

WATER PERMIT NO. 8843-3

Name of Applicant: **Mikota Holdings, LLC**

Address: **588 3 Mile Rd NW, Suite 101, Grand Rapids MI 49544**

Phone: **605-929-2023**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **Approx. 5 miles northeast of Centerville SD**

PRIORITY

Date Received: **03-01-24**

Application/License Fee: **\$1,050.00**

Corrected Application Received: **03-11-24**

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **Center of the SW 1/4 Sec 25-T97N-R52W**

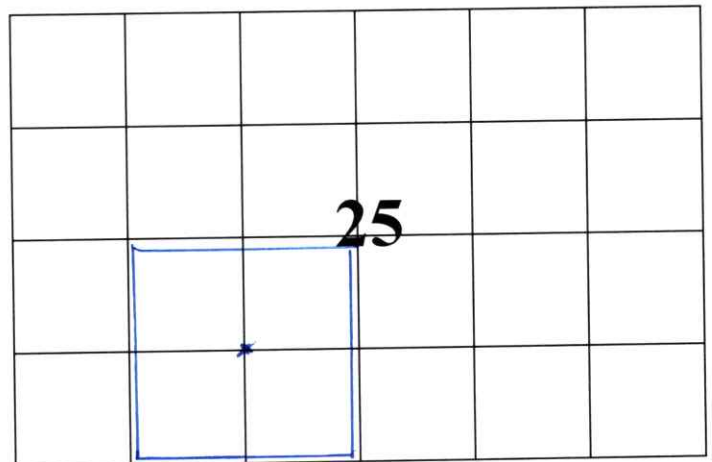
Land to be Irrigated: **SW 1/4 Sec 25-T97N-R52W**

Depth of Well: **226**

Well Driller: **Thein Well Company**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-11-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8843-3**

Date of first receipt of application March 1, 2024.

Date of return to applicant for corrections, amendments or changes March 1, 2024.

Date of receipt of corrected application March 11, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8843-3 to Mikota Holding, LLC, 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, 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. 8843-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 226 feet deep) located in the approximate center of the SW 1/4 Section 25 for irrigation of 160 acres located in the SW 1/4 Section 25; all in T97N-R52W. This site is located approximately 5 miles northeast of Centerville SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 1, 2024.
4. The date of approval of Permit No. 8843-3 is May 28, 2024.
5. One-fifth of the construction is to be completed on or before November 28, 2026.
6. All construction is to be completed on or before May 28, 2029.
7. Water is to be put to beneficial use on or before May 28, 2033.
8. 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 well approved under Water Permit No. 8843-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8843-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 17 2024
date



FORM 2: Application for Irrigation in South Dakota
(type or print)

RECEIVED

MAR 01 2024

OFFICE OF
REGISTER

MAR 01 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8843-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion</u> Newspaper <u>Parker Turner Co New Era</u> <u>Argus Leader</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Mikota Holdings, LLC

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 588 3 Mile Rd NW Suite 101 Grand Rapids MI 49544
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-929-2023 Email brozenboom@agbus.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM 160 ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well - Ground Water from Upper Vermillion River

4. Location of point of diversion Center from the Southwest 1/4 Section 25-97-52
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used May 1st - Sept 30th

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 of SW 1/4 25-97-52	40		
SE 1/4 of SW 1/4 25-97-52	40		
NE 1/4 of SW 1/4 25-97-52	40		
NW 1/4 of SW 1/4 25-97-52	40		

8. Give a description of the project. (Attach sheet if more space is needed)

I, [Signature] Manager, 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.

2021-08

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Thien Well Company
(if yes, please provide copies of logs)
- b) If existing wells, how many N/A Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 226' Depth to Top of Water Bearing Material 109' Depth to Water from Surface 109'
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2,500'

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 _____

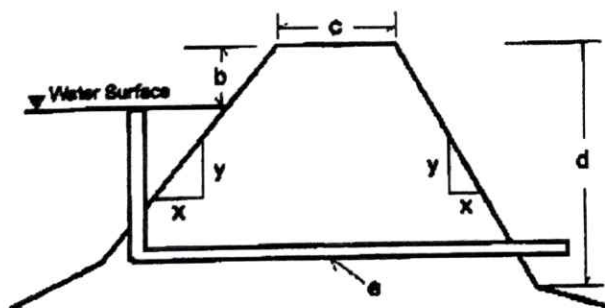
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream _____
Downstream _____

- h) Area of Impoundment _____

- i) Storage _____ Acre Feet

- j) Drainage Area Above Dam _____ Acres





Section 25-97-52; Turner County, SD

Acres irrigated - border is highlighted in yellow - SW1/4 Section 25-97-52

Well Location

97N 52W
Section: 23

97N 52W
Section: 24

97N 51W
Section: 19

289 ST

97N 52W
Section: 26

97N 52W
Section: 25

97N 51W
Section: 30

10170102 Vermillion

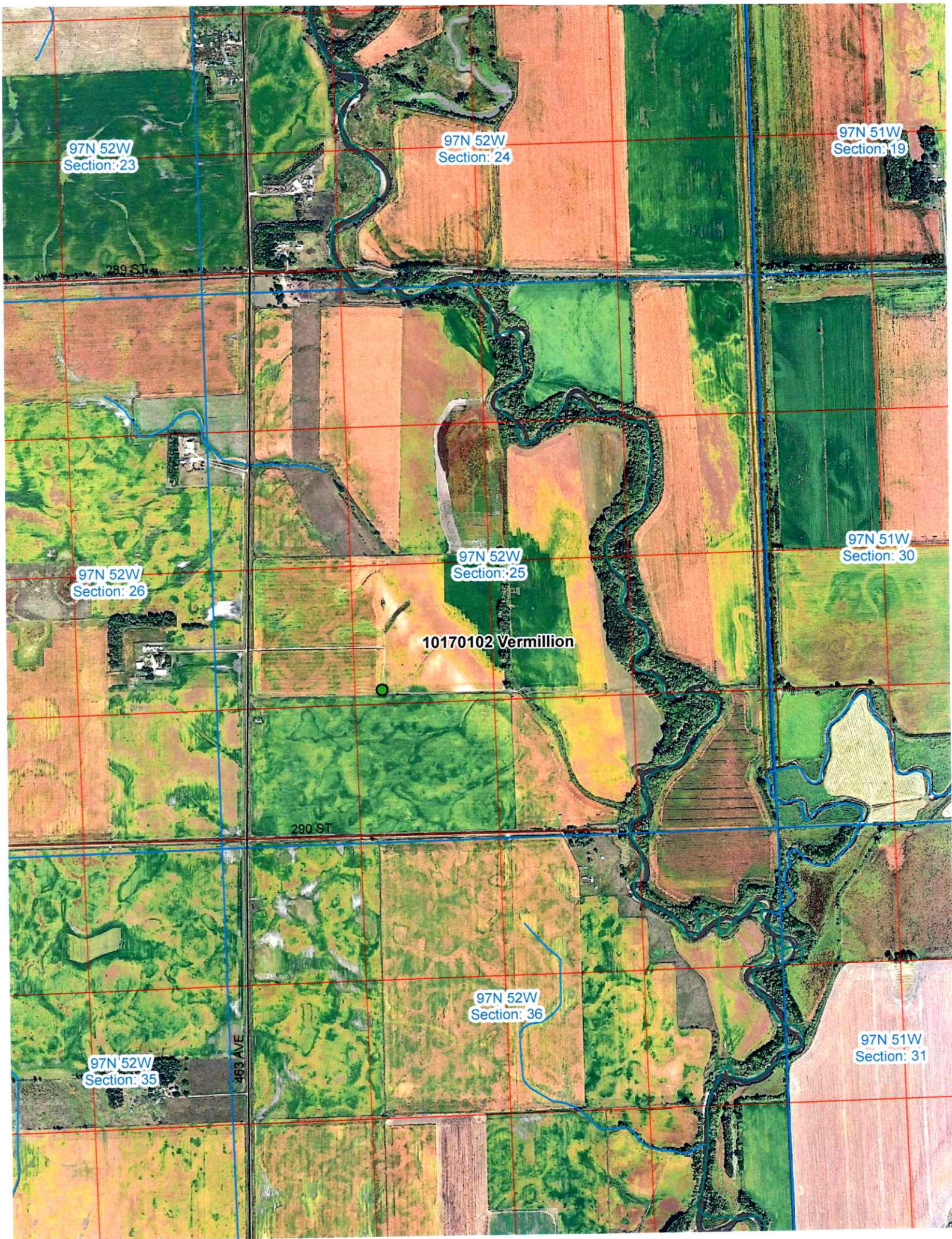
290 ST

97N 52W
Section: 36

97N 52W
Section: 35

463 AVE

97N 51W
Section: 31



Mikota Holdings, LLC TH
Centerville GPS N 43 11.3530 W 96 56.2740

<i>Formation</i>	<i>From</i>	<i>To</i>
Top soil	0	5
Clay tan	5	11
Clay blue	11	21
Clay Grey	21	109
Gravel w/ a few clay layers	109	148
Gravel w/ thin clay layers	148	161
Gravel	161	226
Sandy clay w/ gravel	226	228
Quartzite	228	

4/23/2024

David Stevens
1201 Broadway St
Centerville, SD 57014

To whom it may concern,

I, David Stevens, owner of the S1/2SW1/4 25-97-52, Turner County, SD, hereby provide Mikota Holdings, LLC, current owner of the N1/2SW1/4 25-97-52, permission to irrigate the S1/2SW1/4 25-97-52, Turner County, SD with the well that will sit on the N1/2SW1/4 25-97-52.

Permission is granted to Mikota Holdings, LLC and future landowners/operators of the well on the N1/2SW1/4 25-97-52.


David Stevens

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 11, 2024

RECEIVED OF Mikota Holdings, LLC 588 3 Mile Rd. NW, Suite 101 Grand Rapids MI 49544

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

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

By 
Chief Engineer em

State of South Dakota

Office of the Secretary of State

Certificate of Authority

Foreign Limited Liability Company

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the APPLICATION FOR CERTIFICATE OF AUTHORITY to transact business in this state for

Mikota Holdings, LLC

BUSINESS ID# FL235595

with an effective date of: September 28, 2022, duly signed and verified, pursuant to the provisions of the South Dakota Limited Liability Company Act, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the APPLICATION FOR CERTIFICATE OF AUTHORITY.

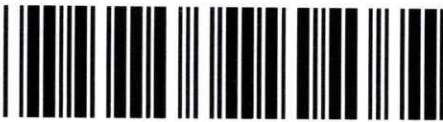


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, September 28, 2022.

Steve Barnett

Steve Barnett
Secretary of State

09/28/2022 5:08 PM



FL235595

APPLICATION FOR CERTIFICATE OF AUTHORITY

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

FOREIGN LIMITED LIABILITY COMPANY
SDCL 47-34A-1002

Filing Fee: \$750

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

Total Fee: \$750

Application must be accompanied by a one page **Original Certificate of Existence** issued by the Secretary of State or other official having custody of the organizational records in the state or other jurisdiction under whose law it is organized.

1. The name of the Company: **Mikota Holdings, LLC**
2. If the name indicated above does not include Limited Liability Company, Limited Company or the abbreviation L.L.C., LLC, L.C. or LC. (Limited may be abbreviated as Ltd. and company may be abbreviated as Co.), then what is the alternative name adopted:

3. The name of the state or other jurisdiction under whose laws it is organized: **MICHIGAN**

4. The address of its principal office (this is the address of the executive offices of the company):

Actual Street Address

**588 3 MILE ROAD NW
SUITE 203
GRAND RAPIDS, MI 49544**

Mailing Address

**588 3 MILE ROAD NW
SUITE 203
GRAND RAPIDS, MI 49544**

5. If the jurisdiction under which the company is formed requires the company to maintain an office in that jurisdiction then provide for that office:

Actual Street Address

Mailing Address

6. The South Dakota Registered Agent's Name:

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

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

Name **Timothy C. den Dulk**

Actual Street Address in this State

**46785 290TH STREET
BERESFORD, SD 57004**

Mailing Address in this State

**46785 290TH STREET
BERESFORD, SD 57004**

7. The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is:



8. 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 criminal penalty (SDCL 22-39-36).

09/28/2022

Dated

Email (Optional)

Timothy C. den Dulk

Signature of an Authorized Person

Timothy C. den Dulk

Printed Name

B0234-4298 09/28/2022 8:57AM Rec'd by SD SOS

Rodriguez, Rachel

From: Dewell, Amanda
Sent: Monday, March 11, 2024 1:48 PM
To: Rodriguez, Rachel
Subject: FW: [EXT] Merchant Email Receipt

Amanda Dewell
DANR - Water Rights Program
Main Phone: 605 773-3352
Website: danr.sd.gov

-----Original Message-----

From: Peschong, Megan <Megan.Peschong@state.sd.us>
Sent: Monday, March 11, 2024 1:47 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: [EXT] Merchant Email Receipt

I did send a copy of this to Vickie as well. With her out I also wanted to send to you.

Thank you,

Megan Peschong, DANR Program Assistant
523 East Capital Ave. Pierre SD 57501
Phone: 605-910-4705
Email: megan.stephenson@state.sd.us

-----Original Message-----

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Monday, March 11, 2024 1:42 PM
To: Van Bockel, Jenny <Jenny.VanBockel@state.sd.us>; Keiser, Darcy <Darcy.Keiser@state.sd.us>; Amber Stumpff <Amber.Stumpff@state.sd.us>; Bigby, Beth <Beth.Bigby@state.sd.us>; Peschong, Megan <Megan.Peschong@state.sd.us>
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 11-Mar-2024 13:42:09 CDT

===== ORDER INFORMATION =====

Invoice :
Description : Water Permit Appliaction (\$1050) Amount : 1057.88 (USD) Payment Method: eCheck Transaction Type:
Authorization and Capture

Rodriguez, Rachel

From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Friday, March 8, 2024 1:08 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation
Attachments: Application - Completed.pdf; Map of Parcel.pdf

Hi Rachel,

Attached is the completed application and map. I will try give Megan a call to get the fees paid. Let me know if you have any questions.

Also, what is the turnaround time on the permit?

Thanks,
Brett

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, March 7, 2024 11:30 AM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: RE: Water Permit Application for Irrigation

Good Morning Brett,

Sounds good. Based on the total acres of 160, the fees are as follows:

Application fee \$850.00
Inspection fee \$200.00

Total of \$1,050.00

Yes, credit card payment option is available. Please call Megan Stephenson at (605) 910-4705 in our fiscal department.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Thursday, March 7, 2024 11:18 AM

Rodriguez, Rachel

From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Thursday, March 7, 2024 11:18 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation

Hi Rachel,

I am working on finishing up the well permit and getting it signed by Timothy C. den Dulk. The total acres are going to be 160 acres. Are you able to send me the dollar amount for the application fee and inspection fee, so I can get it paid? Also, am I able to pay online or via credit card or do I need to send a check?

Thanks,
Brett

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, March 1, 2024 1:23 PM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: Water Permit Application for Irrigation

Good afternoon,

I am in receipt of your application for a water permit for irrigation. To complete the application, the following items are needed:

- I have highlighted in yellow the areas on the application that need to be completed.
- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- A review of the Secretary of State's corporation website finds Timothy C. den Dulk listed. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Mikota Holdings, LLC on all matters involving the water permit application.
- Application fee and inspection fee – there is no total acreage listed, so I am unable to provide a dollar amount.

Once the items above have been received, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Friday, March 1, 2024 1:33 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation

Thank you for sending. I apologize - I meant to hit "resume" and accidentally hit complete. I will get the information updated and send it back to you.

Thanks again!

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, March 1, 2024 1:23 PM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: Water Permit Application for Irrigation

Good afternoon,

I am in receipt of your application for a water permit for irrigation. To complete the application, the following items are needed:

- I have highlighted in yellow the areas on the application that need to be completed.
- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. Please outline the acres to be irrigated and mark the proposed well location with an "X".
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- Application fee and inspection fee – there is no total acreage listed, so I am unable to provide a dollar amount.

Once the items above have been received, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**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. 8843-3, Mikota Holdings, 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. 8843-3, Mikota Holdings, LLC, 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544.

The Chief Engineer is recommending APPROVAL of Application No. 8843-3 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 well approved under Water Permit No. 8843-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8843-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 2, 2024

Report to the Chief Engineer
On Water Permit Application No. 8843-3
Mikota Holdings LLC

May 7th, 2024

Water Permit Application No. 8843-3 proposes to appropriate 1.78 cubic feet of water (cfs) from one well to be completed into the Upper Vermillion Missouri: South aquifer (approximately 226 feet deep) located in the approximate center of SW ¼ Section 25 for irrigation of 160 acres in the SW ¼ Section 25; all in T97N-R52W. The site is located approximately 5 miles northeast of Centerville, SD in Turner County.

AQUIFER: Upper Vermillion Missouri: South (UVM:S)

HYDROGEOLOGY:

The Southern management unit of the Upper Vermillion Missouri aquifer, referred to as the UVM:S aquifer for the remainder of this report, is a Quaternary aged glacial outwash that is made up of materials ranging in size from a fine sand to a medium-pebble gravel (Lindgren & Hansen, 1990). The UVM:S aquifer is primarily confined but can be found under unconfined conditions in areas where the UVM:S aquifer is hydrologically connected to the Parker-Centerville aquifer (Holmes & Filipovic, 2015). The UVM:S aquifer is overlain by a till layer with a range of thickness up to 160 feet thick (Holmes & Filipovic, 2015). From 2013 to 2014, the SD DENR-Geological Survey completed a study to further understand the geologic and hydrologic conditions of the entire Upper Vermillion Missouri aquifer (Holmes & Filipovic, 2015). From this study and a report written by Water Right staff engineer Buhler (2014), the Water Management Board, in a meeting held on March 6th, 2014, adopted three management units (North, South, and West) that divided the Upper Vermillion Missouri aquifer for the purposes of water management (Water Rights, 2014). The UVM:S aquifer is hydrologically connected to the other management units of the Upper Vermillion Missouri aquifer, the Parker-Centerville aquifer, and the Lower Vermillion Missouri aquifer (Buhler, 2014; Mathiowetz, 2018; Niehus, 1997; Holmes & Filipovic, 2015). Hedges and others (1982) delineated a boundary between the Upper Vermillion Missouri aquifer and Lower Vermillion Missouri aquifer with portions of each boundary being modified by Buhler (2014) and Mathiowetz (2018) in response to additional study of the Upper Vermillion Missouri aquifer, as shown on Figure 1. Figure 1 also shows the estimated areal extent of the UVM:S aquifer, the area utilized for this report is approximately 78,820 acres (Buhler, 2014).

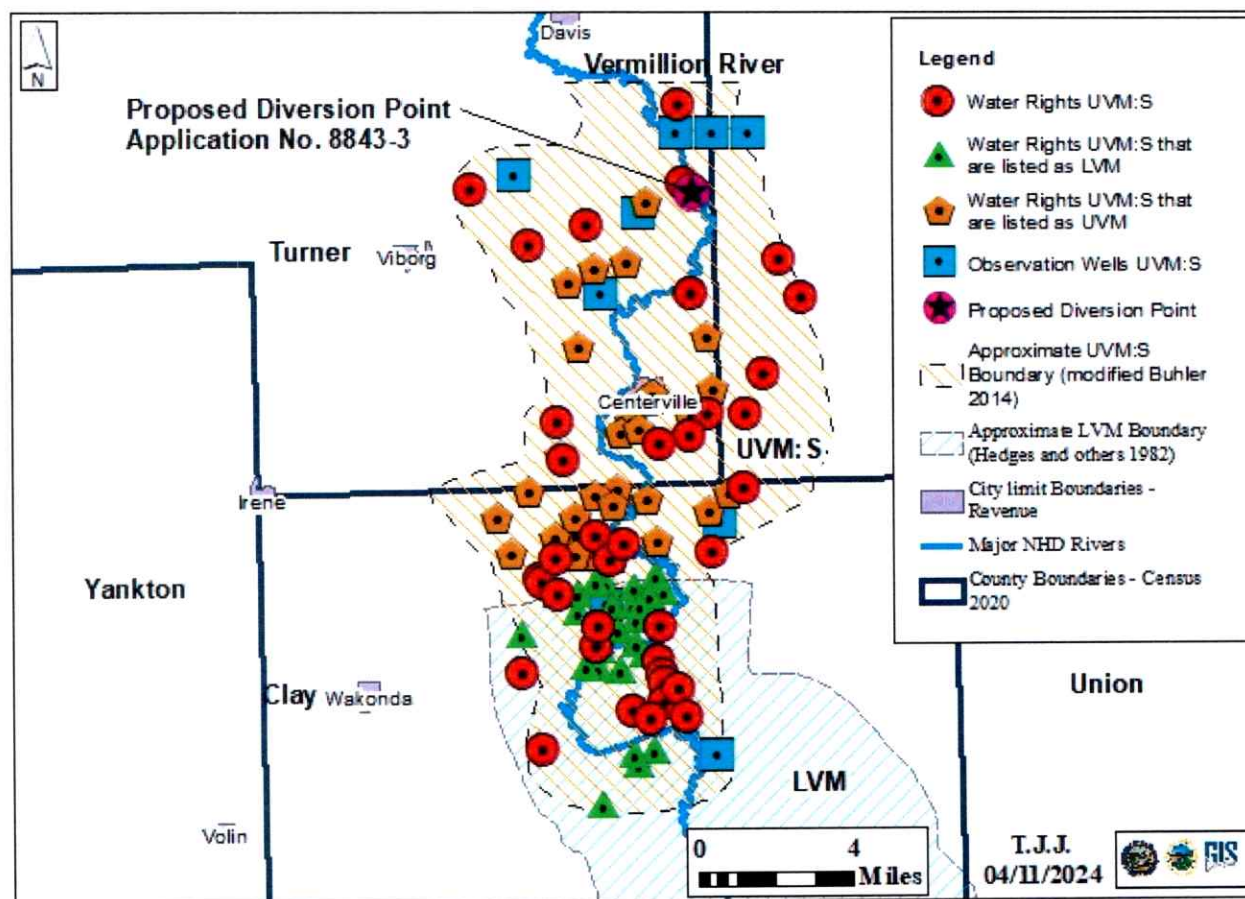


Figure 1. Map of the approximate UVM:S and LVM aquifer boundary delineated by Hedges and others (1982) with a portion of the UVM:S aquifer boundary modified by Buhler (2014), and the location of diversion point for Water Permit Application No. 8843-3, and UVM:S aquifer observation wells and Water Rights (Water Rights, 2024a and 2024b).

Since the well is not yet constructed, a water well completion report was not submitted with this application. Although a test hole was submitted with this application and is located in the same location as the proposed diversion point (Water Rights, 2024c). The top of aquifer bearing material is 161 feet below ground surface (Water Rights, 2024c). The static water level is not measured in a test hole so the observation well TU-80I will be used to find an approximate static water level (Water Rights, 2024a). The observation well TU-80I shows a typical historical water level range of 60-65 feet below ground surface, with declines to 65-70 feet below ground surface in recent years (Figure 3) (Water Rights, 2024a). Based on the test hole data and the observation well static water level the UVM:S total saturated thickness is approximately 67 feet (Water Rights, 2024a & Water Rights, 2024c). Considering nearby well completion reports and observation wells the proposed diversion point for this application is expected to be under confined conditions (Water Rights, 2024a & Water Rights, 2024c).

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

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water

uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the UVM:S aquifer.

WATER AVAILABILITY:

Water Permit Applications No. 8843-3 proposes to appropriate water from the UVM:S aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The UVM:S aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the UVM:S aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the UVM:S aquifer is received primarily through infiltration of precipitation where the aquifer is at or near land surface. Additional recharge occurs where there is direct contact between the Upper Vermillion Missouri aquifer and Parker-Centerville aquifer (Lindgren & Hansen, 1990; Niehus, 1997; Holmes & Filipovic, 2015).

Using regional flow net analysis, Hedges and others (1985) estimated a recharge rate of 0.25 inches per year (in/yr) for the unconfined portion of the UVM aquifer. However, it should be noted that the entire UVM aquifer was analyzed as it was still considered one aquifer at the time. Using the current areal extent, from Buhler’s report (2014), and Hedges and others (1985) estimated recharge rate, the estimated recharge rate of the UVM:S aquifer should be 1,642 acre-feet per year; keeping in mind that this estimate is likely lower than the actual rate based on Holmes & Filipovic (2015) investigation and Buhler’s (2014) report.

Hedges and others (1985) estimated a recharge rate range of 0.15 to 0.6 in/yr to buried-confined aquifers for use by management and development programs. Using Buhler’s (2014) aquifer area, that is an estimated average annual recharge rate range of approximately 985 to 3,941 ac-ft/yr. Based on the Holmes & Filipovic (2015) investigation and Buhler’s (2014) report, recharge is likely greater than the upper extent of that range.

2014 Flow Net Analysis

From Buhler's (2014) analysis of the estimated groundwater outflow, recharge of the UVM:S aquifer exceeds withdrawals by a minimum estimate of 5,637 acre-feet per year. However, this recharge could be higher considering that another larger cross-section of the UVM:S aquifer shows recharge exceeding withdrawals by an estimated 8,223 acre-feet per year (Buhler, 2014). Several Permits have been approved by the Water Management Board since Buhler's analysis and will need to be considered in the withdrawals section (Water Rights, 2024b).

Discharge

Discharge from the UVM:S aquifer primarily occurs through well withdrawals, subsurface outflow to other glacial aquifers, and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren & Hansen, 1990; Water Rights, 2024c).

There are 97 water rights/permits authorized to appropriate water from the UVM:S aquifer (Water Rights, 2024b). Of these 97 water rights/permits, 31 are listed under UVM aquifer and 27 are listed under LVM aquifer in the water rights database, even though they are completed into the UVM:S aquifer, the other 39 water rights/permits are properly listed under the UVM:S aquifer. Since Buhler's (2014) flow net analysis will be used as a basis for determining a rough estimate of the aquifer's recharge rate in excess of withdrawals, any water rights/permits that were approved at the time of the analysis will already be accounted for. So, the withdrawal rate of water rights/permits approved after the analysis will contribute to the average annual withdrawal rate of the UVM:S aquifer compared to the estimated average annual outflow from the aquifer.

The estimated average annual withdrawal rate of the UVM:S aquifer water rights/permits approved since completion of Buhler's analysis is an estimated 2,350 acre-feet/year, as shown on Table 1. The withdrawal rate was found by summing the acreage of the 43 water rights/permits approved (shown on Table 1) since the completion of Buhler's (2014) report, then multiplying the total acreage by 0.5 feet/acre which is the annual average application rate per permitted acre in the UVM:S (Buhler, 2014). Applying the same rate to Water Permit Application's No. 8843-3 requested acres provides a total approximate withdrawal rate of 80 acre-feet/year. Other pending water permit (Nos. 8832-3, 8833-3, & 8834-3) applications would on average withdraw 30 acre-feet/year (Water Rights, 2024b). If these pending applications are approved, the total estimated average annual withdrawal rate from the UVM:S aquifer since completion of Buhler's analysis is an estimated 2,460 acre-feet/year.

There are domestic wells completed into the UVM:S aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024c). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the UVM:S aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the UVM:S aquifer.

Hydrologic Budget Summary

The recharge rate of the UVM:S aquifer, based on Buhler's (2014) analysis, is estimated to exceed withdrawals from the UVM:S aquifer by an estimated 5,637 to 8,223 acre-feet per year at the time of Buhler's (2014) analysis. Any water rights/permits listed as withdrawals from the Upper Vermillion Missouri aquifer or Lower Vermilion Missouri aquifer which are within the extent of the UVM:S aquifer was included in Buhler's (2014) analysis.

Since many previous water rights/permits are already accounted for in Buhler's (2014) recharge rate in excess of withdrawals analysis, only the water rights/permits approved at or after the March 6th, 2014, Water Management Board meeting need to be considered. The estimated average annual withdrawal rate for those water rights/permits from the UVM:S aquifer is approximately 2,460 acre-feet per year. If this application, Application No. 8843-3, and all other pending Water Permit Application Nos. 8832-3, 8833-3, and 8834-3 are approved, the estimated proposed withdrawal is 110 acre-feet per year. Therefore, there is a reasonable probability that unappropriated water is available to supply the proposed appropriation.

Table 1. List of estimated average annual withdrawal rates of water right/permits from the UVM:S aquifer that were approved at or after the March 6th, 2014, Water Management Board meeting, water right/permits with a priority date before the meeting date but not included in Buhler's analysis are accounted for in this table also (Buhler, 2014; Water Rights, 2024b)

Permit No.	Name	Priority Date	Status	Use	Acres	Estimated Use (acre-feet/year)
6811A-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	115	57.5
6820A-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	43	21.5
7383-3	Metabank	07/20/2012	PE	IRR	25	12.5
7384-3	Nicholas & Courtney Blake	07/20/2012	PE	IRR	80	40
7441-3	Jason or Alicia Knutson	09/26/2012	PE	IRR	140	70
7442-3	Leah Johnson	09/26/2012	PE	IRR	40	20
7466-3	Bethel Hagen Trust	10/18/2012	LC	IRR	152	76
7467-3	Cleland Hagen Trust	10/18/2012	PE	IRR	152	76
7600-3	Micheal D Stevens	12/28/2012	PE	IRR	180	90
7601-3	Micheal D Stevens	12/28/2012	PE	IRR	132	66
7603-3	Micheal D Stevens	12/28/2012	PE	IRR	120	60
7690-3	Tim or Dave Ostrem	12/20/2013	PE	IRR	160	80
7693-3	Metabank	02/06/2013	PE	IRR	27.7	13.85
7900-3	Leon Thompson	09/11/2013	PE	IRR	136	68
7919-3	Larry & Marlene Erickson	10/23/2013	PE	IRR	83.83	41.92
7945-3	Brad R or Linda R Trudeau	01/17/2014	PE	IRR	60	30
7947-3	Leon, Holly, & Jordan Rozeboom	01/23/2014	PE	IRR	133.44	66.72
7948-3	Majestic Farms LLP	01/23/2014	PE	IRR	55.02	27.51
7949-3	Jesse & Tanya Vandestroet	01/23/2014	PE	IRR	100.9	50.45
7964-3	Paul, Mike, & John Shubeck	02/12/2014	PE	IRR	128	64
7976-3	Vasgaard Properties	02/27/2014	LC	IRR	142	71
7990-3	Robert P Walsh	04/02/2014	PE	IRR	240	120
7993-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	53	26.5
7994-3	Metabank	04/10/2014	PE	IRR	72	36
7995-3	Jesse & Tanya Vandestroet	04/10/2014	PE	IRR	25	12.5
8007-3	Louis Latendresse	04/18/2014	PE	IRR	150	75
8070-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	96	48
8071-3	Hansen Irrigated Farms LLC	01/07/2015	PE	IRR	51	25.5
8072-3	Jesse & Tanya Vandestroet	01/07/2015	PE	IRR	40	20
8469-3	Double A Farms LLC	03/15/2021	PE	IRR	114	57
8470-3	Nicholas Blake	03/22/2021	PE	IRR	160	80
8492-3	Tim or Kari Ostrem	02/19/2021	PE	IRR	180	90
8542-3	Tyler Anderson	08/09/2021	PE	IRR	103	51.5
8588-3	T & D Farms	02/03/2022	PE	IRR	160	80
8598-3	Tim Wellenstein	02/24/2022	PE	IRR	126	63
8599-3	Farron Pratt & Michelle Pratt	02/24/2022	PE	IRR	17.5	8.75
8619-3	Tim or Kari Ostrem	03/09/2022	PE	IRR	300	150
8685-3	Joe Schumacher	11/28/2022	PE	IRR	160	80
8686-3	Smit Family Trust	12/20/2022	PE	IRR	120	60
8689-3	Richard P Hybertson	03/06/2023	PE	IRR	97	48.5
8690-3	Richard P Hybertson	03/06/2023	PE	IRR	72	36
8695-3	William H Hansen	12/28/2022	PE	IRR	72.03	36.02
8790-3	William D/Judy Knutson	08/16/2023	PE	IRR	86	43
PE: Water Permit, LC: Water Right License, IRR: Irrigation				TOTAL:	4,700	2,350

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors nine observation wells completed into the UVM:S aquifer as shown on Figure 1 (Water Rights, 2024a). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion point are TU-80I (approximately 1.1 miles west), TU-78B (approximately 1.8 miles north), LN-78B (approximately 1.9 miles northeast), and LN-78E (approximately 2.5 miles northeast) (Water Rights, 2024a). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024a). Figure 3 displays the hydrograph of observation well TU-80I (Water Rights, 2024a). The data shown on Figure 2 & 3 shares a similar trend with most of the observation wells in the UVM:S aquifer.

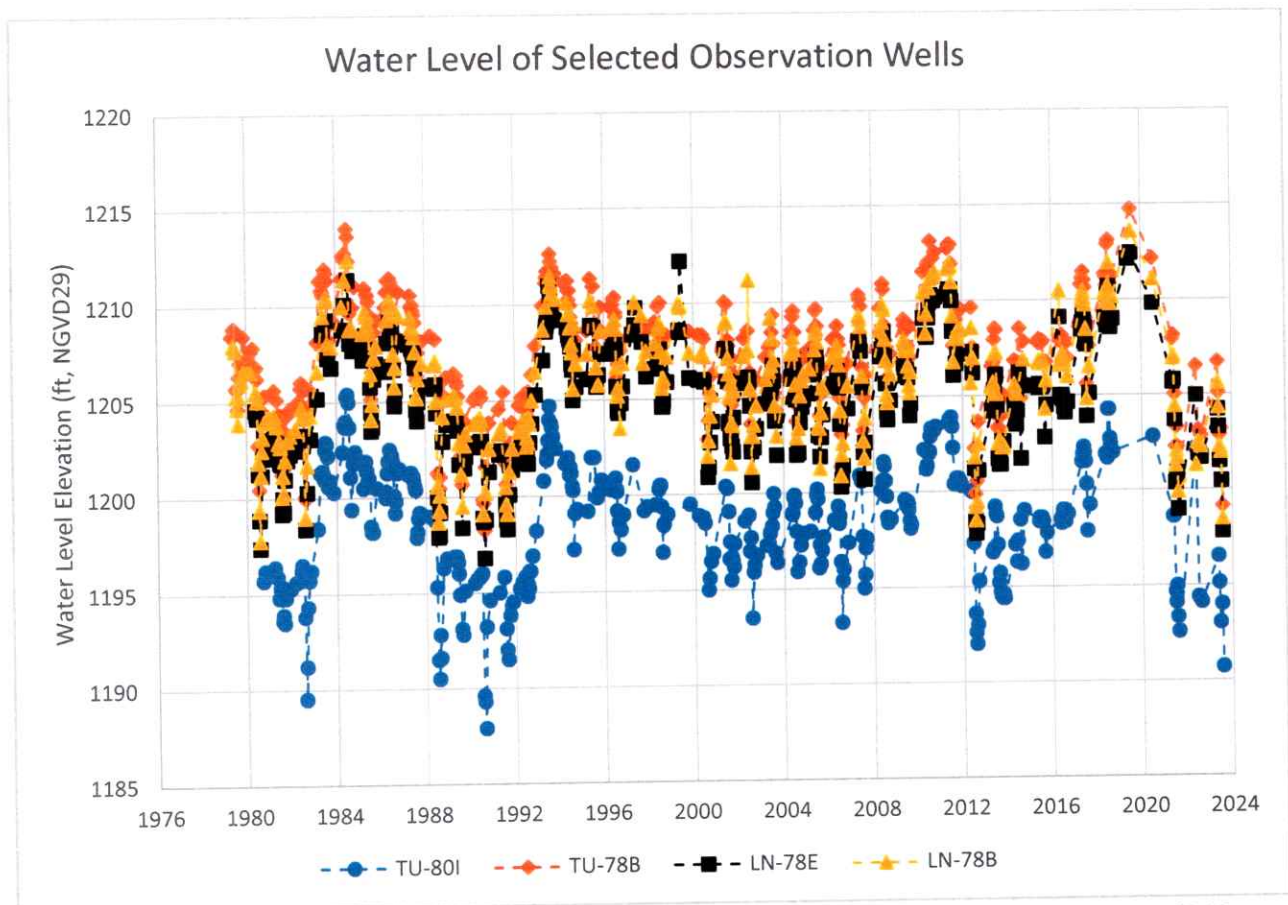


Figure 2. A graph showing the elevation of water levels of observation wells TU-80I, TU-78B, LN-78B, and LN-78E (Water Rights, 2024a)

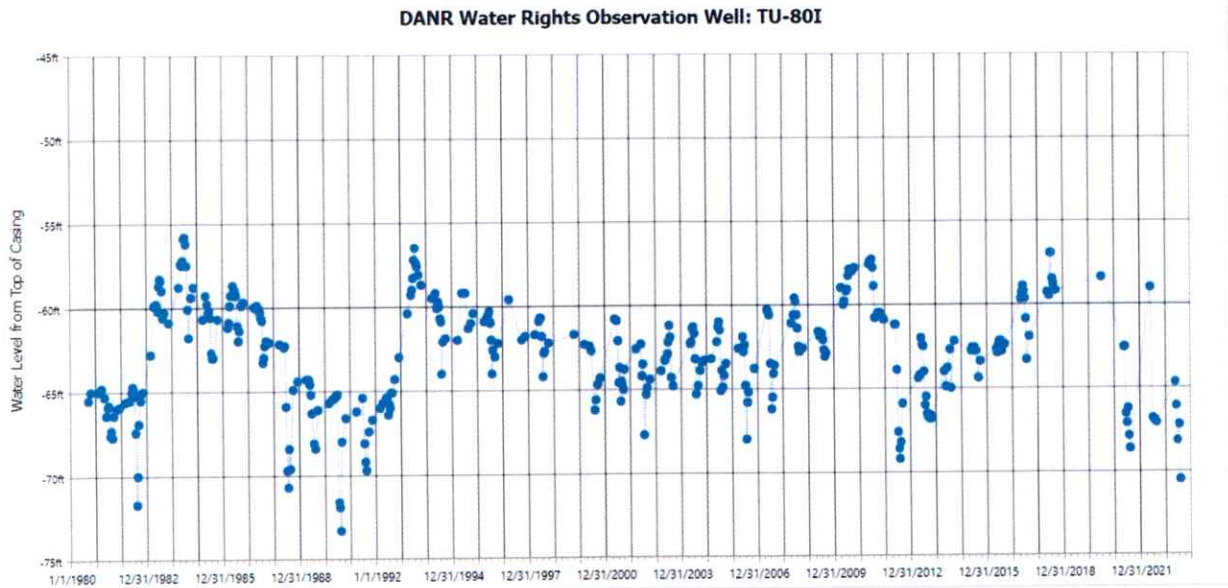


Figure 3. A hydrograph of observation wells TU-80I (Water Rights, 2024a)

Currently all of observation wells in the UVM:S aquifer have a stable trend in the water level, as seen in Figure 2. The water level for the UVM:S aquifer observation wells indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. There has been a recent decline in water levels due to recent drought conditions. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer water levels returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the UVM:S aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well water levels demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the well site for this application are shown in Figure 4 and summarized in Table 2. The closest water right/permit to the proposed diversion point for this application is Water Right No. 8685-3 which is held by Joe Schumacher. The diversion point for Water Right No. 8685-3 is located approximately 0.5 miles north of the proposed diversion point for this application (Water Rights, 2024b). There are domestic wells on file with the DANR-Water Rights Program that are completed into the UVM:S aquifer, with the closest domestic well on file (not held by the applicant) less than 0.5 miles north of the proposed diversion point based on the legal description provided by the well driller on the well completion report (Water Rights, 2024c). There could potentially be other domestic wells completed into the UVM:S aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

Table 2. List of water rights/permits within approximately 3 miles of the proposed diversion point shown in Figure 4 (Water Rights, 2024b).

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
3409-3	Steven R Null	12/07/1976	License	Irrigation	1.88	136
3646-3	Steven R Null	02/04/1977	License	Irrigation	2.00	144
3737-3	William M Jenter	09/16/1976	License	Irrigation	4.57	320
7466-3	Bethel Hagen Trust	10/18/2012	License	Irrigation	1.78	128.7
7467-3	Cleland Hagen Trust	10/18/2012	Permit	Irrigation	1.78	152
7600-3	Michael D Stevens	12/28/2012	Permit	Irrigation	3.56	180
7603-3	Michael D Stevens	12/28/2012	Permit	Irrigation	1.78	120
8685-3	Joe Schumacher	11/28/2022	Permit	Irrigation	1.56	120

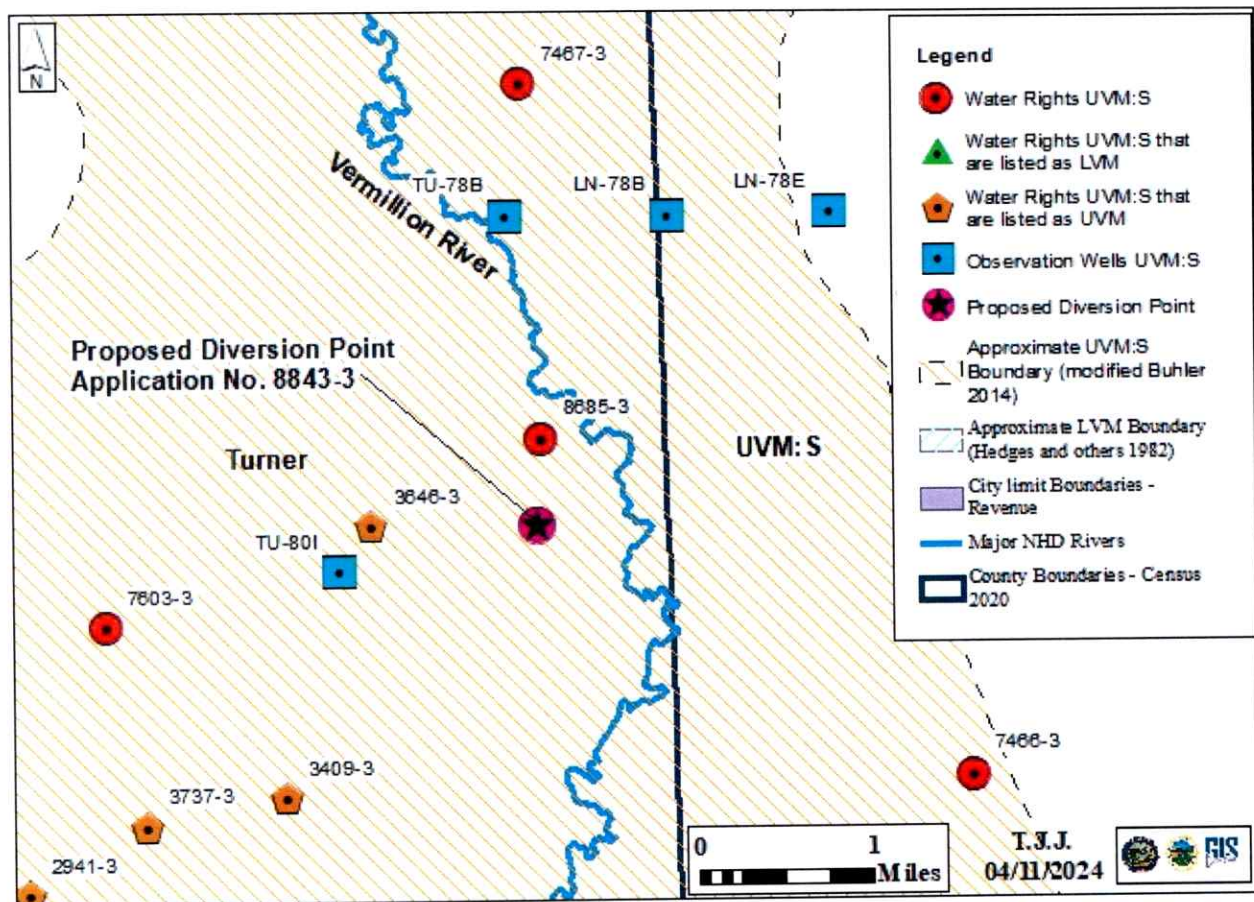


Figure 4. Map of the proposed diversion point for Water Permit Application No. 8843-3, nearby UVM:S aquifer water rights/permits including UVM:S water rights/permits listed as UVM or LVM, and observation wells within 3 miles of the proposed diversion point (Water Rights, 2024a and 2024b).

Based on the well completion reports and observation wells near the proposed diversion point for this application, the UVM:S aquifer is expected to be under confined conditions near the well site. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for

domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the UVM:S aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the history of irrigation in the area without any complaints of well interference (Water Rights, 2024d), and the saturated aquifer thickness near the diversion point, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8843-3 proposes to appropriate 1.78 cfs from one well to be completed into the Upper Vermillion Missouri: South aquifer for irrigation of 160 acres. The site of interest is located approximately 5 miles northeast of Centerville, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the UVM:S aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8843-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Reviewed by:



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



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

References

- Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Holmes, S.L., Filipovic, D. 2015. Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer. Open-File Report 93-UR. SD DENR-Geological Survey. Vermillion, SD.
- Lindgren, R.J., and Hansen, D.S., 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100p.
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- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2014. Final Order. DENR-Water Rights Program File for Water Right No. 7466-3, Pages 152 to 156. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights, 2024a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2024b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2024c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2024d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 7, 2024

Mikota Holdings, LLC
c/o Brett Rozenboom
588 3 Mile Road NW, Suite 101
Grand Rapids MI 49544

Dear Mr. Rozenboom:

Water Permit Application No. 8843-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Turner County New Era printed in Parker SD (Ph # 605 297-4419) and the Argus Leader printed in Sioux Falls SD (see attachment for contact number). 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8843-3 to Appropriate Water

Notice is given that Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 226 feet deep) located in the approximate center of the SW 1/4 Section 25 for irrigation of 160 acres located in the SW 1/4 Section 25; all in T97N-R52W. This site is located approximately 5 miles northeast of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8843-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 28, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 28, 2024.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 7, 2024 10:37 AM
To: New Era
Subject: 8843-3 Mikota Holdings, LLC - Public Notice
Attachments: 8843-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2024.

Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544, 605-929-2023, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 7, 2024 10:38 AM
To: legals@argusleader.com
Subject: 8843-3 Mikota Holdings, LLC - Public Notice
Attachments: 8843-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2024.

Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544, 605-929-2023, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 7, 2024 12:41 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10161318 8843-3 Mikota Holdings, LLC - Public Notice
Attachments: 10161318.pdf

Please Read Through ENTIRE Confirmation Before Approving and Prepaying.

Please find attached your order confirmation and proof of the ad. **Please note that prepayment is required.**

Your ad is set to run in:

· Argus Leader May 16 \$55.24

The total cost above includes an affidavit, which will be mailed to you after the ad publishes. **Please call the number below before 8:30 am Tuesday May 14 for PAYMENT** of the ad in order to run. This DOES include a publishers affidavit.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not complaint with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

Thanks

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 7, 2024 10:38 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10161318 8843-3 Mikota Holdings, LLC - Public Notice

Attached is a notice to be published on May 16, 2024.

Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544, 605-929-2023, 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 Ave, Pierre SD 57501.

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

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 7, 2024 12:02 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 8843-3 Mikota Holdings, LLC - Public Notice
Attachments: How to for IPub.pdf

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I've also attached an easy to follow guide to submitting the notice for your use

Thank you for your inquiry and please let us know if we can assist with anything else.

Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 7, 2024 10:38 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 8843-3 Mikota Holdings, LLC - Public Notice

Attached is a notice to be published on May 16, 2024.

Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544, 605-929-2023, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Brenda Kiggins of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

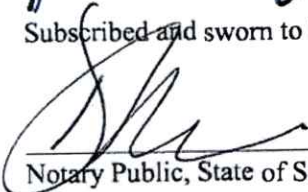
N0516-10 Notice of Application No. 8843-3 to Appropriate Water
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 16th day of May 2024

That \$27.44 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 17th day of May 2024



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$27.44
Notary Fee...\$
Total ...\$27.44

8843-3 to Appropriate Water

Notice is given that Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 226 feet deep) located in the approximate center of the SW 1/4 Section 25 for irrigation of 160 acres located in the SW 1/4 Section 25; all in T97N-R52W. This site is located approximately 5 miles northeast of Centerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8843-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter

concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 28, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 28, 2024.

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 \$27.44 and may be viewed free of charge at www.sdpublicnotices.com.

(N0516-10)

NOTICE OF APPLICATION NO.

AFFIDAVIT OF PUBLICATION

Mikota Holdings, LLC,
588 3 Mile RD NW # 101
Grand Rapids MI 49544-8221

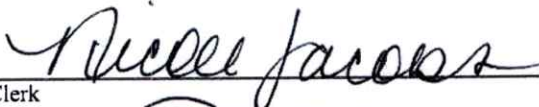
STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

05/16/2024

and that the fees charged are legal.

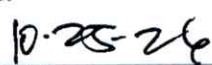
Sworn to and subscribed before on 05/16/2024



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$55.24	
Order No:	10161318	# of Copies:
Customer No:	1442925	0
PO #:	NO. 8843-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8843-3
to Appropriate Water

Notice is given that Mikota Holdings, LLC, 588 3 Mile Rd NW Suite 101, Grand Rapids MI 49544 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri: South Aquifer (approximately 226 feet deep) located in the approximate center of the SW 1/4 Section 25 for irrigation of 160 acres located in the SW 1/4 Section 25; all in T97N-R52W. This site is located approximately 5 miles northeast of Center-ville SD.

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<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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Published May 16, 2024, at the total approximate cost of \$55.24 and may be viewed free of charge at www.sdpublicnotice.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 7, 2024 12:16 PM
To: Brett Rozenboom
Subject: 8843-3 Mikota Holdings, LLC - Public Notice
Attachments: 8843-3 rec.pdf; 8843-3 Ltr.pdf; 8843-3 PubNotice.pdf; How to for IPub.pdf; RE: [EXT] 8843-3 Mikota Holdings, LLC - Public Notice; Screenshot 2024-05-07 121339.png

Good Afternoon Brett,

Attached is a copy of the report, chief engineer's 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. Apparently, the Argus Leader now has a new process, please see attached email regarding their online portal which has a link. I have also highlighted their phone number if you need help. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 17 2024

Mikota Holding, LLC
c/o Brett Rozenboom
588 3 Mile Road NW, Suite 101
Grand Rapids MI 49544

Dear Mr. Rozenboom:

Enclosed is Water Permit No. 8843-3 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



**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
Posting on DANR Website**

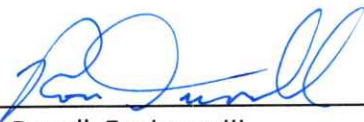
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8843-3

Name of Applicant: Mikota Holdings, LLC

Date of Posting: 5/13/2024

Date of Removal: 6/17/2024



Ron Duvall, Engineer III

6/17/2024

Date

Subscribed and sworn to before me, a notary public, this 17th day of June, 2024.



Notary Public - South Dakota
My commission expires May 16, 2029



(SEAL)