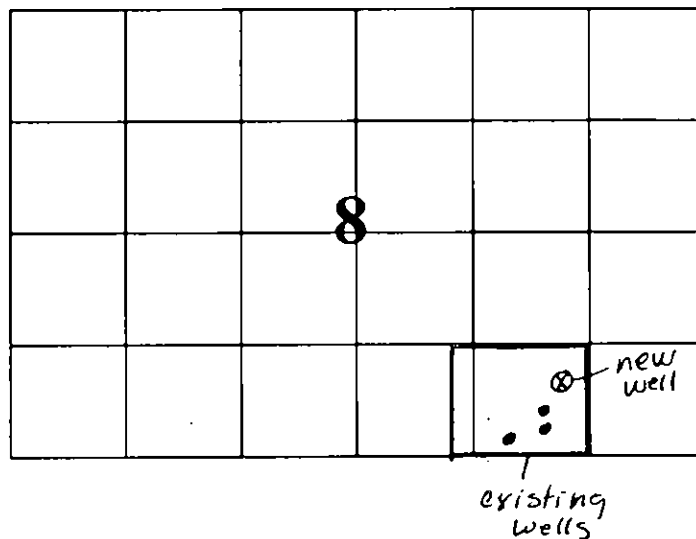
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-20-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



**SOUTH DAKOTA  
WATER PERMIT NO. 8633-3**

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Date of first receipt of application April 7, 2022.

Date of return to applicant for corrections, amendments or changes April 7, 2022.

Date of receipt of corrected application April 19, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8633-3 to Jackrabbit Family Farms LLC, c/o Luke Minion, 1300 S Highway 75, Pipestone MN 56164 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8633-3 appropriates an additional 0.115 cubic feet of water per second (cfs), an additional annual volume of 43 acre-feet, and adds a well to the three existing wells authorized by Water Permit No. 8291-3. Water Permit No. 8291-3 appropriates 50 acre-feet of water annually at a maximum diversion rate of 0.085 cfs from three wells completed into the Codell Aquifer located in the SE 1/4 SE 1/4 Section 8-T101N-R62W. The additional well is to be in the Codell Aquifer (approximately 420 feet deep) located in the area described above. Water use under this permit and Water Permit No. 8291-3 is for commercial use in a swine livestock facility located in the S 1/2 SE 1/4 Section 8-T101N-R62W. This permit and Water Permit No. 8291-3, combined, will authorize a total of 93 acre-feet annually at a maximum diversion rate of 0.20 cfs from four wells. This site is located approximately 10 miles south of Mt Vernon 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 dates from which applicant may claim right are April 7, 2022 (0.115 cfs/43 acre-feet of water).
5. The date of approval of Permit No. 8633-3 is July 5, 2022.
6. One-fifth of the construction is to be completed on or before January 5, 2025.
7. All construction is to be completed on or before July 5, 2027.
8. Water is to be put to beneficial use on or before July 5, 2031.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The wells approved under Water Permit Nos. 8291-3 and 8633-3 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. 8291-3 and 8633-3 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.

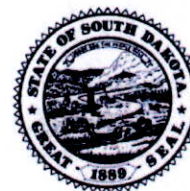
(continued)

3. Water Permit Nos. 8291-3 and 8633-3 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
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Codell aquifer.
5. Water Permit Nos. 8291-3 and 8633-3, combined, authorize a total annual diversion of 93 acre-feet of water from the Codell aquifer.

**WATER MANAGEMENT BOARD**

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

JUL 26 2022  
date



RECEIVED

APR 07 2022

WATER RIGHTS  
PROGRAM

|                                                                                                         |                                                                        |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8633-3</u> (office use only)<br>Hydrologic Unit <u>10160011</u> |
|                                                                                                         | Basin <u>James R</u>                                                   |
|                                                                                                         | Newspaper <u>Daily Republic</u>                                        |
|                                                                                                         | <u>Plainsman</u>                                                       |

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

### Check use(s) of water:

|                                                 |                                                    |                                          |                                        |
|-------------------------------------------------|----------------------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Water Distribution System | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial     | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal    |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial                | <input type="checkbox"/> Other           |                                        |

### Type of Application: (check one)

|                                                                                                |                                                                  |                                                 |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> New                                                                   | <input type="checkbox"/> Vested Right (Use predates Mar 2, 1955) | <input type="checkbox"/> Future Use Reservation |
| <input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____ |                                                                  |                                                 |
| <input checked="" type="checkbox"/> Amendment/Correction to Permit No. <u>8291-3</u>           |                                                                  |                                                 |

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

Proposing an additional well to add capacity to expanding operation

- Name to Appear on Water Permit Jackrabbit Family Farms, LLC  
Mailing Address 1300 South Highway 75 Pipestone MN 56164  
(Address) (City) (State) (Zip Code)  
Phone (507) 825-4211 Mobile \_\_\_\_\_ Email luke.minion@pipestone.com
- Amount of water claimed 0.115 add'l \*CFS or 52 add'l cfs \*\*GPM and 93 43 AF add'l Gallons  
Flow rate and volume are both required (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply Codell Aquifer
- Location of point of diversion 4 wells in the SE 1/4 of the SE 1/4 of sec. 8-101-62 County Davison  
(example - 3 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 ☐ No  
If "Yes," where will water be used? SE 1/4 of SE 1/4 and portion of SW 1/4 of SE 1/4 - sec. 8-101-62  
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Davison
- Annual period during which water is to be used January 1 thru December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)  

Existing swine production facility is expanding their existing SD DANR CAFO Permit.

I, Luke Minion, 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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)

b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by Chase Drilling & Dave Putzke Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) ~420' Depth to Top of Water Bearing Material \_\_\_\_\_ Depth to Water from Surface ~203'

d) Distance to nearest domestic well on applicant's property ~100' Property owned by others >1,500'

### 2. Wastewater Disposal System Information

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

b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_

c) Connected to the City of \_\_\_\_\_ Sanitary System

### 3. Dugout Information

a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_

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

### 4. Water Storage Dams

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

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

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_

If pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_

Spillway Width \_\_\_\_\_

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

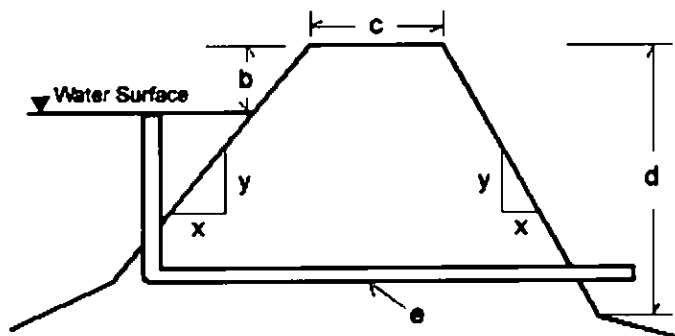
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres

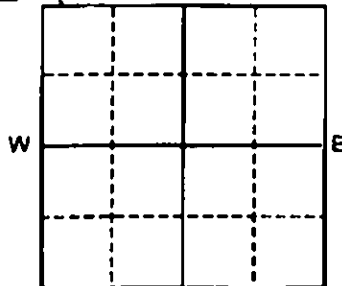


## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 101 Rg 62County Davidson County

Please mark well location with an "X"



Well Completion Date

4-2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
ft. from NONE (Identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

ROTARY MUD

## CASING DATA:

☐ Steel ☐ Plastic ☐ Other  
 If other describe

| PIPEWEIGHT       | DIAMETER    | FROM        | TO            | HOLE DIAMETER   |
|------------------|-------------|-------------|---------------|-----------------|
| <u>250 LB/FT</u> | <u>5 IN</u> | <u>0 FT</u> | <u>340 FT</u> | <u>8 3/4 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>7</u>     | <u>15.5 Lb/gal</u> | <u>0 Ft</u>  | <u>30 Ft</u>  |
| <u>BH GROUT</u>    | <u>22</u>    | <u>9.5 Lb/gal</u>  | <u>30 Ft</u> | <u>300 Ft</u> |

Describe grouting procedure

TREMIE PIPE

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 5 inches Length 35 Feet
Material PVC 250Slot Size 22,000 Set From 340 Feet to 375 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: JACK RABBIT FAMILY FARMS

Business Name:

Address: P.O. Box 370 1801 FORMAN DRIVECity, State, Zip: PIPESTONE, MN 56164

## WELL LOG:

| FORMATION               | DEPTH      |            |
|-------------------------|------------|------------|
|                         | FROM       | TO         |
| <u>TOP SOIL</u>         | <u>0</u>   | <u>2</u>   |
| <u>YELLOW CLAY</u>      | <u>2</u>   | <u>46</u>  |
| <u>BLUE CLAY</u>        | <u>46</u>  | <u>175</u> |
| <u>CHALK</u>            | <u>175</u> | <u>225</u> |
| <u>SHALE</u>            | <u>225</u> | <u>333</u> |
| <u>SANDSTONE - FAIR</u> | <u>333</u> | <u>340</u> |
| <u>SANDSTONE - GOOD</u> | <u>340</u> | <u>375</u> |
| <u>SHALE</u>            | <u>375</u> | <u>380</u> |

STATIC WATER LEVEL 206 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in?

## WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☒ OtherDEVELOPED WITH AIR

Pumping Level Below Land Surface

250 Ft. After 24 Hrs. pumped 25 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: 18 GPM

## REMARKS

This well was drilled under license # 296 and this report is true and accurate.Drilling firm: CHASE DRILLING INC.

Signature of License Representative:

[Signature]Signature of Well Owner or Equitable Property Holder: RECEIVEDTom Jula, Mgr JAN 02 2015Date: 10-24-14 WATER RIGHTS PROGRAM

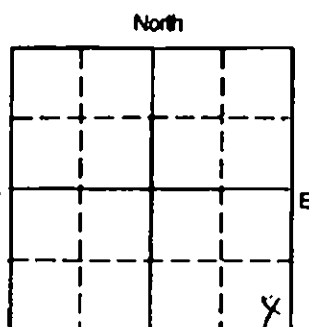
RECEIVED  
JUN 15 2017  
WATER RIGHTS  
PROGRAM

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 101 Rg 62

County Davidson



Well completion Date 6-8-16

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

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT  | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|-------------|----------|--------|--------|---------------|
| 250 LB/FT   | 5 IN     | 0 FT   | 380 FT | 8 3/4 IN      |
| SC 80 LB/FT | 2 IN     | 380 FT | 422 FT | 2 IN          |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To     |
|------------|--------------|--------------|------|--------|
| Portland   | 50           | Lib/gal      | 0 FT | 380 FT |

Describe grouting procedure Pumped through well casing

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
Diameter 8 1/2 Inches Length 42 Feet  
Material PVC SC 80 Screen  
Slot Size 25 Set From 380 Feet to 422 Feet  
Other information 0 Pack

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Slurry

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of chlorine  
☐ No, Why Not? Pumped  
Lab sample sent to for water quality analysis

Well Owner: Jack Rabbit

Business Name:

Address: P.O. Box 370

City, State, Zip: Pipestone, MN 56164

## WELL LOG:

| FORMATION   | DEPTH |     |
|-------------|-------|-----|
|             | FROM  | TO  |
| Top Soil    | 0     | 3   |
| Yellow clay | 3     | 52  |
| Blue Clay   | 52    | 180 |
| Chalk       | 180   | 224 |
| Shale       | 224   | 335 |
| Shit Sand   | 335   | 366 |
| Shale       | 366   | 380 |
| Nice Sand   | 380   | 422 |

STATIC WATER LEVEL 205 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in?

## WELL TEST DATA:

☐ Pumped Describe: AIR  
☐ Bailed  
☐ Other

Pumping Level Below Land Surface

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate \_\_\_\_\_ GPM

## REMARKS

40 gpm AT 260'  
Codell JF

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & Pumping, Inc.

Signature of License Representative: Dave Putzke

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

Date: \_\_\_\_\_

523 F. Capitol Ave. Pierre SD 57501

**RECEIVED**

**JUN 29 2016**

**WATER RIGHTS PROGRAM**

Please return WHITE COPY to: DENR Water Rights

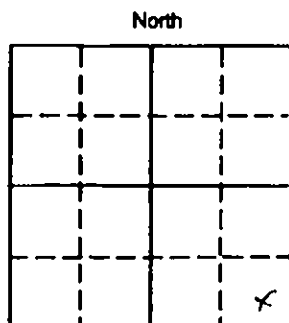
# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location S 1/4 SE 1/4 Sec 8 Twp 101 Rg 62

County Davidson

Please mark well location with an "X"



Well completion Date 6-19-16

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 200 ft. from Hog (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

| PIPEWEIGHT       | DIAMETER    | FROM          | TO            | HOLE DIAMETER   |
|------------------|-------------|---------------|---------------|-----------------|
| <u>560 LB/FT</u> | <u>5 IN</u> | <u>0 FT</u>   | <u>335 FT</u> | <u>8 3/4 IN</u> |
| <u>560 LB/FT</u> | <u>2 IN</u> | <u>335 FT</u> | <u>366 FT</u> | <u>4 1/2 IN</u> |
| LB/FT            | IN          | FT            | FT            | IN              |

## GROUTING DATA:

| Grout Type      | No. of Sacks | Grout Weight    | From        | To            |
|-----------------|--------------|-----------------|-------------|---------------|
| <u>Portland</u> | <u>45</u>    | <u>0</u> Lb/gal | <u>0</u> FT | <u>335</u> FT |
|                 |              | <u>0</u> Lb/gal | <u>0</u> FT | <u>0</u> FT   |

Describe grouting procedure Pumped through well casing

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 2 Inches Length 31 Feet  
 Material PVC SC 80 Screen  
 Slot Size 25 Set From 335 Feet to 366 Feet  
 Other information 0 pack

## WAS A PACKER OR SEAL USED?

☒ Yes ☐ No  
 If so, what material? Slurry  
 Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of chlorine  
☐ No, Why Not? Pumped  
 Lab sample sent to for water quality analysis

Well Owner: Jack Rabbit  
 Business Name:  
 Address: P.O. Box 370  
 City, State, Zip: Pipestone, MN 56164

## WELL LOG:

| FORMATION          | DEPTH      |            |
|--------------------|------------|------------|
|                    | FROM       | TO         |
| <u>Top soil</u>    | <u>0</u>   | <u>3</u>   |
| <u>Yellow clay</u> | <u>3</u>   | <u>51</u>  |
| <u>Blue clay</u>   | <u>51</u>  | <u>170</u> |
| <u>Chalk</u>       | <u>170</u> | <u>220</u> |
| <u>Shale</u>       | <u>220</u> | <u>335</u> |
| <u>Sand</u>        | <u>335</u> | <u>366</u> |
| <u>Shale</u>       | <u>366</u> |            |

STATIC WATER LEVEL 203 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in?

## WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

315 Ft. After 24 Hrs. pumped 10 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

No Pump

Catell JF

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & Repair Inc

Signature of License Representative:

Dave Putzke

RECEIVED

Signature of Well Owner or Equitable Property Holder:

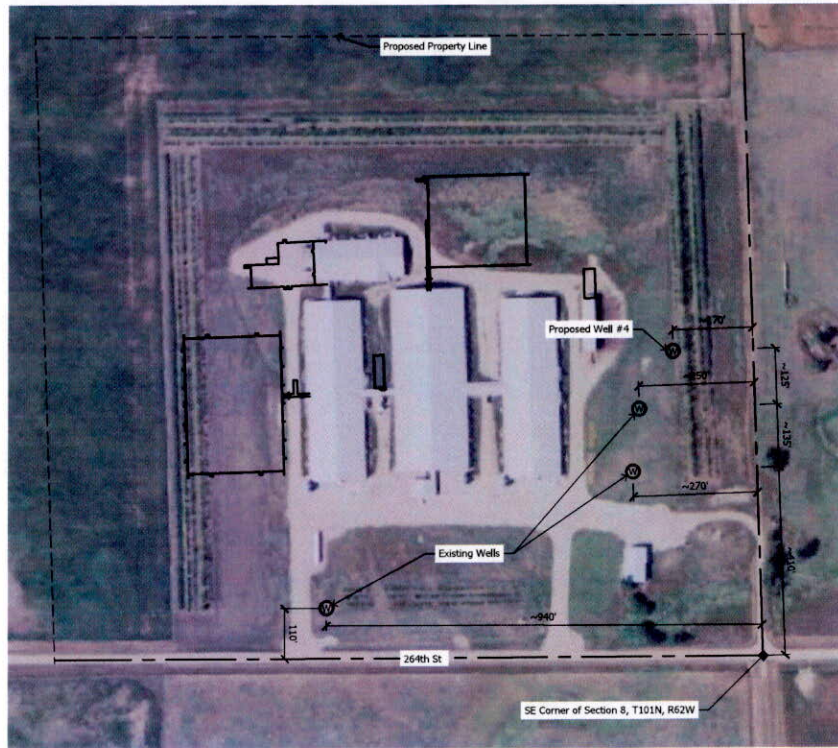
JUN 29 2016

WATER RIGHTS PROGRAM

Date:

523 E Capitol Ave. Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights



0 100 200 400

**Jackrabbit Family Farms, LLC**  
SE  $\frac{1}{4}$ , Section 8, T101N, R62W



**Water Rights  
Location Map**

## Schlaak, Karen

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**From:** Brad Woerner <bwoerner@stockwellengineers.com>  
**Sent:** Thursday, April 7, 2022 10:57 AM  
**To:** Schlaak, Karen  
**Subject:** RE: [EXT] Water Rights for Jackrabbit Family Farms, LLC - Davison County

Existing is 38 GPM  
With well #4, we will be at 90 gpm total.

We are adding 52 gpm (~0.13 CFS ) on top of what we currently are permitted to use.

Sorry – forgot to clarify that originally.



**Brad Woerner, PE**  
**Agricultural Engineer**  
Stockwell Engineers, Inc.  
Cell / 605.660.1362  
Office / 605.665.8092

---

**From:** Schlaak, Karen <Karen.Schlaak@state.sd.us>  
**Sent:** Thursday, April 7, 2022 10:50  
**To:** Brad Woerner <bwoerner@stockwellengineers.com>  
**Subject:** RE: Water Rights for Jackrabbit Family Farms, LLC - Davison County

Good Morning,  
Is this application for an additional 0.20 cfs (90 gpm) to what is authorized by Water Permit No. 8291-3 or the total to be used from all four wells?  
Karen

---

**From:** Brad Woerner <bwoerner@stockwellengineers.com>  
**Sent:** Thursday, April 7, 2022 8:31 AM  
**To:** Schlaak, Karen <Karen.Schlaak@state.sd.us>  
**Subject:** [EXT] Water Rights for Jackrabbit Family Farms, LLC - Davison County

Karen,  
I'm attaching an application to expand the water rights at Jackrabbit (have 3 wells and plan to install a 4<sup>th</sup> well to increase flowrate and annual volume.

Can you confirm what the application fee will be for this paperwork and let me know the amount?

I wasn't sure how to calculate when we have an existing water rights permit that is expanding.

You can call my cell phone (605.660.1362) or send an email – whichever you prefer.

Thank you!

**Brad Woerner, PE**  
**Agricultural Engineer**  
Stockwell Engineers, Inc.

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 19, 2022

RECEIVED OF Jackrabbit Family Farms LLC (R.F.) 1801 Forman Dr., Pipestone MN 56164

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

|                                                                                                                        |                  |
|------------------------------------------------------------------------------------------------------------------------|------------------|
| Fee for Application for Permit No. <u>8633-3</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

me



**OFFICE OF THE SECRETARY OF STATE**  
**STEVEN J. BARNETT, SECRETARY OF STATE**  
**JASON LUTZ, DEPUTY SECRETARY OF STATE**

**Filing Information**

Name: **JACKRABBIT FAMILY FARMS, LLC**

**General Information**

**SOS Business ID** DL027854  
**Filing Type:** Limited Liability Company - Domestic  
04/12/2012  
**Status:** Good Standing  
**Duration Term:** Perpetual  
**Managed By:** Manager-Managed

**Registered Agent Address**

Luke W. Minion  
304 S SPLITROCK BLVD  
SUITE 205  
BRANDON, SD 57005

**Principal Address**

1300 SOUTH HIGHWAY 75  
PIPESTONE, MN 56164

The following document(s) was/were filed in this office on the date(s) indicated below:

| <b>Date Filed</b> | <b>Filing Description</b> | <b>Image #</b> |
|-------------------|---------------------------|----------------|
| 03/29/2022        | 2022 Annual Report        | B0214-8614     |
| 03/02/2021        | 2021 Annual Report        | B0172-0397     |
| 03/24/2020        | 2020 Annual Report        | B0132-9461     |
| 03/29/2019        | 2019 Annual Report        | B0095-1886     |
| 01/31/2018        | 2018 Annual Report        | B0052-0149     |
| 02/10/2017        | 2017 Annual Report        | B0024-3934     |
| 02/26/2016        | 2016 Annual Report        |                |
| 03/19/2015        | 2015 Annual Report        |                |
| 03/19/2015        | 2015 Annual Report        |                |
| 02/26/2014        | 2014 Annual Report        |                |
| 04/15/2013        | 2013 Annual Report        |                |
| 04/02/2013        | 2013 Annual Report        |                |
| 04/02/2013        | 2013 Annual Report        |                |
| 04/12/2012        | Initial Filing            | DL027854       |



**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. 8633-3, Jackrabbit Family Farms LLC**

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. 8633-3, Jackrabbit Family Farms LLC, 1300 S Hwy 75, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8633-3 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. 8291-3 and 8633-3 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. 8291-3 and 8633-3 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. 8291-3 and 8633-3 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 Codell aquifer.
5. Water Permit Nos. 8291-3 and 8633-3, combined, authorize a total annual diversion of 93 acre-feet of water from the Codell aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer

June 10, 2022

**Report to the Chief Engineer on  
Water Permit Application No. 8633-3**

Jackrabbit Family Farms, L.L.C  
31 May 2022

Application No. 8633-3 seeks to appropriate an additional 0.115 cubic feet of water per second (cfs) and an additional 43 acre-feet of water annually (ac-ft/yr) and to add a well to the three wells authorized by Water Permit No. 8291-3. Water Permit No. 8291-3 appropriates 50 ac-ft/yr at a maximum diversion rate of 0.085 cfs from three wells completed into the Codell aquifer located in the SE ¼ SE ¼ Section 8-T101N-R62W. The applicant is requesting to drill an additional well into the Codell aquifer (approximately 420 feet deep) located in the area described above. This application also seeks to increase the total diversion rate by an additional 0.115 cfs for commercial use in a swine livestock facility located in the S ½ SE ¼ Section 8-T101N-R62W. This application, if approved, and Water Permit No. 8291-3, combined, will authorize a total of 93 ac-ft/yr at a maximum diversion rate of 0.200 cfs from four wells. This site is located approximately 10 miles south of Mount Vernon, South Dakota.

**Aquifer: (Codell)**

*Hydrogeologic Characteristics*

The Codell aquifer consists of the permeable and saturated portions of the Codell Sandstone, which is a member of the Cretaceous-aged Carlile Shale. The Codell aquifer underlies approximately 4,960,000 acres and stores approximately 9,895,700 acre-feet of water in South Dakota east of the Missouri River [1]. In eastern South Dakota, the Codell aquifer directly underlies the Niobrara aquifer in some locations [1]. It also lies adjacent to glacial outwash aquifers when they lie in a bedrock valley that intersects the Codell aquifer [2] [3].

The applicant submitted three well completion reports with their application in the same location as the proposed new well. In the well completed in April of 2013, the driller indicated encountering “fair” sandstone from 333 to 340 feet below grade and “good” sandstone from 340 to 375 feet below grade. The driller placed screen from 340 to 375 feet below grade. The static water level at the time that well was completed was 206 feet below grade. For the well completed June 8, 2016, the driller indicated encountering “nice” sand from 380 to 422 feet below grade and placed screen through the same interval. The static water level was 205 feet below grade at the time that well was completed. For the well completed on June 19, 2016, the driller encountered sand from 335 to 366 feet below grade and placed screen in the same interval. The static water level was 203 feet below grade at the time that well was completed. Static water level is an indication of hydraulic head in the aquifer. This aquifer is under confined conditions because the hydraulic head in the aquifer is higher than the top of the aquifer formation. Based on the depth of the screen and materials encountered, the wells for this application are completed into the Codell aquifer.

**Applicable South Dakota Codified Law (SDCL)**

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

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Codell aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

## **Availability of Water**

### *Hydrologic Budget*

#### Recharge

Recharge to the Codell aquifer is likely by groundwater inflow from hydrologically connected aquifers and glacial till when the hydraulic head of those bodies is higher than the hydraulic head of the Codell aquifer, including from the alluvium below Lake Francis Case [4]. There is no estimate of recharge available for the Codell aquifer.

#### Discharge

Natural discharge from the Codell aquifer likely occurs by groundwater outflow to hydrologically connected aquifers when the hydraulic head of those bodies is lower than the hydraulic head of the Codell aquifer. Discharge also occurs by domestic and appropriative withdrawals. Due to the low withdrawal rate of domestic wells and presence of stratigraphically higher aquifers over much of the Codell aquifer's areal extent and water distribution systems serving domestic water use needs, domestic well withdrawals are estimated to be negligible for the hydrologic budget. There are 49 water rights/permits authorized to appropriate from the Codell aquifer [5]. Of those 49, six are for irrigation [5]. Figure 1 shows the irrigation reported over the period of record (1979 – 2020) [6]. The average irrigation reported over the period of record from 1979 through 2020 is approximately 41 ac-ft/yr [6]. However, the number of irrigation permits in the Codell aquifer increased from 1 permit to 4 from 2012 to 2013 [6], so the average irrigation reported over the entire period of record is not likely to be representative of typical irrigation in the aquifer. Average irrigation reported from 2013 through 2020 is 108 ac-ft/yr [6]. Two irrigation permits, Water Permit Nos. 8553-3 and 8592-3, were approved since 2020, so they are not represented in the irrigation questionnaire summaries [5]. Since Water Permit Nos. 8553-3 and 8592-3 are for irrigation of turf, a combined estimated withdrawal 2 ac-ft per irrigated acre, or 84.2 ac-ft/yr is assumed.

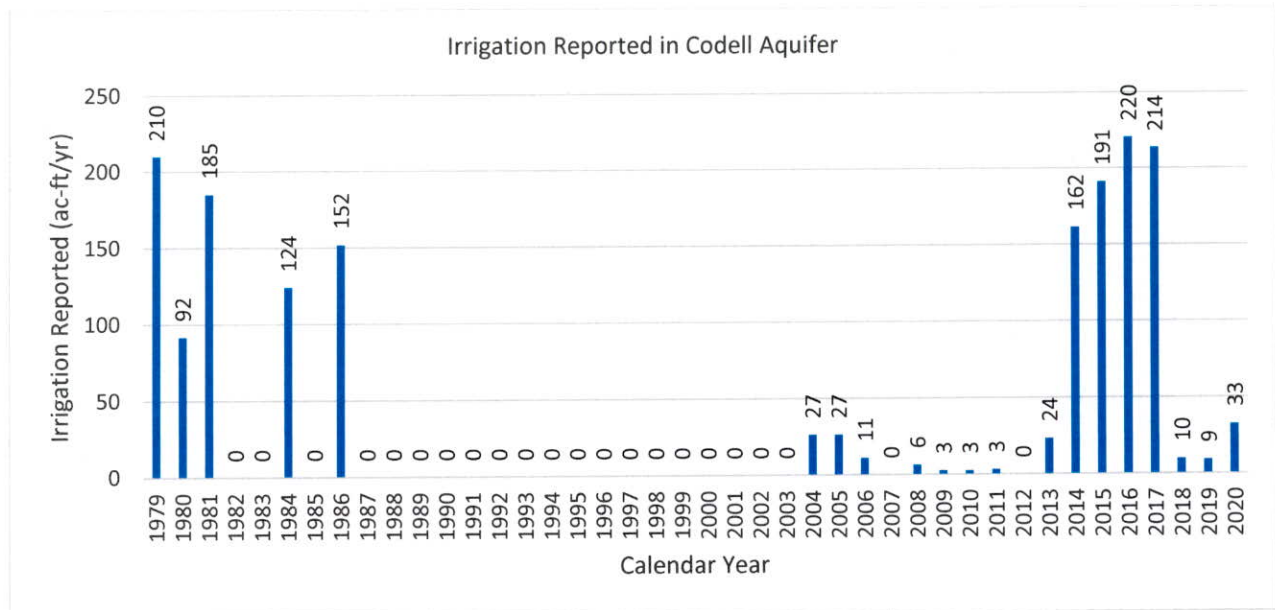


Figure 1: Irrigation reported from the Codell aquifer [6]

Of the non-irrigation water rights/permits, 12 purchase their water from another system [7] [5]. They maintain their water rights on standby for emergency purposes and are assumed to withdraw a negligible amount of water. Nine non-irrigation water rights/permits are required to report their withdrawals. All of those permits are new enough that they still may be developing their permits, so they are assumed to withdraw the full volume appropriated on their permit, for an estimated withdrawal of 427 ac-ft/yr [5]. One water right/permit is not required to report its withdrawals, but is limited to an annual volume on its permit of 10 ac-ft/yr [5]. The remaining 21 water rights/permits authorized to withdraw from the Codell aquifer are assumed to withdraw at their authorized rate 60% of the time, for an estimated withdrawal of 1,427 ac-ft/yr. There is also one water right, No. 6891-3 which was originally public noticed as withdrawing from the Niobrara aquifer. Upon later review, Water Rights Staff have determined that it withdraws from the Codell aquifer [8]. Assuming they pump at their maximum withdrawal rate 60% of the time, their estimated withdrawal is 145 ac-ft/yr.

#### Summary of Hydrologic Budget

There is no estimate of recharge available for the Codell aquifer. Table 1 summarizes withdrawals estimated for the Codell aquifer. The total estimated withdrawal for the aquifer is 2,201 ac-ft/yr. Divided across the 4,960,000 acres of the Codell aquifer, recharge to the aquifer would have to be at least 0.005 inches per acre per year to support current appropriations. The hydraulic conductivity of sandstone ranges from 0.37 inches per year to 7,500 inches per year [9] and there are known locations that the Codell aquifer is hydrologically connected to other aquifers [4] [3]. This application seeks to appropriate up to 43 ac-ft/yr in addition to Water Permit No. 8291-3. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of withdrawals in the Codell aquifer, rounded to the nearest 1 acre-foot

| Method                            | Number | Est. Use<br>(ac-ft/yr) |
|-----------------------------------|--------|------------------------|
| Irrigation, Reporting             | 4      | 108                    |
| Irrigation, Too New to Report     | 2      | 84                     |
| Standby                           | 12     | 0                      |
| Non-Irr, Report Required          | 9      | 427                    |
| Non-Irr, Volume Limit             | 1      | 10                     |
| 60% Estimate*                     | 22     | 1,572                  |
| Total                             | 50     | 2,201                  |
| *Including Water Right No. 6891-3 |        |                        |

*Observation Wells*

Administrative Rule of South Dakota (ARSD) 72:04:05:07 requires that the Water Management Board rely upon the record of observation wells in addition to other information in order to determine that recharge to the aquifer exceeds withdrawals. The Water Rights Program maintains 22 observation wells completed into the Codell aquifer [10]. The nearest observation well to this application is Observation Well DN-79J [10], located approximately 8 miles east of the wells for this application. Observation Well DN-79J is representative of the general behavior of the aquifer. Water levels from Observation Well DN-79J are shown in Figure 2 [10]. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [11]. There are also seasonal declines due to higher pumping during the summer, although the water levels in the aquifer tend to recover after the spring recharge period. The fluctuation of water levels aligning with fluctuations in annual precipitation indicate water is naturally discharging from the aquifer and recharge to the aquifer exceeds withdrawals. The Water Management Board considers natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

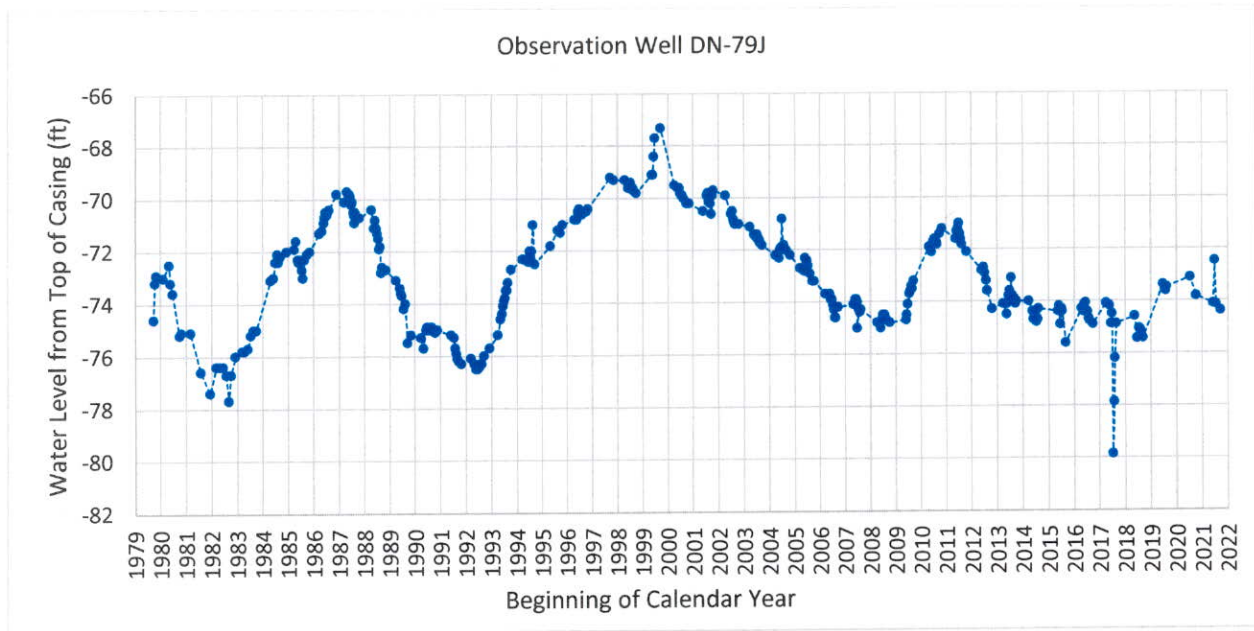


Figure 2: Water levels in Observation Well DN-79J [10]

### Possibility of Unlawful Impairment of Existing Rights

The nearest water right/permit completed into the same aquifer that is not held by the applicant is Water Permit No. 8456-3, located approximately 7 miles east of this application [5]. The nearest domestic wells on file with the Water Rights Program likely to be completed into the same aquifer are approximately 1 mile to the northwest and northeast of this application [12]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well 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*

There is no record of interference of an adequate well in Davison County on file with the Water Rights Program [13]. Some drawdown is likely to occur due to use of this well. However, in order to place the waters of the state to maximum beneficial use, the Water Management Board has ruled that hydraulic head is not protected as a means of water delivery [14], and nearby well owners may be required to lower their pumps. Based on well completion report discussed in the Hydrogeologic Characteristics section, the hydraulic head in the aquifer is likely to rise 127 to 175 feet above the top of the aquifer [12]. Due to the availability of hydraulic head in the aquifer and the lack of complaints of well interference in the county, there is reasonable probability this

application can be developed without unlawful impairment of existing water right/permits or adequate domestic wells.

### Conclusions

1. Water Permit Application No. 8633-3 seeks to appropriate an additional 0.115 cfs and an additional 43 ac-ft/yr and to add a well to the three wells authorized by Water Permit No. 8291-3.
2. Water Permit No. 8291-3 appropriates 50 ac-ft/yr at a maximum diversion rate of 0.085 cfs from three wells completed into the Codell aquifer located in the SE ¼ SE ¼ Section 8-T101N-R62W.
3. This application, if approved, and Water Permit No. 8291-3, combined, will authorize a total of 93 ac-ft/yr at a maximum diversion rate of 0.200 cfs from four wells.
4. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
5. There is reasonable probability this application can be developed without unlawful impairment of existing water rights.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

### References

- [1] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa, Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [2] L. S. Hedges, "Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota - Part I: Geology," SD DANR Geological Survey Program, Vermillion, South Dakota, 1975.
- [3] C. M. Christensen, "Geology and water resources of Bon Homme County, South Dakota; Part I: Geology," SD DANR Geological Survey Program, Vermillion, South Dakota, 1974. Bulletin 21 (Part 1).
- [4] J. Kume, "Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota - Part II: Water Resources," SD DANR Geological Survey Program, Vermillion, South Dakota, 1977. Bulletin 22.
- [5] SD DANR Water Rights Program, "Water right permit file database," SD DANR Water Rights Program, Pierre, South Dakota, 2022.

- [6] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.
- [7] SD DANR Drinking Water Program, "Your Water System Information," SD DANR Drinking Water Program, 9 February 2021. [Online]. Available: <https://denr.sd.gov/dcs/dw/sysinfo.aspx>. [Accessed 9 February 2021].
- [8] W. Kilts, Interviewee, *Natural Resources Engineer III - Water Rights Program*. [Interview]. 3 May 2022.
- [9] G. M. Duffield, "Representative Values of Hydraulic Properties," 23 November 2019. [Online]. Available: [http://www.aqtesolv.com/aquifer-tests/aquifer\\_properties.htm](http://www.aqtesolv.com/aquifer-tests/aquifer_properties.htm). [Accessed 31 March 2022].
- [10] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2022.
- [11] NOAA, "Climate at a Glance - Divisional Time Series for South Dakota Region 7," NOAA, 1 May 2022. [Online]. Available: <https://www.ncdc.noaa.gov/cag/divisional/time-series>. [Accessed 16 May 2022].
- [12] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2022.
- [13] SD DANR Water Rights Program, "County files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [14] South Dakota Water Management Board, *On the Matter of Water Permit Application No. 2313-2 for Coca Cola Bottling Company*. 1995.

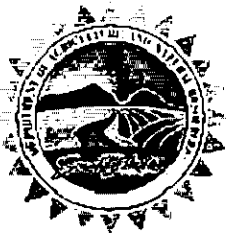
## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, June 14, 2022 11:08 AM  
**To:** luke.minion@pipestone.com  
**Cc:** Brad Woerner (bwoerner@stockwellengineers.com)  
**Subject:** Water Permit Application No. 8633-3  
**Attachments:** 3586.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>



**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

ss.

COUNTY OF DAVISON

RECEIVED

JUN 29 2022

OFFICE OF  
WATER

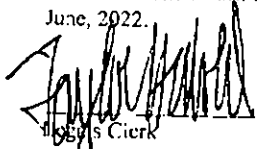
Taylor Herhold, of said county, being first duly sworn, on oath, states as follows:

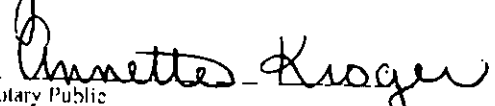
1. I am the designated agent of *The Mitchell Republic*, a daily newspaper published in the city of Mitchell, in said County of Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: *Legal Notice*; (1) time: *Wednesday June 22, 2022*, as required by law or ordinance.

3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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: \$43.47

Subscribed and sworn to before me this 22nd day of June, 2022.

  
Notary Public

  
Notary Public

My Commission Expires: 5-15-26

ANNETTE KROGER  
Seal  
Notary Public  
South Dakota

**NOTICE OF APPLICATION NO.****8633-3 to Appropriate Water**

Notice is given that Jackrabbit Family Farms, LLC, c/o Luke Minion, 300 S Hwy 75, Pipestone MN 56164 has filed an application to appropriate an additional 0.115 cubic foot of water per second (cfs), an additional annual volume of 43 acre-feet, and add a well to the three existing wells authorized by Water Permit No. 8291-3. Water Permit No. 8291-3 appropriates 50 acre-feet of water annually at a maximum diversion rate of 0.085 cfs from three wells completed into the Codel Aquifer located in the SE 1/4 SE 1/4 Section 8-T10-N-R62W. The additional well proposed by this application is to be in the Codel Aquifer (approximately 420 feet deep) located in the area described above. Water use under this application, if approved, and Water Permit No. 8291-3 is for commercial use in a swine livestock facility located in the S 1/2 SE 1/4 Section 8-T10-N-R62W. This application and Water Permit No. 8291-3, combined, will authorize a total of 93 acre-feet annually at a maximum diversion rate of 0.20 cfs from four wells. This site is located approximately 10 miles south of Mt Vernon SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8633-3 with qualifications because: 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unreasonably 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://dwr.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://dwr.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 July 5, 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://dwr.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 July 5, 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 \$43.47 (June 22, 2022) 75125

**RECEIVED****JUN 29 2022****OFFICE OF  
WATER**

RECEIVED

JUN 24 2022

OFFICE OF  
WATER

Proof Of Publication

Huron Plainsman  
49 3<sup>rd</sup> Street SE  
Huron, SD 57350  
605-353-7402

Legal Notice Number: 1479

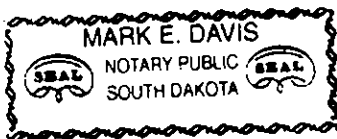
I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Jackrabbit Family Farms, LLC- Water No. 8633-3 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 6/22/2022. That the full amount of the fee charged for the publishing \$ 48.92 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Cadee Schelske

Subscribed and sworn to me before this date 6/22/22.

[Signature]  
Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 06-22-22  
**NOTICE OF  
APPLICATION  
NO. 8633-3 to**

**Appropriate Water**

Notice is given that Jackrabbit Family Farms LLC, c/o Luke Minion, 1300 S Hwy 75, Pipestone MN 56184 has filed an application to appropriate an additional 0.115 cubic feet of water per second (cfs), an additional annual volume of 43 acre-feet, and add a well to the three existing wells authorized by Water Permit No. 8291-3. Water Permit No. 8291-3 appropriates 50 acre-feet of water annually at a maximum diversion rate of 0.085 cfs from three wells completed into the Codell Aquifer located in the SE 1/4 SE 1/4 Section 8-T101N-R62W. The additional well proposed by this application is to be in the Codell Aquifer (approximately 420 feet deep) located in the area described above. Water use under this application, if approved, and Water Permit No. 8291-3 is for commercial use in a swine livestock facility located in the S 1/2 SE 1/4 Section 8-T101N-R62W. This application and Water Permit No. 8291-3, combined, will authorize a total of 93 acre-feet annually at a maximum diversion rate of 0.20 cfs from four wells. This site is located approximately 10 miles south of Mt Vernon SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8633-3 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 July 5, 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 July 5, 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.

No. 1479 (adv.)  
Published once at the total approximate cost of \$48.92.

## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Tuesday, June 14, 2022 11:02 AM  
**To:** 'rcrandall@plainsman.com'  
**Subject:** 8633-3 Jackrabbit Family Farms LLC  
**Attachments:** 8633-3public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 22, 2022.

Jackrabbit Family Farms LLC, c/o Luke Minion, 1300 S Hwy 75, Pipestone MN 56164 (507 825-4211) 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

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**From:** Schlaak, Karen  
**Sent:** Tuesday, June 14, 2022 11:02 AM  
**To:** legals@mitchellrepublic.com  
**Subject:** 8633-3 Jackrabbit Family Farms LLC  
**Attachments:** 8633-3public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 22, 2022.

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

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

*Karen Schlaak*

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





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

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

June 14, 2022

Jackrabbit Family Farms LLC  
c/o Luke Minion  
1300 S Highway 75  
Pipestone MN 56164

Dear Mr. Minion:

Water Permit Application No. 8633-3 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 Daily Republic printed at Mitchell (Ph # 605 996-5514) and the Plainsman printed at Huron (Ph # 605 353-7414). 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. 8633-3 to Appropriate Water

Notice is given that Jackrabbit Family Farms LLC, c/o Luke Minion, 1300 S Hwy 75, Pipestone MN 56164 has filed an application to appropriate an additional 0.115 cubic feet of water per second (cfs), an additional annual volume of 43 acre-feet, and add a well to the three existing wells authorized by Water Permit No. 8291-3. Water Permit No. 8291-3 appropriates 50 acre-feet of water annually at a maximum diversion rate of 0.085 cfs from three wells completed into the Codell Aquifer located in the SE 1/4 SE 1/4 Section 8-T101N-R62W. The additional well proposed by this application is to be in the Codell Aquifer (approximately 420 feet deep) located in the area described above. Water use under this application, if approved, and Water Permit No. 8291-3 is for commercial use in a swine livestock facility located in the S 1/2 SE 1/4 Section 8-T101N-R62W. This application and Water Permit No. 8291-3, combined, will authorize a total of 93 acre-feet annually at a maximum diversion rate of 0.20 cfs from four wells. This site is located approximately 10 miles south of Mt Vernon SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8633-3 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 July 5, 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 July 5, 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

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**From:** Schlaak, Karen  
**Sent:** Tuesday, July 26, 2022 8:16 AM  
**To:** Brad Woerner (bwoerner@stockwellengineers.com)  
**Subject:** Water Permit No. 8633-3  
**Attachments:** 8633-3.pdf

Attached is a copy of Water Permit No. 8633-3, Jackrabbit Family Farms LLC. Paper copy is being mailed today.

*Karen Schlaak*

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





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

JUL 26 2022

Jackrabbit Family Farms LLC  
c/o Luke Minion  
1300 S Highway 75  
Pipestone MN 56164

Dear Mr. Minion:

Enclosed is Water Permit No. 8633-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

c: Brad Woerner, Stockwell Engineers (email)



8633-3

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

October 12, 2023

8633-3

Jackrabbit Family Farm, LLC  
1300 S HWY 75  
Pipestone MN 56164

The whom it may concern:

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

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

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

Sincerely,

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

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

Date 10/11/23

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

FROM: Tackrabbit Family Farm LLC  
(name)  
1300 S. Hwy 75  
(address)  
Pipestone MN 56164 507 825 4211  
(city, state, zip) (phone)

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

Water Permit No. 8633-3 states that the water use system is to be constructed by 8/1/23 7/5/23, and water is to be put to beneficial use by 7/5/31.  
(date) (date)

The water use system was completed on 7/1/23.  
(date)

Applying the water to beneficial use was completed on 7/1/23.  
(date)

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

[Signature]  
(signature)

