

WATER PERMIT NO. 8644-3

Name of Applicant: Riverview LLP

Address: 26406 470th Ave, Morris MN 56267 Phone: 320-287-1028

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: groundwater (three existing wells)

Water to be used for: commercial County: Hamlin

Type of Waste Disposal System:

Location: 9 1/2 miles west of Lake Norden

PRIORITY Date Received: 7-18-22 Application/License Fee: \$700

Corrected Application Received: _ Period of Annual Use: January 1 – December 31

Remarks: Increase the acre-feet appropriation authorized by Water Permit No. 8349-3 by an additional 120 AF for a total of 519 AF

Diversion Point: N 1/2 NE 1/4 Section 21-T113N-
R54W

Facility Location: SE 1/4 Section 15-T113N-
R55W

Depth of Well: 360 feet deep

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 7-18-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			21		

**SOUTH DAKOTA
WATER PERMIT NO. 8644-3**

Date of first receipt of application July 18, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8644-3 to Riverview LLP, c/o Brady Janzen, 26406 470th Ave, Morris MN 56267 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. 8644-3 appropriates an additional 120 acre-feet of water annually (ac-ft/yr). Water Permit No. 8349-3 appropriates 399 ac-ft/yr at a maximum pump rate of 1.33 cubic feet of water per second (cfs) from three wells completed into the Altamont Aquifer located in the N 1/2 NE 1/4 Section 21-T113N-R54W for a dairy confinement facility located in the SE 1/4 Section 15-T113N-R55W. This permit increases the water appropriation from the three existing wells by an additional 120 ac-ft/yr. This permit and Water Permit No. 8349-3, combined, will authorize a total appropriation of 519 ac-ft/yr with a maximum pump rate of 1.33 cfs. The permit holder currently pumps water approximately 5 miles from the wells to the confinement facility. The facility site is located approximately 9 1/2 miles west of Lake Norden SD
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8644-3 is October 3, 2022.
5. The date from which applicant may claim right is July 18, 2022 (120 ac-ft/yr).
6. One-fifth of the construction is to be completed on or before April 3, 2025.
7. All construction is to be completed on or before October 3, 2027.
8. Water is to be put to beneficial use on or before October 3, 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 this Permit and Water Permit No. 8349-3 are 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 No. 8644-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.

(continued)

3. Water Permit No. 8644-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont aquifer.
5. This Permit and Water Permit No. 8349-3, combined, authorize a total annual diversion of 519 acre-feet of water.

WATER MANAGEMENT BOARD

By: Eric Gronlund

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

OCT 20 2022
date



RECEIVED

JUL 18 2022

SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation
(type or print)OFFICE OF
WATER

PAID

JUL 18 2022

Ck# 271197

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8644-3</u>	(office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>The Dakotan</u>	
	<u>Public Opinion</u>	

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit Riverview, LLP
Mailing Address 26406 470th Ave Morris MN 56267
(Address) (City) (State) (Zip Code)
Phone 320-392-5609 Mobile 320-287-1028 Email matt.waldbeser@riverviewllp.com
- Amount of water claimed 120 *CFS or 39 Mil. 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 Altamont Aquifer
- Location of point of diversion 3 wells in NE1/4 section 21-T113N-R54W County Hamlin
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No
If "Yes," where will water be used? SE1/4 section 15-T113N-R55W
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Hamlin
- Annual period during which water is to be used Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is an application to increase the appropriated water on Water Permit # 8349-3 from the three existing wells by 120 acre feet which would increase the total from 399 acre-feet annually to 519 acre-feet annually.

I, Brady Janzen (Brady Janzen), 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) (see 8349-3)

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 ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells: (see 8349-3)

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) N/A

b) System Capacity (gallons) N/A Year Constructed N/A

c) Connected to the City of N/A Sanitary System

3. Dugout Information

a) Surface Dimensions N/A 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:

N/A

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)

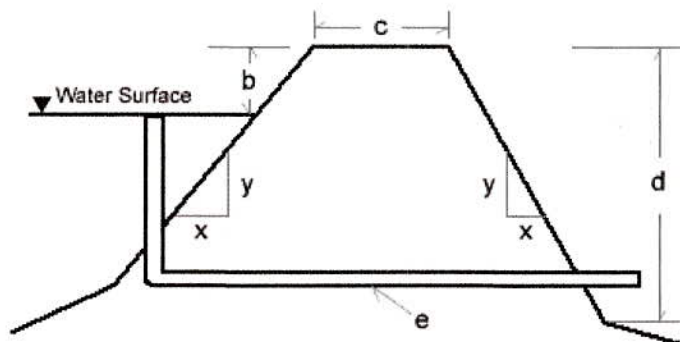
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



MAP FOR WATER PERMIT APPLICATION
RIVERVIEW, LLP



1,400 700 0 1,400 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 1,400, 700, and 0 from left to right. The unit 'Feet' is written at the far right end of the bar.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 18, 2022

RECEIVED OF Riverview LLP 26406 470th Ave., Morris MN 56267

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

Fee for Application for Permit No. <u>8644-3</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. <u>8644-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>700.00</u>

By Eric Gronlund
Chief Engineer
Em



531333321

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Foreign Limited Liability Partnership
SDCL 48-7A-1003; 59-11-6; 59-11-24.1

Filing Fee: \$50

2021
FILING YEAR

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

Total Fee: \$50

1. Business ID and Name:

FR000197
BUSINESS ID

RIVERVIEW, LLP
BUSINESS NAME

2. The jurisdiction under whose law it is formed **MINNESOTA**

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

Actual Street Address

26406 470TH AVE
MORRIS, MN 56267-5370

Mailing Address

26406 470TH AVE
MORRIS, MN 56267-5370

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.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **NATIONAL REGISTERED AGENTS, INC. (0000011)**

Actual Street Address in this State

319 COTEAU ST
PIERRE, SD 57501-3187

Mailing Address in this State

5. The names and business addresses of the partners.

Name

Address

Bradley Alan Fehr **26339 470th Ave, Morris, MN 56267**

Kurtis Jon Domnick **29677 US Highway 59, Morris, MN 56267**

6. 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 22-39-36; 47-15-51).

10/27/2021

Dated

Email (Optional)

Brady Janzen

Signature of an Authorized Person

Brady Janzen

Printed Name



26406 470th Avenue Morris, MN 56267
Office: (320) 392-5609 Fax: (320) 392-5319

July 13, 2022

Eric Gronlund
Department of Agriculture and Natural Resources
Joe Foss Building
523 E. Capital Ave
Pierre, SD 57501-3182

Dear Mr Gronlund,

Enclosed is the application to amend our current Water Permit No. 8349-3 by increasing the water appropriation by 120 ac-ft/yr from a current level of 399 ac-ft/yr to a new total of 519 ac-ft/yr.

Feel free to reach out if you have any questions.

Sincerely,

Matt Waldbeser
Riverview, LLP
320-287-1028



**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. 8644-3, Riverview, LLP**

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. 8644-3, Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267.

The Chief Engineer is recommending APPROVAL of Application No. 8644-3 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 this Permit and Water Permit No. 8349-3 are 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 No. 8644-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.
3. Water Permit No. 8644-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont aquifer.
5. This Permit and Water Permit No. 8349-3, combined, authorize a total annual diversion of 519 acre-feet of water.

See report on application for additional information.

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

Eric Gronlund, Chief Engineer

September 9, 2022

**Report to the Chief Engineer on
Water Permit Application No. 8644-3**

Riverview, LLP
8 September 2022

Water Permit Application No. 8644-3 seeks to appropriate an additional 120 acre-feet of water annually (ac-ft/yr). Water Permit No. 8349-3 appropriates 399 ac-ft/yr at a maximum pump rate of 1.33 cubic feet of water per second (cfs) from three wells completed into the Altamont aquifer located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21-T113N-R54W for a dairy confinement facility located in the SE $\frac{1}{4}$ Section 15-T113N-R55W. This application proposes to increase the water appropriation from three existing wells by an additional 120 ac-ft/yr. This application, if approved, and Water Permit No. 8349-3 will authorize a total appropriation of 519 ac-ft/yr with a maximum pump rate of 1.33 cfs. The permit holder currently pumps water approximately 5 miles from the wells to the confinement facility. The facility site is located approximately 9.5 miles west of Lake Norden, South Dakota in Hamlin County.

Aquifer: Altamont (A)

Hydrogeologic Characteristics

The Altamont aquifer is composed of multiple bodies of sand and gravel outwash deposited on or near the bedrock and below or near the Prairie Coteau during the Quaternary geological period. Hedges et al. [1] estimated that the Altamont aquifer underlies approximately 1,672,800 acres in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties and stores approximately 7,197,360 ac-ft of recoverable water. The Water Rights Program treats the Altamont aquifer as a catch-all category for glacial aquifers directly above bedrock that are not part of another named aquifer. Most information available on the Altamont aquifer is specific to Clark County [2], but some information about the aquifer's extent in other counties, including Hamlin County, is available as well [3].

The applicant did not submit a well completion report with this application, but the three well completion reports for the wells that will be used for this application are in the administrative file for Water Permit No. 8349-3. The well designated as the "West 12" well" was completed on April 16, 2020 [4]. The driller indicated placing the screen from 300 to 350 feet below grade and indicated encountering fine to medium sand from 274 to 353 feet below grade. The static water level at the time the well was completed was 16 feet below grade. The well designated as the "East 12" well" was completed on March 18, 2020 [4]. The driller indicated placing the screen from 300 to 360 feet below grade and indicated encountering various sizes of sand, gravel, and thin clay layers from 314 feet to 344 feet, pebbly clay from 344 to 354 feet, and coarse sand and gravel from 354 to 361 feet. The static water level at the time the well was completed was 16 feet below grade. The well designated as the "Middle 8" well" was completed on October 5, 2018 [4]. The driller placed the screen from 293 to 343 feet below grade and indicated encountering sand from 283 to 343 feet below grade. The static water at the time the well was completed was 12 feet below grade. There are other well completion reports in the administrative file, but one is a monitoring well and the other has a 5-inch casing.

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). The Altamont 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 Altamont aquifer is likely by infiltration of precipitation where the aquifer is at or near land surface and by groundwater inflow from glacial till when the hydraulic head of the glacial till is higher than the hydraulic head of the Altamont aquifer. There is not a recharge estimate available for the whole Altamont aquifer, nor for the Altamont aquifer in Hamlin County. Hamilton [2] indicates the recharge rate of the Altamont aquifer in Clark County is approximately 1.5 to 1.6 inches per year. Hedges, Allen, and Holly [5] used observation well water levels to calculate recharge to unconfined portions of mostly confined aquifers and estimated that the recharge rate to unconfined portions of the Altamont aquifer was 2.2 inches per year, but they did not delineate the area they considered to be unconfined. For buried and confined aquifers, Hedges, Allen, and Holly [5] recommend using a recharge rate ranging between 0.15 and 0.6 inches per year, for water management purposes. Most of the Altamont aquifer is under buried, confined conditions [6] [7], so without additional information, the Hedges, Allen, and Holly [5] recharge rates are appropriate to use as an estimate of recharge in the aquifer. Over the 1,672,800 acres of delineated [1] Altamont aquifer in South Dakota, estimates of recharge to the aquifer range from approximately 20,900 to 83,600 ac-ft/yr, using the Hedges, Allen, and Holly [5] recommended values.

Discharge

Discharge from the Altamont aquifer is likely by seepage to surface water features in contact with the aquifer, when the hydraulic head of the Altamont aquifer is higher than the stage of the surface water features, discharge to higher aquifers when the hydraulic head of the Altamont aquifer is higher than the aquifers it contacts, and by domestic and appropriative well

withdrawals. Due to the prevalence of rural water systems and presence of stratigraphically higher aquifers over most of its areal extent, domestic well withdrawals are estimated to be a negligible amount of the hydrologic budget. There are 82 water rights/permits currently authorized to withdraw from the Altamont aquifer and two future use permits reserving water from the Altamont aquifer in all of South Dakota. Future Use Permit No. 4052-3 reserves 869 ac-ft/yr for the Town of Henry and Future Use Permit No. 4045B-3 reserves 12 ac-ft/yr for the Town of Wallace. Both towns purchase their water from another water distribution system [8] [9] but, as long as they hold their future use permits, they must be considered in the hydrologic budget.

Of the 82 water rights/permits authorized to withdraw, 55 are for irrigation, 13 are for commercial use, 11 are for municipal use, and 3 are for industrial use [9]. All irrigation water rights/permits in the Altamont aquifer are required to report their withdrawals annually, although two are new enough that their withdrawals are not represented in any irrigation reports. The average annual reported irrigation use in the period of record from 1979 to 2021 is 2,368 ac-ft/yr [10].

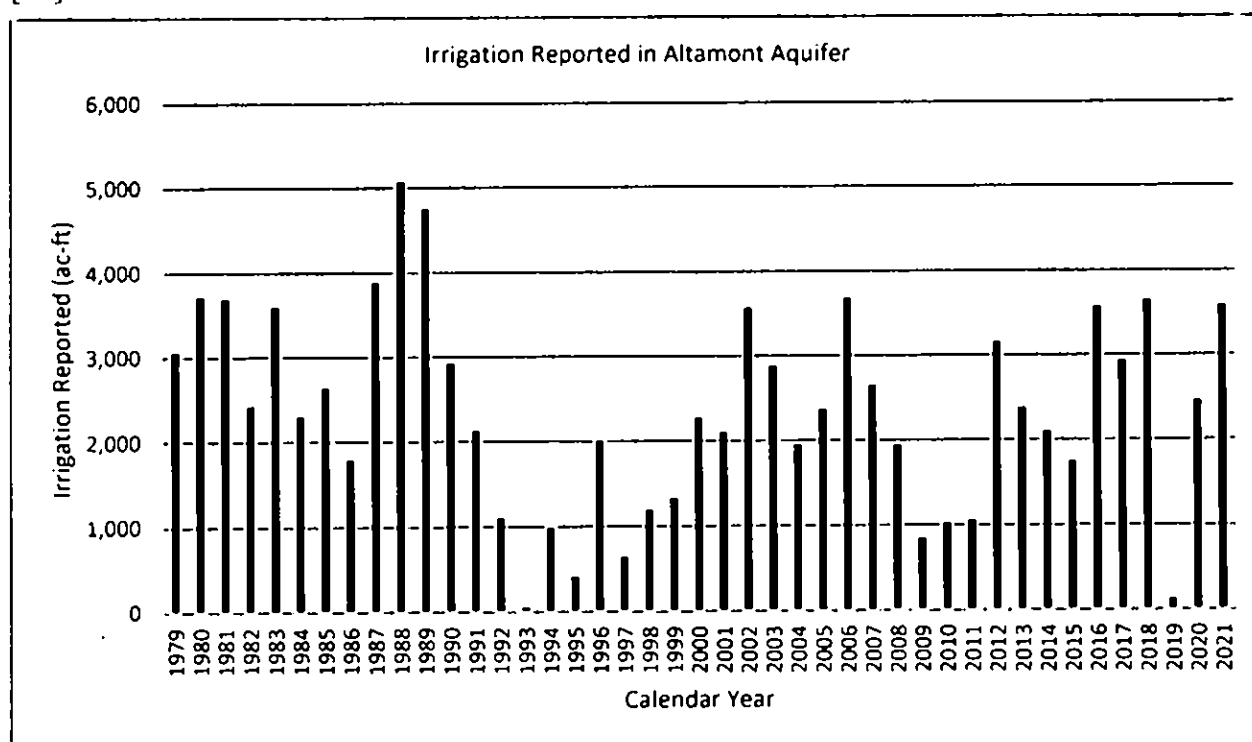


Figure 1: Irrigation reported in the Altamont aquifer from 1979 through 2021 [10]

Of the non-irrigation water rights/permits, Water Right Nos. 451-3, 1490-3, 1651-3, 1913-3, 4049-3, 4054A-3, 4320-3, and 4861-3 are municipal water rights/permits that purchase their water from another water distribution system and are assumed to withdraw a negligible amount of water [8] [9]. There are 6 non-irrigation water rights/permits that are required to report their annual withdrawals [9]. All of them are new enough that they may not have fully developed their permits [11], so they are assumed to appropriate the full amount listed on their permit for a total withdrawal of 621 ac-ft/yr. Table 1 shows non-irrigation water rights/permits required to report and their reported withdrawal for each year of record [11] [9].

Table 1: Non-irrigation water rights/permits required to report [11] [9]

Permit No.	8309-3	8349-3	8376-3	8414-3	8504-3	8570-3	Total
Name	Otter Tail Power Company	Riverview, LLP	Husky Farms, LLC	Geronimo Energy	Redstone Farms, RE LLC	Windy Ridge Hutterian Brethren, Inc.	
Priority Date	09/18/2017	04/16/2018	09/17/2018	11/12/2019	03/25/2021	12/04/2021	
Annual Appropriation (ac-ft)	12.0	399.0	77.0	1.0	77.0	55.0	621.0
Max. CFS	0.220	1.330	0.267	0.011	0.133	0.110	2.071
Year	Annual Report (ac-ft)						
2017	0.0	N/A	N/A	N/A	N/A	N/A	0.0
2018	0.0	0.0	N/A	N/A	N/A	N/A	0.0
2019	0.0	0.0	9.3	N/A	N/A	N/A	9.3
2020	0.0	11.3	44.1	0.2	N/A	N/A	55.6

There is one water right, Water Right No. 1718A-3, which has an annual volume limit of 81 ac-ft/yr listed on its permit, but no requirement to report its annual withdrawals. It is assumed to withdraw the full appropriation on its permit [9]. There are 12 other non-irrigation water rights/permits authorized to withdraw that are not on standby, not required to report their withdrawals, and do not have an annual volume limit listed in their permit. They appropriate a total of 4.043 cfs and are assumed to pump at their maximum licensed/permitted withdrawal rate 60% of the time, for an estimated annual withdrawal of 1,757 ac-ft/yr. Based on Water Rights Staff experience, this is likely to be higher than the true value.

Summary of Hydrologic Budget

Estimates of recharge to the Altamont aquifer in South Dakota range from approximately 20,900 ac-ft/yr to 83,600 ac-ft/yr. Table 2 shows a summary of appropriations discussed in the Discharge section which is for the Altamont aquifer throughout all of South Dakota. The estimated average annual withdrawal of all water rights/permits currently authorized to withdraw from the Altamont aquifer is 5,194 ac-ft/yr [9] [10] [11]. There are two future use permits reserving a total of 881 ac-ft/yr, for a total annual appropriation of 6,075 ac-ft/yr [9]. This application seeks to appropriate an additional 120 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 2: Summary of withdrawals/appropriations in the Altamont aquifer [9] [10] [11]

Type	Number	Est. Avg. Use (ac-ft/yr)
Irrigation, Reporting	53	2,368
Irrigation, too new to report	2	367
Standby	8	0
Non-Irrigation, reporting	6	621
Non-irrigation, non-reporting, volume limited by permit	1	81
All others authorized to withdraw	12	1,757
Subtotal, authorized to withdraw	82	5,194
Future Use	2	881
Total	84	6,075

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to 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 31 wells completed into the Altamont aquifer throughout South Dakota [6]. The nearest observation well to this application completed into the Altamont aquifer is CK-7611 (Figure 2), located approximately 23 miles northwest of this application [6]. In general, water levels rise when annual precipitation is higher than average and decline when annual precipitation is lower than average. Seasonal declines also occur due to seasonal pumping, but water levels generally recover after seasonal pumping ceases. Water levels following climate patterns means that the influence of natural fluctuations greatly outweighs the influence of withdrawals, and natural discharge is occurring in the aquifer. The Water Management Board considers natural discharge to be available for appropriation. Therefore, based on observation well water levels, there is reasonable probability unappropriated water is available for this application.

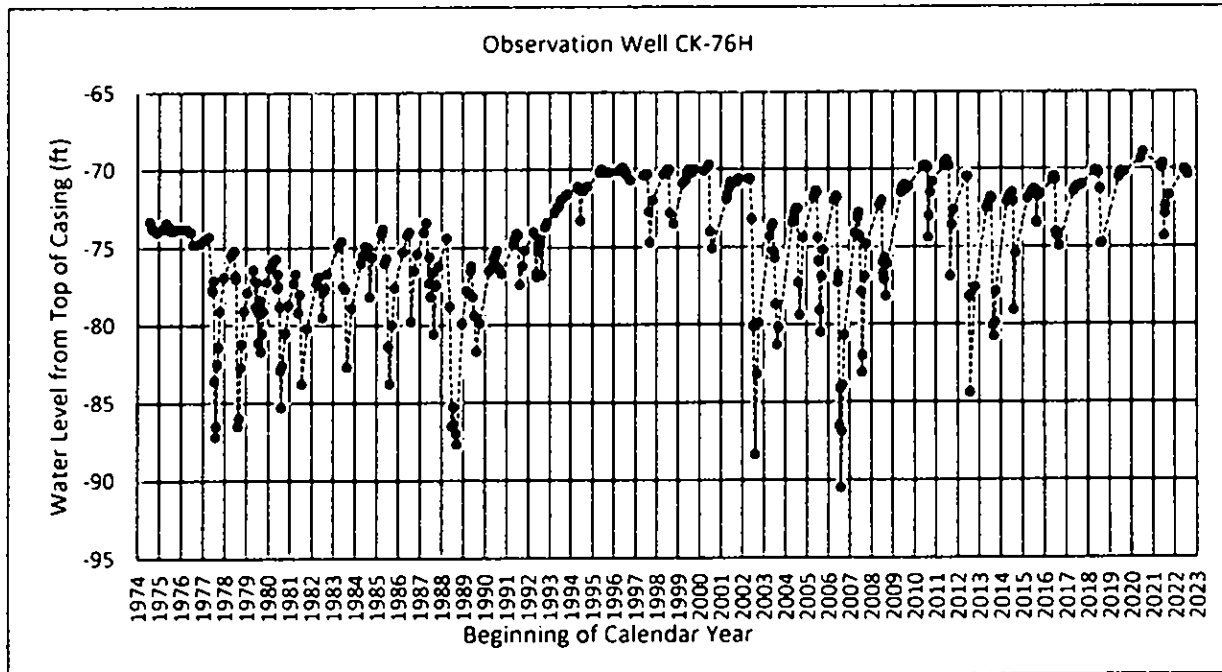


Figure 2: Water levels in Observation Well CK-76H [6]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest Altamont aquifer water right/permit to this application is Water Right No. 1913-3, held by the City of Arlington, located approximately 17 miles southeast of this application. The City of Arlington is currently supplied its water from a different water distribution system [8]. The next nearest Altamont aquifer water right/permit to this application is Water Right No. 4127-3, located approximately 23 miles northwest of this application. The nearest domestic well on file with the Water Rights Program to this application that is likely completed into the Altamont aquifer is located approximately 1.1 miles northwest of this application [7].

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

Exact drawdown behavior in an aquifer cannot be known without an aquifer performance test. In the hearing for Water Permit Application No. 2313-2 for Coca-Cola Bottling Company, the Water Management Board determined that to put the waters of the state to maximum beneficial use, hydraulic head would not be protected as a means of water delivery [12]. Some drawdown is likely to occur, so nearby water right owners may need to lower their pumps to access needed

water. Therefore, the applicant should control their withdrawals so that nearby water users with adequate wells completed into the Altamont aquifer can withdraw the water they need for reasonable domestic use. There have been no complaints indicating well interference has occurred in Hamlin County [13]. Based on the lack of substantiated complaints of well interference, there is reasonable probability this application can be developed without unlawful impairment of existing water rights or domestic users.

Conclusions

1. Water Permit Application No. 8644-3 seeks to appropriate 120 additional ac-ft/yr from wells authorized under Water Right Permit No. 8349-3 for commercial use.
2. Water Permit No. 8349-3 appropriates 399 acre-feet of water annually at a maximum instantaneous withdrawal rate of 1.33 cfs from three wells completed into the Altamont aquifer located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21-T113N-R54W for commercial use in an animal feeding operation located in the SE $\frac{1}{4}$ Section 15-T113N-R55W.
3. Combined, Application No. 8644-3, if approved, and Water Permit No. 8349-3 would authorize the appropriation of 519 ac-ft/yr at a maximum instantaneous diversion rate of 1.33 cfs.
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/permits.



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. J. Hamilton, "Major aquifers in Clark County, South Dakota," DANR Geological Survey Program, Vermillion, South Dakota, 1978.
- [3] J. Kume, "Water Resources of Deuel and Hamlin Counties, South Dakota," United States Geological Survey, Huron, South Dakota, 1985.
- [4] DANR Water Rights Program, "File No. 8349-3," SD DANR Water Rights Program, Joe Foss Bldg, Pierre, South Dakota, 2021.

- [5] L. S. Hedges, J. Allen and D. F. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [6] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2022.
- [7] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2022.
- [8] SD DANR Drinking Water Program, "Drinking Water Reports," SD DANR Drinking Water Program, 19 July 2022. [Online]. Available: <https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx>. [Accessed 19 July 2022].
- [9] SD DANR Water Rights Program, "Water right permit file database," SD DANR Water Rights Program, Pierre, South Dakota, 2022.
- [10] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.
- [11] SD DANR Water Rights Program, "Non-Irrigation Yearly Reports," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [12] SD Water Management Board, "On the Matter of Water Permit Application No. 2313-2 for Coca Cola Bottling Company," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 1995.
- [13] SD DANR Water Rights Program, "County Files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Schlaak
Matt Waldbeser
26406 470Th AVE
Morris MN 56267-5370

RECEIVED

OCT 03 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:

09/21/2022

and that the fees charged are legal.
Sworn to and subscribed before on 09/21/2022

D. Roberts

Legal Clerk

Shelly Hora
Notary, State of WI, County of Brown

8-25-23

My commission expires

Publication Cost \$53.72

Order No: 7784738

of Copies:

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance

SHELLY HORA
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8644-3
to Appropriate Water

Notice is given that Riverview LLP, c/o Brady Jansen, 26406 470th Ave, Morris MN 56267 has filed an application to appropriate an additional 120 acre-feet of water annually (ac-ft/yr). Water Permit No. 8349-3 appropriates 399 ac-ft/yr at a maximum pump rate of 1.33 cubic feet of water per second (cfs) from three wells completed into the Altamont Aquifer located in the N 1/2 NE 1/4 Section 21-T113N-R54W for a dairy confinement facility located in the SE 1/4 Section 15-T113N-R55W. This application proposes to increase the water appropriation from the three existing wells by an additional 120 ac-ft/yr. This application, if approved, and Water Permit No. 8349-3 will authorize a combined, total appropriation of 519 ac-ft/yr with a maximum pump rate of 1.33 cfs. The permit holder currently pumps water approximately 5 miles from the wells to the confinement facility. The facility site is located approximately 9 1/2 miles west of Lake Narden SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8644-3 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://dnr.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 October 3, 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://dnr.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 October 3, 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.

9-21/22

NOTICE OF APPLICATION

NO. 8644-3 to Appropriate Water

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maximum pump rate of 1.33 cfs. The permit holder currently pumps water approximately 5 miles from the wells to the confinement facility. The facility site is located approximately 9 1/2 miles west of Lake Norden SD

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8644-3 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.

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Affidavit of Publication

State of South Dakota)

:SS

County of Hamlin)

Stephanie J. Sauder, of Hamlin County, being duly sworn on oath says that she is the publisher of The Bryant Dakotan, a weekly newspaper published in Bryant, in said County of Hamlin, South Dakota, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has bona fide circulation of at least two hundred copies weekly for fifty successive weeks prior to the publication of the notice herein mentioned, and was and is published wholly in an office maintained at said place of publication, that the advertisement headed

NOTICE OF APPLICATION

A printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of the affidavit, was published in said newspaper once each week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

_____ SEPT. 21 _____ 2022
_____ _____ 2022
_____ _____ 2022
_____ _____ 2022

that the full amount of the fee charged for the publication of said Notice accrues 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 whosoever and that the fees charged for the publication thereof are

\$ 54.90

Stephanie Sauder

Subscribed and sworn to before me, this

12 day of October AD

20 22

Wade Sikkink

Notary Public

Hamlin County, South Dakota

My commission expires: 2/9/23

RECEIVED

OCT 14 2022

OFFICE OF
WATER

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will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published 9-21-2022 at the total approximate cost of \$54.90.



**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.**

September 13, 2022

Riverview LLP
c/o Brady Jansen
26406 470th Ave
Morris MN 56267

Dear Mr. Jansen:

Water Permit Application No. 8644-3 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 The Dakotan printed at Bryant (Ph # 605 628-6397) and the Public Opinion printed at Watertown (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on September 21, 2022. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8644-3 to Appropriate Water

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Published once at the total approximate cost of

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 13, 2022 8:49 AM
To: bryantdakotan@itctel.com
Subject: 8644-3, Riverview LLP
Attachments: 8644-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 21, 2022.

Matt Waldbeser, 26406 470th Ave, Morris MN 56267 (320 287-1028) 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: Tuesday, September 13, 2022 8:50 AM
To: 'legals@thepublicopinion.com'
Subject: 8644-3, Riverview LLP
Attachments: 8644-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 21, 2022.

Matt Waldbeser, 26406 470th Ave, Morris MN 56267 (320 287-1028) has been notified to contact you to authorize publication and arrange for payment.

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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: Tuesday, September 13, 2022 10:28 AM
To: 'Matt Waldbeser'
Subject: Water Permit Application No. 8644-3
Attachments: 3959.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>



October 20, 2022

PAYMENT REQUEST FORM

PAYEE: Riverview LLP
c/o Brady Janzen
26406 470th Ave
Morris MN 56267

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over Payment of Application/License Fee

AMOUNT: \$200.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Eric Kunkund 10/21/2022

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 20 2022

Riverview LLP
c/o Brady Janzen
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Enclosed is Water Permit No. 8644-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application filing fee of \$700.00 was submitted with the application. The correct fee for this permit is \$300.00. \$200.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

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

Sincerely,

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

enclosures

email: Matt Waldbeser



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8644-3

Name of Applicant: Riverview LLP, Brady Janzen

Date of Posting: 9/19/2022

Date of Removal: 10/20/2022



Ron Duvall, Water Rights Permitting Administrator

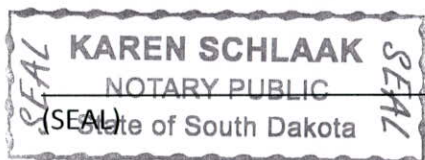
10/24/22

Date

Subscribed and sworn to before me, a notary public, this 24th day of October, 2022.



Notary Public - South Dakota
My commission expires: 4/1/25



8644-3

RECEIVED

OCT 31 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10/25/22TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Riverview LLP
(name)
26406 470th Ave
(address)
Morris, MN 56267 320-392-6754
(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. 8644-3 states that the water use system is to be constructed by October 3, 2027, and water is to be put to beneficial use by October 3, 2031.
(date) (date)

The water use system was completed on 10/25/2022.
(date)

Applying the water to beneficial use was completed on 10/25/2022.
(date)

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

Martin T. L.
(signature)



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8349-3 & 8644-3

I have this day, May 8, 2023, made a thorough examination of the water use system constructed by Riverview LLP 26406 470th Ave, Morris, MN 56267 of Permit No. 8349-3, bearing the priority of April 16, 2018 authorizing the diversion of 1.33 cu. ft. per second of the waters of Altamont Aquifer for Dairy purposes, in Hamlin County. No. 8644-3, bearing a priority date of July 18, 2022 authorizes an additional annual appropriation from the same wells.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Company
- 2) No. of Wells: 3
- 3) Depth(s) 350 - 360 feet
- 4) Well logs available Y

Casing:

- 1) Diameter 12, 8, 12 inches
- 2) Length 300, 293, 280 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel - slotted
- 2) Length 50 - 60 feet
- 3) Static water level 16, 12, 16 feet

Pump:

- 1) Make Submersible
- 2) Capacity 300 each (total 900) GPM

Motor:

- 1) Make & model number Unknown
- 2) Horsepower rating All - 3 hp

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

- 1) Type Buried PVC
- 2) Size 10 inches
- 3) Length 5 miles to west

Comments: To Dairy location

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **Well Locations:**
From the NE corner Sec 21 T113N R54W; WELL #1: 1,325 ft S & 1,070 ft W, Lat 44.58363 Long -97.31438 WELL #2: 1,325 ft S & 635 ft W, Lat 44.58363 Long -97.31277 WELL #3: 1,325 ft S & 480 ft W, Lat 44.58363 Long -97.31222 (NE ¼ NE ¼)
2. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for commercial dairy purposes.
The license should be issued for 1.33 cfs. (see note at the bottom)
3. All structures, wells and lands on map N
If no, describe: **Only the well locations are on the map. All well water will be used on a dairy facility located 5 miles west of the wells in SE ¼ Section 15, T113N, R55W.**

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

The mailing address and telephone number are current.

Current contact person is Matt Waldbeser at 320/287-1028 and matt.waldbeser@riverviewllp.com.

Well locations were determined with the aid of FSA maps and the ArcMAP software and on-site GPS measurements.

A 60 hp pump is used to transport the water from the well site to the Dairy.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 9, 2023

Notes:

On May 9th, I called and visited with Matt Waldbeser. Each well is capable of 300 gpm however they only pump two wells at a time to the feedlot. The third well is a used as a backup well. Total pumping to the feedlot is 600 gpm as originally permitted.

Water Permit No. 8644-3 was obtained to cover an additional 120 acre-feet annually from the same wells. Combined, 8349-3 & 8644-3 authorize a total of 519 acre feet of water annually at a maximum pumping rate of 1.33 cfs.

The applicable portions of Water Permit No. 8349-3 will be incorporated into Water License No. 8644-3 with a priority date of April 16, 2018, for the first 399 acre feet and a priority of July 18, 2022 for the remaining 120 acre feet.

Genny McMath



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

West 12" Well Log

Owner: Riverview LLP

West 12" Well

Hamlin County, South Dakota

Section 21

Garfield Twp.

NE 1/4

Drilled: April 16, 2020

DEPTH (ft.)	FORMATION
0-2	Top Soil
2-4	Clay – Yellow
4-7	Rocks and gravel – Brown
7-8	Rock – Hard
8-13	Rocks and gravel – Brown
13-14	Clay – Gray
14-16	Coarse gravel and rocks
16-17	Rock
17-24	Gravel and sand
24-34	Clay – Gray
34-67	Medium coarse sand
67-72	Clay – Gray
72-73	Rock
73-274	Clay – Gray – Soft
274-353	Fine-Medium sand

8644-3
middle well

Middle Well

~~NOV 16 2018~~

**WATER RIGHTS
PROGRAM**



THEIN WELL

PO BOX 778 • 11355 HWY 71 NE • SPICER, MN 56288
102 DUNDAS RD • MONTICELLO, MN 55362
CLARA CITY, MN 56222 • VERMILLION, SD 57069
www.theinwell.com • E-mail: theinwell@tds.net
1-800-450-8000

WELLS ~ PUMPS
SALES ~ SERVICE

Since 1893

8" Well Log

Owner: Riverview LLP

8" Well

Hamlin County, South Dakota
Section 21
Garfield Twp.
NE 1/4

Drilled: October 2018

GPS: N 44 35.020
W 097. 18.770

DEPTH (ft.)	FORMATION
0-4	Top Soil
4-8	Brown Clay
8-12	Gravel
12-18	Clay Gravel mix
18-36	Gray Clay
36-61	Sand and Gravel
61-62.5	Gray Clay
62.5-72	Sand and Gravel
72-128	Clay and sand mix
128-130	Sand
130-146	Gray clay with sand mix
146-255	Gray Clay
255-283	Sandy clay mix
283-285	Dirty gray sand
285-295	Sand
295-299	Sand with traces of clay
299-305	Dirty Sand
305-315	Sand with traces of clay
315-343	Sand

RECEIVED

NOV 16 2018

WATER RIGHTS
PROGRAM

Licensed, Bonded and Insured

CERTIFIED MASTER WATER WELL CONTRACTOR
Equal Opportunity Employer

MEMBER
NGWA

MEMBER
AWWA

8349-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

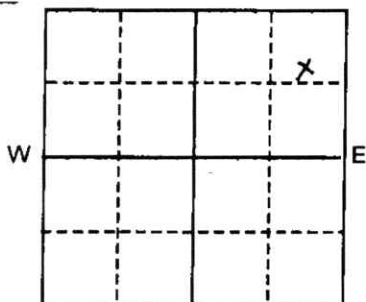
SD

East Well
8644-3

Location NE ¼ NE ¼ Sec 21 Twp 113 Rg 54

County Hamlin

North

Please mark well
location with an "X"

Well Owner: RIVERVIEW LLP

Business Name:

Address: 26405 470TH AVE

City, State, Zip: MORRIS MN 56007

WELL LOG:

DEPTH

FORMATION

FROM

TO

SEE ATTACHED

Well Completion Date

March 18, 2020

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
49-56 LB/FT	12.00 IN	0.0 FT	300.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	82	Lb/gal	0.0 Ft	295.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 60.0 Feet

Material STAINLESS STEEL

Slot Size .070 Set From 300.0 Feet to 360.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINATED

☐ No, Why Not?

 Lab to which water
 quality sample sent for analysis
 South Dakota Dept of Health
 Pierre SD

STATIC WATER LEVEL 16.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

96.5 Ft. After 24.0 Hrs. pumped 600.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

GPS N44 35.0190 W97 18.7360

EAST WELL

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

MAY 18 2020

Date:

WATER RIGHTS
PROGRAM

East 12" Well Log

Owner: Riverview LLP

East 12" Well

Hamlin County, South Dakota

Section 21

Garfield Twp.

NE 1/4

Drilled: March 18, 2020

GPS: N44 35.0190, W97 18.7360

DEPTH (ft.)	FORMATION
0-2	Top Soil
2-13	Clay – Brown
13-24	Sand – Dirty
24-45	Clay – Sandy – Blue – Soft
45-49	Clay – thin gravel layers – Blue
49-58	Gravel/lots of shale pebbles
58-63	Gravel w/few thin clay layers
	Rock at 62'
63-76	Gravel – coarse w/a few sandy layers
76-79	Gravel – medium
79-106	Clay – Sandy – Blue – Soft
	Rock at 106'
106-118	Clay – Blue – Hard
	Rock at 116'
118-157	Clay – Blue – Soft
	Rock at 129'
157-211	Clay – Pebbly – Blue
211-258	Clay – Sandy – Blue
258-262	Sand/Clay
262-277	Clay – Pebbly – Blue – Soft
277-279	Sand and Gravel
279-286	Clay – Blue
286-314	Sand and Gravel
314-322	Sand/Gravel/Few Clay Layers
322-344	Sand/Gravel – med/fine
344-354	Clay/Sandy-Pebbly – Blue
354-361	Sand/Gravel – Coarse
361	Clay

8644-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 11 2023

8349-3
8644-3

Matt Waldbeser
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Waldbeser:

Enclosed is Water License No. 8644-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 8349-3 were incorporated into Water License No. 8644-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8644-3

(1) Riverview LLP, 26406 470th Ave., Morris MN 56267 made Application No. 8644-3, July 18, 2022, for a water permit to increase the annual appropriation authorized under Water Permit No. 8349-3 from 399 acre feet to 519 acre feet a year, from ground water, three existing wells (Altamont Aquifer), Hamlin County, South Dakota for commercial purposes. Permit No. 8644-3, with a priority date of July 18, 2022, was approved October 3, 2022, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 3, 2027, and for the application to beneficial use of water on or before October 3, 2031.

Water Permit No. 8349-3, authorized diversion of 1.33 cubic feet of water per second with an annual volume of 399 acre feet. Water Permit No. 8644-3 authorized an additional 120 acre feet of water from the existing wells with no additional diversion rate.

The applicable portions of Water Permit No. 8349-3 are incorporated into this Water License No. 8644-3. A priority date of April 16, 2018, is retained for 399 acre feet of water and a priority of date of July 18, 2022, is retained for 120 acre feet of water.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.33 cubic feet of water per second with an annual volume of 519 acre feet for beneficial use. The diversion points are located as follows:

- **WELL #1 (west well):** 1,325'S & 1,070'W of the NE corner of Sec. 21, T113N, R54W (NE ¼ NE ¼)
Latitude 44.58363, Longitude -97.31438
- **WELL #2 (middle well):** 1,325'S & 635'W of the NE corner of Sec. 21, T113N, R54W (NE ¼ NE ¼)
Latitude 44.58363, Longitude -97.31277
- **WELL #3 (east well):** 1,325'S & 480'W of the NE corner of Sec. 21, T113N, R54W (NE ¼ NE ¼)
Latitude 44.58363, Longitude -97.31222

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is pumped to a dairy confinement facility located 5 miles west of the wells located in the SE ¼ Section 15, T113N, R55W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Riverview LLP, 26406 470th Ave., Morris MN 56267 the holder and/or owner of Incorporated Water Right No. 8644-3 is issued a license to appropriate water, the right to divert 1.33 cubic feet of water per second with an annual volume of 519 acre feet from ground water, three wells (Altamont Aquifer) with priority dates of April 16, 2018 (399 acre feet) and July 18, 2022 (120 acre feet), from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Nos. 8349-3 and 8644-3 subject to the following qualifications:

- The wells authorized under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The wells authorized by Permit No. 8349-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled in 2018 & 2020 by Thein Well Company. Copies of the well completion reports are on file with the Water Rights Program.*
- Water Right Nos. 8644-3 are subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Water Right No. 8644-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
- The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont Aquifer.
- Nos. 8349-3 and 8644-3, combined, authorize a total annual diversion of 519 acre feet of water.

Eric Gronlund

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

MAY 11 2023

date

