

WATER PERMIT NO. 8858-3

Name of Applicant: **Plainview Dairy, LLC**

Address: **19218 473rd Avenue, Toronto SD 57268**

Phone: **209-564-2000**

Amount of Water Claimed: **91.78 AF**

Total Acres: **N/A**

Source of Water Supply: **Surface**

Water to be used for: **Commercial**

County: **Deuel**

Type of Waste Disposal System:

Location: **Approx. 5 miles northwest of Toronto SD**

PRIORITY Date Received: **04-12-24**

Application/License Fee: **\$700.00**

Corrected Application Received: **04-24-24**

Period of Annual Use: **January 1 – December 31**

Remarks: **Capture roof and drive surface precipitation runoff for use in dairy operation.**

Diversion Point: **SW 1/4 NE 1/4, SE 1/4 NE 1/4 Sec
17-T113N-R49W**

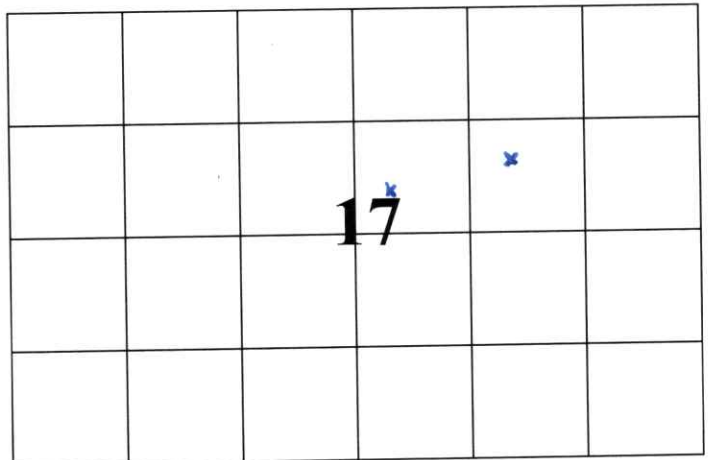
Land to be Irrigated: **N/A**

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **04-25-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8858-3

Date of first receipt of application April 12, 2024.

Date of return to applicant for corrections, amendments or changes April 18, 2024.

Date of receipt of corrected application April 24, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8858-3 to Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57268, 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. 8858-3 appropriates an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in two stormwater basins/dugouts (each with a 9.2 acre-feet storage capacity) located in the S 1/2 NW 1/4 Section 17-T113N-R49W. Water will be diverted from the basins/dugouts at a maximum instantaneous diversion rate of 0.13 cubic feet of water per second for commercial use in a dairy separator building. This site is located approximately 5 miles northwest of Toronto 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. 8858-3 is September 9, 2024.
5. The date from which applicant may claim right is April 12, 2024.
6. One-fifth of the construction is to be completed on or before March 9, 2027.
7. All construction is to be completed on or before September 9, 2029.
8. Water is to be put to beneficial use on or before September 9, 2033.
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. Water Permit No. 8858-3 authorizes construction of two stormwater basins/dugouts with a combined storage capacity of 18.4 acre-feet of water.
2. Water Permit No. 8858-3 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 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8858-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

(continued)

- 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 stormwater basins/dugouts.
5. Water Permit No. 8858-3 appropriates up to 91.78 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

SEP 27 2024

date



Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8858-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Middle Big Sioux</u>
	Newspaper <u>Clear Lake Courier</u> <u>Brookings Register</u> (office use only)

PAID
APR 24 2024
Ck# 30798
Rec't# _____

Application for Permit to Appropriate Water in 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.)

Add diversion for on-site precipitation

1. Name to Appear on Water Permit Plainview Dairy, LLC

Mailing Address 19218 473rd Ave Toronto SD 57268
(Address) (City) (State) (Zip Code)
Phone _____ Mobile (209) 564-2000 Email mike@standardcattle.com

2. Amount of water claimed 0.13 *CFS or 56.9 **GPM and 91.78 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Roof and drive surface precipitation runoff SW 1/4 NE 1/4, SE 1/4 NE 1/4 Sec 17-T113-R49

4. Location of point of diversion Freestall barn and surrounding drive surfaces County Deuel
(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? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Deuel

6. Annual period during which water is to be used Year-round Jan 1 - Dec 31

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

Capture roof and drive surface precipitation runoff for use in the dairy separator building. **RECEIVED**

APR 24 2024

OFFICE OF
WATER

I, Mike Vander Dussen Owner _____, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

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

a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
 (if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

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) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions 2 dugouts 150' x 600' Depth 10'

b) Depth to water (ground surface to water level) 60+ feet

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)

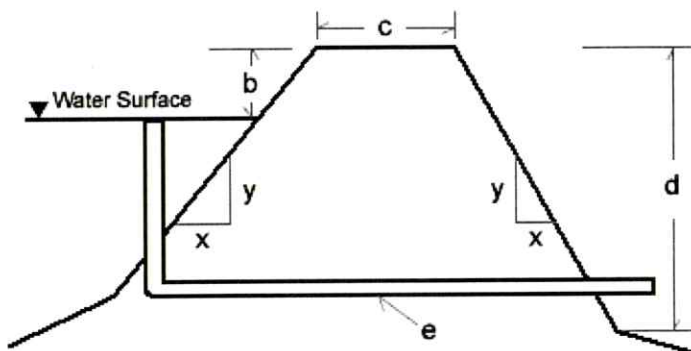
Upstream _____

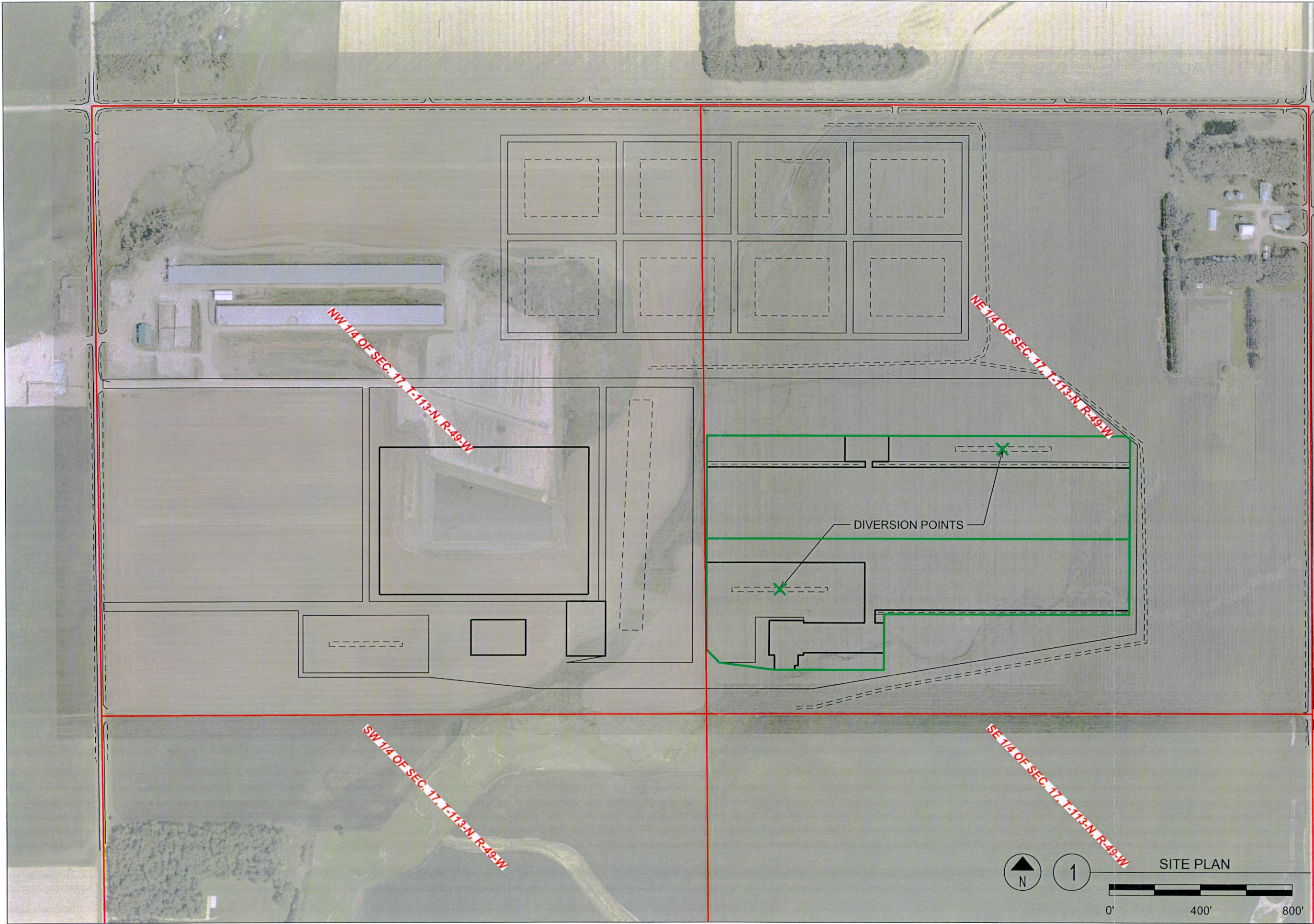
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

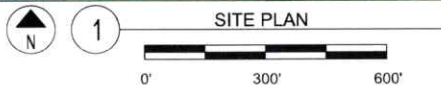
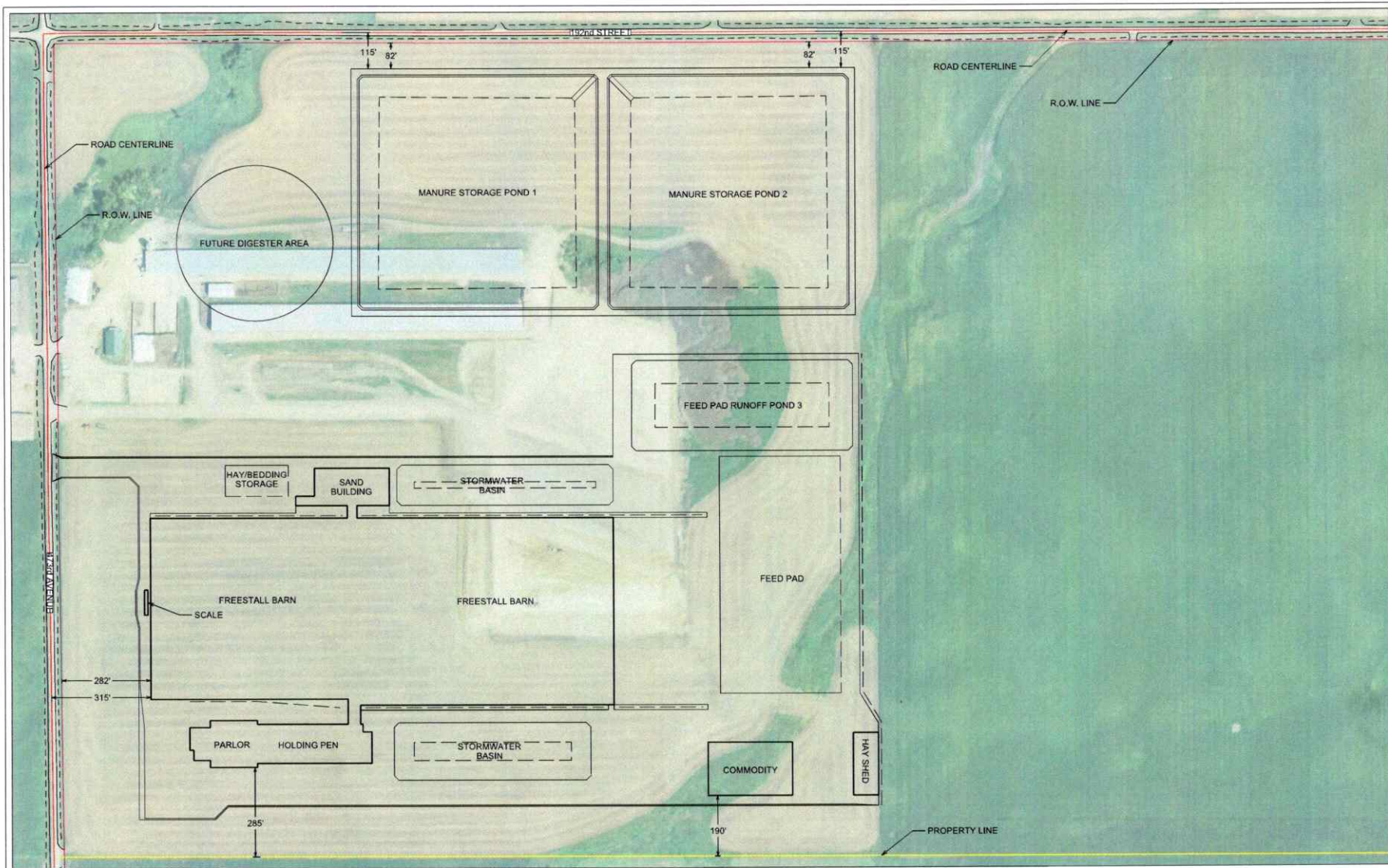




Agri-Services & Engineering, Inc. 15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Fax: (402) 783-2104 Web Site: www.settje.com	Plainview Dairy NW 1/2 of Sec. 17, T-113-N, R-49-W Deuel County, South Dakota	SITE PLAN	Date Printed: 04/18/2024
			Rev.

**Agri-Services & Engineering, Inc.**

W-1



Date Printed: 06/06/2024	
Rev.	
Date	

SITE PLAN

Plainview Dairy
 N. 1/2 of Sec. 17, T-113-N, R-49-W
 Deuel County, South Dakota

15460 NW 48th St.
 Raymond, NE 68428
 Office: (402) 783-2100
 Fax: (402) 783-2104
 Web Site: www.settle.com

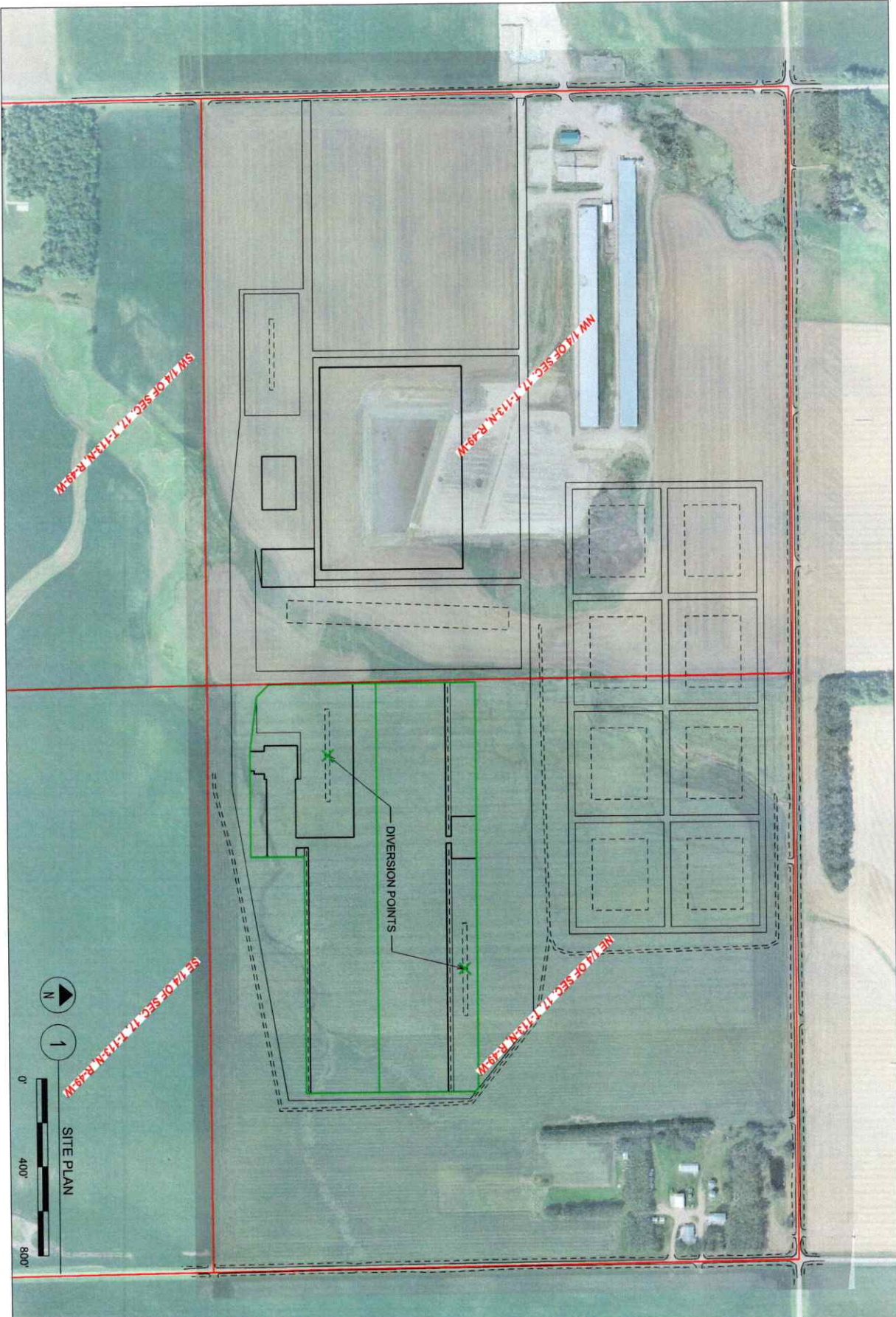


C1

RECEIVED

AUG 16 2024

OFFICE OF
 WATER





 SITE PLAN

W-1

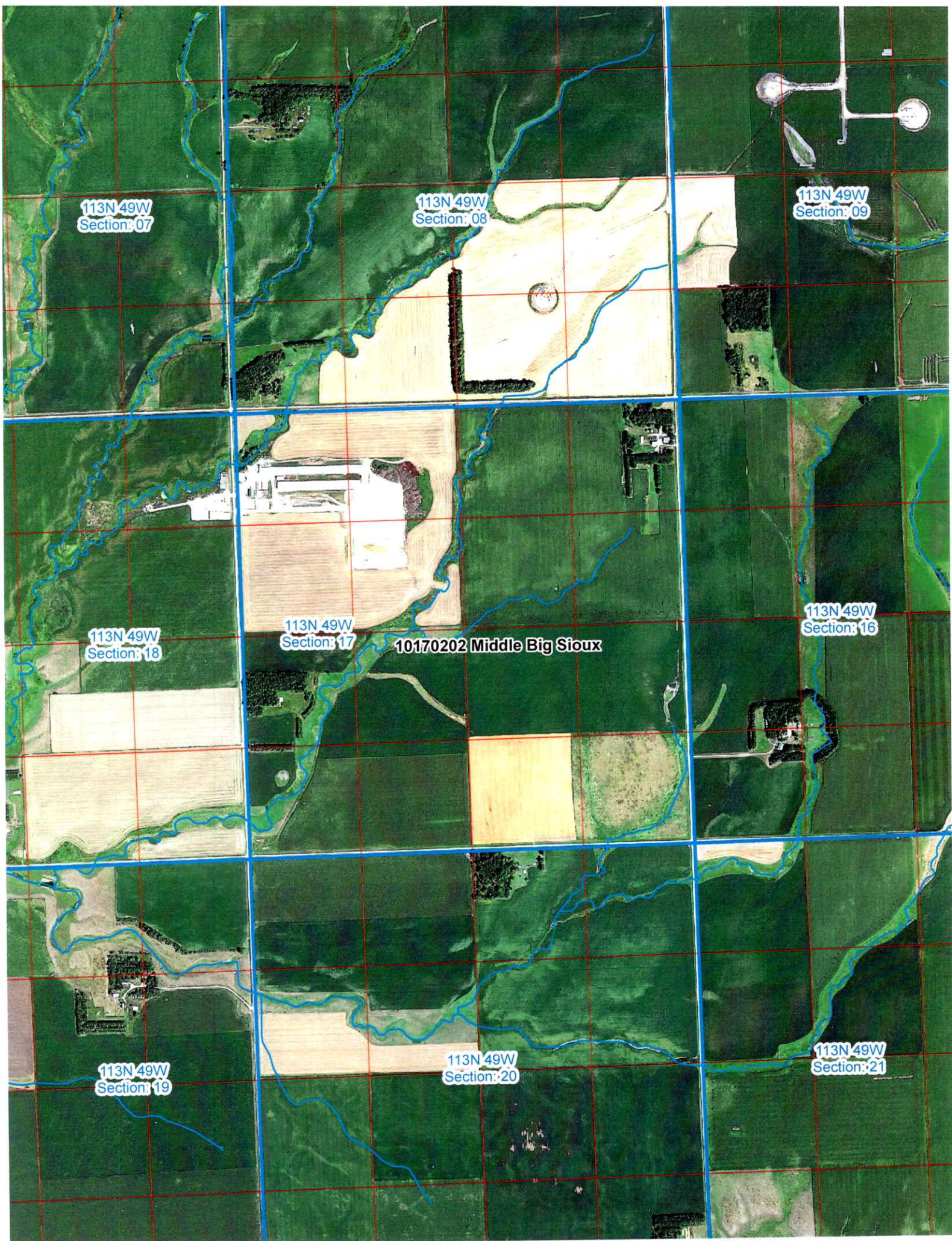


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Plainview Dairy
 N½ of Sec. 17, T-113-N, R-49-W
 Deuel County, South Dakota

SITE PLAN

Date Printed: 04/18/2024	
Rev.	Date



113N 49W
Section: 07

113N 49W
Section: 08

113N 49W
Section: 09

113N 49W
Section: 18

113N 49W
Section: 17

10170202 Middle Big Sioux

113N 49W
Section: 16

113N 49W
Section: 19

113N 49W
Section: 20

113N 49W
Section: 21

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

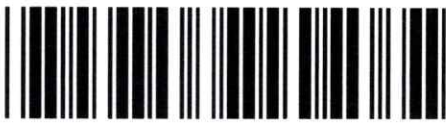
Date April 24, 2024

RECEIVED OF Settje Agri-Services & Engineering, Inc. c/o Mike Vander Dussen 19218 473rd Ave., Toronto SD 57268

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

Fee for Application for Permit No. <u>8858-3</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>8858-3</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
rm



DL192732

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

Filing Fee: \$150

Total Fee: \$150

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

Article I

The name of the Company: **Plainview Dairy, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**729 EAST JEFFERSON ROAD
EL NIDO, CA 95317**

Mailing Address

**729 EAST JEFFERSON ROAD
EL NIDO, CA 95317**

Article III

SDCL 59-11-6

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 **Ty Eschenbaum**

Actual Street Address in this State

**101 N MAIN AVE STE 210
SIOUX FALLS, SD 57104**

Mailing Address in this State

**101 N MAIN AVE STE 210
SIOUX FALLS, SD 57103**

Article IV

The name and address of each organizer

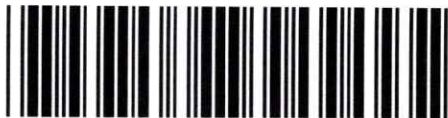
Name	Address
Mike Vander Dussen	729 East Jefferson Road, El Nido, CA 95317
Wendy Vander Dussen	729 East Jefferson Road, El Nido, CA 95317

Article V

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: _____

B0161-4287 12/13/2020 10:27AM Rec'd by SD SOS



Article VI

☐ Member-Managed ☒ Manager-Managed

Name

Address

Mike Vander Dussen

729 East Jefferson Road, El Nido, CA 95317

Wendy Vander Dussen

729 East Jefferson Road, El Nido, CA 95317

Article VII

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.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

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).

Ty Eschenbaum

Ty Eschenbaum

12/13/2020

PRINTED NAME

SIGNATURE

TITLE

DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Plainview Dairy, LLC

BUSINESS ID# DL192732

with an effective date of: December 13, 2020, duly signed and verified, SDCL 47-34A-203, 212 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 Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



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, December 13, 2020.

Steve Barnett

Steve Barnett
Secretary of State

12/13/2020 10:27 AM

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, May 29, 2024 4:47 PM
To: Steve Westerbuhr; Ben Stout; Mike Vander Dussen; Kees Knevelbaard
Cc: Steen, Nakaila; Duvall, Ron
Subject: Plainview water permit application to capture roof and drive surface precipitation

The Water Rights Program is reviewing the application Plainview submitted. The application specifically states the source of water to be from the roof and drive surface precipitation runoff. If that is the case, please provide an estimate of the surface area from the roof and drive surface area so a calculation of the expected yield can be made. Or possible Settje Agri-Services & Engineering has already assessed the anticipated yield.

The other thought is that if in addition to solely the roof and drive surface, water from the drainage area as a whole may be captured. If that is the case, please let us know and if an assessment has been made of that area. We roughly calculated it to be 0.63 square miles (405 acres).

Thanks for letting us know so that the application is properly characterized.

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

From: Steve Westerbuhr <swesterbuhr@settje.com>
Sent: Thursday, April 18, 2024 2:01 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Eric and Rachel,

Thank you for the clarification. We will forward the requested information for the retention basin.

Steve Westerbuhr, PE
Professional Engineer
C: (402) 649-1134 | O: (402) 783-2100
15460 NW 48th St | Raymond, NE 68428



**Agri-Services &
Engineering, Inc.**

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Sent: Thursday, April 18, 2024 1:22 PM

To: Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Subject: RE: [EXTERNAL] Water Permit Application

Everyone:

Rachel's April 18th email is in regards to information needed to complete the application that DANR received April 12th for the roof run-off. My recollection is this "runoff" water is to be collected in a storage retention basin and then placed to beneficial use for flushing etc. as the Plainview facility. It is a totally separate application from Application No. 8768-3 to appropriate water from Pleistocene Series:Unknown aquifer.

As for the map, the "X" should be placed on the location of the storage retention basin.

Rachel's request for information to be included on Form 2A (Supplemental Information) is in regards to the size/capacity of the storage retention basin. It is unclear whether this will be dug below ground surface similar to a dugout or if it will be a diked (bermed) area for storing the water. At this time we are asking for type of construction (dimension, depth, surface area, storage capacity, height of berms (if applicable)). I sense the storage retention basin won't be overly large but if it is and constitutes a dam, then dam safety regulation could apply. We are trying to get necessary information to make a determination.

As for the status of Application No. 8768-3, I sent an email on April 4th regarding the SDGS's look at the aquifer delineation and them planning to drill more holes beginning in early May to better define the aquifer. I received a response back from Paul that you all were going to discuss and then get back to us.

Hope this helps clarify. Eric

Eric Gronlund
Water Rights Program, DANR
605 773-3352

From: Ben Stout <ben@gp-dairy.com>

Sent: Thursday, April 18, 2024 12:46 PM

To: Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>

Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Hi Rachel and Eric,

Mike and the rest of the Plainview Dairy team (all cc'ed on this message) wanted to confirm – is this request for Water Rights Permit Application 8768-3? This is a groundwater appropriation request out of the Pleistocene Series: Unknown (PS:U) aquifer near Toronto, SD.

We are also working on a separate application for roof runoff water, which we have had some conversation with DANR staff about, but have not submitted a formal application for yet. We just want to make sure we are

responding to the correct request, as we have had a lot of communication with several people within DANR about these projects lately.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>

Date: April 18, 2024 at 9:02:45 AM PDT

To: mike@standardcattle.com

Subject: [EXTERNAL] Water Permit Application

Good morning,

I am in receipt of your water permit application. However, I need the following items:

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Please mark with an "X" the location of the area that you will be pumping water from, which would be the diversion point.
- Enclosed is the Form 2A, Supplemental Information. Please complete if you plan on using a dugout or storage dam.
- Application fee \$500 + inspection fee \$200 = total of \$700

Once I am in receipt of the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Please mark with an "X" the location of the area that you will be pumping water from, which would be the diversion point.
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Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Gronlund, Eric

From: Steve Westerbuhr <swesterbuhr@settje.com>
Sent: Thursday, May 30, 2024 8:30 AM
To: Gronlund, Eric; Ben Stout; Mike Vander Dussen; Kees Knevelbaard
Cc: Steen, Nakaila; Duvall, Ron
Subject: RE: [EXT] Plainview water permit application to capture roof and drive surface precipitation

Eric,

We will capture about 5 acres of stormwater basin area plus about 25 acres of roof and pavement area. Please let me know if you have any additional questions.

Thank you
Steve

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, May 29, 2024 4:47 PM
To: Steve Westerbuhr <swesterbuhr@settje.com>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>
Cc: Steen, Nakaila <Nakaila.Steen@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
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Eric.gronlund@state.sd.us

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Professional Engineer
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15460 NW 48th St | Raymond, NE 68428



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From: Ben Stout <ben@gp-dairy.com>

Sent: Thursday, April 18, 2024 12:46 PM

To: Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>

Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Hi Rachel and Eric,

Mike and the rest of the Plainview Dairy team (all cc'ed on this message) wanted to confirm – is this request for Water Rights Permit Application 8768-3? This is a groundwater appropriation request out of the Pleistocene Series: Unknown (PS:U) aquifer near Toronto, SD.

We are also working on a separate application for roof runoff water, which we have had some conversation with DANR staff about, but have not submitted a formal application for yet. We just want to make sure we are responding to the correct request, as we have had a lot of communication with several people within DANR about these projects lately.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>

Date: April 18, 2024 at 9:02:45 AM PDT

To: mike@standardcattle.com

Subject: [EXTERNAL] Water Permit Application

Good morning,

I am in receipt of your water permit application. However, I need the following items:

Rodriguez, Rachel

From: Gronlund, Eric
Sent: Thursday, April 18, 2024 1:22 PM
To: Ben Stout; Mike Vander Dussen; Kees Knevelbaard; Paul Kostboth; Steve Westerbuhr; Rodriguez, Rachel
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Everyone:

Rachel's April 18th email is in regards to information needed to complete the application that DANR received April 12th for the roof run-off. My recollection is this "runoff" water is to be collected in a storage retention basin and then placed to beneficial use for flushing etc. as the Plainview facility. It is a totally separate application from Application No. 8768-3 to appropriate water from Pleistocene Series:Unknown aquifer.

As for the map, the "X" should be placed on the location of the storage retention basin.

Rachel's request for information to be included on Form 2A (Supplemental Information) is in regards to the size/capacity of the storage retention basin. It is unclear whether this will be dug below ground surface similar to a dugout or if it will be a diked (bermed) area for storing the water. At this time we are asking for type of construction (dimension, depth, surface area, storage capacity, height of berms (if applicable)). I sense the storage retention basin won't be overly large but if it is and constitutes a dam, then dam safety regulation could apply. We are trying to get necessary information to make a determination.

As for the status of Application No. 8768-3, I sent an email on April 4th regarding the SDGS's look at the aquifer delineation and them planning to drill more holes beginning in early May to better define the aquifer. I received a response back from Paul that you all were going to discuss and then get back to us.

Hope this helps clarify. Eric

Eric Gronlund
Water Rights Program, DANR
605 773-3352

From: Ben Stout <ben@gp-dairy.com>
Sent: Thursday, April 18, 2024 12:46 PM
To: Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Hi Rachel and Eric,

Mike and the rest of the Plainview Dairy team (all cc'ed on this message) wanted to confirm – is this request for Water Rights Permit Application 8768-3? This is a groundwater appropriation request out of the Pleistocene Series: Unknown (PS:U) aquifer near Toronto, SD.

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responding to the correct request, as we have had a lot of communication with several people within DANR about these projects lately.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>

Date: April 18, 2024 at 9:02:45 AM PDT

To: mike@standardcattle.com

Subject: [EXTERNAL] Water Permit Application

Good morning,

I am in receipt of your water permit application. However, I need the following items:

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Please mark with an "X" the location of the area that you will be pumping water from, which would be the diversion point.
Enclosed is the Form 2A, Supplemental Information. Please complete if you plan on using a dugout or storage dam.
- Application fee \$500 + inspection fee \$200 = total of \$700

Once I am in receipt of the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Rodriguez, Rachel

From: Steve Westerbuhr <swesterbuhr@settje.com>
Sent: Thursday, April 18, 2024 2:01 PM
To: Gronlund, Eric; Ben Stout; Mike Vander Dussen; Kees Knevelbaard; Paul Kostboth; Rodriguez, Rachel
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Eric and Rachel,

Thank you for the clarification. We will forward the requested information for the retention basin.

Steve Westerbuhr, PE
Professional Engineer

C: (402) 649-1134 | O: (402) 783-2100
15460 NW 48th St | Raymond, NE 68428



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, April 18, 2024 1:22 PM
To: Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXTERNAL] Water Permit Application

Everyone:

Rachel's April 18th email is in regards to information needed to complete the application that DANR received April 12th for the roof run-off. My recollection is this "runoff" water is to be collected in a storage retention basin and then placed to beneficial use for flushing etc. as the Plainview facility. It is a totally separate application from Application No. 8768-3 to appropriate water from Pleistocene Series:Unknown aquifer.

As for the map, the "X" should be placed on the location of the storage retention basin.

Rachel's request for information to be included on Form 2A (Supplemental Information) is in regards to the size/capacity of the storage retention basin. It is unclear whether this will be dug below ground surface similar to a dugout or if it will be a diked (bermed) area for storing the water. At this time we are asking for type of construction (dimension, depth, surface area, storage capacity, height of berms (if applicable)). I sense the storage retention basin won't be overly large but if it is and constitutes a dam, then dam safety regulation could apply. We are trying to get necessary information to make a determination.

As for the status of Application No. 8768-3, I sent an email on April 4th regarding the SDGS's look at the aquifer delineation and them planning to drill more holes beginning in early May to better define the aquifer. I received a response back from Paul that you all were going to discuss and then get back to us.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 18, 2024 11:03 AM
To: 'mike@standardcattle.com'
Subject: Water Permit Application
Attachments: Form_2A.pdf

Good morning,

I am in receipt of your water permit application. However, I need the following items:

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Please mark with an "X" the location of the area that you will be pumping water from, which would be the diversion point.
- Enclosed is the Form 2A, Supplemental Information. Please complete if you plan on using a dugout or storage dam.
- Application fee \$500 + inspection fee \$200 = total of \$700

Once I am in receipt of the items above, I can begin processing your application.

Thank you,

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



Gronlund, Eric

From: Ben Stout <ben@gp-dairy.com>
Sent: Friday, August 9, 2024 4:01 PM
To: Gronlund, Eric
Cc: Cornelis Knevelbaard; Mike-SCC; Paul Kostboth; asmanthei@gmail.com; Steve Westerbuhr
Subject: RE: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff

Hi Eric,

That is correct – Plainview wants to move forward the roof and drive surface runoff application now, prior to the application for groundwater appropriation.

We would like to review the USGS report summaries from recent test drilling in the area before we decide how we want to proceed with the groundwater appropriation application from the Unknown Pleistocene aquifer.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Friday, August 9, 2024 3:34 PM
To: Ben Stout <ben@gp-dairy.com>
Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>
Subject: RE: Plainview Water Permit Application - Roof and Drive Surface Runoff

Ben

Just so Water Rights is clear of the intent - Plainview wants to proceed to public notice of the application to capture and place to beneficial use the roof and drive surface runoff prior to review of Plainview's pending application to appropriate water from a groundwater well.

If that is the case, Water Rights will send Plainview the report, recommendation and public notice along with a cover letter with instruction. You all will be emailed these documents. The public notice is sent electronically to the newspapers and instruction are given to Plainview to contact the newspaper to authorize publication and arrange for payment.

Eric

From: Ben Stout <ben@gp-dairy.com>

Sent: Friday, August 9, 2024 3:26 PM

To: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>

Subject: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff

Good afternoon Eric,

The Plainview Dairy team has had the chance to discuss, and we would like to proceed with the public notice and approval process for the application to capture and place to beneficial use roof and drive surface runoff at the proposed Plainview Dairy facility.

Please let me know if you have any questions or need additional information from us at this time.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



Duvall, Ron

From: Tony Zach <TZach@settje.com>
Sent: Monday, July 22, 2024 11:00 AM
To: Duvall, Ron
Cc: Steve Westerbuhr; Steen, Nakaila; Dewell, Amanda; Gronlund, Eric; Ben Stout; Cornelis Knevelbaard; Mike Vander Dussen
Subject: RE: [EXT] Plainview water permit application to capture roof and drive surface precipitation

Ron,

- Correct – this is the design/approximated drainage area for each stormwater basin.
- We figured what we might expect to see collected in those stormwater basins annually, and then we figured what that might look like pumping water into the separation system constantly for a conservative estimate. However in reality, we won't quite be pumping stormwater constantly into the system.
- The intent of the separator building is not to treat the captured stormwater, but rather to use the stormwater as a supplementary source of water to be used for the manure/sand separation system since the system requires water to operate.

Thanks!

Tony Zach, PE

Project Engineer

C: (402) 672-8504 | O: (402) 783-2100

15460 NW 48th Street | Raymond, NE 68428



**Agri-Services &
Engineering, Inc.**

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, July 22, 2024 9:36 AM
To: Tony Zach <TZach@settje.com>
Cc: Steve Westerbuhr <swesterbuhr@settje.com>; Steen, Nakaila <Nakaila.Steen@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike Vander Dussen <mike@standardcattle.com>
Subject: RE: Plainview water permit application to capture roof and drive surface precipitation

Tony,

Thanks for the information. A few questions:

- Am I correct in assuming the 15 acres for each stormwater basin is the approximate drainage area being captured?
- The application is for 0.13 cubic feet of water per second and an annual volume of 91.78 acre-feet. Just by way of observation and to confirm this is what you intended, an annual volume of 91.78 acre-feet represents near continuous pumping at the applied for pump rate.

- Is the purpose of the separator building to get the water to a state where it is suitable for general use in the facility or is there some use specific to the separator building itself?

Thank you,

Ron

From: Tony Zach <TZach@settje.com>

Sent: Monday, July 22, 2024 8:15 AM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Steve Westerbuhr <swesterbuhr@settje.com>; Steen, Nakaila <Nakaila.Steen@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike Vander Dussen <mike@standardcattle.com>

Subject: RE: [EXT] Plainview water permit application to capture roof and drive surface precipitation

Hi Ron,

My apologies in getting back to you late on this. Below are my responses to your questions in that last email:

- The owners are looking to capture and use the roof runoff water from the freestall barn and some water from the surrounding drive surfaces. That water will be stored in two dugouts adjacent to the barn (the two green X's that you have shown and that we marked on the plan – reattached to this email). Those dugouts are each referred to as stormwater basins – for the sake of this application we can call the north X the north stormwater basin and the south X the south stormwater basin. They will be constructed like dugouts as they will be dug into the surrounding terrain and therefore, they are not like a dammed storage structure with a berm.
- As you mentioned, there is also a larger looking dammed stormwater basin to the west of the barn, but at this time, the owners are not planning to use any of the water collected there. Instead, water from the upstream drainage area will be routed through that west stormwater basin and then out of the site to the south.
- Dimensions of the two stormwater basins/dugouts are as follows:
 - North Stormwater Basin:
 - 550' x 120' x 10'
 - 400,000 cu. ft.
 - 15 acres
 - South Stormwater Basin
 - 550' x 120' x 10'
 - 400,000 cu. ft.
 - 15 acres
- Water collected in each stormwater basin will drain to a manhole that will pump the water to the separator room to help with the sand separation process.

Let me know if this answers all of your questions or if there is anything else that I can help you with.

Thank you!

Tony Zach, PE

Project Engineer

C: (402) 672-8504 | O: (402) 783-2100

15460 NW 48th Street | Raymond, NE 68428



From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, June 12, 2024 2:58 PM
To: Steve Westerbuhr <swesterbuhr@settje.com>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>
Cc: Steen, Nakaila <Nakaila.Steen@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Plainview water permit application to capture roof and drive surface precipitation

Steve,

Just a reminder, awaiting a response to the information requested below.

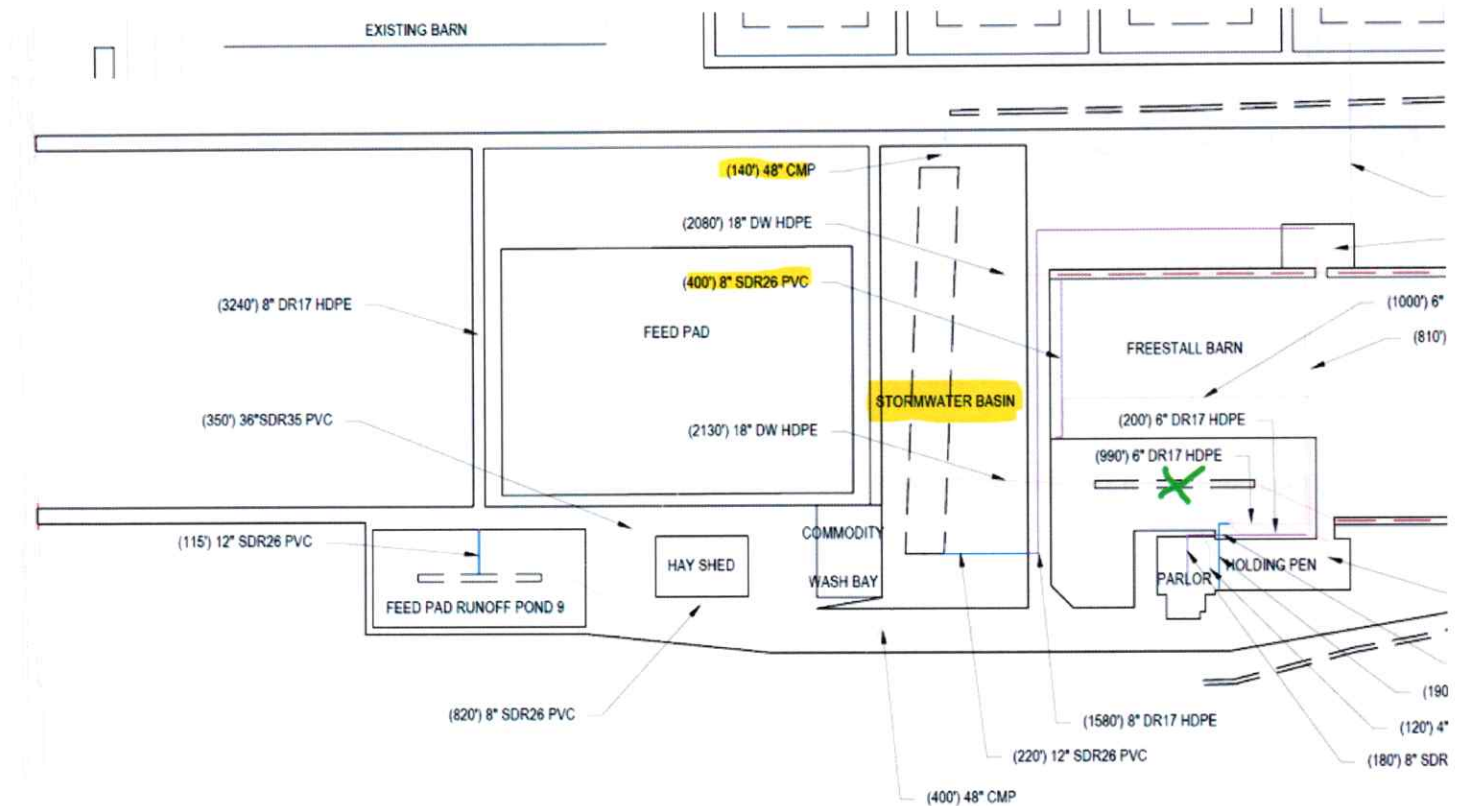
Thank you,

Ron

From: Duvall, Ron
Sent: Wednesday, June 5, 2024 1:36 PM
To: Steve Westerbuhr <swesterbuhr@settje.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>
Cc: Steen, Nakaila <Nakaila.Steen@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Plainview water permit application to capture roof and drive surface precipitation

Steve,

I do have another question. The application makes reference to a stormwater retention basin and to two dugouts. It is not clear to me whether the dugouts are the same as the stormwater basin or, if the dugouts will exist along with the stormwater basin. A basic layout map was submitted by Settje with the application and on that map two diversion points were labeled marked with an "X" and called "Diversion Points." I have added a green "X" in the approximate locations provided by Settje on another layout plan which included the stormwater basin labeled (I highlighted it in yellow – see attached). Please indicate whether there are dugouts in addition to the retention pond or if we are just using different terms for the same structure(s). Also, on April 18, Eric Gronlund requested dimensions and storage capacity of the storage features (stormwater basin/dugouts), we were provided dimensions for dugouts it appears, but we don't have storage capacities. In addition, please provide a description of how water will be routed through these structures so we have an understanding of how captured runoff moves from storage to the dairy separator facility.



Thank you,

Ron Duvall
 Dept. of Agriculture & Natural Resources
 Office of Water, Water Rights Program
 605.773.3352
danr.sd.gov



DANR
 SOUTH DAKOTA

From: Steve Westerbuhr <swesterbuhr@settje.com>
Sent: Thursday, May 30, 2024 8:30 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>
Cc: Steen, Nakaila <Nakaila.Steen@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: [EXT] Plainview water permit application to capture roof and drive surface precipitation

Eric,

We will capture about 5 acres of stormwater basin area plus about 25 acres of roof and pavement area. Please let me know if you have any additional questions.

Thank you
 Steve

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, May 29, 2024 4:47 PM

To: Steve Westerbuhr <swesterbuhr@settje.com>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>
Cc: Steen, Nakaila <Nakaila.Steen@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: Plainview water permit application to capture roof and drive surface precipitation

The Water Rights Program is reviewing the application Plainview submitted. The application specifically states the source of water to be from the roof and drive surface precipitation runoff. If that is the case, please provide an estimate of the surface area from the roof and drive surface area so a calculation of the expected yield can be made. Or possible Settje Agri-Services & Engineering has already assessed the anticipated yield.

The other thought is that if in addition to solely the roof and drive surface, water from the drainage area as a whole may be captured. If that is the case, please let us know and if an assessment has been made of that area. We roughly calculated it to be 0.63 square miles (405 acres).

Thanks for letting us know so that the application is properly characterized.

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

From: Steve Westerbuhr <swesterbuhr@settje.com>
Sent: Thursday, April 18, 2024 2:01 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

Eric and Rachel,

Thank you for the clarification. We will forward the requested information for the retention basin.

Steve Westerbuhr, PE
Professional Engineer
C: (402) 649-1134 | O: (402) 783-2100
15460 NW 48th St | Raymond, NE 68428



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, April 18, 2024 1:22 PM
To: Ben Stout <ben@gp-dairy.com>; Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXTERNAL] Water Permit Application

Everyone:

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Hope this helps clarify. Eric

Eric Gronlund
Water Rights Program, DANR
605 773-3352

From: Ben Stout <ben@gp-dairy.com>
Sent: Thursday, April 18, 2024 12:46 PM
To: Mike Vander Dussen <mike@standardcattle.com>; Kees Knevelbaard <cornelisbk@gmail.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; Steve Westerbuhr <swesterbuhr@settje.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: [EXT] [EXTERNAL] Water Permit Application

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We are also working on a separate application for roof runoff water, which we have had some conversation with DANR staff about, but have not submitted a formal application for yet. We just want to make sure we are responding to the correct request, as we have had a lot of communication with several people within DANR about these projects lately.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>

Date: April 18, 2024 at 9:02:45 AM PDT

To: mike@standardcattle.com

Subject: [EXTERNAL] Water Permit Application

Good morning,

I am in receipt of your water permit application. However, I need the following items:

- A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. Please mark with an "X" the location of the area that you will be pumping water from, which would be the diversion point.
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- Application fee \$500 + inspection fee \$200 = total of \$700

Once I am in receipt of the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Gronlund, Eric

From: Steen, Nakaila
Sent: Tuesday, July 23, 2024 11:23 AM
To: Duvall, Ron; Gronlund, Eric
Subject: FW: [EXT] Plainview Application

Please see below

From: Tony Zach <TZach@settje.com>
Sent: Tuesday, July 23, 2024 10:04 AM
To: Steen, Nakaila <Nakaila.Steen@state.sd.us>
Subject: RE: [EXT] Plainview Application

Nakaila,

30 acres total. Not capturing anything more than the 15 acres of drainage for the north dugout and 15 acres of drainage for the south dugout. Any other precipitation that falls outside of those two areas will drain offsite.

Thanks,

Tony Zach, PE
Project Engineer
C: (402) 672-8504 | O: (402) 783-2100
15460 NW 48th Street | Raymond, NE 68428



From: Steen, Nakaila <Nakaila.Steen@state.sd.us>
Sent: Tuesday, July 23, 2024 10:51 AM
To: Tony Zach <TZach@settje.com>
Subject: RE: Plainview Application

Do you know the remaining difference of the roof and drivable surfaces runoff intends to be captured from , that also does not overlap with the drainage area acres for each dugout?

Ultimately trying to get a total drainage area # runoff intends to be captured from. Is it 30 acres total, or are there additional acres from the remaining room and drive surface areas? Thanks

From: Tony Zach <TZach@settje.com>
Sent: Tuesday, July 23, 2024 9:46 AM
To: Steen, Nakaila <Nakaila.Steen@state.sd.us>
Subject: RE: [EXT] Plainview Application

Good morning Nakaila,

I am not quite sure where you are getting the number of 25 acres from, but I think you are on the right track and 15 acres drain to the north dugout and 15 acres drain to the south dugout. The two drainage areas are split right down the peak of the barn roof, so that everything falling on the north side of the roof drains to the north dugout, and everything that falls on the south side of the roof drains to the south dugout.

Of that 15 acres for each dugout, some of that is roof area, some of that is drivable surfaces next to the dugout, and some of that is the dugout surface area itself.

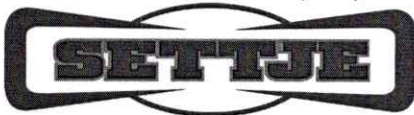
Thanks,

Tony Zach, PE

Project Engineer

C: (402) 672-8504 | O: (402) 783-2100

15460 NW 48th Street | Raymond, NE 68428



**Agri-Services &
Engineering, Inc.**

From: Steen, Nakaila <Nakaila.Steen@state.sd.us>

Sent: Tuesday, July 23, 2024 10:30 AM

To: Tony Zach <TZach@settje.com>

Subject: Plainview Application

Good Morning ,

I am the staff engineer with the Water Rights Program working on the technical report for this application.

For the 15 acre drainage areas for each dugout , does any of that area overlap with the 25 acre from the roof and drive surface acres?

Thank you for this clarification

Sincerely,

Nakaila Steen

Natural Resources Engineer II

SD DANR-Water Rights Program

605-773-6707

Gronlund, Eric

From: Ben Stout <ben@gp-dairy.com>
Sent: Friday, August 16, 2024 3:13 PM
To: Gronlund, Eric
Cc: Cornelis Knevelbaard; Mike-SCC; Paul Kostboth; asmanthei@gmail.com; Steve Westerbuhr
Subject: RE: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff
Attachments: PVD-County Site Plan 8.16.24.pdf

Hi Eric,

Please see the attached updated site plan. The surface area and amounts are the same as what was requested, but we have moved the entire site west as a result of discussions with the County and Township.

Do we need to amend the current public notice?

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.
ben@gp-dairy.com
(605) 488-0089



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, August 14, 2024 9:42 AM
To: Ben Stout <ben@gp-dairy.com>
Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>
Subject: RE: Plainview Water Permit Application - Roof and Drive Surface Runoff

As long as the same legal description along with the same surface area and amount of water requested, the current public notice remains accurate and no changes needed.

It is advisable that Plainview submits an updated site layout for the file.

Eric

From: Ben Stout <ben@gp-dairy.com>

Sent: Wednesday, August 14, 2024 8:01 AM

To: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>

Subject: Re: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff

Good morning Eric,

One thing that came up in discussion with our team – is this application affected if our site layout changes slightly, but the surface areas and amount of water requested remain the same? For example, if we moved the freestall barn slightly east or west, but the size of the barn remained the same, do we need to amend the application? The legal description would remain the same (N ½ of S17), but with these types of projects, it isn't uncommon for a few changes to be made before construction starts.

We thought we should probably double check and make sure on this before the notice is officially published in the newspaper. We appreciate any feedback you can offer.

Thank you,
Ben

Ben Stout
GP Dairy
(605) 488-0089

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Date: Monday, August 12, 2024 at 11:25 AM

To: Ben Stout <ben@gp-dairy.com>

Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>, Mike-SCC <mike@standardcattle.com>, Paul Kostboth <paulk@a1developmentsolutions.com>, asmanthei@gmail.com <asmanthei@gmail.com>, Steve Westerbuhr <swesterbuhr@settje.com>

Subject: RE: Plainview Water Permit Application - Roof and Drive Surface Runoff

Gentlemen:

Attached is the packet being sent to Plainview regarding public notice of the rood and drive surface runoff water permit application.

Specifically attached is:

- Recommendation and report
- Public notice
- Cover letter

The public notice is sent electronically to the two newspapers. It is Plainview's responsibility to contact the Clear Lake Courier and Brookings Register to authorize publication and arrange for payment.

Please let me know if you have questions.

Eric Gronlund
Water Rights Program, DANR

605 773-3352

From: Ben Stout <ben@gp-dairy.com>
Sent: Friday, August 9, 2024 4:01 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>
Subject: RE: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff

Hi Eric,

That is correct – Plainview wants to move forward the roof and drive surface runoff application now, prior to the application for groundwater appropriation.

We would like to review the USGS report summaries from recent test drilling in the area before we decide how we want to proceed with the groundwater appropriation application from the Unknown Pleistocene aquifer.

Thank you,
Ben

Ben Stout

Owner, Great Plains Dairy Services, Inc.

ben@gp-dairy.com

(605) 488-0089



From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Friday, August 9, 2024 3:34 PM
To: Ben Stout <ben@gp-dairy.com>
Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>
Subject: RE: Plainview Water Permit Application - Roof and Drive Surface Runoff

Ben

Just so Water Rights is clear of the intent - Plainview wants to proceed to public notice of the application to capture and place to beneficial use the roof and drive surface runoff prior to review of Plainview's pending application to appropriate water from a groundwater well.

If that is the case, Water Rights will send Plainview the report, recommendation and public notice along with a cover letter with instruction. You all will be emailed these documents. The public notice is sent electronically to the

newspapers and instruction are given to Plainview to contact the newspaper to authorize publication and arrange for payment.

Eric

From: Ben Stout <ben@gp-dairy.com>
Sent: Friday, August 9, 2024 3:26 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Cornelis Knevelbaard <cornelisbk@gmail.com>; Mike-SCC <mike@standardcattle.com>; Paul Kostboth <paulk@a1developmentsolutions.com>; asmanthei@gmail.com; Steve Westerbuhr <swesterbuhr@settje.com>
Subject: [EXT] Plainview Water Permit Application - Roof and Drive Surface Runoff

Good afternoon Eric,

The Plainview Dairy team has had the chance to discuss, and we would like to proceed with the public notice and approval process for the application to capture and place to beneficial use roof and drive surface runoff at the proposed Plainview Dairy facility.

Please let me know if you have any questions or need additional information from us at this time.

Thank you,
Ben

Ben Stout
Owner, Great Plains Dairy Services, Inc.
ben@gp-dairy.com
(605) 488-0089





15460 NW 48th St. | Raymond, NE 68428
P 402.783.2100 F 402.783.2104

April 19, 2024

Rachel Rodriguez
South Dakota DANR, Water Rights Program
523 East Capitol Avenue
Pierre, SD 57501-3182

RECEIVED

APR 24 2024

OFFICE OF
WATER

Reference: Application for Water Permit for Nonirrigation Uses
Plainview Dairy
N 1/2 of Section 17, T-113N, R-49W
Deuel County, South Dakota

Dear Ms. Rodriguez,

Enclosed is a complete application for a water permit for nonirrigation uses for the above referenced facility. Management is proposing to capture precipitation runoff from the proposed dairy barn as well as surrounding drive surfaces that they can use in their separator building.

If you have any questions about the information contained within this letter, please do not hesitate to contact our office. Thank you for your consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Zach", is written over a horizontal line.

Tony Zach



**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. 8858-3, Plainview Dairy 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. 8858-3, Plainview Dairy, c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268.

The Chief Engineer is recommending APPROVAL of Water Permit No. 8858-3 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. Water Permit No. 8858-3 authorizes construction of two stormwater basins/dugouts with a combined storage capacity of 18.4 acre-feet of water.
2. Water Permit No. 8858-3 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 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8858-3 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 stormwater basins/dugouts.
5. Water Permit No. 8858-3 appropriates up to 91.78 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
August 21, 2024

Report to the Chief Engineer
On Water Permit Application No. 8858-3
Plainview Dairy, LLC
c/o Mike Vander Dussen

August 23, 2024

Water Permit Application No. 8858-3 proposes to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N $\frac{1}{2}$ of Section 17-T113N-R49W. Runoff will be captured at two stormwater basins/dugouts (each with a 9.2 acre-feet storage capacity and 1.5-acre surface area) located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 17-T113N-R49W. Water will be diverted at a maximum instantaneous diversion rate of 0.13 cubic feet per second (cfs) from the basins/dugouts for commercial use in a dairy separator building at Plainview Dairy. The site of interest is located in Deuel County approximately five miles northwest of Toronto, SD.

WATER SOURCE: Runoff to an unnamed tributary contributing to Peg Munky Run, a tributary to the Big Sioux River

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

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

Review of Water Source and Availability

Water Permit Application No. 8858-3 proposes to appropriate an amount not exceeding 91.78 acre-feet annually using water captured from direct precipitation over a drainage area approximately 30 acres in size. The water is to be impounded in two basins/dugouts (each with a 9.2 acre-feet storage capacity and 1.5-acre surface area) located between the branches of an unnamed tributary contributing to Peg Munky Run, a tributary to the Big Sioux River (USGS, 2004).

Figure 1 displays a map of the proposed basin/dugout locations, and the roof runoff intends to be captured from.

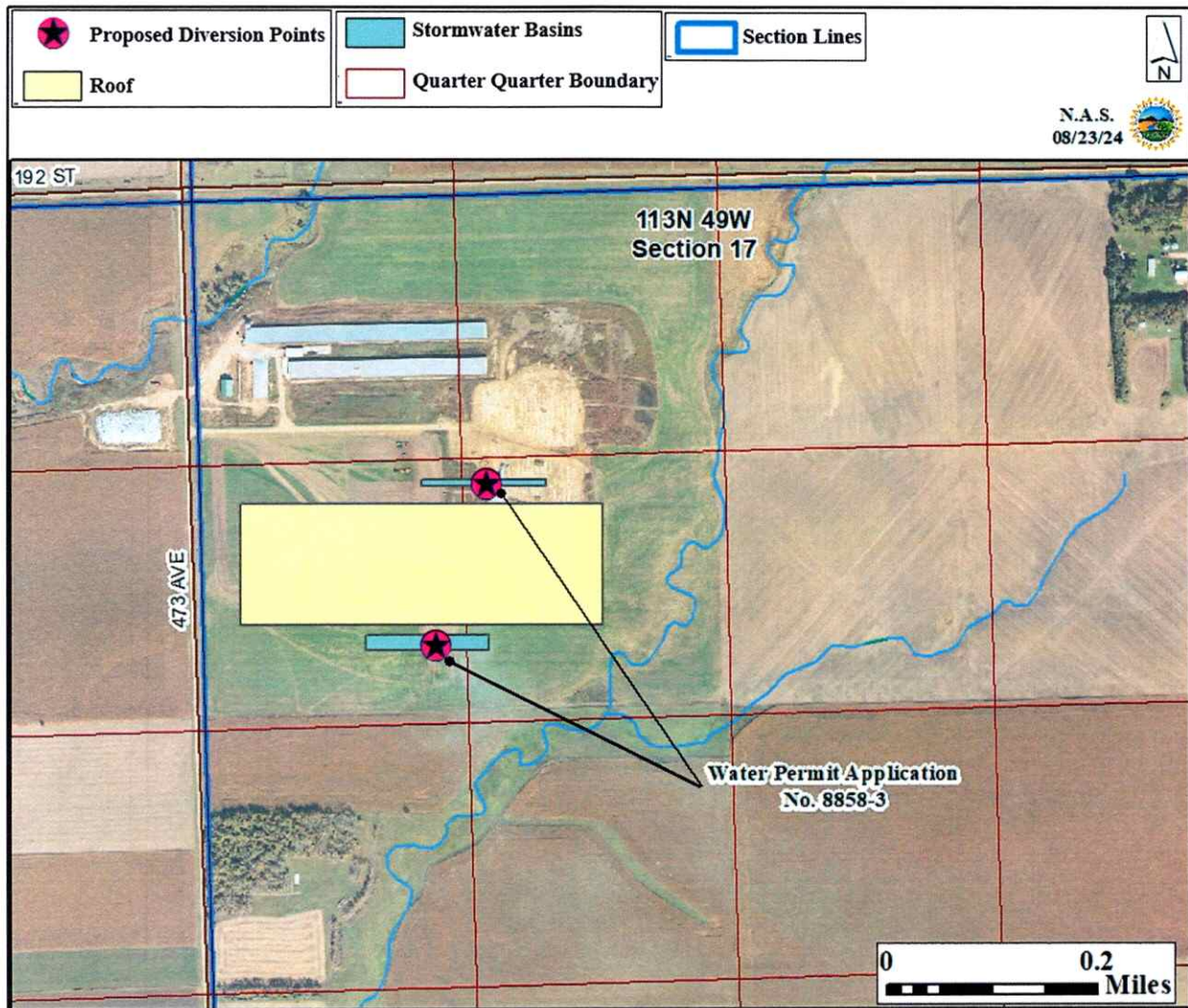


Figure 1: Map of the approximate basin/dugout locations and the roof runoff intends to be captured from

Deuel County receives approximately 24.4 inches of precipitation per year (2.03 feet/year) on average, using climate data from 1895 to 2024 (NOAA, 2024). This number is supported by the High Plains Regional Climate Center precipitation data submitted with the feedlot application to the SD-DANR Feedlots Program, using climate data from 1991 to 2020, and estimating 26.18 inches of precipitation per year for Deuel County (Feedlots, 2023; HPRCC, 2024). The average of these two precipitation estimates will be used in this analysis (approximately 25.3 inches or 2.11 per year). The drainage area of the roof and drive locations, and stormwater basin areas, is approximately 30 acres in size. When multiplying that surface area by 2.11 feet of precipitation per year, approximately 63.3 acre-feet per year is available to be stored on average.

The application indicated the intent is to store the captured runoff in two basins/dugouts. The water is expected to be pumped for use throughout the year but losses due to evaporation and seepage are expected. It has been found that evaporation from a shallow lake, wet soil, or other moist natural surface is roughly 70% of the evaporation from a Class A pan for the same conditions (Farnsworth and Thompson, 1982). Near the proposed basin/dugout locations, the

estimated average pan evaporation rate for April through October is 49 inches/year, and for November through March is 6.5 inches/year, for a total of 55.5 inches/year (4.63 feet/year) in pan evaporation (Poudyal, 2006). To account for evaporation from natural surfaces, 70% of that rate is approximately 38.9 inches/year (3.24 feet/year). This number agrees with the SPAW model in the engineering analysis completed by Agri-Services & Engineering, Inc submitted to the SD-DANR Feedlots Program, calculating an annual evaporation rate of 33 inches (2.75 feet) per year using climate data from 1893 to 2016 (Feedlots, 2023). Estimated loss due to seepage is not available since this is not known until after years of operation and is typically not measured (Kilts, 2022). Using the average of the two evaporation estimates (36 inches per year or 3 feet per year), net loss between direct precipitation and evaporation is approximately 10.7 inches per year, or approximately 2.68 acre-feet per year over the stormwater basin areas.

These precipitation and evaporative estimates are not a guarantee of what will occur in any given year, but are on average, over time, estimates. The proposed water source may not be a reliable source during multi-year drought periods.

Review of Existing Water Rights, Discussion, and Recommendation

There are no water rights/permits authorized to appropriate water from Peg Munky Run or on any of the connecting tributaries in the watershed (Water Rights, 2024). Additionally, there are no location notices on file on the unnamed tributary off Peg Munky Run near the proposed basin/dugout locations, or on Peg Munky Run (downstream of the tributary near the proposed basin/dugout locations) to the confluence with the Big Sioux River (Water Rights, 2024).

Given the lack of water rights/permits within the Peg Munky Run watershed, and the lack of complaints for appropriative and domestic water uses, if Water Permit Application No. 8858-3 is approved, is not expected to unlawfully impair existing downstream appropriative uses or domestic uses.

CONCLUSIONS:

1. Water Permit Application No. 8858-3 proposes to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility. Runoff will be captured at two stormwater basins/dugouts (each with a 9.2 acre-foot storage capacity and 1.5-acre surface area). Water will be diverted at a maximum instantaneous diversion rate of 0.13 cfs from the basins/dugouts for commercial use in a dairy separator building at Plainview Dairy. The site of interest is located in Deuel County approximately five miles northwest of Toronto, SD.
2. On average, Deuel County receives approximately 25.3 inches of precipitation per year, which would yield approximately 63.3 acre-feet per year available to be stored in the two dugouts.
3. On average, Deuel County experiences 36 inches of evaporative losses per year, resulting in a net loss between direct precipitation and evaporation of approximately 10.7 inches per year, or approximately 2.68 acre-feet per year over the stormwater basin areas.

4. These precipitation and evaporative estimates are not a guarantee of what will occur in any given year, but are on average, over time, estimates. The proposed water source may not be a reliable source during multi-year drought periods.
5. Approval of this application is not expected to unlawfully impair existing downstream water rights/permits, location notices, or domestic uses.

Nakaila Steen

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

References

- Farnsworth, R.K. and Thompson, E.S. 1982. Mean Monthly, Seasonal, and Annual Pan Evaporation for the United States. National Oceanic and Atmospheric Administration, U.S. Department of Commerce. Technical Report NWS 34.
- Feedlots, 2023. Plainview Dairy State Permit Application – Project Manual, SD DANR-Feedlots Program, Joe Foss Bldg, Pierre, South Dakota.
- HPRCC, 2024. High Plains Regional Climate Center, Monthly Averages County Level Data. 1991 to 2020.
- Kilts, W. 2022. Report on Water Permit Application No. 8647-3. DANR- Water Rights Program. Joe Foss Building. Pierre, SD.
- NOAA, 2024. NOAA National Centers for Environmental information, Climate at a Glance: County Time Series, published May 2024, retrieved on May 22, 2024 from <https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/county/time-series>
- Poudyal, Sudarshan. 2006. Annual, Monthly and Daily Pan Evaporation Maps for the State of South Dakota. Master's Thesis. South Dakota State University.
- USGS, 2004. National Hydrography Dataset. United States Geological Survey. Dept. of the Interior, Reston, Virginia. U.S.
- Water Rights, 2024. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, South Dakota.



**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.**

August 12, 2024

Plainview Dairy, LLC.
c/o Mike Vander Dussen
19218 473rd Avenue
Toronto SD 57268

Dear Mr. Vander Dussen:

Water Permit Application No. 8858-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clear Lake Courier printed in Clear Lake (Ph # 605 874-2499) and the Brookings Register printed in Brookings (Ph # 605 692-6271). 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. 8858-3 to Appropriate Water

Notice is given that Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268 has filed an application for a water permit to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in two stormwater basins/dugouts (each with a 9.2 acre-feet storage capacity) located in the S 1/2 NE 1/4 Section 17-T113N-R49W. Water will be diverted from the basins/dugouts at a maximum instantaneous diversion rate of 0.13 cubic feet of water per second for commercial use in a dairy separator building at Plainview Dairy. This site is located approximately 5 miles northwest of Toronto SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8858-3 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 September 3, 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 September 3, 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_



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

August 22, 2024

Plainview Dairy, LLC.
c/o Mike Vander Dussen
19218 473rd Avenue
Toronto SD 57268

Dear Mr. Vander Dussen:

Water Permit Application No. 8858-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clear Lake Courier printed in Clear Lake SD (Ph # 605 874-2499) and the Brookings Register printed in Brookings SD (Ph # 605 692-6271). 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. 8858-3 to Appropriate Water

Notice is given that Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268 has filed an application for a water permit to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in two stormwater basins/dugouts (each with a 9.2 acre-feet storage capacity) located in the S 1/2 NW 1/4 Section 17-T113N-R49W. Water will be diverted from the basins/dugouts at a maximum instantaneous diversion rate of 0.13 cubic feet of water per second for commercial use in a dairy separator building at Plainview Dairy. This site is located approximately 5 miles northwest of Toronto SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8858-3 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 September 9, 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 September 9, 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.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, August 22, 2024 8:22 AM
To: registerclassifieds@brookingsregister.com
Subject: 8858-3 Plainview Dairy, LLC - Public Notice
Attachments: 8858-3 public.short_final_RJD.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268, 209-564-2000, 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: Thursday, August 22, 2024 8:21 AM
To: ClearLake
Subject: 8858-3 Plainview Dairy, LLC - Public Notice
Attachments: 8858-3 public.short_final_RJD.docx; FORM8.FRM.doc

Attached is a notice to be published on August 28, 2024.

Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268, 209-564-2000, 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: Monday, August 12, 2024 11:10 AM
To: clprint@itctel.com
Subject: 8858-3 Plainview Dairy LLC - Public Notice
Attachments: 8858-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 21, 2024.

Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268, 209-564-2000, 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: Monday, August 12, 2024 11:10 AM
To: registerclassifieds@brookingsregister.com
Subject: 8858-3 Plainview Dairy LLC - Public Notice
Attachments: 8858-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 21, 2024.

Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268, 209-564-2000, 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

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

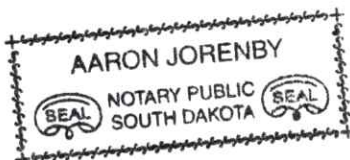
LEG #40317 NOTice of Application 8858-3

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

August 28, 2024

said Exhibit "A" inures to the sole benefit for the publishers 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 whomsoever; that the fees charged for the publication thereof are:

Forty-Seven Collars and Ninety-One Cents \$47.91



August

[Handwritten signature]

30 day of
2024
[Handwritten signature]

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Legal 40317 1X
8/28

**NOTICE OF APPLICATION
NO. 8858-3 TO
APPROPRIATE WATER**

Notice is given that Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268 has filed an application for a water permit to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in two stormwater basins/dugouts (each with a 9.2 acre-feet storage capacity) located in the S 1/2 NW 1/4 Section 17-T113N-R49W. Water will be diverted from the basins/dugouts at a maximum instantaneous diversion rate of 0.13 cubic feet of water per second for commercial use in a dairy separator building at Plainview Dairy. This site is located approximately 5 miles northwest of Toronto SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8858-3 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

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SEP 05 2024

OFFICE OF
WATER

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 September 9, 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 September 9, 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 August 28, 2024 at the total approximate cost of \$47.91 and may be viewed free of charge at www.sdpublicnotices.com.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

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

Notice Of Application No. 8858-3 to Appropriate Water

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

August 28, 2024

That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: **\$46.15**

Ken Reiste
Ken Reiste

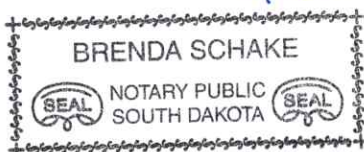
Subscribed and sworn to before me

this 28th day of August,
2024

Brenda Schake

Notary Public, South Dakota

My commission expires: 9.21.27



Public notice

NOTICE OF APPLICATION NO. 8858-3 to Appropriate Water

Notice is given that Plainview Dairy, LLC., c/o Mike Vander Dussen, 19218 473rd Avenue, Toronto SD 57268 has filed an application for a water permit to appropriate an amount not exceeding 91.78 acre-feet of water annually from roof and drive surface precipitation runoff at a facility located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in two stormwater basins/dugouts (each with a 9.2 acre-foot storage capacity) located in the S 1/2 NW 1/4 Section 17-T113N-R49W. Water will be diverted from the basins/dugouts at a maximum instantaneous diversion rate of 0.13 cubic feet of water per second for commercial use in a dairy separator building at Plainview Dairy. This site is located approximately 5 miles northwest of Toronto SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8858-3 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 September 9, 2024.

The petition shall include a statement describing the unique injury upon approval of the appli-

RECEIVED

SEP 03 2024

OFFICE OF
WATER

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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 September 9, 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 approximate cost of \$46.15. (29-1/130)
This notice may be viewed free of charge at sdpublicnotices.com maintained pursuant to § 17-2-1.

RECEIVED

CLERK
9/11/24

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, August 22, 2024 8:48 AM
To: Mike-SCC
Subject: 8858-3 Plainview Dairy, LLC - Public Notice
Attachments: 8858-3_Rec.pdf; 8858-3_Ltr.pdf; 8858-3_PubNotice.pdf

Good morning,

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.** 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, August 12, 2024 11:14 AM
To: mike@standardcattle.com
Subject: 8858-3 Plainview Dairy LLC - Public Notice
Attachments: 8858-3 Rec.pdf; 8858-3 Ltr.pdf; 8858-3 PubNotice.pdf

Good morning,

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.** 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



Duvall, Ron

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Sunday, September 8, 2024 11:08 PM
To: Duvall, Ron; Gronlund, Eric
Subject: [EXT] Comment on 8858-3, Plainview Dairy, LLC, c/o Mike Vander Dussen

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:
No. 8858-3, Plainview Dairy, LLC, c/o Mike Vander Dussen

Comment Deadline Date:
09/09/2024

Date Comment Filed:
09/08/2024 23:07:46

Commenter Info:
Troy Lenning
47236 193rd St.
Toronto SD, 57268

Comment:
I have a concern with this application. By granting Plainview Dairy this permit, they could harvest nearly 30,000,000 gallons of water out of the watershed upstream from my farming operation. This water will be coming out of the creek that feeds a stock dam I utilize as well as the creek. I have neighbors downstream who rely on this tributary as the sole water source for their cattle as well. It is stated this consumption of water has to be for a beneficial use. I question whether harvesting of a natural resource for the sole use of mixing in a manure system is a beneficial use of a state resource. Where I live my well is 8 feet to the static water level. So this shallow aquifer could be directly affected with the harvesting of this water from the watershed.

Gronlund, Eric

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Sunday, September 8, 2024 11:08 PM
To: Duvall, Ron; Gronlund, Eric
Subject: [EXT] Comment on 8858-3, Plainview Dairy, LLC, c/o Mike Vander Dussen

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Comment On:
No. 8858-3, Plainview Dairy, LLC, c/o Mike Vander Dussen

Comment Deadline Date:
09/09/2024

Date Comment Filed:
09/08/2024 23:07:46

Commenter Info:
Troy Lenning
47236 193rd St.
Toronto SD, 57268

Comment:
I have a concern with this application. By granting Plainview Dairy this permit, they could harvest nearly 30,000,000 gallons of water out of the watershed upstream from my farming operation. This water will be coming out of the creek that feeds a stock dam I utilize as well as the creek. I have neighbors downstream who rely on this tributary as the sole water source for their cattle as well. It is stated this consumption of water has to be for a beneficial use. I question whether harvesting of a natural resource for the sole use of mixing in a manure system is a beneficial use of a state resource. Where I live my well is 8 feet to the static water level. So this shallow aquifer could be directly affected with the harvesting of this water from the watershed.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 27 2024

Plainview Dairy, LLC.
c/o Mike Vander Dussen
19218 473rd Avenue
Toronto SD 57268

Dear Mr. Vander Dussen:

Enclosed is Water Permit No. 8858-3 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.: 8858-3

Name of Applicant: Plainview Dairy, LLC, c/o Mike Vander Dussen

Date of Posting: 8/26/2024

Date of Removal: 9/27/2024



Ron Duvall, Engineer III

9/27/2024

Date

Subscribed and sworn to before me, a notary public, this 27th day of Sept, 2024.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029



(SEAL)